



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 12 December 2018
at the Council Chambers, Nabawa
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

DECEMBER 2018

Shire's Vision

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

DISCLAIMER



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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on **WRITTEN CONFIRMATION** of the outcome of the application or request of the decision made by the Shire of Chapman Valley.



Maurice Battilana
CHIEF EXECUTIVE OFFICER

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

Section 5.60A:

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

Section 5.60B:

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

Regulation 34C (Impartiality):

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

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8.1 Ordinary Meeting of Council held on Wednesday 21 November 2018

That the minutes of the Ordinary Meeting of Council held Wednesday 21 November 2018 be confirmed as a true and accurate.

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Manager of Planning

December 2018

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AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED RECEPTION CENTRE, HOWATHARRA
PROPONENT:	M WHYATT & G & R BASELL
SITE:	142 (LOT 4) RIDLEY ROAD, HOWATHARRA
FILE REFERENCE:	A457
PREVIOUS REFERENCE:	N/A
DATE:	4 DECEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Submitted application	√	
10.1.1(b)	Received submissions	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application proposing to hire 142 (Lot 4) Ridley Road, Howatharra for the siting of marquees during March to December for wedding events. The application has been advertised for comment and this report recommends approval of the application.

Figure 10.1.1(a) – Location Plan of 142 (Lot 4) Ridley Road, Howatharra



COMMENT

Lot 4 is a 64.6ha property located at the cul-de-sac of the 1.4km long Ridley Road. Lot 4 is surrounded by comparable sized rural-living lots and the Bella Vista Nature Reserve on its south-west boundary.

Lot 4 contains a 300m² shed and water tanks near its northern boundary, and is largely cleared excepting some remnant vegetation in its north-western corner running along a tributary line.

Figure 10.1.1(b) – Aerial photograph of 142 (Lot 4) Ridley Road, Howatharra



Figure 10.1.1(c) – View of Lot 4 looking north-west from Ridley Road



The applicant is proposing to make available on weekends a cleared flat area towards the south-eastern corner of Lot 4 to hold occasional wedding events. Clients would arrange for temporary hire of a marquee, catering, music, lighting and portable toilets, with ability to camp overnight if required. The applicant hosted a wedding event this year for family/friends and is seeking approval to hold similar events in future as a business venture.

No permanent infrastructure is proposed to be established on-site at this stage, although if the venture proved successful then the applicant may consider lodging a future application to Council.

The proposed site for the marquee would be outside of the portion of Lot 4 that has been identified by the Department of Fire & Emergency Services as being bushfire prone upon the State Map of Bushfire Prone Areas. The applicant is also proposing to not operate events during January and February, and a 1,000L mobile

water tank with pump and hose would be available on site for fire fighting purposes (with the applicant willing to purchase another such tank if required), and there is a water supply dam 500m from the marquee area.

A copy of the submitted application has been provided as **Attachment 10.1.1(a)**.

Shire staff recommend support for the application based on the following:

- the approval could be made conditional to a 12 or 24 month approval period, at the conclusion of which in the event of no objections being received or concerns being raised over the operation of the development, then the approval could be extended for a further period, and in the event that an objection is received, or concern raised, then the Shire can reserve the right to review the conditions of approval or the approval itself dependant upon the nature of the objection/concern;
- the proposed development is approximately 650m from the nearest existing third-party residence, although it is noted that in the event that a residence is constructed upon neighbouring Lot 3 there is the potential for a residence to encroach closer than this distance;
- the proposed development site is not located close to any watercourses or remnant vegetation;
- whilst additional traffic would be generated on Ridley Road arising from the operation of this development it would not be heavy haulage vehicles and Council can require of the applicant that they contribute towards any maintenance works required as a result of the development's associated traffic movements;
- the approval of the development would be in keeping with the Council's strategic vision of developing the Chapman Valley as an events and tourism trail with Nanson-Howatharra Road, which Ridley Road runs off, a key part of this trail;
- the application has been advertised for comment and no objections were received indicating a level of acceptance for the proposal.

STATUTORY ENVIRONMENT

142 (Lot 4) Ridley Road, Howatharra is zoned 'Rural Smallholding 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme'). The eastern portion of the lot, including the proposed development site, is also located within the 'Moresby Range Landscape Protection Special Control Area' zoning.

Section 4.2.5 of the Scheme lists the objectives of the 'Rural Smallholding' 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."*

The 'Moresby Range Landscape Protection Special Control Area' zoning does not preclude development from within the zone, rather it sets the criteria by which Council will assess an application, as follows:

"6.3.1 Special Control Area 2, as shown on the Scheme Maps, comprises the Moresby Ranges Landscape Protection Special Control Area.

6.3.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area.

6.3.3 Within Special Control Area 2 no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for:

- (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government;*
- (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or*
- (c) Clearing as may be allowed under the Department of Environment and Conservation Land Clearing Regulations;*

- (d) *Trees that are diseased or dangerous.*

6.3.4 *In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding:*

- (a) *The siting of the proposed development;*
- (b) *The design and layout of the proposed development;*
- (c) *The materials and finishes to be used in the proposed development;*
- (d) *The protection of remnant native vegetation or re-vegetation located on the site;*
- (e) *The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or*
- (f) *The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.”*

The establishing of a business where people would come to the property for functions and events would meet the definition of a ‘Reception Centre’ which is defined by the Scheme as follows:

“means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes”.

The Scheme lists ‘Reception Centre’ as an ‘A’ use for the ‘Rural Smallholding 1’ zone, this being a use that must be advertised prior to being presented to Council for its determination.

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

- “(a) the aims and provisions of the Scheme ...*
- ... (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;...*
- ... (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- ... (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslide, bushfire or any other risk;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety ;...*
- ... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ... (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) any other planning consideration the local government considers relevant.”*

In relation to the proposed occasional camping upon Lot 4, Council can consider such activities under Regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997* which states:

“11 Camping other than at a caravan park or camping ground

- (1) A person may camp —*
 - (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval”.*

The intent of this provision is to allow for occasional overnight stay where considered appropriate by the local government, such as overflow camping when an event is held. However, the provisions are not designed to allow for more regular camping where services/facilities might be insufficient and/or in competition with lawful caravan and camping grounds elsewhere that are required to provide said services/facilities.

It should also be noted that irrespective of any other requirements that the *Environmental Protection (Noise) Regulations 1997* apply to the activities, and functions will need to comply with these legislative noise requirements.

The applicant was previously advised when they held a one-off private wedding function (i.e. not commercial, where no money is given to hold the wedding on the property or paid by guests in order to attend the wedding) that involved a temporary marquee, portable kitchen and portable toilets that the Shire would treat that event as a private function from a health legislation perspective and they would not need to make application for a temporary food licence. However, if the activities are to now evolve into a commercial undertaking then there will be additional health requirements particularly relating to catering and wastewater disposal.

The marquee although a temporary structure would be assessed as though it were a Class 9b-Assembly Building under the Building Code of Australia in terms of calculating the number of toilets required to service the invited guest (and staff) numbers.

POLICY IMPLICATIONS

Part 2 of the Scheme allows for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Chapman Valley 'Rural Tourism Development' Local Planning Policy has been prepared with the objective of providing 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 defines a 'Reception Centre' as follows:

"means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes. The use may include the serving of food and alcoholic/non-alcoholic drinks on the premises where the facility is licenced under the Liquor Licensing Act 1988."

The Policy states that tourism related uses will generally be approved where the Council is satisfied that the following minimum criteria and standards can be achieved.

Use	Criteria	Standard	Lot 4 assessment
Reception Centre	Location	With an established guesthouse, restaurant or rural holiday resort.	Non-compliant
	Public Road Access	12m form/8m gravel paved	Compliant (Ridley Road at 8m wide gravel standard)
	Potable Water Supply	92,000 litres storage (20,000 gals)	Requires clarification (noting the development would be occasional rather than permanent)
	Ablutions	As per <i>Health Act 1911</i> including provision for disabled	Compliant (proposed to be met through temporary siting of portable toilets)
	Car Parking	1 bay per 4 seats – gravel standard	Non-compliant (sufficient area but not gravel standard)
	Lot Size	15ha	Compliant (64.6ha)
	Setback	30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless	Compliant (approximately 100m from front and side property boundaries at closest point)

		otherwise determined by Council	
	Siting	Away from sand dunes, ridge lines and side slope/breakaway areas	Compliant (away from ridgelines and outcrops)
	Clearing	No removal of remnant vegetation	Compliant (upon cleared area)
	Screening	Well screened from view of neighbouring properties	Non-compliant (development site visible from neighbouring properties although there is intervening vegetation between neighbouring residences)
	Design & Materials	Complementary with landscape – earth tones – no reflection	Non-compliant (although noting that structures would be temporary e.g. marquee, portable toilets)
	Management	On site managers residence	Non-compliant

Parts 4.2.b & f of the Policy also requires that:

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

“The 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 was endorsed by Council at its 19 July 2017 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 Shire's Strategy identifies Lot 4 Ridley Place as being located within 'Precinct 3 – Chapman Valley' the vision for which is:

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

The Local Planning Strategy lists 'Tourism (low-key & incidental)' as an appropriate land use within Precinct No.3 subject to compliance with the provisions of Council's Scheme and Policies.

The Strategy notes for Precinct 3 that:

“Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level

of infrastructure exists...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 Strategy also identifies the following environmental objectives for Precinct 3:

"3.3.4 Ensure that land use conflicts (i.e. noise dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls."

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

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

The Strategy also identifies the following infrastructure objective for Precinct 3:

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

Whilst the application proposes activity that could be considered to meet the criteria for a 'Reception Centre' in its lowest impact form, and Council has previously supported landowners in their ventures to develop Chapman Valley as a tourism destination, the proposal should still be weighed against its setting at the end of a quiet cul-de-sac and amongst rural-living/lifestyle lots and the potential, that in the event the development proves economically successful, the applicant may look to increase its presence through greater numbers of events and more permanent facilities in the future.

The Western Australian Planning Commission's 'Planning Bulletin 83 - Planning for Tourism' (2013) sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin emphasises the importance of strategic planning for tourism and that this should be addressed through the local government's Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

The Bulletin notes that identification of tourism sites does not imply that the site is suitable for immediate development or re-development (in many cases sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for development may not be reached for a number of years) but does set out general location criteria to determine the tourism value of a site as follows:

"Accessibility

The site has adequate existing or proposed transport links (such as major road or airport access).

Uniqueness

The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or state significance.

Setting

The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).

Tourism activities and amenities

The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.

Supply of land

The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.

