

ORDINARY COUNCIL MEETING

Minutes

Meeting Date Thursday 15 February 2024

Meeting Time 9:00 am

Held at Bill Hemsley Park Community Centre, Redcliffe Concourse, White Peak WA
6532, Meeting Room.

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



SHIRE OF

Chapman Valley

love the rural life!

Jamie Criddle
Chief Executive Officer

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

"A thriving and diverse community, embracing our coastline, ranges and rural settings to support growth and prosperity, while enjoying our peaceful and quiet lifestyle."

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

- 1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues
- 1.2 Address identified ageing population issues
- 1.3 Strengthen our role in regional partnerships and advocacy for continuity of local services/ facilities
- 1.4 Maintain and enhance safety and security in the Shire
- 1.5 Maximise health and lifestyle outcomes through environmental and public health strategies



ECONOMY & POPULATION

- 2.1 Build population and business activity through targeted strategies
Provide support for business development and local employment
- 2.2 Embrace local tourism and regional strategies and trails
- 2.3 Ensure town planning compliments economic and business development, population retention and growth strategies
- 2.4 Develop marketing plan to promote Chapman Valley as place to live, invest, work or visit



ENVIRONMENT & SUSTAINABILITY

- 3.1 Preserve and protect the natural environment and address environmental risks as they arise
- 3.2 Maintain the rural identity of the Shire
- 3.3 Build the green canopy of the Shire's town areas
- 3.4 Address weed and vermin control
- 3.5 Fire mitigation and control



PHYSICAL & DIGITAL INFRASTRUCTURE

- 4.1 Develop, manage, and maintain built infrastructure
- 4.2 Manage and maintain roads, drainage, and other essential infrastructure assets
- 4.3 Aspire to robust communication and digital infrastructure in the Shire through strong partnerships and alliances
- 4.4 Advocate for improved power networks
- 4.5 Advocate for improved water security within the Shire



GOVERNANCE & ACCOUNTABILITY

- 5.1 Ensure governance and administration systems, policies and processes are current and relevant
- 5.2 Be accountable and transparent while managing human and physical resources effectively
- 5.3 Make informed decisions within resources and areas of responsibility
- 5.4 Ensure robust processes and guidelines for development

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.

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.

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1 Declaration of Opening & Announcements of Visitors

The President welcomed elected members, staff and visitors to the council meeting and declaring the meeting open at 9:01 am.

The Shire acknowledged the traditional landowners through the reading of our Acknowledgement of Country.

“The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.”

2 Announcements from the Presiding Member

3 Record of Attendance

3.1 Attendees

The following attended the council meeting:

Elected Members

Cr Kirrilee Warr (President)
Cr Nicole Batten (Deputy President)
Cr Philip Blakeway
Cr Elizabeth Elliott-Lockhart
Cr Catherine Low
Cr Emma Rodney
Cr Trevor Royce

Officers

Jamie Criddle, Chief Executive Officer
Simon Lancaster, Deputy Chief Executive Officer
Dianne Raymond, Manager Finance & Corporate Services
Beau Raymond, Minute Taker

Visitors

Shirley Mincherton
Peter Humphrey
John Collingwood
David Oliver
Rhonda Oliver
Liam Treacy
Erica Payne
Sarah Hinton

3.2 Apologies

Nil

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

Nil

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

14 December 2023 Ordinary Council Meeting

Peter Humphrey, 12 Wittenoom Circle, White Peak

Question 1 – Can the Shire remove the padlocks on the bridle path entrance chains?

The padlocks are to remain in place at the bridle path entrances and are able to be unlocked by Shire, Shire contractor and emergency personnel. Wider general vehicle entry to bridle paths has been restricted to assist in pedestrian and horse rider safety and reduce potential for nuisance that unrestricted vehicle movement along the bridle paths may cause for adjoining landowners.

In the event that a landowner adjoining a bridle path wished to gain access to the bridle path to be able to undertake volunteer mowing works within the bridle path they could install a gate at their own expense in their fence, after first obtaining consent from the Shire and undertaking the necessary volunteer induction process.

Question 2 – Can the Shire tighten up firebreak compliance such as reducing time allowed to rectify non-compliance?

The Shire annually undertakes actions relating to its fire notice where non-compliance is identified. Enforcement actions are required to follow statutory processes and can involve timeframes that are established by the court system rather than the local government.

Question 3 – What is the Shire doing regarding sea containers?

The Shire has adopted a Sea Containers Local Planning Policy and continues to work with landowners in its observance.

Question 4 – What is the Shire doing regarding AirBnB's?

The State Government has advised that legislation introducing state-wide reforms to the short-term rental accommodation sector is anticipated to be implemented in 2024. The new

legislation is proposed to introduce a registration requirement for short term rental accommodation properties. The reforms are expected to introduce exemption from the need for hosted accommodation to make application to local government, and potentially also introduce exemptions for unhosted accommodation where short-term accommodation is limited to less than 90 nights within a 12 month period.

All local governments and short-term rental accommodation operators will be governed by the new legislation following its implementation.

4.2 Public Question Time

Name Peter Humphrey

Question

Who is responsible for the maintenance and replacement of dividing fencing between property and bridle path?

Response

Taken on Notice by Council as per Standing Orders Local Law 2016 Part 6, Section 6.7 Subsection 2(a)

Name David Oliver

Question

Why do we need to contact Shire of Northampton for septic application works of new buildings? Does the Shire employ an Environmental Health Officer?

Response

The Shire contracts the Environmental Health Officer from the Shire of Northampton. The Shire of Chapman Valley does not have enough work to justify the employment of its own Environmental Health Officer. This is common practice amongst smaller Local Governments as it is both a logistical and financial benefit between the member Councils.

5 Applications for Leave of Absence

Council Resolution

Moved: Cr Trevor Royce **Seconded:** Cr Elizabeth Elliott-Lockhart

That Cr Katie Low be approved for a leave of absence for the Ordinary Meeting of Council March 2024.

That Cr Kirrilee Warr be approved for a leave of absence for the Ordinary Meeting of Council June and July 2024.

That Cr Nicole Batten be approved for a leave of absence for the Ordinary Meeting of Council July 2024.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-1

6 Disclosure of Interest

Meeting Details:	Person	Type of Interest	Agenda Item
Ordinary Council Meeting 15 February 2024	Cr Kirrilee Warr	Impartiality	10.1.5 - Member of CVAS and Committee
Ordinary Council Meeting 15 February 2024	Cr Kirrilee Warr	Impartiality	10.3.1 - Financial member of FabCV, CABY and CVAS

7 Presentations

7.1 Petitions

The council has not received any petitions.

7.2 Presentations

Ric Payne - Frontier Services introduced herself and explained her role as a Bush Chaplain by lending a sympathetic ear and can refer people to other service providers as appropriate. Providing practical, pastoral and spiritual support to those in need, particularly in the aftermath of Cyclone Seroja, covering the Shires of Northampton & Chapman Valley and some other Councils in the North Midlands.

The Shire President thanked Ric Payne for her presentation and invited her to stay for morning tea.

7.3 Deputations

The council did not receive any deputations in the course of the meeting

8 Confirmation of Minutes from Previous Meetings

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Philip Blakeway

That the Minutes of the Ordinary Council Meeting held on 14 December 2023 be confirmed as true and accurate.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-2

9 Items to be dealt with En Bloc

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

Council resolves to move the following items En Bloc:
10.1.2, 10.1.4 & 10.2.2.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-3

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Proposed Outbuilding, 27 Richards Road, Buller
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1869
Attachment(s)	<ol style="list-style-type: none"> 1. Richards Road Outbuilding application [10.1.1.1 - 7 pages] 2. Richards Road Outbuilding received submissions [10.1.1.2 - 3 pages] 3. Richards Road Outbuilding applicant response [10.1.1.3 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller subject to the following conditions:

- 1 Development shall be in accordance with the plans provided as Attachment 10.1.1.1 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 The development must not be used for commercial or industrial purposes.
- 3 The walls and roof of the development are to be of materials, finish and colours that are complementary to the existing residence upon the property to the satisfaction of the local government.
- 4 The installation and maintenance of landscaping upon the property for the purpose of reducing the visual impact of the development to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
- 6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 7 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

That Council grant formal planning approval for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller subject to the following conditions:

- 1 Development shall be in accordance with the plans provided as Attachment 10.1.1.1 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 The development must not be used for commercial or industrial purposes.
- 3 The walls and roof of the development are to be of materials, finish and colours that are complementary to the existing residence upon the property to the satisfaction of the local government.
- 4 The installation and maintenance of landscaping upon the property for the purpose of reducing the visual impact of the development to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
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- (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.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-4

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Council received an initial application for an outbuilding upon 27 (Lot 115) Richards Road, Buller that was refused at the 19 October 2023 meeting. A revised outbuilding application was subsequently submitted that has been re-advertised for comment and 2 supporting submissions were received and 1 objection. This report recommends approval of the outbuilding.

Comment

Lot 115 is a 4,008m² property on the western side of Richards Road in the Wokarena Heights Estate that contains a single storey brick walled, colorbond roof residence. The property slopes down from the 51.5m contour in the north-eastern corner to the 47.5m contour in the south-western corner.

Figure 10.1.1.1 – Location Plan for 27 (Lot 115) Richards Road, Buller



Figure 10.1.1.2 – Aerial Photo of 27 (Lot 115) Richards Road, Buller



The original application (as originally lodged and subsequently advertised) was for a 228.36m² outbuilding with a proposed wall height of 3.5m and a proposed total height of 6.28m which exceeded the maximum 180m² floor area requirement, and maximum 4m wall height/5m total height requirements of the Shire of Chapman Valley Outbuildings Local Planning Policy for the 'Residential R2.5' zone.

The original outbuilding application was also proposed to be sited 7.5m from the rear (western) boundary and 1.5m from the side (northern) boundary which is a variation to the R-Codes recommendation of a setback distance of 7.5m from (non-front) boundaries in the 'Residential R2.5' zone.

The original application was advertised for comment in September 2023, during which time 5 submissions were received, with 3 submissions in support of the application, and 2 in objection, with both of these objections relating to the proposed height of the outbuilding. No

objections were received relating to the floor area, boundary setback or materials/colours aspects of the proposed outbuilding.

Following advertising of the original application, the applicant was provided with redacted copies of the submissions and the opportunity to respond to the issues raised. In response the applicant advised that they wished to modify their proposed outbuilding by reducing the overall height by 0.78m in response to the concerns raised in the advertising period. The modified outbuilding would have a wall height of 3.9m and overall height of 5.5m instead of the previous 3.5m wall height and 6.28m overall height.

This matter was then presented to the 19 October 2023 Council meeting where it was refused and the minutes from this meeting that provide further background can be viewed at the following link to the Shire website:

<https://www.chapmanvalley.wa.gov.au/documents/863/confirmed-ordinary-meeting-of-council-october-2023>

The applicant has now submitted a further revised outbuilding application that has reduced the total (i.e. top of gable) height of the outbuilding from the original 6.28m to a new proposed total height of 5.3m.

As with the previous application it is proposed that the outbuilding would be set in cut and fill earthworks. The north-eastern corner of the outbuilding would be approximately 0.5m below natural ground level, resulting in the outbuilding presenting as having a lesser height of 4.8m when viewed from the uphill/eastern side.

The floor level of the outbuilding would be set on fill with a height of approximately 0.25m above natural ground level at its highest point in the south-western corner, resulting in the 3.943m wall height being 4.193m above natural ground level in the south-western corner.

The Shire of Chapman Valley Outbuildings Local Planning Policy zone sets a maximum 4m wall height/5m total height requirement for the 'Residential R2.5', and on this basis the application was re-advertised for comment.

The floor area of the revised outbuilding application remains unchanged from the previous application, being 228.36m² in area (comprising 175.32m² enclosed area and 53.03m² lean-to area).

As the proposed floor area exceeds the maximum 180m² floor area requirement of the Shire of Chapman Valley Outbuildings Local Planning Policy for the 'Residential R2.5' zone this aspect was also re-advertised for comment.

The proposed outbuilding is again proposed to be sited 7.5m from the rear (western) boundary and 1.5m from the side (northern) boundary. State Planning Policy 7.3 - Residential Design Codes of Western Australia ('R-Codes') recommends a setback distance of 7.5m from (non-front) boundaries in the 'Residential R2.5' zone.

The outbuilding is also proposed to contain a 59.02m² habitable compartment comprising 2 bedrooms, living room/kitchen and bathroom/toilet.

A copy of the revised outbuilding application and the applicant's supporting correspondence has been provided as **separate Attachment 10.1.1.1**.

Due to the application proposing variation to the area and height requirements of the Outbuildings Policy and the side boundary setback requirements of the R-Codes, the Shire again wrote to the surrounding landowners inviting comment prior to this application being

re-presented to a meeting Council for determination. 3 submissions were received, 2 in support of the application and 1 in objection, and copies of the submissions are provided as separate **Attachment 10.1.1.2**.

The objection related to the proposed height of the building and the assumption that the outbuilding would be used for industrial purposes. No objecting comments were received in regards to other aspects of the proposal such as boundary setbacks, materials or colours. Further detail on the advertising period is provided in the Consultation section of this report.

The applicant was again provided with redacted copies of the submissions and the opportunity to respond to the issues raised. The applicant has submitted correspondence, provided as **separate Attachment 10.1.1.3** advising that:

"In revising the plan for this building project and reducing the overall height to 5.3m (in line with other sheds approved and built on neighbouring properties), we have taken into consideration previous responses regarding concern about the height of the building and the impact the height would have on the views. We believe this is evidenced by a previous objection response now expressing support for the project at the reduced height.

With regards to the comment regarding our business operation; we have no plans to operate our business from this proposed shed, we have a commercial property in Geraldton for this purpose. The shed will be used as a granny flat, home workshop, storage for camper/caravan and storage for personal work vehicle on return home from work; the lean-to section will be used for undercover parking of a personal work vehicle and trailer on return home from work to avoid un-hitching/re-hitching on a daily basis."

