



Shire of
Chapman Valley
Love the Rural Life

AGENDA

SEPTEMBER 2012

ORDINARY COUNCIL MEETING

**Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 19 September 2012
at the Council Chambers, Nabawa, commencing at 10:00am.**

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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

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

3.3 Approved Leave of Absence

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 15 August 2012

‘That the minutes of the Ordinary Meeting of Council held 15 August 2012 be confirmed as a true and accurate record.’

9.0 ACCEPTANCE OF MONTHLY STATUS REPORT

**SHIRE OF CHAPMAN VALLEY STATUS REPORT
FOR COUNCIL MEETING HELD 19 SEPTEMBER 2012**

REFERENCE	DETAIL	ACTION REQUIRED	STATUS
JULY 2001			
Min Ref: 05/10-8	Local Planning Scheme Review (Shire of Chapman Valley Local Planning Scheme No.2) Buller Environmental Review	Moved Cr P Batten Seconded Cr D Bell That: 1 Council adopt the draft Shire of Chapman Valley Local Planning Scheme No.2 pursuant to the Planning and Development Act 2005 and forward the document to the Department of Planning seeking the Western Australian Planning Commission's and Minister for Planning's consent to advertise; 2 Prior to the advertising consent being requested forward notice of the resolution to adopt the Shire of Chapman Valley Local Planning Scheme No.2 and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed; & 3 Delegate to the Chief Executive Officer to undertake minor modifications to Shire of Chapman Valley Town Planning Scheme No.2 that do not affect or amend the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model Scheme Text provisions; updates necessitated by Scheme Amendments that have been given final approval in the interim period and have therefore already been assessed/approved by the Environmental Protection Authority/Western Australian Planning Commission through the separate Scheme Amendment process) as may be required by the Western Australian Planning Commission or Minister for Planning prior to advertising consent being granted. <p align="right">CARRIED Voting 8/0</p>	The Shire was notified by the Environmental Protection Authority (EPA) that the Shire of Chapman Valley Local Planning Scheme No.2 should be assessed under Part IV Division 3 of the Environmental Protection Act relevant to the proposed Buller 'Development' zone, and that the remainder of Scheme No.2 did not raise any additional environmental issues. The advertising period for the Buller Environmental Review and Local Planning Scheme No.2 has concluded and all submissions received that related to the proposed Buller 'Development' zone were forwarded to the EPA for its consideration and a decision on this aspect of the Scheme. The Shire and 7 landowners have lodged appeals with the Office of Appeals Convenor objecting to the EPA Recommendation. Once a decision concerning the Buller 'Development' zone is made by the Minister for Environment, all submissions received during the advertising period and Local Planning Scheme No.2 will be placed before Council for final consideration. Anticipated Completion Date: December 2012 Responsible Officer: Manager of Planning
NOVEMBER 2007			
Min Ref: 11/07-18	Concept Proposal – Nanson Equestrian Facilities	Moved Cr P Forrester Seconded Cr J Collingwood That Council consent to convening a public meeting to discuss the concept of establishing an equestrian/show facility that caters for showground, gymkhana, polo cross and other such horse related recreational activities at the Nanson Showgrounds or some alternative location within the Shire. <p align="right">CARRIED Voting 8/0</p>	The Shire and Ballycastle Pty Ltd jointly lodged an application for land exchange of the privately owned 9.7ha on the northern side of the Nanson Showgrounds for 9.7ha of unrequired Crown Reserve to expand the land area and resultant capability of Nanson Showground to cater for additional future uses. Advice received from Department for Lands that the proposed exchange is likely to be delayed for several years by the native title process. Council agreed to a 2 year lease offer (1 July 2011 till 30 June 2013 with a further 2 year option) from the subject landowner at its 16 February 2011 meeting that will serve as a temporary solution till the native title process is resolved. Correspondence received from the Spalding Horse & Pony Club has been included in the September 2012 Forum Session for Councillors consideration. Anticipated Completion Date: June 2013 Responsible Officer: Manager of Planning
MAY 2008			
Min Ref: 05/08-8	Dog Boarding	Moved Cr P Cole Seconded Cr P Batten	Building License issued in April 2009 as per SAT Hearing to have northern boundary set back to 3m.

REFERENCE	DETAIL	ACTION REQUIRED	STATUS
	Kennels - Lot 8 North West Coastal Highway	That Council refuse the application for planning consent seeking a concession to vary the northern (side) boundary setback distance from 5m to 1m on Lot 8 North West Coastal Highway and advise the applicants that Council is prepared to approve a 3m setback in lieu. CARRIED Voting 5/1	As per Order 2(2) of the SAT correspondence dated 14 September 2006, the 5 year approval period commenced on 1 July 2007 and ordinarily the expiration date would have been 1 July 2012. However, given that a stop work order was issued on 5 February 2008 and this was lifted by the SAT's decision on 10 March 2009 the expiry date has been extended by the period of 399 days (this being the length of time the matter was 'returned' to SAT) and therefore the new expiry date is 3 August 2013. Anticipated Completion Date: 3 August 2013 Responsible Officer: Manager of Planning
JUNE 2009			
Min Ref: 06/09-13	Nabawa Cemetery Improvements	Moved Cr P Forrester Seconded Cr D Bell That Council allocate \$25,000 (twenty five thousand dollars) of 2008/2009 R4R funding for various improvements to the Nabawa Cemetery including a gazebo, paving, plants and signage. CARRIED Voting 7/0	A draft concept design for a stone wall style entrance statement that allows for interpretive and historic information signage, cemetery map and ashes internment was circulated to Councillors for initial comment and further refinement of the plans is being undertaken and will be returned to Council along with the interpretive / historical signage wording and layout. The Nabawa Cemetery improvements are not included within the 2012/2013 budget and the item will be listed in the draft 2013/2014 budget for Council's later consideration. Anticipated Completion Date: July 2014 Responsible Officer: Building Surveyor & Community Development Officer
AUGUST 2010			
Min Ref: 08/10-7 08/10-8 10/11-12 06/12-3	Municipal Inventory of Heritage Places	Moved Cr D Bell Seconded Cr A Farrell Elected Committee Cr P Forrester Cr P Humphrey Manager of Planning (observer) S Mincherton (Community Representative) D Attrill (Community Representative) J Vlahov (Community Representative) CARRIED Voting 8/0	Council resolved at its 20 June 2012 meeting to receive the revised Municipal Inventory of Heritage Places and advertise the document for public comment for a period of 30 days. The advertising period has now concluded and the Inventory will be presented to the October meeting of Council for final consideration. Anticipated Completion Date: October 2012 Responsible Officer: Manager of Planning
Min Ref: 08/10-3 4/11 - 4 5/11 - 29 12/11-3	Parkfalls Park	Moved Cr P Cole Seconded Cr D Bell That Council: 1 Advise the solicitor acting on behalf of Parkfalls Management Services that it would be satisfied with the Legal Agreement being modified to read as follows: "3 Completion On the Completion Date: - (a) the Developer will vest the Recreation Site as a recreation and hall reserve to the Local Government. (b) the Developer will pay the Trust Payment to the Local Government. (c) the Local Government will hold the Trust Payment upon trust for its application to the upgrade of the Recreation Site. 2 Delegate to the Chief Executive Officer the finalisation of the Legal Agreement including corresponding between the Shire's solicitor and the developer's solicitor as necessary and arranging for the Shire signing and sealing actions.	The legal agreement between the Shire and the developer was finalised as per Council's requirements and advertising of the rezoning took place from 19 September 2011 until 31 October 2011. Council resolved at its 14 December 2011 meeting to approve the rezoning and the Minister for Planning issued final approval on 17 April 2012. The developer has now lodged the subdivision application with the Western Australian Planning Commission to create the nine (9) lots and the Reserve for Recreation and Hall. The concept plan for the proposed park that was advertised with the rezoning was marked 'indicative only', to reassure landowners that the 9ha park would be of sufficient size to accommodate a range of activities. From the responses received during the rezoning advertising period it is evident that there are a number of views within the community on the level of and type of facilities that should be developed upon Lot 9503 (should it be created as a reserve) and it would be appropriate for the Shire to consult with the Residents Association, and all landowners in the Estate, in developing its design for the site once the outcome of the subdivision is known. Council resolved at its 18 May 2011 meeting to engage its solicitor to draft up a Management Committee Agreement for the Park. With rezoning complete the Shire wrote to McLeods Solicitors on 14 May 2012 instructing them to prepare a draft Management Committee Agreement that upon receipt will be presented to Council for its consideration.

REFERENCE	DETAIL	ACTION REQUIRED	STATUS
		<p>3 Instruct staff to commence advertising of Scheme Amendment No.49 upon signing and sealing of the Legal Agreement by all parties.</p> <p style="text-align: right;">CARRIED Voting 6/1 Minute Reference 4/11-4</p> <p>REASON</p> <p>The reason why the Council decision differed from that of the Staff Recommendation was that Council had concerns regarding limiting the future area management and responsibilities to the Residents Association only. As the area progresses and other Groups or Associations are established these new Groups or Associations may be willing and deemed suitable to enter into a Management agreement with Council.</p> <p>Moved Cr P Batten Seconded Cr T Royce</p> <p>That Council engage its solicitor to draft up a management committee agreement including the Parkfalls Residents Association for the consideration of Council and the Residents Association.</p> <p style="text-align: right;">CARRIED Voting 3/2 Minute Reference 5/11-29</p> <p>Moved Cr T Royce Seconded Cr D Bell</p> <p>That Council:</p> <ol style="list-style-type: none"> 1 Determine the submissions as outlined in the 'Schedule of Submissions' included as Attachment 1 to this report. 2. Pursuant to Section 5 of the Planning and Development Act 2005 adopt for final approval Scheme Amendment No.49 to Shire of Chapman Valley Town Planning Scheme No.1, as follows: <ol style="list-style-type: none"> (a) Rezoning Lot 9503 Eliza Shaw Drive, White Peak from the 'Special' zone to the 'Low Density Residential R2.5' and 'Recreation' zone; (b) Insert a 'Low Density Residential R2.5' zone within the Zoning and Development Table (Part II of the Scheme); (c) Delete the provisions relating to 'Special' Zone 3 from the 'Special' Zones Table (Part II of the Scheme); (d) Amending the Scheme Map accordingly. 3 Seek final approval of Scheme Amendment No.49 from the Minister for Planning. 4 Adopt the plan included as Attachment 2 to this report as an amendment to the Parkfalls Estate Subdivision Guide Plan. 5 Thanks all respondents for their submissions and advise that the rezoning proposal represents an initial stage only in the creation of a park for the Parkfalls Estate and that in the event that the rezoning and subdivision associated with this proposal were to receive approval from the Western Australian Planning Commission then Council will further consult with the Parkfalls community prior 	<p>Correspondence received from McLeods Solicitors has been included in the September 2012 Forum Session for Councillors consideration.</p> <p>Anticipated Completion Date: December 2012 Responsible Officer: Manager of Planning</p>

REFERENCE	DETAIL	ACTION REQUIRED	STATUS
		to its consideration as to what recreational and community facilities might be appropriate on the park site. CARRIED Voting 6/0 Minute Reference 12/11 - 3	
APRIL 2011			
Min Ref: 4/11-28	Yuna Community Centre	Moved Cr T Royce Seconded Cr P Forrester That Council support in principle the Yuna Community and CABY Committee, for a Resource Centre to be established in Yuna, without committing financially. That Council accept the offer to be on the Committee for the future planning of the Resource Centre in Yuna. CARRIED Voting 7/0	Community meetings held on 4 July 2011 and 4 August 2011 in Yuna to determine the type of building (and its location) the community is seeking. Shire staff received a number of preliminary plans from community representatives at an 18 August 2011 meeting and these have been refined into 2 concept plan options for the community and Council's further consideration. An item in relation to this matter was placed in the February 2012 Information Bulletin. Council made an allowance of \$10,000 in the adopted 2011/2012 budget for planning works including drafting of designs etc. This allocation was utilised to prepare the 2 concept options. Anticipated Completion Date: Ongoing Responsible Officer: Chief Executive Officer & Community Development Officer
SEPTEMBER 2011			
Min Ref: 9/11-14 4/12 – 3 04/12 – 21 07/12 - 9	Wokarena Heights Structure Plan	Moved Cr P Cole Seconded Cr A Bell That Council: 1 Appoint GHD to undertake the Richards Road 'Residential R2.5' Structure Plan as per the received expression of interest; and 2 Thank all parties who expressed an interest in undertaking the preparation of the Richards Road 'Residential R2.5' Structure Plan. CARRIED Voting 7/0 Minute Reference 9/11 – 14 Moved: Cr P Forrester Seconded Cr B Davidson 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. CARRIED Voting: 8/0 Minute Reference 04/12-3 Moved Cr P Batten Seconded Cr A Farrell That the Richards Road Structure Plan be retitled the Wokarena Heights Structure Plan. CARRIED Voting: 4/3 Minute Reference 04/12 - 21 Moved: Cr T Royce Seconded Cr P Batten That Council: 1. Modify the Wokarena Heights Residential R2.5 Structure Plan as listed in the recommendations contained within the Schedule of Submissions included as Attachment 1.	Scheme No.2 proposes to rezone the 11 lots fronting Richards Road from the current 'General Farming' zone to the 'Residential R2.5' zone that would allow for future subdivision of this area to 4,000m ² lots. With Scheme No.2 nearing completion, and following receipt of several subdivision applications for this area, Council appointed GHD to undertake the preparation of the Richards Road Structure Plan at its 21 September 2011 meeting, with the project funded through the Royalties for Regions (Northern Planning Program) Local Government Assistance Program. Following site visits, a workshop conducted with the Richards Road landowners on 30 January 2012, subsequent individual landowner discussion and feedback, and discussion with key government agencies the draft Wokarena Heights Structure Plan was advertised for public comment and the matter returned to the July meeting of Council Council resolved at its 18 July 2012 Ordinary meeting to undertake modifications to the Structure Plan in response to the issues raised by the received submissions and readvertise the modified draft document inviting further comment. The Structure Plan has been returned to Council as an Agenda Item for the September meeting. Anticipated Completion Date: December 2012 Responsible Officer: Manager of Planning