Site specific criteria to determine the tourism value of the site includes:

Suitability in a land use context

The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).

Capability

The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.

Size

The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.

Function

The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.

These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria."

• **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. The Strategic Community Plan lists amongst others the following key themes and goals:

"Economic Development and Business Attraction

- Build population and business activity through targeted strategies.*
- Provide support for business development and local employment.*
- Welcome local tourism and participation in regional strategy.*
- Ensure town planning complements economic development activities."*

The Strategic Community Plan also contains the objective of *"maintain the rural identity of the Shire"* with the accompanying strategy to *"ensure recreational, tourism activities on lifestyle blocks have minimal impact on sustainable farming"*.

CONSULTATION

The Shire wrote to the 7 surrounding landowners, along with the Department of Biodiversity, Conservation & Attractions, the Department of Health, and the Department of Fire & Emergency Services on 30 October 2018 providing details of the application and inviting comment upon the proposal prior to 23 November 2018, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 3 submissions had been received, all from government agencies offering technical comment, and no objections were received. Copies of the received submissions have been provided as **Attachment 10.1.1(b)**.

RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant formal planning approval for a Reception Centre upon 142 (Lot 4) Ridley Place, Howatharra subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 12 December 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

- 2 The approval is valid for a period of 2 years (until 12 December 2020) after which time the application shall be reconsidered by the local government as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 3 Any additions to or change of use of any part of the 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.
- 4 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the local government.
- 5 The proponent is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- 6 In the event that the local government identifies that Ridley Road is subject to undue wear, or becomes unsafe or fails to meet appropriate engineering standards caused by reason of use of the road in connection with the approved development then the applicant is required to contribute to the local government for the repair/maintenance of Ridley Road.
- 7 The installation of any directional signage shall 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 shall be to the requirements of Main Roads WA.
- 8 All parking of vehicles associated with the development shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 9 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to an all-weather compacted gravel standard to the approval of the local government.
- 10 The development shall be serviced by toilets that are sufficient in regards to their number, access requirements, location, design and operation to the requirements of the Department of Health.
- 11 All lighting devices shall be installed and shaded in such a way as to not cause undue light spill to motorists or neighbouring residences to the approval of the local government.

Advice Notes

- (a) The applicant is advised that this planning approval does not negate the requirement for any additional approvals or compliance which may be required under separate legislation including but not limited to the *Food Act 2008*, *Food Regulations 2009*, *Health Act 1911*, *Health (Miscellaneous Provisions) Act 1911*, *Liquor Control Act 1988*, *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences and comply with separate legislation as required.
- (b) In relation to condition 4 the Management Plan is to include sections relating to Fire Management, Emergency Evacuation, Noise Management, Waste Management and Wastewater/Effluent Disposal Management.
- (c) 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.

Megan Whyatt
P.O. Box 14
Geraldton, WA, 6531

17 October 2018

Shire of Chapman Valley
3270 Chapman Valley Road
Nabawa, 6532

To Whom It May Concern,

RE: Application for Planning Approval

I, Megan Whyatt, along with my parents, Robert and Glenys Basell are writing to apply for planning approval of a Reception Centre on my family's rural smallholding farm. Located at 142 Ridley Place, Howatharra, we are seeking approval for the location hire of wedding events, for our small business Paperbark Lane. Our initial aim is to provide only land hire for wedding events, whereby our clients will arrange for the hire, delivery and return of marquees, catering, lighting, music and portable toilets / showers.

Clients will be able to book weddings from March to December each year. Clients will have access to the location over weekends from Thursday to Monday morning, with weddings being booked on the Friday, Saturday or Sunday night. Clients will have the option to camp overnight on the wedding night, but must adhere to the effluent disposal requirements, as outlined by the local government in consultation with the Health Department of WA. All waste produced from the events will be removed from the property, separated and recycled where possible.

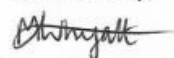
As we are currently seeking approval for the location hire of wedding events only, we do not plan to build any infrastructure and have no need for vegetation clearing. We instead intend on utilising our existing roads for entry in and out of the property and aim to continue caring for our property's existing native vegetation, so that our farm may continue to be environmentally sustainable. In doing so, there will be minimal to no development, ensuring that noise disruption due to development is eliminated.

Throughout the course of the hire period for each wedding event, there will be minimal light emissions as the lighting for each event will be restricted to the marquees and / or tents provided by the clients. Dust emissions will also be minimal as the designated hire area is grassed to ensure that dust is not produced. Additionally, there will be no electrical interference as each event will be powered by generators. The only smoke emitted will be from the caterers preparing meals and / or a small contained fire, which will only be used in approved non-fire ban months. This minimal smoke emission will also be the only cause of smell emissions from the events. Further to this, the only oil to be used will be by the caterers preparing meals and will be removed from the property after each event and disposed of correctly. As previously stated, all other waste products will be removed from the property, separated and recycled where possible. Finally, the sale of alcohol is prohibited, and will instead be provided by the client and served to guests under RSA restrictions.

There will only be vehicular traffic on the day of the event, as people attending the wedding drive to the location. The use of buses to the event will be encouraged to further reduce vehicular traffic. The emission of noise at each event is likely as a result of the music played by the patrons at the wedding event, however, the emission of noise vibrations pertaining to vehicles at the event will be minimal to none. In order to keep clients, nearby residents and occupiers of the land safe, public liability and insurance of the property will be increased as per the Shire requirements. Furthermore, our current emergency response plan will be updated and finalised once approval is received.

If successful, we intend to commence our location hire of wedding events immediately. At this stage, we are hoping to gauge community interest in a new wedding location hire space and see what possibly opportunities may arise in Chapman Valley for Paperbark Lane. If you have any further questions or concerns, or require additional information, please do not hesitate to contact us on 0456 160 942.

Yours Sincerely,



Megan Whyatt



Robert Basell



Glenys Basell

Please see attached our site plan, a digital copy of our planning approval cover letter and site photos from our recent family (non-profit) wedding held on our property. Please also see below for a brief outline of our fire safety plan for our property. We have also started discussions with our neighbours regarding our planning approval application and look forward to working with them to ensure their questions and concerns are addressed.

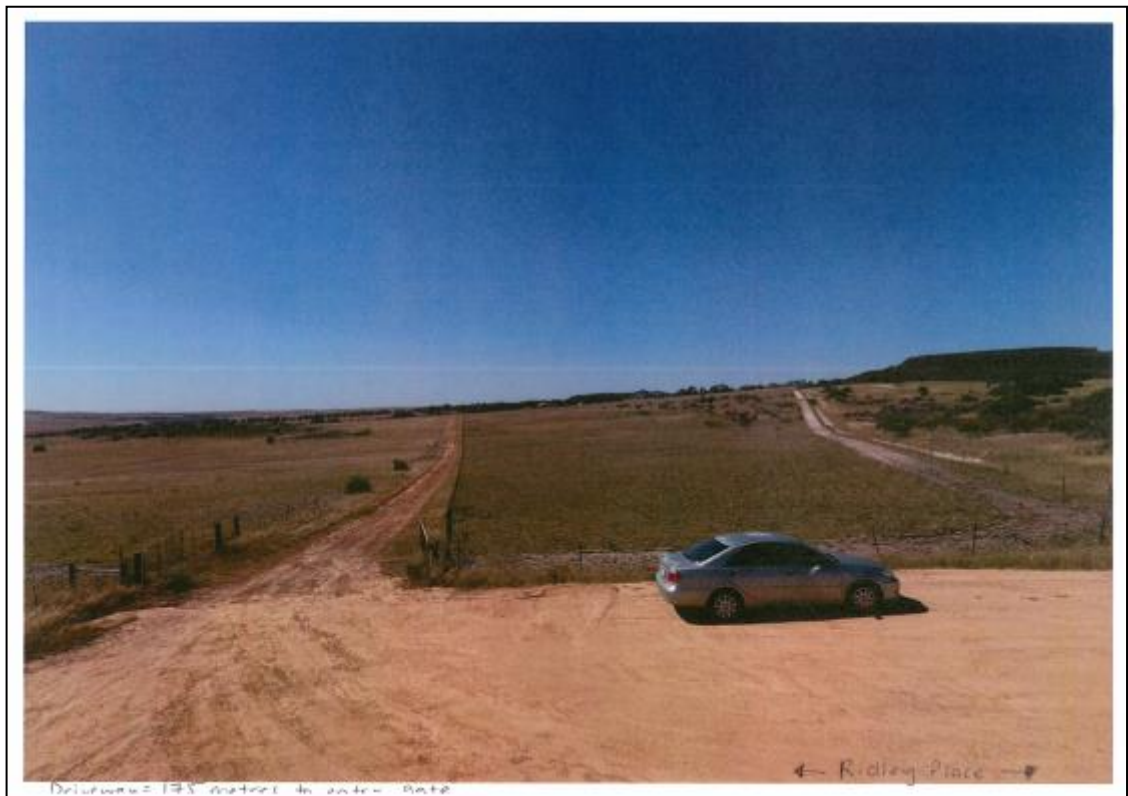
Fire Safety for 142 Ridley Place, Howatharra

In case of a fire emergency, our farm is currently equipped with a 1000L mobile water tank on the back of a Toyota Land Cruiser tray back. This mobile tank is connected to a firefighter pump and a firefighting hose. In addition to this, there is a water supply dam within 500 metres of the proposed event location hire site, which can be used in the event of an emergency.

If our application for planning approval is successful, we are willing to purchase an additional 1000L mobile water tank and look forward to working with you to ensure that our fire safety requirements for our property are met and maintained.









Submission 1	
DATE	15 NOV 2018
FILE	A457
RECORD	CR 1813522



GOVERNMENT OF
WESTERN AUSTRALIA

Department of Biodiversity,
Conservation and Attractions



**PARKS AND
WILDLIFE
SERVICE**

Your ref: A457
 Our ref: PRS 43327
 Enquiries: Nick Detchon
 Phone: 9964 0901
 Email: nicholas.detchon@dbca.wa.gov.au

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

Email: cso@chapmanvalley.wa.gov.au

Dear Mr Lancaster *Simon*

PROPOSED RECEPTION CENTRE – 142 (LOT 4) RIDLEY PLACE, HOWATHARRA

Thank you for your letter of 30 October 2018 regarding the above proposed reception centre.

The Department of Biodiversity, Conservation and Attractions has no objections to the proposal as outlined in your letter. It is anticipated that the proposed reception centre and any associated environmental impacts will be appropriately managed through the existing planning framework.

