



Shire of
Chapman Valley
Love the Rural Life

AGENDA

SEPTEMBER 2013

ORDINARY COUNCIL MEETING

**Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 18 September 2013
at the Council Chambers, Nabawa, commencing at 10:00am.**

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.

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

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 21 August 2013

That the minutes of the Ordinary Meeting of Council held Wednesday 21 August 2013 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

Manager of Planning

September 2013

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- 9.1.1 Proposed Retaining Wall – White Peak
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|----------------------------|--|
| AGENDA ITEM: | 9.1.1 |
| SUBJECT: | PROPOSED RETAINING WALL – WHITE PEAK |
| PROPONENT: | C & S CLOUGH |
| SITE: | LOT 316 (No.2) PATTEN PLACE, WHITE PEAK |
| FILE REFERENCE: | A1784 |
| PREVIOUS REFERENCE: | N/A |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | KATHRYN JACKSON |

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for the construction of a retaining wall upon Lot 316 (No.2) Patten Place, White Peak. The application has been brought before Council as the retaining wall does not meet the delegated authority afforded to staff through the Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme') in relation to maximum retaining wall heights and minimum boundary setbacks. This report recommends conditional approval of the application.

Figure 1 – Location Plan for Lot 316 (No.2) Patten Place, White Peak



COMMENT

Lot 316 (No.2) Patten Place is a corner lot located within the Dolby Creek Estate. The 0.7156ha property has two road frontages, its primary frontage is to Patten Place and its secondary street frontage is to David Road. The lot is serviced by water, electricity and sealed roads. Previously the Shire has issued, under delegated authority development approvals and subsequent building permits for the following structures which have since been completed:

- Dwelling – Permit issued 18 December 2012; &
- Outbuilding – Permit issued 4 October 2012.

The Shire is now in receipt of an application for the construction of a retaining wall upon the subject property which is proposed to be constructed around the perimeter of the building site for the existing dwelling and outbuilding. The retaining wall will be constructed to a height of approximately 600mm along the David Road street frontage with a 9m length return to the driveway accessing Patten Place. The second portion of the retaining wall will be approximately 1m in height and will extend from the front building line of the dwelling towards the rear (northern) property boundary this section of retaining wall would be 120m from the western boundary. The retaining wall will then extend

eastwards at a distance of 3m from the northern property boundary for a length of approximately 24m. It is proposed that a 1.2m high colorbond fence would be constructed along the northern, eastern and southern property boundaries and to the west of the dwelling and outbuilding just inside the line of the proposed retaining wall creating an enclosed yard.

Included as **Attachment 1** to this report is a copy of the landowner's submitted plans.

Figure 2 – Site photographs of Lot 316 (No.2) Patten Place, White Peak



Above: Looking south west from David Road



Above: Looking north west from David Road



Above: Looking north east from Patten Place



Above: Looking east from Patten Place across western portion of Lot 316

The application has been brought before Council as the height of the retaining wall exceeds the Scheme's maximum height requirement of 500mm (as measured from natural ground level) and the minimum side, front and rear boundary setbacks.

Shire staff, after having taken into consideration the merits of this application, recommend conditional approval of the application for the following reasons:

- The application is considered to meet the relaxation standards prescribed in Section 3.1.6 of the Scheme with regards to the height of retaining walls;
- The visual impact of the retaining wall is considered to not detrimentally affect the streetscape as the 600mm high retaining wall will be obscured from view from the road by the proposed 1.2m high perimeter colorbond fence;
- The western portion of the 1m high retaining wall is not considered detrimental to the appearance of the locality and it is considered that screening landscaping could be installed along this face to soften the visual appearance of this section of the retaining wall;
- The 3m rear boundary setback will allow for an appropriate fire break to be maintained between Lot 316 and the adjoining property to the north; &
- The retaining walls are proposed to retain and stabilise the existing fill on-site, therein providing a well presented border to the existing development onsite.

STATUTORY ENVIRONMENT

The subject property is zoned 'Rural Residential – Area 2' under the Scheme. The application has been brought before Council as the retaining wall is proposed to be constructed to a height of more than 500mm and located 1m from the side (eastern) and front (southern) property boundaries and 3m from the rear (northern) property boundary.

In this regard the application does not comply with the delegated authority requirements of Section 3.1.6 of the Scheme which states in relation to the height of retaining walls the following:

“Unless otherwise approved by the Council, no person shall erect or construct a retaining wall other than in accordance with any conditions on Council's approval in no case without Council approval, if the wall is greater than 0.5 metres in height at any point. In determining an application to erect or construct a retaining wall, Council shall have regard to:

- (a) its likely impact on the amenity or appearance of the land immediately adjoining the proposed retaining wall;*
- (b) the engineering design, materials, shape, height or proximity of the retaining wall to, and their likely effect on the outlook from, adjoining land;*
- (c) the effect on the useability of the land on which the retaining wall is proposed.”*

The Scheme also requires the following minimum boundary setbacks within the rural-residential zone:

| | |
|-------------------------|-----|
| Front boundary setback: | 15m |
| Side boundary setback: | 10m |
| Rear boundary setback: | 10m |

Whilst having regard for the above criteria stated in Section 3.1.6 and the minimum boundary setbacks prescribed within the 'Rural-Residential' Zoning Table the retaining wall is not considered to detrimentally impact the amenity of the area as the wall would be hidden from view from the two street frontages by the installation of a 1.2m high colorbond fence, and a 1m high retaining wall as viewed from adjoining properties is not considered to give an appearance of being prominent or 'bulky' and its construction can be easily softened through the installation of landscaping along its western face.

Furthermore it is noted that retaining walls are a common feature within the White Peak area and will provide a framing boundary for the existing development onsite whilst also aiding in the stabilisation and usability of the land. It is not considered that approval of this application will set an undesirable precedent for the locality.

Attachment 2 to this report contains onsite photographs from an inspection undertaken by Shire staff for Council's further information.

It should be noted that Section 3.1.3 of the Scheme affords the Shire Council the ability to relax the development standards of the Scheme should it be considered to meet the stated criteria:

"Notwithstanding the provisions of Clause 3.1.1, if a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding that non-compliance, conditions as the Council thinks fit. The power conferred by this Clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirements or standard will not be unreasonably departed from thereby."*

Should the Council believe the application has merit it is recommended that a condition of approval be imposed stating that landscaping be installed along the western retaining wall for the purpose of softening the visual impact and height of the wall and fence from neighbouring properties and the road.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost is likely to be imposed on the Shire through it's involvement in the appeal process.

STRATEGIC IMPLICATIONS

Whilst the land is zoned 'Rural-Residential' and not subject to the requirements of the Residential Design Codes of Western Australia (R-Codes) they do provide some guidance in relation to retaining walls. Section 6.6 of the R-Codes explanatory guidelines suggests that:

“Minimise impacts on neighbours and public streetscape in the design and selection of materials for retaining walls.

Where a building cannot be designed to correspond to the natural topography, the result is often retaining walls that are visually prominent.

The design of these walls should minimise their height and length through terracing and articulation. Materials should be selected for the walls that are visually interesting and integrated into the surrounding landscape.”

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

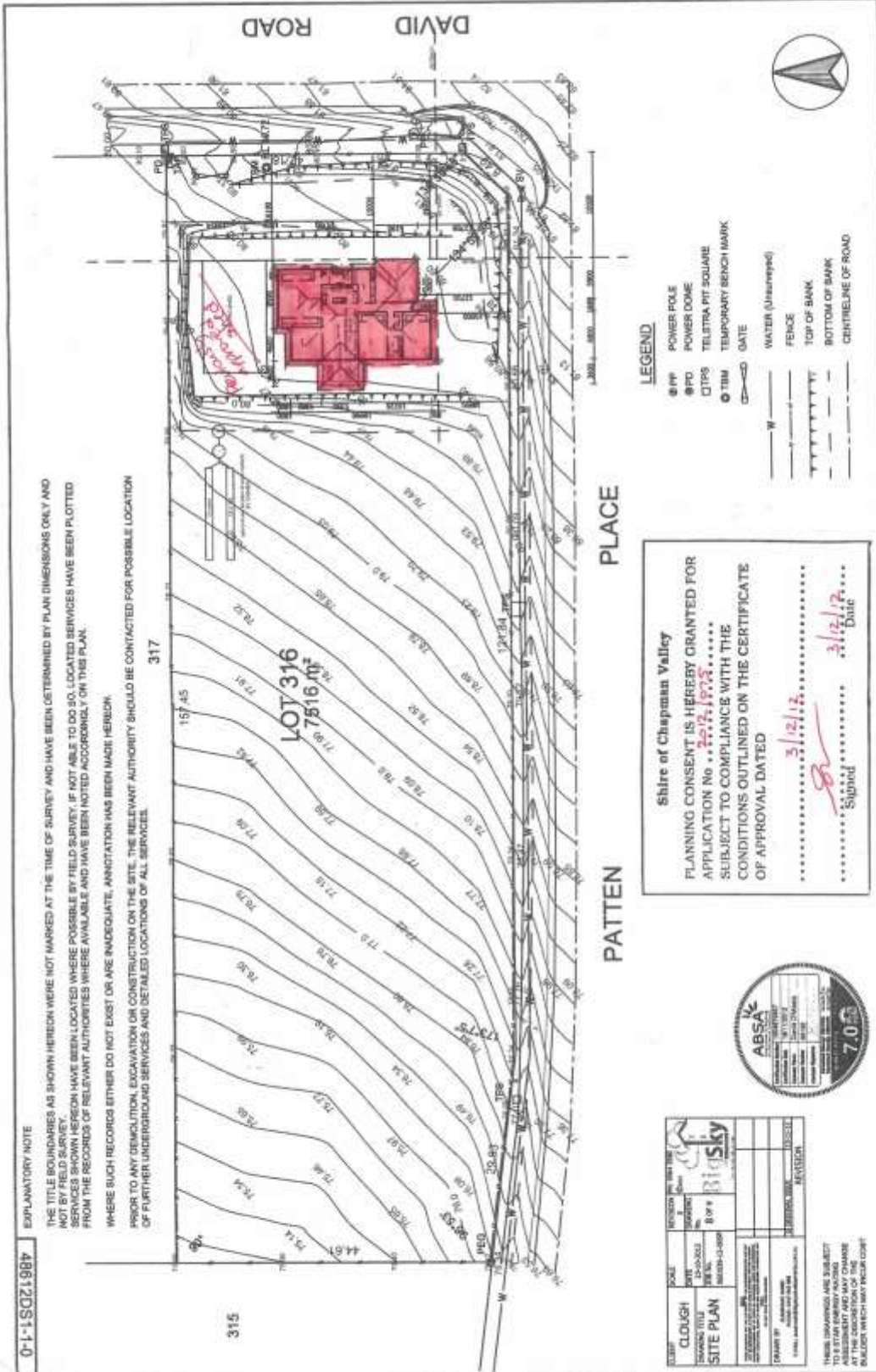
That Council grant formal planning consent for a retaining wall to be constructed upon Lot 316 (No.2) Patten Place, White Peak subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the attached approved plan(s) dated 18 September 2013 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 All stormwater is to be disposed of on-site to the specifications and approval of the Local Government.
- 4 Landscaping is required to be installed and maintained along the face of the western retaining wall at ground level for the purpose of softening the visual impact as viewed from Patten Place and adjoining properties.
- 5 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:

- i. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- ii. If 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.



