



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 20 July 2016
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

JULY 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.



Maurice Battilana
CHIEF EXECUTIVE OFFICER

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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."*

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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 Kirrilee Warr	North East Ward (from 9.01am)
Cr Trevor Royce	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 10.22am to 10.23am)

c. Visitors

Name	
Peter Bailey	5 (Lot 129) Heights View, Buller
Karla Cream	63 (Lot 43) East Terrace, Nanson
Irene Buckingham	63 (Lot 43) East Terrace, Nanson
Anne Bell	
Tom Davies	

3.2 Apologies

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

Cr Maluish requested a leave of absence for the August Council meeting

6.0 DISCLOSURE OF INTEREST

Cr Wood declared an impartiality interest in Item 10.1 Bill Hemsley Park Project as she is a member of the Parkfalls Residents Association

Cr Maluish declared an impartiality interest in Item 10.1 Bill Hemsley Park Project as he is a member of the Parkfalls Residents Association

Cr Warr declared an impartiality interest in item 9.1.5 as she is a Board member of the Mid West Development Commission

Mr Battilana declared a financial interest in item 13.1 – Staff Housing allowance and 13.2 - CEO Performance Appraisal

Mr Lancaster and Mrs McKay declared a financial interest in item 13.1 Staff Housing allowance

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 15 June 2016

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That the minutes of the Ordinary Meeting of Council held Wednesday 15 June 2016 be confirmed as a true and accurate record.

**Voting 8/0
CARRIED**

Minute Reference: 07/16-1

9.0 OFFICERS REPORTS

9.1 Manager of Planning July 2016

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- 9.1.4 Nanson Museum – Anzac Display Structure - Reserve 13226 East Terrace, Nanson
- 9.1.5 Bill Hemsley Park Community Building

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	B GRIFFIN
SITE:	99 (LOT 230) PARMELIA BOULEVARD, WHITE PEAK
FILE REFERENCE:	A1608
PREVIOUS REFERENCE:	N/A
DATE:	11 JULY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

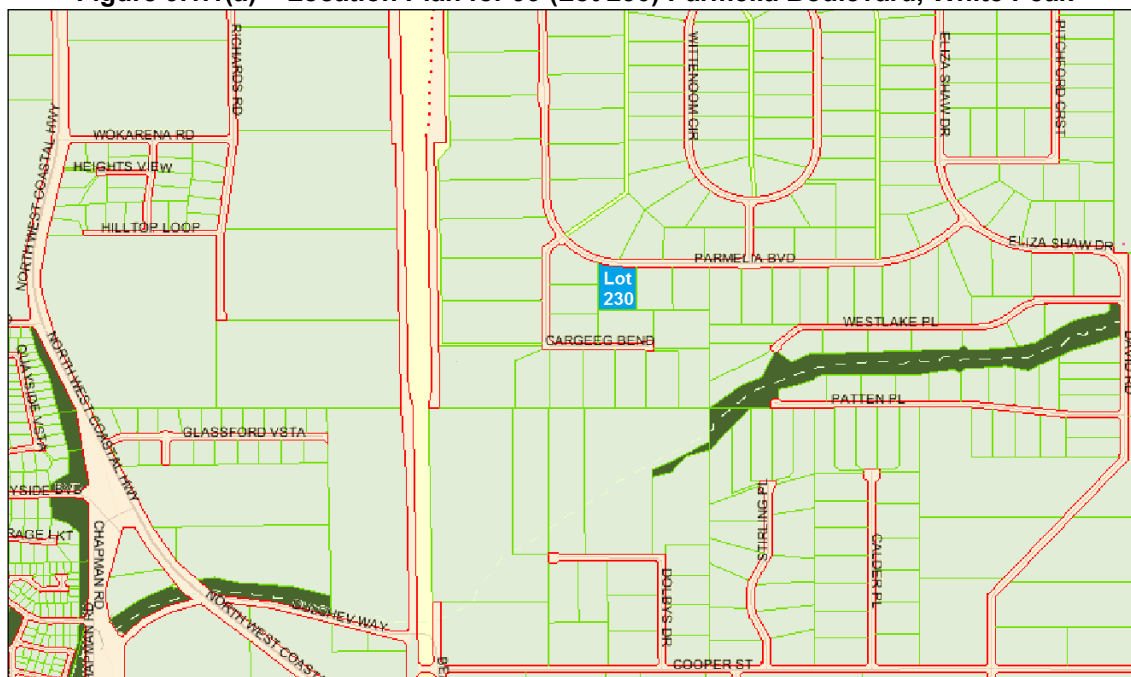
BACKGROUND

Council is in receipt of an application for an outbuilding upon 99 (Lot 230) Parmelia Boulevard, White Peak. The application is presented to Council as the proposed location for the outbuilding is forward of the proposed residence. This report recommends refusal of the application and support for the outbuilding in an alternative location that complies with Council's policy requirements. An alternative recommendation is provided in the event that Council consider that the application should be approved.

COMMENT

Lot 230 is a vacant, previously cleared 1.2509ha property with a curving 99.19m frontage along its northern boundary to Parmelia Boulevard. The property slopes downwards from the front, north-east corner at the 75m contour to the rear, south-west corner at the 70m contour.

Figure 9.1.1(a) – Location Plan for 99 (Lot 230) Parmelia Boulevard, White Peak



The applicant is seeking to construct a 10m x 20m outbuilding with a wall height of 4m and a total height of 5.06m upon their property. The outbuilding would be sited 22m from the proposed residence (that was issued with a development approval on 24 May 2016).

The outbuilding is proposed to be setback at the minimum 15m front boundary setback for this area, however, the outbuilding would be set forward of the which would have a front boundary setback of 22.103m. As the outbuilding is proposed to be set further forward on the property than the residence it exceeds the delegated authority of Shire staff and must be presented to Council for its deliberation.

A copy of the submitted site and elevation plans have been included as **Attachment 9.1.1(a)**.

Figure 9.1.1(b) – Aerial Photograph of 99 (Lot 230) Parmelia Boulevard, White Peak



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

"I would like to provide all information around our appeal to position our outbuilding in a non-standard position at 230 Parmelia BLVD Park Falls.

We request from the shire for the permission to position our shed as per the attached drawing A2 Book.

Our builder Redink Homes Midwest will soon be submitting for approval of our home which we hope will be built in conjunction with our shed. Note the shed is not in the builders contract but is shown on the draft drawing A2 Book attached.

The shed has been positioned in this manner so as to not detract from the views offered by the block. It is aligned with other buildings to the west so as to maintain the remaining windows of ocean view. Utilising the space on the horizon which has already been consumed by other buildings and trees.

I have visited our neighbour to the east for a point of view from their property. The position of our house will obscure most of the shed but nor the house or shed elevations will detract from their position in the proposed format. The owner of the property was pleased with the positioning and in full support of both buildings.

Please be aware that since the draft drawing A2 was revised, I have taken advise that the max m² for an out building is 200m² and have revised plans to fit within these guidelines, see attached pricing from Widespan for dimensions and elevation.

The building will be of colourbond complimentary to the main house, with the same colour roof and matching wall colour to the homes fascia and external guttering and paint."

Figure 9.1.1(c) – View looking west along Parmelia Boulevard frontage of Lot 230



Figure 9.1.1(d) – View looking east along Parmelia Boulevard frontage of Lot 230



STATUTORY ENVIRONMENT

99 (Lot 230) Parmelia Boulevard, White Peak is zoned 'Rural Residential 1' 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 1' zone:

- “4 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 to be considered by Council 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.”

The outbuilding is proposed to be sited 22m from the residence and this would comply with part 3 of Schedule 11 of the Scheme relevant to the ‘Rural Residential 1’ zone:

- “2 All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.*
- 3 For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in Clause (2) above.”*

POLICY IMPLICATIONS

The Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ 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 the Outbuildings policy 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

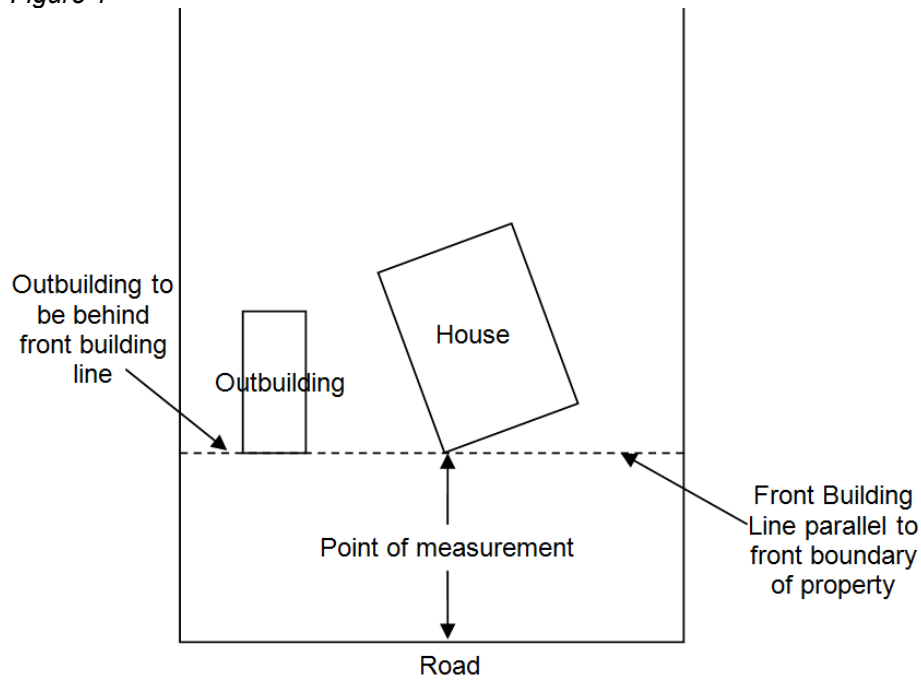
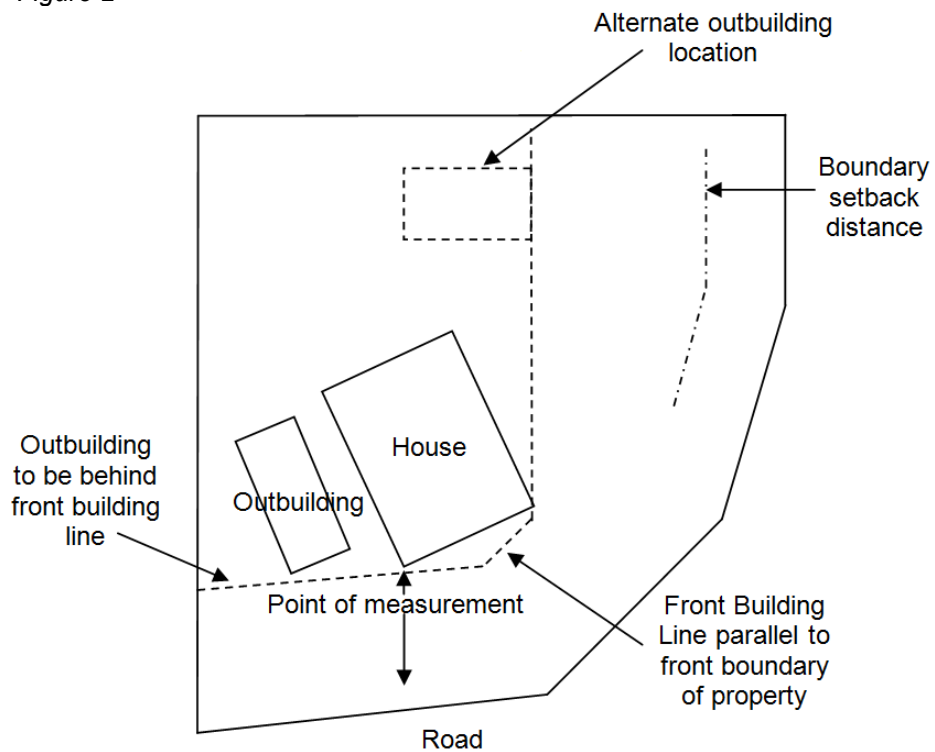


Figure 2



The outbuilding would not comply with this policy requirement, being proposed to be sited 7.103m forward of the residence location, as measured from the curving front boundary, or 10m forward of the residence as measured between the parallel frontages of the outbuilding and residence.

The proposed outbuilding being 200m², with a wall height of 4m and total apex height of 5.06m would comply with the 200m² total outbuilding area, 4.5m wall height and 5.5m total height established for this area by the Outbuildings 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

- **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' 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 considering 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.

The Shire wrote to the 6 surrounding landowners on 27 May 2016 providing details of the application and inviting comment upon the proposal prior to 20 June 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 2 submissions had been received, 1 in support of the application (from the side neighbouring landowner to the east, and 1 in objection to the application (from the landowner on the opposite side of Parmelia Boulevard to the north). Copies of the received submissions have been provided as **Attachment 9.1.1(b)**.

The main basis for objection to the outbuilding concerns the impact of the development upon a neighbouring landowner's outlook. The role of town planning in the protection of views is a long debated matter with the general consensus being that one does not 'own their view'.

However Council, and the developer of the Parkfalls Estate, did give some consideration to the issue of views in the estate's rezoning through the introduction of the requirement that outbuildings should not be more than 22m from the residence. The basis for this requirement was that whilst development of the lots in the Parkfalls Estate would inevitably impact on surrounding landowner's views, such development would be clustered and provide some ability to preserve view corridors between each 1ha lot.

Section 4.6 of the original Parkfalls Estate rezoning report (Scheme Amendment No.20 to Scheme No.1 that was gazetted on 17 September 1999) further noted that:

“As an alternative to building envelopes (which have little relevance in untreed estates with uniform high land capability), is proposed to generally adopt the standard setbacks already in the Scheme for the Special Rural Zone, with an additional requirement that any other structures including sheds, outbuildings, garages, storage areas and effluent disposal systems cannot be sited more than 22 metres from the closest wall of the dwelling. This in effect creates a Building Envelope at approximately 2,500m² on most of the lots.”

The applicant's proposal does comply with this requirement of the Scheme and there would therefore appear to be limited ability beyond this to give regard for surrounding landowners' outlooks without being inconsistent.

The applicant was advised of the issues raised by the received submissions and provided with the opportunity to address these issues. The applicant's response has been provided as **Attachment 9.1.1(c)**.

If, after reviewing the supporting information provided by the applicant, Council considers that the application should be approved it may consider the following alternative wording appropriate in its determination on the application:

“That Council grant formal planning approval for an outbuilding upon 99 (Lot 230) Parmelia Boulevard, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 July 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 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 must be sited no closer than 15 metres from the front property boundary in accordance with the requirements of the Shire of Chapman Valley Local Planning Scheme No.2 for this zoning.*
- 7 The proposed outbuilding must not exceed a wall height of 4.5m and a total apex height of 5.5m as measured from natural ground level (i.e. measurement inclusive of both sand pad/fill height and building height) in accordance with the requirements of the Shire of Chapman Valley 'Outbuildings' Local Planning Policy for this zoning.*
- 8 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.*
- 9 All stormwater is to be disposed of on-site to the approval of the local government.*
- 10 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.*

Reason for deviation from staff recommendation: Council considered that the orientation of the outbuilding in the proposed 15m front setback location would impact upon surrounding landowner's views to a lesser extent than were it to be sited in a policy compliant 22.103m front setback position but orientated east-west."

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

That Council:

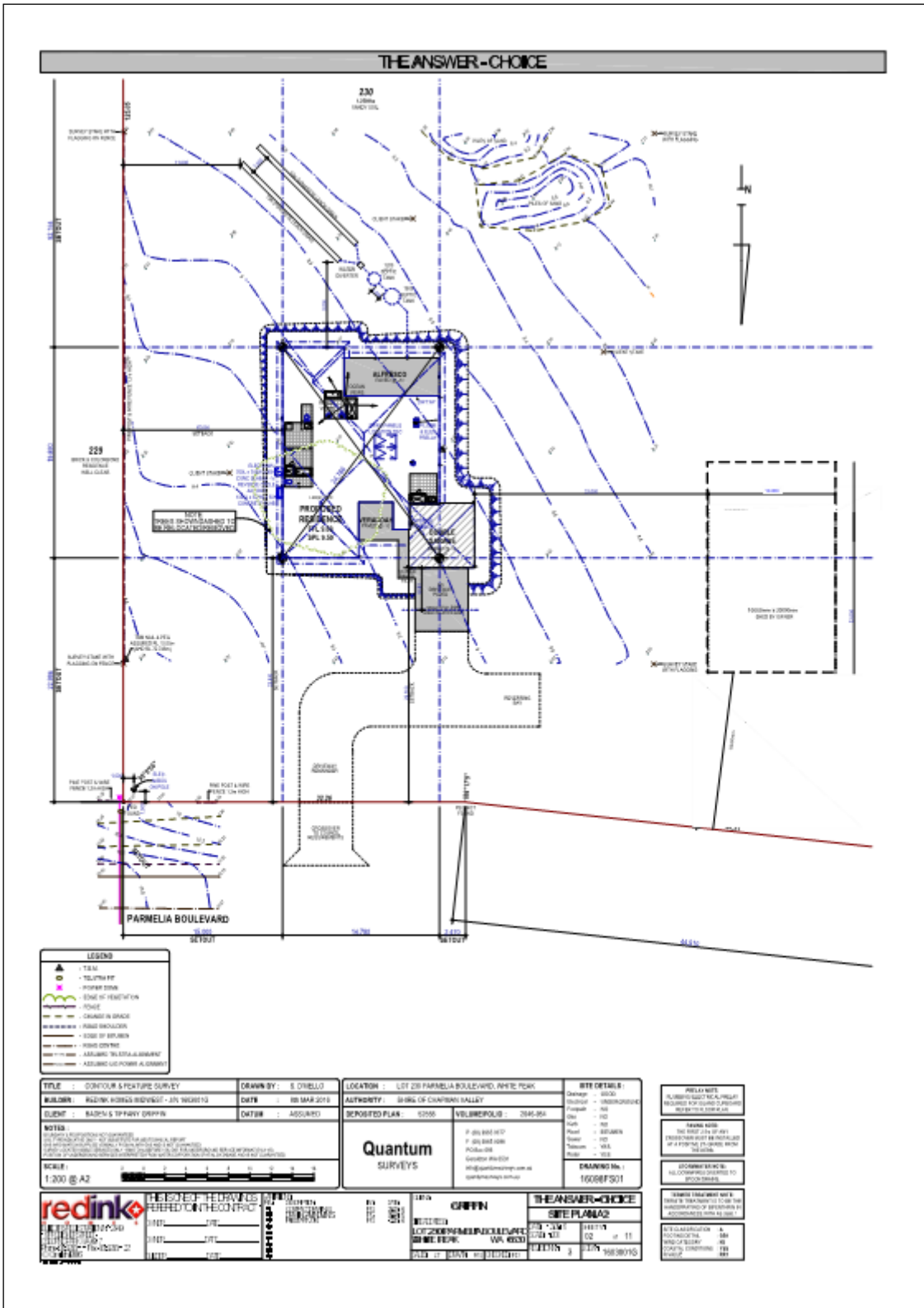
- 1 Refuse planning approval for the submitted application for an outbuilding upon 99 (Lot 230) Parmelia Boulevard, White Peak for the following reasons:
 - (a) The development proposes to site an outbuilding forward of a residence which is contrary to Section 4.7 of the Shire of Chapman Valley Local Planning Policy 'Outbuildings' which requires that an outbuilding be sited behind the front building line of a dwelling on lots less than 4ha.
 - (b) 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'.
 - (c) Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the rural residential amenity and lifestyle opportunities of the locality.