REFERENCE	DETAIL	ACTION REQUIRED	STATUS
		<p>2. Write directly to the 11 Richards Road landowners, and those parties who lodged an objection during the initial advertising period, inviting comment within a 30 day period upon the modified Wokarena Heights Residential R2.5 Structure Plan.</p> <p>3. Write to Main Roads WA and advise that the Shire is willing to enter into a 50/50 cost shared arrangement to fund the design drawings and quantity surveying for the North West Coastal Highway and Wokarena Road intersection upgrade. Council considers it appropriate that Main Roads WA should part fund the design and cost calculation for the highway intersection upgrade, and that the subsequent proportionate contribution towards the highway intersection works by subdividing landowners shall be as outlined in Table 7 of the Wokarena Heights Structure Plan document.</p> <p style="text-align: right;">CARRIED Voting 7/0 Minute Reference 07/12- 9</p>	
<p>Min Ref: 9/11-15 Agenda Ref: 10.2.6</p>	<p>Buller Development Zone Structure Plan</p>	<p>Moved Cr P Cole Secoded Cr P Forrester</p> <p>That Council:</p> <p>1 Appoint GHD to undertake the Buller 'Development' zone Structure Plan as per the received expression of interest; and</p> <p>2 Thank all parties who expressed an interest in undertaking the preparation of the Buller 'Development' zone Structure Plan.</p> <p style="text-align: right;">CARRIED Voting 5/0</p>	<p>Scheme No.2 proposes to rezone the 13 lots that are west of the North West Coastal Highway, north of Drummond Cove Road and south of the Buller River to 'Development' zone with an overlying 'Development Contribution Area 1'.</p> <p>The Buller 'Development' zone rezoning is presently before the Minister of Environment awaiting decision as the Shire and 7 landowners have lodged appeals with the Office of Appeals Convenor objecting to the EPA's recommendation concerning the rezoning.</p> <p>To enable the initial preparation work to take place on the necessary Structure Plan for this area Council appointed GHD to undertake the Buller 'Development' Zone Structure Plan at its 21 September 2011 meeting. GHD have been instructed to limit the Structure Plan preparation to background analysis and initial discussion with Main Roads WA concerning highway access points pending the outcome of the appeal to the Minister of Environment.</p> <p>On 21 February 2012 the Department of Planning advised it would fund the preparation by GHD of a Constraints Analysis report on the Buller 'Development' Zone. The Department of Planning advised that the preparation of the Constraints Analysis report would be project managed by the Shire. The report will assist the Department of Planning in its response to a request by the Minister for Environment for its comment on the Buller 'Development' Zone.</p> <p>Application has been lodged by Council for the Structure Plan's preparation to be funded through the Royalties for Regions (Northern Planning Program) Local Government Assistance Program, with an announcement upon this application imminent.</p> <p>Anticipated Completion Date: December 2013 Responsible Officer: Manager of Planning</p>

DATES TO REMEMBER

SPECIFIC DATES	
Date	Details
30 June 2010	Lease – Neville & Co P/L – Bowser, Valley Tavern
31 December 2010	Lease – Yuna Hall Lease.
31 December 2010	Lease – Chapman Valley Pre Primary School
December 2012	Review of Wards & Representation
30 June 2015	Agreement – Dartmoor – Dartmoor Lake Nerramyne Road Maintenance
23 rd June 2015	Lease – T Jeffery Lot 41 Lauder Street, Nanson
30 June 2016	License – E O'Donnell – Reserve 43025
30 June 2016	License – T L Cooper – Reserve 8769
31 December 2016	License – E O'Donnell – Reserve 27944

ANNUALLY	
Date	Details
February	<p>Chief Executive Officer and Works Supervisor to inspect all plant, evaluate and/or amend its plant, evaluate and/or amend its plant replacement programme for recommendation to Council.</p> <p>Finance and Audit Committee to review Statutory Compliance Return and report to next full Council meeting</p> <p>Local Government Compliance Return 1 January to 31 December each year.</p> <p>Plan for Future – Commence review process.</p> <p>Building Committee to inspect Council buildings with Property Manager and report to Councils March or April meeting (Include representatives from Yuna Hall committee and Showgrounds to meet at respective locations)</p> <p>Chief Executive Officers performance and remuneration review – commence this month</p>
March	<p>Insurance review undertaken by Manager of Finance and Administration</p> <p>Building Inspection Committee Meeting</p> <p>Road Inspection Committee Meeting – Annual Road inspections to prioritise items of roadworks for forthcoming year. Councillors to present road proposals to CEO for consideration prior to this inspection.</p> <p>Complete review of Annual Budget (FM Regulations (33A)</p> <p>Completion of Statutory Compliance Return (LG Act 7.13, Audit Regulations 13-15) to be sent to Department of Local Government prior to 31 March.</p> <p>FOI Return (Note: not necessary if Nil return)</p> <p>Arrange Bush Fire Liaison Committee meeting with Council and Chief Bush Fire Control Officer for April.</p> <p>If Fire Break Notice is changed then must advertise. Can simply advertise the amendment, however best to readvertise whole Fire Break Notice.</p>
April	<p>License – Drummond Cove Holiday Park</p> <p>Advertise Differential Rate and seek Ministers Approval if applicable (LG Act 6.36, 6.33(3) & 6.34)</p> <p>Bush Fire Liaison Advisory Committee meeting this month</p> <p>Present any items Councillors or Community requests for Budget inclusion – Community & Recreation Grant Forms.</p> <p>Invite retirees Councillors and Partners to attend Special Meeting as recognition of service to the community.</p>
May	<p>Differential Rate to be considered by Council and advertised, Ministers approval if necessary (LG Act 6.33)</p> <p>Undertake Staff Annual Reviews.</p> <p>National Volunteer Week</p> <p>Tender resolution by Council for next financial years Road Building Materials (ie gravel, bitumnet, aggregate)</p> <p>Send out recoups of roads and other projects so grant funding can be received by 30 June</p> <p>Review rubbish service and charges</p> <p>Review Councils Fees and Charges for all Council services and facilities</p> <p>Review and renew Council's insurance policies</p> <p>Adopt Firebreak order for next 12 months</p>
June	<p><u>Sitting fees</u> – Reminder to Councillors re: forthcoming years fees</p> <p>Review of Delegation of Authorities (written confirmation to staff concerned)</p> <p>FOI Return (Note: not necessary if Nil return)</p> <p>FOI Statement – Review this month</p> <p>Have Works Supervisor comment RRG Submissions, which are due to go to Council in the August meeting.</p> <p>Remind Manager of Finance and Administration to conduct a Finance & Audit Committee meeting to meet with Auditor as per Committee Roles</p> <p>Item to Council seeking nominations for Honour Awards in accordance with Policy 9.120</p> <p>4 yearly Financial Management Review due before 30 June</p> <p>Local Government Convention deadline for nominations</p> <p>Issue Employee Group Certificates</p> <p>30 June each year – Public Interest Disclosure Return to be submitted for previous period 1/7 to 30/6.</p> <p>Council Forum – Councillors to advise staff of venue and date of Annual Council Dinner (Presidents Dinner) See Policy 9.130</p>

ANNUALLY	
Date	Details
July	<p>Draft Budget submitted by Chief Executive Officer</p> <p>Annual Tenders resolution from Council this month to cover all relevant items in new budget.</p> <p>Councillors – reminder of Annual Financial Interest Report to be in prior to 31 August</p> <p>Invoice Main Roads Western Australia (MRWA) for rubbish bin clearing on Chapman Valley Road – 1st of July Annually</p> <p>Councillors issued with Annual returns for completion</p> <p>Issue eating house licence renewals</p>
August	<p>Councillors annual returns due back</p> <p>Completion/Adoption of budgets (absolute majority). Send copy to Dept of Local Government within 30 days (LG Act 6.2, FM Regulations 33)</p> <p>Councils Audit Committee to meet with Auditor</p> <p>Resolution regarding timing of Annual Electors Meeting</p>
September	<p>Special meeting of Council to undertake a full review of Policies & Procedures manual</p> <p>Completion of Annual Financial Report & submitted to Auditor. AFR sent Dept of Local Government within 30 days (LG Act 6.5, FM Regulations 5.1)</p> <p>FOI Return (Note: Not necessary if Nil return)</p>
October	<p>Policy / Procedures Manual Review – Commence review process by including as last item on Council Monthly agenda (if necessary)</p> <p>Advise Council in this months Information Bulletin of the time, date and venue for the annual staff end of year function.</p> <p>Special Meeting (Election Years Only) advertise special meeting to swear in Councillors, Elect President, Deputy President, Committee etc. for Monday evening immediately after the Saturday elections.</p>
November	<p>Pensioner rates rebate claim to be lodged</p> <p>Review of Council's Code of Conduct – Section 5.103 (if unable to complete full review at this meeting discuss with Council the need to perhaps convene a Special Meeting to finalise review at this meeting or simply complete review at December Ordinary Meeting)</p>
December	<p>Annual Financial Report – Acceptance by Council within two months of receipt of the Auditors report</p> <p>FOI Return (Note: Not necessary if Nil return)</p> <p>Newsletter & Local Newspaper – advertisement publicising date, time and venue of all Council and Committee meeting (with delegated authority, af any) for next calendar year (S.5.251 (g) & Reg 12) Ensure actual dates are advertised.</p>

10.1

Manager of Planning

September 2012

Contents

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- 10.1.1 Wokarena Heights Structure Plan
- 10.1.2 Proposed Subdivision, Buller
- 10.1.3 Proposed Sea Container, Yuna
- 10.1.4 Geraldton Local Biodiversity Strategy

AGENDA ITEM:	10.1.1
SUBJECT:	WOKARENA HEIGHTS 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, 04/12-3, 04/12-21 & 07/12-9
DATE:	11 SEPTEMBER 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The draft Wokarena Heights 'Residential R2.5' Structure Plan has been readvertised and the matter returned to Council for its consideration of the issues raised during the second advertising period. This report recommends that the Wokarena Heights Structure Plan be adopted by Council and forwarded to the Western Australian Planning Commission ('WAPC') seeking its final approval.

COMMENT

Council resolved at its 18 April 2012 meeting:

"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."

"That the Richards Road Structure Plan be retitled the Wokarena Heights Structure Plan."

The Wokarena Heights Estate Structure Plan was advertised from 30 April 2012 until 1 June 2012 and included the following actions seeking comment:

- placement of a public notice in a locally circulating newspaper;
- 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 library;
- writing directly to all 11 Richards Road landowners;
- writing directly to the 42 landowners who adjoin the Wokarena Heights precinct;
- writing directly to the following; Alinta Gas, City of Greater Geraldton, Department of Agriculture and Food, Department of Environment and Conservation, Department of Health, Department of Indigenous Affairs, Department of Planning, Department of Water, Fire and Emergency Services Authority, Main Roads WA, Parkfalls Residents Association, State Heritage Office, Telstra, Water Corporation and Western Power.

21 submissions were received regarding the Wokarena Heights Structure Plan during the initial advertising period, with 10 of these being in support of the Structure Plan, 8 submissions objecting to either the Structure Plan or aspects of it, and 3 submissions providing technical comment.

The Shire made a number of modifications to the Structure Plan to address the issues raised during the initial submission period, and resolved at its 19 July 2012 meeting:

"That Council:

- 1 *Modify the Wokarena Heights Residential R2.5 Structure Plan as listed in the recommendations contained within the Schedule of Submissions included as Attachment 1.*
- 2 *Write directly to the 11 Richards Road landowners, and those parties who lodged an objection during the initial advertising period, inviting comment within a 30 day period upon the modified Wokarena Heights Residential R2.5 Structure Plan.*

- 3 *Write to Main Roads WA and advise that the Shire is willing to enter into a 50/50 cost shared arrangement to fund the design drawings and quantity surveying for the North West Coastal Highway and Wokarena Road intersection upgrade. Council considers it appropriate that Main Roads WA should part fund the design and cost calculation for the highway intersection upgrade, and that the subsequent proportionate contribution towards the highway intersection works by subdividing landowners shall be as outlined in Table 7 of the Wokarena Heights Structure Plan document.”*

The Wokarena Heights Estate Structure Plan was readvertised from 1 August 2012 until 31 August 2012 by writing to the 21 respondents from the initial advertising period (and also those Richards Road landowners who did not make a submission) and providing them with a complete copy of the modified document for their review and comment. A copy of the modified draft of the Wokarena Heights Estate Structure Plan was also placed on the Shire website. At the conclusion of the second advertising period, 6 submissions were received, with 4 of these being in support, and 2 submissions in objection.

A Schedule of Submissions has been prepared and included as **Attachment 1** to this report, the Schedule identifies the respondents, summarises the matters raised, provides individual comment upon the matters raised, and provides a recommendation in regards to each.

A copy of the modified draft of the Wokarena Heights Residential R2.5 Structure Plan report (that was readvertised) was provided to Councillors as a separate document with the July 2012 Council Agenda. The report provided in the July 2012 Council Agenda detailed the planning issues that have driven the design of the Wokarena Heights Structure Plan and its context in relation to the surrounding area.

Map extracts from the modified Wokarena Heights Structure Plan document have been included as **Attachment 2** to this report.

STATUTORY ENVIRONMENT

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

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 Wokarena Heights '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 Wokarena Heights 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 Wokarena Heights 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 of Scheme No.2 sets the minimum 21 day advertising requirements for a Structure Plan, however, in both instances Council felt that an extended 30 day advertising period should be undertaken to allow greater opportunity for all parties to consider the document and make submission.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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.

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 Wokarena Heights Residential R2.5 Structure Plan.

The preparation of the Wokarena Heights 'Residential R2.5' Structure Plan was 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 Wokarena Heights Structure Plan.

Given that the Shire's previously budgeted allocation for the preparation of the Wokarena Heights Structure Plan has been now sourced from the Department of Planning, Council considered it appropriate that the Shire instead make its financial contribution towards resolving the design for the North West Coastal Highway and Wokarena Road intersection upgrade.

Section 3.8 and Table 7 of the Structure Plan document establishes the cost sharing arrangement between the subdividing landowners for their contribution towards the sealing of Richards Road and the upgrading of the intersection of Wokarena Road and the North West Coastal Highway. The basis for subdivider's proportionate contribution has been calculated based on each existing lot's residential lot yield (i.e. excluding land identified for public open space and internal subdivisional roads). It is considered reasonable that the cost of the Richards Road upgrade and Highway intersection upgrade would be proportionately borne by subdividers as it is the act of subdivision that will generate the additional lots and with it the additional residences and vehicle trips that will impact upon Richards Road and the Highway intersection, and it is the subdivider who will financially benefit from the subdivision.

Main Roads WA have confirmed that they will require the upgrade of the intersection with the highway to create a left turn/merging lane for vehicles exiting Wokarena Road and heading south on the highway towards Geraldton, a right run lane to enable vehicles to more safely turn into Wokarena Road from the highway, and additional intersection lighting. The final design and construction for the intersection upgrade will ultimately have to be to the satisfaction of Main Roads WA as they have management responsibility for the North West Coastal Highway.

