

ORDINARY COUNCIL MEETING

Minutes

Meeting Date Thursday 19 October 2023

Meeting Time 8:30 am

Held at Chapman Valley Administration Office, 3270 Chapman Valley Road,
Nabawa WA 6532, Council Chambers.

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



SHIRE OF

Chapman Valley

love the rural life!

Jamie Criddle
Chief Executive Officer

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

"A thriving and diverse community, embracing our coastline, ranges and rural settings to support growth and prosperity, while enjoying our peaceful and quiet lifestyle."

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

- 1.1 Nurture the sense of community and unity across the Shire, while supporting towns and their volunteers in local issues
- 1.2 Address identified ageing population issues
- 1.3 Strengthen our role in regional partnerships and advocacy for continuity of local services/ facilities
- 1.4 Maintain and enhance safety and security in the Shire
- 1.5 Maximise health and lifestyle outcomes through environmental and public health strategies



ECONOMY & POPULATION

- 2.1 Build population and business activity through targeted strategies
Provide support for business development and local employment
- 2.2 Embrace local tourism and regional strategies and trails
- 2.3 Ensure town planning compliments economic and business development, population retention and growth strategies
- 2.4 Develop marketing plan to promote Chapman Valley as place to live, invest, work or visit



ENVIRONMENT & SUSTAINABILITY

- 3.1 Preserve and protect the natural environment and address environmental risks as they arise
- 3.2 Maintain the rural identity of the Shire
- 3.3 Build the green canopy of the Shire's town areas
- 3.4 Address weed and vermin control
- 3.5 Fire mitigation and control



PHYSICAL & DIGITAL INFRASTRUCTURE

- 4.1 Develop, manage, and maintain built infrastructure
- 4.2 Manage and maintain roads, drainage, and other essential infrastructure assets
- 4.3 Aspire to robust communication and digital infrastructure in the Shire through strong partnerships and alliances
- 4.4 Advocate for improved power networks
- 4.5 Advocate for improved water security within the Shire



GOVERNANCE & ACCOUNTABILITY

- 5.1 Ensure governance and administration systems, policies and processes are current and relevant
- 5.2 Be accountable and transparent while managing human and physical resources effectively
- 5.3 Make informed decisions within resources and areas of responsibility
- 5.4 Ensure robust processes and guidelines for development

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.

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.

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1 Declaration of Opening & Announcements of Visitors

The President welcomed elected members, staff and visitors to the council meeting and declaring the meeting open at 8:32 am.

The Shire acknowledged the traditional landowners through the reading of our Acknowledgement of Country.

“The Shire of Chapman Valley would like to respectfully acknowledge the Naaguja peoples who are the traditional owners and first people of the land on which we stand.

We would like to pay our respect to the elders past, present and emerging for they hold the memories, the traditions, the culture and hopes of the Naaguja peoples.”

2 Announcements from the Presiding Member

3 Record of Attendance

3.1 Attendees

The following attended the council meeting:

Elected Members

Cr Kirrilee Warr (President)
Cr Darrell Forth (Deputy President)
Cr Nicole Batten
Cr Beverley Davidson
Cr Elizabeth Elliott-Lockhart
Cr Peter Humphrey
Cr Catherine Low
Cr Trevor Royce

Officers

Jamie Criddle, Chief Executive Officer
Simon Lancaster, Deputy Chief Executive Officer
Solataire Cameron, Minute Taker

Visitors

Peter Williams

3.2 Apologies

Nil

3.3 Previously Approved Leave of Absence (By Resolution of Council)

Nil

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

5 Applications for Leave of Absence

6 Disclosure of Interest

Nil

7 Presentations

7.1 Petitions

The Council has not received any petitions at the time of writing this report.

7.2 Presentations

The Council does not anticipate any presentations at the time of writing this report.

7.3 Deputations

The Council has not received any deputations at the time of writing this report.