Thank you for raising this matter to our attention. If you have any queries regarding these comments or would like to discuss further, please contact Nick Detchon on 9964 0901.

Yours sincerely

Nigel Sercombe

Nigel Sercombe
 REGIONAL MANAGER
 Midwest Region

15 November 2018

Midwest Region: 1st Floor, The Foreshore Centre, 201 Foreshore Drive, Geraldton
 Phone: (08) 9964 0901 Fax: (08) 9964 0977
 Postal Address: PO Box 72, Geraldton, Western Australia 6531
www.dbca.wa.gov.au



Government of Western Australia
Department of Health

Submission 2

29 NOV 2018

Your Ref: A457
Our Ref: F-AA-09433/3 EHB18/524

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

Attention: Simon Lancaster

DATE	29/11/18
FILE	A457
RECORD	PA182692

Dear Mr Battilana

PROPOSED RECEPTION CENTRE – LOT 4 (#142) RIDLEY PLACE, HOWATHARRA

Thank you for your letter of 30 October 2018 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:

1. *Water Supply and Wastewater Disposal*

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

DOH has no objection to the application subject to the installation of any permanent on-site wastewater system being in accordance with Australian Standard 1547 and DOH publications, which may be referenced and downloaded from:
http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines

2. *Food Act and Health (Miscellaneous Provisions) Act Requirements*

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

All client access areas (marquees, etc.) are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines, and in particular, Part VI – Public Buildings. It may be appropriate to process this application as a public event as all related requirements would fit this proposal.

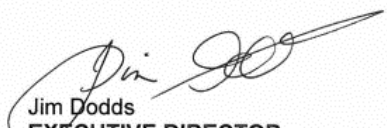
- https://ww2.health.wa.gov.au/Articles/N_R/Public-buildings-and-mass-gatherings
- <https://ww2.health.wa.gov.au/Health-for/Environmental-Health-practitioners/Built-environment>
- https://ww2.health.wa.gov.au/Articles/N_R/Requirements-for-temporary-structures

Environmental Health Directorate | Public and Aboriginal Health Division
All correspondence to: PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
ABN 28 684 750 332
www.health.wa.gov.au

- 2 -

Should you have queries, or require further information, please contact Vic Andrich on (08) 9388 4999 or at ehinfo@health.wa.gov.au

Yours sincerely



Jim Dodds
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

23 November 2018

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

Submission 3

From: DFES Land Use Planning <advice@dfes.wa.gov.au>
Sent: Friday, 23 November 2018 2:46 PM
To: Simon Lancaster <dceo@chapmanvalley.wa.gov.au>
Subject: 142 (Lot 4) Ridley Place, Howatharra - Proposed Reception Centre - DFES Response

DFES Ref: D07435

Dear Simon

Thank you for your referral.

The Department of Fire & Emergency Services (DFES) provides the following comments pursuant to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). The proposed development appears to be located entirely outside of the areas designated as bushfire prone on the Map of Bushfire Prone Areas. If the development is wholly located in area that is not designated as bushfire prone, then the development application can be considered exempt from SPP 3.7.

It is recommended that consideration be given to the preparation of an Emergency Evacuation Plan (EEP). Accredited Bushfire consultants can provide further advice on the requirements of an EEP.

Kind regards

Please note DFES Land Use Planning have moved location and our contact details below have changed.

Sasha De Brito
Coordinator Land Use Planning
Rural Fire Division | Department of Fire and Emergency Services
Level 1, Albert Facey House, 469 Wellington Street WA 6000
P: (08) 6551 4075 | E: advice@dfes.wa.gov.au | W: www.dfes.wa.gov.au



Government of Western Australia
Department of Fire & Emergency Services



AGENDA ITEM:	10.1.2
SUBJECT:	PROPOSED RELOCATION (EXPANSION) OF BUILDING ENVELOPE, WHITE PEAK
PROPONENT:	M & N BRADLEY
SITE:	31 (LOT 321) WESTLAKE PLACE, WHITE PEAK
FILE REFERENCE:	A1827
PREVIOUS REFERENCE:	N/A
DATE:	3 DECEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Submitted application	√	
10.1.2(b)	Received submission	√	

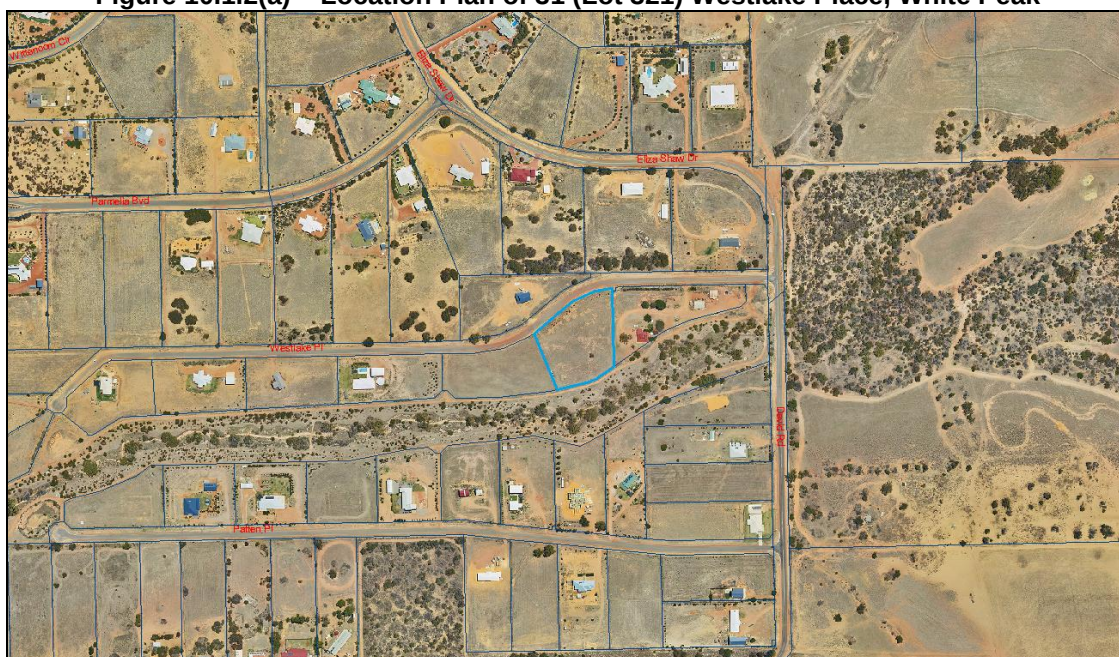
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to relocate (expand) the building envelope upon 31 (Lot 321) Westlake Place, White Peak. The application has been advertised for comment and this report recommends approval of the application.

Figure 10.1.2(a) – Location Plan of 31 (Lot 321) Westlake Place, White Peak



COMMENT

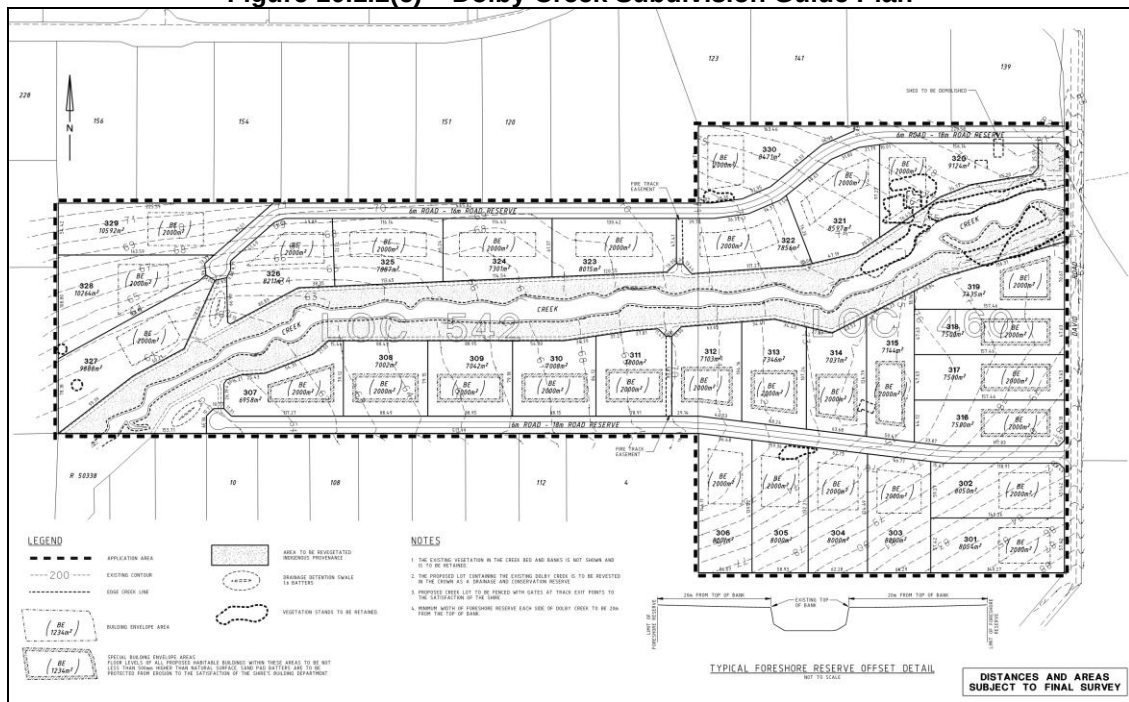
Lot 321 is a vacant 8,597m² property with a 114.21m curving frontage along its northern boundary to Westlake Place and the Dolby Creek reserve along its rear/southern boundary.

Council adopted the Dolby Creek Estate Subdivision Guide Plan at its 20 October 2010 meeting that designated a 2,000m² building envelope for Lot 321 within which all development was required to be located to ensure adequate setback from the Dolby Creek Reserve. A copy of the Dolby Creek Estate Subdivision Guide Plan is provided as **Figure 10.1.2(c)**.

Figure 10.1.2(b) – Aerial photograph of 31 (Lot 321) Westlake Place, White Peak



Figure 10.1.2(c) – Dolby Creek Subdivision Guide Plan



The applicant is seeking to construct a single storey brick walled, colorbond roofed residence upon Lot 321 with an 88m² shed to the east of the residence. The outbuilding would have a 3m wall height and 3.78m gable height and be clad in classic cream colorbond wall cladding and deep ocean colorbond roof cladding to match the residence. A limestone block retaining wall would be constructed around the raised portions of the sand pad, rising to 1.2m along its western face, before diminishing in height along its northern and southern faces before meeting natural ground level.