Advice Note:

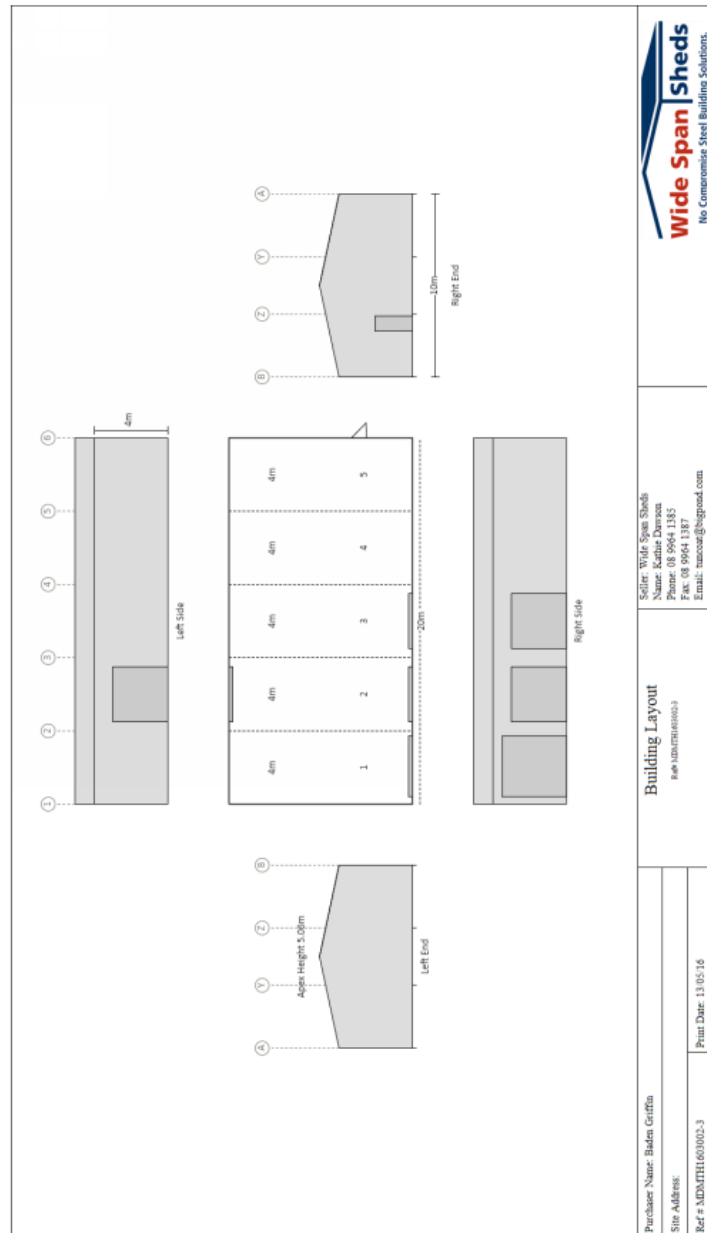
- (i) *If the applicant is aggrieved by this determination there is a right pursuant to the **Planning and Development Act 2005** to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.*
- 2 Advise the applicant that were a revised application for an outbuilding upon 99 (Lot 230) Parmelia Boulevard, White Peak to be submitted that amended the front boundary setback distance to be not less than the front boundary setback for the proposed residence (which is indicated as being 22.103m) then the outbuilding would be compliant with the policy requirements of Council and able therefore to be determined under the delegated authority of Shire staff.

**Voting 8/0
CARRIED**

Minute Reference: 07/16-2



Building Layout



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FILE No.	A1608
CEO	
CORPORATE SERVICES	
PLANNING	X
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	



Shire of
Chapman Valley
Love the Rural Life

Record No CR1611760

RECEIVED

07 JUN 2016

DEVELOPMENT APPLICATION SUBMISSION FORM

File Ref: A1608

PROPOSED OUTBUILDING – 99 (LOT 230) PARMELIA BOULEVARD, WHITE PEAKName: MARSHALL, JACQUELINE EASTOUGHPostal Address: PO Box 5221 WONTHELLA 6531Phone Number: 0429 70 5516 / 08 99 38 3345SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

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

We give our full support to
this application

Signature: M.A. Eastough Date: 03.06.2016

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

or cso@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 Monday 20 June 2016



Shire of
Chapman Valley
Love the Rural Life

DEVELOPMENT APPLICATION SUBMISSION FORM

File Ref: A1608

PROPOSED OUTBUILDING – 99 (LOT 230) PARMELIA BOULEVARD, WHITE PEAK

Name: Heike Hess - Hirschhausen + Gavin Hirschhausen

Postal Address: 51 Hillview Drive, Drummond Cove

Phone Number: 0428 642171

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

P1 of 3

Our block, Lot 226 is located north east of Lot 230. Locating a huge 10x20x5m high shed forward of the proposed residence will block our entire ocean view in that direction. A huge shed that close to the road ^{forward of the proposed residence} is an eyesore. We therefore object ^{to} having the shed located forward of the residence. We suggest moving it to the south east corner of the block (see diagram supplied), where it would not block the owners' ocean view from their house.

Signature: H. Hirschhausen Date: _____

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.

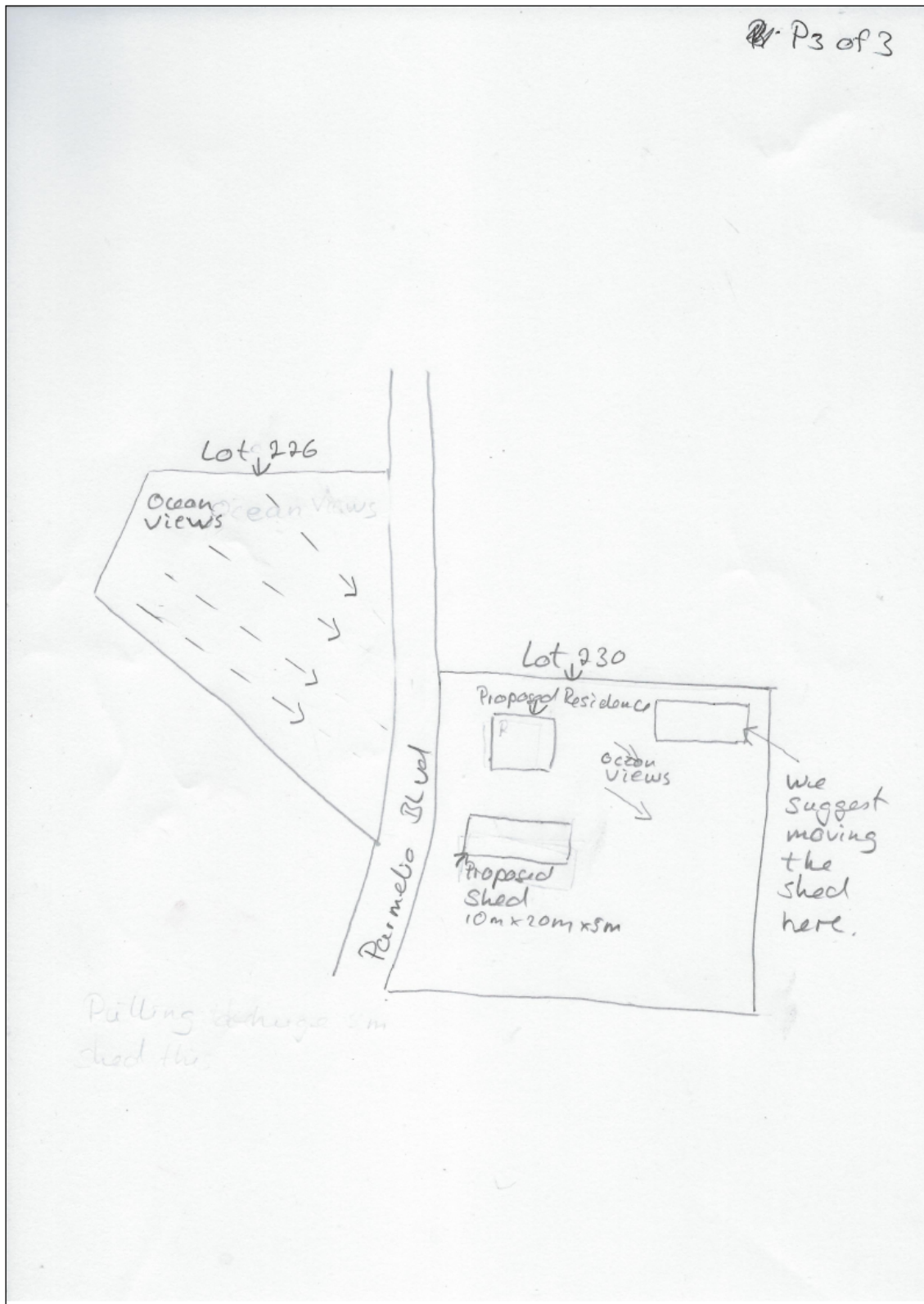
Submissions Close: 4pm Monday 20 June 2016

P2 of 3
Alternatively we could cope with a shed in that position that is significantly reduced in size (i.e. $6m \times 8m \times 3m$) as the reduced size and height would not block our entire view and would ~~be~~ look less imposing being located forward of the house.

However we prefer a huge shed like that to be located in the south east corner, well backward from the house and the road.

Our block lot 2 is located north east of lot 230. Locating a huge 10x20x2m high shed forward of the proposed residence will block our entire view in that direction. A shed that close to the road is also not acceptable. We therefore object to having the shed located forward of the residence. We suggest moving it to the south east corner of the block. This objection is supported by the fact that it will not block the owner's view from their house.

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support the views.
Submissions Close: 1pm Monday 20 June 2016
Please return to:
Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABARD WA 8232
or (fax) 9020 5122
or 9020 5123/5124/5125



I would like to offer some reassurance to the owners of Lot 266 that we have proposed the best option and regret that in the timeframe I have for this development that I was unable to meet with them prior to the submission as I was with the owners at No 89 Parmelia.

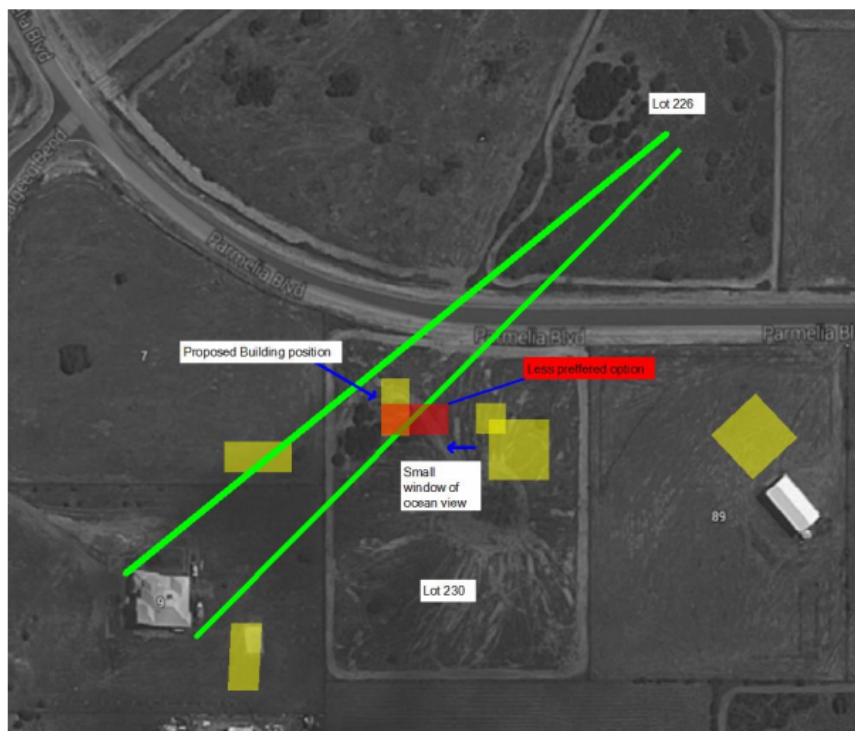
The views from our block already have been impacted by development so we have attempted to maximise what we have left while minimising the impact on neighbours with ours.

The building is within the acceptable dimensions of the estate and will be of a two tone colourbond construction complimentary to our house. There are many existing sheds in any direction you look which is to be expected in an estate of this type. The shed is of comparable size to the one next door at number 89 and I have used this for a scale in the sketch below.

There are reasons for the placement of this building and consideration for our neighbours has been made including Lot 226.

- We want to limit regular vehicle traffic to the driveway areas of the block to minimise the amount of gravel maximise natural ground cover. We also have other uses planned for the area suggested in the objection.
- We are aiming to have the building close to the house but not impact on the view to the south west this is why we have proposed to move it north.
- If we build the shed in the same position without moving it to the north it will impact on the aspect from all west facing windows. Given that the block has a curved front boundary the space allowed moving the building just far enough north so that the south wall of the shed does not impact on the aspect of the ocean from the house being built. We could have taken the easy option and rotated the building so it was broadside to the road and level with the house which would have the same effect by maintaining the view from our house but would make manoeuvring trailers into the shed more difficult and most likely have a greater impact on the neighbour's aspect.
- The further from the boundary the more costly the building will be to service with water and electricity which also has an impact on the proposed location.

While considering the impact on the neighbouring properties we looked at the views of the two lots across the road and our eastern neighbour. What we found was there is a shadow on our block which is caused by the two story house to the west. This is where we have proposed to place the outbuilding. We feel that this is a far better option than having the building broadside to the road and level with the house and is why we have made this application.



:Proposed and alternative arrangements



:Approximate elevation showing house to the west in background behind proposed building.

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	P & J BAILEY
SITE:	5 (LOT 129) HEIGHTS VIEW, BULLER
FILE REFERENCE:	A1878
PREVIOUS REFERENCE:	N/A
DATE:	12 JULY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

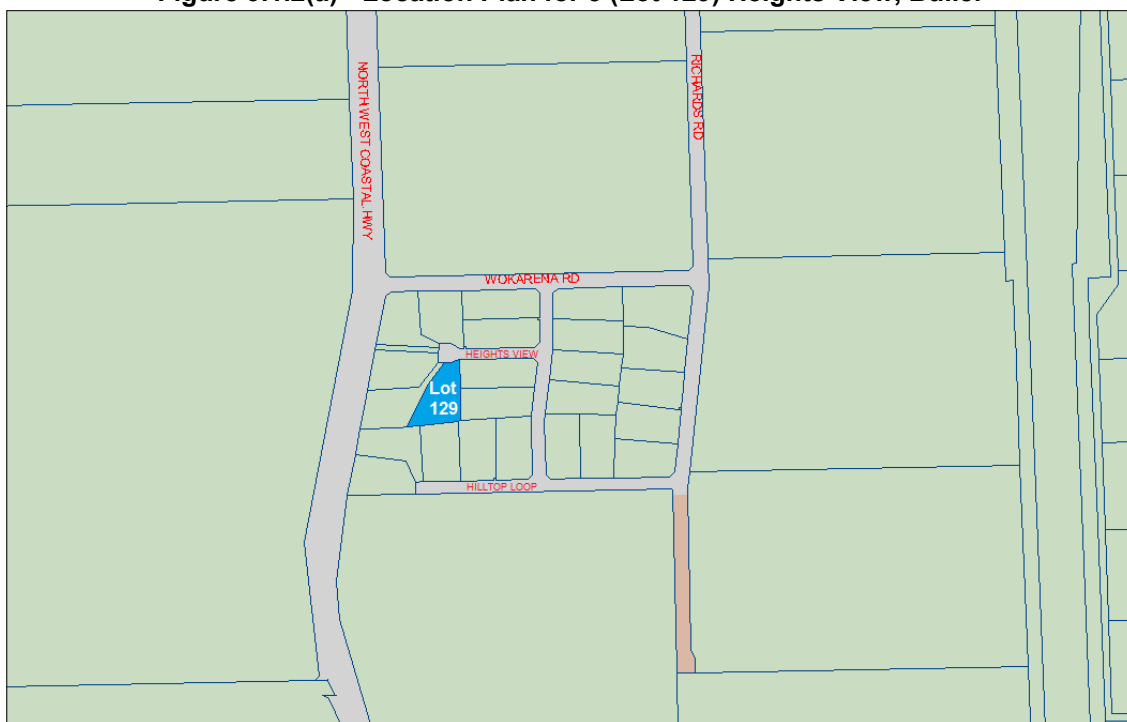
BACKGROUND

Council is in receipt of an application to construct an outbuilding upon 5 (Lot 129) Heights View, Buller. This report recommends approval of the application, subject to revisions.

