



Shire of
Chapman Valley
Love the Rural Life

AGENDA

APRIL 2012

ORDINARY COUNCIL MEETING

**Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 21st March 2012
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.


Stuart Billingham
CHIEF EXECUTIVE OFFICER

**SHIRE OF CHAPMAN VALLEY
AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL
CHAMBERS NABAWA ON WEDNESDAY 18 APRIL 2012 AT 10:00am**

Disclaimer (To be provided to visitors present)

Order of Business:

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
- 2.0 LOYAL TOAST**
- 3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**
 - 3.1 Present
 - 3.2 Apologies
- 4.0 PUBLIC QUESTION TIME**
 - 4.1 Questions On Notice
 - 4.2 Questions Without Notice
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6.0 DISCLOSURE OF INTEREST**
- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**
- 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**
 - 8.1 Ordinary Meeting of Council held on Wednesday 21 March 2012

‘That the minutes of the Ordinary Meeting of Council held 21 March 2012 be confirmed as a true and accurate record.’
- 9.0 ACCEPTANCE OF MONTHLY STATUS REPORT**

SHIRE OF CHAPMAN VALLEY
AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN THE COUNCIL
CHAMBERS, NABAWA, ON WEDNESDAY 18 APRIL 2012 AT 10:00am.

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Manager of Planning

April 2012

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- 10.1.2 Proposed Subdivision, Buller
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- 10.1.4 Review of Local Planning Policy – Agroforestry, Plantations and Tree Crops

AGENDA ITEM:	10.1.1
SUBJECT:	RICHARDS ROAD STRUCTURE PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 1 - 11 RICHARDS ROAD, BULLER
FILE REFERENCE:	204.06.04
PREVIOUS REFERENCE:	2/07-11, 12/10-2, 6/11-9 & 9/11-14
DATE:	3 APRIL 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

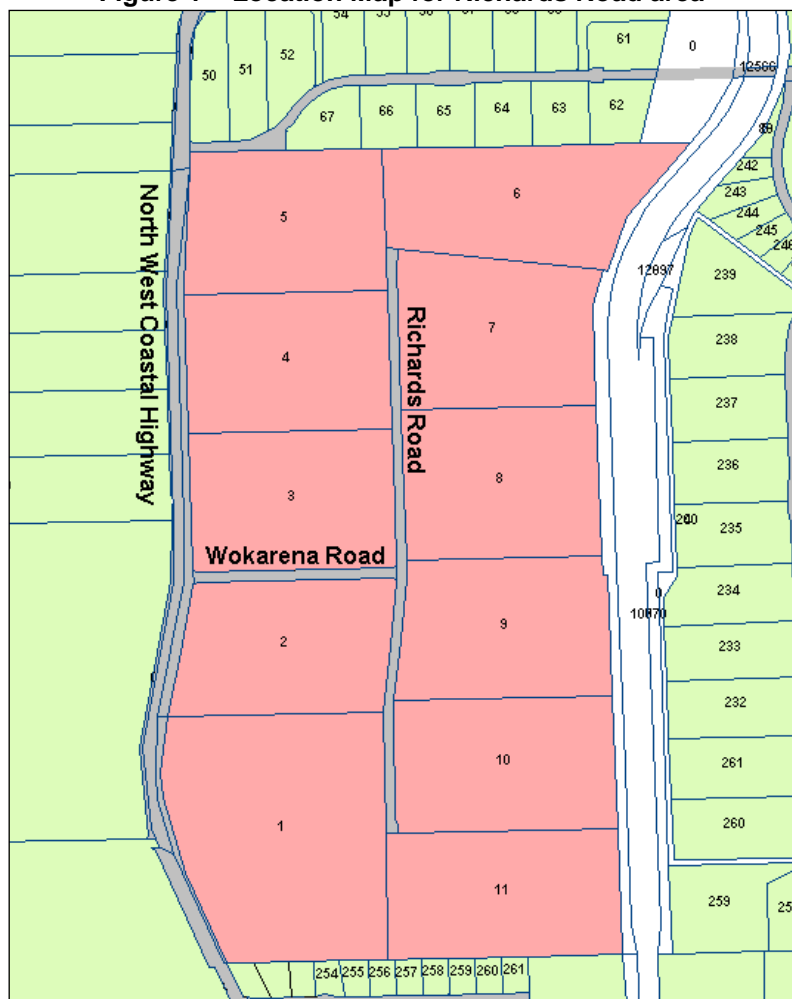
The draft Richards Road 'Residential R2.5' Structure Plan has been prepared for Council's consideration. This report recommends that the Structure Plan be advertised for comment.

COMMENT

The Richards Road area is located 8km north of the Geraldton CBD and covers an area of 142.79ha. The subject land is bounded by the North West Coastal Highway to the west, Parkfalls Estate to the north, the future Highway realignment to the east and the Drummonds Heights Estate to the south.

The Richards Road area consists of 11 individually owned lots (8 of which contain a residence), the majority of which are relatively square in shape, 12ha in size and contain rural lifestyle uses.

Figure 1 – Location Map for Richards Road area



The Shire has taken the lead role in the preparation of a Structure Plan for this area, as it was considered unlikely to otherwise eventuate given the disparate ownership of the lots and the need to coordinate road design, services, drainage, infrastructure and open space provision.

The purpose of the Richards Road Structure Plan is to:

- guide and facilitate land use planning for an area that has been identified as suitable for residential subdivision to a scale matching that of the Drummonds Heights Estate immediately located to the south;
- coordinate subdivision and development across multiple lot ownership that currently makes individual subdivision problematic;
- provide a planning tool for State Government Departments, Service Authorities, Local Government, Landowners, the Community, the Development Industry, Investors, and Private Enterprise that will address the already existent demand for subdivision, create certainty over future development in the area and enable partnerships to eventuate, reduce instances of land use conflict, and identify priorities and supporting catchments for new district infrastructure to meet future needs;
- Identify areas of native vegetation worthy of conservation and provide for residential living whilst preserving the landscape amenity of the area.

The Richards Road Structure Plan would ultimately create 250 lots with a total resident population of approximately 575 persons serviced by an internal subdivisional road network that would primarily connect into the greater road network via Wokarena Road but with some potential for ancillary connection into Eliza Shaw Drive to the north and Beattie Road to the south. The Structure Plan area would be serviced by scheme water, underground power and fibre optic telecommunications, and have a district level park and two smaller neighbourhood parks.

Figure 2 – Aerial Photograph of Richards Road area



Figure 3 – Richards Road Residential R2.5 Structure Plan



The Structure Plan has been prepared with consideration for the following:

Statutory and Strategic Planning Documents

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

Landowner and Government Agency Consultation

- The Structure Plan layout has been developed in consultation with the 11 effected landowners with a workshop held on 30 January 2012 and follow-up individual discussions and distribution of concept plan options inviting feedback. This initial consultation has been undertaken to ensure that the landowners feel a sense of ownership to the process and so that their views can be incorporated into the preparation of the Richards Road Structure Plan;
- Discussions have also been held with key government agencies to address their requirements where possible at an early stage rather than at the more advanced formal advertising stage.

Land Use

- Regard for the existing built form and land use patterns across the study area. The Structure Plan has been designed to make allowance for existing on-ground improvements and it has been made clear to landowners that subdivision will only occur at their own behest and can be undertaken in stages if so wished;

- Discussion with the Department of Education and the assessment of a requirement for any educational facilities. Based on the future resident catchment and wider regional education site planning it has been confirmed that no educational site is required in the subject area;
- Assessment of a requirement for any retail/commercial facilities, based on both the future resident catchment and wider district level planning it is not considered that a retail/commercial site is either required or viable in the subject area.

Scale of development

- The 4,000m² lot sizes illustrated upon the Structure Plan are comparable to those contained within the Drummonds Heights Estate to the immediate south, it is considered that the proposed scale of development maintains an open 'lifestyle' amenity but without the potential for poor land management practices to occur on what is an exposed, sandy soil location. It is noted that the proposed lot sizes were supported by the majority of Richards Road landowners, with a joint submission being received by the Shire of Chapman Valley in 2006 from 8 of the 11 landowners requesting that the land be rezoned to 'Residential R2.5'.

Movement Network

- Allowance for upgrade in design of existing intersection onto North West Coastal Highway by enabling a right turn treatment for northbound vehicles entering Wokarena Road from the Highway and a left turn treatment for southbound vehicles entering the Highway from Wokarena Road;
- Allowance in the Structure Plan design for a subdivisional road network connection to be created onto the proposed Highway realignment to the east if considered appropriate in the future;
- The Structure Plan document makes calculation for a proportionate landowner contribution to existing road infrastructure upgrades at time of subdivision. Future subdivisional roads would be constructed at the cost of the subdivider as per standard requirements;
- The road hierarchy and movement network has been designed in accordance with the principles of Liveable Neighbourhoods to maximise connectivity and permeability throughout the area, enabling vehicles, pedestrians and cyclists to undertake trips within and through the estate in a legible manner;
- The road layout has been designed to minimise the length of subdivisional roads to reduce landowner construction costs and ongoing Shire maintenance costs;
- The road network has been designed to enable 9 of the 11 landowners to subdivide independently of one another so that parties wishing to subdivide are not required to await neighbours creating roads to provide access. In the instance of Lots 8 and 10 subdivision can still take place along the Richards Road frontage and the eastern balance of the lots could be subdivided by means of a temporary access way to Richards Road that would be decommissioned once either Lots 7, 9 or 11 had been subdivided.
- The Structure Plan document provides indicative road cross sections that make allowance for drainage swales and dual use (pedestrian/cycle) pathways, in addition to the sealed carriageway, along all roads within the precinct;
- The Structure Plan makes a subdivision requirement that no direct vehicular access shall be permitted from lots onto the North West Coastal Highway or Wokarena Road, thereby limiting such access to the subdivisional road network only;
- The Structure Plan makes provision for increased connectivity by allowing for future access onto Eliza Shaw Drive to the north and Beattie Road/Glassford Vista to the south at such time as Lots 5 and 11 undertake subdivision respectively;
- The siting of Neighbourhood Park 1 upon the Structure Plan is intended to allow for a future crossing point to enable a pedestrian link into the Buller 'Development' Zone and the coast. The design of the Buller 'Development' Zone Structure Plan will make allowance for a pedestrian link to the ocean as the land west of the highway is subdivided and developed, and the highway later realigned.

Infrastructure and Servicing

- The existing water main along Richards Road is constructed to a temporary standard and will require upgrading as subdivision occurs and will be connected into the upgraded Parkfalls storage tank system;

- The precinct will be serviced by onsite effluent disposal systems;
- Provision of underground electricity supply will be undertaken at time of subdivision;
- The Geraldton to Port Hedland fibre optic cable is proposed to be installed along the southern and western boundaries of the precinct allowing for connection into the National Broadband Network.

Maximisation of ocean, town and range views

- The road layout has been designed to create strong north-south linkages that create east-west lot orientation to maximise exposure to views and minimise the number of lots along view corridors;
- In addition to the ocean and town views offered by the western portion of the Richards Road precinct, the Structure Plan layout has been designed to account for the views of the Moresby Range afforded to the lots in the north-eastern portion of the precinct;
- Neighbourhood Park 2 has been located to provide public access to a point offering outstanding ocean and town views.

Design Guidelines

- The Structure Plan seeks to maintain the current amenity of the subject area and have regard for the area's visual exposure to the highway which serves as a significant tourist route. The Structure Plan document sets a development requirement that boundary fencing shall be permeable, ancillary buildings shall be of a design and construction complementary to the primary residence and not permitting the use of reflective roof and wall materials.

Environment

- Given the subject area's potential lot generation and its landform a Local Water Management Strategy has been prepared to the requirements of the Department of Water that makes recommendation regarding stormwater (to cater for a 100 year event) and groundwater management;
- The Structure Plan has been prepared to take account of the landform, topography, setting and soil series present;
- The Structure Plan has been undertaken following assessment of on-site flora and fauna;
- Provision has been made for retention of remnant vegetation deemed regionally significant by the Department of Environment and Conservation. The vast majority of lots within the Structure Plan area have been previously cleared of vegetation with the exception of Lot 1 in the south-west corner of the Structure Plan area. The remnant vegetation upon Lot 1 has been identified by the Geraldton Regional Flora & Vegetation Survey (2010) as original extent for Plant Community 13 Sandplain: *Acacia rostellifera* and *Banksia prionotes* and has conservation significance, with it being regionally significant and vulnerable due to being under-represented and poorly protected.

