



Shire of  
**Chapman Valley**  
*Love the Rural Life*

# **MINUTES**

## **FEBRUARY 2012**

### **ORDINARY COUNCIL MEETING**

**Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 15<sup>th</sup> February 2012  
at the Council Chambers, Nabawa, commencing at 10:03am.**

## 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.

  
Stuart Billingham  
CHIEF EXECUTIVE OFFICER

**SHIRE OF CHAPMAN VALLEY**  
**AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL**  
**CHAMBERS NABAWA ON WEDNESDAY 15<sup>th</sup> FEBRUARY 2012 AT 10:03am**

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**Order of Business:**

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

The Chairman, Cr John Collingwood welcomed elected members and staff and declared the meeting open at 10:03am.

**2.0 LOYAL TOAST**

The Presiding member proposed a loyal toast to her majesty the Queen.

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

3.1 Present

Councillors

Cr J Collingwood	President	North East Ward	(10:03am – 3:05pm)
Cr P Batten	Deputy	North East Ward	(10:03am – 3:05pm)
Cr T Royce		North East Ward	(10:03am – 3:05pm)
Cr P Forrester		North East Ward	(10:03am – 3:05pm)
Cr A Farrell		North East Ward	(10:03am – 3:05pm)
Cr P Humphrey		South West Ward	(10:03am – 3:05pm)
Cr D Bell		South West Ward	(10:03am – 1:50pm) (2:09pm – 3:05pm)
Cr B Davidson		North East Ward	(10:03am – 3:05pm)

Staff

Mr S Billingham	Chief Executive Officer	(10:03am – 3:05pm)
Mr S Lancaster	Manager of Planning	(10:03am – 3:05pm)
Mrs K Jackson	Planning Officer (minute taker)	(10:03am – 3:05pm)
Mrs M Linguis	Senior Administration Officer	(10:03am – 10:59am) (1:19pm - 1:45pm)
Mr A Abbott	Building Surveyor	(10:03am – 11:14am)
Ms N Siemon	Contract Environmental Consultant	(10:03am – 11:14am)
Mr E O'Donnell	Senior Ranger	(10:03am – 11:14am)

Visitors

Mr Ian Maluish	Parkfalls Residents Association	(10:03am – 1:50pm) (2:09pm – 3:05pm)
Mr Tom Davies	Parkfalls Residents Association	(10:03am – 1:50pm) (2:09pm – 3:05pm)
Ross Williamson	Developer	(10:03am – 11:45am)

3.2 Apologies

Nil.

**4.0 PUBLIC QUESTION TIME**

4.1 Questions On Notice

Nil.

4.2 Questions Without Notice

Nil.

## 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

**Moved Cr Batten Seconded Cr Bell**

**That Cr Pauline Forrester be granted a leave of absence for the 21 March 2012 Ordinary Meeting of Council.**

**CARRIED  
Voting 7/0  
Minute Reference 12/2-1**

**Moved Cr Batten Seconded Cr Bell**

**That Cr Trevor Royce be granted a leave of absence for the 21 March 2012 Ordinary Meeting of Council.**

**CARRIED  
Voting 7/0  
Minute Reference 12/2-2**

## 6.0 DISCLOSURE OF INTEREST

Cr D Bell - Proximity Interest - Agenda Item 10.3.2

## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Ross Williamson - Developer - Agenda Item 10.2.1 (11:00am – 11:45am)

## 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 14<sup>th</sup> December 2011

### COUNCIL DECISION

**Moved Cr Forrester Seconded Cr Humphrey**

**That the minutes of the Ordinary Meeting of Council held on 14<sup>th</sup> December 2011 be confirmed as a true and accurate record.**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-3**

## 9.0 ACCEPTANCE OF MONTHLY STATUS REPORT

Received

## 10.0 REPORTS OF COMMITTEE & OFFICERS

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<b>11.0</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
	Nil.	
<b>12.0</b>	<b>ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION</b>	
12.1	Elected Member Reports	
<b>13.0</b>	<b>GENERAL BUSINESS – (of an urgent nature introduced by decision of meeting)</b>	
13.1	Elected Members	
13.2	Officers	
<b>14.0</b>	<b>CLOSURE</b>	

Michelle Lingius left Council chambers at 10:59am.

Anthony Abbott, Earl O'Donnell and Nicole Siemon left the Council chambers at 11:14am.

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION, BULLER</b>
<b>PROPONENT:</b>	<b>R. WILLIAMSON</b>
<b>SITE:</b>	<b>LOT 2 WOKARENA ROAD, BULLER</b>
<b>FILE REFERENCE:</b>	<b>A37</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/10-2</b>
<b>DATE:</b>	<b>8 FEBRUARY 2012</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to subdivide Lot 2 Wokarena Road, Buller. This report recommends that a decision be delayed upon the subdivision application, pending the progression of the Richards Road Structure Plan.

**Figure 1 - Location Plan for Lot 2 Wokarena Road, Buller**



## COMMENT

Lot 2 is 11.5242ha in area, with its western boundary fronting North West Coastal Highway, the northern boundary fronting the bitumen sealed Wokarena Road, and the eastern boundary fronting the gravel formed Richards Road. Lot 2 is a cleared property that contains a two storey residence in the north-eastern corner, the remainder of the property is used for the agistment of horses. The property slopes down from the 55m contour at the eastern boundary across the 412m length of the block to the 35m contour at the western boundary.

The applicant proposes that the property be subdivided into 4 x 4,000m<sup>2</sup> lots at the north-eastern corner of the property and a balance lot of 9.8362ha. Three of the 4,000m<sup>2</sup> lots would

access Wokarena Road (including the lot on the intersection of Wokarena and Richards Road that contains the existing residence) and the remaining 4,000m<sup>2</sup> lot would access Richards Road.

The submitted subdivision plan has been included as **Attachment 1** for Council's information. An additional plan prepared by the applicant illustrating how the balance lot could be later subdivided has been included as **Attachment 2**.

**Figure 2 – Aerial photograph of Lot 2 Wokarena Road, Buller**



**Figure 3 – View of Lot 2 looking south-west from Wokarena Road towards Geraldton**





**Figure 4 – View of Lot 2 looking north-west from Richards Road towards residence**



Council supported an application to subdivide Lot 2 into 27 lots ranging in area from 4,000m<sup>2</sup> to 4,034m<sup>2</sup> at its 15 December 2010 meeting, resolving:

*“That Council:*

- 1 Not adopt the staff recommendation as it is satisfied that the proposed subdivision accords with its strategic and statutory planning direction; and*
- 2 Advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2 Wokarena Road, Buller as shown upon Drawing No.716-00-000 (WAPC date stamped 22/9/10) and requests the imposition of the following conditions and advice notes:*
  - 1 Those lots not fronting an existing road being provided with frontage to a constructed road connected by a constructed road to the local road system and such roads being constructed and drained at the applicant/owner's cost to the satisfaction of the Local Government.*
  - 2 Arrangements being made with, and satisfactory to, the Local Government for the upgrading of Wokarena Road.*
  - 3 Arrangements being made with, and satisfactory to, the Local Government for the upgrading of Richards Road.*
  - 4 Arrangements being made with, and satisfactory to, Main Roads WA for the upgrading of the North West Coastal Highway and Wokarena Road intersection.*
  - 5 The land is to be provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Local Government.*
  - 6 The land being filled and/or drained at the subdivider's cost to the satisfaction of the Local Government and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.*



- 7 *The land being graded and stabilised at the subdivider's cost to the satisfaction of the Local Government.*
- 8 *Property boundaries of all proposed lots shall be fenced by the subdivider to an appropriate standard to the satisfaction of the Local Government.*
- 9 *Suitable arrangements being made with the Water Corporation so that provision of a reticulated scheme water supply service will be available to all lots shown on the approved plan of subdivision.*
- 10 *Fire hydrants to be installed at the subdivider's cost to the satisfaction of the Local Government and the Fire and Emergency Services Authority.*
- 11 *Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to all lots shown on the approved plan of subdivision.*
- 12 *The preparation of design guidelines for the subdivision, to the satisfaction of the Local Government, that address design, materials and finishes, and landscaping requirements that have regard for the area's visual prominence;*
- 13 *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that the lots are subject to design guidelines.*
- 14 *Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing direct motor vehicle access onto North West Coastal Highway benefiting Main Roads WA being lodged on the Certificates of Title of proposed Lots 506-509 & 526, at the full expense of the applicant.*
- 15 *All existing buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.*
- 16 *The battleaxe accessway for proposed Lot 509 being constructed and drained at the applicant/owner's cost to the specifications of the Local Government.*
- 17 *Payment of a cash-in-lieu contribution to the Local Government in accordance with section 153 of the Planning and Development Act equivalent to 10% of the unimproved land value of the subdivisional area.*