COMMENT

Lot 129 is a cleared 4,000m² property fronting the cul-de-sac Heights View in the Wokarena Heights subdivision. The property slopes downwards from the front, north-eastern corner at the 41m contour to the rear, south-western corner at the 34m contour.

Figure 9.1.2(a) - Location Plan for 5 (Lot 129) Heights View, Buller



The applicant is seeking to construct a 14m x 8m (112m²) outbuilding in the south-eastern corner of their property. The proposed outbuilding would have a wall height of 3.6m and a total apex height of 4.45m.

The application as originally lodged on 30 May 2016 proposed to undertake cut and fill works to provide a level building pad. The cut works at the shed's eastern end would result in the floor level being 0.5m below natural ground level in the north-east corner and 0.3m below natural ground level in the south-east corner. The shed would be situated upon fill at its western end resulting in the floor level being 0.1m above natural ground level in the north-west corner and 0.5m above natural ground level in the south-west corner. As a result the shed as originally proposed would have a wall height of

4.1m as measured from natural ground level in the south-west corner and 3.7m in the north west-corner, and an apex height of 4.75m as measured from natural ground level at the western end.

The Shire 'Outbuildings' policy establishes that the maximum outbuilding height under which Shire staff may approve an application within this area is for a 3.5m wall height and 4.5m overall height, as measured from natural ground level.

The application was therefore advertised for neighbour comment prior to being presented to Council for its consideration.

The outbuilding is also proposed to be sited 2m from the rear (southern) boundary at its closest point, with the setback distance increasing as the boundary line angles away westwards thereafter from the shed. The outbuilding has been assessed as not meeting the deemed-to-comply requirement established by the state-wide Residential Design Codes of Western Australia ('R-Codes') for rear boundary setback of 2.7m (Section 5.4.3.C3.viii and Table 2b) and therefore exceeds the delegated authority of Shire staff and is required to be presented to Council for its deliberation.

The outbuilding is proposed to be sited 2m from the side (eastern) boundary and Table 1 of the R-Codes recommends a 7.5m side boundary setback for R2.5 zoned properties. The applicant is advised that they are seeking to reduce this general site requirement for the following reasons:

"Benefits of proposed site:

- *Keep clear of Septic system*
- *Allows driveway to be built straight*
- *Using cut and fill to minimise height impact on eastern neighbours*
- *Placed in rear corner to minimise impact on view from alfresco area for eastern neighbours*
- *To obtain 7.5m clearance from side fence, shed may need to be rotated 90° to avoid septic, increasing visual impact on eastern neighbours."*

A copy of the originally submitted site and elevation plans have been included as **Attachment 9.1.2(a)**.

Figure 9.1.2(b) – Aerial Photograph of 5 (Lot 129) Heights View, Buller



Figure 9.1.2(c) – View of Lot 129 looking south-west from Heights View



Figure 9.1.2(d) – View of Lot 129 looking west across Lot 131 from Dune Vista



Figure 9.1.2(e) – View of Lot 129 looking north across Lot 134 from Hilltop Loop



When the application was advertised for public comment 3 objections were received from neighbouring landowners. The applicant subsequently met with the 2 neighbouring landowners to the east, who would potentially be most impacted by the outbuilding, and reached agreement that the outbuilding should be placed in cut (with no fill) to lower the shed height in relation to the natural ground level to address their concerns.

The applicant has asked that the height measurements for their proposed outbuilding be amended to now reflect their intention to undertake cut earthworks to provide a level building pad. The cut works at the shed's eastern end would result in the floor level being 1m below natural ground level in the north-east corner and 0.7m below natural ground level in the south-east corner. The shed would be situated at 0.4m below natural ground level in the north-west corner and at ground level in the south-west corner. As a result the shed would have a wall height of 2.6 as measured from natural ground level in the north-east corner, 2.9m as measured from natural ground level in the south-east corner, a wall height of 3.6m as measured from natural ground level in the south-west corner and 3.2m in the north west-corner, and an apex height of 4.25m as measured from natural ground level at the western end.

The revised proposal would therefore comply with the Shire 'Outbuildings' policy in regards to the 4.5m maximum overall height, and comply with the 3.5m maximum wall height requirement with the minor exception of 0.1m in the south western corner.

STATUTORY ENVIRONMENT

5 (Lot 129) Heights View, Buller is zoned 'Residential R2.5' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The application has been brought before Council for its consideration as it exceeds the delegated authority of Shire staff in relation to boundary setbacks. The applicant is seeking to site the outbuilding 2m from their rear/southern boundary at its closest point and 2m from their side/eastern boundary. Section 5.4.3.C3.viii and Table 2b of the R-Codes suggest that the minimum setback for the rear boundary for R2.5 zoned properties for outbuildings of the proposed wall length and height should be 2.7m. Table 1 of the R-Codes recommends a 7.5m side boundary setback for R2.5 zoned properties. However, it is noted that Section 4.2.1 of the Explanatory Guidelines for the R-Codes makes the following comment *"with the increasing tendency for infill development and more flexible design approaches, any distinction between rear and side boundaries has become largely obsolete."*

In this instance the proposed reduced outbuilding boundary setbacks are considered to be of lesser issue to the neighbouring landowners than the height of the outbuilding and on this basis no objection is raised to the proposed 2m outbuilding side and rear boundary setbacks, providing the issue of the

outbuilding height is resolved, as the lowering of the outbuilding's height through its floor level being placed in cut earthworks would lessen its visual impact.

Section 4.2.1 of the Explanatory Guidelines for the R-Codes make the following relevant observations:

"Exceptions to basic setback provisions

Consideration of setbacks should have regard to the natural ground level, shape, development and orientation of adjoining lots.

A reduction to the R-Codes deemed-to-comply setback requirements should only be considered where it can be demonstrated this is preferable for practical or aesthetic reasons, and will not be to the detriment of the amenity of adjoining properties, particularly where the reduced setback may result in increased overshadowing, overlooking or lack of privacy.

In these situations the building design would need to address the design principles of clause 5.1.3."

Section 4.2.1 of the Scheme lists the objectives of the 'Residential' zone as being:

- "(a) Provide for residential development to meet the needs of a range of household types; and*
- (b) Provide for other land-uses compatible with a high level of residential amenity."*

Section 5.2 of the Scheme notes the following:

"Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes."

Section 5.8 of the Scheme states:

"5.8 Appearance of Land and Buildings

5.8.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the local government.

5.8.3 Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity."

Section 10.2 of the Scheme lists the following relevant matters to be considered by the local government in considering a 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

Section 2.2 of the Scheme provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ 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.”*

The application, as originally submitted for the outbuilding upon 5 (Lot 129) Heights View, Buller, proposed an outbuilding 0.2m in excess of the maximum outbuilding wall height requirement as set by the policy, and 0.25m in excess of the maximum total outbuilding height requirement set by the policy. The revised application would now be 0.1m over the maximum wall height requirement as set by the outbuildings policy in the south-western corner only, and would comply with the outbuilding policy’s maximum height requirement.

The proposed outbuilding area of 112m² would comply with the 180m² maximum outbuilding area established by the policy for the R2.5 zone.

Section 4.9(b) of the Outbuildings Local Planning Policy states that:

“For ‘Residential’ lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope.”

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

- **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:**

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' 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 considering 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.

The Shire wrote to the 6 landowners of the 8 lots surrounding Lot 129 (with the 3 of the lots downslope of Lot 129 still owned by the developer of the Wokarena Heights subdivision) on 8 June 2016 providing details of the application and inviting comment upon the proposal prior to 1 July 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 3 submissions had been received, all in objection to the application, with 2 of these being from the neighbouring Dune Vista landowners to the east that are upslope of Lot 129, and 1 from the neighbouring Hilltop Loop landowner to the south that is downslope of Lot 129. The issues raised in relation to the proposed outbuilding generally concern the potential it would have to impact on views. Copies of the received submissions have been provided as **Attachment 9.1.2(b)**.

The applicant was advised of the issues raised by the received submissions and provided with the opportunity to address these issues. The applicant subsequently met with the 2 neighbouring landowners to the east to seek a solution that might be agreeable to all parties. The applicant's response that proposes to amend the proposal to introduce cut earthworks only (in place of the originally proposed cut and fill earthworks) has been provided as **Attachment 9.1.2(c)**. This has been co-signed by the neighbouring landowners indicating their support for this compromise. The applicant has also advised as follows:

"Please find attached my response to the objections raised to my proposed outbuilding...As you can see I have now involved my immediate neighbours and we have been able to reach an amicable agreement. I would like to note, that I did not involve the 3rd opponent to the proposal, Rod & Jacqui Quartermaine. The primary objection of this response was in support of Anthony and Amanda Jones who now agree that the proposed site is the best available outcome for them. With regard to their point 3, impact of their own views, the proposed site of the outbuilding will primarily block the view between the rear of their house and ours including our bedroom and bathroom windows, as such rather than being negative impact it will offer each of us some privacy."

The main basis for objection to the originally submitted outbuilding application concerned the impact of the development upon the neighbouring landowners' outlook. The role of town planning in the protection of views is a long debated matter with the general consensus being that one does not 'own their view'.

Section 4.4 of the Explanatory Guidelines of the R-Codes gives some consideration to how the issue of views might be managed in residential zoned areas:

“Obtaining and keeping views is a significant issue, particularly where a locality’s housing values place a premium on an outlook or featured landscape views.

Because views are an important part of the amenity shared and enjoyed by many people in certain areas, a proponent should take into account the desirability of protecting those views enjoyed by neighbours, and the public to the extent that it is possible to design the dwelling to enjoy the view, but not to the exclusion or detriment of others.

While the R-Codes cannot guarantee the protection of views, the decision maker may exercise a degree of control by primary and secondary street setbacks and height controls enhanced by local planning policies as permitted under clause 7.3.1 of the R-Codes. Alternatively the decision-maker may consider the development of local planning policies or local development plans which target the protection of views. This approach would identify views ahead of potential development and may require visual assessment and reliance on technical opinion rather than advertisement for public comment and objections to specific proposal(s).”

The compromise outcome reached by the applicant and the 2 potentially impacted neighbouring landowners would appear to be one that Council can support without setting precedent.

RISK ASSESMENT

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 5 (Lot 129) Heights View, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 July 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 The floor level of the outbuilding is to be established using a cut earthwork method (in place of the originally proposed cut and fill earthwork method) to the approval of the local government.
- 3 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.
- 4 The walls and roof of the proposed outbuilding are to be clad in coated metal sheeting (i.e. colorbond) of complementary colours to the main residence to the approval of the local government. The use of uncoated zincalume is not permitted.
- 5 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must NOT be used for habitation, commercial or industrial purposes.
- 6 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.
- 7 Stormwater runoff is to be managed to the approval of the local government.

- 8 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: 07/16-3

Submission 1



Shire of
Chapman Valley
Love the Rural Life

Page 1.

DEVELOPMENT APPLICATION SUBMISSION FORM

File Ref: A1878

PROPOSED OUTBUILDING - 5 (LOT 129) HEIGHTS VIEW, BULLER

Name: Rod + Jacqui QuartermainePostal Address: PO Box 1219 Geraldton WA 6531Phone Number: 0428 500 741 or 9972 6012
0456 791 547SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

We object to the proposal/application to site an outbuilding on the following grounds:

1. Loss of views for our neighbours Anthony and Annarnda Jones as the shed will be directly in front of their main viewing area / alfresco area (Lot 13)
2. The outbuilding will also impact on views for homeowners Megan and Travis (Lot 130) and the other homeowners on Lot 121.

3. Additionally the proposed location will also impact to a lesser degree on our own views to the north (Lot 133)

4. Impact on views for owners of Lot 124.

Signature: J. Quartermaine R. Quartermaine Date: 20/6/16

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.

Page 2.

5. Plans show Lot 133 as vacant. House is currently being built on Lot 133.
6. Object to outbuilding going above the recommended height levels (impacting on views for residents of Lot 130).
7. Application does not comply with Shire of Chapman Valley / Residential ^{Design} Codes ~~Design~~ requirements.

Rod + Jacqui Quartermaine
Lot 133 #10 Hultop Loop Buller
0428 500 741

Submission 2



Shire of
Chapman Valley
Love the Rural Life

DEVELOPMENT APPLICATION SUBMISSION FORM

File Ref: A1878

PROPOSED OUTBUILDING - 5 (LOT 129) HEIGHTS VIEW, BULLER

Name: Daian and Cynthia Medrea
Postal Address: 6 Dune Vista, Buller WA 6532
Phone Number: 0408634881 / 0409 878880

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

Please find attached Word
Document with comments.

Signature:  Cynthia Medrea Date: 20/6/16

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 Friday 1 July 2016

RECEIVED

A1878

20 JUN 2016

Record No CR1611826

Dear Simon,

We would like to submit our objection to the **PROPOSED OUTBUILDING – 5 (LOT 129) HEIGHTS VIEW, BULLER.**

Our objection brings into account two (2) items.

1. The outbuilding is within the 2.7 meter requirement as per the state-wide Residential Design codes of Western Australia.
2. The height is above the 'outbuilding' Local Planning Policy.

It is our view that the owner of the property in question does have ample means of building within requirements or a proposed new building site of the 'outbuilding' will amend issues with the proposed site as stated below.

If the owner was to build on the lower west side of the property it would rectify a few issues with the current proposed location.

- a. Reduces visual impact on at least five (5) surrounding properties.
- b. Is well within boundary setback.
- c. Ample room to build avoiding septic system.
- d. Still has room on West side of property for owner to access outbuilding via a straight through driveway which will be shorter than on the East side.
- e. Provides more privacy for owner of property and surrounding properties.

If the outbuilding is built on the lower west side as stated we would be more agreeable on the issue the height being outside the Local Planning Policy.

So as there are two (2) issues outside normal regulations we feel the current outbuilding proposal should not be approved as they are in place to create a standard for all home owners and to avoid discord in the community.

As there are many options for the applicant to build the proposed outbuilding on site which will amend many of the issues that currently make the proposed site inharmonious with existing properties, we feel the applicant should consider a new site for the outbuilding.

We have drafted a suggested new building site on the existing plan provided and outlined the suggested new.

If you have any questions regarding our submission please do not hesitate to call.

Kindest regards

Daian and Cynthia Medrea

Mob-0408 834 881 Mob -0409 878 880







Submission 3

Shire of
Chapman Valley
Love the Rural Life

RECEIVED

28 JUN 2016

Record No **CR1611847**

DEVELOPMENT APPLICATION SUBMISSION FORM

File Ref: A1878

PROPOSED OUTBUILDING - 5 (LOT 129) HEIGHTS VIEW, BULLER

Name: Anthony & Amanda JONES
Postal Address: 8 Dune Vista, BULLER W.A. 6532
Phone Number: 0433 423 766 (Anthony) 0434 223 900 (Amanda)

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.

FILE No. A1878	
CEO	
CORPORATE SERVICES	
PLANNING	X
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Signature: [Signature] Date: 28/6/16

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 Friday 1 July 2016

Anthony & Amanda Jones
8 Dune Vista
BULLER WA 6532

Shire of Chapman Valley
Attn: Simon Lancaster
Deputy Chief Executive Officer
PO Box 1
NABAWA WA 6532

28 July 2016

Dear Simon,

We wish to inform you of our objection to the application for **PROPOSED OUTBUILDING – 5 (LOT 129) HEIGHTS VIEW, BULLER**.

Our objection is based on the following:

- The proposed outbuilding exceeds the maximum height restrictions as specified under the Shire of Chapman Valley 'Outbuildings' Local Planning Policy
- The proposed outbuilding does not meet the deemed-to-comply requirements for rear or side boundary setback as established by the Residential Design Codes of Western Australia.

Please find attached four (4) diagrams that illustrate just one view of what we will be faced with if the proposed outbuilding is built to the measurements as per the application. As the proposed outbuilding exceeds the maximum height restrictions as well as the boundary setbacks, this will impact greatly on not only ourselves, but also approximately four (4) of our surrounding neighbours. This illustrated view, however, does not take into account the 14m length of the proposed outbuilding which, at the proposed heights, will also have a huge impact on each of the applicant's surrounding neighbours.

To maintain a harmonious community, we believe that the applicant has at least three (3) alternatives to their proposed application, these being:

1. The applicant relocates the planned outbuilding site to directly behind their residence (east boundary) to their proposed height (please refer to diagram on Overall Site Plan as attached)
2. The applicant relocates the planned site to the south-west corner of their lot, in the same layout as previously planned (please refer to diagram on the Overall Site Plan as attached)
3. The applicant cuts in (with no fill) at the proposed building site far enough so the height of the outbuilding does not exceed the maximum as stated in the Shire of Chapman Valley 'Outbuildings' Local Planning Policy.

