

# ORDINARY COUNCIL MEETING

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## Confirmed Minutes

9:00am Wednesday  
21/04/2021

Nabawa Council Chambers

April 2021

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SHIRE OF CHAPMAN VALLEY

*Maurice Battilana*

CHIEF EXECUTIVE OFFICER

*"A thriving  
community.  
making the  
most of our  
coastline,  
ranges and  
rural  
settings to  
support us  
to grow and  
prosper"*



SHIRE OF

**Chapman Valley**

*love the rural life!*

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# DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read "M. Battilana", is positioned above the name and title of the Chief Executive Officer.

**Maurice Battilana**  
**CHIEF EXECUTIVE OFFICER**

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## **ORDER OF BUSINESS**

### **1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Deputy President, welcomed Elected Members and Staff, declaring the meeting open at 9:03am.

### **2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

### **3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

#### **3.1 Attendees**

Elected Members	In	Out
Cr Anthony Farrell (President)	9:03 am	11:53 am
Cr Kirrilee Warr (Deputy President)	9:03 am	11:53 am
Cr Nicole Batten	9:03 am	11:53 am
Cr Beverley Davidson	9:03 am	11:53 am
Cr Darrell Forth	9:03 am	11:53 am
Cr Trevor Royce	9:03 am	11:53 am

Officers	In	Out
Maurice Battilana, Chief Executive Officer	9:03 am	11:53 am
Simon Lancaster, Deputy Chief Executive Officer	9:03 am	11:53 am
Dianne Raymond, Manager Finance & Corporate Services	9:03 am	11:53 am
Beau Raymond (Minute Taker)	9:03 am	11:53 am

Visitors	In	Out
Eric Dixon	9:03 am	9:12 am

#### **3.2 Apologies**

Nil

#### **3.3 Previously Approved Leave of Absence (By Resolution of Council)**

Elected Members
Cr Peter Humphrey

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## 4.0 PUBLIC QUESTION TIME

### 4.1 Response to Previous Public Questions on Notice

Nil

### 4.2 Public Question Time

Amanda Borne – “Will the Shire consider including an Acknowledgement of Country in the Minutes of future Ordinary Council meetings”

#### Response

Shire Councillors and Senior Staff are about to undertake Aboriginal Cultural Awareness session(s) with the local Naaguja Aboriginal people and we will consider all possible forms of Aboriginal cultural awareness as part of this session(s).

## 5.0 APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)

Nil

## 6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B:

“a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality):

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.2.1	Cr Warr	Impartial	Financial member of Chapman Valley Agricultural Society and For a Better Chapman Valley (FABCV)
10.1.2	Cr Forth	Proximity	Closely associated person/neighbouring landowner
10.2.1	Cr Forth	Impartial	Financial member of Chapman Valley Agricultural Society and For a Better Chapman Valley (FABCV)
10.2.1	Cr Davidson	Impartial	Financial member of Chapman Valley Historical Society

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## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 7.1 Petitions

Nil

### 7.2 Presentations

Nil

### 7.3 Deputations

Nil

## 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

**MOVED: Cr Forth**

**SECONDED: Cr Davidson**

### 8.1 Ordinary Meeting of Council held on Wednesday 17<sup>th</sup> March 2021

The Minutes of the Ordinary Meeting of Council held Wednesday 17<sup>th</sup> March 2021 be confirmed as true and accurate.

**Voting F6/A0**

**CARRIED**

**Minute Reference: 04/21-01**

## 9.0 ITEMS TO BE DEALT WITH EN BLOC

Cr Forth declared a proximity interest and left chambers at 9:11am, returned at 9:12am.

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

Council resolves to move the following items En bloc:

10.1.1, 10.1.2, 10.1.3, 10.3.2, 10.3.3 and 10.3.4.

**Voting F5/A0**

**CARRIED**

**Minute Reference: 04/21-02**

## 10.0 OFFICERS REPORTS

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# **10.1**

## **Deputy Chief Executive Officer**

### **10.1 AGENDA ITEMS**

**10.1.1 Proposed Residence, Café, Art Gallery & Home Store**

**10.1.2 Proposed Shed Extension**

**10.1.3 Lot 11895 disposal & Murphy-Yetna Road formalisation**



## 10.1.1

### Proposed Residence, Café, Art Gallery & Home Store

PROPONENT:	E & J Dixon
SITE:	70 (Lot 31) Baston Close, Nanson
FILE REFERENCE:	A2064
PREVIOUS REFERENCE:	11/00-10, 05/02-08, 10/02-02 & 06/14-4
DATE:	12 April 2021
AUTHOR:	Simon Lancaster, Deputy CEO & Kathryn Jackson, Consulting Town Planner

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Application		✓
10.1.1(b)	Received submissions		✓
10.1.1(c)	Applicant's response to issues raised during submission period		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Council is in receipt of an application seeking to site a transportable building upon 70 (Lot 31) Baston Close, Nanson (the site of Baston Olive Grove) to serve as a residence, café, art gallery and home store. The application has been advertised for comment and submissions both in support and objection were received. This report recommends conditional approval.

Figure 10.1.1(a) – Location Plan for 70 (Lot 31) Baston Close, Nanson



## COMMENT

Lot 31 is a 59.8507ha property located at the northern end of the 700m long unsealed cul-de-sac Baston Close.

Lot 31 contains the Baston Olive Grove (formerly known as Eagle Vale Olive Grove) and olive processing and packing sheds that occupy an approximately 10ha area towards the south-western corner. Approximately 20ha of Lot 31 is hilltops containing remnant vegetation, with the remaining approximately 30ha eastern area used for grazing purposes.

**Figure 10.1.1(b) – Aerial photograph of 70 (Lot 31) Baston Close, Nanson**



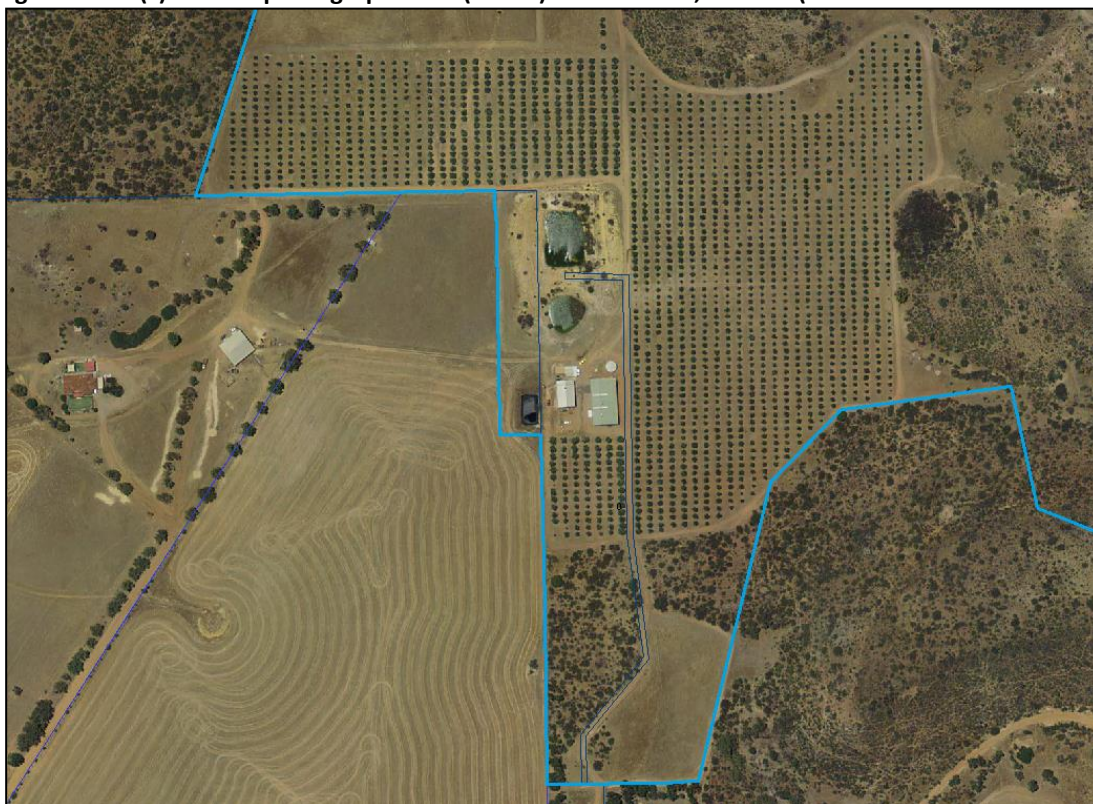
The recent development history for the property is as follows:

20 February 1997	Shire approved an application to plant 1,500 olive trees, create a dam and construct an outbuilding upon then Lot 12 Baston Close.
23 November 2000	Council approved an application to house an oil processing and packaging plant, cool rooms and automated picking machinery within the existing outbuilding upon Lot 12 Baston Close.
21 May 2002	Council resolved to initiate Scheme Amendment No.35 that proposed to allow for later development of a café/gallery/reception centre and 3 short stay chalets, with the existing house being amended to a manager's residence upon Lot 20 Murphy-Yetna Road, and 6 short stay chalets upon Lot 12 Baston Close.
15 October 2002	Council adopted Scheme Amendment No.35 following advertising.
27 October 2003	Minister for Planning approved Scheme Amendment No.35 listing Eating House, Restaurant and Reception Centre as Additional Uses for Lot 20 Murphy-Yetna Road, and Holiday and Tourist Accommodation/Chalets as Additional Uses for Lot 12 Baston Close.
31 January 2005	Shire approved an application for a second outbuilding upon Lot 12 Baston Close to accommodate the processing, packaging and storage of olives.
30 April 2010	Certificate of Registration of a Food Business issued to Eagle Vale Olives under the <i>Food Act 2008</i> .
24 June 2014	Council supported an application to realign the boundary of Lot 20 Murphy-Yetna Road and Lot 12 Baston Close so that 2 dams were contained within Lot 12.
1 December 2015	Conveyancing associated with DP404997 that created Lot 31 Baston Close (formerly Lot 12) finalised.
9 September 2018	Application received to re-register premises under the <i>Food Act 2008</i> as Baston Olive Grove (previously Eagle Vale Olives).



7 December 2020	Application for 10 bay nature based campground and caretaker's residence upon Lot 31 received.
19 January – 3 February 2021	Application for nature based campground and caretaker's residence advertised for comment to surrounding landowners and government agencies. At conclusion of advertising period 5 submissions had been received, 1 from DFES requesting further information, 2 from government agencies offering technical comment, and 2 from landowners in objection.
11 February 2021	Shire wrote to surrounding landowners and government agencies advising that the landowner of Lot 31 had withdrawn their application for a nature based campground and caretaker's residence.
7 March 2021	Application received for residence, café, art gallery and home store.

