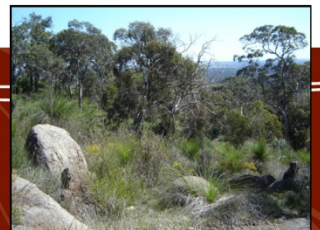


Ordinary Council Meeting

Minutes for Tuesday 26 April 2016

CONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

- 1.1 The Presiding Member opened the meeting at 6.30pm and welcomed Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Tracy Destree		North Ward
Simon Di Rosso		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Dennis Blair	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance & PR
Darren Jones	Manager Community Development
Donna McPherson	Executive Research Officer to Chief Executive Officer
Meri Comber	Governance Officer

Members of the Public 22

Members of the Press Nil

2.2 Apologies

Councillors

Sue Bilich	North Ward
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2.3 Leave of Absence Previously Approved Nil

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers are summarised.

3.1 Question from Ordinary Council Meeting 29 March 2016

Sporting Facilities v Educational Groups – Brian Jones, Kalamunda

Q. In the last financial year how much has the Shire of Kalamunda spent on Sporting Facilities against how much has been spent on Educational Facilities?

A. The Chief Executive Officer is still investigating this question.

3.2 Question from Ordinary Council Meeting 26 April 2016

Perth and Peel Green Growth Plan for 3.5 Million – Kevin Goss, Gooseberry Hill

Q. The Green Growth Plan's draft action plan for State environmental objectives gives an opportunity for the Shire of Kalamunda to bolster bush and habitat conservation and negotiate resources to assist, which may not be repeated for 30 years.

If the draft Green Growth Plan does not give the Shire sufficient clarity on proposed additional conservation reserves for our local government area and how they align with the Shire's intentions and how that might be resourced, could an additional point be added in its submission in order to seek that clarity?

A. The Presiding Member indicated he was certain the Shire would be happy to take this on board.

4.0 PETITIONS/DEPUTATIONS

4.1 A Deputation was received from Dick Lovegrove of Wattle Grove regarding development in Wattle Grove.

There were no Councillor questions following this deputation. The Presiding Member indicated the Shire will be considering much strategic planning over the next few months and one of the key questions being put to the community is what areas the Shire should be focusing attention on.

4.2 A Deputation regarding Item 10.3.5 Proposed Telecommunication Mast was received from Joel Gajic, of Aurecon on behalf of Ericsson NBN.

At a Councillor's request the Director Development Services commented on the Officer's recommendation to refuse the application. The Director indicated that as a planner he felt the tower was not appropriate in this specific location.

A number of Councillor questions followed this:

- How long was the forward planning period and how long ago were you looking at that site?
- Is the planning on a needs basis?
- Why is the site at the Sports Club not appropriate?
- Are the owners of the land where the tower is placed paid?
- What is the distance from the proposed site to the nearest dwelling?
- What consideration was given for the proposed Townsite development in relation to the tower and the load requirements?
- What consideration has been given for agri-tourism, for local residents and motorists who will simply pass by?
- Have the local residents ever indicated they are oppose to towers per se?

Joel Gajic responded that the process had taken approximately four months, the population density is examined to ascertain need. Ideally the antennae should be in the centre of where needed. Landowners are paid for having a tower on their land. The roadside to the nearest dwelling is 85metres. In a scoping exercise environmental restraints are examined and sensitive land uses. The Planning Policy Framework recognises areas which may be fine now, but would not be suitable in the future. Discussions have taken place with the Department of Planning who have prepared a visual landscape manual to aid visual landscape assessment. No-one is interested in having a tower close by, yet the technology is required.

- 4.3 A Deputation was received regarding Item 10.3.5 Proposed Telecommunication Mast from Geoff Cheong (McCorkill Road), Leannnda Raye (Pickering Brook Primary School and Paul Fantuz (Wider Pickering Brook Community; each spoke in turn.

A Councillor asked Geoff Cheong which way his home's main outdoor area faces, he responded this currently faces directly towards the tower.

A Councillor asked if it is true that once the original planning permission is granted it will not be necessary to bring any further upgrades to Council. Director Development Services confirmed this was true if they meet the criteria it is only required they inform the Shire of the changes.

- 4.4 A Deputation was received regarding Draft Planning Policies P-DEV 47 and P-DEV 46 Effluent Disposal for Ancillary Accommodation and Caretakers Dwellings and Effluent Disposal from Agri-Tourism in the Middle Helena Catchment Areas from Frank Lindsey.

There were no Councillor questions following this deputation.

- 4.5 Deputation regarding 10.3.6 Perth and Peel Green Growth Plan for 3.5 Million from Tony Fowler, representing Nature Reserves Preservation Group.