At time of subdivision it is expected that applicants would be subject to condition that they make contribution towards the upgrading of Richards Road and the Highway intersection. Given that the Shire is responsible for the local road network it can provide response in relation to the proportionate contribution towards the Richards Road upgrade. The estimated cost of sealing Richards Road to a 2 coat bitumen sealed standard is approximately \$180,000 and the proportionate contribution that each landowner would make to this amount is listed in Table 7 of the Structure Plan document (with a notation provided in the Appendix B-Frequently Asked Questions section of the Structure Plan document addressing that a lesser contribution is paid that relates only to the area of land being subdivided in the event a landowner is undertaking a staged subdivision of their property). This figure is based on current costs, and should landowners undertake the

subdivision in later years then the costs would be different based on road construction costs etc. current to that time.

To provide greater certainty to the effected landowners, and following from part 3 of Council's 19 July 2012 resolution, the Shire wrote to Main Roads WA on 1 August 2012 seeking their part funding of the \$57,884.81 (GST exclusive) cost to undertake the design drawings and quantity surveying for the North West Coastal Highway and Wokarena Road intersection upgrade. Shire staff met with Main Roads WA on 17 August 2012 in response to this letter and the preliminary feedback to the Shire's approach was favourable, however, a written response is awaited at this time.

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 Wokarena Heights area as 'Future Urban'.

The Wokarena Heights Structure Plan would ultimately create 251 lots with a total resident population of approximately 653 persons (based on the 2011 Census data for average household size in Chapman Valley). The Structure Plan area would be accessed 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 Beattie Road to the south and Eliza Shaw Drive to the north. 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.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council adopt the Wokarena Heights Residential R2.5 Structure Plan and write to the Western Australian Planning Commission seeking its final approval.

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
1 (7/8/12)	Department of Water (PO Box 73 GERALDTON WA 6531)	Support DoW has assessed the revised Local Water Management Strategy and considers the document acceptable for endorsement. As noted in the LWMS if shallow groundwater is encountered during geotechnical investigations, monitoring requirements will apply, in accordance with DoW's 'Draft Water Monitoring Guidelines for Better Urban Water Management Strategies/Plans (Feb 2011)'. Support	No additional comment.	Note submission in relation to Wokarena Heights Structure Plan (Appendix A) Local Water Management Strategy.
2 (14/8/12)	Amanda Sunley & N Gouge 77 Richards Road BULLER WA 6532	Support	No additional comment.	Note submission.
3 (17/8/12)	R Williamson 38 Richards Road BULLER WA 6532 (Postal Address: 1/80 Colin Street WEST PERTH WA 6005)	Support	No additional comment.	Note submission.
4 (23/8/12)	Raymond & Tracey Jakovich 117 Richards Rd BULLER WA 6532 (Postal Address: PO Box 5141 GERALDTON WA 6531)	Support Happy with everything.	No additional comment.	Note submission.
5 (30/8/12)	J Bowbridge 64 Richards Road BULLER WA 6532	Object Seek Council's favourable consideration to amending the Structure Plan by: Realignment of Access Street C orientated in a north/south direction through Lot 8 to achieve a minimum 7.5m setback distance between the roadway and eastern side of my existing shed. This will ensure I have adequate distance for a fire break and landscape	The Structure Plan sets the framework for the coordinated subdivision of the area. The most important elements to ensure coordinated subdivision are road connections into neighbouring lots, the location and size of POS, and the area of road and its impact on stormwater management (which impacts on the size of drainage basins in POS). Part 1 of the Structure Plan includes 'Plan 1' which	Note submission and advise respondent that the Structure Plan sets the framework for the coordinated subdivision of the area. At time of lodgement of individual subdivision applications, layouts that propose

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>improvements to improve the future streetscape presentation. 7.5m will accord with the secondary street setback requirement being 50% of the 15m front boundary setback distance required in Table 1 of the R-Codes for R2.5 density.</p> <p>Requested that specific reference be provided in the endorsed Structure Plan (textually and/or graphically) to provide clarity and certainty of this modification at the time of subdivision.</p>	<p>shows inter-lot road connections and POS areas, and subdivision should generally accord with that plan. However, subdivision layouts that propose minor changes to road layouts and do not compromise road connections, POS or impact on stormwater management can be supported. This includes adjusting road layouts to have regard for on-site improvements, or to increase/decrease potential lot yield.</p> <p>The indicative lot layout included as Figure 7 in Part 2 of the Structure Plan is not statutory and provides an example of one way that lots could be subdivided under the requirements of the Structure Plan. Figure 7 has been prepared to indicate a lot layout that might achieve a maximum yield for landowners, subdivision plans do not have to present the same lot layout as presented in Figure 7. Individual subdivision applications by virtue of their greater detail, and their being prepared by the landowner, will always display greater precision and it is appropriate for such revisions to take place at the subdivision application stage. A subdivision application will display a higher level of detail, due not only to the landowner's direction, but the level of information required by the WAPC to make its assessment and determination at time of subdivision. Such detail will display regard for not only the improvements existing at this time upon the subject lot, but improvements that may occur upon the lot in the interim period between approval of the Structure Plan and lodgement of the subdivision application.</p> <p>The Structure Plan does make allowance for minor variations at time of subdivision. The Structure Plan would only allow for more major changes that would impact on neighbouring lots, affect the distribution of POS, or create additional stormwater runoff, in the event they were supported through investigation from the proponent and consultation with effected parties.</p>	<p>minor changes to the road network and do not compromise connections, POS or impact on stormwater management can be supported. This includes adjusting road layouts to have regard for existing and future improvements upon the land, and to increase or decrease potential lot yield.</p>

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment
		<p>Relocation of Access Street C orientated in an east/west direction through Lot 9 to be realigned along the common boundary of Lots 8 and 9 with the POS2-Neighbourhood Park to be located on the southern side of the access road. This will allow me to proceed with subdivision of Lot 8 independent of the development of Lot 9 with a cash contribution from the owner being paid for construction of the road at the time of subdivision of Lot 9.</p> <p>All east/west roads within the Structure Plan should be aligned with existing property boundaries to assist in facilitating subdivision of individual lots.</p>	<p>The realignment of the proposed north-south road could occur to provide the respondent's desired setback from the shed, although this will require alteration to the respondent's lot layout east of the road and a potential reduction in lot yield. It is considered that such detailed design is more appropriate at the subdivision stage which is undertaken by the landowner rather than the Structure Plan stage which is intended to merely guide and facilitate later subdivision.</p> <p>The Structure Plan map was modified to indicate a temporary access way alignment to further highlight the potential means of total subdivision for the respondent's Lot 8, should Lot 7 or Lot 10 not undertake prior, or joint, subdivision.</p> <p>Section 3.2 (page 21) of the Structure Plan document addresses this issues as follows:</p> <p><i>"The road network facilitates independent development of most lots, with vehicle access directly to the existing Wokarena Heights. Lots 8 and 10 do not have formal links to Wokarena Heights in the LSP; development ahead of lots providing these links can be achieved through temporary east-west access ways over proposed lots that enable access to subdivision roads. Once formal road links are developed, these accessways can be decommissioned and the additional lots subdivided."</i></p> <p>The relocation of Access St C to run along the boundary of Lots 8 and 9 is not supported as it would create an unsafe offset 4-way intersection design at the Richards Road and Wokarena Road intersection. The resultant 4-way intersection would require greater construction costs and land area requirements to achieve a safe road design. The requested relocation of Access Street C would also require that POS2 be</p>

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment
		<p>Amending Section 3.3-Open Space to include statement that the Local Government may accept part cash-in-lieu payments for POS2 to reduce the footprint of the recreation area and generate funding to develop this parkland in line with the local resident's needs and expectations.</p> <p>Whilst I do not oppose a portion of POS being provided on Lot 8 I believe the Council needs to be mindful of the cost to develop and maintain large recreational areas within the Shire. This is based on the area of land recently received within the Parkfalls Estate for communal POS and the amount of land set aside as POS1 within the Structure Plan. These are extremely large recreational areas that I believe will impose considerable burden on the ratepayers within this part of the Shire should all of the POS be accepted.</p>	<p>located in its entirety within neighbouring Lot 9. The Structure Plan's current siting of POS2 has been designed both to share POS distribution and impact more equitably across lots where possible. POS2 has also been sited to take advantage of its location at the head of a T-intersection to provide an aesthetic entry statement that will provide a focal point for the Wokarena Heights Structure Plan and its residents as well as a marketing tool for subdividing landowners that all prospective purchasers will be required by the Structure Plan's layout to drive past. POS2 will capitalise on the public access to the coastal view offered at this site through establishment of a gazebo/lookout. POS2 will also avoid a residence being sited in a position where headlights from vehicles traveling up Wokarena Road causing glare to occupants. Further, based on the area of the POS2 within Lot 8 as shown upon the Structure Plan, it is considered doubtful that its relocation would have a major impact in increasing Lot 8's yield.</p> <p>The POS areas shown upon the Structure Plan form part of the Local Stormwater Management Strategy (Appendix A to the Wokarena Heights Structure Plan), and the location of POS2 is at the edge of the stormwater sub-catchment it serves. Relocating POS2 further south through relocation of the road, moves it outside the current sub-catchment and will affect the modelling underpinning the Local Stormwater Management Strategy that has been endorsed by the Department of Water.</p> <p>The Shire shares the respondent's preference for POS to be provided in an 8% land and 2% cash-in-lieu provision as this is considered a more effective and sustainable means of creating and maintaining POS within residential areas. Unfortunately, in the instance of the Wokarena Heights Structure Plan area, the scale and location of POS1 is dictated by remnant vegetation issues, and POS2 and POS3 are already</p>

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. # Date Received	Submitter & Affected Property	Nature of Submission	Comment
6 (31/8/12)	D Vinnicombe 64 Todd Avenue COMO WA 6152 (on behalf of Hadinoto Family Trust Lot 1 Richards Road BULLER WA 6532)	<p>Object Wish to lodge the strongest of objections to the proposal in relation to the way it treats my client's property. Whilst it is acknowledged that the Council and its consultants have responded to our requests to improve the development yield over the subject site, the majority of our calls for modifications to improve equity outcomes have not been addressed and result in a proposal which prejudices against my client and their development opportunity. We again request that improved equity proposals be considered as part of the Structure Plan to address the following matters:</p> <p>POS Trust Fund The bulk of Lot 1 is proposed to be created as POS with two roads to the north and west. Concern over the financial impost of the proposed Structure Plan on the future subdivision capacity for the subject site. Although the development yield under the Structure Plan has been increased, a number of inequities still exist and it is requested that they be addressed in consideration of this submission. Whereas the proposed Structure Plan provides for a contribution to the excess POS (relative to normal 10% subdivision requirement) by way of developer contributions through a Trust Fund administered by the Shire, the valuation methodology is inherently inequitable. Valuation methods typically used for these purposes require an englobo valuation of the subject</p>	<p>the minimum size necessary for stormwater management. The Shire's appointed drainage engineers have advised that the stormwater modelling indicates that the (10%) POS distribution is the minimum required size to accommodate the drainage swales, as shown in the Local Water Management Strategy and a decrease in this POS provision would not achieve the necessary area for stormwater management and would therefore require the creation of drainage reserves, neither increasing yield, nor decreasing management/maintenance responsibility.</p> <p>The indicative lot layout plan included as Figure 7 in Part 2 of the Structure Plan document is not statutory and provides an example of one way that lots could be subdivided under the requirements of the Structure Plan. Subdivision plans do not have to present the same lot layout as presented in that plan. Major changes that would impact on neighbouring lots, affect the distribution of POS, or create additional stormwater runoff are unlikely to be supported without supporting investigation from the proponent and consultation with effected parties, as they would not be consistent with the requirements of the Structure Plan. Figure 7 of the Structure Plan was modified to create an additional subdivision lot in the south western corner of Lot 1 as previously requested by the respondent.</p> <p>Based on the discussions held with the Department of Environment and Conservation, and the Department of Planning in the preparation of the Wokarena Heights Structure Plan it is considered highly unlikely that a design that does not seek to retain the remnant vegetation through the mechanism of POS will be approved. The Geraldton Regional Flora and Vegetation Survey has identified that the vegetation type found upon Lot 1 is represented at less than the 30% threshold of its original extent in this region and should be conserved. The Structure Plan has attempted to achieve the best</p>
			Note submission.

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. * Date Received	Submitter & Affected Property	Nature of Submission	Comment
		<p>land, which does not provide for any improvements as a result of subdivision, inclusive of construction cost, profit and risk components. Whilst subdivision costs can be estimated, and risk would not be an issue as POS Trust Fund would purchase the land, this valuation method denies the owner the opportunity to take advantage of profit margins which may apply to the development/subdivision of their property. This is an issue which has been raised on a number of occasions and planning authorities on the whole have been reluctant to provide for profit margins to be included in valuations. Notwithstanding, this matter has been recognised by the City of Rockingham under its valuation provisions for Structure Plans contained in Town Planning Scheme No.2 where an additional 10% is added to the valuation of land to adjust for profit margins and provide a measure of "solatium" and equity. The above concern was previously raised and appears not to have been incorporated into the current Structure Plan proposals. Should the Structure Plan proceed to include large areas of POS on the subject site (above the standard provision applied for the Structure Plan area) it is respectfully requested that either Council purchase a similar sized landholding and make it available for a land exchange to the subject land's owner in order to allow them to subdivide in a similar fashion to other land owners within the Structure Plan area or the valuation mechanism be modified to provide for improved equity to the subject site's owner by way of including an allowance for profit share as per the Rockingham example.</p> <p>Road Construction A number of issues arise in relation to road construction as follows: (a) Whilst my clients would be prepared to equitably contribute to necessary infrastructure costs to facilitate subdivision, they seek equity in all elements of the Structure Plan. As indicated above, the POS Trust Fund arrangements are inherently inequitable.</p>	<p>possible outcome under this scenario, now achieving 17 residential lots, applying a mechanism for percentage contribution to road upgrading that achieves the lowest cost apportionment (6.4%) for any landowner and establishing within the Structure Plan document that POS costs will be shared across the development area through implementation of cash-in-lieu provisions that will reimburse the landowner of Lot 1 at such time as they choose to subdivide.</p> <p>The valuation methodology for cash-in-lieu provision of POS as proposed by the Wokarena Heights Structure Plan is consistent with the state-wide mechanism as set out in Section 155 of the <i>Planning and Development Act 2005</i>.</p> <p>The City of Rockingham valuation technique referred to by the submission applies to Developer Contribution Plans, not general cash-in-lieu provisions. Scheme No.2 does not provide for a Developer Contribution Plan for the local Structure Plan area, therefore there is no mechanism to use a valuation methodology other than that provided by the Act, as it is not considered that a local Structure Plan can prevail.</p> <p>The experience of Guided Development Schemes in this region, where the uptake of subdivision tends to be slower than metropolitan areas due to a number of factors including servicing costs and relative market demand, is of increased subdivision costs to landowners and management costs to the Local Government. It is the experience in this region that Guided Development Schemes can become such a financial impediment to subdivision that the City of Greater Geraldton has sought to repeal the nearest example to the subject site (this being the Waggrakine Guided Development Scheme) and this is a process of high complexity and delay. It is not recommended that a Guided Development Scheme be imposed on the Wokarena Heights Structure Plan area.</p>