Figure 10.1.1.3 – View looking west at Lot 115 from Richards Road



**Figure 10.1.1.4 – View looking south-west towards Lot 115
(across Lot 114) from Richards Road**



**Figure 10.1.1.5 – View looking north towards Lot 115
(across Lot 116) from Hilltop Loop**



Figure 10.1.1.6 – View looking east towards Lot 115 (across Lot 119) from Dune Vista



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

- the outbuilding would not be a typical metal walled/metal roofed shed with elevations containing just blank sheeting, but instead a brick walled/colorbond roofed structure with architectural features on every elevation;
- the outbuilding would be clad in materials designed to match in with the existing house;
- whilst the outbuilding, being 228.36m² in area would exceed the 180m² policy requirement, it is noted that 175.32m² of the structure would be enclosed and the additional area would be a 53.03m² open-sided lean-to that would have a lesser visual impact;
- the outbuilding would be set in cut and fill earthworks so that the north-eastern corner of the outbuilding would be approximately 0.5m below natural ground level and the floor level of the structure would be approximately 0.25m above natural ground level at its highest point in the south-western corner. This would result in the 5.3m gable/ridge height of the outbuilding meeting the overall 5m height policy requirement for the eastern portion of the floor area and the western end only would exceed the overall height requirement;
- the 3.943m wall height of the outbuilding would meet the 4m maximum wall height policy requirement for much of the floor area being set at a floor level 0.5m below natural ground level in the north-eastern corner, and would only exceed the 4m wall height requirement by 0.193m at its highest point in the south-western corner where it would be sited on 0.25m fill;
- when the application was advertised for comment to surrounding landowners no objections were raised regarding the proposed variations to the boundary setback requirements;
- when the application was originally advertised for comment it was the issue of the height of the outbuilding that gave rise to objections and the applicant has given regard to this issue by submitting a re-design that reduces the outbuilding height by 0.98m;
- when the application was re-advertised for comment, no objections were received from the immediately adjoining neighbors to the sides, rear, or on the opposite side of the road from the subject property, the received objection was from a landowner whose residence is sited approximately 120m away and set at a floor height approximately 5m above the proposed outbuilding location;
- the outbuilding would enable items to be stored securely and out of the elements which would be of benefit to the applicant, but also result in them being stored out-of-sight which would be an amenity benefit for the neighbours;
- Council has the ability to apply a condition of approval to address the raised concern that the outbuilding might be used for purposes other than domestic storage/granny flat;
- the reduced 1.5m side boundary setback would be on the open-sided lean-to side of the outbuilding which may be considered as less visually impactful than were it to be an enclosed wall;
- the combining of the 59.02m² granny flat with the 169.34m² shed into a single 228.36m² structure would create a lesser overall visual impact than were the applicant to instead construct 2 separate structures totalling 340m², due to the policy requirements allowing for up to 160m² granny flat and 180m² shed;
- the reduction in the side boundary setback R-Code requirements would not be out of character with the surrounding area where a number of buildings have been approved with a reduced setback in the Wokarena Heights Estate as illustrated in Figure 10.1.1.7;
- the approval of the application would not be out of character with the surrounding area where a number of outbuildings have been approved at heights above the policy requirement of 5m above natural ground level in the R2.5 zone due to the sloping nature of the land and the need for cut and fill earthworks to achieve a levelled building site and address drainage aspects as illustrated in Figure 10.1.1.8.

Figure 10.1.1.7 – Previously approved applications for reduced boundary setbacks



Figure 10.1.1.8 – Previously approved applications for increased outbuilding height



In the event that Council consider that the application does not meet its requirements and that it should be refused then it may find the following wording appropriate:

“That Council refuse the application for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller for the following reasons:

- 1 *The development is considered contrary to Sections 9, 16 & 37 of the Shire of Chapman Valley Local Planning Scheme No.3.*

- 2 *The development is considered contrary to Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 3 *The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings.*
- 4 *The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.1 – Ancillary Dwellings.*
- 5 *Approval of this application may well set an undesirable precedent for future variation to the Shire’s statutory and strategic planning requirements.*

Advice Note:

- (a) *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.*
- (b) *Council issue delegated authority to the Shire CEO to approve a modified outbuilding application (in the event that such an application is received) that proposed the 1.5m side boundary setback variation but was modified so that the outbuilding was not greater than the 180m² floor area, and 4m wall height/5m total height requirements of the Shire of Chapman Valley Outbuildings Local Planning Policy for the ‘Residential R2.5’ zone.”*

Statutory Environment

The report complies with the requirements of the:

Shire of Chapman Valley Local Planning Policy

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development (Local Planning Schemes) Regulations 2015

27 (Lot 115) Richards Road, Buller is zoned ‘Residential R2.5’ under Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’).

Table 2 of the Scheme lists the objectives of the ‘Residential’ zone as being:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

The proposed development whilst bearing many of the design features of a shed in that it would be used for storage of items and built (in part) to a Class 10 (non-habitable) standard can not be entirely deemed as such as it does not meet the definition for an Outbuilding provided by the R-Codes:

“An enclosed non-habitable structure that is detached from any dwelling.”

Similarly given that the majority of the floor area for the proposed development would be constructed to a Class 10 (non-habitable) standard, and that many of the design features of the development would be that of a shed (e.g. 4 large roller doors) the application can not be considered entirely to meet the definition of an Ancillary Dwelling, which is defined by the R-Codes as being:

“Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.”

On this basis the application can be assessed as an ‘Outbuilding with Habitable Compartment’ under Schedule 1 Part 3 Clause 18(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- “(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —*
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

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

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
- ...(g) any local planning policy for the Scheme area;*
- (h) any structure plan or local development plan that relates to the development;...*
- ...(m) the compatibility of the development with its setting including -*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*

...(zb) *any other planning consideration the local government considers appropriate.*"

The applicant is seeking to site the development 1.5m from the side property boundary. Section 5.1.3.C3.1 and Table 1 of the R-Codes recommend a 7.5m side boundary setback for R2.5 zoned properties.

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."*

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

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

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

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

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

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

Section 6.2 of the Outbuildings Policy sets the following size criteria for the R2.5 zone.

Zone	Standard	Maximum
Residential (R5 and lower density)	Area (total aggregate)	180m ²
	Wall Height	4m*
	Overall Height (single story)	5m*

** heights are to be measured from natural ground level*

The proposed outbuilding, being 228.36m² in area (comprising 175.32m² enclosed area and 53.03m² lean-to area) does not comply with the requirements of the Outbuildings Policy which establishes a 180m² maximum area for the Residential R2.5 zone.

The proposed outbuilding with its 5.3m gable height would exceed the 5m maximum overall height set by the Outbuildings Policy. The outbuilding would comply with the outbuilding height requirement at its eastern end as it would be set in cut earthworks approximately 0.5m below natural ground level (i.e. the shed ridgeline would be approximately 4.8m above natural ground level) but at its south-western corner would be set upon approximately 0.25m fill earthworks, making the ridgeline approximately 5.55m as measured from natural ground level at the western end of the outbuilding.

The proposed outbuilding with its 3.943m wall height would comply with the 4m maximum wall height set by the Outbuildings Policy for the majority of the site, except for the south-western corner where it would be set upon approximately 0.25m fill earthwork, making the wall height approximately 4.193m above natural ground level at this point.

Section 6.7.b of Council’s Outbuildings Policy allows for a side boundary setback of 5m in the R2.5 zoned rather than the 7.5m prescribed by the R-Codes:

“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 (Variation to a 5m side and/or rear boundary setback for Outbuildings may be considered subject to prior consultation being undertaken as per Section 7.4 of this policy).”

A copy of the Outbuildings Local Planning Policy can be viewed at the following link:

[SoCV_LPP_1_4_Outbuildings.pdf \(chapmanvalley.wa.gov.au\)](https://www.chapmanvalley.wa.gov.au/soCV_LPP_1_4_Outbuildings.pdf)

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

- “3.1 To alter the deemed to comply provisions of the R-Codes for Ancillary Dwellings.*
- 3.2 To provide a clear definition of what constitutes an ‘Ancillary Dwelling’.*
- 3.3 To ensure that an Ancillary Dwelling is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location.*
- 3.4 To ensure that ancillary dwelling is ‘ancillary’ or ‘secondary’ to the main house upon the property.”*

Section 6.2 of the Ancillary Dwellings Policy sets the following size criteria for the R2.5 zone.

Zone	Maximum Habitable Floor Area	Maximum total roof area
Residential (R5 and lower density)	80m ²	160m ²

The development would comply with this requirement in that the Class 1a (deemed habitable under the Building Code of Australia) component would be 59.02m², however, the total 228.36m² floor area would be over the 160m² policy requirement.

A copy of the Ancillary Dwellings Local Planning Policy can be viewed at the following link: [SoCV_LPP_1_1_Ancillary_Dwellings.pdf \(chapmanvalley.wa.gov.au\)](https://www.chapmanvalley.wa.gov.au/SoCV_LPP_1_1_Ancillary_Dwellings.pdf)

Council might consider that the design of the building, being a brick walled structure with design features on each elevation such as windows, doors and lean-to, warrants some consideration with regard for both the Outbuildings and Ancillary Dwellings policies.

Section 6.9 of the Outbuildings Policy and Section 6.6 of the Ancillary Dwellings Policy contain the following policy statements of relevance in this regard:

“Should Ancillary Accommodation be proposed to be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other ‘house’ like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other ‘house’ like features the building would not be considered within the aggregate outbuilding area permitted upon a property.”

It may be considered that approving the combined 228.36m² structure (comprising a 59.02m² granny flat with the 169.34m² shed) would create a lesser overall visual impact than the building of 2 separate structures totalling 340m² which under the policy requirements can be up to a 160m² granny flat and 180m² shed each.

Financial Implications

No Financial Implications Identified.

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

Strategic Implications

Lot 115 is located within the Wokarena Heights Structure Plan which is a 142.79ha area located 8km north of the Geraldton CBD. The subject land is bounded by the North West Coastal Highway to the west, rural residential lots to the north, the former Geraldton-Northampton railway alignment and beyond this rural residential lots to the east, and low density residential lots to the south. At time of the Structure Plan's preparation the Wokarena Heights area consisted of 11 individually owned lots (8 of which contained a residence) the majority of which were square in shape, 12ha in size and contained rural lifestyle uses.

The Wokarena Heights Structure Plan was originally adopted by Council at its 19/9/12 meeting, and an updated version was adopted by Council at its 21/8/13 meeting. The Structure Plan was endorsed by the WAPC on 22/10/12 and again on 9/10/13.

The Wokarena Heights Structure Plan allows for the eventual creation of 253 x 4,000m² residential lots, with 54 of these now having been created.

Strategic Community Plan/Corporate Business Plan Implications

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

COMMUNITY HEALTH & LIFESTYLE

1.2 Address identified ageing population issues.

1.2.1 Advocate for current and future services and housing needs.

ENVIRONMENT & SUSTAINABILITY

3.2 Maintain the rural identity of the Shire.

3.2.1 Develop western peri-urban environment in context to rural lifestyle.

Consultation

Sections 6.7.b, 7.2 & 7.4 of the Shire's Outbuildings Local Planning Policy notes that applications seeking variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

Section 7.0 of the Shire's Ancillary Dwellings Local Planning Policy notes that applications seeking variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

Section 4.1 of the R-Codes also notes that where there may be a possible impact on the amenity of adjoining landowners the local government may advertise the proposal and have regard to any expressed views prior to making its determination.

The application was re-advertised for comment pursuant to Schedule 1 Part 3 Clause 18(4)(b) and Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Shire again wrote to the 13 surrounding landowners on 1/12/23 providing details of the application and inviting comment upon the proposal prior to 22/12/23, a sign was also erected on-site to advise of the received application and the opportunity for comment, and a copy of the application and background explanatory information was displayed on the Shire website.

At the conclusion of the advertising period 3 submissions had been received, 2 in support of the application and 1 in objection, and copies of these have been provided as **separate Attachment 10.1.1.2**.

The applicant was provided with redacted copies of the submissions and the opportunity to respond to the issues raised, and their received response has been provided as **separate Attachment 10.1.1.3**.

Figure 10.1.1.9 – Consultation Summary Map



Risk Assessment

No Risks have been Identified.

10.1.2	Proposed Building Envelope Alteration, 33 Patten Place, White Peak
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1816
Attachment(s)	1. Patten Place Outbuilding application [10.1.2.1 - 5 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for the alteration of the building envelope to accommodate the proposed outbuilding upon 33 (Lot 306) Patten Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plan(s) as contained within Attachment 10.1.2 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 buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The development shall be of materials, finish and colours that are non-reflective (i.e. not zinalume) and complementary to the natural landscape features to the satisfaction of the local government.
- 4 Landscaping is required to be installed and maintained by the landowner between the development and the eastern side property boundary for the purpose of assisting in privacy for the adjoining side landowner and reducing the visual impact of the outbuilding to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
- 6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 7 The development must 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.

Council En Bloc Resolution - Minute Reference OCM 2024/02-3

That Council grant formal planning approval for the alteration of the building envelope to accommodate the proposed outbuilding upon 33 (Lot 306) Patten Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plan(s) as contained within Attachment 10.1.2 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 buildings or land (not the subject of this consent/approval) considered by the local government Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The development shall be of materials, finish and colours that are non-reflective (i.e. not zincalume) and complementary to the natural landscape features to the satisfaction of the local government.
- 4 Landscaping is required to be installed and maintained by the landowner between the development and the eastern side property boundary for the purpose of assisting in privacy for the adjoining side landowner and reducing the visual impact of the outbuilding to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
- 6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 7 The development must 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.

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Council is in receipt of an application to construct a shed outside of the building envelope upon 33 (Lot 306) Patten Place, White Peak. The application has been advertised for comment and no objections were received. This report recommends approval of the application.

Comment

Lot 306 is an 8,082m² cleared property on the southern side of Patten Place. The lot is oblong in shape, sloping downwards along its 146m length from the 78m contour in the rear, south-eastern corner to the 71m contour in the front, north-western corner.

Figure 10.1.2.1 – Location Map for 33 (Lot 306) Patten Place, White Peak



The property contains a single storey 4 bedroom, 2 bathroom brick walled and colorbond roof residence built for a previous landowner in 2018.

The applicant is seeking approval for a 20m x 9m (180m²) outbuilding that would be sited 17m to the rear of the residence and clad in Surfmist colorbond to complement the colour of the residence.