**Figure 10.1.1(c) – Aerial photograph of 70 (Lot 31) Baston Close, Nanson (middle dam since removed)**



The applicant is seeking to site a transportable building approximately 40m north of the olive processing buildings, in the location of the now removed central dam as shown in **Figure 10.1.1(c)**.

The 128m<sup>2</sup> western section of the building would serve as a 2 bedroom/1 bathroom residence, and the 135m<sup>2</sup> eastern section of the building would serve as a gallery/café/retail/office area with 2 unisex toilets (1 of them being disabled access). The commercial side of the building will be used to showcase the olive products, offer olive and olive oil tastings, and serve as a starting point for olive grove and processing plant tours. The applicant also intends to use the retail area for the exhibition and sale of local arts, crafts and food, in a not dissimilar manner to that offered by the Lavender Valley Farm on Chapman Valley Road.

The development would be serviced by the existing 1,000kL dam, bore and 96kL tank, and the applicant also intends to install a 25kL rainwater tank alongside the building.

A copy of the application has been provided as **separate Attachment 10.1.1(a)** which includes site, elevation and floor plans, photograph of the site, and photographs of the transportable building in its current location.

It is considered that the application can be supported on the following basis:

- the transportable building is of a suitably high standard and would not detract from the visual amenity and rural landscape nature of the property;

- the building would be setback 750m from Murphy-Yetna Road and clustered with the existing olive processing sheds upon the property;
- the building would be set against the slope rather than on top of the skyline;
- the building would be sited 330m from the closest third-party residence and given existing cadastre and zoning there is not the ability for further residences to be sited closer than this;
- the inclusion of a residence component within the same building as the commercial component will introduce a level of self-policing in regards to visitor activity;
- there is the ability for Council to impose conditions in relation to management of the operations that will assist in addressing any concerns that may be raised;
- the development is in an area that already contains other tourism related commercial operation such as the Burnt Barrel restaurant, micro-brewery, reception centre and honey farm 1.3km to the east, and the Nukara events business 1.6km to the south-east;
- whilst additional traffic would be generated on Murphy-Yetna Road & Baston Close arising from the development it would not be heavy haulage vehicles and Council can require of the applicant that they contribute towards any maintenance works required as a result of the development's associated traffic movements;
- the development would build upon the activities already conducted at Baston Grove whereby visitors can pick their own olives and be shown the olive processing operations;
- the approval of the development would be in keeping with the Council's strategic vision of developing the Chapman Valley as a destination for events and tourism.

**Figure 10.1.1(d) – (left) View along Murphy-Yetna Road looking east towards Baston Close intersection  
(right) View looking north along Baston Close**



## STATUTORY ENVIRONMENT

70 (Lot 31) Baston Close, Nanson is zoned 'Rural Smallholding 1' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 4 ha to 40 ha.*
- *To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

The proposed development would meet with the following Scheme definitions:

*"repurposed dwelling means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling."*

*"restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988."*

*“home store means a shop attached to a dwelling that –*  
*(a) has a net lettable area not exceeding 100sq.m; and*  
*(b) is operated by a person residing in the dwelling.”*

*“art gallery means premises –*  
*(a) that are open to the public; and*  
*(b) where artworks are displayed for viewing or sale.”*

Repurposed Dwelling, Restaurant/Café and Home Store are all listed as ‘A’ uses in the ‘Rural Smallholding’ zone, that is uses that must be advertised for comment prior to determination

Art Gallery is listed as a ‘D’ use in the ‘Rural Smallholding’ zone, that is a discretionary use.

Lot 31 also falls within the ‘Additional Use 3’ zone for which the Scheme notes:

Additional Use	Conditions
As an 'A' use: Holiday Accommodation; Chalets.	<ol style="list-style-type: none"> <li>1. The local government may require that a local development plan be prepared to its satisfaction prior to approving development in accordance with Part 6 of the deemed provisions.</li> <li>2. Following the preparation of a local development plan to the satisfaction of the local government, development is to be in accordance with the local development plan.</li> <li>3. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the local government.</li> <li>4. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the local government prejudices the landscape amenity of the surrounding landform, is not permitted.</li> <li>5. All habitable buildings shall be serviced by: <ol style="list-style-type: none"> <li>a) A potable water supply with a minimum storage capacity of 100,000L sourced from rain water catchment or an alternative on-site supply approved by the local government in consultation with the WA Department of Health.</li> <li>b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</li> </ol> </li> <li>6. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</li> <li>7. At least one chalet building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</li> <li>8. Car parking shall to be calculated at a minimum of 1 bay for every 2 bedrooms of accommodation provided (based on 2 persons per bedroom).</li> <li>9. All car parking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the local government’s specifications.</li> <li>10. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the local government.</li> <li>11. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</li> <li>12. A landscaping plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the local government.</li> <li>13. Vegetation buffers shall be established on the property where, in the opinion of the local government, a potential conflict issue may arise with an adjoining land use.</li> <li>14. The specific siting of buildings on the property shall be determined by the local government at the development application stage taking into account visual amenity, conflict issues between</li> </ol>

	neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.
15.	<p>Prior to the commencement of development of an Additional Use permitted within this Zone, the developer shall provide and implement a fire management plan to the satisfaction of the Department of Fire and Emergency Services and the local government. The fire management plan shall address:</p> <ul style="list-style-type: none"> <li>a) water supplies for firefighting;</li> <li>b) egress for residents and access for firefighting units;</li> <li>c) strategic and alternative fire breaks;</li> <li>d) location of building envelopes; and</li> <li>e) adequacy of firefighting equipment.</li> </ul> <p>The fire management plan is to be prepared in accordance with State Planning Policy No.3.7 – Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas.</p>

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(fa) any local planning strategy policy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including:*
  - (i) the compatibility of the development with the desired future character of its setting; and*
  - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- (s) the adequacy of —*
  - (i) the proposed means of access to and egress from the site; and*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

#### **POLICY/PROCEDURE IMPLICATIONS**

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Chapman Valley Local Planning Policy 2.3 – Rural Tourism contains the following objectives:



- “3.1 To provide for a range of low impact accommodation and other low impact tourist related uses in the rural and rural lifestyle areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.
- 3.2 To set out the circumstances under which the Local Government may approve low impact tourist development in the rural and rural lifestyle areas of the municipality as provided in the Scheme.

Policy 2.3 also sets the following Policy Statement:

- “6.1 Applications for Rural Tourism will only be supported where the Local Government is satisfied that the proposal will not result in unacceptable environmental or amenity impacts as a result of noise, dust, light spill, odour, vibration, traffic movement, visual intrusion or contamination on the nearby residents or environment and that the quality of the development will present a positive image of the locality.
- 6.2 Depending on the nature of the proposed Rural Tourism, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks the Local Government shall consider existing and potential land-uses on adjoining and nearby properties.
- 6.3 The Local Government may require the preservation and/or planting of a vegetated buffer strip ensuring that the Rural Tourism activities are adequately screened from the road and adjoining properties.
- 6.4 Where Rural Tourism has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by the Local Government), the Local Government may require crossover and vehicle access areas within 50m of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Local Government’s existing Crossover Policy.
- 6.5 Where Rural Tourism is being developed with or without direct access to a sealed road, the Local Government may require assistance to upgrade and maintain the road/s that will be affected by vehicle movements associated with the Rural Tourism development. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.
- 6.6 The Local Government will not be bound to accept any request for additional maintenance or upgrading of roads directly resulting from increases in traffic volumes from an approved Rural Tourism development, unless a financial contribution for such works has been agreed to and received from the respective business owner/proprietor.
- 6.7 With the exception of Bed and Breakfast and Holiday House, all other forms of tourist/holiday accommodation will only be approved subject to the landowner entering into a legal agreement, which shall bind the owner, their heirs and successors in title, requiring that the tourist accommodation will only be used for Short Stay Accommodation purposes.
- 6.8 Subdivision and/or strata subdivision of rural land on which tourism development is proposed or existing will generally not be supported by the Local Government. Such proposal are not considered appropriate because they create circumstances where tourist activities can be operated independently of the principal agricultural or rural use of the land, thereby fragmenting rural land and leading to an increased likelihood of land use incompatibilities.
- 6.9 All signage associated with the uses specified in this policy is to be the subject of a separate application (unless specifically referenced within the application and conditions of approval).
- 6.10 Larger scaled developments and land uses will not be approved under this policy and will require, if found to be justified, an amendment to the Scheme to incorporate specific zoning for the development proposed.
- 6.11 Rural Tourism will generally be approved where the Local Government is satisfied that the following minimum criteria and standards can be achieved:

Use	Criteria	Standard
Art Gallery	1. Public Road Access 2. Potable Water Supply 3. Ablutions 4. Car Parking	1. Type 3 – 12m form/8m gravel paved 2. 46,000 litres storage (10,000 gals) 3. As per Health Act 1911, including provision for disabled 4. 1 car bay for every 3m <sup>2</sup> of public area – gravel std/Local Government specs.