8 Confirmation of Minutes from Previous Meetings

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Darrell Forth

That the Minutes of the Ordinary Council Meeting held on 21 September 2023 be confirmed as true and accurate.

For Cr Katie Low, Cr Beverley Davidson, Cr Elizabeth Elliott-Lockhart, Cr Darrell Forth, Cr Nicole Batten, Cr Peter Humphrey, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

8 / 0
CARRIED UNANIMOUSLY
Minute Reference OCM 2023/10-1

9 Items to be dealt with En Bloc

Nil

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Proposed Outbuilding - 27 (Lot 115) Richards Road, Buller
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1869
Attachment(s)	1. application [10.1.1.1 - 4 pages] 2. received submissions [10.1.1.2 - 5 pages] 3. applicants response [10.1.1.3 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller subject to the following conditions:

- 1 The development must be reduced from 6.28m overall/gable height to 5.5m overall/gable height and the fill height must not exceed 0.25m above natural ground level at its highest/western point.
- 2 The development must not be used for commercial or industrial purposes.
- 3 The walls and roof of the development are to be of materials, finish and colours that are complementary to the existing residence upon the property to the satisfaction of the local government.
- 4 The installation and maintenance of landscaping upon the property for the purpose of reducing the visual impact of the development to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.
- 6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.
- 7 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

Cr Humphrey wished to move an alternative recommendation.

Alternative Council Resolution

Moved: Cr Peter Humphrey **Seconded:** Cr Trevor Royce

That Council refuse the application for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller for the following reasons:

- 1 The development is considered contrary to Sections 9, 16 & 37 of the Shire of Chapman Valley Local Planning Scheme No.3.
- 2 The development is considered contrary to Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015
- 3 The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.4 - Outbuildings.
- 4 The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.1 - Ancillary Dwellings.
- 5 Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and strategic planning requirements

Notes:

- (a) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- (b) In the event that a revised application is received that exceeds the Shire of Chapman Valley Outbuilding Local Planning Policy requirements it be returned to Council.

For Cr Katie Low, Cr Elizabeth Elliott-Lockhart, Cr Peter Humphrey, Cr Trevor Royce and Cr Kirrilee Warr

Against Cr Beverley Davidson, Cr Darrell Forth and Cr Nicole Batten

5 / 3

CARRIED

Minute Reference OCM 2023/10-2

Foreshadowed Motion

Moved: Cr Darrell Forth **Seconded:** N/A

That Council grant formal planning approval for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller subject to the following conditions:

- 1 The development must be reduced from 6.28m overall/gable height to 5.5m overall/gable height and the fill height must not exceed 0.25m above natural ground level at its highest/western point.
- 2 The development must not be used for commercial or industrial purposes.
- 3 The walls and roof of the development are to be of materials, finish and colours that are complementary to the existing residence upon the property to the satisfaction of the local government.
- 4 The installation and maintenance of landscaping upon the property for the purpose of reducing the visual impact of the development to the satisfaction of the local government.
- 5 All stormwater must be contained and disposed of on-site to the satisfaction of the local government.

6 Any soils disturbed or deposited on site shall be stabilised to the satisfaction of the local government.

7 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

(b) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Motion lapsed

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

Council is in receipt of an application for a brick walled and colorbond roofed outbuilding upon 27 (Lot 115) Richards Road, Buller that exceeds the side boundary setback requirements of State Planning Policy 7.3-Residential Design Codes ('R-Codes') and the floor area and height requirements of the Shire of Chapman Valley 'Outbuildings' Local Planning Policy.

The application has been advertised for comment and 3 supporting submissions were received and 2 objections, both in relation to the proposed outbuilding height. No objections were received in relation to the proposed reduced boundary setback or floor area aspects of the development. The applicant has advised that they wish to modify their proposed development and reduce the outbuilding height in response to the issues raised in the received objections.

This report recommends approval of the outbuilding at the modified height.