EXPLANATORY NOTE
 48612DS1-1-0

THE TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY AND HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT BY FIELD SURVEY. ANY DISCREPANCY BETWEEN THE PLAN DIMENSIONS AND THE FIELD SURVEY HAS BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. IF NOT ABLE TO DO SO, LOCATED SERVICES HAVE BEEN PLOTTED FROM THE RECORDS OF RELEVANT AUTHORITIES WHERE AVAILABLE AND HAVE BEEN NOTED ACCORDINGLY ON THIS PLAN.

WHERE SUCH RECORDS EITHER DO NOT EXIST OR ARE INADEQUATE, ANNOTATION HAS BEEN MADE HEREON PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE. THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

Shire of Chapman Valley
 PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No. **2012/0725** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED **3/12/12**

Signed: *[Signature]* Date: **3/12/12**

- LEGEND**
- ⊕ PVP POWER POLE
 - ⊙ PPD POWER DOME
 - TPRS TELSTRA PIT SQUARE
 - ⊙ TBM TEMPORARY BENCH MARK
 - ⊕ GATE
 - W WATER (Unshaded)
 - FENCE
 - TOP OF BANK
 - BOTTOM OF BANK
 - CENTRELINE OF ROAD

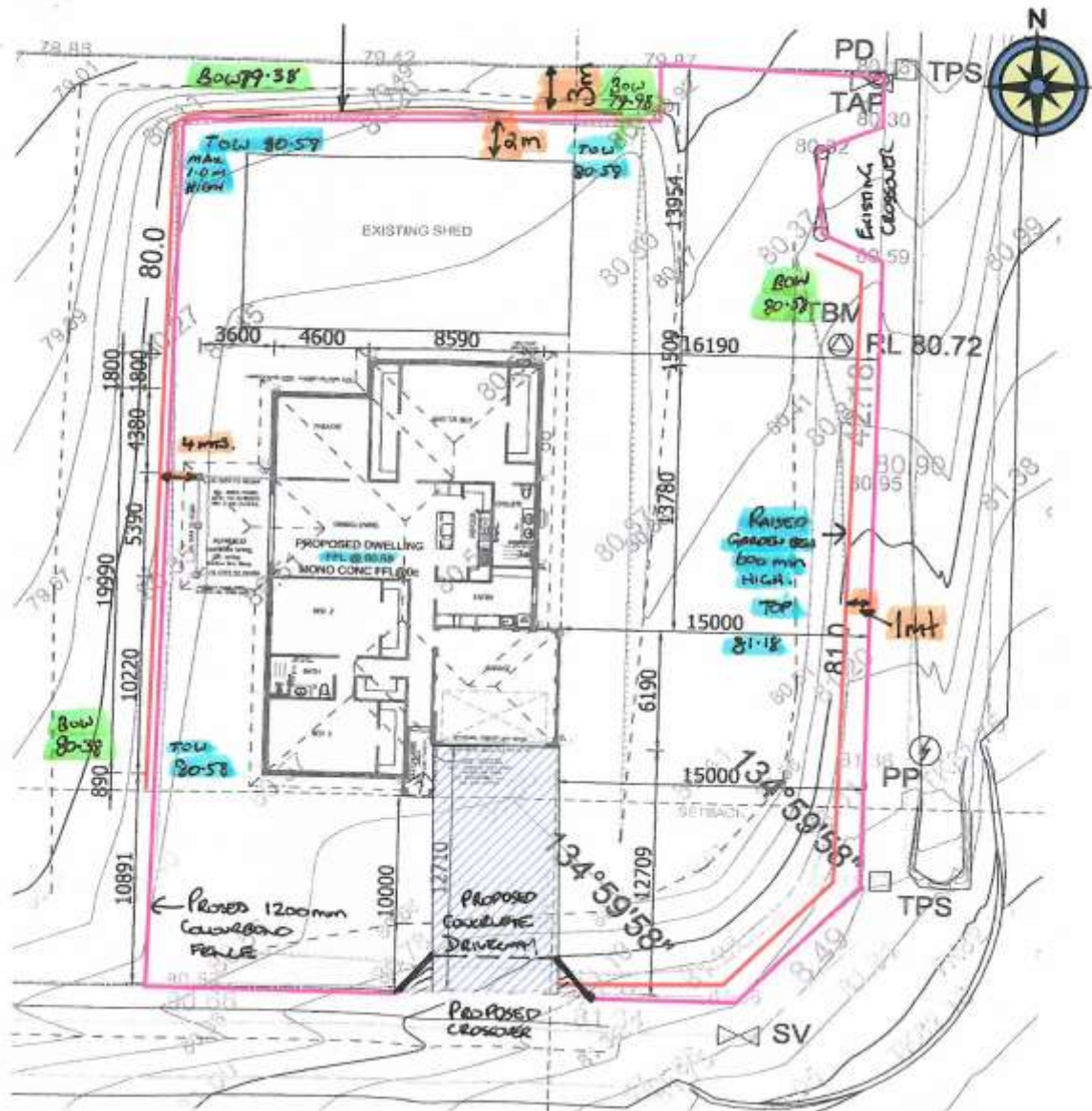
PATTEN PLACE

| DATE | REVISION |
|------|----------|
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| <p>DATE: 20/10/12 DRAWN BY: DL CHECKED BY: [Signature] APPROVED BY: [Signature]</p> | <p>DATE: 20/10/12 DRAWN BY: DL CHECKED BY: [Signature] APPROVED BY: [Signature]</p> | <p>DATE: 20/10/12 DRAWN BY: DL CHECKED BY: [Signature] APPROVED BY: [Signature]</p> | <p>DATE: 20/10/12 DRAWN BY: DL CHECKED BY: [Signature] APPROVED BY: [Signature]</p> |
| <p>SCALE: 1:500</p> | | | |
| <p>CLIENT: STEELE CAMPBELL BUILDING</p> | | | |
| <p>Lot 316 on DP 67943 DETAIL SURVEY</p> | | | |
| <p>DAVID ROAD, WHITE PEAK - SHIRE OF CHAPMAN VALLEY</p> | | | |
| <p>SCALE 1: 500 A3</p> | | | |
| <p>48612DS1-1-0</p> | | | |

| NO. | DATE | REVISIONS |
|-----|----------|----------------|
| 0 | 20/10/12 | ORIGINAL ISSUE |
| 1 | | |
| 2 | | |



- The red line represents the proposed retaining wall (Behind shed and ocean side) This is proposed to be 3 meters from the North Boundary and 4 meters from the western side of the patio
- The red line on the David Road side (right) to be no higher than 600 mm above existing ground and is to be used as a garden bed
- The purple line represents the proposed fence and gates at the old gateway and the garage entrance. FENCE HEIGHT = 1200mm
- The blue cross shaded box represents the driveway to the garage

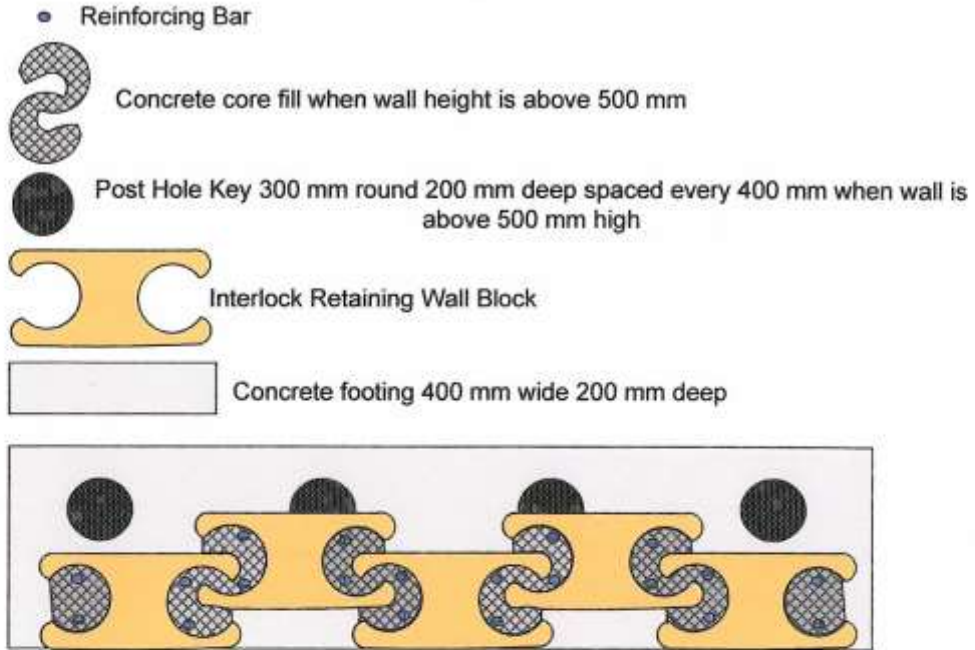
The following page is a representation of how I would like to construct the retaining wall.