*Advice Notes:*

- a) *In regards to condition 1, the temporary cul-de-sac head shall be designed and constructed to the satisfaction of the Local Government.*
- b) *In regards to condition 8, the proposed fencing shall be installed at the subdivider's cost to a minimum standard of 6 strand ring lock to the satisfaction of the Local Government.*
- c) *In regards to condition 12 the design guidelines should display regard for the provisions of Appendix 5A 'Moresby Ranges and associated valleys - Place of Heritage Value Zone 3' of Shire of Chapman Valley Town Planning Scheme No.1, Table 04.1 of the Moresby Range*

*Management Plan, and Sections 4.5.1 and 4.5.2 of the Moresby Range Management Strategy.*

*Advice Notes to the WAPC:*

*The Shire of Chapman Valley has given support for the subdivision on the basis that:*

- *the subject land is identified as being 'Residential R2.5' by Shire of Chapman Valley Local Planning Scheme No.2;*
- *the subject land is identified as 'Future Urban' by the Greater Geraldton Structure Plan Update (2010);*
- *it is anticipated that there may be delays in the final gazettal of Local Planning Scheme No.2 due to the requirement for the Buller 'Development' zone Environmental Review, and that this separate issue should not delay proceeding with development of the Richards Road 'Residential R2.5' zone;*
- *Section 5.22.4.2 of Scheme No.2 makes the following provision:  
"5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area."*
- *the subdivision does not require the creation of additional individual lot access onto the North West Coastal Highway;*
- *the subdivision creates a road linkage into adjoining Lot 1 to the south, thereby providing the neighbouring lot with greater flexibility for its own future subdivision;*
- *Lot 2 does not contain any remnant vegetation so would not be considered to be subject to any recommendation of the Geraldton Regional Flora & Vegetation Survey (2010);*
- *the payment of a public open space cash-in-lieu contribution for Lot 2 will provide funds that can later address the protection of the large area of remnant vegetation upon Lot 1 to the south that has been identified by the Geraldton Regional Flora & Vegetation Survey as original extent for Plant Community 13 Sandplain: *Acacia rostellifera* and *Banksia prionotes* and has conservation significance;*
- *a level of support for the subdivision of this land to 4,000m<sup>2</sup> lots has been previously demonstrated when draft Scheme No.2 was first advertised from 9 June to 11 September 2006 and a joint submission was received from 8 of the 11 Richards Road landowners requesting that the land be rezoned to 'Residential R2.5'."*

The layout for the 4 lots shown upon the submitted subdivision plan is at variance to, but not prejudicial to, the subdivision plan supported by Council at its 15 December 2010 meeting, which has been included as **Attachment 3** for comparative purposes.

The previous 27 lot subdivision application was refused by the WAPC on 8 February 2011 and subsequently appealed by the applicant, with the State Administrative Tribunal delivering a verdict on 23 June 2011 to dismiss the appeal, citing the following:

- “72 *The Tribunal is of the view that, before subdivision in the Richards Road cell would be considered, draft LPS 2 would require a structure plan, if not in place, then at least to be significantly advanced.*”
- “94 *It is sound planning practice to require that residential localities be developed in a coordinated way to provide an acceptable level of amenity, services and access for vehicles and pedestrians.*”

- 95 *The Tribunal has concluded that to allow the proposed subdivision of the site without a form of structure plan available to illustrate the relationship between the subdivision of the site and the future residential development of the Richards Road cell would not be consistent with orderly and proper planning.”*
- “97 *For subdivision to be considered more is required. In this matter, a relevant consideration is draft LPS 2. Draft LPS 2 includes the Richards Road cell, which includes the site, in a residential R2.5 zone. The Tribunal has formed the view that draft LPS 2 is sufficiently 'seriously entertained' for the future residential use of the Richards Road cell to be settled and so provides a basis for the consideration of whether the proposed subdivision might be allowed.*
- 98 *The Tribunal has formed the view that draft LPS 2, if gazetted, would require the preparation of a structure plan before subdivision could be supported in the Richards Road cell. The question for the Tribunal was whether because LPS 2 is a draft, it would be appropriate to allow subdivision of the site without there first being in place a structure plan prepared consistent with the requirements of draft LPS 2.*
- 99 *The Tribunal has concluded that to allow the proposed subdivision of the site without a form of structure plan available to illustrate the relationship between the proposed subdivision of the site and the future residential development of the Richards Road cell, would not be consistent with orderly and proper planning.”*

The landowner has, subsequent to the 27 lot subdivision application, submitted a further application to subdivide Lot 2 Wokarena Road with the WAPC on 27 April 2011. This application proposed to subdivide the eastern portion of Lot 2 into 18 x 4,000m<sup>2</sup> lots and retain a balance 3.8446ha western lot. Given that the subdivisional layout for this application was identical to the previous application supported by Council at its 15 December 2010 meeting, and represented only a staging of subdivision this application was supported by Shire staff under delegated authority on 13 May 2011 subject to the same relevant conditions requested by Council at its 15 December 2010 meeting. It is understood that this subdivision application is now deemed refused by the WAPC and has been appealed by the landowner and is presently in the State Administrative Tribunal.

## **STATUTORY ENVIRONMENT**

Lot 2 Wokarena Road, Buller is zoned 'General Farming' under Shire of Chapman Valley Town Planning Scheme No.1. The proposed subdivision of Lot 2 to 4,000m<sup>2</sup> lots would be contradictory to the minimum lot area listed under the Zoning and Development Table for the 'General Farming' zone of 'based on locally acceptable farm units'.

The Policy Statement under the Scheme No.1 for the 'General Farming' zone is as follows:

*“This zone embraces the broad acre farming areas of the Shire. it is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non-farming use is proposed on the amount of land required for that purpose.”*

However, Lot 2 and the surrounding lots on Richards Road are to be rezoned to 'Residential R2.5' under the Shire of Chapman Valley Local Planning Scheme No.2. Scheme No.2 received consent from the Minister of Planning to be advertised on 17 November 2010 and this was undertaken between 23 November 2010 and 23 February 2011.

The case of Coty (England) Pty Ltd v Sydney City Council (1957) provides that weight can be given to a draft planning instrument once it becomes 'seriously entertained'. In Western Australia this usually occurs after advertising is completed, the case of Nicholls v WAPC

(2005) provides a state context to this precedent and given the advanced stage of Scheme No.2 it should therefore be considered as 'seriously entertained'. Further it is noted that the delay in finalising Scheme No.2 is attributable to the Buller 'Development' Zone Environmental Review (currently under appeal to the Minister of Environment) of which Lot 2 does not form any part.

The proposed subdivision would accord with the new R2.5 zoning, with the proposed lots all being 4,000m<sup>2</sup> or greater in area. As a comparison the 'Drummonds Heights Estate' 500m to the south of Lot 2 is zoned R2.5 and has been subdivided to 4,000m<sup>2</sup> lots and it is intended that the Richards Road area would ultimately become developed in this manner.

Section 5.2.4 of Scheme No.2 makes the following provision relevant to Lot 2 and the surrounding Richards Road area:

*"Prior to the subdivision and development of land on the western and eastern side of Richards Road zoned Residential R2.5 a detailed structure plan shall be prepared pursuant to the provisions of clause 5.22 Structure Plan Areas."*

Council resolved at its 17 August 2011 meeting to appoint GHD to undertake the Richards Road 'Residential R2.5' Structure Plan. Given the area is under the ownership of 11 different landowners all of whom appear to have different development timeframes and aspirations for their property, the Shire has had to assume the coordinating and funding role in the structure planning process, in addition to the more traditional local government guiding and assessing role.

**Figure 5 – Aerial Photograph of Richards Road area**



The 11 Richards Road landowners were invited to a meeting in the Shire Chambers on Monday 30 January 2012 at which Shire staff and the consultant provided an update on the

progress of the Richards Road Structure Plan, the process required to be undertaken, and presented some preliminary concept plan options for their discussion and feedback. The meeting was attended by 8 landowners and the meeting was crucial to ensure that the effected landowners feel a sense of ownership to the process and so that their views can be incorporated into the further drafting of the Richards Road Structure Plan. Given that some of the Richards Road landowners are based in Perth and were unable to attend this meeting then the invitation was also extended for those landowners to meet with the consultant in Perth, with several taking up this offer.

Preliminary discussions have also been held between Shire staff and the consultant with Main Roads WA as they are considered a key government agency that must be involved from the outset in the Structure Plan process as the existing Wokarena Road and North West Coastal Highway intersection will require upgrading to accommodate the increased number of vehicle trips arising from future subdivision.

Following on from these initial meetings, landowners have been provided with feedback forms, and further government agencies have been contacted by the consultant seeking initial comment. It is intended that a draft version of the Richards Road Structure Plan will be ready for presentation to Council at the 21 March 2012 meeting.

