



Shire of
Chapman Valley
Love the Rural Life

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 16 March 2016
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

MARCH 2016

DISCLAIMER



Shire of
Chapman Valley
Love the Rural Life

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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

WRITTEN CONFIRMATION

of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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DISCLOSURE OF INTEREST

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

Section 5.60A:

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

Section 5.60B:

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

Regulation 34C (Impartiality):

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

- 6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
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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 17 February 2016

That the minutes of the Ordinary Meeting of Council held Wednesday 17 February 2016 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1 Manager of Planning March 2016

Contents

9.1 AGENDA ITEMS

- 9.1.1 Proposed relocation of building envelope
- 9.1.2 Proposed Nabawa Road East Realignment
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AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED RELOCATION OF BUILDING ENVELOPE
PROPONENT:	T. GODDARD
SITE:	28 (LOT 259) CARGEEG BEND, WHITE PEAK
FILE REFERENCE:	A1634
PREVIOUS REFERENCE:	2/99-16
DATE:	8 MARCH 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

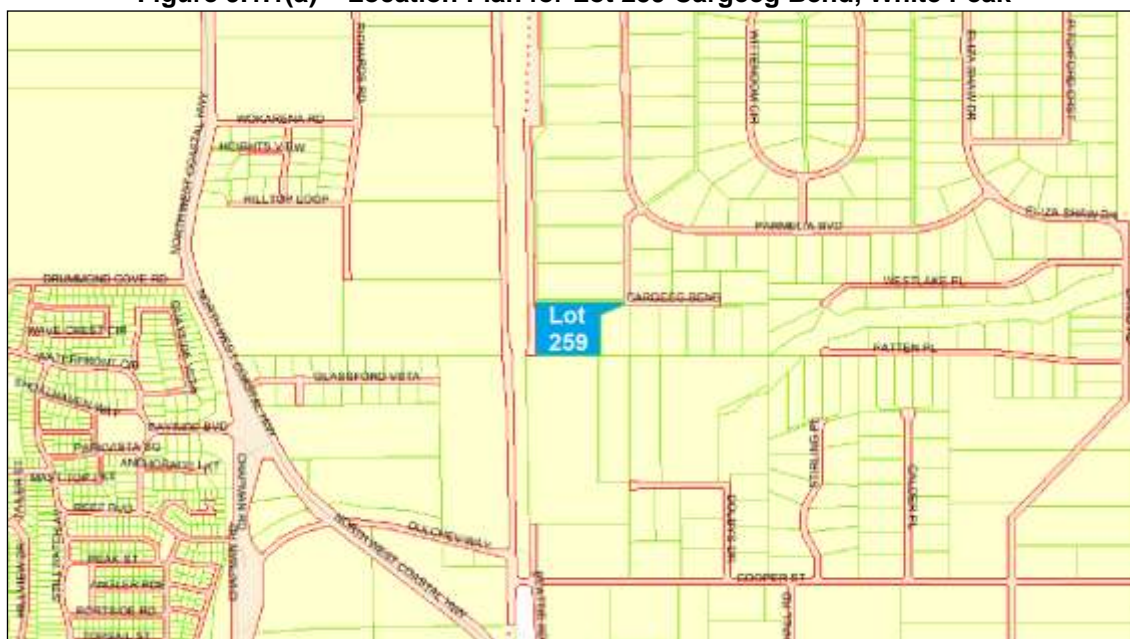
Council is in receipt of an application to relocate the building envelope for 28 (Lot 259) Cargeeg Bend, White Peak. This report recommends refusal of the application. An alternative recommendation is provided in the event that Council consider that the application should be approved.

COMMENT

Lot 259 is a 3.7257ha property with a 10m frontage to Cargeeg Bend in its north-eastern corner, the property is cleared and generally slopes from the 65m contour in its north-eastern corner to the 57m contour in its south-western corner.

The property is located in the south-western corner of the Parkfalls Estate and abuts the former Geraldton to Northampton railway alignment along its western boundary which is now identified as a future 'Primary Distributor Road' alignment by the Greater Geraldton Structure Plan and 'Future Highway Alignment' by the Parkfalls Estate Structure Plan.

Figure 9.1.1(a) – Location Plan for Lot 259 Cargeeg Bend, White Peak



Scheme Amendment No.20 to Shire of Chapman Valley Local Planning Scheme No.1 that rezoned the Parkfalls Estate area was adopted by Council at its 23 February 1999 meeting. Council also adopted the Parkfalls Estate Subdivision Guide Plan as contained within the Scheme Amendment No.20 documentation at its 23 February 1999 meeting.

Scheme Amendment No.20, inclusive of the Subdivision Guide Plan, was approved by the Western Australian Planning Commissions ('WAPC') on 8 September 1999, and a copy of the adopted Parkfalls Estate Subdivision Guide Plan is provided as **Attachment 9.1.1(a)**.

The Parkfalls Estate Subdivision Guide Plan included Building Envelopes along the western side of Parmelia Boulevard and Cargeeg Bend where those lots abutted the 'Future Highway Alignment'.

Section 4.6 of the Scheme Amendment No.20 documentation noted that:

“As an alternative to building envelopes (which have little relevance in untreed estates with uniform high land capability), is proposed to generally adopt the standard setbacks already in the Scheme for the Special Rural Zone, with an additional requirement that any other structures including sheds, outbuildings, garages, storage areas and effluent disposal systems cannot be sited more than 22 metres from the closest wall of the dwelling. This in effect creates a Building Envelope at approximately 2,500m² on most of the lots.

The only exception where Building Envelopes are shown on the Subdivision Guide Plan are:

- (i) For the three lots on the west side of the Tourist Site, which partially contain some lower capability landform (refer Section 3.2);*
- (ii) For those lots abutting the proposed new Highway to ensure maximum separation distances are achieved.”*

Figure 9.1.1(b) – Aerial Photograph of Lot 259 Cargeeg Bend, White Peak



The Shire is in receipt of an application seeking to relocate the building envelope from its current location along the eastern boundary of Lot 259, to a location approximately 60m further west. A copy of the application including a site plan and supporting correspondence submitted by the applicant has also been included as **Attachment 9.1.1(b)**.

The relocation of the building envelope further west will improve the ocean and city views from a future residence upon Lot 259, and may also reduce the impact of future development upon Lot 259 on the current views of the landowner to the east at Lot 258 Cargeeg Bend. However, the proposed relocation of the building envelope on Lot 258 may also impact upon the views of the neighbouring landowners to the north.

If, after reviewing the supporting information provided by the applicant, Council considers that the application should be approved it may consider the following alternative wording appropriate in its determination on the application:

“That Council grant approval for the relocation of the building envelope upon 28 (Lot 259) Cargeeg Bend, White Peak in accordance with the approved plans dated 16 March 2016 and included as Attachment 9.1.1(b).”

Figure 9.1.1(c) – Parkfalls Structure Plan and building envelope relevant to Lot 259



STATUTORY ENVIRONMENT

28 (Lot 259) Cargeeg Bend, White Peak is zoned 'Rural Residential 1' and the adjoining land to the west is zoned 'Major Road' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Figure 9.1.1(d) – Scheme No.2 Map relevant to Lot 259 Cargeeg Bend, White Peak



Section 4.2.5 of the Scheme lists the objectives of the 'Rural Residential' zone as being:

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

Section 5.19 'General Requirements applicable to Rural Residential and Rural Smallholding Zones' of the Scheme states:

- “(a) Subdivision, development and land use shall generally be in accordance with the structure plan as adopted by the Local Government and the Western Australian Planning Commission;
- (b) Subdivision, development and land-use shall generally be in accordance with any other matters outlined on the structure plan; and
- (c) In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Residential Zone or Rural Smallholding Zone shall be subject to those provisions as may be specifically set out against it in Schedules 11 or 12.”

The Parkfalls Estate Subdivision Guide Plan was adopted by Council and endorsed by the WAPC as part of Scheme Amendment No.20 to Scheme No.1 and is therefore considered to form a Structure Plan as per Section 5.22.1 of Scheme No.2:

- “(c) ‘structure plan’ means a structure plan that has come into effect in accordance with clause 5.22.10 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area;
- (d) ‘structure planning area’ is an area that requires structure planning and may be required in any zone”

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

- “1 Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.
- 2 All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.
- 3 All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.”

Section 5.11 of the Scheme states:

“5.11 Building Envelopes

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

provisions of the Local Planning Scheme and associated Local Planning Policies.”

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

“The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;*
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...*
- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) any other planning consideration the Local Government considers relevant.”*

POLICY IMPLICATIONS

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

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

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

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

- “4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:*
 - (a) justification for the proposed amendment;*
 - (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);*
 - (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;*
 - (d) unnecessary clearing of remnant native vegetation;*
 - (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
 - (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*

- (g) *use of materials and colours to assist in softening any perceived visual impact;*
- (h) *compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*

4.4 *Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits."*

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 Council would 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 is demonstrated and the variation granted will not set an undesirable precedent for future development.

FINANCIAL IMPLICATIONS

On determination of this application 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.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The original purpose underpinning the positioning of the building envelopes upon the Parkfalls Estate Subdivision Guide Plan was to ensure that development was located with the maximum separation distance from a future realignment of the North West Coastal Highway.

The WAPC's Greater Geraldton Structure Plan (2011), the Shire's Local Planning Scheme (2013) and the Parkfalls Estate Structure Plan/Subdivision Guide Plan (1999) all reference the alignment to the west of Lot 259 as required for future highway/primary distributor road purposes.

The recent planning work undertaken by Main Roads WA in relation to the Dongara to Northampton Corridor Alignment Selection Study and the WAPC for the Oakajee Narngulu Infrastructure Corridor both seek to create a Geraldton Outer Bypass to the east of the Moresby Range. In the event that these studies were to finalise through, firstly the final alignment identification, and then perhaps more crucially, the subsequent state government acquisition of these alignments, it would be reasonable to conclude that the rationale for the construction of the road alignment along the former Geraldton to Northampton railway line to the west of Lot 259 would be diminished. However, it should also be considered that a decision to acquire and construct a Geraldton Outer Bypass would not necessarily remove all likelihood of the road alignment to the west of Lot 259 being constructed, as it may still serve a long term role as a road alignment for domestic vehicle movements between the Oakajee Industrial Estate and the employment workforce in Geraldton, and also as a tourism traffic route separate to the heavy haulage route of the Dongara to Northampton Corridor (similar to the roles played by the Indian Ocean Drive and the Brand Highway).

Whilst the original role of the setting of building envelopes on the Parkfalls Estate Structure Plan was intended to increase the buffer distance to a future road alignment it has also resulted in another, whether intended or not, consequence of providing purchasers into this area of the Parkfalls Estate with a level of certainty on where future development may occur upon the neighbouring lots and the impact this may have on their ocean and city outlook.

Figure 9.1.1(e) – Established built setback along Parmelia Boulevard and Cargeeg Bend



There are 11 properties along the western side of Parmelia Boulevard and Cargeeg Bend that abut the proposed highway realignment, 7 of these properties have now been developed, and all of them have confined their development to within the building envelope area as indicated upon the Parkfalls Estate Structure Plan.

The direction that Council resolves to undertake in relation to this application will impact, either by reinforcing, or weakening, the way in which the Parkfalls Estate Structure Plan is perceived and implemented.

The relocation of building envelopes has the potential to impact on the views from surrounding properties. An adherence to building envelopes provides landowners buying into a subdivision a higher level of certainty as to the location of built development upon surrounding properties, which will assist in the decision making process for the design of the use of their lot. The role of town planning in the protection of views is a long debated matter with the general consensus being that one does not 'own their view'. However when a subdivision exhibits opportunity for multiple lots to achieve a view then developers often put mechanisms in place to provide a level of protection to potential purchasers to increase the attractiveness of lots and drive sales. From a local government point of view this can be advantageous as this can maintain higher lot prices which can promote a higher standard of development within a locality.

Figure 9.1.1(f) – View south-west from Cargeeg Bend across Lot 260 towards Lot 259



Figure 9.1.1(g) – View looking west from Cargeeg Bend towards Lot 259



- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

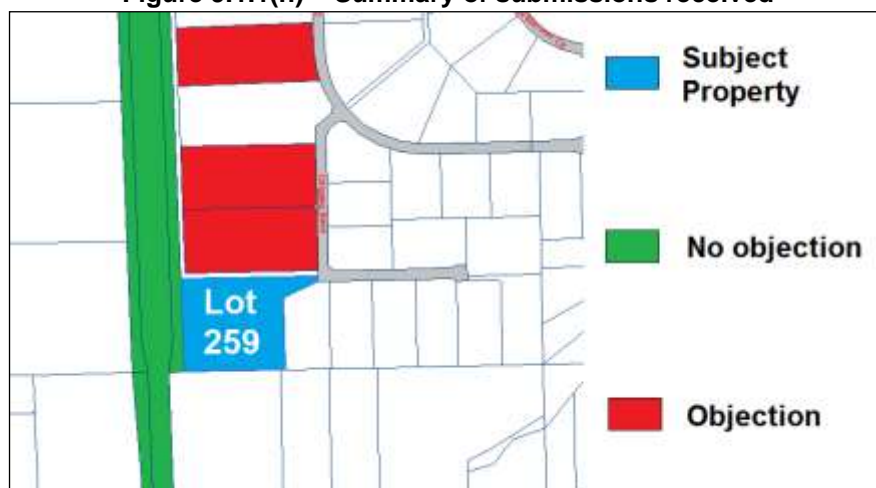
Section 4.1 of the Shire's 'Building Envelopes' Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

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

The Shire wrote to the 9 surrounding landowners on 16 February 2016 providing details of the application and inviting comment upon the proposal prior to 4 March 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment during this period. Main Roads WA were also written to, being the responsible agency for Reserve 27633 to the west of Lot 259. A further landowner, who made enquiry during the advertising period, was provided with details of the application on 25 February 2016.

At the conclusion of the advertising period 4 submissions had been received.

