



Shire of
Chapman Valley
Love the Rural Life

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 19 August 2015
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

AUGUST 2015

DISCLAIMER



Shire of
Chapman Valley
Love the Rural Life

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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

WRITTEN CONFIRMATION

of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read 'M. Battilana', is written over a large, faint, circular watermark or background mark.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 DISCLOSURE OF INTEREST

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

Section 5.60A:

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

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality):

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

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.30am - Richard McLellan - NACC

- 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 LOYAL TOAST

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

3.1 Present

3.2 Apologies

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4.1 Questions On Notice

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5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 DISCLOSURE OF INTEREST

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.30am – Presentation by Richard McLellan – NACC

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 15 July 2015

That the minutes of the Ordinary Meeting of Council held Wednesday 15 July 2015 be confirmed as a true and accurate record.

8.2 Special Meeting of Council held on Wednesday 29 July 2015

That the minutes of the Ordinary Meeting of Council held Wednesday 29 July 2015 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1 Manager of Planning August 2015

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9.1 AGENDA ITEMS

9.1.1 Proposed Outbuilding - 6 (Lot 125) Heights View, Buller

9.2.2 Proposed Experiential Use (Horse Trail Riding)

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	AUSSIE SHEDS FOR S & S O'REILLY
SITE:	6 (LOT 125) HEIGHTS VIEW, BULLER
FILE REFERENCE:	A1890
PREVIOUS REFERENCE:	N/A
DATE:	4 AUGUST 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to construct an outbuilding upon 6 (Lot 125) Heights View, Buller at a lesser boundary setback. This report recommends conditional approval of the application in part.

COMMENT

Lot 125 is a cleared 4,002m² property fronting the cul-de-sac Heights View in the Wokarena Heights subdivision, with its rear/northern boundary abutting Wokarena Road, a restrictive covenant upon the title prevents vehicular access from Lot 125 onto Wokarena Road.

Figure 9.1.1(a) - Location Plan for 6 (Lot 125) Heights View, Buller



The construction of the residence upon Lot 125 is nearing completion and the landowner is seeking to locate an outbuilding behind the residence in the north-east corner of the property.

The 81m² outbuilding would be clad in colorbond and consist of a 6m x 9m (54m²) enclosed shed with a wall height of 3m and a gable roof with a total height of 3.583m, and a 4.5m x 6m (27m²) lean-to with a skillion roof sloping down from a 3m height (at its point of connection with the enclosed shed) to a 2.475m height.

A copy of the applicant's submitted site, floor and elevation plans and supporting correspondence are included as **Attachment 9.1.1** to this report.

Figure 9.1.1(b) – Aerial Photograph of 6 (Lot 125) Heights View, Buller



The outbuilding is proposed to be located 5m from the secondary street (Wokarena Road) boundary and 5m from the side (eastern) property boundary, and as this is closer than the 7.5m listed under the Residential Design Codes of Western Australia ('R-Codes') for this zoning the application exceeds the delegated authority of Shire staff and is presented to Council for its deliberation.

The following matters may be considered by Council to mitigate the proposed development:

- the visual impact of the outbuilding from Heights View would be reduced by the forward location of the residence;
- the visual impact of the outbuilding from the neighbouring lot to the east would be reduced by the proposed site having been cut into, as is evident in the site photographs provided with this report;
- the visual impact of the outbuilding from Wokarena Road would be reduced by the existing line of mature trees;
- the outbuilding would be clad in complementary colours to the existing residence;
- the 3.583m height of the outbuilding would appear minor compared to the immediately adjacent 5.5m height residence; &
- the outbuilding meets with the area and height requirements of Shire of Chapman Valley Local Planning Policy – Outbuildings.

Figure 9.1.1(c) – View of proposed outbuilding location looking south



Figure 9.1.1(d) – View of proposed outbuilding location looking west



Figure 9.1.1(e) – View of Lot 125 looking west along Wokarena Road



Figure 9.1.1(f) – View of Lot 125 from Heights View looking north



STATUTORY ENVIRONMENT

6 (Lot 125) Heights View, Buller is zoned 'Residential R2.5' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The matter has been brought before Council for its consideration as the applicant is seeking to site the outbuilding 5m from their side/northern boundary and 5m from their rear/secondary street/northern boundary. Table 1 of the R-Codes lists that the minimum setback for the secondary street boundary, and the other/rear boundary should be 7.5m.

In this instance it is recommended that a 5m side/northern boundary setback be supported as this reduced setback distance would still maintain a low density and open amenity, with it noted that a 5m setback is permissible upon much larger rural residential zoned lots in the Parkfalls and Dolby Creek Estates further east. As discussed elsewhere in the report the visual impact of the reduced side/northern boundary setback would be mitigated through the outbuilding's relatively modest scale, its complementary colours to the residence and its siting in an area that has been excavated 0.7m-0.9m into the sloping natural ground level.

It is not recommended that the proposed rear/secondary street/northern boundary setback of 5m be supported, however, and that the requirement for a 7.5m setback be maintained. Lot 125 backs onto Wokarena Road which is the main entrance into Wokarena Heights and it is considered important to maintain an open streetscape as people enter into a low density residential area. Although the current southern verge area of the Wokarena Road reserve is a wide one and therefore serves to create an open, low density streetscape in itself, it must be noted that Wokarena Road will in time require widening and upgrading, and the southern verge will be reduced, and potentially contain a dual use path, to ultimately serve the 253 subdivided lots as the Wokarena Heights Structure Plan is realised.

The Explanatory Guidelines accompanying the R-Codes make the following relevant observations:

"Side or secondary streets

Different streetscape characteristics usually occur on secondary or side streets, with the street alignments formed by the long side boundaries of corner lots. These are characterised by side fences or walls rather than open gardens, and a small setback to the building.

In many cases these streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to the side street. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.

The setback area should be open but with a reduced setback for practical and streetscape reasons. Private open space may be located to one side of the building rather than a narrow strip along the rear." (Section 4.1, page 17)

"Exceptions to basic setback provisions

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

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

In these situations the building design would need to address the design principles of clause 5.1.3." (Section 4.2.1, page 12)

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

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

Section 5.2 of the Scheme notes the following:

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

Section 5.8 of the Scheme states:

“5.8 Appearance of Land and Buildings

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

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

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

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

“(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;...

...(i) the compatibility of a use or development with its setting;...

...(n) the preservation of the amenity of the locality;

(o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...

... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...

(za) any other planning consideration the local government considers relevant.”

POLICY IMPLICATIONS

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

The proposed outbuilding upon 6 (Lot 125) Heights View, Buller complies with the area and height requirements of Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ which lists the maximum total aggregate area for the R2.5 zone as being 180m² and a maximum wall height of 3.5m and a maximum total height of 4.5m above natural ground level. The proposed outbuilding is 81m² in area, and would have a 3m wall height, and 3.583m total height that would be reduced by 700mm-900mm as measured from natural ground level due to the site for the outbuilding being previously subject to cut earthworks.

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

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

FINANCIAL IMPLICATIONS

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

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

CONSULTATION

Council may resolve to undertake consultation with surrounding landowners and give consideration to any received submissions prior to making its determination at a later meeting.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council grant formal planning approval for an outbuilding upon 6 (Lot 125) Heights View, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 19 August 2015 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 The outbuilding is to be setback a minimum distance of 5m from the eastern property boundary and 7.5m from the northern (Wokarena Road) property boundary.
- 3 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 4 The walls and roof of the proposed outbuilding are to be clad in coated metal sheeting (i.e. colorbond) of complementary colours to the main residence to the approval of the Local Government. The use of uncoated zincalume is not permitted.
- 5 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must NOT be used for habitation, commercial or industrial purposes.
- 6 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

Advice Notes:

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

A1890

Sue & Shannon O'Reilly
PO Box 3451
Bluff Point
6530

Shire of Chapman Valley
3270 Chapman Valley Road
Nabawa 6532

2 August 2015

Proposal to reduce boundary

To Whom It May Concern:

In regard to our request to reduce secondary rear/side boundary setback to a distance of 5m.

- Reducing the boundary setback will give an improved usable area behind the house and give easier access to the shed from driveway.
- Give better area between house and shed
- The roof and walls of shed colour scheme will match house colours so as to blend into the environment.
- Moving the boundary will improve the view for neighbouring property.

If more information is required please don't hesitate to contact us.