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment
		<p>In the absence of equity not being restored to the POS requirements as requested above, an alternative measure to restore equity could possibly relate to the Special Provisions on page 3, which indicate a required contribution to the upgrade of Richards and Wokarena Roads. It is requested that my clients be exempted from these contribution requirements on the basis that the site is already severely handicapped by the POS.</p> <p>(b) The Structure Plan shows the 2 roads flanking the POS to the west and to the south. As the land on the POS side of these roads is unable to be subdivided, the construction costs for the road are inequitable as they cannot be dispersed between the costs of producing lots either side of the road. This is an aspect that is addressed historically in Guided Development Schemes. The Queens Park/East Canning Guided Development Scheme, Town Planning Scheme No. 21 in the City of Canning recognises this and addresses this under clause 11. This clause formally acknowledging this in the valuation process and Scheme cost paid by all landowners in the Scheme which compensate the landowner for half construction costs for the road (inclusive of road drainage) and half the road value. It is requested that a similar provision be incorporated into the Structure Plan.</p> <p>(c) Given that the 2 roads which flank the POS on the northern and eastern sides of the subject lot will provide access to lots created by adjoining properties, my clients are concerned that the adjoining owners may seek compensation for road construction in accordance with section 159 of the <i>Planning and Development Act 2005</i> following subdivision of both parcels of land. It is requested that a protection mechanism be built into the Structure Plan to protect this. The recommendation made in regards to (b) above would suitably address this and accordingly, your consideration is requested on this matter.</p>	<p>The imposition of developer costs requires a discrete need and nexus. It is difficult to justify a nexus between internal subdivisional roads on Lot 1 with the development of other lots in the Structure Plan area to require that other landowners contribute. The development of other lots does not require the construction of internal roads in Lot 1, therefore there is insufficient nexus for contribution to those roads.</p> <p>Detailed design of roads and lots is a subdivisional concern. Minor changes can be accommodated within a subdivision where demonstrated it does not compromise the overall connectivity of the Structure Plan area or impact on stormwater management. Any further loss of vegetation on Lot 1 through subdivision would require discussion with DEC.</p> <p>Road Contribution amounts are determined based on developable land only (i.e. excluding road reserves and POS) therefore the contribution for Lot 1 already recognises the actual development potential of that lot. For example, the road contribution amount relevant to Lot 1 (with a potential lot yield of 17 lots) is 6.4% compared to the 9.4% road contribution for Lot 4 that has the maximum potential lot yield shown in the Structure Plan of 25 lots.</p> <p>The reasoning behind comment (c) is understood, and it is difficult to see equity in contributing to the roads on Lot 2 and 11 where the owner of Lot 1 draws no adjacent development potential from it (albeit, it is noted that Lot 1 does achieve the ability to develop through connection to these roads). However, a local Structure Plan does not have the statutory ability to override the Act.</p> <p>It might be considered that the Shire's actions in rezoning the land and the preparation of a Structure Plan has enabled Lot 1 to be amended from a rural zoned property with no ability for subdivision (as it was</p>

Wokarena Heights Structure Plan - Schedule of Submissions (Re-advertising)			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Comment
		<p>I am still of the view that the Structure Plan proposed prejudices against my client's ability to suitably subdivide their property. Accordingly, it is again requested that the measures requested within this submission be given priority consideration in the final Structure Plan, and that these matters be raised directly with the WAPC as part of the approval process for the Structure Plan.</p>	<p>at the time of the landowner's purchase of the land) to a property that can now be subdivided into 17 lots and that has introduced a mechanism of reimbursement to the landowner for the portion of the property that the DEC would be considered unlikely to issue a clearing permit for.</p> <p>In relation to the respondent's previous comments the Structure Plan was expanded to include an Appendix B - Fact Sheet, laid out in a Frequently Asked Question format that answered concerns including:</p> <p>What is a local structure plan? Do I have to subdivide? Can I continue running my business from my property? Can I subdivide in stages? Can I develop larger lots than the structure plan specifies, or subdivide off a portion of my lot for a family member? What if I want to subdivide in a manner different to shown on the Structure Plan? Why do I have to provide POS? What happens if the structure plan requires me to provide more than 10% POS? What is a POS contribution and how is it calculated? Why do I have to contribute to road upgrades? Do I have to pay POS or road contributions if I do not subdivide? How are the road contributions calculated? Do I have to pay road contribution if I only subdivide one larger lot (e.g. 1 - 2 hectares)? Do I have to pay road contribution if I only subdivide a smaller stage? Do I have to give money to other developers if they subdivide before I do?</p>
			Recommendation



LEGEND:

- | | | | | | |
|---|-------------------------------|---|---------------------------|---|--|
|  | RESIDENTIAL (R2.5) |  | LOCAL STRUCTURE PLAN AREA |  | SUBJECT TO FUTURE DETAILED AREA PLAN (REFER TO FIGURE 13) |
|  | ROAD RESERVE (FUTURE HIGHWAY) |  | FUTURE ROAD CONNECTION |  | ROAD CONNECTION ONLY TO BE PROVIDED IF DETERMINED NECESSARY FOR VEHICLE ACCESS AT TIME OF SUBDIVISION. IF NOT REQUIRED FOR VEHICULAR PURPOSES TO BE RETAINED AS PEDESTRIAN ACCESS WAY / SERVICE ALIGNMENT. |
|  | PUBLIC OPEN SPACE |  | TEMPORARY ACCESS WAY | | |



LOCAL STRUCTURE PLAN AREA



PUBLIC OPEN SPACE

DRAINAGE RESERVE



ROAD CONNECTION ONLY TO BE PROVIDED IF DETERMINED NECESSARY FOR VEHICLE ACCESS AT TIME OF SUBDIVISION. IF NOT REQUIRED FOR VEHICULAR PURPOSES TO BE RETAINED AS PEDESTRIAN ACCESS WAY / SERVICE ALIGNMENT.

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 & 04/12-04
DATE:	12 SEPTEMBER 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The landowner of Lot 2 Wokarena Road, Buller has lodged an application to subdivide their property into 25 lots with the Western Australian Planning Commission ('WAPC'), who are seeking Council's comment upon this matter. This report recommends that Council give conditional support for the subdivision application.

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 Wokarena Heights Residential R2.5 Structure Plan. Two relevant extracts from the 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 Wokarena Heights 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. |
| 18 April 2012 | Council resolved at its 18 April 2012 meeting as follows: |

“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.”*

Given that the Wokarena Heights Structure Plan has now been advertised to affected and neighbouring landowners and all relevant government agencies on two separate occasions, and no issues have been raised in relation to the subdivisional layout proposed for Lot 2, it is appropriate that Council now make its determination upon this subdivision application.

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 both Scheme No.2 and the Wokarena Heights Structure Plan they 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 Wokarena Heights 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 Wokarena Heights 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 Wokarena Heights 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 Wokarena Heights Residential R2.5 Structure Plan has been presented to Council as a separate item within the 19 September 2012 Council Agenda with a recommendation that the Structure Plan be adopted by Council.

Section 5.22 of Scheme No.2 provides the process by which structure plans must be prepared, advertised and assessed. 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.”

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 Wokarena Heights 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 Wokarena Heights 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 Wokarena Heights area as having 'broad landscape features that should be preserved and enhanced'. The Wokarena Heights 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 Wokarena Heights 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 Wokarena Heights 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 Wokarena Heights 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 No.2 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

The preparation of the Wokarena Heights 'Residential R2.5' Structure Plan has been funded through the Royalties for Regions (Northern Planning Program) Local Government Assistance Program.

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 Wokarena Heights area as 'Future Urban'.

The draft Northern Geraldton District Structure Plan (2005) identifies Lot 2 and the surrounding Wokarena Heights 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 2011 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.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 2 Wokarena Road, Buller into 25 lots as contained within revised WAPC Application No.145730 (Amended Plan WAPC date stamped 3/4/12) and requests the imposition of the following conditions and advice notes:

- 1 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 subdivider's cost to the specifications of the Local Government.
- 2 The cul-de-sac head being designed and constructed at the subdivider's cost to the specifications of the Local Government.
- 3 Arrangements being made by the subdivider with the Local Government for the upgrading of Wokarena Road.
- 4 Arrangements being made by the subdivider with the Local Government for the upgrading of Richards Road.
- 5 Arrangements being made by the subdivider with Main Roads WA for the upgrading of the North West Coastal Highway and Wokarena Road intersection.

- 6 Dual use path to be provided along all subdivisional roads (with the exception of the cul-de-sac) at the subdivider's cost to the specifications of the Local Government.
- 7 The land is to be provided with an adequate outlet drainage system at the subdivider's cost to the specifications of the Local Government.
- 8 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.
- 9 The land being graded and stabilised at the subdivider's cost to the specifications of the Local Government.
- 10 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.
- 11 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.
- 12 Fire hydrants to be installed at the subdivider's cost to the specifications of the Fire and Emergency Services Authority.
- 13 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.
- 14 The preparation of a Detailed Area Plan for proposed Lots 15, 16, 17, 24 & 25 to the specifications of the Local Government.
- 15 Pursuant to the Transfer of Lands Act 1893 (as amended) Notification in the form of a section 70A notification is to be placed on the Certificates of Title of proposed Lots 15, 16, 17, 24 & 25 advising that the lots are subject to a Detailed Area Plan at the expense of the subdivider.
- 16 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 expense of the subdivider.
- 17 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 11, 12, 14 & 15, at the expense of the subdivider.
- 18 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.
- 19 All existing buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.
- 20 The battleaxe accessway for proposed Lots 15, 17 & 24 being constructed and drained at the subdivider's cost to the specifications of the Local Government.
- 21 Payment of a cash-in-lieu contribution by the subdivider to the Local Government in accordance with section 153 of the Planning and Development Act 2005 equivalent to 10% of the unimproved land value of the subdivisional area.

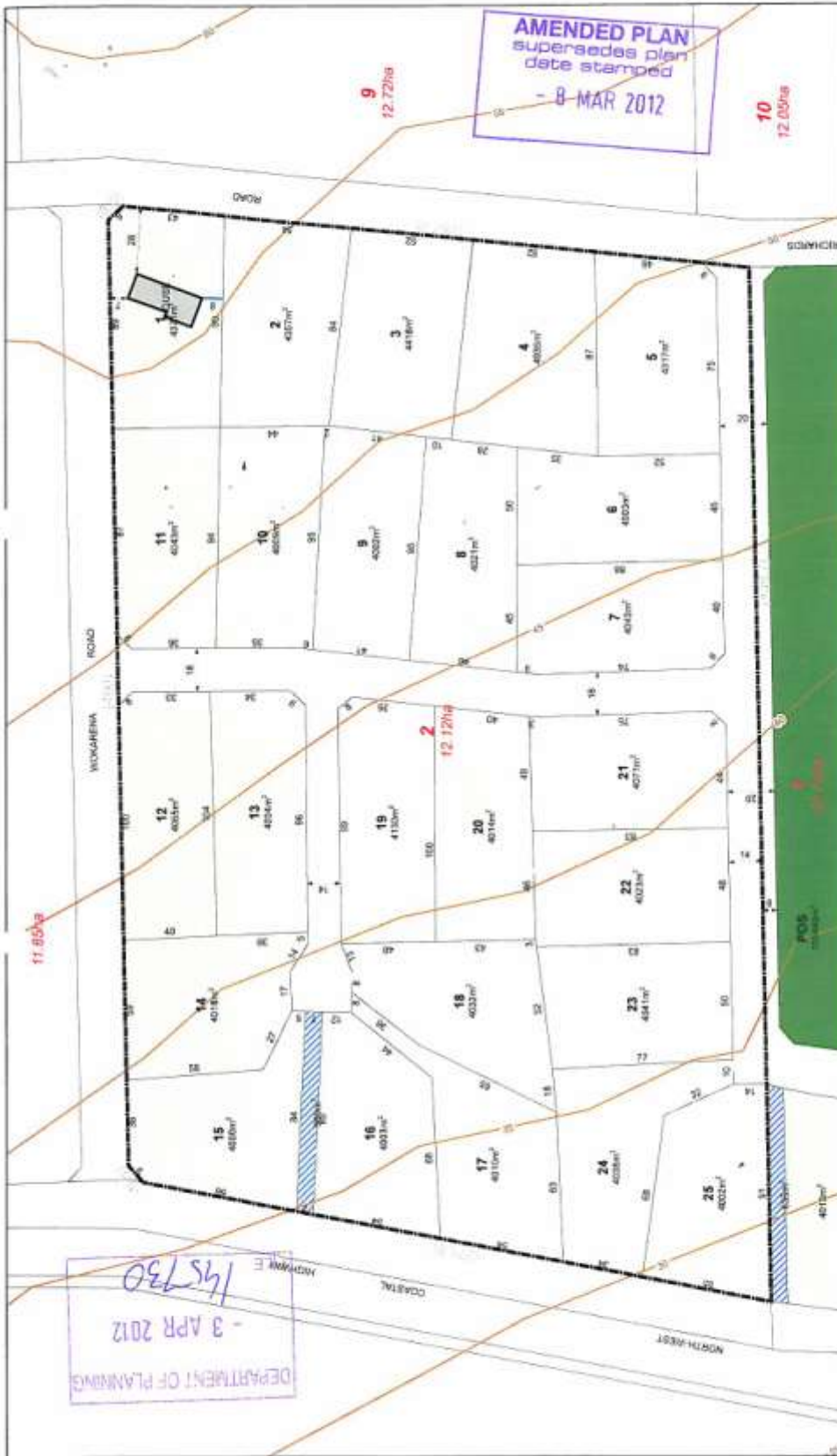
Advice Notes to the Applicant:

- (i) In relation to condition 1, the road reserve widths shall be in accordance with the minimum requirements as specified in Figure 08 of the Wokarena Heights Structure Plan and the road reserves must be contained within the Lot 2 subdivisional area.
- (ii) In relation to conditions 3, 4 and 5 the method of cost apportionment shall be based upon Section 3.8 and Table 7 of the Wokarena Heights Structure Plan.
- (iii) In relation to condition 9, given that the subdivisional area is highly exposed to the strong prevailing coastal winds, the sandy soil-type of the subdivisional area, and the existence of residences to the north and north-east of the subdivisional area the applicant is required to prepare, submit and implement a Dust Management Plan to the satisfaction of the Local Government. Prior to commencement of any site works, the applicant is responsible to ensure that the Dust Management Plan is lodged for review with, and subsequently endorsed by, the Local Government. The Dust Management Plan shall set out in detail the management commitments applicable to dust minimisation relevant to all subdivisional activities and processes. Once endorsed, the applicant from time to time as directed by the Local Government is responsible to ensure, that all activities and processes carried out at all times and in all respects are in accordance with the Dust Management Plan. The applicant is to implement and maintain reporting mechanisms for dust complaints throughout the duration of the subdivisional works. In event of a complaint being received the applicant is required to demonstrate mitigation responses to the satisfaction of the Local Government. Such responses may be treated by the Local Government as required modifications to the Dust Management Plan.