The outbuilding would have a wall height of 3.3m and a total gable height of 4.17m. Due to the sloping nature of the property the shed would be set into cut earthworks so that the floor level of the shed at the rear would be -1.05m below natural ground level, resulting in the rear elevation of the shed presenting as 2.25m above natural ground level when viewed from the south/rear. The front of the shed would have a finished floor level set at -0.65m below natural ground level, so that the top of the front elevation of the shed would present as 2.65m above natural ground when viewed from the north/front.

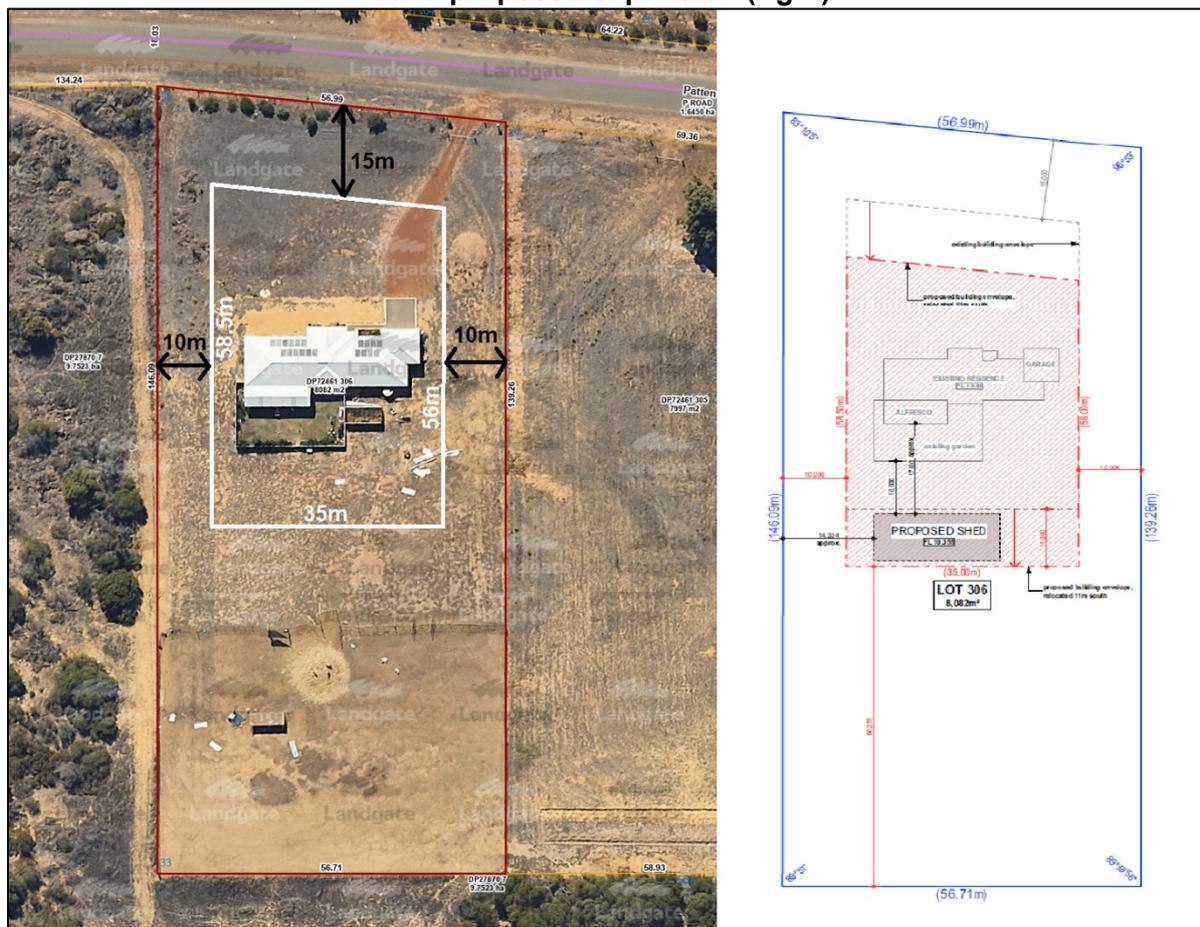
The proposed shed complies with all floor area, height, boundary setback, residence separation and cladding material and colour requirements of the Shire of Chapman Valley Outbuildings Local Planning Policy.

The reason for this application being presented to Council for determination is that the outbuilding is proposed to be sited to the immediate rear of the building envelope that is in place for Lot 306 i.e. the 9m depth of the shed would be outside the building envelope.

Council adopted the Dolby Creek Estate Structure Plan at its 20 October 2010 meeting that designated a 2,000m² building envelope for Lot 306.

A copy of the application, including site, floor and elevation plans and the applicant's supporting correspondence and also the Dolby Creek Estate building envelope plan have been provided as **separate Attachment 10.1.2**.

Figure 10.1.2.2 – Plan illustrating building envelope for Lot 306 (left) and proposed expansion (right)



As per the requirements of the Shire of Chapman Valley Building Envelope Local Planning Policy the application has been advertised for comment to surrounding landowners, during which time no objections were received and 1 submission in support of the application was received.

Council may consider that the application could be supported based upon the following:

- the shed would be set in cut earthworks of -1.05m to -0.65m to reduce its visual impact as viewed from the road and neighbouring properties;
- the shed would have a wall height of 3.3m and a total gable height of 4.17m (that would be further reduced by the shed being set into cut earthworks) and this is significantly less than the maximum 4.5m wall height and 5.5m overall height permitted in this zone;
- the shed would have a floor area of 180m² and this is significantly less than the maximum 360m² (240m² enclosed and 120m² unenclosed) area permitted in this zone;
- the shed would be sited behind the residence, at a floor level 0.355m higher than the floor level of the residence, but with a lower overall height, thereby reducing its visual impact from Patten Place;
- the shed would be clad in Surfmist colorbond designed to complement the existing residence;
- the shed would be sited 17m from the residence and 10m from the fenced garden area giving it the appearance of being clustered with the existing development, particularly when considered against the 8,082m² scale of the property, and to site the shed closer than this would present issues with vehicle manoeuvring into the shed (the shed

orientation is to avoid having the vehicle openings facing the prevailing wind direction to the south and east);

- the siting of the existing residence by a previous landowner to the rear of the building envelope has complicated matters for this subsequent landowner/applicant, and to construct the residence within the building envelope may require the shed to be sited forward of the house which would present a poorer visual outcome as viewed from Patten Place;
- the shed would be setback 14.334m from the closest/western side boundary, 21m from the other/eastern side boundary, and 61m from the rear/southern boundary assisting in reducing its visual impact for immediately adjoining landowners;
- there is the ability for Council to apply condition of approval requiring the installation and ongoing maintenance of screening landscaping along the eastern side boundary to protect both the applicant's and the neighbours' privacy and reduce the visual impact of the outbuilding;
- the outbuilding location would not require clearing of any vegetation;
- the outbuilding will be used to meet the landowner's domestic storage requirements and will not be used for residential, commercial or industrial purposes;
- the application was advertised for comment to the 10 surrounding landowners and no objections were received, and 1 supporting submission from the western-side/southern-rear neighbour was received, this could be considered to indicate a level of support and/or indifference to the proposal;
- the outbuilding is not considered to reduce privacy or unduly impact the views of neighbouring landowners;
- the applicant is seeking to modify the existing building envelope for the 9m depth of the shed rather than entirely relocate the building envelope upon the property;
- the primary purpose for establishing building envelopes upon the Dolby Creek Estate Structure Plan was to set a recommended finished floor level and ensure that habitable development was located away from the Dolby Creek watercourse to reduce potential risk from flooding and away from the associated riparian vegetation to reduce fire risk. Given this application is on the opposite/southern side of Patten Place from Dolby Creek the requested modification of the building envelope does not have adverse impact in regards to this key issue.

Figure 10.1.2.3 – View of Lot 306 looking south-east from Patten Place



Figure 10.1.2.4 – View of proposed outbuilding site upon Lot 306 looking south-west



Figure 10.1.2.5 – View of Lot 306 looking north-west from rear



Figure 10.1.2.6 – View of proposed outbuilding location upon Lot 306 looking west



In the event that Council considers the application should be refused it may consider the following wording appropriate:

“That Council refuse the application for the expansion of the building envelope upon 33 (Lot 306) Patten Place, White Peak for the following reasons:

- 1 The development is not considered to satisfy Sections 40 and Schedule 5 of the Shire of Chapman Valley Local Planning Scheme No.3.*
- 2 The development is not considered to satisfy Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*

- 3 *Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 6 of the Shire of Chapman Valley Local Planning Policy 'Building Envelopes'.*
- 4 *The proposed outbuilding location is outside of the building envelope as identified on the Dolby Creek Estate Subdivision Guide Plan.*
- 5 *Council considers that the building envelopes assigned for the lots on the southern side of Patten Place have created a built form designed with regard to privacy and view protection and the approval of this application will have negative impacts on the privacy of the adjoining side neighbours and future view outlooks.*
- 5 *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 visual amenity, natural landscape character, privacy and amenity of residents of the surrounding locality.*

Note:

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."

Statutory Environment

The report complies with the requirements of the:

Shire of Chapman Valley Local Planning Policy

Shire of Chapman Valley Local Planning Scheme No.3

Planning & Development (Local Planning Schemes) Regulations 2015

33 (Lot 306) Patten Place, White Peak is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme').

Table 2 of the Scheme lists the objectives of the 'Rural Residential' zone as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

The Scheme notes the following of relevance to this application:

"40 Building envelopes

- (1) Where a building envelope is identified on a structure or fire management plan, all development shall be contained within the designated envelope area.*
- (2) No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the structure or fire management plan;*
- (3) Notwithstanding the requirements of Clause 62 of the deemed provisions, where a building envelope exists on a particular lot an application for development approval to change or relocate the building envelope shall be accompanied by relevant building plans*

and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.

- (4) *In considering an application to relax the requirements of subclause (2) and (3), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to:*
- (a) *unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations; and*
 - (b) *unnecessary clearing of remnant native vegetation; and*
 - (c) *visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill; and*
 - (d) *suitability for landscape screening using effective screening vegetation; and*
 - (e) *compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Scheme and relevant local planning policy.”*

“Schedule 5 - Rural Residential

(1) Structure Plan

- (a) *Subdivision, development and land use shall generally be in accordance with a structure plan as adopted by the local government and the Western Australian Planning Commission in accordance with Part 4 of the deemed provisions;*
- (b) *Subdivision, development and land-use shall generally be in accordance with any other matters outlined on the structure plan;...*

...(2) Buildings

- (a) *All buildings shall be sited in accordance with the setback requirements specified in the Scheme except where building envelopes are shown on a structure plan or local development plan. Where building envelopes are shown, all buildings and effluent disposal systems shall be located within that envelope.*
- (b) *All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours.”*

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2023* lists the following relevant matters to be considered by Council in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(g) any local planning policy for the Scheme area;*
- (h) any structure plan or local development plan that relates to the development;...*
- ...(m) the compatibility of the development with its setting including:*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*

- (ii) *the character of the locality;*
- (iii) *social impacts of the development;...*
- ...(p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

The Dolby Creek Estate Subdivision Guide Plan was adopted by Council at its 20 October 2010 meeting and is considered to form a Structure Plan as per Part 9 Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2023* provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

Shire of Chapman Valley Local Planning Policy 5.1 – Building Envelopes provides guidance on the assessment of applications of this nature and a copy of this policy can be viewed at the following link:

[SoCV_LPP_5_1_Building_Envelopes.pdf \(chapmanvalley.wa.gov.au\)](https://chapmanvalley.wa.gov.au/SoCV_LPP_5_1_Building_Envelopes.pdf)

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

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

The Shire of Chapman Valley Local Planning Policy 5.1 – Building Envelopes contains the following objectives:

- “3.1 *To provide guidance with respect to the amendment of a building envelope (relocation, expansion) that will not lead to unacceptable impacts on surrounding properties.*
- 3.2 *To provide criteria by which the amendment of a building envelope should be considered to assist in protecting the integrity of the application of building envelopes.*
- 3.3 *To provide guidance in relation to the information required to be submitted as part of an application for the amendment of a building envelope.”*

Policy 5.1 also sets the following Policy Statement:

- “6.1 In considering an application to relax the development standards pursuant to Section 40 of its Local Planning Scheme, the Local Government will give particular consideration to:*
- 6.1.a justification for the proposed amendment.*
 - 6.1.b the secondary nature of the development should the application be to site a building/s outside of the envelope (e.g. horse stables, bore sheds).*
 - 6.1.c unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range.*
 - 6.1.d unnecessary clearing of remnant native vegetation.*
 - 6.1.e visual obtrusiveness and/or impact on an adjoining property by way overlooking, noise, odour or light spill.*
 - 6.1.f suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose.*
 - 6.1.g use of materials and colours to assist in softening any perceived visual impact.*
 - 6.1.h compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*
- 6.2 Building envelopes are generally imposed at the time of rezoning or subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”*

Financial Implications

No Financial Implications Identified.

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

Strategic Implications

Council has previously granted approval for 3 structures to be partially located outside of the building envelopes identified on the Dolby Creek Estate Structure Plan. These have generally been for relatively minor encroachments where only a portion of the building was located outside of the envelope as follows:

- Council approved an outbuilding upon 2 (Lot 316) Patten Place, White Peak that extended 2.1m outside of the building envelope at its 16 December 2015 meeting due to the narrow rectangular shape of the lot;
- Council approved the siting of a shed upon 31 (Lot 321) Westlake Place, White Peak that extended 3m outside of the building envelope at its 12 December 2018 meeting, due to the irregular shape of the building envelope and the lot, the landowner later reduced the shed size and the final shed was located within the building envelope;
- Council approved an ancillary dwelling upon 1 (Lot 320) Westlake Place, White Peak that extended 5m outside of the building envelope at its 17 June 2020 meeting to provide a greater setback from the historic cottage on the lot.