Figure 10.1.1(a) – Location Plan for 27 (Lot 115) Richards Road, Buller



Comment

Lot 115 is a 4,008m² property on the western side of Richards Road in the Wokarena Heights Estate that contains a single storey brick walled, colorbond roof residence. The property slopes down from the 51.5m contour in the north-east corner to the 47.5m contour in the south-western corner.

Figure 10.1.1(b) – Aerial Photo of 27 (Lot 115) Richards Road, Buller



The proposed outbuilding, being 228.36m² in area (comprising 175.32m² enclosed area and 53.03m² lean-to area) exceeds the maximum 180m² floor area requirement of the Shire of Chapman Valley Outbuildings Local Planning Policy for the 'Residential R2.5' zone.

The outbuilding is also proposed to contain both Class 1a (deemed habitable under the Building Code of Australia) and Class 10 (non-habitable) components with a 59.02m² habitable compartment comprising 2 bedrooms, living room/kitchen and bathroom/toilet at the western end of the structure, and the eastern end used for vehicle storage accessed by roller doors.

The proposed outbuilding (as originally lodged and subsequently advertised) had a wall height of 3.5m and a total height of 6.28m which exceeds the maximum 4m wall height/5m total height requirements of the Shire of Chapman Valley Outbuildings Local Planning Policy for the 'Residential R2.5' zone.

The outbuilding is proposed to be sited 7.5m from the rear (western) boundary and 1.5m from the side (northern) boundary which is a variation to the R-Codes recommendation of a setback distance of 7.5m from (non-front) boundaries in the 'Residential R2.5' zone.

A copy of the originally received (and advertised) application and the applicant's supporting correspondence has been provided as **separate Attachment 10.1.1.1**.

Due to the application proposing variation to the area and height requirements of the Outbuildings Policy and the side boundary setback requirements of the R-Codes, the Shire advertised the application inviting comment prior to this application being presented to a meeting Council for determination. 5 submissions were received, 3 in support of the application and 2 in objection, and copies of the submissions are provided as **separate Attachment 10.1.1.2**. The objections related to the proposed height of the building only and objecting comments were not received in regards to other aspects of the proposal (e.g. boundary setback reduction, floor area, materials etc.). Further detail on the advertising period is provided in the Consultation section of this report.

The applicant was provided with redacted copies of the submissions and the opportunity to respond to the issues raised. The applicant has submitted correspondence, provided as **separate Attachment 10.1.1.3** advising that they wished to modify their proposed outbuilding by reducing the overall height by 0.78m in response to the concerns raised in the advertising period. The modified outbuilding would have a wall height of 3.9m and overall height of 5.5 instead of the previous 3.5m wall height and 6.28m overall height.

The applicant also provided further information on the intended building aesthetic, materials, colour palette and purpose of the building to provide storage for a boat and caravan.

Figure 10.1.1(c) – View looking west at Lot 115 from Richards Road



**Figure 10.1.1(d) – View looking south-west towards Lot 115
(across Lot 114) from Richards Road**



**Figure 10.1.1(e) – View looking north towards Lot 115
(across Lot 116) from Hilltop Loop**



Figure 10.1.1(f) – View looking east towards Lot 115 (across Lot 119) from Dune Vista



It is considered that the modified outbuilding design could be supported on the following basis:

- the outbuilding would not be a typical metal walled/metal roofed shed with elevations containing just blank sheeting, but instead a brick walled/colorbond roofed structure with architectural features on every elevation;
- the outbuilding would be clad in materials designed to match in with the existing house;
- whilst the outbuilding, being 228.36m² in area would exceed the 180m² policy requirement, it is noted that 175.32m² of the structure would be enclosed and the additional area would be a 53.03m² open-sided lean-to that would have a lesser visual impact;
- the outbuilding would be set in cut and fill earthworks so that the north-eastern corner of the outbuilding would be approximately 0.5m below natural ground level and the floor level of the structure would be approximately 0.25m above natural ground level at its highest point in the south-western corner. This would result in the modified 5.5m high outbuilding meeting the overall 5m height policy requirement for the eastern portion of the floor area and the western end only would exceed the overall height requirement;
- the outbuilding would meet the 4m wall height policy requirement for the majority of the floor area being 3.4m above natural ground level in the north-eastern corner, and would only exceed the 4m requirement by 0.15m at its highest point in the south-western corner;
- when the application was advertised for comment to surrounding landowners no objections were raised regarding the proposed variations to the standard floor area or boundary setback requirements;
- when the application was advertised for comment it was the issue of the height of the outbuilding that gave rise to objections and the applicant has given regard to this issue by proposing to reduce the outbuilding height by 0.78m;
- the outbuilding would enable items to be stored securely and out of the elements which would be of benefit to the applicant, but also result in them being stored out-of-sight which would be an amenity benefit for the neighbours;
- the reduced 1.5m side boundary setback would be on the open-sided lean-to side of the outbuilding which may be considered as less visually impactful than were it to be an enclosed wall;
- the combining of the 59.02m² granny flat with the 169.34m² shed into a single 228.36m² structure would create a lesser overall visual impact than the building of 2 separate structures which under the policy requirements can be up to 160m² granny flat and 180m² shed each;
- the reduction in the side boundary setback R-Code requirements would not be out of character with the surrounding area where a number of buildings have been approved with a reduced setback in the Wokarena Heights Estate as illustrated in Figure 10.1.1(g);
- the approval of the modified outbuilding would not be out of character with the surrounding area where a number of outbuildings have been approved at heights above the policy requirement of 5m above natural ground level in the R2.5 zone due to the sloping nature of the land and the need for cut and fill earthworks to achieve a levelled building site and address drainage aspects as illustrated in Figure 10.1.1(h).

Figure 10.1.1(g) – Previously approved applications for reduced boundary setbacks