Recreation

- The extent and distribution of public open space has been designed to service the future recreational requirements of the Richards Road area along with accommodating a complementary drainage role to ensure stormwater water reuse across the subject area;
- The Structure Plan makes recommendation that 10% of the study area be identified for public open space in-line with the WAPC's Liveable Neighbourhoods document and that those lots which are unaffected by the 10% land requirement are to make payment of a cash-in-lieu contribution for public open space equivalent to 10% of the unimproved subdivisional land area at the time of subdivision. This contribution would be held in trust by the Local Government and distributed to a landowner who has an area designated for public open space by the Structure Plan greater than 10%. This arrangement will assist in addressing the protection of a 12.6ha area of remnant vegetation upon the 20.9039ha Lot 1.
- The public open space would be allocated at 12.6ha for a district level park and 1.58ha for two neighbourhood level parks. The parks have been sited to have a capacity to store and reuse stormwater in addition to their recreational and conservation roles. One of the neighbourhood parks will also serve as an entry

statement/public art area to the precinct and the other offers an excellent coastal and town outlook and lends itself to the establishment of a gazebo/bbq area. Both neighbourhood parks are sited in areas that allow for strong visual surveillance from neighbouring lots to create a sense of stewardship and deterrent to anti-social behaviour. The district park is proposed to be surrounded by roads allowing for residence frontages to look across at the park area and allow for informal surveillance of parties entering into the area.

Fire Management

- The precinct will be serviced by reticulated scheme water and fire hydrants;
- The district level park has been designed to be surrounded by roads that provide a 'hard' edge to the remnant vegetation and act as an enhanced fire break;
- Ultimately the precinct will be served by a connection to the north, south and east into the greater road network which is an improvement from an emergency fire access and egress perspective than the current sole access point to the west.

Heritage

- Search of all relevant registers has confirmed that the subject area does not contain any European or Aboriginal heritage sites.

A copy of the draft Richards Road Residential R2.5 Structure Plan report has been provided to Councillors as a separate document.

STATUTORY ENVIRONMENT

Shire of Chapman Valley Town Planning Scheme No.1 was gazetted on 20 August 1982 and designates the Richards Road area as being 'General Farming'. Shire of Chapman Valley Local Planning Scheme No.2 proposes to rezone the Richards Road area to 'Residential R2.5' zone that would allow for subdivision of the area into 4,000m² residential lots.

Figure 4 – extract from TPS No.1 Map



Figure 5 – extract from LPS No.2 Map



The Environmental Protection Authority ('EPA') advised on 9 July 2010 that:

- Scheme No.2 should be assessed under Part IV Division 3 of the Environmental Protection Act relevant to the proposed Buller 'Development' zone (this being the area of land on the western side of the North West Coastal Highway and separate to the proposed Richards Road 'Residential R2.5' zone);

- the Buller 'Development' zone Environmental Review document had been prepared in accordance with the instruction of the EPA and was approved for release;
- the modifications included within Scheme No.2 (May 2010 version) did not raise any additional environmental issues to those described in the instructions issued by the EPA on 17 May 2007, and the Buller 'Development' zone Environmental Review was considered to be in accordance with those instructions.

The EPA have therefore deemed that the proposal to rezone the Richards Road area from 'General Farming' to 'Residential R2.5' does not warrant Environmental Review.

Scheme No.2 and the Environmental Review were advertised concurrently from 23 November 2010 to 23 February 2011. On 7 June 2011 the EPA released their report and recommendations regarding the Buller 'Development' zone and this is currently subject to appeal. Upon receipt of the final decision of the Minister for Environment regarding the Buller 'Development' Zone Environmental Review, the decision and the Scheme No.2 will be presented to Council for its consideration, and potential adoption of Scheme No.2 and subsequent forwarding to the WAPC and Minister for Planning seeking final approval.

Section 5.22 of Scheme No.2 lists the requirements pertaining to the purpose, preparation, content and management of Structure Plans. The draft Richards Road Residential R2.5 Structure Plan has been prepared in accordance with the requirements of Section 5.22 of Shire of Chapman Valley Local Planning Scheme No.2 and is now placed before Council for its consideration. The Structure Plan process requires that a period of public consultation be undertaken prior to the matter being returned to Council for further consideration of the Structure Plan and any received submissions. In the event that a Structure Plan is adopted by Council it is then forwarded to the WAPC for its endorsement.

Section 5.22.8 sets the minimum 21 day advertising requirements for a Structure Plan, it is proposed that, should Council be satisfied with the Richards Road Residential R2.5 Structure Plan, that a 30 day advertising period be undertaken to allow greater opportunity for effected landowners to consider the document and make submission. It is further proposed that the advertising of the Structure Plan would involve the following actions:

- placement of a public notice in the MidWest Times;
- placement of a public notice sign at the intersection of Richards and Wokarena Roads;
- placement of a copy of the Structure Plan document on the Shire website;
- display of the Structure Plan document at the Shire office/Nabawa library;
- write directly to all 11 Richards Road landowners;
- write directly to the 42 landowners who adjoin the Richards Road precinct;
- write directly to the following government agencies; Alinta Gas, City of Greater Geraldton, Department of Agriculture & Food, Department of Environment and Conservation, Department of Health, Department of Indigenous Affairs, Department of Planning, Department of Water, FESA, Heritage Council of WA, Main Roads WA, Midwest Development Commission, Telstra, Water Corporation and Western Power.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Following the calling for expressions of interest from consultants Council resolved at its 21 September 2011 meeting to appoint GHD to undertake the preparation of the Richards Road Residential R2.5 Structure Plan.

The preparation of the Richards Road 'Residential R2.5' Structure Plan has been included within the adopted 2011/2012 Council Budget under Account 7052-02.

Subsequent to the budget allocation process, and appointment of the consultant, Shire staff lodged an application with the Royalties for Regions (Northern Planning Program) Local Government Assistance Program and were advised on 21 February 2012 by the Department of Planning that an amount had been approved for the Shire to manage the preparation of the Richards Road Structure Plan.

WAPC Statement of Planning Policy 3.6 – Development Contributions for Infrastructure makes provision for the creation of legal agreements whereby landowners share the cost of common infrastructure (e.g. this can include water, sewer, power, road intersections, public open space, community facilities) associated with a Structure Plan. This aspect of cost sharing was explored as part of the Structure Plan process but not pursued on the basis that the Shire should not restrict development or place additional financial burden on landowners and limit its involvement to public open space costs that would be shared across the precinct (with drainage costs also being shared by this mechanism through the Structure Plan’s design).

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council receive the draft Richards Road Residential R2.5 Structure Plan and advertise the document for public comment for a period of 30 days.

AGENDA ITEM:	10.1.2
SUBJECT:	PROPOSED SUBDIVISION, BULLER
PROPONENT:	R. WILLIAMSON
SITE:	LOT 2 WOKARENA ROAD, BULLER
FILE REFERENCE:	A37
PREVIOUS REFERENCE:	12/10-2 & 12/2-4
DATE:	4 APRIL 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to subdivide Lot 2 Wokarena Road, Buller. This report recommends that comment be delayed upon the subdivision application, pending the advertising of the Richards Road Residential 2.5 Structure Plan.

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



COMMENT

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

The applicant proposes that the property be subdivided into 25 lots ranging in area between 4,000m²-4,935m².

The submitted subdivision plan has been included as **Attachment 1** to this report.

The proposed subdivision plan largely accords with the road layout for Lot 2 as contained within the draft Richards Road Residential R2.5 Structure Plan. Two relevant extracts from the draft Structure Plan document relating to Lot 2 have been included as **Attachment 2** to this report.

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



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



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



A chronology relating to recent events for Lot 2 Wokarena Road has been provided as follows:

- | | |
|-------------------|--|
| 22 September 2010 | Applicant lodged Application No.142904 with the WAPC to subdivide Lot 2 Wokarena Road into 27 x 4,000m ² lots. |
| 15 December 2010 | Council advised the WAPC that it supported Application No.142904. |
| 8 February 2011 | WAPC refused Application No.142904 and this was subsequently appealed by the applicant to the State Administrative Tribunal ('SAT') as Case DR2 of 2011. |
| 27 April 2011 | Applicant lodged Application No.144319 to subdivide the eastern portion of Lot 2 into 18 x 4,000m ² lots and retain a balance 3.8446ha lot. |
| 13 May 2011 | Given that the subdivisional layout for Application No.144319 was identical to the previous application supported by Council at its 15 December 2010 meeting, and represented only a staging of subdivision, the Shire under delegated authority advised the WAPC that it supported the application subject to the same relevant conditions requested by Council at its 15 December 2010 meeting. This subdivision application is now deemed refused by the WAPC and has been appealed by the landowner and is presently in the SAT as Case DR282 of 2011. |
| 23 June 2011 | SAT dismissed the appeal case DR2 of 2011 for the 27 lot subdivision (Application No.142904). |
| 1 December 2011 | Applicant lodged Application No.145284 to subdivide the north-eastern portion of Lot 2 into 4 x 4,000m ² lots and retain a balance 9.8362ha lot. |
| 15 February 2012 | Council advised the WAPC that it sought a deferral upon Application No.145284 until such time as the Richards Road Structure Plan had concluded its advertising period as this would allow the Shire to be given opportunity to review the formal comments of all landowners and government agencies upon the Structure Plan. |
| 8 March 2012 | Applicant lodged Application No.145730 with the WAPC to subdivide Lot 2 into 26 lots. |
| 26 March 2012 | Shire advised the applicant and the WAPC that the submitted subdivision plan for Application No.145730 did not accord with the cadastral dimensions of Lot 2 meaning that subdivision as proposed could not be accommodated within the lot boundaries. |

4 April 2012

WAPC referred to the Shire the revised Application No.145730 subdivision plan prepared by the applicant, now proposing to subdivide Lot 2 into 25 lots.

STATUTORY ENVIRONMENT

Lot 2 Wokarena Road, Buller is zoned 'General Farming' under Shire of Chapman Valley Town Planning Scheme No.1. The proposed subdivision of Lot 2 to 4,000m² lots would be contradictory to the minimum lot area listed under the Zoning and Development Table for the 'General Farming' zone of 'based on locally acceptable farm units'.

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

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

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

The case of Coty (England) Pty Ltd v Sydney City Council (1957) provides that weight can be given to a draft planning instrument once it becomes 'seriously entertained'. In Western Australia this usually occurs after advertising is completed, the case of Nicholls v WAPC (2005) provides a state context to this precedent and given the advanced stage of Scheme No.2 it should therefore be considered as 'seriously entertained'. Further it is noted that the delay in finalising Scheme No.2 is attributable to the Buller 'Development' Zone Environmental Review (currently under appeal to the Minister of Environment) of which Lot 2 does not form any part.

The proposed subdivision would accord with the new R2.5 zoning, with the proposed lots all being 4,000m² or greater in area. As a comparison the 'Drummonds Heights Estate' 500m to the south of Lot 2 is zoned R2.5 and has been subdivided to 4,000m² lots and it is intended that the Richards Road area would ultimately become developed in this manner.

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

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

Council resolved at its 21 September 2011 meeting to appoint GHD to undertake the Richards Road Residential R2.5 Structure Plan. Given the area is under the ownership of 11 different landowners all of whom appear to have different development timeframes and aspirations for their property, the Shire has had to assume the coordinating and funding role in the structure planning process, in addition to the more traditional local government guiding and assessing role.

The draft version of the Richards Road Residential R2.5 Structure Plan has been presented to Council as a separate item within the 18 April 2012 Council Agenda with a recommendation that advertising of the Structure Plan be commenced.

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

"5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming

into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.”

However it is noted that SAT made the following comment in its dismissal on 23 June 2011 of the appeal lodged by the applicant relevant to their previous Application No.145284 to subdivide Lot 2 Wokarena Road into 27 lots:

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

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

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

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

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

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

“Appearance is related to visibility but brings in subjective criteria about what humans think looks “sublime”, “good”, “interesting” or “merit worthy” etc²⁵. Consequently there are certain locations, such as views of Mt Fairfax, which are generally considered to be unique or interesting and worthy of being preserved. Similarly the community consultation showed that people generally wanted the faces of the Range to look more vegetated and “natural”. The Department of Planning provided considerable information about landscape values, coupled with additional unpublished information²⁶ that has been incorporated into this study. This information has been combined into a composite image, Figure 04.4, that provides three classifications of visual information – visually sensitive areas, e.g. views of the eastern foothills of the Range from Morrell Road; broad landscape features that should be preserved and enhanced e.g. the views along Chapman Valley Road as it passes through the Range and the slopes of the Range and parts of the foothills; and specific landscape features of significance e.g. Mt Fairfax.”

Figure 4.4 of the Moresby Range Management Plan identifies Lot 2 and the surrounding Richards Road area as having ‘broad landscape features that should be preserved and enhanced’. The draft Richards Road Residential R2.5 Structure Plan has been prepared with consideration for the extent to which subdivision and development in this precinct should display regard for design, materials, finishes and landscaping requirements that have regard for the area’s visual prominence.