There were no Councillor questions following this deputation.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 RESOLVED OCM 50/2016

Cr Brooke O'Donnell requests leave of absence from 4 May 2016 until 15 May 2016 inclusive.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

5.2 RESOLVED OCM 51/2016

Cr Sara Lohmeyer requests leave of absence from 19 May 2016 until 23 May 2016 inclusive.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 52/2016

That the Minutes of the Ordinary Council Meeting held on 29 March 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.1 A letter has been received from the Minister for Local Government, the Hon Tony Simpson indicating he will accept the Local Government Advisory Board's recommendation to not transfer part of Wattle Grove to the City of Gosnells.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 8.1 **10.3.8 CONFIDENTIAL ITEM Request for an Extension of Staged Developer Contribution Payments for an Approved Light Industry Development– Lot 219 (122) Sultana Road West, Forrestfield**
Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”
- 8.2 **10.3.9 CONFIDENTIAL ITEM – Consideration of Tenders Welshpool Road East Wire Rope Barrier Installation (RFT 1608)**
Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”
- 8.3 **10.3.10 CONFIDENTIAL ITEM – Consideration of Tenders Provision of Extruded Concrete Kerbing (RFT 1605)**
Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.1.1 Nil.

9.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

9.1.2 Nil.

10.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

10.1 Corporate & Community Services Committee Report

10.1.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 53/2016

That the recommendations C&C 15 to C&C 20 inclusive, contained in the Corporate & Community Services Committee Report of 11 April 2016, be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.2 C&C 15 Debtors and Creditors Report for the Period Ended 31 March 2016

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Receives the list of payments made from the Municipal Accounts in March 2016 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in March 2016 as noted in point 12 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors (Attachment 2) and creditors (Attachment 3) reports for the month of March 2016.

10.1.3 C&C 16 Rates Debtors Report for the Period Ended 31 March 2016

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Receives the rates debtors report for the period ended 31 March 2016 (Attachment 1).

10.1.4 C&C 17 Proposed Overarching Name for the Kostera Oval Redevelopment

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Approve the overarching name "Kalamunda Sporting Precinct" and the retention of the current names of Kostera Oval and Hedley Jorgensen Oval to identify the sporting fields adjoining Recreation Road and Cotherstone Road respectively.
2. Notes that the installation of signage will occur and be funded from the Kostera Oval Redevelopment project budget.

10.1.5 C&C 18 Licence Agreement for the Shared Use of Facilities for Sporting and Recreation Purposes at Kalamunda Senior High School and Kostera Reserve

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Endorses the Licence Agreement for the Shared Use of Facilities for Sporting and Recreation Purposes at Kalamunda Senior High School and Kostera Reserve, between the Minister for Education and the Shire of Kalamunda commencing on the 1 July 2016 and expiring 30 June 2036.

10.1.6 C&C 19 Draft Perth Hills Trails Loop Concept Design Report

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Receives the Draft Perth Hills Trail Loop Concept Design Report (Attachment 1).
2. Advertises the Draft Perth Hills Trail Loop Concept Design Report for a period of 42 days.
3. Requests all key stakeholder groups be provided with a copy of the Draft Perth Hills Trail Loop Concept Design Report

10.1.7 C&C 20 Execution of Documents – Amendment to Authorisations

RESOLVED EN BLOC OCM 53/2016

That Council:

1. Pursuant to section 9.49A of the *Local Government Act 1995* authorises the Manager Infrastructure Projects to sign documents on behalf of the Shire of Kalamunda, as specified:

Any document, excluding Deeds, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.2 Development & Infrastructure Services Committee Report

10.2.1 Adoption of Development & Infrastructure Services Committee Report

Voting Requirements: Simple Majority

RESOLVED OCM 54/2016

That recommendations D&I 24 to D&I 29 inclusive, contained in the Development & Infrastructure Services Committee Report of 11 April 2016, except item D&I 27, be adopted by Council en bloc.

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.2.2 D&I 24 Preparation of Amendment 75 to Local Planning Scheme No. 3 – Forrestfield North Stages 2 and 3

RESOLVED EN BLOC OCM 54/2016

That Council:

1. Considers Amendment No. 75 to Local Planning Scheme No. 3 as a basic amendment under Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment will have minimal effect on the Scheme or landowners in the Scheme Area as the land has already been rezoned to Urban under the MRS. This Scheme amendment will ensure consistency between the Scheme, the MRS and the Forrestfield North District Structure Plan.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, prepares Amendment No. 75 to Local Planning Scheme No. 3 as below:
 - a) Modifying Schedule 11 Part 2 to read:

“In respect of the Urban Development Zone;”
 - b) Deleting Schedule 11 Part 2 paragraph (ii); and
 - c) Modifying the Local Planning Scheme Map from Light Industry, Industrial Development and Special Rural to Urban Development as per Attachment 1.

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 75 to Local Planning Scheme No. 3 and supporting documents to:
 - a) The Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 75 to the Western Australian Planning Commission for its consideration.