The Brief provided to the consultant required consideration to be given to the following issues in the preparation of the Richards Road Structure Plan:

#### *General*

- Scheme No.2 (particularly Section 5.22);
- relevant WAPC strategic documents including the Geraldton Region Plan (1999), Greater Geraldton Structure Plan (2011) and Moresby Range Management Strategy (2009) (particularly Sections 4.5.1 and 4.5.2);
- relevant WAPC policy documents including Planning Bulletin 92 Urban Water Management (2008) State Planning Policy 3.6 Development Contributions for Infrastructure (2009) and Liveable Neighbourhoods (2007);
- Moresby Range Management Plan (2010) (particularly Figures 4.3, 4.4 and Table 4.1);
- Geraldton Regional Flora and Vegetation Survey (2010).

#### *Land Use*

- Desired physical form, setting, character and scale of development;
- Desired physical links and connections;
- Land use structure/pattern for the study area;
- Extent and distribution of public open space;
- Identification and protection of Aboriginal heritage sites (if any present);
- Provision of educational facilities or monetary contribution thereto (subsequent discussion with the Department of Education has confirmed that neither will be required in the instance of the Richards Road Structure Plan); and
- Existing utility infrastructure servicing and requirements for infrastructure upgrading to cater for growth.

#### *Movement Network*

- Upgrade design of existing intersection onto North West Coastal Highway and investigation into potential for a subdivisional road network connection onto the proposed Highway alignment (to the east of the Structure Plan area) to be developed in consultation with Main Roads WA;
- Conceptual pedestrian/cycle links and pathways;
- Desired traffic movement patterns;
- Consideration within the Structure Plan Report being given to either a restrictive covenant preventing direct motor vehicle access from subdivisional lots onto North West Coastal Highway, or a landscaped 'spite strip', thereby limiting Highway access to the subdivisional road network only; and
- Preparation of a Traffic Management Plan to the requirements of Main Roads WA.

### *Design Guidelines*

- Design guidelines that address design, materials and finishes, and landscaping requirements that have regard for the area's visual prominence.

### *Environment*

- Preparation of an Urban Stormwater Management Strategy/District Drainage Plan to the requirements of the Department of Water; and
- Provision for retention of remnant vegetation deemed significant by the Department of Environment and Conservation either through public open space provision or restrictive covenant 'bush blocks'. The vast majority of lots within the Structure Plan area have been previously cleared of vegetation with the exception of Lot 1 in the south-west corner of the Structure Plan area. The remnant vegetation upon Lot 1 has been identified by the Geraldton Regional Flora & Vegetation Survey (2010) as original extent for Plant Community 13 Sandplain: *Acacia rostellifera* and *Banksia prionotes* and has conservation significance. The Structure Plan could recommend that many of the previously cleared lots be made subject to payment of a cash-in-lieu contribution for public open space equivalent of up to 10% of the unimproved subdivisional land area. This contribution would be held in trust by the Local Government and distributed to a landowner who may have an area designated for public open space by the Structure Plan greater than 10%. This arrangement could assist in addressing the protection of the approximately 11ha area of remnant vegetation upon the 20.9039ha Lot 1.

Section 5.22 of Scheme No.2 provides the process by which Structure Plans must be prepared, advertised and assessed. Section 5.22.6.1 lists the items that a Structure Plan should have regard for and these have been incorporated into the Study Brief for the consultant, along with some site specific issues.

Section 5.22.4.2 of Scheme No.2 does makes the following provision:

*"5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area."*

Lot 2 also falls within the 'Place of Heritage Value Zone 3 – Moresby Flat Topped Ranges and associated valleys' zone under Scheme No.1, the Policy Statement for which reads:

*"The places described in Appendix 5 and situated on the land shown as Places of Heritage Value on the Scheme Map are considered by the Council to be of historic, architectural, scientific and scenic or other value that should be retained in their present state or restored to their original state or to a state acceptable to Council."*

Lot 2 and the Richards Road area fall outside the 'Special Control Area 2 – Moresby Range Landscape Protection' zoning under Scheme No.2.

The intensive research undertaken for the Moresby Range Management Plan (2010) and provided in Figure 4.3 of the Plan identifies Lot 2 and the surrounding Richards Road area as being highly visible as viewed from the highway and selected high points in the city.

Section 4.4 – Appearance of the Moresby Range Management Plan notes that:

*"Appearance is related to visibility but brings in subjective criteria about what humans think looks "sublime", "good", "interesting" or "merit worthy" etc<sup>25</sup>. Consequently there are certain locations, such as views of Mt Fairfax, which are generally considered to be unique or interesting and worthy of being preserved. Similarly the community consultation showed that people generally wanted the faces of the Range to look more vegetated and "natural". The Department of Planning provided considerable information*



*about landscape values, coupled with additional unpublished information<sup>26</sup> that has been incorporated into this study. This information has been combined into a composite image, Figure 04.4, that provides three classifications of visual information – visually sensitive areas, e.g. views of the eastern foothills of the Range from Morrell Road; broad landscape features that should be preserved and enhanced e.g. the views along Chapman Valley Road as it passes through the Range and the slopes of the Range and parts of the foothills; and specific landscape features of significance e.g. Mt Fairfax.”*

Figure 4.4 of the Moresby Range Management Plan identifies Lot 2 and the surrounding Richards Road area as having ‘broad landscape features that should be preserved and enhanced’. The Structure Plan and later subdivision and development should display regard for design, materials and finishes, and landscaping requirements that have regard for the area’s visual prominence.

## **POLICY IMPLICATIONS**

Lot 2 and the surrounding Richards Road area is located within Precinct No.7 – South West of the Shire of Chapman Valley Local Planning Strategy (2008). Figures 4 and 11 of the Local Planning Strategy identify Lot 2 and the surrounding Richards Road area as being ‘Proposed Rural Residential (1-4ha)’. This strategic direction has undergone further refinement since the formulation of the Local Planning Strategy, and the Residential R2.5 zoning shown under Scheme No.2 has arisen through further strategic planning and consultation with the Richards Road landowners.

When draft Scheme No.2 was first advertised from 9 June to 11 September 2006 it designated the Richards Road area as being rezoned from ‘General Farming’ to ‘Rural Residential’ in accordance with the Local Planning Strategy direction. During the advertising period a joint submission was received from 8 of the 11 Richards Road landowners arguing that:

- “1     *The proposal is consistent with the 1 acre lot size in the ‘Drummonds Height Estate’ that adjoins to the south in the Shire of Greenough.*
  
- 2     *There is a demand for smaller lots (1 acre) given the Parkfalls Estate has principally catered for the larger 1–3 hectare size lots.*
  
- 3     *Most of the 1 acre lots in the Parkfalls and Drummond Heights Estates having already sold leaving a void between the residential (750m<sup>2</sup>) land in Drummonds Cove/Bayside and the Parkfalls rural residential block sizes of 2.2 acres, which to many are considered too big.”*

Shire staff prepared a Schedule of Submissions in 2007, summarising all of the Scheme comments and providing an individual response, and in relation to the Richards Road submission noted that:

*“The suggestion and arguments by the Landowners in Richards Road is supported in that a range of housing density and lot sizes should be considered.*

*Acknowledging the housing density on the western side of North West Coastal Highway (NWCH) will likely range from R15–R30 and the Parkfalls area is principally 1–3 hectares it is reasonable to argue the proposed density at R2.5 is a comfortable fit, although this position should be in consideration of:*

- *The preparation of a detailed structure plan being prepared;*
- *Larger lots should be provided along the eastern boundary of the subject area to maintain a satisfactory buffer from any future alignment of NWCH along the old disused railway reserve."*

Shire staff recommended within the Schedule of Submissions (2007) that:

*"Accept submission and endorse modifications to the draft Scheme, being:*

- 1 *Change the proposed zoning on the draft Scheme Map for land on the western and eastern side of Richards Road from 'Rural Residential' to 'Residential R 2.5';*
- 2 *Add the following clause to the Scheme Text:*
  - 5.2.4 *Prior to the subdivision and development of land on the western and eastern side of Richards zone Residential R2.5 a detailed structure plan shall be prepared pursuant to the provisions of clause 5.22."*

Council resolved at its 21 February 2007 Council meeting to receive the Schedule of Submissions arising from the first advertising period for draft Scheme No.2 and endorse the recommendations contained therein, which included the rezoning on the Scheme Map of the land from 'Rural Residential' as originally shown in draft Scheme No.2 to 'Residential R2.5'.