Colin & Sharon Clough

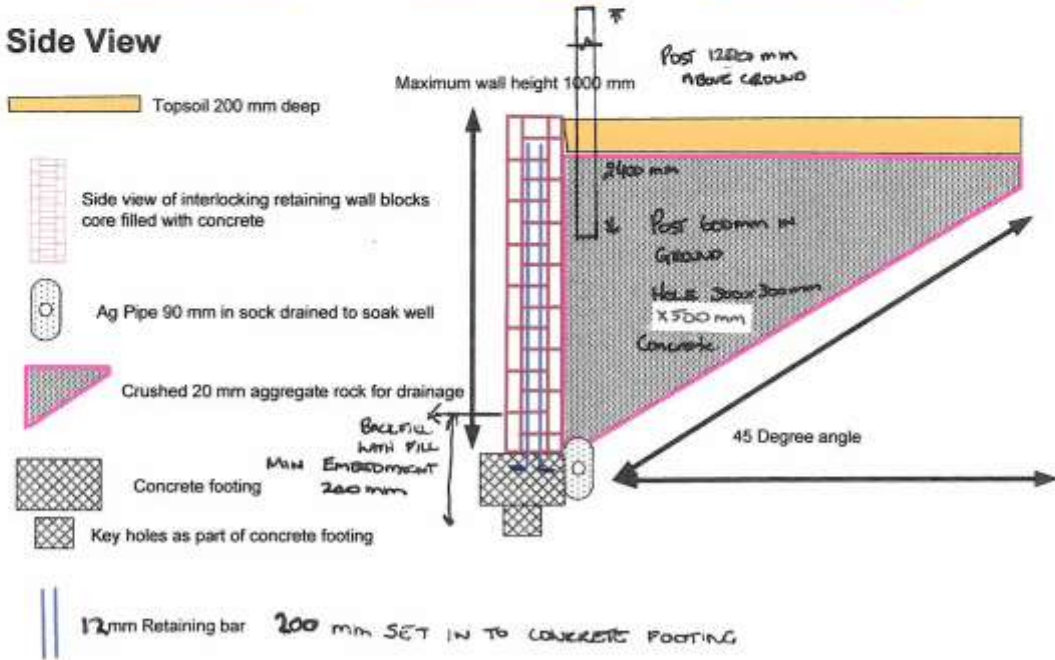
2 Patten Place White Peak

Council Application

Top View



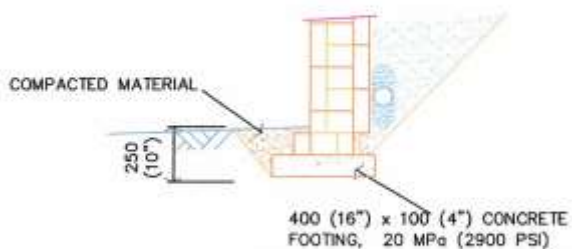
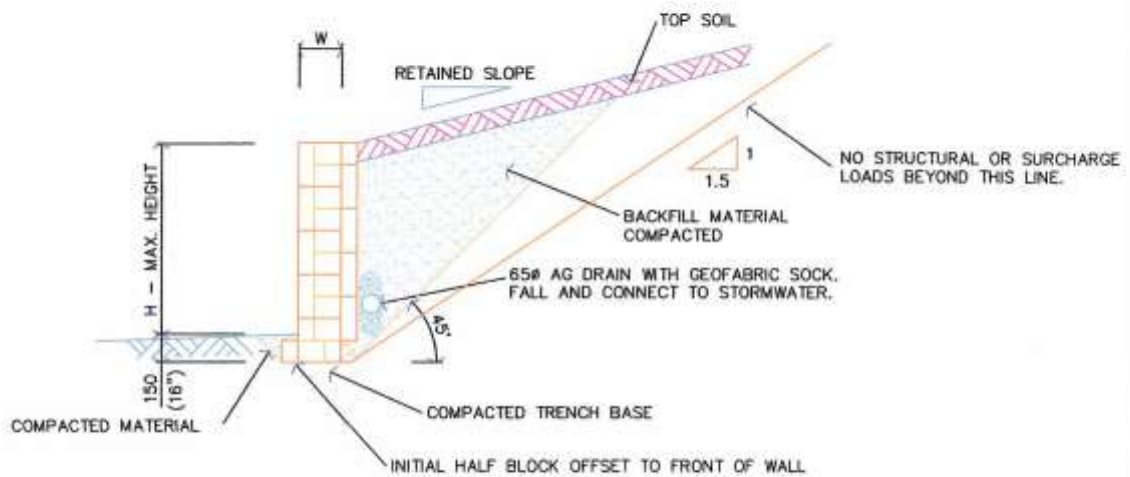
Side View



Colin & Sharon Clough

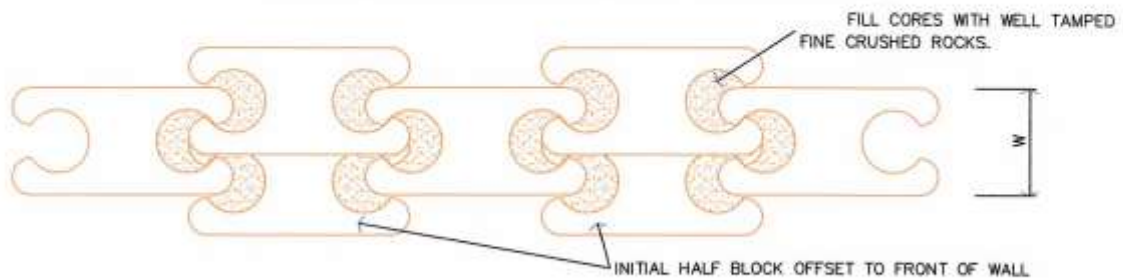
2 Patten Place White Peak

Council Application



| BLOCK WIDTH W | MAX. HEIGHT H | RETAINED SLOPE | BACKFILL MATERIAL |
|-------------------|---------------|----------------|-------------------|
| 200mm (8") SERIES | 800mm (32") | LEVEL | SANDY LOAM |
| | 900mm (36") | LEVEL | GRAVEL |
| | 800mm (32") | 1:4 | GRAVEL |

- NOTES:**
- FOUNDATION TO BE NATURAL UNDISTURBED MATERIAL WITH CONFIRMED ALLOWABLE BEARING CAPACITY OF 100 kPa.
 - WHERE THERE IS ANY VARIATION TO THE MATERIALS, WALL GEOMETRY, LOADING OR SITE CONDITIONS FROM THAT SHOWN ON THIS DRAWING, A QUALIFIED ENGINEER MUST BE ENGAGED TO DESIGN THE WALL.
 - A QUALIFIED ENGINEER SHOULD ALSO BE ENGAGED SHOULD ANY OF THE FOLLOWING APPLY:
 - SITE INSTABILITY
 - SERVICE TRENCHES IMMEDIATELY IN FRONT OF THE WALL.



TYPICAL PLAN OF WALL

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YOUR CONTACTS FOR INTERLINK

PHONE (03) 6431 9178

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EMAIL gcarter@tech-link.com.au

Overseas Callers

PHONE (61) 36431 9178

FAX (61) 36431 9636

There are a limited number of licences available to reputable manufacturers to produce Interlink Retaining Wall blocks.

For further information on the above please contact Grant Carter .

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| | |
|----------------------------|--|
| AGENDA ITEM: | 9.1.2 |
| SUBJECT: | EXTRACTIVE INDUSTRY – YETNA |
| APPLICANT: | TREMOR SARB PTY LTD |
| SITE: | LOTS 32, 43, 45 & 6751 BRAY ROAD, YETNA |
| FILE REFERENCE: | A1843, A1844, A1845 & A1846 |
| PREVIOUS REFERENCE: | 12/09-2 |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | SIMON LANCASTER |

DISCLOSURE OF INTEREST

Nil.

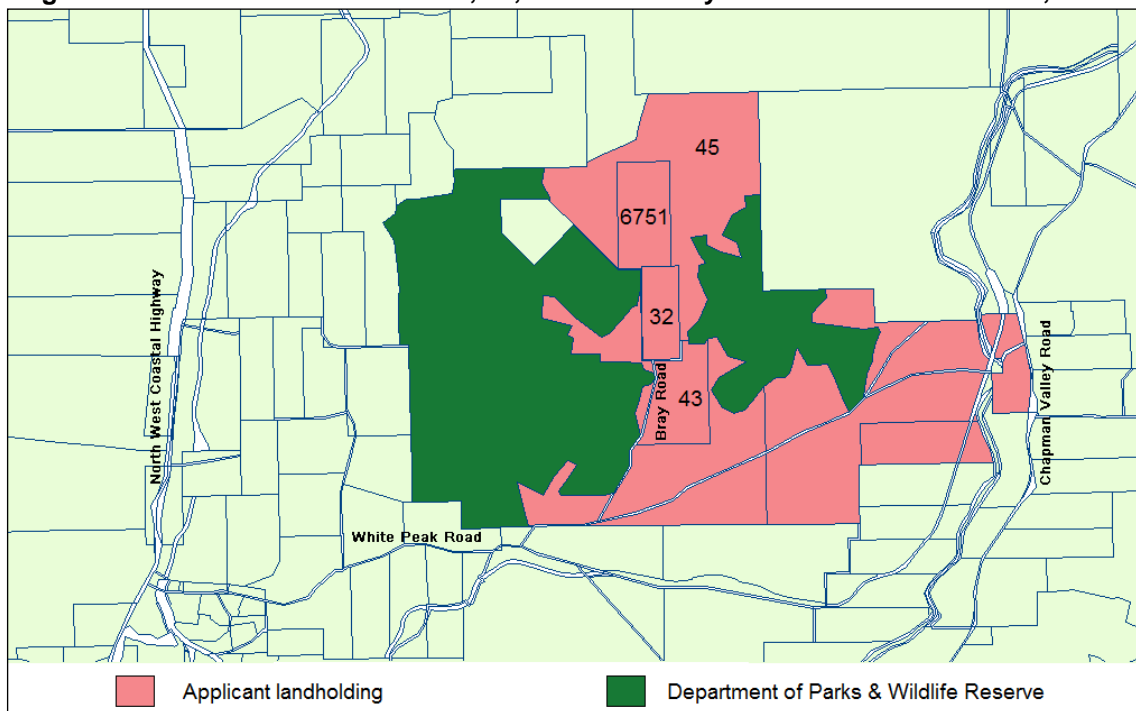
BACKGROUND

Council is in receipt of an application to operate an extractive industry (laterite duricrust, gravel and sand) from Lots 32, 43, 45 & 6751 Bray Road, Yetna that would access Chapman Valley Road via the unconstructed Bray Road and the eastern length of White Peak Road. This report recommends conditional approval of the application.

COMMENT

Lots 32, 43, 45 & 6751 form part of the approximately 1084ha Murphyl Farm, Yetna. The lots have frontage onto the gravel track standard Bray Road and eastern section of White Peak Road which serve as internal farm tracks and are not generally accessible to the public.

Figure 1 – Location Plan for Lots 32, 43, 45 & 6751 Bray Road & White Peak Road, Yetna



The application seeks to establish an extractive industry for the removal of laterite duricrust and gravel from an approximately 35ha cleared pasture area within Lots 45 & 6751, and the removal of sand from three cleared pasture areas totalling 10ha across Lots 32, 33 & 45. The extractive sites are located on the footslopes of a valley between two Moresby Range plateaus.

A copy of the complete submitted Excavation and Rehabilitation Management Plan (June 2013) has been provided to Councillors as a separate document.

It is anticipated that an area of approximately 1ha per year would be excavated with 50,000-70,000 tonnes of material to be extracted annually from a total estimated resource of 700,000 bank cubic metres. The extractive industry is proposed to operate for a period of 10 years (although this is contradicted within the application as being >20 years).

Figure 2 – Gravel Extraction Site



Figure 3 – Northern Sand Extraction Site



Figure 4 – Southern Sand Extraction Site



The operation would comprise the extraction to a depth of 2-4m using a loader loading directly onto a truck with screening to prepare various grades of gravel, and the extraction of the underlying laterite duricrust through bulldozing and then crushing with a portable crusher and screening the products. The portable crusher and stockpiles would be located on the floor of the excavation within a 2ha operational cell. The applicant has advised that blasting is not proposed.

The application seeks to operate from 7:00am to 6:00pm Monday to Saturday inclusive, excluding public holidays, with 2-4 persons anticipated on-site during operation. Truck movements would be approximately 2 per hour when transporting, and for significant parts of the year there would be no truck movements servicing the site. The applicant advises that trucks would be semi-trailer carrying up to 30 tonnes, occasionally rigid truck and trailer combinations (up to 42 tonnes) and vehicles up to 52 tonnes may be used subject to Shire notification and permits.

At the conclusion of extraction the land surface would be progressively reformed as gently undulating surface by placement of the overburden followed by top soil to match the existing landform and returned to pasture with the planting of some strategically located clumps of trees.

Council issued conditional approval to an extractive industry application upon Murphyl Farm submitted by Catalano Pty Ltd on behalf of the previous landowner at its 16 December 2009 meeting. The previous application originally sought to utilise the Bray Road and White Peak Road alignments to access the North West Coastal Highway. Following significant objection from landowners along White Peak Road and Main Roads WA concerns with the safety issues in utilising

the White Peak Road and North West Coastal Highway intersection the application was refused along this western access alignment and approved subject to utilising an eastern access alignment within the landholding to Chapman Valley Road. The current application does not seek to utilise the western access to the North West Coastal Highway and proposes to access Chapman Valley Road via the unconstructed White Peak Road alignment.