Advice Notes to the WAPC:

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

- (a) the subject land is identified as being 'Residential R2.5' by Shire of Chapman Valley Local Planning Scheme No.2 which having been advertised for public comment on two separate occasions is now a seriously entertained planning document;
- (b) the subject land is identified as 'Future Urban' by the Greater Geraldton Structure Plan Update (2010);
- (c) 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 Wokarena Heights 'Residential R2.5' zone;
- (d) Section 5.22.4.2 of Scheme No.2 makes the following provision "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."
- (e) the subdivision layout accords with the Wokarena Heights Residential R2.5 Structure Plan which having been advertised for public comment on two separate occasions is now a seriously entertained planning document;
- (f) the subdivision does not require the creation of additional individual lot access onto the North West Coastal Highway;
- (g) 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;
- (h) 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);
- (i) 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;
- (j) 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', and again during the advertising of the Wokarena Heights Structure Plan.



AMENDED PLAN
supercedes plan
date stamped
- 8 MAR 2012

11.65ha
12.72ha
12.00ha

SCALE 1:500
(@ A3)

0 10 20 30 40 50 Meters

March 2012

AREAS AND DIMENSIONS
SUBJECT TO SURVEY

Legend

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

Shire of Chapman Valley
Lot 2 Wokarena Road, BULLER

PLANMEST (WA) Pty Ltd



AGENDA ITEM:	10.1.3
SUBJECT:	PROPOSED SEA CONTAINER –YUNA
PROPONENT:	L REYNOLDS
SITE:	LOT 6 (NO.6967) CHAPMAN VALLEY ROAD, YUNA
FILE REFERENCE:	A955
PREVIOUS REFERENCE:	N/A
DATE:	11 SEPTEMBER 2012
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for the siting of a sea container upon Lot 6 (No.6967) Chapman Valley Road, Yuna. The application has been placed before Council as it exceeds the delegation limits of the Shire's 'Use of Sea (Shipping) Containers' Local Planning Policy. This report recommends conditional approval of the application.

Figure 1 – Location Plan for Lot 6 (No.6967) Chapman Valley Road, Yuna



COMMENT

The applicant seeks approval for a sea container that is 6.06m x 2.44m and 2.59m high and light green in colour and is proposed to be sited in the north-east (rear) corner of Lot 6 (No.6967) Chapman Valley Road, Yuna. There is an existing red sea container on-site and it is proposed that the new green sea container would replace this structure. Figure 2 demonstrates the view of the proposed green sea container with the existing red sea container still in place and also shows the proposed new green sea container that is currently being stored at the rear of the property (in the Crown Reserve without Shire consent). The existing sea container was placed on-site without Council consent and the landowner wishes to ensure that the placement of the new green sea container is compliant with Council's recommendations.

A copy of the applicant's submitted site plan is included as **Attachment 1** to this report.

A copy of the further site photographs that were taken by Shire staff on inspection of the property have been included as **Attachment 2** to this report.

The applicant has advised the following in support of their application:

“The plan with the sea container is that it will be placed on the inside of my fence so it won't be as offensive as just plonking it on the outside, I will try to get either a green or light coloured container to match my shed or the fence.

What I wish to use the sea container for is a workshop/storage so I am able to lock away items like my compressor and ladders and tools because my garage isn't the most secure place to be keeping this kind of stuff. Also the container will be in my backyard and not so available to people just 'wandering through'. It will be placed on top of 4 limestone blocks to keep it off the ground to keep in better condition and to let the air flow around it.”

Figure 2 – Photo of the proposed (green) sea container that is to replace the existing (red) sea container in the same position within the boundary of Lot 6



Shire staff having undertaken a site inspection of Lot 6 (No.6967) Chapman Valley Road, Yuna recommend conditional approval of the application for the following reasons:

- The sea container meets the size and height requirements of the Shire's 'Use of Sea (Shipping) Containers' Local Planning Policy;
- There is only a limited view of the sea container from Chapman Valley Road and the access Road which leads to the Yuna Hall and Primary School as shown in Attachment 2 to this report;
- The sea container is to be the same colour as the existing outbuilding alongside which it is proposed to be located;
- No complaints have been received by the Shire concerning the existing red sea container and it is considered that the new sea container would be a better outcome based on its matching colour to the existing shed.

STATUTORY ENVIRONMENT

The subject land is zoned 'Residential R10' under Shire of Chapman Valley Town Planning Scheme No.1. The siting of a sea container meets the definition of 'development' as listed under Section 1.7 of the Scheme which defines 'development' as:

"Means the use or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation or other works on any land."

Section 1.3.1 sets out the general objectives of the Scheme, for which Council should have regard for, and this includes:

- "(b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;*
- (c) To make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*
- (d) The preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest."*

Section 3.1.7 of the Scheme states:

"Appearance of Buildings and the Land on which they are Located.

All buildings and the land on which they are located shall be maintained to the satisfaction of Council and in a manner which preserves the amenity of the surrounding area.

No person shall without the written approval of the Council erect a building which by virtue of colour or type of materials, architectural style, height and bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area."

POLICY IMPLICATIONS

Shire staff have the capacity to grant approval for the siting of a sea container upon land should an application meet the delegated authority requirements of its Local Planning Policy 'Use of Sea (Shipping) Containers'. In regards to the general requirements for sea containers Section 2 of the Local Planning Policy states:

"In general, planning approval to a maximum of 12 months will only be granted where the structure is being used for the temporary storage of plant, machinery and/or building equipment on a building site, a building license has been issued and remains current, and construction of a dwelling has commenced."

Section 4 of the Local Planning Policy states:

"Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:

- a) more than one (1) sea (shipping) container on a property;*
- b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height."*

The applicant is seeking to site one (1) sea container upon the property that is 6.06m x 2.44m and 2.59m high which is compliant with Section 4 of the Policy. However, as the applicant is seeking to permanently retain the sea container upon the property this application exceeds the delegated authority of Shire staff and requires the matter to be considered by Council.

Furthermore the Local Planning Policy states:

"Sea (shipping) containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, in general the Shire carries a presumption against the use of sea containers other than in industrial and rural areas unless the Council can be satisfied a genuine need exists for temporary storage of building materials and equipment, and the use and placement of a sea container/s can meet acceptable amenity standards in the locality. As such it is

necessary that conditions be imposed should approval be granted to ensure an acceptable quality of development is achieved.”

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

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be imposed on the Shire through its involvement in the appeal process.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

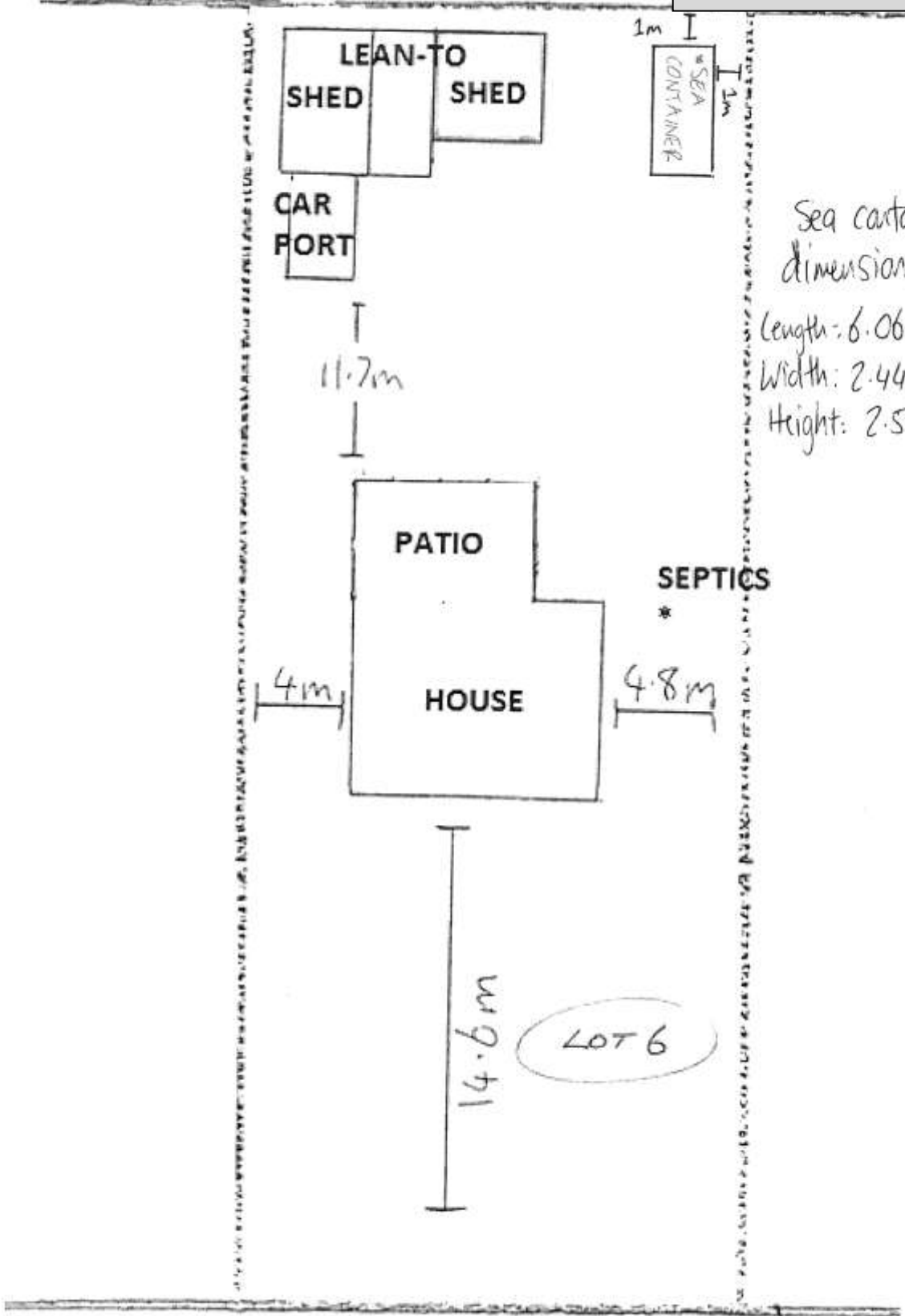
Simple majority of Council.

STAFF RECOMMENDATION

That Council grant formal planning approval for one (1) sea container to be sited upon Lot 6 (No. 6967) Chapman Valley Road, Yuna subject to compliance with the following conditions:

1. Development shall be in accordance with the approved plans dated 19 September 2012 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
2. Any additions to or change of use of any part of the application (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
3. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
4. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
5. The existing (red) sea container must be removed from the property prior to the relocation of the proposed new (green) sea container into position.

ATTACHMENT 1



Sea container dimensions are:
Length: 6.06m
Width: 2.44m
Height: 2.59m



Above - View of Lot 6 looking North from Chapman Valley Road, sea container not visible

Below – View towards sea container site looking North West from Chapman Valley Road, sea container only slightly visible above fence line at the rear of the property





Above: View looking north-east from adjoining (vacant) property to the west of Lot 6, sea container slightly visible in back corner of the property

Below: View looking south-west towards the rear of Lot 6, existing red sea container clearly visible above cream fence line and proposed green sea container visible behind rear fence of property





Above: View looking south-west towards the rear of Lot 6, existing (red) sea container clearly visible above cream fence line and proposed (green) sea container visible behind rear fence of property, communications tower is located in close proximity as demonstrated.

AGENDA ITEM:	10.1.4
SUBJECT:	GERALDTON LOCAL BIODIVERSITY STRATEGY
PROPONENT:	PERTH BIODIVERSITY PROJECT, CITY OF GREATER GERALDTON, & SHIRE OF CHAPMAN VALLEY
SITE:	COASTAL PORTION OF LOCAL GOVERNMENT AREAS
FILE REFERENCE:	207.06.12
PREVIOUS REFERENCE:	N/A
DATE:	12 SEPTEMBER 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The draft Geraldton Local Biodiversity Strategy has been prepared by the Perth Biodiversity Project (a local government initiative funded through the Western Australian Local Government Association and the Western Australian Government's NRM program) in partnership with the City of Greater Geraldton and the Shire of Chapman Valley. This report recommends that the Geraldton Local Biodiversity Strategy be jointly advertised for public comment.

COMMENT

A copy of the draft Geraldton Local Biodiversity Strategy has been provided to Councillors as a separate document to the September 2012 Council Agenda.

On 2 November 2009 the Department of Planning advised that it has been successful in securing State NRM funding for the continuation of the Perth Biodiversity Project that would enable the preparation of a Geraldton Local Biodiversity Strategy. Given that the study area would be based on that used for the Geraldton Regional Flora and Vegetation Survey (2010) undertaken by the Department of Planning and the Department of Environment and Conservation the Shire of Chapman Valley were invited to assist in the initial scoping of the Local Biodiversity Strategy and to provide representation upon a Steering Committee comprising:

- Perth Biodiversity Group/Western Australian Local Government Association;
- Department of Planning;
- Department of Environment and Conservation;
- City of Greater Geraldton; &
- Shire of Chapman Valley.

The Local Biodiversity Strategy has been prepared by the Perth Biodiversity project with the assistance of consultants Ecological Australia Pty Ltd and We Are Arising.

The Local Biodiversity Strategy covers a 32,410ha study area generally bounded by Coronation Beach Road to the north, Devlin Pool Road to the south and the Moresby Range to the east, this study area being selected on the basis that it represented:

- areas experiencing the highest growth, development pressures and management effort;
- areas identified by the Environmental Protection Authority as requiring further consideration for retention and conservation of remnant vegetation; &
- availability of information from the Geraldton Regional Flora and Vegetation Survey.

The Geraldton Regional Flora and Vegetation Survey recognised that only 6,041ha of vegetation remains in the Local Biodiversity Strategy study area, representing only 18% of pre-European extent of native vegetation, and significantly under the 30% threshold recognised as the point where species loss appears to accelerate exponentially at an ecosystem level. More than 30% of that remaining area is land identified for future development and an additional 20% is land where potential future development could result in further vegetation clearing. Less than 1.8% of the original extent of vegetation in the study area has some level of protection.

The Local Biodiversity Strategy utilises the available data to identify Areas of Conservation Value, these being areas where the retention of existing native vegetation should be considered a high

priority in decision making. The Strategy prioritises Areas of Conservation Value into three categories:

- areas with good opportunities for protection of biodiversity;
- areas with good opportunities for retention of biodiversity; &
- areas that have constraints for protection or retention of natural areas but they contain natural areas of high conservation value that need to be considered on decision making.