Any of these options would greatly reduce the impact that this outbuilding would have on the surrounding residents, as well as at times maintaining the applicant's stated benefits of:

1. Keeping clear of septic system
2. Allowing driveway to be built straight, as well as possibly shorter
3. Minimising height impact on eastern neighbours

Upon purchasing our respective lots at Wokarena Heights, our existing neighbours and we were well aware of the existing building envelopes within which our building activities were to take place. We have respected these restrictions and encouraged them as they maintain the original attraction of the lots with our ocean views and distance from surrounding neighbours' buildings. The more recent abolishment of these building envelopes now means that although current owners have already adhered to and built in our original respective building envelopes, this now no longer applies to owners who are in the process of building, thus creating a feeling of frustration and discord within the local community when faced with proposals such as this one.

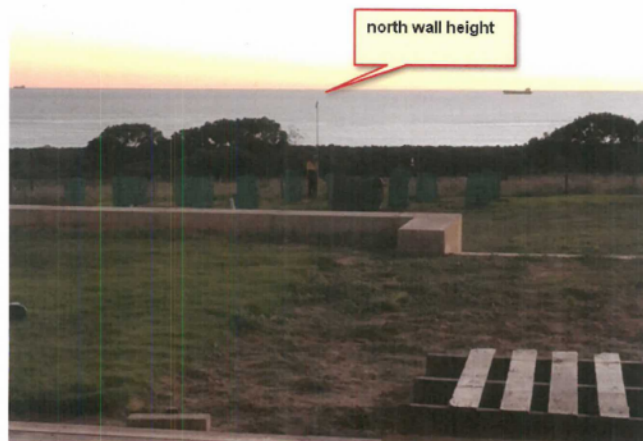
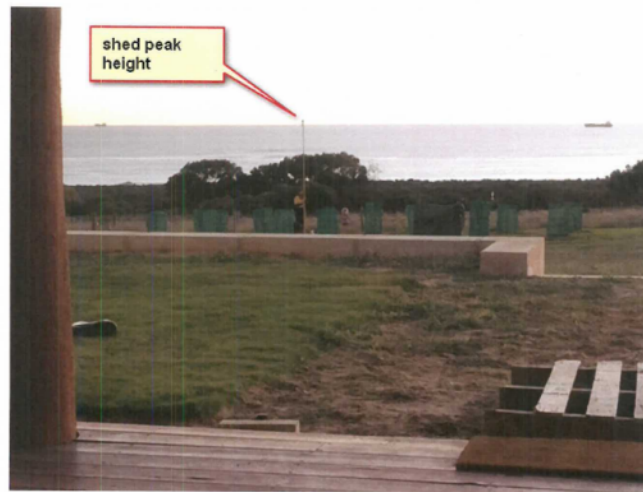
As we feel that the applicant has alternatives to their proposed outbuilding height and site that would result in maintaining a harmonious community, we believe that this current application should not be approved and a new application taking into account these alternatives should be taken into consideration.

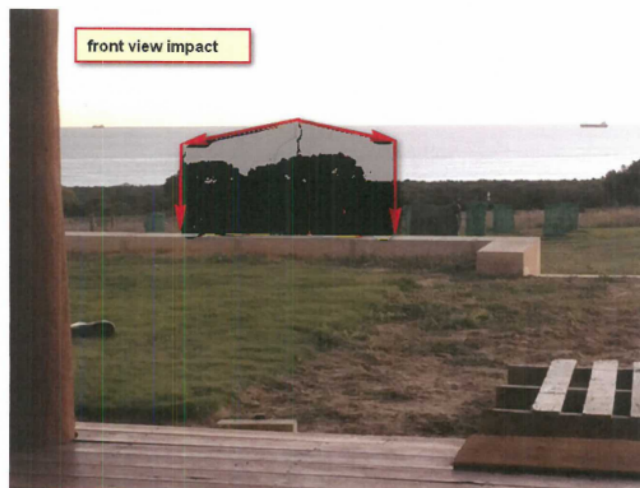
If you should have any queries regarding our objection, or require any further information, please do not hesitate to contact us on 0434 223 900 (Amanda) or 0433 423 766 (Anthony).

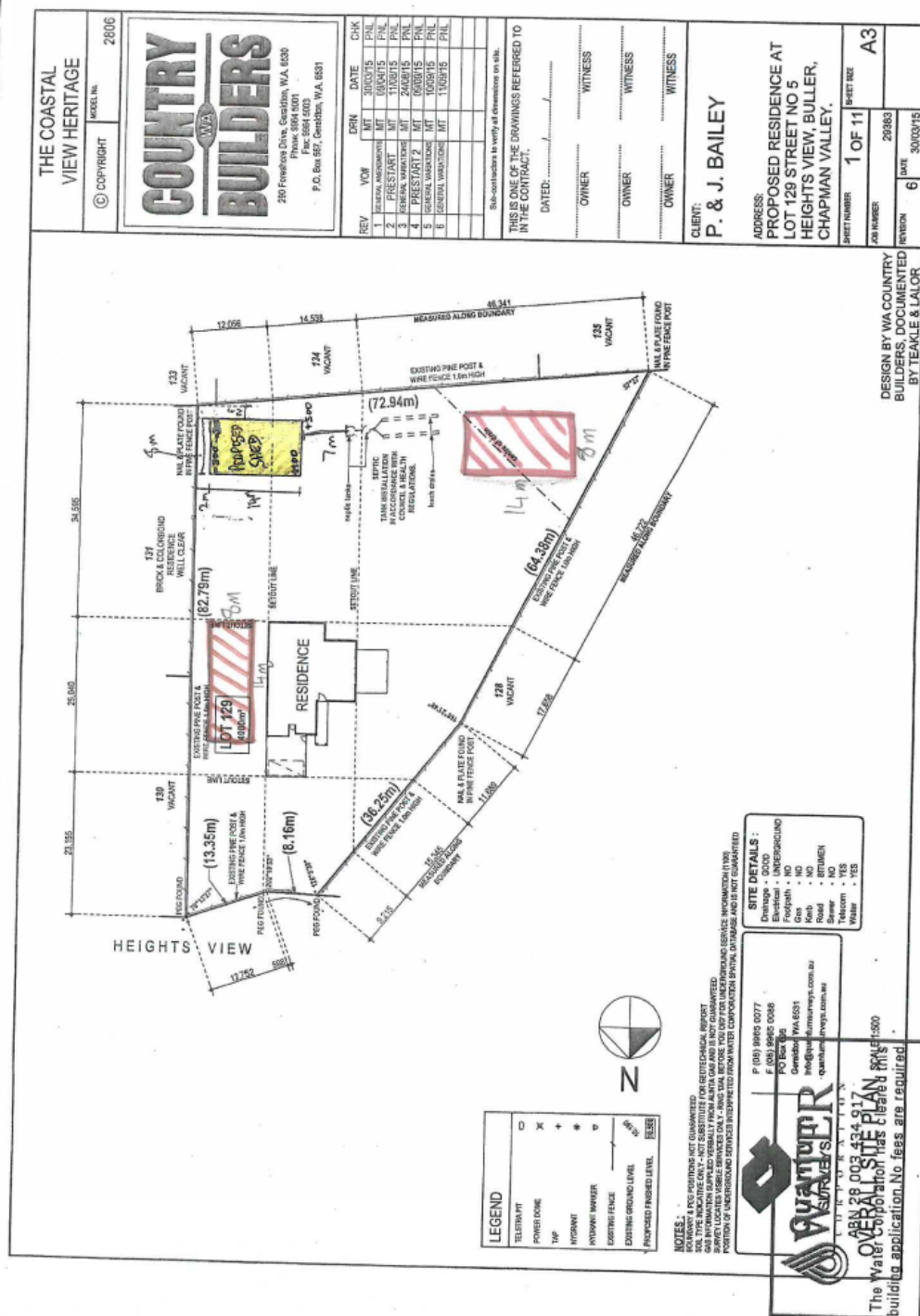
Kind Regards,



Anthony and Amanda Jones







Shire of Chapman Valley
Attn: Simon Lancaster
Deputy Chief Executive Office
PO Box 1
Nabawa WA 6532

7th July 2016

Dear Simon,


Regarding the application for an outbuilding upon 5 (Lot 129) Heights View, Buller. Since receiving the responses after the close of the advertising period we, Peter & Jessica Bailey have had discussions with our immediate neighbours Anthony & Amanda Jones of 8 Dune Vista and Daian & Cynthia Medrea of 6 Dune Vista.

Together we have inspected the proposed site, evaluated the impact on views and discussed alternatives. Upon gaining a better understanding it is in each of our opinions that the proposed site is the best available option. It has also been agreed that if the shed floor height was built with a full cut, rather than the originally proposed cut & fill method the proposed shed height would be acceptable (see image 1 on the following page).

With this understanding, we the undersigned would like to express our support for the proposal with the following condition:

- Floor level to be established using a full cut method, in place of cut & fill

5 Heights View, Buller:


Signature

PETE + JESS BAILEY
Name

6 Dune Vista, Buller:


Signature

Daian & Cindy Medrea.
Name

8 Dune Vista, Buller:


Signature

Anthony + Amanda Jones
Name

Page 1 of 2



Image 1: Seated view from alfresco area of 8 Dune Vista (Anthony & Amanda Jones) showing shed peak height if build using full cut method.

AGENDA ITEM:	9.1.3
SUBJECT:	PROPOSED OUTBUILDING, NANSON
PROPOSER:	I BUCKINGHAM
SITE:	63 (LOT 43) EAST TERRACE, NANSON
FILE REFERENCE:	A608
PREVIOUS REFERENCE:	N/A
DATE:	11 JULY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

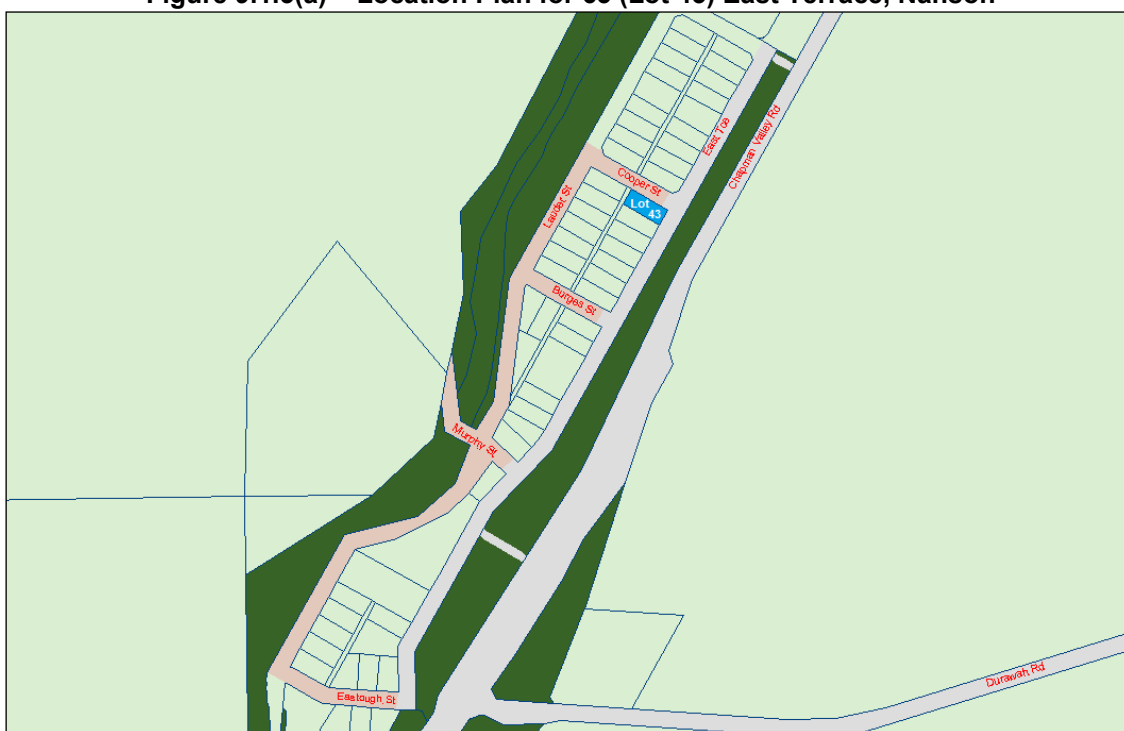
BACKGROUND

Council is in receipt of an application for an outbuilding to be constructed upon a vacant parcel of land in the Nanson Townsite. This report recommends conditional approval of the application.

COMMENT

63 (Lot 43) East Terrace is a vacant, cleared, rectangular 1,012m² property located in the Nanson townsite with a 20.12m frontage to East Terrace and a 50.29m frontage to Cooper Street, the property backs onto a Right of Way that runs through the Nanson townsite.

Figure 9.1.3(a) – Location Plan for 63 (Lot 43) East Terrace, Nanson



The applicant seeks approval for a 12m x 9m (108m²) outbuilding consisting of 9m x 9m (81m²) enclosed area and a 3m x 9m (27m²) open lean-to section. The outbuilding would have a wall height of 3.6m and an overall apex height of 4.475m. The outbuilding would be clad in 'classic cream' colorbond. The outbuilding is proposed to be located towards the rear of Lot 43 at a setback of 2m from the rear (western) property boundary and 1m from the nearest side (southern) property boundary.

A copy of the submitted site, floor and elevation plans have been included as **Attachment 9.1.3** to this report.

This application has been placed before a meeting of Council as the construction of an outbuilding upon vacant residential land is not supported under the Shire of Chapman Valley 'Outbuildings' Local

Planning Policy, and the proposed height of the outbuilding is in excess of the policy requirement. However, it is considered that given the individual circumstances of this property, and the general development history and built form of the Nanson townsite, that conditional approval of the application may be warranted in this instance.

Figure 9.1.3(b) – Aerial photograph of 63 (Lot 43) East Terrace, Nanson



Figure 9.1.3(c) – View of Lot 43 looking west from East Terrace



STATUTORY ENVIRONMENT

63 (Lot 43) East Terrace, Nanson is zoned 'Townsite' under Shire of Chapman Valley Local Planning Scheme No.2 (the 'Scheme').

Section 4.2.2 of the Scheme identifies the objectives for the 'Townsite' zone as being:

- "(a) Provide for residential development to meet the needs of a range of household types;*

- (b) Provide for commercial and industrial land-uses compatible with each other and with residential use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in more specialized commercial and/or industrial areas; and
- (d) Provide a reasonable level of residential amenity."

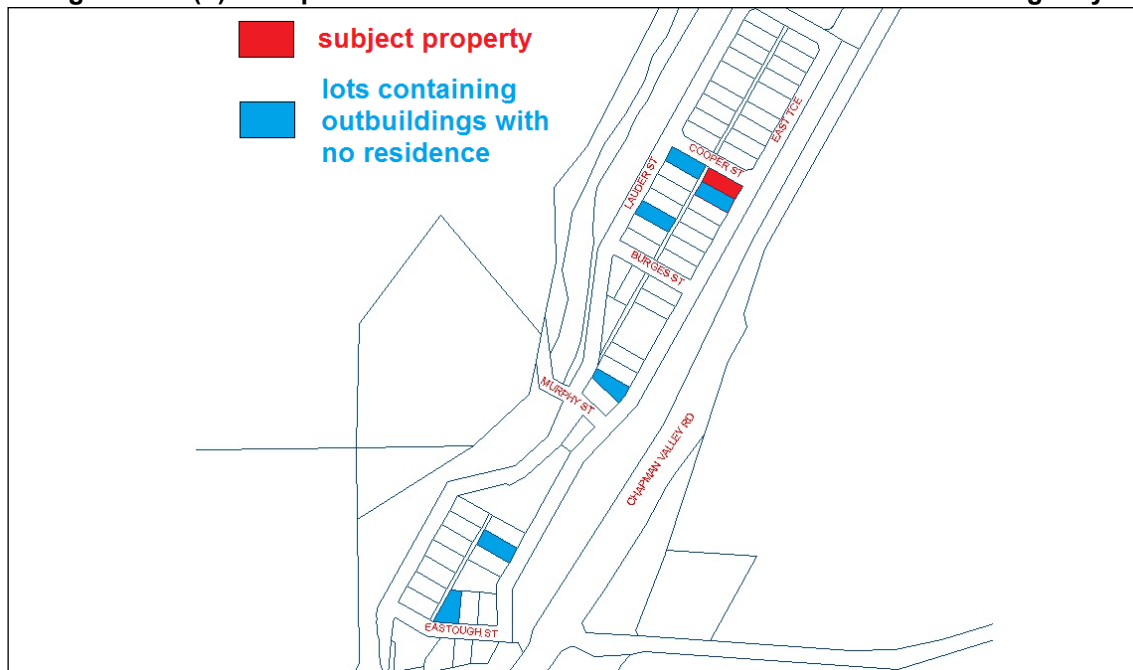
POLICY IMPLICATIONS

Section 4.8 of the Shire of Chapman Valley 'Outbuildings' Local Planning Policy states:

"The development of an outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently.)"

In the Nanson townsite there are six (6) parcels of land that contain an outbuilding which can be considered to establish a precedent for the built form of the surrounding area. It may also be considered that a 'Townsite' zoning, with its increased flexibility to accommodate non-residential uses under the Scheme's Zoning Table, is distinct from a 'Residential' zoning and should be assessed differently.

Figure 9.1.3(d) – Properties within Nanson townsite that contain an outbuilding only



The Outbuilding policy establishes a maximum outbuilding size of 120m² for the 'Townsite' zone that can be approved by staff under delegated authority, and the proposed development of 108m² would comply with this area requirement. The proposed wall height of 3.6m and the total apex height of 4.475m would not comply with the Outbuilding policy requirement for the 'Townsite' zone of a 3m wall height and 4m total height.