Figure 9.1.1(h) – Summary of submissions received



3 of the submissions were received from neighbouring landowners to the north, all in objection to the application. The issues raised in objection generally concerned the following matters:

- all other residents have abided by the building envelope requirements;
- relocation of the building envelope will impact on the views and property values of other residents;
- would impede adjacent properties' views greatly due to them being in their building envelopes;
- existing owners were made aware of the building envelopes in place prior to the purchase of their blocks;
- relocation of building envelope will move it closer to a drainage easement that exists on the adjoining property;
- Lot 259 does not warrant major earthworks to build within the current envelope unless owner sought to construct at a major height above natural ground level.

Correspondence was also received from Main Roads WA expressing no objection to the application, although the submission did also seek to inform the landowner/applicant that the relocation of the building envelope would result in the dwelling and outbuildings being situated closer to a transport corridor and may in the future be affected by greater transport noise.

Copies of the received submissions have been provided as **Attachment 9.1.1(c)**.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council refuse the application to relocate the building envelope upon 28 (Lot 259) Cargeeg Bend, White Peak for the following reasons:

- 1 The development is located outside of the building envelope as shown upon the Parkfalls Estate Subdivision Guide Plan/Structure Plan adopted by Council at its 23 February 1999 meeting and endorsed by the Western Australian Planning Commission/Minister of Planning on 8 September 1999.
- 2 Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 5.11 'Building Envelopes' and Schedule 11 'Rural Residential 1' of the Shire of Chapman Valley Local Planning Scheme No.2 and Section 4.3 of the Shire of Chapman Valley Local Planning Policy 'Building Envelopes'.
- 3 Approval of this application would be inconsistent with the Shire's previous upholding of the building envelope provisions of the Parkfalls Estate Subdivision Guide Plan/Structure Plan and the resultant built form along the western side of Cargeeg Bend and Parmelia Boulevard.
- 4 Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the rural residential amenity and lifestyle opportunities of the locality.
- 5 The submissions received during the public consultation period for the application, and the issues raised therein, do not indicate a level of support for a variation to be considered by Council.

Advice Note:

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

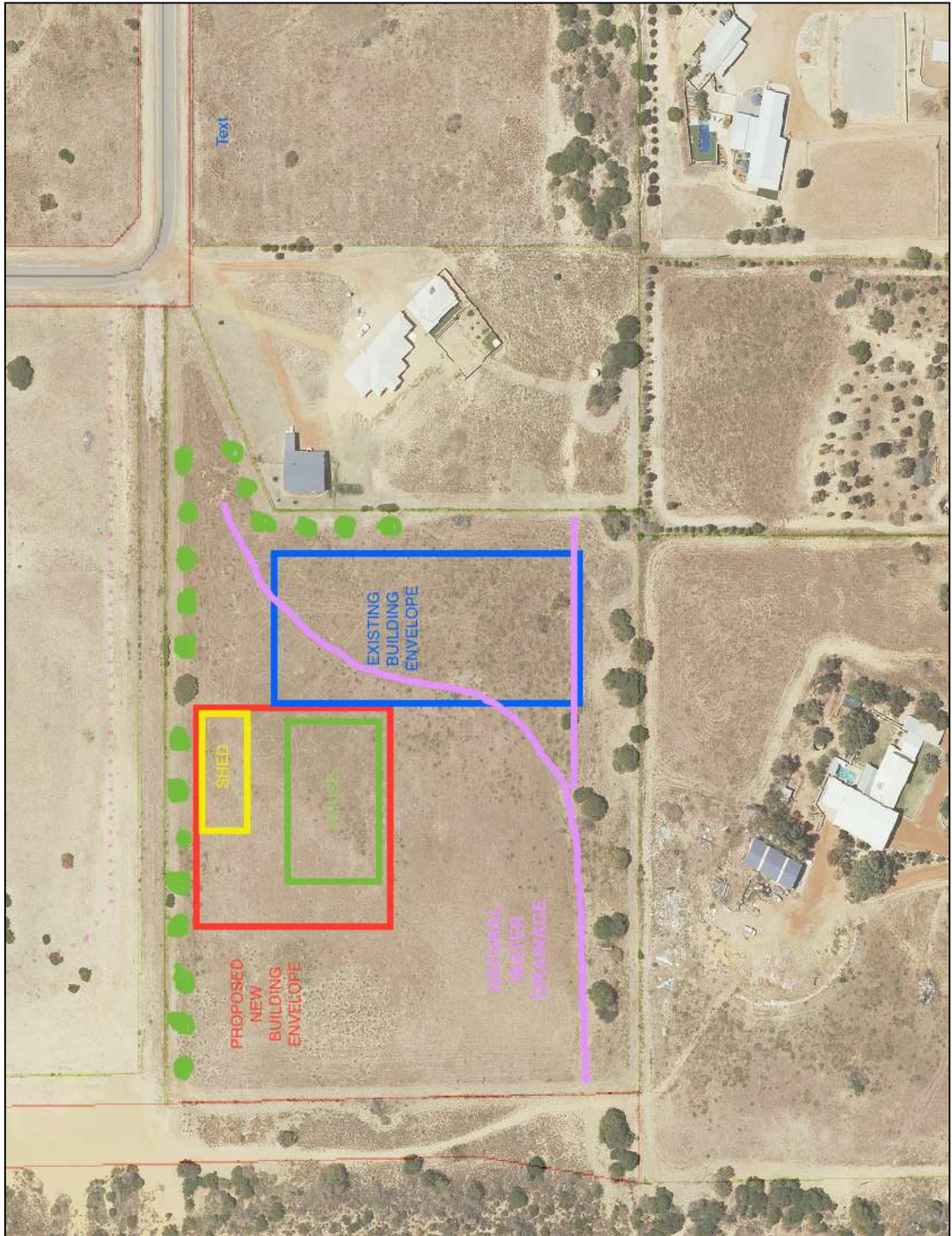




Proposed movement of building envelope for lot 259 Cargeeg Bend

To avoid major earthworks on the property the owner proposes moving the building envelope to the northwest of the original envelope. The house will be built about 500mm above natural ground level with a 16m x 12m x 4.5m shed build to the north off the house trees will be planted around the boundary and a gravel driveway will lead from the access gates down to the new envelope. Earthworks will be complete after there has been sufficient rain and grass seed spread to reduce the amount of dust produced.

Regards
Tom Goddard



24/02 2016 13:43 FAX

0001/0002



Shire of
Chapman Valley
Love the Rural Life

A1634
Record No CR1611328

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1634

**PROPOSED RELOCATION OF BUILDING ENVELOPE
28 (LOT 259) CARGEEG BEND, WHITE PEAK**

Name: GAIL STEPHENIE DAVENPostal Address: PO BOX 111 GERRARD 6531Phone Number: 0419 096021 / 9981330 (Hr.)

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

\$ PLEASE REFER TO ATTACHED COMMENTS SHEET

Signature: G Daven Date: 24/2/16

Please return to: Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532
or dceo@chapmanvalley.wa.gov.au
or (fax) 9920 5155

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

Submissions Close: 4pm Friday 4 March 2016

Attachment to Development Application Submission dated 24th February, 2016

INO: Proposed Relocation of Building Envelope – Lot 259 Cargeeg Bend

As per attached, we are in receipt of the abovementioned Development application and object to the proposed relocation of existing building envelope.

All existing owners were made fully aware of the building envelopes in place prior to the purchase of their blocks in Park Falls. I would trust that current owner of Lot 259 was also informed about this building envelope from his selling agent prior to entering into contract to purchase.

All current owners of blocks situated along Cargeeg Bend & Parmelia Ave have constructed new residences etc within designated building envelopes.

The relocation / proposed construction for Lot 259 Cargeeg Bend will impact on the outlooks from our property plus all adjoining properties, who as stated have all built within current building envelopes.

Further to this we see the proposal as a negative impact on our property for future re-sale purposes plus close proximity to the drainage easement that currently exists on our property.

From our assessment of Lot 259, we feel that it does not warrant major earthworks to build within current envelope unless owner sought to construct at a major height above natural ground level.

I can be contacted on the numbers supplied for further input if required.

Signature: _____

R. Owen

Date: _____

24/2/16

ATTN: SIMON LANCASTER



Shire of
Chapman Valley
Love the Rural Life

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1634

PROPOSED RELOCATION OF BUILDING ENVELOPE
28 (LOT 259) CARGEEG BEND, WHITE PEAK

Name: JENA & SCOTT HARRIS

Postal Address: 133 PARMENIA BLVD WHITE PEAK

Phone Number: 0409 373 723

E-MAILED
1103/16

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

AS OWNERS OF 133 PARMENIA BLVD, PRIOR TO PURCHASING OUR PROPERTY AND THEREAFTER BUILDING WE WERE ADVISED THERE WAS NO OTHER OPTION BUT TO ABIDE BY THE GUIDELINES OF THE BUILDING ENVELOPE, WHICH WASN'T EXACTLY IDEAL FOR US HOWEVER WE DID - AS HAS EVERYONE ELSE WHO HAS BUILT ON PARMENIA BLVD WITH AN ENVELOPE. ALLOWING MR GODDARD TO BUILD OUTSIDE HIS ENVELOPE, WHICH WOULD ONLY BE FOR REASONS OF GETTING A BETTER CITY/WATER VIEW FOR HIMSELF, WOULD ACTUALLY IMPEDE OUR AND ADJACENT PROPERTIES VIEWS GREATLY DUE TO US BEING IN OUR ENVELOPES!! WE HAVE PUT OUR LIFE SAVINGS INTO OUR HOUSE AND PROPERTY AND PURCHASED OUR BLOCK 9YRS AGO BECAUSE OF THE LOCATION & VIEW. THEREFORE WE ARE STRONGLY OPPOSED TO HIS SUBMISSION AND WOULD BE AGGRIEVED AND GREATLY ANGRY IF THE SHIRE APPROVE OF IT.

Signature: [Signature] Date: 09/02/16

Please return to: Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532
or dceo@chapmanvalley.wa.gov.au
or (fax) 9920 5155

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

Submissions Close: 4pm Friday 4 March 2016



Shire of
Chapman Valley
Love the Rural Life

RECEIVED

03 MAR 2016

Record No PA 162552

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A1634

**PROPOSED RELOCATION OF BUILDING ENVELOPE
28 (LOT 259) CARGEEG BEND, WHITE PEAK**

Name: JOHN AND KRISTY HALLINAN
Postal Address: 16 CARGEEG BEND WHITE PEAK
Phone Number: 08 99382051

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

* ALL OTHER RESIDENTS HAVE ABIDED BY THE BUILDING ENVELOPE REQUIREMENTS

* RELOCATION OF THE BUILDING ENVELOPE WILL IMPACT ON THE VIEWS OF OTHER RESIDENTS AND IMPACT ON PROPERTY VALUES

* IF MAIN ROADS STILL OWN THE LAND THEN IT MAY STILL DIVERT THE HIGHWAY.

Signature: [Signature] Date: 29/2/16

Please return to: Chief Executive Officer or dceo@chapmanvalley.wa.gov.au
Shire of Chapman Valley
PO Box 1 or (fax) 9920 5155
NABAWA WA 6532

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

Submissions Close: 4pm Friday 4 March 2016



ABN: 50 860 676 021

Enquiries: Isabel Huston on 08 9956 1238
Our Ref: 05/11916, D16#105642
Your Ref: A1634

3 March 2016

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

By email: ceo@chapmanvalley.wa.gov.au and planner@chapmanvalley.wa.gov.au

ATTENTION: Simon Lancaster

Dear Mr Battilana

Proposed Relocation of Building Envelope – Lot 259 (No. 28) Cargeeg Bend, White Peak

Thank you for Main Roads on the proposal to relocate the building envelope as shown in the Parkfalls Estate Structure Plan to be situated further north-westwards for Lot 259 Cargeeg Bend, White Peak.

To ensure that development is setback appropriately from North West Coastal Highway (NWCH) at such a time when plans to realign NWCH are commenced within Reserve 27663, the site and lots on the west side of Parmelia Boulevard are Cargeeg Bend subject to building envelopes. From the information submitted, the proposed building envelope would have a western boundary setback of approximately 62m, in lieu of the existing building envelope western boundary setback of approximately 128m.

It is considered that proposal would have not restrict the use of the Reserve 27663 for future works to realign NWCH, and would have no detrimental impact on the safety, amenity or operation of the Main Roads network or its users. Should the Oakajee Narngulu Infrastructure Corridor be delivered before the need to realign this section of the highway, it is likely that the relocation could be deferred for some time. Accordingly, Main Roads has no objections to the proposal.

Additionally, Main Roads would like to inform the landowner/applicant that relocation of the existing building envelope would result in dwellings, outbuildings and other structures within the proposed building envelope being situated closer to a transport corridor and may in the future be affected by greater transport noise.

If you require any further information please contact Isabel Huston on 08 9956 1238.

Yours sincerely


for Bernie Miller
Regional Manager
Mid West-Gascoyne Region

Main Roads Western Australia
Mid West-Gascoyne Region
Eastward Road, Geraldton WA 6531
PO Box 165, Geraldton WA 6531

Website: mainroads.wa.gov.au
Email: mwreg@mainroads.wa.gov.au
Telephone: (08) 9956 1200
Facsimile: (08) 9956 1240

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED NABAWA ROAD EAST REALIGNMENT
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 62, 91, 92, 2988 & 3510 NABAWA ROAD EAST
FILE REFERENCE:	A1572, A1653 & 1001.420
PREVIOUS REFERENCE:	11/13-7 & 09/14-6
DATE:	29 FEBRUARY 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has been progressing the external funding, design and surveying work for the realignment of four bends on the Nabawa Road East, in agreeance with the affected landowner, and a resolution is now required to finalise an aspect of the road dedication process. This report recommends that Council request the Department of Lands to complete the Nabawa Road East widening action and provide the necessary indemnification.

COMMENT

The Shire is working towards sealing the 35km length of Nabawa Road East to a 7m wide seal and 10m wide formation standard through Regional Road Group funding. However, the curve geometry at 4 points along the road was assessed as creating an unacceptable safe design speed once sealed.