Figure 5 – Views looking north and south at Chapman Valley Road access point



The nearest residence to the proposed extractive industry site is upon Lot 3324 and approximately 1.3km directly to the north-west of the nearest of the proposed sand quarry sites, although the residence is not in direct line of sight to the extractive industry due to the undulating terrain. This would conform with the recommended separation distances for quarries not involving blasting (but involving crushing and screening) set by the Environmental Protection Authority's 'Guidance for the Assessment of Environmental Factors' document.

Figure 6 – Aerial photo illustrating nearest residences to proposed extractive industry



The application was received by the Shire on 25 July 2013 and subsequently advertised for public comment from 1 August 2013 until 23 August 2013 with the following actions being undertaken:

- Placement of a notice in the Mid West Times on 1 August 2013;
- Installation of an advisory sign at the proposed Chapman Valley Road access point between 1 August 2013 and 23 August 2013;
- Direct notification of the 11 surrounding landowners within a 2km radius of the proposed extractive industry site and about the proposed access point onto Chapman Valley Road;
- Direct notification to the following relevant government agencies; Alinta Energy Department of Aboriginal Affairs, Department of Agriculture & Food, Department of Environment Regulation,

Department of Fire & Emergency Services, Department of Lands, Department of Mines & Petroleum, Department of Parks & Wildlife, Department of Planning, Department of Water, Main Roads WA, Telstra, Western Power and Westnet Energy.

At the conclusion of the advertising period the Shire had received 8 submissions, all offering no objection to the proposed development.

A copy of the Schedule of Submissions that has been prepared and identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues has been included as **Attachment 1** to this report. Copies of the submissions received by the Shire can also be provided to Councillors.

STATUTORY ENVIRONMENT

Lots 32, 43, 45 and 6751 Bray Road, Yetna are zoned 'General Farming' under the Shire of Chapman Valley Town Planning Scheme No.1, the Policy Statement for which reads:

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

Lots 32, 43, 45 and 6751 also fall within the 'Place of Heritage Value Zone 3 – Moresby Flat Topped Ranges and associated valleys' zone the Policy Statement for which reads:

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

The Zoning and Development Table of the Scheme specifies 'Industry-Extractive' as an 'AP' use under the 'General Farming' zone, this being a use that is permitted if:

- approval to it is given by the Council after the proposal has been advertised in accordance with Section 5.2.2 of the Scheme;
- it complies with the conditions of the approval (if any) of the Council; and
- it complies with the relevant standards contained in the Scheme Text and in the Zoning and Development Table.

Section 1.7 of the Scheme defines 'Industry-Extractive' to mean:

"Industry - Extractive: Means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals (but not including radioactive minerals, unless incidental to the mining of non-radioactive minerals), or similar substances from the land and also the storage, treatment or manufacture of products from those materials on the land from which those materials are extracted or on land adjacent thereto; or*
- (b) the production of salt by the evaporation of sea water."*

The application is considered to fall within the interpretation outlined above, and therefore may be considered by Council within the 'General Farming' zone, with or without conditions, following advertising in accordance with Section 5.2 of the Scheme.

Sections 5.2.1 and 5.2.2 of the Scheme require that notice of the application be given in accordance with Section 5.2.3 of the Scheme, and that one or more of the following actions shall be carried out:

- "(a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent, stating that submissions may be made to the Council within twenty-one days of the service of such notice;*
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publications thereof;*

- (c) *a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this Clause.*”

Section 5.2.5 of the Scheme requires that at the expiration of the advertising period that Council shall consider and determine the application.

Section 5.3.2 of the Scheme states that:

“The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality issued, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.”

It is considered that the application can be approved but subject to conditions to ensure that it complies with the following objects of the Scheme:

- “1.3.1(b) To secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;”*
- “1.3.1(d) The preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest; and”*
- 1.3.2(f) To protect the alignments of certain major roads.”*

Appendix 5A – ‘Specific Policies on Places of Heritage Value’ of the Scheme provides some direction on key vistas and vantage points over the Moresby Ranges that should be considered as having landscape value as follows:

“Moresby Ranges and Associated valleys

- 1.1 The areas included within the Place are considered to be areas of significant landscape beauty in the Region of value to residents of the region and to the numerous visitors to the district.*

The elements of the landscape area are:

- (a) *The view from the North West Coastal Highway to the ocean over farmland and dunes in the area between the Buller River and the southern boundary of the Shire.*
- (b) *The area east of the North West Coastal Highway to the crests of the Moresby Flat Topped Ranges between the Howatharra/Nanson Road and the southern boundary of the Shire.
This area includes the steep slopes of the ranges, isolated peaks such as Wokarena Peak and a general valley sharply dissected by annual streams originating in the ranges.
There are several old lead mines in the area, the headframes of which add interest to the farmed topography.*
- (c) *The view over the farming valley created by the junction of two main arms of the Chapman River, east of the Moresby Range, seen from the road through the Waggrakine Pass.*
- (d) *The eastern slopes of the Moresby Ranges south of the Howatharra/Nanson Road.”*

The proposed extractive industry site is located in an area that rises to the north, east and west, meaning that the site is obscured from the major public viewing areas and tourist routes of the North West Coastal Highway and the Chapman Valley Road. The southernmost sand quarry sites would be visible from the short downhill final approach of Morrell Road to Chapman Valley Road but at a distance of approximately 5km. The gravel extraction site and the northern sand quarry site would be obscured by the encircling Moresby Range from public access points.

The proposed development also provides an ultimate opportunity to alter what is currently a cleared pasture to a rehabilitated and revegetated site.

**Figure 7 – View looking south from southern sand extraction area
(Chapman Valley Road and Morrell Road intersection located 5km to south)**



POLICY IMPLICATIONS

Lots 32, 43, 45 and 6751 are within Planning Precinct No.4 – Moresby Ranges as identified in the Shire of Chapman Valley Local Planning Strategy. The Vision for this Precinct is as follows:

“The Moresby Ranges are visually and environmentally preserved as a landscape feature, natural resource and a recreational and tourist resource for the general population, whilst recognising the rights of existing landowners.”

The Local Planning Strategy does not recommend that further subdivision be permitted within the immediately surrounding area to the proposed quarry site under Precinct No.4 – Moresby Range, or neighbouring Precinct No.3 – Chapman Valley to the east. It would be reasonable to assume on this basis that lot fragmentation, and the potential introduction of additional landowners would not occur in the immediate proximity of Lots 32, 43, 45 and 6751 within the near future (with the maximum stated timeframe for the extractive industry within the application being 20 years, and staff recommending that any approval be for a period of 10 years).

The proposed development would be required to comply with the following objectives of the Strategy:

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

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

“4.4.1 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.

4.4.2 Identify, support and facilitate the efficient and coordinated use of existing road linkages.”

Shire of Chapman Valley Local Planning Policy 16.90 ‘Extractive Industry’ sets specific requirements and minimum standards for the establishment of extractive industries in the ‘General Farming’ zone:

“Policy statement:

- 1 The extraction of basic raw materials to a depth of 1m or less to be used for improvements the same farming property or for municipal purposes, including the building of roads, is exempt from obtaining planning consent.*

- 2 *Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour, visual intrusion or contamination.*
- 3 *An extractive industry is not permitted within the principal area (as defined by Council) of the Moresby Flat Topped Ranges and associated valleys until such time as a Moresby Ranges Management Strategy has been completed and endorsed by Council and the Western Australian Planning Commission.*
- 4 *No extractive industry will be approved until such time as Council has received advice from the Indigenous Affairs Department and Department of Environment and Conservation in relation to heritage and flora and fauna issues respectively. An extractive industry will not be approved if there are substantiated objections from either of these agencies.*
- 5 *An application for an extractive industry will not be favourably considered by Council unless the following information has been submitted with the application for planning consent form:*
 - *A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, area of remnant vegetation, existing and proposed access and internal roads, existing buildings, proposed stock pipe area and setback distances from property boundaries;*
 - *A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;*
 - *A rehabilitation plan for the area of extraction prepared in accordance with DEC guidelines showing the re-contouring of the land and areas of re-planting.*
 - *Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.*
- 6 *Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
- 7 *Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
- 8 *Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50m of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy 15.20.*
- 9 *Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
- 10 *The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000m from the closest neighbouring residence upon which the Council may entertain extended operating times:*
 - *Monday to Saturday - 7.00am to 6.00pm;*
 - *Sundays and Public Holidays - no operations.*

- 11 *The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis. For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.*
- 12 *This Policy supersedes previous Town Planning Scheme Policy 16.90 adopted 15th July 2003.*
- 13 *Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1, the Town Planning Scheme shall prevail."*

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.

FINANCIAL IMPLICATIONS

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a cost is likely to be imposed on the Shire through its involvement in the appeal process.

STRATEGIC IMPLICATIONS

The Moresby Range Management Strategy (WAPC, 2009) seeks to coordinate management of the Moresby Range by government agencies, private sector organisations, landowners and community groups, with the aims of protecting, enhancing and promoting the regional significance of the Moresby Range. The Strategy does not identify the proposed site as a visually sensitive area or requiring further investigation. Section 4.5.3 of the Strategy 'Resource extraction and infrastructure' notes that:

"In recognising that mining interests exist on the range it should be noted that the extraction of resources may conflict with other land uses such as conservation, recreation and tourism; therefore, it is important to ensure careful management of potential and existing raw material extraction and mineral resources. This will facilitate the minimisation of potential land use conflict, the loss of visual amenity, a reduced conservation value, and noise and dust pollution. Given that exploration licenses exist in the study area, subdivision and development applications should be referred to the DMP for their comment. In addition, any mining proposal in the study area received by DMP should be referred to the WAPC for consideration so the objectives and recommendations of the strategy are addressed."

Recommendation No.50 of the Strategy states that developments of this nature should seek to:

"Minimise and manage the impact of mineral extraction on the landscape, visual and conservation values of the range with reference to the manual, Visual Landscape Planning in Western Australia (DPI, 2007)."

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

That Council grant formal planning consent for the establishment of an extractive industry (duricrust, gravel and sand) upon Lots 32, 43, 45 and 6751 Bray Road, Yetna subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the attached approved plan(s) dated 18 September 2013 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 land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation

from the approved development plan requires further application and planning approval for that use/addition.