The subdivision application can be deemed compatible with the following objectives of the Local Planning Strategy:

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

The subdivision application has the potential to meet the following objective of the Local Planning Strategy:

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

*"7.3.1 Encourage re-vegetation and retention of existing vegetation in order to minimise soil erosion and to stabilise existing landforms along the coast and the western portion of the Moresby Ranges."*

The subdivision application will be required to meet the following objectives of the Local Planning Strategy:

*"7.2.3 Ensure that Urban and Rural Residential development are adequately serviced by existing services and infrastructure that includes connection to a potable scheme water supply."*

*"7.4.1 Enhance the standards of servicing and infrastructure commensurate with urban development standards (i.e. bitumen sealed roads, reticulated water, underground power etc).*

*7.4.2 Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use/development or subdivision, to avoid burden (financial or otherwise) on the Council's resources."*

The following relevant strategy applies for Precinct No.7 South West within the Local Planning Strategy:

*“Council may support the subdivision/amalgamation of land within this Precinct, having due regard to the objectives of the Precinct, in the following circumstances:*

- e) *For urban and rural residential purposes in accordance with the Greater Geraldton Structure Plan 1999 development subject to structure planning, a potable reticulated scheme water supply, detailed land capability/suitability assessment and appropriate rezoning.”*

## **FINANCIAL IMPLICATIONS**

Council has made provision in Account 7072-02 within the adopted 2011/2012 budget for the preparation of the Richards Road Structure Plan.

## **STRATEGIC IMPLICATIONS**

The Geraldton Region Plan (1999) seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a Structure Plan for the Greater Geraldton area that was updated by the WAPC in 2011. The updated Greater Geraldton Structure Plan identifies the Richards Road area as ‘Future Urban’.

The draft Northern Geraldton District Structure Plan (2005) identifies Lot 2 and the surrounding Richards Road area as being ‘Future Rural Residential’ noting that:

*“R17 No subdivision is to be approved until Local Structure Plans have been approved by the Council and the WAPC. The Local Structure Plans are to be supported by a visual impact assessment in terms of the Moresby Range.*

The 2010 update of the Greater Geraldton Structure Plan should be considered to supersede the strategic direction of the draft Northern Geraldton District Structure Plan and the Moresby Range Management Plan (2010) should be considered to have now undertaken this visual impact assessment.

Recognising that the proposed subdivisional layout has some merit, and that Council supported an application to subdivide Lot 2 into 27 lots ranging at its 15 December 2010 meeting Shire staff have therefore prepared an alternative recommendation for Council's consideration should it wish to adopt a different approach to that contained in the officer recommendation.

### Alternative Recommendation

“That Council:

- 1 Not adopt the staff recommendation as it is satisfied that the proposed subdivision accords with its strategic and statutory planning direction; and
- 2 Advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2 Wokarena Road, Buller as shown upon Drawing No.716-00-000 (WAPC date stamped 1/12/11) and requests the imposition of the following conditions and advice notes:
  - (a) Arrangements being made with, and satisfactory to, the Local Government for the upgrading of Wokarena Road.
  - (b) Arrangements being made with, and satisfactory to, the Local Government for the upgrading of Richards Road.
  - (c) Arrangements being made with, and satisfactory to, Main Roads WA for the upgrading of the North West Coastal Highway and Wokarena Road intersection.

- (d) The land is to be provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Local Government.
- (e) Property boundaries of all proposed lots shall be fenced by the subdivider to an appropriate standard to the satisfaction of the Local Government.
- (f) Suitable arrangements being made with the Water Corporation so that provision of a reticulated scheme water supply service will be available to all lots shown on the approved plan of subdivision.
- (g) Fire hydrant to be installed at the subdivider's cost to the satisfaction of the Local Government and the Fire and Emergency Services Authority.
- (h) Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply service to all lots shown on the approved plan of subdivision.
- (i) The preparation of design guidelines for the subdivision, to the satisfaction of the Local Government, that address design, materials and finishes, and landscaping requirements that have regard for the area's visual prominence;
- (j) Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that the lots are subject to design guidelines.
- (k) All existing buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.
- (l) Payment of a cash-in-lieu contribution to the Local Government in accordance with section 153 of the Planning and Development Act 2005 equivalent to 10% of the unimproved land value of the subdivisional area (this being proposed Lots 500, 501, 502 & 503).

Advice Notes:

- (i) In regards to condition (e), the proposed fencing shall be installed at the subdivider's cost to a minimum standard of 6 strand ring lock to the satisfaction of the Local Government.
- (ii) In regards to condition (i) the design guidelines should display regard for the provisions of Appendix 5A 'Moresby Ranges and associated valleys - Place of Heritage Value Zone 3' of Shire of Chapman Valley Town Planning Scheme No.1, Table 04.1 of the Moresby Range Management Plan, and Sections 4.5.1 and 4.5.2 of the Moresby Range Management Strategy.

Advice Notes to the WAPC:

The Shire of Chapman Valley has given support for the subdivision on the basis that:

- the subject land is identified as being 'Residential R2.5' by Shire of Chapman Valley Local Planning Scheme No.2 which has concluded its advertising period and is therefore now deemed a seriously entertained planning document;
- the subject land is identified as 'Future Urban' by the Greater Geraldton Structure Plan Update (2011);
- it is anticipated that there may be delays in the final gazettal of Local Planning Scheme No.2 due to the requirement for the Buller 'Development' zone Environmental Review, and that this separate issue should not delay proceeding with development of the Richards Road 'Residential R2.5' zone;
- Section 5.22.4.2 of Scheme No.2 makes the following provision:

*“5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.”*

- the subdivision does not require the creation of additional individual lot access onto the North West Coastal Highway;
- the approval of the 4 lot subdivision design is not considered to be prejudicial to the Richards Road Structure Plan process.”

#### **VOTING REQUIREMENTS**

Simple majority of Council.

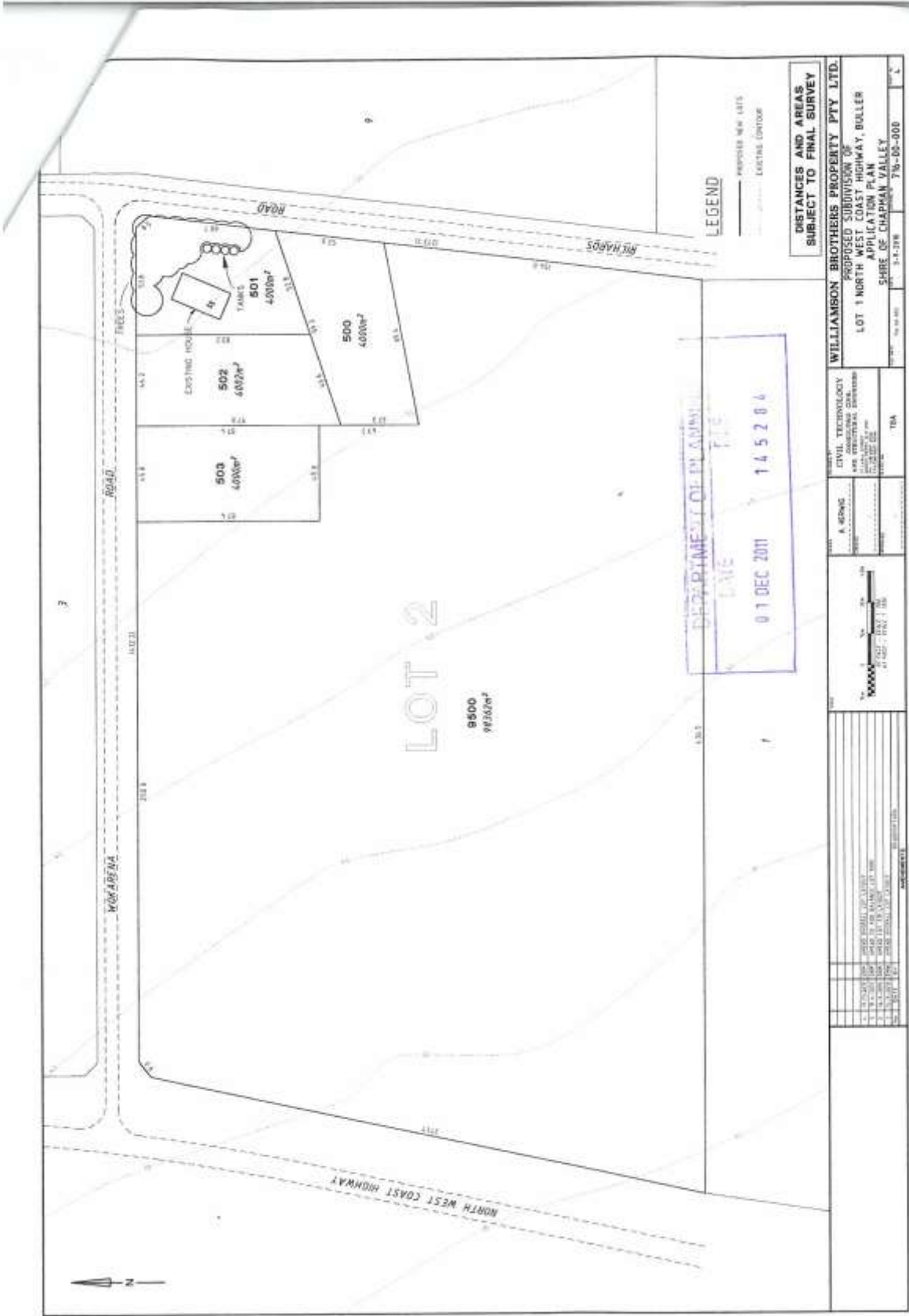
#### **STAFF RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Forrester    Seconded Cr Davidson**