Use	Criteria	Standard
	5. Lot size 6. Setback  7. Siting 8. Clearing 9. Screening 10. Design & Materials 11. Management	5. 10ha 6. 30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless otherwise determined by the Local Government. 7. Away from sand dunes, ridge lines and side slope/breakaway areas 8. No removal of remnant vegetation 9. Well screened from view of neighbouring properties 10. Complementary with landscape – earth tones – no reflection 11. On site managers residence
Restaurant / Café	1. Location 2. Public Road Access 3. Potable Water Supply 4. Ablutions 5. Car Parking 6. Lot size 7. Setback  8. Siting 9. Clearing 10. Screening 11. Design & Materials 12. Management	1. With an established intensive agriculture/rural pursuit and/or rural holiday resort. 2. Type 3 – 12m form/8m gravel paved 3. 92,000 litres storage (20,000 gals) 4. As per Health Act 1911, including provision for disabled 5. 1 bay per 4 seats – gravel standard 6. 15ha 7. 30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless otherwise determined by the Local Government. 8. Away from sand dunes, ridge lines and side slope/breakaway areas 9. No removal of remnant vegetation 10. Well screened from view of neighbouring properties 11. Complementary with landscape – earth tones – no reflection 12. On site managers residence

The Western Australian Planning Commission's 'Planning Bulletin 83 - Planning for Tourism' (2013) sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin emphasises the importance of strategic planning for tourism and that this should be addressed through the local government's Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

The Bulletin notes that identification of tourism sites does not imply that the site is suitable for immediate development or re-development (in many cases sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for development may not be reached for a number of years) but does set out general location criteria to determine the tourism value of a site as follows:

*“Accessibility*

*The site has adequate existing or proposed transport links (such as major road or airport access).*

*Uniqueness*

*The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or state significance.*

*Setting*

*The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).*

*Tourism activities and amenities*

*The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.*

*Supply of land*

*The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.*



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*Site specific criteria to determine the tourism value of the site includes:*

*Suitability in a land use context*

*The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).*

*Capability*

*The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.*

*Size*

*The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.*

*Function*

*The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.*

*These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria."*

## **FINANCIAL IMPLICATIONS**

Nil

### **Long Term Financial Plan (LTFP):**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application would have impact in relation to the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

The Shire of Chapman Valley Local Planning Strategy identifies Lot 31 Baston Close as being located within Precinct No.3- Chapman Valley. The stated Vision for Planning Precinct 3 is:

*"A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources."*

The Local Planning Strategy lists the following relevant objectives for Planning Precinct No.3:

*"Economic Objectives*

- 3.2.1 Facilitate agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land.*
- 3.2.2 Encourage the experimentation and growth of newer crops and animal varieties through farm diversification and support value adding to this diversified farm produce. This could include links to tourism in accordance with Council Policy.*
- 3.2.3 Promote opportunities for processing and value adding to agricultural produce.*
- 3.2.4 Ensure that rural residential development maximises the use of existing services and infrastructure.*

*Environmental Objectives*

- 3.3.1 Encourage revegetation and retention of existing vegetation in order to minimise soil erosion and salinity levels.*
- 3.3.2 Protect and enhance existing catchments, botanical linkages and vegetation/wildlife corridors, with particular emphasis on the Chapman River.*

- 3.3.3 *Ensure development does not adversely impact on river systems, associated catchment areas and groundwater resources through the provision/submission of detailed/supporting research, information and analysis.*
- 3.3.4 *Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls.*
- 3.3.5 *Protect the rural amenity and character of the area from incompatible land use/ development, again through the implementation of appropriate environmental and planning controls.*
- 3.3.6 *Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum.*
- 3.3.7 *Encourage conservation of biodiversity and farm sustainability based on natural resource management practices.*

#### *Infrastructure Objectives*

- 3.4.1 *Enhance the standards of servicing and infrastructure around the Nanson and Nabawa townsites.*
- 3.4.2 *Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use, rezoning, development or subdivision, to avoid burden (financial or otherwise) on the Council's resources.*
- 3.4.3 *Identify, support and facilitate the efficient and coordinated use of existing road linkages."*

The Strategy identifies that 'Tourism (low-key & incidental)', 'Intensive Agriculture' and 'Cottage Industry' are all land uses considered appropriate within Precinct No.3 subject to compliance with the provisions of the Scheme and specific policies of Council.

#### **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and it is considered that the development accords with the following:

Ref	Objective	Strategy	Action
Economic Development and Business Attraction			
2.1	Build population and business activity through targeted strategies	Support business development	Ensure Planning is in place to encourage business development
2.2	Provide support for business development and local employment	Research mixed land use opportunities	Investigate possible planning improvements
		Consider business start- up incentives	Investigate possible planning improvements
2.3	Welcome local tourism and participation in regional strategy	Research and develop local tourism plan	Encourage Tourism Operators to establish an Alliance for them to develop and implement a Local Tourism Plan. This must be industry driven, not Shire driven.
		Explore support needed by local tourism industries	Encourage Tourism Operators to establish an Alliance for them to research support required. This must be industry driven, not Shire driven.
		Welcome and participate in regional tourism development	Encourage the establishment of a local Tourism Alliance made up of Tourism Operators
2.4	Ensure town planning complements economic development activities	Town Planning Review/Initiatives	Ensure Planning is in place to encourage economic development activities

#### **CONSULTATION**

The Shire wrote to the 13 landowners within 1km of Lot 31 on 8 March 2021 providing details of the application and inviting comment upon the proposal prior to 26 March 2021. The Shire also write to the Department of Primary Industries &

Regional Development, Department of Water & Environmental Regulation, Department of Health, Department of Fire & Emergency Services and Western Power inviting comment, and placed a copy of the application on the Shire website.

At the conclusion of the advertising period 5 submissions had been received, 2 from landowners expressing support for the application, 2 from government agencies offering technical comment upon the application, and 1 in objection from a neighboring landowner. Copies of the received submissions have been provided as **separate Attachment 10.1.1(b)**.

The issues raised in objection to the proposed development concerned the following issues:

- fire risk;
- waste management;
- visitors trespassing onto neighbouring properties;
- increased road maintenance arising from increased traffic.

The applicant was provided with the opportunity to respond to the issues raised during the advertising period and a copy of their response has been provided as **separate Attachment 10.1.1(c)**.

## RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

## VOTING REQUIREMENTS

Simple majority required

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant planning approval for a residence, café, art gallery and home store upon 70 (Lot 31) Baston Close, Nanson subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans as contained in Attachment 10.1.1(a) and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 4 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- 5 The applicant is to ensure that the location, design and construction of the access point from the development site onto Baston Close is appropriate for the approved development to the approval of the local government.

- 
- 6 The applicant shall make payment to the local government for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development.
  - 7 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
  - 8 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to an all-weather compacted gravel standard to the approval of the local government.
  - 9 The installation and subsequent maintenance of any signage shall be to the approval of the local government.
  - 10 The development is required to use colours and materials complementary to the natural landscape features, and be to a (non-reflective) finish, to the approval of the local government.
  - 11 Landscaping is required to be installed and maintained between the development and the western boundary (facing towards Lots 30 & 32) for the purpose of softening/screening the visual impact of the development to the approval of the local government.
  - 12 The development shall be serviced by toilets, connected to an on-site wastewater and effluent disposal system, that are sufficient in regards to their number, access standards, location, design and operation to the requirements of the Department of Health.
  - 13 All lighting devices shall be installed and shaded in such a way as to not cause undue light spill to passing motorists or neighbouring residences to the approval of the local government.
  - 14 The approved development shall be substantially commenced within a period of 2 years from the date of this approval and if the development is not substantially commenced the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

Advice Note:

- (a) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the, *Building Code of Australia, Building Act 2011, Building Regulations 2012, Food Act 2008, Food Regulations 2009, Health (Miscellaneous Provisions) Act 1911, Environmental Protection (Noise) Regulations 1997* and the *Liquor Control Act 1988*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (b) In relation to condition 3 the Management Plan is to include sections relating to Fire Management, Emergency Response Plan and Waste Management prepared to the approval of the local government.
- (c) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Council En Bloc Resolution**  
**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-02**

## 10.1.2 Proposed Shed Extension

PROPONENT:	Bentley's Highline for S.Forth
SITE:	1737 (Lot 154) North West Coastal Highway, Buller
FILE REFERENCE:	A2083
PREVIOUS REFERENCE:	05/19-4 & 09/19-2
DATE:	12 April 2021
AUTHOR:	Simon Lancaster, Deputy CEO & Kathryn Jackson, Consulting Town Planner

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Application		✓
10.1.2(b)	Received submissions		✓

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

Council is in receipt of an application seeking to extend an existing outbuilding upon 1737 (Lot 154) North West Coastal Highway, Buller. The application has been advertised for comment and no objections were received. This report recommends conditional approval.

**Figure 10.1.2(a) – Location Plan for 1737 (Lot 154) North West Coastal Highway, Buller**



### COMMENT

Lot 154 North West Coastal Highway, Buller is a largely cleared 13.948ha property located on the western side of the highway immediately south of the Buller River. The southern 4ha portion of the property is a slightly sloping plateau situated at the 45-40m contour, the mid 7ha section then slopes down significantly from the 40m to the 20m contour and the northern 3ha portion is a relatively flat triangular area adjoining the Buller River.

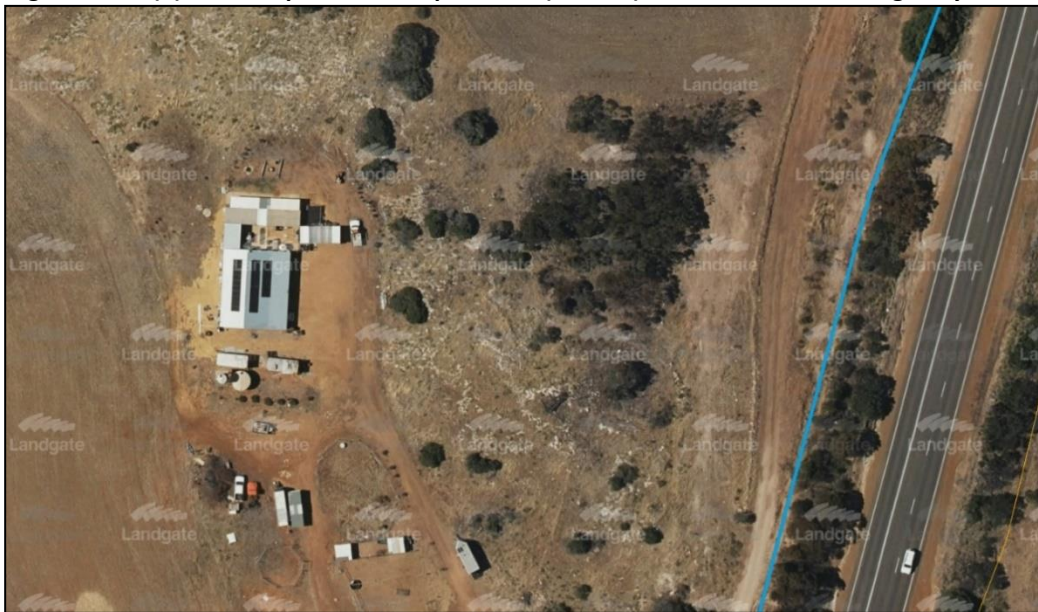
Lot 154 contains an existing 192m<sup>2</sup> zincalume clad outbuilding and the applicant seeks to construct a 67.5m<sup>2</sup> zincalume extension to the south of the existing shed that would increase the total outbuilding area upon Lot 154 to 259.2m<sup>2</sup>.

Lot 154 is zoned 'Urban Development' and falls within the area addressed by the Buller Structure Plan which assigns a base density residential code of Low Density Residential R5. The Shire of Chapman Valley Outbuildings Local Planning Policy requires that outbuildings upon R5 lots should have a maximum area of 180m<sup>2</sup>.