Figure 9.1.2(a) – Location Plan for 4 bends along Nabawa Road East



To address this issue the Shire would need to realign these 4 Nabawa Road East bends as follows:

- Curve 1 – 2.8058ha required from Lot 92 (89.8289ha property) and 1,701m² from Lot 62 (65.2329ha property) owned by EF Smart & Partners, Smart Nominees Pty Ltd;
- Curve 2 – 3.1393ha required from Lot 2988 (505.8717ha property) owned by Minda Properties Pty Ltd;
- Curve 3 – 3.2867ha required from Lot 3510 (571.546ha) owned by Minda Properties Pty Ltd;
- Curve 4 – 3.0324ha required from Lot 91 (1521.3456ha) owned by Minda Properties Pty Ltd.

Figure 9.1.2(b) – Aerial Photograph of Nabawa Road East Bends 1 & 2

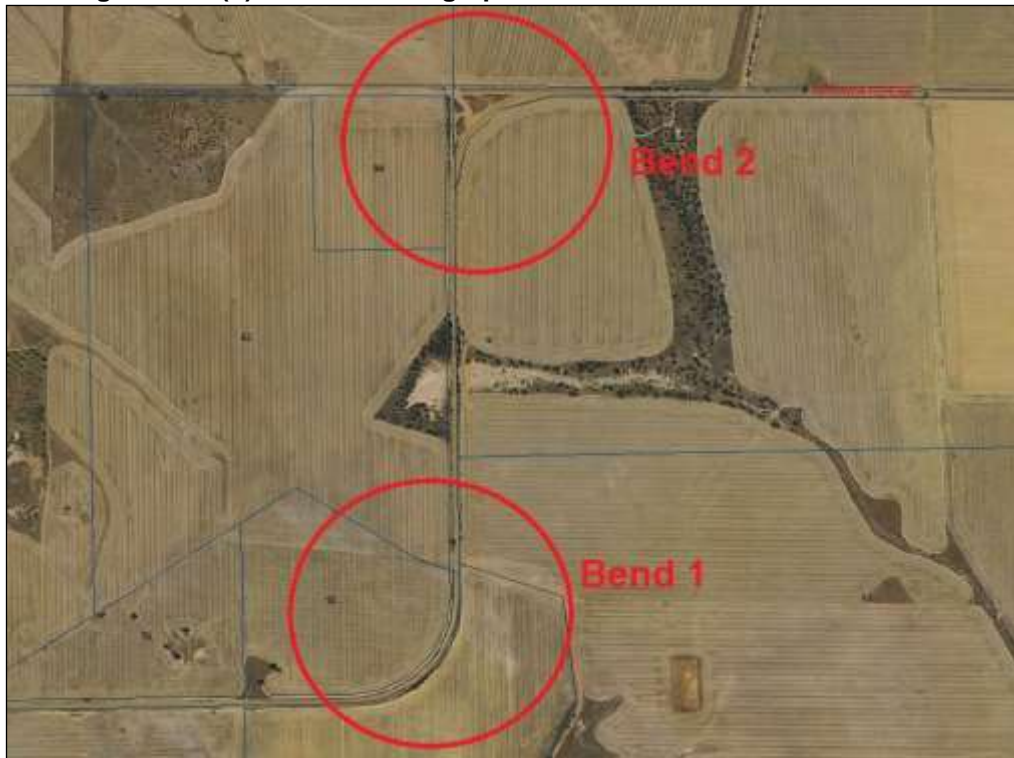


Figure 9.1.2(c) – Aerial Photograph of Nabawa Road East Bends 3 & 4



The Shire wrote to the landowner (EF Smart & Partners, Smart Nominees Pty Ltd, Minda Properties Pty Ltd) on 22 August 2014 seeking their support for the proposed realignment of the 4 Nabawa East Road bends.

The landowner responded on 1 September 2014 advising as follows:

"In exchange for providing the land on East Nabawa Road (Ref 100.420,A1572 & A1653) free of charge I would request the following

- The closure of the portion of Wicka road goes ahead, as outlined in your letter dated 28/7/2014 (Ref 1001.1330 and A1648) and is incorporated into the most suitable lot(s) owned by Smart Nominees*

- *The section of closed road that was once part of the main East Chapman Road, Narra Tarra (see map) is to be incorporated the most suitable lot(s) owned by Smart Nominees*
- *All of the above to be at no cost to the land owner or associated entities.”*

The Shire had been in previous discussion with the same landowner concerning the closure and disposal of two other road reserves that were considered surplus to requirements and the land's amalgamation into their landholding. It was considered that these three road actions should be undertaken concurrently to progress the realignment and subsequent sealing of East Nabawa Road.

Council resolved at its 17 September 2014 meeting:

“That Council:

- 1 *Advise the landowner of Lots 11 and 340 Moonyoonooka-Narra Tarra Road, Narra Tarra and the Department of Lands that it supports the disposal of the closed road (former East Chapman Road alignment) as shown upon the plan included as Figure 15 to this report.*
- 2 *Pursuant to Section 58 of the Land Administration Act 1997 initiate closure action for Wicka Road and its amalgamation into Lot 3 Durawah Road, Durawah as shown upon the plan included as Figure 15 to this report.*
- 3 *Advise the landowner (EF Smart & Partners, Smart Nominees Pty Ltd & Minda Properties Pty Ltd) that Council accepts the offer dated 1 September 2014 of their providing land necessary for the widening of East Nabawa Road without charge in return for assistance in the closure and amalgamation of Wicka Road, and the amalgamation of the closed road (former East Chapman Road alignment) into their neighbouring land, and the Council accepts the application, surveying, conveyancing and (difference in) land valuation/acquisition costs involved in this exchange process.”*

Figure 9.1.2(d) – View of Nabawa Road East Bend 1 looking north-east



Figure 9.1.2(e) – View of Nabawa Road East Bend 2 looking north-east



Figure 9.1.2(f) – View of Nabawa Road East Bend 3 looking north-east



Quantum Surveyors were engaged by the Shire and produced Deposited Plan ('DP') of Survey 406611, a copy of which has been included as **Attachment 9.1.2** to this report.

Council is now required to make resolution relevant to the dedication of the road widening action in order for this matter to be progressed with the Department of Lands. The Shire will also engage a settlement agent to progress the conveyancing actions relevant to the certificates of title effected by DP406611 (Lots 62, 91, 92, 2988 & 3510 Nabawa Road East) with the landowner and listed interested parties (land area total being acquired 12.4343ha). The Shire has also been progressing concurrently the conveyancing actions with the same landowner relevant to the disposal of the unrequired 5.1475ha portion of Durawah 'Wicka' Road as contained on DP406327, and the unrequired 5.7684ha portion of the former East Chapman Road as contained on DP406599 (land area total being disposed 10.9159ha).

Figure 9.1.2(g) – View of Nabawa Road East Bend 4 looking north-east



STATUTORY ENVIRONMENT

Section 56 of the *Land Administration Act 1997* allows for the dedication of land for road purposes.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The services of a licensed surveyor were required to prepare DP406611 and final conveyancing will require the engagement of a settlement agent to complete the amendment of the landowner's title details (from the 89.8289ha Lot 92 to the 87.0231ha Lot 5, from the 65.2329ha Lot 62 to the 65.0628ha Lot 6, from the 505.8717ha Lot 2988 to the 502.7324ha Lot 7, from the 571.546ha Lot 3510 to the 568.2593ha Lot 8, and from the 1,521.3456ha Lot 91 to the 1,518.3132ha Lot 9) and Account 7052 – Surveying and Land Expenses will be utilised for this cost.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting, Section 1.3 'The Challenges We Face' of which notes that:

"The majority of assets and infrastructure are only affordable to Council with the assistance of State and/or Federal funding. This can be unpredictable and uncertain which makes it difficult to determine the exact timing of being able to afford new infrastructure. However, it is important to not lose sight of the Community's aims."

"The road network is the Shire's biggest asset and transport and communication are the main priorities. Maintaining and upgrading the road network and communication network are important to the community."

STRATEGIC IMPLICATIONS

The 2 western Nabawa Road East bends are located within Precinct No.1-Yuna East, and the 2 eastern bends are located within Precinct No.2–East Chapman, of the Shire of Chapman Valley Local Planning Strategy (2008), and the proposed road widening action would be in accordance with the following common precinct infrastructure objectives:

"Identify, support & facilitate the efficient and co-ordinated use of existing road linkages."

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It is not considered that the determination of this application by Council would have an impact in relation to the Strategic Community Plan.

CONSULTATION

The Shire wrote to the landowner on 29 February 2016 seeking their renewed written support for the now prepared DP406611, the correspondence also provided a response in relation to a query raised by the landowner on whether the area subject to the road realignment was able to be cropped this season. The Shire correspondence advised that, following consultation with the appointed engineers for the project and the funding body for the road realignment, it appears that re-fencing and construction works are likely to commence in the early stages of 2016/2017 which would be prior to harvest. On this basis the Shire requested that the landowner's cropping activity please be kept outside of the road realignment areas on the four Nabawa Road East bends.

RISK ASSESSMENT

The realignment of the 4 Nabawa Road East bends has been identified by the Shire's consultant engineer (Greenfields Technical Services) and the funding provider (Main Roads WA) as required, to meet the safety parameters for a sealed road.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council resolve to:

- 1 Request the Hon. Minister for Lands to dedicate as public road the Nabawa Road East road widening as shown upon Deposited Plan 406611 pursuant to Section 56 of the *Land Administration Act 1997*; and
- 2 Indemnify the Department of Lands and the Minister for Lands against any costs and claims arising from the resumption of this land.



AGENDA ITEM:	9.1.3
SUBJECT:	PROPOSED TELECOMMUNICATIONS FACILITY
PROPONENT:	VISIONSTREAM PTY LTD FOR TELSTRA
SITE:	LOT 207 CHAPMAN VALLEY ROAD, NABAWA
FILE REFERENCE:	A367 & 204.15.17
PREVIOUS REFERENCE:	N/A
DATE:	8 MARCH 2016
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to establish a telecommunications facility (mobile phone tower) upon Lot 207 Chapman Valley Road, Nabawa. This report recommends approval of the application.

COMMENT

Lot 259 is a 17.118ha property located on the north side of Chapman Valley Road and opposite the Indialla Road intersection. The property is vacant and used for cropping purposes with the exception of a concrete water tank located upon a hill at approximately the 180m contour height. The applicant proposes to lease an approximately 100m² area immediately south of the water tank for the purposes of a telecommunications facility.

Figure 9.1.3(a) – Location Plan for proposed Nabawa mobile phone tower site



The proposed telecommunications facility would be sited within a 10m x 10m (100m²) compound and would consist of the following:

- 35m grey coloured pole;
- 6 panel antennas mounted on the pole (taking the total height of the facility to 37m above ground level);
- 6 amplifiers mounted on the pole;
- 2.5m x 3m (7.5m²) equipment shelter at the base of the pole;
- 3 wire star picket fence and 3m wide access gate around compound area;
- underground power and fibre optic connection to existing services along Chapman Valley Road;
- &
- 280m long access track linking back to landowner's Hotel Road access point.

The submitted application has been included as **Attachment 9.1.3**.

Figure 9.1.3(b) – Aerial Photograph of proposed Nabawa mobile phone tower site



Figure 9.1.3(c) – Proposed mobile phone tower site, looking north-east from Green Drive



STATUTORY ENVIRONMENT

Lot 207 Chapman Valley Road, Nabawa is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.6 of the Scheme lists the objectives of the 'Rural' zone as being:

- “(a) Provide for a variety of agricultural/rural activities;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;*
- (d) Provide appropriate protection from incompatible development for existing land-uses; and*
- (e) Protect the environmental and landscape values of the land.”*

'Telecommunications Infrastructure' is defined under Schedule 1 of the Scheme as follows:

“means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.”

‘Telecommunications Infrastructure’ is listed by the Scheme as a ‘D’ use within the ‘Rural’ zone, that is not permitted unless the local government has exercised its discretion by granting planning approval.

This application has not been approved under delegated authority, and has instead been presented to Council for its deliberation to enable due consideration to be given for Section 5.9 ‘Building Height’ of the Scheme which states that:

“5.9.1 Unless otherwise approved, no building shall be constructed to exceed 9.0 metres in height above natural ground level, including masts or aerials and the like, whether free standing or otherwise.

5.9.2 For the purpose of this section the overall ‘height’ shall be determined by the vertical measurement from natural ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.

5.9.3 In considering an application to relax the requirements of Clause 5.9.1 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:

- (a) The practical need for development to exceed 9.0 metres in height above natural ground level;*
- (b) Whether the proposed development may have a detrimental effect on nearby/adjoining properties; and*
- (c) The costs to the community of not approving the development.”*

In relation to the criteria contained within Section 5.9.3 it is considered that:

- there is practical need for the development to exceed 9m in height;
- although the mobile phone tower will be visible to the residents of the Nabawa townsite the design of the tower is a monopole rather than guyed mast which may be considered to be less obtrusive, and there are many examples of radio, phone and television masts sited in prominent locations throughout the Shire serving a community need;
- the tower would be located 250m from the nearest residence and there is limited ability under the current zoning for future residences to be sited any closer to the facility;
- the cost to the community of limited mobile phone reception can relate to personal, business and emergency communication.

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

“The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;...*
- (za) any other planning consideration the Local Government considers relevant.”*

The Commonwealth *Telecommunications Act 1997* exempts telecommunications equipment from environmental and planning legislation except where the facility does not meet the definition of a low impact facility, in this case requiring the lodgement of a planning application and assessment by Council of this matter.

In addition to the requirements of the *Telecommunications Act 1997* and the *Planning and Development Act 2005* the applicant is also bound by the *Telecommunications Code of Practice 1997*, and the Australian Communications and Media Authority's *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*.

POLICY IMPLICATIONS

The Western Australian Planning Commission have prepared Statement of Planning Policy 5.2 'Telecommunications Infrastructure' (2015) for applications for above and below ground telecommunications infrastructure other than those facilities exempted under the *Telecommunications Act 1997*. The policy has the following objectives:

- facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Section 5.1 of the policy recognises that in many instances the primary impact of a mobile phone tower is a visual one and provides the following guidance:

"For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.