- 3 No vehicle movements associated with the development are to access the development by means of the North West Coastal Highway and White Peak Road intersection.
- 4 This approval authorises the use of Lots 32, 43, 45 and 6751 for the purposes of extractive industry to continue for a period of only 10 years from the date of the planning approval, after which the approval shall expire and the use shall not be further carried on without further approval of the Local Government.
- 5 The applicant is to prepare, submit and adhere to a Management Plan to the approval of the Local Government, with all costs met by the applicant.
- 6 The operation of the extractive industry shall be contained within that area indicated within the Management Plan.
- 7 The applicant is to implement and maintain reporting mechanisms and monitoring for noise, dust, water (and other) complaints throughout the duration of the operation of the development. In 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.
- 8 The location, design and construction of the access point (and approaches to the access point) onto Chapman Valley Road shall be to the requirements of Main Roads WA and the Local Government, with all costs met by the applicant.
- 9 The installation of warning/safety signage along Chapman Valley Road to the requirements of Main Roads WA, with all costs met by the applicant.
- 10 Repairing of any damage to the road pavement of the road network including the surface is required by reason of use of the road in connection with the development to the requirements of Main Roads WA and the Local Government with all costs met by the applicant.
- 11 The construction and maintenance of the internal roads and vehicle manoeuvring areas to access the development shall be to the satisfaction of the Local Government, with all costs met by the applicant.
- 12 The construction and maintenance of the internal road crossing of the Chapman River shall be to the requirements of the Department of Water and the Local Government, with all costs met by the applicant.
- 13 Stockpiling of materials must be located in immediate proximity to, or within the extractive industry area to the approval of the Local Government. Any stockpiling of materials west of the Chapman River to enable transport of material when the river is in flow must only occur where specific approval has been given in writing by the Local Government and locations will be assessed with regard for several factors including but not limited to, the potential for dust emissions and the stockpile's visibility from the Chapman Valley Road which is considered by the Local Government to be a significant tourism and scenic route.
- 14 No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.
- 15 No blasting of material is permitted as part of the extraction operations.
- 16 Perimeter bunding for the extractive industry shall be installed to reduce noise and dust emission as required by the Local Government.
- 17 The crushing and screening plant shall be located so as to reduce noise and dust emission to the requirements of the Department of Environment Regulation and the Local Government.
- 18 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements, shall be:

- Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 19 The applicant/operator is responsible to ensure that the development and post-closure obligations are carried out at all times and in all respects in accordance with the Management Plan.
- 20 No signs or hoardings are to be erected on the entrance to the development without the separate approval of the Local Government and Main Roads WA.
- 21 At the conclusion of the extractive industry operations the site must be rehabilitated to the approval of the Local Government. Post-closure obligations shall have regard for the 'Visual Landscape Planning in Western Australia' document to ensure that the rehabilitation of the closed extractive industry site improves the landscape, visual and conservation values of this portion of the Moresby Range.

Notes:

- (a) 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.
- (b) 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.
- (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 and such application must be lodged within 28 days from the date of determination.
- (d) The Department of Water have advised that the use of groundwater from the soak for quarry operations such a mobile crushing or dust suppression is considered a commercial use and is required to be licenced by the Department of Water under the *Rights in Water and Irrigation Act 1914*.
- (e) Main Roads WA have advised that Chapman Valley Road is under the management of Main Roads WA who will require that any Restricted Access Vehicle permits for roads must be obtained prior to development.
- (f) In relation to condition 8 Main Roads WA have advised that the design should include the sealing of at least 100m back from the intersection with Chapman Valley Road. This will prevent dirt and debris from being carried onto the Main Roads WA network and will also minimise risk of edge break and damage to the pavement of Chapman Valley Road around the intersection. Main Roads WA have further advised that the applicant should provide indicative peak traffic numbers that would be generated in association with the site to inform design decisions and appraisal. In the absence of figures provided by the applicant, Main Roads WA will adopt 'worst case scenario' figures to use for design appraisal.
- (g) The Department of Environment Regulation have advised that the applicant will need to apply for and obtain a works approval from the Department prior to commencing operations.
- (h) The applicant is advised of their requirement to comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise monitoring be required, all costs shall be met by the applicant.
- (i) The applicant is advised of their requirement to comply with the Environmental Protection Act 1986 and the Environmental Protection Authority's guidelines pertaining to dust in respect to dust emissions and should dust monitoring be required, all costs shall be met by the applicant.
- (j) The applicant is required to comply with all other legislation, inclusive (but not limited to) the obtaining of a works licence from the Department of Environment Regulation, and compliance with any statutory requirements pertaining to the following Department of Water Quality Protection Notes ('WQPN') 'WQPN6 Vegetation buffers to sensitive water resources', 'WQN13 Dewatering of Soils at Construction Sites', 'WQPN15 Extractive Industries Near Sensitive Water Resources', 'WQPN27 Liners for containing pollutants, using engineered soil',

'WQPN44 Roads near sensitive water resources', 'WQPN61 Tanks for ground level chemical storage' and the Stormwater Management Manual for Western Australia (DoW 2004-2007).

- (k) The applicant is further advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the responsibility of the applicant to obtain any additional approvals required before the development/use lawfully commences.
- (l) In relation to condition 21, post-closure obligations shall become applicable upon the earlier of the following events:
- (i) acknowledgement by the proponent that extractive activities are completed; or
 - (ii) (unless the proponent obtains a fresh planning approval for the extractive industry) the Local Government advises that its CEO deems the extractive industry to have been effectively completed.

The CEO may only so deem where the Local Government has sought in writing Documented Proof of Continuance from the last-known operator (copied to the owner), and such Documented Proof has not been provided within 3 months of being requested. It is the proponent's responsibility to keep Documented Proof.

"Continuance" for the purpose of this clause means that the cartage of extracted material from the site has not fallen below 50 truckloads in each year for the period of two years preceding the local government seeking Documented Proof of Continuance.

"Documented Proof" means cartage records or the like containing at least the following details:

- the date of cartage;
- the approximate volume of cartage;
- the destination of cartage;
- if the operator owned the truck used, the registration number and driver of the truck, the destination and the customer; and
- if the operator did not own the truck used, the business to which the truck belonged.

No person shall forge or falsely modify records documents for the purpose of creating or facilitating Documented Proof.

| Schedule of Submissions - Proposed Extractive Industry, Lots 32, 43, 45 & 6751 Bray Road, Yetna | | | |
|---|--|---|---|
| Submission No. & Date Received | Submitter & Affected Property | Nature of Submission | Comment |
| 1 (6/8/13) | Western Power 363 Wellington Street PERTH WA 6000 | No objection Property is unserviced, there is no Western Power infrastructure on, over or under the property. | No additional comment. |
| 2 (6/8/13) | Department of Agriculture & Food PO Box 110 GERALDTON WA 6531 | No objection Gravel extraction site is within the flat-topped region of the Moresby Range featuring a dominance of gravelly soils general used for grazing as they have lower capability for cropping. Sand extraction sites are on foot slopes and are also poorer quality for cropping. Disturbance of soils in exposed landscape positions will make them highly susceptible to wind erosion. Dust suppression measures described in Section 6.3.3 need to be maintained until the site is fully rehabilitated. Recommend regular monitoring of re-establishment of surface cover at each site after replanting to ensure protection of soil particularly through drier months. Water erosion is also a risk. Construction and maintenance of earthworks as outlined in the report will act to reduce the risk. | Note submission. Note submission and require that any approval of the development be made conditional to the following: "The applicant is to prepare, submit and adhere to an Environmental Management Plan to the approval of the Local Government, with all costs met by the applicant." "The proponent is to implement and maintain reporting mechanisms and monitoring for noise, dust, water (and other) complaints throughout the duration of the operation of the development. In 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 Environmental Management Plan." |

| Schedule of Submissions - Proposed Extractive Industry, Lots 32, 43, 45 & 6751 Bray Road, Yetna | | | | |
|---|--|---|--|---|
| Submission No. & Date Received | Submitter & Affected Property | Nature of Submission | Comment | Recommendation |
| 3 (8/8/13) | Department of Aboriginal Affairs PO Box 3153 EAST PERTH WA 6892 | Biosecurity standards need to be maintained throughout the life of the pits. Section 6.1 of the document describes protocols for managing this issue to reduce risk for the landowner, adjoining farms and along the transport route. No objection Review of Register of Aboriginal Sites and the Aboriginal heritage database indicates that there are no known Aboriginal heritage values within the area. | stopped until conditions improve. Section 6.1 of the application addresses biodiversity issues including a Dieback Management Plan and Weed Management Plan. | Note submission. |
| 4 (22/8/13) | Department of Water PO Box 73 GERALDTON WA 6531 | No objection It is noted that the applicant has identified the soak as perched groundwater. The use of groundwater from the soak for quarry operations such as mobile crushing or dust suppression is considered a commercial use and is to be licenced by the Department of Water under the <i>Rights in Water and Irrigation Act 1914</i> and should be listed as a condition of planning approval. No objection subject to the imposition of conditions of the previous planning determination 2009/059. | The Department of Water provides guidelines for water quality management for extractive industries that the application has displayed regard for. The Department of Water has responsibility for the protection of groundwater and watercourses, and licenses bores and oversees water use. A copy of all submissions has been provided to the applicant to ensure their awareness of their responsibilities under separate legislation. | Note submission and require that any approval of the development be made subject to the following advice notes: "The Department of Water have advised that the use of groundwater from the soak for quarry operations such as mobile crushing or dust suppression is considered a commercial use and is required to be licenced by the Department of Water under the <i>Rights in Water and Irrigation Act 1914</i> ." |
| 5 (26/8/13) | E & B Peet PO Box 7107 GERALDTON WA 6531 | No objection No comment provided. | No additional comment. | Note submission |
| 6 (30/8/13) | Department of Parks & Wildlife PO Box 72 GERALDTON WA 6531 | Comment provided The State Government has committed \$20 million to develop low cost camping and tourism opportunities on Department managed land and the Moresby Conservation Park has been identified as a priority area for development. The two sand extraction areas are located | Whilst the Department's advice is acknowledged it should be noted that the adjacent Moresby Conservation Park (Lot 31) is 747.1932ha in area and there is considerable opportunity within this undulating parkland to place camping and tourism nodes some distance from the proposed extractive industry sites. In the absence of specific identified locations for | The Shire write to the Department of Parks and Wildlife welcoming the opportunity to discuss the potential development of camping and tourism nodes within the Moresby Conservation Park. The Shire also advise the Department that the current configuration of the White Peak Road and North West Coastal |

| Schedule of Submissions - Proposed Extractive Industry, Lots 32, 43, 45 & 6751 Bray Road, Yetna | | | |
|---|--|---|--|
| Submission No. & Date Received | Submitter & Affected Property | Nature of Submission | Comment |
| | | <p>Immediately adjacent to the Moresby Conservation Park boundary and the proposed gravel pit is within 550m of the boundary. It is recommended that when considering the potential impacts of this proposal the Shire take into account the future development of the Moresby Conservation Park for camping and tourism opportunities in particular in relation to noise, dust management and the potential for increased public traffic on White Peak Road.</p> <p>There are two populations of conservation significant flora located near the southern boundary of the gravel extraction area, one of which is critically endangered and specially protected under the <i>Wildlife Conservation Act 1950</i>. These are <i>Grevillea bracteosa</i> subsp. <i>Howatharra</i> (critically endangered) and <i>Leucopogon psammophilus</i> (priority 1). The proposal includes a dust management strategy, a setback of 50m from remnant vegetation and a commitment to fence remnant vegetation. The Department supports these strategies and recommends that the impacts of dust on remnant vegetation be incorporated into the proposals monitoring program.</p> | <p>potential camping and tourism nodes being known, and uncertainty over the timeframe and funding for their development it is difficult to consider potential impacts.</p> <p>The current configuration of the White Peak Road and North West Coastal Highway intersection is not considered safe or appropriate for tourism related traffic particularly vehicles towing caravans and will require upgrading should the Department consider this a potential means of access for a camping or tourism node within the Moresby Conservation Park.</p> <p>The applicant's submitted Excavation and Rehabilitation Management Plan details that a buffer of 50m is to be retained to the remnant vegetation, and unwanted access to vegetated areas is to be discouraged through a lack of tracks and external fencing.</p> |
| 7 (27/8/13) | Main Roads WA PO Box 1653 GERALDTON WA 6531 | <p>Highway intersection is not considered safe or appropriate for tourism related traffic (particularly vehicles towing caravans) and will need upgrading to the requirements of Main Roads WA.</p> <p>Note submission and require that any approval of the development be made conditional to the following:</p> <p>"The applicant is to prepare, submit and adhere to an Environmental Management Plan to the approval of the Local Government, with all costs met by the applicant."</p> <p>"The proponent is to implement and maintain reporting mechanisms and monitoring for noise, dust, water (and other) complaints throughout the duration of the operation of the development. In 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 Environmental Management Plan."</p> | <p>Note submission and require that any approval of the development be made conditional to the following:</p> <p>"The location, design and construction of the access point (and approaches to the access point) onto Chapman Valley Road shall be to the</p> |