It is noted that there are a number of outbuildings within the Nanson townsite in excess of the policy height requirements, with the largest of these being (excluding the Nanson Museum buildings) the 15.28m x 9.96m (152.188m²) outbuilding at 5 (Lot 27) Eastough Road which has a wall height of 3.65m and a total height of 4.986m. It is therefore considered that the proposed outbuilding's height would not unduly impact on the neighbouring landowner's outlook or amenity.

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.

In considering the merits of this application and the requirements of the 'Outbuildings' Local Planning Policy the proposal is supported at an officer level as:

- the proposed outbuilding complies with the maximum area, boundary setback and material requirements of the Shire's 'Outbuildings' Local Planning Policy;
- the proposed outbuilding is not considered to cause an inconsistency in the existing streetscape nor cause a detrimental impact to the orderly and proper planning of the townsite;
- the proposed outbuilding is not considered to unduly impact upon the surrounding landowners' amenity;
- the visual impact of the development upon the property would be lessened by existing mature trees;
- the applicant is seeking to have a shed of the requested height to enable it to be used for storage of their caravan;
- the approval of this application is not considered to set an undesirable precedent as there are 6 other properties, including the immediately adjoining Lot 44, in the Nanson townsite which contain outbuildings in the absence of a residence;
- the outbuilding is not considered to dominate the streetscape as it would be setback from the two road frontages;
- the acceptance of the proposed outbuilding as being within the character of the townsite is demonstrated through no objections being received to the application when it was advertised for comment to surrounding landowners.

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

- **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' 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 considering 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.

The Shire wrote to the 4 landowners of the 8 surrounding properties within 100m of Lot 43 on 9 June 2016 providing details of the application and inviting comment upon the proposal prior to 1 July 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 1 submission had been received (from the side neighbouring landowner to the south) expressing support without comment for the application.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

That Council grant formal planning approval for an outbuilding to be constructed upon 63 (Lot 43) East Terrace, Nanson subject to the following conditions:

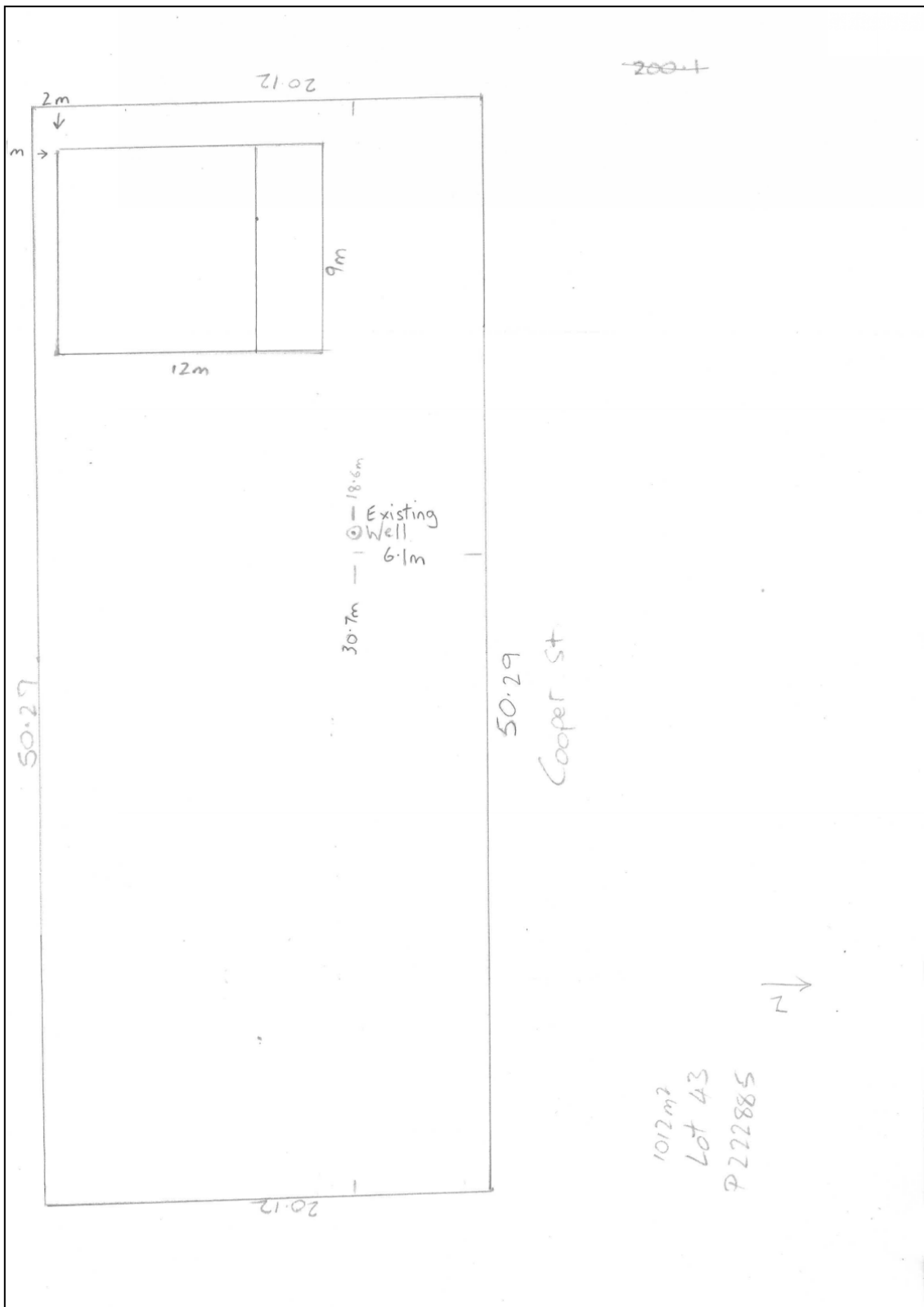
- 1 Development shall be in accordance with the attached approved plans dated 20 July 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 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 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.
- 4 All stormwater is to be disposed of on-site to the approval of the local government.
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 6 Installation of crossing place(s) to the approval of the local government.
- 7 The approved outbuilding is only to be used for general storage purposes and shall NOT be used for habitation, commercial or industrial purposes.
- 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

**Voting 8/0
CARRIED**

Minute Reference: 07/16-4



STEEL BUILDING BY		(CONTACT)	AUSSIE SHEDS GROUP	
FOR			08 9954 6511	
AT			IRENE BUCKINGHAM	
			LOT 43 EAST TERRACE	
			NANSON	
DRAWN	FDS			
CHECKED	TM			
DATE	10/5/2016			
JOB NO	GRLD39699			
SHEET	6	OF	6	

AGENDA ITEM:	9.1.4
SUBJECT:	NANSON MUSEUM – ANZAC DISPLAY STRUCTURE
PROPONENT:	CHAPMAN VALLEY HISTORICAL SOCIETY
SITE:	RESERVE 13226 EAST TERRACE, NANSON
FILE REFERENCE:	R13226
PREVIOUS REFERENCE:	N/A
DATE:	11 JULY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Chapman Valley Historical Society have written to Council seeking its support to develop a display structure at the Nanson Museum providing information on the soldiers from the Chapman Valley district who lost their lives in World War One and the community that they were drawn from. This report recommends that Council support the proposed development.

COMMENT

The Chapman Valley Historical Society wrote to the Shire on 2 & 14 June & 6 & 9 July 2016 in relation to the proposed development of a 6m x 4m structure to be located between the main museum shed and the arbour. The proposed structure would be constructed in materials and of a style complementary to the arbour and is intended to display material honouring the soldiers who served in World War One, and the community which they represented. Copies of the received correspondence and the accompanying site and elevation plans have been provided as **Attachment 9.1.4** for Council's consideration.

Figure 9.1.4 – Proposed location (as marked by vehicle) for ANZAC display structure



STATUTORY ENVIRONMENT

Reserve 13226 is zoned 'Public Purpose - Museum' under Shire of Chapman Valley Local Planning Scheme No.2. Section 3.4 of the Scheme requires 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."*

Reserve 13226 East Terrace, Nanson is a 6,178m² parcel of Crown Land with the assigned purpose of 'Historical and Community' and a management order issued by the Department of Lands to the Shire of Chapman Valley with the power to sub lease.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

It is understood that the Chapman Valley Historical Society are not seeking a financial contribution from Council towards the project at this time, rather Council support for the purpose, style and location of the structure.

Were the Society to seek financial support from Council for the structure they would be able to make application, along with other eligible parties, for consideration under the Shire's Community Growth Fund (as per Corporate Management Procedure 067). The Society have also advised that they will be pursuing other opportunities for external funding for the project.

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 proposed structure at Nanson Museum would require specific amendment to the Long Term Financial Plan, and the structure could be included in the Shire's overall asset register that will be used to inform the ongoing review of the Plan.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Heritage Inventory (2012) notes that the buildings within the Nanson Museum grounds have considerable historic significance, and their use by the Chapman Valley Historical Society leads to them being highly valued by the local community, as well as contributing greatly to the Nanson streetscape. The structure is proposed to be built of complementary materials to the nearby harbour to reflect the heritage qualities of the existing museum buildings and the other historical buildings within the Nanson townsite.

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 Strategy lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire. The Museum serves as both a community hub for the Society to meet, work and grow but also as a means of recording and telling the community's story,

CONSULTATION

Representatives from the Chapman Valley Historical Society met with the Shire's Chief Executive Officer, Community Development Officer, and Building Surveyor/Project Officer on 9 June 2016 to discuss the proposed ANZAC display structure.

The Society have also written to both the Northampton and Geraldton Return Services League sub-branches in regards to their proposal.

RISK ASSESMENT

Nil

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR WARR

The Council advise the Chapman Valley Historical Society that it supports in principle the development of an ANZAC display structure at the Nanson Museum as proposed within Attachment 9.1.4.

Voting 8/0

CARRIED

Minute Reference: 07/16-5



Chapman Valley Historical Society and Museum.
P.O. Box 3355,
Bluff Point WA 6530
Email: chapmanvalleyhs@gmail.com

Mr. Maurice Battilana,
CEO Shire of Chapman Valley,
P.O. Box 1,
Nabawa WA 6532

Dear Maurice,

The Chapman Valley Historical Society wish to inform Council that the Society has a group of dedicated members working on an 'Anzac Centenary' project and plan to lodge an application for funding through Lotterywest and the DVA sometime this year.

Research has been undertaken on the 36 fallen soldiers who did not return from World War 1 to the Chapman Valley District. It is envisaged that a structure will be erected near the Arbour area at the Heritage precinct in Nanson. The structure will contain display boards providing whatever details and stories relating to each of the 'Fallen Soldiers' as can be researched. Family members that have contacted the person responsible for the research of the 36 'WW1 Fallen Soldiers', have been very grateful that this research is being undertaken and have indicated they would like to be present at an opening, should the project materialise.

A display board within the structure will provide more general information relevant to the effect World War 1 had on the district.

The Anzac Centenary project is to be a tribute to those men who enlisted from the Chapman Valley district and did not return to their families.

We will be writing to the RSL branches of Northampton and Geraldton seeking letters of support for the project, to assist with funding applications. It is also envisaged that the Men's Shed could be asked to be involved in the construction.

At the general meeting of the Society on the 25th May, members supported the project unanimously.

We trust this project meets with Council approval.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Pam Batten'.

Pam Batten
Secretary
Chapman Valley Historical Society Inc
2nd June 2016



Chapman Valley Historical Society and Museum.
P.O. Box 3355,
Bluff Point WA 6530
Email: chapmanvalleyhs@gmail.com

Mr Maurice Battilana,
CEO Shire of Chapman Valley,
PO Box 1,
Nabawa WA 6532

Dear Maurice,

The Chapman Valley Historical Society Inc is writing to seek the Shire's approval to erect a structure on the Heritage Precinct in Nanson. The structure will house a display honouring the 36 soldiers from the Chapman Valley District who lost their lives fighting for their country in World War I. The structure (see attached concept plan) will be 6 metres in length and 4 metres wide, built after the style of the Arbour. Inside, along each side wall will be panels detailing each individual soldier's war record.

The Society decided last year to use the Anzac Centenary period to research the 36 soldiers whose names are on the War Memorial in the Nabawa Cemetery and tell their story as a significant tribute to them and to tell something of the Valley community as it was then. Each individual record will detail where the soldier was born, occupation, family ties as well as the war record, and a photo of the soldier.

A working party has been researching this project since last year and examined a number of possible tributes to honour our soldiers. This proposal was supported fully at our last meeting as being the most suitable in the context of the Centenary period. It honours each soldier's life and his connection to the Valley at that time. It gives not only information about the soldier and his role in the war, it also sheds light on the bustling, active community and the people who lived here then.

Once approval is given the working party will act in preparing grant applications to fund the proposal. Contact has already been made with several

funding bodies and the results have been encouraging. Our plans would be to have the building all completed in the middle of 2017 which is significant as 20 of the 36 soldiers lost their lives in 1917. The families we've been able to contact, have been fully supportive and wish to know when we will open the tribute, so they can be present.

The working party wish to thank the Shire staff for their support and interest in this project, especially the CEO, Maurice Battilana, Community Development Officer Nicole Batten and Anthony Abbott Building Surveyor/Project Officer.

Yours sincerely,

A handwritten signature in cursive script that reads "Pam Batten".

Pam Batten
Secretary
Chapman Valley Historical Society Inc
14th June 2016



Chapman Valley Historical Society and Museum.
P.O. Box 3355,
Bluff Point WA 6530
Email: chapmanvalleyhs@gmail.com

Mr Simon Lancaster,
Shire of Chapman Valley Planner,
P.O. Box 1,
Nabawa W.A. 6532

Dear Simon,

The Chapman Valley Historical Society Inc wish to have the following information included in the material to be submitted to Council on the 20th July in support of the Societies proposed WW1 Anzac project.

The Society has written letters to both the Northampton and Geraldton RSL sub-branches informing them of the proposed project and asking for their support. Unfortunately as yet we have not received written support, but both sub-branches have given their verbal support and have said letters will be forthcoming.

As soon as letters are received we will forward a copy to the Shire.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Pam Batten".

Pam Batten
Secretary
Chapman Valley Historical Society Inc
9th July 2016



Chapman Valley Historical Society and Museum.
P.O. Box 3355,
Bluff Point WA 6530
Email: chapmanvalleyhs@gmail.com

Mr Geoff Rob,
President
RSL Northampton,
Post Office Box 2467,
Geraldton WA 6531

Dear Geoff,

The Chapman Valley Historical Society Inc have undertaken a project to honour the 36 men that enlisted from the Chapman Valley District for WW1 and did not return home. We have named the project 'A Tribute to the Fallen Soldiers' and it is envisaged that a structure with display boards will be built at the Chapman Valley Museum.

At this stage the CVHS working group are planning to have the project completed for an official opening sometime during 2017. Twenty of the thirty six men who enlisted, lost their lives in 1917.

The names that have been researched are the names that are on the WW1 War Memorial at the Nabawa Cemetery. It has never been the aim of this project to replace that Memorial in anyway.

The CVHS are unsure whether permission is needed from the RSL for such a project, hence the reason this letter has been written. We hope the RSL in Northampton is very happy for the Chapman Valley Historical Society to continue working towards this tribute.

It has been extremely rewarding for Jenny MacKay who has undertaken the research. Some family members have made contact with Jenny and have been

very pleased that the 36 soldiers 'Will be Remembered' again during this four year period of the centenary of WW1. Some of the families have also indicated they would like to be present when the 'Tribute' is officially opened.

We look forward to your favourable response for this very worthwhile project. We would also be very grateful if you are able to provide a letter of support for the project. This will assist with our endeavours for funding.

Yours sincerely,

Pam Batten
Secretary
Chapman Valley Historical Society Inc
11th June 2016



Chapman Valley Historical Society and Museum.
P.O. Box 3355,
Bluff Point WA 6530
Email: chapmanvalleyhs@gmail.com

President
RSL Geraldton,
Birdwood House,
Geraldton WA 6530

Dear President,

The Chapman Valley Historical Society Inc have undertaken a project to honour the 36 men that enlisted from the Chapman Valley District for WW1 and did not return home. We have named the project 'A Tribute to the Fallen Soldiers' and it is envisaged that a structure with display boards will be built at the Chapman Valley Museum.

At this stage the CVHS working group are planning to have the project completed for an official opening sometime during 2017. Twenty of the thirty six men who enlisted, lost their lives in 1917.