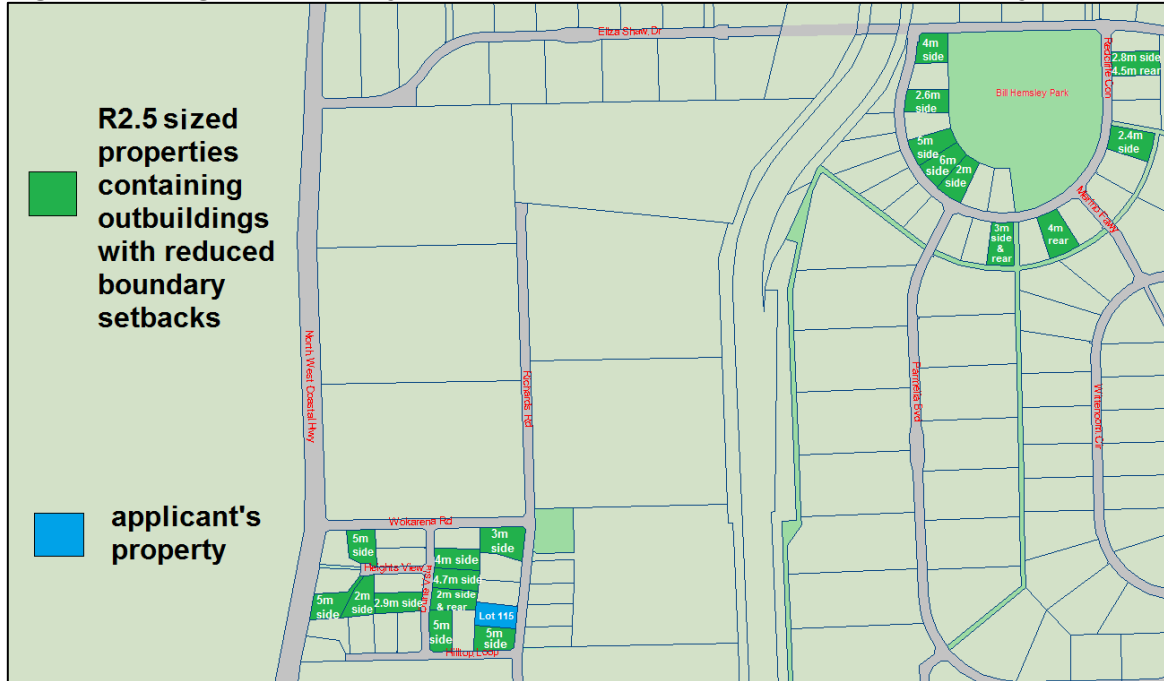


Figure 10.1.1(h) – Previously approved applications for increased outbuilding height



In the event that Council consider that the application does not meet its requirements and that it should be refused then it may find the following wording appropriate:

“That Council refuse the application for an outbuilding with habitable compartment upon 27 (Lot 115) Richards Road, Buller for the following reasons:

- 1 The development is considered contrary to Sections 9, 16 & 37 of the Shire of Chapman Valley Local Planning Scheme No.3.*
- 2 The development is considered contrary to Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*

- 3 *The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings.*
- 4 *The development is considered contrary to the objectives and requirements of the Shire of Chapman Valley Local Planning Policy 1.1 – Ancillary Dwellings.*
- 5 *Approval of this application may well set an undesirable precedent for future variation to the Shire’s statutory and strategic planning requirements.*

Advice Note:

- (a) *If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.*
- (b) *Council issue delegated authority to the Shire CEO to approve a modified outbuilding application (in the event that such an application is received) that proposed the 1.5m side boundary setback variation but was modified so that the outbuilding was not greater than the 180m² floor area, and 4m wall height/5m total height requirements of the Shire of Chapman Valley Outbuildings Local Planning Policy for the ‘Residential R2.5’ zone.”*

Statutory Environment

The report complies with the requirements of the:
Shire of Chapman Valley Local Planning Policy
Shire of Chapman Valley Local Planning Scheme No.3
Planning & Development (Local Planning Schemes) Regulations 2015

27 (Lot 115) Richards Road, Buller is zoned ‘Residential R2.5’ under Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’).

Table 2 of the Scheme lists the objectives of the ‘Residential’ zone as being:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

The proposed development whilst bearing many of the design features of a shed in that it would be used for storage of items and built (in part) to a Class 10 (non-habitable) standard can not be entirely deemed as such as it does not meet the definition for an Outbuilding provided by the R-Codes:

“An enclosed non-habitable structure that is detached from any dwelling.”

Similarly given that the majority of the floor area for the proposed development would be constructed to a Class 10 (non-habitable) standard, and that many of the design features of the development would be that of a shed (e.g. 4 large roller doors) the application can not be considered entirely to meet the definition of an Ancillary Dwelling, which is defined by the R-Codes as being:

“Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.”

On this basis the application can be assessed as an 'Outbuilding with Habitable Compartment' under Schedule 1 Part 3 Clause 18(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- “(4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —*
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
 - (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.*

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by Council in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
- ...(g) any local planning policy for the Scheme area;*
- (h) any structure plan or local development plan that relates to the development;...*
- ...(m) the compatibility of the development with its setting including -*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

The applicant is seeking to site the development 1.5m from the side property boundary. Section 5.1.3.C3.1 and Table 1 of the R-Codes recommend a 7.5m side boundary setback for R2.5 zoned properties.