The proposed residence would be located entirely within the building envelope. The majority of the proposed outbuilding would be located within the building envelope with the exception of its eastern end that would result in an approximate 16m² portion of the shed being sited outside/east of the building envelope. The retaining wall would be located within the building envelope with the exception of a 20m length around the north-eastern corner of the sand pad that would result in an approximate 42m² area of retaining wall and retained sand pad being extending outside/north of the building envelope.

A copy of the applicant's submitted plans and supporting correspondence have been provided as **Attachment 10.1.2(a)** for Council's information.

Given the application proposes development outside of the building envelope for Lot 321 as shown upon the Dolby Creek Subdivision Guide Plan it exceeds the level of delegated authority established by the Shire of Chapman Valley Local Planning Policy 'Building Envelopes' and is presented to Council for its determination.

Figure 10.1.2(d) – View of Lot 321 looking south from Westlake Place



Figure 10.1.2(e) – View of Lot 321 looking east from Westlake Place



Shire staff recommend approval of the expansion of the building envelope to allow for the proposed developments for the following reasons:

- the underlying intent behind the building envelopes were to protect development from any potential flooding or bushfire risk from the Dolby Creek reserve to the south and the minor expansion of the building envelope to the east and north would not conflict with this purpose;
- building envelopes are also intended to ensure development is clustered upon the property and the application upholds this intent by proposing to site the residence and outbuilding in close proximity;
- it is considered that the siting of the outbuilding outside of the building envelope in its proposed location would give improved regard for the neighbouring (to the east) landowner's outlook to the south-west, indeed the siting of the outbuilding in a location within the building envelope as permitted could impede the neighbour's ocean view;
- the proposed outbuilding would meet the policy requirements relating to area, material and height;
- the applicant has undertaken landscaping upon Lot 321 to assist in screening the development from Westlake Pace to lessen its visual impact;

- the application has been advertised to surrounding landowners inviting comment and no objections were received;
- whilst the outbuilding is proposed to be sited forward of the residence it is noted that the curving nature of the front property boundary does make this appear more incongruous, and the outbuilding's proposed front boundary setback distance of 15m is not significantly less than the residence's closest front boundary setback distance of 16.157m. It is also noted that Lot 320 to the immediate east contains two outbuildings sited forward of the residence, and at a lesser setback distance than is proposed by this application;
- Council has previously approved amendments to building envelopes upon the Dolby Creek Subdivision Guide Plan where it was satisfied that no negative impacts would arise, for Lot 330 Westlake Place (directly opposite Lot 321) and Lot 316 Patten Place, both at the 16 December 2015 meeting; &
- the application is considered to meet the variation standards prescribed in Sections 5.5 & 5.11 of the Scheme.

STATUTORY ENVIRONMENT

31 (Lot 321) Westlake Place, White Peak is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.4 of the Scheme lists the objectives of the 'Rural Residential' zone as being:

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

Schedule 11 of the Scheme notes the following for the 'Rural Residential 1' zone:

- "1 Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- 2 All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope."*

Section 5.1 of the Scheme 'Variations to Site and Development Standards and Requirements' establishes the basis by which Council should consider relaxation or variation of its standard requirements:

"5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owner occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

5.5.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

Section 5.11 of the Scheme states:

“5.11 Building Envelopes

- 5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.*
- 5.11.2 No development of any structures shall occur within any area/s identified as ‘Development Exclusion Area’, ‘Re-vegetation Area’, ‘Remnant Vegetation’ or similar on the subdivision guide, structure or fire management plan;*
- 5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- 5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:*
 - (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
 - (b) unnecessary clearing of remnant native vegetation;*
 - (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
 - (d) suitability for landscape screening using effective screening vegetation; and*
 - (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies.”*

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

- “(a) the aims and provisions of the Scheme...*
- ...(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;...*
- ...(i) the compatibility of a use or development with its setting;...*
- ...(n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...*
- ... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(y) any relevant submissions received on the application...*
- (za) any other planning consideration the local government considers relevant.”*

POLICY IMPLICATIONS

Part 2 of the Scheme allows for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area. This application has been brought before Council for its consideration as it exceeds the delegated authority of Shire staff in relation to the ‘Building Envelopes’ and ‘Outbuildings’ Local Planning Policies.

The ‘Building Envelopes’ Local Planning Policy was adopted by Council in order to give guidance to landowners and staff when dealing with applications that requested the relocation and amendment of designated building envelopes.

The objectives of the ‘Building Envelopes’ Local Planning Policy are listed as:

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

Sections 4.3 & 4.4 of the ‘Building Envelopes’ Local Planning Policy state that:

- “4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:
 - (a) justification for the proposed amendment;
 - (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);
 - (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;
 - (d) unnecessary clearing of remnant native vegetation;
 - (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;
 - (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;
 - (g) use of materials and colours to assist in softening any perceived visual impact;
 - (h) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.
- 4.4 Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”

The proposed outbuilding being 88m² would comply with the 200m² maximum outbuilding area, and the proposed 3.78m gable height would comply with the 5.5m total height requirements of the Shire of Chapman Valley ‘Outbuildings’ Local Planning Policy for the ‘Rural Residential’ zone.

However the proposed outbuilding would exceed Section 4.9(c) of the ‘Outbuildings’ Local Planning Policy which states:

“For lots zoned ‘Rural-Residential’, ‘Rural Smallholding’ and ‘Rural’ the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.”

The proposed outbuilding would also fail to comply with Section 4.7 of the ‘Outbuildings’ Local Planning Policy which states:

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

The proposed residence would be setback 16.157m from the front property boundary at its closest point and the proposed outbuilding would be setback 15m from the front property boundary. The perception of the forward positioning of the outbuilding would be exacerbated by the curving nature of Westlake Place, although this would be somewhat lessened by the screening landscaping, the complementary colours to the residence, and the precedent of the outbuilding upon Lot 320 to the east which is sited 5.5m back from the front property boundary in comparison to the stone cottage which is sited 50m back from the front property boundary. It is also noted that the positioning of the outbuilding in the proposed location would not block the neighbouring landowner’s ocean views to the south-west whereas siting the outbuilding in a location behind the residence as viewed from the road (and within the building envelope) could impact upon the neighbour’s ocean views.

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 was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

It is considered that the primary motive underpinning the positioning of the building envelopes upon the Dolby Creek Subdivision Guide Plan was to ensure that development was located away from the Dolby Creek watercourse. Given the application is not proposing to bring development closer to Dolby Creek the minor expansion of the building envelope in this particular instance would not conflict with its primary purpose.

- **Strategic Community Plan:**

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

CONSULTATION

Section 4.1 of the Shire's 'Building Envelopes' Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

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

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

The Shire wrote to the 4 surrounding landowners on 25 October 2018 providing details of the application and inviting comment upon the proposal prior to 23 November 2018, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 1 submission had been received, expressing indifference to the application, and a copy of the received submission has been provided as **Attachment 10.1.2(b)**.

RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant planning approval for the relocation (expansion) of the building envelope upon 31 (Lot 321) Westlake Place, White Peak as shown in Attachment 10.1.2(b) subject to, the proposed outbuilding being a

minimum setback distance of 15m from the front property boundary and, screening landscaping being installed and maintained along the northern and eastern property boundaries to the satisfaction of the local government.

TO whom it my concern

We Mark and Natalie Bradley of 1 Drew st Spalding would like to apply for an extension of our building envelope on lot 321 Westlake place White Peak.

Reason & purpose being for the expansion of the existing building envelope is to maximize on coastal views and alignment of house and shed.

Our house has been designed with veranda & alfresco areas at the front of the house facing the ocean west direction. Also we have elevated the sand pad due to the contour of the land.

Attached are plans stating house and shed locations. The shed is 8 mtrs x 12 mtrs which over laps the East envelope facing the Moresby Rangers by 1 mtr at the north and by 3mtrs at the southern end of the shed.

The broken line _ _ _ on the plan represents the retaining wall location.

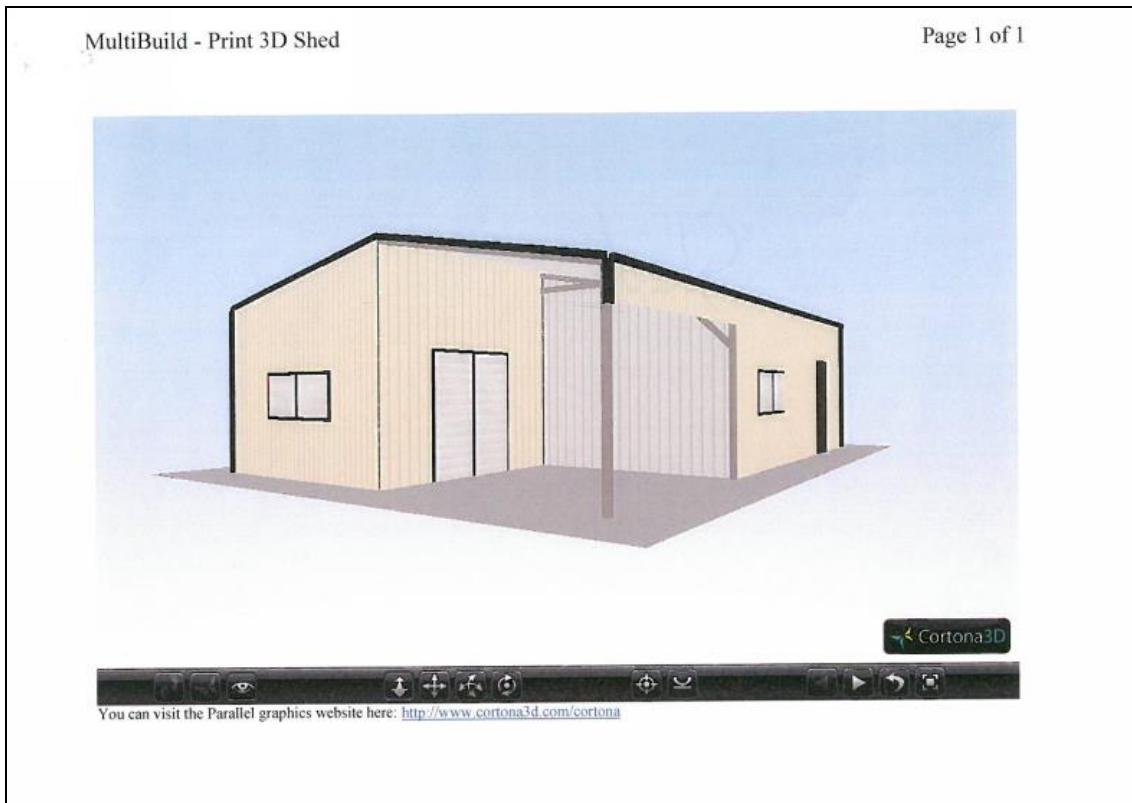
Reference point A is 11mtrs from front boundary fence line. We require an extension of 4mtrs to our building envelope at this point.