Council has previously approved 2 applications for development that were entirely outside of the building envelopes as shown upon the Dolby Creek Estate Structure Plan. These being:

- Council approved a shed 18m outside of the building envelope upon 30 (Lot 330) Westlake Place, White Peak at its 16 December 2023 meeting. This application sought to elongate the building envelope (rather than entirely relocate it) and the agenda report noted the irregular triangular shape of the lot and curving street frontage as basis for consideration, and that the proposed location for the shed was at a lesser contour and therefore less likely to interfere with neighbours' views than were it to be located upon the higher contour as contained within the building envelope. Whilst that application sought to site the shed outside the building envelope, the nearby clustered residence would still be contained within it, and no objection was received in that instance from surrounding landowners when the application was advertised for comment;
- Council approved a shed 5m outside of the building envelope upon 22 (Lot 314) Patten Place, White Peak at its 17 November 2021 meeting. The outbuilding in that instance was considered minor in nature (being 88m² in area and having a 3.5m wall height and 4.72m total height) and was screened from the road by the existing residence, fencing and established landscaping. Again, whilst that application sought to site the shed outside the building envelope, the nearby clustered residence was still contained within it, and no objections were received in that instance from surrounding landowners when the application was advertised for comment.

Council has previously refused 2 applications seeking to amend building envelopes as shown upon the Dolby Creek Estate Structure Plan. These being:

- Council refused an application that sought to relocate entirely a building envelope at 29 (Lot 305) Patten Place, White Peak at its 16 December 2020 meeting. In that particular instance the applicant was seeking to relocate the entire building envelope 70m further back on the property, from the lower ground at the front of the property to the higher ground at the rear of the property, and this was objected to by neighbouring parties;
- Council refused an application that sought to relocate the building envelope upon 15 (Lot 303) Patten Place, White Peak at its 20 October 2022 meeting. The applicant was seeking to move the building envelope 25m back on the property to be able to develop a residence where only a very minor portion of the residence would have been sited within the original building envelope and the accompanying outbuilding to the rear would have been entirely outside of the original building envelope. An objection to the proposed development was received in that instance.

It is considered that the current application bears more in common with the building envelope adjustment applications that were supported by Council than the more significant building envelope relocation applications that were refused by Council.

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.1 Development of plans and strategies relevant to emerging population needs.

ENVIRONMENT & SUSTAINABILITY

3.2 Maintain the rural identity of the Shire.

3.2.1 Develop western peri-urban environment in context to rural lifestyle.

Consultation

Section 7.0 of Shire of Chapman Valley Local Planning Policy 5.1 – Building Envelopes states that *“an application for the relocation, removal or expansion of a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration”*.

The application was advertised from 23 November 2023 until 15 December 2023 with the Shire writing to the 10 surrounding landowners inviting comment. An advisory sign was placed on-site and the application was also placed on the Shire website and made available for viewing at the Shire office.

At the conclusion of the advertising period, 1 submission had been received, this being from the landowner bordering Lot 306 to the south and west, and expressing support for the proposed development as follows:

“Fully support. Help the amenity of the area.”

No submissions expressing objection were received.

Risk Assessment

No Risks have been Identified.

10.1.3	Proposed Hosted Accommodation, 28 Cargeeg Bend, White Peak
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1634
Attachment(s)	1. Cargeeg Bend Short Stay application [10.1.3.1 - 3 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for hosted short-term rental accommodation to be operated from the existing ancillary dwelling at 28 (Lot 259) Cargeeg Bend, White Peak subject to the following conditions:

- 1 Development shall be in accordance with the plans and management statement provided as separate Attachment 10.1.3 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans and management statement shall not be modified or altered without the prior written approval of the local government.
- 2 The approval is issued only to the applicant/landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).
- 3 The development must have an on-site manager in the main residence, and the approval is not for a 'Holiday House' development where there is no on-site manager.
- 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, vehicle parking and manoeuvring or otherwise.
- 5 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 6 The installation and subsequent maintenance of any signage shall be to the approval of the local government.
- 7 Should any cooked food be prepared on the premises for guests an application to register a kitchen is required to be lodged with, and approved by, the Shire in accordance with the *Food Act 2008*.
- 8 The installation and subsequent maintenance of a fire blanket and/or a fire extinguisher in immediate vicinity to the area where guests are able to cook in the premises.
- 9 The landowner is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the landowner is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management statement,

Notes

- (a) With regard to condition 7, if the landowner/host is preparing a cooked breakfast for the guests then they will need to register with the Shire under the *Food Act 2008*, however, if the landowner/host is providing an uncooked breakfast i.e. tea, coffee, cereal, milk, fruit etc. for guests, or no breakfast, then this would not incur such a requirement.

- (b) With regard to conditions 4 & 9, in the event that a written, author-identified complaint is not adequately managed by the landowner to the satisfaction of the local government, then the Shire Chief Executive Officer may refer the matter to a meeting of Council for its further consideration and determination.
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012* and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

That Council grant formal planning approval for hosted short-term rental accommodation to be operated from the existing ancillary dwelling at 28 (Lot 259) Cargeeg Bend, White Peak subject to the following conditions:

- 1 Development shall be in accordance with the plans and management statement provided as separate Attachment 10.1.3 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans and management statement shall not be modified or altered without the prior written approval of the local government.
- 2 The approval is issued only to the applicant/landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).
- 3 The development must have an on-site manager in the main residence, and the approval is not for a 'Holiday House' development where there is no on-site manager.
- 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, vehicle parking and manoeuvring or otherwise.
- 5 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 6 The installation and subsequent maintenance of any signage shall be to the approval of the local government.
- 7 Should any cooked food be prepared on the premises for guests an application to register a kitchen is required to be lodged with, and approved by, the Shire in accordance with the *Food Act 2008*.
- 8 The installation and subsequent maintenance of a fire blanket and/or a fire extinguisher in immediate vicinity to the area where guests are able to cook in the premises.
- 9 The landowner is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received by the Shire the landowner is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management statement,

Notes

- (a) With regard to condition 7, if the landowner/host is preparing a cooked breakfast for the guests then they will need to register with the Shire under the *Food Act 2008*, however, if the landowner/host is providing an uncooked breakfast i.e. tea, coffee, cereal, milk, fruit etc. for guests, or no breakfast, then this would not incur such a requirement.
- (b) With regard to conditions 4 & 9, in the event that a written, author-identified complaint is not adequately managed by the landowner to the satisfaction of the local government, then the Shire Chief Executive Officer may refer the matter to a meeting of Council for its further consideration and determination.
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012* and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) Should the applicant be aggrieved by the decision of the Council (in part or whole) 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.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-5

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Council is in receipt of an application to operate hosted accommodation from the existing granny flat at 28 (Lot 259) Cargeeg Bend, White Peak. The application has been advertised for comment and no objections were received. This report recommends approval of the application.

Comment

Lot 259 is a 3.7257ha property, with a 75.2m long battleaxe access leg onto Cargeeg Bend. The previously cleared property is relatively flat, sloping downward from the 65m contour at its north-eastern corner, to the 60m contour in the south-western corner.

Figure 10.1.3.1 – Location Plan for 28 (Lot 259) Cargeeg Bend, White Peak



Lot 259 contains the following development clustered at the eastern end of the property:

- 4 bedroom, 2 bathroom single storey main residence;
- 1 bedroom, 1 bathroom single storey ancillary dwelling (more commonly known as a 'granny flat');
- shed;
- swimming pool.

The applicant is seeking approval to use the 1 bedroom granny flat for short stay accommodation purposes.

A copy of the submitted application, including a management statement has been included as **separate Attachment 10.1.3**.

Figure 10.1.3.2 – Aerial Photograph of 28 (Lot 259) Cargeeg Bend, White Peak



It is considered that the application should be supported based on the following:

- the use is primarily 'residential' in nature (i.e. it occurs within a building designed and approved for habitation);
- the development would not cause an inconsistency in the existing streetscape as the use of the building for short stay accommodation will not require any changes to the external appearance of the residence;
- such developments are generally considered to meet the objectives and requirements of the 'Rural Residential' zone;
- the application is for Hosted Accommodation with the on-site manager living in the main residence in immediate vicinity to the granny flat, meaning that the development would be 'self-policing', it is generally considered that it is more Unhosted/Holiday House applications where visitors stay in an otherwise empty house that tend to give rise to complaints when people in a holiday-mode can have conflicting behavior patterns to surrounding residents in a work-routine;
- given that the granny flat is a 1 bedroom building the level of occupancy and associated number of visitor vehicles would be low;
- the property has sufficient area to accommodate all visitor car parking off-street;
- the building is not located within an area identified as bushfire prone upon the Department of Fire & Emergency Service State Map of Bushfire Prone Areas;
- the property is in an area serviced by a sealed road network, reticulated water, power and fire hydrants;
- there is the ability for issues that may arise with such developments (e.g. noise, nuisance and visitor traffic/parking) to be addressed by a condition of approval whereby Council retains the right to review its approval in the event of complaint being received concerning the operation of the development.

Figure 10.1.3.3 – View of shed and granny flat building upon Lot 259 from bridle path running along northern boundary of property (shed on neighbouring property to the east visible in left of photo)



Statutory Environment

The report complies with the requirements of the:
Shire of Chapman Valley Local Planning Policy
Shire of Chapman Valley Local Planning Scheme No.3
Planning & Development (Local Planning Schemes) Regulations 2015

28 (Lot 259) Cargeeg Bend, White Peak is zoned 'Rural Residential 1' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

The rapid emergence of short stay accommodation offered through on-line booking platforms is an issue that local governments have been required to address in the absence of overarching state government legislation. This has resulted in a mixture of approved and unapproved operations of varying standards and limited regulation (e.g. to verify whether basic requirements such as hard wired smoke alarms are installed) and short stay accommodation being provided in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services.

The advantageous economic return that short stay accommodation provides to owners also impacts the longer term rental market which carries a wider social cost, with this impact being felt not just in larger cities and tourism destinations where it is becoming a major concern but also in the regional and rural setting.

In its response to this issue the State Government's Parliamentary Standing Committee on Economics and Industry held an enquiry 2019 into short stay accommodation.

The Parliamentary Inquiry found that short-term rentals are a genuine income source for some people and are increasingly used by guests, however, there was often inconsistent regulatory requirements and numerous examples of adverse impacts on neighbours and local communities. Planning legislation has not kept pace with this rapid growth, and in the absence of state government guidance about how to manage this issue it has resulted in an inconsistent approach across the state which has led to many local governments regulating short stay accommodation through their local planning framework and the *Local Government Act 1995*.

The Standing Committee explored a practical framework for emerging forms of short stay accommodation such as Airbnb, Stayz etc. and their impact on the tourism industry and links between short stay accommodation and rental affordability. The Committee received over 350 submissions from a range of stakeholders, including industry providers, representative bodies and local governments amongst others most of whom supported greater regulation of short stay accommodation and accompanying streamlining of the process (i.e. establishing criteria whereby certain types of low-key short stay accommodation would not require application to be made, and other forms more likely to give rise to land use conflict would be regulated).

The Standing Committee's final report into short stay accommodation '*Levelling the Playing Field – Managing the impact of the rapid increase of Short-Term Rental in Western Australia*' included the following recommendations:

- implement a mandatory state-wide registration scheme;
- require online platforms to display a valid registration number for short term rentals;
- ensure that online platforms be required to provide data on all short-term rental properties listed in Western Australia to the government agency with primary responsibility for the registration scheme;
- establish an information sharing mechanism between state and local government;
- set and impose penalties for non-compliance;
- manage complaints about short term rentals;
- enforce compliance with local government control.

The Department for Planning, Lands and Heritage (DPLH) have released the following documents advising of the reforms that will be implemented in 2024:

[Planning Bulletin 115 - to assist with Local Government implementation](#)
[Position Statement - Planning for Tourism 2023 \(www.wa.gov.au\)](#)
[Planning for Tourism and Short-Term Rental Accommodation Guidelines](#)
[STRA Fact Sheet](#)
[STRA Information Graphic](#)

Currently 'air bnb' style short stay accommodation requires an approval from the Shire and generally falls under 1 of 2 categories, 'Hosted' or 'Unhosted' accommodation:

- 'Hosted' accommodation is where the owner lives on-site and generally tend to be low-key in nature as the operation is largely 'self-policed' by the owner for issues that may arise e.g. noise, nuisance and parking.
- 'Unhosted' accommodation is where guests obtain a key from the off-site owner/manager or via a coded lock-box, and can have potential for greater impact as it does not have an on-site manager and complaints may arise when people in a holiday-mode can have conflicting behaviour patterns to surrounding residents in a work/retirement routine.

Hosted Accommodation might be considered most closely aligned with the current Shire of Chapman Valley Local Planning Scheme definition of a 'bed and breakfast' which is listed as an 'A' use in the 'Rural Residential' zone, that is a use that must be advertised for comment prior to determination.

"bed and breakfast means a dwelling –

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) containing not more than 2 guest bedrooms"*

Unhosted Accommodation would correspond more closely with the 'holiday house' definition which is also listed under the Scheme in the 'Rural Residential' zone as a use that must be advertised inviting comment prior to determination.

"holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast"

The 2024 state reforms propose that Hosted Accommodation would be exempted from the need to make application to local government where it does not exceed a maximum of 4 adult persons (or 1 family) and a maximum of 2 guest bedrooms. This would mean that, following implementation of the legislative reforms, applications of the type now before Council would not require development approval state-wide.

The 2024 state reforms propose that Unhosted Accommodation would be exempted from the need to make application to local governments in the metropolitan area where it is let for no more than 90 days per calendar year (which does give rise to queries on how this legislative monitoring and compliance burden on local government would be funded and administered). Outside the metropolitan area the most recent Planning Bulletin notes that:

- Housing and STRA issues vary considerably across regional areas, as does the need to provide for local tourism markets.*
- Regional local governments will have the flexibility to designate STRA as they see fit within each planning scheme zone, depending on local context.*
- Notwithstanding, STRA should still be listed in the zoning table using applicable model use classes."*

The 2024 state reforms proposed the introduction of a 'Short-Term Rental Accommodation' (STRA) land use definition into the *Planning and Development (Local Planning Schemes) Regulations*.

Once the Regulations amendments occur in 2024 the Shire, along with all other local governments, will be required to amend their Local Planning Schemes to introduce the new 'Short-Term Rental Accommodation' land use definition and remove the superseded versions, and consider the level of permissibility class for its various zones.

The DPLH have advised they will be releasing model scheme amendment documents and model local planning policy documents that can be used by local governments to progress amendments to align their local planning schemes with the Regulations and the Position Statement.