POLICY IMPLICATIONS

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

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

- “1 *The proposal is consistent with the 1 acre lot size in the ‘Drummonds Height Estate’ that adjoins to the south in the Shire of Greenough.*
- 2 *There is a demand for smaller lots (1 acre) given the Parkfalls Estate has principally catered for the larger 1–3 hectare size lots.*
- 3 *Most of the 1 acre lots in the Parkfalls and Drummond Heights Estates having already sold leaving a void between the residential (750m²) land in Drummonds Cove/Bayside and the Parkfalls rural residential block sizes of 2.2 acres, which to many are considered too big.”*

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

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

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

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

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

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

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

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

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

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

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

“7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning.”

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

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

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

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

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

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

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

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

FINANCIAL IMPLICATIONS

Council has made provision in Account 7072-02 within the adopted 2011/2012 budget for the preparation of the Richards Road Residential R2.5 Structure Plan.

STRATEGIC IMPLICATIONS

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

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

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

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

Recognising that the proposed subdivisional layout does accord with the draft Structure Plan, and that Council supported an application to subdivide Lot 2 into 27 lots at its 15 December 2010 meeting Shire staff have therefore prepared an alternative recommendation for Council’s consideration should it wish to adopt a different approach to that contained in the officer recommendation.

Alternative Recommendation

“That Council:

- 1 Not adopt the staff recommendation as it is satisfied that the proposed subdivision accords with its strategic and statutory planning direction; and
- 2 Advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2 Wokarena Road, Buller into 25 lots (WAPC Application No.145730) and requests the imposition of the following conditions and advice notes:
 - a Those lots not fronting an existing road being provided with frontage to a constructed road connected by a constructed road to the local road system and such roads being constructed and drained at the applicant/owner’s cost to the satisfaction of the Local Government.
 - b The cul-de-sac head being designed and constructed to the specifications of the Local Government.

- c Arrangements being made with the Local Government for the upgrading of Wokarena Road.
- d Arrangements being made with the Local Government for the upgrading of Richards Road.
- e Arrangements being made with Main Roads WA for the upgrading of the North West Coastal Highway and Wokarena Road intersection.
- f The land is to be provided with an adequate outlet drainage system at the subdivider's cost to the specifications of the Local Government.
- g The land being filled and/or drained at the subdivider's cost to the specifications of the Local Government and any easements and/or reserves necessary for the implementation thereof, being granted free of cost.
- h The land being graded and stabilised at the subdivider's cost to the specifications of the Local Government.
- i Property boundaries of all proposed lots shall be fenced by the subdivider to a minimum standard of pine post and 7 line strand ring lock to the specifications of the Local Government.
- j Provision of a reticulated scheme water supply service to all lots shown on the approved plan of subdivision at the subdivider's cost to the specifications of the Water Corporation.
- k Fire hydrants to be installed at the subdivider's cost to the specifications of the Fire and Emergency Services Authority.
- l Provision of an underground electricity supply service to all lots shown on the approved plan of subdivision at the subdivider's cost to the specifications of Western Power.
- m The preparation of design guidelines for the subdivision to the specifications of the Local Government.
- n Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that the lots are subject to design guidelines.
- o Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing direct motor vehicle access onto North West Coastal Highway benefiting Main Roads WA being lodged on the Certificates of Title of proposed Lots 15, 16, 17, 24 & 25, at the full expense of the applicant.
- p Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing direct motor vehicle access onto Wokarena Road benefiting the Local Government being lodged on the Certificates of Title of proposed Lots 1, 11, 12, 14 & 15, at the full expense of the applicant.
- q The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure prospective purchasers of the proposed lots will be advised that reticulated sewerage is not available to the lots and a suitable on-site effluent disposal system complying with the specifications of the Department of Health designed for long-term use will be required to service any new development on each lot.
- r All existing buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.

- s The battleaxe accessway for proposed Lots 15, 17 & 24 being constructed and drained at the applicant/owner's cost to the specifications of the Local Government.
- t Payment of a cash-in-lieu contribution to the Local Government in accordance with section 153 of the Planning and Development Act equivalent to 10% of the unimproved land value of the subdivisional area.

Advice Notes to the WAPC:

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

- the subject land is identified as being 'Residential R2.5' by Shire of Chapman Valley Local Planning Scheme No.2;
- the subject land is identified as 'Future Urban' by the Greater Geraldton Structure Plan Update (2010);
- it is anticipated that there may be delays in the final gazettal of Local Planning Scheme No.2 due to the requirement for the Buller 'Development' zone Environmental Review, and that this separate issue should not delay proceeding with development of the Richards Road 'Residential R2.5' zone;
- Section 5.22.4.2 of Scheme No.2 makes the following provision:
 "5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area."
- the subdivision layout largely accords with the draft Richards Road Residential R2.5 Structure Plan;
- the subdivision does not require the creation of additional individual lot access onto the North West Coastal Highway;
- the subdivision creates a road linkage into adjoining Lot 1 to the south, thereby providing the neighbouring lot with greater flexibility for its own future subdivision;
- Lot 2 does not contain any remnant vegetation so would not be considered to be subject to any recommendation of the Geraldton Regional Flora & Vegetation Survey (2010);
- the payment of a public open space cash-in-lieu contribution for Lot 2 will provide funds that can later address the protection of the large area of remnant vegetation upon Lot 1 to the south that has been identified by the Geraldton Regional Flora & Vegetation Survey as original extent for Plant Community 13 Sandplain: *Acacia rostellifera* and *Banksia prionotes* and has conservation significance;
- a level of support for the subdivision of this land to 4,000m² lots has been previously demonstrated when draft Scheme No.2 was first advertised from 9 June to 11 September 2006 and a joint submission was received from 8 of the 11 Richards Road landowners requesting that the land be rezoned to 'Residential R2.5'."

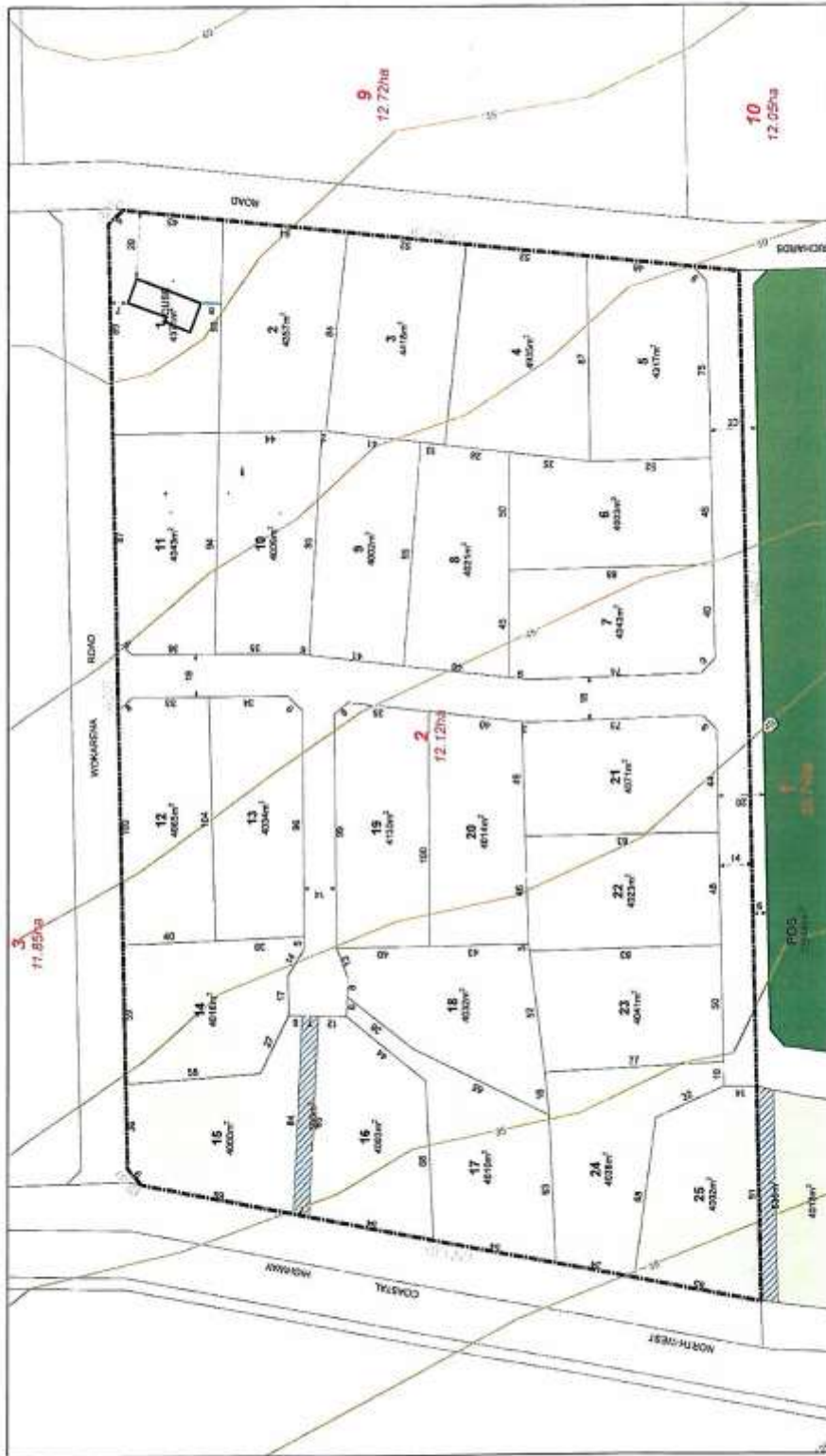
VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council thank the Western Australian Planning Commission for the opportunity to make comment upon the proposed subdivision of Lot 2 Wokarena Road, Buller (WAPC Application No.145730) and advise that:

- 1 Lot 2 and the surrounding Richards Road area is zoned 'Residential R2.5' under Shire of Chapman Valley Local Planning Scheme No.2 which has concluded its advertising period and is therefore now deemed a seriously entertained planning document;
- 2 The preparation of the Richards Road Residential R2.5 Structure Plan was initiated by Council at its 21 September 2011 meeting;
- 3 It seeks a deferral to make its formal comment upon the subdivision application until such time as the Richards Road Residential R2.5 Structure Plan has concluded its advertising period as this will allow the Shire to be given opportunity to review the formal comments of all landowners and government agencies upon the Structure Plan, after which it may be then deemed a seriously entertained planning document and a basis for comment upon this subdivision application.



AREAS AND DIMENSIONS
SUBJECT TO SURVEY

- Legend**
- R 2.5
 - Lot 2 Wokarena Road
 - POS
 - Drainage

Shire of Chapman Valley
Lot 2 Wokarena Road, BULLER

PLANWEST (NW) Pty Ltd



AGENDA ITEM:	10.1.3
SUBJECT:	PROPOSED PART ROAD CLOSURE, NANSON
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 11, 12 & 13 LAUDER STREET & LOTS 14, 15, 16, 17 & 100 EAST TERRACE, NANSON
FILE REFERENCE:	1001.670, 801.13 & A1029
PREVIOUS REFERENCE:	Nil
DATE:	5 APRIL 2012
AUTHOR:	MR SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Nanson Museum grounds currently extend over Reserve 13226 (which comprises former Nanson Town Lots 13, 14, 15 & 100) and a portion of the Lauder Road reserve and a right-of-way. This report recommends initiation of the required road and right-of-way closure proceedings to enable the Nanson Museum to be sited within one land parcel. This report also recommends initiation of the closure of the portion of right of way immediately south of the Nanson Museum that is surrounded by 4 lots all owned by the same landowner, thereby allowing them to proceed with the amalgamation of their 4 lots into 1 title.

COMMENT

The Nanson Museum grounds are situated across multiple land parcels, a right of way and encroach into a road reserve at present, with several buildings sited across lot boundaries. **Figure 1** illustrates the current cadastral layout overlaid over the Nanson Museum grounds to illustrate the current situation.

Figure 1 –Nanson Museum Plan



The plan included as **Attachment 1** to this report illustrates the portion of the right of way between Lots 13 and 14/15, and the portion of Lauder Road to the west of Lot 100 that has museum buildings located upon it, that are proposed to be closed and subsequently amalgamated with Lots 13, 14, 15 and 100 to create one new land parcel that would comprise the Nanson Museum in its on-ground entirety. It should be noted of Attachment 1 that the aerial photography for this area is inaccurately sited and the buildings have been validated on-ground by a surveyor to portray their true position.

The proposed action allow for the 222.6m² portion of the right-of way between Lots 13 and Lots 14/15 to be closed and amalgamated into the Nanson Museum lot, and a 206.8m² portion of Lauder Road to be closed and amalgamated into the Nanson Museum lot. Both portions of land already appear on-site to be part of the Nanson Museum grounds, with 20m² of the Museum building within the Lauder Road reserve, and 53.2m² of the machinery shed situated within the Lauder Road reserve, and 51.6m² of the machinery shed situated over the right-of-way.