10.2.3 D&I 25 Amendment to Local Planning Scheme No. 3 – Lot 1107 (40) Masonmill Road, Carmel – Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation – Private, and Tourist Development)

RESOLVED EN BLOC OCM 54/2016

That Council:

1. Considers Amendment No. 85 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment.
 - The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area.
 - The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 85 to Local Planning Scheme No. 3 (Attachment 1).
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 85 to Local Planning Scheme No. 3 and supporting documents the Environmental Protection Authority for comment.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 85 to the Western Australian Planning Commission for its consideration.

10.2.4 D&I 26 Proposed Ancillary Dwelling and Outbuilding – Lot 28 (11) Bougainvillea Avenue, Forrestfield

RESOLVED EN BLOC OCM 54/2016

That Council:

1. Approves the application for an ancillary dwelling and outbuilding at Lot 28 (11) Bougainvillea Avenue, Forrestfield, subject to the following conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) The development shall be connected to reticulated sewer.
 - c) The approved boundary wall adjacent to the south-east boundary shall be finished to a professional standard to complement development on the adjoining lot, to the satisfaction of the Shire of Kalamunda.
 - d) No facilities or utilities shall be attached to the approved boundary wall adjacent to the south-east boundary.
 - e) Storm water shall be contained on-site.

10.2.5 D&I 28 High Wycombe Farmers Markets – Application for approval

RESOLVED EN BLOC OCM 54/2016

That Council:

1. Resolves to approve the Market for a trial period of six months from commencement of the market subject to the following conditions being met:
 - a. Market layout in accordance with the provided plan (Attachment 2).
 - b. All food stalls to comply with the requirements of the *Food Act 2008* and the Australian New Zealand Food Standards Code and will require application and approval by Shire of Kalamunda Health Service.
 - c. That a planning application is lodged and approved prior to commencement.
 - d. That following each market day the facility and surrounding area is returned to pre-event condition.
 - e. That a revised risk management plan be submitted prior to the end of the trial period specifically tailored to the operation of the Market.

- f. That indemnity insurance of \$20 million, to indemnify Council against any claim arising in respect of public liability, is maintained by the Applicant for the duration of the permit.
- g. Make a permanent facility booking for the trial period.
- h. That a noise notification letter be delivered to surrounding residents at least seven days prior to the event and include the nature and times of the event and a contact telephone number that will be staffed at all times during the event. A copy of the letter must be provided to the Shire of Kalamunda.
- i. Payment of the annual market licence fee (or pro rata) at the commencement of the markets until 30 June 2016 and the ongoing relevant fee as approved by the Council from year to year.

10.2.6 D&I 29 Immunisation within the Shire of Kalamunda Report

RESOLVED EN BLOC OCM 54/2016

That Council:

1. Defer this item to the May 2016 Development & Infrastructure Meeting.

10.3 CHIEF EXECUTIVE OFFICER REPORTS

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.1 Draft Monthly Financial Statements to 31 March 2016

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachment 1	Draft Statements of Financial Activity for the period ended 31 March 2016 incorporating the following: <ul style="list-style-type: none">• Statement of Financial Activity (Nature or Type)• Statement of Financial Activity (Statutory Reporting Program)• Net Current Funding Position, note to financial statement

PURPOSE

1. To provide Council with statutory financial reports on the activity of the Shire of Kalamunda with comparison of the year's performance against the revised budget adopted on 29 March 2016. This Statement compares the actual results for the period with the revised budget.

BACKGROUND

2. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirement of the *Local Government Act 1995*, Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
3. The opening funds in the Statement of Financial Activity reflects the audited surplus brought forward from 2014/2015.
4. The budget column reflects the budget adopted subsequent to the mid-year budget review approved by Council at its meeting on 29 March 2016.

DETAILS

5. The *Local Government Act 1995* requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

Financial Commentary

Draft Statement of Financial Activity by Nature and Type for the nine months ended 31 March 2016

6. This Statement reveals a net result surplus of \$22,059,973 compared to budget for the same period of \$19,211,349. The variance of \$2,848,625 represents 12.9% of the current surplus for the year to date. The majority

of the variance is in the areas of operating expenditure and infrastructure projects.

Revenue

7. Total Revenue excluding rates is over budget by \$32,748. This is made up as follows:

- Operating Grants, Subsidies and Contributions are over budget by \$86,601. The variances are primarily due to timing matters, and made up of the following:
 - Home and community care grant is over budget by \$163,061 due to a timing issue.
 - Bridge Grant is over budget by \$105,000 with higher grant allocation received in 2015/2016.
 - Environmental Grants is under budget by \$57,192 due to a timing issue.
- Profit on Asset disposal is over budget by \$1,592. The variance is within the reporting threshold.
- Fees and Charges variance is under budget by \$48,805. This is mainly attributable to:
 - Legal charges amounting to \$42,075 from general procedure claims from rates debtors recovered through cyclical debt recovery process. Debt recovery for the 2015/2016 rates commenced on 11 September 2015. The variance is due to a phasing issue.
 - Refuse collection being over budget by \$68,528 as a consequence of the retention of secondary waste bins by some ratepayers.
 - Development fees being under budget by \$36,494 relating to lower than expected development applications.
 - Building application fees being under budget by \$35,096 relating to lower than expected building applications.
- Interest Income is under budget by \$9,003. This variance is within the reporting threshold.
- Other Revenue is slightly over budget by \$5,381 due to timing issues.