Ultimately the state and local government level legislative reforms will lead to a state-wide Short-Term Rental Accommodation Register with the DPLH advising that:

“The state-wide STRA Register will operate alongside the planning changes and will launch in mid-2024, with registration being mandatory by 1 January 2025. All types of STRA are required to register prior to operation – regardless of whether they are ‘hosted’ or ‘unhosted’, or whether they qualify for a development approval exemption.

Importantly, STRA operators will need to ensure they are compliant with any planning requirements prior to registering.

The STRA Register will be administered by DMIRS, with its head of power being the Short-Term Rental Accommodation Act. This Act will also repeal any existing STRA local laws currently in effect, to ensure legal continuity across Western Australia.”

The DPLH’s ‘Position Statement: Planning for Tourism and Short Term Rental Accommodation’ notes the following in relation to applications of this type:

“5.4.2.1 Hosted short-term rental accommodation

Hosted accommodation is considered a low-scale form of short-term rental accommodation because the host resides on the site and can manage any issues that may arise with respect to amenity, noise and other impacts. It may also be contended that the short-term rental accommodation use of the property is incidental to the permanent residential use. It is intended that hosted accommodation, where the owner or occupier of the dwelling is present when guests are staying overnight, should not require a development approval, and should be represented as such in the zoning table.”

Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering this development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including:*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- (u) *the availability and adequacy for the development of the following –*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application...*
- ...(zb) *any other planning consideration the local government considers appropriate.”*

The Shire has required of previous similar applications that if the owner is preparing a cooked breakfast for the guests then they must register the premises with the Shire under the *Food Act 2008*. However, if the owner provides an uncooked breakfast i.e. tea, coffee, cereal, milk, fruit etc. for the guests, or no breakfast, then this would not incur such a requirement. The Shire has also required that if there is a facility for guests to cook in the premises then a fire blanket and/or a fire extinguisher needs to be provided.

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

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

Council has prepared Shire of Chapman Valley Local Planning Policy 2.3 – Rural Tourism to guide assessment of applications and a copy of the policy can be viewed at the following link:

https://www.chapmanvalley.wa.gov.au/Profiles/chapmanvalley/Assets/ClientData/Document-Centre/planning/policies/SoCV_LPP_2_3_Rural_Tourism.pdf

Policy 2.3 contains the following objectives:

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

It is considered that the proposed application meets with the Policy Statement requirements, as it fronts a sealed road, has access to reticulated water supply, has sufficient area to accommodate all car parking off-street, will have management upon the same property, and has sufficient bathrooms provided, and can therefore be supported.

Financial Implications

No Financial Implications Identified.

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

Strategic Implications

The Shire of Chapman Valley Local Planning Strategy identifies the subject area as being located within 'Precinct 7 – South West' the vision for which is:

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

The Strategy states that the land use of 'Tourism (low to medium-key)' is considered appropriate for this precinct area and also identifies the following economic objective:

"7.2.2 Promote tourist related uses/development and encourage agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land and existing uses."

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.1 Development of plans and strategies relevant to emerging population needs.

ECONOMY & POPULATION

2.1 Build population and business activity with targeted strategies.

2.1.1 Support business development, lifestyle changes and short/ term accommodation.

ECONOMY & POPULATION

2.2 Provide support for business development and local employment.

2.2.2 Consider business start-up incentives.

ECONOMY & POPULATION

2.3 Embrace local tourism & regional strategies and trails.

2.3.1 Research a local tourism plan/initiatives & integrate with regional tourism plans.

2.3.2 Explore support needed by local tourism industries.

ECONOMY & POPULATION

2.4 Ensure town planning scheme allows for economic development / population retention / growth.

2.4.1 Town Planning review for residential land, aged care facilities or business / industrial development opportunities.

ENVIRONMENT & SUSTAINABILITY

3.2 Maintain the rural identity of the Shire.

3.2.1 Develop western peri-urban environment in context to rural lifestyle.

GOVERNANCE & ACCOUNTABILITY

5.4 Ensure robust process for economic and infrastructure development.

5.4.1 Town Planning Review / Initiatives.

Consultation

The proposed land use is listed under the Shire of Chapman Valley Local Planning Scheme as a development that must be advertised for comment.

The Shire therefore wrote to the 9 surrounding landowners on 1 December 2023 providing details of the application and inviting comment upon the proposal prior to 22 December 2023. A sign was also erected on-site advising of the received application and the opportunity for comment and a copy of the application was also placed on the Shire website for viewing.

At the conclusion of the advertising period no submissions had been received, and this is considered to indicate a level of support and/or indifference to the proposed development.

Although no objections were received, there is ability for Council to address issues that may arise in future in regards to the proposed development through the application of conditions of approval that ensure appropriate controls are in place to provide mechanisms for compliance and enforcement. Short stay accommodation is becoming increasingly commonplace across WA within established residential and rural-residential areas and it is important that they are managed well and provide an opportunity for alternative accommodation whilst maintaining the integrity and amenity of surrounding areas.

Risk Assessment

An Insignificant Compliance Risk of Level 1 - Which will likely result in no noticeable regulatory or statutory impact.

10.1.4 Proposed Grazing Lease, Cogley Road, Dindiloa

Department Development Service

Planning

Author Simon Lancaster

Reference(s) A1805

Attachment(s)

1. draft Reserve 8349 grazing lease [10.1.4.1 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council issue delegated authority to the Shire Chief Executive Officer to enter into a grazing lease agreement with the adjoining landowner for use of Crown Reserve 8349 Cogley Road, Dindiloa, pursuant to Section 3.54 of the *Local Government Act 1995*, as generally outlined in Attachment 10.1.4, upon finalisation of the management order by the Department of Planning, Lands & Heritage.

Council En Bloc Resolution - Minute Reference OCM 2024/02-3

That Council issue delegated authority to the Shire Chief Executive Officer to enter into a grazing lease agreement with the adjoining landowner for use of Crown Reserve 8349 Cogley Road, Dindiloa, pursuant to Section 3.54 of the *Local Government Act 1995*, as generally outlined in Attachment 10.1.4, upon finalisation of the management order by the Department of Planning, Lands & Heritage.

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The Shire has applied to the Department of Planning, Lands & Heritage (DPLH) for a management order with power to lease for Reserve 8349 Cogley Road, Dindiloa. This report recommends that upon finalisation of the management order that the Shire issue a grazing lease to the neighbouring farmer.

Comment

Reserve 8349 is a 66.0377ha vacant parcel of Crown Land, located 4km north-east of the Nabawa townsite. Reserve 8349 was created on 26 February 1904 and vested with the Shire in 1917 for 'Camping & Public Utility'.

Reserve 8349 did have some strategic value in linking Chapman River and the Geraldton-Naraling railway (which opened in 1910, with further extension opening to Yuna in 1913) and the site contained a 9 hole golf course at one time, but with the closing of the railway line (and the Dindiloa siding) in 1956 the site's community role diminished.

The Shire has used Reserve 8349 in the past for extraction of road materials but in 2003 advised the DPLH that it no longer required the land and on 19 September 2008 the vesting order was revoked and the reserve's management purpose amended to 'Government Requirements'.

After that time Reserve 8349 was leased for the purposes of grazing by DPLH to the landowner of 153 (Lot 2950) Cogley Road which adjoins Reserve 8349 to the south. When

the lessee of Reserve 8349/landowner of Lot 2950 passed away in 2022, the executor of the will advised DPLH that they did not wish to continue the lease arrangement. Lot 2950 was subsequently sold and acquired by the landowner of the larger farm to the south (Yunga Springs Pty Ltd as trustee for Gould Family Trust).

The DPLH then wrote to the Shire enquiring whether it would be interested in managing Reserve 8439.

Figure 10.1.4.1 – Location Plan for Reserve 8349 Cogley Road, Dindiloa



Figure 10.1.4.2 – Aerial Photo of Reserve 8349 Cogley Road, Dindiloa



The Shire has in recent years pushed up gravel at 2 sites within Reserve 8349 for use on McNaught-Mazzuchelli Road and whilst it has not been of the highest quality it has found pre-screened material from the site serviceable. Shire staff therefore considered that it would be of benefit to assume a management order for Reserve 8349 for the purpose of 'Gravel and Grazing' and also seek the power to lease the land to the adjoining farmer for grazing purposes so that the fuel load could be managed and fences maintained by a lessee.

Council generally discussed the DPLH enquiry at its 20 October 2022 Concept Forum with the view being that the Shire would be interested in accepting the management order for Reserve 8349, and that in the event that the DPLH were willing to grant a management order this matter should be presented to a future meeting of Council for consideration of a potential grazing lease being entered into with the adjoining farmer for the portion of Reserve 8349 surplus to Shire requirements.

DPLH advised on 20 January 2023 that it was in agreeance to issuing a Management Order for Reserve 8349 to the Shire for the purpose of 'Gravel & Grazing' with associated power to lease for the purpose of grazing. DPLH subsequently advised on 2 January 2024 that documentation to finalise this matter had been lodged at Landgate on 14 December 2023 (Dealing Numbers P821271-P821273).

Upon receipt of this advice Shire staff drafted a grazing lease agreement for Reserve 8349 in accordance with DPLH requirements and based upon similar grazing lease documents the Shire has with other landowners in the district for parcels of Crown Land.

The draft lease contains the standard Shire/DPLH clauses whereby the lessee can graze/crop the land subject to them being responsible for maintenance relating to matters such as fire breaks and fencing. A clause was also included in the draft lease document relating to the ability for the Shire to access the land in the event that it needs to source gravel for local road works.

A 5 year term is suggested in the draft agreement (this being similar to other grazing leases the Shire has issued) and with ability for the Shire (and also the lessee) to be able to terminate the agreement at any time, subject to 3 months' notice, should it require the land for some unforeseen purpose.

The lease agreement has been drafted with the suggestion that it be on an annual fee of '\$1 on demand' (i.e. the old 'peppercorn' style of lease). This nil fee arrangement has been suggested as appropriate in recognition of the community service that the landowner to the south/potential lessee of Reserve 8349 provides by permitting the Shire's telecommunications mast (which is used for emergency communications and also wider internet connection) to be sited upon their Lot 20 Gould Road, Nabawa, for which they do not charge the Shire a fee.

A copy of the draft grazing lease agreement for Reserve 8349 has been provided as **separate Attachment 10.1.4**.

The draft grazing lease agreement was provided to the adjoining landowner (Matthew Gould) on 3 January 2024 inviting feedback, but also advising the document was a draft only (and not a final version) that Shire staff had prepared and that this matter would need to be presented to Council for consideration.

The adjoining landowner advised on 4 January 2024 that they were satisfied with the draft grazing lease agreement.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

Council may under Section 3.54 of the *Local Government Act 1995* issue a licence for the private use of Crown land under its control in the interest of controlling and managing that land.

Reserve 8796 is zoned 'Public Open Space' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

- “• *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s.152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

DPLH is in the process of issuing a management order for Reserve 8796 to the Shire for the purposes of 'Gravel & Grazing' with the power to lease for grazing.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Council has generally maintained a supportive position to leasing Crown Reserves, where they are not identified for its own immediate requirement, as otherwise the Shire would be required to undertake maintenance upon them (e.g. firebreaks, slashing/mowing, weed control, fencing and general maintenance) which would require mobilising of staff, equipment and financial resources. It has been previously considered by Council that these resources could be better utilised elsewhere and that leasing the property is a more appropriate means of management. Although the reserves have only been leased at relatively low rates (typically \$200 per annum) it has been considered that these leases have reduced costs to Council.

It is recommended in this instance, however, that the Shire not impose an annual lease fee in recognition that the adjoining landowner/proposed lessee does not charge an annual fee to the Shire for it to be able to maintain a telecommunications mast elsewhere within their overall farm landholding, upon Lot 20 Gould Road.

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is considered that the Shire entering into a grazing lease with the adjoining farmer for Reserve 8349 would be in keeping with the Long Term Financial Plan as it would reduce maintenance and liability issues to Council and assist in meeting a required Level of Service in the most cost effective manner for present and future community.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

PHYSICAL & DIGITAL INFRASTRUCTURE

4.1 Develop, manage, and maintain built infrastructure.

4.1.1 Asset Management Plan.

GOVERNANCE & ACCOUNTABILITY

5.2 Be accountable and transparent while managing human and physical resources effectively

5.2.1 Asset Management.

Consultation

The Shire has been communicating with DPLH in regards to the issuing of a management order and associated power to lease for Reserve 8349 and has also consulted with the adjoining landowner to the south/proposed lessee in the drafting of the grazing lease agreement

Risk Assessment

An Insignificant Property Risk of Level 1 - Likely resulting in inconsequential or no damage.

10.1.5 LRCIP Funding

Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A2040
Attachment(s)	Nil

Voting Requirements

Simply Majority

Staff Recommendation

That Council endorse the following projects as being suitable for the LRCIP funding and delegate to the Shire CEO to enter into discussions with the funding provider to lodge these projects:

- Bill Hemsley Park Gardener Shed;
- Nabawa Refuse Site Caretaker Building;
- Entry Statements;
- Coronation Beach Toilet;
- Nanson Showground Dump Point;
- Nanson Showground Exhibition Hall Reroofing & Insulation;

(Reserve project in event there are unspent funds or a listed project is deemed ineligible by funding provider)

- Nabawa Community Centre Toilets Refurbishment.

Council Resolution

Moved: Cr Trevor Royce **Seconded:** Cr Nicole Batten

That Council endorse the following projects as being suitable for the LRCIP funding and delegate to the Shire CEO to enter into discussions with the funding provider to lodge these projects:

- Bill Hemsley Park Gardener Shed;
- Nabawa Refuse Site Caretaker Building;
- Entry Statements;
- Coronation Beach Toilet;
- Nanson Showground Dump Point;
- Nanson Showground Exhibition Hall Reroofing & Insulation;

(Reserve project in event there are unspent funds or a listed project is deemed ineligible by funding provider)

- Nabawa Community Centre Toilets Refurbishment.