The goals and means to achieve them, as identified by the Local Biodiversity Strategy recommend action from government in policy, planning and compliance, and business in natural area assessment, urban design, and use of offsets. The Strategy also identifies support being provided for local community groups working on the coast, the Moresby Range and the Chapman River, private landholders wanting to conserve their bushland, and developments proposing to implement innovative policies in areas such as Waggrakine.

It is considered that the Shire of Chapman Valley has displayed regional leadership in its financial and in-kind commitment to the NRM program for many years now, with its housing of two officers under the NRM program. This commitment has delivered not just development of Management Plans setting out conservation and rehabilitation programs, but on-ground results including the planting in 2012 alone of over 8,000 seedlings in the Dolby Creek area, over 66,000 in the Moresby's, 6,900 in the Buller coastal area and 2,000 at Coronation Beach. In addition the Shire is supporting a number of farmers planting through NACC revegetation incentives, saline land management, perennial pasture plantings, feral animal control and drainage solutions.

The Shire's development of Structure Plans to guide the future subdivision and development of its residential, rural-residential and industrial areas have consistently achieved results in accordance with the goals laid out in the Local Biodiversity Strategy, and it is considered that the document as it relates to the Shire of Chapman Valley local government area does not propose significant departure from the previously undertaken strategies, management plans and structure plans prepared by the Shire.

However, it is recommended that the Local Biodiversity Strategy be advertised for comment, and that the document should, pending any modification deemed appropriate by Council arising from the advertising period, be received as a document of reference to assist statutory and strategic planning. It is not recommended that the Local Biodiversity Strategy be formally adopted by Council given that the majority of the study area is outside the Shire Local Government Area, and recent experience with the Environmental Protection Authority is that too great an emphasis can be placed on broad scale strategies at the expense of detailed site specific analysis and field research.

It is proposed that the advertising of the Local Biodiversity Strategy involve the following actions:

- placement of notice in the MidWest Times;
- placement of a copy of the Strategy on the City and Shire websites;
- display of the Structure Plan document at the Shire office/Nabawa library;
- write directly to all landowners of lots that contain an Area of Conservation Value as identified by the Local Biodiversity Strategy. In relation to the Shire of Chapman Valley this would be comprise 34 private landowners, along with the Geraldton Port Authority and LandCorp, and Oakajee Port and Rail as party of relevance.

STATUTORY ENVIRONMENT

It is not recommended that the Local Biodiversity Strategy should ultimately be adopted as a Local Planning Policy under Section 3.2 of the Shire of Chapman Valley Town Planning Scheme No.1, rather be received as a document of reference to assist statutory and strategic planning.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire has provided direct in-kind support to the Local Biodiversity Strategy project and indirect financial support to the project through its membership of the Western Australian Local Government Association.

STRATEGIC IMPLICATIONS

Section 7.2 of the Shire of Chapman Valley Local Planning Strategy (2008) lists the following aims:

- Ensure that water resources are conserved and their quality protected.
- Ensure that land, soil and biodiversity is safeguarded and that degradation does not occur.
- Minimise the clearing of vegetation and maximise retention and replanting of native vegetation to link areas of remnant bushland with roadside vegetation and nature reserves.
- Ensure significant environmental features are protected, conserved and/or enhanced.
- Recognise, maintain and promote the natural beauty, landscape values and recreational opportunities of the Shire.
- Continue to encourage activities in relevant Precincts that protect the 'clean and green' status of agricultural produce derived from this Shire.
- Ensure appropriate fire protection and management is implemented in accordance with the Western Australian Planning Commission Policy DC 3.7 and associated Planning for Bushfire Protection document.

Section 4.3 of the draft Local Biodiversity Strategy lists the following Goals for Local Biodiversity Conservation:

“Goal 1: Retention - *Retain natural areas*

Given current constraints to natural area retention, this goal translates into over 10% of the original extent of native vegetation in the study area, as a minimum:

- Retention of at least 3334₁ ha of the remaining 6041 ha of natural areas remaining;
- Retention of a representative and well-connected network of natural areas;
- Requirement to offset and re-vegetate as compensation where losses are unavoidable.

Goal 2: Protection - *Protect natural areas and specific biodiversity features*

This goal translates into:

- Protection of at least 5% of the original extent of natural areas;
- Protection of an additional 1058₂ ha of areas of conservation value;
- Protection of Threatened Ecological Communities, Declared Rare Flora, Priority flora and fauna, and riparian and coastal vegetation.

Goal 3: Management - *Manage protected natural areas for conservation*

This goal translates into:

- Active management of 100% of Local Government natural areas of conservation value;
- Active management of 50% of all other retained natural areas (1659 ha), through provision of incentives for private land conservation and restoration;
- Valuation of biodiversity assets and implementation of asset management plans.

Goal 4: Engagement – *Increased community contributions to biodiversity conservation*

This goal translates into:

- Observable change in public and institutional language, values and priorities;
- Measured decrease in behaviours identified as threats;
- Measured increase in the time, money or resources contributed to biodiversity conservation;
- Observable increase in the biodiversity 'proofing' of policies;
- Increase in evidence that the community are 'acting as stewards for the environment'.

Goal 5: Regeneration - *Ensure the rate of regeneration exceeds the rate of degradation*

This goal translates into:

- Restoration of more than 1500 ha of natural areas in CGG;
- Measurable improvement in connectivity between natural areas and along ecological linkages;
- Use of local offsets to over-compensate any future clearing of native vegetation.”

VOTING REQUIREMENTS

Simple majority of Council.

STAFF RECOMMENDATION

That Council resolve to jointly advertise the Geraldton Local Biodiversity Strategy in partnership with the City of Greater Geraldton for a period of 42 days and return the matter to a future meeting of Council to consider any submissions received.

10.2

Chief Executive Officer

September 2012

Contents

10.2 AGENDA ITEMS

- 10.2.1 Request for Sponsorship
- 10.2.2 Interpretation Plan – Railway Reserve between Geraldton and Ajana
- 10.2.3 Vacancies – Local Government Representatives on the Mid West Development Commission Board
- 10.2.4 Contribution to the North East Farming Futures Group
- 10.2.5 Notice of Council Meetings 2013
- 10.2.6 Office Closure
- 10.2.7 Request for Donation
- 10.2.8 Provision for Environmental Health Services – Shire of Northampton
- 10.2.9 Shire of Chapman Valley – Wards and Representation Review

AGENDA ITEM:	10.2.1
SUBJECT:	REQUEST FOR SPONSORSHIP
PROPONENT:	MID WEST CHAMBER OF COMMERCE & INDUSTRY
SITE:	N/A
FILE REFERENCE:	401.06
PREVIOUS REFERENCE:	N/A
DATE:	13 SEPTEMBER 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Correspondence was received on 6 September 2012 from the Mid West Chamber of Commerce and Industry who are coordinating the Vocational Training in School Awards to take place on 24 October 2012 seeking sponsorship.

COMMENT

There is no record of any donation or sponsorship having previously been made to the Mid West Chamber of Commerce and Industry for the Vocational Training in School Awards.

A copy of the received correspondence and sponsorship categories has been included as **Attachment 1** in this report. These awards are for Students and Employers who support the Vocational Training in School's Programs.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 5.30 – Donations and Grants

Local Nature

Council shall consider requests for donations on their individual merit however, generally will decline appeals for donations –

Of a State or National nature, or

If they are not concerned or connected with the Chapman Valley area.

Exceptions to the above will be –

Disaster or emergency appeals.

FINANCIAL IMPLICATIONS

Should Council wish to donate to the Mid West Chamber of Commerce and Industry Vocational Training in School's Awards - Bronze Category they will need to contribute \$250.00.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council contribute \$250.00 to the Mid West Chamber of Commerce and Industry Vocational Training in School's Awards – Bronze Category.



162 Marine Terrace
PO Box 738 Geraldton WA 6531
Ph (08) 9964 6767 Fax (08) 9921 7959
Email info@mwcci.com.au Web www.mwcci.com.au

RECEIVED
- 6 SEP 2012

401-06
Record No AD12266

Monday 3rd September 2012

BY:.....



Shire of Chapman Valley
John Merrick
PO Box 1
Nabawa WA 6532

Dear John Merrick

The Mid West Chamber of Commerce & Industry (MWCCI) is once again coordinating the "Vocational Training in School's Awards". These awards will take place on October 24th 2012. These awards are for Students and Employers who support the Vocational Education & Training in School's Programs.

We are currently seeking sponsorship for these awards & we would like to give you the opportunity to support the awards for the Students and Employers.

I have enclosed a sponsorship prospectus for you, and I look forward to your positive response by Wednesday 17th of October 2012.

If you have any queries, please contact me at your earliest convenience on 9964 6767 or via email events@mwcci.com.au

Kind Regards

Jessica Scott
Events /Marketing Coordinator

Mid West Chamber of Commerce and Industry gratefully acknowledges the support of its Diamond Sponsors



BUSINESS VOICE OF THE REGION



Mid West Chamber of Commerce and Industry Vocational Training in Schools Awards

We are pleased to inform you that the Mid West Chamber of Commerce and Industry (MWCCI) will once again be coordinating the Vocational Education & Training in Schools Awards for the Mid West and Gascoyne Regions. We want to ensure the efforts of students, schools and businesses alike are recognised for their efforts in providing on the job training and guidance to our future workforce.

We have re-named these awards, from here on in, the Vocational Training in Schools Awards.

For the 2012 academic year, we are offering sponsorships in the following categories and accordingly seek your valued support in sponsoring one of these categories of your choice.

The categories of sponsorship available are;

Gold

- 2012 Year 12 Most Outstanding Student of the Year
- 2012 Year 11 Most Outstanding Student of the Year

Silver

- 2012 Year 11/12 Pre Apprenticeship in Schools Student of the Year
- 2012 Year 12 Aboriginal School Based Trainee of the Year
- 2012 Year 12 School Based Trainee of the Year
- 2012 Year 12 Education Support Student of the Year
- 2012 Year 11 Aboriginal School Based Trainee of the Year
- 2012 Year 11 School Based Trainee of the Year
- 2012 Year 11 Education Support Student of the Year
- 2012 Year 10 Aboriginal School Based Trainee of the Year

Bronze - \$250.00

- ❖ Recognition in all media (newspaper) advertisements and feature articles in relation to the 2011 Awards.
- ❖ Recognition in the Awards Program that will be printed for the Awards Presentation Breakfast & naming rights to one Bronze Award.
- ❖ Recognition as the Sponsor at the Awards Presentation Breakfast.
- ❖ Framed photograph of your attending staff and the winner of your award.
- ❖ Two tickets (2) for your business to attend the Awards Presentation Breakfast.
- ❖ 1m x 1m display at the breakfast (banners, brochures etc).

Supporter - \$100.00

- ❖ Recognition as a Supporter of these awards at the Awards Presentation Breakfast.
- ❖ One ticket (1) for your Business to attend the Awards Presentation Breakfast

Mid West Chamber of Commerce and Industry Vocational Training in Schools Awards

Sponsorship Commitment

I,

Of (business entity).....

Trading as:

Agree to sponsor the following category of the Mid West Chamber of Commerce and Industry Vocational Training in Schools Awards for 2012.

Sponsorship Level (please circle);

Gold @ \$1,000.00

Silver @ \$500.00

• Bronze @ \$250.00

Supporter @ \$100.00

Within the chosen category please list your preference for the specific award(s) you wish to sponsor. Every endeavour will be made to accommodate your preferred category(ies) and should that not be possible we will enter into negotiation with you before allocating your sponsorship to any alternative categories.

1.

2.

3.

4.

5.

6.

.....

Signed for and on behalf of the above named entity

.....

Contact Phone Number

Please fax to Jessica Scott @ MWCCI 9921 7959 or email events@mwcci.com.au by 17th October 2012

AGENDA ITEM:	10.2.2
SUBJECT:	INTERPRETATION PLAN – RAILWAY RESERVE BETWEEN GERALDTON AND AJANA
PROPONENT:	CITY OF GREATER GERALDTON
SITE:	OLD RAILWAY CORRIDOR
FILE REFERENCE:	205.00
PREVIOUS REFERENCE:	N/A
DATE:	6 SEPTEMBER 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from the City of Greater Geraldton's Heritage Advisory Committee dated 6 August 2012, where at their last meeting a presentation was made by Mr Bob Taylor of the Friends of the Railway Group in Northampton.

A copy of the received correspondence has been included as **Attachment 1** to the report. Mr Taylor outlined plans to place interpretative signage at the sites of nine sidings that existed between Northampton and Ajana to mark the Centenary of the Railway line from Geraldton to Ajana in 2013.

COMMENT

The purpose of the agenda item is to seek the support of the Shire of Chapman Valley in contributing to the funding of the Interpretation Plan as well as to determine who would be willing to take the lead in this venture. The City of Greater Geraldton would be willing to make provision for funding in the 2013 / 2014 budget as well as research funding opportunities.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council could make provision for funding of \$1,000 for the Draft 2013 / 2014 budget.

STRATEGIC IMPLICATIONS

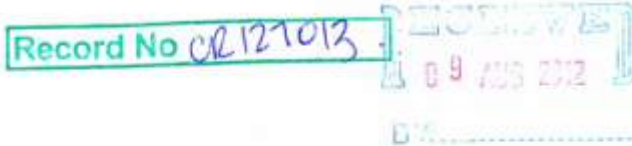
Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATIONS

1. That Council makes provision for funding of \$1,000 for the 2013 / 2014 Draft Budget for the Interpretation Plan – Railway Reserve between Geraldton and Ajana.
2. That Council advises the City of Greater Geraldton's Heritage Advisory Committee that it is prepared to list \$1,000 towards the railway interpretation signage on the 2013 / 2014 Draft Budget but will be subject to final budget adoption.



205.00
City of
Greater Geraldton
a vibrant future



Our Ref: D-12-40071
Your Ref:
File Ref: LP_3_0002
Enquiries: S Smith

6 August 2012

Mr Stuart Billingham
CEO
Shire of Chapman Valley
PO Box 1
Nabawa WA 6532

Dear Mr Billingham

INTERPRETATION PLAN - RAILWAY RESERVE BETWEEN GERALDTON AND AJANA

At the last meeting of the City of Greater Geraldton's Heritage Advisory Committee, which was held on May 21 2012, a presentation was made by a representative of the Friends of the Railway Group in Northampton, Mr Bob Taylor.

He outlined plans to place interpretive signage at the sites of nine sidings that existed between Northampton and Ajana to mark the centenary of the line from Geraldton to Ajana in 2013. The committee resolved to encourage the City of Greater Geraldton (CGG) to make a donation of \$1,000 towards the project.