Expenditure

8. Total expenses is under budget with a variance of \$985,033. The significant variances within the individual categories are as follows:

- Employment Costs are under budget by \$403,459 primarily due to some vacant positions not being filled and a timing issue related to staff training costs.

- Materials and Contracts is under budget by \$593,965. This is mainly attributed to consultancy costs being under budget by \$103,230 and Infrastructure Maintenance for Roads, Paths and Drainage being under budget by \$264,622.
- Utilities are over budget by \$84,369 and this is attributed mainly to higher telephone and data expenditure.
- Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$66,989 and is attributed to a phasing issue and the timing of various asset acquisitions.
- The interest expense is under budget by \$7,888. This is within the reporting threshold.
- Insurance expense is over budget by \$7,202. The variance is within the reporting threshold.
- Other expenditure is under budget by \$43,199. These are mainly related to various non-recurrent projects caused by a timing variance.
- Loss on Sale of Asset is over budget by \$38,696. This is due to lower proceeds from the sale at auction of various shire plant compared to the net book value.

Capital Revenues

Non-operating Grants and Contributions

9. The non-operating grant income is higher than the budget by \$321,784. The variance is mainly attributable to:
 - Roads to Recovery grant being under budget by \$504,855 due to the timing of the next claim.
 - Hartfield Park project claim being over budget by \$755,215 due to a phasing difference.
10. The capital contributions variance of \$85,056 relates to Forrestfield Industrial Area Stage 1 which is now managed by the Shire and funds are backed via a fully cash backed reserve.

Capital Expenditures

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets are under budget by \$266,771. The variances are as follows:
 - Property, Plant and Equipment Expenditure are under budget by \$117,818. This is attributed mainly to Land Development Costs being under budget by \$33,523, and Land and Building Expenditure being under budget by \$69,553.

- Infrastructure projects, comprised of roads, drainage, footpaths, car parks and parks and ovals, are under budget by \$148,954. Various projects that are currently under way due in 2015/2016 have started with ground works commenced in January 2016 and targeted for completion by the end of the financial year.

Rates revenues

12. Rates generation is under budget with a variance of \$164,966, mainly due to a backlog of interim rates and recognition of prepaid rates which is due to a timing difference.

Draft Statement of Financial Activity by Program for the nine months to 31 March 2016

13. The overall result comments are as above and generally each Program is within the accepted budget except for Education and Welfare, Community Amenities, Recreation and Culture, Transport and Other Property and Services. Major variances have been reported by Nature and Type under points 7 to 12 above.

Draft Statement of Net Current Funding Position as at 31 March 2016

14. The commentary on the net current funding position is based on comparison of the draft March 2016 year to date actuals with March 2015 year to date actuals.
15. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$31.0 million. The un-restricted cash position has a positive balance of \$24.1 million which is higher than the previous year's balance of \$22.7 million. This can mainly be attributed to the rates collection and transfers from reserves in anticipation of infrastructure works projects.
16. Trade and other receivables comprise rates and sundry debtors totalling \$2.6 million outstanding.
- The rates balance fell by \$0.3 million to \$1.3 million, representing a collection rate of 96.24% for the year to date. The improved debt recovery partially reflects the successful launch of "A Smarter Way to Pay" and BPoint Enterprise which allows charging of direct debits via credit cards.
17. Sundry debtors have decreased by \$63,544 to \$795,793, of which \$34,686 is made up of current debt due within 30 days. A total of \$583,454 remains outstanding over 90 days. This bulk is made up of two invoices which is overdue from the developers from the Forrestfield Industrial Area. These amounts are currently being monitored.
18. Receivables Other represents \$427,436 with the bulk made up of Waste services due of \$268,988.
19. Provisions for annual and long service leave are generally higher having increased by \$569,786 to \$2.8 million when compared to the previous year. The reasons for the increase is due to more officers being above the seven year threshold at which point long service leave entitlements begin to fully

accrue, and the review of the Annual Leave Liability in March 2016. The Shire aggressively pursues a leave management plan that will not adversely affect service delivery. The long term goal is to bring this liability down to a more manageable level and also ensure there are adequate reserves in place to support it.

