



Shire of
Chapman Valley
Love the Rural Life

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 18 May 2016
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

MAY 2016

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', written over a large, loopy flourish.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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- 4.0 PUBLIC QUESTION TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 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."*

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
- 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Chairman, Cr John Collingwood welcomed Elected Members and Staff and declared the meeting open at 9.00am

2.0 LOYAL TOAST

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

3.1 Present

a. Councillors

Member	Ward
Cr John Collingwood (President)	North East Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Pauline Forrester	North East Ward
Cr Trevor Royce	North East Ward
Cr Kirrilee Warr	North East Ward
Cr Peter Humphrey	South West Ward
Cr Veronica Wood	South West Ward
Cr Ian Maluish	South West Ward

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Simon Lancaster	Deputy Chief Executive Officer
Mrs Karen McKay	Executive Assistant (Minute Taker)
Mrs Dianne Raymond	Manager of Finance & Corporate Services (from 10.25am to 10.53am)

c. Visitors

Name	
Edward Whiteside	Item 9.1.1
Ruth Whiteside	Item 9.1.1
Ian Kenney	Item 9.1.3

3.2 Apologies

Name	
Nil	

3.3 Approved Leave of Absence

Name	
Nil	

4.0 PUBLIC QUESTION TIME

4.1 Questions On Notice

Nil

4.2 Questions Without Notice

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Cr Warr declared a financial interest in item 9.1.5 as Department of Lands has offered this parcel of land to BRW Enterprises PTY LTD (WA) of which she is a Director.

Cr Maluish declared an impartiality interest in item 9.1.7 as he is a member of the Parkfalls Resident Association

Cr Wood declared an impartiality interest in item 9.1.7 as she is a member of the Parkfalls Resident Association

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 20 April 2016

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR FORRESTER

That the minutes of the Ordinary Meeting of Council held Wednesday 20 April 2016 be confirmed as a true and accurate record.

**Voting 8/0
CARRIED**

Minute Reference: 05/16-1

9.0 OFFICERS REPORTS

9.1 Manager of Planning May 2016

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9.1 AGENDA ITEMS

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- 9.1.4 Proposed Water Sports School – Reserve 50066 Coronation Beach Road, Oakajee
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- 9.1.6 Coastal Management Strategy & Action Plan
- 9.1.7 Bill Hemsley Park Management Committee

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	WEST STEEL SHEDS FOR T & R WHITESIDE
SITE:	74 (LOT 7) HACKETT ROAD, WAGGRAKINE
FILE REFERENCE:	A102
PREVIOUS REFERENCE:	6.5.11 (21/10/97), 7.3.10 (21/4/98), 09/02-3 & 04/16-3-5
DATE:	9 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council considered an application for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine at its 20 April 2016 meeting, resolving as follows:

“Council stay within the conditions of its town planning policy for outbuildings.

Request landowner to resubmit a new site plan in accordance with Council local planning policy and this be dealt with in accordance with existing delegations.”

The applicant has submitted a revised plan for Council's consideration. This report recommends conditional approval of the application.

COMMENT

Lot 7 is a cleared, rectangular 2.5294ha property with a 120m frontage along its western boundary to Hackett Road. The residence, ancillary accommodation and swimming pool are clustered in the rear, north-eastern corner of Lot 7 at the highest point of the property on the 110m contour. The property slopes downwards towards Hackett Road with the south-western corner of the property at the 102m contour.

Figure 9.1.1(a) – Location Plan for 74 (Lot 7) Hackett Road, Waggrakine



The landowner originally lodged an application seeking to construct an outbuilding in the front, north-western corner of the property, setback 20m from the front (western) property boundary, and 5m from the closest side (northern) property boundary. Given that the outbuilding was proposed to be located further forward than the existing built setback line upon the property it exceeded the delegated authority of Shire staff and was presented to the 20 April 2016 Council meeting for deliberation, where the application was not supported.

The applicant has now submitted a revised plan that has been included as **Attachment 9.1.1(a)**.

The outbuilding is now proposed to be located approximately 15m north-west of the residence, approximately 5m from the nearest side (northern) property boundary, and approximately 140m back from the front property boundary. The proposed outbuilding would still be sited forward of the main residence and therefore exceeds the delegated authority of Shire staff and is presented to Council for its consideration.

In support of their revised application the landowner has submitted the following information:

“further to the recommendations of the council meeting dated 20/04/2016, we wish to resubmit our request for planning permission to build a shed on 74 (Lot 7) Hackett Road.

In the interest of good neighbourly relations, and in the hope that it will satisfy any further objections, we would like to change the location of the shed from the front of the block to the position suggested by Mr R. & Mrs H. Williams as marked on the attached plan.

We would also like to reassure the council, that as a sole trader, nothing will be manufactured in the shed therefore noise will not be a factor.

The shed will be used general storage, tools, garden appliances, work equipment and materials.

Once again, thank you for your attention in this matter.”

The revised application does not propose to alter the dimensions of the proposed outbuilding, which remain 10m x 20m (200m²) with a wall height of 4m and a total height of 4.881m. The outbuilding would be clad in classic cream colorbond walls and pale eucalypt colorbond walls.

Figure 9.1.1(b) – Aerial Photograph of 74 (Lot 7) Hackett Road, Waggrakine



Figure 9.1.1(c) – View looking east towards proposed outbuilding location



In the event that Council does not support the application, then it may consider the following alternative wording appropriate in its determination on the application:

“That Council refuse planning approval for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine for the following reasons:

- 1 The development proposes to site an outbuilding forward of an existing residence which is contrary to Section 4.7 of the Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ which requires that an outbuilding be sited behind the front building line of a dwelling on lots less than 4ha.*
- 2 Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 4.7 of the Shire of Chapman Valley Local Planning Policy ‘Outbuildings’.*

Advice Note:

- (a) If the 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.”*

STATUTORY ENVIRONMENT

74 (Lot 7) Hackett Road, Waggrakine is zoned ‘Rural Residential 2’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Section 4.2.5 of the Scheme lists the objectives of the ‘Rural Residential’ zone as being:

- “(a) Provide for residential development within a low-density environment;*
- (b) Provide for other land-uses compatible with a high level of residential amenity;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land.”*

Schedule 11 of the Scheme notes the following for the ‘Rural Residential 2’ zone:

- “3 All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.”*

Section 10.2 of the Scheme lists the following relevant matters in considering this development application:

- “(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...
- ...(i) the compatibility of a use or development with its setting;...
- ...(n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal 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 proposal;...
- ... (v) 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;...
- ...(y) any relevant submissions received on the application;...
- ...(za) any other planning consideration the Local Government considers relevant.”

POLICY IMPLICATIONS

The Outbuildings Local Planning Policy has the following objectives:

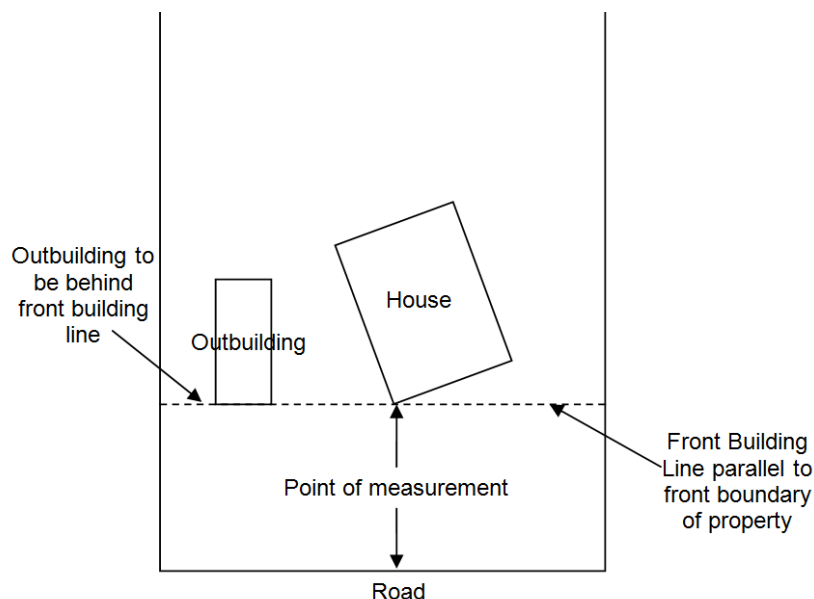
- “3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.
- 3.2 To provide a clear definition of what constitutes an “outbuilding”.
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling 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 4.7 of Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ states that:

- “4.7 An outbuilding is required to be sited behind the ‘front building line’ of a dwelling on lots less than 4ha in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

Note: For the purpose of this statement the ‘front building line’ is to be measured from the closest point of the house to the front boundary drawn parallel to the boundary as illustrated below:

Figure 1



The application does not comply with this policy requirement, being proposed to be sited approximately 8m forward of the existing residence upon Lot 7, and has therefore been presented to Council for its consideration.

The proposed outbuilding would comply with the 200m² total outbuilding area, 4.5m wall height and 5.5m total height established for Lot 7 by the Outbuildings Local Planning Policy.

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.

FINANCIAL IMPLICATIONS

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be imposed on the Shire through its involvement in the appeal process.

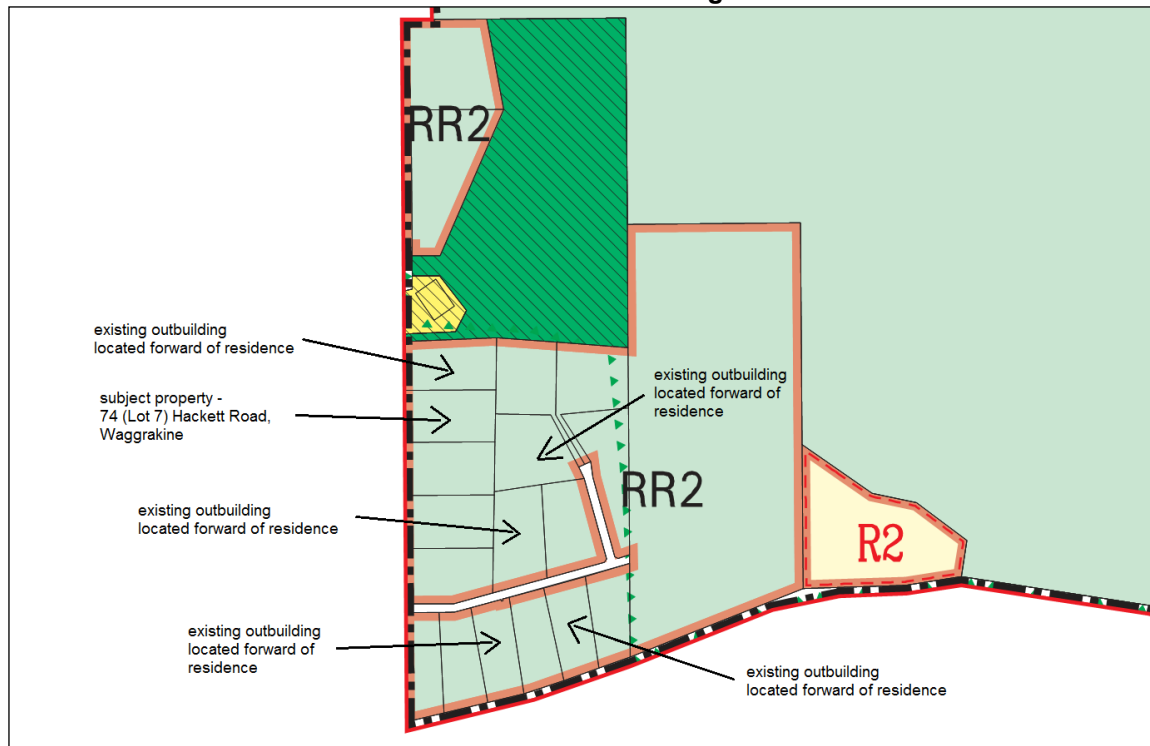
- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

It is noted that there are a number of other examples of outbuildings being sited forward of the residence within the 'Rural Residence 2' zone, which addresses the Hackett Road, Mills Place and Coffee Pot Drive portion of the Shire, and the approval of this application may not therefore be considered to set a precedent.

Figure 9.1.1(d) – Map illustrating outbuildings sited forward of residences within the 'Rural Smallholding 2' zone



- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

Section 4.11 of the Shire's 'Outbuildings' Local Planning Policy notes that applications that propose variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

Section 5.5 of the Scheme also notes that when determining an application for planning approval, where, in the opinion of the local government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to consult with the affected parties, and have regard to any expressed views prior to making its determination.

Following receipt of the original application, the Shire wrote to the 6 surrounding landowners on 15 March 2016 providing details of the application and inviting comment upon the proposal prior to 5 April 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment during this period.

At the conclusion of the advertising period 3 submissions had been received, all in objection to the original application, copies of the received submissions were provided to Council with the April Council Agenda and have again been provided as **Attachment 9.1.1(b)**.

It is considered that the revised application has addressed many of the issues raised in objection to the initial proposal and the revised site plan has not therefore been re-advertised to the neighbouring landowners. However, should Council wish to obtain further feedback it may resolve to advertise the revised application inviting comment.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

That Council grant formal planning approval for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 18 May 2016 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 building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The roof and walls of the proposed outbuilding are to be clad in coated metal sheeting (i.e. colorbond) consistent or complementary in colour with the existing residence, and to a finish, to the approval of the local government (zincalume is not permitted).
- 4 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 5 The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.

- 6 The outbuilding shall be sited no closer than 5 metres from the side property boundary in accordance with the requirements of the Shire of Chapman Valley Local Planning Scheme No.2.
- 7 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 8 All stormwater is to be disposed of on-site to the approval of the local government.
- 9 This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

Advice Notes:

- (i) 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.
- (ii) If the 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.

Voting 8/0
CARRIED
Minute Reference: 05/16-2

Mr and Mrs Whiteside left chambers at 9.02am



Dear Simon,

further to the recommendations of the council meeting dated 20/04/2016, we wish to resubmit our request for planning permission to build a shed on 74 (Lot 7) Hackett Road.

In the interest of good neighbourly relations, and in the hope that it will satisfy any further objections, we would like to change the location of the shed from the front of the block to the position suggested by Mr R. & Mrs H. Williams as marked on the attached plan.

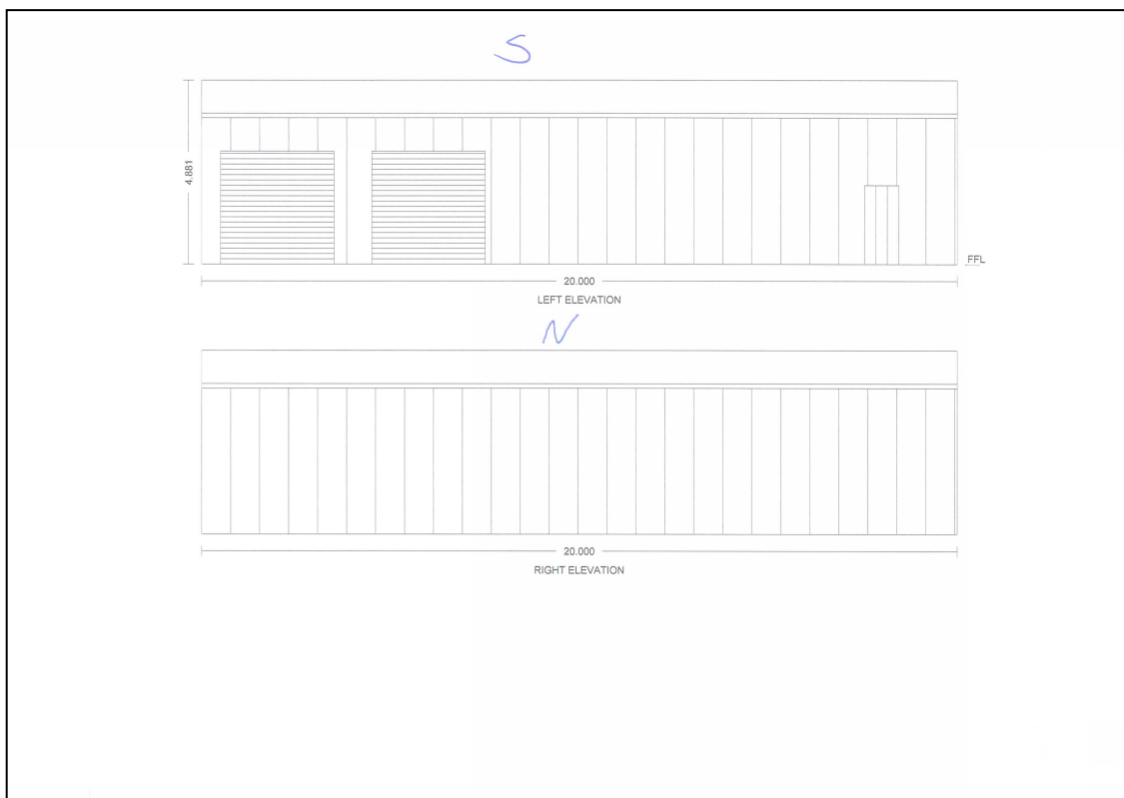
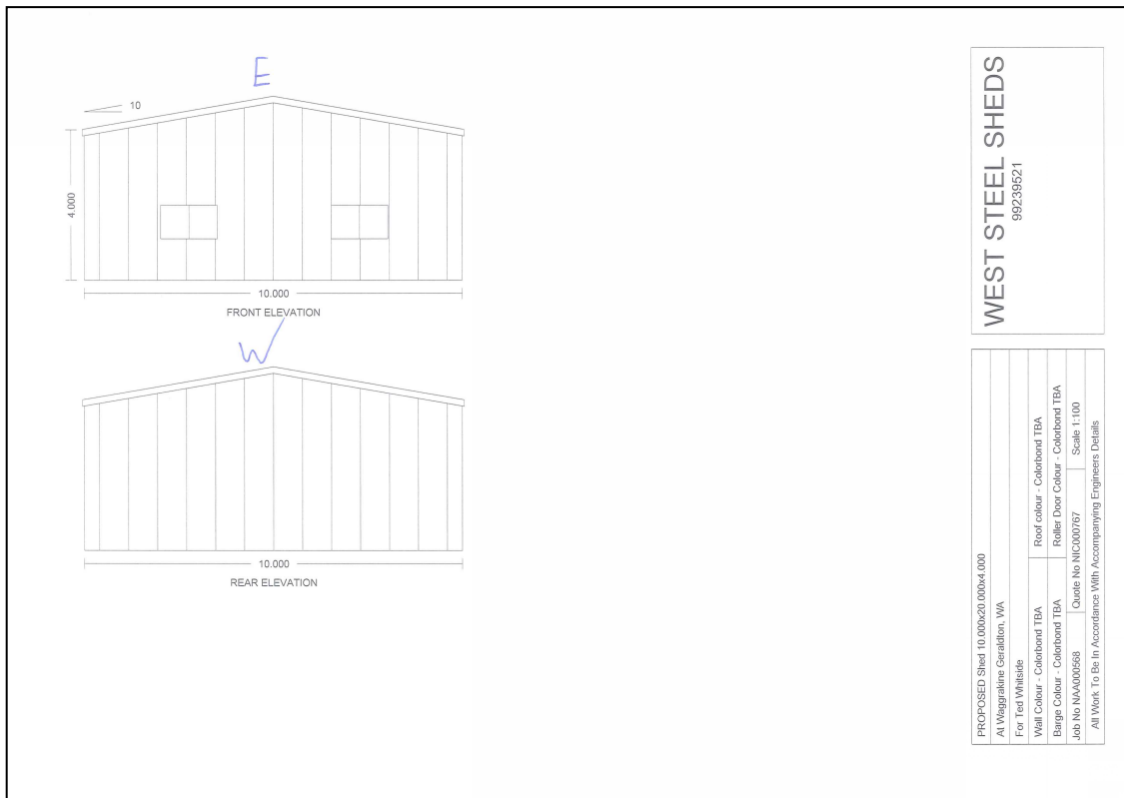
We would also like to reassure the council, that as a sole trader, nothing will be manufactured in the shed therefore noise will not be a factor.

The shed will be used general storage, tools, garden appliances, work equipment and materials.

Once again, thank you for your attention in this matter.

Yours sincerely,

Edward & Ruth Whiteside





Shire of
Chapman Valley
Love the Rural Life

Record No CR1611579

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: NICOLA & DIANE MASTRANGELO
 Postal Address: 90 HACKETT RD WAGGRAKINE WA 6530
 Phone Number: 0413314575

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

PLEASE SEE ATTACHED

Signature: [Signature] Date: 29.3.2016

Please return to: Chief Executive Officer or cso@chapmanvalley.wa.gov.au
 Shire of Chapman Valley
 PO Box 1 or (fax) 9920 5155
 NABAWA WA 6532

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Tuesday 5 April 2016

Development Application Submission.

**Re: Objection to Proposed Outbuilding – 74 (Lot 7) Hackett Road,
Waggrakine.**

I object to the proposal to develop an outbuilding in the location described in Application for Planning Approval at the above address for the following reasons;

Location of Outbuilding

The proposed location of the outbuilding will be in a direct line of sight from the front of our house. It will be clearly visible from our lounge room, bedroom and front verandah. The size of the building and proposed colour will dominate the landscape from the street and from our property and have a negative impact on the amenity of the rural setting.

I believe this alone is contrary to the objectives of your Outbuildings, Planning Policy document which states

- . 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.

The owner has attempted to use the location of a shed on our property as a precedent. He states in his submission " ...the block on the northern side of ours has its' shed located in the northwest corner". This cannot be a consideration for council as the shed was built more than 25 years ago, I purchased the property 6 years ago, and as we don't have any neighbours to the north of us it does not interfere with anyone's outlook. Further, the shed is half the size of the proposed building and is nestled in amongst trees.

Stated use of Outbuilding

The owner has stated the he intends to use the outbuilding as "a work area and general storage". I will argue that the outbuilding is going to be used as an industrial shed. The owner is a flooring contractor and has approached me for advice regarding importing procedures as I am a retired Customs Officer and have knowledge of the import process. He told me that he intends to import containers of flooring from China and store the flooring in the shed. If this is to be the case then we will have trucks delivering containers and the container will remain on site while it is being unloaded. There will also be a noise factor with sawing of flooring and timbers.

The fact that the outbuilding will be used for commercial purposes is also contrary to your planning objectives.

Owners reasons for proposed location

The owner has stated in his submission that the proposed location in the northwest corner of his block is the only option. He gives several reasons to justify his submission including future sub-division, lack of room behind his house, they don't want to cut down palm trees, proposed location is close to power and water and close to the driveway.

All his reasons essentially will cause him the least amount of inconvenience and cost and retain value in his property for future sub-division and cause very little change in their rural outlook and lifestyle. Consequently his proposal will have a major negative impact on our lifestyle and rural outlook. It will remove the sight of an ugly building from his view and place it directly in our line of sight. It will remove any noise and movement of trucks away from his house and place them directly in front of our property. If the building goes ahead it will also have a major negative effect on the value and resale potential of our property.

Summary

The owner has shown no consideration to other land owners, in particular us, as the visual impact of the shed will affect us more than other nearby land owners. The size, colour and location of the shed will have a major negative visual impact on the landscape and surrounding area.

Taking into consideration the dimensions of the building and the fact that it is to be located about 100 metres from the owners dwelling it is for all intents and purposes an industrial shed.

The owner also argues that the proposed location will be close to water and power, he has water and power and space close to his dwelling and close to the driveway leading to his house.

We purchased the property to enjoy the semi-rural lifestyle and enjoy the general amenity of the area not to look at an industrial shed. I would have purchased in the light industrial area if I wanted that outlook.

I have attempted to resolve the issue with the owner however I have been met with a negative response therefore I submit this objection for councils consideration. If council or planning officials wish to visit my property to gain a visual appreciation I am happy to receive them.

Thank you for the opportunity to lodge this objection.

Kind regards

 *D. Mastrangelo* 29/3/2016
Nicola (Colin) Mastrangelo Diane Mastrangelo
Mobile; 0413314575 | email; mastrangelo@westnet.com.au
29/3/2016



Shire of
Chapman Valley
Love the Rural Life

Record No 021611599 RECEIVED

31 MAR 2016

1 of 4

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT 6530

Phone Number: 99 38 2271

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We believe all buildings on "acreage" properties should be grouped together so as to minimise disruption to the outlook of the area. We would not like to see everyone in our street erect such a large shed so close to the road and well away from the residential building.

It seems strange to us that the desired position is as far away from the house. Is there an ulterior motive such as commercial use with accompanying noise?

Furthermore, when erecting a residence on a block, people take into account existing buildings so as to maximise

Signature: _____ Date: _____

Please return to: Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

or ceo@chapmanvalley.wa.gov.au
or (fax) 9920 5155

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Tuesday 5 April 2016



Shire of
Chapman Valley
Love the Rural Life

2014

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT 6530

Phone Number: _____

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

the view. Subsequent large sheds if allowed to be built
anywhere on a neighbours block can disrupt this.
We have marked a more appropriate position on the aerial
plan (enclosed) which would be close to the house for
convenience, close to existing plumbing and electrical
connection, minimal removal of vegetation and no disruption
to any neighbours view or the ambience of the area.
Only the configuration of the doors to the shed would have
to be changed.
Should the project be approved, we consider the colour

Signature: _____ Date: _____

Please return to: Chief Executive Officer or ceo@chapmanvalley.wa.gov.au
Shire of Chapman Valley
PO Box 1 or (fax) 9920 5155
NABAWA WA 6532

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Tuesday 5 April 2016



Shire of
Chapman Valley
Love the Rural Life

3084

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT WA 6530

Phone Number: 99382271

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

scheme should be totally "pale eucalypt" so as to blend
into the scenery rather than clash if "classic cream" is
used.

We are at 87 Hackett Rd and 74 is partially opposite us.
although the proposed positioning of the shed would have
minimal effect on us (possible noise excepted) we
object as a matter of principle as outlined above.

R.W. Williams
Signature: M.J. Williams Date: 29-3-2016

Please return to: Chief Executive Officer or ceo@chapmanvalley.wa.gov.au
Shire of Chapman Valley or (fax) 9920 5155
PO Box 1
NABAWA WA 6532

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4pm Tuesday 5 April 2016



1st April 2016

Chief Executive Officer
Shire of Chapman Valley
PO Box 1
Nabawa, W.A. 6532

Development Application Submission Form.

Re: Proposed Outbuilding – 74 (Lot 7) Hackett Road, Waggrakine.

I object to the proposal to develop an outbuilding in the location described in Application for Planning Approval at the above address for the following reasons;

Location of Outbuilding

The proposed location of the outbuilding is sited forward of the existing residence, which is in direct contradiction to the Shire of Chapman Valley 'Outbuildings' Policy. It will also detract the landscape in this beautiful semi-rural area and it will be in a direct line of sight from the front of my house toward the foot of the Moresby Ranges. The size of the building, at that location, will impact negatively on current residences in the area.

There is sufficient room to locate this shed beside the house which negates the proposer's comments for ease of access to water and power and the need to cut down the palm trees. Also, why would a storage shed and workshop be located so far away from the house? (Is there an ulterior motive for this structure?)

I note that the proposer states that the block next door has a shed on the North West corner, but that shed is rather small and it is located next to the water storage area so does not have an impact on any residences in the area.

Thank you for the opportunity to comment on this proposal.

Kind regards

Zbisek "Wog" Slawinski.
Currently from 466 Silver Hill Road, Glaziers Bay, Tas. 7109
From 23rd April 2016 address will be 65 Hackett Road, Waggrakine 6530.
Email: ozewog@yahoo.com
Phone 0417959244

AGENDA ITEM:	9.1.2
SUBJECT:	SHORT STAY NATURE BASED PARK
PROPONENT:	W & G HOSKING
SITE:	LOT 5344 JAMES ROAD, NARALING
FILE REFERENCE:	A1250
PREVIOUS REFERENCE:	Nil
DATE:	9 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application seeking to establish a short stay nature based park upon Lot 5344 James Road, Naraling. This report recommends conditional approval of the application.

COMMENT

Lot 5344 is a 264.86ha property located on the eastern side of James Road approximately 12km north of the Nabawa townsite and 12km south-east of the Northampton townsite.

The property is largely cleared and used for farming purposes with some remnant pockets of native vegetation along tributary lines and rocky outcrops, it is upon one of these outcrops, containing an approximately 30ha area of remnant vegetation, that the applicant is seeking to establish a nature based camping facility to provide short stay accommodation.

Figure 9.1.2(a) – Location Plan for Lot 5344 James Road, Naraling



The nature based camping facility would have 20 campsites, consisting of 10 caravan sites, 4 caravan/camper trailer/tent sites, and 6 camper trailer/tent sites. The sites would be serviced by a central shelter and water tank area; a toilet (1 unisex toilet and 1 unisex disabled toilet) and shower (2) area; and a dump point

The entrance to the campground would be off James Road (approximately 4km along James Road from the East Bowes Road intersection), and a 400m long driveway would then access the camp ground. A secondary route back to James Road would also be available in event of emergency.

The facility is proposed to operate from May to October each year to cater for visitors to the region attracted during wildflower season, and would be closed over summer due to fire risk and the seasonal decline in tourism.

Mains power would not be provided to the campground with solar lighting to be provided at key locations.

The applicant proposes that the campground would be serviced by a 9,000L tank connected to a bore, providing non-potable water that would be available in event of fire. On-site firefighting equipment including extinguishers would also be supplied, and signage notifying the radio and phone emergency contact details for the campground operator at the neighbouring farmhouse.

A copy of the applicant's submitted correspondence, site plan, and application have been included as **Attachment 9.1.2(a)** for Council's information.