For Cr Philip Blakeway and Cr Trevor Royce

Against Cr Emma Rodney, Cr Katie Low, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten and Cr Kirrilee Warr

2 / 5
LOST

Minute Reference OCM 2024/02-8

Council Resolution (Foreshadowed)

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

That Council endorse the following projects as being suitable for the LRCIP funding and delegate to the Shire CEO to enter into discussions with the funding provider to lodge these projects:

- Bill Hemsley Park Gardener Shed;
 - Nabawa Refuse Site Caretaker Building;
 - Entry Statements;
 - Coronation Beach Toilet;
 - Nanson Showground Dump Point;
 - Nanson Showground Exhibition Hall Reroofing & Insulation;
- (Reserve project in event there are unspent funds or a listed project is deemed ineligible by funding provider)*
- Nabawa Community Centre Toilets Refurbishment;
 - Replace Nabawa & Yuna Shade Structure.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2024/02-9

Disclosure of Interest

No officer declared an interest under the *Local Government Act 1995*, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The Shire has received Local Roads & Community Infrastructure Program (LRCIP) Phase 3-extension external funding and this report makes recommendation in regards to local projects that Council may wish to undertake. Alternative projects are also provided in this report for Council's consideration should it wish to vary the recommended projects.

Comment

Council had originally considered that the LRCIP funding should be utilised for the Bill Hemsley Park (BHP) Oval project. The oval project has an estimated cost of \$852,691 GST ex and the LRCIP funding is to the value of \$365,437.

On this basis the 23/24 budget was adopted by Council with the LRCIP funds allocated towards the BHP Oval project but notation that the balance funds would need to be sourced from external grants. Shire staff have lodged grant applications with external agencies including the Community Sporting & Recreation Facilities Fund (CSRFF) which is administered by the Department of Local Government, Sport & Cultural Industries (DLGSCI) and the Community Water Supplies Partnership Program administered by the Department of Water & Environmental Regulations (DWER).

Unfortunately, DLGSCI have advised that the Shire's application for funding for the BHP Oval project was unsuccessful as follows:

For the 2023-24 CSRFF July Small Grants Round, the Department of Local Government, Sport and Cultural Industries (DLGSC) received 30 funding applications requesting \$2,704,384, which far exceeds the amount available for

allocation in this round. As such, the DLGSC is unable to support a number of very worthwhile community projects. I regret to advise that your application for CSRFF support has been unsuccessful on this occasion.

There are a number of reasons why a project may not have been funded. In this instance, your application has not been successful as there were higher priorities in the funding round.”

Figure 10.1.5.1 – Bill Hemsley Park Oval design



For the BHP Oval project to proceed in the 23/24 financial year it would require Council as part of its February budget review to fund the balance of the project through own resources, and this would necessitate either taking out of a loan, or increasing the 24/25 rates to accommodate the (by then commenced) BHP Oval project, or not proceeding with a number of other Shire own resource projects contained in the 23/24 budget year. None of these options are recommended by Shire staff.

Given that the LRCIP funds must be expended by 30 June 2024, and the BHP Oval project is unable to commence on-ground prior to this date, then Council must now select an alternative project, or projects, to undertake.

The projects that are presented in this report have been selected on the basis that they can be commenced quickly through placement of purchase orders and receipt of invoices to assist in the acquittal process given the projects would need to be completed by 30 June 2024 (although if substantially commenced then Council may be able to seek an extension to the acquittal date). The projects are required to meet the LRCIP eligibility criteria by being Shire projects that have not already been identified in the current budget. The suggested projects have also been made with consideration to spreading them geographically throughout the Shire and varying their type to ideally spread community benefit.

It must be noted that Council’s re-allocation of the LRCIP funding from the BHP Oval project to other projects does not represent an abandoning of the BHP Oval project, but rather a delay in the project’s commencement, until it becomes more financially prudent. The 23/24

budget was adopted in the knowledge a series of grant applications would need to be successful to fund such a large infrastructure project and in the event this could not be achieved the project may have to be delayed. Council may wish to consider, as part of future budget formulations, setting aside funds over time in a reserve account that would ultimately fund the BHP Oval project and also during that time investigate further external funding options.

RECOMMENDED PROJECTS:

Bill Hemsley Park Gardener Shed - \$25,000

The Council adopted Bill Hemsley Park Masterplan identified a gardener's shed 40m to the south-east of the community centre. The shed would enable the storage of items such as ride-on mower, high pressure cleaner, reticulation repair equipment etc. The storage of a mower would make operations more efficient and prevent transportation of weed species from coastal to inland and vice versa.

Figure 10.1.5.2 - Bill Hemsley Park Masterplan extract - Gardeners Shed location

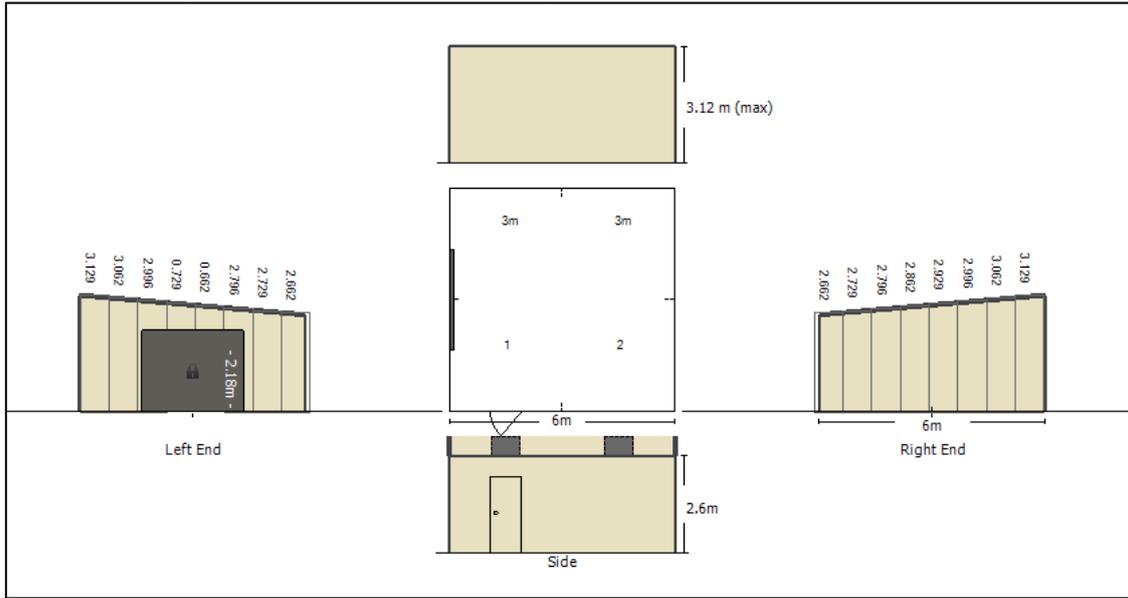


Shire staff recommend a skillion roof shed to keep the profile of the building low and for it to be clad in matching colorbond to the community centre. A 6m x 6m footprint would enable storage of items and also allow for an internal cage to secure items.

Given the shed would be overlooked by surrounding residences, and there is only one way in and out of the park for vehicles, and there is ability to setup CCTV, it is anticipated that the shed would be relatively safe from attempted theft.

Quotes for a shed kit are \$10,700 and a total project cost of \$25,000 is estimated to allow for site works, concrete slab and labour, and also for installation of items such as solar trickle charger for the mower battery and solar powered CCTV.

Figure 10.1.5.3 - Bill Hemsley Park Gardeners Shed concept

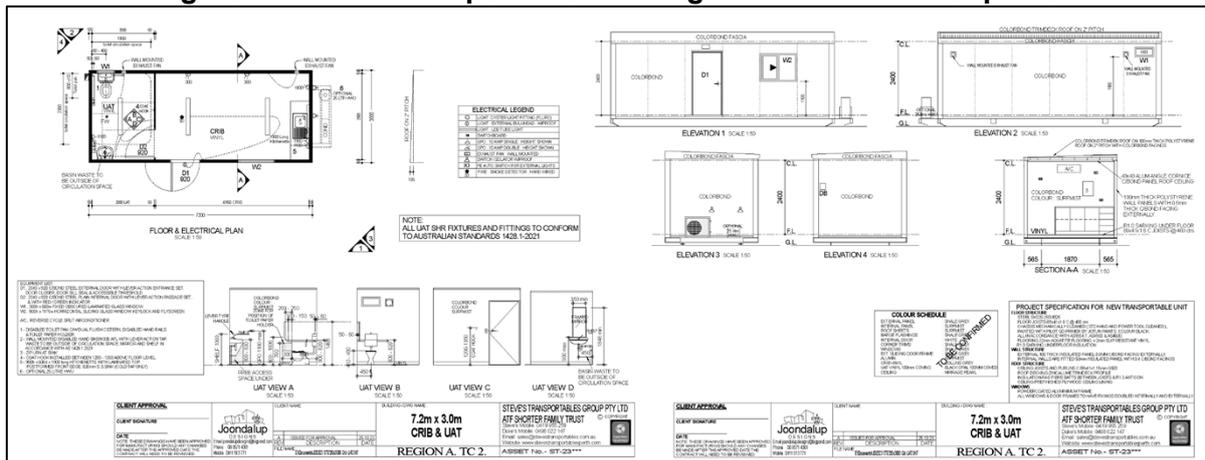


Nabawa Refuse Site Caretaker Building - \$90,000

Council have been exploring the manning of the Nabawa Refuse Site to improve service levels and better manage the facility. This would require the installation of amenities for an employee.

Shire staff have sought quotes from several suppliers for a transportable building with a floor plan consisting of a unisex disabled toilet and office/kitchenette. The cost of this building, air conditioner unit inclusive (as shown in the following figure) is \$56,500 GST ex.

Figure 10.1.5.4 - Transportable building elevation and floor plans



Shire staff have investigated various second-hand options that might be available from a range starting at \$32,000 GST ex but these are not disability compliant.

In addition to the purchase of the transportable building, allowance would also need to be made for a further \$29,000 for the following:

- septic system (can be reduced system as its to service 1 toilet and kitchen sink **only**) purchase, Shire resources to install, contract plumber to connect, approx. \$7,000;

- disabled access ramp (limestone blocks and concrete ramp) materials purchase, Shire resources to install, contract concreter to pour ramp, approx. \$6,000;
- generator, 7kva single phase diesel, electrician to wire in, approx. \$4,500;
- carport to side; purchase kit, Shire resources to install, approx. \$5,000;
- water tank; 10,000L supply & deliver, approx. \$3,000;
- concrete footing and tie down chains etc. approx. \$3,500.

Entry Statements - \$112,854

Another project that Council has been investigating is the installation of entry statements at various locations around the Shire.

2 sets of draft entry statement designs that were discussed at the 4/12/23 Tourism & Events Advisory Group (TEAG) meeting. The TEAG preferred one set of the designs, subject to some modifications, and also recommended that upon updating of the designs that they be presented to a future Concept Forum for further discussion. The TEAG meeting minutes and its contained recommendations were subsequently endorsed at the 14/12/23 Council meeting.

The requested changes have been made and the updated entry statement (front facing) designs are shown in the below figure.

Figure 10.1.5.5 - Preliminary concept designs for entry statements



The entry statements could be sited at the following 16 key locations in the Shire:

- Nabawa x3 (Chapman Valley Road south, Chapman Valley Road east, Nabawa-Northampton Road);
- Nanson x2 (Chapman Valley Road south, Chapman Valley Road north);
- Coronation Beach Road x1;
- Yuna x2 (Chapman Valley Road west, Chapman Valley Road east);
- White Peak x2 (Eliza Shaw Drive, David Road);
- General entry points to the Shire x6 (Morrell Road x1, Chapman Valley Road, Waggrakine x1, North West Coastal Highway x2, Nabawa-Northampton Road x1 and Yuna-Tenindewa Road x1).

The cost of the 3.5m wide, 2.3m high entry statements would be \$16,122 GST ex per sign.

The majority of the entry statements are designed to have reflective anti-graffiti vinyl coating (so they are visible to night-time traffic) and be non-frangible. These would be used for lower

speed areas such as Shire managed roads and speed restricted approaches to townsites (e.g. Yuna and Nabawa) and where sufficient street setback from a State controlled road can be achieved for non-speed restricted townsites (e.g. Nanson).

However, a second quote for frangible signs (i.e. where couplings/bolts will break cleanly on impact and are a smaller 2.655m wide and 2.02m high dimension) would be \$13,715 GST ex per sign.

This form of sign would be required where sufficient setback could not be achieved on non-speed restricted locations and State managed roads (e.g. North West Coastal Highway x2, Chapman Valley Road @ Waggrakine x1, Nabawa-Northampton Road x1 and Yuna-Tenindewa Road x1).

It is suggested that the entry statement project be rolled out over a number of financial years, with the sites for initial, and subsequent, installation at Council discretion.

It is recommended that the LRCIP funds be utilised to install 7 entry statements signs at the following locations (as Stage 1 of an overall later program):

- White Peak x2 (Eliza Shaw Drive, David Road) - \$32,244;
 - Nabawa x3 (Chapman Valley Road south, Chapman Valley Road east, Nabawa-Northampton Road) - \$48,366;
 - Yuna x2 (Chapman Valley Road west, Chapman Valley Road east) - \$32,244
- Total \$112,854

Note: Should Council wish to include the entry statement signs at Nanson into Stage 1 then the additional \$32, 244 GST ex cost would be added to make the total figure \$145,098 GST ex.

Coronation Beach Toilet - \$45,000

The Coronation Beach toilets were originally located to cater for the patterns of use associated with the campground and windsurfers. Since that time kitesurfing has become increasingly popular and kitesurfers launch from the northern end of the beach and in this area there are no toilets.

During larger events at Coronation Beach it has also become noticeable that there are insufficient toilets. The installation of another toilet would assist in catering for this. The new toilet would be constructed to a unisex disabled access standard towards the northern end of the reserve in a style to match the existing toilets.