20. Restricted Reserves have increased significantly from \$2.6 million to \$11.8 million when compared to March 2015. The increase is due to the following:
- Transfer of Forrestfield Industrial Area Scheme Stage 1 from Trust accounts to reserves, amounting to \$3.9 million.
 - Land and Property Enhancement and Maintenance Reserve has increased by \$0.5 million.
 - Waste Reserve has increased by \$0.6 million to recognise surplus operating income in 2014/2015.
 - Long Service Leave reserve has increased by \$1.2 million to address exposure mentioned in point 19 above.
 - HACC reserve has increased by \$0.6 million.
 - Nominated employee leave reserve has increased by \$1.1 million to address exposure mentioned in point 19 above.
 - Minor changes are also noted with the following reserves:
 - Unexpended Capital and Special Funded Works Reserve has increased by \$0.3 million.
 - Revaluations Reserve has increased by \$0.1 million.
 - EDP IT Equipment Reserve has increased by \$0.28 million.
 - Local Government Elections Reserve has increased by \$50k.

STATUTORY AND LEGAL CONSIDERATIONS

21. The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require presentation of a monthly financial activity statement.

POLICY CONSIDERATIONS

22. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

23. Nil.

FINANCIAL CONSIDERATIONS

24. The Shire's financial position needs to be closely monitored to ensure it is operating sustainably and allow for future capacity.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.8 – To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4 Provide effective financial services to support the Shire's Operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

29.

Risk	Likelihood	Consequence	Rating	Action / Strategy
Over-spending the budget	Possible	Major	High	<ul style="list-style-type: none">• Monthly management reports are reviewed by the Shire.• Weekly engineering reports on major projects and maintenance.
Non-compliance with Financial Regulations	Unlikely	Major	Medium	The financial report is scrutinised by the Shire to ensure that all statutory requirements are met.

OFFICER COMMENT

30. The Shire's draft financial statements as at 31 March 2016 demonstrate the Shire has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 55/2016

That Council:

1. Receives the draft Monthly Statutory Financial Statements for the month to 31 March 2016, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE FOR THE 9 MONTHS TO 31 MARCH 2016

	31/03/2016	31/03/2016			
	YTD Actual (b) \$	YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Operating Grants and Subsidies	3,713,967	3,566,060	5,716,899	147,907	4.0%
Contributions, Reimbursements and Donations	629,650	690,956	4,505,790	(61,306)	(9.7%)
Profit on Asset Disposal	188,194	186,602	187,144	1,592	0.8%
Fees and Charges	13,265,588	13,314,393	14,317,854	(48,805)	(0.4%)
Interest Earnings	884,963	893,966	1,186,491	(9,003)	(1.0%)
Other Revenue	48,808	54,189	72,296	(5,381)	(11.0%)
Ex Gratia Rates Revenue	137,424	129,680	129,680	7,744	5.6%
Total (Excluding Rates)	18,868,594	18,835,846	26,116,154	32,748	
Operating Expense					
Employee Costs	(17,252,561)	(17,656,020)	(23,920,751)	403,459	2.3%
Materials and Contracts	(13,709,309)	(14,303,274)	(20,204,590)	593,965	4.3%
Utilities Charges	(1,833,815)	(1,749,446)	(2,333,585)	(84,369)	(4.6%)
Depreciation (Non-Current Assets)	(5,736,472)	(5,803,461)	(7,738,251)	66,989	1.2%
Interest Expenses	(299,669)	(307,557)	(410,081)	7,888	2.6%
Insurance Expenses	(567,287)	(560,085)	(578,896)	(7,202)	(1.3%)
Loss on Asset Disposal	(41,020)	(2,124)	(2,843)	(38,896)	(94.8%)
Other Expenditure	(334,039)	(377,238)	(534,599)	43,199	12.9%
Total	(39,774,172)	(40,759,205)	(55,723,596)	985,033	
Funding Balance Adjustment					
Add Back Depreciation	5,736,472	5,803,461	7,738,251	(66,989)	(1.2%)
Adjust (Profit)/Loss on Asset Disposal	(147,174)	(184,478)	(184,301)	37,304	(25.3%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current) FUSC	(158)	0	0	(158)	100.0%
Movement in Provisions	193,522	0	749,271	193,522	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
Total	5,782,662	5,618,983	4,672,814	163,679	
Net Operating (Ex. Rates)	(15,122,916)	(16,304,376)	(24,934,628)	1,181,460	
Capital Revenues					
Proceeds from Disposal of Assets	557,992	560,000	652,000	(2,008)	(0.4%)
Grants, Subsidies and Contributions	5,051,784	4,730,000	7,101,377	321,784	6.4%
Self-Supporting Loan Principal	49,768	51,815	67,870	(2,047)	(4.1%)
Debenture Funding	0	0	0	0	
Capital (Developer) - Contributions	2,315,437	2,230,381	2,230,381	85,056	3.7%
Transfer from Reserves	3,733,385	4,162,795	5,223,139	(429,410)	(11.5%)
Total	11,708,366	11,734,991	15,274,767	(26,625)	
Capital Expenses					
Land Development Costs	(2,000)	(35,523)	(43,782)	33,523	1676.2%
Land and Buildings New	(129,951)	(137,989)	(578,765)	8,038	6.2%
Land and Buildings Replacement	(837,934)	(899,449)	(1,536,874)	61,515	7.3%
Plant and Equipment New	(46,635)	(44,118)	(58,835)	(2,517)	(5.4%)
Plant and Equipment Replacement	(25,347)	(25,347)	(25,347)	0	0.0%
Furniture and Equipment	(5,765)	(23,023)	(138,700)	17,258	299.4%

**STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE
FOR THE 9 MONTHS TO 31 MARCH 2016**

	31/03/2016	31/03/2016			
	YTD Actual (b)	YTD Budget (a)	Annual Budget	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)
	\$	\$	\$	\$	%
Infrastructure Assets - Roads New	(145,320)	(156,541)	(663,519)	11,221	7.7%
Infrastructure Assets - Roads Renewal	(996,039)	(954,908)	(4,234,924)	(41,131)	(4.1%)
Infrastructure Assets - Drainage New	(134,058)	(134,057)	(232,898)	(1)	(0.0%)
Infrastructure Assets - Drainage Renewal	(22,525)	(74,167)	(175,550)	51,642	229.3%
Infrastructure Assets - Footpaths New	(7,801)	(8,000)	(170,500)	199	2.6%
Infrastructure Assets - Footpaths Renewal	(56,084)	(56,083)	(125,734)	(1)	(0.0%)
Infrastructure Assets - Car Parks New	(124,266)	(151,374)	(267,749)	27,108	21.8%
Infrastructure Assets - Car Parks Renewal	0	0	(75,162)	0	
Infrastructure Assets - Parks and Ovals New	(284,730)	(277,134)	(369,646)	(7,596)	(2.7%)
Infrastructure Assets - Parks and Ovals Renewal	(3,406,872)	(3,514,384)	(4,578,878)	107,512	3.2%
Repayment of Debentures	(543,941)	(445,383)	(593,851)	(98,558)	(18.1%)
Transfer to Reserves	(4,328,363)	(6,018,905)	(10,141,872)	1,690,542	39.1%
Total	(11,097,629)	(12,956,385)	(24,012,586)	1,858,756	
Net Capital	610,736	(1,221,394)	(8,737,819)	1,832,130	
Total Net Operating + Capital	(14,512,179)	(17,525,770)	(33,672,447)	3,013,591	
Rate Revenue	31,604,037	31,769,003	31,893,225	(164,966)	(0.5%)
Opening Funding Surplus(Deficit)	4,968,115	4,968,115	4,968,115	0	0.0%
Closing Funding Surplus(Deficit)	22,059,973	19,211,349	3,188,892	2,848,625	12.9%

**STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM)
FOR THE 9 MONTHS TO 31 MARCH 2016**

	31/03/2016	31/03/2016			
	YTD Actual (b) \$	YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(b) %
Operating Revenues					
Governance	89,654	107,561	112,755	(17,907)	(20.0%)
General Purpose Funding	2,368,315	2,328,646	7,631,137	39,669	1.7%
Law, Order and Public Safety	405,648	336,996	449,386	68,652	16.9%
Health	223,593	197,437	224,325	26,156	11.7%
Education and Welfare	3,000,675	2,834,816	3,755,971	165,859	5.5%
Community Amenities	10,937,808	11,022,910	11,279,967	(85,102)	(0.8%)
Recreation and Culture	1,169,808	1,239,154	1,660,406	(69,346)	(5.9%)
Transport	40,855	0	0	40,855	100.0%
Economic Services	350,427	384,912	513,288	(34,485)	(9.8%)
Other Property and Services	281,811	383,414	488,919	(101,603)	(36.1%)
Total (Excluding Rates)	18,868,594	18,835,846	26,116,154	32,748	
Operating Expense					
Governance	(2,526,991)	(2,519,676)	(3,421,987)	(7,315)	(0.3%)
General Purpose Funding	(707,149)	(665,552)	(849,956)	(41,597)	(5.9%)
Law, Order and Public Safety	(1,334,402)	(1,425,150)	(1,902,448)	90,748	6.8%
Health	(836,419)	(851,241)	(1,194,417)	14,822	1.8%
Education and Welfare	(2,999,522)	(3,180,766)	(4,297,882)	181,244	6.0%
Community Amenities	(9,647,582)	(10,120,872)	(13,543,508)	473,290	4.9%
Recreation and Culture	(13,198,095)	(13,322,731)	(17,789,768)	124,636	0.9%
Transport	(7,065,673)	(7,465,088)	(10,268,343)	399,415	5.7%
Economic Services	(791,695)	(821,103)	(1,092,381)	29,408	3.7%
Other Property and Services	(666,644)	(387,026)	(1,362,906)	(279,618)	(41.9%)
Total	(39,774,172)	(40,759,205)	(55,723,596)	985,033	
Funding Balance Adjustment					
Add back Depreciation	5,736,472	5,803,461	7,738,251	(66,989)	(1.2%)
Adjust (Profit)/Loss on Asset Disposal	(147,174)	(184,478)	(184,301)	37,304	(25.3%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current) FUSC	(158)	0	0	(158)	100.0%
Movement in Provisions	193,522	0	749,271	193,522	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
Total	5,782,662	5,618,983	4,672,814	163,679	
Net Operating (Ex. Rates)	(15,122,916)	(16,304,376)	(24,934,628)	1,181,460	
Capital Revenues					
Proceeds from Disposal of Assets	557,992	560,000	652,000	(2,008)	(0.4%)
Capital Contributions and Grants	5,051,784	4,730,000	7,101,377	321,784	6.4%
Self-Supporting Loan Principal Income	49,768	51,815	67,870	(2,047)	(4.1%)
Capital (Developer) - Contributions	2,315,437	2,230,381	2,230,381	85,056	3.7%
Transfer from Reserves	3,733,385	4,162,795	5,223,139	(429,410)	(11.5%)
Total	11,708,366	11,734,991	15,274,767	(26,625)	
Capital Expenses					
Land Development Costs	(2,000)	(35,523)	(43,782)	33,523	1676.2%
Land and Buildings New	(129,951)	(137,989)	(578,765)	8,038	6.2%
Land and Buildings Replacement	(837,934)	(899,449)	(1,536,874)	61,515	7.3%

**STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM)
FOR THE 9 MONTHS TO 31 MARCH 2016**

	31/03/2016	31/03/2016			
	YTD	YTD	Annual	Var. \$	Var. %
	Actual	Budget	Budget	(b)-(a)	(b)-(a)/(b)
	(b)	(a)			
	\$	\$	\$	\$	%
Plant and Equipment New	(46,635)	(44,118)	(58,835)	(2,517)	(5.4%)
Plant and Equipment Replacement	(25,347)	(25,347)	(25,347)	0	0.0%
Furniture and Equipment	(5,765)	(23,023)	(138,700)	17,258	299.4%
Infrastructure Assets - Roads New	(145,320)	(156,541)	(663,519)	11,221	7.7%
Infrastructure Assets - Roads Renewal	(996,039)	(954,908)	(4,234,924)	(41,131)	(4.1%)
Infrastructure Assets - Drainage New	(134,058)	(134,057)	(232,898)	(1)	(0.0%)
Infrastructure Assets - Drainage Renewal	(22,525)	(74,167)	(175,550)	51,642	229.3%
Infrastructure Assets - Footpaths New	(7,801)	(8,000)	(170,500)	199	2.6%
Infrastructure Assets - Footpaths Renewal	(56,084)	(56,083)	(125,734)	(1)	(0.0%)
Infrastructure Assets - Car Parks New	(124,266)	(151,374)	(267,749)	27,108	21.8%
Infrastructure Assets - Car Parks Renewal	0	0	(75,162)	0	
Infrastructure Assets - Parks and Ovals New	(284,730)	(277,134)	(369,646)	(7,596)	(2.7%)
Infrastructure Assets - Parks and Ovals Renewal	(3,406,872)	(3,514,384)	(4,578,878)	107,512	3.2%
Repayment of Debentures	(543,941)	(445,383)	(593,851)	(98,558)	(18.1%)
Transfer to Reserves	(4,328,363)	(6,018,905)	(10,141,872)	1,690,542	39.1%
Total	(11,097,629)	(12,956,385)	(24,012,586)	1,858,756	
Net Capital	610,737	(1,221,394)	(8,737,819)	1,832,131	
Total Net Operating + Capital	(14,512,179)	(17,525,770)	(33,672,447)	3,013,591	
Rate Revenue	31,604,037	31,769,003	31,893,225	(164,966)	(0.5%)
Opening Funding Surplus(Deficit)	4,968,115	4,968,115	4,968,115	0	0.0%
Closing Funding Surplus(Deficit)	22,059,973	19,211,349	3,188,892	2,848,625	12.9%

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE 9 MONTHS TO 31 MARCH 2016**

NET CURRENT FUNDING POSITION

	Positive=Surplus (Negative=Deficit)	
	31/03/2016	31/03/2015
	\$	\$
Current Assets		
Cash and Cash Equivalents Unrestricted	24,132,381	22,680,034
Cash and Cash Equivalents - Reserves (Restricted)	11,803,065	2,654,997
Receivables - Rates	1,340,933	1,145,201
Receivables - Sundry	795,793	152,626
Receivables -Other	427,436	1,078,267
Inventories	96,230	97,136
(*exclude loan receivable)	38,595,839	27,808,261
 Less: Current Liabilities		
Payables	(4,732,801)	(4,291,317)
Provisions	(2,813,213)	(2,243,427)
(*exclude loan payable)	(7,546,014)	(6,534,744)
 Net Current Asset Position	 31,049,825	 21,273,517
 Add:		
Provision for Long Service Leave	1,249,249	798,313
Provision for Annual Leave	1,563,964	1,445,114
 Less:		
Cash and Cash Equivalents - Reserves (Restricted)	(11,803,065)	(2,654,997)
Cash Restricted		
Net Current Funding Position	22,059,973	20,861,946