Figure 9.1.2(b) – Aerial Photograph of Lot 5344 James Road, Naraling

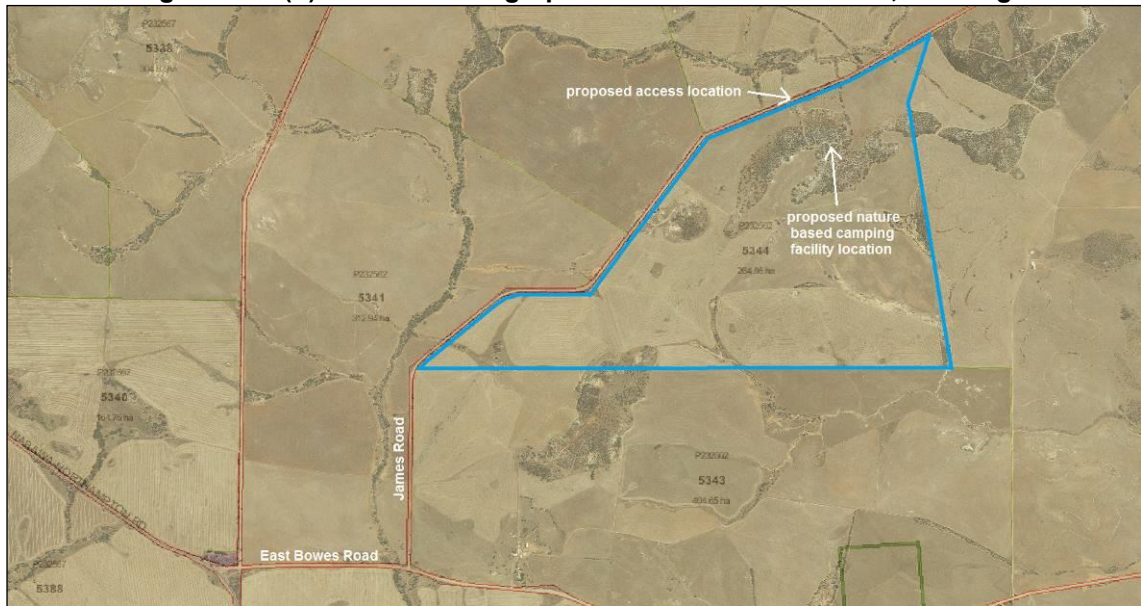


Figure 9.1.2(c) – Aerial Photograph of proposed nature based camping facility location

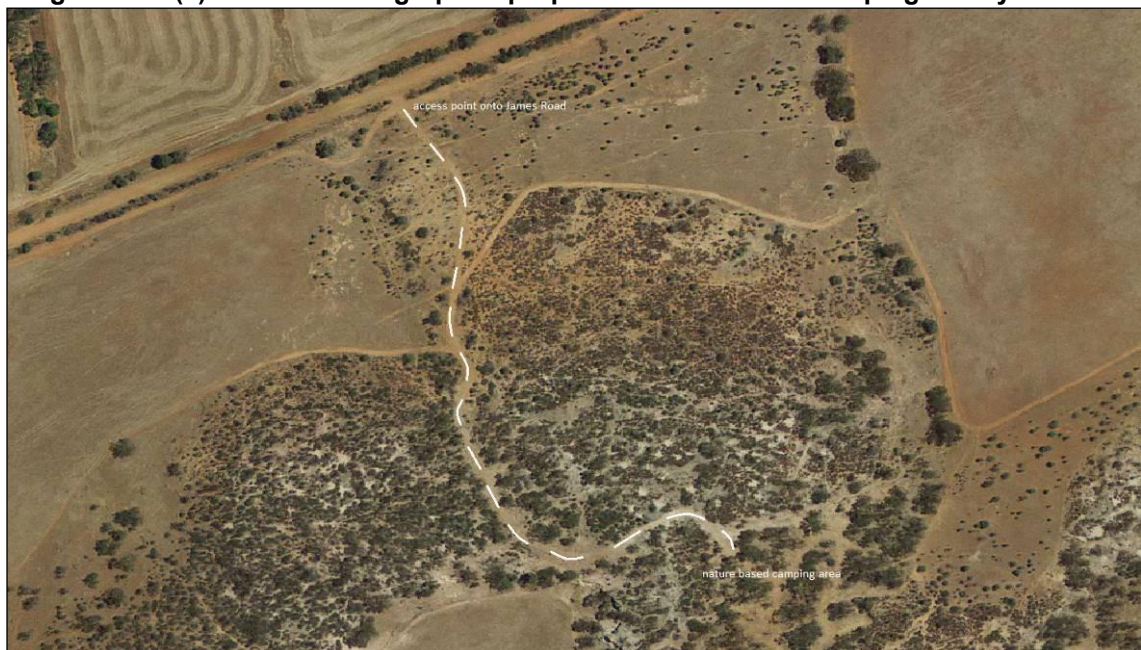


Figure 9.1.2(d) – View along access driveway into campground site



Figure 9.1.2(e) – View of proposed campground site



STATUTORY ENVIRONMENT

Lot 5344 James Road, Naraling is zoned 'Rural' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.6 of the Scheme lists the objectives of the 'Rural' zone as being:

- “(a) Provide for a variety of agricultural/rural activities;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;*
- (d) Provide appropriate protection from incompatible development for existing land-uses; and*
- (e) Protect the environmental and landscape values of the land.”*

The Scheme lists 'Camping Ground' as a 'D' use that is not permitted unless the local government has exercised its discretion by granting planning approval.

The Scheme lists 'Caravan Park' as an 'A' use that is not permitted unless the local government has exercised its discretion by granting planning approval after advertising the application.

The application could be considered as meeting the definition of a camping ground, however, given that caravans and larger self-contained vans would also utilise the facility the application was advertised prior to being presented to Council for its deliberation.

Section 10.2 of the Scheme lists the following matters to be considered by the local government relevant to development:

- “(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...*
- ...(i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- ...(n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal 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 proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;...*
- ...(y) any relevant submissions received on the application.”*

The *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Regulations 1997* provide statutory direction in relation to this application.

Section 5 of the *Caravan Parks and Camping Grounds Act 1995* defines camping grounds and caravan parks as follows:

“camping ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation.”

Part 1 Section 3 of the *Caravan Parks and Camping Grounds Regulations 1997* defines a nature based park as follows:

“nature based park means a facility in an area that —

- (a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; and*
- (b) has been predominantly formed by nature; and*
- (c) has limited or controlled artificial light and noise intrusion.”*

Schedule 7 Clause 5A(1) of the regulations notes that

“A person cannot be an occupier at a nature based park for more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.”

The Department of Local Government and Communities have prepared the 'Nature-based Parks: Licensing Guidelines for Developers and Local Governments' and this application has been assessed with regard for these guidelines.

The application to establish a nature based park upon Lot 5344 James Road, Naraling is considered to be in accordance with the requirements of the *Caravan Parks and Camping Regulations 1997* and 'Nature-based Parks: Licensing Guidelines for Developers and Local Governments' with the exception of Schedule 7 Clause 42 of the regulations which states that:

“Potable water for sites

- (1) A supply of potable water of at least 300L per day, or such lesser amount as is approved under subclause (2), is to be available for use by each site at a facility.*
- (2) The local government may, with the written approval of the Executive Director, Public Health (within the meaning of the Health Act 1911), approve of a lesser quantity of water than that specified in subclause (1) being available at a facility.”*

The applicant is proposing a facility of 20 sites that would, based on the regulation requirements of 300L per day for each site, equate to an amount of 6,000L of potable water required to be available per day. The applicant proposes to have a 9,000L tank fitted to a bore but providing non-potable water. This would not meet with the standard requirements of Schedule 7 Clause 42(1) of the regulations and would therefore require consideration under the performance criteria of Schedule 7 Clause 42(1).

Were potable water to be provided at the facility, tests would be required to be carried out to ensure the supply was potable, this may require ongoing treatment with chlorine or ultra violet light to ensure a constant supply of potable water.

It is suggested that overall development approval for the facility should be made subject to condition that water supply must be addressed to the satisfaction of the local government and the Department of Health.

The ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ notes in relation to this requirement that:

“Potable water for sites

Current: Schedule 7, Clause 42, if potable water can be readily made available then it should be provided. There is a health requirement that an adequate supply of drinking water be provided; if not, the operator needs to seek an exemption.

Application for exemption is to be made to the local government and will be dealt with on a case by case basis.

Every effort must be made to notify potential visitors if no potable water is available – this includes on all advertising materials, websites and on signs at the entrance to the facility.”

POLICY IMPLICATIONS

Council adopted Local Planning Policy ‘Rural Tourism Development’ at its 19 February 2014 meeting (superseding the ‘Rural Tourist Development’ Local Planning Policy previously adopted by Council under Scheme No.1 at its 18 April 2007 meeting). The objective of this Policy is to provide for a range of accommodation and other tourist related uses in the rural areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.

The Policy states that Holiday Accommodation and other tourist related uses will generally be approved where the Council is satisfied that the minimum criteria and standards can be achieved. The minimum criteria specified for an application for a Caravan Park & Camping Ground is listed as follows:

Use	Criteria	Standard
Caravan Park & Camping Ground	Location	Within close proximity to public recreation areas/natural attractions – beaches, walk trails, scenic lookouts etc. & distances from other Caravan Parks/Camp Sites as prescribed by <i>Caravan and Camping Act 1995</i>
	Public Road Access	Type 5–7m bitumen seal + bitumen seal crossover to Council specifications or Type 3 – 12m form/8m gravel paved at Council discretion
	Potable Water Supply	As per <i>Caravan Parks and Camping Grounds Regulations 1997</i>
	Ablutions	As per <i>Caravan Parks and Camping Grounds Regulations 1997</i> & Building Code of Australia
	Car Parking	1 car bay per caravan/camp site + 1 bay for manager – gravel standard/Council specs
	Lot size	15ha
	Setback	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 Council

	Siting	Away from sand dunes, ridge lines and side slope/breakaway areas
	Clearing	No removal of remnant vegetation
	Screening	Well screened from view of neighbouring properties
	Design & Materials	Buildings to be complementary with landscape – earth tones – no reflection
	Management	On site managers residence

Part 4.2.b of the Policy also requires that:

“The Council will only approve tourist accommodation and development where it has been demonstrated that the proposed use is compatible with surrounding land uses and will not result in unacceptable environmental impacts as a result of noise, light-spill or visual intrusion, and that the quality of the development will present a positive image of the locality.”

The application could be considered to generally meet with the policy servicing requirements with the exception of potable water supply, which should be addressed through a specific condition of approval.

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.

FINANCIAL IMPLICATIONS

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be imposed on the Shire through its involvement in the appeal process.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Mid West Development Commission, in collaboration with Regional Development Australia, the Department of Planning and the Mid West Tourism Alliance have released the ‘Tourism Development Strategy’ (2014) with one of the identified priorities being to increase the range of eco nature based tourism activities, attractions and experiences.

The Economic Development element of the Commission’s Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

“The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences.”

The Shire of Chapman Valley adopted its Local Planning Strategy (‘the Strategy’) in 2008 that was prepared within the context of the State and Regional planning framework. The Shire’s Strategy falls into line with the Mid-West Region vision statement of the State Planning Strategy which states:

“In the next three decades, the Mid-West Region will continue to diversify its economic base in the areas of agriculture, minerals development, downstream processing of commodities and tourism. Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.”

The Shire's Strategy identifies Lot 5344 as being located within 'Precinct 2 – East Chapman' and lists 'Tourism (low-key)' as an appropriate land use for this precinct.

The Strategy also identifies the following environmental objectives:

"2.3.5 Protect the rural amenity and character of the area from incompatible land use/development, again through the implementation of appropriate environmental and planning controls.

2.3.6 Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum."

The Strategy also identifies the following infrastructure objective:

"2.4.1 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/development or subdivision, to avoid burden (financial or otherwise) on the Council's resources."

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.

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."

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan has the following economic strategies:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
	Ensure planning and procedures are in place to promote and develop short-term and overnight accommodation options across the Shire	Visitors stay longer in our community Short-term employees can reside in the Shire	Chapman Valley business community Chapman Valley farming community Shire of Chapman Valley

CONSULTATION

Following receipt of the application, the Shire wrote to the 3 surrounding landowners within a 2km radius of the site on 24 March 2016 providing details of the application and inviting comment upon the proposal prior to 22 April 2016. The Shire also wrote to the Department of Fire & Emergency Services, Department of Health, Department of Local Government & Communities, Tourism WA, and the Shire of Northampton as James Road is located within the Shire of Northampton local government area. During discussions the Shire of Northampton requested that a condition be included relating to the potential maintenance or upgrading of the road dependent upon the level of visitor traffic experienced, and resultant wear on the road surface. This request has been incorporated into the conditions suggested in the staff recommendation.

At the conclusion of the advertising period 3 submissions had been received, all offering either support or technical comment upon the application, no objections were received. Copies of the received submissions have been included as **Attachment 9.1.2(b)**.

A Schedule of Submissions has been prepared and included as **Attachment 9.1.2(c)**. The Schedule identifies the respondents, summarises the matters raised, provides detailed individual comment upon the matters raised, and a specific recommendation in regard to each.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council grant formal planning approval for a short stay nature based park upon Lot 5344 James Road, Naraling subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 18 May 2016 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 Shire of Chapman Valley.
- 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 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 Shire of Chapman Valley, with all costs met by the applicant.
- 4 The proponent 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 Shire of Chapman Valley. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- 5 The development shall comply with the requirements of the *Caravan Parks and Camping Grounds Regulations 1997* and the 'Nature-based Parks: Licensing Guidelines for Developers and Local Governments' to the approval of the Shire of Chapman Valley.
- 6 The development shall be connected to an on-site wastewater and effluent disposal system that is located, designed, installed and operated to the requirements of the Department of Health, with all costs met by the applicant.
- 7 All external water pipes associated with the development shall be laid underground to a minimum depth of 300mm to withstand the effects of a bush fire;
- 8 The applicant is to ensure that the location, design and construction of the access point from the development site onto the road network shall be to the approval of the Shire of Chapman Valley.
- 9 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 Shire of Chapman Valley with all costs met by the applicant.
- 10 Repairing of any damage to the road network including the surface is required by reason of use of the road in connection with the development to the requirements of the Shire of Northampton, and the approval of the Shire of Chapman Valley.
- 11 Vehicles and trailers must be physically separated from camping (tent) areas to prevent vehicles driving over sleeping campers.
- 12 The installation of any directional signage shall be to the requirements of the Shire of Chapman Valley, with all costs met by the applicant.
- 13 No signs or hoardings are to be erected in relation to the development without prior authorisation being obtained from the Shire of Chapman Valley.
- 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 Notes

- (a) In relation to condition 3 the Management Plan is to include a section relating to Water Supply prepared to the requirements of the Department of Health, and the approval of the Shire of Chapman Valley.
- (b) In the event that the Shire of Chapman Valley require the provision of potable water, the potable water supply shall meet the minimum prescribed Australian Drinking Water Standards and be tested by the applicant at their cost on a periodic basis as directed by the local government, with the results to be submitted to the local government. If deemed required by the local government, a suitable water treatment system such as chlorination or ultra violet light shall be provided.
- (c) In relation to condition 3 the Management Plan is to include a section relating to Waste Management prepared to the requirements of the Department of Health, and the approval of the Shire of Chapman Valley.
- (d) In relation to condition 3 the Management Plan is to include a section relating to Food Management prepared to the requirements of the Department of Health, and the approval of the Shire of Chapman Valley.
- (e) In relation to condition 3 the Management Plan is to include a section relating to Disaster Management and Emergency Response Plan prepared to the requirements of the Department of Health, Department of Fire and Emergency Services, and the approval of the Shire of Chapman Valley.
- (f) In relation to condition 5 the development shall only permit short stay accommodation for a period of not more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.
- (g) 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, Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Health Act 1911, Liquor Control Act 1988, and the Local Government (Miscellaneous Provisions) Act 1960*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (h) 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.

**Voting 8/0
CARRIED**

Minute Reference: 05/16-3

A1250

WE & G Hosking
Woodgrove
PO Box 214
NORTHAMPTON WA 6535

CEO Maurice Battilana
Shire Chapman Valley
PO Box 1
NABAWA WA 6532

Development of Land for Nature Based Caravan/Camping

Dear Sir,

We would like to submit a planning proposal for a Nature Based Caravan and Camping ground.

Wanting to create a place to bring tourists to the area to enjoy our flora and fauna and explore the local area from a tranquil setting.

The development is not visible from James Road or adjoining properties.

Our proposal is to provide facilities from May - October each year. Closed over summer due to fire risk. Any emergency ie. Cyclone, fire etc. campers would be notified in person. Area has mobile coverage.

We would be providing 20 bays, 1x unisex toilet and shower and 1x disabled unisex toilet and shower and 1x dump site. Toilets would be flush system, showers cold water only and hook solar shower. Subject to demand hot water to be supplied at a later date.

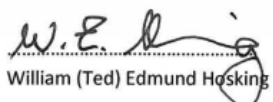
Solar lights to shower and toilet area and bore water provided from 9000 litre water tank.
WATER NON POTABLE.

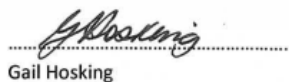
A temporary gazebo near BBQ area and a permanent shelter to be erected at a later date.

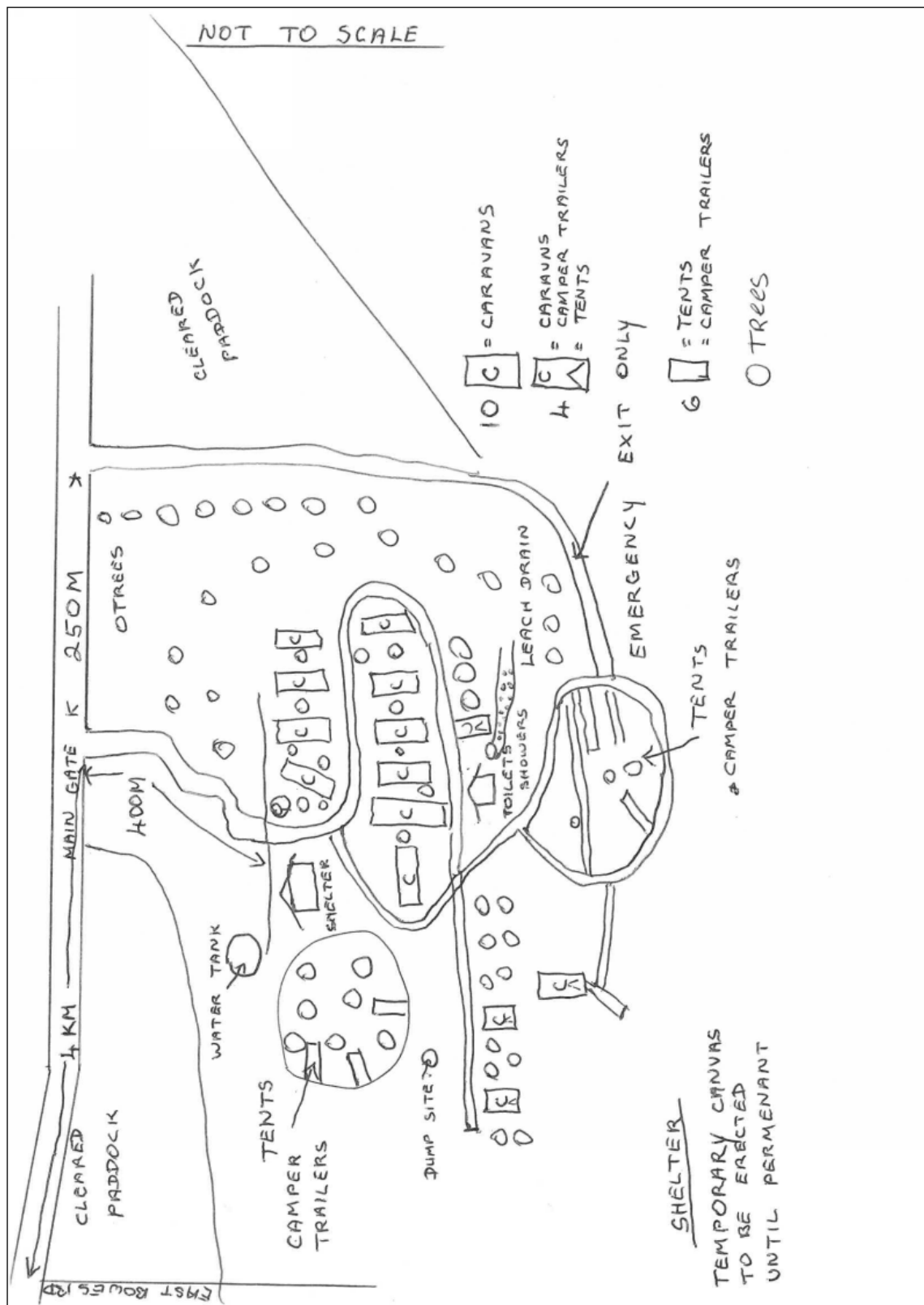
All facilities to meet the nature based Caravan and Camping Guidelines.

Yours sincerely

William and Gail Hosking


William (Ted) Edmund Hosking


Gail Hosking



1. Market Segment

(Sections 2, 4, 8 of the Guidelines)

Operator to complete

1.1 What is the market segment this facility will be targeting?

[Click here to enter text.] NATURE BASED . WILD FLOWERS,
VIEWS FROM HILL

1.2 How does this facility seek to meet the expectations of the target market?

[Click here to enter text.] NATURAL BUSH SETTING

2. Environmental Impact and Sustainability

(Sections 4, 5, 8 and 9 of the Guidelines)

Operator to complete

2.1 What are the unique environmental characteristics for the area in which this facility is located?

[Click here to enter text.] LOCATION, NATURAL BUSH, VIEWS, FLORA
& FAUNA

2.2 Is there a stream or other water source located in or adjacent to the facility?

Yes ☐ No ☒

2.3 Are there any particular risks to the surrounding environment posed by the target market segment? If yes, please provide details below.

Yes ☐ No ☒

[Click here to enter text.]

2.4 What steps will be taken to minimise any potential environmental impact caused by the target market?

Nature Based Parks Management Plan, December 2014 - Page 2 of 19

[Click here to enter text.]

Licensing Authority to complete

Ref Questions **2.1-2.4** – Do additional licence conditions need to be imposed?

Yes ☐ No ☐

If yes, please list below

[Click here to enter text.]

3. Site Planning

(Sections 5, 6 of the Guidelines)

Operator to complete

3.1 What is the proposed density (one site per 50+ square metres)?

[Click here to enter text.] ENVIRONMENTAL, SPACE BETWEEN SITES

3.2 What are the key considerations in arriving at this figure? (Examples may include environmental sustainability, fire risk and other safety issues)

[Click here to enter text.]



3.3 What is the minimum distance between one caravan/camp and another?

[Click here to enter text.] 3M +

Licensing Authority to complete

Ref Questions **3.1** – Has the minimum standard of one site per 50 square metres been met?

Yes ☐ No ☐

Ref Questions **3.1-3.3** – Is this density suitable for this facility?

Yes ☐ No ☐

Ref Questions **3.1-3.3** – Does the density need to be less than this to mitigate risk factors?

Yes ☐ No ☐

Ref Questions **3.1-3.3** – If yes, what density is required?

[Click here to enter text.]

4. Infrastructure

(Sections 7, 14, 15, 16, 19 of the Guidelines)

Operator to complete

4.1 What buildings/structures will be constructed or are present on the site?

[Click here to enter text.] TOILET, SHOWER, SHELTER, DUMP POINT
& TEMPORARY SHELTER

Licensing Authority to complete

Ref Question **4.1** – Is this appropriate for a nature based park? (Refer to Schedule 7, Clause 11)

Yes ☐ No ☐

4.1.1 Water (Section 17 of the Guidelines)

Operator to complete

4.1.1 Will the facility have a potable supply of water at least 300 litres per day?

Yes ☐ No ☒

4.1.2 How much potable water will be supplied?

[Click here to enter text.]

4.1.3 Will the facility be providing a centrally located tap?

Yes ☒ No ☐

4.1.4 Is it proposed that this facility will provide a washing up facility? (If yes, potable water is required at the washing up facility)

Yes ☐ No ☒

Licensing Authority to complete

Ref Questions 4.1.1 and 4.1.2 – Has this arrangement received written approval of the Executive Director, Public Health or local government under delegation?

Yes ☐ No ☐

Ref Question 4.1.3 – Is this facility given exemption from providing a centrally located tap?

Yes ☐ No ☐

Ref Question 4.1.4 – Is this facility given exemption from providing a washing up facility?

Yes ☐ No ☐

4.2 Power (Section 20 of the Guidelines)

Operator to complete

4.2.1 Is a power source reasonably available?

Yes ☐ No ☒

4.2.2 Will lighting be provided to public areas?

Yes ☒ No ☐ SOLAR

4.2.3 If no, how will any associated risks be minimised?

[Click here to enter text.]

4.2.4 Will the ablution block have at least 1 power point per four hand basins, with a minimum of one?

Yes ☐ No ☒

Licensing Authority to complete

Ref Question 4.2.1 – Is it reasonably practicable to provide a power source for lighting at the facility?

Yes ☐ No ☐

Ref Question 4.2.2 – Is this facility given exemption from the requirements of Schedule 7 Clause 32 (lighting)?

Yes ☐ No ☐

Ref Question 4.2.4 – Is this facility given exemption from the requirements of Schedule 7 Clause 27 (powerpoints)?

Yes ☐ No ☐

4.3 Toilets (Section 20 of the Guidelines)

Operator to complete

4.3.1 Will the facility be providing the minimum of two toilets (unisex or otherwise) per 20 sites?

Yes (go to question 4.3.3) ☒ No ☐

4.3.2 What is the alternative arrangement proposed? (further questions on chemical dump

points below)

D

[Click here to enter text.] DUMP POINT FOR SELF CONTAINED CAMPERS

4.3.3 Will the facility provide at least one toilet within 90 metres of each site?

Yes ☒ No (see question 4.3.4 below) ☐

4.3.4 If no, provide details.

[Click here to enter text.]

4.3.5 Detail the means and frequency of toilet maintenance.

[Click here to enter text.] DAILY OR AS NEEDED

Licensing Authority to complete

Ref Question 4.3.1 – Does the facility comply with the toilet number provisions?

Yes ☐ No ☐

Ref Questions 4.3.1 and 4.3.2 – Is it reasonable for this facility to comply?

Yes ☐ No ☐

Ref Questions 4.3.1 - 4.3.5 – Does the facility comply with Schedule 7, Clause 47?
(See Waste Management below)

Yes ☐ No ☐

Ref Questions 4.3.1 - 4.3.5 – Is an exemption from Schedule 7, Clause 23 granted?
(This can only be granted if Clause 47 is complied with)

Yes ☐ No ☐ NA ☐

Ref Questions 4.3.1 - 4.3.5 – Is the location of the toilets reasonable?

Yes ☐ No ☐

4.4 Showers (Section 17 of the Guidelines)

Operator to complete

4.4.1 Will showers be provided?

Yes ☒ No ☐

4.4.2 If yes, how many?

[Click here to enter text.] TWO

Licensing Authority to complete

Ref Questions 4.4.1 – Is this reasonable given the location and market segment?

Yes ☐ No ☐

Ref Question 4.4.2 – How many showers are required?

[Click here to enter text.]

4.5 Hand basins (Section 17 of the Guidelines)

Operator to complete

4.5.1 Will hand basins be provided?

Yes ☒ No ☐

4.5.2 If yes, how many? TWO

[Click here to enter text.]

Licensing Authority to complete

Ref Questions **4.5.1** – Is this reasonable given the location and market segment?

Yes ☐ No ☐

Ref Question **4.5.2** – How many hand basins are required?

[Click here to enter text.]

4.6 Hot water (Section 17 of the Guidelines)

Operator to complete

4.6.1 Will hot water be provided to showers and hand basins?

Yes ☐ No ☒

Licensing Authority to complete

Ref Questions **4.6.1** – Is this reasonable?

Yes ☐ No ☐

Ref Question **4.6.1** – Is this facility given an exemption under Schedule 7, Clauses 24, 26 and 31?

Yes ☐ No ☐

5. Waste Management

(Sections 17 and 18 of the Guidelines)

5.1 Toilets and communal chemical soil waste dump/points

If the facility is providing the number of toilets specified in the Regulations i.e. 2 toilets for every 20 sites then skip to 'Grey water'

Operator to complete
5.1.1 Please outline the reasons or obstacles preventing this facility from providing the specified number of toilets?
[Click here to enter text.]

If a communal chemical soil waste dump point is required in accordance with the Regulations:

Operator to complete
5.1.2 Is the chemical dump point in logical proximity?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5.1.3 Provide details of its location in relation to the nature-based park?
[Click here to enter text.] CENTRE OF PARK
5.1.4 Do park users have ready access?
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5.1.5 If it is not provided by the licence holder, is there a written agreement guaranteeing access?
Yes (please attach a copy to this document) <input type="checkbox"/> No <input type="checkbox"/>

Licensing Authority to complete
Ref Questions 5.1.1 - 5.1.5 – Is there compliance with Schedule 7, Clause 23?
Yes <input type="checkbox"/> No <input type="checkbox"/>
Ref Questions 5.1.1 - 5.1.5 – If No, is the requirement in Schedule 7, Clause 47 complied with?

Yes ☐ No ☐

5.2 Waste disposal

Grey water

Operator to complete

5.2.1 Is the greywater system you are planning to install at the facility a Health Department approved system?

Yes ☒ No ☐

5.2.2 Describe the system below

[Click here to enter text.] 100 MM WASTE DRAINAGE PIPE
TO SEPTIC SYSTEM

Licensing Authority to complete

Ref Question 5.2.1 and 5.2.2 – Does the proposed waste management satisfy the statutory requirements?

Yes ☐ No ☐

Solid

Operator to complete

5.2.3 What is the means for solid waste (rubbish) disposal at this facility?

[Click here to enter text.] TAKEN TO CHAPMAN VALLEY TIP

5.2.4 Detail the means and frequency of solid waste collection and ultimate disposal.

[Click here to enter text.] AS NEEDED (AT LEAST ONCE PER WEEK)

5.2.5 Do all buildings with toilets have napkin disposal units approved by the Licensing authority?

Yes ☒ No ☐ NA ☐

5.2.6 If yes to 5.2.5, how will these disposal units be maintained?

[Click here to enter text.] PROVIDE BAGS & BINS

6. Infrastructure Summary

Operator to complete

6.1 How does the infrastructure align with the market segment?

[Click here to enter text.]

7. Informing of Shortfalls in Infrastructure

(Section 12 of the Guidelines)

Operator to complete

7.1 What are the key infrastructure or amenities not provided at this facility? (Regulation 19(1)(m)) POWER, NOT WATER

[Click here to enter text.]

7.2 What avenues will the operator use to ensure the target market is aware of these shortfalls?

[Click here to enter text.] ADVERTISING. (PAMPHLETS TO BE PRINTED & GIVEN TO TOURIST CENTERS)

Licensing Authority to complete

Ref Questions 7.1 and 7.2 – Does this need to form a licence condition?

Yes ☐ No ☐

8. Traffic Management

(Section 13 of the Guidelines)

Operator to complete

8.1 Are the one-way roads within the facility 4 metres wide?

Yes ☐ No (go to question 8.2) ☐

8.2 If no, what is the minimum width?

[Click here to enter text.]

8.3 Are the two-way roads within the facility at least 6 metres wide?

Yes ☒ No (go to question 8.4) ☐

8.4 If no, what is the minimum width?

[Click here to enter text.]

8.5 If no to 8.1 or 8.3, what system of ingress and egress is to be put in place to minimise risk?

[Click here to enter text.] ONE WAY DIRT ROAD EAST OF PARK
BACK TO JAMES ROAD (ENTER 250 METRES W. OF MAIN GATE)

8.6 How do the roads and paths identified in the facility plan meet the needs of the market segment?

[Click here to enter text.]

Licensing Authority to complete

Ref Questions 8.1 - 8.4 – Is approval given under Schedule 7, Clause 16A for narrower roads?

Yes ☐ No ☐

Ref Questions 8.5 and 8.6 – Does the proposed traffic management plan minimise risk?

Yes ☐ No ☐

9. Risk Management

(Sections 20-22 of the Guidelines)

9.1 Fire

Operator to complete

9.1.1 Is every site within the reach of the nozzle end of a fire hose as required?

Yes ☐ No ☒

9.1.2 Does the facility have at least one fire extinguisher?

Yes ☒ No ☐

9.1.3 Will every person in the facility be able to access the fire extinguisher?

Yes ☒ No ☐

9.1.4 How will this facility continue to keep the firefighting equipment accessible and ready for use at all times?

[Click here to enter text.] HOUSED IN SHELTER

9.1.5 How is the risk of fire and any loss due to fires to be managed?

[Click here to enter text.] OPERATE MAY - OCT

Licensing Authority to complete

Ref Question 9.1.1 – Is the water supply adequate to operate fire hoses effectively?

Yes ☐ No ☐

Ref Question 9.1.5 and 3.3 – Is the power to **Increase** minimum distances between camps at this facility being exercised?

Yes ☐ No ☐

Ref Question 9.1.5 – If yes, what is the distance that is required between camps at this facility?

[Click here to enter text.]

9.2 Cyclone (if the facility is in a cyclonic region)

Operator to complete

9.2.1 Where is the manager or other responsible person for the facility residing?

[Click here to enter text.] ON SAME FARM 4 KM FROM PARK

9.2.2 What communication system is available for the manager or other responsible person in case of a cyclone?

[Click here to enter text.] MOBILE PHONE 24 CH UHF
MOBILE PHONE

9.2.3 How will the manager or other responsible person notify all occupants in a timely manner?

[Click here to enter text.] IN PERSON

9.3 Other

Operator to complete

9.3.1 Detail any other risks that require consideration in the area this facility is located.

[Click here to enter text.]