The Outbuildings policy also requires that uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned 'Rural Smallholdings' or 'Rural' and the application is therefore unable to be determined by Shire staff under delegated authority and is required to be placed before a meeting of Council for its determination.

A copy of the applicant's supporting correspondence and submitted site, floor and elevation plans have been included as **separate Attachment 10.1.2(a)** to this report.

**Figure 10.1.2(b) – Development area upon 1737 (Lot 154) North West Coastal Highway, Buller**



The recent development history for the property is as follows:

- 15 May 2019 Council approved an application for a 192m<sup>2</sup> (135m<sup>2</sup> enclosed and 57m<sup>2</sup> unenclosed) zincalume clad outbuilding upon Lot 154.
- 18 September 2019 Council approved an application to site 3 transportable buildings to the north of the outbuilding upon Lot 154 and the undertaking of additional works to repurpose them into a dwelling (with intention that this would later be reclassified as an ancillary dwelling when the main residence is constructed).

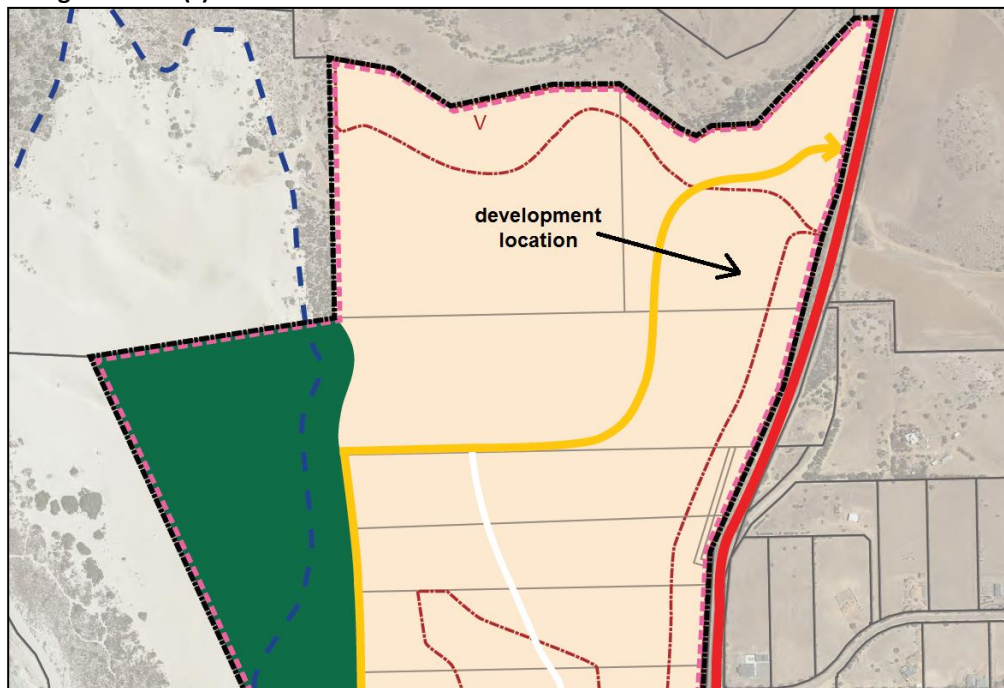
The recommendation for approval for the shed extension is based upon the following:

- the outbuilding's 3.2m wall height and 3.994m overall height meets with Council's 4m wall height and 5m total height requirements as specified in its Outbuildings Local Planning Policy;
- the outbuilding is setback 110m from the front (eastern) property boundary and 125m from the North West Coastal Highway carriageway itself and 95m from the nearest (southern) side property boundary;
- the use of zincalume for the extension would match the existing outbuilding cladding;
- the subject property is 13.948ha in area and the development of a shed of this size might be considered acceptable on a lot of this scale;
- whilst the Residential R5 outbuilding policy requirements apply to this property it might be considered that given the 13.948ha size of Lot 154 that a slightly larger outbuilding would not appear unduly excessive;
- the requested variation of 75.9m<sup>2</sup> to the 180m<sup>2</sup> maximum outbuilding area requirement is relatively minor when considered against the size of the property;
- the applicant has commenced landscaping consisting of planting native trees and shrubs around the development site that will assist in screening it from the highway and surrounding properties;



- the Buller 'Development' zone realistically has a long-term timeframe for subdivision due to servicing issues and costs and presently low-demand, meaning that in all likelihood Lot 154 will remain unsubdivided for several decades, and the topography of Lot 154 makes it unlikely that the property will be subdivided down to a standard R5/2,000m<sup>2</sup> subdivision layout;
- the construction of an outbuilding would enable the landowner to store their personal items securely and out of the weather rather than have them in the open, which may be considered to improve visual appearance, security and amenity;
- the acceptance of the proposed outbuilding as being within the character of the surrounding area could be considered to have been demonstrated through no objections being received, and 2 submissions being received in support of the application.
- the outbuilding would be sited so that it does not conflict with the future subdivisional road network as identified in the Buller Structure Plan as illustrated in **Figure 10.1.2(c)** and the subdivision can be designed to allow for a larger lot to contain the existing built form and screening landscaping.

**Figure 10.1.2(c) – Buller Structure Plan extract with shed extension location indicated**



## STATUTORY ENVIRONMENT

Lot 154 North West Coastal Highway, Buller is zoned 'Urban Development' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*
- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development."*

The Buller Structure Plan was adopted by Council at its 17 June 2015 meeting and subsequently given final approval by the Western Australian Planning Commission on 1 February 2016. Section 5.2.1 of the structure plan document assigns a base density code of R5 for lots within the structure plan area.

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering a development application:

- *"(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*

- 
- ...(fa) any local planning strategy policy for this Scheme endorsed by the Commission;
  - (g) any local planning policy for the Scheme area;
  - (h) any structure plan or local development plan that relates to the development;...
  - ...(m) the compatibility of the development with its setting including:
    - (i) the compatibility of the development with the desired future character of its setting; and
    - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - (n) the amenity of the locality including the following —
    - (i) environmental impacts of the development;
    - (ii) the character of the locality;
    - (iii) social impacts of the development;...
  - ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
  - ...(w) the history of the site where the development is to be located;
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
  - (y) any submissions received on the application...
  - ...(zb) any other planning consideration the local government considers appropriate.”

#### **POLICY/PROCEDURE IMPLICATIONS**

Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

The Shire of Chapman Valley Outbuildings Local Planning Policy has the following objectives:

- “3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.
- 3.2 To provide a clear definition of what constitutes an “outbuilding”.
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- 3.4 To limit the visual impact of outbuildings.
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.”

Section 6.2 of Council’s Outbuildings Policy sets the maximum total aggregate outbuilding area for Lot 154 as being 180m<sup>2</sup>.

Lot 154 currently has a total aggregate outbuilding area of 192m<sup>2</sup>, and the proposed shed extension would take the total aggregate outbuilding area for the property to 259.2m<sup>2</sup>.

The application also proposes variation to Section 6.8 of the Outbuildings policy which states that:

- “6.8.a The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only supported upon land zoned ‘Rural Smallholdings’ or ‘Rural’.



6.8.b *The use of uncoated metal sheeting may be considered in the 'Townsite' zone or where existing buildings have been constructed with the use of uncoated metal sheeting or similar upon a property or another property located in close proximity."*

## FINANCIAL IMPLICATIONS

Nil

### Long Term Financial Plan (LTFP):

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application would have impact in relation to the Long Term Financial Plan.

## STRATEGIC IMPLICATIONS

Lot 154 North West Coastal Highway, Buller is contained within Planning Precinct No.7 – South West in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

*"The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities."*

The Strategy also identifies the following objectives relevant to this application:

*"7.1.1 Support the planned expansion of urban with potable reticulated scheme water as identified on the Greater Geraldton Structure Plan 1999 with due regard to land capability/suitability, demand and servicing."*

*"7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning."*

*"7.3.2 Protect and enhance the visual amenity in areas of visual prominence."*

Lot 154 and the Buller 'Development' zone is identified in the Greater Geraldton Structure Plan (2011) prepared by the WAPC as being 'Future Urban' with Section 3.1.1 of the accompanying report noting that:

*"An area of approximately 1,700ha is identified as 'future urban' in the Greater Geraldton Structure Plan 2011 to guide the direction of long-term urban expansion. The bulk of this area identified is located at Buller and around Cape Burney, which are at the extremities of the northern and southern coastal corridors respectively."*

### Strategic Community Plan/Corporate Business Plan:

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. It is not considered that determination of this application would have impact in relation to the Strategic Community Plan.

## CONSULTATION

Section 7.2 of the Shire's Outbuildings Local Planning Policy notes that applications seeking variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

The Shire wrote to the 7 surrounding landowners within 350m of the development site on 12 March 2021 providing details of the application and inviting comment upon the proposal prior to 9 April 2021.

At the conclusion of the advertising period, 2 submissions had been received, both expressing support for the proposed shed extension and a copy of these has been provided as **separate Attachment 10.1.2(b)**.

## RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

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## VOTING REQUIREMENTS

Simple majority required

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for an outbuilding extension upon 1737 (Lot 154) North West Coastal Highway, Buller subject to the following conditions:

- 1 Development shall be in accordance with the approved plans as contained within Attachment 10.1.2(a) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.
- 4 The outbuilding extension shall utilise materials and colours that are complementary to the existing outbuilding (to which it will be connected) to the approval of the local government.
- 5 Maintenance of landscaping about the development for the purposes of screening to the approval of the local government.
- 6 Any lighting devices must be positioned so as to not cause glare to neighbouring properties or vehicles on the North West Coastal Highway to the approval of the local government.
- 7 The applicant shall remove the sea container from the property upon completion of the shed extension or 12 months from the date of this decision (whichever is the sooner).
- 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

### Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

***Council En Bloc Resolution***  
**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-02**

### 10.1.3 Lot 11895 disposal & Murphy-Yetna Road formalisation

PROPONENT:	Department of Planning, Lands & Heritage & Ardlui Holdings Pty Ltd
SITE:	Lot 11895 Murphy-Yetna Road, Yetna
FILE REFERENCE:	A3 & 1001.800
PREVIOUS REFERENCE:	9/99-9, 04/16-19 & 07/06-9
DATE:	30 March 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Previous Council Minutes relating to Lot 11895		✓
10.1.3(b)	Map of Lot 11895	✓	
10.1.3(c)	Map illustrating section of Murphy-Yetna Road within Lot 11895	✓	

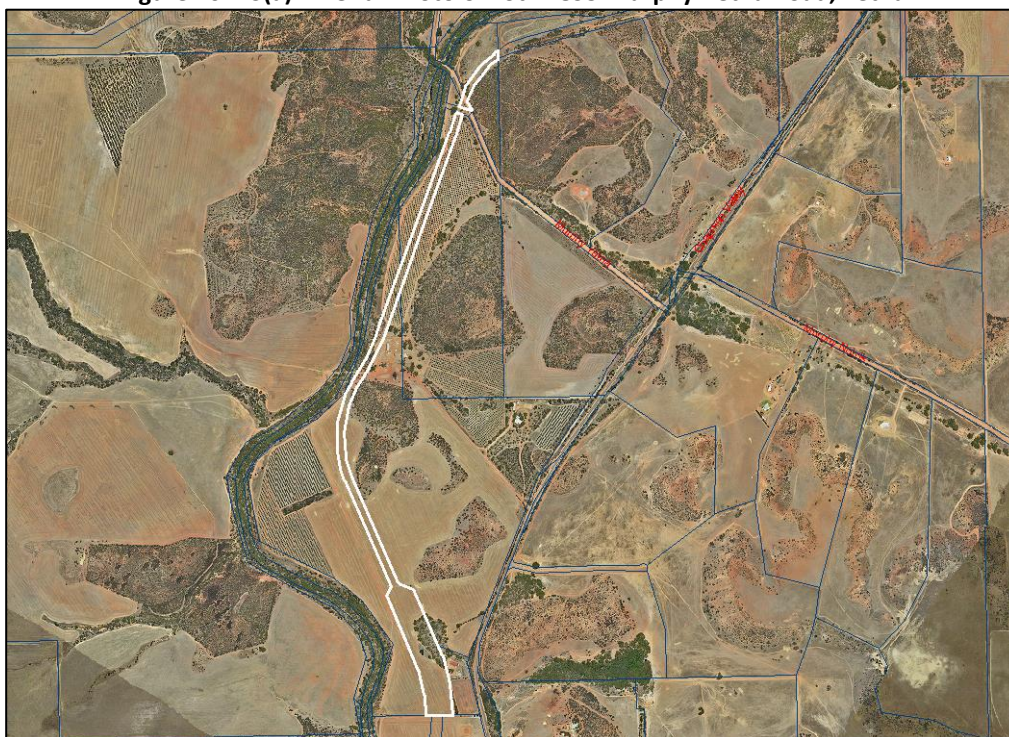
#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Department of Planning, Lands & Heritage (DPLH) are seeking the Shire's comment regarding an approach to purchase Lot 11895 it has received from the surrounding landowner (Ardlui Holdings Pty Ltd) who is also the lessee of Lot 11895. This report recommends that Council advise DPLH that it has no objection to the disposal of Lot 11895, subject to an equivalent land area being provided by the landowner along the Chapman River foreshore, this being consistent with Council's previous 20 April 2006 resolution. This report also recommends that the small portion of Lot 11895 that contains the on-ground alignment of Murphy-Yetna Road be excised and created as road reserve prior to disposal.

Figure 10.1.3(a) – Aerial Photo of Lot 11895 Murphy-Yetna Road, Yetna



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## COMMENT

Lot 11895 is a 10.4688ha property that formed part of the Geraldton-Yuna railway line and it has been leased to the surrounding landowner since the closure of the railway in 1956, with the following recent history:

13 April 1956	DPLH leased Lot 11895 to Edward Murphy.
28 April 1961	DPLH transferred lease to Edward Hollins.
9 April 1975	DPLH transferred lease to Ruth, John & Vernon Norris.
20 April 1988	DPLH transferred lease to Ardlui Holdings Pty Ltd.
27 August 1999	Ardlui Holdings Pty Ltd wrote to Shire seeking support for the purchase of Lot 11895 as they were intending to transition from cropping/grazing to a more intensive and costly land of use olive production and were seeking certainty of tenure.
21 September 1999	Council resolved to advise DPLH of its support for the closure of the disused section of rail reserve (Lot 11895).
31 January 2000	DPLH advised that it would not dispose of Lot 11895 as it may be required for a trail but would continue to lease it.
22 March 2006	DPLH wrote to the Shire enquiring whether it would support a land exchange whereby Lot 11895 was disposed of to the surrounding landowner and they provided an equivalent land area trail alignment alongside/east of the Chapman River.
20 April 2006	Council resolved to advise DPLH that it supported this land swap proposal. Relevant extracts from the 21/9/99, 20/4/06 & 19/7/06 Council Minutes have been provided as <b>separate Attachment 10.1.3(a)</b> .
19 July 2006	Council approved an application from Ardlui Holding Pty Ltd to operate a 40ha olive grove upon their property, portion of which ran across Lot 11895. An aerial photograph that illustrates the olive grove plantation in relation to Lot 11895 has been included as <b>Attachment 10.1.3(b)</b> .
13 December 2017	Council approved an application from Ardlui Holdings Pty Ltd to operate an olive press upon the property adjoining Lot 11895.

**Figure 10.1.3(b) – View looking south at olive plantation upon Lot 11895**



A small section of the on-ground alignment of Murphy-Yetna Road is contained within Lot 11895 and this area is required to be amalgamated into the road reserve prior to any disposal of Lot 11895 into private ownership. A map illustrating the approximately 1,175m<sup>2</sup> portion of Lot 11895 that forms part of the Murphy-Yetna Road alignment has been included as **Attachment 10.1.3(c)**.



**Figure 10.1.3(c) – View looking west of section of Murphy-Yetna Road contained within Lot 11895**



Council is required to make resolution relevant to the dedication and indemnification of the land required for the road reserve in order for this matter to be progressed with the DPLH.

#### **STATUTORY ENVIRONMENT**

The section of Lot 11895 south of Murphy-Yetna Road is zoned 'Rural', and the section north is zoned 'Rural Smallholdings' under Shire of Chapman Valley Local Planning Scheme No.3.

Section 56 of the *Land Administration Act 1997* allows for the dedication of land for road purposes.

Council has previously been required to make road dedication and indemnification resolutions when undertaking road realignments such as the one relating to the Yuna Road South widening at its 17 February 2016 meeting, the 4 realigned bends on East Nabawa Road at its 16 March 2016 meeting, and the realigned Mount Erin-Nabawa Road at its 18 December 2019 meeting.

#### **POLICY/PROCEDURE IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Surveying and other costs that may be incurred through the road dedication process can be addressed within Account 7052-Surveying & Land Expenses.

#### **Long Term Financial Plan (LTFP):**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting. It is not considered that determination of this application would have impact in relation to the Long Term Financial Plan.

#### **STRATEGIC IMPLICATIONS**

In 1995 the Mid West Trails Group (which comprised representatives from the City of Geraldton, Shire of Greenough, Shire of Chapman Valley and Shire of Northampton) were successful in obtaining funding from Trailswest to undertake a Feasibility Study into the creation of trails along the former Geraldton-Northampton and Geraldton-Yuna rail alignments. The Feasibility Study was completed in 1999 and tabled at the 23 March 1999 Council meeting.

The rail trail project has been viewed as a longer term strategic aspiration (a project status similar to that given to the completion on-ground of White Peak Road to better link the coastal and valley communities, or the creation of a

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recreation node at Buller Rivermouth) rather than a project that has been identified for funding, or given a specific timeframe to pursue its development.

The creation of a walking and riding trail along the former Geraldton-Yuna railway alignment would be a recreational and tourism asset for the Shire of Chapman Valley, that could be showcased through promotional material and events e.g. mountain bike race, competitive marathon, hike for charity etc. Landowners along the trail might be encouraged to develop farm stay chalet or nature based camping that might cater for hikers/riders along the trail (with it passing in vicinity to several potential tourism nodes at Nukara, Nanson, the Naaguja Farm, Nabawa, Naraling, Whelarra & Yuna) along with other tourism related ventures e.g. galleries, eating places, function facilities, experiential uses, Monsignor Hawes Trail, wildflower trails, cultural centre at Naaguja Farm, look-outs, geocaching points, stagazing etc.

The identification of this project as a long-term strategic goal recognises that, whilst the former Geraldton-Yuna railway alignment is already under public ownership as Crown Reserve, it would take a significant capital cost to fence and construct the track and an ongoing maintenance cost.

It is also recognised that during the planning stage there will be a significant level of landowner consultation required as much of the alignment appears on-ground to form part of farmers' paddocks and has been farmed as such for many years. This would require not only the alignment to be re-surveyed for certain sections, but extensive consultation work to be done to allay landowners' fears about what issues the trail may present to them in terms of fire risk, litter, theft, invasive species etc. brought about by the creation and use of the trail.

It is also noted that some sections of the former alignment are in close proximity to farmer's residences and sheds and to address concerns over security, privacy and amenity it may be reasonable to consider realigning the trail to provide improved separation.

The project, being such a large undertaking, would not be achievable without external funding assistance (e.g. Department of Local Government, Sport & Cultural Industries, Lotterywest, Mid West Development Commission etc.) and through other potential sources if interpretive signage forms part of the trail (e.g. Aboriginal heritage, European heritage, railway heritage, flora, fauna, geotourism).

Given that an 800m section of the total 2.6km length of Lot 11895 contains an established olive plantation it is unlikely that this section of the former rail corridor would be developed as a trail. In the event that a walking/riding trail were developed it might also be considered that an alignment to the east of the river bank, rather than along the former rail alignment would also offer a more scenic and pleasant experience for this particular section.

On this basis Council may wish to resolve, consistent with its previous 20 April 2006 resolution, that it supports the disposal of Lot 11895 (the former rail alignment) and its amalgamation into the surrounding property (owned by Ardlui Holdings Pty Ltd) in exchange for the landowner providing an equivalent area of land along the eastern edge of the existing Chapman River reserve. This should also be subject to the prior excision from Lot 11895 of the approximately 1,175m<sup>2</sup> portion that forms part of the on-ground Murphy-Yetna Road alignment.

The Murphy-Yetna Road is located within Precinct No.3-Chapman Valley of the Shire of Chapman Valley Local Planning Strategy, and the road dedication action is in accordance with the following precinct infrastructure objective:

*"Identify, support & facilitate the efficient and coordinated use of existing road linkages."*

**Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting.

The Strategic Community Plan notes in the community feedback appendix that development of a walking and riding trail continues to be a priority and aspiration for further review.

The formalisation of the section of the Murphy-Yetna Road alignment not currently contained within a road reserve meets with the following objectives of the Strategic Community Plan:

*"1.3 Maintain and enhance safety and security for the community."*

*“4.2 Manage and maintain roads, drainage and other essential infrastructure.”*

## CONSULTATION

The DPLH are seeking the Shire's comment on this matter.