| Schedule of Submissions - Proposed Extractive Industry, Lots 32, 43, 45 & 6751 Bray Road, Yetna | | | | |
|---|-------------------------------|---|--|---|
| Submission No. & Date Received | Submitter & Affected Property | Nature of Submission | Comment | Recommendation |
| | | <p>designed and constructed to MRWA standards and should be able to safely accommodate heavy vehicle movements that would be generated by the extraction operations.</p> <p>Should the Shire grant approval MRWA would request the imposition of the following conditions:</p> <p>The proponent must prepare designs for the intersection between the access road to the site and Chapman Valley Roads. This will need to be approved by MRWA and the Local Government. The proponent will be responsible for all costs associated with design and construction of the intersection.</p> <p>The design considerations shall include location of intersection, sightlines, intersection geometry, necessity of auxiliary lanes (turning pocket and acceleration/deceleration lane), sealing of access road, drainage, signage and line markings.</p> <p>Any damage to MRWA assets attributable to operations at the site must be repaired to MRWA's satisfaction at the cost of the proponent. MRWA shall be notified of any damage and remediation undertaken.</p> <p>Request that the following information be provided to the proponent:</p> <p>Any required Restricted Access Vehicle permits for roads must be obtained prior to development.</p> <p>The design should include sealing at least</p> | <p>management of Main Roads WA and the Shire will be bound to have regard therefore for the advice received from Main Roads WA in its deliberation upon the application. The previous development approval issued for the extractive industry upon this landholding was subject to conditions requiring the access point onto Chapman Valley Road being located, designed and constructed to the requirements of Main Roads WA at the applicant's expense and it would be appropriate for similar condition to be applied to any fresh approval.</p> <p>The correspondence received from Main Roads WA recommends that the applicant contact them early in the process to discuss requirements and specifications and a copy of all received submissions has been given to the applicant to provide them with the opportunity for comment. The Shire has recommended to the applicant that they contact the Geraldton office of Main Roads WA to discuss their requirements.</p> | <p>requirements of Main Roads WA and the local government, with all costs met by the applicant."</p> <p>"The installation of warning/safety signage along Chapman Valley Road to the requirements of Main Roads WA, with all costs met by the applicant."</p> <p>"Repairing of any damage to the road pavement of Chapman Valley Road including the surface is required by reason of use of the road in connection with the development to the requirements of Main Roads WA and the local government with all costs met by the applicant."</p> <p>Note submission and require that any approval of the development be made subject to the following advice notes:</p> <p>"The applicant is advised that Chapman Valley Road is under the management of Main Roads WA who will require that any Restricted Access Vehicle permits for roads must be obtained prior to development."</p> <p>"In relation to condition X Main Roads WA have advised that the design should include the sealing of at least 100m back from the intersection with Chapman Valley Road. This will prevent dirt and debris from being carried onto the Main Roads WA network and will</p> |

| Schedule of Submissions - Proposed Extractive Industry, Lots 32, 43, 45 & 6751 Bray Road, Yetna | | | |
|---|---|--|--|
| Submission No. & Date Received | Submitter & Affected Property | Nature of Submission | Comment |
| 8 (30/8/13) | Department of Environment Regulation Locked Bag 33 Cloisters Square PERTH WA 6850 | <p>100m back from the intersection with Chapman Valley Road. This will prevent dirt and debris from being carried onto the MRWA network and will also minimise risk of edge break and damage to the pavement of Chapman Valley Road around the intersection.</p> <p>The proponent should provide indicative peak traffic numbers that would be generated in association with the site to inform design decisions and appraisal. In the absence of figures provided by the proponent, MRWA will adopt 'worst case scenario' figures to use for design appraisal.</p> <p>MRWA can provide advice in relation to the development of intersection design and would recommend that the proponent contact MRWA early in the process to discuss requirements and specifications.</p> <p>No objection</p> <p>The applicant is required to apply for a works approval from the Department of Environment Regulation before commencing operations.</p> | <p>also minimise risk of edge break and damage to the pavement of Chapman Valley Road around the intersection. Main Roads WA have further advised that the applicant should provide indicative peak traffic numbers that would be generated in association with the site to inform design decisions and appraisal. In the absence of figures provided by the proponent, Main Roads WA will adopt 'worst case scenario' figures to use for design appraisal.*</p> <p>Note submission and require that any approval of the development be made subject to the following advice note: *The Department of Environment Regulation have advised that the applicant will need to apply for and obtain a works approval from the Department prior to commencing operations.*</p> |

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|----------------------------|--|
| AGENDA ITEM: | 9.1.3 |
| SUBJECT: | LONG TERM FINANCIAL PLAN ASSET MANAGEMENT PLAN WORKFORCE PLAN |
| PROPONENT: | SHIRE OF CHAPMAN VALLEY |
| SITE: | SHIRE OF CHAPMAN VALLEY |
| FILE REFERENCE: | 313.01, 313.02 & 313.03 |
| PREVIOUS REFERENCE: | 5/13-12, 6/13-6 & 6/13-7 |
| DATE: | 9 SEPTEMBER 2013 |
| AUTHOR: | SIMON LANCASTER |

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire of Chapman Valley Long Term Financial Plan and Workforce Plan are presented to Council with staff recommending that the documents be received and forwarded to the Department of Local Government. It is further recommended that receipt of the Asset Management Plan by Council be delayed until next month to enable further refinement to be undertaken on the document and that extension from the Department of Local Government be sought.

Copies of the Long Term Financial Plan and Workforce Plan have been provided as separate documents to the September 2013 Council Agenda to Councillors' consideration.

COMMENT

The Western Australian Integrated Planning and Reporting Framework establishes the Strategic Community Plan as the document that sets out the long term (10+ years) vision and priorities of the community. The Corporate Business Plan contains Council's affordable priorities, actions and responsibilities over the next 4 years to progress the communities' priorities that can be accommodated within the informing strategies. The Long Term Financial Plan, Asset Management Plan, and Workforce Plan serve as the informing strategies that set out the Shire's capacity to deliver and/or contribute to achieving this vision.

Figure 1 - Western Australian Integrated Planning and Reporting Framework



The Western Australian Integrated Planning and Reporting Framework is intended to integrate asset, service and financial plans to ensure that local government resource capabilities are matched to their community's needs. The Department of Local Government notes in relation to the Strategic Community Plan that "where structural reform is being put in place, this integrated approach to planning will help the new local government entities identify and meet the requirements of the local community".

Council resolved at its 19 June 2013 meeting to adopt its Strategic Community Plan 2013-2023 and Corporate Business Plan 2013-2017 and forward them to the Department of Local Government prior to the Department' statutory 30 June 2013 deadline.

The Corporate Business Plan and Long Term Financial Plan are required to be reviewed regularly with a suggested timeframe of 2 years for minor reviews and 4 years for major reviews. Ideally the Corporate Business Plan, Long Term Financial Plan and Asset Management Plan would be used as rolling documents subject to annual review with the annual Council budget prepared utilising the corresponding financial period within the plans. The annual review of the plans would ensure flexibility so projects can be reprioritised dependant on funding sources.

Long Term Financial Plan

The Long Term Financial Plan addresses the following aspects over a projected 10 year period:

- Projected income and expenditure, balance sheet and cash-flow statement;
- Sensitivity analysis and testing;
- Financial modelling for different scenarios;
- Methods of monitoring financial performance; &
- The planning assumptions used to develop the Long Term Financial Plan.

The Long Term Financial Plan models the financial implications of the Strategic Community Plan strategies, along with the ability to maintain existing facilities and infrastructure based on a range of assumptions and within any known constraints. The long term financial model enables Council to identify all material items of revenue and expenditure, and determine the external and internal influences which could significantly impact on Council's finances.

Asset Management Plan

The Asset Management Plan details information about the Shire's infrastructure and other fixed assets including buildings, plant and equipment and lists actions required to provide an agreed level of service in the most cost effective manner. The Asset Management Plan defines the services to be provided, how the services are provided and what funds are required to provide the services (i.e. operating, scheduled maintenance and depreciation costs, capital costs incurred on renewals, replacement costs on asset retirement and costs involved in expanding the asset base).

The Asset Management Plan provides guidance to Council through listing options and setting priorities for future building and road services with regard for the costs of providing those services. The Asset Management Plan seeks to ensure that the community's expectation on maintaining existing services and providing future services is matched with the ability to pay for those services and maximise benefit to the community for costs to the community.

Given that the Shire has recently undergone significant change with the departure of the previous Works Supervisor, and the appointment of a new CEO, it is reasonable that some additional time should be taken to refine the Asset Management Plan to ensure it accurately reflects the Shire's intended works and renewal program. This will also enable the Asset Management Plan to display regard for the recently adopted 2013/2014 budget and the CEO to discuss this document further with the appointed consultant.

Workforce Plan

The Workforce Plan provides a report to Council on its current workforce, service delivery capacity, organisational performance and the internal and external factors that will impact upon these issues.

The Workforce Plan helps Council to plan its human resource requirements for the next 4 years and beyond, and provides guidance on what needs to occur to ensure the necessary staff resources are in place when they are needed.

STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* states:

"5.56 Planning for the Future

(1) A local government is to plan for the future of the district.

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Section 19C of the *Local Government (Administration) Regulations 1996* addresses the Shire's requirements in relation to the Strategic Community Plan and Section 19D the requirements in relation to the Corporate Business Plan.

POLICY IMPLICATIONS

The Shire of Chapman Valley Strategic Community Plan 2012-2023 and Corporate Business Plan 2013-2017 came into operation on 1 July 2013.

FINANCIAL IMPLICATIONS

The Strategic Community Plan should be used as a guiding tool in the preparation of Council's ongoing Annual Budgets, and inform the Shire's Corporate Business Plan, Long-Term Financial Plan, Asset Management Plan and Workforce Plan. However, the identification of a project within the Strategic Community Plan does not guarantee that it will be completed in any given year as circumstances change.