9.3.2 What steps are being taken to minimise the impact?

[Click here to enter text.]

9.4 Communications / Emergency Contacts

Operator to complete

9.4.1 Will a public telephone be provided?

Yes ☐ No ☒

9.4.2 Will there be a sign or a point at the facility providing emergency contact details?

Yes ☒ No ☐

9.4.3 How will communication be addressed in an emergency situation?

[Click here to enter text.] MOBILE PHONE, 40 CH UHF CHANNEL 24

9.4.4 Name and contact details of manager at facility

[Click here to enter text.] TED & GAIL HOSKING 0428341518
99341518

Licensing Authority to complete

Ref Questions 9.1 – 9.4 – Does the facility have an adequate risk mitigation and management plan?

Yes ☐ No ☐

10. Length of Stay

(Section 9 of the Guidelines)

Operator to complete

10.1 Based on the above information, what is the appropriate length of stay for users of this facility?

[Click here to enter text.] NO MORE THAN 28 DAYS

10.2 How will the length of stay be monitored?

[Click here to enter text.] DIARY

Licensing Authority to complete

Ref Questions 10.1 and 10.2 – Detail any restrictions on the 28 day length of stay in a three month period for any market segment at this facility.

[Click here to enter text.]

Signatures

1. Operator to sign:

I provide the above information as an accurate reflection of the proposed nature based park.

WILLIAM EDMUND (TED) & GAIL NOSKING
Operator Name

W.E. Hing G. Nosking
Signature

110316
Date

Submission 1



Shire of
Chapman Valley
Love the Rural Life

DEVELOPMENT APPLICATION SUBMISSION FORM

PROPOSED SHORT STAY NATURE BASED CAMPING FACILITY
LOT 5344 JAMES ROAD, NARALING

Shire File Reference: A1250

Name: TI - AM VILAMOV

Postal Address: RMB 558 DINDILLOA VIA GERALDFORD

Phone Number: 0827 205144

SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

WE SUPPORT THE SHORT TERM STAY NATURE BASED CAMPING FACILITY AS PROPOSED.

WE HAVE NO CONCERNS AND WISH TED & GAIL ALL THE BEST WITH THEIR PROPOSED CAMPING FACILITY.

ANDREW VILAMOV Per Tom & ALEXA VILAMOV

Signature: [Signature] Date: 9-24-2016

Please return to: Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532
or ceo@chapmanvalley.wa.gov.au
or (fax) 9920 5155

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 22 April 2016

Customer Service

Submission 2

From: Campbell Fletcher <Campbell.Fletcher@westernaustralia.com>
Sent: Tuesday, 12 April 2016 2:38 PM
To: Customer Service
Cc: Stephanie Frere
Subject: Nature Based Camping Facility - Lot 5344 James Road, Naraling

Good afternoon,

Thank you for providing Tourism WA with the opportunity to comment on the proposed short stay nature-based camping facility at Lot 5344 James Road, Naraling.

Tourism WA has no objection to the proposal.

Kind regards

Campbell

Campbell Fletcher
Policy and Planning Manager



EXPERIENCE
EXTRAORDINARY
WESTERN AUSTRALIA

Level 9, 2 Mill Street PERTH WA 6000

GPO Box X2261 PERTH WA 6847

Tel: +61 8 9262 1714

Fax: +61 8 9262 1702

Mob: 0407266265

[Tourism WA Corporate](#)

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Government of Western Australia
Department of Health

Record No **CR1611652**

RECEIVED

19 APR 2016

Submission 3

Your Ref: A1250
Our Ref: F-AA-09433/02 EHB16/585
Contact: Vic Andrich 9388 4978

Mr Maurice Battilana
Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Attention: Simon Lancaster, Manager of Planning

FILE No.	A1250
CEO	
CORPORATE SERVICES	
PLANNING	X
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Dear Mr Battilana

PROPOSED SHORT STAY NATURE BASED CAMPING FACILITY – LOT 5344 JAMES ROAD, NARALING

Thank you for your letter dated 24 March 2016 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH provides the following comment:

1. *Water Supply and Wastewater Disposal*

The development is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*.

DOH has no objection to the planning application subject to the installation of the on-site wastewater treatment system being approved by the DOH (Water Unit). The proponents to be advised that approval is required for any on-site waste water treatment process. The necessary requirements may be referenced and downloaded from: <http://ww2.health.wa.gov.au/Health-for/Industry-trade-and-business/Water>

2. *Food Act Requirements*

All food related aspects to comply with the provisions of the *Food Act 2008* and related code, regulations and guidelines.

3. *Disaster Preparedness and Emergency Management*

The proponent is required to develop a site specific Disaster Management and Emergency Response Plan (DMERP). The DMERP should be approved by and integrated into the Shire of Chapman Valleys Disaster Management and Recovery Plan.

Environmental Health
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
wa.gov.au
28 684 750 332

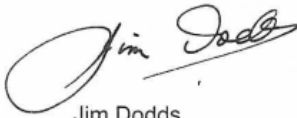
- 2 -

4. Public Health and Safety

Vehicles and trailers must be physically separated from camping (tent) areas to prevent vehicles driving over sleeping campers. The facility is to comply with the requirements of the Department of Local Government and Communities for Nature Based Parks.

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely



Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

12 April 2016

G O V E R N M E N T O F W E S T E R N A U S T R A L I A

Schedule of Submissions – Proposed Short Stay Nature Based Camping Facility – Lot 5344 James Road, Naraling				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
1 (4/4/16)	T & A Vlahov (landowner of neighbouring Lot 12 East Bowes Road, Naraling)	We have no concerns and wish Ted & Gail all the best with their proposed camping facility.	No additional comment.	Note submission.
2 (12/4/16)	Tourism WA (GPO Box X2261, Perth)	Thank you for the opportunity to provide comment, Tourism WA has no objection.	No additional comment.	Note submission.
3 (19/4/16)	Department of Health (PO Box 8172, Perth)	The development is to have access to a sufficient supply of potable water that is of a quality specified under the Australian Drinking Water Quality Guidelines 2004.	Schedule 7 Clause 42 of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> requires that a supply of potable water be provided of at least 300L per day for each site, or such lesser amount/standard as is approved by the local government and Department of Health. The application proposes 20 sites which would require an amount of 6,000L of potable water to be available per day. The applicant proposes to have a 9,000L tank fitted to a bore providing non-potable water. This would not meet with the standard requirements of Schedule 7 Clause 42(1) of the regulations and would therefore require consideration under the performance criteria of Schedule 7 Clause 42(1). Were potable water to be provided at the facility, tests would be required to be carried out to ensure the supply was potable, this may require ongoing treatment with chlorine or ultra violet light to ensure a constant supply of potable water. It is suggested that any development approval for the facility should be made subject to condition that this issue must be addressed to the satisfaction of the local government and the Department of Health. Schedule 7 Clause 40 of the regulations requires that a nature based park have a centrally located tap for use by all occupants unless otherwise approved. Should the application be approved by Council it is a requirement that a separate application be lodged for the on-site wastewater system, and that it must also be installed, to the approval of the local	Note submission and recommend that any approval for the application be made subject to the following: <u>Condition</u> "The applicant is to prepare, submit and adhere to a Management Plan to the approval of the Local Government, with all costs met by the applicant." "The proponent 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." "The development shall comply with the requirements of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> and the 'Nature-based Parks: Licensing Guidelines for Developers and Local Governments'." "The development shall be connected to an on-site effluent disposal system that is located, designed, installed and operated to the approval of the Department of Health."

Page 1 of 2

Schedule of Submissions – Proposed Short Stay Nature Based Camping Facility – Lot 5344 James Road, Naraling				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>that approval is required for any on-site wastewater treatment process.</p> <p>All food related aspects to comply with the provisions of the <i>Food Act 2008</i> and related code, regulations and guidelines.</p> <p>The proponent be required to develop a site specific Disaster Management and Emergency Response Plan that should be approved by and integrated into the Shire of Chapman Valley Disaster Management and Recovery Plan.</p> <p>Vehicles and trailers must be physically separated from camping (tent) areas to prevent vehicles driving over sleeping campers. The facility is to comply with the requirements of the Department of Local Government and Communities for Nature Based Parks.</p>	<p>government and the Department of Health.</p> <p>It is suggested that should the application be approved by Council that it be made subject to a Management Plan that addresses, amongst other matters, the issue of food management.</p> <p>It is suggested that should the application be approved by Council that it be made subject to a Management Plan that addresses, amongst other matters, the issues of emergency and fire management.</p> <p>It is suggested that should the application be approved by Council that it be made subject to condition that tent areas be physically separated from trailer areas.</p>	<p><u>Advice Notes</u></p> <p>"The Management Plan is to include a section relating to Water Supply prepared to the requirements of the Department of Health, and the approval of the Local Government."</p> <p>"The Management Plan is to include a section relating to Waste Management prepared to the requirements of the Department of Health, and the approval of the Local Government."</p> <p>"The Management Plan is to include a section Food Management prepared to the requirements of the Department of Health, and the approval of the Local Government."</p> <p>"The Management Plan is to include a section relating to Disaster Management and Emergency Response Plan prepared to the requirements of the Department of Health, Department of Fire and Emergency Services, and the approval of the Local Government."</p> <p>"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, <i>Building Code of Australia, Building Act 2011, Building Regulations 2012, Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Health Act 1911, Liquor Control Act 1988, and the Local Government (Miscellaneous Provisions) Act 1960</i>. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences."</p>

AGENDA ITEM:	9.1.3
SUBJECT:	QUERY REGARDING CROWN LAND ACQUISITION
PROPONENT:	I KENNEY
SITE:	LOT 451 OLD NABAWA-NORTHAMPTON ROAD, RESERVE 31509 & PORTION RESERVE 43025 CHAPMAN VALLEY ROAD, NABAWA
FILE REFERENCE:	A361, R31509 & R43025
PREVIOUS REFERENCE:	08/10-6 & 11/10-15
DATE:	6 MAY 2016
AUTHOR:	SIMON LANCASTER

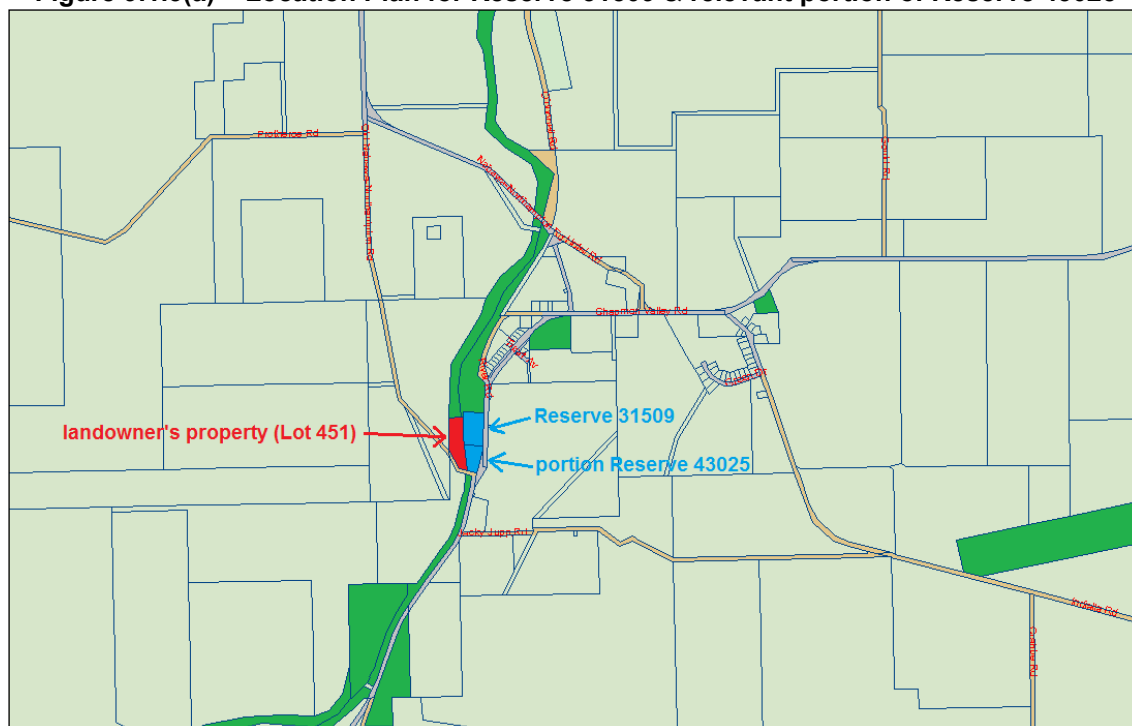
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The landowner of Lot 451 Old Nabawa-Northampton Road has written to the Shire enquiring whether it would be supportive of adjoining Reserve 31509 and a portion of Reserve 43025 Chapman Valley Road, Nabawa being amalgamated into their property. A copy of the received correspondence has been provided as **Attachment 9.1.3(a)**. This report does not recommend support for this proposal.

Figure 9.1.3(a) – Location Plan for Reserve 31509 & relevant portion of Reserve 43025



COMMENT

The applicant is the owner of the 1.7053ha Lot 451 Old Nabawa-Northampton Road which includes a section of the Chapman River. The applicant is making enquiry on whether Council would be supportive of their purchasing the 2.5617ha area of Crown Land that is immediately east of their Lot 451.

Reserve 31509 is a 1.6199ha property located south of the Nabawa townsite that has a management order dating back to 1972 issued to the Shire of Chapman Valley for the purpose of 'Weighbridge Site'.

Reserve 31509 was the site of the former Nabawa Railway Siding, Tearooms, Cooperative Bulk Handling site and Weighbridge, today the site is used by the Shire and Main Roads WA for road materials storage and only the weighbridge shed remains on-site. An extract from the Shire of Chapman Valley Heritage Inventory relevant to Reserve 31509 is included as **Attachment 9.1.3(b)**.

Reserve 43025 is a vacant 11.5521ha property located south of the Nabawa townsite and between the Chapman River and Chapman Valley Road, that has a management order issued to the Shire of

Figure 9.1.3(c) – Aerial photograph of Lot 451 Old Nabawa-Northampton Road, Reserve 31509 & portion 43025 Chapman Valley Road, Nabawa



Figure 9.1.3(d) – View of Reserve 31509 looking south-east towards weighbridge shed



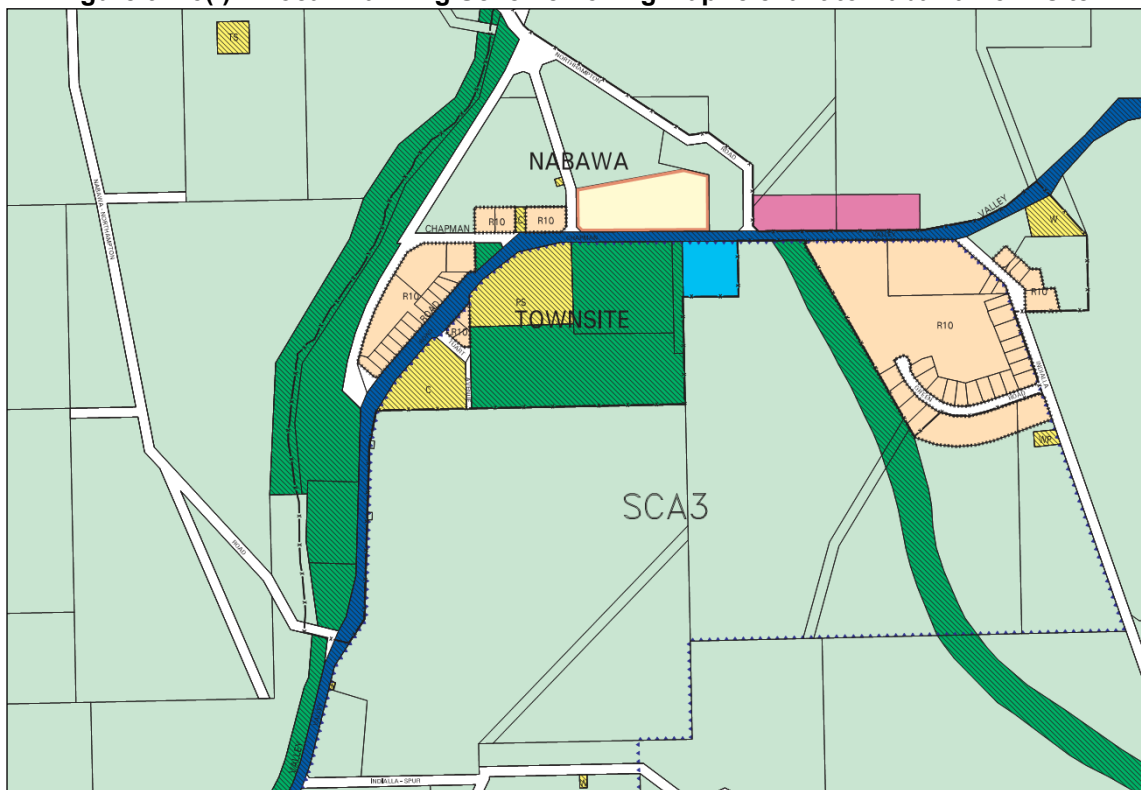
Figure 9.1.3(e) – Reserve 43025 looking north from Old Nabawa-Northampton Road



STATUTORY ENVIRONMENT

Reserves 31509 and 43025 are zoned 'Recreation' under the Shire of Chapman Valley Local Planning Scheme No.2, should Council and the Department of Lands both be supportive of the disposal of the Crown Land then a Scheme Amendment would be required to rezone the land to 'Rural' zone (this being the zoning for Lot 451 Old Nabawa-Northampton Road).

Figure 9.1.3(f) – Local Planning Scheme Zoning Map relevant to Nabawa Townsite



POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Were Council to be supportive of this proposal it would advise the Department of Lands that it no longer required the management of Reserve 31509 and 43025. The Department would then write to all other relevant government agencies (this would likely include Main Roads WA, the Department of Water and the Department of Parks & Wildlife) enquiring whether they would be interested in assuming management for the reserves. In the event that no other government agency indicated an interest in the land, the Department of Land would then determine whether the land was required to be considered under the native title process. Should these processes be finalised the Department of Lands would request the Valuer Generals Office to set a valuation for the subject land and this cost and the cost for all surveying and conveyancing would be required to be met by the applicant, and the Department of Lands would issue a Land Administration Act order for disposal of the Crown Land and its amalgamation into the adjoining lot.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan is the overarching planning document for the community that is implemented through the development of a four year Corporate Business Plan.

The Corporate Business Plan is a set of priorities and actions that directly relate to the goals and strategies in the Strategic Community Plan. The Corporate Business Plan identifies the roles of the Shire and if any additional resources will be required.

The Shire of Chapman Valley Corporate Business Plan 2016-2019, was initially by adopted Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting, the plan identifies the following as a Future Priority for Consideration:

“development of a walking and riding trail along the old railway line between the Moresby Range and Yuna to provide a recreational and tourism feature and to highlight the tourism attractions of the Chapman Valley, Nabawa and Nanson”

Reserve 31509 and part Reserve 43025 comprise a 300m section of this trail length and the disposal of these two Crown Land parcels into private ownership would be contrary to this strategic vision.

CONSULTATION

The Chapman Valley Historical Society have advised of their interest in developing interpretation works upon Reserve 31509 in recognition of its historic significance. The current lessee of Reserve 43025 has advised that they would like to continue the lease agreement.

RISK ASSESMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR WOOD

That Council thank the applicant for their enquiry and advise that it does not support the disposal of Reserve 31509 and Part 43025 Chapman Valley Road, Nabawa and their amalgamation into Lot 451 Old Nabawa-Northampton Road for the following reasons:

- 1 Reserve 31509 is used by the Shire and Main Roads WA for the storage of road materials.
- 2 Reserve 31509 is listed within the Shire of Chapman Valley Heritage Inventory as being important to the heritage of the locality.
- 3 The Chapman Valley Historical Society are currently preparing a funding application seeking to install interpretative signage at the Nanson Railway Bridge, the Nanson Weighbridge and the Nabawa Weighbridge (which is upon Reserve 31509).
- 4 The Shire of Chapman Valley Corporate Business Plan 2016-2019 lists the “development of a walking and riding trail along the old railway line between the Moresby Range and Yuna to provide a recreational and tourism feature and to highlight the tourism attractions of the Chapman Valley, Nabawa and Nanson” as a future priority for consideration and the disposal of Reserve 31509 and part 43025 would remove a section of the currently intact (as Crown Reserve) former railway corridor and prevent its future development for trail purposes.
- 5 Reserve 43025 has a current lease over the land that is not due to expire until 2021.
- 6 The subject area is considered flood prone and its retention as Crown Land would prevent the establishment of private structures in this area.

Voting 8/0

CARRIED

Minute Reference: 05/16-4

Record No CR1611631

RECEIVED

12 APR 2016

A361

R31509

R43025

134 Bushmead Rd

HAZELMERE WA 6055

3rd April, 2016

Mobile 0458 510 048

Mr Simon Lancaster

Shire of Chapman Valley

NABAWA WA 6032

Dear Mr Lancaster

Re: Land at Chapman Valley Road – Lot R 43025, 9418 sqm

Land at Chapman Valley Road – Lot R 31509

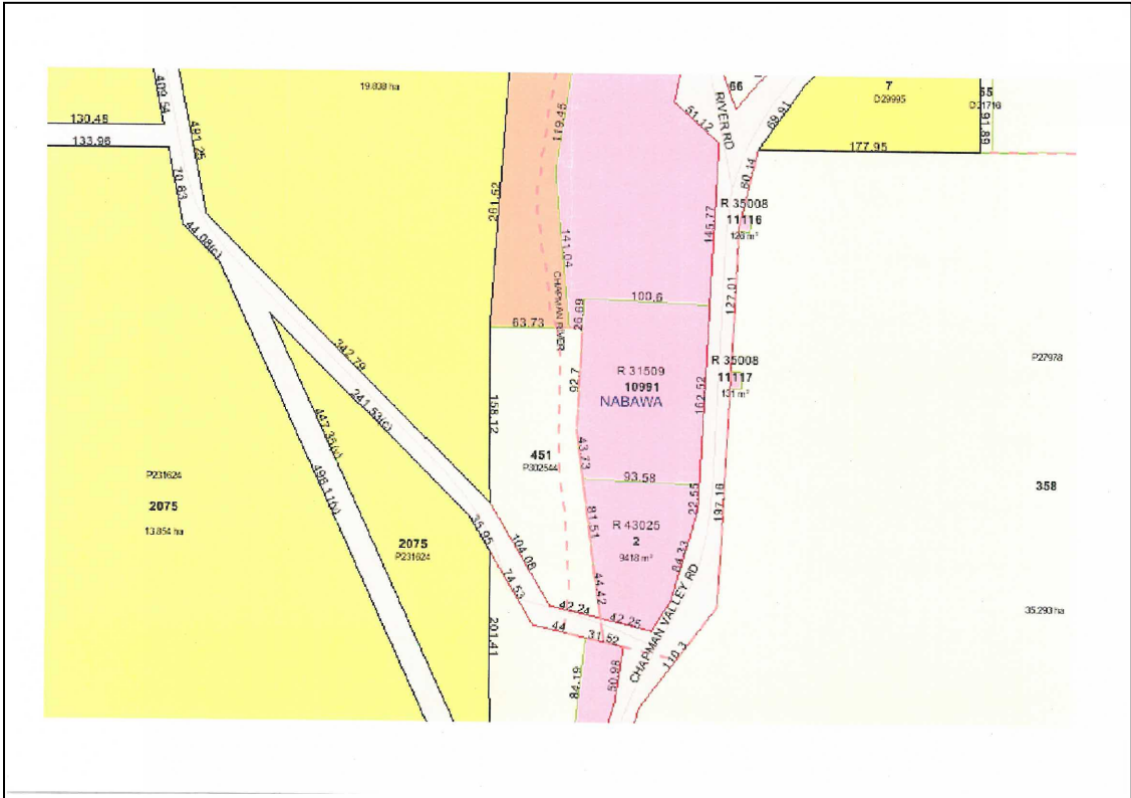
I am looking at the possibility of purchasing these adjoining lots of land to my own property at Lot 451 Old Nabawa-Northampton Road, Nabawa WA.

Would the Shire of Chapman Valley be prepared to relinquish their role as caretaker of the above said properties?

Yours sincerely



Mr Ian Kenney



PLACE NUMBER 37

NABAWA RAILWAY SIDING**PLACE DETAILS**

Place Number: 37
 Management Category: 3
 Name: Nabawa Railway Siding
 Other Name: -
 Type of Place: Railway Siding
 Street Address: Lot 10991 Chapman Valley Road, Nabawa

PHOTOGRAPH

Description: Weighbridge Shed as viewed through vegetation.

Date of Photo: 22/11/2010

SITE DETAILS

Lot/Location:	10991	Street Number:	N/A
Street Name:	Chapman Valley Road	Locality Name:	Nabawa
Diagram/Plan:	P173415	Volume/Folio:	LR3006-907
Reserve No/Vesting:	R31509	Purpose:	Weighbridge Site
Assess No:	N/A	HCWA No:	6383
GPS Coordinates:	28 50 41(s), 114 78 75(e)	Area of Site:	1.61ha
Occupied:	No	Public Access:	Open

Heritage Inventory

 Lot 7 Chapman Valley Road Nabawa | Ph: (08) 9920 5011 | Fax: (08) 9920 5155 www.chapmanvalley.wa.gov.au

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USES OF THE PLACE

Original Use:	Railway Siding	Current Use:	Shire of Chapman Valley
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DESCRIPTION

Walls:	Corrugated Iron	Roof:	Corrugated Iron
Condition:	Fair	Integrity:	Medium
Original Fabric:	Weighbridge Shed	Modifications:	None

Set adjacent to the Shire's road materials storage area, the weighbridge shed is located amongst bushes and scrub. It is identical to the Nanson structure, being timber framed and clad with corrugated iron sheeting with a curved corrugated iron roof. There is no evidence of the siding, although a raised overgrown pile to the south includes some remnants of rail iron and timber and could possibly be from the siding.

HISTORY

Construction Date:	1910	Source:	Shire of Chapman Valley
Architect:	Messrs Hill and Rennie	Builder:	Frank O'Meara

When the railway trains were running from Geraldton to Naraling and then to Yuna there were tea rooms at the Nabawa Siding for the passengers to buy refreshments (either way), often provided by the Hotel owners. The farmers' superphosphate came out by train, as did many other goods. Later on Co-operative Bulk Handling built a site for wheat adjacent to the siding.

HISTORIC THEME(S)

HCWA	AHC
200 Transport and communications	3.8.5 Moving goods and people on land
202 Rail and light rail transport	3.8.6 Building and maintaining railways

STATEMENT OF SIGNIFICANCE

The Nabawa Railway Siding site, including the weighbridge shed, has local historic significance as evidence of the Wokarina-Yuna branch line which was very important for transport and communications through the district. Although not as intact as the Nanson Railway Siding Group, the weighbridge shed remains intact and is typical of this type of construction.

MANAGEMENT CATEGORY

Category:	3
Level of Significance:	MODERATE SIGNIFICANCE. Important to the heritage of the locality.
Management Recommendation:	Conservation of the place is recommended. Any proposed change to the place should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible.

Heritage Inventory

Lot 7 Chapman Valley Road Nabawa | Ph: (08) 9920 5011 | Fax: (08) 9920 5155 www.chapmanvalley.wa.gov.au

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OTHER LISTINGS

Nil.

SUPPORTING INFORMATION / REFERENCES

Chapman Valley Heritage Trail Brochure

Assessment Date: Not viewed

Last Revision Date: 17/10/2012

ADDITIONAL PHOTOGRAPHS

Description: Alternative view of weighbridge shed

Date of Photo: 22/11/2010



Heritage Inventory

Lot 7 Chapman Valley Road Nabawa | Ph: (08) 9920 5011 | Fax: (08) 9920 5155 www.chapmanvalley.wa.gov.au

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Mr Kenney left Chambers at 9.07am

AGENDA ITEM:	9.1.4
SUBJECT:	PROPOSED WATER SPORTS SCHOOL
PROPONENT:	KITEWEST
SITE:	RESERVE 50066 CORONATION BEACH ROAD, OAKAJEE
FILE REFERENCE:	R50066
PREVIOUS REFERENCE:	N/A
DATE:	10 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of correspondence seeking to establish a water sports school at Coronation Beach. A copy of the received correspondence has been provided as **Attachment 9.1.4**. This report recommends support for the proposal for a 12 month trial period.

COMMENT

Reserve 50066 is the 2.3ha coastal reserve containing the day-use aspects at Coronation Beach such as the gazebos, car parks and kite/wind-surf rigging and launching areas. Reserve 50065 is located immediately west of Reserve 19893 which contains the Coronation Beach Nature Based Campground.

Figure 9.1.4(a) – Location Plan for Reserve 50066 Coronation Beach



Reserve 50066 has a management order issued to the Shire of Chapman Valley for the purpose of 'Camping and Recreation'.

The Shire does not currently have the power to lease Reserve 50066 and were Council to be supportive of this application it would need to approach the Department of Lands seeking an amendment to the management order to enable sub-leasing to occur.

The applicant is seeking approval to operate a water sports school from October 2016 to March 2017 at Coronation Beach that would primarily involve kitesurfing and stand-up paddleboard lessons. The business is proposed to operate from 9am to 5pm and be staffed by 2 people. The applicant is also proposing that a jet ski would be available for sea rescue.

The applicant is seeking to site a 6m x 2.4m ('20 foot') sea container that would house their water sport equipment and also serve as an office and reception area to take bookings. The sea container is proposed to be painted and have a 5m x 2m shade cloth verandah erected on the front. The applicant would supply their own water and use solar panels for power. It is proposed that the sea container would remain on-site over the winter months.

The applicant is suggesting that the sea container could be located in the car park close to the kitesurf rigging and launching area, to avoid the need to disturb vegetation, but have emphasised that this is a suggestion only and would welcome Council direction.

Shire staff have inspected the site and suggest that, were Council to be supportive of the application that a suitable location would be to site the sea container in the area currently occupied by the large bins, and relocate the bins alongside the dump point. This area has been marked as 'Site 1' upon **Figure 9.1.4(b)** for Council's consideration. Alternatively, Council might consider that the sea container could be located side-on to the prevailing southerly wind direction and located in the area marked as 'Site 2', again with the bins being relocated alongside the dump point.

The location of the water sports school at either of these locations would not interfere with the Coronation Beach traffic movements and operations, and would provide ease of access for the carrying of water sports equipment along the existing path to the rigging and launching area.

Figure 9.1.4(b) – Suggested locations for Water Sports School at Coronation Beach



**Figure 9.1.4(c) – Potential ‘Site 1’ location for Water Sports School
(and relocate bins to alongside existing dump point)**



Figure 9.1.4(d) – Potential ‘Site 2’ location for Water Sports School



STATUTORY ENVIRONMENT

Reserves 50066 is zoned ‘Recreation’ under the Shire of Chapman Valley Local Planning Scheme No.2.

Section 3.4 of the Scheme states that:

“3.4 Use and Development of Local Reserves

3.4.1 A person must not:

- (a) use a Local Reserve; or*
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

3.4.2 In determining an application for planning approval the Local Government is to have due regard to:

- (a) the matters set out in clause 10.2; and*

(b) *the ultimate purpose intended for the Reserve.*”

The proposed establishment of a Water Sports School is considered in keeping with the intent of this zoning.