Figure 10.1.5.6 - Existing toilet design at Coronation Beach



Figure 10.1.5.7 - Coronation Beach toilets

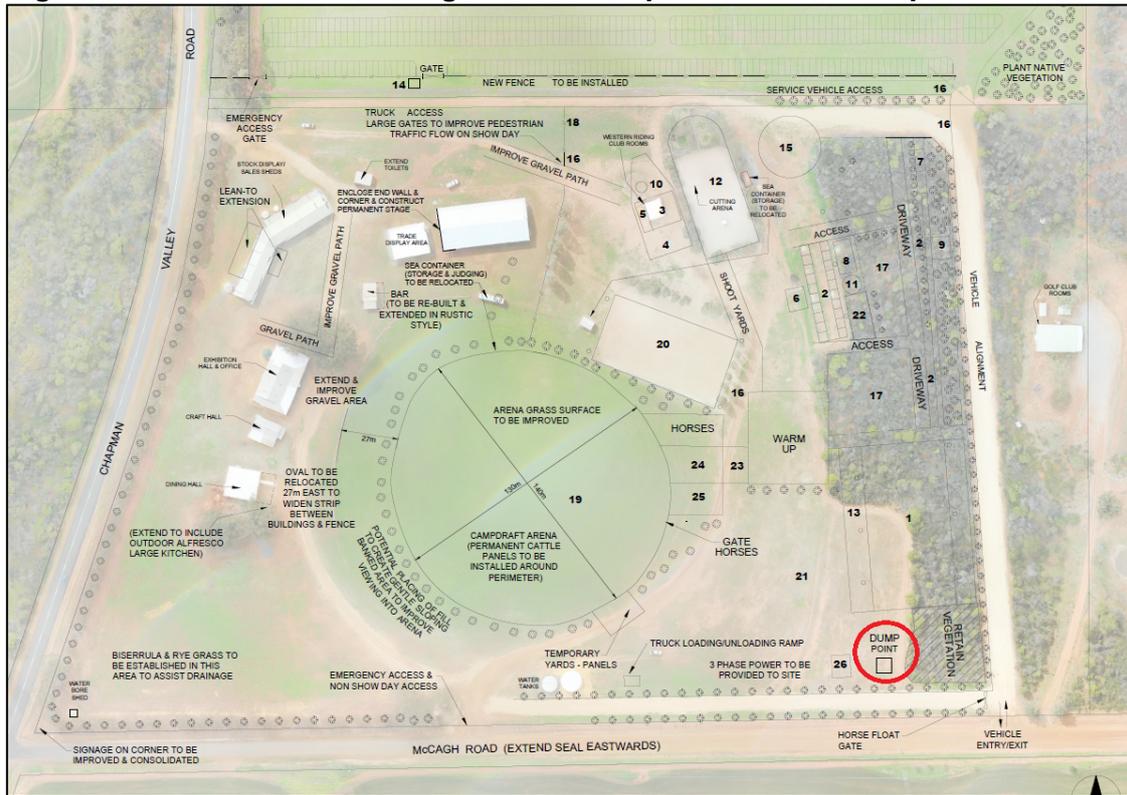


Nanson Showground Dump Point - \$16,000

The Shire currently has a dump point at Coronation Beach and Fig Tree Crossing and one planned for Yuna. With the increasing number of events being held at Nanson Showground this site has also been discussed recently as another suitable location for a dump point.

The Nanson Showground Masterplan that was developed in partnership with the user groups identified a dump point in the south-east corner of the site.

Figure 10.1.5.8 – Nanson Showground Masterplan extract – Dump Point location



Nanson Showground Exhibition Hall Reroofing & Insulation - \$70,000

The Exhibition Hall has been identified as requiring reroofing due to deterioration of the current aged structure. It is suggested that as part of this project it should also be insulated to make the building more comfortable for occupants and broaden the length of time that it might be available for community use.

Figure 10.1.5.9 – Nanson Showground Exhibition Hall



The total cost for the above projects would be \$358,854. It is suggested that with prices rises in materials and labour becoming commonplace and more frequent that the balance \$6,583 may be required to account for variations. However, in the event that there is a surplus it is

suggested that this amount be put towards upgrading the Nabawa Community Centre toilets (i.e. part works of project identified in following 'Alternative Projects' section).

ALTERNATIVE PROJECTS:

Nabawa Community Centre Toilets Refurbishment - \$40,000

The Nabawa Community Centre toilets provide the all-hours public toilets for the townsite and also for specific events such as functions in the community centre, football home games, cricket, school sports carnivals, gravel bike race etc.

The toilets require some upgrading works including ceiling repairs, replacement of the urinal and some basin and cistern replacements. It is considered that complete renovation would be approximately \$40,000, however, gradual upgrades can be undertaken for lesser amounts over time. Even in the event that the new football clubroom project proceeds the community centre toilets should still be upgraded as they will serve as the only public toilets during the construction period and also will still be required once the new clubrooms are completed.

It is suggested that any surplus funds on the previously listed recommended projects be utilised for the upgrading of the community centre toilets, and that the remainder of any renovation works could be completed at a later date.

**Figure 10.1.5.10 – Nabawa Community Centre Toilets
(left to right: unisex/female/male)**



Coronation Beach Caretaker Transportable Building - \$90,000

The installation of a transportable building to improve the caretaker facility is suggested as another project and the costings are based on the comparable scope of works suggested previously for the Nabawa Refuse Site project.

A transportable building would be preferable to a permanent structure in the event that climate change impacts were to require the relocation of the facility, or if the Coronation Beach Masterplan were to identify an alternative location at some future time.

Nabawa Tennis Courts Lighting Upgrade - \$49,000

The installation of LED lights at the tennis courts is another project the Shire may wish to consider. Initial quotes are for \$49,000, however, the final figure required to be accessed from the LRCIP would likely be less than this as the insurance payment for the cyclone damage to the tennis court lights would partially cover the total cost.

Similarly the Football Oval lighting might also be considered for upgrade.

Various other projects (e.g. the Nanson Showground Stage) were also considered, however these projects were not included, as they are at concept stage only and unlikely to be able to be advanced to the point where designs were finalised, purchase orders issued, works completed and invoices received prior to 30 June 2024.

Council has also utilised previous stages of LRCIP funding for reseal projects for roads that would be ineligible for funding through other external mechanisms (i.e. roads requiring reseal that are along recognised freight routes may instead be eligible for Main Roads WA funding). Further resealing projects are not suggested at this time as the next identified priorities are on recognised freight routes and would be funded by other means.

Statutory Environment

This report has no statutory environment requirements.

The proposed projects are contained upon either Shire owned land or Shire managed Crown Reserves.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

This report does not require amendment to the 23/24 Shire budget amount as this is based upon the \$365,437 LRCIP funding amount. This report confines itself to the selection of alternative projects to the value of the already budgeted \$364,437 amount.

However, the 23/24 budget does contain notations relating to the LRCIP funds based upon the BHP Oval project and the requirement for sourcing by additional grant income to enable this project to have commenced. With these additional grant applications being unsuccessful this does require the 23/24 budget to have some notation changes and these are addressed in the separate 23/24 budget review report later in this agenda as follows:

Account 2803 – Grants & Other Income Received – the \$365,437 figure remains unchanged but *'LRCIP(3) - extension grants allocated to SoCV potential project Bill Hemsley Park Oval - C concept Forum May 2023'* now requires deletion from the comments section and replaced with *'LRCIP(3) projects as endorsed by Council at Feb 24 OCM'*.

Account 2834 – Land & Building Purchases – the following text requires deletion from the comments section *'Job: 1079 - Bill Hemsley Park Oval Project subject to fully grant funded Concept Forum May 2023 - Total project costs (pending tender submissions) for BHPCC oval partially grant funded by LRCIP(3b) \$365,437 shortfall to be grant funded - this project is subject to being fully grant funded not own resource funded'* and replaced with *'Job 1079: LRCIP(3) projects as endorsed by Council at Feb 24 OCM'*.

7275 – Loan Funds Received – this amount should now be shown as \$0 instead of \$185,000 as the DLGSCI grant application was unsuccessful and the corresponding 23/24 budget comments section *'99-Loan funds required additional to grant funds LRCIP(3) BHP Oval Project'* can be deleted.

Long Term Financial Plan (LTFP):

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

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.2 Determine a whole of Shire community integration approach.

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

Consultation

The proposed projects are either identified in Council adopted masterplans and/or strategic community plans that have been subject to prior consultation processes.

Risk Assessment

No Risks have been Identified.

10.2 Manager of Finance & Corporate Services

10.2.1	Financial Management Report
Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. Financial Management Report November 2023 [10.2.1.1 - 31 pages] 2. Financial Management Report December 2023 [10.2.1.2 - 35 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the Monthly Financial Management report supplied under separate cover for November 2023 and December 2023 including the following:

Statement of Financial Activities by Nature or Type
Budget by Program
Summary of Payments
Credit Card Statement
Bank Reconciliation

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Trevor Royce

That Council receives the Monthly Financial Management report supplied under separate cover for November 2023 and December 2023 including the following:

Statement of Financial Activities by Nature or Type
Budget by Program
Summary of Payments
Credit Card Statement
Bank Reconciliation

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-10

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Local Government (Financial Management) Regulations require monthly statements of financial activity to be reported and presented to Council.

Comment

The financial position at the end of December 2023 is detailed in the monthly management report provided as a separate attachment for Council's review.

Statutory Environment

The report follows the requirements of the:
Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996 Section 34

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Not applicable

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.2.2

Venue Hire Waiver of Fees and Charges

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	Nil
Attachment(s)	1. Application for venue hire and fee reduction [10.2.2.1 - 4 pages]

Voting Requirements

Absolute Majority

Staff Recommendation

That Council advise Creative Therapy Solutions of the following regarding their venue hire application to waive fees and charges relevant to the hire of Nabawa Community Centre for three half day venue hire 11 March 2024, 18 March 2024, 25 March 2024:

1. Full waiver of fees and charges for the venue hire is not agreed
2. A reduced fee equivalent to the hire of one venue hire date is to be paid, yet all three dates can be accessed
3. The full bond equivalent to the one venue, as set by the Shire's adopted budget is to be paid, yet the bond will be relevant to all three venue hire dates.

Council En Bloc Resolution - Minute Reference OCM 2024/02-3

That Council advise Creative Therapy Solutions of the following regarding their venue hire application to waive fees and charges relevant to the hire of Nabawa Community Centre for three half day venue hire 11 March 2024, 18 March 2024, 25 March 2024:

1. Full waiver of fees and charges for the venue hire is not agreed
2. A reduced fee equivalent to the hire of one venue hire date is to be paid, yet all three dates can be accessed
3. The full bond equivalent to the one venue, as set by the Shire's adopted budget is to be paid, yet the bond will be relevant to all three venue hire dates.

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Naomi Wilson from Creative Therapy Solutions has completed a Waiver of Fees and Charges application which is attached to this agenda item seeking a reduction in the hire fees for the Nabawa Community Centre. The Creative Therapy Solutions Art Therapy activity is a joint project with Ngala. The project will offer an art therapy group session free of charge to local women across three dates in March

Comment

The officer's recommendation reflects the thought process that it is beneficial to community to remove barriers for group activities and advocate fostering inclusivity, promoting engagement, and enhancing the overall well-being of our community.

Promoting engagement: by removing the financial burden, we encourage increased involvement, leading to a more vibrant and connected community. This engagement, in turn strengthens social bonds and fosters a sense of belonging across all our community. Enhancing well-being with group activities we enable individuals to access valuable resources, opportunities, and recreational activities that contribute to their physical, mental, and emotional health. This support aligns with our shared goal of promoting a thriving and resilient community.

It is essential to strike a balance between providing access to all while maintaining fairness and equity. The second consideration is the long-term financial impacts of reduced revenue for the waiving fees & charges against ongoing building maintenance, electricity, water, cleaning costs etc. Therefore, striking a compromise allows the community local access to a project they might otherwise not have the ability to attend.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

Council has a legal process to follow regarding waiving fees and charges: All waivers of Fees & Charges are to be reported in the Annual Financial Report.

Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) ***waive or grant concessions in relation to any amount of money; or***
 - (c) *write off any amount of money,*
- which is owed to the local government.*

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy/Procedure Implications

A Policy or Procedure is affected:

Finance Policy & Procedures

Corporate Management Procedure CMP-066 Waiver of Fees & Charges

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

Loss of revenue for venue hire of \$318

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.2 Determine a whole of Shire community integration approach.

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Consultation has been with the applicant.

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.2.3

Annual Budget Review

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	306.13
Attachment(s)	1. 2023-2024 Annual Budget Review [10.2.3.1 - 7 pages]

Voting Requirements

Absolute Majority

Staff Recommendation

That Council adopt the 2023/2024 Statutory Budget Review, which includes all amendments listed in the Annual Budget Review Report attached.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Trevor Royce

That Council adopt the 2023/2024 Statutory Budget Review, which includes all amendments listed in the Annual Budget Review Report attached.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-11

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

The Local Government Act and Regulations require a local government to review its annual budget between 1st January and 31st March in each year. Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

“33A Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*

(3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

** Absolute Majority required*

(4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Comment

Prudent management of the Shire's Annual Budget includes a mid-year review of the Shire's progress for the financial year. This review process has been undertaken having regard for:

- actual revenues and expenditures for the first six (6) months of the budget year,
 - forecast revenue and expenditure levels for the remaining six (6) months of the year,
- the more significant (in dollar terms) variances to budget rather than the minor 'under & over's' which as a rule balance over the full period.

Council's adopted budget, at times will need variations made, to reflect changes which occur after the original budget has been adopted. There are several amendments identified in the review document which accommodate the reallocation in revenue and expenditure since the Original Budget was adopted. The items of relating to the Local Roads & Community Infrastructure project funding are of note due to the reduction in capital expenditure and offset of capital revenue no longer required. Financial Assistance Grants final payment adjustments have also been noted in the review.

The Budget Review Report provides information on the identified revenue and expenditure expectations for the full year and is based on the review period 1 July 2023 to 31 December 2023. The supplementary additional information report identifies amendments and provides explanations for these variances. The Annual Budget Review Report has identified variations required to the Annual Budget yet having a zero overall effect on the 2023/2024 Adopted Budget. The financial statements are provided as a guidance to reflect a general revised full year budget based on the proposed amendments being adopted with no further changes to the budget for the remaining year.

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications annual review has a zero effect on the overall budget.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

Consultation

Senior Staff have been consulted to determine the various proposed budget amendments requested

Risk Assessment

An Insignificant Service Disruption Risk of Level 1 - Which will likely resulting in no material service disruption.