The landowner of Lots 11 and 12 Lauder Road, Nanson and Lots 16 and 17 East Terrace, Nanson that are located immediately south of the Nanson Museum has approached the Shire seeking the construct a granny flat upon their property and to avoid any potential for the building to be sited over a property boundary, and to consolidate their landholding, they wish to amalgamate their 4 lots. Given that the right-of-way runs between the lots this is not possible at present and the closure of the 222.6m² portion of the right-of-way adjacent to their 4 lots will enable this amalgamation to take place.

Figure 2 – Lots 11, 12, 16 & 17 Nanson Townsite Plan



Shire staff raise no objection to the closure of the portion of right-of-way between Lots 11/12 & 16/17 as it is already appears on-ground to form part of the landowner's property and is not required for any Shire purpose. It is further noted that the Nanson Townscape Plan makes recommendation that the Shire "investigate the possible closure of the right of way (dunny cart lane) with adjacent landowners" for the length between Lauder Street in the north and Eastough Street in the south and the proposed closure would be entirely in accordance with this strategic townsite objective.

The plan included as **Attachment 2** to this report illustrates the portion of right-of-way between Lots 11 and 12 Lauder Road, Nanson and Lots 16 and 17 East Terrace, Nanson that

is proposed to be closed and subsequently amalgamated with Lots 11, 12, 16 & 17 to create one new land parcel that would comprise the landowner's property in its on-ground entirety.

STATUTORY ENVIRONMENT

Section 58 of the Land Administration Act 1997 provides for the closure of public roads and rights-of-way and requires a resolution of Council to commence this process.

Should Council initiate the road and right-of-way closure, it is required to be publicly advertised for a period of 35 days in accordance with the requirements of the Land Administration Act 1997. This would include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed closures;
- Letters being sent to surrounding landowners/occupiers;
- Letters being sent to relevant statutory authorities (in this instance this would be considered to be Alinta Gas, Department of Regional Development and Lands, FESA, Telstra, Water Corporation and Western Power); &
- A sign detailing the proposed closures being erected onsite.

At the conclusion of the advertising period the proposal is required to be returned to a meeting of Council for its final determination.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The landowner of Nanson Town Lots 11, 12, 16 & 17 to the south of the Nanson Museum has engaged a surveyor to amalgamate their titles into one lot. Shire staff have held concern over the Nanson Museum's compliance with the requirements of the Building Code of Australia by having buildings located over property boundaries and have taken this opportunity, whilst a surveyor has been engaged in the immediate proximity, to engage the same surveyor's services to undertake the necessary preparatory survey work.

The cost of the survey preparation component for the Nanson Museum title amalgamation is \$1,361 (GST exclusive) and this can be allowed for in Account 7052-02 'Surveying and Land Acquisitions' within the 2011/2012 Shire Budget.

The survey expense, and cost of purchase of the closed portion of right-of-way relevant to Lots 11 and 12 Lauder Road, Nanson and Lots 16 and 17 East Terrace, Nanson would be borne by the landowner with Council's involvement being the advertising of the closure process only.

STRATEGIC IMPLICATIONS

The proposed road and right-of-way closure will ensure that what appears on-site to be the Nanson Museum grounds correlates to the cadastral and title details. The proposed closure and amalgamation action will not alter the visual appearance of the Nanson Museum site, but it will ensure that future construction works at the Nanson Museum are not potentially at odds with the requirements of the Building Code of Australia or the Town Planning Scheme.

The Nanson Townscape Plan makes recommendation that the Shire "investigate the possible closure of the right of way (dunny cart lane) with adjacent landowners" between Lauder Street in the north and Eastough Street in the south.

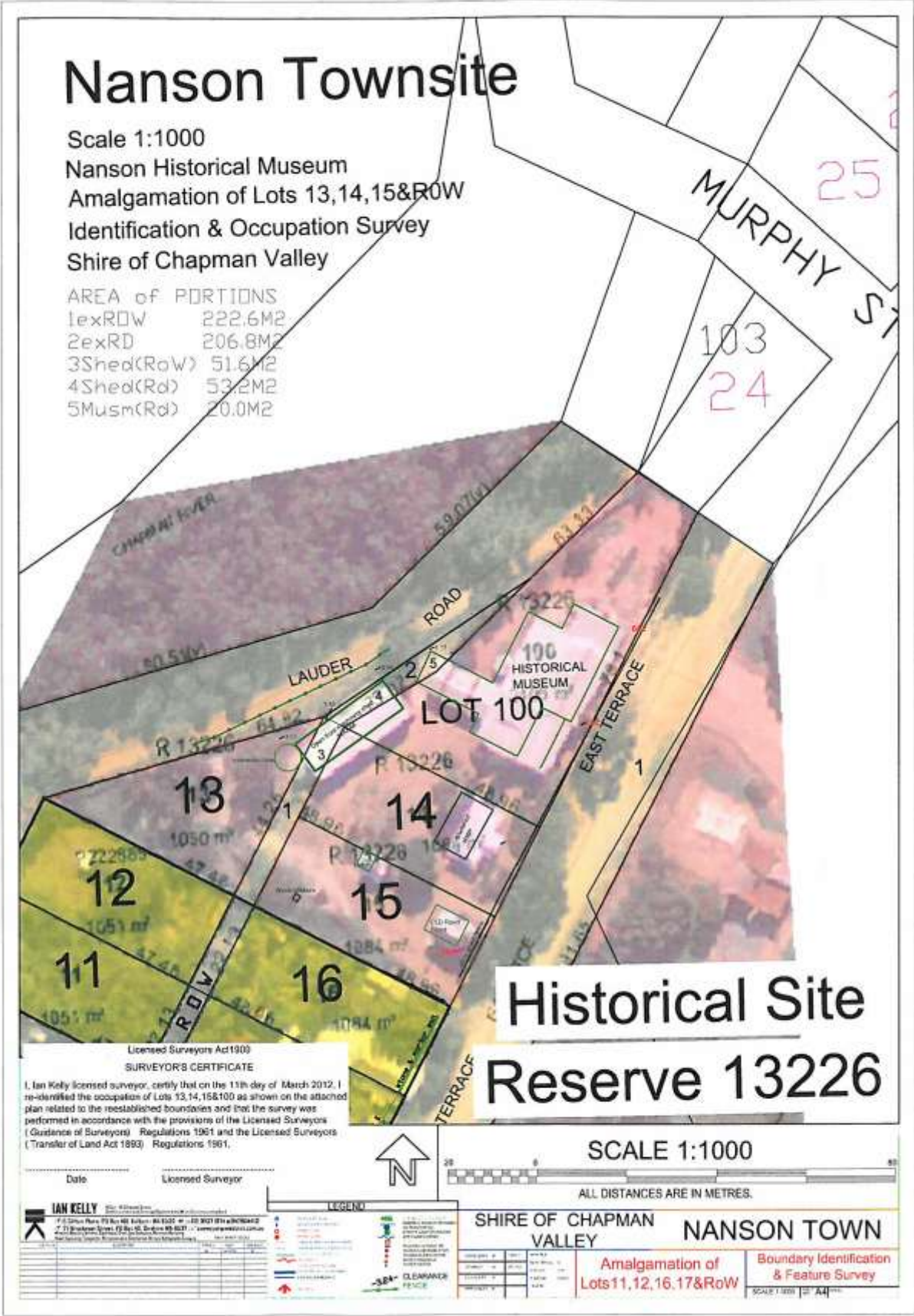
VOTING REQUIREMENTS

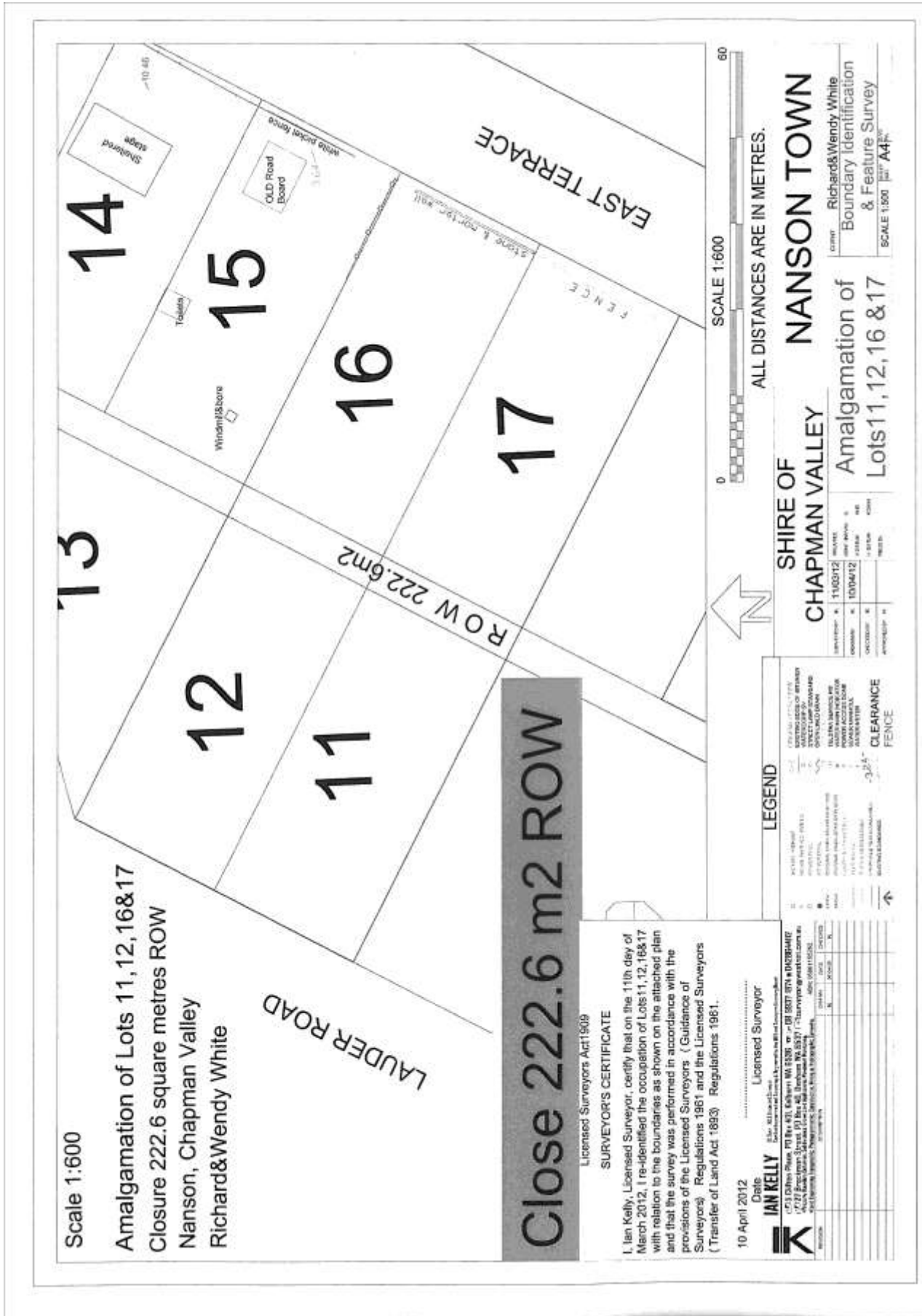
Simple majority required.

STAFF RECOMMENDATION

That Council:

- 1 Pursuant to Section 58 of the Land Administration Act 1997, initiate closure action of the portion of Lauder Road and the Right of Way as shown upon the plan included as Attachment 1 to this report (to enable their subsequent amalgamation with Lot 13 Lauder Street, Nanson and Lots 14, 15 & 100 East Terrace, Nanson to create one land parcel for the Nanson Museum); and
- 2 Pursuant to Section 58 of the Land Administration Act 1997 initiate closure action of the portion of the Right of Way bounded by Lots 11 and 12 Lauder Road, Nanson and Lots 16 and 17 East Terrace, Nanson as shown upon the plan included as Attachment 2 to this report.





AGENDA ITEM:	10.1.4
SUBJECT:	REVIEW OF LOCAL PLANNING POLICY – AGROFORESTRY, PLANTATIONS AND TREE CROPS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	10/10-7, 12/10-6, 2/11-4 & 3/12-17
DATE:	10 APRIL 2012
AUTHOR:	MRS KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 21 March 2012 meeting that:

“Shire staff to review the Agroforestry Local Planning Policy with regards to the issues of gravel access and productive land and return this item to the 18 April 2012 Ordinary Council meeting.”

The Shire’s Local Planning Policy ‘Agroforestry, Plantations and Tree Crops’ has now been updated to reflect the issues raised and is returned to Council for its consideration.

This report recommends the advertising of revised Local Planning Policy ‘Agro-forestry, Plantations and Tree Crops’ for public comment for a period of 21 days pursuant to Section 3.2 of Shire of Chapman Valley Town Planning Scheme No.1.