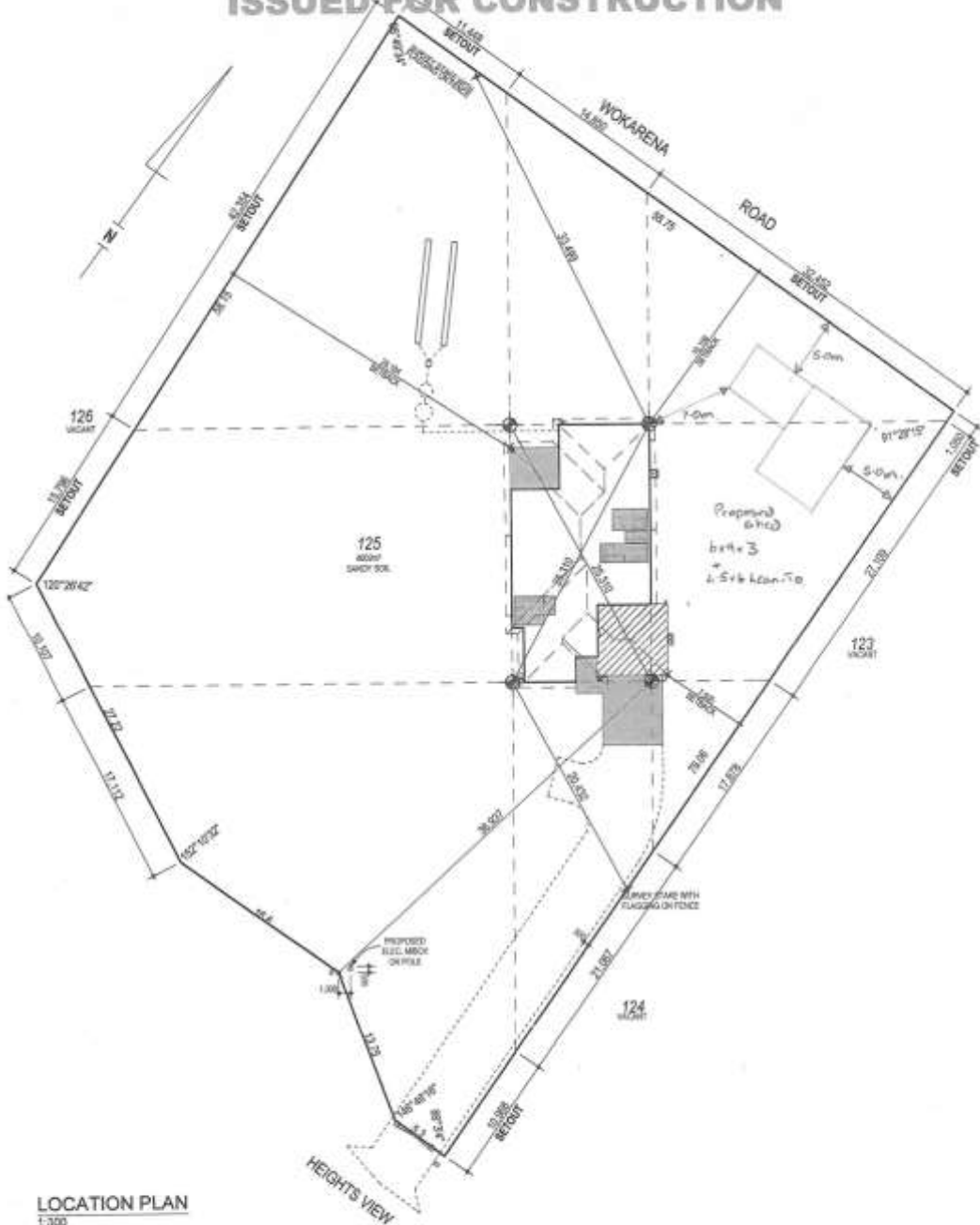
Regards,



Sue O'Reilly

Tel: 0403 888 841
Email: sasoreilly@yahoo.com.au

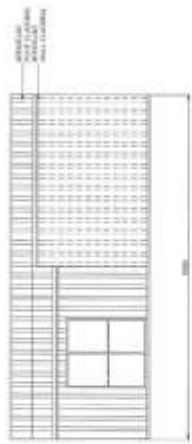
THE SIERRA
ISSUED FOR CONSTRUCTION



LOCATION PLAN
1:300

	THIS IS ONE OF THE DRAWINGS REFERED TO IN THE CONTRACT CHAIR: _____ DATE: _____ DATED: _____ DATE: _____ BUILDER: _____ DATE: _____	VARIATION: NEW: _____ CONTRACT DRAWINGS: _____ GRADING AGREEMENTS: _____ PRELIMINARY: _____ FOR ISSUE: _____ ISSUED FOR CONSTRUCTION: _____	DTG: _____ DATE: _____ JA: 27.11.14 JA: 27.11.14 JA: 28.02.15 DR: 28.02.15 LE: 28.02.15	CLIENT: O'REILLY SITE ADDRESS: LOT 125 (RG) HEIGHTS VIEW BULLER WA 6532	DATE: 23.02.15 SCALE: 1:300, 1:200 SHEET NO: 03 of 10 REVISIONS: 5 JOB NO: 140504G
		THE SIERRA LOCATION PLAN	SALES #5 DRAWN JA CHECKED CM		

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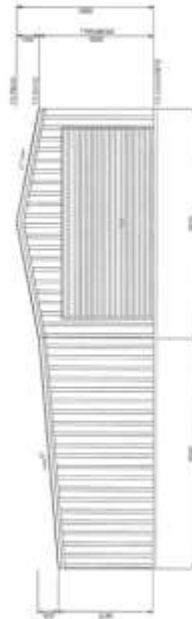
1 SIDEWALL EXTERIOR ELEVATION
SCALE 1:10



2 SIDEWALL EXTERIOR ELEVATION
SCALE 1:10



3 ENDWALL EXTERIOR ELEVATION
SCALE 1:10



4 ENDWALL EXTERIOR ELEVATION
SCALE 1:10

BUILDING SOLUTIONS

NAME	ROY WESSER
PHONE	08 8654 6911
FAX	08 8654 6911
EMAIL	roy.wesser@fairdinkum.com.au
ADDRESS	1/100-110/112
CITY	WARRIMOO
STATE	NSW
POSTAL CODE	2580
COMPANY	FAIRDINKUM SHEDS
CONTACT	ROY WESSER
DATE	25/07/2015

	STEEL BUILDING BY (CONTACT) AUSSIE SHEDS GROUP 08 8654 6911 SHANNON & SUE ORIELLY 6 HEIGHTS VIEW BULLA	CIVIL & STRUCTURAL ENGINEERING NORTHERN CONSULTING ENGINEERS 1/100-110/112 WARRIMOO NSW 2580 TEL: 08 8654 6911 FAX: 08 8654 6911 www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEERING Registered Professional Engineer 2558890 Signature: <i>[Signature]</i> Date: 25/07/2015 Prepared by: <i>[Signature]</i> Checked by: <i>[Signature]</i> of CIVIL & Structural National Professional Engineers Register
	DRAWN FOR AT CHECKED TM DATE 25/07/2015 JOB NO. QRLC01228 SHEET 6 OF 6		

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED EXPERIENTIAL USE (HORSE TRAIL RIDING)
PROPONENT:	L McDOUGALL
SITE:	LOTS 19 & 21 JAMES EASTOUGH CLOSE & LOT 15 CHAPMAN VALLEY ROAD, NANSON
FILE REFERENCE:	A1645 & A1790
PREVIOUS REFERENCE:	11/10-12
DATE:	11 AUGUST 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to operate a horse trail riding operation upon Lots 19 & 21 James Eastough Close and Lot 15 Chapman Valley Road, Nanson. This report recommends conditional approval of the application.

Figure 9.1.2(a) - Location Plan for Lots 19 & 21 James Eastough Close & Lot 15 Chapman Valley Road, Nanson



COMMENT

The applicant is seeking to operate a horse trail riding business from their 40ha property at 66 (Lot 21) James Eastough Close, Nanson which contains a residence and associated outbuildings. The business is expected to operate predominantly on weekends, visitors would be by appointment and would travel to Lot 21 where they would park their vehicles and be given riding instruction prior to commencing the trail ride upon the applicant's horses.

The trail rides would depart from the applicant's property and head east across the adjoining 39ha Lot 19 James Eastough Close and 203ha Lot 15 Chapman Valley Road, which are both owned by Ballycastle Pty Ltd who have expressed their support for this application.

The trail riding would be conducted along existing farm tracks, with a morning 7km ride for 2 hours that would travel to the Chapman River and back to Lot 21, and an afternoon 9km ride for 3 hours that would include a loop travelling parallel to the western bank of the Chapman River for a section. A copy of the applicant's submitted trail path map has been included as **Attachment 9.1.2(a)** to this report.

**Figure 9.1.2(b) – Aerial Photograph of Lots 19 & 21 James Eastough Close
& Lot 15 Chapman Valley Road, Nanson**



The applicant has provided the following information in support of their proposal:

“First of all, I feel quite privileged to live in such a beautiful area which lends itself to my proposed activities. My horse trail ride will take in the spectacular views of the valley as well as riding along the river itself. I'm also very lucky that all the land that we ride on is owned by Phil Blakeway, who has been supportive and willing to offer his advice in this venture.

My plan is to offer guided horse-riding tours along the proposed route; one in the morning which will go from our sheds to the river (marked with an X) and back again, which should take 2 hours. In the afternoons we will run another ride from our sheds and around the loop marked on the property known as "Wicket", which should take us around three hours. Each ride will have 5-7 riders, including myself as the guide. I expect to operate mostly on weekends and school holidays. However I do not have limitations and if there is opportunity to conduct trails during the week I hope to be able to fulfil that.