It is considered essential that Council remains flexible in its approach to ensure that community expectation is balanced with financial responsibility and to achieve this the Strategic Community Plan should be reviewed on a 2 to 4 yearly basis in accordance with Section 19C(4) of the *Local Government (Administration) Regulations 1996*, and the Corporate Business Plan, Long Term Financial Plan, Asset Management Plan and Workforce Plan be reviewed on an annual rolling basis during the budget preparation phase.

The Department of Local Government notes that *"The Annual Budget is the financial representation of the annual plan, including detailed statutory financial requirements. It is an outcome of a roll-forward Corporate Business Plan, whereby year one of the Corporate Business Plan becomes the annual business plan and corresponds to year one of the long-term financial plan. The budget addresses all of the local government's operations for the financial year - including services, projects, assets (capital works and ongoing operational) and is supported by detailed financial revenue, expenditure and processes that are informed by the long-term financial plan."*

STRATEGIC IMPLICATIONS

The Strategic Community Plan identifies 4 key focus areas:

- Economic (business development and attraction);
- Leadership (engagement and communication);
- Community (maintaining and growing the population);
- Environment (protection and sustainability).

Each of these key focus areas has a series of goals attached to them that should inform Council's long term planning, with periodic review of the Strategic Community Plan intended to measure the degree to which these goals have been achieved and whether these goals remain reflective of the aspirations and priorities of the Shire of Chapman Valley community.

The Corporate Business Plan, Long-Term Financial Plan and Asset Management Plan are intended to reflect the strategic direction set by the Strategic Community Plan and outline the Shire's 4 year operational and service delivery program.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council:

- 1 Receive the Shire of Chapman Valley Long Term Financial Plan and Shire of Chapman Valley Workforce Plan and forward the documents to the Department of Local Government; &
- 2 Advise the Department of Local Government that the Asset Management Plan will be presented to the October meeting of Council and submitted thereafter.

9.2 Community Development September 2013

Contents

9.2 AGENDA ITEMS

9.2.1 Chapman Valley Australia Day Awards Selection Panel

| | |
|----------------------------|--|
| AGENDA ITEM: | 9.2.1 |
| SUBJECT: | CHAPMAN VALLEY AUSTRALIA DAY AWARDS SELECTION PANEL |
| PROPONENT: | CHAPMAN VALLEY SHIRE |
| SITE: | SHIRE OF CHAPMAN VALLEY |
| FILE REFERENCE: | |
| PREVIOUS REFERENCE: | NIL |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | NICOLE BATTEN |

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley has previously held Australia Day Awards as a part of Australia Day celebrations. Shire hasn't held an Australia Day Award ceremony since 2009, although did pull together a last minute Australia Day breakfast event at the Nabawa oval in 2013. This was a community event mostly organised by volunteers with Shire assistance.

COMMENT

A similar group of volunteers have met to discuss a better planned event for 2014, along with the Australia Day Award ceremony. Whilst there is a Working Group consisting of Shire staff, Cr Forrester and 2 other community members to organise a community Australia Day Event, the Awards require a more formal Selection Panel.

Previously the Selection Panel for the Australia Day Awards consisted of Shire President, Councillor Forrester, CEO, CDO and two community members, Mrs Barbara Shields and Mr George Barneston.

CEO compiled all nominations into folders for the selection committee. Winners were selected and their names e-mailed through to the Australia Day Council in order to have awards made. A request was made for official achievement awards to be organized for unsuccessful nominees in order to recognize their dedication and efforts to the community.

Past notes from Australia Day Awards has mentioned that nomination forms need to be circulated early to enable enough advertising time as well as selection time before the Christmas break. The Australia Day Awards Flier has already been circulated to enable the community to nominate for the categories: Chapman Valley Citizen of the Year, Chapman Valley Young Achiever of the Year, Chapman Valley Community Group of the Year. There may also be a possibility of including a FESA award into the event.

See attached Flier and Nomination Forms.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2013 event cost \$200 to host a breakfast with Australia Day merchandise for 30 people. The Shire currently has Australia Day Award plaques for each nomination category as well as some merchandise. To hold the event in 2014 costs will still remain minimal, estimating up to \$300. This cost could potentially come from either 0212 Donations and Gifts, or 0462 Meeting and Refreshments Expenses.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council

- 1 Hold a community Australia Day Event in January 2014 with a community working group, and that the selection panel for the Australia Day Awards consist of CEO, 2 x Council representatives (including Shire President), 2 x Community Representatives and CDO.
- 2 That funds of up to \$300 to host the event come from either 0212 Donations and Gifts, or 0462 Meeting and Refreshments Expenses.



Citizen Awards

The Shire of Chapman Valley is calling for nominations for Citizen Awards in the following categories:

- **Citizen of the Year**
- **Young Achiever of the Year**
- **Community Group of the Year**

These Awards recognise those who have shown an outstanding willingness to lend a helping hand, or a concern for the environment or have made a superior contribution to local sport, the arts or cultural diversity, displaying an exceptional level of commitment and providing superior service and support to the Chapman Valley community.

Nominations Close Friday 29 November 2013.

Further details and/or nomination forms can be obtained from the Shire's website www.chapmanvalley.wa.gov.au or by contacting the Shire of Chapman Valley on (08) 9920 5011 ,



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Chapman Valley
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Chapman Valley
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Citizen Awards 2014

The Shire of Chapman Valley Citizen Awards pay tribute to local individuals and groups who have made an outstanding contribution to the community. Any individual or organisation can make a nomination in either of the following categories:

- Chapman Valley Citizen of the Year
- Chapman Valley Young Achiever of the Year
- Chapman Valley Community Group of the Year

The Awards recognise those who have shown an outstanding willingness to lend a helping hand, or a concern for the environment or have made a superior contribution to local sport, the arts or cultural diversity, displaying an exceptional level of commitment and providing superior service and support to the Chapman Valley community.

In making your nomination, consider your nominee's strong community values, such as tolerance, democracy and equality of opportunity as well as how they have made a positive difference in the community.

Eligibility for nominations

- All individuals being nominated must be an Australian Citizen.
- Nominees for Citizen of the Year or Young Achiever of the Year must be residents or Chapman Valley community group member of the Shire of Chapman Valley, and whose achievements and service for others has had a widespread influence on the local community.
- To be eligible for Chapman Valley Young Achiever of the Year, nominees must be under 25 years of age on 26 January 2014.
- Self-nominations are not accepted.
- Only one person/group may be nominated per Nomination Form.

Selection Panel

All eligible nominations are assessed by a Selection Panel comprising of two community members, Shire President, Community Development Officer, Council representative and assisted by the Chief Executive Officer. The Awards will be announced at an Australia Day Ceremony to be held in Nabawa on 26 January 2014.

Conditions of Entry

- The nominator must provide their full name and residential address and must disclose any relationship to the nominated person. The nomination form must be complete to be eligible for consideration.
- The name, address, contact details and signature of the two referees supporting the nomination must be supplied.
- The nominator and the two referees must have signed the Nomination form if it is to meet the criteria.
- The Shire of Chapman Valley must receive all nominations by no later than 5pm on Friday 29 November 2013.
- All nomination information and material submitted remains the property of the Shire of Chapman Valley.
- The decision of the Selection Panel is final and no correspondence will be entered into.

Nominations should be addressed and forwarded as follows:

"CONFIDENTIAL", Chief Executive Officer, Chapman Valley Citizen Awards, PO Box 1, NABAWA, WA 6532

For further information contact the Shire of Chapman Valley on 9920 5011 or www.chapmanvalley.wa.gov.au.



Citizen Awards 2014

Nomination Form

Nominator

Full Name: _____

Relationship to Nominee: _____

Residential Address: _____

Telephone: _____ Mobile: _____

Email: _____

Nominee

Full Name/Group Name: _____

Residential Address/Group Location: _____

Telephone: _____ Mobile: _____

Email: _____

- Citizen of the Year** (must be a resident or member of CV community group in the Shire of Chapman Valley)
- Young Achiever of the Year** (must be a resident or member of CV community group in the Shire of Chapman Valley and under 25 years of age on 26 January 2014)
- Community Group of the Year** (majority of members of the nominated group must be residents or members of CV community group in the Shire of Chapman Valley)

Reason for Nomination



Shire of
Chapman Valley
Love the Rural Life



Celebrate^{PTO}
what's
great!

Referee 1

Full Name: _____

Signature: _____ Date: _____

Referee 2

Full Name: _____

Signature: _____ Date: _____

Nominations should be addressed and forwarded as follows:
"CONFIDENTIAL", Chief Executive Officer, Chapman Valley Citizen Awards,
PO Box 1, NABAWA, WA 6532
For further information contact the Shire of Chapman Valley on 9920 5011.

9.3

Finance

September 2013

Contents

9.3 AGENDA ITEMS

9.3.1 Financial Reports for July & August 2013

| | |
|----------------------------|---|
| AGENDA ITEM: | 9.3.1 |
| SUBJECT: | FINANCIAL REPORTS FOR JULY & AUGUST 2013 |
| PROPONENT: | MID WEST REGIONAL COUNCIL |
| SITE: | SHIRE OF CHAPMAN VALLEY |
| FILE REFERENCE: | 307.04 |
| PREVIOUS REFERENCE: | N/A |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | DIANNE RAYMOND |

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for July & August 2013 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

FINANCIAL IMPLICATIONS

As presented in July & August 2013 financial statement.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receive the financial report for the months of July & August 2013 comprising the following:

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

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9.4 Chief Executive Officer September 2013

Contents

9.4 AGENDA ITEMS

- 9.4.1 Office Closure – Christmas Period 2013
- 9.4.2 Procurement Procedures

| | |
|----------------------------|---|
| AGENDA ITEM: | 9.4.1 |
| SUBJECT: | OFFICE CLOSURE – CHRISTMAS PERIOD 2013 |
| PROPOSER: | SHIRE OF CHAPMAN VALLEY |
| SITE: | WHOLE SHIRE |
| FILE REFERENCE: | N/A |
| PREVIOUS REFERENCE: | 09/12-14 |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | MAURICE BATTILANA |

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has in the past closed the Administration Building during the Christmas and New Year period. Council staff is seeking Council approval to close the office over the 2013 Christmas break and 2014 New Year.

COMMENT

The closure of the office will not adversely affect the operations of Council and sorting of the mail with regards to Australia Post Agency will have minimal disruption. Staff would advise Australia Post of the closure and mail distribution would resume as normal on Thursday 2nd January.

Public Holidays are as follows:

Christmas Day Wednesday 25th and Thursday 26th December 2013. New Year's Day, Wednesday 1st January 2014. The additional 3 days staff would need to take as annual leave or time in lieu.

This matter is now submitted for Council consideration to approve the proposed closure of the Administration Building during this period. The closure details will be advertised in the Valley Vibes and Geraldton Guardian to ensure the public is made aware of this closure period.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council approves the closure of the Administration Building during the Christmas / New Year period as follows:

Closing at 4.30pm on Tuesday 24 December 2013, and re-opening at 8.30am on Thursday 2 January 2014.

| | |
|----------------------------|---------------------------------|
| AGENDA ITEM: | 9.4.2 |
| SUBJECT: | POLICY 5.90 - PURCHASING |
| PROPONENT: | CHIEF EXECUTIVE OFFICER |
| SITE: | SHIRE OF CHAPMAN VALLEY |
| FILE REFERENCE: | N/A |
| PREVIOUS REFERENCE: | 13/4-14 |
| DATE: | 10 SEPTEMBER 2013 |
| AUTHOR: | MAURICE BATTILANA |

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council's Purchasing Policy was last reviewed at the April 2013 meeting.