**That Council thank the Western Australian Planning Commission for the opportunity to make comment upon the proposed subdivision of Lot 2 Wokarena Road, Buller as shown upon Drawing No.716-00-000 (WAPC date stamped 1/12/11) and advise that:**

- 1      Lot 2 and the surrounding Richards Road area is zoned ‘Residential R2.5’ under Shire of Chapman Valley Local Planning Scheme No.2 which has concluded its advertising period and is therefore now deemed a seriously entertained planning document;**
- 2      The Richards Road Structure Plan was initiated by Council at its 17 August 2011 meeting and initial landowner and government agency comment is currently being obtained by the appointed consultant and preliminary subdivisional options are being prepared;**
- 3      It seeks a deferral to make its formal comment upon the subdivision application until such time as the Richards Road Structure Plan has concluded its advertising period as this will allow the Shire to be given opportunity to review the formal comments of all landowners and government agencies upon the Structure Plan, after which it may be then deemed a seriously entertained planning document and a basis for comment upon this subdivision application.**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-4**









The meeting was adjourned at 11:45am

The meeting recommenced at 1:03pm and Ross Williamson was not in attendance.

<b>AGENDA ITEM:</b>	<b>10.3.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORT DECEMBER 2011 AND JANUARY 2012</b>
<b>PROPONENT:</b>	<b>ACCOUNTANT</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>9 FEBRUARY 2012</b>
<b>AUTHOR:</b>	<b>DEBBY BARNDON</b>

## **BACKGROUND**

Nil.

## **COMMENT**

Attached to this report are the monthly financial statements for December 2011 and January 2012 for Council's review.

## **STATUTORY ENVIRONMENT**

### **Monthly Financial Statements**

Local Government Act 1995 and the Financial Management Regulations 1996.

- (1) *a LOCAL Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22 (1) (d), for that month in the following detail –*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under sections 6.8 (1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c) and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in sub regulation (1)(d);*

*and*

- (3) *The information in a statement of financial activity may be shown –*
- (a) *according to nature and type classification;*
  - (b) *by program; or*
  - (c) *by business unit.*
- (4) *A Statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
- (a) *presented to the council –*
    - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
    - (ii) *in the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and*
  - (b) *recorded in the minutes of the meeting at the which it is presented.*

## **POLICY IMPLICATIONS**

Policy 5.70 Significant Accounting Policies

Extract:

### **2. Monthly Reporting**

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

1. *Statement of Financial Activity*
2. *Balance Sheet and statement of changes in equity*
3. *Schedule of Investments*
4. *Operating Schedules 3 – 16*
5. *Acquisition of Assets*
6. *Trust Account*
7. *Reserve Account*
8. *Loan Repayments Schedule*
9. *Restricted Assets*
10. *Disposal of Assets*

*A value of 5 percent be set for reporting of all material variances.*

## **FINANCIAL IMPLICATIONS**

As presented.

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple majority

## STAFF RECOMMENDATION / COUNCIL DECISION

Moved Cr Farrell      Seconded Cr Davidson

That Council receive the financial report for the month of December 2011 and January 2012 comprising the following:

- Summary of payments
- Balance Sheet,
- Statement of changes in equity,
- Net Current Assets
- Summary of Financial Activity,
- Detailed statement of Financial Activity,
- Details of cash and investments,
- Statement of significant variations,
- Summary of Outstanding Debts
- Reserve Funds
- Information on Borrowings
- Acquisition of Assets
- Rating Information
- Trust fund reconciliations
- Bank Reconciliation
- Credit Card Statement from 2 December 2011 to 16 January 2012

**CARRIED**  
**Voting 8/0**  
**Minute Reference 12/2-5**

<b>AGENDA ITEM:</b>	<b>10.4.1</b>
<b>SUBJECT:</b>	<b>REQUEST FOR DONATION</b>
<b>PROPONENT:</b>	<b>MURRAY BROWN</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>401.06</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>12 JANUARY 2012</b>
<b>AUTHOR:</b>	<b>MURRAY BROWN</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **REPORT PURPOSE**

Council has received a request for a donation on behalf of Ms Emily Monaghan, to assist her to attend the Australian Pacific Coast Slams tournament in Port Macquarie NSW in January 2012.

#### **BACKGROUND**

The applicant's mother is a Geraldton resident who is the daughter of Mr Milton Mincherton who farms in this Shire. It is not known if Ms Emily Monaghan ever attended school in this Shire.

#### **COMMENT**

The circumstances in this case are different to those applicable to the previous request approved for Ms Shannon Johnson as she attends and will continue to attend Yuna Primary School.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – General Provisions

#### **POLICY IMPLICATIONS**

Council's Policy Manual relating to donations provides:-

##### *"5.30 DONATIONS AND GRANTS*

##### ***Local Nature***

*Council shall consider requests for donations on their individual merit however, generally will decline appeals for donations -*

*Of a state or national nature, or  
If they are not concerned or connected with the Chapman Valley area.*

*Exceptions to the above will be -*

*Disaster or emergency appeals.*

*The Chief Executive Officer be delegated authority to authorise donations within budget limitations, up to a maximum of \$100 per application.*

*This delegation is to be in accordance with Council's policy in regards to "Local Nature". (See Delegation No 3005)*

*All other donations in excess of miscellaneous budget allocations are to be brought back to Council for consideration in Accordance with Policy"*



**FINANCIAL IMPLICATIONS**

Currently no financial provision in the 2011/2012 budget.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIRMENTS**

Simple Majority

**STAFF RECOMMENDATION / COUNCIL DECISION**

<p><b>Moved Cr Farrell      Seconded Cr Royce</b></p> <p><b>That Council decline to contribute as the donation is not in line with existing Council policy.</b></p> <p style="text-align: right;"><b>CARRIED Voting 8/0 Minute Reference 12/2-6</b></p>
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<b>AGENDA ITEM:</b>	<b>10.4.2</b>
<b>SUBJECT:</b>	<b>COMPLIANCE AUDIT RETURN</b>
<b>PROPONENT:</b>	<b>MURRAY BROWN</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>407.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>MURRAY BROWN</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **REPORT PURPOSE**

To present the 2011 Compliance Audit Report to Council for adoption, and then forward a certified copy to the Department of Local Government

#### **BACKGROUND**

Every Local Government Authority is required to complete the Compliance Audit Return each year. This year the return has been reduced substantially, with many of the questions deleted that were also subject to inspection by Council Auditors.

#### **COMMENT**

A copy of the Shire of Chapman Valley 2011 Compliance Audit Return has been provided to Councillors as a separate document.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIRMENTS**

Simple Majority

#### **STAFF RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Forrester    Seconded Cr Farrell**

**That Council:**

- 1.        Endorses the attached Compliance Audit Return for the period 1<sup>st</sup> January 2011 to 31<sup>st</sup> December 2011 and the accompanying Certification; and**
- 2.        Note the issues of non compliance included in the completed return.**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-7**

<b>AGENDA ITEM:</b>	<b>10.4.3</b>
<b>SUBJECT:</b>	<b>SHIRE OF CHAPMAN VALLEY 2011 ANNUAL FINANCIAL REPORT &amp; ANNUAL REPORT</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>305.11</b>
<b>PREVIOUS REFERENCE:</b>	<b>11/10-21</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## **DISCLOSURE OF INTEREST**

Nil

## **BACKGROUND**

Division 3 - Conduct of Audit, Section 7.9 Audit to be conducted - of the Local Government Act 1995 requires an audit to be undertaken and that the audit when completed, must be submitted to the President and the Chief Executive Officer of the Local Government and the Minister.

It is a requirement that the annual audit be completed by the 31<sup>st</sup> December following the close of the financial year. Due to lack of Audit readiness the Shire of Chapman Valley and its Auditors UHY Haines Norton applied to the Department of Local Government for an extension of time to permit the completion of the Audit early in 2012.

The final audit was conducted by UHY Haines Norton on Monday the 7<sup>th</sup> to Wednesday the 9<sup>th</sup> of November 2011. The final Audit report and Management Letter has been completed and received by the Shire President and CEO. The Auditor's report and Management report are to be submitted to the Shire of Chapman Valley Audit Committee for further consideration.

Section 5.54 (1) Acceptance of Annual Reports ...*"Annual Report for the financial year is to be accepted \* by the local Government no later than 31 December after that financial year"*

Section 5.54 (2) Acceptance of Annual Reports ....*"If Auditors report is not available in time for the annual report for the financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available."*

## **COMMENT**

The Audited Annual Financial Report for 2010/11 has now been completed and has been provided to Councillors within the Shire of Chapman Valley Annual Report, and will be available to the Public and Electors at the Annual Electors Meeting, the date for which is still to be set once the Annual Report is ready.