COMMENT

For the most part a Local Planning Policy is formulated to align with the strategic direction as principally set by the Council and, accordingly, used by staff to disseminate information to the community and industry on the minimum standards for development as prescribed by Council. Given the increasing opportunities and interest in agroforestry, plantations and tree crop development it is appropriate for the Shire of Chapman Valley to review its Policy requirements to ensure that developments are managed to avoid environmental and/or land-use conflict and optimise the potential benefits to the community.

Since the adoption of Local Planning Policy ‘Agroforestry, Plantations and Tree Crops’, the Shire has issued four planning approvals:

- Lot 10702 Coonawa Road, Wandana – Issued 9 May 2011
- Lot 10480 Valentine Road, East Yuna 21 – Issued December 2011
- Lots 3, 4 & 9897 Wandana Road, Wandana – Issued 1 March 2012
- Lot 10099 Dartmoor-Lake Nerramyne Road, Dartmoor – Issued 26 March 2012

There are landuse and community implications associated with agroforestry and plantation uses that the Shire seeks to address through the planning process such as impacts on local roads for harvesting plantations, fire management, and visual impact on any scenic routes, social impacts and concern over potential loss of prime agricultural land. With new emerging plantations for carbon sequestration there has been Council concern over the potential for an applicant to develop significant areas or whole farms. Some applicants may propose long term harvesting whilst others may not nominate to harvest at all and therefore the land may never revert back to traditional agricultural uses.

To assist in guiding applicants and providing support to the concerns raised, Shire staff have revised the Policy to include additional objectives and information to ensure the Shire has a greater degree of control in assessing applications and protecting and upholding the values of its community. Whilst some of the issues are difficult to quantify this policy aims to encourage an integrated approach of plantings with more traditional farming or agricultural uses.

A copy of revised Local Planning Policy 'Agro-forestry, Plantations and Tree Crops' has been included as **Attachment 1** to this report for Council's information with the proposed changes indicated in red for ease of reference.

STATUTORY ENVIRONMENT

It is proposed that revised Local Planning Policy 'Agro-forestry, Plantations and Tree Crops' be adopted under Section 3.2 of Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme') which states:

3.2.1 Town Planning Scheme Policy

In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

3.2.2 Operative Town Planning Scheme Policy

A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy one a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment or not proceed with the Draft Policy; and*
- (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy deposited with the Scheme documents for inspection during normal office hours.*

3.2.3 Alteration or Rescinding of a Town Planning Scheme Policy

A Town Planning Scheme Policy may only be altered or rescinded by:

- (a) preparation and final adoption of a New Policy pursuant to this Clause, specifically worded to supersede an existing Policy;*
- (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

3.2.4 Binding of Council

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designated to achieve making its decisions.

3.2.5 Conflict between Policy/Scheme

If there is any conflict between a Policy made or adopted by Council and the provisions of the Scheme, the Scheme prevails.”

In addition to the requirements set by the Shire’s Local Planning Policy, applications for the development of tree crops and the like are also required to comply with separate legislation that is enforced by other authorities such as the *Code of Practice for Timber Plantations in Western Australia (2006)* and the *Guidelines for Plantation Fire Protection (1998)*.

POLICY IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

The cost of advertising Local Planning Policies is covered by the Council’s existing Planning budget allocation.

Applications for tree crop development are charged as per Item 1 of the Planning Fee Schedule and should advertising be required an additional fee of \$250.00 will be charged to cover the cost of producing letters, on-site advertising signs and advertisements in the newspaper.

STRATEGIC IMPLICATIONS

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. Policies provide a consistent approach to approving land use and development, therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

VOTING REQUIREMENTS

Simple majority of Council.

STAFF RECOMMENDATION

That Council pursuant to Section 3.2 of the Shire of Chapman Valley Town Planning Scheme No.1 resolve to:

- 1 Adopt revised Local Planning Policy ‘Agro-forestry, Plantations and Tree Crops’ for public comment and advertise it for a period of 21 days;
- 2 Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval Local Planning Policy ‘Agro-forestry, Plantations and Tree Crops’ and proceed to publish a notice to this effect in the local newspaper; &
- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

16.29	Agroforestry, Plantations & Tree Crops	<p>Comment: This Policy applies to agroforestry, plantations and tree crops, otherwise termed 'Tree Crops' for the purpose of this Policy, that has the potential to become a prominent land-use across the Shire where landholders and private investors seek to:</p> <ul style="list-style-type: none"> • capitalise on emerging opportunities for farm forestry; • diversify income streams; and • gain on farm environmental benefits that can be realised from integrated tree crops. <p>Given the increasing opportunities and interest in tree crop development it is timely for local governments to ensure that these developments where possible are adequately managed to avoid environmental and/or land-use conflict that could potentially arise, and optimise the potential benefits to the community.</p> <p>This Policy seeks to clarify the Council's position on the establishment of tree crops.</p>	
<p>Scheme Provisions: Agroforestry, plantations and tree crops are not included as a defined use and, as such, can only be considered by Council as a 'use not listed' pursuant to Clause 2.2.4. For the purpose of this Clause and Clause 2.2.5 all applications that generally accord with the Statements contained within this Local Planning Policy will be processed under the 'PS' use symbol.</p>		<p>Other References: <i>Code of Practice for Timber Plantations in Western Australia (2006), Guidelines for Plantation Fire Protection (1998)</i></p>	<p>Special Procedure: The Shire at its discretion may advertise the proposed use within a designated locality to ascertain the views of nearby residents and relevant government departments prior to the application being considered.</p>
<p>Definitions:</p> <p>'Agroforestry' means land used commercially for tree production and agriculture where trees are planted in blocks of more than one hectare.</p> <p>'Fire Barrier' comprising a 26m strip, cleared of vegetation to no more than 300mm with a 2m fire break on either side.</p> <p>'Plantation' has the same meaning as in the <i>Code of Practice for Timber Plantations in Western Australia (2006)</i> published by the department of Conservation and Land Management and the Australian Forest Growers.</p> <p>'Tree Crop' means trees planted under the management of one Applicant with an aggregate area greater than 40 hectares and with the intent of producing commercial products. Commercial products include all wood and non-wood products that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products include products such as carbon and potentially environmental services.</p>			
<p>Policy Statement:</p> <p>1 The objectives of this Local Planning Policy are to:</p> <ol style="list-style-type: none"> a) Achieve a consistent, efficient, and equitable system for assessing and approving tree crop applications; b) Actively encourage the establishment of tree crops in appropriate locations; c) Actively encourage tree crops in areas subject to land degradation, including areas of high salinity, water logging, and high levels of chemical contamination where there are clear natural resource management benefits; 			

- d) Ensure tree crop development is not undertaken upon land that is considered to be of high agricultural value;
 - e) Consider impacts on local road network infrastructure, and to protect surface gravel deposits for the maintenance and construction of these road networks;
 - f) To minimise the potential for any loss of population or agricultural land through the use of whole farms, and encourage tree crops that are ancillary to an existing agricultural land use (i.e. broadacre cropping or grazing).
 - a) Manage fire risk/management issues for all applications;
 - b) Consider the visual impact of tree crops in close proximity and/or viewing distance to town sites, roads of local and regional significance, and areas of scenic beauty;
 - c) Encourage operators, managers, government and non-government agencies, investors, and land holders to work in partnership wherever possible;
 - d) Encourage operators to abide by the Industry Code of Practice, relevant legislation, State Strategy for Plantations and Farm Forestry and this policy;
 - e) Outline the matters required to be addressed for assessment to be undertaken under the planning system and other legislation.
- 2 The Shire recognises that other matters, not listed above, may be raised during assessment of applications, such as submissions by third parties, which will be noted but not necessarily used in determining an application. As such matters may be covered by other legislation, fall under the responsibility of other agencies, or may not be considered relevant or valid planning considerations.
- 3 This policy applies to all 'General Farming' zoned land in the Shire of Chapman Valley Town Planning Scheme.
- 4 In the absence of more prescriptive details as to what the Shire considers to constitute 'agroforestry' and 'plantations', and recognising there could be a degree of overlap between the respective definitions, for the purpose of this policy in assessing applications, the Shire will require the following:
- i. Completion of an application for Planning Consent Development Application Form
- NOTE: (1) Please note that an application may be made upon land that is not in the ownership of the applicant where the application form is signed by the owner(s) of the land as specified upon the Certificate of Title AND the applicant(s). (2) An application can cover multiple tree crop developments, which may be on different titles, provided they are under the management of one Applicant (the form is required to be signed by the relevant landowners of each title).
- ii. The application is to include or be accompanied by the following;
 - Map showing location of trees, access roads, structures and buildings, natural features (including native vegetation and water courses), **surface gravel deposits** and other relevant information, such as hazards and significant features (drawn to scale and to a professional standard);
 - A species list (including approximate density and number to be planted) for the proposal;
 - Information pertaining to the projected volume of water usage;
 - A visual impact assessment may be required where the development site is in close proximity and/or viewing distance from townsite boundaries, roads of regional or local significance, or areas deemed by the Shire to have a high level of scenic or heritage value;
 - Provide estimated harvest time(s). It will be a condition of any development approval that a Harvest/Transport Plan be submitted to Council for separate approval 12 months prior to the commencement of harvesting that details expected transport routes, and proposed machinery requirements – refer to notes below;
 - Planning application fee, charged as per Item 1(a) of Planning Fees.

NOTES:

Additional Approvals

- Proposed new buildings and structures relating to a tree crop development may be subject to additional/other applications and approvals of the Local Government and other agencies.
- Should the application propose the clearing of existing remnant vegetation the applicant is required to liaise with the Department of Environment and Conservation to obtain the relevant approvals.

Water

The Shire may seek advice from the Department of Water to assist in determining the application, with specific reference to ground and surface water impacts. Should the Department of Water raise significant concerns or objections to the proposal the application may ultimately be refused by the Council.

Harvest and Transport

The Shire recognises the future locations of processing facilities in or near the Mid-West region is currently unknown, and it is therefore difficult to prepare a transport plan prior to commencement of tree crop development. Nevertheless, the Shire will require an understanding of expected harvest and transport routes through the Shire at the application stage, with the requirement a transport plan/strategy to be prepared and submitted twelve (12) months prior to the commencement of harvesting depending on scale and nature of harvest.

Where the Shire considers the existing road infrastructure is not adequate to service the future harvest, the applicant/operator will be required to make suitable and safe access arrangements. If a suitable and safe arrangement cannot be identified and there is likelihood that this cannot be secured or improved, the Council may refuse the application.

- 5 **Continuing Agricultural Activities - Traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant landuse with agroforestry or plantations as an ancillary and complementary use.**

This Policy does not attempt to introduce maximum planting areas by means of a percentage of the lot area, simply because some flexibility needs to be afforded. As a general rule the Shire will assess if a plantation area is 'ancillary' having regard for:

1. The area of each lot;
2. The proportion or percentage of the plantation area on a lot by lot basis. Generally a 50% maximum planting area is encouraged, although each application will be assessed on its merits on a 'case by case' basis;
3. The extent of existing remnant vegetation areas; and
4. Whether a significant portion of each lot can continue to be used for agriculture.

The Shire will be able to clearly identify whether agriculture remains as the primary use, simply because detailed site plans are lodged for all applications and show the extent of planting areas.

This Policy aims to actively encourage the integration of tree planting with agricultural farms. Whilst there are other factors contributing towards reductions of rural population, the Shire wishes to ensure that new landuses do not exacerbate an existing ongoing problem.

The Shire will not generally support the planting of whole lots or farms for tree planting due to the potential for the displacement of agricultural pursuits and loss of agricultural land.

- 5 In processing an application for tree crops the Shire may;
- a) publicly advertise the proposal for a minimum of 14 days through writing to adjoining/nearby landowners as deemed appropriate by the Shire (Note: the Chief Executive Officer (CEO) retains the right to extend the length of the advertising period); and / or
 - b) seek comments, as determined by the Shire, from relevant government agencies and other stakeholders or affected parties.
- 6 Should it be considered by Shire staff that any received submissions can be adequately addressed and/or dismissed, and the application accord with the relevant provisions of this Policy as well as the Shire of Chapman Valley Town Planning Scheme and Local Planning Strategy, the proposal may be approved by the Shire's CEO under delegated authority as afforded by the Shire Council.
- 7 Should approval be granted the applicant would be required to submit the following information to the satisfaction of the CEO, or in the case of a dispute to the satisfaction of Council, BEFORE planting commences:
- a) Management Plan as per checklist based on the *Code of Practice for Timber Plantations in Western Australia (2006)* inclusive of vermin and pest control strategy and weed control strategy;
 - b) Level of compliance with the specifications and guidelines in the *Code of Practice for Timber Plantations in Western Australia (2006)*;
 - c) The preparation of a Fire Management Plan, to be included as a part of an overall Management Plan, that details access, fire barrier (minimum width of 30m for perimeter fire barrier), water supplies, separation distance between plantings and setbacks from off-site dwellings (FESA's Guidelines for Plantation Fire Protection (1998) will be used to assess Fire Management Plans in applications);
 - d) That tree planting areas shall not exceed 200ha without 30m fire barrier between tree planting areas.
- 8 Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme, the Town Planning Scheme shall prevail.