10.3 Chief Executive Officer

10.3.1 DFES - Seroja Local Government Resilience Fund and Community Benefit Fund

Department	Development Service Community Development
Author	Jamie Criddle
Reference(s)	205.13
Attachment(s)	1. Community Benefit Fund Application Form Revised [10.3.1.1 - 7 pages] 2. LG Resilience Fund Application Form [10.3.1.2 - 7 pages] 3. DRAFT Chapman Valley and Northampton Local Recovery Plan [10.3.1.3 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

1. Endorse the application to the Community Benefit Fund for additional resources revolving around community development, connecting community, community events, projects that assist volunteer drain, the removal of cyclone waste (including asbestos & abandoned buildings) and community plans in the Economic & Tourism Development sphere with delegation to the CEO to adjust projects as necessary (within scope).
2. Endorse the application to the Local Government Resilience Fund to assist in the redevelopment of the Nabawa Recreation Centre that will also act as a recovery centre in Shire.

Council Resolution

Moved: Cr Elizabeth Elliott-Lockhart **Seconded:** Cr Emma Rodney

That Council:

1. Endorse the application to the Community Benefit Fund for additional resources revolving around community development, connecting community, community events, projects that assist volunteer drain, the removal of cyclone waste (including asbestos & abandoned buildings) and community plans in the Economic & Tourism Development sphere with delegation to the CEO to adjust projects as necessary (within scope).
2. Endorse the application to the Local Government Resilience Fund to assist in the redevelopment of the Nabawa Recreation Centre that will also act as a recovery centre in Shire.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr

Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr
Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-12

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

On 13 June 2023 the State Recovery Controller – Cyclone Seroja wrote to the Shire of Chapman Valley to advise eligibility for two funding programs as a result of Cyclone Seroja recovery.

The first program is the **Community Benefit Fund** which allocates up to \$200,000 to the Shire to deliver local led recovery programs. No timeframe on expenditure applies. The second program is the Local Government **Resilience Fund** which allocates up to \$500,000 to the Shire to improve the resilience of evacuation facilities and other community infrastructure, or to improve the resilience within the community. The timeframe on expenditure is two years with a possible time extension upon application. The deadline for applications for both programs is 30 September 2023. Discussion regarding the two programs was held between June and November 2023 (Council Forums) for both programs with the following projects supplied:

Community Benefit Fund

The Proposal for the Community Benefit Fund is for the Shire to provide a focus on several aspects within the Local Operational Recovery Plan (LORP). Revolving around community development, connecting community, community events, projects that assist volunteer drain, the removal of cyclone waste (including asbestos & abandoned buildings) and community plans in the Economic & Tourism Development sphere.

Through the development of this Local Operational Recovery Plan, activities were identified that form the foundation of long-term recovery for the Shire of Chapman Valley and Shire of Northampton.

These projects require significant collaboration, resourcing and expertise beyond the current capacity of local governments and community. The Shire of Chapman Valley have highlighted the following projects that relate back the LORP Plan:

Natural Environment

N1 Finalise the removal and safe disposal of remaining cyclone waste, including asbestos and other hazardous waste and ongoing road verge clean-ups if required.

Action: Council have identified 2 properties within the townships of Nanson & Nabawa which due to lack of insurance have been all but abandoned and requested assistance with demolition as they contain asbestos. While there are other abandoned houses throughout the Shire, the two in the townships provide a visual reminder of the cyclone and has been a topic of community feedback surveys post Seroja. **Cost is estimated at \$45,000.**

N2 *Facilitate community tree planting initiatives for public areas which also support community engagement.*

Action: In the first two Seroja anniversary dates, the Council provided the community with the opportunity to replace/restore the shire tree canopy with a tree seedling offering as well as an everlasting seed packet offering to beautify the landscape and commemorate the anniversary date. **Cost is estimated at \$5,000.**

Built Environment

B1 *Coordinate an approach to recovery for abandoned properties.*

Action: See N1

B2 *Connect under or un-insured owners with appropriate and relevant supports.*

Action: See N1

Social Environment

S3 Funding made available to community organisations and groups to assist with delivery of activities with social value.

Action: Post Seroja, the Council has identified volunteer drain as a major inhibitor that is affecting psychological & wellbeing as well as social connection. Local suicide rates have increased with the Council wishing to ease the burden on community groups. Funding community functions and community events such as Show Day, Quiz night & Rainmakers Ball will assist community fatigue.

Funding local workshops within the various regions of the shire to assist in volunteer drain, the mental health space and emergency preparedness.

We would also like to fund some community initiatives such as Yuna community coffee shop/trailer so that the cost burden is reduced on community functions due to Yuna's distance from CBD. This community suffered the most during & post Seroja and recent community workshops/debriefings have identified regular coffee-based community catch ups as a key to fast tracking the recovery process.

As Yuna does not have a shop or any retail within 75km, a coffee trailer which is mobile would serve as a great tool to "Talk to a Mate". The barista & other courses would help with the community connection and be used as an 'ice breaker'. This would also be use to spread the work with other community groups (CV Ag Society, CVFC, FABCV, CABY)

Cost is estimated at \$40,000.

Economic Environment

Priority 5: Economic and Community Development Coordination

Action: As part of the Recovery Plan discussion & implementation, support for local businesses was high on the list of priorities, ensuring that lost businesses have the ability to rebuild, existing businesses have the ability to expand and thrive and new businesses have the ability to get off the ground. The implementation of a comprehensive Economic Development Strategy to include:

- the role of local government, and the Shire of Chapman Valley specifically, in economic development. This includes major Shire-led initiatives;
- Chapman Valley's economic profile;
- Chapman Valley's competitive advantages and challenges; and
- The Shire of Chapman Valley's economic development vision, desired outcomes, and programs. **Cost is estimated at \$40,000**

In addition to the Economic Strategy in the pursuit of maximising the economic, social and cultural growth of our visitor economy, we have wish to develop a strategic and comprehensive 10+ year road map for sustainable tourism development within the Chapman Valley region, concentrating on Our Guiding Principle and Signature Experiences:

- • Agri-tourism, and food and beverage,
- • Eco, nature-based and soft adventure tourism,
- • Destination and niche events,
- • Aboriginal and European heritage tourism; and
- • Art and culture.

Cost is estimated at \$35,000

E1 Continue the provision of support programs and funding for businesses that want to restart or increase their capacity, to sustain economic recovery.

Action: As a result of the Economic Development & Tourism Strategies there will be a number of support programs highlighted which will require seed/implementation funding such as destination tourism guides, brochures and signage.

Cost is estimated at \$25,000

E2 Support hospitality businesses to coordinate opening times, days and holidays to ensure visitors can access food and beverage.

Action: In order to act upon a request of the community post Seroja to enable the Council website and associated Social Media information to display various additional Community information such as an interactive community calendar, 'whats on' as many local start up businesses do not have the resources nor ability to promote. Market Creations (IT provider) can revamp Website to add various community information. This will be reinforced via Economic Development & Tourism Strategies.

Cost is estimated at \$10,000

Total estimated cost is \$200,000

Resilience Fund

The Nabawa Recreation Centre Facility Redevelopment is a significant capital project that would deliver 21st century infrastructure to the Chapman Valley community. The project would increase the Shire's capacity to respond during times of disaster, something that was severely limited by a lack of local infrastructure in the recovery period post the impact of Severe Tropical Cyclone (STC) Seroja which devastated the Mid-West region in April 2021.

This project would directly strengthen preparedness of future natural disasters and provide better capacity to evacuate and care for displaced people and would reduce the impact of disaster hazards on the Chapman Valley community.

The redevelopment would include a new commercial kitchen/ canteen facility, function room, dedicated men's and women's change rooms and toilets, essential disability access and disability facilities, umpires facilities and medical rooms. Significant electrical and plumbing works would be undertaken as a part of the redevelopment.

Total estimated cost is \$500,000

Comment

Following the November Council Forum discussion, a proposal was raised to increase the scope and time of the Community Development Officer to assist some of the volunteer community groups, providing the candidate had the right skill set. It was agreed to increase the CDO position to a full-time role to assist local community groups, continue the existing role and co-ordinate the Community & Economic Development aspects suggested in the DFES application.

Asbestos clean-up	\$45,000
Tree planting	\$5,000
Coffee/food trailer	\$25,000
Showgrounds Stage	\$15,000
CDO Wage	\$20,000
Economic Strategy	\$20,000
Economic Develop Wage	\$20,000
Tourism Strategy	\$15,000
Seed Funding TBA	\$25,000
Website upgrades	\$10,000

It is recommended that Council consider the options provided, or propose any alternate options, to enable minor variations to be made to the Community Benefit Fund and the Local Government Resilience Fund. The CEO will now discuss with the Community Benefit Fund projects with the respective groups and progress these project and report back to Council on a periodic basis.

Statutory Environment

This report has no statutory environment requirements.

Policy/Procedure Implications

No Policy or Management Procedure affected.

It is considered that both funding programs can assist communities across the Shire recover and move forward from Cyclone Seroja. Providing additional human resources to focus on communities and replacing lost infrastructure will assist in achieving this.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues.

1.1.3 Identify all volunteers and determine their support needs.

ECONOMY & POPULATION

2.2 Provide support for business development and local employment.

2.2.2 Consider business start-up incentives.

2.2.3 Build on digital network development in the Valley.

ECONOMY & POPULATION

2.3 Embrace local tourism & regional strategies and trails.

2.3.2 Explore support needed by local tourism industries.

ENVIRONMENT & SUSTAINABILITY

3.3 Build the green canopy of the Shires towns public facilities and rural areas.

3.3.1 To increase the green canopy in building applications, facility development or upgrades, and incentive schemes to get more trees planted.

Consultation

Council Forums

Community Groups

Risk Assessment

No Risks have been Identified.

11 Elected Members Motions

Nil

12 New Business of an Urgent Nature Introduced by Decision of the Meeting

Nil

13 Delegates Reports

That council receive the following Delegates Reports.

Delegate	Details
Cr Kirrilee Warr (President)	Howatharra Bushfire response
	Howatharra Bushfire Debrief
	SoCV Australia Day Event
	WALGA Honours Panel subcommittee meeting
	CVAS AGM and committee meeting
	Nabawa Rec centre committee meeting
	WALGA State Council Info Forum
	CABY AGM
	SoCV Rabbit Baiting Workshop
Cr Nicole Batten (Deputy President)	FabCV AGM
	SoCV Australia Day Event
Cr Philip Blakeway	SoCV Australia Day Event
Cr Elizabeth Elliott-Lockhart	Staff & Elected Members End of Year Function

	SoCV Australia Day Event
	FabCV Fundraising Meeting
	CVAS AGM
Cr Catherine Low	Bushfire Education Session
	FabCV AGM
Cr Emma Rodney	No Reports Submitted
Cr Trevor Royce	No Reports Submitted

14 Announcements by Presiding Member Without Discussion

15 Matters for which Meeting to be Closed to Members of the Public

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Philip Blakeway

That Council close the meeting to the public for Item 15.1 in accordance with the Local Government Act 1995,
Section 5.23(2)(b) - item dealt with the personal affairs of a person(s);
Section 5.23(2)(c) - item relates to contracts entered into, or which may be entered into, by the local government and which relates to matters to be discussed at the meeting;
Section 5.23(2)(e) - item relates to a matter that if disclosed, would reveal information that has a commercial value to a person or information about the business, commercial or financial affairs of a person.

For Cr Emma Rodney, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Cr Katie Low

6 / 1

CARRIED

Minute Reference OCM 2024/02-13

10:11am - Meeting closed to the public

Council Resolution

Moved: Cr Elizabeth Elliott-Lockhart **Seconded:** Cr Trevor Royce

Council open the meeting to the public.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2024/02-14

10:12am - Meeting open to the public

Council Resolution

Moved: Cr Katie Low **Seconded:** Cr Trevor Royce

That Council adjourn the meeting.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-15

10:12am - Meeting adjourned

Council Resolution

Moved: Cr Trevor Royce **Seconded:** Cr Emma Rodney

Council reopen the meeting.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-16

10:47am - Meeting open

Council Resolution

Moved: Cr Philip Blakeway **Seconded:** Cr Katie Low

That Council close the meeting to the public for Item 15.1 in accordance with the Local Government Act 1995,
Section 5.23(2)(b) - item dealt with the personal affairs of a person(s);
Section 5.23(2)(c) - item relates to contracts entered into, or which may be entered into, by the local government and which relates to matters to be discussed at the meeting;
Section 5.23(2)(e) - item relates to a matter that if disclosed, would reveal information that has a commercial value to a person or information about the business, commercial or financial affairs of a person.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-17

10:47am - Meeting closed to public

15.1 **Manager Works & Services - Renewal of Employment Contract**

Department Finance, Governance & Corporate Services
Chief Executive Officer

Author Jamie Criddle

Reason for Confidentiality **CONFIDENTIAL REPORT**
Reason for confidentiality - *Local Government Act 1995, Section 5.23(a) - A matter affecting an employee or employees.*

CONFIDENTIAL ATTACHMENT
Reason for confidentiality - *Local Government Act 1995, Section 5.23(a) - A matter affecting an employee or employees.*

Beau Raymond, Dianne Raymond & Simon Lancaster left the meeting at 10:48am.

Staff Recommendation

Moved: Cr Trevor Royce **Seconded:** Cr Emma Rodney

That Council endorse the contract for the extension of employment of Erskine (Esky) Kelly to the position of Manager of Works & Services for the Shire of Chapman Valley for the period of five years commencing on the 21st October 2023 in accordance with section 5.37 and 5.39 of the *Local Government Act 1995*.

Amendment

Change the word "the" to "a" and add the text "with an increase of up to 5% to the existing contract"

Amended Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Trevor Royce

That Council endorse a contract for the extension of employment of Erskine (Esky) Kelly to the position of Manager of Works & Services for the Shire of Chapman Valley for the period of five years commencing on the 21st October 2023 with an increase of up to 5% to the existing contract in accordance with section 5.37 and 5.39 of the *Local Government Act 1995*.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0
CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-18

The Amendment became the Substantive Motion and was put.

For Cr Emma Rodney, Cr Katie Low, Cr Philip Blakeway, Cr Elizabeth Elliott-Lockhart, Cr Nicole Batten, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2024/02-19

16 Closure

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 15 February 2024 at 11:42 pm.