It is pleasing to report that only one non-compliance matter was raised by the Auditor in the Audit Report this being that the Shire of Chapman Valley failed to advertise by way of Local Public Notice a change to its Schedule of Fees & Charges - Camping Fees. No other matters were raised by the auditor in the Audit report.

The Auditor Management Letter raised the following:

- Reminder for Revaluation of Road Infrastructure

It was noted by the Auditor that the Shire will need to undertake a revaluation of its Roads asset for the next financial year.

- Trust Fund Bank Reconciliations  
Lack of internal controls were identified in the preparation of the monthly Trust Fund Bank Reconciliation.
- Unclaimed Trust monies  
Lack of supporting documentation for some trust funds held by the Shire.
- Year end Audit readiness  
Due to a changeover in Finance Staff several items as listed in the Management letter delayed the completion of the final audit.

Notwithstanding these matters it is pleasing to report that no other qualifications or matters indicating adverse trends were raised in the audit report by the Auditor Mr Greg Godwin. Nor were there any other matters raised requiring the Chief Executive Officer's attention.

The Shire of Chapman Valley 2011 Annual Report is provided as a separate document for Council's review.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 7.9, Local Government (Audit) Regulations 1996 S 5.54 Acceptance of the Annual Report, S5.55 Notice of Annual Report.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

Long Term Financial Planning

### **VOTING REQUIRMENTS**

Absolute Majority Vote Required (AMVR)

### **STAFF RECOMMENDATION**

That Council:

1. Receive the Shire of Chapman Valley Audited Annual Financial Report for the year ended 30<sup>th</sup> June 2011;
2. Approve the CEO to submit the Audited Annual Financial Report to the Director General of the Department of Local Government within 30 days of his receipt of the auditor's report, as required by Local Government (Financial Management) Regulation 51(2);
3. Accept the 2011 Shire of Chapman Valley Annual Report (NB: Annual Meeting of Electors to be held with in 56 days of acceptance); and
4. Approve the Annual General Meeting of Electors to be held at 6:00pm Wednesday the 21<sup>st</sup> of March 2012 in the Council Chambers, Nabawa (NB: Availability of Annual Report to be advertised with meeting date and location).

## COUNCIL DECISION 1

Moved Cr Davidson    Seconded Cr Farrell

That Council:

1.     Receive the Shire of Chapman Valley Audited Annual Financial Report for the year ended 30<sup>th</sup> June 2011;
2.     Approve the CEO to submit the Audited Annual Financial Report to the Director General of the Department of Local Government within 30 days of his receipt of the auditor's report, as required by Local Government (Financial Management) Regulation 51(2);
3.     Accept the 2011 Shire of Chapman Valley Annual Report (NB: Annual Meeting of Electors to be held with in 56 days of acceptance); and

**CARRIED**  
**Voting 8/0**  
**Minute Reference 12/2-8**

## COUNCIL DECISION 2

Moved Cr Forrester    Seconded Cr Farrell

Approve the Annual General Meeting of Electors to be held at 6:00pm Wednesday the 21<sup>st</sup> of March 2012 in the Council Chambers, Nabawa (NB: Availability of Annual Report to be advertised with meeting date and location).

**CARRIED**  
**Voting 8/0**  
**Minute Reference 12/2-9**

Michelle Lingius entered chambers at 1:19pm

<b>AGENDA ITEM:</b>	<b>10.4.4</b>
<b>SUBJECT:</b>	<b>TELSTRA RELOCATON – NOLBA BLACKSPOT</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>INTERSECTION OF NOLBA AND CHAPMAN VALLEY ROADS, NOLBA</b>
<b>FILE REFERENCE:</b>	<b>1001.900 &amp; 1001.230</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>6 FEBRUARY 2012</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM / KEN BARNDON</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

Council is currently working on a Blackspot Project at the intersection of Nolba Road and Chapman Valley Road to realign the road to improve the line of sight when coming off Nolba Road onto Chapman Valley Road.

#### **COMMENT**

The Nolba/Chapman Valley Road Intersection realignment is Council's current blackspot project for the 2011/2012 year. When doing these projects we normally run into the Telstra Fibre Optic Cables that require relocating which can at times be a costly exercise.

This particular project has a budget of \$185,265 of which \$123,470 is funded by Blackspot and \$61,795 funded by Roads to Recovery. The original job costing estimate was done by Greenfield Technical Services and included in these costings is the cost to relocate the Telstra fibre optic and copper cable, this estimate was \$30,000. Telstra has however given us a quote for \$86,485 inclusive of GST to carry out these works.

Main Roads WA have been informed by Greenfield Technical Services of the extra costs and they have indicated they may be able to help with a further \$30,000 on a one thirds, two thirds agreement. Michael Keene of Greenfield is following up on this on Council's behalf.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Not applicable

#### **FINANCIAL IMPLICATIONS**

Additional cost to Council on a one third two third agreement with Main Roads for an extra \$30,000 to relocate Telstra fibre optic and copper cables.

#### **VOTING REQUIREMENTS**

Absolute Majority Vote Required



**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Royce      Seconded Davidson**

**That Council resolve that the Nolba/Chapman Valley Road intersection realignment:**

- 1.      Continue with some of the components of the job to be carried over to the 2012/2013 financial year; and**
- 2.      Funds of \$18,828 be utilised from the Shire of Chapman Valley Road Works Reserve to cover the additional Telstra costs subject to Main Roads WA providing the additional 2/3 funding of \$37,657.**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-10**

<b>AGENDA ITEM:</b>	<b>10.4.5</b>
<b>SUBJECT:</b>	<b>ROAD CLASSIFICATIONS</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>VARIOUS ROADS</b>
<b>FILE REFERENCE:</b>	<b>1001.870, 1001.780 &amp; 1001.400</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>30 JANUARY 2012</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **REPORT PURPOSE**

To allow Council to consider amending the classifications for parts of Narra Tarra-Moonyoonooka Road, Morrell Road and East Chapman Roads within the Shire of Chapman Valley.

#### **BACKGROUND**

Council's Works Supervisor Ken Barndon recently received a phone call from Rod Gillis of Main Roads WA regarding the current Heavy Vehicle Network Classifications on East Chapman Road, Narra Tarra-Moonyoonooka Road and Morrell Road.

Mr Gillis advised that he had picked up a Network 7 vehicle on East Chapman Road within the Shire of Chapman Valley where the road is currently only a Network 6 whereas the remaining 2.8kms of East Chapman Road within the City of Greater Geraldton is actually Network 7, this resulted in the truck driver needing to drop off a trailer to proceed along East Chapman Road and Narra Tarra-Moonyoonooka Road until he was back in the City of Greater Geraldton.

It would appear that these sections of the above roads have not been reviewed for some time as Morrell Road is currently only classed as a Network 5 route with conditions.

At present Narra Tarra-Moonyoonooka Road from the City's boundary to the East Chapman Road intersection is classed as a Network 6 route with conditions, which means that heavy vehicles are to use headlights at all times and are currently required to travel at 20kph below the posted speed limit. East Chapman Road from the intersection of Narra Tarra-Moonyoonooka Road to the City's boundary is currently Network 6 without conditions and from there on is Network 7 without conditions. Morrell Road from the intersection of East Chapman Road to the intersection of Chapman Valley Road is currently classed as a Network 5 with conditions which also affects the size and tonnage of the truck permitted to use this section of road, the conditions for this section of road are the same as the Network 6 where heavy vehicles are required to use headlights at all times and are to travel at 20kph below the speed limit.

**Figure 1** provides a map showing what the current classifications are and the size of vehicles permitted to travel on those roads.