Adopted by Council: 16 February 2011

Reviewed: 18 April 2012

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10.2

Chief Executive Officer

April 2012

Contents

AGENDA ITEMS

- 10.2.1 WALGA Annual General Meeting
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- 10.2.3 Fleet Safety Policy
- 10.2.4 Community and Recreation Grants
- 10.2.5 Bush Fire Brigades Group Management Advisory Committee Minutes
- 10.2.6 Issues Arising from Electors Meeting

AGENDA ITEM:	10.2.1
SUBJECT:	WALGA ANNUAL GENERAL MEETING
PROPONENT:	COUNCILLORS
SITE:	PERTH
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	N/A
DATE:	12 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is being requested to appoint its Voting Delegates for the WALGA Annual General Meeting being held on Thursday 2 August 2012. Councillors are also requested to register their attendance for the Local Government Convention (formally known as Local Government Week) which is to be held from Thursday 2 August 2012 through to Saturday 4 August 2012.

COMMENT

The 2012 Annual General Meeting for the WA Local Government Association is being held during the Local Government Convention on Thursday 2 August 2012 at the Perth Convention and Exhibition Centre.

Pursuant to the WALGA Constitution, all Member Councils are entitled to be represented by two (2) voting delegates. Voting Delegates may be either Elected Members or Serving Officers. Member Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered.

Voting Delegates must be registered by the Chief Executive Officer by faxing a completed nomination form to WALGA. In the event that a Voting Delegate is unable to attend, provision is made for Proxy Delegates to be registered on the attached fax back. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or Serving Officers.

STATUTORY ENVIRONMENT

WALGA AGM Standing Orders.

POLICY IMPLICATIONS

Section 9.10.2 of Council's Policy Manual states:

“9.10.2 Annual WALGA Conference

That Council provide within each Financial Years Budget for the costs for the Councillors and the CEO to attend the Local Government Week.

The importance of providing Councillors and the CEO with the opportunity to meet fellow Councillors and CEO's from other Local Authorities and to participate in a state wide forum on issues relevant to Local Government.

- *Bookings to the Conference shall be made as soon as notice is given of the venue conference in order to avoid problems by way of booked out accommodation.*
- *That meals, expenses and 1 (one) excursion for Councillors partners be met by Council.”*

FINANCIAL IMPLICATIONS

Funds will be required to be allocated in the 2012/2013 budget.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

That:

- 1 Councillors _____ and the Chief Executive Officer attend the Local Government Convention.
- 2 Council nominate the Shire President and Deputy Shire President as Voting Delegates to the Western Australian Local Government AGM being held on Thursday 2 August 2012.

AGENDA ITEM:	10.2.2
SUBJECT:	COUNCIL FORUMS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	N/A
DATE:	12 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To present Council with a proposal to introduce 'Council Forum' Sessions after Council Ordinary monthly meetings.

This is considered an appropriate tool in order to ensure that the Shire of Chapman Valley operates Forums under best practice.

COMMENT

The Western Australian Department of Local Government released the Operational Guideline number 5 Council Forums in 2004.

Principles of the Local Government Act 1995

Part 5 of the Act sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government. It is an intention of the Act that councils conduct business and make decisions –

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

There are two common types of Forums:

Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed *agenda forums*. It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that agenda forums are run with strict procedures.

Concept Forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are sometime away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include –

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

A copy of the proposed Shire of Chapman Valley Forum Rules and Procedures has been included as **Attachment 1** to this report.

STATUTORY ENVIRONMENT

Local Government Act 1995, DLG Local Government Operational Guidelines Number 05 January 2004

POLICY IMPLICATIONS

Shire of Chapman Valley – Policy Manual.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Improve strategic decision making and planning

VOTING REQUIRMENTS

Simple Majority.

STAFF RECOMMENDATION

That Council adopt the Shire of Chapman Valley Forum Rules and Procedures as presented in Attachment 1.



SHIRE OF CHAPMAN VALLEY COUNCIL FORUM RULES AND PROCEDURES

1. Accountability

- 1.1 During the Forum meeting no opportunity for a collective Council decision or implied decision that binds the Shire of Chapman Valley are to be made. i.e. no decision making to occur.
- 1.2 Agenda forums are for staff to present information and elected members to ask questions. At no stage during a Agenda Forum are Councillors to engage in vigorous discussion or debate. The Chair to ensure no vigorous discussion or debate between Councillors on the issues raised occurs. To ensure best meeting practice all questions are to be directed through the chair and no free-flowing discussion between elected members is permitted.
- 1.3 The Shire of Chapman Valley, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. The Shire of Chapman Valley forums will generally be open to the public.

2. Openness and Transparency

- 2.1 A significant strength of local government is the openness and accessibility of its processes to the community.
- 2.2 In conducting Council forums the Shire of Chapman Valley embraces the concept of openness and transparency.
- 2.3 Whenever appropriate the Shire of Chapman Valley Council Forums may be open to the public, however Council reserves the right to close any meeting to the Public if deemed appropriate.

3. Probity and Integrity

- 3.1 To ensure high ethical and probity standards and accountability are maintained during Council Forums, Councillors and Staff the comply with the same disclosure rules that would apply as if they were in a Council Meeting. i.e. Conflicts of Interest, proximity interests, impartiality interests and financial interests they should exclude themselves from the Forum proceedings. There is no opportunity for a person with a interest to request they continue in the forum.

4. Authority for the Chair

- 4.1 The Shire President is to Chair the Council Forum meetings.
- 4.2 In the absence of the Shire President the Deputy Shire President is to Chair the Forum.

4.3 In the absence of the Shire Deputy President the Councillors present are to elect a Chairperson from amongst them.

4.4 The Chairperson has the same power and authority to chair the Forum as if the Shire of Chapman Valley Standing Orders Local Law applied at an Ordinary Council Meeting.

5. Meeting Notification

5.1 The CEO is to ensure that Councillors are given timely notice of the time, location and content for Forum Meetings (minimum 72 hours' notice required). Forum Meetings are to be held on the Third Wednesday of the month except January where there is no meeting, to be held after the Ordinary Council Meeting concludes.

6. Record Keeping

6.1 A general record of all Forums shall be maintained by the CEO, recording disclosures of interest with appropriate departures/returns.

AGENDA ITEM:	10.2.3
SUBJECT:	FLEET SAFETY POLICY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	N/A
DATE:	11 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To present Council with a Draft 'Fleet Safety Policy' for consideration of adoption.

The introduction of a new 'Fleet Safety Policy' by the Shire of Chapman Valley as part of its overall Risk Management Plan is expected to result in the following benefits:

- Future improved safety for staff, councillors and passengers travelling in Shire of Chapman Valley vehicles purchased with an ANCAP rating of 4 stars or higher.
- Future cost savings from a reduced numbers of motor vehicle claims through staff recruitment, selection, induction, training, education, development programs and reinforcement of fleet safety through incentives and disincentives.
- Improved Data Collection on fleet Drivers and incidences/Accidents.

COMMENT

The Western Australian Local Government Association (WALGA) in conjunction with Road Wise, and the Road Safety Council has developed a Fleet Safety Resource Kit including a Local Government model 'Fleet Safety Policy'. This policy is presented to Council for consideration of adoption. (Please refer to Draft Shire of Chapman Valley Fleet Safety Policy submitted as a separate attachment)

The policy is made up of seven elements:

1. Integrating Fleet Safety Policies into OHS Framework.
2. Taking Road Safety into account when recruiting and selecting new staff.
3. Developing a Road Safety Induction for Staff.
4. Informed Choice on safety when purchasing and maintaining vehicles.
5. Data Collection on fleet Drivers and incidences/Accidents.
6. Reinforcement of Fleet Safety through Incentives and Disincentives
7. Training, Education and Development Programs

Point 4 in the Draft Policy refers to Fleet Selection. The RAC recommends organisations should purchase vehicles with at least a 4 star Australian New Car Assessment Program (ANCAP) rating.

Shire of Chapman Valley fleet vehicles should be fitted with the following features:

- Frontal and Side airbags-designed to cushion the impact of the head and body in a crash;
- Anti-submarining Seat Design-stops front passengers sliding forward in frontal crash;
- Electronic Stability Control/Program-help driver maintain control on gravel, icy or wet roads;
- Anti-lock Brakes (ABS)-Allows the driver to simultaneously brake and steer the vehicle in an emergency to avoid a crash;
- 3 point Seat belts with pre-tensioners and load limiters-seatbelt warning systems motivate driver to wear seatbelt;
- Speed alert systems-seek to motivate driver to maintain a appropriate speed;

- Adjustable head restraints-optimize whiplash injury prevention;
- Foot brace-mounted on driver side of foot well to rest left foot on for comfort and to prevent driver sliding forward in a crash;
- Cruise Control-allows driver to set auto speed on open roads and helps driver avoid 'creeping' over the speed limit;
- Cargo barriers-protect occupants from injury, death from loose objects where applicable;
- First Aid kits-helpful in the event of minor crashes and accidents;
- Fire extinguisher-consider fitting a dry chemical fire extinguisher for fire suppression;
- Air conditioning-makes vehicle comfortable for the driver and valuable tool in demisting front windscreen;
- Automatic daytime running lights-allows vehicle to be seen by other drivers and road users;
- Mudflaps- prevent vehicle tyres spraying water, stones and debris onto following vehicles; and
- Blue tooth or mobile phone hands free kits-Legal requirement in Western Australia that you are not allowed to use a mobile phone hand held whilst driving.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Shire of Chapman Valley - Fleet Safety Policy.

FINANCIAL IMPLICATIONS

The proposed Fleet Safety Policy as part of the Shire of Chapman Valley overall risk management plan is expected to reduce the number of Motor Vehicle claims and as a result a corresponding reduction in the Insurance excess (currently \$300 per claim) payments in future years.

STRATEGIC IMPLICATIONS

Shire of Chapman Valley - Risk Management Plan

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

That Council adopt the Shire of Chapman Valley Fleet Safety Policy as presented in the separate attachment.



SHIRE OF CHAPMAN VALLEY FLEET SAFETY POLICY

ELEMENT ONE

Integrating Fleet Safety Policies into an Occupational Health and Safety Framework

1.1 Fleet Safety Policy

- 1.1.1 The Shire of Chapman Valley has a fleet safety policy that is signed and dated, contains clear fleet safety objectives and a commitment to improving fleet safety performance.
- 1.1.2 The Shire of Chapman Valley's fleet safety policy has the authorisation of the Chief Executive Officer.
- 1.1.3 The fleet safety policy is communicated to employees (contract and casual) and employees sign a copy of the fleet safety policy, confirming understanding and acceptance of the policy.
- 1.1.4 A process exists for scheduled reviews of fleet safety policy objectives to assess their effectiveness and make changes in accordance with organisational and legislative changes where appropriate.

1.2 Fleet Safety Responsibilities

- 1.2.1 The Shire of Chapman Valley has defined and documented the responsibilities, authority to act and reporting requirements of fleet safety, and has communicated these to all employees.
- 1.2.2 The Shire of Chapman Valley's annual report documents fleet safety performance.
- 1.2.3 Implementing the fleet safety management system is the responsibility of the Corporate Services team.
- 1.2.4 Senior management (KIM) regularly reviews the effectiveness of the fleet safety management system in satisfying the Shire of Chapman Valley's stated fleet objectives.

1.3 Review and Evaluation of Fleet Safety Policy

- 1.3.1 Crucial fleet safety documents are identified as policy. The date the documents were issued, date of modifications and authorisation appear on the documents.
- 1.3.2 A procedure exists for altering and approving the changes to fleet safety documents.
- 1.3.3 The effectiveness of communicating the policy objectives is evaluated.

1.4 Employee Involvement and Consultation

- 1.4.1 The Shire of Chapman Valley has avenues for discussing fleet safety issues in the workplace.
- 1.4.2 Managers discuss fleet safety in meetings with staff.

1.5 Auditing of Systems

- 1.5.1 Fleet safety management systems are regularly audited according to a set schedule to assess the match between organisational fleet safety objectives and activities.
- 1.5.2 Fleet safety management systems are independently audited by appropriately qualified persons.