Cr Neil Bennett outlined the history of research into an interactive walk and drive trail feasibility study conducted in 1999 for the railway route from Geraldton to Ajana and stated that it would be opportune for an interpretation plan involving both the Shires of Northampton and Chapman Valley as well as the City of Greater Geraldton to be developed.

The purpose of this letter is to seek the support of Chapman Valley Shire Council in contributing to the funding of an interpretation plan as well as to determine who would be willing to take the lead in this venture. The CGG would be willing to make provision for funding in the 2013/14 budget as well as research funding opportunities.

The City would appreciate your comments and feedback on this proposal.

Yours sincerely

Susan Smith
MANAGER LIBRARIES AND HERITAGE



PO Box 101 Geraldton WA 6531
Geraldton Civic Centre T 08 9956 6600 F 08 9956 6674
Mullewa Office T 08 9961 1007 F 08 9961 1206
E council@cgg.wa.gov.au W www.cgg.wa.gov.au
ABN 55 907 677 173

AGENDA ITEM:	10.2.3
SUBJECT:	VACANCIES – LOCAL GOVERNMENT REPRESENTATIVES ON THE MID WEST DEVELOPMENT COMMISSION BOARD
PROPONENT:	MIDWEST DEVELOPMENT COMMISSION
SITE:	N/A
FILE REFERENCE:	205.04
PREVIOUS REFERENCE:	03/10-12
DATE:	13 SEPTEMBER 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence received on 11 September 2012 from the Mid West Development Commission inviting nominations to the Mid West Development Commission Board.

COMMENT

Two positions are available on the Mid West Development Commission Board due to the expiration of the terms of Cr Pauline Forrester and Cr Simon Broad.

Nominations should be submitted on the required proforma and nomination form and emailed along with a typed Curriculum Vita to the Mid West Development Commission by 5pm Friday 26 October 2012.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council nominate a Local Government representative to the Mid West Development Commission Board.

AGENDA ITEM:	10.2.4
SUBJECT:	CONTRIBUTION TO THE NORTH EAST FARMING FUTURES GROUP
PROPONENT:	NORTH EAST FARMING FUTURES GROUP
SITE:	NA
FILE REFERENCE:	306.07
PREVIOUS REFERENCE:	05/07-12
DATE:	13 SEPTEMBER 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has received a request from the North East Farming Futures Group Inc. thanking the Shire of Chapman Valley for its previous support.

The North East Farming Futures Group is made up of representatives from the Shires of Chapman Valley, Mullewa (now City of Greater Geraldton), Morawa and Perenjori.

The Shires of Perenjori and Morawa and the City of Greater Geraldton have continued to support the North East Farming Futures Group with a \$5,000 contribution for the current financial year.

This report recommends that the ongoing financial support be withdrawn.

COMMENT

Council considered the initial request for funding at the 16 May 2007 meeting and resolved:

1. *Council authorise expenditure of \$10,000 towards the North East Farming Futures Group (NEFF) this year (06/07) subject to the Yuna Farm Improvement Group sanctioning NEFF and continuing their involvement.*
2. *That Council list an annual contribution of \$5,000 per year in future budgets for the duration of the Yuna Farm Improvement Group's participation in the project.*
3. *The continuation of this annual contribution is to be reviewed at the 30 June 2008 prior to inclusion in the 2008/2009 budget.*
4. *The NEFF Group be requested to have a representative attend the District Consultative Group meetings.*

The Shire of Chapman Valley paid the annual fee for the following years but did not pay the contribution for 2011/2012.

STATUTORY ENVIRONMENT

The North East Farming Futures Constitution states:

Section 8.0 Termination of Membership:

8.1 *A member shall cease to be a member if:-*

- a) *They die;*
- b) *They resign;*
- c) *They fail to pay any subscription due; or*
- d) *They are suspended or expelled.*

8.2 *Any person who wished to resign their membership shall do so in writing addressed to the Secretary.*

8.3 *In the event of a resignation pro rata refund of fees will not take place.*

Should Council resolve to withdraw a formal letter is required to be sent to the Secretary of the North East Farming Futures Group

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No funds have been allocated to the 2012 / 2013 budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council write to the North East Farming Futures Group and its Committee representatives advising of its withdrawal from the group.

AGENDA ITEM:	10.2.5
SUBJECT:	NOTICE OF COUNCIL MEETINGS 2013
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE ADMINISTRATION CENTRE AND DEPOT
FILE REFERENCE:	401.09
PREVIOUS REFERENCE:	11/11-23
DATE:	23 AUGUST 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is required under the *Local Government Act 1995* to at least once a year set and advertise meeting dates, times and venues for Ordinary Council meetings for the next 12 month period.

COMMENT

Council meetings are usually held on the third Wednesday of the month, commencing at 10:00am, with the exception of January when no Ordinary Council meeting is held.

The suggested Council Meeting dates for 2013 are:

20th February; 20th March; 17th April; 15th May; 19th June; 17th July; 21st August; 18th September; 16th October; 20th November; and 11th December.

The meeting date for December is historically the second Wednesday of the month, this date has been changed to avoid clashes with Christmas festivities.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 (paragraph 12 (1) states: Public notice of Council or Committee meetings – s 5.25(G)

At least once each year a local government is to give local public notice:

1. Of the dates, time and place of the ordinary council meetings;
2. The committee meetings that are required under the Act to be open to the members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority of Council required.

STAFF RECOMMENDATION

That Council adopt the meeting dates for the next twelve months as listed below and advertise them in accordance with the *Local Government (Administration) Regulations 1996*.

Council meeting dates for 2013 to be:

- 20 February 2013
- 20 March 2013
- 17 April 2013
- 15 May 2013
- 19 June 2013
- 17 July 2013
- 21 August 2013
- 18 September 2013
- 16 October 2013
- 20 November 2013
- 11 December 2013

Each meeting is to be held at the Shire of Chapman Valley, Administration Building in Nabawa commencing at 10:00am.

AGENDA ITEM:	10.2.6
SUBJECT:	OFFICE CLOSURE – CHRISTMAS PERIOD 2012
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE SHIRE
FILE REFERENCE:	N/A
PREVIOUS REFERENCE:	11/11-22
DATE:	6 SEPTEMBER 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has in the past closed the Administration Building during the Christmas and New Year period. This report recommends that Council approve the closure of the office over the 2012 Christmas break and 2013 New Year.

COMMENT

The closure of the office will not adversely affect the operations of Council and sorting of the mail with regards to Australia Post Agency will have minimal disruption. Staff would advise Australia Post of the closure and mail distribution would resume as normal on Thursday 3rd January.

Public Holidays are as follows:

Christmas Day Tuesday 25th and Boxing Day Wednesday 26th December 2012 and New Year's Day Tuesday 1st January 2013. The additional 4 days staff would need to take as annual leave or time in lieu.

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

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

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

Closing at 4.30pm on Friday 21st December 2012, and re-opening at 8.30am on Wednesday 2nd January 2013.

AGENDA ITEM:	10.2.7
SUBJECT:	REQUEST FOR DONATION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.06
PREVIOUS REFERENCE:	N/A
DATE:	31 AUGUST 2012
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

REPORT PURPOSE

Council has received a request from Currumbin Palm Beach Sub-Branch Inc. Veterans Support Centre and Heart Foundation WA. (Included as **Attachment 1** and **Attachment 2** to this report respectively)

BACKGROUND

The Currumbin Palm Beach Sub-Branch Inc. Veterans Support Centre is requesting funding to produce a Collage to commemorate the 100th year of the landing at Gallipoli ANZAC 2015.

The Heart Foundation of Western Australia is also requesting a donation to the Heart Foundations National Doorknock Appeal.

COMMENT

The Currumbin Palm Beach Sub-Branch Inc Veterans Support Centre is not a local community group.

STATUTORY ENVIRONMENT

Local Government Act 1995 – General Provisions

POLICY IMPLICATIONS

Council's Policy Manual relating to donations provides:-

“5.30 DONATIONS AND GRANTS

Local Nature

Council shall consider requests for donations on their individual merit however, generally will decline appeals for donations -

*Of a state or national nature, or
If they are not concerned or connected with the Chapman Valley area.*

Exceptions to the above will be -

Disaster or emergency appeals.

The Chief Executive Officer be delegated authority to authorise donations within budget limitations, up to a maximum of \$100 per application.

This delegation is to be in accordance with Council's policy in regards to “Local Nature”. (See Delegation No 3005)

All other donations in excess of miscellaneous budget allocations are to be brought back to Council for consideration in Accordance with Policy”

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple Majority

STAFF RECOMMENDATION

That Council write to Currambin Palm Beach Sub-Branch Inc Veterans Support Centre and the Heart Foundation WA and advise that the Shire of Chapman Valley respectfully declines to contribute a donation.



Returned & Services League of Australia (Queensland Branch)
Currumbin Palm Beach Sub-Branch Inc.
 Veterans' Support Centre

14 AUG 12

Shire of Chapman Valley
 PO Box 1
 NABAWA WA 6532

Dear Councillors,

The Currumbin/Palm Beach RSL Sub-Branch Veterans Support Centre (VSC) in conjunction with the Palm Beach/Currumbin High School is producing a Collage to commemorate the 100th year of the landing at Gallipoli ANZAC 2015 (©Currumbin/Palm Beach RSL Sub-Branch Inc 2012).

The collage will be made from photographs of Cenotaphs from around Australia.

In order for this project to be successful the VSC is seeking your assistance, that is provide to our centre at your earliest convenience with at least two standard size (6 x 4) photographs, one in colour and one in grey scale (black and white) of your particular Cenotaph. In doing so, you also agree for the use of the photographs in our art work.

Please Note: For artistic quality we seek a standard gloss print rather, than a digital photo or a print on normal paper.

The funding of this Collage is being under written by the Currumbin/Palm Beach RSL Sub-Branch Inc, who organise and runs the ANZAC day dawn service at Elephant Rock Currumbin QLD as shown on channel Seven Sunrise programme.

As the funding for this project is expected to be reasonably expensive we are also seeking, at your discretion along with the photographs, for donation made payable to the VSC/Currumbin/Palm Beach RSL Inc, PO Box 7 Currumbin QLD 4223. Further, all councils who participate, will be listed on a scroll bordering the poster, with those that donate, in **bold print**.

Should you send a donation of \$100.00 or more, at the time of production mid 2014, the council will receive a poster for hanging within your council chambers.

I thank you for your consideration and timely action.

Yours Sincerely

Anthony Hornby
 Senior Advocate VSC/Project Manager.

P: 07 5559 5022
 F: 07 5559 5033
 A: Currumbin Creek Road
 (opposite Currumbin RSL)
 PO Box 7
 Currumbin QLD 4223
 E: vic@westnet.com.au
 W: www.currumbinrsl.com.au
 ABN: 67 812 037 567

RECEIVED
21 AUG 2012

BY: 16 August 2012



Heart Foundation
Western Australia
ABN 99 861 968 377
334 Rokeby Road
Subiaco WA 6008
Telephone (08) 9388 3343
Facsimile (08) 9388 3383
www.heartfoundation.org.au

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

Dear Chief Executive Officer Billingham,

Heart Foundation's National Annual Doorknock Appeal – Funds Needed!

The Heart Foundation is conducting its Annual Doorknock Appeal in Western Australia in September and we urgently need local Government support to reach our target of \$797,000. This appeal raises funds for our life-saving research and programs which are vital to reducing cardiovascular disease in Australia. Our national target is \$5 million dollars.

As in previous years, we are looking forward to the support of over 18,500 West Australian volunteers who will knock on the doors of households throughout the State between the 3-22 September. These volunteers will be requesting donations to help us improve the heart health of all West Australians.

I seek your support for the 2012 Doorknock Appeal by making a donation to support the appeal as many people across Western Australia area are affected by cardiovascular disease. At present, 1 in 3 families are affected by cardiovascular disease so it is highly likely that a number of these families live within your local area. With further funding, we can hopefully reduce the number of people affected and continue to support them. It will also enable us to introduce better cardiovascular care right across Western Australia through ongoing heart research and our life saving campaigns.

We have also requested a donation on behalf of the Government of Western Australia which we are hoping will kick start the appeal in 2012. We are yet to receive confirmation on whether this will occur. However, in 2011 the State Government kindly donated \$20,000 to the Doorknock Appeal. As this disease continues to be the leading cause of death for men and women in our community we hope you will consider a donation to ensure we have the funds needed to continue our work in reducing the death rate.

Cardiovascular disease:

- kills one Australian almost every 11 minutes
- affects more than 3.7 million Australians
- prevents 1.4 million people from living a full life because of disability caused by the disease

- claims the lives of almost 46,000 Australians (34 per cent of all deaths) in 2006 – deaths that are largely preventable.
- Remains the most expensive disease group in Australia, costing around \$5.9 billion in 2004-2005 with over half of this being spent on patients admitted to hospital.

In 2010, the Heart Foundation implemented a major public health education campaign to raise awareness of the Warning Signs of heart attack, encouraging West Australians who may experience these warning signs to call 000 so that they receive appropriate life-saving treatment. During 2011 and 2012, we have continued this campaign and know the importance of continuing this throughout 2013 if we can receive adequate funding. At present, this very important campaign is funded entirely from donations to the Foundation but our current funds run out at the end of 2012.

The Foundation is committed to addressing the major health challenge of cardiovascular disease. A broad range of programs in cardiovascular health are provided by the Heart Foundation, including support and rehabilitation for heart patients. Physical activity, healthy weight, good nutrition, as well as tobacco control are also included in these community education programs. Advocacy for improving the heart health of Aboriginal people is also a priority and is becoming a key focus area for the organisation in our next five year strategic plan which commences in 2013.

I am privileged to be part of the amazing work being done by the Foundation, not only in the area of heart health programs, but also by the medical scientists whose research we support. The results from this research improves the lives of people who suffer from heart conditions by developing more effective treatments and prevention programs.

This year in Western Australia, we are committed to providing \$1 million to support 22 new and continuing medical research projects, funded entirely from donations.

As you will be aware, our health programs and support of medical research require ongoing funding and we would greatly welcome the support from the Western Australian Local Government to assist us in our vital work by making a significant donation to our 2012 Doorknock Appeal. With your help, and the assistance of our Doorknock volunteers, we can ensure that the heart health of West Australians continues to improve.

If you are unable to provide a donation at this time, we would like you to consider holding a fundraiser in your workplace sometime before the end of the year. This can be as simple as implementing a Casual for a Cause Day where staff can make a donation in support of the Heart Foundation. All donations over \$2 are tax deductible. We can provide collection containers and Donation sheets to record donations so that the Heart Foundation can arrange official receipts after the fundraiser. Please pass this letter onto the appropriate person if you are able to assist.

If you require further information or support for a workplace fundraiser, please contact Wendy Mathews, Fundraising Director on 9382 5920 so we can provide further support.