Section 10.2 of the Scheme lists the following relevant matters in considering this development application:

- “(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
- ...(i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- ...(n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal 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 proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(x) the potential loss of any community service or benefit resulting from the planning approval”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council may consider it appropriate that a lease fee should be charged to the applicant. Alternatively Council may, in-lieu of an annual fee being charged, require that the lease agreement make reference to the leaseholders offer to provide a water safety service to kiteboarders and windsurfers by providing a jet ski to assist in sea rescue.

• Long Term Financial Plan:

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Mid West Development Commission, in collaboration with Regional Development Australia, the Department of Planning and the Mid West Tourism Alliance have released the ‘Tourism Development Strategy’ (2014) with one of the identified priorities being to increase the range of eco nature based tourism activities, attractions and experiences.

The Economic Development element of the Commission’s Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

“The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences.”

The Shire of Chapman Valley Local Planning Strategy (2008) notes the following:

“In the next three decades, the Mid-West Region will continue to diversify its economic base in the areas of agriculture, minerals development, downstream processing of commodities and tourism. Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.”

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan has the following economic strategies:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
Utilise the land available in the area for a range of new businesses	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Increased customer spending and employment in the Shire	Chapman Valley business community Community Private enterprise Shire of Chapman Valley

It is considered that Coronation Beach would benefit from a water sports school as this would increase its exposure and attraction to visitors to the region. Should the development prove successful, and given the attendance of 2 Kitewest staff on-site, the applicant could even be tempted to explore the opportunity to later expand to provide further tourism services at Coronation Beach e.g. ice creams, drinks, coffee, snacks etc. from the premises.

CONSULTATION

Shire staff have inspected the site and discussed the proposal and potential sea container locations with the Coronation Beach Caretaker.

Council may wish to consult with campground users and the Geraldton Windsurfing Club prior to making a decision in relation to this application.

It is suggested that the proposal be approved to operate for a trial period of one summer, and at its conclusion that Council (potentially at the May 2017 meeting) then review the operation and any received feedback, and further consider the potential extension/termination/adjustment of the lease.

The Coronation Beach Planning Study (2002) that guided the Shire's development of Coronation Beach Campground was based on extensive public consultation and Section 2.1-Consultation of the study noted that:

"There is a general presumption by existing users and key stakeholders with an interest in this coastal area, that Coronation Beach should be maintained for low-key tourist use (no major development), with informal camping/caravanning being one of the preferred activities."

It is considered that the proposed development is low-key in nature and would meet with this requirement.

The study also referenced that there was some opportunity for a small building such as a kiosk at Coronation Beach, and that there should be flexibility for the Shire to sub-lease.

RISK ASSESMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

That Council:

- 1 Write to the Department of Lands seeking an amendment to the Shire's management order for Reserve 50066 Coronation Beach Road, Oakajee to include the power to lease, sub-lease or licence;
- 2 Issue delegated authority to the Chief Executive Officer to prepare a licence/lease for a Water Sports School to operate upon Reserve 50066 (in the event that the Department of Lands are willing to amend the management order as outlined in part 1) subject to the following conditions:
 - (a) The lease is to operate for a trial period of 1 summer after which the matter is to be returned to Council for its consideration on the operation and any received feedback.
 - (b) The sea container is to be sited in a location to the requirements of the Shire.
 - (c) The visual appearance of the sea container (including colour, additions and signage) must be to the requirements of the Shire.
 - (d) The lease issued to the Water Sports School is not to be construed as the granting of an exclusive use of the reserve, other than for the immediate area occupied by the sea container and associated parking area for 1 vehicle and 1 trailer.
 - (e) In lieu of a lease fee the applicant is to provide a jet ski water safety service where practical during operating hours.
 - (f) The applicant is required to produce and implement a Risk Management Plan to the requirements of the Shire.
 - (g) The proponent shall provide a copy of their liability and indemnity insurance to the Shire and ensure that the Shire is listed an interested party upon the insurance policy.
 - (h) In the event that there any disputes in relation to the drafting and enacting of the lease this matter is to be returned to Council for its consideration.

AMENDMENT

MOVED: CR WARR

SECONDED: CR WOOD

Replace Item (e) with the following:

- (e) ***We waiver a three month lease fee period and bring back to Council for further consideration***

**Voting 8/0
CARRIED**

Minute Reference: 05/16-5

The Amendment became the Substantive Motion i.e.

That Council:

- 1 Write to the Department of Lands seeking an amendment to the Shire's management order for Reserve 50066 Coronation Beach Road, Oakajee to include the power to lease, sub-lease or licence;
- 2 Issue delegated authority to the Chief Executive Officer to prepare a licence/lease for a Water Sports School to operate upon Reserve 50066 (in the event that the Department of Lands are willing to amend the management order as outlined in part 1) subject to the following conditions:

- (a) The lease is to operate for a trial period of 1 summer after which the matter is to be returned to Council for its consideration on the operation and any received feedback.
- (b) The sea container is to be sited in a location to the requirements of the Shire.
- (c) The visual appearance of the sea container (including colour, additions and signage) must be to the requirements of the Shire.
- (d) The lease issued to the Water Sports School is not to be construed as the granting of an exclusive use of the reserve, other than for the immediate area occupied by the sea container and associated parking area for 1 vehicle and 1 trailer.
- (e) We waiver a three month lease fee period and bring back to Council for further consideration.
- (f) The applicant is required to produce and implement a Risk Management Plan to the requirements of the Shire.
- (g) The proponent shall provide a copy of their liability and indemnity insurance to the Shire and ensure that the Shire is listed an interested party upon the insurance policy.
- (h) In the event that there any disputes in relation to the drafting and enacting of the lease this matter is to be returned to Council for its consideration.

**Voting 8/0
CARRIED**

Minute Reference: 05/16-6

Reason for Deviation from Staff Recommendation: Council wishes to reconsider the fee for this activity after a three month period.

KiteWest Water Sports school

Please accept this proposal for review at the council meeting for discussion and decision.

KiteWest Water Sports School has been operating in Geraldton since 2010, it is a family business run by husband and wife Ben Tomasino and Chantal Crinquand.

We would like to propose a mobile structure for KiteWest Water Sports school at Coronation Beach for the coming 2016-2017 Summer season. To date we have always operated a mobile service transporting our water sport equipment in trailers.

What:

A modified sea container to enable us to run a water sports school at Coronation beach. This sea container would be painted, in good condition and adapted as a water sport school. It would be used as storage, have an office/reception area to take bookings and a veranda at the front providing shade to customers.

Our main activities would include Kitesurfing lessons and Stand Up Paddleboard lessons. We intend on providing a water safety service to kiteboarder and windsurfers by providing a jetski available for rescues. Our intention is to create a vibrant water sports school to attract local water sports enthusiasts and tourists by providing water sport lessons, water safety and a location for people to socialise.

When:

October 2016 to March 2017

We are a seasonal business operating in the summer months.

The sea container would be locked and unattended during April to September.

How:

The sea container would be movable therefore not a permanent structure.

The sea container measures 6m x 2.4 m

The veranda 5m x 2m made out of shade cloth

There will be 2 staff operating between the hours of 9 and 5 pm.

1 vehicle and 1 trailer will be kept on location in the car park.

Location:

We suggest placing the sea container in the car park, close to the kite surf launch area north of the caretakers residence. This would not disturb vegetation or have any impact on the surroundings. we would be self contained bringing our own water and electricity (solar panels) on site. There is no ground work

necessary to place the sea container in it's location. We are open to suggestions from the council as to the location of the sea container.

Benefits:

The water sport school's activities will attract tourists and locals to coronation beach, thereby increasing it's popularity

We will provide a water rescue service

Create a vibrant water sport enthusiast atmosphere

Be the first water sport school structure in the Midwest

Attract kiteboarding brands nationally and internationally to demo their equipment

Coronation beach will feature on kiteWest's website increasing it's marketing and popularity

Attached is a photo of the Jaffle shack mobile structure on the Geraldton foreshore. We propose a similar structure, but a simplified version.

Please do not hesitate to contact me should you require additional information.

Best regards,

Chantal Crinquand
KiteWest Water Sports



Cr Warr declared an interest in this item and left Chambers at 9.23am

AGENDA ITEM:	9.1.5
SUBJECT:	RESERVE 17233 NOLBA STOCK ROUTE, NOLBA
PROPONENT:	DEPARTMENT OF LANDS
SITE:	RESERVE 17233 NOLBA STOCK ROUTE, NOLBA
FILE REFERENCE:	R17233
PREVIOUS REFERENCE:	02/16-7-8
DATE:	6 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

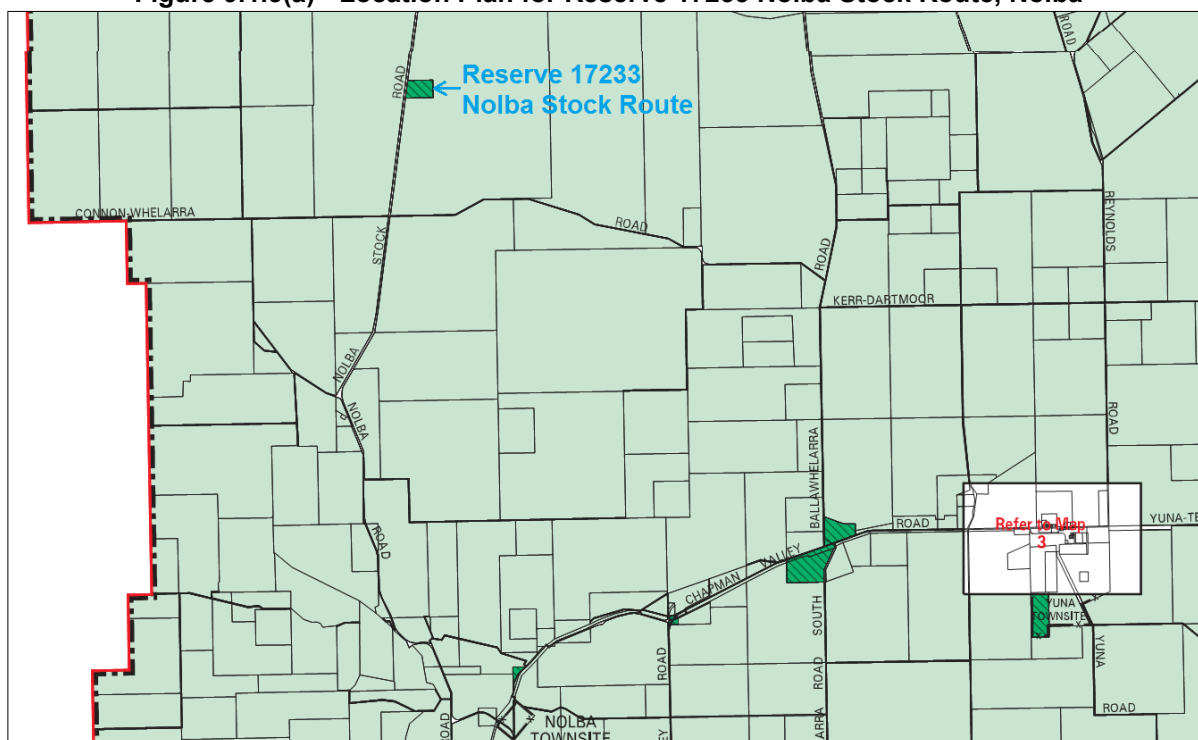
Council is in receipt of further correspondence from the Department of Lands relating to Reserve 17233 Nolba Stock Route, Nolba. This report recommends that Council advise the Department of Lands that it has no objection to the Department of Parks & Wildlife accepting the management order for Reserve 17233.

COMMENT

Reserve 17233 Nolba Stock Route is a 24.2811ha property containing remnant vegetation located on the eastern side of the road, approximately 14km north of the Nolba townsite and approximately 17km north-west of the Yuna townsite.

Reserve 17233 was gazetted on 29 June 1919, and the Department of Water have the management order for the purpose of 'Water'.

Figure 9.1.5(a) - Location Plan for Reserve 17233 Nolba Stock Route, Nolba



The Department of Lands wrote to the Shire on 2 December 2016 enquiring whether it would be prepared to accept the management order for Reserve 17233 as the Department of Water have identified that it is surplus to their requirements.

This matter was presented to the 17 February 2016 meeting of Council where it was resolved:

“COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: CR FORRESTER SECONDED: CR HUMPHREY

That Council write to the Department of Lands advising that it would accept the management order for Reserve 17233 Nolba Stock Route, Nolba subject to the purpose of the reserve being amended to ‘Water & Road Purposes’ or ‘Local Government Requirements’.

Voting 1/5
LOST
Minute Reference: 02/16-7

FORESHADOWED MOTION

MOVED: CR FARRELL SECONDED: CR HUMPHREY

That Council write to the Department of Lands advising that it considers that the adjoining landowner of Lot 4039 Nolba Stock Route (BRW Enterprises Pty Ltd) should be written to seeking their interest in acquiring Reserve 17233 Nolba Stock Route, Nolba.

Voting 5/1
CARRIED
Minute Reference: 02/16-8

Reason for Deviation from Staff Recommendation: Council wanted land offered to the adjoining landowners in the first instance.”

The Department of Lands were advised of Council’s resolution and have written again to the Shire on 28 April 2016 to advise that the Department of Parks & Wildlife have expressed an interest in accepting the management order for Reserve 17233, as a Class A Reserve, with the purpose of the reserve being amended from ‘Water’ to ‘Conservation of Flora and Fauna’. A copy of the Department of Lands’ correspondence has been included as **Attachment 9.1.5**.

Council may at this juncture wish to consider one of the following options:

- advise the Department of Lands that it has no objection to Reserve 17233 Nolba Stock Route, Nolba being transferred to the management of the Department of Parks & Wildlife as a Class A Reserve, with the purpose of the reserve being amended from ‘Water’ to ‘Conservation of Flora and Fauna’; or
- advise the Department of Lands that it seeks the management order for Reserve 17233 Nolba Stock Route, Nolba subject to the purpose of the reserve being amended to ‘Water & Road Purposes’ or ‘Local Government Requirements’; or
- advise the Department of Lands that it considers that the adjoining landowner of Lot 4039 Nolba Stock Route (BRW Enterprises Pty Ltd) should be written to seeking their interest in acquiring Reserve 17233 Nolba Stock Route, Nolba.

STATUTORY ENVIRONMENT

Reserve 17233 Nolba Stock Route is zoned ‘Parks & Recreation’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Were Council to accept the management of the reserve this could be amended to a ‘Public Purposes’ zoning, or were the Department of Parks and Wildlife to accept the management order this could be amended to a ‘Conservation’ zoning, as part of a future omnibus Scheme Amendment or during the next Scheme Review.

The Department of Lands have advised that native title has been extinguished for Reserve 17233.

Figure 9.1.5(b) – Cadastral Plan for Reserve 17233 Nolba Stock Route, Nolba

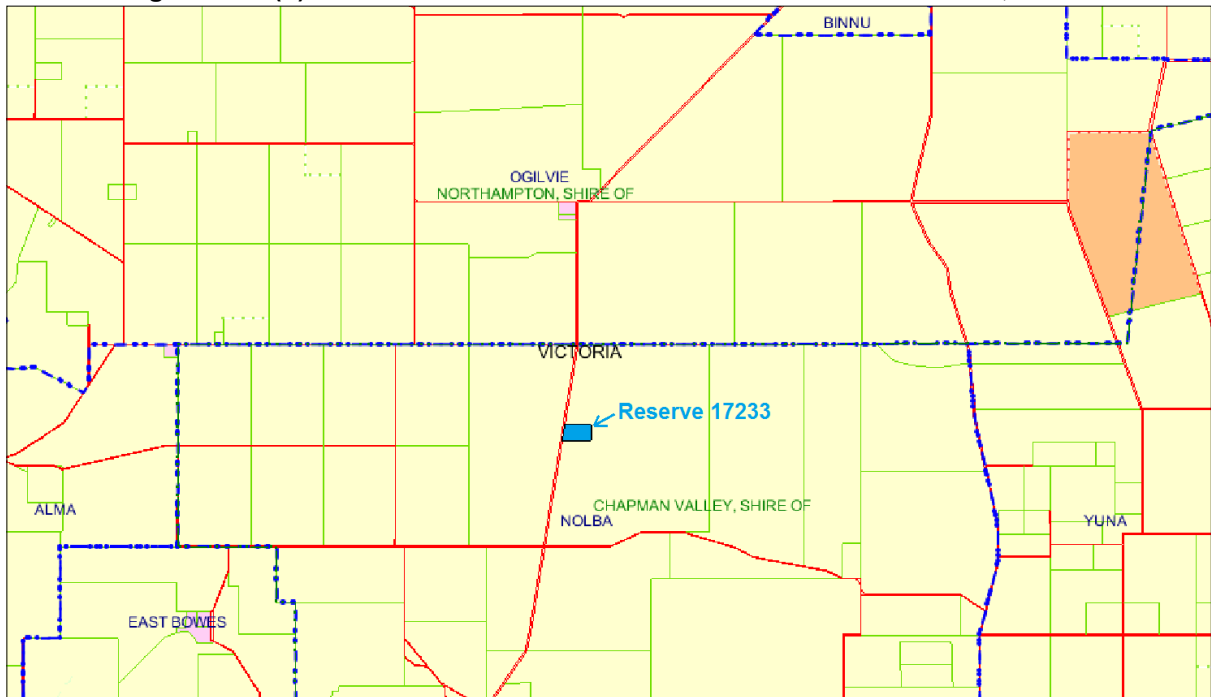


Figure 9.1.5(c) – Aerial Photograph of Reserve 17233 Nolba Stock Route, Nolba



POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should Council accept a management order for Reserve 17233 from the Department of Lands then the Shire will be responsible for ongoing management (similar to its other reserves) this would include fire, rubbish, access and environmental responsibilities.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have an impact in relation to the Long Term Financial Plan.

Figure 9.1.5(d) – Reserve 17233 looking south-east from Nolba Stock Route



STRATEGIC IMPLICATIONS

Reserve 17233 is located within Precinct No.1 – Yuna East of the Shire of Chapman Valley Local Planning Strategy ('the Strategy').

Section 5.11.1 of the Strategy notes that:

"5.11.1 Reserves and National Parks - Major reserves and remnant vegetation within the Chapman Valley Shire are in the east and north east and the steeper slopes and mesa tops of the Moresby Ranges. The East Yuna and Wandana Reserves are the most notable and are included in System 5. Protection measures are planned for the Moresby Ranges, which were also recognised in System 5. Here vegetation communities are significant and contain a number of Rare and Priority species. Some land has been acquired by Government and other land may be taken up as the opportunities are presented.

There is merit in retaining strips of indigenous vegetation as wind and wildlife belts between cleared arable land, and consideration should be given to preserving additional areas of remnant vegetation, with Government now tending to a 'No Clearing Policy'."

Were Council to support the Department of Parks and Wildlife in its request to accept management responsibility for Reserve 17233 as a Conservation Reserve this could be considered in-line with this strategic vision, and the following Precinct No.1 objective:

"Environmental Objective 1.3.1 - Encourage re-vegetation and retention of existing vegetation in order to minimise soil erosion and salinity levels through the promotion of natural resource management measures."

Section 5.12.4 of the Strategy however also notes that:

"5.12.4 Gravel - Laterite gravel is present on mesa tops and on the plateau remnants. However these areas also frequently remain covered by remnant vegetation. There is a current trend to produce road making materials by crushing laterite (ferricrete duricrust) using portable crushing equipment. Consideration should be given for the protection of strategic gravel sources by the planning process."

Were Council to seek management responsibility for Reserve 17233 it would be in position to implement the following Precinct No.1 objectives:

“Economic Objective 1.2.4 - Support the extraction of basic raw materials (except radioactive materials or minerals), pursuant to the provisions of the Mining Act 1978 and conducted in accordance with the ‘Mining Code of Conduct’ and ‘Farmer Mining Guide’.”

“Environmental Objective 1.3.5 - Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements.”

The Department of Agriculture & Food’s ‘Identification of High Quality Agricultural in the Mid West Region’ (2013) technical report (pages 154-155) identifies Reserve 17233 as being within the Yuna-Binnu Sandplain Agricultural Land Area with the area characterised as follows:

“These areas are dominated by broad expanses of undulating yellow sandplain with some areas of dune ridges. Currently they are used mainly for cropping (mostly wheat), though the grazing of livestock (mostly sheep with a few cattle) is also significant. No significant irrigated agriculture exists. This area is typified by relatively large properties (mostly between 1000 and 5000 ha) comprised of relatively large parcels. Most of this area is cleared with only about 8 per cent of the remnant vegetation remaining. Much of this lies on the land least suited to agricultural production.”

“Good quality yellow deep sands, with some yellow sandy earths, (Eradu series) cover most of this area, along with fair quality yellow deep sands (Eurangoa). Other soils include the poorer quality coarse yellow deep sands—generally on dunes (Indarra series); grey deep sandy duplexes (Heaton series); and in the north, red shallow loamy duplexes (Northampton series). Most of these soils are well drained.”

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. It is not considered that the determination of this application by Council would have an impact in relation to the Strategic Community Plan.

CONSULTATION

The Department of Lands consult with government agencies to determine whether they may have an interest in accepting the management of Crown Land as a matter of precedence prior to considering disposal of Crown Land to adjoining landowners or other interested private parties.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council advise the Department of Lands that it has no objection to Reserve 17233 Nolba Stock Route, Nolba being transferred to the management of the Department of Parks & Wildlife as a Class A Reserve, with the purpose of the reserve being amended from ‘Water’ to ‘Conservation of Flora and Fauna’.

COUNCIL PROCEDURAL MOTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That the question be adjourned till the June 2016 Council meeting.

**Voting 7/0
CARRIED**

Minute Reference: 05/16-7

Cr Warr re-entered Chambers at 9.26am

Reason for Deviation from Staff Recommendation: Council required more time to allow adjoining land owner to respond.



Government of Western Australia
Department of Lands

Record No CR1611679

5 MAY 2016

Our Ref: 00458-1968 Job No: 104092
Enquiries: LISA NICHOLAS
Ph: (08) 6552 4436 Fax: (08) 6552 4417
Email : lisa.nicholas@lands.wa.gov.au

28 April 2016

Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Attention: Chief Executive Officer

FILE No.	R17233
CEO	
CORPORATE SERVICES	
PLANNING	X
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	
CHAPMAN VALLEY	

PROPOSED AMENDMENTS TO RESERVE 17233 – SHIRE OF CHAPMAN VALLEY

I refer to previous correspondence regarding the Shire of Chapman Valley's declination in managing Reserve 17233.

This Office has recently received a request from the Department of Parks and Wildlife to have the management of Reserve 17233 transferred to them as a Class 'A' Reserve with an amended purpose of 'Conservation of Flora and Fauna'.

Accordingly, please provide DoL with your approval of the abovementioned land request. Your general advice and comments on the proposal would also be most welcomed.

Please do not hesitate to contact me on the details at the top right-hand side of this letter if you have any questions or require further information.

Yours Sincerely

LISA NICHOLAS
For Case Manager
MID WEST GASCOYNE REGION
REGIONAL AND METROPOLITAN SERVICES

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143 West Perth WA 6872
ATelephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)
Email: info@lands.wa.gov.au Website: www.lands.wa.gov.au
ABN: 68 565 723 484

AGENDA ITEM:	9.1.6
SUBJECT:	COASTAL MANAGEMENT STRATEGY & ACTION PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	COASTAL SECTION
FILE REFERENCE:	203.08
PREVIOUS REFERENCE:	05/06-15, 7/07-6, 09/09-5, 12/14-9 & 12/15-7
DATE:	5 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 16 December 2015 meeting as follows:

“That Council resolve to advertise the Chapman Valley Coastal Management Strategy & Action Plan for public comment for a period of 60 days and at the conclusion of the advertising period, and following consideration by the Steering Group of the received submissions, return the matter to a further meeting of Council for consideration.”

The advertising period has now concluded and the Steering Group have reviewed the received submissions, and recommended modifications to the document arising from the issues raised by the submissions. This report recommends that Council adopt the Chapman Valley Coastal Management Strategy & Action Plan, subject to the modifications as recommended by the Steering Group.

COMMENT

The Coastal Management Strategy was originally prepared to replace the Chapman Valley Coastal Plan (1993) and following extensive consultation was adopted by Council at its 18 July 2007 meeting.

The review of the coastal strategy was initiated to address ongoing coastal management issues and to account for several documents that have been completed since 2007, including the Oakajee Industrial Estate Structure Plan (2012), the Oakajee Port Master Plan (2011), the Environmental Reports & Recommendations for the Oakajee Port-marine side (1998) and Oakajee Port-land side (2010), State Coastal Planning Policy (2013) and the Buller Local Structure Plan (2016). The strategy also required updating to have regard for the introduction of the Mid West Ports Authority as a land manager within the study area, following the issuing of a management order for the Oakajee coastal and marine reserves by the Minister of Lands in 2009.

The strategy required review as these subsequent planning documents make recommendation in regards to coastal management and access, with one key recommendation being that cumulative emissions modelling for the Oakajee Industrial Estate demonstrates that the Buller Rivermouth should be developed for recreational day-use activity only and not nature based camping/chalets as originally envisioned by the 2007 strategy.

The strategy also needed updating to reflect Council's previous resolution at its 16 September 2009 meeting as follows:

“That Council:

- 1 Receive the Coronation Beach Boat Ramp Feasibility Study prepared for the Shire of Chapman Valley by MP Rogers and Associates;*
- 2 Endorse the option as outlined in Section 5.2.6 of the Study ‘Development in Conjunction with Oakajee Port’ as its preferred option based on its social, economic and environmental advantages in meeting demand for boat launching facilities in this area;*
- 3 Resolve to not proceed with Stage 2 (the production of a conceptual plan and design with cost estimates) of the Study, as the development of a boat ramp at Coronation Beach is not considered appropriate or cost effective, based on a*

number of factors including wave climate, unlikelihood of achieving safe operation, the predicted sediment and weed bypassing requirements and conflicts with other beach users in an area that caters primarily for kitesurfers, windsurfers and nature based camping;

- 4 *During any future review of either the Coastal Management Strategy or Coronation Beach Planning Study that reference to the development of a boat launching facility at Coronation Beach be deleted; &*
- 5 *Discuss with LandCorp and Oakajee Port and Rail the potential for a boat launching facility to be developed on the northern side of the Oakajee Port, with regard for the Department of Transport's advice that further funding may be available under the Recreational Boating Facilities Scheme grant funds for these investigations."*

Since the Coastal Management Strategy's preparation there have also been a number of climate change adaptation documents and policies released, that the review has given regard for, and there are also increasing pressures (including opening up of additional tracks, rubbish, fire risk etc.) being experienced along this section of coast through off-road vehicle use. Whilst this issue was present 8 years ago during the strategy's drafting it would be reasonable to state that demands on this area have increased due to an expanding population and the introduction of much cheaper flat-packed quad bikes coming onto the market, making this section of coastline more accessible to a greater number of people and resultantly more open to damage and requiring improved management solutions.

To address these anomalies a review of the 2007 Coastal Management Strategy was required and Council resolved at its 10 December 2015 meeting as follows:

"That Council resolve to:

- 1 *Authorise the signing of the Funding Agreement by the CEO for the Shire of Chapman Valley Coastal Management Strategy.*
- 2 *Notify Land Insights that they are the selected provider for the Shire of Chapman Valley Coastal Management Strategy."*
- "3 *The Shire of Chapman Valley Coastal Management Strategy Steering Group be comprised of the following representatives (and write to those identified parties inviting their nomination of a representative):*
 - *2 Councillors (to serve as Chairman, and Deputy Chairman)*
 - *Shire staff*
 - *Shire of Northampton*
 - *LandCorp*
 - *Mid West Port Authority*
 - *Northern Agricultural Catchments Council*
 - *Department of Planning*
 - *Land Insights (appointed consultant)*
 - *Community Representative (Shire to seek expressions of interests from appropriate parties and their inclusion or otherwise to be determined at the initial Steering Group meeting)"*
- "4 *That Cr Collingwood and Cr Warr be the Councillor representatives for the Shire of Chapman Valley Coastal Management Strategy Steering Group."*

The Steering Group resolved at its 2 December 2015 meeting that the Chapman Valley Coastal Management Strategy & Action Plan should be forwarded to Council as a draft for advertising and Council subsequently resolved to advertise the draft. A copy of the draft Chapman Valley Coastal Management Strategy & Action Plan was previously provided to Councillors as a **separate attachment** with the December 2015 Council Agenda. Should Councillors wish to receive a hard copy of the advertised document please contact the Shire Planning Department.

STATUTORY ENVIRONMENT

The State Coastal Planning Policy ('SPP2.6') was prepared under Part 3 of the *Planning and Development Act 2005* to provide guidance for decision-making within the coastal zone including

managing development and land use change, establishment of foreshore reserves, and to protect, conserve and enhance coastal values. The Coastal Management Strategy was required to be prepared in accordance with SPP 2.6.

Section 2.1 of SPP2.6 notes that:

“There are pressures on the coastal zone for use by different groups in the community for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. Planning for coastal zone land is about balancing these often competing needs and desires in a way that takes into account the values of the coastal zone, which include its scenic, aesthetic and ecological qualities; recreational opportunities; and social, indigenous, cultural and economic importance. The overall effect of these values contributes to the psychological wellbeing and health of the Western Australian community. The presence of coastal hazards is also an important consideration.”

Section 5.10 of SPP2.6 further notes that:

“5.10 Coastal strategies and management plans

- (i) Ensure that at rezoning, structure planning, subdivision, strata subdivision or development – whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.*
- (ii) Any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).*
- (iii) Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.*
- (iv) The proponent should be responsible for the implementation of the foreshore management plan as well as funding, maintenance, monitoring and management of foreshore works for a period not less than five years commencing from completion of all foreshore works.*
- (v) A coastal planning strategy or foreshore management plan should address as a minimum, the matters set out in the Coastal Planning Policy Guidelines.”*

POLICY IMPLICATIONS

The current 2007 strategy is a strategic planning document that guides ongoing development, future land use and management of the Shire of Chapman Valley coastline, the reviewed document would ultimately supersede the 2007 draft.

FINANCIAL IMPLICATIONS

To reduce the cost of the review of the 2007 strategy to Council the part funding of this project was applied for through the Coastal Management Plan Assistance Program.

A copy of the submitted grant application that detailed the project scope, methodology, outcomes, timeline and a suggested consultation process was provided to Councillors with the 20 August 2014 Staff Information Report (and an earlier update was provided in the 21 May 2014 Staff Information Report).

A copy of the correspondence from the WAPC advising of the Shire's successful grant application was provided to Councillors with the 10 December 2014 Council Agenda, and included the Funding Agreement that contained a project program with milestones.

Account 2203 (Protection of the Environment-Grant Income Other) in the adopted 2014/2015 budget listed an amount of \$30,000 in the event that the lodged grant application was successful. Account

2062 (Protection of the Environment-Coastal Planning Project Expenses) listed an amount of \$30,000 sourced from the Department of Planning should the grant application be successful, and a Shire contribution of \$10,000, and it was not intended that this Shire contribution would be expended unless the grant application was successful.

As the project carried over into a second financial year, Account 2203 (Protection of the Environment-Grant Income Other) in the adopted 2015/2016 budget listed an income amount of \$9,000 (representing the final 3 milestone grant payments). Account 2062 (Protection of the Environment-Coastal Planning Project Expenses) listed an amount of \$22,000 to cover the remaining project costs with this amount being sourced from the Department of Planning previous and pending grant milestone payments and the original Shire contribution.

Should Council be satisfied with the Steering Group recommendation and adopt the Chapman Valley Coastal Management Strategy & Action Plan, subject to modification, then it is anticipated that this project, and final grant acquittal could be completed in the 2015/2016 financial year.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is considered that the preparation of the coastal strategy would not have impact in relation to the Long Term Financial Plan, and Council has made clear in previous discussions with the Mid West Ports Authority and LandCorp it would be willing to work in partnership on social/recreation infrastructure and management where those works did not mean adverse financial implication to the Shire and its ratepayers.