Element Two

Taking Road Safety into Account when Recruiting and Selecting New Staff

2.1 Recruitment

- 2.1.1 Safe driving is mentioned in position descriptions for jobs involving significant driving tasks
- 2.1.2 An applicant is asked to provide evidence of a current driver's licence.
- 2.1.3 Applicants for positions involving significant driving tasks are asked to provide details of crash records and traffic infringements for the past three years.
- 2.1.4 Applicants provide details of licences held, driver training courses attended and any awards received for their driving.

2.2 Selection

- 2.2.1 A potential employee's driving record is assessed for jobs involving significant driving tasks
- 2.2.2 An applicant's driving record is a factor in the hiring of new employees for jobs involving significant driving tasks.
- 2.2.3 An applicant's attitude to safety is addressed in the interview.

Element Three

Developing a Road Safety Induction for Staff

3.1 New Employees

- 3.1.1 The Shire of Chapman Valley ensures that all employees undergo an induction program containing a fleet safety component covering the Shire of Chapman Valley's fleet safety policy and procedures.
- 3.1.2 Vehicles are assigned to new employees based on the needs of their job.

3.2 Supervisors

- 3.2.1 The Shire of Chapman Valley has an induction program for managers which include fleet safety issues.

Element Four

Informed Choice Based on Safety when Purchasing and Maintaining Vehicles

4.1 Fleet Selection

- 4.1.1 The Shire of Chapman Valley obtains advice from qualified fleet safety professionals (in-house or external).
- 4.1.2 Purchasing decisions are made in consultation with employees to determine the fleet safety requirements and environmental specifications where decisions may affect those employees.
- 4.1.3 Relevant safety features are considered when selecting vehicles.

4.2 Fleet Maintenance

- 4.2.1 Fleet vehicles are registered annually (including compulsory third party (CTP) insurance).
- 4.2.2 Reporting of fleet vehicle inspections, maintenance, repairs and modifications is maintained as a running record by the Shire of Chapman Valley.
- 4.2.3 The Shire of Chapman Valley has a vehicle maintenance program.
- 4.2.4 Drivers regularly inspect their vehicles.
- 4.2.5 There is a procedure to follow if there is a problem with a vehicle.
- 4.2.6 Tyre wear is monitored.
- 4.2.7 Fuel consumption is monitored.

Element Five

Data Collection on Fleet, Drivers and Incidences/Accidents

5.1 Crash Reporting

- 5.1.1 The Shire of Chapman Valley has a documented reporting system for all fleet safety incidents (including minor panel damage, crashes, injuries and fatalities).
- 5.1.2 A procedure is in place for informing all employees of the process for reporting fleet safety incidents.

5.2 Crash Investigations

- 5.2.1 Reported incidents are investigated in accordance with an organisational investigation procedure.
- 5.2.2 Investigation reports contain recommendations and a timetable for implementing corrective actions.
- 5.2.3 A procedure exists for evaluating and monitoring remedial/corrective measures.

5.3 Crash Monitoring

- 5.3.1 Pertinent fleet safety data are collected and analysed.
- 5.3.2 Regular reports on fleet safety performance are produced and distributed within the Shire of Chapman Valley.
- 5.3.3 Benchmarking data are collected.

Element Six

Reinforcement of Fleet Safety through Incentives and Disincentives

6.1 Driver Monitoring

- 6.1.1 Organisations keep a record of traffic infringements incurred by employees.
- 6.1.2 Employees receive feedback about their driving performance.
- 6.1.3 The Shire of Chapman Valley conducts driver's licence checks.

6.2 Incentives

- 6.2.1 The Shire of Chapman Valley has an incentive scheme for safe driving.

6.3 Disincentives

- 6.3.1 The Shire of Chapman Valley has a system for recognising poor driving behaviour.

Element Seven

Training, Education and Development Programs

7.1 Assessing Training Needs

- 7.1.1 Before assigning a vehicle to an employee, organisations check whether the employee has driven that type and size of vehicle before.

7.2 Driver Education

- 7.2.1 A system is in place to provide fleet safety information to all employees.

7.3 Training

- 7.3.1 Legal obligations and fleet safety management principles and practices are articulated to the Shire of Chapman Valley's executive and senior management through formal training.

AGENDA ITEM:	10.2.4
SUBJECT:	COMMUNITY AND RECREATION GRANTS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	N/A
DATE:	12 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

REPORT PURPOSE

To present to Council a draft 'Community and Recreation Grant' guidelines and application form for consideration by Council for adoption for the 2012/13 Budget process.

BACKGROUND

Each year the Shire of Chapman Valley receives grant applications from various community and sporting groups requesting Shire of Chapman Valley for in-kind or financial assistance for various projects.

COMMENT

The Chief Executive Officer has produced a Draft Shire of Chapman Valley 'Community and Recreation Grants' Guidelines and application form to formalise the process for Community and Sporting Groups within the Shire of Chapman Valley to submit requests for assistance.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Community and Recreation Grants

FINANCIAL IMPLICATIONS

Shire of Chapman Valley 2012/13 Draft Budget may be subject to possible allocations arising from requests.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple Majority

STAFF RECOMMENDATION

That Council endorse the Community and Recreation Grants process and Pro-forma as presented, for the 2012/2013 Annual Budget Community Grants applications.

COMMUNITY AND RECREATION GRANTS 2012/2013

(to be forwarded to Council by Friday 18 May 2012)

DISTRIBUTION OF FUNDS TO COMMUNITY AND SPORTING BODIES

The following guidelines for distribution of funds to Community and Sporting Bodies are to apply:

1.0 FUND OBJECTIVE:

Funds from Council may be made available for the following purposes:

Establishment or improvement of playing areas or buildings necessary for the conduct of sport or for community use, to assist community groups in establishing a service or activity seen as a need for the betterment of and improvement to the enjoyment of life within the community.

2.0 APPLICATION PROCEDURE:

- a) Applications for funds over \$1,000 close at the Council Office on Friday 18 May 2012 to be considered in the following financial year;
- b) Applications for funds under \$1,000 may be made at any time;
- c) Applicants will need to discuss Local Laws, Town Planning Schemes and Development Policies with Council Staff; and
- d) Applications should only be made when the applicant group is confident that all the cash that the applicant proposes to contribute will be readily available if a grant is approved.

3.0 LAND/SITE:

- a) The land on which the development is proposed should be a Crown Reserve or land owned or vested in the Shire of Chapman Valley.

4.0 LIMITATIONS:

- a) Funds not to be used for equipment, trophies, prizes or expenses (including loan repayments) incurred in the conduct of the sport or in community activities.
- b) Community and sporting bodies must submit an application, where eligible, for Department of Sport and Recreation or other Government grant aid, for assessment by Council.
- c) Community and Sporting Bodies must submit an application of a form related to Department of Sport and Recreation practice, supported by a brief summary of financial position, own contribution and programme of time over which planned expenditure will occur.
- d) Council employees and equipment may be used in lieu of cash distribution and costs against the relevant Chart of Accounts.
- e) On completion of projects, the Chief Executive Officer shall carry out an inspection, prior to closing the job file.

5.0 VOLUNTARY CONTRIBUTIONS

The value of work undertaken by volunteers can be included in the local contribution but this value may not exceed one third of the completed value of the project.

The voluntary work should be described and valued at the rate of \$25 per man-hour.

6.0 GENERAL GUIDELINES:

- a) All applications must be on the appropriate form.
- b) Applications must be submitted not later than Friday 18 May 2012 for each year for funds over \$1,000.
- c) All applications will be acknowledged by Council.
- d) Council reserves the right to consider and allocate funds without the right of appeal.
- e) Council reserves the right to request further information on demand.
- f) All monies allocated must be spent and claimed by the 30 June in the financial year for which it was allocated.
- g) No project requiring funding shall commence without the written consent of Council.
- h) Money granted must be spent on the project allocated.
- i) No money will be allocated for completed projects.
- j) Council reserves the right to inspect reserves and buildings without prior notification to the respective Committee.
- k) Council may consider joint funding of capital works projects with the Department of Sport and Recreation.
- l) Council may consider applications from Community Groups other than sporting bodies.
- m) Council's contribution to the replacement of large machinery is limited to 50% of the replacement costs.
- n) Applications will be considered at Council's sole discretion.
- o) Council reserves the right to set aside large projects for budget items.

**SHIRE OF CHAPMAN VALLEY
COMMUNITY AND RECREATION GRANTS
2012/2013.**

APPLICATION FORM

Completed applications should be lodged at the Council Office by Friday 18 May 2012.

Name of Applicant Organisation

Contact Person

Office held

Address

..... Post Code

Telephone (.....) (Business) (.....) (Private)

1.0 PROJECT DETAILS :

1.1 Name of project

1.2 Description of project

.....

.....

.....

.....

2.0 SITE DETAILS :

2.1 Location

2.2 Ownership

2.3 List current facilities used by the applicant on the site

.....

.....

.....

.....

3.0 USER DETAILS:

3.1 Give details of Club/Associations (including your own) expected to use the facility:

Name of Club/Association	MEMBERSHIP			
	MALE		FEMALE	
	Junior	Senior	Junior	Senior
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.0 CONSTRUCTED ESTIMATES :

Describe each component or phase of development.

Estimate the cost of each component

Component/Work

Estimate Cost

.....
.....
.....

.....
.....
.....

TOTAL: *

=====

5.0 COST SHARING ARRANGEMENTS:

- Group Contribution Cash
 Loan
 Voluntary Labour

Other (details) - D.S.R. Grant, etc.
Grant Requested

.....
.....
.....

TOTAL: *

=====

NB: * THE TWO TOTALS SHOULD BE IDENTICAL

ATTACHMENTS:

The Council Office will advise which attachments are required with this application.

		Must be attached	
		Yes	No
1.	Current Financial Statement	<input type="checkbox"/>	<input type="checkbox"/>
2.	Locality plans attached	<input type="checkbox"/>	<input type="checkbox"/>
3.	Site plans attached	<input type="checkbox"/>	<input type="checkbox"/>
4.	Sketch plans attached	<input type="checkbox"/>	<input type="checkbox"/>
5.	Details plans and specifications attached	<input type="checkbox"/>	<input type="checkbox"/>
6.	Draft budget attached	<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION BY APPLICANT ORGANISATION :

I hereby certify I have been authorised by the to prepare and submit this application. The information contained herein is to the best of my knowledge true and correct.

.....
 Signature Position held Date 2012

NB: Completed applications must be submitted to the Shire of Chapman Valley Council Office by Friday 18 May 2012.

AGENDA ITEM:	10.2.5
SUBJECT:	BUSH FIRE BRIGADES GROUP MANAGEMENT ADVISORY COMMITTEE MINUTES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	601.08
PREVIOUS REFERENCE:	N/A
DATE:	12 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

REPORT PURPOSE

To present to Council the Minutes of the Shire of Chapman Valley Bushfire Brigades Group Management Advisory Committee held on the 10th April 2012 at the Shire of Chapman Valley Chambers Nabawa.

To request Council appoint for a 1 year term the following persons as listed below for the 2012/13 year subject to their acceptance:

Chief Fire Control Officer	Current Position Holder	A Valhov
Deputy Chief Bushfire Control Officer	Current Position Holder	F Spillman
Fire Prevention Officer	Current Position Holder	E O'Donnell
Group Training Officer	Current Position Holder	E O'Donnell
Group Administrative Officer	Current Position Holder	S Billingham
Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
Fire Weather Officer	Current Position Holder	A Vlahov
Deputy Fire Weather Officer	Current Position Holder	F Spillman

To request Council endorse an amendment to the Fire Break Notice for 2012/13 to make property owners in the Parkfalls Estate use slashing or mowing of the entire block instead of mechanical breaks. This amendment is to try and overcome the Sand Drift issues occurring in the Estate as a result of the Shire previously requiring Fire Breaks to be installed by mechanical means such as ploughing or rotary hoeing.

BACKGROUND

The Shire of Chapman Valley Bush Fire Brigades Group Management Advisory Committee held its AGM on Tuesday 10th April 2012 at the Shire of Chapman Valley Chambers, Nabawa. (Please refer to minutes submitted as a separate attachment)

COMMENT

The Shire has last year received numerous sand drift complaints from property owners in the Parkfalls Estate. In an attempt to reduce the sand drift issues in the area Council is being requested to amend the Fire Break Notice to prevent property owners in the Estate from installing Mechanical Fire breaks in the Estate. The preference to have the entire properties slashed or mowed to a height not exceeding 7.5cm.