The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.

5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;*
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*
 - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
 - b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
 - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
 - d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;*
- iii) In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:*
 - a) The infrastructure has a maximum height of 30 metres from finished ground level;*
 - b) The proposal complies with the policy measures outlined in this policy; and*
 - c) The proponent has undertaken notification of the proposal in a similar manner to 'low impact facilities' as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);*
- iv) Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*
- v) Telecommunications infrastructure should be collocated and whenever possible:*
 - a) Cables and lines should be located within an existing underground conduit or duct; and*

- b) *Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.”*

The applicant is considered to have satisfactorily addressed the key assessment criteria of Policy 5.2 in Section 5.2 of their submitted documentation

FINANCIAL IMPLICATIONS

On determination of this application 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.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 meeting. Section 1.2 'The Challenges We Face' of the plan identified that:

“Maintaining and upgrading the road network and communication network are important to the community. Currently many areas have poor mobile phone and internet coverage and providing a reliable phone and internet service is an area the Shire is actively pursuing state funding to assist with.”

STRATEGIC IMPLICATIONS

The \$132 million Mobile Black Spot Program which is supported by the Federal Government and the Royalties for Regions funded Regional Telecommunications Project is seeking to deliver 130 new or upgraded mobile base stations across Western Australia. The first 10 mobile phone towers were announced in February 2016, 4 of which are within the Shire of Chapman Valley, at East Yuna, Nabawa, Naraling and South Yuna. The first 10 sites under the Mobile Black Spot Programme are all scheduled for completion by July 2016.

The Nabawa mobile phone tower will be a new facility upon privately owned land and has been lodged as a development application for Council's consideration.

The Naraling mobile phone tower will be a new facility upon privately owned land and is expected to be lodged as a development application for Council's consideration at the 20 April 2016 Council meeting.

The Shire and the applicant have been in consultation concerning the South Yuna and East Yuna mobile phone coverage upgrades and it has been agreed that the addition of 6 x 2.5m high antennas and 1 parabolic antenna to each of the two existing telecommunications towers, and a 3m x 2.5m (7.5m²) equipment shelter within the existing compounds, can be deemed to comply with the provisions of the *Telecommunications Low-impact Facilities Determination 2012* and therefore do not require lodgement of applications for planning approval. Whilst the planning application process would not be triggered for the South Yuna and East Yuna tower upgrades, the Mobile Phone Base Station Deployment Code C564:2011 requires that the local government and the community must still be consulted in relation to the deployment of mobile phone infrastructure and the applicant has prepared a consultation plan that they will shortly be commencing.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and the plan listed increasing mobile phone coverage as essential to help us to grow and prosper as a community.

CONSULTATION

Council is not required to undertake community consultation for applications listed as a 'D' use, however, in the event that Council considers that community consultation should be undertaken prior to making its determination, it can resolve to do so under Section 9.4.2 of the Scheme.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant formal planning approval for Telecommunications Infrastructure upon Lot 207 Chapman Valley Road, Nabawa subject to compliance with the following:

Conditions:

- 1 Development shall generally be in accordance with plans included within Attachment 9.1.3 to the Council Agenda report and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The 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 applicant must obtain any/all necessary consent of the landowner relevant to the site and the access to the site.

Notes:

- (a) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority, and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- (b) The facility must be in compliance with any separate requirements of the Civil Aviation Safety Authority.
- (c) In the event that the applicant seeks to use/develop direct vehicular access onto Chapman Valley Road the location, design and construction of this access must to be the separate requirements of Main Roads WA
- (d) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.



Contents

EXECUTIVE SUMMARY

Site Address	Lot 13 Chapman Valley Road, Nabawa WA 6532
Real Property Description	Lot 207 on DP56036
Coordinates	Latitude -28.49706 Longitude 114.80023
Registered Owner	S & DM KUPSCH NOMINEES PTY LTD
Proposal	<p>Visionstream, on behalf of Telstra Corporation Ltd, seeks to establish a telecommunications facility for a mobile phone base station at the above site. The proposed works include:</p> <ul style="list-style-type: none"> • Establishing a 35m monopole on the site (note: antennas will protrude above 35m above ground level); • Installing six (6) new panel antennas mounted on top of the 35m monopole (note: antennas will protrude to approximately 37m above ground level); • Installing six (6) new twin tower mounted amplifier (TMA) on the monopole; • Installing one (1) new equipment shelter at the base of the monopole; and • Installing associated ancillary equipment mounted on the monopole, including diplexers, combiners, feeders, cables and other ancillary equipment as required;
Coverage Objectives	A demonstrated need has been identified for a new telecommunications facility in the area to improve customer voice and data services within the Nabawa township and surrounding rural areas.
Site Selection	The site has been identified as the most appropriate location for the new facility given the site specific coverage objectives of the facility.
Planning Scheme	Shire of Chapman Valley Local Planning Scheme No. 2
Use Definition	Telecommunications Facility
Zone	Rural Zone
Application Seeking	Development Permit
Applicant	<p>Telstra Corporation Ltd c/- Visionstream Pty Ltd</p> <p>Contact: Katherine Klouda Phone: (07) 3852 8105</p> <p>Email: Katherine.klouda@visionstream.com.au</p>
Reference No.	Nabawa-WA08777.01



1.0 INTRODUCTION

This development application has been prepared by Visionstream Pty Ltd, on behalf of Telstra Corporation Ltd (Telstra), and seeks planning consent for the installation of a new telecommunications facility at Chapman Valley Road, Nabawa WA 6532 (Lot 207 on DP56036)

To provide mobile service to the surrounding area, the proposed telecommunication installation requires the following works:

- Establishing a 35m monopole on the site (note: antennas will protrude above 35m above ground level);
- Installing six (6) new panel antennas mounted on top of the 35m monopole (note: antennas will protrude to approximately 37m above ground level);
- Installing six (6) new twin tower mounted amplifiers (TMA) on the monopole;
- Installing one (1) new equipment shelter at the base of the monopole; and
- Installing associated ancillary equipment mounted on the monopole, including diplexers, combiners, feeders, cables and other ancillary equipment as required;

All mobile phone network operators are bound by the operational provisions of the Federal *Telecommunications Act 1997* (the "Act") and the *Telecommunications Code of Practice 1997*.

The proposed telecommunications facility installation **is not defined as a low-impact facility** and is therefore subject to relevant State and local planning provisions.



2.0 PURPOSE OF THE PROPOSAL

The three primary drivers for proposing a new telecommunications facility at Chapman Valley Road, Nabawa (Lot 207 on DP56036) are as follows:

Federal Government's Mobile Black Spot Programme

Telstra will participate in one of the largest ever expansions of mobile coverage in regional and remote Australia, through the Federal Government's Mobile Black Spot Programme, which includes the provision of necessary mobile phone coverage to the Nabawa Township and surrounding regional communities.

Telstra will be building 429 new 3G/4G towers over the next three years, plus a further 250 4G data only small cells, representing a combined investment of more than \$340 million in regional and remote Australia by Telstra, the Federal Government and several State and Local Governments as well.

Mobile connectivity has grown in importance as the combination of smart phones and tablets with increased mobile broadband speeds and capacity are changing the way people live and the availability of these services is often taken for granted in metropolitan locations.

Telstra has a heritage of nearly 35 years in providing mobile telephony to Australians, having brought every generation from 1G (that's right there was one before Cellular started in 1987) through to the 4G networks of today. Along that journey Telstra have been intimately involved with extending coverage through the rollout of new towers as well as creating new and innovative ways to stretch and improve mobile coverage into the far corners of the nation.

With this heritage Telstra are acutely aware of the challenges facing communities living with limited access to a mobile network and that is why Telstra is excited to play an important role in delivering mobile coverage for the first time to a large number of regional communities as part of the Federal Government's Mobile Black Spot Programme.

Over 400 communities who currently have no coverage in or around their towns will benefit from a new 3G/4G service. This means places like Leeuwin in Western Australia, Cape Otway in Victoria, Coffee Camp in New South Wales, Widgee in Queensland, Lulworth in Tasmania, Imanpa in Northern Territory and Fregon in South Australia will be receiving coverage from a new Telstra tower, as well as hundreds more. This has been made possible by the support of not just the Federal Government, but very significant contributions by State and Local Governments as well.

In addition to the new mobile towers, Telstra will be installing 250 Small Cells to deliver high speed 4G data services in some small country towns where suitable Telstra infrastructure is available. There will be 200 nationally and another 50 specifically for Queensland as part of our arrangements with the Queensland Government and we are now working with Government on how to allocate these



small cells. At this stage, the Small Cell technology can only provide data services, however, Telstra are working on implementing Voice over LTE technology which will allow customers to make voice calls using 4G.

Telstra has been investing in the expansion and upgrade of the wireless networks for the long term and in the past five years alone we have invested around \$5 billion in our mobile network. Since Telstra launched our Next G* network almost a decade ago, more than 99% of the network has been funded by investing Telstra's own capital.

With this Government partnership Telstra are committing \$165 million of its own funds in return for the \$94.8 million allocated to Telstra by the Federal Government and have worked with Victorian, NSW, Queensland, Tasmanian and Western Australian State Governments as well as multiple Local Governments to attract tens of millions of dollars in targeted additional funding. This means Telstra is able to deliver an investment of over \$340 million in regional telecommunications. Coupled with Telstra's unparalleled experience in building networks, this investment will bring new and improved coverage to hundreds of communities across the country.

The Telstra mobile network currently reaches over 99.3% of the population and is by far the largest network in the country, covering 2.4 million square kilometres of the Australian land mass, thanks to Telstra's long term commitment to network investment.

As the first carrier to bring 4G mobile services to regional Australia, we know how important high-speed mobile can be to supporting local businesses, tourism and education, so we are also continuing the expansion of our 4G and 4GX services.

Telstra will be offering other carriers the opportunity to use space on our towers to install their own equipment and offer services to their customers from these towers, in accordance with existing industry practices. Our competitors are well-resourced and free to invest in extending their networks into previously unserved regional areas. So this is not just good news for Telstra customers but an opportunity for all carriers to invest in expanding their coverage in regional Australia.

Telstra are proud to have put forward a strong bid for regional Australia as part of a competitive tender process, and we look forward to rolling out the new towers and expanding coverage for hundreds of communities over the next three years.

Increasing coverage across Australia

In addition to extending mobile coverage through the rollout of new towers, we have worked on new and innovative ways to stretch and improve mobile coverage in remote areas. Some of the ways we have done this include:

- High powered Boomer Cells with extended range features that provide more coverage from towers located on high ground
- Low cost signal repeaters such as our Telstra Mobile Smart Antenna which boost signal into homes and buildings



- New 4G Small Cells that provide localised 4G coverage in selected small townships
- “Blue tick” phones designed for improved reception in rural areas
- Next generation solar power mobile sites that allow installations where power is not available
- Our Satellite backhauled micro-cell that can be broken down into a few carry-bags for helicopter transport to the most remote of locations during emergencies.
- Additional information on how to maximize your coverage is available here: <https://www.telstra.com.au/coverage-networks/our-coverage#maximisecoverage>

Reliable NextG Telstra services

Providing the depth of coverage required to enable reliable NextG Telstra cellular services for local residents, businesses and other mobile users.



3.0 SITE SELECTION

3.1 Need for the proposed telecommunications facility

Mobile phones work by sending and receiving low power radio signals, much like a two (2) way radio system. The signals are sent to and received from antennas that are attached to radio transmitters and receivers, commonly referred to as mobile phone base stations. The base stations are linked to the rest of the mobile and fixed phone network and pass the signal/call into those networks.

Mobile networks are like roads. When traffic increases, upgrades are needed to relieve congestion and remove roadblocks. Congestion is relieved by making changes to existing base stations or adding additional base stations in areas where Telstra may already have existing coverage.

Operators of telecommunications networks must constantly respond to changes in technology and increased demand for call and data services. In consultation with the resource sector, Telstra have identified a need to expand their existing mobile network within the Nabawa area.

In addition, improved service at this locality will provide benefits to existing and future business and industry including those employed in these sectors. Furthermore, improved telecommunications services in this locality will improve road user safety and will be an important “first response tool” for emergency services.

A new telecommunications facility at this location is consistent with the current and future strategic land use intent in this locality, and will not compromise the strategic intent of the Shire of Chapman Valley Local Planning Scheme.

3.2 Candidates Sites

A number of candidate sites were examined within the search area, with regard to each site’s ability to meet the coverage objectives and site considerations listed below. In this instance, a total of two (2) candidates were selected for in-depth investigation, as per Figure 1.



The Candidate Search Area centred on the township Nabawa, which is identified to be a rural township that contains predominately of large rural allotments.

The Candidate Search Area comprised of large rural residential allotments and smaller urban allotments. During site selection, consideration was given to sensitive land uses, including Nabawa State Primary School and nearby Heritage areas.

Wherever possible Telstra selects land other than residential areas and other potentially sensitive land use areas, although this must be weighed against Telstra's network coverage requirements.

Telstra have a preference to site new facilities near or on existing telecommunications infrastructure wherever possible, but sometimes this is not possible due to the lack of existing telecommunication infrastructure in the Candidate Search Area. To this end, no existing facilities are located within the Nabawa locality. Thus, a greenfield candidate was required to meet the coverage objectives.



Figure 1 –Telstra Candidate Sites (Source: Google Earth)

A summary of the proposed candidates is located below, including a description of the opportunities and constraints that each site afforded.