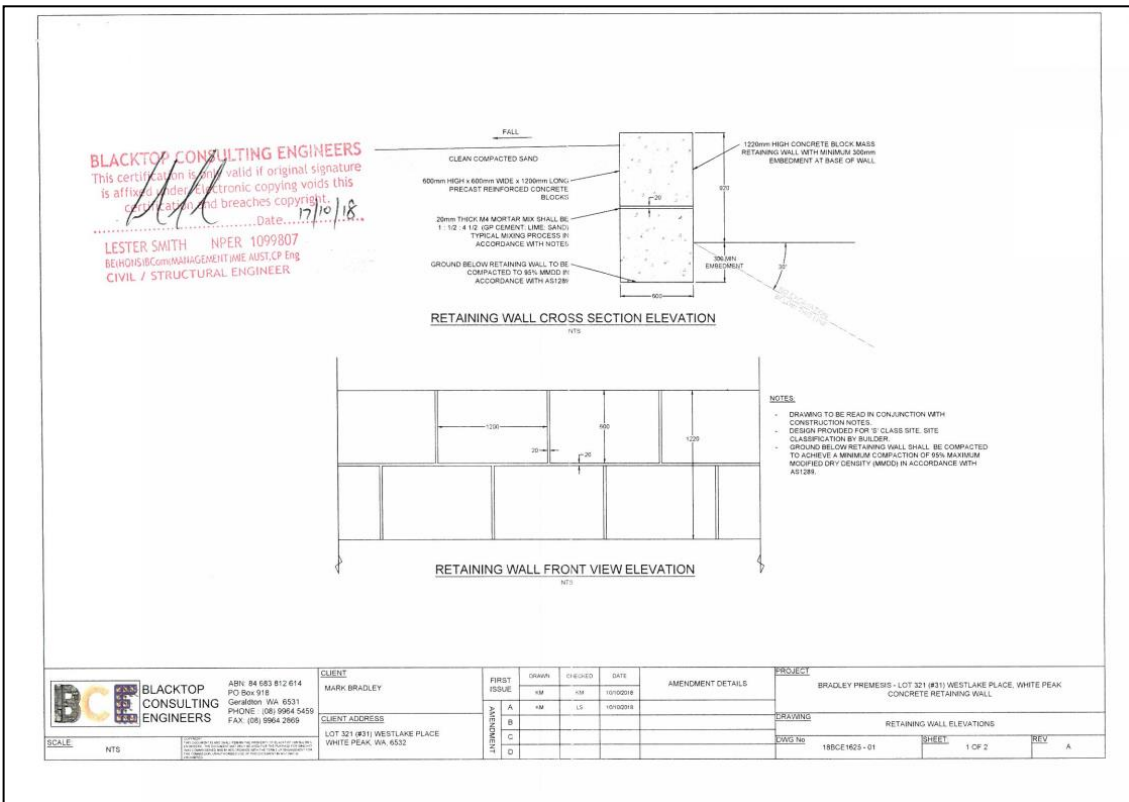
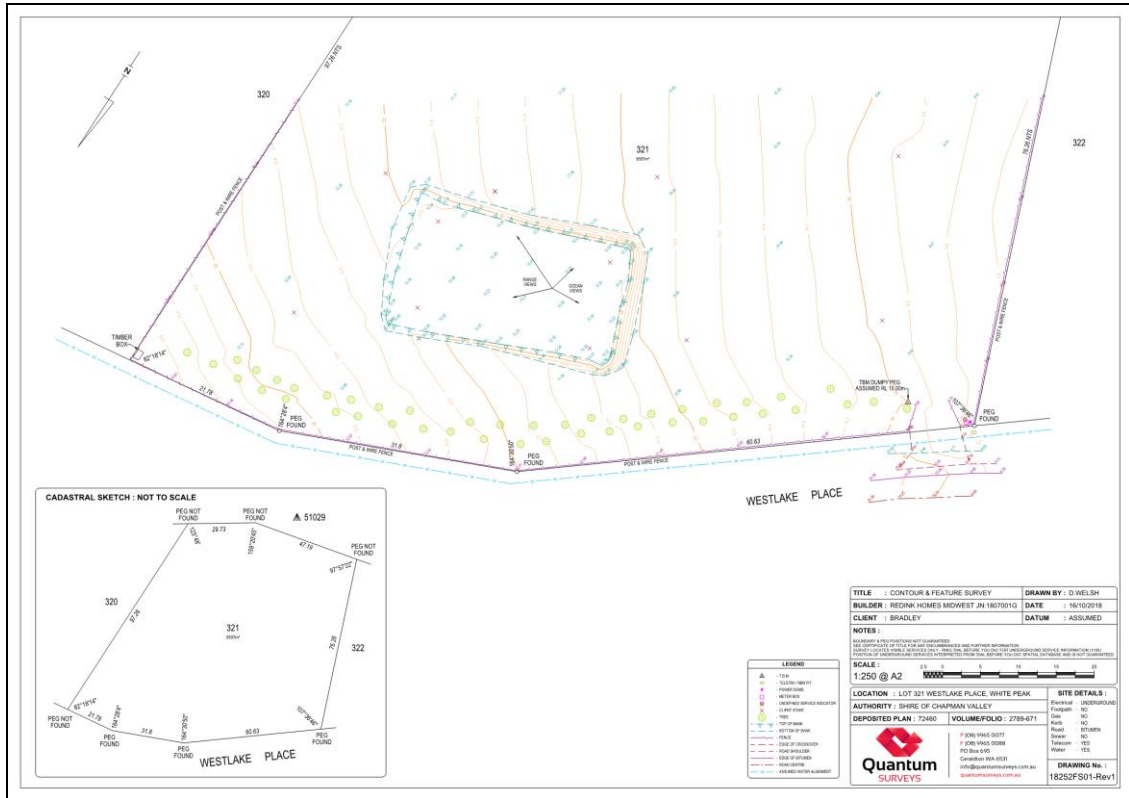
Access for vehicles is marked clearly for the purpose of loading and carring materials.

Regards Mark & Natalie Bradley

Any further information required pls contact on

Natalie Bradley Ph 0411411680







DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1827

APPLICATION TO RELOCATE BUILDING ENVELOPE 31 (LOT 321) WESTLAKE PACE, WHITE PEAK

Name: Alexander + Julie McKenziePostal Address: 340 Eliza Shaw Drive White Peak 6532

Phone Number: _____

SUBMISSION:

☐

Support

☐

Object

☒

Indifferent

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

No impact upon us. Only impact would be to owners
lot 320 + lot 321

Signature: _____

Date: 2/11/2018

Please return to:

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

or

cs@chapmanvalley.wa.gov.au

or

(fax) 9920 5155

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

Submissions Close: 4:00pm Friday 23 November 2018

AGENDA ITEM:	10.1.3
SUBJECT:	PROPOSED OUTBUILDING, WHITE PEAK
PROPONENT:	D HURKALA & E ROULSTON
SITE:	177 (LOT 76) ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	A1407
PREVIOUS REFERENCE:	N/A
DATE:	3 DECEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Submitted application	√	
10.1.3(b)	Received submission	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to construct an outbuilding forward of the residence upon 177 (Lot 76) Eliza Shaw Drive, White Peak. The application has been advertised for public comment and this report recommends approval of the application.

Figure 10.1.3(a) – Aerial photograph of 177 (Lot 76) Eliza Shaw Drive, White Peak



COMMENT

177 (Lot 76) Eliza Shaw Drive, White Peak is a 2ha property that slopes down from the 80m contour in the south-eastern front corner of the property to the 75m contour at the north-western rear corner.

The applicant is seeking to site an outbuilding 5m forward of their residence, in variation to the Shire of Chapman Valley 'Outbuildings' Local Planning Policy and is therefore unable to be determined by Shire staff under delegated authority and is required to be placed before Council for its determination.

Figure 10.1.3(b) – View of Lot 76 looking north-west from Eliza Shaw Drive



Figure 10.1.3(c) – View of proposed shed site looking north from Eliza Shaw Drive



The proposed outbuilding would be 200m² in area, have a wall height of 4m and a total height of 4.9m, with surfmist colorbond wall cladding and ironstone colorbond roof cladding. The outbuilding would be sited in cut earthworks of approximately 0.5m depth at its southern elevation and at ground level to match the residence floor level at its northern end.

The outbuilding is proposed to be setback approximately 40m from the front property boundary and approximately 12m from the eastern side property boundary at its closest point, increasing to approximately 20m as the side boundary angles away from the outbuilding.

A copy of the applicant's supporting correspondence and accompanying plans have been included as **Attachment 10.1.3(a)**.

Figure 10.1.3(d) – View of proposed shed site looking east



Figure 10.1.3(e) – View of area to rear of residence upon Lot 76 illustrating that were the shed to be sited in this location it would impede the neighbour's ocean view



It is considered that conditional approval of the application is warranted in this instance, based upon the following:

- the applicant is seeking variation to site the outbuilding forward of the residence as locating the outbuilding to the rear of the residence would block their neighbour to the east's ocean view;
- the siting of the outbuilding to the rear of the residence would require it to be placed on fill to achieve a matching floor level thereby further impacting on the neighbour's view and increasing the overall height and visibility of the shed, whereas siting the outbuilding forward of the residence will mean that it is sited in cut earthworks to match the residence floor level, thereby reducing its overall height as measured from natural ground level;
- the proposed outbuilding would be sited 5m from the residence and have matching roof colours and materials to the residence roof and matching wall colours to the gable ends and barge boards on the residence giving it some semblance to a garage rather than a freestanding outbuilding;
- the applicant is proposing to install matching colorbond fencing between the outbuilding and residence to further give the appearance of a continuous built form and site a rainwater tank in proximity;

- the proposed outbuilding would comply with the area, height and material requirements of Council's 'Outbuildings' Local Planning Policy;
- the proposed outbuilding would comply with the minimum front and side boundary setback requirements of the Local Planning Scheme;
- the outbuilding would not dominate the streetscape as its floor level would be approximately 1m below the street level, and the outbuilding would be setback approximately 40m from the front boundary and partly obscured by screening vegetation along the front boundary of Lot 76;
- the property does not presently contain an outbuilding and its construction would enable the landowner to store personal items securely and out of the weather rather than have them in the open, that will also improve visual appearance and amenity;
- the application has been advertised for comment and a level of acceptance of the proposed outbuilding location has been demonstrated through no objections being received, and 1 submission being received in support of the application.