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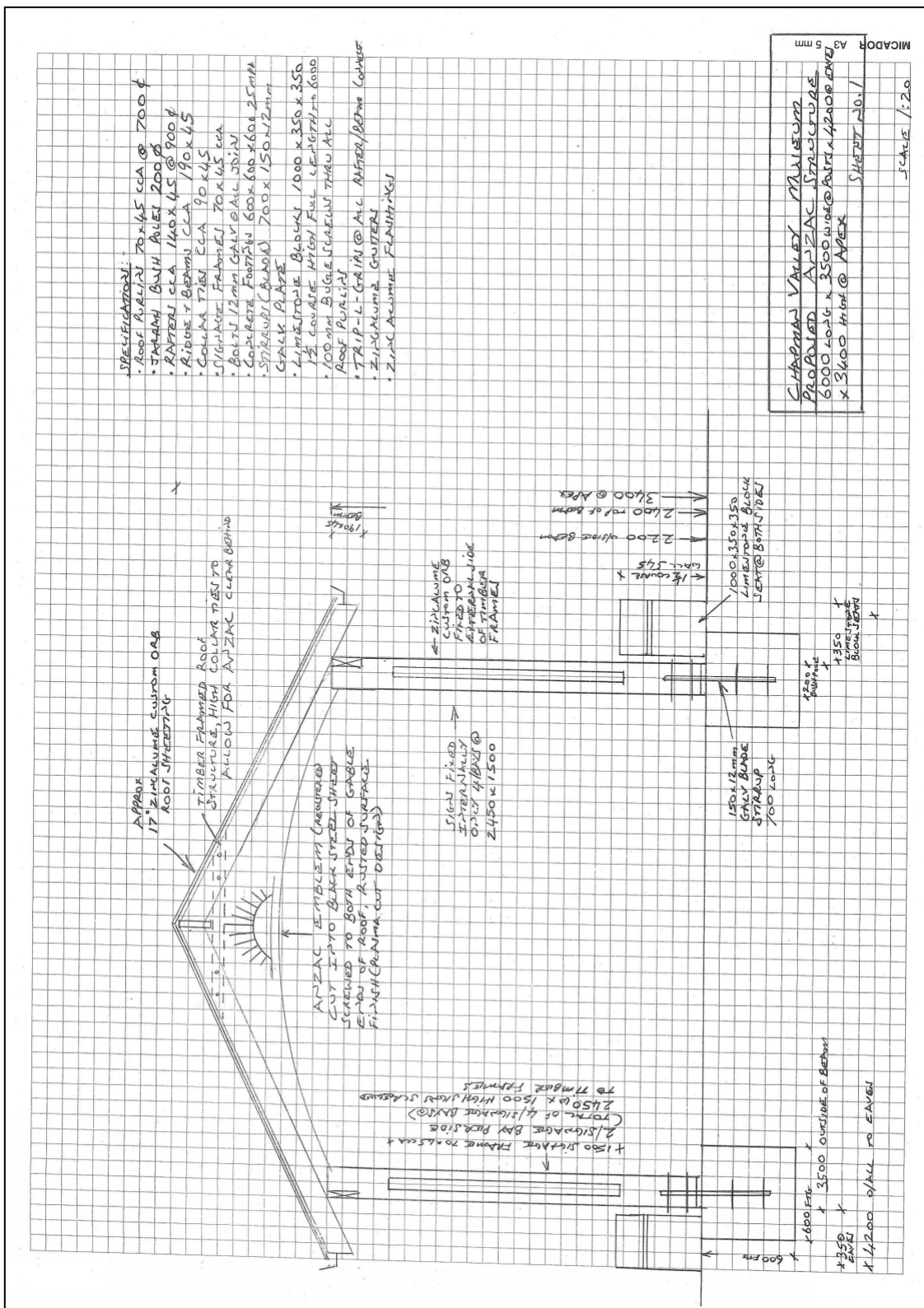
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We look forward to your favourable response for this very worthwhile project. We would also be very grateful if you are able to provide a letter of support for the project. This will assist with our endeavours for funding.

Yours sincerely,

Pam Batten
Secretary
Chapman Valley Historical Society Inc
11th June 2016





Cr Warr, Cr Wood and Cr Maluish declared an impartiality interest in this item

AGENDA ITEM:	9.1.5
SUBJECT:	BILL HEMSLEY PARK COMMUNITY BUILDING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	R49641
PREVIOUS REFERENCE:	09/09-11, 08/10-3, 04/11-4, 05/11-29, 12/11-3, 04/13-5, 06/13-25, 10/13-3, 02/14-10-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4-5, 06/15-9, 09/15-2-8, 11/15-9, 04/16-10-11 & 05/16-9-12, 06/16-1, 06/16-3-10
DATE:	12 JULY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 15 June 2016:

"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 and Council make a priority that item 3 is costed and item 2 is costed with the ability to review the plan."*

In line with part 4 of the Council resolution, that sought the costing as a priority, Shire staff have liaised with the draftsman and a quantity surveyor to prepare an opinion of probable cost for the Bill Hemsley Park Community Building. It was noted that there was some discussion during the Council meeting that the rammed earth component of the building could be replaced with a framed wall alternative, and in response to this the quantity surveyor was requested to prepare costings reflecting these two options, which are as follows:

- \$653,800 (rammed earth)
- \$618,800 (framed wall)

A copy of the quantity surveyor report, and building plans had been provided to Councillors as a **separate attachment** to the agenda.

It is recommended that the building design be amended to replace the rammed earth component with a framed wall. Council may also wish to consider reducing the area of the northern facing verandah from 6m x 18.1m (108.6m²) to 2.5m x 18.1m (45.25m²) to further reduce costs. The quantity surveyor has advised that the reduction in the 63.35m² reduction in verandah area would be expected to reduce costs by approximately \$50,000, and the building cost would be approximately \$568,800 if the design is modified to utilise framed wall and the reduced northern verandah.

COMMENT

Council resolved at the 20 August 2014 meeting to accept the Bill Hemsley Park preliminary concept plan (which included all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand) and prepare a draft concept plan to send out to all landowners in the Parkfalls Estate seeking their feedback on this draft plan for Council to consider prior to finally endorsing the concept plan.

Following its advertising, Council resolved at its 16 September 2015 meeting to adopt the Bill Hemsley Park Concept Plan.

Council resolved at its 18 November 2015 meeting to 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).

Council also resolved at its 18 November 2015 meeting to 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 these items, and instruct Shire staff to seek external funding (matched from the Bill Hemsley Park trust account) for these items.

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 establishes the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the Management 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."

The Bill Hemsley Park Management Committee made recommendation at its 10 November 2015 meeting to support the following items for the development of the Bill Hemsley Park, and the inclusion

of funds from the Bill Hemsley Park trust account as a matching contribution to be referenced in any external funding or Shire financial contribution to assist in its early delivery:

- 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).

Council resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation, and on this basis Part 4 of the Management Agreement has been satisfied and enables expenditure of the trust funds, as a contribution along with external or Shire financial expenditure, for the purposes of funding the specifically listed items.

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. The Bill Hemsley Park Trust Account contains \$291,657.66 as of 30 June 2016.

Council resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation 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 and \$10,000 from 2015/2016 budget - account 2834).

The 2015/2016 Council budget included 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 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 draft 2016/2017 budget lists within Account 2834 an amount of \$462,300 for the Bill Hemsley Park Community Building drawn from the following potential sources:

- \$300,000 (external funding)
- \$100,000 (Shire municipal fund as per Minute 04/16-10)
- \$32,200 (Shire building reserve as per Minute 04/16-10)
- \$30,100 (trust funds)

The draft 2016/2017 budget also lists within Account 2834 an amount of \$120,000 for the nature playground (comprising \$100,000 external funding and \$20,000 trust funding), and \$210,440 for other park works such as headworks contingency, internal road, carpark, plants, furnishings, garden design and species supply, entrance wall (to be funded through the trust, although it should be noted this does not preclude the Shire continuing to source external funding for these components).

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 17 February 2016 Forum Session, the subsequent more detailed building design drafting work led to a revised figure, of \$462,300. This figure was based upon Meeting Room/Hall, Kitchen, Toilets, Office & Verandahs ($262.5\text{m}^2 \times \$1,400/\text{m}^2$) = \$367,500, (the cost of the office component within this figure would be $23\text{m}^2 \times \$1,400/\text{m}^2$ = \$32,200), gazebo ($86.5\text{m}^2 \times \800) = \$69,200, Timber Deck ($64\text{m}^2 \times \400) = \$25,600, Earthworks provisional sum allowance = \$30,000, resulting in an estimated total cost = \$492,300 GST ex (or \$462,300 if site works undertaken by Shire). This was the basis for the building cost included in the grant application to the Mid West Development Commission, and the grant funding had a maximum of \$300,000 available with no minimum limit on monetary or in-kind contributions. The higher building cost now supplied by the quantity surveyor (which is closer to \$2,000 per m^2 internal area and \$1,000 per m^2 external area) should not impact upon the grant application as lodged because the maximum external funding amount had already been sought by the Shire. It is the Shire and/or trust allocation that would therefore be required to be reviewed with regards to the \$106,500 differential (or \$191,500 differential if the building retains the rammed earth walls and larger northern verandah area).

The Shire has the ability to consider further allocation from a number of sources including the developer contribution (held in trust) which contains \$291,657.66 (with only \$30,100 of this amount presently listed for expenditure on the community building in the draft 16/17 budget); and/or the Shire Building Reserve which contains \$527,030.36 as of 30 June 2016. (with only \$32,200 of this amount presently listed for expenditure on the community building in the draft 16/17 budget); and/or there is ability for a loan to be taken out that can be tied directly to the parcel of land that the loan is servicing.

The quantity surveyor opinion of probable cost whilst more accurate than previous figures should still be viewed as a guide and a final figure will only be known when the Shire goes to tender on the community building project. The final figure would be expected to vary dependant on the timing of construction and the number of tendering firms. The draftsman has also noted that the quantity surveyor opinion of probable cost would be expected to factor in a degree of conservative (higher) opinion in the estimates, as there would be concern raised if this estimate proved to be lower than the actual tender price. It was also noted by the draftsman that in the most recent cost estimate (undertaken 6 months ago) for a similar project the opinion of probable cost turned out to be approximately 10-12% higher than the actual tender price, and the current downturn in the building industry could be expected to see very competitive prices in place for the next 6-12 months. Nevertheless it is suggested that the quantity surveyor opinion of probable cost should be used as the basis for budgeting for this project.

- **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 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.

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.

STAFF RECOMMENDATION

That Council:

- 1 Receive the Bill Hemsley Park Community Building Quantity Surveyor Opinion of Probable Cost.
- 2 Request that Teakle & Lalor prepare the Bill Hemsley Park Community Building drawings (with the design amended to include framed wall in place of rammed earth, and the northern facing verandah to be reduced from 6x18.1m to 2.5x18.1m) and associated specifications so that they may be utilised for tender purposes when required.
- 3 Increase the amount in the draft 2016/2017 budget (that will then be later considered by Council at its special budget meeting) within Account 2834 for the Bill Hemsley Park Community Building from \$462,300 to \$568,800 with this increase to be shown as an allocation of \$106,500 to be drawn from the Shire Building Reserve in the event that an application for external funding is successful.

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDER: CR FARRELL

That Standing Orders be suspended.

**Voting 8/0
CARRIED**

Minute Reference: 07/16-6

COUNCIL RESOLUTION

MOVED: CR WOOD

SECONDER: CR FORRESTER

That Standing Orders be re-introduced.

**Voting 8/0
CARRIED**

Minute Reference: 07/16-7

COUNCIL RESOLUTION

MOVED: CR MALUISH

SECONDER: CR WOOD

That Council:

1. Receive the Bill Hemsley Park Community Centre Quantity Surveyor Opinion of probable Cost.
2. Request that Teakle and Lalor prepare the Bill Hemsley Park Community Centre drawings (with the design amended to include framed wall in place of rammed earth, delete the eastern gazebo, continue the 6 metre verandah around the eastern side (where the gazebo was), replace the decking with fill and retaining, limestone wall and suitable outdoor area surface and associated specifications so that they may be utilised for tender purposes when required.
3. Increase the amount in the draft 2016/2017 budget (that will then be later considered by Council at its special budget meeting) with Account 2834 for the Bill Hemsley Park Community Centre from \$462,300 to \$ \$568,800 with this increase to be shown as an allocation of \$106,500 to be drawn from the Shire Building Reserve.
4. In the event that the MWDC grant is not successful that Council apply for a loan up to \$200,000 (over 5 or 10 years) to enable the project to commence as soon as possible.
5. This recommendation be passed onto the Bill Hemsley Park Management Committee for ratification of the trust commitment and further discussion of the of the park design to north of building to enable earlier delivery of park area between the building and playground.

Voting 4/4
MOTION LOST ON CASTING VOTE
Minute Reference: 07/16-8

Cr Maluish requested that the comment from "Cr Humphrey that we are a divided community and a divided and dysfunctional Council be recorded in the minutes."

Cr Collingwood requested that it be minuted that he disagreed with "Cr Humphreys comment that we are a divided community and a divided and dysfunctional Council."

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That this item be referred back to the Bill Hemsley Park Management Committee for discussion.

Voting 6/2
CARRIED
Minute Reference: 07/16-9

Reason for deviation from Staff Recommendation – more deliberation required.

The meeting adjourned at 10.11am

Mrs Cream and Mrs Buckingham left Chambers at 10.22am

The meeting recommenced at 10.22am with Mrs Raymond in attendance

9.2 Finance July 2016

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9.2 AGENDA ITEMS

9.2.1 Financial Reports for June 2016

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR JUNE 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	20 JULY 2016
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council. Due to timing for end of financial year the financial statements will be presented at the August Council meeting

COMMENT

Attached to this report are the summary of payments, bank reconciliation and credit card payments for June 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 CP-023 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 June 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 FARRELL

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

- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

Voting 8/0

CARRIED

Minute Reference: 07/16-10

Mrs Raymond left Chambers at 10.23am

9.3 Chief Executive Officer July 2016

Contents

9.3 AGENDA ITEMS

- 9.3.1 Review Heavy Haulage Vehicle Permit Roads
- 9.3.2 Review of the Declared Pests of Western Australia

AGENDA ITEM:	9.3.1
SUBJECT:	REVIEW HEAVY HAULAGE VEHICLE PERMIT ROADS
PROPONENT:	CHIEF EXECUTIVE OFFICER & MANAGE WORKS & SERVICES
SITE:	WHOLE SHIRE
FILE REFERENCE:	1002
PREVIOUS REFERENCE:	MINUTE REFERENCE: 04/16-14
DATE:	20th JULY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

BACKGROUND

The purpose of this Item is to present to Council the current endorsed *Heavy Haulage Vehicle Permit (Policy IP-003)* for discussion and review.

Council resolved the following at the April 2016 OCM:

MOVED: CRMALUISH

SECONDED: CR WOOD

Council receive the Road Infrastructure Committee minutes and endorse the recommendations within i.e.

Recommendation 1

Council endorse the 10 Year Road Works Program – 2016/2017 to 2025/2026 as presented:

- ~ *with the inclusion of investigative work on the extension of proposed seal of the blackspot project on Olsen Road; and*
- ~ *the wording of works to be undertaken in the Parkfalls Estate be read “Parkfalls Estate Gravel Shoulder Improvements/Bill Hemsley Park In-House Earthworks”.*

this Plan be used as a basis for resource allocation into the Draft 2016/2017 Budget with the understanding there will be projects scheduled for 2015/2016, which will need to be carried-over and completed in 2016/2017.

Recommendation 2

Council endorses the Road Hierarchy Policy (IP-006) as presented with the inclusion of estate roads not listed.

Recommendation 3

Council clarify with Main Roads HVO existing road train routes and conditions they impose on Shire roads and this item be brought back to Council for consideration.

Recommendation 4

Council endorses the Proposed Plant Replacement Program as presented with the following variations:

- *Second hand low loader for 2016/2017*
- *Building Surveyors utility reinstate weld body prior to trade and retain drop side tray for 2016/2017*
- *Investigate the possibility of acquiring or hiring a crusher for the shire only or on a regional use basis in the future and request the Chief Executive Officer use this Plan as a basis for resources to be allocated in the forthcoming budget.*

Voting 7/0

CARRIED

Minute Reference: 04/16-14

COMMENT

Attached is a copy of Council's current *Heavy Haulage Vehicle Permit Roads (Policy IP-003)* and the current Main Roads WA Heavy Vehicle Services (MRWA HVS) approved Restricted Access Vehicle (RAV) route within the Shire of Chapman Valley supplied under separate cover.

It will be noted from the comparison there are significant differences between Council's Policy and the MRWA HVS RAV permitted currently issued.

I believe it would be appropriate to simply adopt the current MRWA HVS RAV categories and conditions for Shire's *Heavy Haulage Vehicle Permit Roads* and amend IP-003 accordingly. This would then allow the Shire to start afresh and attempt to keep abreast of changes to the RAV approved routes as they arise.

The only other option is to request MRWA HSV undertake a review of each road and allocate Heavy Vehicle permits accordingly. I have discussed this with MRWA HSV and though this can be done it will take a number of years to complete due to the limited resources as they have and the significant number of roads involved. The process will be elongated and protracted process as the MRWA HSV are dealing with roads across the State, not just the Shire of Chapman Valley roads.

To assist with an understanding of the RAV Categories for Heavy Haulage Vehicles attached is an extract from MRWA's publication *Prime Mover, Trailer Combinations – Operating Conditions*.

POLICY IMPLICATIONS

The Staff Recommendation below is suggesting Council simply adopt the current MRWA HSV categories for approved Heavy Haulage Roads within the Shire and follow the process to categorise add, amend, and delete, etc., roads on the list as required.

The Recommendation includes an update to the procedure for the establishing a new Heavy Haulage Route. This has been updated I consultation with MRWA HVS. The Table below provides a comparison to the current & recommended wording:

Current Wording	Recommended Wording
<p>Procedures For Establishing A New Heavy Haulage Route</p> <ol style="list-style-type: none"> Operator applies to Shire of Chapman Valley. Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria. Shire staff put recommendation to Council to reject or progress the application. If Council resolves to progress the application a request be forwarded to MRWA, Geraldton. MRWA regional staff inspect route and make appropriate recommendation to MRWA Heavy Vehicle Officer (HVO). MRWA HVO approves or rejects route and advised Shire of Chapman Valley accordingly. <p>Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).</p>	<p>Procedures for the establishment of a new or amendment to an existing Heavy Haulage Route:</p> <ol style="list-style-type: none"> Operator applies to Shire of Chapman Valley. Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria. Shire staff put recommendation to MRWA to reject or progress the application. Send application from Shire to MRWA Heavy Vehicle Services (HVS) - Route Assessment Section. MRWA Heavy Vehicle Officer (HVO) will send the application to MRWA regional office to inspect route and make appropriate recommendation back to MRWA Heavy Vehicle Officer (HVO). MRWA HVO reviews the route assessment then approves or rejects route and advised Shire of Chapman Valley accordingly. <p>Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).</p>

FINANCIAL IMPLICATIONS

Road works is the largest income and expenditure component of the Shires operations, which makes it important to ensure the limited resources made available by grants and those allocated by Council to this function are maximized.