Section 4.2.1 of the Explanatory Guidelines for the R-Codes make the following relevant observations:

*“Exceptions to basic setback provisions
 Consideration of setbacks should have regard to the natural ground level, shape, development and orientation of adjoining lots.
 A reduction to the R-Codes deemed-to-comply setback requirements should only be considered where it can be demonstrated this is preferable for practical or aesthetic reasons, and will not be to the detriment of the amenity of adjoining properties, particularly where the reduced setback may result in increased overshadowing, overlooking or lack of privacy. In these situations the building design would need to address the design principles of clause 5.1.3.”*

Policy/Procedure Implications

A Policy or Procedure is affected:

Planning and Development Policy & Procedures

Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

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

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

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

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

Section 6.2 of the Outbuildings Policy sets the following size criteria for the R2.5 zone.

Zone	Standard	Maximum
Residential	Area (total aggregate)	180m ²

Zone	Standard	Maximum
(R5 and lower density)	Wall Height Overall Height (single story)	4m* 5m*

** heights are to be measured from natural ground level*

The proposed outbuilding, being 228.36m² in area (comprising 175.32m² enclosed area and 53.03m² lean-to area) does not comply with the requirements of the Outbuildings Policy which establishes a 180m² maximum area for the Residential R2.5 zone.

The building (as originally submitted) would also exceed the Outbuildings Policy requirement of 4m maximum wall height/5m maximum overall height for the Residential R2.5 zone, as it had a 6.28m gable height. The modified outbuilding with a 5.5m gable height would comply with the outbuilding height requirement at its eastern end as it would be approximately 0.5m below natural ground level, but at its western end would be approximately 0.25m above natural ground level, making for a total height of 5.75m as measured from natural ground level.

Section 6.7.b of Council's Outbuildings Policy allows for a side boundary setback of 5m in the R2.5 zoned rather than the 7.5m prescribed by the R-Codes:

"For 'Residential' lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope (Variation to a 5m side and/or rear boundary setback for Outbuildings may be considered subject to prior consultation being undertaken as per Section 7.4 of this policy)."

A copy of the Outbuildings Local Planning Policy can be viewed at the following link:

[SoCV_LPP_1_4_Outbuildings.pdf \(chapmanvalley.wa.gov.au\)](#)

The Shire of Chapman Valley Ancillary Dwellings Local Planning Policy has the following objectives:

- "3.1 To alter the deemed to comply provisions of the R-Codes for Ancillary Dwellings.*
- 3.2 To provide a clear definition of what constitutes an 'Ancillary Dwelling'.*
- 3.3 To ensure that an Ancillary Dwelling is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location.*
- 3.4 To ensure that ancillary dwelling is 'ancillary' or 'secondary' to the main house upon the property."*

Section 6.2 of the Ancillary Dwellings Policy sets the following size criteria for the R2.5 zone.

Zone	Maximum Habitable Floor Area	Maximum total roof area
Residential R5 and lower	80m ²	160m ²

The development would comply with this requirement in that the Class 1a (deemed habitable under the Building Code of Australia) component would be 59.02m², however, the total 228.36m² floor area would be over the 160m² policy requirement.

A copy of the Ancillary Dwellings Local Planning Policy can be viewed at the following link:

[SoCV_LPP_1_1_Ancillary_Dwellings.pdf \(chapmanvalley.wa.gov.au\)](#)

However, Council might consider that the design of the building, being a brick walled structure with design features on each elevation such as windows, doors and lean-to, warrants some consideration with regard for both policies.

Section 6.9 of the Outbuildings Policy and Section 6.6 of the Ancillary Dwellings Policy contain the following policy statements of relevance in this regard:

“Should Ancillary Accommodation be proposed to be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other ‘house’ like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other ‘house’ like features the building would not be considered within the aggregate outbuilding area permitted upon a property.”

It may be considered that approving the combined 228.36m² structure (comprising a 59.02m² granny flat with the 169.34m² shed) would create a lesser overall visual impact than the building of 2 separate structures which under the policy requirements can be up to a 160m² granny flat and 180m² shed each.

Financial Implications

No Financial Implications Identified.

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting. It is not considered that determination of this application would have impact in relation to the Long Term Financial Plan.