STRATEGIC IMPLICATIONS

The draft Shire of Chapman Valley Coastal Management Strategy & Action Plan (2015) lists the following:

“The strategic vision of the report is:

To manage the unique recreational resources of the study area taking into account risk from coastal hazards and sea level rise whilst recognising that a section of this coast is identified for port and industrial land uses.”

“To achieve the vision a number of objectives are identified within the document including:

- *Objective 1 – To manage the recreational resources to retain the broad range of recreational opportunities, environmental values and sense of isolation unique to the area*
- *Objective 2 – To achieve cohesive and effective coastal land management considering the fragmented nature of land ownership*
- *Objective 3 – Ensure management and protection of the coast is undertaken in a sustainable manner*
- *Objective 4 – Adequate consideration of coastal hazards and ensure management is undertaken in accordance with SPP 2.6*
- *Objective 5 – To adequately consider future coastal industry, urban growth and tourism and the effects this may have on recreational use of the study area*
- *Objective 6 – Should the proposals for the Oakajee Industrial Estate be realised in the near future, to restore equilibrium, where practical, through the provision of alternative facilities so as to minimise the longer term impacts of the Oakajee Strategic Industrial Estate on recreational choices along the study area.*
- *Objective 7 – To retain, protect and enhance areas of historic value within the study area*
- *Objective 8 – To increase community awareness and participation in coastal management and maintain successful relationships between stakeholders and coastal landowners.”*

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Plan has the following environmental strategy:

Objective	Strategy	Outcome	Partners
We want to make the most of our environment, including the ranges, rivers and coastline	Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics	We recognise and uphold the value of our natural landscape	Shire of Chapman Valley State government Community organisations Landowners

CONSULTATION

Council formed a Steering Group to guide the project comprising the following representation:

- 2 Councillors (to serve as Chairman and Deputy Chairman)
- Shire staff (to serve as minute takers and administrative support)
- Shire of Northampton
The 2007 strategy had a study area from the Shire of Chapman Valley boundary at Drummond Cove in the south, this being a reasonably logical point as it from this location that 4WD and Off-Road vehicles access the coastline to the north. The strategy included the coastline north of this point within the Shire of Chapman Valley, and also included the section of coastline stretching northwards to Woolawar Gully (within the Shire of Northampton) due to the on-ground reality being that the track leading north along the coast from the Coronation Beach Road (a sealed coastal access point) was in the Shire of Chapman Valley and enables people to access the coast and head north into the Shire of Northampton to fish, surf and camp so the strategy was designed to address and make recommendation in relation to managing this usage. The Department of Planning requested that the reviewed strategy retain the same section of coastline in the study area.
- LandCorp
LandCorp are the major landowner along the Shire's coastal section.
- Mid West Ports Authority
The Mid West Ports Authority have management responsibility for a significant section of the Shire coastline and also have responsibility for the marine reserve (below the high water mark).
- Northern Agricultural Catchments Council ('NACC')
NACC have previously chaired a working group of Batavia Coast Councils that produced the Climate Change Adaptation Plan and are currently working on further coastal hazard assessment of the coastline including erosion and inundation modelling under future climatic scenarios. NACC have also partnered with the Shire, LandCorp and the Mid West Ports Authority on a wide range of on-ground coastal management projects including fencing, invasive species management, access management and dune rehabilitation.
- Department of Planning
The Department of Planning are the major funding agency and the authority that will ultimately be presented with the document.
- Community representation
The Geraldton Windsurfing Club, Geraldton 4 Wheel Drive Club, Geraldton Longboard Club, Geraldton Angling Club and Mid West Enduro & Trail Riders Club were invited to nominate representatives to serve as community representatives on the Steering Group. The Geraldton Windsurfing Club provided a representative for the Steering Group, whilst no responses were received from the other groups. These groups were instead then approached for individual feedback at various stages of the strategy review process. Meetings were also held with representatives from the City of Greater Geraldton and the Drummond Cove Progress Association.
- Aboriginal representation
Yamatji Land & Sea Council were invited to nominate representatives, and a meeting was held with the legal representatives of the 3 native title claimant groups at the offices of the Yamatji Marlpa Aboriginal Corporation. Presentations were made to meetings of the Naaguja Native Title Party and the Hutt River Native Title Working Group.

Five Steering Group meetings were held on 20 February 2015, 28 April 2015, 24 August 2015, 2 December 2015 and 28 April 2016 and the minutes of the Steering Group meetings have previously been provided to Council as information items.

A Community Engagement Strategy was prepared for the project to guide the consultation process.

Preliminary input was invited from landowners along the coast (15 in total), stakeholders and community groups (11 in total) and government organisations (25 in total). Responses were received from the Department of Parks and Wildlife, Department of Mines and Petroleum, Department of Health, Department of State Development, Department of Fire and Emergency Services, Tourism WA and Parkfalls Residents Association.

A survey was also undertaken of Coronation Beach nature based campground users with 53 responses received to further inform the preparation of the draft coastal strategy.

The Steering Group discussed the advertising of the strategy at its 2 December 2015 meeting and agreed that an extended advertising period of 60 days would be appropriate, particularly if advertising took place over the Christmas/New Year/summer school holiday period to allow greater opportunity for comment.

The strategy was advertised from Monday 21 December 2015 until Friday 4 March 2016 for a period of 73 days and included the following actions:

- public notices placed in the Valley Vibes, Shire E-News & the Mid West Times (23/12/15 & 31/1/15);
- poster displayed at the Shire of Chapman Valley office;
- placement of a copy of the strategy on the Shire of Chapman Valley website;
- display of the strategy at the Shire of Chapman Valley office/library;
- placement of copies of the draft strategy with the Coronation Beach Nature Based Camping Area Caretaker;
- correspondence advising of the draft strategy and where it may be viewed being sent to all identified respondents from the previously conducted community survey;
- correspondence advising of the draft strategy and where it may be viewed being sent to all private landowners along and abutting the study area;
- correspondence advising of the draft strategy and where it may be viewed being sent to the following local sporting and community groups:
 - Drummond Cove Progress Association
 - Geraldton 4 Wheel Drive Club Inc.
 - Geraldton Angling Club
 - Geraldton Longboard Club
 - Geraldton Windsurfing Club
 - Mid West Enduro & Trail Riders Club
 - Parkfalls Residents Association
- correspondence advising of the draft strategy and where it may be viewed being sent to the following government agencies:
 - City of Greater Geraldton
 - Department of Aboriginal Affairs
 - Department of Environment Regulation
 - Department of Fire & Emergency Services
 - Department of Fisheries
 - Department of Health
 - Department of Lands
 - Department of Mines & Petroleum
 - Department of Parks & Wildlife
 - Department of Sport & Recreation
 - Department of State Development
 - Main Roads WA
 - Mid West Development Commission
 - Tourism WA
 - Yamatji Marlpa Aboriginal Corporation

At the conclusion of the advertising period 10 submissions had been received and a copy of these submissions have been provided to Councillors as a **separate attachment**.

A Schedule of Submissions that summarises the content of each of the received submissions, provides comment in relation to the issues raised, and also suggests modifications to the strategy to

address the issues raised in the submissions, was provided to the Steering Group prior to the meeting to enable review and subsequent discussion at the meeting. The Schedule of Submissions, and the accompanying Steering Group minutes, have been provided as **Attachment 9.1.6**.

RISK ASSESMENT

Not applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR MALUISH

That Council adopt the Chapman Valley Coastal Management Strategy & Action Plan, subject to the modifications as recommended by the Steering Group and contained in the Schedule of Submissions included within **Attachment 9.1.6**.

Voting 8/0

CARRIED

Minute Reference: 05/16-8



Shire of
Chapman Valley
Love the Rural Life

**SHIRE OF CHAPMAN VALLEY
COASTAL MANAGEMENT & ACTION PLAN STRATEGY
STEERING GROUP MEETING**

VENUE: Shire of Chapman Valley Council Chambers
3270 Chapman Valley Road, Nabawa
DATE: Thursday, 28 April 2016
TIME: 2:00pm – 2:15pm

UNCONFIRMED MINUTES

Order of Business

1. Welcome by the Chair – Cr John Collingwood

The Chairman opened the meeting at 2:00pm.

1.1 Record of Attendance

John Collingwood (Shire of Chapman Valley President)
Peter Duplex (Mid West Ports Authority) *
Kasey Green (LandCorp) *
Hayley Williams (Shire of Northampton)
Ryan Carvell (Department of Planning) *
Deborah Millener (Department of Planning) *
Michael Taylforth (Land Insights) *
Maurice Battilana (Shire of Chapman Valley)
Simon Lancaster (Shire of Chapman Valley)

** in attendance by phone link up from Department of Planning Perth office*

1.2 Apologies

Kirrilee Warr (Shire of Chapman Valley Councillor)
Vivienne Panizza (Department of Planning)
Kate Watson (Geraldton Windsurfing Club)
Jessica Stingemore (Northern Agricultural Catchments Council)
Sharee Rasmussen (Land Insights)

*Unconfirmed Minutes – Chapman Valley Coastal Management Strategy & Action Plan
Steering Group Meeting – 28 April 2016 - Page 1 of 3*

1.3 Confirmation of Previous Meeting Minutes

Steering Group Resolution:

"That the minutes of the previous Steering Group meeting held on 2 December 2016 be confirmed as a true and accurate record."

Moved: Maurice Battilana

Seconded: Hayley Williams
Voting 9/0
CARRIED

2. Items for discussion

2.1 Advertising Stage

The strategy was advertised from Monday 21 December 2015 until Friday 4 March 2016 for a period of 73 days and included the following actions:

- public notices placed in the Valley Vibes, Shire E-News & the Mid West Times (23/12/15 & 31/1/15);
- poster displayed at the Shire of Chapman Valley office;
- placement of a copy of the strategy on the Shire of Chapman Valley website;
- display of the strategy at the Shire of Chapman Valley office/library;
- placement of copies of the draft strategy with the Coronation Beach Nature Based Camping Area Caretaker;
- correspondence advising of the draft strategy and where it may be viewed being sent to all identified respondents from the previously conducted community survey;
- correspondence advising of the draft strategy and where it may be viewed being sent to all private landowners along and abutting the study area;
- correspondence advising of the draft strategy and where it may be viewed being sent to the following local sporting and community groups:
 - Drummond Cove Progress Association
 - Geraldton 4 Wheel Drive Club Inc.
 - Geraldton Angling Club
 - Geraldton Longboard Club
 - Geraldton Windsurfing Club
 - Mid West Enduro & Trail Riders Club
 - Parkfalls Residents Association
- correspondence advising of the draft strategy and where it may be viewed being sent to the following government agencies:
 - City of Greater Geraldton
 - Department of Aboriginal Affairs
 - Department of Environment Regulation
 - Department of Fire & Emergency Services
 - Department of Fisheries
 - Department of Health

*Unconfirmed Minutes – Chapman Valley Coastal Management Strategy & Action Plan
Steering Group Meeting – 28 April 2016 – Page 2 of 3*

- Department of Lands
- Department of Mines & Petroleum
- Department of Parks & Wildlife
- Department of Sport & Recreation
- Department of State Development
- Main Roads WA
- Mid West Development Commission
- Tourism WA
- Yamatji Marlpa Aboriginal Corporation

2.2 Submissions Received

At the conclusion of the advertising period 10 submissions had been received and a copy of these submissions (**Attachment 1**) were provided to the Steering Group prior to the meeting to enable review and subsequent discussion at the meeting.

2.3 Modifications to Strategy

A Schedule of Submissions (**Attachment 2**) that summarised the content of each of the received submissions, provided comment in relation to the issues raised, and also suggested modifications to the strategy to address the issues raised in the submissions, was provided to the Steering Group prior to the meeting to enable review and subsequent discussion at the meeting.

Steering Group Resolution:

"The Steering Group endorse the Chapman Valley Coastal Management Strategy and Action Plan, subject to the modifications as outlined in the Schedule of Submissions (Attachment 2), and forward it to the Shire of Chapman Valley Council for its consideration."

Moved: Maurice Battilana

Seconded: Deborah Millener
Voting 9/0
CARRIED

3. Next Meeting

No further meetings required. Steering Group members will be advised of the outcome of the 18 May 2016 Council meeting at which the Chapman Valley Coastal Management Strategy and Action Plan will be presented..

4. Close

The Chairman thanked everyone for their attendance and input at the meeting and involvement in the project and declared the meeting closed at 2:15pm.

*Unconfirmed Minutes – Chapman Valley Coastal Management Strategy & Action Plan
Steering Group Meeting – 28 April 2016 - Page 3 of 3*

Chapman Valley Coastal Management Strategy & Action Plan - Schedule of Submissions			
Submission No. & Date	Respondent	Nature of Submission	Shire Comment
1 (1/2/16)	Department of Aboriginal Affairs 151 Royal Street EAST PERTH WA 6004	<p>The strategy boundary contains 16 registered sites under the <i>Aboriginal Heritage Act 1972</i> ('AHA') as currently mapped on the Register of Aboriginal Sites.</p> <p>There are also 8 places within the plan area where a decision under Section 5 of the AHA is yet to be made.</p> <p>The AHA protects all Aboriginal heritage sites whether they are known or not the Department.</p> <p>All parties conducting activities will need to ensure their works comply with the AHA and they do not inadvertently impact Aboriginal heritage sites.</p> <p>To assist proponents to minimise risk to Aboriginal sites the state has published the <i>Aboriginal Heritage Due Diligence Guidelines</i>.</p> <p>There is an acknowledgement of Aboriginal heritage sites and the AHA on page 47 of the strategy, there is also an acknowledgement in the strategy on the possible damage that may occur to sites as the result of increased vehicle and visitor access.</p> <p>Note the strategy is being referred to the Yamatji Land and Sea Council and the relevant Aboriginal groups, consultation will be able to provide views regarding any additional risks to Aboriginal heritage from any future works associated with the strategy.</p>	<p>The strategy repeatedly makes reference to the need to have regard for Aboriginal heritage sites and the requirement to obtain the consent of the Minister under Section 18 of the AHA should land use or development have potential to impact on a heritage site.</p> <p>Table 2.9 of the strategy outlines a number of recommendations relevant to Aboriginal heritage. The strategy generally confines its recommendations to an ongoing low-key management role (e.g. invasive species management, fencing, rationalisation of tracks, education, signage etc.) but in the instance of the Buller Rivermouth where the development of a coastal recreational node is promoted, the strategy notes that Aboriginal heritage sites should be protected as part of any master plan for this area.</p>
2 (17/2/16)	Department of Mines & Petroleum 100 Plain St EAST PERTH WA 6004	<p>In April 2015 the DMP provided its comments on the review of the strategy, and are pleased to note these comments have largely been included.</p> <p>The DMP advises that there have been no significant changes in the region in relation to access to minerals and petroleum resources, geothermal energy and basic raw materials, since it provided its comments in April 2015.</p>	<p>The DMP's previous comments from April 2015 have been included in the strategy under Section 5.2 (Multiple Land Use Framework) and also Table 5.2</p>
3 (29/2/16)	Indre, Rosemarie, Peer & Vollert Asmussen 216 White Peak Road WHITE PEAK WA 6532	<p><u>Buller Rivermouth Access</u></p> <p>Buller River has in the past been accessed by the community via a currently un-gazetted dirt track from North West Coastal Highway. This was closed and we miss this access, it is a special site for the community we visited daily.</p> <p>Urge you to prioritise re-opening this access route as short term, consultation with LandCorp and the community has been ongoing for years and a decision should be made to create a formal gazetted road to provide 2WD access.</p> <p>Vegetation and landscape looked a lot better prior to the</p>	<p>The access to Buller Rivermouth from the North West Coastal Highway is currently, and was previously, contained within freehold land and was therefore subject to the landowner's consent to permit the public to travel along it.</p> <p>The strategy makes recommendation that the access between the highway and the Buller Rivermouth become public and lists it as a short-medium term priority.</p> <p>However, the strategy identifies that for this to occur</p>

Chapman Valley Coastal Management Strategy & Action Plan - Schedule of Submissions			
Submission No. & Date	Respondent	Nature of Submission	Shire Comment
		<p>closure of the 2WD access, currently the area resembles "Mad Max Wonderland" as 4WDs are "cutting sick" (photos provided with submission) and wrecking the coastal dune system.</p> <p>There is a lot of rubbish (broken glass and syringes) in the Buller River area, which was not there prior to closure of the track.</p> <p>People access the area via 4WD along the beach, an activity NACC is trying to curtail, as it damages the structure of the beach and therefore resident micro and macro fauna.</p> <p>The Buller Rivermouth is an existing recreation node which is heavily used by local people using off road vehicles. Currently, the Buller Rivermouth is accessed from Drummond Cove by driving vehicles along the beach and through coastal vegetation. Both beach and vegetation are compacted and degraded by vehicular traffic. Off road cars and bikes speeding along the beach propose safety hazards for beach users, it is an accident waiting to happen, especially since families use this beach.</p> <p>Shire's population is expected to grow and the only beach access at Coronation Beach is far away, leading to more fuel use and emissions. Coronation is often overcrowded, camping sites full and used for windsurfing and kiting, it is an action filled beach for water sports.</p> <p>Am not sure why we need a sealed road to access the Buller River, many roads in the Shire are currently unsealed, it is more expensive to build a sealed road. An upgrade to a sealed road should occur, once the recreational area has been established and the need to upgrade has been proven. An unsealed road is safer than current beach 4WD access. Would like to have our 2WD access returned, as we enjoyed prior to closure of the track.</p> <p><u>Formalise Buller Rivermouth Recreational Area</u></p> <p>Buller Rivermouth should be opened as in the future we will lose beach access such as Oakajee River mouth when the port is built. Consequently, funds should be made available to compensate the community – a social offset.</p>	<p>a number of issues are required to be addressed, including:</p> <ul style="list-style-type: none"> - negotiations regarding the formalisation of the existing access road; - investigate the upgrades required to the intersection with the highway; - determine capital and maintenance costs and how this will be funded between different parties; - determine the future management of the road. <p>The strategy also identifies that for this to occur will involve a number of agencies including, but not limited to, the landowner (LandCorp), the approval authority (Main Roads WA) and the Shire.</p> <p>The strategy also recognises that sources of funding for this to occur must be identified, with some items requiring funding prior to the opening of formal public access to the site including a heritage survey, master plan, upgrading of the site, upgrading of the access alignment, and most significantly (in terms of cost) the upgrading and/or realignment of the highway intersection.</p> <p>The strategy makes recommendation that the access between the highway and the Buller Rivermouth should be to a sealed, permanent standard, it is agreed with the respondent that the strategy could reference the potential, that as an interim measure, that the access alignment could be to a gravel standard. However, this should be accompanied by comment that this would be with the exception of the section leading to the highway intersection that will need to be constructed to a sealed standard as part of the review and upgrading (and realignment if deemed necessary) process that must be undertaken to the approval of Main Roads WA.</p> <p>The strategy identifies that the Buller Rivermouth should be developed as a day use recreational coastal node, and lists it as a short term priority. However, the strategy also identifies that for this to occur a number of issues are required to be</p>

Chapman Valley Coastal Management Strategy & Action Plan - Schedule of Submissions			
Submission No. & Date	Respondent	Nature of Submission	Shire Comment
		<p>Shire has aspirations to develop the Buller Rivermouth Recreational site (Koltasz Smith 2007). The site and surrounding buffer zone has been acquired in freehold by the State Government.</p> <p>Since the closure of the road, access by a broader section of the community has been limited and the area and its vegetation has been degraded by off road vehicles. Numerous informal tracks have been cut through the vegetation, river bed and up near vertical sand dunes and ancient, once stabilised river banks. Vegetation and landscape character has been degraded and such activities also have the potential to adversely affect Aboriginal Heritage Sites located near the Buller Rivermouth. It is an offence to damage Aboriginal heritage sites under the AHA, and uncontrolled access by off road vehicles appears to be doing just that. Formalisation of access and better management of the area would help to respect and promote Aboriginal heritage and culture. This should occur soon, to avoid further damage.</p> <p>Prior to closure of access from the highway, the presence of more diverse community (especially families) resulted in better conservation of the fragile arid coastal riparian zone and inadvertently better management of Aboriginal heritage sites. The presence of a more diverse community increased vigilance and peer pressure. Currently, NACC rehabilitation work has been vandalised, which have been funded by Envirofunds.</p> <p>Indigenous groups should be consulted and involved in planning, development and management of the recreational site located on freehold land.</p> <p>The Buffer zone should be amended to exclude the Buller River Recreational area and return it to the community. The buffer zone for the Oakajee Industrial Estate was expanded after the Ministerial approval 469 was granted in 1998, when most of the community consultation regarding recreation was apparently concluded.</p> <p>The current extent of the buffer zone is not in keeping with local government planning aspirations (Koltasz Smith 2007) nor is it in keeping with community use patterns.</p> <p>Modelling presented in the Public Environmental Review suggest that the Buller Rivermouth Recreational area will not</p>	<p>addressed, including:</p> <ul style="list-style-type: none"> - consider who will be responsible for implementation, management and maintenance of the area; - preparation of a master plan to address the design of the day-use area, protection of heritage sites, access arrangements; - consider funding sources be they internal, external, collaborative of a combination thereof. <p>Indigenous groups have been consulted throughout the preparation of the management plan. The report recommends to continue to liaise with local Aboriginal representatives to ensure a culturally sensitive approach to recreational activities and the provision of visitor amenities within the study area</p> <p>The Oakajee Special Control Area/buffer has been determined based on air quality, risk and noise modelling for a range of heavy industries within the industrial core.</p> <p>The Buller Rivermouth was previously identified by</p>

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		<p>be adversely affected by the proposed development, in terms of emissions such as noise levels, NOx etc. Other recreational sites are located near existing industrial areas, such as Hearsons Cove at the Burrup Peninsula, which is located within 2 km of the Burrup Fertiliser Plant which produces deadly ammonia gas.</p> <p>The area should be returned to the Shire and managed as a recreational reserve. The Mid West Port Authority is there to manage a port and deal with efficient business, safety and security, not to manage a recreational reserve.</p> <p><u>Buller River to become the animal friendly beach</u></p> <p>The Shire needs an animal friendly beach for residents and tourists. Dogs off lead, do not mix with Coronation Beach and kites.</p> <p>Would like the Shire to have an official dog and horse beach at Buller River. Horses are currently floated to the Drummonds carpark and ride towards the Buller River area – during weekdays when vehicle traffic is reduced. Horses currently ride from Drummond Cove along the same area where the 4WDs race.</p> <p>Once the Buller residential area has been developed, the site will be less attractive and suitable for horses, floats and owners. Geraldton has a horse exercise beach – Pages Beach, and everyone loves seeing the horses there. Horses and dogs also like to swim and we live in a rural shire and this means retaining a rural element. This is what attracts us to the Shire of Chapman Valley.</p> <p>A link to Parkfalls estate would be appreciated, as many horse owners live there.</p> <p>Consequently we agree with you totally that a Master Plan for the Buller River should include a horse exercise area, however this should be extended to all animals including dogs. The master plan should and its implementation should be made a short term priority. Resolution is needed.</p> <p><u>Prioritise the opening of Buller River as ongoing & short term</u></p> <p>This has been an ongoing issue and resolution is required. To date, people have been injured in the dunes as current level of access and Mad Max wonderland status is not working for the community. The area should be accessible to</p>	<p>the 2007 coastal strategy as having potential to support low-key overnight short stay/tourist accommodation due to its potential accessibility, sheltered beach, river landscape and well treed camping locations. However the site sits within the Oakajee Industrial Estate buffer area and as a consequence is now identified by the strategy as a day use recreational coastal node only.</p> <p>Recommendation DC5 identifies section of the coast between Drummond Cove and Buller Rivermouth as being suitable for continued use for exercising dogs pending development of the future urban land to the east, after which consideration should be given to whether horses should be prohibited while continuing to allow dogs in a controlled manner. DC5 suggests investigation of this matter only and does not make specific recommendation, it is considered that development and subdivision of the Buller Development Zone/Structure Plan area to an urban level will be a long term proposition.</p> <p>Recommendation BR3 identifies that master planning for the Buller Rivermouth should include consideration of a horse exercise area, and also a link between the Buller Rivermouth and the Parkfalls Estate</p>

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		<p>all and the Mad Max element removed. It is dangerous for us to walk from Drummonds to Buller River. Current signage from the Midwest Port Authority at Drummonds only removes potential for litigation but does little to protect other beach users, as the signs are ignored. Weekends are simply frightening and we do not walk there then, nor do people ride their horses there as it is dangerous. We do not oppose the traditional use of 4WDs to access beaches, however if there was to be a recognised area for this activity, it should not be an area used by others to travel to Buller River. Such uses should be separated and is done so relatively successfully in Lancelin, where accidents are common but it involves only those willing to participate in the activity not through fare and other beach users.</p> <p>Please prioritise the Buller River master plan as short term as we need resolution.</p> <p>A lot of funds and efforts from the Shire have been invested in Coronation Beach in the last few years, which is great for windsurfers, kite surfers, campers and tourism. However, it is time that some funds are spent on a beach assess site close to the largest population, the south ward of the Shire and funds spent for people not interested in the traditional water sports that make Coronation Beach a tourism drawcard. Buller River, will no doubt emerge as a popular stand up paddle location, once access has been re-established. Similarly, fishing folk, families and animal owners will utilise the site.</p> <p>The Buller river area should be opened as in the future we will lose beach access such as Oakajee River mouth and Spot X- when the port is built. Consequently, funds should be made available now, to compensate the community for the future loss of an important recreational site – a social offset. It should be noted, that the Buller River recreational site will never compensate for the loss of a world class wind surfing site, at Spot X, a tourism drawcard the Shire carelessly threw away.</p> <p><u>Happy to participate in community management of the Buller River site or act as care-taker</u></p> <p>We want to care for the area, as currently it is being abused. Our family visited this beach for our daily swim, even in</p>	<p>Recommendation BR3 noted that the Buller River Master Plan should also consider responsible authorities for implementation and onground management and maintenance.</p>	
			<p>Recommendation BR8 identifies that the Buller Rivermouth would benefit from the formation of a coastal care community group to assist with beach clean ups and management of the area and to</p>	

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		<p>winter and twice daily when hot. Before closure we collected rubbish – mainly marine debris and removed weeds...and then, we did not find syringes as can be found now. Recently we wanted to shelter near the river and had to take our children away, as we found so many broken glass bottles and used syringes.</p> <p>Am also happy to organise Citizen Science projects or for a "Friends of group...." to gain funds and organise on ground works. I have a degree in Biological Sciences, first class honours, have completed a PhD focused on seabird ecology and ocean currents along the Western Australian coast and have therefore been exposed to coastal management issues. I have been part of Friends of Point Moore and organised the Osprey breeding pole and Coast West funds to do so. The birds breed there every year. Since then I have worked as an environmental consultant in the north-west including Burrup Peninsula and offshore oil and gas industry. I am sure other people with similar skills and interest will be found in the community to help enhance and care for the site.</p> <p>First we need access and we have been waiting patiently for approximately 10 years, whilst the site is being wrecked through current mismanagement.</p> <p>The document is generally very good from an environmental and planning perspective, but would benefit from a few corrections regarding Native Title aspects.</p> <p>Please replace all references of 'Yamatji Land and See Council' with 'Yamatji Maripa Aboriginal Corporation', and of 'YLSC' with 'YMAC'. YLSC was renamed as YMAC.</p> <p>P43, paragraph 3, last dot point: replace 'Aboriginal Heritage Claim Working Groups' with 'Native Title claim groups'.</p> <p>P46, paragraph 2: Native Title is about the recognition of land rights and interests, based on traditional law and custom. A Native Title determination can be exclusive or non-exclusive and can apply to land which is not necessarily UCL, for instance on pastoral leases. Generally Native Title is extinguished over freehold land. Native Title matters are very complex and some good basics can be found here: https://www.dbc.wa.gov.au/lantu/WhatsNativeTitle/Pages/Ab</p>	<p>create a sense of community ownership and responsibility for the area.</p>
4 (29/2/16)	Yamatji Maripa Aboriginal Corporation 171 Marine Terrace GERALDTON WA 6530		<p>That the strategy be modified as per the comments received from YMAC.</p> <p>Note submissions and modify strategy as follows:</p> <p>replace all references to 'Yamatji Land and See Council' with 'Yamatji Maripa Aboriginal Corporation', and of 'YLSC' with 'YMAC'.</p> <p>P43, paragraph 3, last dot point: replace 'Aboriginal Heritage Claim Working Groups' with 'Native Title claim groups'.</p> <p>P46, paragraph 2: replace paragraph with: 'There are currently three active Native Title claims over the study area. The claim groups will have to be</p>

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		<p>out-Native-Title.aspx</p> <p>Suggest replacing this paragraph with the following: 'There are currently three active Native Title claims over the study area. The claim groups will have to be approached for any land developments, including for heritage matters'.</p> <p>P47, Table 2.9: replace all references of 'Aboriginal groups' with 'Native Title claim groups'. Also you don't need to mention YMAC in the table, as YMAC is only the legal representative of those claim groups. The simple mention of the claim groups is enough.</p> <p>P52, Table 3.1, Column 2, Row 4: replace 'Aboriginal claimant groups' with 'Native Title claim groups'.</p> <p>P56, Table 3.2, Column 2, Row 3: replace 'Aboriginal claimant groups' with 'Native Title claim groups'.</p> <p>P69, Table 3.7, Column 2, Row 5: replace 'Aboriginal claimant groups' with 'Native Title claim groups'. Also the sentence needs to be corrected ('...becoming become...').</p> <p>P76, Table 3.9, Column 2, Row 5: replace '...outcome of Aboriginal heritage claims' with '...discussions with relevant Native Title claim groups'.</p> <p>P119, paragraph 3. Native Title is much more than just heritage, suggest replacing the paragraph with the following: 'It is also noted that the study area is subject to Native Title claims. It will be necessary to consult with relevant Native Title claim groups and their representative body (YMAC) to ensure appropriate consideration is given to the rights and interests of Traditional Owners, including heritage matters'.</p>	<p>approached for any land developments potentially affecting Aboriginal heritage sites, including for heritage matters'.</p> <p>P47, Table 2.9: replace all references of 'Aboriginal groups' with 'Native Title claim groups' and remove mention of YMAC in the table.</p> <p>P52, Table 3.1, Column 2, Row 4: replace 'Aboriginal claimant groups' with 'Native Title claim groups'.</p> <p>P56, Table 3.2, Column 2, Row 3: replace 'Aboriginal claimant groups' with 'Native Title claim groups'.</p> <p>P69, Table 3.7, Column 2, Row 5: replace 'Aboriginal claimant groups' with 'Native Title claim groups' and delete 'become'.</p> <p>P76, Table 3.9, Column 2, Row 5: replace '...outcome of Aboriginal heritage claims' with '...discussions with relevant Native Title claim groups'.</p> <p>P119, paragraph 3 replace with the following: 'It is also noted that the study area is subject to Native Title claims. It will be necessary to consult with relevant Native Title claim groups and their representative body (YMAC) to ensure</p>

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5 (3/3/16)	Department of Parks & Wildlife 201 Foreshore Drive GERALDTON WA 6530	Sections 7.8 and 7.9 of the strategy only consider part of the Chapman Valley coast and a number of threatened and priority species and communities found across the strategy area have not been included. Recommend that this section be revised to address these gaps and reference the most current available information, particularly in relation to threatened and priority ecological communities, threatened and priority flora, threatened and priority fauna and specially protected fauna. Up to date species and community listings can be found on the DPaW's website. The Geraldton Regional Flora and Vegetation Survey (2010) is the primary source of information covering an area from Cape Burney to the northern limit of the strategy area and is endorsed by the EPA and Department of Planning. The Northern Batavia Coast Flora and Vegetation Surveys (2011) while not formally endorsed also provide additional current reference information for plant communities across the strategy area and should be referenced in the document. DPaW will be pleased to review the document once a revised version has been prepared.	Section 7.8 of the strategy references the Geraldton Regional Flora and Vegetation Survey. Agree that there is some scope to expand the strategy as per the references provided by DPaW. Request that DPaW provide a copy of the Northern Batavia Coast Flora and Vegetation Surveys (2011) so it can be referenced in the report.	appropriate consideration is given to the rights and interests of Traditional Owners, including heritage matters. Note submission and modify strategy as follows: Modify Section 7.8 to include a paragraph to reference the Geraldton Regional Flora and Vegetation Survey. Modify Section 7.8 to include a paragraph to reference the Northern Batavia Coast Flora and Vegetation Survey. Modify Sections 7.8 and 7.9 with regard for relevant species and communities listings on the DPaW website.
6 (3/3/16)	Department of Health 227 Stubbs Terrace SHENTON PARK WA 6008	A risk assessment of each of the respective areas should be incorporated into the strategy including issues such as disaster preparedness, emergency shelters and recovery. For your reference consider the document 'Risky Business' a resource to manage environmental health risks specifically tailored for local governments. 'Land Use Planning for Natural Hazards' can also guide the use of land to effectively reduce risk and enhance sustainability for areas prone to hazards such as flooding (including storm surge), fire, landslide, earthquake, strong wind and coastal erosion.	Natural hazards relating to coastal process are addressed in Section 2.4 and a Coastal Hazard and Risk Management Adaptation Plan (CHRMAP) is recommended to be prepared which will also address issues relating to natural hazards (CP4). Further detail on coastal hazards is also addressed in Section 7.4. Coastal signage is also addressed in the report (Section 2.6) with specific reference to coastal hazards and risks. Recommendations CP5, A8 and A9 specifically address safety signage to address risks and coastal hazards. Sections 2.4 & 2.5 of the strategy reference the	Request that DPaW provide a copy of the Northern Batavia Coast Flora and Vegetation Surveys (2011) so it can be referenced in the report. Modify Section 2.4 to include reference to the 'Coronation Beach Nature Based Camping Ground and other coastal nodes Evacuation Plan' and the Batavia Local Emergency Management Committee.