**Figure 1 - Current classifications of highlighted roads**

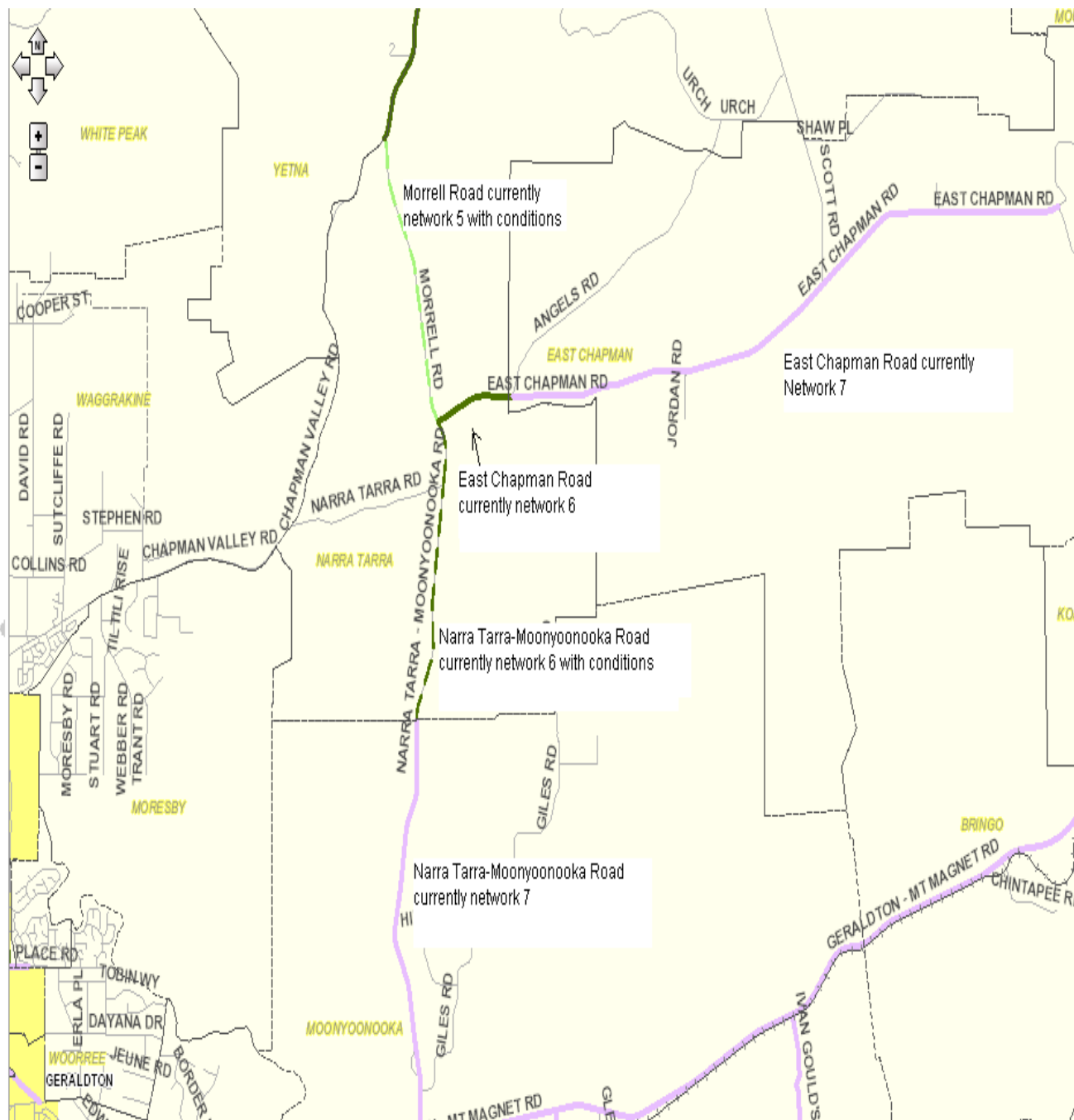


Figure 2 – Vehicle sizes for Network 5 to Network 7

	<p>(A) PRIME MOVER, SEMI TRAILER TOWING 2,3,4 OR 5 AXLE DOG TRAILER</p>  <p>(B) PRIME MOVER, SEMI TRAILER TOWING 2,3,4 OR 5 AXLE DOG TRAILER AND CONVERTER DOLLY</p>  <p>(C) B-DOUBLE TOWING A CONVERTER DOLLY</p>  <p>(D) B-TRIPLE</p> 	<p>(A) &gt;27.5, ≤36.5</p> <p>(B) &gt;27.5, ≤36.5</p> <p>(C) &gt;27.5, ≤36.5</p> <p>(D) &gt;27.5, ≤36.5</p>	<p>84</p> <p>84+d</p> <p>67.5+d</p> <p>84</p>
	<p>(A) PRIME MOVER, SEMI TRAILER TOWING 6 AXLE DOG TRAILER</p>  <p>(B) B-TRIPLE</p>  <p>(C) PRIME MOVER SEMI TRAILER TOWING A 6 AXLE TRAILER &amp; CONVERTER DOLLY</p> 	<p>(A) &gt;27.5, ≤36.5</p> <p>(B) &gt;27.5, ≤36.5</p> <p>(C) &gt;27.5, ≤36.5</p>	<p>87.5</p> <p>87.5</p> <p>87.5+d</p>
	<p>(A) PRIME MOVER, TOWING SEMI TRAILER AND B DOUBLE</p>  <p>(B) B-DOUBLE TOWING A DOG TRAILER</p> 	<p>(A) &gt;27.5, ≤36.5</p> <p>(B) &gt;27.5, ≤36.5</p>	<p>107.5</p> <p>107.5</p>

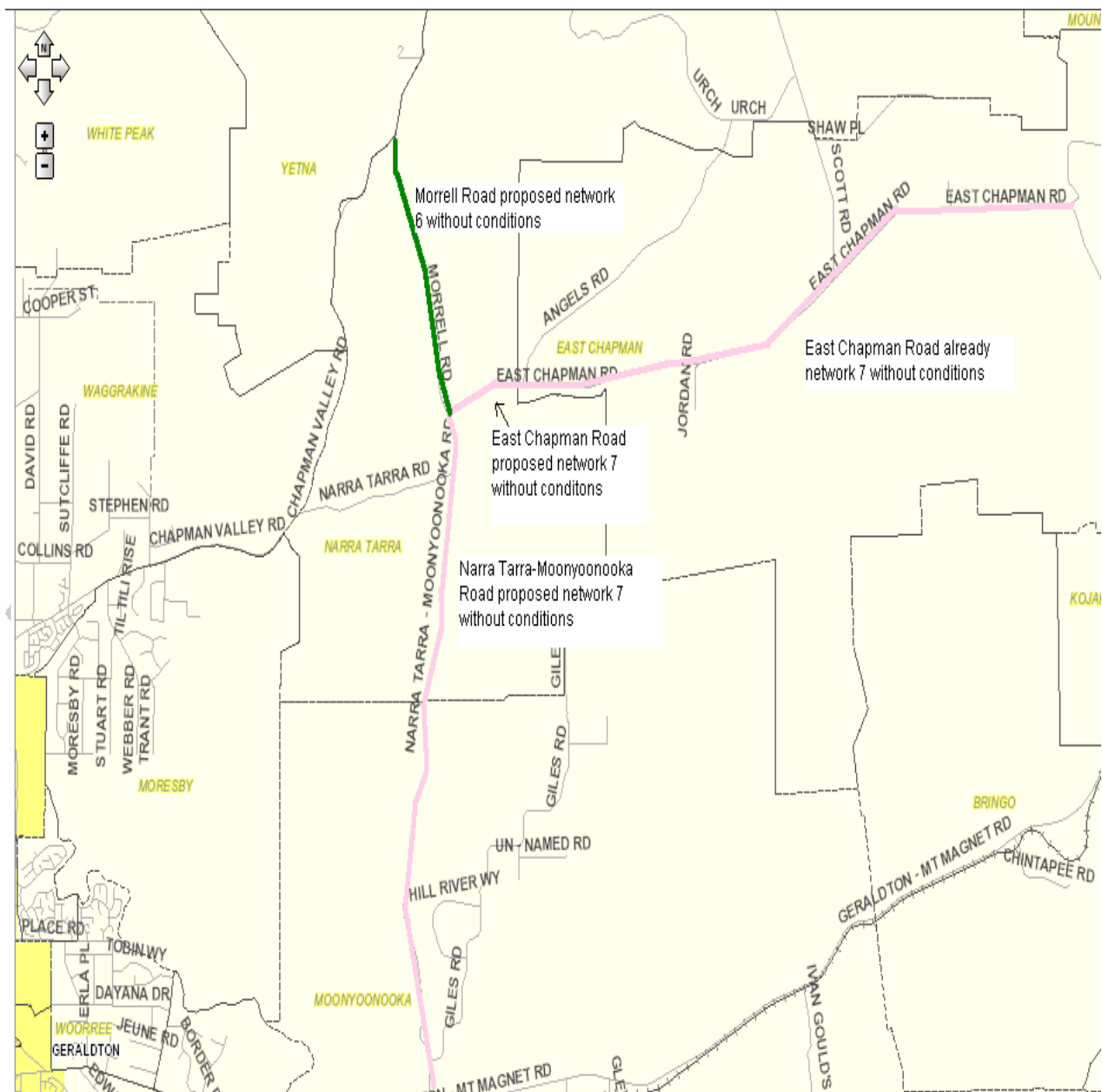
## COMMENT

After review, Shire staff agree with Main Roads WA and recommend that Council consider amending the three roads as follows:

- That Morrell Road from the intersection of East Chapman Road to the intersection of Chapman Valley Road be upgraded to a network 6 without conditions to allow for the flow on of traffic from Chapman Valley Road into Geraldton;
- East Chapman Road and Narra Tarra-Moonyoonooka Road from the City's Boundary on East Chapman Road to the end of the Shire of Chapman Valley's boundary on Narra Tarra-Moonyoonooka Road to be upgraded to a Network 7 without conditions to allow for haulage out of the quarry on East Chapman Road.