STATUTORY ENVIRONMENT

177 (Lot 76) Eliza Shaw Drive, White Peak is zoned 'Rural Residential' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.4 of the Scheme lists the objectives of the 'Rural Residential' zone as being:

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

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."

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

- “(a) the aims and provisions of the Scheme...*
- ...(f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;...*
- ...(i) the compatibility of a use or development with its setting;...*
- ...(n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...*
- ... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(y) any relevant submissions received on the application...*
- (za) any other planning consideration the local government considers relevant."*

POLICY IMPLICATIONS

Part 2 of the Scheme allows for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area. This application has been brought before Council for its

consideration as it exceeds the delegated authority of Shire staff in relation to the 'Outbuildings' Local Planning Policy.

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

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

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

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

The Shire of Chapman Valley 'Outbuildings' Local Planning Policy requires that outbuildings within the 'Rural Residential' zone should have a maximum area of 200m², a maximum wall height of 4.5m and maximum overall height of 5.5m, and the submitted application would comply with these requirements as it proposes an outbuilding with an area of 200m², a wall height of 4m and a gable height of 4.9m.

However, the submitted application proposes variance to Section 4.7 of the Outbuildings Local Planning Policy which states that:

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

FINANCIAL IMPLICATIONS

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

Whilst the subject property is not administered under the Residential Design Codes of Western Australia ('R-Codes'), being zoned 'Rural Residential' rather than 'Residential', the R-Codes do provide some relevant guidance where outbuildings are proposed forward of the residence.

Section 7.3.1 of the R-Codes Explanatory Guidelines makes the following relevant observations:

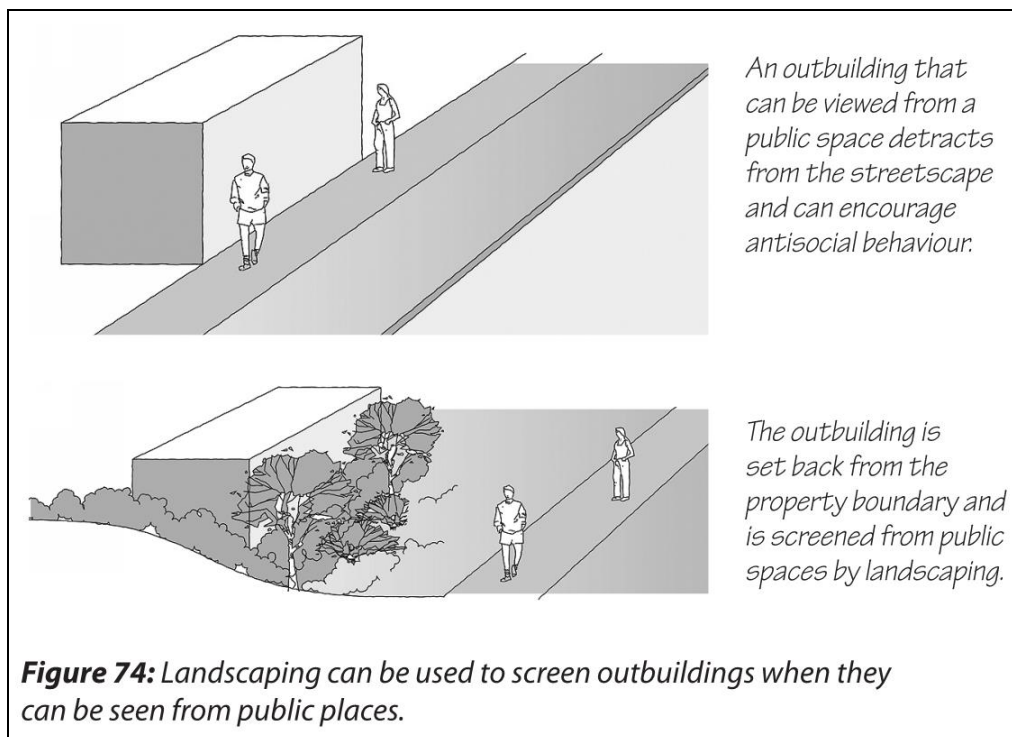
"Place outbuildings in unobtrusive locations

Outbuildings should be located at the rear of the property so they are not visible from the street.

Screen outbuildings from the street and neighbouring properties

Where no opportunity exists to locate outbuildings at the rear of the property, they should be integrated into the development or adequately screened from public view (refer to figure 74)."

Figure 10.1.3(f) – extract from Residential Design Codes Explanatory Guidelines



- **Strategic Community Plan:**

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

CONSULTATION

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

The Shire wrote to the 8 surrounding landowners on 5 November 2018 providing details of the application and inviting comment upon the proposal prior to 30 November 2018, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 1 submission had been received, expressing support for the application, and a copy of the received submission has been provided as **Attachment 10.1.3(b)**.

RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant formal planning approval for an outbuilding to be constructed upon 177 (Lot 76) Eliza Shaw Drive, White Peak subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 12 December 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.

- 3 The 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.
- 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.
- 5 The outbuilding and residence are to be connected by fencing of a design, colour and materials to the approval of the local government.
- 6 The installation and maintenance of landscaping along the eastern property boundary, from the front corner to in-line with the residence, for the purpose of screening the outbuilding to the approval of the local government.
- 7 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

Damien Hurkala & Erin Roulston
0419960698
177 Eliza Shaw Drive, White Peaks.
WA 6532.
04-11-2018

To Chapman Valley Shire,

I'm writing this letter in regards to the positioning of our shed location. I would like the shed to be built alongside the garage, however this means it will sit in front on our house boundary line from the roadside.

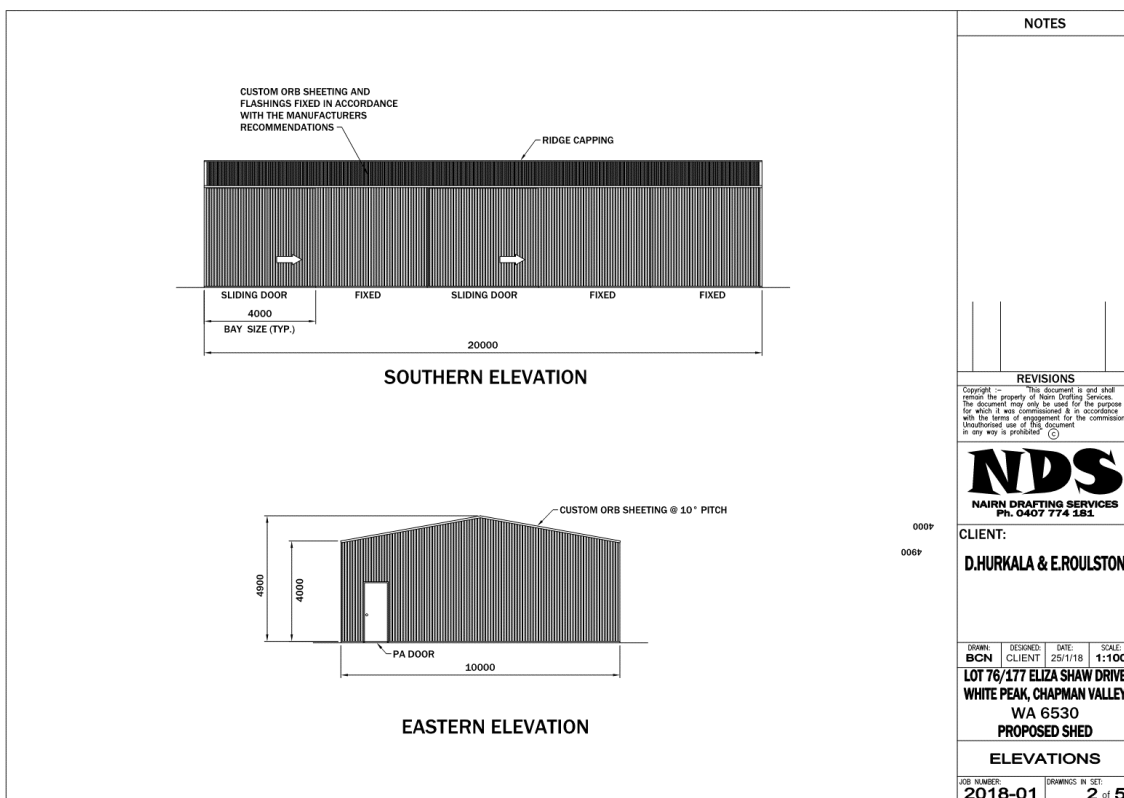
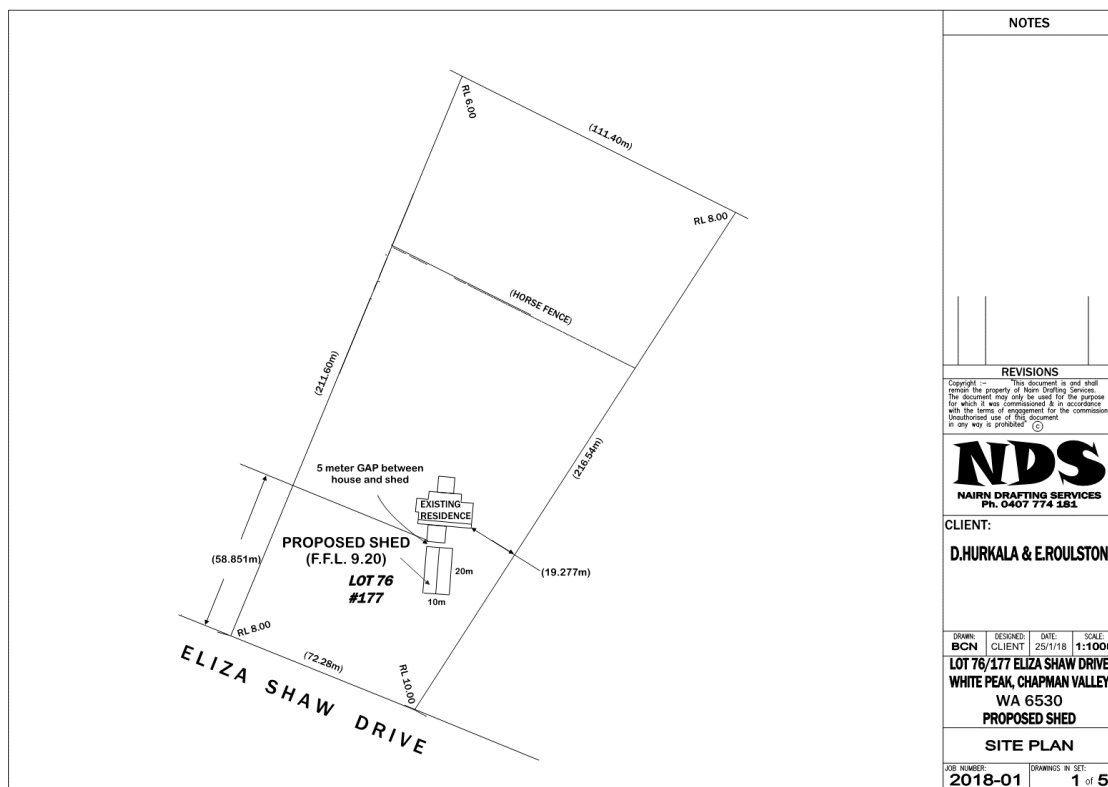
The benefits and reasons why we would like the shed in this location is:

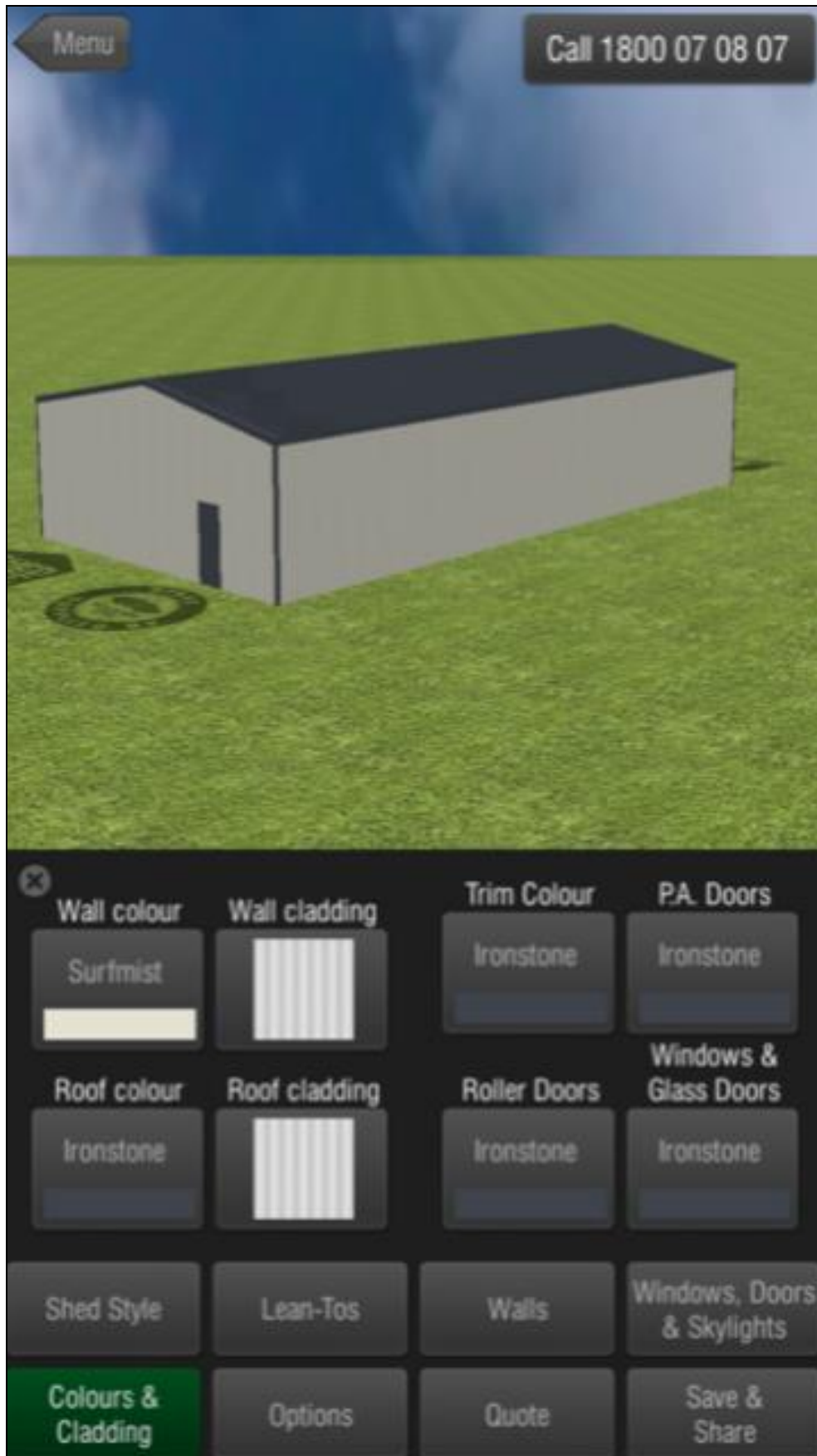
- To avoid blocking our Neighbours ocean, country and hill views.
- As we have a large section of native trees on the front (roadside) section of our block, which will hide the shed from being viewed looking from the road. We will continue to plant natives on the eastern boundary side to hide the shed view for our neighbors.
- The Shed will be alongside our garage to allow the building to flow with each another. Both garage and shed doors will be facing west.
- It will be colour coded with the house; surf mist walls and iron stone roof.
- The shed pad will be built at the same level as the house, which will make the shed height lower from roadside and eastern neighbour view.
- If the shed was behind or alongside the house, it will then need to be raised which will cause disagreements by Neighbours as their view of the ocean will be interrupted.
- Shed will only be used for domestic use and storage only, not for business.
- The sheds purpose is for storage of boat, horse trailer, camper trailer and all other loose items to improve visual impact.
- To complete our property we will be connecting the shed to our house home with colourbond fencing. We also intend to put a water tank behind the shed.

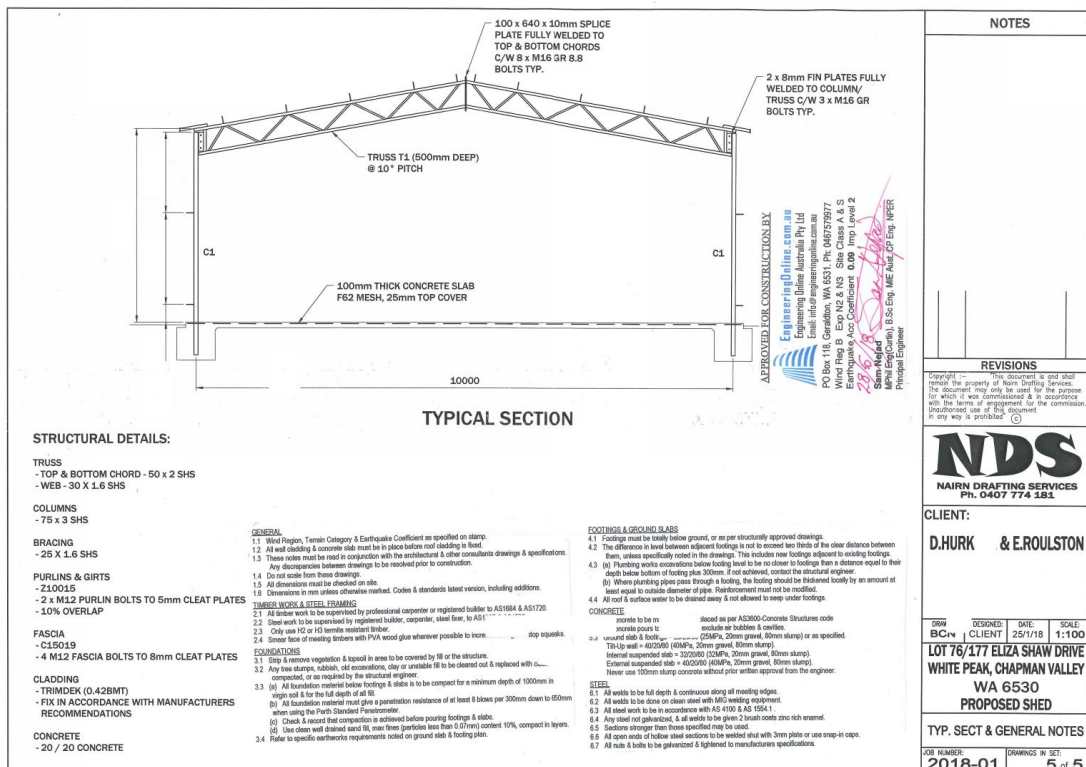
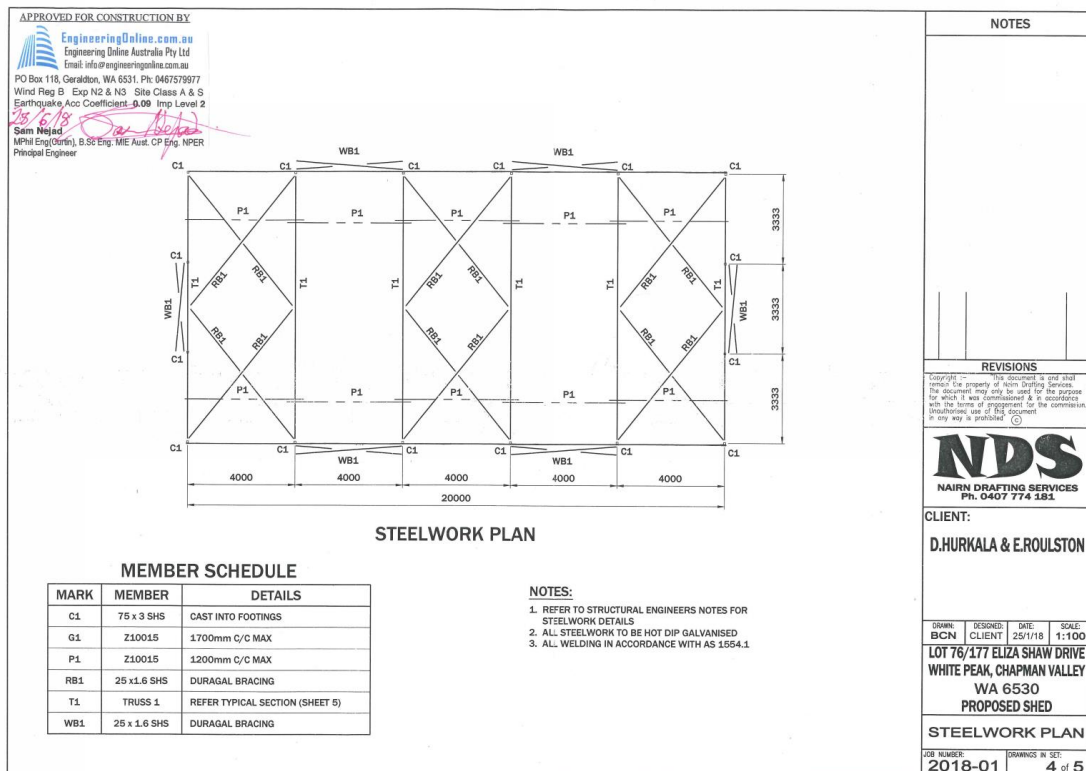
We believe this is the best location for our shed, as we have looked at every other alternate positioning and with the best interest of our neighbors view and to complete our home.