The horses used are all owned by myself, as are all saddles and equipment, and helmets are also provided and must be worn. As a trail riding enterprise, there is unfortunately no regulating body with set and rules and standards. I have taken it upon myself to provide certain safety measures such as the use of 'clogs' or 'toestoppers' on the stirrups to stop peoples' feet from sliding through. I will be carrying a first aid kit, I hope to complete a first aid course before the business starts, I have mobile reception along the entire trail and there will always be an experienced person at our house with a 4WD vehicle waiting so they can come out into the paddock if necessary. In the event of a serious accident an ambulance will be called.

While most of my customers will be there to experience the joys of horse riding, there will also be a focus on the natural environment, and on enjoying the peaceful surrounds and spectacular views. Trotting and cantering on the horses will not be encouraged.

On a regular weekend, supposing that I am fully booked, there could be 24 people visiting the property. So we could estimate 12 or less cars travelling on the roads per weekend.

I hope to place signs on the Chapman Valley Rd, although I'm not sure exactly where yet, and on the NWC Highway marking the turn-off onto Nanson-Howatharra Rd also on the Nabawa-Yetna Rd marking the turn-off into James Eastough Close.”

Figure 9.1.2(c) – View of proposed car parking area, mounting area and horse yards upon Lot 21 from James Eastough Close looking south-east



Figure 9.1.2(d) – View looking north at section of proposed horse riding trail running parallel to western bank of Chapman River upon Lot 15



STATUTORY ENVIRONMENT

Lots 19 & 21 James Eastough Close are zoned 'Rural Smallholdings' and Lot 15 Chapman Valley Road is zoned 'Rural' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The proposed horse trail riding would meet the criteria of 'Experiential Use' which is defined by the Scheme as being:

"means any land or buildings used for nature based outdoor activities including guided and self-guided tours, leisure and recreation activities operated for profit or gain, but does not include sporting and cultural events."

'Experiential Use' is listed as an 'A' use under the Scheme for both the 'Rural Smallholding' and 'Rural' zones, which requires the proposed development to be advertised prior to being placed before a meeting of Council.

Section 4.2.5 of the Scheme lists the objectives of the 'Rural' zone as being:

- “(a) Provide for residential development within a low density environment and integrated with a variety of agricultural/rural activities, including agricultural/rural activities undertaken on a commercial basis;
- (b) Provide for other land-uses compatible with the predominant use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and
- (d) Protect the environmental and landscape values of the land.”

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

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

Section 10.2 of the Scheme lists the following relevant matters to be considered by the local government in its assessment of a development application:

- “(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;...
- ...(i) the compatibility of a use or development with its setting;...
- ...(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;...
- ...(n) the preservation of the amenity of the locality;...
- ...(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...
- ... (y) any relevant submissions received on the application.”

POLICY IMPLICATIONS

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

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

The policy states that tourist related uses will generally be approved where the Council is satisfied that the minimum criteria and standards can be achieved. The minimum criteria specified for an ‘Experiential Use’ are listed as follows, and the application is considered to accord with the policy requirements.

Use	Criteria	Standard
Experiential Use	Public Road Access	Type 3 – 12m form / 8m gravel paved
	Potable Water Supply	46,000L storage (10,000 gals)
	Ablutions	As per <i>Health Act 1911</i> including provision for disabled

	Car Parking	As determined by Council at the time of application – gravel standard/Council specifications
	Lot size	30ha
	Setback	30m from the front boundary and 75m from water features with all other boundaries to comply with Scheme requirements unless otherwise determined by Council
	Siting	Away from sand dunes, ridge lines and side slope/breakaway areas
	Clearing	No removal of remnant vegetation
	Screening	As determined by Council at the time of application
	Design & Materials	Buildings to be complementary with landscape – earth tones – no reflection
	Management	On site manager’s residence

Section 4.2 of the policy also notes the following:

- “(b) *The Council will only approve tourist accommodation and development where it has been demonstrated that the proposed use is compatible with surrounding land uses and will not result in unacceptable environmental impacts as a result of noise, light-spill or visual intrusion, and that the quality of the development will present a positive image of the locality.*
- (c) *All Signage associated with the uses specified in this policy is to be the subject of a separate application.*
- (d) *The Council will not be bound to accept any request for additional maintenance or upgrading of roads directly resulting from increases in traffic volumes from an approved tourist development, unless a financial contribution for such works has been agreed to and received from the respective business owner/proprietor.”*

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

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

FINANCIAL IMPLICATIONS

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

The proposed horse trail is contained within Planning Precinct No.3 – Chapman Valley in the Shire of Chapman Valley Local Planning Strategy. The Vision for this Precinct is as follows:

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

The overview for the Chapman Valley Precinct notes that:

“Heritage trails are also evident along the Chapman Valley Road and Nanson Howatharra Road with the potential to be developed further for tourism purposes.”

The Local Planning Strategy identifies ‘Tourism (low key and incidental)’ as a land use that is considered appropriate within the Chapman Valley Precinct subject to compliance with the provisions of the Scheme and specific policies of the Council.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. The Strategic Community Plan has the following economic strategy:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley

CONSULTATION

The application was advertised to the 7 surrounding landowners from 16 July 2015 to 10 August 2015 and an advisory sign was also placed on Lot 21's James Eastough Close frontage for this period. At the conclusion of advertising, 3 submissions had been received, none offering objection to the development application as presented. A copy of the 3 received submissions has been provided as **Attachment 9.1.2(b)**.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council grant formal planning approval for an Experiential Use (Horse Trail Riding) upon Lots 19 and 21 James Eastough Close and Lot 15 Chapman Valley Road, Nanson subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan dated 19 August 2015 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the buildings or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, odour, noise or otherwise.
- 4 The landowner is responsible to ensure that all parking of vehicles associated with the experiential use occurs within the property boundary of Lot 21 and the James Eastough Close street verge area is to be kept free of such vehicles.
- 5 The internal vehicle road network, manoeuvring and parking areas upon Lot 21 shall be constructed and maintained to an all-weather compacted gravel standard to the approval of the local government with all costs met by the applicant.
- 6 The installation of any directional signage must be to the approval of the local government, with all costs met by the applicant, with the exception of directional signage on Chapman Valley Road and/or the North West Coastal Highway that must be to the requirements of Main Roads WA, with all costs met by the applicant.
- 7 The applicant/tour operator is to ensure that any rubbish arising from the horse trail riding activities is removed, and smoking is not permitted during the rides.
- 8 The applicant/tour operator is required to hold a current approved first-aid qualification.

- 9 The applicant shall not proceed unless current appropriate public liability insurance has been obtained, with the local government to be provided with a copy of such liability insurance.

Advice Notes

- (a) With regard to condition 6 the applicant is required to liaise with, and obtain any necessary approval of the Shire prior to the placement of any signage, or with Main Roads WA prior to the placement of any signage in vicinity of the Chapman Valley Road or North West Coastal Highway.
- (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.

CHAPMAN VALLEY TRAIL RIDES
LOTS 21, 19 AND 15.







Shire of
Chapman Valley
Love the Rural Life

RECEIVED
29 JUL 2015

Record No CR1510590

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1645 & A1790

**PROPOSED EXPERIENTIAL USE (HORSE TRAIL RIDING) – LOTS 21 & 19
JAMES EASTOUGH CLOSE & LOT 15 CHAPMAN VALLEY ROAD, NANSON**

Name: Trevor Lawrence Cooper.
Postal Address: P.O Box 5 Nabawa WA 6532.
Phone Number: 99 2050 65 0467 076 321

SUBMISSION: Support Object Indifferent

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

I Trevor Cooper of Rose Cottage Farm I also lease reserve
43025 both join lot 15 ie wicket where proposed
Horse Trail Runs, which has a boundary fence
with 7 line ringlock and barb wire on top. I take no
responsibility if horse or rider tangles in fence.

I strongly object to horse trail ever been
extended into reserve 43025 or Rose Cottage
in future years.

Signature: J L Cooper Date: 29-7-2015

Please return to: Chief Executive Officer or planner@chapmanvalley.wa.gov.au
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

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

Submissions Close: 4pm Monday 10 August 2015

FILE No. A1645
CEO
CORPORATE SERVICES
PLANNING
WORKS & SERVICES
RANGER
PROPERTY MANAGER
EXECUTIVE ASSISTANT



Record No CR1510606

Shire of
Chapman Valley
Love the Rural Life

Shire Fax (99205155)
Phone 99205011

RECEIVED
4 AUG 2015

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1645 & A1790

**PROPOSED EXPERIENTIAL USE (HORSE TRAIL RIDING) – LOTS 21 & 19
JAMES EASTOUGH CLOSE & LOT 15 CHAPMAN VALLEY ROAD, NANSON**

Name: Maureen JONES

Postal Address: Box 18 Nabawa WA 6532

Phone Number: 99205140

SUBMISSION: Support Object Indifferent

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

The Applicant has covered all the ^① safety requirements + MORE. - use of "logs" / "toestoppers" is an excellent ^{safety} provision.
All the horses + equipment are owned by the Applicant.
 ② *The fact that all the horses are owned by the Applicant is, I believe, the main safety factor of the proposed venture. The owner knows the horses' natures/personalities. Unknown horses are not being brought to the horse trail rides.*
 ③ *Another major safety feature of the proposal, is that the guided horse riding route does NOT venture on to any roads, so horses will NOT be spooked by any passing traffic.*
 ④ *I reckon locals + tourists would be booking in for this guided horse riding tour, so please make it a reality.*

Signature: [Signature] Date: 31st July, 2015.