Council may wish advise DPLH of any of the following:

- it supports the disposal of Lot 11895 to the surrounding landowner/lessee; or
- it supports the disposal of Lot 11895 to the surrounding landowner/lessee in exchange for the landowner providing an equivalent area of land along the eastern edge of the existing Chapman River reserve; or
- it objects to the disposal of Lot 11895.

Whichever option Council wishes to pursue it is recommended that it also advise DPLH that it is subject to the excision from Lot 11895 of the approximately 1,175m<sup>2</sup> portion that forms part of the on-ground Murphy-Yetna Road alignment.

## RISK ASSESSMENT

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

## VOTING REQUIREMENTS

Simple majority required

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council resolve to:

- 1 Advise the Department of Planning, Lands & Heritage that it supports the disposal of Lot 11895 (excluding the approximately 1,175m<sup>2</sup> portion of Lot 11895 that forms section of the on-ground Murphy-Yetna Road alignment) and its amalgamation into the surrounding property (owned by Ardlui Holdings Pty Ltd) in exchange for the landowner providing an equivalent area of land along the eastern edge of the existing Chapman River reserve.
- 2 Request the Hon. Minister for Lands to dedicate as public road the approximately 1,175m<sup>2</sup> portion of Lot 11895 that forms section of the Murphy-Yetna Road alignment, as generally shown upon Attachment 10.1.3(c), pursuant to Section 56 of the *Land Administration Act 1997*.
- 3 Indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Native Title Act 1993* (Commonwealth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the approximately 1,175m<sup>2</sup> portion of Lot 11895 that forms section of the Murphy-Yetna Road alignment as generally shown upon Attachment 10.1.3(c).

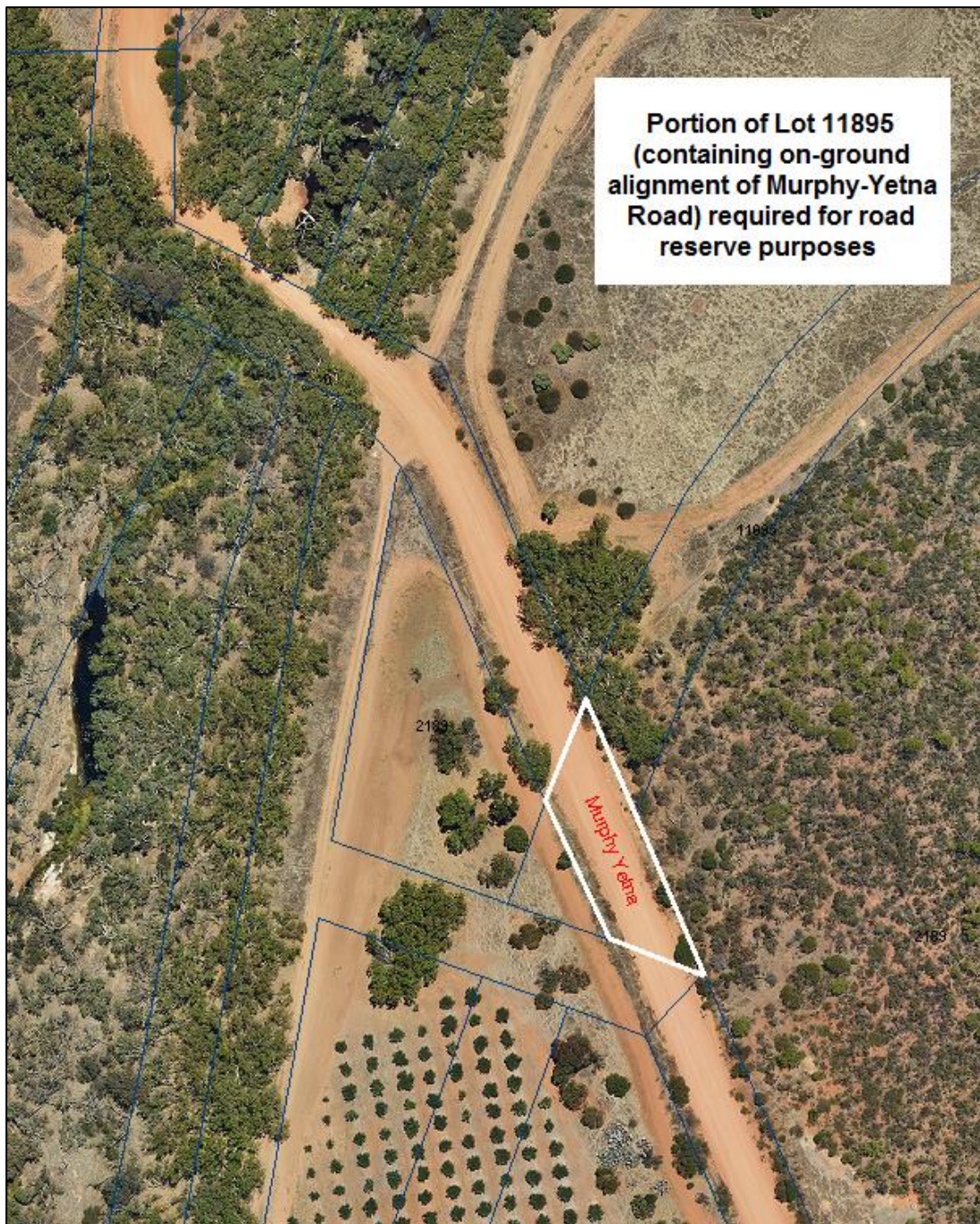
**Council En Bloc Resolution**  
**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-02**



# ATTACHMENT 10.1.3(b)







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# **10.2**

## **Manager of Finance & Corporate Services**

### **10.2 AGENDA ITEMS**

#### **10.2.1 Community Growth Fund Application**

## 10.2.1

## Community Growth Fund Applications

PROPONENT:	Various Applications
SITE:	Shire of Chapman Valley
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	Not Applicable
DATE:	21 April 2021
AUTHOR:	Dianne Raymond, Manager of Finance & Corporate Services

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1 (a)	Unconfirmed Minutes Community Growth Fund Advisory Group		✓
10.2.1 (b)	Community Growth Fund Operational Procedure		✓

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

Council has included in previous budgets an amount of \$30,000 for a Community Growth Fund (CGF) with any unused portion to be transferred to a reserve fund. Applications opened 8 February 2021 and closed 19 March 2021 with the Community Growth Fund Advisory Group meeting held on 31 March 2021 for evaluation of all applications in readiness for Council determination.

### COMMENT

The Shire of Chapman Valley Community Growth Fund (CGF) Advisory Group comprises of the following Council appointed representatives:

Cr Anthony Farrell (Presiding Member)  
Cr Kirrilee Warr  
Cr Bev Davidson  
Chief Executive Officer  
Manager Finance & Corporate Services  
Community Development Officer

The purpose of the Advisory Group is as follows:

*“Evaluate applications received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with Guidelines, policies and procedures set by Council and make recommendations to Council to allocate funds.”*

A copy of the Unconfirmed Minutes of the CGF Advisory Group held on the 19 March 2021 is provided at Attachment 10.2.1(a).

- Total of all Submissions received - \$22,000

### STATUTORY ENVIRONMENT

Nil

### POLICY/PROCEDURE IMPLICATIONS

Council has approved the CGF Operational Procedures (see Attachment 10.2.2(b)) and this was the basis upon which the Group evaluated the 2019/2020 applications received.

### FINANCIAL IMPLICATIONS

The CGF Advisory Group recommendations will affect the 2021/2022 Draft Budget; however, will have similar impact to the financial position as previous years.

**Long Term Financial Plan (LTFP):**

No affect envisaged on Council's LTFP

**STRATEGIC IMPLICATIONS**

Supporting Community organisations and individuals in accordance with the CGF Operational Procedures is designed to develop and assist the Chapman Valley community. It is also designed to remove the ongoing, periodical requests for funding assistance requests made to Council.

**Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises

**CONSULTATION**

The Community Development Officer has had regular dialogue with the groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

**RISK ASSESSMENT**

Low impact, minor risk rating as below:

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

**VOTING REQUIREMENTS**

Simple Majority

**MOVED: Cr Warr**

**SECONDED: Cr Davidson**

**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

1. Minute Ref: CGF 03/21-2 – Community Growth Fund Allocations

Council endorses the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2021/2022 budget consideration:

2021-22 Community Growth Fund Application Matrix														
1	<u>Applicants</u>	<u>Contact</u>	<u>Project title</u>	<u>Project description</u>	<u>Project location</u>	<u>Project dates</u>	<u>Budget: details</u>		<u>Budget: Other sources of funding</u>		<u>Budget: In-kind</u>		<u>Budget: Expenditure</u>	
							Total cost of project	How much funding are you applying for	Source	Amount	In-kind	Amount (volunteer time @\$30 per hour)	Source	Cost
2	Chapman Valley Western Riding Club	John Glynn	Nanson Showgrounds arena lighting	Lighting to Arenas	Nanson Show Grounds	October 2021- March 2022	\$85,056	<b>\$10,000</b>	CVWRC	\$10,000	Included on project budget	\$8,320	Multiple components	\$10,000
5	Chapman Valley Historical Society	Pamela Batten	Carport Type Display Structure & Volunteer Workshop	We wish to build and then move old machinery from the open front shed to a carport type structure on the eastern side of the Heritage Centre.	Nanson	2021-22	\$15,800	<b>\$3,000</b>	MLC Laurie Graham CVHS	\$10,000 \$1000	60 volunteer hours x CVHS	\$1,800	Footings & Kit of the carport type structure	\$3,000.00
6	Chapman Valley Agricultural Society	Liz Elliott-Lockhart	Poultry Upgrade of Facilities	Broad upgrade to poultry area	Nanson Showgrounds	Prior to 2021 CV Show	\$5,000	<b>\$5,000</b>	CVAS, will cover any additional costings.	–	15 hours	\$450	subject to quotes	
8	Chapman Valley Primary School P&C	Megan O'Grady	Mother's Day Moring Tea	Include a key speaker at this event	Nabawa Community Centre	May-22	\$5,000	<b>\$2,000</b>	CVPS P&C	\$3,000	6 P&C members x 90 hours	\$2,700	Key speaker, catering, equipment hire	\$2,000.00
11	For a Better Chapman Valley (FABCV)	Megan O'Grady	2022 Rainmakers Event	sponsorship towards lower ticket sales	Nabawa Community Centre	Mar-22	\$15,000	<b>\$2,000</b>	Yes	\$15,000	100 hours	\$3,000	\$2000 will go directly into reducing ticket prices to attract more people. This will be achieved by the <b>\$2000 covering equipment hire.</b>	\$2,000.00
	Totals							<b>\$22,000</b>						

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2. Minute Ref: CGF 03/21-03 – Review Community Growth Fund Corporate Management Procedure

Review the Corporate Management Procedure and application with the aim to improve visual acknowledgement of shire contribution/sponsorship towards the event, activity or project.