Yours sincerely,



Maurice Swanson
Chief Executive

AGENDA ITEM:	10.2.8
SUBJECT:	PROVISION OF ENVIRONMENTAL HEALTH SERVICES – SHIRE OF NORTHAMPTON
PROPONENT:	SHIRE OF NORTHAMPTON
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	507.00
PREVIOUS REF:	3/11-7
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley currently utilises the Shire of Northampton Environmental Health services on an as required basis, no formal agreement currently exists. The Shire of Chapman Valley has received correspondence dated 4 September 2012, from the Shire of Northampton seeking the Shire of Chapman Valley enter into a formal agreement for the provision of Health services. (Please refer to Letter of Engagement for Program Services: Environmental Health Services included as **Attachment 1** to this report). Previously the rate per hour has been \$66 incl GST. The new agreement proposes \$77.00 per hour incl GST.

COMMENT

Given the small amount of health services required the employment of a Health Officer is not considered an option for the Shire of Chapman Valley at this stage and obtaining these services from other Local Authorities on a fee for service basis is considered more suitable and should be continued.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has made an allowance of \$5,200 (five thousand two hundred dollars) in the current year's Budget for Health services. Costs associated with any health related charges are expensed from this allocation.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

STAFF RECOMMENDATION

That the Chief Executive Officer be authorised to sign the Letter of Engagement for Program Services: Environmental Health Services agreement with the Shire of Northampton.



RECEIVED
- 4 SEP 2012
BY:.....

199 Hampton Road
PO Box 61
Northampton WA 6535

P 08 9934 1202
F 08 9934 1072

E council@northampton.wa.gov.au
W www.northampton.wa.gov.au

Record No AD1226 LETTER OF ENGAGEMENT FOR PROGRAM SERVICES:
ENVIRONMENTAL HEALTH SERVICES

The Shire of Northampton is pleased to confirm our offer for provision of Health services to the Shire of Chapman Valley. The terms of engagement are as follows:

BRIEF

The brief is as mutually agreed between the Shire of Northampton and Shire of Chapman Valley.

The Shire of Northampton will provide Health services pursuant to the *Local Government Act 1995* and the *Health Act 2005*.

CLIENT

Organisation name:	Shire of Chapman Valley
CEO name:	Stuart Billingham
ABN:	46173809199
Business Address:	Chapman Valley Road, Nabawa WA 6532
Business phone number:	99205011
Business fax number:	99205155
Business email:	ceo@chapmanvalley.wa.gov.au

PRINCIPAL

Mr Garry Keeffe, Chief Executive Officer, Shire of Northampton.

SERVICE MANAGER

Limited to Shire of Northampton staff occupying the positions and carrying out the duties of Environmental Health Officers.

TERM

The term of the contract is 1 July 2012 until 30 June 2013.

The term can be extended by mutual agreement. See 'time for completion' and 'additional work' in the General Conditions of Contract.

FEE

As agreed, the hourly rate fee for Environmental Health Services is \$77.00inc GST.

ALLOWANCES

Not applicable unless otherwise agreed.

SUPERANNUATION

The Shire of Northampton is responsible for superannuation payments for its staff which is factored into the service fee.

PAYMENT

You will receive an invoice on a monthly basis for the services provided.

Northampton • Kalbarri • Horrocks • Port Gregory • Isseka • Binnu • Ajana¹

VARIATION

This Contract may be varied by both parties in writing.

EXPECTATIONS OF THE SHIRE OF NORTHAMPTON

For the duration of the contract, the Shire of Northampton shall ensure its staff:

- work in accordance with the brief to the best of their skills, competence and training and in accordance with the terms and conditions of this Contract until the termination of the agreement;
- devote the whole of their time, attention and skill during normal business hours and at other times as reasonably required to perform the required duties;
- fulfil and obey all lawful directions, orders and policies of the Client as advised from time to time (e.g. Code of Conduct) work in accordance with the requirements of all State and Federal laws;

EXPECTATIONS OF CLIENT

- the Shire of Chapman Valley is expected to provide all relevant information to enable the output services/strategies to be efficiently implemented;
- the Chapman Valley or the Chief Executive Officer shall authorise relevant officers of the Shire of Chapman Valley, under relevant legislative powers, to provide the services detailed in the brief;
- the Shire of Chapman Valley is responsible for providing all the necessary templates for correspondence, application forms, inspection sheets and formal notices and any other relevant documentation required for providing the service;
- all statutory enforcement notices require to be authorised and signed by the Chief Executive Officer of the Shire of Chapman Valley; and
- all relevant legal documents and correspondence shall be issued by or on behalf of and all records maintained, by the Shire of Chapman Valley.

Please sign both copies of this document and return one copy to Chief Executive Officer, PO Box 61, NORTHAMPTON WA 6535, to indicate your acceptance of the conditions contained in this document, keeping the remaining copy for your records.

Thank you for the opportunity towards providing our services to your organisation and community.

Yours sincerely



GARRY L KEEFFE
CHIEF EXECUTIVE OFFICER

I have read and accept the conditions outlined in the letter of engagement.

SIGNED

*Stuart Billingham, Chief Executive Officer
Shire of Chapman Valley*

DATE

AGENDA ITEM:	10.2.9
SUBJECT:	SHIRE OF CHAPMAN VALLEY – WARDS AND REPRESENTATION REVIEW
PROPONENT:	LOCAL GOVERNMENT ADVISORY BOARD
SITE:	ENTIRE SHIRE
FILE REFERENCE:	404.03
PREVIOUS REFERENCE:	10/08-1 & AGENDA ITEM 9.5.4
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley has received correspondence from the Local Government Advisory Board (LGAB) dated 29 February 2012 requesting that the Shire of Chapman Valley complete a review of its wards and representation to rectify current imbalances in representation. The Shire of Chapman Valley is now required to conduct a ward and representation review upon request of the LGAB in accordance with clause 6(3) of Schedule 2.2 of the *Local Government Act 1995*. (See copy of letter submitted as **Attachment 1**).

The Shire has received a further letter from the LGAB dated 7 August 2012 requiring an update on the Shire of Chapman Valley undertaking a Review of its Wards and Representation. (See copy of letter submitted as **Attachment 2**) The Chief Executive Officer has responded to both LGAB letters advising that the Shire of Chapman Valley Council is to consider the conducting of a full review of Wards and Councillor Representation at its September 2012 Council Meeting.

As at October 2011 Local Government Elections

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
North East	6	462	77	+16.98%
South West	2	280	140	-50.94%
Total	8	742	93	

In order for changes to be implemented in time for the 2013 Ordinary Elections, the required documentation will need to be submitted to the Local Government Advisory Board by December 2012 at the latest.

The Shire's previous CEO Mr Sellenger at the 18 May 2011 Council Meeting item 9.5.4 recommended the following:

"In accordance with clause 5(b) of Schedule 2.2 of the Local Government Act 1995, propose to the Local Government Advisory Board, the making of an order under section 2.2(1) to abolish the wards for the Shire of Chapman Valley prior to the October 2011 Local Government Elections. Council considers this to be a matter of a minor nature and not one about which public submissions need be invited."

MOTION LAPSED DUE TO LACK OF MOVER

A Local Government that has a Ward system is required to carry out reviews of:

- Its ward boundaries; and
- The number of offices of councillor for each ward;

From time to time so that not more than eight years elapse between successive reviews. The last time the Shire of Chapman Valley undertook a review of its wards and representation was in 2008.

COMMENT

In accordance with clause 6 (3) of Schedule 2.2 of the *Local Government Act 1995* a local government is required to conduct a ward and representation review upon request from the LGAB. As stated in the attached letter, to ensure any changes can be implemented in time for the October 2013 local government elections, the review must be completed and submitted to the board by 31 December 2012. These reviews can be quite time consuming (Six (6) week public comment period) to undertake and therefore the process needs to be commenced as soon as possible to ensure that it is completed on time.

The purpose of this report is not to ask Council to make a decision on the options available in undertaking a review but to advise them that a review is required and enable a resolution to undertake the review as required to be passed. Before a review can take place a local government is to give local public notice that a review is to be carried out and to advertise for public submissions.

A discussion paper has been prepared in relation of Wards and Representation and has been provided to Councillors as a separate document to generate debate in regards to this matter. It is suggested that this discussion paper, subject to any modifications required by Council, would be advertised for public comment.

Councillors are advised to read the discussion paper carefully as community members may contact them for advice during the public submission stage and they will be required to make a decision on a review in the coming months.

STATUTORY ENVIRONMENT

Local Government Act 1995 Schedule 2.2.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple Majority

STAFF RECOMMENDATION

- 1 That in accordance with clause 6 of schedule 2.2 of the *Local Government Act 1995* Council conduct a review of wards and representation as requested by the Local Government Advisory Board.
- 2 That Council endorses the Draft Review of Wards and Representation discussion paper prepared by the Chief Executive Officer and Council gives local public notice of the review and advertises for public submissions in accordance with clause 7 of schedule 2.2 of the *Local Government Act 1995*.



Government of Western Australia
Department of Local Government

Record No CR126607

01 MAR 2012

Our Ref: CV1-8#03 E1205917

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

FILE No	404-03
CEO	<input checked="" type="checkbox"/>
CORPORATE SERVICES	<input type="checkbox"/>
PLANNING	<input type="checkbox"/>
WORKS & SERVICES	<input type="checkbox"/>
RANGER	<input type="checkbox"/>
PROPERTY MANAGER	<input type="checkbox"/>
EXECUTIVE ASSISTANT	<input type="checkbox"/>

Dear Mr Billingham

SHIRE OF CHAPMAN VALLEY – WARDS AND REPRESENTATION

At its 7 February 2012 meeting, the Local Government Advisory Board (the Board) resolved to request that the Shire of Chapman Valley complete a review of its wards and representation to rectify current imbalances in representation. A local government is required to conduct a ward and representation review upon request from the Board in accordance with clause 6(3) of Schedule 2.2 of the *Local Government Act 1995* (the Act).

A review must comply with the requirements of clause 7 of Schedule 2.2 of the Act. After the review is completed, the Shire is required to forward a report to the Board and may propose that an order be made under sections 2.2(1), 2.3(3) or 2.18(3) of the Act.

The Shire's councillor to elector ratios at the time of the October 2011 elections were as follows:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
North East	6	462	77	+16.98%
South West	2	280	140	-50.94%
TOTAL	8	742	93	

An information package outlining the processes associated with conducting a review can be found on the Board's web site: www.dlg.wa.gov.au/AdvisoryBoard

Should the Shire require any changes to be implemented in time for the 2013 ordinary local government elections, the required documentation will need to be submitted to the Board by 31 December 2012. This will allow adequate time to complete the various statutory requirements.

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844
Tel: (08) 6552 1500 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
E-mail: info@dlg.wa.gov.au Website: www.dlg.wa.gov.au
wa.gov.au

463/09/11

If you require any advice or assistance in dealing with this matter please contact Emma Dickinson on 6552 1447 or by email emma.dickinson@dlg.wa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Congerton', with a horizontal line drawn through it.

Mel Congerton
CHAIR
LOCAL GOVERNMENT ADVISORY BOARD

29 February 2012



Government of **Western Australia**
Department of **Local Government**

404.03
AD12225
DEC 10 10 13 2012
BY:.....

Our Ref: CV1-8#03 E1220286

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

Dear Mr Billingham

SHIRE OF CHAPMAN VALLEY – WARD AND REPRESENTATION REVIEW

In February 2012 the Local Government Advisory Board (the Board) wrote to you to advise that it had resolved to request that the Shire complete a review of its wards and representation to rectify current imbalances in representation. In accordance with clause 6(3) of Schedule 2.2 of the Act, a local government is required to conduct a ward and representation review upon request from the Board.

The Board now requests an update on the progress of the Shire's ward and representation review.

If you require any advice or assistance in dealing with this matter please contact Emma Dickinson on 6552 1447 or by email emma.dickinson@dlg.wa.gov.au

Yours sincerely

Mel Congerton
CHAIR
LOCAL GOVERNMENT ADVISORY BOARD

7 August 2012

Gordon Stephenson House
140 William Street Perth WA 6005
GPO Box R1250 Perth WA 6844
Tel: (08) 6552 1500 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
E-mail: info@dlg.wa.gov.au Website: www.dlg.wa.gov.au
wa.gov.au

15/01/07

10.3

Finance & Administration

September 2012

Contents

10.3 AGENDA ITEMS

10.3.1 Financial report for July & August 2012

AGENDA ITEM:	10.3.1
SUBJECT:	FINANCIAL REPORT FOR JULY AND AUGUST 2012
PROPONENT:	ACCOUNTANT
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	13 SEPTEMBER 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 July and August 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.

STAFF RECOMMENDATION

That Council receive the financial report for the months of July and August 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 23 July to 20 August 2012

10.4

Works

September 2012

Contents

10.3 AGENDA ITEMS

10.4.1 Community Sampling Hut - Nanson

AGENDA ITEM:	10.4.1
SUBJECT:	COMMUNITY SAMPLING HUT - NANSON
PROPONENT:	WORKS SUPERVISOR
SITE:	NANSON
FILE REFERENCE:	1001.230
PREVIOUS REFERENCE:	N/A
DATE:	11 SEPTEMBER 2012
AUTHOR:	KEN BARNDON

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council's Works Supervisor recently has been contacted by some Chapman Valley farmers in regards to a Community Sampling Hut on Chapman Valley Road, near the Nanson town site in the Main Roads WA road reserve as demonstrated in **Figure 1** below. It is recommended that Council support the establishment of the sampling hut by constructing the sampling hut access road.

Figure 1 – Location Plan for proposed access road



COMMENT

A meeting was organised between Local Farmers and Main Roads WA on Monday 13 August 2012. Main Roads WA advised the Shire that they would not require any site specific modifications to be undertaken for the construction and implementation of the sampling hut.

This site is preferred as it can be used by a large number of farmers and it is considered that this location would not endanger existing road users.

The Shire has been approached by local farmers seeking support for the construction of the road that would provide access to the sampling hut. It is estimated that the cost of construction (inclusive of labour and materials) would be approximately \$3,660.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should Council decide to contribute to the Community Sample Hut at Nanson, the road construction costs would be approximately \$3,660. This figure could be offset by a corresponding reduction in the road maintenance budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council:

1. Contribute \$3,660 in-kind (labour, plant and materials) to the road construction costs for the Community Sampling Hut, Nanson;
2. Obtain written consent from Main Roads WA for the establishment of the sampling hut upon the Chapman Valley Road Reserve; and
3. Advise the local farmers that the Sampling Hut is required to be removed at the end of harvest.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

12.1 Elected Member Reports

**13.0 GENERAL BUSINESS
(of an urgent nature introduced by decision of meeting)**

13.1 Elected Members

13.2 Officers

14.0 CLOSURE