Please return to: Chief Executive Officer or planner@chapmanvalley.wa.gov.au
 Shire of Chapman Valley
 PO Box 1
 NABAWA WA 6532

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

Submissions Close: 4pm Monday 10 August 2015

To Shire of Chapman Valley Fax: 99205155
DEVELOPMENT APPLICATION SUBMISSION:

Regarding: Proposed Experiential Use (Horse Trail Riding)
Lots 21+19 James Eastaugh Close + Lot 15 Chapman Valley
Rd, Nanson.

Name: Maureen Jones
Box 18 NABAWA WA 6532
Phone: 99205140 or 99615272

Submission Support 8th August, 2015.

After discussing this application with friends + other
family members, they all thought it was a great
idea (Horse Trail Riding). They suggested,
that if it is at all possible,
to make it a safety condition

- strictly NO SMOKING during the rides.

Signature: *M Jones* Date: 8th August, 2015.

faxed to 99205155
Sat. 8/8/15 10:10am *MJ*
✓

FILE No	A1645
CEO	
CORPORATE SERVICES	
PLANNING	✓
WORKERS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	



Shire of
Chapman Valley
Love the Rural Life

Record No CR1510607

RECEIVED

4 AUG 2015

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1645 & A1790

**PROPOSED EXPERIENTIAL USE (HORSE TRAIL RIDING) – LOTS 21 & 19
JAMES EASTOUGH CLOSE & LOT 15 CHAPMAN VALLEY ROAD, NANSON**

Name: KEITH JONES

Postal Address: Box 18 NABAWA WA 6532

Phone Number: 99205140

SUBMISSION: Support Object Indifferent

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

THIS PROPOSAL IS A GREAT IDEA, PLEASE
LET IT HAPPEN.

Signature:  Date: 31-07-2015.

Please return to: Chief Executive Officer or planner@chapmanvalley.wa.gov.au
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

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

Submissions Close: 4pm Monday 10 August 2015

9.2 Finance July 2015

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for July 2015

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR JULY 2015
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	19 AUGUST 2015
AUTHOR:	KRISTY WILLIAMS & DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for July 2015 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

FINANCIAL IMPLICATIONS

As presented in April 2015 financial statements.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial report supplied under separate attachment for the month of July 2015 comprising the following:

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

9.3 Chief Executive Officer August 2015

Contents

9.3 AGENDA ITEMS

- 9.3.1 Crossover - Infrastructure Management Procedure (IMP- 008)
- 9.3.2 Review of Local Laws
- 9.3.3 Yuna Multipurpose Community Centre Funding
- 9.3.4 Fees & Charges - Yuna Multipurpose Community Centre

AGENDA ITEM:	9.3.1
SUBJECT:	CROSSOVER - INFRASTRUCTURE MANAGEMENT PROCEDURE (IMP- 008)
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	NA
DATE:	19th AUGUST 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council currently has an Infrastructure Management Procedure (IMP-008) dealing with vehicle crossovers for from road reserves to government or privately owned land, which needs review as it has been highlighted the current Procedure contravenes legislation.

COMMENT

IMP-008 is structures in such a way as to have the Shire road works crew being the only organisation who can install a crossover, which is not how the legislation is written or intended. IMP-008 also places limitations on the number of crossovers Council will contribute towards in any one financial year, which again contravenes legislations i.e.

“CONTRIBUTION

Except in the case of a Government authority or department where a proper work authority shall be sufficient, where the Shire has agreed to undertake the construction work it will require prepayment by the owner/occupier for their 50% contribution.

In the case of above standard crossings, prepayment of 75% of the additional cost estimate is required, with the balance being finalised on the completion of works. The Shire shall determine the number of crossovers it can cater for in any one year, dependent upon budgeting and works program restraints.

Shire Policy is to comply with requests for crossovers on a 'first come, first served' basis, within the budget constraints and consideration of the Shire's works programme.

Where a second crossover is to be installed by the Shire the total cost is to be met by the owner/occupier.”

Legal advise received indicates a local government cannot set Policy/Procedure which quarantines the installation of a crossover to be undertaken only by the local government authority as Clause 12(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* (see *Statutory Environment* comments below) states *“approve the construction”* OR *“agree to construct”*. Therefore, the landowner can request either option.

The local government is obliged to contribute 50% of the cost, *as estimated by the local government*, of a standard crossing. It is therefore incumbent upon the local government to set what it considers a standard crossing and the cost of this standard crossing. It is based upon this the Council sets its 50% contribution.

The intention of the revised Procedure is to both ensure legislative compliance and to remove the burden from Council’s Road Works Crew being required to install the crossovers (i.e. encourage landowners to use private contractors). This will allow the Shire staff to concentrate on the more important road works function, yet the Manager Works & Services will still be responsible to inspect the crossovers to ensure they are installed to the Shire’s standards.

STATUTORY ENVIRONMENT

Local Government (Uniform Local Provisions) Regulations 1996

12. Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2)

- (1) Upon the application of the sole owner, or a majority of the owners, of private land the local government may, in writing and subject to regulation 14(2) —
 - (a) approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to —
 - (i) the land; or
 - (ii) a private thoroughfare serving the land;
 - or
 - (b) agree to construct for the applicant a crossing giving access from a public thoroughfare to —
 - (i) the land; or
 - (ii) a private thoroughfare serving the land.
- (2) A person is not to construct a crossing for vehicles from a public thoroughfare that is a Government road to —
 - (a) land on which premises have been or are about to be constructed; or
 - (b) a private thoroughfare serving the land,

unless the construction of the crossing has been approved by the local government under subregulation (1) and the crossing is constructed in accordance with the approval.
Penalty: a fine of \$5 000.

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(a). This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

[Regulation 12 amended in Gazette 1 Feb 2013 p. 429-30.]

13. Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)

- (1) A local government may, subject to regulation 14(2), give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.
- (2) If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person.
- (3) A person given a notice under subregulation (1) must comply with the notice.
Penalty: a fine of \$5 000.
[Regulation 13 amended in Gazette 1 Feb 2013 p. 430.]

14. Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2)

- (1) This regulation applies to a crossing for vehicles from a public thoroughfare that is a Government road to —
 - (a) land on which premises have been or are about to be constructed; or
 - (b) a private thoroughfare serving the land.
- (2) A local government cannot —
 - (a) under regulation 12 construct or approve the construction of; or
 - (b) under regulation 13(1) require the construction of,

a crossing to which this regulation applies unless the local government has consulted with the Commissioner and the Commissioner has approved in writing the construction of the crossing.

- (3) If a person —
- (a) constructs a crossing to which this regulation applies other than in accordance with approval given by the Commissioner under this regulation; or
 - (b) modifies a crossing to which this regulation applies in such a way that it is not in accordance with approval given by the Commissioner under this regulation,

the Commissioner may, by notice in writing, require the person to bring the crossing into accordance with the approval, if approval was given, or remove the crossing and restore the place where the crossing was to its former condition.

- (4) If the person fails to comply with the notice, the Commissioner may do anything required by the notice to be done and recover the cost of doing it as a debt due from the person.
- (5) A person given a notice under subregulation (3) must comply with the notice.
Penalty: a fine of \$5 000.

[(6) *deleted*]

- (7) In this regulation —

Commissioner means the Commissioner of Main Roads.

Note: This regulation is of a kind prescribed in the *Local Government Act 1995* Schedule 3.1 Division 2 item 2A(b). This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

[Regulation 14 amended in Gazette 1 Feb 2013 p. 430-1.]

15. Contribution to cost of crossing — Sch. 9.1 cl. 7(4)

- (1) Where —
- (a) a local government —
 - (i) under regulation 12 constructs or approves the construction of; or
 - (ii) under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land; and
 - (b) the crossing is the first crossing in respect of the land; and
 - (c) the crossing is a standard crossing or is of a type that is superior to a standard crossing,

the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.

- (2) In subregulation (1) —

first crossing, in respect of land, means the first crossing to the land or a private thoroughfare serving the land constructed under regulation 12 or section 358² of the *Local Government Act 1960*³ as in force at any time before 1 July 1996;

standard crossing means, subject to any local law as to what is or is not a standard crossing, a crossing of a kind that the local government, by resolution, decides is a standard crossing.