CANDIDATE	ADDRESS & LOT NUMBER	DEVELOPMENT TYPE	DESCRIPTION
A	Off Indialla Road, Nabawa	60m Guyed Mast	Telstra investigated the subject site for a proposed 60m guyed mast. It is noted, that due to the lower topography of the site, the



			proposed facility would require a height of 60m. As shown in Figure 1, the subject site is situated in the centre of Nabawa and is within close proximity to a number of residential dwellings. As such, due to the proposed height and lack of vegetative screening, the facility would be visually obtrusive to residents. As such, the proposal was discounted.
G	Chapman Valley Road, Nabawa	35m Monopole	<p>A 35m monopole was investigated over the subject site. It is noted, that the subject site contained a higher topographical level as opposed to Candidate A and thus was able to achieve a lower structure height of 35m to meet coverage objectives. A proposed height of 35m would be less visible to the township of Nabawa, thus not impact the visual amenity of the locality.</p> <p>It is further noted that the proposed candidate would be sited on the outskirts of the township, thus maintaining large separation distance to residential dwellings, which would retain the visual amenity of the locality.</p> <p>Therefore, based on the above Candidate G was selected as the nominated candidate and will be discussed further throughout this report.</p>

3.3 Nominated Candidate

The nominated candidate was selected for the proposed facility, based on the radiofrequency coverage objectives, planning and environmental issues, potential community sensitive uses and engineering criteria, as noted above. In this case, **Candidate G** (a new 35m monopole located at 207 on DP56036) was considered the best option. This was based on the following:

- The site is appropriately located and sited so as to minimise visual and environmental impact on the immediate and surrounding area;
- Well setback from sensitive uses and residential dwellings;
- The site will achieve the required coverage objectives for the area;

- The site will meet design and construction considerations; and
- The proposal operates within the regulatory framework of Commonwealth, State and Local Government.

The subject site is located at Chapman Valley Road, Nabawa more formally described as Lot 207 on DP56036. A copy of the Certificate of Title has been attached for information purposes (**Appendix 2** – Certificate of Title). The subject site is owned by S & DM Kupsch Nominees Pty Ltd.

The aforementioned land is zoned 'Rural' under the provisions of the Shire of Chapman Valley Town Planning Scheme No. 2 – refer to **Section 5.4** for additional information on planning schemes and map images. It is noted, that the proposal would require a minimal footprint (being 100m² compound area), ensuring that the proposal would not jeopardize any future rural activities such as grazing over the subject site.

Furthermore, the land surrounding the proposed site is zoned 'Rural', with some 'Residential' areas located south of the subject site. The closest residential dwelling is located approximately 25 0m south of the proposed Mobile Phone Base Station site.



Figure 2 –Proposed Compound



Figure 3 –View to residential dwellings to the south

4.0 PROPOSAL

The following proposal is necessary to provide improved telecommunications services within the Nabawa locality.

4.1 Facility and Equipment Overview

The proposed telecommunications installation requires the following works:

- Establishing a 35m monopole on the site (note: antennas will protrude above 35m above ground level);
- Installing six (6) new panel antennas mounted on top of the 35m monopole (note: antennas will protrude to approximately 37m above ground level);
- Installing six (6) new twin tower mounted amplifier (TMA) on the monopole;
- Installing one (1) new equipment shelter at the base of the monopole; and
- Installing associated ancillary equipment mounted on the monopole, including diplexers, combiners, feeders, cables and other ancillary equipment as required;



The proposed installation will be factory grey which will integrate with other infrastructure located on the subject property and the neutral sky backdrop.

The proposal is demonstrated through the proposal plans, attached in **Appendix A**.

4.2 Transport, access and parking

Construction access to the facility will be obtained via the existing access road off Hotel Road. However, future ongoing maintenance access is proposed to be taken via a new access point. The new proposed access point is located approximately 280m east of the existing access point.

Mobile phone base stations require only infrequent maintenance visits (i.e. only two (2) to four (4) times per year) and the site will operate on a continually unmanned basis. As such, the proposal will not be a significant generator of vehicular and/or pedestrian traffic.

Dedicated parking spaces are not considered necessary for the site given the very low traffic generation of the use and the unmanned nature of the site. There is sufficient space adjacent to the facility to allow for off-street parking when necessary.

During the construction of the facility, a truck will be required to deliver necessary equipment to the site and a crane will be used to establish the facility. Traffic associated with the construction phase will be temporary in nature and will not affect existing traffic flows of the surrounding area.

4.3 Utilities

The proposal will connect to the existing power supply on the subject property. This will require an extension to the power network of approximately 180m from an existing power pole on the property.

The unmanned nature of the proposed mobile base station removes the need for connection to water or sewer services.



Furthermore, the proposal incorporates very minimal hard surfaces and therefore will generate insignificant stormwater runoff from the site. As such, the proposal does not require connection to the stormwater network.

4.4 Construction schedule

The construction of the proposed mobile phone base station primarily consists of the following processes:

- Installation of new equipment – reflective of the scope of works outlined within this Development Application; and
- Network Integration – Ensuring that the mobile phone base station can connect with both end users and other sites within the Telstra network.

No road closures will be required for the erection and installation of equipment, as all construction equipment can be set-up on the subject property.

4.5 Acoustic

An air conditioner will be installed within the outdoor equipment shelter located within the base station, which enable the equipment to stay within normal operating temperatures. The air conditioning units will emit a small amount of noise commensurate to that of domestic air conditioning units. The operation of air conditioning units from the site will not result in any adverse impact to neighbouring properties, given the low noise levels generated by the air conditioners, the remote location of the proposed facility and the separation of the facility to surrounding land uses.



5.0 FEDERAL REGULATORY FRAMEWORK

The following information provides a summary of the Federal legislation relevant to telecommunications development proposals.

5.1 Telecommunications Act 1997

The Telecommunications Act 1997 has been operative since 1 July 1997. This legislation establishes the criteria for 'low impact' telecommunication facilities. Under the federal Telecommunications Act 1997, mobile phone if network operators (carriers) satisfy the requirements of a 'low impact' facility, the development is exempt from the planning approval process.

Further clarification of the term 'low impact' is provided in the Telecommunications Act 1997 and the Telecommunications (Low Impact Facilities) Determination 1997, which was gazetted subsequent to the Act. The Telecommunications (Low Impact Facilities) Determination 1997 establishes certain facilities, which cannot be considered low impact facilities.

The proposed facility is not low impact under the definitions contained in the Telecommunications (Low Impact Facilities) Determination 1997. Planning approval is therefore required for the proposed facility.

5.2 Planning and Development Act 2005

The Minister of Planning and Infrastructure has ultimate authority for town planning in Western Australia. Development within Western Australia is controlled by the *Planning and Development Act 2005* through the application of environmental planning instruments. Under the Planning and Development Act 2005, the Western Australian Planning Commission (WAPC) is the responsible authority for land use planning and development matters and this report seeks to demonstrate compliance with the WAPC and other items of relevant legislation which pertain to the subject application.

5.3 Statement of Planning Policy No. 5.2 – Telecommunications Infrastructures (WAPC)

The WAPC *Statement of Planning Policy No. 5.2 – Telecommunications Infrastructure* (SPP 5.2) provides a framework for the preparation, assessment and determination of applications for planning approval of telecommunications facilities within the context of the planning system of Western Australia. Planning Policy 5.2 states that 'telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles'.

Principles	Comments	Complies
There should be a co-ordinated approach to the planning and development of telecommunications	Telstra undertakes a carefully co-ordinated and planned approach to the development of their network.	✓



infrastructure, although changes in the location and demand for services require a flexible approach.		
Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as networks and energy supply.	The proposed facility is strategically planned and co-ordinated to ensure that the facility will provide high level coverage to the township of Nabawa and the rural surrounds.	✓
Telecommunications facilities should be located and designed to meet the communication needs of the community.	The proposed facility seeks to provide mobile coverage to the Nabawa area.	✓
Telecommunications facilities should be designed and sited to minimise any potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views.	The proposed 35m monopole will seek to minimise the visual impact of a telecommunications structure in the area. The monopole will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's setting.	✓
Telecommunications facilities should be designed and sited to minimise impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located.	A desktop study of the proposed site indicated that it is not affected by any Heritage listings and no heritage items are located within close proximity of the site. Furthermore, a desktop study of the relevant environmental searches did not identify any known items of Flora and Fauna significance located in the vicinity of the proposed site.	✓
Telecommunications facilities should be designed and sited with specific consideration of water catchment protection requirements and the need to minimise land degradation.	Prior to the commencement of work Telstra will undertake such measures as deemed necessary by Council to effectively protect water catchments within the immediate area.	✓



Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential area.	A monopole has been selected with a triangular headframe. The proposed monopole will seek to minimise the visual impact of a telecommunications structure in the area. The monopole will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's setting.	✓
Telecommunications cables should be placed underground, unless it is impractical to do so and there would be no significant effect on visual amenity or, in the case of regional areas, it can be demonstrated that there are long-term benefits to the community that outweigh the visual impact.	Overhead cabling is not proposed for this site.	✓
Telecommunications cables that are installed overhead with other infrastructure such as electricity cables should be removed and placed underground when it can be demonstrated and agreed by the carrier that it is technically feasible and practical to do so.	This principle does not apply to the subject of this application.	✓
Unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas.	The proposed site is zoned 'Rural' area as identified by the Shire of Chapman Valley Local Planning Scheme No. 2 (Map 7). As such, the proposed facility will be located in the desired zoning.	✓
The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding	No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location.	✓



area.		
Co-location of telecommunications facilities should generally be sought, unless such an arrangement would detract from local amenities or where operation of the facilities would be significantly compromised as a result.	No opportunities for co-location were identified in the area and as such it has been identified that the proposed Telstra site location is seen as the preferred site location.	✓
Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities.	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area, particularly when viewed from residential areas. The monopole will remain unpainted (dull grey in colour) which blends in with the sky. Furthermore, the proposed subject site maintains suitable separation distance to surrounding residential areas.	✓
Design and operation of a telecommunications facility should accord with the licensing requirements of the Australian Communications Authority, with physical isolation and control of public access to emission hazard zones and use of minimum power levels consistent with quality services.	Telecommunications facilities include radio transmitters that radiate electromagnetic energy (EME) into the surrounding area. The levels of these electromagnetic fields must comply with safety limits imposed by the Australian Communications and Media Authority (ACMA, previously ACA). All Telstra installations are designed to operate within these limits	✓
Construction of a telecommunications facility (including access to a facility) should be undertaken so as to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and ensure compliance with relevant health and safety standards.	During construction, Telstra contractors will endeavour to minimise the impact of their works on the amenity of nearby residents and on the surrounding environment. As the proposed site is located in an open space and away from any nearby residential properties, adverse effects on neighbouring properties will be minimal. Following construction, maintenance (excluding emergency repair work) activities should not interfere with the amenity of users. All Health and Safety standards will be adhered to.	✓



Under section 5.1.1 of the State Planning Policy 5.2: Telecommunications Infrastructure Policy the West Australian Planning Commission provides a set of measures in assessing the visual impact of a proposed telecommunications facility.

An assessment of these guidelines below has found that the proposed Telstra Mobile Phone Base Station is compliant with the intent and requirements of the State Planning Policy 5.2: Telecommunication Infrastructure Policy.

Measures	Comments	Complies
Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;	As discussed above, the proposed location has been specifically chosen to achieve large separation distance to the township of Nabawa. Furthermore, the monopole will remain unpainted (dull grey in colour) which blends in with the sky.	✓
Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;	Telstra has selected a site and location that seeks to minimise any perceived negative impacts on the visual amenity of the area. The proposed location is situated at a higher topographical location, thus ensuring that the facility will require a smaller height to meet coverage objectives. As such, the proposed facility will not be visually dominating to the surrounding locality.	✓
Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;	There are no known items of Environmental, Cultural or social significance located in the vicinity of the proposed site. Any visual impact has been mitigated through a variety of design elements.	✓
Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;	A monopole has been selected with a triangular headframe. The proposed monopole will seek to minimise the visual impact of a telecommunications structure in the area. The monopole will remain unpainted (dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's setting.	✓
Be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community;	Telstra wish to establish a new mobile telecommunication base station facility in the area to provide the community with a far greater choice of mobile carrier services, as part of the Blackspot program. As such, the facility will provide improved coverage to the surrounding area.	✓
Telecommunications infrastructure should be co-	No opportunities for co-location were identified in the area and as such it has been identified that	✓



located and whenever possible: Cables and lines should be located within an existing underground conduit or duct; and Overhead lines and towers should be co-located with existing infrastructure and/or within an existing infrastructure corridor and/or mounted on existing or proposed buildings.	the proposed Telstra site location is seen as the preferred site location. As this is a greenfield site there is no option to utilise existing underground conduit or ducts. Overhead lines are not applicable to this application.	
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5.4 Local Government Regulatory Framework

5.4.1 Shire of Chapman Valley Local Planning Scheme No. 2

The *Shire of Chapman Valley Local Planning Scheme No. 2* provides the legal basis for planning in the Shire of Chapman Valley, which includes the Nabawa township. The proposed site and surrounding areas is zoned *Rural* as shown in **Figure 4** below.

The Shire of Chapman Valley Local Planning Scheme defines 'Telecommunications Infrastructure' as; *"land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network"*.

Telecommunications infrastructure is listed as a 'D' activity in the Rural zone on the zoning table, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval;



★ Location of Proposed Facility

ZONES

RESIDENTIAL	OAKAJEE INDUSTRIAL
TOWNSITE	RURAL
DEVELOPMENT	RURAL RESIDENTIAL
LOCAL CENTRE	RURAL SMALLHOLDING
COMPOSITE INDUSTRY	
GENERAL INDUSTRY	
LIGHT & SERVICES INDUSTRY	

Figure 4: Zoning Map 8 (Shire of Chapman Valley Local Planning Scheme No 2)

The Mobile Base Station Facility will benefit the community in the township of Nabawa and the surrounding area.

The proposal has been sited to retain the land for its current use, and minimize visual impact. The detailed siting has been undertaken with direction from the land owner to ensure the primary use of the land and any potential future use of surrounding land is not negatively impacted upon.

The Shire of Chapman Valley does not have a specific Telecommunications Policy.

Overall the proposed development application is consistent with the intent and requirements of Western Australian Planning Commission SSP 5.2 and the Shire of Chapman Local Planning Scheme No. 2.



6.0 ENVIRONMENTAL IMPACT ASSESSMENT AND MITIGATION MEASURES

This proposal is for the establishment of a Telstra Mobile Base Station Facility within the township of Nabawa.