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7 (3/3/16)	Main Roads WA Eastward Road GERALDTON WA 6530	<p>Discussions should also be held with adjoining local governments to link with strategies that they may be developing for similar issues.</p> <p>In Coastal Management Sector 2 – Buller River the strategy proposes to investigate opportunities to upgrade and formalise a public access to Buller River from North West Coastal Highway. Any changes to the access will need to conform to Main Roads standards and specifications and any works will require an application to be submitted to Main Roads for assessment. Request continued consultation as plans progress in the area.</p>	<p>issue of risk.</p> <p>The only current recreation coastal node within the strategy area is Coronation Beach and this is addressed through the 'Coronation Beach Nature Based Camping Ground and other coastal nodes Evacuation Plan' which is has been prepared as part of the Shire of Chapman Valley Local Emergency Management Agreement.</p> <p>The only proposed recreation coastal node within the strategy area is Buller Rivermouth (and this for day use only and <u>not</u> overnight stay) and Table 3.3 notes that:</p> <p>"Issues: Coastal hazards and risks. There is no reliable, detailed information on the possible impact of sea level rise, coastal erosion and inundation at Buller River.</p> <p>Opportunities: As this is a popular site for recreational use, it is recommended that further coastal studies are undertaken and an CHRMAP is prepared for the entire study area."</p> <p>Developments relating to the Oakajee Port will be required to prepare and adhere to risk assessment and management under a range of statutory requirements.</p> <p>The Shire of Chapman Valley is a member of the Batavia Local Emergency Management Committee that also comprises representatives from the City of Greater Geraldton, Shire of Northampton, Department of Fire & Emergency Services, St John Ambulance, WA Police, Fire & Rescue, Marine Rescue and Department of Health amongst others.</p> <p>Table 2.1, Section 3.3 and Recommendation BR5 of the strategy identify that the provision of access to Buller Rivermouth requires consultation with Main Roads WA.</p>	<p>Note submission, and expand Table 2.1, Section 3.3 and Recommendation BR5 of the strategy to identify that the provision of access to Buller Rivermouth requires consultation with, and approval of, Main Roads WA.</p>

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8 (3/3/16)	City of Greater Geraldton Cathedral Avenue GERALDTON WA 6530	<p>The purple colours in figures used throughout the document do not always match up to the legend colours.</p> <p>The setback calculations as advocated in this document - which refers to data in the Buller Local Structure Plan appear unreliable. It is unclear as to the reliability of the S2 figures presented in Table 2 of that (Buller LSP) report.</p> <p>The S2 figures for PP005, PP006, PP008, PP014 & PP016 are based on data 1956-2013 (57 years), query net movement equating to average annual rate.</p> <p>Given this is only 1cm horizontally outside the SPP2.6 '0.20m' threshold a conservative approach would be more appropriate. Compelling evidence as required by SPP2.6 that accretion is or will continue to occur has not been provided.</p> <p>P24, CP1 - it is not clear precisely to what the 20-50 year planning timeframe refers. Clarity and certainty should be provided that the 100 year planning timeframe has been used for the establishment of residential setback and that the S1, S2, S3 and S4 SPP2.6 values have been reliably calculated.</p> <p>P24, CP1 - it is not clear that a coastal inundation (S4) assessment in line with SPP2.6 has been undertaken and any impact on the coastal setback established through the coastal processes assessment (S1,S2,S3).</p> <p>P24, CP4 - CHRMAP should in the first instance establish the appropriate combined setback required from coastal processes and inundation assessment.</p> <p>P39, A9 - it is not clear that a coastal inundation (S4) assessment in line with SPP2.6 has been undertaken to inform on the level and extent of signage and evacuation procedures.</p> <p>P54, Last Para - Buller Local Structure Plan has not included an assessment of coastal inundation (S4) in line with SPP2.6 which may impact on the coastal setback established through the coastal processes assessment (S1,S2,S3).</p> <p>P54, Last Para - an inundation study and processes allowances study is being undertaken for Town Beach to Drummond Cove. It is likely, given the reservations identified above that there will a discrepancy to in the setback lines calculated.</p> <p>P56,DC1 - foreshore reserve should be based on the</p>	<p>Amend Figures 2.1(d) & 3.1 so that legend and Crown Allotment/Freehold Land colours on map align.</p> <p>The submission is making general comment in relation to the Buller Local Structure Plan and not the Coastal Management Strategy and Action Plan.</p> <p>The Buller Local Structure Plan has been previously approved by both Council and the WAPC.</p> <p>The Buller Local Structure Plan adopted the conservative approach under State Coastal Planning Policy 2.6 which allows for a default value of 40m which is considered by the Department of Transport to be a worse case scenario on most sandy coasts in WA (a calculation using a higher amount of erosion would be questionable and open to challenge) and is an appropriate level for a structure plan. The Buller Local Structure Plan noted that a subsequent developer/landowner at the time of subdivision may elect to undertake explicit modelling of the S1 component in an effort to reduce this element; but that this would be required to be undertaken by the applicant at their expense and to the requirements and satisfaction of the WAPC to enable its assessment and determination. Section 2.6 of the Buller Local Structure Plan did also note that such analysis and expense may not result in any revision to the coastal setback:</p> <p><i>"If this is sought to be investigated further, for example to confirm or reduce the setback at subdivision, cross shore storm profile modelling would need to be undertaken (there is no guarantee that a reduction in the setback would be the result of this analysis)."</i></p> <p>The previous consideration of the respondents comments relating to the Buller Local Structure noted that:</p> <p>The point PP016 is actually an average of 150m of</p>
			<p>Note submission and modify strategy as follows:</p> <p>Modify Figures 2.1(d) & 3.1 so that legend and Crown Allotment/Freehold Land colours on map align.</p> <p>Modify Table 2.7, A4 to insert 'and inclusion planning' so that it instead reads "investigate opportunities for more formal disabled access when facilities are provided. Ensure disabled access and inclusion planning is considered when designing and implementing the actions recommended in this plan and that the Shire's Disability Access and Inclusion Plan is referred to."</p> <p>Modify Section 2.9, page 48, paragraph 2 to insert the words 'sections of' so that it instead reads "...The City of Geraldton has banned the use of off-road driving on sections of their beaches which has meant that this user group has had to look outside the City of Geraldton for areas to drive...."</p>

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		<p>appropriate combined setback calculated from coastal processes and inundation assessment. The inundation component does not yet appear to have been calculated.</p>	<p>coastline, this section is historically (according to the available aerial photography) an accreting coastline, so the use of the -15m value is considered valid.</p> <p>The setback distance of 115m is applied at point PP016 and a linear increase applied up to point PP014 at 140m, so a steadily increasing setback as moving north up the coast. Again, point PP014 is an average of 300m of coastline, so considered representative of a section of coast, not just a single point in plan.</p> 	

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			<p>The coastal setback as defined by SPP2.6 is the summation of S1 + S2 + S3 + 0.2m/yr for uncertainty, this defines the possible coastal erosion distance over the planning timeframe and dictates the line behind which any development should take place. The S4 value calculates the risk of the site to coastal inundation and is applicable when setting development floor levels and adaptation criteria but does not preclude infrastructure within the S4 area. The S4 value has not been calculated at this stage but should be undertaken prior to any development being considered.</p> <p>Setback - the setback line should be based on the worst outcome from S1+S2+S3 vs S4</p> <p>The coastal setback as defined by SPP2.6 is the summation of S1 + S2 + S3 + 0.2m/yr for uncertainty. The 0.2m/yr should be applied over a 100 year planning period which would increase the physical processes setback by 20m, however this uncertainty can be accommodated within the additional foreshore reserve provided by the structure plan.</p> <p>The Buller Local Structure Plan illustrates a proposed foreshore reserve width north of Drummond Cove Road that is greater than the existing foreshore reserve width south of Drummond Cove Road (i.e. 'behind' the existing built residential line in the Bayside Estate south of Drummond Cove Road).</p> <p>The Buller Local Structure Plan does not propose significant development within the foreshore reserve area, instead recommending conservation outcomes and development being limited to passive recreation e.g. managed walk trails linking the structure plan area to the beach.</p> <p>The Coastal Management Strategy is considered to satisfactorily address the issue of coastal risk. The strategy generally confines its</p>	

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9 (2/3/16)	Tourism WA 2 Mill Street	<p>P39, A4 - suggest 'Ensure disability access and inclusion planning is undertaken when...'</p> <p>P48, Para 2 - there are areas on the City of Greater Geraldton coastline where vehicles can access the beach</p> <p>P52, Table 3.1 & P56.DC2 - UCL - It should also be noted that the UCL spans SocV and CGG and that any Native Title investigations would sensibly cover the entire UCL</p> <p>Throughout / Photos aren't captioned e.g. Plate 1</p>	<p>recommendations to an ongoing low-key management role (e.g. invasive species management, fencing, rationalisation of tracks, education, signage etc.) but in the instance of the Buller Rivermouth where the development of a coastal recreational node is promoted, the strategy recommends that this be a day use only node (i.e. short or permanent stay).</p> <p>The strategy makes several recommendations that address the raised issues satisfactorily, it should be noted that Recommendation A9 is a general strategy relating to the entire study area. Further consideration of the specific level and extent of signage will need to be undertaken as required.</p> <p>Modify Table 2.7, A4 to insert 'and inclusion planning' so that it instead reads 'Investigate opportunities for more formal disabled access when facilities are provided. Ensure disabled access and inclusion planning is considered when designing and implementing the actions recommended in this plan and that the Shire's Disability Access and Inclusion Plan is referred to.'</p> <p>Modify Section 2.9, page 48, paragraph 2 to insert the words 'sections of' so that it instead reads "...The City of Geraldton has banned the use of off-road driving on sections of their beaches which has meant that this user group has had to look outside the City of Geraldton for areas to drive...."</p> <p>The strategy is making recommendation limited to the study area.</p> <p>The strategy could be modified to caption the 18 photographs within it.</p> <p>The strategy makes several recommendations regarding access to a recreational node at the</p>	Note submission.

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	PERTH WA 6000	<p>Pleased to see that the strategy is providing opportunities to enhance the recreational facilities available through the provision of additional infrastructure, this includes, 4WD opportunities and improved public access to the coastal environment (including disabled access) in locations such as Buller River. The picnic facilities, barbecues and signage to be provided in important tourism locations such as Coronation Beach and Drummond Cove will also add value to the area. In addition, further developing access to the coast for surfing, kitesurfing, windsurfing and longboarding will be a positive outcome for tourism, increasing the recreational activities available to visitors.</p> <p>Tourism WA also supports the opportunities set out for caravan and camping in the Strategy, which supports the intent of the Caravan and Camping Action Plan 2013-2018.</p> <p>Chapman Valley is an important recreational area and provides significant amenities for visitors.</p> <p>Tourism WA has previously highlighted the importance of retaining the Drummond Cove caravan park site, and of facilitating access from this site to the coast. We reiterate this advice due to the area's high tourism value.</p> <p>In regards to the possible development of Oakajee Port, Tourism WA would recommend consideration of the port's impact on the recreational use of the coast, especially in popular tourist zones. Minimising the impact to protect tourism activities and uses where possible is a recommended course of action that should be considered in the strategy.</p>	<p>Buller Rivermouth and the coast south of the Oakajee Port area. The strategy also identifies that achieving these recommendations will be subject to discussions and agreements between several parties, including, but not limited to the Mid West Port Authority, LandCorp, industrial proponents and the Shire.</p>
10 (4/3/16)	Kevin Woodthorpe & Rick Cameron for Colleen Miles-Cadman of Lot 7 North West Coastal Highway BULLER WA 6532 & for Muriel Thomas of	<p>Southern Buller Landowner's Group (SBLOG) has reviewed the draft strategy and wishes to lodge this letter of support. SBLOG also recognizes that the coastal area is a material resource that is increasingly used and enjoyed by a range of stakeholders that include beach goers, fishermen, off road vehicles etc. and having a strategy that assists in delivering rational balanced outcomes for stakeholders is important.</p> <p>Supportive of "Objective 8" of the strategy:</p> <p>"To increase community awareness and participation in coastal management and maintain successful relationships between stakeholders and coastal landowners"</p> <p>Being adjoining landowners SBLOG is mainly interested in the sector CMS 1 and supports the implementation of the strategy actions that seek to better manage vehicle and</p>	<p>Section 2.6 and Table 2.7 of the strategy list a range of general access management strategies.</p> <p>Section 3.2 and Tables 3.1 and 3.2 list a range of management strategies specific to the section of the study area's coast under the most significant 4WD pressure.</p>
			Note submission.

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	1577 North West Coastal Highway BULLER WA 6532	<p>pedestrian use along the beach in terms of:</p> <p>Safety – where there is an obvious growing risk of mixing pedestrian and vehicle use. On a number of occasions members of SBLOG have witnessed vehicles (including quad and motor bikes) speeding and having near misses in areas also used by pedestrians.</p> <p>Environment – where protection of the beach flora is needed from vehicles.</p>		

Cr Maluish and Cr Wood declared an Impartiality interest in this item

AGENDA ITEM:	9.1.7
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	BILL HEMSLEY PARK MANAGEMENT COMMITTEE
SITE:	RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	R49641
PREVIOUS REFERENCE:	02/14-10, 02/14-11, 02/14-12, 02/14-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4, 03/15-5, 06/15-9, 09/15-2-8 & 11/15-9
DATE:	5 MAY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The minutes of the 27 April 2016 Bill Hemsley Park Management Committee meeting have been included as **Attachment 9.1.7(a)**. This report recommends that Council receive the unconfirmed minutes from the Bill Hemsley Park Management Committee meeting and adopt the recommendations arising out of the meeting.

COMMENT

Council resolved at its 16 September 2015 meeting:

"That Council receive the Unconfirmed Minutes of the 2 September 2015 Bill Hemsley Park Management Committee meeting."

"That Council adopt the Bill Hemsley Park Concept Plan provided as Attachment 1 within the Bill Hemsley Park Management Committee 2 September 2015 Unconfirmed Minutes."

"That Council write to all parties who made a submission on the Bill Hemsley Park Concept Plan thanking them for their interest and advising of Council's decision to adopt the plan."

"That Council request Urbis to prepare the itemised costings for the Bill Hemsley Park Concept Plan in accordance with the agreed scope of works."

"That Council:

- 1 Instruct Shire staff to seek external funding (matched from the Bill Hemsley Park Trust account) for the development of a fitted bore and tank upon Bill Hemsley Park; and*
- 2 Instruct Shire staff to investigate costings for the provision of scheme water connection to the park."*

"That Council authorise the expenditure of matching funds from the Bill Hemsley Park Trust account in the event that a water grant application is successful."

"That Council:

- 1 Instruct Shire staff to seek quotes for the detailed design of the nature playground; and*
- 2 Issue delegated authority to the Shire Chief Executive Officer to appoint a firm (as recommended by the Management Committee) funded from Account 2642 to undertake the detailed design of the nature playground."*

Council resolved at its 18 November 2015 meeting:

"That Council:

- 1 Receive the Unconfirmed Minutes of the 10 November 2015 Bill Hemsley Park Management Committee meeting as provided as Attachment 9.1.5(a).*

- 2 *Note the Management Committee's selection of Ecoscape to undertake the Nature Playground design, and that these plans be presented to the Management Committee for review and Council for endorsement.*
- 3 *Receive the Bill Hemsley Park Concept Plan itemised estimated costs as an initial basis for future budgeting and making application for external funding.*
- 4 *Endorse the Management Committee's recommendation that the following items be considered priorities for the development of the Bill Hemsley Park:*
 - *Bore, tank, power, scheme water connection;*
 - *Community Building/Pavilion/Viewing Decks (meeting room/toilets) (concept plan legend no.8, 9);*
 - *Nature Playground (concept plan legend no.12, 17, 18, 19, 20);*
 - *Walk Trail around Nature Playground (concept plan legend no.3);*
 - *Turfed Play Area and BBQ/Shelter (concept plan legend no.11, 22, 15);*
 - *Car Park (concept plan legend no.14);*
 - *Entry Statement/Sign & Mrs Hemsley's Tree (concept plan legend no.7)*
- 5 *Endorse the Management Committee's recommendation that funds from the Bill Hemsley Park trust account be referenced as a matching contribution in any external funding or Shire financial contribution for the items listed in part 4.*
- 6 *Instruct Shire staff to seek external funding (matched from the Bill Hemsley Park trust account) for the development Bill Hemsley Park as per the items listed in part 4.*
- 7 *Endorse the Management Committee's suggestion that a budget allocation of \$20,000 be provided for the drafting of building plans for the meeting room/gazebo/Shire building (funded by \$10,000 from Bill Hemsley Park trust account, \$10,000 from 2015/2016 budget - account 2834).*
- 8 *Authorise the Shire Chief Executive Officer to appoint a drafting firm to undertake the drafting of building plans for the meeting room/gazebo/Shire building, and that these plans be presented to the Management Committee for review and Council for endorsement."*

STATUTORY ENVIRONMENT

The legal agreement between the developer of the Parkfalls Estate and the Shire provided the terms for the transfer of the park and payment of funds by the developer to the Shire to be held in trust for expenditure on the park.

The Management Committee Agreement provides for the ongoing management of Bill Hemsley Park and the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the agreement states:

"3 Decisions not binding on Shire

The parties acknowledge and agree that the decisions and recommendations of the Management Committee are advisory only, and are not binding on the Shire or the Shire's Council."

Part 4 of the Management Agreement states:

"4.1 Use of Trust Payment

The Shire covenants and agrees to deposit the Trust Payment into a trust fund in accordance with the provisions of the Local Government Act 1995, and to only use such funds for construction and development upon the Recreation Site.

4.2 Acknowledgement

The parties covenant and agree that the expenditure of the trust fund can only be approved by the Council of the Shire based on the recommendations of the Management Committee provided such expenditure is for construction and development upon the Recreation Site."

POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2014/2015 notes that in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Financial Management Regulations 1996*, monthly reporting will be provided for trust accounts.

FINANCIAL IMPLICATIONS

The developer made payment of \$300,000 (GST inclusive) to the Shire on 3 March 2014 and this amount was deposited in a specifically created trust account for the purpose of expenditure upon Bill Hemsley Park. Trust Account 18 contains \$287,273.98 as of 12 April 2016.

The 2015/2016 Council budget includes an allocation of \$10,000 within Account 2642 for the design of the nature playground.

The 2015/2016 Council budget also lists an expenditure allocation of \$500,000 for the Bill Hemsley Park within Account 2834, to be drawn from a combination of the developer contribution (\$300,000), \$100,000 grant and/or community funds, and \$100,000 Shire resources. The Council budget notes that this capital expenditure is subject to the finalisation of the Bill Hemsley Park Concept Plan, and grant funding being received.

Council resolved at its 20 April 2016 meeting (Minute Reference 04/16-10) to carry-over the unused amount of the \$100,000 (Account 2834-Shire resources component) into the draft 2016/2017 budget, and allocate an amount of \$32,200 (drawn from the Shire Building Reserve account) if an office is included in the proposed building at Bill Hemsley Park.

The itemised costings received by Council at the 18 November 2015 meeting provide an estimate on the likely total cost were the project to be undertaken by private contractors, and this figure provides a basis for future budgeting and applications for external funding. The provided costings should be regarded as indicative only, and would be expected to be subject to variation depending on subsequent decisions including timing of works, level of community in-kind contribution, use of prison labour, and the subsequent more detailed design work on the community building.

The estimated total project cost, and current external funding climate, indicate that delivery of the total Bill Hemsley Park concept plan would require staged delivery and the priority items identified by the Management Committee, and endorsed by Council at the 18 November 2015 meeting, allow for the early delivery on-ground of some of the most demanded aspects to meet the level of community expectation.

In accordance with Council's 18 November 2015 direction Shire staff prepared the following grant applications:

- **Water Supply (Department of Water)**
The grant application seeks funding for a test bore and pump test. Should water quality and quantity prove adequate, the application also seeks funding for the sinking of a bore, casing, pumps, storage tank, pump shed, pipework, reticulation for turf area and installation, water meter and solar panels. The application outlines that the Shire would fund the electrician and power connection. Announcements on which funding applications are successful is anticipated in May 2016.
- **Community Native Garden (Department of Local Government & Communities)**
A notification has now been received that this application was unsuccessful. The application had sought funding for Drylands Permaculture Farm to design the entrance garden and botanic garden, wind breaks, shade and provide a species list reflecting this and ways to showcase local species. The grant also sought to fund tubestock and larger trees, and 2 community workshops to assist in the design and planting, as well as an entrance rock spill wall and Bill Hemsley Tree. The grant proposed that the Shire and Department of Corrections

would contribute to the construction of the rock spill wall, while the Parkfalls Residents Association would contribute to propagating plants and planting the garden and mulching.

- **Community Building (Mid West Development Commission)**
The anticipated overall Bill Hemsley Park concept plan costings received by Council at the 18 November 2015 meeting estimated a building cost of \$305,596.50 (comprising \$2,815 site preparation and mobilisation, \$75,000 viewing deck, \$200,000 meeting room and toilets with a 10% contingency figure for construction of \$27,781.50).
As was reported to Council at the February 2016 Forum Session, the subsequent more detailed building design work led to a revised figure, with \$462,300 listed as the total project cost for the lodgement of the grant application.

A maximum of \$300,000 is available with no minimum limit on monetary or in-kind contributions, but to be competitive it was considered that the Shire's grant application should at least make a 50% contribution made up of \$100,000 cash and \$50,000 in-kind. The in-kind contribution would include all earth works and site preparation as well as materials used e.g. gravel/sand. Announcements on which funding applications are successful is anticipated in May 2016.

As outlined in the suggested funding table provided to Council with the February 2016 Forum Session the suggested source for the Shire monetary contribution is from Bill Hemsley Park Trust Account 18, in accordance with part 5 of the 18 November 2015 Council Resolution (Minute Ref: 11/15-9), although it is also noted that the 2015/2016 Council budget lists an expenditure allocation of \$500,000 for the Bill Hemsley Park within Account 2834, to be drawn from a combination of the developer contribution (held in trust) of \$300,000, \$100,000 grant and/or community funds, and \$100,000 from Shire resources. There is also \$534,273 held in the Shire Building Reserve, and the ability for a loan to be taken out that can be tied directly to the parcel of land that the loan is servicing.

The building cost as submitted in the grant application has been calculated as follows:
Meeting Room/Hall, Kitchen, Toilets, Office & Verandahs (262.5m² x \$1,400) = \$367,500 (The cost of the office component within this figure would be 23m² x \$1,400/m² = \$32,200)
Gazebo (86.5m² x \$800) = \$69,200
Timber Deck (64m² x \$400) = \$25,600
Earthworks provisional sum allowance = \$30,000
Estimated total cost = \$492,300 GST ex (or \$462,300 if site works undertaken by Shire)

This estimated cost must be treated as a guide as the final figure will vary dependant on the future decisions that will need to be made including materials, furnishings, fixtures etc., the figure will also vary depending on the timing of construction, the number of tendering firms and a range of other factors.

- **Nature Playground (Lotterywest)**
Applications can be submitted to Lotterywest anytime and, following discussions with other potential state and federal funding sources, it is considered that this avenue is the most appropriate for the Shire to target funding for the nature playground element and associated shade, water fountain etc.
The estimated costings for the nature playground design presented with this agenda report is \$109,637 GST ex, which is in keeping with the estimated figure of \$104,400 received by Council at its 18 November 2015 meeting.

Updates on these external funding applications were provided with the February 2016 Community Development Officer Information Report, February 2016 Planning Information Report, February 2016 Forum Session (this included a breakdown of the external funding application costings), March 2016 Community Development Officer Information Report, March 2016 Planning Information Report, and April 2016 Community Development Officer Information Report.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan received by Council at its 18 September 2013 meeting identifies this as a major project to be determined by the Management Committee. The Plan also identifies that the project can only proceed if the majority of funds can be obtained from grants and should not proceed until all funding and a contract price is secured. With the payment of the developer contribution of \$300,000 (GST inclusive) on 3 March 2014 a key funding contribution was

secured, and this can be increased through Council budgetary allocation, loan application, pursuit of grants/external funding and community financial and in-kind contribution.

STRATEGIC IMPLICATIONS

The development of Bill Hemsley Park as a recreation and community node will capitalise on the Parkfalls Estate's radial network of bridle paths and roads that should lead to utilisation of the site as it would be relatively easy to access for the community it will serve.

The Bill Hemsley Park project is contained within the Capital Building Works Program, as reviewed by the Building & Disability Services Committee and endorsed by Council at its 20 April 2016 meeting.

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

The Shire of Chapman Valley Strategic Community Plan was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Plan lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire.

CONSULTATION

The preparation of the Bill Hemsley Park Concept Plan was informed by a community survey undertaken by the Parkfalls Residents Association of 215 White Peak landowners that sought to ascertain what facilities the community wanted, and did not want, to see developed upon the park site. 62 surveys were returned (29% response rate) and the results of the community survey were presented to the Management Committee at its 15 August 2013 meeting.

Council resolved at the 20 August 2014 meeting the following:

- "2 Accept the revised concept plan included as Attachment 1 in the Unconfirmed Minutes of the 25 July 2014 Bill Hemsley Park Management Committee meeting (which includes all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand)."*
- "5 A Draft Concept Plan produced by the drafting company will be sent out to all individual landowners in the Parkfalls Estate seeking their feedback on this draft plan or any other design for the park. Council will consider all feedback prior to finally endorsing the concept plan."*

The draft Bill Hemsley Park Concept Plan was advertised from 30 June 2015 until 24 July 2015 and the consultation period include the following actions:

- direct mail-out of the concept plan to all landowners in the Parkfalls Estate;
- placement of the concept plan on the Shire website;
- placement of a notice in the Shire E-News;
- placement of a sign on-site; &
- placement of a notice on the Parkfalls Estate noticeboard.

There are 222 lots in the Parkfalls Estate owned by 211 landowners, at the conclusion of the consultation period 42 submissions had been received, representing a response rate of 18.96% (this percentage figure discounts 1 of the 2 supporting submissions that were received from the same address, and 1 supporting submission from the Parkfalls Residents Association).

RISK ASSESMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL MOTION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

- 1 The minutes from the Bill Hemsley Committee meeting be accepted but that none of the recommendations be actioned or progressed at this time;
- 2 That the Shire continue to explore and establish a water supply and headworks primarily for Bill Hemsley Park;
- 3 That Council be given the opportunity to discuss and have input into the development of the park; and
- 4 That there be no further meeting of the Bill Hemsley Committee until such time that recommendations (2) and (3) have been completed.

Voting 4/4
MOTION LOST ON PRESIDENTS CASTING VOTE
Minute Reference: 05/16-9

FORESHADOWED MOTION

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR MALUISH

SECONDED: CR WOOD

That Council:

- 1 Receive the minutes of the 27 April 2016 Bill Hemsley Park Management Committee meeting as provided as **Attachment 9.1.7(a)**.
- 2 Adopt the Bill Hemsley Park Community Building Plans included as **Attachment 9.1.7(b)** and request that Teakle & Lalor prepare the building drawings, and associated specifications, so that they may be utilised for tender purposes when required.
- 3 Adopt the Bill Hemsley Park Nature Playground Plans included as **Attachment 9.1.7(c)**, subject to the inclusion of 2 additional swings, and request that Ecoscape prepare the nature playground drawings, and associated specifications, so that they may be utilised for tender purposes when required.

AMENDMENT

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

That Council receive the minutes of the 27 April 2016 Bill Hemsley Park Management Committee meeting as provided as **Attachment 9.1.7(a)** and items 2 and 3 of the Substantive Motion be removed.

Voting 4/4
AMMENDMENT LOST ON PRESIDENTS CASTING VOTE
Minute Reference: 05/16-10

FORESHADOWED AMENDMENT:

MOVED: CR FORRESTER

SECONDED: CR ROYCE

Add an additional point to the Substantive Motion:

- 4 Items 2 and 3 subject to Council endorsed funding.**

Voting 6/2
AMENDMENT WAS PUT AND CARRIED
Minute Reference: 05/16-11

Voting: Cr Humphrey and Cr Farrell voted against the motion

The meeting adjourned at 10.08am

The meeting recommenced at 10.15am

THE AMENDMENT BECAME THE SUBSTANTIVE MOTION

That Council:

- 1 Receive the minutes of the 27 April 2016 Bill Hemsley Park Management Committee meeting as provided as **Attachment 9.1.7(a)**.
- 2 Adopt the Bill Hemsley Park Community Building Plans included as **Attachment 9.1.7(b)** and request that Teakle & Lalor prepare the building drawings, and associated specifications, so that they may be utilised for tender purposes when required.
- 3 Adopt the Bill Hemsley Park Nature Playground Plans included as **Attachment 9.1.7(c)**, subject to the inclusion of 2 additional swings, and request that Ecoscape prepare the nature playground drawings, and associated specifications, so that they may be utilised for tender purposes when required.
- 4 Items 2 and 3 subject to Council endorsed funding.

PROCEDURAL MOTION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

That the question be adjourned until notification of all current grant applications have been received and brought back to Council for further consideration.

Voting 5/3

CARRIED

Minute Reference: 05/16-12

Voting: Cr Humphrey, Cr Warr, Cr Collingwood, Cr Forrester and Cr Farrell voted for the motion.

(Note: As the Procedural Motion was Carried the Substantive Motion was deferred until item is returned to Council in accordance with Procedural Motion 05/16-12)

Reason for Deviation from Staff Recommendation: Procedural Motion carried which deferred further discussion on the Substantive Motion.