POLICY IMPLICATIONS

I am not recommending any changes to the existing crossover standards at this stage as they appear to be accommodating the current needs, other than to strengthen the drainage aspect of the Management Procedure.

Below is the existing Management Procedure:

MANAGEMENT PROCEDURE No.	IMP-008
MANAGEMENT PROCEDURE	CROSSOVERS
RESPONSIBLE DIRECTORATE	WORKS & SERVICES
RESPONSIBLE OFFICER	MANAGER WORKS & SERVICES
PREVIOUS POLICY No.	15.10
RELEVANT DELEGATIONS	

OBJECTIVES:

To set conditions and guidelines associated with the installation of crossovers

MANAGEMENT PROCEDURE STATEMENT/S:

INDUSTRIAL AND COMMERCIAL

Industrial and Commercial crossover widths at property boundaries shall be at a standard 4 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard width of a maximum of 8 metres. The cost of the first standard crossover only shall be borne one half by the Shire and one half by the owner/occupier and the cost of additional widths if required up to a maximum of 11 metres and/or additional crossovers being paid in full by the owner/occupier.

The crossovers shall be a minimum 150mm compacted gravel and bitumen sealed standard off sealed roads and compacted gravel off gravel roads. Bitumen sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second. Where concrete is requested and the cost is above the standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 150mm - 25MP test or equivalent.

RESIDENTIAL

Residential crossovers width at property boundaries shall be at a standard of 3 metres for a distance of 2.1 metres from the property boundary, and then tapered to a standard of 6.5 metres. The cost of the first standard crossover only shall be borne one half by the Shire and one half by the owner/occupier with the cost of additional widths, if required up to a maximum of 6.5 metres and/or additional crossovers, being paid in full by the owner/occupier.

The minimum standard crossover shall be a 150mm compacted gravel standard or bitumen sealed standard off sealed roads and compacted gravel off gravel roads with culvert(s) and end-walls installation being to a standard as determined by the Shire. Bitumen sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second. Where concrete is requested and the cost is above the standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 100mm - 25MP compression test or equivalent.

RURAL, RURAL SMALLHOLDING AND RURAL RESIDENTIAL CROSSOVER POLICY

Rural, Rural Smallholding and Rural Residential crossover widths at property boundaries shall be at a standard 4 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard width of a maximum of 8 metres. The cost of the first standard crossover only shall be borne one half by the Shire and one half by the owner/occupier and the cost of additional widths if required up to a maximum of 11 metres and/or additional crossovers being paid in full by the owner/occupier.

The minimum standard crossovers shall be 150mm compacted gravel off sealed or unsealed roads, with culvert(s) and end-walls installation being to a standard as determined by the Shire.

In the event a property owner requires a bitumen crossover the bitumen shall be sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second.

All cost for a crossover type greater than the 125mm compacted gravel minimum standard is to be met in total by the property owner.

GENERAL

CONTRIBUTION

Except in the case of a Government authority or department where a proper work authority shall be sufficient, where the Shire has agreed to undertake the construction work it will require prepayment by the owner/occupier for their 50% contribution.

In the case of above standard crossings, prepayment of 75% of the additional cost estimate is required, with the balance being finalised on the completion of works. The Shire shall determine the number of crossovers it can cater for in any one year, dependent upon budgeting and works program restraints.

Shire Policy is to comply with requests for crossovers on a 'first come, first served' basis, within the budget constraints and consideration of the Shire's works programme.

Where a second crossover is to be installed by the Shire the total cost is to be met by the owner/occupier.

MAINTENANCE

Maintenance of all crossovers shall be the responsibility of the owner/occupier.

LEVEL

The general level of crossover at the fence line is to be a minimum of 75mm above the back of the kerb (if existing) to the centre crown of the road.

The maximum level below the centre crown of the road is to be 300mm. However, if the property has a large rise or fall from the roadway and if there is no constructed footpath a level must be obtained from the Shire before proceedings.

If there is a constructed footpath the level is to match the footpath.

KERBING

Where road kerbing is of a non-mountable or semi mountable barrier type the kerbing shall be removed as necessary and neatly joined to the flush kerbing with insitu concrete.

The existing insitu barrier kerbing shall be cut with a concrete cutting saw. The existing precast barrier kerbing shall be removed without damage to pavement or remaining kerbing.

Reinstatement must be made to kerbing, concrete, paving or bitumen road surface damage during the crossing construction.

Where the road kerbing is of mountable extruded concrete type such kerbing is not to be removed and the crossing constructed is to finish level, matching the extruded kerbing.

CROSSOVER LOCATION

Vehicle crossovers, including wings, shall not be constructed closer than 6 metres from the property line intersection point at corner sites. Crossovers must be constructed at right angles to the road. In cul-de-sacs and other mitigating circumstances approval may be given for a variation to this requirement upon landowner application.

OTHER

The area shall be cleaned of debris, bitumen, concrete products, etc on completion of the work.

The public shall be protected by erection of adequate signs, barriers, flashing warning lamps, temporary bridges or any other necessary safety items.

Any requirements placed on the construction or location of a crossover by the Shire must be complied with.

ADDITIONAL EXPLANATORY NOTES:**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES):**

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

The areas highlighted in **RED** in the Staff Recommendation are areas I am suggesting IMP-008 needs amendments made.

It will also be noted in the suggested amendments there is reference to an Application Form. This Form is still being developed and will reflect the content of the Management Procedure.

FINANCIAL IMPLICATIONS

Examples of contributions/subsidies provided by other local government authorities are as follows:

City of Greater Geraldton***Residential***

A sealed crossover from the property boundary to a kerbed sealed road; Amount:	355.00
Inspection Fee:	35.50
Subsidy:	319.50

Rural/Semi-Rural

A sealed/unsealed crossover to a sealed or unsealed road; IF A CULVERT IS NOT REQUIRED	
Amount:	300.00
Inspection Fee:	30.00
Subsidy:	270.00

IF A CULVERT IS REQUIRED	
Amount:	725.00
Inspection Fee:	72.50
Subsidy:	652.50

Shire of Irwin

Concrete Driveway	\$300
Brick paved Driveway	\$300
Asphalt Driveway	\$200

Shire of Northampton

All Types/standards	\$500
---------------------	-------

There should be no affect on the 15/16 Budget as the current roadworks contingency amount will more than adequately cover the Shire's contribution to crossovers based on the annual average request for crossover installations. The shire only averages approximately four a year requests per year.

On average Council receive up to approximately six (6) requests per year for crossover installations and base upon a recommended contribution of \$500 per crossover this would equate to approximately \$3,000 annual expenditure. This can be (and currently is being) accommodated within our existing contract & materials road works budget.

I also believe such a cost would remove a significant time and resource burden from our road works crew.

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

No affect of the LTFP

STRATEGIC IMPLICATIONS

No affect on the integrated Strategic Plans for the Shire.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Essential services help us to grow and prosper as a community
---	---	---

CONSULTATION

I have discussed the statutory aspect of crossovers with the Department of Local Government & Communities and researched how other local governments are dealing with this legislative requirement.

RISK ASSESSMENT

Currently IMP-008 is non-compliant with the legislation associated with crossovers and it is important this is addressed as soon as possible to both ensure compliance and to remove any ambiguities on Council's obligation.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council amends Infrastructure Management Procedure IMP-008 regarding Crossovers to the following:

MANAGEMENT PROCEDURE No.	IMP-008
MANAGEMENT PROCEDURE	CROSSOVERS
RESPONSIBLE DIRECTORATE	WORKS & SERVICES
RESPONSIBLE OFFICER	MANAGER WORKS & SERVICES
PREVIOUS POLICY No.	15.10
RELEVANT DELEGATIONS	

OBJECTIVES:

To set conditions and guidelines associated with the installation of crossovers

MANAGEMENT PROCEDURE STATEMENT/S:

INDUSTRIAL AND COMMERCIAL

Industrial and Commercial crossover widths at property boundaries shall be at a standard 4 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard width of a maximum of 8 metres. The cost of the first standard crossover only shall be borne one half by the Shire **up to a maximum of \$500** and one half by the owner/occupier and the cost of additional widths if required up to a maximum of 11 metres and/or additional crossovers being paid in full by the owner/occupier.

The crossovers shall be a minimum 150mm compacted gravel and bitumen sealed standard off sealed roads and compacted gravel off gravel roads. Bitumen sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second. Where concrete is requested and the cost is above the

standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 150mm - 25MP test or equivalent.

RESIDENTIAL

Residential crossovers width at property boundaries shall be at a standard of 3 metres for a distance of 2.1 metres from the property boundary, and then tapered to a standard of 6.5 metres. The cost of the first standard crossover only shall be borne one half by the Shire **up to a maximum of \$500** and one half by the owner/occupier with the cost of additional widths, if required up to a maximum of 6.5 metres and/or additional crossovers, being paid in full by the owner/occupier.