It is noted, that the proposal is appropriate for the locality, given the rural zoning of the proposed site and the nature of existing and anticipated uses of surrounding land. There will be no impact towards the natural and built environment(s) within the direct vicinity of the proposed site.

Environmental considerations such as visual impact, heritage, flora and fauna, traffic, flooding, bushfire, social and economic aspects, health and safety have been discussed within the below sub sections.

6.1 Visual Impacts

The proposed facility has been located, so as to ensure it will maintain a large separation distance to the main township of Nabawa and residential dwellings; this was taken into account during the site selection process to ensure that the proposal would not disrupt the visual amenity of the locality. It is further noted, that due to the higher topographical location, the proposal will achieve the lowest feasible height (35m) to ensure it meet's coverage objectives, thus further deteriorating impacts to the visual amenity. Although the facility will be visible from the immediate surrounding area, the proposed site has been designed in a manner that takes into account the necessity of reducing any visual impact.

The proposed Telstra Mobile Base Station Facility is designed to avoid excessive height and bulk and to ensure that the proposal assimilates into the surrounding area.

Views from the residential properties to the south will be partially screened by the existing Sewerage Pumping Station building, with the facility located to the rear of the lot to aid in minimising visual impacts from the lower half of the structure.

6.2 Heritage

In order to determine any possible natural or cultural values of state or national significance associated with the site, a search was conducted through the relevant Heritage Registers.

No sites of Aboriginal Heritage significance were identified within the subject land holding or surrounding area. Furthermore, the subject site is not identified as being subject to any protection under the State heritage list. To this end, the proposed facility will not impact on any items of heritage significance.



★ Location of Proposed Facility

Figure 5: Heritage Mapping within Nabawa

6.3 Flora and Fauna

The proposed facility will be located on cleared land that does not contain any existing vegetation. It is further noted, that there will be no requirement for any clearing as part of the proposal. To this end, the proposed facility will not have any impact on the flora or fauna values.

6.4 Traffic

As previously discussed within **Section 4.2** of this report, mobile phone base stations are not a significant generator of pedestrian or vehicular traffic.

The site will be visited on a quarterly basis throughout the year for maintenance purposes.

The proposed Telstra Mobile Base Station Facility site will achieve access from a proposed 280m long track via Hotel Road.

During the construction phase various vehicles will be used to deliver equipment and construct the Telstra Mobile Base Station Facility. Any traffic impacts associated with construction and establishment will be of a short-term duration (i.e. approximately five weeks over non-consecutive periods) and are not anticipated to adversely impact on the surrounding road network.



Adequate parking will be available on site for these vehicles and these movements would not impact the local traffic.

Traffic from this construction would only occur from the hours of 7am to 6pm. If a road closure is required for the erection and installation of equipment, the appropriate approvals will be obtained from the Department of Transport (DOT).

The mobile base station facility is unmanned would require maintenance checks approximately 3-4 times per year as required. Routine maintenance would involve one vehicle per visit and parking would be available close to the proposed site for this purpose.

6.5 Bushfire

It is strongly highlighted that the subject site does not contain any vegetation, which significantly reduces and risks of bushfire hazard to the facility. To this end, it is not anticipated, that the proposed facility will be at future risk of bushfires.

6.6 Social and economic impacts

Since 2007, the amount of mobile phone subscriptions has exceeded the overall population of Australia. The wider community has seen a general reliance on mobile phone networks for other uses than that of traditional voice calls.

Australia has one of the highest levels of "smartphone" usage in the world. A sample study by the Digital Industry Association of Australia has estimated the usage of smartphones at rate of 76% of all mobile phone users. This has seen an ongoing impact and influence on how we conduct business "on the move" – inclusive of checking emails, social networking, e-commerce and browsing the internet. Consumers have an increasing expectation that a reliable, fast and cost effective mobile phone network can support these activities.

The proposed development will provide significantly enhanced coverage and capacity of the Telstra mobile network to the locality of Nabawa. This will be of particular benefit to visitors, Community Groups and Emergency Services.

Furthermore, there is a general expectation in the wider community for a dependable and reliable mobile phone network. Telstra has sought to ensure major improvements to their network through 24hr monitoring of network performance. Further to this, mobile phone networks form a vital "first response" tool to emergency situations – hence the importance of carriers to ensure that their infrastructure can be maintained to the highest standards.

6.7 Health and Safety

Telstra is committed to ensuring the health and safety of the wider community. Often, there is a misconception regarding the perceived health risks surrounding mobile phone base stations and Electromagnetic Energy (EME)



EME is non-ionising radiation, meaning that it has insufficient energy to break chemical bonds or remove electrons (ionisation). In contrast, ionising radiation (such as X-rays) can remove electrons from atoms and molecules thus leading to damage in biological tissue (Source: ARPANSA).

The frequencies and energy levels in which mobile phone technologies operate are heavily regulated by Australian Communication and Media Authority (ACMA) and Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). These organisations set limits as to how much power and EME emissions a mobile phone base station can produce before resulting in harmful impacts to the community. Mobile phone base station emissions are hundreds of times below the general public exposure limit of around 4.5-10 watts per square metre (frequency dependent) as set out in the ARPANSA standard (Source: ARPANSA).

Telstra will ensure that any upgraded sites or new sites are absolutely compliant with Australian safety standards. Telstra has adopted stringent processes to ensure that we can demonstrate full compliance with Australia's safety standards (ARPANSA).



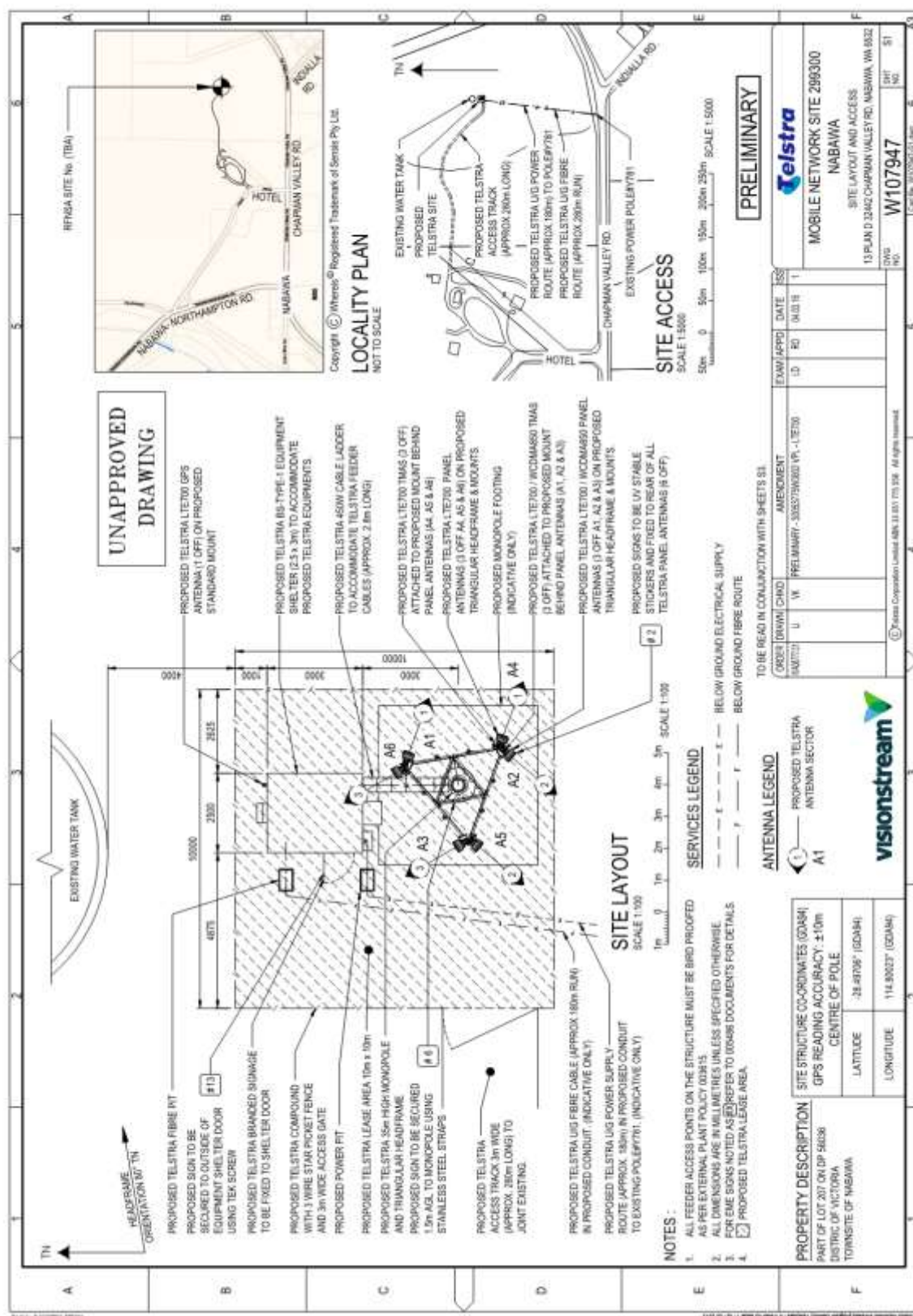
7.0 Conclusion

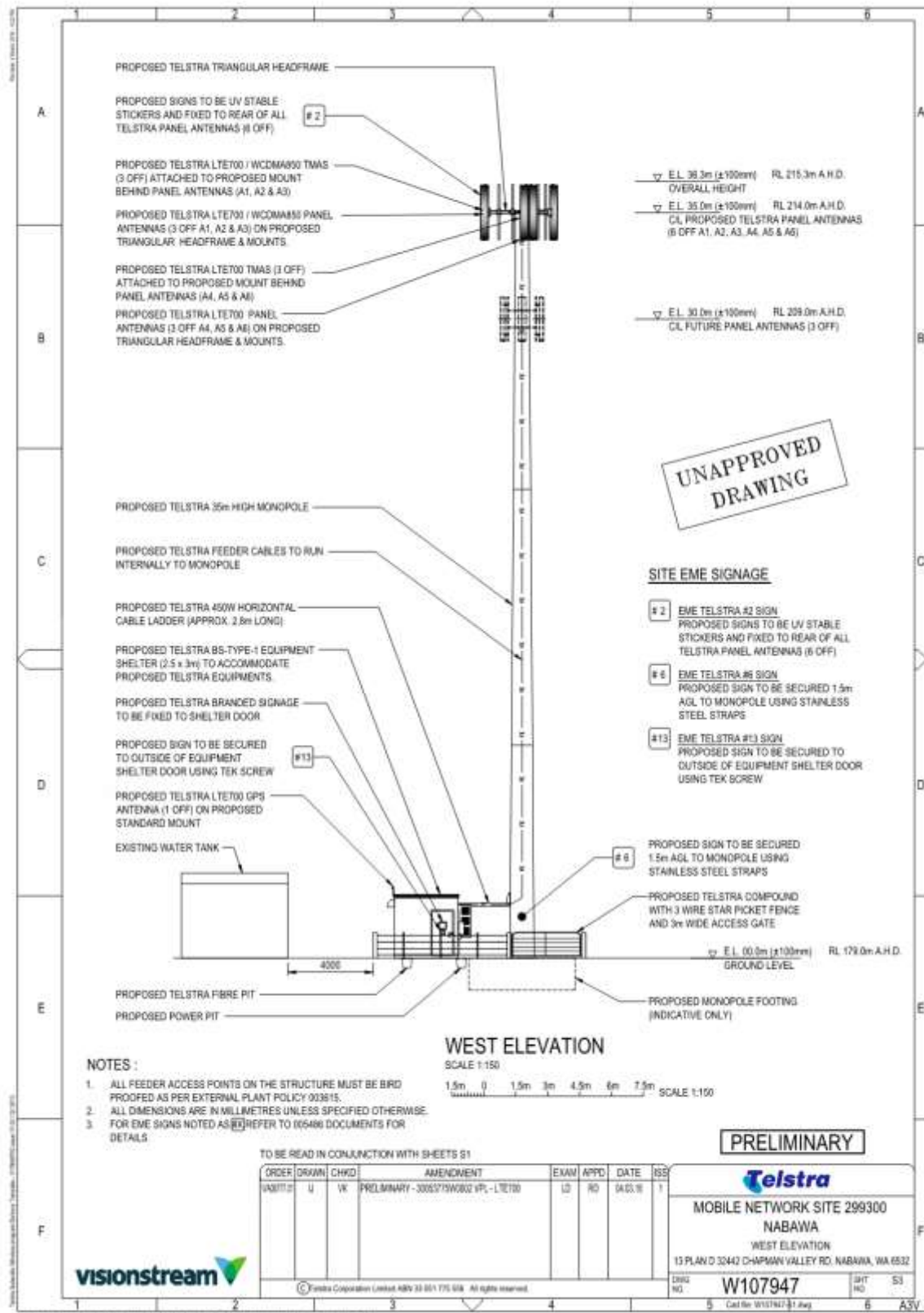
The proposed Telstra Mobile Base Station Facility shall provide the community with a far greater choice of mobile carrier services and meet increasing network demands for coverage, voice and data services. In addition, the proposed Telstra Mobile Base Station Facility will provide the local community with much need emergency service and communication coverage.

The proposal satisfies the requirements of State Planning Policy 5.2 Telecommunications Infrastructure and the provisions of the Shire of Chapman Valley Local Planning Scheme No. 2.

We respectfully request that Council looks favourably at this application.

Should Council have any further queries regarding the subject application, please do not hesitate to contact the nominated representative outlined within this document.





9.2 Finance March 2016

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9.2 AGENDA ITEMS

9.2.1 Financial Reports for February 2016

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR FEBRUARY 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	16 MARCH 2016
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for February 2016 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 10 percent is set for reporting of all material variances."*

FINANCIAL IMPLICATIONS

As presented in February 2016 financial statements.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial report supplied under separate attachment for the month of February 2016 comprising the following:

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

9.3

Chief Executive Officer

March 2016

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9.3 AGENDA ITEMS

9.3.1 Shire of Chapman Valley – Wards and Representation Review

9.3.2 Biosecurity Management – Discussion Paper

9.3.3 Strategic Community Plan Review

AGENDA ITEM:	9.3.1
SUBJECT:	SHIRE OF CHAPMAN VALLEY – WARDS AND REPRESENTATION REVIEW
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	404.03
PREVIOUS REFERENCE:	MINUTE REFERENCE: 12/12-12
DATE:	16th MARCH 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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 2012.