**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-03**

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# **10.3**

## **Chief Executive Officer**

### **10.3 AGENDA ITEMS**

- 10.3.1 Chapman Valley Bushfire Brigades Advisory Group**
- 10.3.2 Elected Members – Corporate Clothing Procedure**
- 10.3.3 Disability Access & Inclusion Plan**
- 10.3.4 Nabawa Oval Naming Request**



### 10.3.1

### Chapman Valley Bushfire Brigades Advisory Group

PROPONENT:	Shire Of Chapman Valley
SITE:	Shire Of Chapman Valley
FILE REFERENCE:	601.08
PREVIOUS REFERENCE:	NA
DATE:	21 April 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Chapman Valley Bushfire Brigades Group Management Advisory Committee Minutes – 8 <sup>th</sup> April 2021		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire on the 8<sup>th</sup> April 2021.

#### COMMENT

Rather than repeat in formation I refer Councillors to the Minutes at **Attachment 10.3.1(a)**

#### STATUTORY IMPLICATIONS / REQUIREMENTS

- *Local Government Act 1995 & associated Regulations;*
- *Bushfire Act, 1954*

#### POLICY IMPLICATIONS

Council's Management Procedure EMP-005 provides guidelines and procedures for the appointment of Bush Fire Control Officers i.e.

<b>MANAGEMENT PROCEDURE No.</b>	EMP-005
<b>MANAGEMENT PROCEDURE</b>	FIRE CONTROL OFFICER APPOINTMENTS
<b>RESPONSIBLE DIRECTORATE</b>	ADMINISTRATION
<b>RESPONSIBLE OFFICER</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	3.90
<b>RELEVANT DELEGATIONS</b>	

#### **OBJECTIVES:**

*This Operational Procedure provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer with the following objectives:*

1. *To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer (BFCO); and*
2. *To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer (BFCO).*



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## **MANAGEMENT PROCEDURE STATEMENT/S:**

1. *To be eligible for appointment as a Bush Fire Control Officer, a person must have completed the Bush Fire Control Officer Training Program not more than ten (10) years prior to appointment.*
2. *Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Office if they complete the Bush Fire Control Officer Training within six (6) months of appointment.*
3. *For a person to continue as a Bush Fire Control Officer, they must complete the Bush Fire Control Officer's Course or a refresher course at intervals of no more than every ten (10) years.*
4. *Nominations from Brigades shall be submitted to a Bush Fire Brigades Group Management Advisory Committee for recommendation to Council by 1 October, where applicable.*
5. *An appointment shall be for a period of one (1) year, unless revoked by Council. Bush Fire Control*
6. *Officers will be eligible for reappointment unless their appointment was revoked by Council.*

### **FINANCIAL IMPLICATIONS**

No foreseen effect on Council's general finances.

### **Long Term Financial Plan (LTFP):**

No foreseen effect on Council Long Term Financial Plan.

### **STRATEGIC IMPLICATIONS**

Having an ongoing structured arrangement for bushfire control and prevention is essential.

### **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

### **CONSULTATION**

The Chapman Valley Bushfire Brigades Group Management Advisory Committee comprises of the following:

President (Presiding Member) and 2 x Councillors

Cr Farrell (President)  
Cr Royce  
Cr Humphrey  
CBFCO  
DCBFCO  
All Brigade FCOs  
Chief Executive Officer  
Senior Ranger

#### **Observers**

1 x DFES Rep.  
1 x DBCA Rep.

The consultation process is ongoing throughout the year by way of emails, telephone discussions, etc. as well as the pre-season meeting and the annual Bush Fire Brigades Group Management Advisory Committee meeting.

## RISK ASSESSMENT

Based on the compliance alone I believe the risk in this instance **Minor** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

## VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr Farrell**

**SECONDED: Cr Royce**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council endorse:

### 1. BFB 4/21-02 - Election of Officers – All One Year Terms

6.1	Chief Bushfire Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	N Kupsch
6.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
6.4	Group Training Officer	Current Position Holder	E O'Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
6.7	Fire Weather Officer	Current Position Holder	A Vlahov
6.8	Deputy Fire Weather Officer	Current Position Holder	N Kupsch

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

### 2. BFB 4/21-03 - Appointments of Bushfire Control Officers

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade
- Craig Mincherton – Naraling Brigade
- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

### 3. BFB 4/21-04 - Fire Break Notice

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The existing Bush Fire Notice as presented with annual date changes made.

4. **BFB 4/21-05 - Annual Inspections**

The Annual Fire Break Inspection procedures remain the same.

Voting F6/A0  
CARRIED  
Minute Reference: 04/21-04

### 10.3.2 Elected Members – Corporate Clothing Procedure

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	401.00
PREVIOUS REFERENCE:	NA
DATE:	21 April 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	Nil		

#### DISCLOSURE OF INTEREST

Not applicable

#### BACKGROUND

The Shire President raised the issue of formalizing the process for the supply of corporate clothing to Elected Members as part of the recent review of the Shire's Policy & Procedures.

#### COMMENT

There is a requirement in accordance with the *Local Government (Administration) Regulations* for a local government authority to approved any expenses and reimbursements incurred by an Elected Members in performing their functions on behalf of the local government authority.

It is clear under the legislation (which has been supported by enquiries made with WALGA & the Department of Local Government) the Elected Members is required to incur the expenditure in the first instance for the supply of the corporate clothing and then seek reimbursement from the local government authority. Therefore, the local government authority cannot simply incur the expenditure on behalf of the Elected Member.

#### STATUTORY ENVIRONMENT

Local Government (Administration) Regulations, 1996 i.e.

32. *Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))*

- (1) *For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —*
- (a) *an expense incurred by a council member in performing a function under the express authority of the local government; and*
  - (b) *an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
  - (c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.*

#### POLICY/PROCEDURE IMPLICATIONS

Below is a Draft Corporate Management Procedure presented for Council consideration and adoption:

MANAGEMENT PROCEDURE No.	CMP-015
MANAGEMENT PROCEDURE	ELECTED MEMBERS - CORPORATE CLOTHING
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	NA
LEGISLATIVE RELEVANCE	LOCAL GOVERNMENT ACT & ADMINISTRATION REGULATIONS 1996

**OBJECTIVES:**

To stipulate the level and conditions of providing Elected Member corporate clothing levels and payment arrangements.

**MANAGEMENT PROCEDURE STATEMENT/S:**

The Shire's annual allocation to Elected Members corporate clothing in accordance with Clause 32 of the Local Government (Administration) Regulations, 1996 i.e.

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
- (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
  - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
  - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

As stipulated under legislation, the Elected Member is to incur the expense in the first instance and seek reimbursement from the Shire for the cost of the following items of clothing with the Shire of Chapman Valley logo embroidered on the clothing with colour and supplier as stipulated by the Chief Executive Officer:

- Two (2) Polo Shirts per annum; or
- Two Corporate/Business Shirts per annum.

**FINANCIAL IMPLICATIONS**

The costs associated with the supply of the Polo or Corporate/Business Shirts is currently being incorporated within the operational expenses of the Shire, therefore there will be no additional costs associated with the introduction of the proposed Corporate Management Procedure.

**Long Term Financial Plan (LTFP):**

No effect on LTFP.

**STRATEGIC IMPLICATIONS**

It is good practice to promote the Shire at every opportunity and the Elected Members wearing corporate clothing displaying the Shire Logo is considered an appropriate opportunity to do this.



Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required

## CONSULTATION

The Chief Executive Officer has discussed the matter with both the WALGA and the Department of Local Government.

## RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

## VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council adopt the following Corporate Management Procedure:

*CMP-015 Elected Members - Corporate Clothing*

MANAGEMENT PROCEDURE No.	CMP-015
MANAGEMENT PROCEDURE	ELECTED MEMBERS - CORPORATE CLOTHING
RESPONSIBLE OFFICER	MANAGER FINANCE & CORPORATE SERVICES
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	NA
LEGISLATIVE RELEVANCE	LOCAL GOVERNMENT ACT & ADMINISTRATION REGULATIONS 1996

## OBJECTIVES:

To stipulate the level and conditions of providing Elected Member corporate clothing levels and payment arrangements.

## MANAGEMENT PROCEDURE STATEMENT/S:

The Shire's annual allocation to Elected Members corporate clothing in accordance with Clause 32 of the Local Government (Administration) Regulations, 1996 i.e.

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))  
 (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —

- 
- (a) *an expense incurred by a council member in performing a function under the express authority of the local government; and*
  - (b) *an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
  - (c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.*

*As stipulated under legislation, the Elected Member is to incur the expense in the first instance and seek reimbursement from the Shire for the cost of the following items of clothing with the Shire of Chapman Valley logo embroidered on the clothing with colour and supplier as stipulated by the Chief Executive Officer:*

- *Two (2) Polo Shirts per annum; or*
- *Two Corporate/Business Shirts per annum.*

***Council En Bloc Resolution***  
***Voting F6/A0***  
***CARRIED***  
***Minute Reference: 04/21-02***

### 10.3.3 Disability Access & Inclusion Plan

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	1101.01
PREVIOUS REFERENCE:	Minute Reference: 03/21-11
DATE:	21 April 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Revised Disability Access & Inclusion Plan		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

A review of the Shire's Disability Access Inclusion Plan (DAIP) forms part of the annual Building & Disability Services Committee (Committee) agenda for consideration and recommendation to Council.

The Committee had the DAIP listed as part of the Meeting Agenda held in March 2021 with the following Committee Recommendation being endorsed by Council at the March 2021 OCM:

Minute Reference: BDSC 02/21-5

*Council request staff undertake an in-house, desk-top review of the Plan and if necessary, recommending any amendments to Council for consideration.*

#### COMMENT

In accordance with Section 28(7) of the *Disability Services Act (1993)* a full review of the DAIP must occur at least every 5 years i.e.

28. Disability access and inclusion plans

- (5) A public authority may review its disability access and inclusion plan at any time.
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
- (7) **Not more than 5 years is to elapse** —
  - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
  - (b) between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.