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

No significant effect on the existing LTFP.

STRATEGIC IMPLICATIONS

It is imperative Council carefully considers where resources are allocated in future road works programs to ensure the higher priority roads are catered for.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Support improved telecommunications, power, road & water services in the community
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CONSULTATION

The Chief Executive Officer consulted with the MRWA HVS and the Manager Works & Services when reviewing the *Heavy Haulage Vehicle Permit Roads Policy*.

RISK ASSESSMENT

There is a risk for integrity of the *Heavy Haulage Vehicle Permit Roads Policy* to be compromised if there are inconsistencies between Council's Policy and the actual permits issued to operators using the Shire roads for heavy haulage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR HUMPHREY

Council adopt the current approved Main Roads WA's Restricted Access Vehicle (RAV) roads and conditions associated with approved roads within the Shire of Chapman Valley as well as amending its *Heavy Haulage Vehicle Permit (Policy IP-003)* as follows:

1. Refer to the current Main Roads WA's Restricted Access Vehicle (RAV), rather than reproduce the approved list of roads within the Policy;
2. Amend the wording associated with the establishment of a new or amendment to an existing Heavy Haulage Route to the following:

"Procedures for the establishment of a new or amendment to an existing Heavy Haulage Route

- a. Operator applies to Shire of Chapman Valley.
- b. Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria.
- c. Shire staff put recommendation to MRWA to reject or progress the application.
- d. Send application from Shire to MRWA Heavy Vehicle Services (HVS) - Route Assessment Section.
- e. MRWA Heavy Vehicle Officer (HVO) will send the application to MRWA regional office to inspect route and make appropriate recommendation back to MRWA Heavy Vehicle Officer (HVO).

*f. MRWA HVO reviews the route assessment then approves or rejects route and advised Shire of Chapman Valley accordingly.
Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council)."*

**Voting 8/0
CARRIED**

Minute Reference: 07/16-11

POLICY NO	IP-003
POLICY	HEAVY HAULAGE VEHICLE PERMITS
RESPONSIBLE DIRECTORATE	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	15.110
LEGISLATION	ROAD TRAFFIC ACT, 1974 – HEAVY VEHICLE
RELEVANT DELEGATIONS	

OBJECTIVES:

To identify a heavy haulage route for roads under the control of the Shire of Chapman Valley.

POLICY STATEMENT/S:**TIER ONE (GAZETTED) HEAVY HAULAGE ROUTES**

<p>(Note: Tier 1 Routes can vary between 27.5m or 36.m maximum vehicle length)</p> <p>The following conditions apply to all Tier 1 roads:</p> <ul style="list-style-type: none"> Speed limit is to be 30kmph below the regulated speed limit for shire unsealed roads and 20kph below the regulated speed limit for shire sealed roads, other than townsites. Main Roads WA will determine speed limits within the Yuna & Nabawa townsites. <p>Additional conditions relevant to specific roads all listed hereunder.</p>	
Balla Whellarra Road	Tier 1 - Gazetted (36.5m)
Morrell Road	Tier 1 - Gazetted (36.5m) (Note: Not a Shire Road)
Nabawa Northampton Road	Tier 1 - Gazetted (27.5m)
Narra Tarra-Moonyoonooka Road	Tier 1 - Gazetted (36.5m) (Note: Not a Shire Road)
East Chapman Road	Tier 1 - Gazetted (36.5m)
East Nabawa Road (Between Valentine & Yuna Tenindewa Road junctions only).See "Conditional Routes for balance of this road.	Tier 1 - Gazetted (27.5m)
Valentine Road	Tier 1 - Gazetted (27.5m)
Yuna Tenindewa Road (0 to 8 slk only)	Tier 1 - Gazetted (27.5m)

TIER TWO (CONDITIONAL) HEAVY HAULAGE ROUTES

<p>(Note: Tier 2 Routes are for 27.5m vehicles only)</p> <p>The following conditions apply to all Tier 2 roads:</p> <ul style="list-style-type: none"> Speed limit is to be 30kmph below the regulated speed limit for shire unsealed roads and 20kph below the regulated speed limit for shire sealed roads, other than townsites. 	
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<ul style="list-style-type: none"> Main Roads WA will determine speed limits within the Yuna & Nabawa townsites. <p>Additional conditions relevant to specific roads all listed hereunder.</p>	
Cannon Whelarra ((Whole of Road Now Included)	<p>Tier 2 – Conditional</p> <p>School busses operate on this road. Operators must show courtesy to school buses and local traffic and exercise due care on school days</p> <p>Headlights must be switched on in the dipped position at all times.</p>
Coonawa Road	Tier 2 – Conditional
Dartmoor Lake Nerramyne Road	Tier 2 – Conditional
Dartmoor Road	Tier 2 – Conditional
Durawah Road	Tier 2 – Conditional
Durawah Northern Gully Road	Tier 2 – Conditional
East Bowes Road	<p>Tier 2 – Conditional</p> <p>From the Chapman Valley/ East Bowes Roads junction to the 7.70slk only.</p>
East Dartmoor Road	Tier 2 – Conditional
<p>East Nabawa Road</p> <p>(See “Gazetted Routes” for eastern section of this road)</p>	<p>Tier 2 – Conditional</p> <p>60kph speed limit from intersection with Chapman Valley Road and Richardson Road.</p>
Kerr Dartmoor Road	Tier 2 – Conditional
<p>Marrah Road</p> <p>Section between Richardson & Naraling East Yuna Roads only.</p> <p>(See “Seasonal Routes” for balance of this road)</p>	Tier 2 – Conditional
Naraling East Yuna Road	Tier 2 – Conditional
<p>Nolba Road</p> <p>Section between the Chapman Valley Road to Nolba Stock Route junctions only</p>	Tier 2 – Conditional
Nolba Stock Route Road	Tier 2 – Conditional
Richardson Road	Tier 2 – Conditional
St John Road	Tier 2 – Conditional
South Whelarra Road	Tier 2 – Conditional
Station Road	Tier 2 – Conditional
Station-Valentine Road	Tier 2 – Conditional
Tenindewa Road North	Tier 2 – Conditional
Wandana Road	Tier 2 – Conditional
Wandin Road	Tier 2 – Conditional
Wheeldon-Hosking Road	Tier 2 – Conditional
Yuna-Tenindewa Road (8slk to Mullewa Boundary)	Tier 2 – Conditional

TIER THREE (SEASONAL) HEAVY HAULAGE ROUTES

(Note: Tier 3 Routes are for 27.5m vehicles only)

Badgedong	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> Maximum speed 60km/h.
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	<ul style="list-style-type: none"> • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Baugh Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Bindoo Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Brooks Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Dindiloa Road (Between Hayward Road and McNaught Mazzuchelli Road junctions only)	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Grey-Dindiloa Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses.

	<ul style="list-style-type: none"> • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Hayward Road	<p>Tier 3 – Seasonal</p> <ul style="list-style-type: none"> • Maximum 30kph speed limit for the 100 metres sections before and after the causeway. • Maximum speed 60km/h for balance of route. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
McNaught-Mazzuchelli Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum 30kph speed limit for the 100 metres sections before and after the causeway. • Maximum 50kph for balance of this route • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
<p>Marrah Road</p> <p>Section from Richardson Rd to Chapman Valley Road. (See “Conditional Routes” for balance of this road).</p>	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Norman’s Well	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/hr. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at the same time as school buses. • This permit and conditions to be reviewed annually. • Forward Pilot Vehicle at all times. • Council reserves the right to withdraw all, or any, specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
North Dartmoor	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only.

	<ul style="list-style-type: none"> • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Nolba Rockwell Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
State Farm Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.

GENERAL CONDITIONS - RELEVANT TO ALL APPROVED HEAVY HAULAGE ROUTES

1. Heavy Haulage Stock Transport Vehicles
 - Heavy haulage stock transport vehicles will be allowed up to a maximum length of 36.5m on all approved heavy haulage routes only.
 - Maximum speed of 75kph, unless otherwise stipulated.
 - Daylight hour use only.
 - If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses.
2. Other Conditions
 - Council reserves the right to withdraw any specific permit due to adverse road conditions.
 - A breach of any condition
4. Procedures For Establishing A New Heavy Haulage Route
 - a. Operator applies to Shire of Chapman Valley.
 - b. Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria.
 - c. Shire staff put recommendation to Council to reject or progress the application.
 - d. If Council resolves to progress the application a request be forwarded to MRWA, Geraldton.
 - e. MRWA regional staff inspect route and make appropriate recommendation to MRWA Heavy Vehicle Officer (HVO).
 - f. MRWA HVO approves or rejects route and advised Shire of Chapman Valley accordingly.
 - g. Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED (OTHER THAN ANNUAL REVIEW OF ALL POLICIES):

Adopted – Council Resolution:	04/04-23
Reviewed – Council Resolution:	05/15-23
	06/15-18

Prime Mover, Trailer Combinations

RAV 2015
Heavy Vehicle Operations

VEHICLE DESCRIPTION AND CONFIGURATION CHART (RAV) – PRIME MOVER, TRAILER COMBINATIONS EXAMPLES									
Category	(A) PRIME MOVER, SEMI TRAILER TOWING A PIG TRAILER	(B) PRIME MOVER TOWING A DOG TRAILER	(C) SHORT B-DOUBLE	(D) TWINSTEER PRIME MOVER TOWING SEMI TRAILER	(E) CAR CARRIER SEMI TRAILER	(F) SHORT B-DOUBLE	(G) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER	(H) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER	(I) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
<p>NOTES</p> <p>1. Operators using Category of RAV outlined in this document must operate that RAV in accordance with the OPERATING CONDITIONS for the full vehicle description.</p> <p>2. These diagrams are a visual indication of the vehicle only.</p> <p>3. Operators must refer to the OPERATING CONDITIONS for the full vehicle description.</p> <p>4. The height of the vehicle can exceed 4.3m but MUST NOT exceed 4.6m when it is: (i) carrying a multi-modal container or (ii) carrying a large indivisible item or (iii) when operating with an appropriate licensed over height permit or (iv) when operating with an appropriate permit.</p> <p>5. Maximum height of Pig Trailer only.</p>									

AGENDA ITEM:	9.3.2
SUBJECT:	REVIEW OF THE DECLARED PESTS OF WESTERN AUSTRALIA
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SITE:	WESTERN AUSTRALIA
FILE REFERENCE:	207.00
PREVIOUS REFERENCE:	NIL
DATE:	20th JULY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Western Australian Local Government Association (WALGA) is seeking comment on the Department of Agriculture and Food's (DAFWA) periodically review of the categories of declared pests under the Biosecurity and Agriculture Management Act 2007 (BAM Act).

COMMENT

WALGA has advised the following:

"The Department of Agriculture and Food is required to periodically review the categories of declared pests under the Biosecurity and Agriculture Management Act 2007 (BAM Act).

This requirement for review was also identified in the 2013 report prepared by the Office of Auditor General for invasive species control in Western Australia, and by the Western Australian Biosecurity Council.

The review is being undertaken in three stages:

- 1. Technical review*
- 2. Stakeholder Reference Group review*
- 3. **Industry and community consultation***

The first two of these stages are complete. You are now invited in Stage 3 to comment on the outcomes of the first two stages.

The Department will make recommendations to the Minister on the revised declaration status of declared pests considering all assessments and consultation comments.

The scope of the review is all declared weeds and vertebrate pests in Western Australia, excluding those recently added.

The criteria for assessment are explained in the attached Review of the Declared Pests of Western Australia - Position Paper.

The technical review (Stage 1) was undertaken by experienced Departmental staff following formal assessment processes and with internal peer review.

The Stakeholder Reference Group (Stage 2) consisted of representatives from of biosecurity groups, local & state government, industry groups, community groups and producers.

What are you required to do?

You will find below a table with the current recommended declaration status based on Stage 2 of the review process.

For each species of interest to you, you are asked to either AGREE or otherwise COMMENT on the Stage 2 recommendation if you disagree.

*Please provide your response on the form below in a return email. Your response needs to be completed and returned by **29th July 2016**.*

Specific technical assessment reports can be provided on request."

A copy of the declared pests list provided by WALGA & DAFWA is shown at **Attachment 1** for Council information.

A copy DAFWA Position Paper is provided under separate cover for Council information.

STATUTORY ENVIRONMENT

Biosecurity and Agriculture Management Act 2007 (BAM Act).

POLICY IMPLICATIONS

No Policy or management Procedure affected.

FINANCIAL IMPLICATIONS

The concern with elevating the risk standard of pests is there may be a cost to the local government authority to ensure compliance exists on land under their control.

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

No effect on the existing LTFP envisaged.

STRATEGIC IMPLICATIONS

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

Objective	Strategy	Actions
Sustainability and protection of our farm land is important to the future of the area	Ensure planning and procedures are in place to protect and manage the land under the control and management of the Shire.	Work with responsible organisations in Landcare and environment-related services
		Weed management services

CONSULTATION

The DAFWA review is being undertaken in three stages:

1. Technical review
2. Stakeholder Reference Group review
3. Industry and community consultation

The first two of these stages are complete. Local Governments are now invited in Stage 3 to comment on the outcomes of the first two stages.

RISK ASSESSMENT

No significant risk is envisaged, yet cost are unknown in regards to what will be required if status of pests species is elevated above their current levels.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION – Option 1

Council advises the Western Australian Local Government Association they agree with the status of declared pest as allocated by the Department of Agriculture and Food Stakeholder Reference Group without change or comment.

-OR -

COUNCIL RESOLUTION/STAFF RECOMMENDATION – Option 2

MOVED: CR ROYCE

SECONDED: CR WARR

Council advises the Western Australian Local Government Association they agree with the status of declared pest as allocated by the Department of Agriculture and Food Stakeholder Reference Group with the following amendments and comments:

- ~ Crown beard to be considered for appropriate allocation
- ~ Fleabane to be considered for appropriate allocation
- ~ Statice to be considered for appropriate allocation

**Voting 8/0
CARRIED**

Minute Reference: 07/16-12

Attachment 1

Review of the Declared Pests of Western Australia

Cell Colour Key:

No Change
Change Specified
SRG recommendation

Common Name	Scientific Name	Declared pest s.22(2)	Stage 1				Stage 2	Stage 3	
			Pre-review status	Technical Assessment					Industry & Community Consultation
				Recommendation	Section	Control			
Status	Section	Control	Keeping				Recommendation	Agree	Disagree - Comments
Animals (N) = Native to Western Australia									
Australian ringneck, 28 parrot (N)	Barnardius zonarius	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Water buffalo	Bubalus bubalis	C1, C3	Prohibited	s.12	C1	Prohibited (N of 20°S latitude) - Restricted (S of 20°S latitude)	Agreed		
Sulphur-crested Cockatoo (N)	Cacatua galerita	C1	Declared pest	s.22(2)	C1, C2	Restricted	Agreed		

Butler's Corella (N)	Cacatua pastinator butleri	C3	Declared pest	s.22(2)	C1, C3	Exempt	Agreed		
Muir's Corella (N)	Cacatua pastinator	C3	Declared pest	s.22(2)	C1, C3	Exempt	Agreed		
Little Corella Kimberley (N)	Cacatua sanguinea	C1, C3	NO CHANGE Recommended				Agreed		
Little Corella Pilbara (N)	Cacatua sanguinea westralensis	C1, C3	NO CHANGE Recommended				Agreed		
Baudin's cockatoo (N)	Calyptorhynchus baudinii	C3	Permitted	s.11	None	Exempt	Agreed		
Feral camel	Camelus dromedarius (feral)	C3	NO CHANGE Recommended				Agreed		
Dingo (N)	Canis dingo	C3	NO CHANGE Recommended				Agreed		
Dingo-dog hybrids	Canis dingo x Canis lupus familiaris	C3	NO CHANGE Recommended				Agreed		
Feral Dog	Canis lupus familiaris (feral)	C3	NO CHANGE Recommended				Agreed		
Feral goat	Capra hircus (feral)	C3	NO CHANGE Recommended				Agreed		
Wapiti, Red deer, Elk	Cervus elaphus	C3	NO CHANGE Recommended				Agreed		
Wood Duck (N)	Chenonetta jubata	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Australian raven (N)	Corvus coronoides	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Fallow deer	Dama	C3	NO CHANGE Recommended				Agreed		
Emu (N)	Dromaius novaehollandiae	C3	NO CHANGE Recommended				Agreed		
Galah (N)	Eolophus roseicapilla	C3	Declared pest	s.22(2)	None	Exempt	Agreed		
Feral donkey	Equus asinus (feral)	C3	NO CHANGE Recommended				Agreed		