At the December 2012 Ordinary Council Meeting (OCM) the following was resolved:

MOVED: CR BATTEN

SECONDED: CR ROYCE

Option 1 – Maintain the current ward system – Adjust number of Councillors in each Ward

The Shire of Chapman Valley recommends to the Local Government Advisory Board that:

- 1 An order be made under s 2.18 (3)(b) to designate the following number of offices of councillor for each ward: South West (3), North East (5).*
- 2 The local government to undertake another review of wards and representation in four years' time.*

Voting 7/1

CARRIED

Minute Reference 12/12-12

Cr Humphrey voted against the motion

In accordance with the requirements of item 2 of the above resolution this has now been brought back to Council for consideration and formal resolution to commence the Ward Representation Review process i.e.

“The local government to undertake another review of wards and representation in four years’ time.”

I have had informal discussions with the Department of Local Government & Communities and though the Local Government Advisory Board (LGAB) did not insist upon Council undertaking another Ward Representation Review four years after the 2012 review (this was a decision of Council not the LGAB at the time) it is highly likely Council will be requested by the LGAB for this to occur due to the significant movement in representation ratios since the 2012 review i.e.

Ward	2011 Electoral Roll Ratios (LGAB Approved in 2012 for 2013 Elections)				2015 Electoral Roll Ratios			
	No. Electors	Ratio	Councillors	Variation	No. Electors	Ratio	Councillors	Variation
North East	478	1:96	5	+0.80	471	1:94	5	-13.18
South West	293	1:98	3	-1.34	397	1:132	3	+21.97
Total Shire	771	1:96	8	-	868	1:108	8	-

Based on the above figures it is obvious the trend in population growth over the past four years has been (and will continue to be) an increase in the South West Ward of the Shire; whereas, the trend in the North East Ward has been a plateauing out of population numbers.

In order for changes to be implemented in time for the 2017 Ordinary Local Government Elections, the required community consultation process and then presentation of documentation to the Local Government Advisory Board will need to be submitted by December 2016 at the latest.

There are a number of options available to Council in regards to addressing the representation ratios, which can be included in the Discussion paper to be distributed to the Shire Electors for comment e.g.

- Revert to a “No Ward” structure;
- Reduce Elected Member numbers to bring the balance back within the required +/- 10% threshold;
- Adjust existing Ward Boundaries to bring the balance back within the required +/- 10% threshold.

These options will be included for community feedback, which is to be presented back to Council for consideration prior to resolving the most appropriate resolution to address “*Elected Member/Electors*” ratios.

My personal opinion is the best path forward is to remove Ward boundaries and revert to a *No Ward* structure as Elected Members should be representing the whole of the Shire, not just one specific area. However, as stated, this is a personal opinion only.

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 to ensure any changes can be implemented in time for the forthcoming local government elections, the review must be completed and submitted to the board by 31 December 2016 for this to occur. 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, rather to advise 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 a review is to be carried out and to advertise for public submissions.

The LGAB provide local government authorities with a template to establish a Discussion Paper for presentation to their constituents seeking feedback/submissions on the review process. I have attached a Discussion Paper, which has been compiled in accordance with the template for Council information and consideration.

Councillors are advised to read the attached 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

Minimal advertising costs, which will be absorbed within the current and forthcoming year budgets.

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

No affect on Council's LTFP envisaged.

STRATEGIC IMPLICATIONS

It is a requirement of the Local Government Act for periodical reviews of Ward Representation to be undertaken to ensure ratios of Elected Members – to – Electors is kept within the balance required by the State Government.

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

Objective	Strategy	Outcome
We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Community confidence and trust in council

CONSULTATION

There is a minimum six week submission period for the Shire constituents to comment on the Discussion Paper in accordance with legislation.

The intention is to extend this period longer than the six week period and close submissions on the 31st May 2016, which will be approximately 10 weeks. The submissions will then be brought to a meeting after this closure date for Council consideration and then a submission presented to the Local Government Advisory Board (LGAB) for consideration of any proposed changes.

RISK ASSESSMENT

Non-compliance with legislation for the Ward Representation Review would only be an issue if the LGAB requested a review and Council did not conform. At the time of writing this report no such request has been received from the LGAB; however; in my discussions with the LGAB this will be coming as they analyse each local government's electoral rolls and Councillor ratios after the 2015 local government elections.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

- 1 Conducts a review of wards and representation in accordance with Clause 6 of Schedule 2.2 of the *Local Government Act 1995* and advise the Local Government Advisory Board accordingly;
- 2 Endorses the Draft Review of Wards and Representation Discussion Paper prepared by the Chief Executive Officer; and
- 3 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*.



DISCUSSION PAPER

REVIEW OF WARDS AND REPRESENTATION

BACKGROUND

The Shire of Chapman Valley has resolved to undertake a review of its system of representation to comply with the requirements of the *Local Government Act 1995* ('the Act').

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the Shire of Chapman Valley was undertaken in 2012 and due to the continued change in the population disbursement within the Shire it is now considered appropriate to carry out another review. Therefore, the Shire of Chapman Valley has resolved to undertake another review due to the Councillor/Elector ratios being greater than the 10% deviation permitted.

Current situation as at the October 2015 Local Government Electoral Rolls

Currently the Shire of Chapman Valley has eight (8) councillors elected from two (2) Wards as follows: (Includes State Residents Roll and Owner Occupiers Roll).

Table1

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	5	471	1:94	-13.18%
South West	3	397	1:132	+21.97%
Total	8	868	1:108	-

The % ratio deviation gives a clear indication of the difference between the average Councillor/Elector ratio for the whole local government and the Councillor/Elector ratio for each ward.

It can be seen there is an imbalance in representation across the Shire with the North East Ward being over represented and the South West Ward being under represented. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

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Maps showing the current ward boundaries is shown below.



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The purpose of a review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of Councillor on a council; and
- Specifying or changing the number of offices of Councillor for a ward.

REVIEW PROCESS

The review process involves a number of steps:

1. The Council resolves to undertake the review;
2. Public submission period opens;
3. Information provided to the community for discussion;
4. Public submission period closes;
5. The Council considers all submissions and relevant factors and makes a decision;
6. The Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
7. (If a change is proposed) The Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister where possible will be in place for the next ordinary election.

FACTORS TO BE CONSIDERED

When considering changes to wards and representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community of interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various wards.

The Local Government Advisory Board offers the following interpretation of these factors.

1. Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and

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foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Options to consider

The Council is to consider the following options and members of the community may suggest other options. There are various scenarios listed under each option:

- Option 1** Maintain the Current Ward Boundaries & Adjust Councillor Numbers to bring ratios in line with the required $\pm 10\%$ level.
- Option 2** Maintain the Ward System & Adjust Boundaries to bring ratios in line with the required $\pm 10\%$ level.
- Option 3** Abolish Wards – Maintain or Reduce Councillors

NB: Notwithstanding the above options, Council may consider other options including but not limited to creating/adding wards, modifying existing ward boundaries.

OPTION 1	MAINTAIN THE CURRENT WARD BOUNDARIES & ADJUST COUNCILLOR NUMBERS TO BRING RATIOS IN LINE WITH THE REQUIRED $\pm 10\%$ LEVEL.
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The following is an assessment of the current situation against the factors.

Community of interest

Current Ward boundaries do not totally reflect all interest of the rural, rural residential or town of the district.

While the Shire of Chapman Valley's areas are geographically different the *Community of Interests* also vary.

Physical & topographic features

Current Ward boundaries do reflect physical or topographical features (e.g. roads, property boundaries, rivers and creeks etc.).

Demographic trends

Ward boundaries do not reflect current demographic trends.

Economic factors

Ward boundaries do not reflect current economic activities.

Option 1(a)

Based on *Table 1* above the North East Ward has an under allocation of electors to number of Councillors, resulting in a lower Councillor/Elector ratio whilst the South West Ward has an over allocation of electors to number of Councillors, resulting in and a higher Councillor/Elector ratio.

Option 1(a) proposes the Shire of Chapman Valley retains the existing Ward boundaries and reduce from a total of eight (8) to seven (7) Councillors. Four (4) elected from the North East Ward (i.e. a reduction of 1) and three (3) elected from South West Ward (i.e. remain as is) as shown in the table below:

Table 2 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	4	471	1:118	-5.04%
South West	3	397	1:132	+6.72%
Total	7	868	1:124	-

Option 1(b)

Option 1(b) proposes the Shire of Chapman Valley retains the existing Ward boundaries and eight (8) councillors yet reduces the North East Ward to four (4) Councillors (i.e. a decrease of 1) and increases the South West Ward to four (4) Councillors (i.e. an increase of 1) as shown in the table below:

Table 3 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	4	471	1:118	+8.53%
South West	4	397	1:99	-8.53%
Total	8	868	1:108	-

This option could also entertain a reduction of Councillors to three (3) from each Ward i.e.

Table 4 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	3	471	1:157	+8.53%
South West	3	397	1:132	-8.53%
Total	6	868	1:145	-

OPTION 2 MAINTAIN THE WARD SYSTEM & ADJUST BOUNDARIES TO BRING RATIOS IN LINE WITH THE REQUIRED +/-10% LEVEL

Community of interest

The scenarios listed in this Option, better reflects interest of the rural, rural residential and town areas of the district as they have been adjusted to reflect as near as possible the localities within the district.

The Shire of Chapman Valley remains geographically different and therefore the *Community of Interests* will always vary.

Physical & topographic features

Current Ward boundaries do reflect physical or topographical features (e.g. roads, property boundaries, rivers and creeks etc.). However, this Option looks at Ward boundaries being more closely linked to locality boundaries within the district

Demographic trends

Ward boundaries do not reflect current demographic trends.

Economic factors

Ward boundaries do not reflect current economic activities.

Option 2(a)

Option 2(a) proposes the Shire of Chapman Valley has an overall reduction from eight (8) councillors to seven (7) Councillors. Four (4) elected from the North East Ward (i.e. a decrease of 1) and three (3) elected from South West wards (i.e. remain as is) as shown in the table below, yet the Ward boundaries be adjusted to incorporate (as near as possible) localities being fully incorporated within a particular Ward i.e.

- Move all of the Howatharra Locality into the North East Ward;
- Move all of the Oakajee Locality into the North East Ward;
- Move all of the Yetna Locality into the North East Ward;
- Move three David Rd electors in the Waggrakine Locality into South West Ward;
- Move one Coffee Pot elector in the Waggrakine Locality into North East Ward;
- Balance of Ward Boundaries remains the same.

Table 5 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	4	495	1:124	0%
South West	3	373	1:124	0%
Total	7	868	1:124	-

Option 2(b)

Option 2(b) proposes the Shire of Chapman Valley increase the number of Councillors from eight (8) councillors to Nine (9). Five (5) elected from the North East Ward (i.e. remain as is) and four (4) elected from South West Ward (i.e. an increase of 1) as shown in the table below, yet the Ward boundaries be adjusted to incorporate (as near as possible) localities being fully incorporated within a particular Ward i.e.

- Move all of the Howatharra Locality into the North East Ward;
- Move all of the Oakajee Locality into the North East Ward;
- Move all of the Yetna Locality into the North East Ward;
- Move all of the Waggrakine Locality into the South West Ward;

Table 6 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
North East	5	461	1:92	-4.17%
South West	4	407	1:102	+5.50%
Total	9	868	1:96	-

OPTION 3 ABOLISH WARDS – MAINTAIN OR REDUCE COUNCILLORS

The following is an assessment of the proposed Option 3 situation against the factors.

Community of interest

Communities of interest are better reflected within the local government boundary.

Physical & topographic features

The district boundary does not follow any physical or topographic features.

Demographic trends

District boundaries do not reflect demographic trends.

Economic factors

The district boundary does not reflect the areas of economic activity.

Option 3(a)

Table 7 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	8	868	1:108	0.00%
Total	8	868	1:108	0.00%

Option 3(b)

Table 8 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	7	868	1:124	0.00%
Total	7	868	1:124	0.00%

Option 3(c)

Table 9 - Ratio of councillors to electors

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
No Wards	6	868	1:145	0.00%
Total	6	868	1:145	0.00%

Abolishing Wards will remove the future requirement for a Wards and Representation Review to be undertaken at least every 8 Years.

PUBLIC SUBMISSION PERIOD

The Shire of Chapman Valley is seeking community input into its Review of Wards and Representations and Members of the community are invited to make a written submission about any aspect of representation. These submissions can be lodged at the following:

In Person: Shire Office
Lot 7 Chapman Valley Road

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NABAWA WA 6532

By Mail: Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

By Email: ea@chapmanvalley.wa.gov.au

By Fax: (08) 9920 5155

All submissions must be received by 4.00pm on 31st May 2016.

Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the Shire of Chapman Valley.

John Collingwood
SHIRE PRESIDENT

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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Ward and Representation Review 2016 (V1).docx

AGENDA ITEM:	9.3.2
SUBJECT:	BIOSECURITY MANAGEMENT – DISCUSSION PAPER
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)
SITE:	WA LOCAL GOVERNMENT AUTHORITIES
FILE REFERENCE:	207.09
PREVIOUS REFERENCE:	NIL
DATE:	16th MARCH 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Western Australian Local Government Association (WALGA) has distributed a Biosecurity Management Discussion Paper (Paper) to help them to:

- Inform its biosecurity policy position;
- Identify gaps in information/ tools/ support for local government that need addressing;
- Identify opportunities to collaborate with other stakeholders; and
- Determine WALGA's future actions.

Provided under separate cover are the following documents:

- WALGA's Biosecurity Management Discussion Paper;
- Biosecurity Workshop Notes held in Geraldton on the 11th February 2016

Cr Veronica Wood and the CEO attended the Biosecurity Workshop held in Geraldton on the 11th February 2016 and I would welcome Cr Wood's comments on this item.