The minimum standard crossover shall be a 150mm compacted gravel standard or bitumen sealed standard off sealed roads and compacted gravel off gravel roads with culvert(s) and end-walls installation being to a standard as determined by the Shire. Bitumen sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second. Where concrete is requested and the cost is above the standard, the extra cost shall be borne by the owner and/or occupier. The concrete shall be 100mm - 25MP compression test or equivalent.

RURAL, RURAL SMALLHOLDING AND RURAL RESIDENTIAL CROSSOVER POLICY

Rural, Rural Smallholding and Rural Residential crossover widths at property boundaries shall be at a standard 4 metres for a distance of 2.1 metres from the property boundary, then tapered to a standard width of a maximum of 8 metres. The cost of the first standard crossover only shall be borne one half by the Shire **up to a maximum of \$500** and one half by the owner/occupier and the cost of additional widths if required up to a maximum of 11 metres and/or additional crossovers being paid in full by the owner/occupier.

The minimum standard crossovers shall be 150mm compacted gravel off sealed or unsealed roads, with culvert(s) and end-walls installation being to a standard as determined by the Shire.

In the event a property owner requires a bitumen crossover the bitumen shall be sprayed in two applications, total rate of 2.7 litres/square metre. 14mm aggregate to be applied and rolled after first application, and 10mm aggregate applied and rolled after second.

All cost for a crossover type greater than the 125mm compacted gravel minimum standard is to be met in total by the property owner.

DRAINAGE

All draining (e.g. culverts, end walls, etc.) will be at a standard set by the Chief Executive Officer and will take into consideration to specific circumstance of each individual crossover application.

CONTRIBUTION

Contractor Installation

- i. An application must be submitted using the Shire's standard form and prior approval must be obtain before any works commence;
- ii. Council Staff will undertake inspections of the proposed work and during installation. The Shire contribution will only be paid if the crossing installation is fully compliant with the standards set by the Shire;
- iii. Any non-compliance will result in a request being made of the owner/occupier to undertake remedial works to ensure crossover is brought up the standards set by the Shire. If the owner/occupier refuses to undertake remedial works as requested the Shire will either remove the crossover and reinstate the land or undertake the remedial works. In both case the cost of the works undertake will be charged to the owner/occupier at the Shire Private Works Rates and if necessary legal action taken to recover such costs if not paid.

Shire Installation

Except in the case of a Government authority or department where a proper work authority shall be sufficient, where the Shire has agreed to undertake the construction work it will require prepayment by⁴¹

the owner/occupier for their 50% contribution as calculated by the Shire. This contribution must be paid in advance by the owner/occupier before any works are to commence.

~~In the case of standard crossings, prepayment of 75% of the additional cost estimate is required, with the balance being finalised on the completion of works. The Shire shall determine the number of crossovers it can cater for in any one year, dependent upon budgeting and works program restraints.~~

~~Shire Policy is to comply with requests for crossovers on a 'first come, first served' basis, within the budget constraints and consideration of the Shire's works programme.~~

Where a second crossover is to be installed it is to be so in accordance with the aforementioned standards crossing specifications and by the Shire the total cost is to be met by the owner/occupier.

MAINTENANCE

Maintenance of all crossovers shall be the responsibility of the owner/occupier.

LEVEL

The general level of crossover at the fence line is to be a minimum of 75mm above the back of the kerb (if existing) to the centre crown of the road.

The maximum level below the centre crown of the road is to be 300mm. However, if the property has a large rise or fall from the roadway and if there is no constructed footpath a level must be obtained from the Shire before proceedings.

If there is a constructed footpath the level is to match the footpath.

KERBING

Where road kerbing is of a non-mountable or semi mountable barrier type the kerbing shall be removed as necessary and neatly joined to the flush kerbing with insitu concrete.

The existing insitu barrier kerbing shall be cut with a concrete cutting saw. The existing precast barrier kerbing shall be removed without damage to pavement or remaining kerbing.

Reinstatement must be made to kerbing, concrete, paving or bitumen road surface damage during the crossing construction.

Where the road kerbing is of mountable extruded concrete type such kerbing is not to be removed and the crossing constructed is to finish level, matching the extruded kerbing.

CROSSOVER LOCATION

Vehicle crossovers, including wings, shall not be constructed closer than 6 metres from the property line intersection point at corner sites. Crossovers must be constructed at right angles to the road. In cul-de-sacs and other mitigating circumstances approval may be given for a variation to this requirement upon landowner application.

OTHER

The area shall be cleaned of debris, bitumen, concrete products, etc on completion of the work.

The public shall be protected by erection of adequate signs, barriers, flashing warning lamps, temporary bridges or any other necessary safety items.

Any requirements placed on the construction or location of a crossover by the Shire must be complied with.

AGENDA ITEM:	9.3.2
SUBJECT:	REVIEW OF LOCAL LAWS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	409.00
PREVIOUS REFERENCE:	NIL
DATE:	19th AUGUST 2015
AUTHOR(S):	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER LEANNE LIND, CONSULTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To undertake a statutory review of the Shire of Chapman Valley Local Laws in accordance with section 3.16 of the Local Government Act 1995. The previous Local Law review as conducted in 2000.

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all Local Laws is undertaken within a period of eight (8) years from the date the Local Law commenced or was last reviewed. Section 3.16 states:

3.16. Periodic review of Local Laws

- (1) *Within a period of 8 years from the day when a Local Law commenced or a report of a review of the Local Law was accepted under this section, as the case requires, a local government is to carry out a review of the Local Law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the Local Law;*
 - (b) *a copy of the Local Law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the Local Law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the Local Law should be repealed or amended.*

** Absolute majority required.*

COMMENT

To undertake a statutory review of the Shire of Chapman Valley Local Laws in accordance with section 3.16 of the Local Government Act 1995 the following table lists the Shire's Local Laws and the action proposed by the Consultant (and supported by the CEO):

Local Government	Gazette Date	Page	Title
Chapman Valley Shire	19/05/1950	1076	Building – Minimum Area for Dwelling House
Chapman Valley Shire	5/03/1976	685	Vehicle Drivers on Certain Land

Note: Recommend that both of the above Local Laws should be repealed as the Control of Vehicles (Off Road Vehicle) Act 1978 and Building Act 2011 make them obsolete.

Local Government	Gazette Date	Page	Title
Chapman Valley Shire	8/08/2000	4607-4615	Dogs Local Law
Chapman Valley Shire	8/08/2000	4607-4615	Standing Orders Local Law 2000
Chapman Valley Shire	8/08/2000	4607-4615	Thoroughfares: Activities on and Trading in and Public Places

Note: Recommend that the above Local Laws be reviewed against current legislation.

Clause (2) of section 3.16 of the Act requires public consultation be conducted for a period of at least six (6) weeks as part of the review process. The public notice of the proposed review must be advertised State-wide, following which all submissions are to be considered by the local government and a report prepared of the review process and presented to Council. Council is then required to consider the report and determine whether or not it considers that the Local Law should be repealed or amended.

Those Local Laws that are considered obsolete do not need to go through the review process and should be directly incorporated into a Repeal Local Law. This was confirmed by the Department of Local Government via circular 34-2000 on 4 December 2000.

The following process is envisaged for the review process:

1. Council resolution to conduct review
2. Preparation of Discussion Paper & Placement of Public Notice
3. Closure of Public Notice and Consultation Period
4. Review of submissions and preparation of report to Council

Should the Council determine a Local Law requires amendment then a separate process under section 3.12 of the Act will take place, which covers the making and amending of the Local Laws.

Note: A copy of all existing Local Laws has been provided under separate cover.

STATUTORY ENVIRONMENT

The required eight year review of the Local Laws is now overdue (last reviewed in 2000) and Council is requested to resolve the Local Laws review process be commenced and that the review be advertised in accordance with section 3.16 (2) of the Act.

POLICY IMPLICATIONS

There is no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to Local Laws, amendments to specific Council policies may be required.

FINANCIAL IMPLICATIONS

Adequate budget allocations have been made in 2015/2016 to accommodate the cost to undertake the review process for both advertising and using a consultancy services.

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

No effect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important Council has up to date and relevant Local Laws; hence the statutory requirement to review all Local Laws at least once every eight (8) years.

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

We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Develop Council appropriate policies that enable good: governance, development, services and growth
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CONSULTATION

Shire Officers will have the opportunity to examined the existing Local Laws and in conjunction with the consultant to identify potential amendments to the Local Laws.

Public consultation will be undertaken as part of the review process.

Councillors will be given further opportunity to make comment on the draft amendments after the public consultation period has closed.

RISK ASSESSMENT

The associated risk would be both the failure to comply a statutory review of Local Laws in accordance with section 3.16 of the Local Government Act 1995 and the existence of Local Laws which have been superseded by legislation and/or current day relevance.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council:

1. Resolves to undertake a review of its existing Local Laws; and
2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its Local Laws.