Figure 2 provides a map showing the proposed changes.

Figure 3 - Proposed changes for highlighted roads



## **STATUTORY IMPLICATIONS / REQUIREMENTS**

Nil

## **POLICY IMPLICATIONS**

Policy 15.110 – Heavy Haulage Vehicle Permits

## **FINANCIAL IMPLICATIONS**

The financial implications for these changes would be minimal as the main area of road to be changed being Morrell Road and Narra Tarra-Moonyoonooka Road are under the control of Main Roads WA who carry out all maintenance on this section of road.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

That Council support the following Heavy Vehicle Classification Changes as follows:

1. Morrell Road from the intersection of East Chapman Road to the Intersection of Chapman Valley Road be made Network 6 without conditions;
2. East Chapman Road from the City of Greater Geraldton's boundary to the intersection Narra Tarra-Moonyoonooka Road be upgraded to Network 7 without conditions; and
3. Narra Tarra-Moonyoonooka Road from the intersection of East Chapman Road to the end of the Shire of Chapman Valley's boundary be upgraded to Network 7 without conditions.

## **COUNCIL DECISION 1**

**Moved Cr Farrell      Seconded Cr Davidson**

**Morrell Road from the intersection of East Chapman Road to the Intersection of Chapman Valley Road be made Network 6 without conditions;**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-11**

## **COUNCIL DECISION 2**

**Moved Cr Farrell      Seconded Cr Bell**

**That the following items be laid on the table:**

1. **East Chapman Road from the City of Greater Geraldton's boundary to the intersection Narra Tarra-Moonyoonooka Road be upgraded to Network 7 without conditions; and**
2. **Narra Tarra-Moonyoonooka Road from the intersection of East Chapman Road to the end of the Shire of Chapman Valley's boundary be upgraded to Network 7 without conditions.**

**CARRIED 8/0  
Voting  
Minute Reference 12/2-12**

Michelle Lingius left chambers at 1:45pm

<b>AGENDA ITEM:</b>	<b>10.4.6</b>
<b>SUBJECT:</b>	<b>LEASE FOR PORTION OF VALLEY TAVERN, NABAWA</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>LE04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>8 FEBRUARY 2012</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

On 1<sup>st</sup> July 2000 a Lease agreement between the owners of the Valley Tavern and Shire of Chapman Valley was signed for 10 years being for a portion of land approximately 100 square meters in area where the fuel bowsers are currently situated.

#### **COMMENT**

It has recently been noted that the above Lease between the Valley Tavern and Shire of Chapman Valley has expired, however in the original lease document is an item 4 being for **further lease terms**, stating (7) years from the Date of termination mentioned in item 3, please see **Attachment 1** below for the items referred to in the original lease.

Please see **Attachment 2** for a copy of a letter received from the owners of the Valley Tavern wishing to extend their lease as per the original contract.

#### **STATUTORY IMPLICATIONS / REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Not applicable

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Farrell      Seconded Cr Forrester**

**That Council accept the written request from the owners of the Valley Tavern to extend their Lease for the 100 square meters where the Fuel bowsers are located for a further seven (7) years from 1<sup>st</sup> July 2010 until 30<sup>th</sup> June 2017 as per Item 4 of the original lease document.**

**CARRIED  
Voting 8/0  
Minute Reference 12/2-13**

SCHEDULE

- Item 1      Description of Land:  
 Portion of Victoria Location 7011 and being Lot 1 the subject of Diagram 44277 and being the whole of the Land in Certificate of Title Volume 1343 Folio 389.
  
- Item 2      Description of Leased Premises:  
 The portion of Land having an approximate area of ONE HUNDRED square metres (100) as is outlined and hatched black on the attached Plan.
  
- Item 3      The Commencement Date:  
1<sup>st</sup> JULY 2000.  
Date of Termination of Lease:  
30<sup>th</sup> JUNE 2010
  
- Item 4      Further Term of Lease:  
 (7) years from the Date of Termination mentioned in Item 3 above.
  
- Item 5      Place for Payment of Rent:  
 The Lessor's address herein appearing or such other place as the Lessor may from time to time in writing direct.
  
- Item 6      Rate of Annual Rent:  
 ONE DOLLAR (\$1.00) per annum payable on demand.  
Review of Annual Rent:  
 Not applicable.
  
- Item 7      Description of Business:  
 Fuel Bowser and Tank.



Nevill& Co Pty Ltd  
Trading as Nabawa Valley Tavern  
PO Box 26  
Nabawa WA 6532  
8.02.2012

Shire of Chapman Valley  
PO Box 1  
Nabawa WA 6532

Dear Sir

**RE: LEASE AGREEMENT FOR LEASE PORTION VALLEY TAVERN NABAWA**

I wish to advise that we are prepared to continue with the lease agreement dated 1<sup>st</sup> July 2000 which we had in place with the Shire on the same terms and conditions.

We wish to exercise the option of a further 7 year term of lease, *from 1<sup>st</sup> JULY 2010 TO 30<sup>TH</sup> JUNE 2017.*

We are in the process of approaching BP for a better deal on non cash dealers off take.

Yours faithfully



Robyn Nevill

Nevill& CO Pty Ltd

Cr Bell declared an interest and left the Council chambers at 1:50pm. The nature of this interest was a proximity interest as Cr Bell is an adjoining landowner.

Mr Tom Davies and Mr Ian Maluish left chambers at 1:50pm.

## CONFIDENTIAL ITEM

AGENDA ITEM:	10.3.2
SUBJECT:	WAIVER OF RATES LOT 8 NORTH WEST COASTAL HIGHWAY, BULLER
PROPONENT:	T & N STEIN
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	A110
PREVIOUS REFERENCE:	12/11-9
DATE:	8 FEBRUARY 2012
AUTHOR:	DIANNE RAYMOND / DEBBY BARNDON

### COMMENT

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to "Meet Behind Closed Doors" as this Agenda Item should be considered as being a matter affecting the personal affairs of any person.

It is a requirement of the Freedom of Information Act, 1992, that all this information is returned to the Chief Executive Officer at the completion of this item for appropriate filing to maintain confidentiality.

Once all negotiations have been completed this will be considered an "exempt document" in accordance with Schedule 1 of the Freedom of Information Act, 1992, denying public access.

### STAFF RECOMMENDATION / COUNCIL DECISION

<p>Moved Cr Forrester    Seconded Cr Farrell</p> <p>That Council resolve to "Meet Behind Closed Doors" to discuss Agenda Item 10.3.2 as it is considered a matter affecting the personal affairs of any person (Section 5.23(2)(b) of the Local Government Act 1995).</p> <p>That the Meeting automatically reopened once discussion and voting on the item is complete.</p> <p style="text-align: right;"><b>CARRIED</b> Voting 5/0 Minute Reference 12/2-14</p>
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### COUNCIL DECISION

<p>Moved Cr Royce    Seconded Cr Forrester</p> <p>That Council authorise the write off of rates of \$2646.66 from assessment A110 in accordance with section 6.12(1) (c) of the Local Government Act 1995.</p> <p style="text-align: right;"><b>CARRIED</b> Voting 5/2 Minute Reference 12/2-15</p>
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<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>STAFF INFORMATION REPORT – FEBRUARY 2012</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>411.08</b>
<b>PREVIOUS REF:</b>	<b>N/A</b>
<b>DATE:</b>	<b>6 FEBRUARY 2012</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

To allow Council to review and formally accept the monthly Staff Reports prepared by staff including the Works Supervisor, Senior Ranger, NRM Officer, Building Surveyor/Project Officer, Manager of Planning, Community Development Officer and Chief Executive Officer.

**COMMENT**

Staff Monthly Reports are provided to Council for consideration and formal adoption. The completed reports provide Council with an update on various matters and projects from an operational perspective for Councillor's information. The completed report (Attachment 1) is provided after this agenda item, within this Agenda.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**STAFF RECOMMENDATION**

That Council receive the Staff Information Report for the February 2012 period.

**COUNCIL DECISION**

**Moved Farrell                      Seconded Cr Batten**

**That Council receive the Staff Information Report for the February 2012 period.**

**CARRIED  
Voting 8/0  
Minute Reference 12/-2-16**

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

Nil

**12.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

12.1 Elected Members Reports

Nil.

**13.0 GENERAL BUSINESS – (of an urgent nature introduced by decision of meeting)**

13.1 Elected Members

Cr Batten – Building Committee Inspection

Suggested meeting time for the Building Committee for Thursday 15<sup>th</sup> of March 2012

Cr Humphrey - Parkfalls Estate Streetscape Committee

Suggested meeting time for the Parkfalls Estate Streetscape Committee for Tuesday the 21<sup>st</sup> of February 2012 at Cr Peter Humphrey's residence.

13.2 Officers

Nil.

**14.0 CLOSURE**

The chairman thanked all elected members and staff for their attendance and declared the meeting closed at 3:05pm.