COMMENT

Rather than repeat the content of the documents supporting this Agenda Item the following points are areas of concern identified at the Workshop which may need to be included into a response Council may wish to make to the WALGA Paper:

1. Council should oppose the concept of local government authorities being the collection agency for any Biosecurity Levy/Rate to be imposed on landowners. The difficulties associated with LGs collection small amounts of unpaid funds owed by landowners is significant and a burden on the LG's resources. The collection of any such levy/rate must be through the Office of State Revenue, with the LG simply providing the OSR with a copy of our property records;
2. Peri-Urban areas must be included into any biosecurity strategy as these areas continue to harbour pests of all kinds and the landowners simply do not have the skill, resources or inclination to control these pests (e.g. rabbit problems we have now);
3. The Department of Agriculture and Food (DAFWA) should be resourced appropriately (funding and human resources) to properly implement and enforce the Biosecurity & Agriculture Management Act, 2007 (BAM Act). Reintroduce the concept of Agriculture Protection Board Officers (APB Officers) which worked well in the past;
4. Local government authorities should not be burdened with the implementation or enforcement of the BAM Act and Regulations as to do so would simply be another cost shift from the State to the local government sector, which will undoubtedly only be funded through the rate base. This would be yet another indirect taxation action by the State, specifically with the recent rhetoric from the current State premier on LGAs over-rating constituents, triggering his idea to introduce rate-capping.

STATUTORY ENVIRONMENT

Biosecurity & Agriculture Management Act, 2007 and associated Regulations

POLICY IMPLICATIONS

No Policy or Procedure affected.

FINANCIAL IMPLICATIONS

As previously mentioned, local government authorities should be burdened with the implementation or enforcement of the BAM Act as to do so would simply be another cost shift from the State to the local government sector, which will undoubtedly only be funded through the rate base.

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

Any move to impose the implementation and enforcement of the BAM Act would have a significant affect on the LTFP of this Shire (and many others) if the State does not ensure the full costs accompany any such imposition (both capital and ongoing, recurrent operational cost).

STRATEGIC IMPLICATIONS

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

Objective	Strategy	Outcome
Sustainability and protection of our farm land is important to the future of the area:	Ensure we adequately protect and manage the land across the Shire, including weed eradication, mining developments and fire management services	Protection of our land to maintain and increase productivity

CONSULTATION

WALGA has gone through a consultation process across the State on its Paper and are now seeking industry feedback to form a position to take to the State Government. The Workshop attended by Councillor Wood and the CEO was the last of these to occur.

Though the Paper shows a close date of 11th March 2016 for written submission to be provided to WALGA an assurance was given this date would be extended to the 31st March to allow LGAs every opportunity to comment.

Other close dates will also be extended to ensure they recognise the monthly local government meeting cycles and are not unrealistic (as some of these are).

RISK ASSESSMENT

There is a high risk local government will be burdened in some way with the responsibility of BAM Act if it does not stand up as an industry and oppose all attempts by the State to shift this responsibility for the State (DAFWA) to local government. This message should be very strongly voiced at every opportunity, with the WALGA Discussion Paper being one of these opportunities.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council authorises the Chief Executive Officer to respond to the Western Australian Local Government Biosecurity Management Discussion Paper (Paper) to reflect the following positions:

1. Oppose the concept of local government authorities being the collection agency for any Biosecurity Levy/Rate to be imposed on landowners. The difficulties associated with LGs collection small amounts of unpaid funds owed by landowners is significant and a burden on the LG's resources.

Insist the collection of any such levy/rate must be through the Office of State Revenue (OSR), with the local governments simply providing the OSR with a copy of our property records (if necessary);

2. Peri-Urban areas must be included into any biosecurity strategy as these areas continue to harbour pests of all kinds and the landowners simply do not have the skills, resources to control these pests;
3. The Department of Agriculture and Food (DAFWA) should be resourced appropriately (funding and human resources) to properly implement and enforce the Biosecurity & Agriculture Management Act, 2007;
4. Reintroduce the concept of Agriculture Protection Board Officers under the control of DAFWA as this structure work very well in the past;
5. Local government authorities should not be burdened with the implementation or enforcement of the BAM Act and Regulations as to do so would simply be another cost shift from the State to the local government sector, which will undoubtedly only be funded through the rate base. This would be yet another indirect taxation action by the State.

AGENDA ITEM:	9.3.3
SUBJECT:	STRATEGIC COMMUNITY PLAN REVIEW
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	313.00
PREVIOUS REFERENCE:	N/A
DATE:	17 FEBRUARY 2016
AUTHORS:	KRISTY WILLIAMS, ACCOUNTANT MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley's Strategic Community Plan 2013-2023 was adopted by Council on the 19th June 2013 at the Ordinary Meeting of Council. The Plan was prepared by consultants Morrison Low and the community were involved with two workshops held on the 18th February 2013 and 11th April 2013. Community engagement meetings were held at Batten Hall, Yuna Hall and Nabawa Hall on 19 and 20 February 2013.

The Department of Local Governments Integrated Planning and Reporting Framework and Guidelines suggest the Strategic Community Plan be reviewed regularly with a suggested timeframe of 2 years (following Council elections) for minor reviews and 4 years for major reviews. Council commenced the review process at the September 2015 Forum Session. As part of that information session Council was given a spreadsheet detailing the existing objectives, strategies and outcomes and anticipated timeframes of the Strategic Community Plan and requested to provide feedback. Discussion continued at the December 2015 Forum Session with the outcomes being presented to Council at the February 2015 Forum session.

Council has also undertaken recent reviews of the Corporate Business Plan (June 2015 - Minute Ref: 06/15-12) and the Workforce Plan (during 2015 with Marg Hemsley). The Workforce Plan is a working document, which supports the Strategic Community and Corporate Business Plan.

COMMENT

The Strategic Community Plan 2013-2023 has been reviewed with Council and staff input. A full review of the Plan is due in two years time. As part of that review Community engagement is to be included.

STATUTORY ENVIRONMENT

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

"5.56 Planning for the Future

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

It is intended under the Western Australian Integrated Planning and Reporting Framework that the Strategic Community Plan will replace the Plan for the Future under the process as set out by the *Local Government (Administration) Regulations 1996*.

Section 19C of the *Local Government (Administration) Regulations 1996* states:

"19C Strategic community plans, requirements for (Act Section 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

All projects in the short, medium and long term be included in the Long Term Financial Plan. The projects in the short term and medium term be included in the Corporate Business Plan.

• Long Term Financial Plan (LTFP):

The LTFP forms part of the overall Integrated Planning & Reporting requirements of a local government authority and any changes made to the Strategic Community Plan will flow on through to the Corporate Business Plan, LTFP, Asset Management Plan and Workforce Plan.

STRATEGIC IMPLICATIONS

It is clear the Shire's existing Integrated Plans need improvement as the initial Plans were lacking in content, integrity and ownership by the Shire.

It would be fair to say the initial Plans were adopted predominantly to appease the legislative deadlines for the completion of the Plans. Unfortunately, it appears, the process to establish the Plans lost its way and my feeling is they did not have any ownership by Council and the community. Hence the reason

staff have been working on a review of the plans with Councillors to bring some validity, understanding and ownership to these Plans.

This simply a desktop review undertaken by Councillors and staff. A full review, which will incorporate community consultation will need to occur in the next two years.

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

Below is an extract from the Strategic Community Plan:

“Our Vision

The Shire of Chapman Valley comprises a diverse range of people, communities and landscapes. It is imperative that the vision captures the diversity of the area, but is inclusive of all as the Shire moves forward. The community’s vision has been developed with a range of input received through the community engagement process. It reflects clear community aspirations for the ten-year period of the Strategic Community Plan.

“We are a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper.”

The Shire of Chapman Valley’s Council vision that was adopted in the 10 Year Future Plan in 2011 is: “To maintain and enhance sustainable growth and prosperity in accordance with the Chapman Valley traditional rural and natural values.”

It is considered that the community’s vision developed for the Strategic Community Plan complements builds upon and now supersedes the previous vision and should be adopted as the Shire Vision also.”

CONSULTATION

As previously mentioned, Council commenced the review process at the September 2015 Forum Session. As part of that information session Council was given a spreadsheet detailing the existing objectives, strategies and outcomes and anticipated timeframes of the Strategic Community Plan and requested to provide feedback. Discussion continued at the December 2015 Forum Session with the outcomes being presented to Council at the February 2015 Forum session.

RISK ASSESSMENT

Having Plans which lack content, integrity and ownership can (and has) result in the Shire being questioned on its future strategic direction. Specifically how this direction is to be resourced.

It is imperative Council work on improving all its Integrated Plans to remove the risk of being accused of lacking strategic direction.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council approves amendments to the Community Strategic Plan as attached.

State of Chapman Valley Strategic Community Plan 2016 Annual Review		Objective / Outcome/Strategy	Project Timeline				
Community Vision			Completed	Short-term June 2017	Medium-term June 2019	Long-term 2020 and beyond	Advocacy
Force Area One Community, Business Development and Attraction							
Force Area One One	Objective We want to be able to spend our money locally and encourage others to do the same	Strategy Ensure planning and provisions are in place to promote the enhancement of other outlets are established in strategic locations within the Shire	Outcome We aim to grow the local economy				Advocate for the establishment of a privately run general store
	Ensure planning and provisions are in place to promote and develop tourism in the Shire, including cottage industries, outdoor parks and events	Promoting our attractions increases the number of people visiting our area	Historical Society Shop (Completed)	Local Economy Map Chapman Valley Visitor and Promotional Project eg self-use trails, local trails, marketing			Staff assistance and Council equipment in the Tourism Marketing Group in other areas?
	Ensure planning and provisions are in place to promote and develop tourism in the Shire, including cottage industries, outdoor parks and events	Visitors stay longer to our community and spend more money than they can make in the Shire		A commitment of 10% of the points of strategic locations throughout the Shire eg local support for National Tourism - involve Tourism Australia Group regarding marketing			Establish establishment of a local business group made up of local operators
	Utilise the land available in the area for a range of new businesses	Ensure planning and provisions are in place to promote and develop tourism in the Shire, including cottage industries, outdoor parks and events	Increased consumer spending and employment in the Shire				Identify commercial need in the South West Area
Force Area Two Leadership, Engagement and Communication							
Force Area Two	We want a representative and Governance model that reflects our community's unique attributes	The President and Committee to be representative of the Community and provide strong, well informed and professional leadership	Community confidence and trust in Council, improved participation in elected council training		Establishment of a community engagement strategy, including reference to community consultation and public input		
	We want to strengthen our community's position for the future	Develop a resident and independent Shire, which perhaps only and cooperation	A sustainable and progressive local government	Update of Strategic Plan	Update Local Management Plan and Long Term Financial Plan, including rationalisation of assets to improve service delivery		Continued advocacy of regional service delivery
	Engage in decision making to support the Shire	Active engagement with the community to inform decision making	Identification to local local decisions are managed		Use of shop front facility in Southern Cross and Southern Cross shopping at other sites than National		
	Provide a strong customer focus		Effective communication on key decisions		Use of shop front facility in Southern Cross		
Force Area Three Community, Maintaining and Growing the Pasture							
Force Area Three	We need good services to support our development as a Shire	Attract and improve existing services and facilities and build a self-sufficient services the community requires	Essential services help us to grow and prosper as a community	Public Community Centre	Administration office relocation		
					Pasture shop upgrade		
				Reconnects Existing English Road construction			
	Provide and contribute to increased mobile phone coverage and improve power, road and other services		Essential services help us to grow and prosper as a community	State & Telstra Local	Mobile phone towers		Telstra with Power Corp for the establishment of essential services
Force Area Four				New town construction of General Store/Community			
	Continue to be actively involved in regional network delivery model		Improved service delivery to an efficient, efficient and customer focused service				Continued advocacy of regional service delivery
	Ensure planning and provisions are in place to promote local child care facilities are established within the Shire	Young people are retained in our community and avoid movements back into the workforce					
	Ensure planning and provisions are in place to promote the establishment of aged care facilities across the Shire	We can care for our elderly locally					Provide establishment of aged care facilities in the Shire
Force Area Five	We want inclusive communities	Ensure planning and provisions are in place to promote inclusive community facilities to provide gathering places, including community centres, swimming pools	Stronger, inclusive communities across the Shire	Active Age Centre to be re-opened The Weekend Art Project Sports Area establishment	New Marketing park The Weekend Art Project Sports Area establishment		
	We are committed to provide in our Shire	Ensure planning and provisions are in place to promote make the right local products to maintain tourism	More people and families move into the Shire	Other Shire (Shire and surrounding)	Shire Shire (Shire and surrounding)		Marketing (Shire and surrounding)
					Address Communication Plan		
Force Area Six Environment, Protection and Sustainability							
Force Area Six	Sustainability and protection of our land is important to the future of the Shire	Ensure planning and provisions are in place to provide support to increase innovative farming practices in the Shire	Our land will be more productive now and into the future				Support to grow and maintain green
					Increased funding for water conservation including water saving		Marketing role with sustainability regarding water saving
	Ensure planning and provisions are in place to protect and manage the land under the control and management of the Shire	Protection of our land and environment including responsible waste management	Established Regional Waste Management Service with 3 neighbouring Shires	Waste Management Plan		Improved regional waste management and recycling services eg household recycling	
	We want to make the most of our environment, including the landscape, energy and water	Ensure representatives to office key areas in the Shire by increasing their natural and environmental characteristics	We recognise and uphold the value of our natural landscape	Council Service Environmental Plan and/or (Shire) Environmental Plan			

©2016 Force Area One and Force Area Two Strategic Community Plan 2016 Strategic Community Plan Project Final Draft - 14 pages (Force Area One, 14 pages, Force Area Two, 14 pages)

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

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

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

13.1 Tenders 7-15/16 - supply one (1) crew cab truck
Tenders 8-15/16 – supply one (1) backhoe
Outright purchase of both trade vehicles

13.2 Request for quotes 9-15/16
Provision of audit services

14.0 CLOSURE