AGENDA ITEM:	9.3.3
SUBJECT:	YUNA MULTIPURPOSE COMMUNITY CENTRE FUNDING
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	YUNA MULTIPURPOSE COMMUNITY CENTRE
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	MINUTE REFS: 04/15-13 & 05/15-19
DATE:	19 AUGUST 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the April 2015 OCM:

MOVED: CR HUMPHREY SECONDED: CR FORRESTER

Council allocate the following item into the Draft 2015/2016 Budget for further consideration:

Yuna Community Centre – Furnishings & Fittings (Expenditure) \$20,000 (comprising \$10,000 Shire contribution and \$10,000 external contribution)

**Voting 7/1
CARRIED
Minute Reference 04/15-13**

Council resolved the following at the May 2015 OCM:

MOVED: CR FORRESTER SECONDED: CR ROYCE

1. *Council advise the Yuna Farm Improvement Group it expects any additional funds required to cater for variations to the Yuna Multi-purpose Community Centre to be covered by the Yuna community and Council will only allocate funds from its resources as per the original Budget for this project;*
2. *Council delegate authority to the Chief Executive Officer to authorise all variations for this project subject to the net cost to Council not exceeding the amount allocated in the 2014/2015 Budget.*

**Voting 7/0
CARRIED
Minute Reference 05/15-19**

COMMENT

The Yuna Multipurpose Community Centre (YMCC) is near full completion with the project tracking to come within budget allocations. This Project has been funded from the following sources:

SOURCE	CASH CONTRIBUTIONS
YFIG Contribution	100,000
Lotterywest	200,000
MWDC RfR	250,000
Dept. Sport & Rec	150,000
Shire of CV	105,000
Original funds available	805,000
Interest Earned on Investments	2119
YFIG Additional Funds (Conditional)	20,000
Total funds available	827,119

It must also be noted the significant in-kind contribution made by the Yuna Community for labour, materials and machinery. At the time of compiling this report this amount was calculated at approximately +\$40,000. Therefore the overall year to date cash & in-kind community contribution to the project is in the approximately +\$160,000.

The Yuna Farm Improvement Group (YFIG) provided an additional \$20,000 towards the project, specifically to cover costs for the extension of concrete works around the building. The actual costs for the concrete extension work was \$11,422 (GST Exclusive) which left a balance of \$8,578 YFIG funds still being held in Trust.

Correspondence has been received from YFIG (see attached) advising they are wish to use the balance of funds held in Trust as the Group's contribution towards the fit-out of the YMCC. Council has the following allocations within the 2015/2016 Budget:

Income

COA 2453 - \$10,000 contribution from YFIG;
COA 7385 - \$10,000 transfer of funds from Building Reserve Fund to Municipal Fund;

Expenditure

COA 2722 - \$20,000 YMCC furnishings and fittings

The Budget allocation indicated a matching funding arrangement of \$10,000 from both the Shire and YFIG. However, the YFIG is now requesting their contribution be \$8,578, being the balance of the additional \$20,000 funds provided for the building works, which is less than the original budget allocation of \$10,000.

The question is if Council is still prepared to allocate \$10,000 from the Building Reserve as Budgeted and accept a lesser contribution from YFIG for this fit-out. As explained in this report the actual amount may differ from that mentioned by YFIG as the final amount of contingent funds is yet to be determined.

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

Below is an analysis of expenditure at the time this Agenda Item was being prepared. This may alter by the time of the August OCM:

Original Budget		\$805,000.00
Plus Interest Earned on Investment of Project Funds		\$2,119.53
	Sub-Total	\$807,119.53
Tender Awarded to GBSC		\$753,080.00
	Surplus Contingency Funds before Variations	\$54,039.53
Committed Funds in addition to Tender Amount Yet to be Invoiced –		-\$31,447.50
a) Various external Creditors (e.g. WALGA Procurement Svc)	\$12,497.50	
b) Audit & Signage (contingency)	\$ 3,000.00	
c) White Good Purchase (removed from GBSC Contract)	\$ 5,000.00	
d) Tennis Court Rewiring & Reconnection	\$ 6,950.00	
e) Install two 15 amp power points to Kitchen (contingency)	\$ 2,500.00	
f) Purchase Grass & Reticulation (east lawn)	\$1,500.00	
GBSC Approved Variations –		-\$20,255.99
g) Upgrade Air-conditioning & Electrical Circuits	\$ 9,892.30	
h) Change aircond Unit from single to three phase	\$ 1,150.00	
i) Change Roof Trusses from H2 to H3	\$ 5,853.50	
j) Change Aluminum Joinery from Class1 to Class 2	\$ 552.00	
k) Change to Standard Key System	\$ 2,118.60	
l) Extra Electrical Installations	\$ 820.48	
m) Relocate Rain Water Tanks (power & piping)	\$1,672.53	

n) Supply & Install Double Power Point to Kitchen Ceiling	\$ 547.68	
o) Raise Concrete Floor Level at Verandah	\$1,452.00	
p) Change servery, bench layout & stainless steel bench	\$ 577.50	
q) Credit for non-supply of Gravel	-\$ 803.00	
r) Credit for Headworks Contingency in tender not required	-\$10,000.00	
s) Credit for White Goods Supply & Installation (Shire arranged)	-\$5,000.00	
t) Concrete Extn. around perimeter of building (YFIG Funded)	\$11,422.40	
Surplus Contingency Funds after Variations WITHOUT YFIG additional \$20,000		\$2,336.04
Add YFIG Additional \$20,000 Cash Allocation to Project		\$20,000.00
Surplus Contingency Funds after Variations WITH YFIG additional \$20,000		\$22,336.04

The main concern I have with the project is the uncertainty surrounding the power source to the building and the need to possibly upgrade the power infrastructure feeding the new building to ensure it has the capacity to function as it designed to do. The electrician at GBSC has indicated the existing power source to building is sufficient, yet is basically border-line to cater for the power load the building may demand.

Anthony Abbot (Building Surveyor and Project Manager for the Yuna Multipurpose Community Centre) was still investigating what works and additional costs (if any) may be required to improve/upgrade the power source to the building.

It will be noted in item (r) above where GBSC has credit the amount of \$10,000 for headworks, which was part of their initial tender amount as a contingency if additional headworks were required. It appears this amount (or most of it) will still be required to improve/upgrade the power headwork infrastructure for the building to operate satisfactorily.

Based on the above expenditure calculations, the following is an analysis of the balance of project surplus contingency funds after the headworks contingency and YFIG building fit-out funds are deducted:

Surplus Contingency (as calculated above)	\$22,336.04
Less Headworks Costs (contingency)	-\$10,000.00
Less Balance of YFIG \$20,000 after Concrete Extension Works (Note: These funds to be used as YFIG's contribution to Building Fit-out)	-\$8,577.60
Equals balance of Project Funds Available	\$3,758.44

This is also subject to the additional cost for power headworks being \$10,000, which will obviously alter if the actual headworks cost is less or more. However, at the time of writing this report, early indications are this amount should be enough.

There may also be some other minor expenses yet to be included in the final calculation which may affect the balance of surplus contingent funds available to project (e.g. Disabled Parking Bay).

As per Council Resolution 05/15-19 (may 2015 OCM):

Council advise the Yuna Farm Improvement Group it expects any additional funds required to cater for variations to the Yuna Multi-purpose Community Centre to be covered by the Yuna community and Council will only allocate funds from its resources as per the original Budget for this project;

1. Council delegate authority to the Chief Executive Officer to authorise all variations for this project subject to the net cost to Council not exceeding the amount allocated in the 2014/2015 Budget.

The intention was the Shire would require the additional funds required to complete the project, which resulted in variation to the initial design coming from within the original Budget Allocation for the project. Additional variation outside the scope of the Budget must be covered by the community. Bearing this in mind, it would be fair to state the following items as those initiated by the Yuna Community as variations to the initial design and scope of the project:

Install two 15 amp power points to Kitchen (contingency)	\$ 2,500.00
Purchase Grass & Reticulation (east lawn)	\$ 1,500.00
Concrete Extension around perimeter of building (YFIG Funded)	\$11,422.40
Change Aluminum Joinery from Class1 to Class 2	\$ 552.00
Supply & Install Double Power Point to Kitchen Ceiling	\$ 547.68
Change servery, bench layout & stainless steel bench	\$ 577.50
Credit for non-supply of Gravel (Supplied by community)	-\$ 803.00
Estimate Total of Community Variations to Project	\$16,296.58

It must be stressed all the above variation, though they may have been triggered by the Community representatives on the Working Group, were all considered appropriate by the Working Group to ensure the building is completed to the best possible standard, yet always within budget (as per Council's resolution).

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

No effect on the LTFP as this asset was included within Council's Integrated Strategic Planning to be completed in 15/16.

STRATEGIC IMPLICATIONS

It is important for the Yuna Multipurpose Community Centre to be completed within budget and in a manner to ensure the building is functional for all users.

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

We want to strengthen our community's position for the future	Maintain a resilient and independent Shire	Provide and maintain offices, housing and other buildings and facilities for the operation of the Shire
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CONSULTATION

The Working Group set up by Council to steer the Yuna Multipurpose Community Centre has been in continual and regular consultation on many and varied aspect of the project as it has evolved.

Council has also been involved in various aspects of the project on an as-required basis.