Council undertook a full review of the DAIP, consulting the community in the process, in both 2017 and 2018, with a desktop, internal review being considered appropriate in 2019, 2020 and 2021.

The CEO and Senior Staff have undertaken a desktop review of the existing DAIP and there are only minor amendments suggested. These are tracked in **Attachment 10.3.3(a)**

#### STATUTORY ENVIRONMENT

Disability Services Act (1993).

28. *Disability access and inclusion plans*
- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
  - (2) *A disability access and inclusion plan must meet any prescribed standards.*
  - (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
    - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
    - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
  - (4) *A public authority may amend its disability access and inclusion plan at any time.*
  - (5) *A public authority may review its disability access and inclusion plan at any time.*
  - (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
  - (7) *Not more than 5 years is to elapse —*
    - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
    - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
  - (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
  - (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
  - (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

**Disability Services Regulation 2004**

10. *Procedure for public consultation by authorities (s. 28)*
- (1) *For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —*
    - (a) *by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
    - (b) *on any website maintained by or on behalf of the public authority.*
  - (2) *Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.*

**POLICY/PROCEDURE IMPLICATIONS**

The DAIP is a statutory policy required by Council in accordance with the Disability Services Act (1993) which is reported on annually (i.e. included in the Shires Annual Report).

**FINANCIAL IMPLICATIONS**

No significant financial implications are anticipated.

**Long Term Financial Plan (LTFP):**

No significant implications anticipated on the LTFP.

**STRATEGIC IMPLICATIONS**

It is sound and appropriate to ensure people with disabilities are given every opportunity to gain access to Council facilities and be included in Council and community activities.

**Strategic Community Plan/Corporate Business Plan:**

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Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required

### CONSULTATION

There is a consultation process Council need to adhere to in accordance with the Disability Services Act (1993) which will be implemented as part of the DAIP full review process. As this was only any internal, desktop review process all consultation has remained in-house.

### RISK ASSESSMENT

There is a high risk of excluding a sector of the community if the DAIP is not reviewed and improved on a regular basis. However, I believe the risk in this instance is *insignificant* i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

### VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

### COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council endorse the revised Disability Access and Inclusion Plan as presented.

**Council En Bloc Resolution**  
**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-02**



### 10.3.4 Nabawa Oval Naming Request

PROPONENT:	Chapman Valley Football Club
SITE:	Nabawa Oval
FILE REFERENCE:	803.01
PREVIOUS REFERENCE:	Minute Reference: 06/17-13
DATE:	21 April 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	Nil		

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

Council resolved the following at the July 2017 OCM:

*Council:*

1. Endorses the "Management Licence for the use of Portion of Lot 3/3320; Lot 29 & Lot 21 Chapman Valley Road, Nabawa" between the Shire of Chapman Valley and the Chapman Valley Football Club as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions immediately;
2. Endorse the deletion of the following Management Procedures as these are specific to the Chapman Valley Football Club and will now be incorporated in the Management Licence:
  - a) CMP-011 – Nabawa Oval Arena Fence; and
  - b) CMP-013 - Change Rooms & Associated Areas – Chapman Valley Football Club
3. Council amend Management Procedure CMP-014 to read:

*"The area defined for the sports oval be used solely for the purpose of pedestrian team sports unless otherwise determined by the Shire."*
4. *The naming rights of the oval to be included as a clause in the management licence to be endorsed by Council.*

Correspondence has been received from the CVFC requesting Council permission to rename the Nabawa Oval to "Mazzuchelli Oval" i.e.

#### "MAZZUCHELLI OVAL PROPOSAL.

*The name Mazzuchelli is synonymous with the Chapman Valley Football Club and the Great Northern Football League. Generations and various branches and members of the Mazzuchelli family have played for CVFC and have been part of the GNFL for the best part of both the club's and the league's sixty year history, which is celebrated this year (2021).*

*Chapman Valley was one of the founding members of the GNFL.*

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*In recognition of the Mazzuchelli's on field contributions and off field support Chapman Valley Football Club would like the Shire of Chapman Valley to consider naming its oval at Nabawa - Mazzuchelli Oval.*

*We believe by doing so it would honour a family who are tremendously significant in the fabric of the club and the wider CV community. It would also preserve and provide a permanent reminder to visitors and future generations of our history.*

*Our proposal is not without precedent. There are many ovals across regional Australia that bear the name of important individuals and families who have helped build those communities.*

Grant Woodhams, President CVFC

The oval is currently named "Burando Hill Oval" i.e.



#### **COMMENT**

Council doesn't have the Nabawa Oval (or any building, facility, Precinct, etc.) naming listed under any Policy or Management Procedure to be presented to Council for determination, which perhaps needs to be addressed.

The Management Licence Council has with the users of the Nabawa Sporting Precinct with the CVFC does state quite clearly the CVFC must seek approval from the Council for any naming of the Oval i.e.

#### **3.15     Precinct Naming Condition**

*The Club is not to introduce naming or branding rights for any part of the precinct, including, yet not limited to, the Licensed Areas, Common Areas and Other Areas, without obtaining prior approval from the Shire Council.*

*The Club may request the Shire Council to consider naming or branding rights to the precinct areas, which the Shire Council may approve or reject without appeal.*

The same clause is also in place for the Management Licence the Shire currently has with the Chapman Valley/Northampton Cricket Club.

It is being recommended and new Corporate Management Procedure be introduced stating the condition to seek Council approval is relevant to anyone requesting a branding/naming of any building, facility, precinct, etc. under the ownership, management or control of the Shire of Chapman Valley, with the users under a current Management Licence having priority on naming or branding rights/requests at these locations.

#### STATUTORY ENVIRONMENT

The Management Licence is a legally binding document, which both parties are required to adhere to.

The Management Licence also cover the Shire's legal obligation under the Local Government Act for the disposition of property, which includes lease, licence and sale of property under the control/ownership of the local government authority.

#### POLICY/PROCEDURE IMPLICATIONS

No current Policy/Procedure in place. However, the Staff Recommendation advocates the introduction of a new Corporate Management Procedure to extend the requirement for Council approval of all naming/branding requests for all buildings, facilities, precincts, etc. under the ownership, management or control of the Shire of Chapman Valley, with the users under a current Management Licence having priority for such naming or branding requests.

#### FINANCIAL IMPLICATIONS

No financial implication envisaged.

#### Long Term Financial Plan (LTFP):

No effect on the LTFP envisaged.

#### STRATEGIC IMPLICATIONS

The current Strategic Community Plan refers to a "*sense of community*" and naming/branding of building, facility, precinct, etc. under the ownership, management or control of the Shire of Chapman Valley could accommodate this sense.

#### Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required
		Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.

#### CONSULTATION

Other than email contact with the President of the CVFC no other dialogue or consultation has occurred or considered necessary in this instance.

#### RISK ASSESSMENT

The risk is considered *insignificant* in this instance.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

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## VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council:

1. Endorse the Chapman Valley Football Club's request to rename the Nabawa Oval to **"Mazzuchelli Oval"** under the maintenance and controls stipulated in the current Management Licence the Shire has with the Club.
2. Endorse the introduction of the following new Corporate Management Procedure to be included as part of the Building & Projects Manual:

<b>MANAGEMENT PROCEDURE No.</b>	CMP-031
<b>MANAGEMENT PROCEDURE</b>	NAMING/BRANDING OF BUILDING, FACILITY, PRECINCT, ETC.
<b>RESPONSIBLE OFFICER</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	NA
<b>RELEVANT DELEGATIONS</b>	NA

### OBJECTIVES:

Control the naming and/or branding of building, facility, precinct, etc. under the ownership, management or control of the Shire of Chapman Valley.

### MANAGEMENT PROCEDURE STATEMENT/S:

All requests for the naming or branding of any part of a building, facility, precinct, etc. under the ownership, management or control of the Shire of Chapman Valley must be presented to Council for endorsement prior to the naming taking effect.

Council will give priority to those with a current Management Licence for the use of Shire owned, managed and controlled buildings, facilities, precincts, etc. relevant to the specific Management Licence for naming and branding rights.

*(Note: Refer to relevant Management Licence conditions associated with any naming/branding requests)*

**Council En Bloc Resolution**  
**Voting F6/A0**  
**CARRIED**  
**Minute Reference: 04/21-02**

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## **11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

## **12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

**MOVED: Cr Batten**

**SECONDED: Cr Farrell**

Council agree to deal with the late item presented regarding BlazeAid.

**Voting 6/0**

**Carried**

**Minute Reference: 04/21-05**

**MOVED: Cr Batten**

**SECONDED: Cr Warr**

Suspend standing orders at 9:27am.

**Voting 6/0**

**Carried**

**Minute Reference: 04/21-06**

**MOVED: Cr Batten**

**SECONDED: Cr Davidson**

Reinstate standing orders at 11:38am.

**Voting 6/0**

**Carried**

**Minute Reference: 04/21-07**

**MOVED: Cr Batten**

**SECONDED: Cr Royce**

### **Council Resolution**

- 1 The Shire agree for BlazeAid to use the Yuna community centre for a period determined by the CEO and to be brought back to council for a determination if necessary.
- 2 The Shire agree to underwrite \$5,000 to initiate BlazeAid camp establishment at the Yuna community centre, with the understanding other external contributions are being sought.
- 3 Authorise the CEO to reallocate funds from the budget to accommodate the \$5,000 amount.
- 4 The CEO to liaise with CABY for the use of the Yuna community centre by BlazeAid and the effect upon the use of the building during this time.
- 5 The CEO to liaise with Water Corporation additional water requirements.
- 6 Shire's Yuna Depot to be used as storage area for BlazeAid equipment.

**Voting 6/0**

**Carried**

**Minute Reference: 04/21-08**

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## **13.0 DELEGATES REPORTS**

Cr Farrell – RRG Meeting, Cyclone Meetings etc  
Cr Warr – Western Power Meeting; Cr Humphrey BLEMC; Cr Forth CV Ag Society

## **14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**

## **16.0 CLOSURE**

The Shire President thanked Elected Members, Staff and Visitors for their attendance at the Ordinary Meeting of Council.

The Shire President thanked all elected members and staff for the effort put in post tropical cyclone Seroja.

The Shire President thanked those on the Local Recovery Committee both Community and Infrastructure teams in particular Crs Warr and Batten along with Maurice Battilana (CEO), Dianne Raymond (MFCS) and Esky Kelly (MWS) stating he has been very proud to be a part of the Shire of Chapman Valley and the huge efforts made by everyone towards the recovery from this disaster.

The Shire President closed the meeting at 11:53am.