Kind Regards,
Damien & Erin











DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1407

PROPOSED OUTBUILDING 177 (LOT 76) ELIZA SHAW DRIVE, WHITE PEAK

Name: Carl + Debbie SmithPostal Address: PO Box 3254 Bluff Point WA 6530

Phone Number: _____

SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

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

Signature: [Signature] Date: 20.11.18

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

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

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

Submissions Close: 4:00pm Friday 30 November 2018

10.2

Finance

December 2018

Contents

10.2 AGENDA ITEMS

10.2.1 Financial Reports for November 2018

10.2.2 Internal Audit

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR NOVEMBER 2018
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	12 DECEMBER 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

November	Title	Attached to Report	Under Separate Cover
10.2.1	Financial Management Reports		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The financial position at the end of November 2018 is detailed in the monthly management report provided as a **separate attachment** for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY/PROCEDURE IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report November 2018

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant		Review current Council and Management policies and formalise update process and timelines.

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. Risk rating is considered Level 1 - Insignificant

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate attachment for the month of November 2018 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Net Current Assets
- Note 2 – Explanation of Material Variances
- Note 3 – Cash & Investments
- Note 4 – Receivables
- Note 5 – Rating Revenue
- Note 6 – Disposal of Assets
- Note 7 – Capital Acquisitions
- Note 8 – Borrowings
- Note 9 – Reserves
- Note 10 – Grants & Contributions
- Note 11 – Trust Fund
- Note 12 – Budget Amendments

Additional Information

- Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

AGENDA ITEM:	10.2.2
SUBJECT:	INTERNAL AUDIT
PROPONENT:	CHIEF EXECUTIVE OFFICER & MANAGER FINANCE & CORPORATE SERVICES
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	305.00
PREVIOUS REFERENCE:	NA
DATE:	12th DECEMBER 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Internal Audit Report		√
10.2.2(b)	Internal Audit Report Matrix		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The State Government introduced legislation in February 2013 under Clause 17 of the *Local Government (Audit) Regulations, 1996*, which requires a local government authority to undertake an internal control audit at least once every two years, with the first of these audits to be completed by the 31st December 2014. This audit has been repeated in 2016 and 2018.

COMMENT

The Local Government Act 1995 (the Act) requires all local governments to establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The CEO is required to provide biennial reviews of the appropriateness and effectiveness of the Shire's systems and procedures in regard to risk management, internal control and legislative compliance to the Shires' Finance, Audit & Risk Committee, who will review this along with the results of the annual Compliance Audit Return.

The biennial review will require an internal audit carried out by a person who is not involved in the operational management of the Shire or the functions being audited. Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The reporting tool is designed to assist local governments to assess and report on their internal environment, functions and procedures for inclusion in the CEO biennial review, and to support organisational development and continuous improvement.

Marg Hemsley (Risk ID) was contracted to undertake the independent Internal Audit Report in November 2018 to address the legislative requirements of Regulation 17 of *Local Government (Audit) Regulations, 1996*. A copy of this Report is provided under separate cover (see **Attachment 10.2.2(a)**).

The intention of this Agenda Item is to advise Council the internal audit has been completed and will be presented to the Finance, Audit & Risk Committee in early 2019 for review and report back to Council on any items or issues considered necessary for further action. This timing was considered appropriate as the internal audit review can be considered by the Finance, Audit & Risk

Committee at the same time the Committee considers the annual Compliance Audit Return.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations, 1996

17. CEO to review certain systems and procedures
- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
- (a) risk management; and
 - (b) **internal control; and**
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

POLICY IMPLICATIONS

No existing policy/procedure affected.

FINANCIAL IMPLICATIONS

Nil affect

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

Nil affect

CONSULTATION

Relevant staff have been consulted and had input into the development of the Internal Audit Report

RISK ASSESSMENT

Based upon the adopted *Risk Assessment and Acceptance Criteria* for the Shire's Risk Management Policy & Procedures the risk level considered relevant:

- ***Insignificant/Minor Risk*** in the areas of *Financial Impact, Compliance and Reputation*.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

STRATEGIC IMPLICATIONS

It is sound practice to undertake an internal review of operations to ensure maximum compliance and efficiencies are in place and adhered to.

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

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council receives the Internal Audit Report as presented and request the Chief Executive Officer present this to the Finance, Audit & Risk Committee in accordance with Clause 17 (3) of the *Local Government (Audit) Regulations, 1996* for review, comments and if necessary provide recommendations to back to Council for consideration.

10.3

Chief Executive Officer

December 2018

Contents

10.3 AGENDA ITEMS

10.3.1 2017/2018 Annual Report and Annual General Meeting of Electors

10.3.2 Tourism & Events Working Group – Australia Day Awards

AGENDA ITEM:	10.3.1
SUBJECT:	2017/2018 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	NA
DATE:	12 th DECEMBER 2018
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	2017/2018 Annual Report		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to accept the Shire of Chapman Valley 2017/2018 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors (**Note: The Annual Report is provided under separate cover**).

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 'Electors General Meeting' of the *Local Government Act 1995* this meeting can be no later than 56 days after accepting the Annual Report (i.e. 6th February 2019).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2016/2017 financial year on the 1st February 2018 at the Council Chambers, Nabawa. This meeting commenced at 6.00pm.

COMMENT

The Staff Recommendation below is suggesting the date, time and location to hold the Annual General Meeting of Electors as being:

- ~ **Thursday 31st January 2019**
- ~ **Commencing at 6.00pm**
- ~ **Council Chambers, Nabawa**

Bearing in mind the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore, the latest date the meeting could be held is the 6th February 2019.

It is important to maximise attendances at the Annual General Meeting of Electors by constituents, hence the Staff Recommendation has suggested a date and time, which is after the harvest and school holiday periods.

STATUTORY ENVIRONMENT

Local Government Act 1995

The Local Government Act 1995 states the following;

"5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*

- (2) A general meeting is to be held on a day selected by the local government but not **more than 56 days after the local government accepts the annual report** for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed."

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government **no later than 31 December after that financial year**.

* Absolute majority required.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY IMPLICATIONS

No existing Policy/procedure relevant.

FINANCIAL IMPLICATIONS

Nil affect

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

Nil affect

STRATEGIC IMPLICATIONS

It is considered appropriate to conduct the Annual General Meeting of Electors to retain open and accountable governance and communication with the Shire's constituents

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

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

The Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2017/2018 Annual Report.

RISK ASSESSMENT

- **Insignificant** risk of non-compliance with legislation to complete this activity in accordance with the Local Government Act and associated Regulations.
- **Insignificant** risk of not conducting the Annual General Meeting of Electors at an appropriate time/date to provide constituents to opportunity to attend.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Staff Recommendation 1 - **Absolute Majority**

Staff Recommendation 2 – **Simple Majority**

STAFF RECOMMENDATION 1 (*Absolute Majority Vote Required*)

Council:

- 1 Accepts the Annual Report for the 2017/2018 Financial Year as required by s5.54 of the *Local Government Act 1995*.

STAFF RECOMMENDATION 2 (*Simple Majority Vote Required*)

Council:

- 1 Receives and accepts the Auditors Report for 2017/2018;
- 2 Receives and accepts the Auditors Management Letter 2017/2018;
- 3 Sets the date for the Annual General Meeting of Electors for Thursday 31st January 2019 commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting.
- 4 Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 of the Act;

- 5 Provides a copy of the Shire of Chapman Valley 2017/2018 Annual Report to the Director General of the Department of Local Government.

AGENDA ITEM:	10.3.2
SUBJECT:	TOURISM & EVENTS WORKING GROUP – AUSTRALIA DAY AWARDS
PROPONENT:	TOURISM & EVENTS WORKING GROUP
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	NIL
DATE:	12 th DECEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Confidential – T&EWG Minutes		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Tourism & Events Working Group (TEWG) met on the 21st November 2018. Minutes from this meeting have been provided under separate cover due to the **need to keep the Australia Day Award nominations and recommended recipients confidential until they are announced** at the Australia Day Event to be held on the 26th January 2018.

Councillors and Staff are therefore requested to treat the TEWG Minutes as CONFIDENTIAL.

COMMENT

The TEWG met to discuss:

- 2018 Australia Day Awards;
- 2018 Australia Day Event;

Due to the need for confidentiality this Report, and the Staff Recommendation will not mention the recommended Australia Day Award recipients.

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Below is an extract from Management Procedure CMP-033 (Honour Awards) relevant to the Australian Day Awards:

Shire of Chapman Valley Australia Day Awards and Function

For personal commitment, service and contribution to the community of the Shire of Chapman Valley

Nominations called in October and close in November (or as determined by the Australia Day Council).

The Council Appointed Working Group shall:

- Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function;
- Assist with coordinating the annual Australia Day function(s);
- Discuss all other item(s) referred to them by Council in the areas of tourism and events.

FINANCIAL IMPLICATIONS

No financial implications are envisaged at this stage as the costs for Australia Day Awards/Event has been budgeted for as per previous years and it not expected to exceed this amount.

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

No adverse affect of the LTFP envisaged.

STRATEGIC IMPLICATIONS

It is important to both recognize the achievement of constituents and Australia Day.

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

1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.
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CONSULTATION

The TEWG met with staff to determine a recommendation to Council for award recipient(s) and event location.

RISK ASSESSMENT

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response

VOTING REQUIREMENTS

Simple majority

WORKING GROUP RECOMMENDATIONS

Council endorses the following Working Group recommendation:

- Recipient(s) of the 2019 Australia Day Awards;
- The Australia Day 2019 Breakfast event be held at the Bill Hemsley Park Community Centre.

- 11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
- 13.0 DELEGATES REPORTS**
- 14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**
- 16.0 CLOSURE**