STATUTORY ENVIRONMENT

Local Government Act 1995 and associated regulations, Bush Fires Act 1954

POLICY IMPLICATIONS

Firebreak Notice/Information Newsletter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple Majority

STAFF RECOMMENDATION

That Council:

- 1 Receive the Minutes of the Bushfire Brigades Group Management Advisory Committee dated 10th April 2012 as submitted.
- 2 Appoints the following for a 1 year term in 2012/13:

Chief Fire Control Officer	Current Position Holder	A Valhov
Deputy Chief Bushfire Control Officer	Current Position Holder	F Spillman
Fire Prevention Officer	Current Position Holder	E O'Donnell
Group Training Officer	Current Position Holder	E O'Donnell
Group Administrative Officer	Current Position Holder	S Billingham
Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
Fire Weather Officer	Current Position Holder	A Vlahov
Deputy Fire Weather Officer	Current Position Holder	F Spillman

- 3 Endorses the amendment of the Fire Break Notice/Information Newsletter as listed below:

Section 2.3 be replaced with

"2.3 Notwithstanding, 2.1 and 2.2 above the Shire of Chapman Valley requires all properties within the 'Park Falls' Rural Estate zoned 'Special Rural' must be slashed or mowed to a height not exceeding 7.5 centimetres. No Earth Fire breaks will be permitted (which means no ploughing, scarifying or rotary hoeing)

- 4 Amends its Policy to Ban and prevent people burning on a Public Holidays. Namely Christmas Day, Boxing Day, New Year's Day and the Easter long weekend i.e. Easter Friday through to Easter Monday.



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES OF THE ANNUAL GENERAL MEETING OF THE CHAPMAN VALLEY
BUSH FIRE BRIGADES GROUP MANAGEMENT ADVISORY COMMITTEE
COUNCIL CHAMBERS NABAWA
MONDAY 10TH APRIL 2012 COMMENCING AT 6.02PM

1.0 **ATTENDANCE**

Cr John Collingwood	Presiding Member
Mr Andrew Vlahov	Chief Fire Control Officer
Mr Stuart Billingham	Chief Executive Officer
Mr Earl O'Donnell	Fire Prevention Officer/Shire Ranger
Mr John Piggott	Fire Control Officer
Mr Neil Kupsch	Fire Control Officer
Mr Gerard Williamson	Fire Control Officer
Mr Craig Mincherton	Fire Control Officer
Mr Chris Phoebe	Department Environment and Conservation Representative
Mr Stephen McDonald	Fire and Emergency Services Authority of Western Australia Representative

APOLOGIES

Mr Dave Atkins	Department Environment and Conservation
Mr Forbes Spillman	Fire Control Officer
Mr Trevor Royce	Fire Control Officer
Mr Milton Mincherton	Fire Control Officer
Mr Ken Barndon	Shire of Chapman Valley - Works Supervisor

2.0 **OPENING ADDRESS**

Cr Collingwood welcomed those in attendance and thanked the Chief Bush Fire Control Officer Mr Andrew Vlahov and all Fire Control Officers and Volunteers for their efforts and contribution throughout the past year.

3.0 **CONFIRMATION OF MINUTES**

MOVED: Mr Neil Kupsch

SECONDED: Mr Gerard Williamson

The Minutes of the Annual General Meeting of the Bushfire Brigades Group Management Advisory Committee held on the 18th April 2011 be confirmed as a true and correct record.

CARRIED

4.0 **CORRESPONDENCE**

Nil

5.0 **ELECTION OF OFFICERS FOR COUNCIL APPROVAL – ONE YEAR TERMS**

MOVED: Mr Earl O'Donnell		SECONDED: Mr Neil Kupsch
That the following officers are elected for a one year term:-		
Chief Fire Control Officer	Current Position Holder	A Vlahov
Deputy Chief Bushfire Control Officer	Current Position Holder	F Spillman
Fire Prevention Officer	Current Position Holder	E O'Donnell
Group Training Officer	Current Position Holder	E O'Donnell
Group Administrative Officer	Current Position Holder	Chief Executive Officer
Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
Fire Weather Officer	Current Position Holder	A Vlahov
Deputy Fire Weather Officer	Current Position Holder	F Spillman
<i>(Note: All terms of office will commence upon endorsement by Council.)</i>		
CARRIED		

The CEO to write to FESA to request removes M Mincherton and Gazette F Spillman as Fire Weather Officer.

6.0 **FIRE BREAK NOTICE**

6.1 **REVIEW OF CURRENT BUSH FIRE NOTICE**

MOVED: Mr Andrew Vlahov

SECONDED: Mr Gerard Williamson

That the 2012/13 Bush Fire Notice to be amended as follows:

Part of Section 2.3 be replaced with

"2.3 Notwithstanding, 2.1 and 2.2 above the Shire of Chapman Valley requires all properties within the 'Park Falls' Rural Estate zoned 'Special Rural' must be slashed or mowed to a height not exceeding 7.5 centimetres. No Earth Fire breaks will be permitted (which means no ploughing, scarifying or rotary hoeing)"

6.2 **ANNUAL INSPECTIONS**

Ongoing

7.0 **REPORTS FOR PERIOD APRIL 2011 TO APRIL 2012**

7.1 **ANDREW VLAHOV
CHIEF BUSH FIRE CONTROL OFFICER**

It was noted that another busy fire season has been experienced. He advised that the Yuna Brigade had concerns regarding Tree Farms in the East of the Shire and possible firebreak issues. Tree Farms should have onsite sign posted water tank storage for fire fighting purposes in the event of a fire.

Mr Vlahov extended thanks to Council and its staff (particularly Mr O Donnell and Corporate Support) for help and support during the fire season. Mr Vlahov expressed thanks to all who have supported the efforts throughout the fire season.

**7.2 MR STEPHEN MCDONALD
FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA
(FESA)**

Mr McDonald presented a verbal report and highlighted the following:

- Fighting Fires for 6 month period-e.g. Yalgoo Fires
- Fire Bans FCO's
- SMS system appears to be working well
- 2012/2013 Refurbish light tanker on the books – Yuna Brigade.
- 2012/2013 2.4 - Nabawa Brigade.
- Drip Torches memo on correct servicing.
- Training Calendars to be circulated to Shire and Volunteers once available.

Mr McDonald happy to arrange 1 day FCO refresher course as required for the Shire Brigades.

**7.3 MR CHRIS PHOEBE
DEPARTMENT OF ENVIRONMENT & CONSERVATION**

Mr Phoebe provided a verbal report and mentioned the following:

- Good interagency co-operation at fires.
- Inspection of Firebreaks on UCL and Reserves with Shire Ranger especially Wandana Reserve.

**7.4 EARL O' DONNELL
FIRE PREVENTION OFFICER**

Mr O'Donnell tabled his report to the Committee. There were no concerns or queries raised.

8.0 CAPITAL REPLACEMENT PROGRAMME

The Nabawa Brigade 2.4 is due for replacement within 2012/2013.
The Yuna Brigade Fast Attack is due for replacement within 2012/2013

9.0 FUTURE CAPITAL EXPENDITURE FROM FESA LEVY

9.1 Protective Clothing

Nil

9.2 Equipment

Nil

9.3 Other

Nil

10.0 FUTURE CONTROL BURNING OF DEC RESERVES

General discussion took place regarding future controls of burning. Mr O Donnell to liaise with DEC and undertake inspections of the DEC reserves to determine future directions.

11.0 GENERAL BUSINESS

11.1 TRAINING AND EDUCATION

- 1 day Refresher Course for FCO's to be arranged with FESA 16th August 2012.
- Sector Commander Course to be arranged with FESA 8th 9th August 2012.

11.2 RECRUITMENT DRIVE

- Shire to advertise calling for Volunteers to join various Bush Fire Brigades.

11.3 Change in Shire Policy to prohibit burning on Public Holidays

MOVED: Mr Craig Mincherton, SECONDED: Mr Gerard Williamson

That the Shire of Chapman Valley amends its Policy to Ban and prevent people burning on a Public Holidays. Namely Christmas Day, Boxing Day, New Year's Day and the Easter long weekend i.e. Friday through to Easter Monday.

12.0 NOMINATIONS FOR PRESENTATION OF LONG SERVICE MEDALS

12.1 The Chief Executive Officer to look into an award for Mr Earl O'Donnell, Shire of Chapman Valley Fire Prevention Officer. Mr McDonald to provide paperwork to apply.

13.0 CLOSURE

The Presiding Member thanked everyone for their attendance and the meeting closed at 7.25pm.

AGENDA ITEM:	10.2.6
SUBJECT:	ISSUES ARISING FROM ELECTORS MEETING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	2/11-23
DATE:	13 APRIL 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council held its Annual Meeting of Electors on 21st March 2012 and a copy of the unconfirmed minutes from the meeting have been included as **Attachment 1** with this report.

COMMENT

An item is presented to Council at its next ordinary meeting following an Annual Electors Meeting to enable its consideration of the issues raised.

STATUTORY ENVIRONMENT

Section 5.33 of the *Local Government Act 1995* requires that:

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council consider the matters raised at the Electors Meeting held on 21st March 2012 and as each of these matters were dealt with on the evening of the meeting that no further action is required to be taken by Council.



SHIRE OF CHAPMAN VALLEY UNCONFIRMED MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS

HELD IN THE COUNCIL CHAMBERS, NABAWA ON 21 MARCH 2012 COMMENCING AT 6:00PM

DISCLAIMER:

No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement of intimation occurring during Council or Committee meetings or during formal/informal conversations with staff.

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 committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

*In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any application, proposal or submission, any statement or limitation or approval made by a member or officer of the Shire of Chapman Valley during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Chapman Valley. The Shire of Chapman Valley warns that anyone who has an application, proposal or submission lodged with the Shire of Chapman Valley must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, proposal or submission and any conditions attaching to the decision made by the Shire of Chapman Valley in respect of the application.*

1.0 DECLARATION OF OPENING

The Presiding Member, Cr J Collingwood – (President) declared the meeting open at 6:00pm.

2.0 ATTENDANCE

Elected Members:

Cr J Collingwood	(President)	North East Ward
Cr P Batten	(Deputy President)	North East Ward
Cr B Davidson		North East Ward
Cr A Farrell		North East Ward
Cr D Bell		South West Ward
Cr P Humphrey		South West Ward

Staff:

Mr S Billingham	Chief Executive Officer
Mr S Lancaster	Manager of Planning
Mrs D Barndon	Accountant/ Finance & Administration Manager
Mr K Barndon	Works Supervisor
Mr E O'Donnell	Ranger

Ratepayers/Residents/Visitors:

Mr I Maluish
Mrs S Collingwood

3.0 **APOLOGIES**

Cr T Royce
Cr P Forrester

North East Ward
North East Ward

4.0 **CONFIRMATION OF MINUTES FROM PREVIOUS ANNUAL ELECTORS MEETING HELD ON WEDNESDAY 15TH DECEMBER 2010**

Moved Cr Batten seconded Cr Bell

That the Minutes of the Annual General Meeting of Electors held on Wednesday 15th December 2010 be confirmed.

CARRIED 6/0

5.0 **2010 / 2011 ANNUAL FINANCIAL STATEMENTS**

Moved Cr Farrell seconded Cr Bell

That the 2010/2011 Annual Financial Statements be received.

CARRIED 6/0

6.0 **2010 / 2011 AUDIT REPORT**

Moved Cr Farrell seconded Cr Bell

That the 2010/2011 Audit Report be received.

CARRIED 6/0

7.0 **PRESIDENT'S REPORT**

Moved Cr Farrell seconded Cr Bell

That the President's Report be received

CARRIED 6/0

8.0 **CHIEF EXECUTIVE OFFICER'S REPORT**

Moved Cr Farrell seconded Cr Bell

That the Chief Executive Officer's Report be received

CARRIED 6/0

9.0 GENERAL BUSINESS

Cr Batten thanked the Shire President for his role in guiding the Shire through a period of transition with the changeover of CEO's.

Cr Collingwood thanked fellow Councillors and all inside and outside Shire staff for their hard work during the past 12 months.

10.0 CLOSURE

The Presiding Member thanked members, ratepayers, visitors and staff for attending and declared the electors meeting closed at 6:15pm inviting those present to join Council for light refreshments.

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10.3

Finance & Administration

April 2012

Contents

AGENDA ITEMS

10.3.1 Financial Report March 2012

AGENDA ITEM:	10.3.1
SUBJECT:	FINANCIAL REPORT MARCH 2012
PROPONENT:	ACCOUNTANT
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	12 APRIL 2012
AUTHOR:	DEBBY BARNDON

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 March 2012 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.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple majority of Council.

OFFICER RECOMMENDATION

That Council receive the financial report for the month of March 2012 comprising the following:

- Summary of payments
- Net Current Assets
- Summary of Financial Activity,
- Detailed statement of Financial Activity,
- Details of cash and investments,
- Statement of significant variations,
- Summary of Outstanding Debts
- Reserve Funds
- Information on Borrowings
- Disposal of Assets
- Acquisition of Assets
- Rating Information
- Trust fund reconciliations
- Bank Reconciliation
- Credit Card Statement from 13 February 2012 to 19 February 2012

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

12.1 Elected Members Reports

13.0 GENERAL BUSINESS

(of an urgent nature introduced by decision of meeting)

13.1 Elected Members

13.2 Officers

14.0 CLOSURE