Strategic Implications

Lot 115 is located within the Wokarena Heights Structure Plan which is a 142.79ha area located 8km north of the Geraldton CBD. The subject land is bounded by the North West Coastal Highway to the west, Parkfalls Estate to the north, the former Geraldton-Northampton railway alignment/potential Highway realignment to the east, and the Drummonds Heights Estate to the south. At time of the Structure Plan's preparation the Wokarena Heights area consisted of 11 individually owned lots (8 of which contained a residence) the majority of which were square in shape, 12ha in size and contained rural lifestyle uses.

The Wokarena Heights Structure Plan was originally adopted by Council at its 19/9/12 meeting, and an updated version was adopted by Council at its 21/8/13 meeting. The Structure Plan was endorsed by the WAPC on 22/10/12 and again on 9/10/13.

The Wokarena Heights Structure Plan allows for the eventual creation of 253 x 4,000m² residential lots, with 29 of these now having been created, and a subdivision for a further 25 lots expected to be completed in 2023.

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.2 Address identified ageing population issues.

1.2.1 Advocate for current and future services and housing needs.

ENVIRONMENT & SUSTAINABILITY

3.2 Maintain the rural identity of the Shire.

3.2.1 Develop western peri-urban environment in context to rural lifestyle.

Consultation

Sections 6.7.b, 7.2 & 7.4 of the Shire's Outbuildings Local Planning Policy notes that applications seeking variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

Section 7.0 of the Shire's Ancillary Dwellings Local Planning Policy notes that applications seeking variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

Section 4.1 of the R-Codes also notes that where there may be a possible impact on the amenity of adjoining landowners the local government may advertise the proposal and have regard to any expressed views prior to making its determination.

The application was advertised for comment pursuant to Schedule 1 Part 3 Clause 18(4)(b) and Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Shire wrote to the 13 surrounding landowners on 25/8/23 providing details of the application and inviting comment upon the proposal prior to 22/9/23, a sign was also erected on-site to advise of the received application and the opportunity for comment, and a copy of the application and background explanatory information was displayed on the Shire website.

At the conclusion of the advertising period 5 submissions had been received, 3 in support of the application and 2 in objection, and copies of these have been provided as **separate Attachment 10.1.1.2**. The objections were focused on the proposed height of the outbuilding rather than other aspects.

The applicant was provided with redacted copies of the submissions and the opportunity to respond to the issues raised. The applicant has submitted correspondence, provided as **separate Attachment 10.1.1.3** that proposes to reduce the outbuilding height from 6.28m to 5.5m in response to the received objections.

Figure 10.1.1(i) – Consultation Summary Map



Risk Assessment

No Risks have been Identified.

10.2 Manager of Finance & Corporate Services

10.2.1	Financial Management Reports
Department	Finance, Governance & Corporate Services Finance
Author	Beau Raymond
Reference(s)	Nil
Attachment(s)	1. Financial Management Reports - August 2023 [10.2.1.1 - 30 pages] 2. Financial Management Reports - September 2023 [10.2.1.2 - 33 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the financial management reports supplied under separate cover for the months of August 2023 and September 2023.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Trevor Royce

That Council receives the financial management reports supplied under separate cover for the months of August 2023 and September 2023.

For Cr Katie Low, Cr Beverley Davidson, Cr Elizabeth Elliott-Lockhart, Cr Darrell Forth, Cr Nicole Batten, Cr Peter Humphrey, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/10-3

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

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

Comment

The financial position at the end of August 2023 & September 2023 are detailed in the monthly management reports provided as separate attachments for Council's review.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995 Section 6.4
Local Government (Financial Management) Regulations 1996

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.1 Ensure governance and administration systems, policies and processes are current and relevant.

5.1.1 Review policy categories and set ongoing accountability for review processes.

Consultation

Not applicable.

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.