Rusa deer	Rusa timorensis	C1	Prohibited	s.12	C1	Restricted	Agreed		
Ostrich	Struthio camelus	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
European Starling, Common Starling	Sturnus vulgaris	C1, C2	Prohibited	s.12	C1, C2	Prohibited	Agreed		
Wild boar, Feral pig	Sus scrofa (feral)	C3	NO CHANGE Recommended				Agreed		
Australian shelduck (N)	Tadorna tadornoides	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Rainbow Lorikeet (N)	Trichoglossus haematodus, T. moluccanus & T. rubitorquis	C1, C3	NO CHANGE Recommended				Agreed		
Red fox	Vulpes	C3	Declared pest	s.22(2)	C1, C3	Prohibited	Agreed		
Silver eye (N)	Zosterops lateralis	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Plants									
Camelthorn	Alhagi maurorum	C3	NO CHANGE Recommended				Agreed		
Mexican poppy	Argemone ochroleuca	C3	Permitted	s.11	None	Exempt	Agreed		
Bridal creeper	Asparagus asparagoides	C3	Declared pest	s.22(2)	C3(SW) or None	Exempt	Agreed		
African thistle	Berkheya rigida	C3	Permitted	s.11	None	Exempt	Agreed		
Calotropis	Calotropis procera	C3	Permitted	s.11	None	Exempt	Agreed		
Saffron thistle	Carthamus lanatus	C3	Permitted	s.11	None	Exempt	Agreed		
Glaucous star thistle	Carthamus leucocaulos	C3	Permitted	s.11	None	Exempt	Agreed		

Skeleton weed	Chondrilla juncea	C2, C3	Declared pest	s.22(2)	None	Exempt	Retain as s.22(2) C2, C3	
Field bindweed	Convolvulus arvensis	C3	Permitted	s.11	None	Exempt	Agreed	
Purple rubber vine	Cryptostegia madagascariensis	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3	
Golden dodder	Cuscuta campestris	C2, C3	Declared pest	s.22(2)	C3	Exempt	Agreed	
Artichoke thistle	Cynara cardunculus	C3	Permitted	s.11	None	Exempt	Agreed	
Thornapples	Datura spp. (ferox, innoxia, leichhardtii, metel, stramonium & wrightii)	C3	Permitted	s.11	None	Exempt	Agreed	
Paterson's curse	Echium plantagineum	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3	
Doublegee	Emex australis	C3	Permitted	s.11	None	Exempt	Agreed	
Lesser jack	Emex spinosa	C3	Permitted	s.11	None	Exempt	Agreed	
Cotton bush	Gomphocarpus fruticosus	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3	
Heliotrope	Heliotropium europaeum	C3	Permitted	s.11	None	Exempt	Agreed	
Hydrocotyl	Hydrocotyle ranunculoides	C3	NO CHANGE Recommended				Agreed	
St. John's wort	Hypericum perforatum	C3	Permitted	s.11	None	Exempt	Agreed	
Bellyache bush	Jatropha gossypifolia	C3	NO CHANGE Recommended				Agreed	
Lantana	Lantana camara	C3	NO CHANGE Recommended				Agreed	
Horehound	Marrubium vulgare	C3	Permitted	s.11	None	Exempt	Agreed	

cape tulips (One-leaf & Two-leaf)	Moraea flaccida & Moraea miniata	C3	Permitted	s.11	None	Exempt	Agreed		
Parrot's feather	Myriophyllum aquaticum	C2	Declared pest	s.22(2)	C3	Prohibited	Agreed		
Stemless thistle	Onopordum acaulon	C3	Permitted	s.11	None	Exempt	Agreed		
Parkinsonia	Parkinsonia aculeata	C1, C3	Declared pest	s.22(2)	None	Exempt	Retain as s.22(2) C3		
Water lettuce	Pistia stratiotes	C2	NO CHANGE Recommended				Agreed		
Mesquite	Prosopis glandulosa x velutina	C2, C3	NO CHANGE Recommended				Agreed		
Blackberries	Rubus spp. (anglocandicans, laudatus, rugosus & ulmifolius)	C1, C2, C3	Declared pest	s.22(2)	C3	Exempt	Agreed		
Sagittaria	Sagittaria platyphylla	C3	NO CHANGE Recommended				Agreed		
willows (white, pussy, Chilean, common, corkscrew, basket & golden weeping)	Salix spp. (alba, caprea, chilensis, cinerea, matsudana, viminalis & x chrysocoma)	C3	Permitted	s.11	None	Exempt	Agreed		
Mintweed	Salvia reflexa	C3	Permitted	s.11	None	Exempt	Agreed		
Candle bush & Sicklepod	Senna alata & Senna obtusifolia	C3	Permitted	s.11	None	Exempt	Agreed		
Spinyhead sida	Sida acuta	C3	Permitted	s.11	None	Exempt	Agreed		
Flannel weed	Sida cordifolia	C3	Permitted	s.11	None	Exempt	Agreed		
Variegated thistle	Silybum marianum	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		

Silverleaf nightshade	Solanum elaeagnifolium	C3	Permitted	s.11	None	Exempt	Agreed		
Apple of Sodom	Solanum linnaeanum	C3	Permitted	s.11	None	Exempt	Retain as s.22(2) C3		
Athel pine	Tamarix aphylla	C3	Declared pest	s.22(2)	C3 All WA or None	Exempt	Agreed		
Gorse	Ulex europaeus	C2, C3	NO CHANGE Recommended				Agreed		
Bathurst burr	Xanthium spinosum	C2, C3	NO CHANGE Recommended				Agreed		
Noogoora burr	Xanthium strumarium	C2, C3	NO CHANGE Recommended				Agreed		
Arum lily	Zantedeschia aethiopica	C3	Declared pest	s.22(2)	C3 All WA or None	Exempt	Agreed		
Chinese apple, Jujube, Indian Jujube	Ziziphus mauritiana	C3	NO CHANGE Recommended				Agreed		

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

AGENDA ITEM:	10.1
SUBJECT:	BILL HEMSLEY PARK PROJECT
PROPONENT:	CR PETER HUMPHREY
SITE:	RESERVE 49641, ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	R49641
PREVIOUS REFERENCES:	09/09-11, 08/10-3, 04/11-4, 05/11-29, 12/11-3, 04/13-5, 06/13-25, 10/13-3, 02/14-10-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4-5, 06/15-9, 09/15-2-8, 11/15-9, 04/16-11, 05/16-9-12, 06/16-4, 06/16-5, 06/16-8, 06/16-9, 06/16-10
DATE:	12 th JULY 2016
AUTHORS:	CR PETER HUMPHREY (IN PURPLE) MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER (IN RED)

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the 18th November 2015 OCM:

"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.

*Voting 5/3
CARRIED*

Minute Reference: 11/15-9"

Council's resolved the following at the June 2016 OCM:

"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 and Council make a priority that item 3 is costed and item 2 is costed with the ability to review the plan.*

*Voting 8/0
CARRIED*

Minute Reference: 06/16-10"

COMMENT

At the recent June Council meeting it was encouraging to have a number of residents fill the gallery and raise their concerns in relation to the Bill Hemsley Park project. Question time produced a robust yet informative session with some of the questions making me believe that some residents within the Park Falls estate have been misinformed in relation to the process adopted and what has actually occurred.

As per a comment from one supportive of the park who's email was distributed to all Councillors and was present at the meeting with an extract from that email being "We need to have this park, playground, B.B.Q. area, toilet and the meeting area." The author continued with a further comment of "The more this delayed, the costlier it becomes."

To the best of my knowledge most Councillors agree with this and there is not and has never been a Councillor against the construction of the park as per the original agreement from the when the land and associated funding of \$300,000 was vested over to the Shire for the residents of Park Falls. Comments and criticisms posted on Social Media outlets seem to be misguided and are not reflective of the direction and concerns of some Councillors.

Personally, I have always been an advocate of trying to keep the estate and the park area as a peaceful and rural environment but this does not detract from, but actually encourages the Shire to start some of the requires aspects of this park to display to the community that it needs to be built.

The Shire and Councillors have chosen to prepare and submit several applications to a variety of funding agencies but to date none have been successful.

I request Council to release the funds, currently held in trust, for the development and construction of the park and commit them to the immediate construction of certain requested elements of the park to display a level of commitment to the establishment of this park for this community namely:

: Develop primary infrastructure namely a water supply.

: Construction of the arterial and main walkways within the park boundaries.

- : Construction of a gazebo similar to that originally considered as per the design in Nanson.
- : Install a B.B.Q. area in or near the gazebo,
- : Consider options for a standalone toilet to be built in the area.
- : Construct a playground area in line with community need and requirements.
- : Start a tree and shrub planting program in allocated area to best compliment the other developments.

If Council so agree all the above can be developed in line with the Bill Hemsley Park concept plan.

STATUTORY ENVIRONMENT

Agreement for the Management of Park Falls Recreation Site, Eliza Shaw Drive, White Peak

Clause 4.2 of the Agreement states:

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

Clause 3 of the Agreement states:

“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”.

Local Government Act & Local Government (Administration) Regulations

It is my interpretation the proposed Elected Member’s Recommendation significantly changes the agreed position of Council, specifically resolutions 11/15-9 and 06/16-10 (see Background section of the report for full resolutions) for the following reasons:

- a) Part 4 of Resolution 11/15-9 refers specifically to a *“Community Building/Pavilion/Viewing Decks (meeting room/toilets)”* whereas the proposed Elected Member’s Recommendation states *“Construction of a gazebo similar to that originally considered as per the design in Nanson”*.

The Elected Members Recommendation is proposing a significant design variation to the adopted Park Concept Plan and adopted Building Plan;

- b) Part 5 of Resolution 11/15-9 endorses 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.

The Elected Members Recommendation refers to using the Trust funds to implement specific aspects of the Plan and does not refer to using these funds as matching contribution(s) to attract external funds, which is a significant variation to the current Council resolution;

- c) Part 6 of Resolution 11/15-9 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.

As stated in item (b) above the Elected Members Recommendation refers to using the Trust funds to implement specific aspects of the Plan and does not refer to using these funds as matching contribution(s) to attract external funds, which is a significant variation to the current Council resolution.

I also believe the variations being proposed in the Elected Member’s Recommendation should be considered by the Management Committee in the first instance, rather than simply being dealt with by Council in isolation.

Therefore, I am recommending that if Council wishes to consider the proposed Elected Members Recommendation it will be necessary to revoke previous resolutions on this matter in accordance with the *Local Government Act & Regulations* as follows:

The first step (Motion 1):

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.

If the one third is not obtained for then Council cannot deal with the matter and this is recorded in the Minutes and Council move on to the next item on the Agenda for the meeting.

If the one third is obtained then Council can move to the revocation motion.

The second step (Motion 2):

Subject to one third of Councillors agreeing (as stated above) Council then need to deal with the revocation motion, which actually revokes (or substantially changes) the previous resolutions of Council regarding the Bill Hemsley Park Project. This motion requires an Absolute Majority (i.e. minimum of five (5) affirmative votes).

If an Absolute Majority is not obtained for the revocation motion then Council cannot deal with the matter and this is recorded in the Minutes and Council move on to the next item on the Agenda for the meeting.

If an Absolute Majority is obtained for the revocation motion then Council can move to the proposed Elected Member's Recommendation.

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

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

No significant effect on the LTFP as the Bill Hemsley Park Project forms part of this Plan.

STRATEGIC IMPLICATIONS

The Bill Hemsley Park project is contained within Council Integrated Strategic Plan, including the Long Term Financial Plan, Capital Building Works Program.

- **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

Significant consultation has occurred in the past, which was the basis of developing the endorsed Bill Hemsley Park Concept Plan.

RISK ASSESSMENT

There is a risk of Council spending all available funds held in Trust and not being able to use these funds to leverage other revenue for the Bill Hemsley Park Project.

VOTING REQUIREMENTS

Motion 1 - One third of Members (agree to deal with revocation motion)

(If Motion 1 receives one-third of affirmative votes as required Motion 2 below is the next item of business dealt with).

(If Motion 1 does not receive one-third affirmative votes the Elected Member's Recommendation lapses and Council is to proceed to the next item of the Agenda and).

Motion 2 - Absolute Majority required (revocation motion)

(If Motion 2 is receives an Absolute Majority affirmative vote Council can then move to the Elected Member's Recommendation below).

(If Motion 2 does not receive an Absolute Majority affirmative vote the Elected Members Motion lapses and Council is to proceed to the next item of the Agenda).

Elected Member's Recommendation - Simple Majority

(Only dealt with in the event both Motion 1 & 2 above are carried).

REVOCATION PROCESS

MOTION 1

MOVED: CR HUMPHREY

SECONDED: CR

That Council agree to deal with a motion to revoke previous decisions of Council made in regards to the Bill Hemsley Park Project and consider the Elected Members Recommendation presented within this Report.

MOTION LAPSED DUE TO NO SECONDER
(Note: Due to motion 1 lapsing
the remainder of this item also lapsed)

MOTION 2

That Council revoke previous resolutions made in regards to the Bill Hemsley Park Project and consider the Elected Members Recommendation presented within this Report.

ELECTED MEMBER RECOMMENDATION

Council to release the funds, currently held in trust, for the development and construction of the park and commit them to the immediate construction of certain requested elements of the park to display a level of commitment to the establishment of this park for this community namely:

- : Develop primary infrastructure namely a water supply.
- : Construction of the arterial and main walkways within the park boundaries.
- : Construction of a gazebo similar to that originally considered as per the design in Nanson.
- : Install a B.B.Q. area in or near the gazebo,
- : Consider options for a standalone toilet to be built in the area.
- : Construct a playground area in line with community need and requirements.
- : Start a tree and shrub planting program in allocated area to best compliment the other developments.

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

- Cr Warr reported that the Rural Ambassador awards were held at Mullewa and Brad Kupsch was the winner.

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR FORRESTER

That a letter of congratulations be sent to Brad Kupsch as the new Midwest Rural Ambassador.

Voting 8/0
CARRIED
Minute Reference: 07/16-13

- Cr Forrester gave a report on the Tourism Committee – tourism map
- Cr Collingwood gave a report on the visit from Premier Colin Barnett

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL

Nil

Mrs Bell, Mr Davies and Mr Bailey left Chambers at 11.04am

Mr Battilana declared a financial interest in item 13.1 and 13.2

**13.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC
COUNCIL RESOLUTION**

MOVED: CR FARRELL

SECONDED: CR WARR

Council closes the meeting to the public for the following Agenda Item(s) in accordance with the Local Government Act, 1995:

- 13.1 - Staff Housing Allowance Review; &
- 13.2 – Chief Executive Officer's – Annual Performance Appraisal

Section 5.23(2(a)) as the items relates to a matter affecting an employee.

Voting 8/0
CARRIED
Minute Reference: 07/16-14

Mr Lancaster and Mrs McKay declared a financial interest in Item 13.1 and left Chambers at 11.06am

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That standing orders be suspended

Voting 8/0
CARRIED
Minute Reference: 07/16-15

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That standing orders be reintroduced.

Voting 8/0
CARRIED
Minute Reference: 07/16-16

AGENDA ITEM:	13.1
SUBJECT:	CMP-053 - COUNCIL HOUSING POLICY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REF: 04/10-15; 05/14-14
DATE:	20th JULY 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

COUNCIL / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR WARR

Council amends the existing *Council Housing Policy (CMP-053)* as follows:

- a) Rename to “*Staff Housing Allowance*”:
- b) Reword the Staff Housing Allowance Corporate Management Procedure as follows:

MANAGEMENT PROCEDURE No.	CMP-053
MANAGEMENT PROCEDURE	STAFF HOUSING ALLOWANCE
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	14.220/14.219
RELEVANT DELEGATIONS	

OBJECTIVES:

To set the level and conditions of staff housing allowance for staff.

MANAGEMENT PROCEDURE STATEMENT/S:

Council pay a Staff Housing Allowance to all staff, other than those staff who have an allowance listed in their employment contracts, an amount of up to \$50 per week payable fortnightly (i.e. up to \$2,600 per annum).

The allowance is not payable to shire employees renting shire owned houses unless otherwise determined by Council.

The annual allowance amount of up to \$50 per week is to be based on a fulltime employee (i.e. 1976 ordinary hours per annum) and all part time employees will receive a reduced pro-rata allowance payment based on the number of hours worked.

The Staff Housing Allowance will be reviewed periodically by Council for consideration in forthcoming Draft Budgets.

The Council adopted Budget will determine actual Staff Housing Allowance to be paid to staff each financial year.

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES):

Adopted – Council Resolution:	10/01-9
Reviewed/Amended – Council Resolution:	05/15-23
	06/15-18

Voting 8/0

CARRIED

Minute Reference: 07/16-17

Mr Battilana left Chambers at 11.19am

AGENDA ITEM:	13.2
SUBJECT:	CONFIDENTIAL ITEM - CEO ANNUAL PERFORMANCE REVIEW
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	NABAWA
FILE REFERENCE:	PERSONAL FILE
PREVIOUS REFERENCE:	N/A
DATE:	20th JULY 2016
AUTHOR:	MAURICE BATTILANA

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WOOD

Council:

1. Appoints the Shire President, Deputy Shire President and Cr Forrester to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2016 and bring this back to Council for consideration.
2. Provide the Chief Executive Officer written notice that his Annual Performance Appraisal and Remuneration Review is to be undertaken and requesting a waiver of condition 5.3.1 regarding the use of an independent party to facilitate the performance review in this instances.
3. Council endorse amendment to the existing Employment Contract by including the following standard clause into the Contract to remove any misunderstanding or ambiguities in regards to the Shire being responsible for all Fringe Benefit Tax associated with the Chief Executive Officer's Remuneration Package:

"Fringe Benefits Tax

The Local Government must pay any liability with respect to fringe benefits tax incurred as a result of –

- (a) *a payment of any component of the Remuneration Package;*
- (b) *a payment of any Additional Remuneration Benefits; or*
- (c) *a payment or reimbursement of expenses incurred by the employee in performing the the powers, duties, responsibilities and authorities that apply to the Position."*

Voting 8/0

CARRIED

Minute Reference: 07/16-18

Mr Battilana returned to meeting at 11.28am

Cr Maluish left Chambers at 11.33am

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: FARRELL

That the meeting be re-opened to the public

Voting 7/0

CARRIED

Minute Reference: 07/16-19

14.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 11.34am.