BILL HEMSLEY PARK MANAGEMENT COMMITTEE MEETING

VENUE: Shire of Chapman Valley Council Chambers,
3270 Chapman Valley Road, Nabawa
DATE: Wednesday, 27 April 2016
TIME: 9:00am–10:30am

UNCONFIRMED MINUTES

Order of Business

1 Welcome by the Chair – Councillor Trevor Royce

The Chairman welcomed those in attendance and opened the meeting of the Bill Hemsley Park Management Committee at 9:10am.

2 Record of Attendance

Committee Members:

Trevor Royce (Chairman & Councillor - Shire of Chapman Valley)
Veronica Wood (Councillor - Shire of Chapman Valley)
Ian Maluish (Parkfalls Residents Association)

Observers:

Maurice Battilana (Chief Executive Officer - Shire of Chapman Valley)
Nicole Batten (Community Development Officer - Shire of Chapman Valley)
Simon Lancaster (Deputy CEO & Minute Taker - Shire of Chapman Valley)

Apologies:

Tom Davies (Parkfalls Residents Association)
Peter Sukiennik (Developer)
Ian Wheatland (Developer)

3 Disclosure of Interest

Nil

Bill Hemsley Park Management Committee Meeting Unconfirmed Minutes – 27/4/16 - Page 1 of 3



Shire of
Chapman Valley
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4 Confirmation of Previous Meeting Minutes – 9 March 2016

Management Committee Resolution:

"That the minutes of the previous meeting of the Bill Hemsley Park Management Committee held on 9 March 2016 be confirmed as a true and accurate record."

Moved: Veronica Wood Seconded: Ian Maluish
Voting 3/0
CARRIED

5 Items for discussion

5.1 Community Building

The Management Committee were provided with a draft community building design prepared by Teakle & Lalor (**Attachment 5.1**) prior to the meeting to enable review and subsequent discussion at the meeting.

Management Committee Resolution:

"That the Management Committee:

- 1 Endorse the Bill Hemsley Park Community Building Plans included as **Attachment 5.1**, subject to a 'high' window being included along the southern wall of the meeting room (in place of the shown 1200x2400mm window), and recommend that Council adopt the plans.*
- 2 Subject to part 1 (Council adoption), request Teakle & Lalor to prepare the building drawings, and associated specifications, so that they may be utilised for tender purposes when required."*

Moved: Ian Maluish Seconded: Veronica Wood
Voting 3/0
CARRIED

5.2 Nature Playground

The Management Committee were provided with a draft nature playground design prepared by Ecoscape (**Attachment 5.2**) prior to the meeting to enable review and subsequent discussion at the meeting.



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Management Committee Resolution:

"That the Management Committee:

- 1 Endorse the Bill Hemsley Park Nature Playground Plans included as **Attachment 5.2**, subject to the inclusion of 2 additional swings, and recommend that Council adopt the plans.*
- 2 Subject to part 1 (Council adoption), request Ecoscape to prepare the nature playground drawings, and associated specifications, so that they may be utilised for tender purposes when required."*

Moved: Veronica Wood Seconded: Trevor Royce
Voting 3/0
CARRIED

5.3 Update on external funding application

Nicole Batten provided an update to the Management Committee on the ongoing preparation and lodgement of the 4 Bill Hemsley Park grant applications (groundwater, community building, nature playground, native garden) and the associated timelines.

6 General Discussion

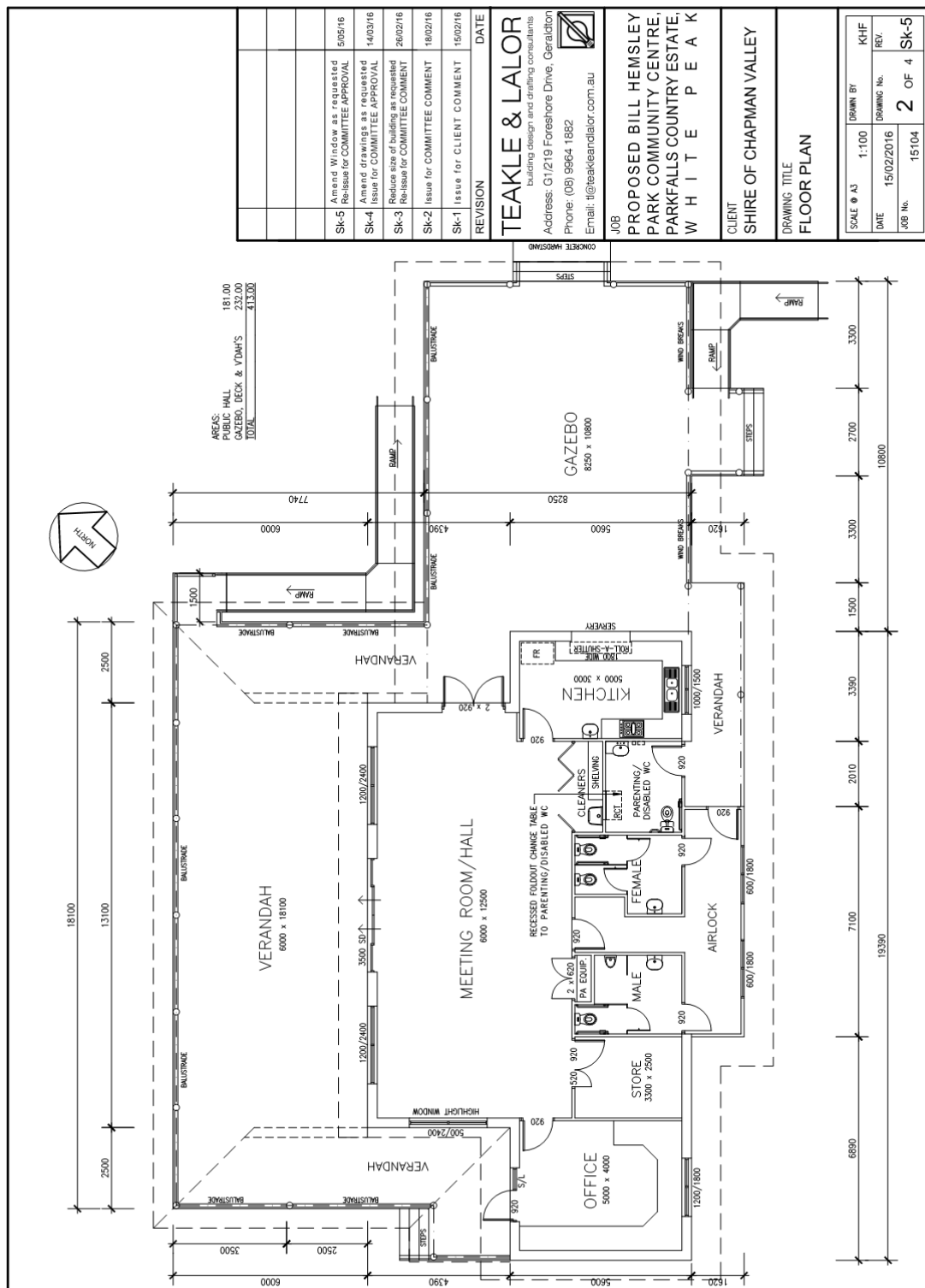
Nil.

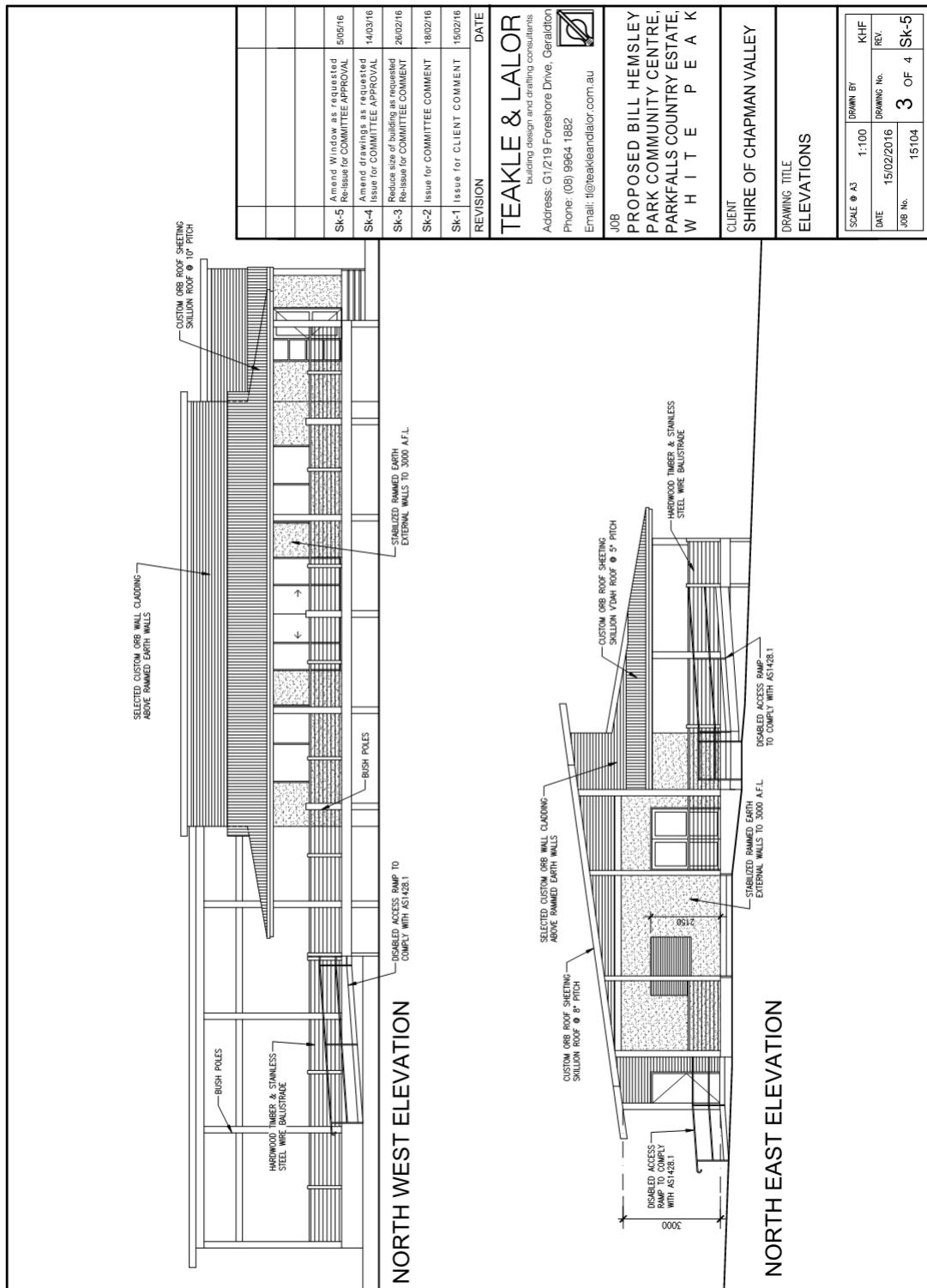
7 Next Meeting

To be advised.

8 Close

The Chairman thanked everyone for their attendance and declared the meeting closed at 10:00am.





REVISION	DATE
Sk-5	Amend Window as requested Re-issue for COMMITTEE APPROVAL
Sk-4	Amend drawings as requested Issue for COMMITTEE APPROVAL
Sk-3	Reduce size of building as requested Re-issue for COMMITTEE COMMENT
Sk-2	Issue for COMMITTEE COMMENT
Sk-1	Issue for CLIENT COMMENT

TEAKLE & LALOR
 building design and drafting consultants
 Address: G1/219 Foreshore Drive, Geraldton
 Phone: (08) 9984 1882
 Email: tl@teakleandl.com.au


JOB
 PROPOSED BILL HEMSLEY
 PARK COMMUNITY CENTRE,
 PARKFALLS COUNTRY ESTATE,
 W H I T E P E A K

CLIENT
 SHIRE OF CHAPMAN VALLEY

DRAWING TITLE
 ELEVATIONS

SCALE @ A3	DRAWN BY	KHF
DATE	DRAWING No.	REV.
15/02/2016	3	OF 4
JOB No.	15104	Sk-5



OPINION OF PROBABLE COSTS			Bill Hemsley Natureplay	
		PROJECT No:	3555-15	
		CLIENT:	Shire of Chapman Valley	
		STATUS:	Concept	
		AUTHOR:	NJC	
		CHECKED:	PJ	
		DATE ISSUED:	18.03.2016	
DESCRIPTION	UNIT	RATE	QUANTITY	AMOUNT
PRELIMINARIES				\$4,217
Preliminaries & establishment (including construction contract insurances)	%		4.00%	\$4,217
SITE WORKS & EARTHWORKS				\$2,760
Bulk earthworks	item		To be undertaken by Shire	
25mm organic mulch across playground	sq m	\$2	1380	\$2,760
PLAYGROUND - ADVENTURE ISLAND				\$61,240
Limestone pitching	sq m	\$250	22	\$5,500
Limestone boulder	lin m	\$100	20	\$2,000
Limestone block edge	lin m	\$70	12	\$840
Rope balance walk	ea	\$4,500	1	\$4,500
Universal swing	ea	\$10,000	1	\$10,000
Slide	ea	\$4,500	1	\$4,500
Cut log stepper	ea	\$250	3	\$750
Log playground/sand edge	ea	\$250	11	\$2,750
Sunken boulders	ea	\$200	5	\$1,000
Concrete culvert & timber to edges	ps	\$5,000	1	\$5,000
Timber platform cubby	ea	\$15,000	1	\$15,000
Jetty	lin m	\$600	5	\$3,000
Play sand	sq m	\$35	110	\$3,850
Mulch softfall	sq m	\$35	30	\$1,050
Recycled dinghy	ps	\$1,500	1	\$1,500
PLAYGROUND - RANGE				\$31,220
Limestone block pile	sq m	\$700	14	\$9,800
Limestone block edge	lin m	\$70	7	\$490
Log playground/sand edge	ea	\$250	2	\$500
Play sand	sq m	\$35	38	\$1,330
Concrete culvert & timber hideout	ea	\$6,000	1	\$6,000
Sand digger	ea	\$2,500	1	\$2,500
Rubber conveyor bridge	ea	\$6,000	1	\$6,000
Jetty	lin m	\$600	5	\$3,000
Recycled large rubber tyres	ea	\$250	4	\$1,000
Playsigns	ea	\$300	2	\$600
SOFTWORKS				\$10,200
Mass planting tubestock 3/sqm incl. 50mm depth organic mulch	sq m	\$20	350	\$7,000
45L trees incl. soil improvement and 50mm depth organic mulch	ea	\$200	16	\$3,200
TOTAL (excluding GST)				\$109,637
GST				\$10,964
TOTAL (including GST)				\$120,600
NOTE: This OPC is based on a concept only and is subject to change as the playground design is progressed. This OPC does not include for any headworks, civil/structural items, artworks, water features, irrigation or consultation fees. All items are supply & install unless otherwise noted				

9.2 Finance May 2016

Contents

9.2 AGENDA ITEMS

- 9.2.1 Financial Reports for April 2016
- 9.2.2 Budget Variation – East Nabawa Rd (MWRRG)
- 9.2.3 2016/2017 Differential Rating

Mrs Raymond entered Chambers at 10.26am

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR APRIL 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	18 MAY 2016
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

COMMENT

Attached to this report are the monthly financial statements for April 2016 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Financial Management Regulations 1996, monthly reporting will be provided as follows:

- 1. Statement of Financial Activity*
 - 2. Balance Sheet and statement of changes in equity*
 - 3. Schedule of Investments*
 - 4. Operating Schedules 3 – 16*
 - 5. Acquisition of Assets*
 - 6. Trust Account*
 - 7. Reserve Account*
 - 8. Loan Repayments Schedule*
 - 9. Restricted Assets*
 - 10. Disposal of Assets*
- A value of 10 percent is set for reporting of all material variances."*

FINANCIAL IMPLICATIONS

As presented in March 2016 financial statements.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council receives the financial report supplied under separate attachment for the month of April 2016 comprising the following:

- Summary of Payments
- Summary of Financial Activity,
- Net Current Assets
- Detailed Statement of Financial Activity,
- Details of Cash and Investments,
- Statement of Significant Variations,
- Summary of Outstanding Debts
- Reserve Funds
- Information on Borrowings
- Disposal of Assets
- Acquisition of Assets
- Rating Information
- Trust Fund Reconciliations
- Bank Reconciliation

Voting 8/0

CARRIED

Minute Reference: 05/16-13

AGENDA ITEM:	9.2.2
SUBJECT:	BUDGET VARIATION – EAST NABAWA RD (MWRRG)
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.13
PREVIOUS REFERENCE:	NIL
DATE:	18th MAY 2016
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council's adopted budget at times will need variations made to reflect changes which occur after the budget has been adopted.

The purpose of this report is to advise Council of the Mid West Regional Road Group (MWRRG) requesting submission from member local government authorities to submit project funded in 2016/2017, which could be fully or partially brought forward to 2015/2016.

COMMENT

Main Roads WA (MRWA) advised there would be surplus funds in the 2015/2016 Program due to two local government authorities either being unable to complete projects or scheduled works coming under budget. The guidelines state the next projects on the Reserve List (i.e. those that were applied for, yet there was not enough funds accommodate them) are to be initially considered when allocating additional/surplus funds. None of the local governments with Reserve Projects could accept the surplus funds due to their inability to complete the works by the 30th June 2016.

The Shire of Chapman Valley had the Yuna Tenindewa seal widening project listed as a Reserve Project. However; Council resolved to fund this project from its Roads to Recovery fund and to complete this in 2015/2016. The Yuna Tenindewa Rd project has been completed, so I submitted an application to the MWRRG that the Shire be offered the surplus 2015/2016 RRG funds retrospectively; however, this was not agreed to.

The MWRRG resolved to offer surplus funds to any local government who could bring a 2016/2017 approved project forward and to at least start the project prior to 30th June 2016 so these funds could be released, rather than to send the surplus funds back to the State Government. In discussions with the Manager Works & Services, Manager Finance & Corporate Services and the Consultant Engineers (Greenfield Technical Services) it was agreed we could not divert the Shire works crew away from the current 2015/2016 projects and the only way we could apply for surplus funds was to expend the materials & contract component of a 2016/2017 Project.

The East Nabawa Road realignment and seal extension project was considered the most appropriate project to submit as this had a high number of materials & contracts aspects associated with it (e.g. design, land acquisition, fencing, etc.). Therefore a submission was made to the MWRRG for this project to be considered for the surplus 2015/2016 funds.

The MWRRG has now endorsed the following 2016/2017 projects to be brought forward and started in 2015/2016 to trigger the release of the current year surplus funds:

LG	Project Description	Total Project Cost	MRWA Grant	LA 1/3 Contribution	MRWA Grant 15/16 (1 st 40%)	MRWA Grant 16/17
Yalgoo	Yalgoo North Rd – widen formation to accept an 8m wide pavement – SLK range to be advised (min funding applied	180,000	120,000	60,000	48,000	72,000

	to this project)					
CV	East Nabawa Rd – upgrade from gravel to 7 wide seal 2-4.8 SLK	435,500	290,333	145,167	101,949 (1 st 40% short funded by 14,184 - to be recouped in 16/17)	188,384
				TOTAL	\$149,949	

The amount of \$101,949 allocated to the Shire of Chapman Valley does not reflect the full 40% which can be claimed immediately a project has commenced as this was the balance of funds remaining after the Shire of Yalgoo's 40% payment was made on their project. The balance of the first 40% claim (i.e. \$14,184) can be made in July 2016.

In accordance with legislative requirements of the *Local Government Act, 1995, Section 6.8(1) (b)* Council is required to resolve by **Absolute Majority** to incur expenditure from its municipal fund for an additional purpose that is not identified in the Adopted Budget. As it is intended to commence the East Nabawa Rd MWRRG Project in 2015/2016 by incurring expenditure on some of the materials & contract components of the project a budget variation will be required.

The *Financial Implications* section of this report has identified the required variations. However; it needs to be clear this will have a nil overall effect on the 2015/2016 Adopted Budget and the road works crew activities this financial year.

STATUTORY ENVIRONMENT

6.8. Expenditure from municipal fund not included in annual budget

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

Budget Variations are detailed below:

COA	COA Description	Original Budget \$	Proposed Revised Budget \$	Budget Impact \$	Comments
INCOME					
3173	MW Regional Road Funding	371,000	472,949	101,949	Additional MWRRG Grant

EXPENDITURE					
3126	Regional Road Group Expenditure	397,906	499,399	101,949	The actual increase to COAs 3126 & 3170 with be determined by actual funds spent on Materials & Contracts for the East Nabawa Project
3170	Tfr to Unspent Grants Reserve	0			
Budget Impact				0.00	

The \$101,949 payment in advance for the 2016/2017 MWRRG Project will reduce the grants allocated for 2016/2017. The 2016/2017 Road Works Program and Budget will be amended to reflect this prepayment.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

All the above mentioned variations are consistent with the Road Works Program, which is reflected in the Integrated Plans.

CONSULTATION

Consultation with the Shire President, relevant staff and consultant engineers was undertaken to determine appropriateness of applying for the MWRRG 2015/2016 surplus funds.

RISK ASSESSMENT

No risk associated with the prepayment allocated to the East Nabawa Rd Project.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR WARR

Council confirm the following urgent budget variations to the 2015/2016 Budget in accordance with Section 6.8 of the Local Government Act, 1995:

COA	COA Description	Original Budget \$	Proposed Revised Budget \$	Budget Impact \$	Comments
INCOME					
3173	MW Regional Road Funding	371,000	472,949	101,949	Additional MWRRG Grant
EXPENDITURE					
3126	Regional Road Group Expenditure	397,906	499,399	101,949	The actual increase to COAs 31236 & 3170 with be determined by actual funds spent on Materials & contracts for the east Nabawa Projects
3170	Tfr to Unspent Grants Reserve	0			

Budget Impact	0.00	
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Voting 8/0
CARRIED
Minute Reference: 05/16-14

AGENDA ITEM:	9.2.3
SUBJECT:	2016/2017 DIFFERENTIAL RATING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.08
PREVIOUS REFERENCE:	NIL
DATE:	18 MAY 2016
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

DISCLOSURE OF INTEREST

Nil

BACKGROUND

General rates may be imposed uniformly or differentially; it is the rate in the dollar imposed that determines whether there is a differential rate category. Local Governments under Section 6.33 of the Local Government Act 1995, have the power to implement differential rating in order to take into account certain characteristics of the rateable land. These characteristics include:

- The purpose for which the land is zoned under the town planning scheme in force;
- The predominant use for which the land is held or used as determined by the local government; and
- Whether or not the land is vacant.

Differential rates may be applied according to any, or a combination of the above characteristics. However, local governments are constrained in the range of differential rates that they may impose. That is, a local government may not impose a differential rate which is more than twice the lowest differential rate applied by that local government unless approval from the Minister is sought.

Historically the Shire of Chapman Valley has imposed a different rate for the Unimproved Valued land contained in the Special Control Area of the Shire of Chapman Valley Town Planning Scheme set aside for the purpose of strategic industry and deep water port known as the Oakajee Industrial Estate and buffer areas.

COMMENT

The purpose of this report is to determine if council wish to continue with this rating methodology for the 2016/2017 Annual Budget.

The objective of the differential rate on Oakajee Industrial Estate properties is to recover from this sector an equitable share of the rates relating to the land held by Landcorp so that the Shire of Chapman Valley should not be financially disadvantaged due to the acquisition and subsequent development of the land. In order to reduce the impact of the Oakajee development on other ratepayers Council previously sought to introduce a differential rate. The annual revaluation review of all Unimproved Valuations from Landgate Valuation Services for processing, will see a total overall negligible change in valuation for the next financial year; although individually properties are affected with changes in valuations varying from 26% increases to 1% decreases from the previous rateable year. The rating category for UV Oakajee properties forecast a 3% reduction in valuations from last financial year. To enable council to maintain a revenue base which provide its various facilities, services and infrastructure to electors, residents and property owners a differential rate is again proposed for the UV Oakajee Industrial Estate Buffer Zone.

In accordance with the Long Term Financial Plan and Corporate Business Plan commitment for a sustained 6.5% yearly rate increase the following rate in the dollar and minimum rate is proposed:

UV Oakajee Industrial Estate: This category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1 A rate in the dollar of 2.0286 cents on Unimproved Values with a minimum of \$350 is proposed.

Note: This affects two (2) rateable assessments with unimproved valuations for 2016/2017 totalling \$8,833,000; proposed differential rates to be levied of \$179,186.

The balance of the unimproved value rating area is the **UV Rural General Rate** defined as:
Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 1.0153 cents on Unimproved Values with a minimum of \$350 is proposed.

STATUTORY ENVIRONMENT

Local Government Act 1995

- S.6.32 *States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.*
- S6.33 (1) *Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.*
- S6.34 *States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.*
- S6.35 *States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- S6.35(4) *States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.*
- FMR 5 s.52 *States that the percentage prescribed for the purposes of s6.35 (4) is 50%.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Although a Draft Budget has not been compiled for council at this point, the rating principle of a 6.5% increase will provide the basis for presenting a balanced budget. The attached rate model indicating an overall 6.35% rate revenue increase, represents a compliant model in relation to the proposed differential rates levied and proposed minimum rates levied. Once these have been advertised, Council may impose a lesser percentage increase to the rate in the dollars advertised, with a subsequent explanation provided in the budget notes (and budget brochure for ratepayers) being sufficient for compliance.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

The proposed rate model is consistent with the rating principles in the Corporate Business Plan.

CONSULTATION

To comply with legislative provisions below it is intended to publish notification of the Intent to Levy Differential Rates in the local paper Friday 20th May 2016. It is a requirement to allow 21 days for ratepayers to make submissions and to then consider these, if any, prior to budget adoption.

6.36. *Local government to give notice of certain rates*

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is*

published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) *A notice referred to in subsection (1) —*

(a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*

(b) *is to contain —*

i. *details of each rate or minimum payment the local government intends to impose; and*

ii. *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*

iii. *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*

and

(c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

(4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

RISK ASSESSMENT

Associated risk would be a failure to comply with the Local Government Act 1995 and relevant Financial Management Regulations requiring local governments to advertise their intent to levy differential rates prior to setting the annual budget.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR ROYCE

That Council:

- 1 Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2016/2017 financial year as listed below.
- 2 Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2016/2017 Draft Annual Budget.

Proposed Rate in Dollar 2016/2017

Rating Category	Valuation Basis	Adopted Rate in \$ 2015/2016	Adopted Minimum Rate 2015/2016	Proposed Rate in \$ 2016/2017	Proposed Minimum Rate 2016/2017	Percentage of Properties on Minimums
GRV	Gross Rental Value	6.8090	\$525	7.2516	\$540	41%
UV	Unimproved Value	0.9533	\$350	1.0153	\$350	4%
UV Oakajee Industrial Estate	Unimproved Value	1.9066	\$350	2.0286	\$350	0%

**Voting 8/0
CARRIED
Minute Reference: 05/16-15**

9.3

Chief Executive Officer

May 2016

Contents

9.3 AGENDA ITEMS

- 9.3.1 Revocation – Attendance at National General Assembly of the Australian Local Government Association
- 9.3.2 Annual Tenders – 2016/2017
- 9.3.3 Local Government Elected Members Allowances
- 9.3.4 Review of Delegation Register

COUNCIL RESOLUTION

MOVED: CR MALUISH

SECONDED: CR WOOD

That Item 12.1 be brought forward in the meeting

Voting 8/0

CARRIED

Minute Reference: 05/16-16

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That Item 12.1 be dealt with as a late item at this meeting.

Voting 8/0

CARRIED

Minute Reference: 05/16-17

LATE AGENDA ITEM:	12.1
SUBJECT:	BUDGET VARIATION – BACKHOE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.13
PREVIOUS REFERENCE:	NIL
DATE:	18th MAY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the March 2016 OCM the following was resolved:

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council:

- 1. Awards Tender 8-15/16 to McIntosh & Son for the supply of one (1) only Case 580 ST, including extended Warranty 5yr/5000hr (Powertrain), and accepts the no trade option for the existing backhoe.*
- 2. The acceptance of this offer is under the condition the supplier complies with all specification stipulated in the tender.*
- 3. Accepts the tender for the Outright Purchase of the Komatsu WB97R Backhoe trade item of plant to Smith Broughton;*
- 4. The shortfall of funds required to purchase the new item of plant is to come from the Light Vehicle/Plant Reserve Fund.*

Voting 7/0

CARRIED

Minute Reference: 03/16- 14

COMMENT

Since the resolution McIntosh & Son has indicated they will not be able to supply the backhoe until after the end of the 2015/2016 financial year, which has created some minor issues in regards to the sale of the existing backhoe to Smith Broughton and how to deal with the expenditure associated with the purchase of the new backhoe.

I have manage to negotiate with McIntosh & Son for them to provide the Shire with a second-hand backhoe from their hire pool at no cost to Council (other than operating costs) until the new backhoe arrives. This second-hand backhoe has arrived, which now allows the Shire to release the existing backhoe to Smith Broughton.

The other issue is how to handle the expenditure for the purchase of the new backhoe. The funds for the acquisition of the new backhoe was budgeted for in 2015/2016; however, as we will not be taking possession until 2016/2017 the expenditure will need to be incurred in 2016/2017.

The Staff Recommendation request the following budget variation:

1. Transfer total expenditure for the new backhoe into the Plant Reserve Fund in 2015/2016 (i.e. \$183,986.40);
2. Budget Capital Expenditure in 2016/2017 an amount of \$183,986.40 for the purchase of the new backhoe; and
3. Budget to Transfer from Plant Reserve in 2016/2107 an amount of \$183,986.40 for the purchase of the new backhoe

The above transaction will reflect a reduced surplus in 2015/2016, which would have been the case if the new backhoe was acquired before 30/6/2016 and has a nil effect on the 2016/2017 budget due to expenditure for the acquisition of the new backhoe coming from funds place in the Plant Reserve and quarantined for this purpose.

STATUTORY ENVIRONMENT

6.8. Expenditure from municipal fund not included in annual budget

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

- (2) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

- (1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

The proposed budget variations are detailed below:

1. Transfer total expenditure for the new backhoe into the Plant Reserve Fund in 2015/2016 (i.e. \$183,986.40);

2. Budget Capital Expenditure in 2016/2017 an amount of \$183,986.40 for the purchase of the new backhoe; and
3. Budget to Transfer from Plant Reserve in 2016/2107 an amount of \$183,986.40 for the purchase of the new backhoe.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

All the above mentioned variations are consistent with the Plant Replacement Program, which is reflected in the Integrated Plans.

CONSULTATION

Consultation and agreement reached with McIntosh & Son in regards to the provision of a second-hand backhoe to transition to the new backhoe due to delays in providing the new item on plant.

Consultation has also been entered into with the Shire Auditors on how best to deal with the acquisition of the new item of plant over the two financial years with the Staff Recommendation being the preferred solution.