10.3 Chief Executive Officer

10.3.1	Asbestos Management Plan
Department	Development Service Building
Author	Jamie Criddle
Reference(s)	107.00
Attachment(s)	1. WHS007 Asbestos Management Plan [10.3.1.1 - 15 pages] 2. ACM Asbestos Register 2023 [10.3.1.2 - 19 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council note and endorse the attached Asbestos Management Plan

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Peter Humphrey

That Council note and endorse the attached Asbestos Management Plan

For Cr Katie Low, Cr Beverley Davidson, Cr Elizabeth Elliott-Lockhart, Cr Darrell Forth, Cr Nicole Batten, Cr Peter Humphrey, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/10-4

Disclosure of Interest

No officer declared an interest under the Local Government Act 1995, Subdivision 1 (LGA 1995) in the preparation of this report.

Background

This plan has been developed to assist the Shire comply with legislative requirements in the management of asbestos containing materials (ACM) in Shire owned or controlled buildings and workplaces. The goal is for all Shire owned or controlled buildings and workplaces to be free of ACM. Accordingly, consideration should be given to the removal of ACM during renovation, refurbishment and/or maintenance processes in preference to other control measures such as encapsulation, enclosure or sealing.

Comment

Council has maintained an Asbestos Register and implemented an Asbestos Management Plan since 2013 and updated as requested over time, the last update occurred in 2021. With recent incidents within the Shire, it was important to ensure that Council's Management Plan and Register were updated, particularly with the changes to the Work Health & Safety Act 2020 & Regulations.

Statutory Environment

The Shire, as an employer, has a legislative duty to provide and maintain a working environment in which the employees of the employer are not exposed to hazards. This duty further extends to any other person who may be affected wholly or in part as a result of the work done or caused to be done by the Shire or the Shires employees. The legislative framework which must be complied with includes the provisions of:

- [Work Health and Safety Act 2020 \(WA\)](#)
- [Work Health and Safety General Regulations 2022 \(WA\)](#) and supporting documentation.
 - ∅ [National code of practice for the safe removal of asbestos 2nd edition \[NOHSC:2002\(2005\)\]](#)
 - ∅ [National code of practice for the management and control of asbestos in workplaces \[NOHSC:2018 \(2005\)\]](#)
 - ∅ [National guidance note on the membrane filter method for estimating airborne asbestos fibres 2nd edition \[NOHSC:3003\(2005\)\]](#)

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

WHS Co-ordinator

Risk Assessment

A Major Health Risk of Level 4 - Which could result in lost time injuries.

A Moderate Financial Impact Risk of Level 3 - Which will likely be between \$10,001 to \$50,000.

A Major Environmental Risk of Level 4 - Which will likely result in uncontained, reversible impact managed by a coordinated response from external agencies.

11 Elected Members Motions

The Council has not received any notice of motion from an elected member at the time of writing this report.

12 New Business of an Urgent Nature Introduced by Decision of the Meeting

13 Delegates Reports

That council receive the following Delegates Reports.

Cr Kirrilee Warr (President)

WALGA Conference
Grain Growers Meeting
Western Power
Regional Roads Group

Cr Darrell Forth (Deputy President)

Rural Ambassador Awards
CV Rodeo

Cr Nicole Batten

Mid West Oakajee Summit
Midwest Drought Resilience

14 Announcements by Presiding Member Without Discussion

The Shire President wished to thank Cr Bev Davidson and Cr Darrell Forth (Deputy President) for their commitment to Council and the Shire of Chapman Valley over a number of years and wished Councillors up for re-election this coming weekend the very best of luck.

The President also wished to extend her gratitude to outgoing Community Development Officer, Solataire Cameron who is leaving Council for the Education Department after six years and hundreds of thousands of dollars in grant funding for Council.

15 Matters for which Meeting to be Closed to Members of the Public

The Council has no confidential items for consideration.

16 Closure

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 19 October 2023 at 10:29 am.