Staff have been liaising with the Yuna Farm Improvement Group on the matter of the additional \$20,000 cash contribution kindly offered by this Group to assist with the project, specifically the concrete extension works.

RISK ASSESSMENT

The major risk to this project was going over-budget. However; strict project management procedures have been in place throughout the life of the project to ensure this does not occur.

The other risk may be the completed building not being fully functional if the power/electricity headworks are not to a standard required to achieve this. Hence the need for Council to ensure any headworks improvements are included within the overall project budget to ensure the building can function to the desired standard.

VOTING REQUIREMENTS

Absolute Majority Budget Variation (Staff Recommendation1); and
 Delegation to CEO (Staff Recommendation2)

STAFF RECOMMENDATION 1

Council advises the Yuna Farm Improvement Group (YFIG) the following:

1. Any additional funds required to cater for variations to the Yuna Multipurpose Community Centre to be covered by the Yuna community and Council will only allocate funds from its resources as per the original Budget for this project and the net budget expenditure allocation in the 2015/2016 Adopted Budget for building fit-out;
2. Additional funds required to upgrade electricity/power headworks to ensure the Yuna Multipurpose Community Centre can operate at a satisfactory standard will be taken from the existing contingency surplus as a priority above all other future variations and the building fit-out;
3. Agree to committing the following funds towards the building fit-out and not insist upon the Shire contribution being matched \$:\$ by YFIG i.e.
 - Shire 2015/2016 Budget contribution of \$10,000, plus (or minus) any surplus (or deficit) funds from the project budget after the project has been completed and all expenditure accounted for; plus
 - YFIG's contribution of \$8,577.60 being the balance of the \$20,000 additional contribution made by YFIG to the project; plus (or minus)
4. Council recognises the in-kind contribution made by the Yuna Community in addition to the cash contribution and congratulates the community for its strong commitment to the project.

STAFF RECOMMENDATION 2

The CEO delegate authority to authorise all expenditure for this project subject to the net cost to Council not exceeding the amount allocated in the overall Project Budget and the 2015/2016 Budget Allocation for building fit-out.



678 Nolba Stock Route Road Yuna WA 6532

Maurice Battilana
CEO
Shire of Chapman Valley
PO Box 1
Nabawa WA 6531

RE: YUNA COMMUNITY BUILDING \$20,000 CONTINGENCY FUND

Dear Maurice

The Yuna Farm Improvement Group (YFIG) have considered the Shire's request to expend the balance (approx. \$8,500) of the Yuna community building \$20,000 contingency fund previously donated to the Shire of Chapman Valley. It is understood the balance funds are for the purpose of fitting furnishings and finishes to the interior of the building to match the Shire's budgeted funds. The request was unanimously supported at the committee meeting held 3rd August 2015.

The several industry professionals present at the committee meeting requested for consideration the purchasing of a projector and a screen, or thorough technical research of the television, as in the past LED/LCD/Plasma TVs have proved less superior for professional presentations, and have more inherent technical risks. We hope this feedback is beneficial to procuring of items.

Thanks to the collaborative work of council and community, the building is shaping to be a real asset for the Yuna community. We look forward to the completion and opening in September.

Regards

Brady Green
President

4 August 2015

AGENDA ITEM:	9.3.4
SUBJECT:	FEES & CHARGES - YUNA MULTIPURPOSE COMMUNITY CENTRE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	YUNA MULTIPURPOSE COMMUNITY CENTRE
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	MINUTE REFERENCE: 06/15-11
DATE:	19th AUGUST 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the June 2015 OCM, which referred to the Fees and Charges for the 2015/2016 Budget. These Fees and Charges incorporated the *Property Hire* fees and bonds:

MOVED: CR WARR

SECONDED: CR FARRELL

The Fees and Charges as presented to Council are adopted and included into the 2015/2016 Budget in accordance with the requirements of the Local Government Act, 1995 with the following amendments;

- *Bonds to be at CEO discretion*
- *Hall hire with Liquor licence bond to be increased to \$700*

Voting 8/0

CARRIED

Minute Reference 06/15-11

COMMENT

At the time the 2015/2016 Budget Fees & Charges were being set the Management Licence for the new Yuna Multipurpose Community Center (YMCC) was still being negotiated with Creating A Better Yuna (CABY).

The Management Licence has not progressed enough to be finalised prior to the completing of the YMCC. Therefore the building will soon available for use and Council as yet does not have any fees and charges set for the hire of the facility.

The fees and charges for hiring the YMCC were purposely omitted from the 2015/2016 Budget as it not certain at the time who would be responsible for the hiring (i.e. Shire of CABY) or who was responsible for specific aspects of the building management, maintenance and control. This was all to be included within a Management Licence.

In light of this development I am presenting this item to Council recommending an interim set of fees and charges for the YMCC until the Management Licence has been endorsed by Council, which it appears now, may take a little longer than initially anticipated.

STATUTORY ENVIRONMENT

Below are the sections of Local Government Act 1995 that requires fees and charges to be reviewed and adopted i.e.

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.

- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

- (a) its intention to do so; and
 (b) the date from which it is proposed the fees or charges will be imposed.

As the recommended introduction of fees and charges for the YMCC is to be adopted after the adoption of the Annual Budget these must be advertised separately as per Section 6.19(b) of the LG Act.

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

The fees and charges listed in the *Staff Recommendation* below are based on those set in the 2015/2016 Budget for the Nabawa Community Centre. This ensure some consistency in the interim until a Management Licence is considered and established, at which time the fees and charges can be reviewed.

The Nabawa Community Centre fees and charges adopted by Council are as follows:

Whole Facility - Main & Lesser Halls, Kitchen & Toilets	\$ 105.00	per use	Ex GST
Main Hall only	\$ 75.00	per use	Ex GST
Kitchen	\$ 35.00	per use	Ex GST
Clinic Room	\$ 35.00	per use	Ex GST
Fitness/Yoga/Dance Classes, Rehearsals (Main Hall)	\$ 25.00	Per Use - Discounted fee for a block use booking only	Ex GST
Chapman Valley Primary School	No Charge	Exemption - Policy	
Lesser Hall	\$ 25.00	per use	Ex GST

The Bonds adopted by Council will be retained and be relevant to the YMCC i.e.

Bond - Events without Liquor License	\$ 530.00	To be placed into Trust Account. Bonds to be imposed at CEOs discretion	GST N/A
Bond - Events with Liquor License	\$ 700.00	To be placed into Trust Account. Bonds to be imposed at CEOs discretion	GST N/A

The recommended YMCC fees and charges is for one-off hires and does not include the Yuna Tennis Club as this Club is charges an annual fee in accordance with the adopted 2015/2016 fees and charges i.e.

Tennis Club - Nabawa & Yuna	\$ 334.00	per annum	Ex GST
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For Council information, below are the adopted fees & charges for the Yuna Hall facility:

Main & Lesser Halls, Kitchen & Toilets - All Groups	\$ 68.00	per use	Ex GST
Main & Lesser Halls, Kitchen & Toilets - Local Community Member	\$ 42.00	per use	Ex GST
Badminton Club	\$ 8.00	per use	Ex GST
Yuna Primary School	No Charge	Exemption - Policy	

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

No effect on the Shire's LTFP.

STRATEGIC IMPLICATIONS

It is appropriate to establish appropriate controls over the use of Council owned/controlled facilities (e.g. Management Licences).

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Provide and maintain community buildings and facilities, including roads
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CONSULTATION

Consultation and ongoing dialogue is occurring between the Shire's Senior Staff and CABY to develop a Draft Management Licence, which will be presented to Council for consideration and determination.

The CEO is using the standard Management Licence Template as a basis to commence the development of a Draft document to be present to Council. This template has been developed in previous consultation with Council's legal advisor (McLeod's Barrister & Solicitors).

RISK ASSESSMENT

There is a definite high risk of Council owned/controlled buildings and facilities being abused or misused if appropriate controls are not in place to ensure these assets are controlled and roles and responsibilities of the Shire and the users are clearly stated.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

1. Council adopt and advertise the following fees and charges for one-off the hire of the Yuna Multipurpose Community Centre:

Whole Facility	\$ 105.00	per use	Ex GST
Main Meeting Room only	\$ 75.00	per use	Ex GST
Crèche/Small Room only	\$ 25.00	per use	Ex GST
Kitchen only	\$ 35.00	per use	Ex GST
Yuna Primary School	No Charge	Exemption - Policy	

2. The following bodies be exempt from one-off hire fees as listed in item 1 above as this will be reviewed as part of the Yuna Multipurpose Community Centre Management Licence;
 - CABY
 - Yuna CWA
 - YFIG
 - Yuna Playgroup
 - Yuna Tennis Club
3. Council reserves the right to review these fees and charges at the time the Management Licences for the Yuna Multipurpose Community Centre is being considered.

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

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

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

13.1 Request for Quote 3-15/16 - Provision of Civil Engineering Services

13.2 Tenders 1-15/15 & 2-15/16 - Flood Damage Works

14.0 CLOSURE