RISK ASSESSMENT

No risk associated with the proposed budget variations.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR MALUISH

SECONDED: CR ROYCE

Council confirm the following budget variations to the 2015/2016 Budget in accordance with Section 6.8 of the Local Government Act, 1995 and quarantining funds in the 2016/2017 budget for the acquisition of the new backhoe:

1. Transfer total expenditure for the new backhoe into the Plant Reserve Fund in 2015/2016 (i.e. \$183,986.40);
2. Budget Capital Expenditure in 2016/2017 an amount of \$183,986.40 for the purchase of the new backhoe; and
3. Budget to Transfer from Plant Reserve in 2016/2107 an amount of \$183,986.40 for the purchase of the new backhoe

**Voting 8/0
CARRIED**

Minute Reference: 05/16-18

Mrs Raymond left Chambers at 10.53am

AGENDA ITEM:	9.3.1
SUBJECT:	REVOCATION – ATTENDANCE AT NATIONAL GENERAL ASSEMBLY OF THE AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	CANBERRA
FILE REFERENCE:	404.04
PREVIOUS REFERENCE:	MINUTE REFERENCE: 04/16-26
DATE:	20th MAY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the April 2016 OCM:

MOVED: CR WARR

SECONDED: CR WOOD

Council send two delegates to attend the ALGA National Assembly to be held in Canberra in June 2016 and the Chief Executive Officer be authorised to make appropriate current year budget variations to accommodate all cost associated with such attendances.

*Voting 5/2
CARRIED BY ABSOLUTE MAJORITY
Minute Reference: 04/16-26*

COMMENT

After the April 2016 OCM I contacted the office of Melissa Price, Member for Durack, advising we would be attending the ALGA National Assembly to be held in Canberra in June 2016 and what the chances would be to arrange meetings with various Commonwealth parliamentarians whilst we were there. The response was as it was a strong feeling (at the time) the Prime Minister would call a double dissolution of the Commonwealth parliament and call an election for June/July 2016 there would be limit opportunities and such meetings would be fruitless anyway.

It has since come to fruition the Commonwealth Election will be held in early July, which confirms the secondary purpose of attending the ALGA National Assembly to be held in Canberra in June 2016 to meeting with parliamentarians as not being worthwhile.

I did send to the President details on the 2016 Future of Local Government National Summit being held in Melbourne on the 17th & 18th May 2016 as this Summit did look to be of more value than the ALGA National Assembly. The problem with this Summit is it would at the same time as the Shire's May 2016 OCM.

The President contacted all Elected Members with the aforementioned information seeking a response on perhaps not attending the ALGA National Assembly and (if there was an interest) sending two delegates to the 2016 Future of Local Government National Summit. The unanimous response for Elected Members was not to attend either events.

It is now necessary to revoke Council Resolution at the April 2016 OCM (i.e. *Minute Reference: 04/16-26*).

STATUTORY ENVIRONMENT

Local Government Act 1995

Revocation Process

Attachment 1 explains the revocation process and voting requirements by way of a Flow Chart. If further clarification is required I am more than willing to assist. The process is as follows:

The first step: Council needs a minimum of one third of Elected Members (i.e. minimum of three (3) affirmative votes) to agree to deal with the revocation motion presented. This is *Staff Recommendation 1*.

If the one third is not obtained for *Staff Recommendation 1* then Council **cannot** deal with the *Staff Recommendations 2 and 3* and simply record this in the Minutes and move on to the next item on the Agenda for the meeting.

If the one third is obtained for *Staff Recommendation 1* then Council **can** move to the *Staff Recommendations No. 2*.

The Second Step: Subject the one third of Councillors agreeing (as stated above) to *Staff Recommendation 1* Council then need to deal with *Staff Recommendation No.2*, which actually revokes (or substantially changes) the initial resolution (i.e. Minute Ref: 04/16-12). This motion requires an **Absolute Majority** (i.e. minimum of five (5) affirmative votes).

If an Absolute Majority is not obtained for *Staff Recommendation 2* then Council **cannot** deal with the *Staff Recommendations 3* and simply record this in the Minutes and move on to the next item on the Agenda for the meeting.

If an Absolute Majority is obtained for *Staff Recommendation 2* then Council **can** move to the *Staff Recommendations No. 3*.

POLICY IMPLICATIONS

MANAGEMENT PROCEDURE No.	CMP-030
MANAGEMENT PROCEDURE	CONFERENCE; MEETINGS; TRAINING; ETC
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.10 and 9.20
RELEVANT DELEGATIONS	

OBJECTIVES:

Outline the process and conditions associated with Elected Members attending conferences, meetings, training, etc.

MANAGEMENT PROCEDURE STATEMENT/S:

Nominations

Notices inviting Council to nominate delegates to conferences, meetings, training, etc. and similar occasions are brought to Councillors attention.

Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting or be endorsed by the Shire President if cost can be covered within budget constraints.

In the event a nomination is to be presented to Council for consideration Council shall decide by resolution to nominate such representatives as considered appropriate.

Annual WALGA Local Government Convention

That Council provide within each Financial Years Budget for the costs for the Councillors and the CEO to attend the Local Government Convention.

The importance of providing Councillors and the CEO with the opportunity to meet fellow Councillors and CEO's from other Local Authorities and to participate in a state wide forum on issues relevant to Local Government.

- Bookings to the Convention shall be made as soon as notice is given of the venue conference in order to avoid problems by way of booked out accommodation.
- All Councillor or Staff partner expenses must be paid for by the relevant Councillor or Staff member (Either at the time expense is incurred or by reimbursing Council at a later date)

COUNCIL EXPENSES (Other than Annual WALGA Convention)

Any Councillor elected by resolution of Council to represent the Shire of Chapman Valley on any outside organisation, body, working group, committee, etc. shall be entitled to claim the following expenses upon provision of receipt for the actual expenditure (other than fuel costs):

Travel

- Fuel – (at the ATO prescribed rate) claim form showing km's and purpose.
- All costs associated with any other form of travel (i.e. air, bus, etc.) as approved by Chief Executive Officer.

Accommodation

- Room and meals as approved by the Chief Executive Officer.

Other

- Conference registration expenses.
- Taxi fares as approved by Chief Executive Officer.
- All Councillor or Staff partner expenses must be paid for by the relevant Councillor or Staff member (Either at the time expense is incurred or by reimbursing Council at a later date)

FINANCIAL IMPLICATIONS

The average cost to send a delegate to the ALGA National Assembly was estimated at approximately \$3,500. The resolution of Council provided the CEO with delegated authority to accommodate this expenditure if delegates did attend this event i.e.

“.....the Chief Executive Officer be authorised to make appropriate current year budget variations to accommodate all cost associated with such attendances.”

If the revocation resolution is successful then the budget variation will not be necessary. If not then the budget can be varied to accommodate this expenditure.

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

No affect.

STRATEGIC IMPLICATIONS

It is important Council attended functions and events relevant to local government and both the ALGA National Assembly and the 2016 Future of Local Government National Summit are of such relevance. The timing of both events is the issue.

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

No effect on integrated planning for the Shire.

CONSULTATION

The Shire President consulted with all Elected Members on this matter, which has resulted in this Agenda Item being presented to Council for consideration to revoke resolution 04/16-26.

RISK ASSESSMENT

The risk of not being able to convene meetings with various Commonwealth parliamentarians whilst attending the event in Canberra was consider very high, hence the reason to reconsider the Council decision to attend the event.

VOTING REQUIREMENTS

Varies (see below)

COUNCIL RECOMMENDATION / STAFF RECOMMENDATION 1

MOVED: CR WARR

SECONDED: CR FARRELL

Council agrees to deal with a motion to revoke the decision of Council made at Minute Reference 04/16-26 regarding:

“Council send two delegates to attend the ALGA National Assembly to be held in Canberra in June 2016 and the Chief Executive Officer be authorised to make appropriate current year budget variations to accommodate all cost associated with such attendances.”

(Note: Minimum one third (3) affirmative votes required)

Voting 8/0

CARRIED

Minute Reference: 05/16-19

COUNCIL RESOLUTION / STAFF RECOMMENDATION 2

MOVED: CR FARRELL

SECONDED: CR FORRESTER

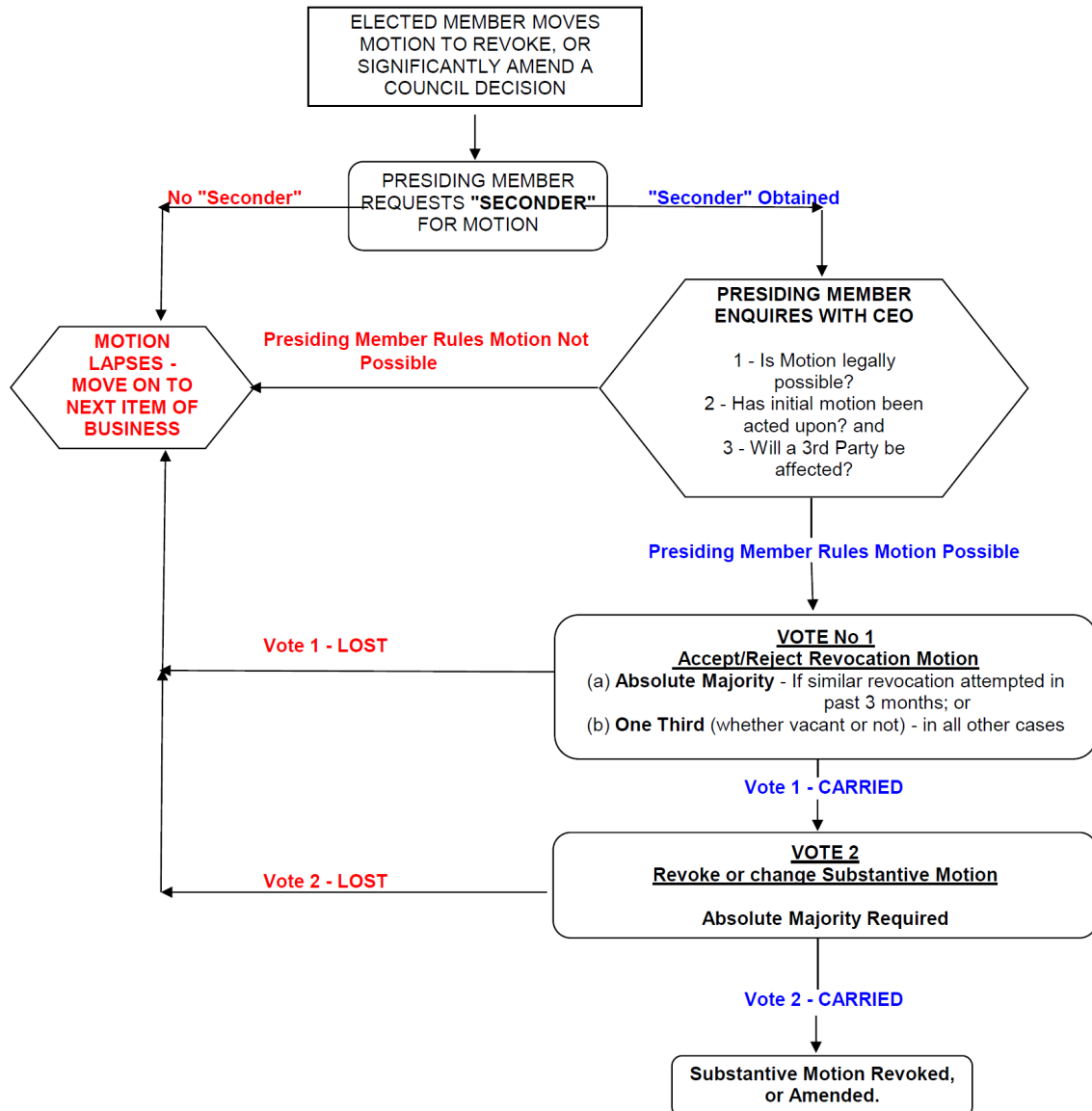
Council revoke the decision made at the 20th April 2016 Ordinary Council Meeting, Minute Reference 04/16-26.

(Note: Minimum five (5) affirmative votes required)

Voting 8/0

CARRIED

Minute Reference: 05/16-20

REVOCATION PROCESS - FLOW CHART

AGENDA ITEM:	9.3.2
SUBJECT:	ANNUAL TENDERS – 2016/2017
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	408 TENDERS
PREVIOUS REFERENCE:	N/A
DATE:	18th MAY 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to seek Council endorsement for the Chief Executive Officer to call for tenders for those items identified in the 2016/2017 Adopted Budget, which are required to go to tender in accordance with Section 3.57 of the *Local Government Act 1995*.

The Staff Recommendation below does not specifically identify each individual item, rather requests authorisation for the Chief Executive Officer to call tenders on an “as needs” basis in accordance with items identified in the Shire’s 2016/2017 Budget.

Section 5.43(b) of the Local Government Act gives Council the ability to delegate the acceptance of tenders up to a specific amount determined by Council.

To expedite Council’s 2016/2017 roadwork’s program it is necessary to resolve to call tenders for the acquisition of road building material as soon as possible.

COMMENT

It is a requirement under the Local Government Act and Regulations for Council to resolve to call tenders for the provision of goods and services, which will exceed the \$150,000 (GST Exclusive) threshold. Therefore, as a resolution is required from Council now for the Chief Executive Officer to call tenders for all road building materials I believe it is also appropriate to incorporate all other items, which may be in excess of the tender threshold amount of \$150,000 at the same time.

The Staff Recommendation below incorporates a resolution for Council to call tenders for all items identified in the 2016/2017 Budget at the most appropriate time during the financial year, rather than the situation of requiring a separate resolution of Council on each occasion.

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government (Function & General) Regulations 1996

POLICY IMPLICATIONS

The following Policies will be taken into consideration when Tenders are called for and awarded by Council:

- *Corporate Policy CP-024 – Purchasing; and*
- *Corporate Policy CP-025 – Regional Price Preference Policy*

FINANCIAL IMPLICATIONS

All items, which require tenders to be called will be identified in the 2016/2017 Budget.

The intent is to obtain the best price for expenditure identified in the 2016/2017 Budget for tender and purchasing.

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

No effect of the LTFP.

STRATEGIC IMPLICATIONS

To obtain the best possible price for the tender prices for the acquisition of goods and services identified in the 2016/2017 Budget.

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

Objective	Strategy	Actions
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire, which portrays unity and cooperation.	Council management, systems and processes enable the delivery of sustainable services and projects

CONSULTATION

Not applicable

RISK ASSESSMENT

The procurement process can be a high risk activity if procedures are not in place and adhered to. The tender legislation and Council's Purchasing Policy provides a clear process staff are required to follow as part of the delegation afforded to them for procurement on the Shire's behalf.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR ROYCE

- 1 Council authorise the Chief Executive Officer to call tenders for all items within the 2016/2017 Budget, which require tenders to be called in accordance with legislation.
- 2 Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the amount authorised in the adopted 2016/2017 Budget for these procurement items.
- 3 All other tenders are to be brought back to Council for resolution on successful tender.

**Voting 8/0
CARRIED
Minute Reference: 05/16-21**

AGENDA ITEM:	9.3.3
SUBJECT:	LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.04
PREVIOUS REFERENCE:	MINUTE REFERENCE 04/16-12
DATE:	18th MAY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The issue of Elected Member allowances and reimbursements was presented to the April 2016 OCM with the following being resolved:

MOVED: CR MALUISH **SECONDED:** CR WOOD

Council approves the following Elected Members allowances for the 2016/17 Budget:

- i. Annual Attendance Fee be paid in lieu of Meeting Attendance Fee for the President & Councillors and be set at the maximum amount legislated by the Western Australian Salaries and Allowances Tribunal in their 2016 determination;*
- ii. President's Annual Allowance to be set at the maximum amount as legislated by the Western Australian Salaries and Allowances Tribunal in their 2016 determination; and*
- iii. Deputy Annual Presidents Allowance - Set at 25% of the President Allowance.*
- iv. Information and Communication Technology Annual allowance for expenses be set at \$1,000 for all Councillors;*

Voting 5/2
CARRIED

Minute Reference: 04/16-12

I have brought this item back to Council for reconsideration due to the *Western Australian Salaries and Allowances Tribunal (WASAT)* releasing the 2016 Determination on salaries and allowances for Elected Members & Chief executive Officers. This Determination was actually released on the day of the April 2016 OCM (i.e. 20th April 2016) and included a significant change in regards to calculating the Annual President's Allowance.

COMMENT

WASAT 2016 Determination stated:

"...The Tribunal has removed the 0.2% of operating revenue limit on the Mayor/President Annual Allowance. Evidence showed that this limit only affected a minority of local governments and resulted in administrative difficulties. The Tribunal considers that the ranges provided in this determination are sufficient and is confident that each local government has the ability to set an appropriate amount within that range..."

Below is the new range set by the WASAT with their 2016 determination for the Presidents Allowance, which excludes the 0.2% Op. Revenue maximum:

	Minimum	Maximum
Shire President	\$508	\$19,864

The Deputy President Allowance is also affected by the President range as this is set at up to 25% of that paid to the President i.e.

	Minimum	Maximum
Dep. Shire Pres (25%)	\$125	\$4,892

Based on the previous WASAT Determinations the maximum President Allowance being \$19,864 or 0.2% of the previous years' operating revenue (i.e. 14/15 Op. Revenue was \$4,946,429) whichever the lesser amount, the maximum payment was considered to be as follows (i.e. 0.2% of Op. Revenue) in 16/17:

- Presidents Allowance - $\$4,946,429 \times 0.2\% = \$9,892.85$; and
- Deputy President Allowance - 25% of President Allowance = \$2,473.21
Budget Allocation **\$12,366.06**

Now the WASAT has removed the 0.2% limit the Council resolution at the April 2016 OCM will result in the following payments:

- Presidents Allowance - Maximum $\$19,864.00$; and
- Deputy President Allowance - 25% of President Allowance = \$ 4,966.00
Budget Allocation **\$24,830.00**

In addition to the changes to the President Allowance, the WASAT has within the Determination the ability for the local government to set annual allowances for reimbursement types of expenses, rather than dealing with these on an individual expenditure incurred basis.

Council has partially done this in regards to the ICT Annual Allowance payment made to Elected Members (i.e. \$1,000 per annum) which is in accordance with the LGA s5.99A(b).

Below is the 2016 range set by the WASAT for the ICT Allowance in 2016 Determination:

	Minimum	Maximum
All Councillors	\$500	\$3,500

Council also has the ability to adopt the annual travel and accommodation allowance set the WASAT. The 2016 Determination set this at \$50 per annum.

I queried with the WASAT why the travel and accommodation allowance was so low and the response was this has been set at this level to allow LGAs to ability to set affordable *total payments* to the Elected Members.

I have discussed this matter with the President, and it was agreed to bring this issue back to Council for reconsideration due to the WASAT Determination changing the condition from previous years (as mentioned above) and have identified in the **Financial Implications** section of the report a possible alternative for budget allocation in 2016/2017.

STATUTORY ENVIRONMENT

Local Government Act 1995
Salaries and Allowances Act 1975

Revocation Process

Attachment 1 explains the revocation process and voting requirements by way of a Flow Chart. If further clarification is required I am more than willing to assist. The process is as follows:

The first step: Councils needs a minimum of one third of Elected Members (i.e. minimum of three (3) affirmative votes) to agree to deal with the revocation motion presented. This is *Staff Recommendation 1*.

If the one third is not obtained for *Staff Recommendation 1* then Council **cannot** deal with the *Staff Recommendations 2 and 3* and simply record this in the Minutes and move on to the next item on the Agenda for the meeting.

If the one third is obtained for *Staff Recommendation 1* then Council **can** move to the *Staff Recommendations No. 2*.

The Second Step: Subject the one third of Councillors agreeing (as stated above) to *Staff Recommendation 1* Council then need to deal with *Staff Recommendation No.2*, which actually revokes (or substantially changes) the initial resolution (i.e. Minute Ref: 04/16-12). This motion requires an **Absolute Majority** (i.e. minimum of five (5) affirmative votes).

If an Absolute Majority is not obtained for *Staff Recommendation 2* then Council **cannot** deal with the *Staff Recommendations 3* and simply record this in the Minutes and move on to the next item on the Agenda for the meeting.

If an Absolute Majority is obtained for *Staff Recommendation 2* then Council **can** move to the *Staff Recommendations No. 3*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The impact on the 2016/2017 Budget if the payments are made in accordance the April 2016 OCM (i.e. Minute Ref: 04/16-12) would be a 2.704% rate revenue increase i.e.

2015/2016 Budget Allocations		Comments
COA 102420 - Members Sitting Fees	\$35,076	Comprises of Sitting Fees for Council & Committee Meetings
COA 102520 - Members Remuneration Expenses	\$20,600	Comprises of Communication Allowances (\$1,000/EM x 8 = \$8000) and Travel Allowance (\$20,600 - \$8,000= \$12,600. Therefore Average is 12,600/8 = \$1,575 per EM for Travel Allowance)
COA 102620 - President & Deputy Allowances	\$12,189	Based on the maximum of 0.2% of Op. Revenue from previous Year and Dep. Pres being 25% of President Allowance.
Total	\$67,865	

With the 2015/2016 Budgeted amount of \$67,865 being used as base amount for the total of all Elected Members Allowances and \$23,212 being equal to 1% increase in rate revenue, the tables below show an expected rate increases required for each circumstance.

Table 1 – Allowances in accordance with the April 2016 OCM Council Resolution

	Annual Attendnc fees in lieu of Council meeting fees above	Annual Allowance (President)	Annual Allownc (Dep. Pres) - 25% of Pres.	Telcom Annual Allownc	Average Travel Reimb	Totals (per Elected Member)	Grand Total	Rate Incr %	Actual \$ Increase
	Max	Max	Max					2.704	\$62,776
President	\$19,341	\$19,864		\$1,000	\$1,575	\$41,780	\$41,780		
Deputy President	\$9,410		\$4,966	\$1,000	\$1,575	\$16,951	\$16,951		
Other Elected Members	\$9,410			\$1,000	\$1,575	\$11,985	\$71,910		
Budget	\$38,161	\$19,864	\$4,966			\$70,716	\$130,641		

In discussion with the President we believe the following may be a more appropriate situation as it keeps the rate revenue increase to approximately 1%:

Table 2 – Alternative Allowances for 2016/2017

	Annual Attendnc fees in lieu of Council meeting fees above	Annual Allowance (President)	Annual Allownc (Dep Pres.) 25% of Pres.	Telcom Annual Allownc	Average Travel Reimb	Totals (per Elected Member)	Grand Total	Rate Incr %	Actual \$ Increase
								1.047	\$24,315
President	\$9,410	\$10,000		\$500	\$50	\$19,960	\$19,960		
Deputy President	\$9,410		\$2,500	\$500	\$50	\$12,460	\$12,460		
Other Elected Members	\$9,410			\$500	\$50	\$9,960	\$59,760		
							\$92,180		

There are obviously several other scenario, which can be considered; however, if the feeling is to stay within the vicinity of a 1% rate revenue increase then the total actual payment increase for all Elected Members would need to stay around the \$24,000 mark.

It may also be considered appropriate when reviewing the allowances annually to stage in the increases over a number of financial years until the maximum WASAT levels are reached (as indicated in the April 2016 OCM Council Resolution).

The other option, of course, is to simply retain the April 2016 OCM resolution and introduce the full allowance in 2016/2017 and incur the 2.704% rate revenue increase at once.

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

Nil effect on the LTFP

STRATEGIC IMPLICATIONS

It is important Elected Members are remunerated for their contribution to local government.

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

No effect on integrated planning for the Shire.

CONSULTATION

This has been to the April 2016 OCM and dialogue has occurred between the President and CEO since then.

RISK ASSESSMENT

No operational risk associated with this Agenda item ae envisaged.

FINANCIAL IMPLICATIONS

The 2016/2017 Draft Budget allocations will be set as per the Council Resolution; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2016/2017 Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Varies (see below)

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR FARRELL

That Standing Order 10.6 be suspended.

**Voting 8/0
CARRIED
Minute Reference: 05/16-22**

Discussion took place on this matter.

COUNCIL RESOLUTION

MOVED: CR WOOD

SECONDED: CR FARRELL

That Standing Order 10.6 be reinstated.

**Voting 8/0
CARRIED
Minute Reference: 05/16-23**

COUNCIL RESOLUTION / STAFF RECOMMENDATION 1

MOVED: CR WARR

SECONDED: CR MALUISH

Council agrees to deal with a motion to revoke the decision of Council made at Minute Reference 04/16-12 regarding *Local Government Elected Members Allowances*.

(Note: Minimum one third (3) affirmative votes required)

**Voting 8/0
CARRIED
Minute Reference: 05/16-24**

COUNCIL RESOLUTION / STAFF RECOMMENDATION 2**MOVED: CR MALUISH****SECONDED: CR FORRESTER**

Council revoke the decision made at the 20th April 2016 Ordinary Council Meeting, Minute Reference 04/16-12, regarding *Local Government Elected Members Allowances*.

(Note: Minimum five (5) affirmative votes required)

**Voting 8/0
CARRIED
Minute Reference: 05/16-25**

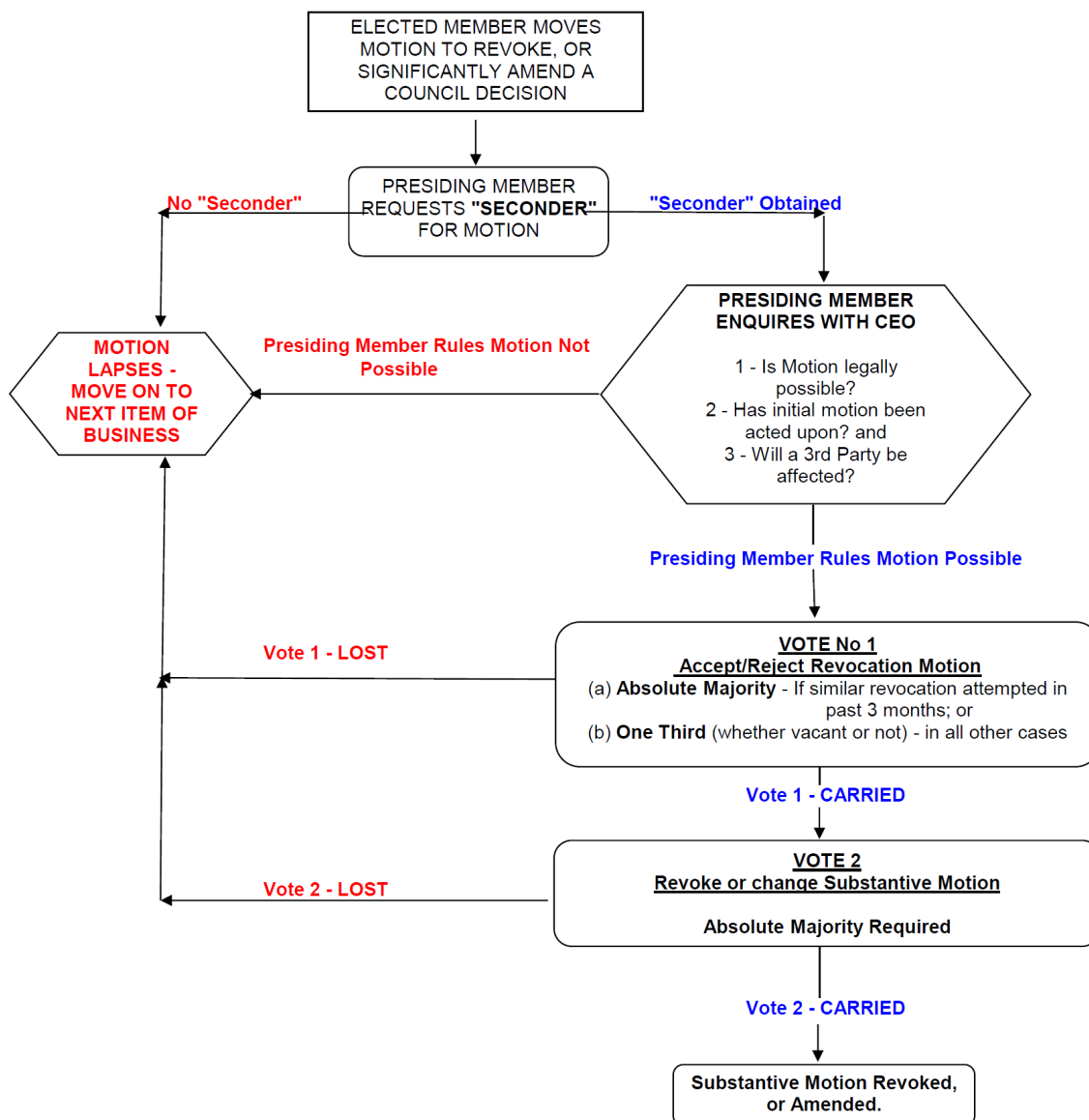
COUNCIL RESOLUTION / STAFF RECOMMENDATION 3**MOVED: CR MALUISH****SECONDED: CR WOOD**

1. Council approves the following Elected Members allowances for the 2016/17 Budget:

	Annual Attendance fees in lieu of Council meeting fees	Annual Allowance (President)	Annual Allowance (Deputy President) - 25% of Pres.	Telcom Annual Allowance	Average Travel Reimb.	Totals (per Elected Member)	Grand Total
	Max	Max	Max				
President	\$9,410	\$10,000		\$500	\$50	\$19,960	\$19,960
Deputy President	\$9,410		\$2,500	\$500	\$50	\$12,460	\$12,460
Other Elected Members	\$9,410			\$500	\$50	\$9,960	\$59,760
							\$92,180

2. That payments be made six monthly in arrears (December and June)

**Voting 8/0
CARRIED
Minute Reference: 05/16-26**

REVOCATION PROCESS - FLOW CHART

Cr Royce left Chambers at 11.08am

Cr Wood left Chambers at 11.09am

Cr Royce and Cr Wood re-entered Chambers 11.10am

AGENDA ITEM:	9.3.4
SUBJECT:	REVIEW OF DELEGATION REGISTER
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	MINUTE REFERENCES: 05/15-7
DATE:	18th MAY 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this Agenda Item is to allow Council to review the current Delegations Register for delegations given to the Chief Executive Officer as required by the Local Government Act 1995:

s5.46 - *'Register of, and records relevant to, delegations to CEO's and employees':*

s5.46(2) - *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.'*

The Shire of Chapman Valley has the following power under the Local Government Act 1995:

5.42. *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Act also allows the Chief Executive Officer to delegate any of his/her powers to any employee; such sub-delegation must be done in writing. The Chief Executive Officer is permitted under the Act to place conditions on any sub-delegation passed onto another employee. Council last reviewed the delegations register at the May 2015 OCM.

COMMENT

The Chief Executive Officer and staff have reviewed the current Delegations Register (copy provided under separate cover) and have not recommended any changes.

STATUTORY IMPLICATIONS / REQUIREMENTS

Local Government Act 1995 – Section 5.42, 5.43, 5.44, 5.45 and 5.46.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No Impact

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

No Impact

STRATEGIC IMPLICATIONS

It is essential for the smooth operations of the organisation to have appropriate delegation provided to the Chief executive Officer. Such delegation need to be reviewed at least annually in accordance with legislation.

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

Objective	Strategy	Actions
We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Develop Council appropriate policies that enable good: governance, development, services and growth

CONSULTATION

The legislative process to review the Delegation Register requires discussion and consultation at a Council level only, which is the basis of this Agenda Item.

RISK ASSESSMENT

It is important the Delegations Register is relevant and regularly reviewed to ensure efficiencies are in place for the operations of the organisation. There is a risk of the *day to day* operations being slowed and cumbersome if delegations are not in place and minor operational activities are continually taken back to Council for determination.

VOTING REQUIREMENTS

Absolute Majority – If Changes made i.e.

Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment. Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.

Simple Majority – If no changes made to existing register

COUNCIL RESOLUTION / STAFF RECOMMENDATION (Absolute Majority Required)

MOVED: CR FORRESTER

SECONDED: CR WOOD

That Council endorse changes to the Delegations Register as presented without change.

**Voting 8/0
CARRIED
Minute Reference: 05/16-27**

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

Cr Warr attended the Chapman Valley Agricultural Society meeting

- Council write and congratulate Agricultural Society on being one of the top 10 Shows
- Discussion to be held regarding Show and contributions to Show Day

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL

13.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

Nil

14.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 11.16am