COMMENT

The Current Purchasing Policy for the Shire of Chapman Valley includes the following thresholds:

| | POSITION | LIMIT |
|---|---|-----------------|
| EXECUTIVE | | |
| 1 | CHIEF EXECUTIVE OFFICER Authorised to approve all petty cash vouchers, cheque authorisations, purchase orders, purchase requisitions and invoices for all goods and services as approved in the Budget with the exception of light vehicles and any items of Plant which are to be referred to Council. Authorised to approve appointment of Consultants up to \$20,000. | NO LIMIT |
| SENIOR STAFF | | |
| 2 | MANAGER OF PLANNING Authorised to approve all petty cash vouchers, purchase requisitions and invoices for capital and operating expenditure related to immediate areas of operation as approved in the Budget. | \$15,000 |
| 3 | WORKS SUPERVISOR Authorised to approve all petty cash vouchers, purchase requisitions and invoices for capital and operating expenditure related to immediate areas of operation as approved in the Budget. All Capital items to be approved by the CEO. This authority applies to Acting Works Supervisor. | \$15,000 |
| AUTHORISED OFFICERS – NON SENIOR | | |
| 4 | ACCOUNTANT Authorised to approve, cheque authorisations, purchase orders, purchase requisitions and invoices for all goods and services as approved in the Budget. If CEO is absent, AM is authorised to sign to a maximum of \$5,000. | \$15,000 |
| 5 | BUILDING SURVEYOR / PROJECT OFFICER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$7,000 |
| 6 | SENIOR RANGER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |
| 7 | PLANNING OFFICER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |
| 8 | WORKS ADMINISTRATION OFFICER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |

| | | |
|-----------|---|---------|
| 9 | CONSTRUCTION LEADING HAND Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |
| 10 | NATURAL RESOURCE MANAGEMENT OFFICER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |
| 11 | EXECUTIVE ASSISTANT Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |
| 12 | OFFICE MANAGER Authorised to approve purchase requisitions and invoices for capital operating expenditure related to immediate areas of operation as approved in the Budget. | \$2,500 |

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Functions and General) Regulations 1996

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (b) *the recording and retention of written information, or documents, in respect of —*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*
- (4) *Different requirements may be imposed under a purchasing policy in respect of different classes, or types, of any of the following —*
 - (a) *goods and services;*
 - (b) *suppliers;*
 - (c) *contracts;*
 - (d) *any other thing that the local government considers appropriate.*

POLICY IMPLICATIONS

The Chief Executive Officer would like to remove the Purchasing Thresholds from Policy 5.90 to allow for this to be determined by the Chief Executive Officer on an “*as needs basis*”.

It is not a legal requirement to have individual purchasing threshold included into the Purchasing Policy. This is usually something the Chief Executive Officer determines, rather than have to return to Council each time these thresholds may need to be amended, for whatever reason.

The Local Government Act also states the Local Government (Council) can only delegate authority to the Chief Executive Officer (i.e. cannot delegate to any other employee, an Elected Member, external individual or organisation, etc.).

Below is a copy of the existing policy with the section highlighted to be removed:

5.90 PURCHASING

Objective

- To provide compliance with the **Local Government Act 1995** and the **Local Government (Functions and General) Regulations 1996** as amended in March 2007.
- To deliver best practice approach and procedures to internal purchasing for the Shire of Chapman Valley.
- To ensure consistency for all purchasing activities within the Shire of Chapman Valley.

Policy - Why do we need a Purchasing Policy?

The local government is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities.

This policy:

- Provides the local government with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the local government receives value for money in its purchasing.
- Ensures that the local government considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the local government is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the local government's purchasing practices that withstand probity.

Ethics and Integrity

All officers and employees of the local government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the local government.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the local government policies and Code of Conduct.
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.
- any information provided to the local government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the local government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.

- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

“**Sustainable Procurement**” is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Chapman Valley is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Chapman Valley's sustainability objectives.

Practically, sustainable procurement means the Shire of Chapman Valley shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary.
- demonstrate environmental best practice in energy efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- demonstrate environmental best practice in water efficiency.
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
- where products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range.
- for new buildings and refurbishments – where available use renewable energy and technologies.

Supporting local industry

The Shire of Chapman Valley recognises that it has a role in the economic development of the local community and in assisting local industry in accessing opportunities to conduct business with the Shire.

In supporting or encouraging local industry, matters relating to:

- Value for money;
- Environmental performance;
- National Competition Policy; and
- Transparency of decision-making must be addressed.

In order to assist local industry to conduct business with the Shire, the following steps shall be undertaken:

- Procurement shall be undertaken in accordance with the Procurement Management Procedure and within the guidelines for “Purchasing Thresholds” of this policy.
- All tenders and requests for expressions of interest shall be advertised in *The Geraldton Guardian* newspaper, placed on noticeboards in the Shire's libraries and administration centre.
- All tenders and requests for expressions of interest will be available to access and, where applicable, download through the Shire's website.
- A Request for Quotation process shall be investigated that will enable effective communication with the local business community of the Shire's upcoming requests for quotation.

The major considerations in accepting any tender or quotation for provision of goods or service shall be:

- Capacity to deliver the goods or services according to the Shire’s specification and the contract conditions; and
- Value for money.

Any canvassing of the Shire's Elected Members or staff shall disqualify businesses seeking to do business with the Shire.

Local Purchasing

Local businesses will be used for the supply of goods and services where the price of such goods and services is within 10% of any quote from outside the Shire of Chapman Valley.

Purchasing Thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

| Amount of Purchase | Model Policy |
|---------------------------|--|
| Up to \$3,000 | Direct purchase from suppliers |
| \$3,001 - \$9,999 | Obtain two verbal quotations. |
| \$10,000 - \$29,999 | Obtain at least three verbal or written quotations. |
| \$30,000 - \$39,999 | Obtain at least three written quotations. |
| \$40,000 - \$99,999 | Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations). |
| \$100,000 and above | Conduct a public tender process. |

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$100,000, a “Request for Tender” process that entails all the procedures for tendering outlined in this policy must be followed in full.

Purchasing value not greater than \$3,000

Where the value of procurement of goods or services does not exceed \$3,000, purchase is subject to budget allocation. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk.

Purchasing value between \$3,001 and \$9,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$3,001 and \$9,999. At least two verbal quotations are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies.

The ***Local Government Purchasing and Tender Guide*** contains sample forms for recording verbal and written quotations.

Purchasing value between \$10,000 - \$29,999

For the procurement of goods or services where the value exceeds \$10,000 but is less than \$29,999, it is required to obtain at least three verbal or written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The ***Local Government Purchasing and Tender Guide*** contains sample forms for recording verbal and written quotations.

Purchasing value between \$30,000 - \$39,999

For the procurement of goods or services where the value exceeds \$30,000 but is less than \$39,999, it is required to obtain three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The ***Local Government Purchasing and Tender Guide*** contains sample forms for recording written quotations.

Purchasing value between \$40,000 and \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$100,000 it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and consideration shall be given to qualitative factors such as quality, stock availability, environmental performance, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$100,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$100,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

The general principles for verbal and written quotations shall be followed as noted in this Policy.

General principles for obtaining verbal quotations

- Ensure that the requirement / specification is clearly understood by the Shire of Chapman Valley employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- The responsible officer shall demonstrate due diligence when seeking quotes and shall comply with the Shire's record keeping policies and audit requirements.

All documents relating to the quotation process must be saved in the Shire's Electronic Management System (i.e. SYNERGY).

General principles relating to written quotations

- The request for written quotation should include as a minimum: An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.

- The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The **Local Government Purchasing and Tender Guide** produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

Ordering Thresholds

The following Officers are authorised to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity.

| | |
|-------------------------------------|-----------|
| Chief Executive Officer | Unlimited |
| Manager of Finance & Administration | \$15,000 |
| Works Supervisor | \$15,000 |
| Manager of Planning | \$15,000 |
| Senior Ranger | \$ 2,500 |
| Planning Officer | \$ 2,500 |
| Payroll / Administration Officer | \$ 2,500 |
| Depot Serviceman | \$ 2,500 |
| Leading Hand Construction | \$ 2,500 |
| NACC Officer | \$ 2,500 |
| Building Surveyor | \$ 7,000 |
| Executive Assistant | \$ 2,500 |

Amended ref 21/03-10 Regulatory Compliance

• Tender Exemption

In the following instances public tenders or quotation procedures are not required regardless of the value of expenditure):

- An emergency situation as defined by the **Local Government Act 1995**.
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another local government.
- The purchase is under auction which has been authorised by Council.
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines.
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* . apply.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

The Shire of Chapman Valley shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$100,000, thereby avoiding the need to publicly tender.

Tender Criteria

The Shire of Chapman Valley shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For requests with a total estimated (excluding GST) price of:

- Between \$40,000 and \$99,999, the panel must contain a minimum of two members.
- \$100,000 and above, the panel must contain a minimum of three members.

Advertising Tenders

Tenders are to be advertised in a state wide publication, e.g. *The West Australian* under the "Local Government Tenders" section, with preference on a Wednesday or Saturday.

The tender must remain open for at least fourteen (14) days after the date the tender is advertised. Care must be taken to ensure that fourteen (14) **full** days are provided as a minimum.

The notice must include:

- a brief description of the goods or services required
- information as to where and how tenders may be submitted
- the date and time after which tenders cannot be submitted
- particulars identifying a person from who more detailed information as to tendering may be obtained
- detailed information shall include:
 - such information as the local government decides should be disclosed to those interested in submitting a tender
 - detailed specifications of the goods or services required
 - the criteria for deciding which tender should be accepted
 - whether or not the local government has decided to submit a tender
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addenda or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Chapman Valley not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised tender deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the tender deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council officer. The details of all tenders received and opened shall be recorded in the "Tenders Register".

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as "commercial-in-confidence" to the local government. Members of the public are entitled to be present.

The tenderer's offer form, price schedule and other appropriate pages from each tender shall be date stamped and initialed by at least two local government officer's present at the opening of tenders.

No Tenders Received

Where the Shire of Chapman Valley has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained
- the process follows the guidelines for seeking quotations between \$40,000 & \$99,999 (listed above)
- the specification for goods and/or services remains unchanged
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Chapman Valley by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Chapman Valley may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Chapman Valley and tenderer have entered into a contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation
- Internal documentation
- Evaluation documentation
- Enquiry and response documentation
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation
- Internal documentation
- Order forms and requisitions.

Register of Policies

Record retention shall be in accordance with the minimum requirements of the ***State Records Act 2000***, and the Shire of Chapman Valley's internal records management policy.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council amend Policy 5.90 (Purchasing) by removing any reference to Ordering Thresholds within the Policy.

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

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

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

13.1 Works Supervisor

13.2 Disposal of Properties

13.3 Nabawa Valley Tavern – Fuel Facilities

14.0 CLOSURE