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.2 Forreestfield Skate Park Security Lighting – Acceptance of \$25,000 Grant Offer

Previous Items	OCM 109/2015, OCM 11/2016
Responsible Officer	Chief Executive Officer
Service Area	Community Development
File Reference	
Applicant	N/A
Owner	

PURPOSE

1. To consider acceptance of the \$25,000 grant offer from the Community Crime Prevention Fund (CCPF) for the proposed Forreestfield Skate Park Security Lighting project.

BACKGROUND

2. The Forreestfield Skate Park opened on 6 August 2015 and despite its overwhelming popularity, a significant number of complaints have been made about anti-social behaviour by some users of the facility, particularly in the evenings.
3. On 24 August 2015 Council resolved (OCM 109/2015) as follows:
 1. *Request the Chief Executive Officer to:*
 - (b) *Provide a report for consideration by Council on the options and costs for the following works at the skate park:*
 - (i) *Installation of lighting to enable passive surveillance.*
 - (ii) *CCTV to be monitored by the Shire and public.*
 - (iii) *Installation of a pedestrian crossing on Hale Road adjacent to the roundabout.*
 - (iv) *Construction of a toilet block.*
4. A further report was presented on 22 February 2016 when Council resolved (OCM 11/2016) as follows:

That Council:

1. *Notes that the requested pedestrian crossing on Hale Road adjacent to the roundabout was immediately implemented as part of the 2015/16 Capital Works budget given pedestrian safety concerns at this location.*
2. *Supports the provision of area lighting, CCTV Security System and toilet block facilities at the Forreestfield Skate Park.*
3. *Notes that an application has been submitted through the Community Crime Prevention Fund program for \$25,000 funding towards the provision of area lighting at the Forreestfield Skate Park, with a total estimate cost of \$88,700.*

4. *Notes that an expression of interest has been submitted through the State CCTV Strategy Infrastructure Fund for funding towards the installation of four identified crime hot spots being, Woolworths Drive Precinct (Woolworths Drive), Hartfield Park Precinct (adjoining Forrestfield Skate Park), High Wycombe Precinct (Kalamunda Road) and Kalamunda Town Centre Precinct (Haynes Street), with the estimated cost of works for the Hartfield Park Precinct being \$50,000.*
5. *Lists for consideration in the draft 2016/17 budget funding for the following projects at the Forrestfield Skate Park, noting the breakdown of Grant and Municipal funds will be dependent on the outcomes of the Shire's grant submissions.*

<i>(a) Lighting</i>	<i>\$ 88,700</i>
<i>(b) CCTV Security System</i>	<i>\$ 50,000</i>
<i>(c) Toilet Block Facility</i>	<i>\$ 200,000</i>

DETAILS

5. The Forrestfield Skate Park Action Group comprising representation of local Police, Hawaiian Group (Forrestfield Forum), the Foothills Information and Referral Services, Shire Officers and Ward Councillors met over the November/December 2015 period and reaffirmed the priority need of Lighting and Closed Circuit Television (CCTV) surveillance at the site.
6. The Shire of Kalamunda submitted an application to purchase and install five security lighting poles at the Forrestfield Skate Park facility through the CCPF.
7. This project (and the proposed second stage of CCTV) will benefit the local skate park users, being more visible to the community in the early evening hours (passive surveillance) and also increasing its accessibility by extending usage hours.
8. The increased visibility will hopefully assist in minimising anti-social behaviour and criminal activities in and around the site at night, inclusive of nearby residents and businesses occasionally exposed to such activity.
9. The term of the grant offer is 18 July 2016 to 18 June 2017. The Shire is required to accept the offer by 27 April 2016. The proposed cost contribution or breakdown of the project is as follows:

Organisation	Contributions ex GST
CCPF (WA Police)	\$25,000
Shire of Kalamunda	\$55,700
Total Project:	\$80,700*

*GST Exclusive quote put forward in grant application

STATUTORY AND LEGAL CONSIDERATIONS

10. Nil.

POLICY CONSIDERATIONS

11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. The Forrestfield Skate Park Action Group has been consulted, supporting the applications for funding for the proposed CCTV and lighting work.

FINANCIAL CONSIDERATIONS

13. As detailed within the breakdown of the project, the Shire of Kalamunda's required contribution towards the project is \$55,700 which is to be incorporated within the 2016/17 budget deliberation process.
14. Given the requirement to accept the grant offer by 27 April 2016 Council needs to provide approval in advance of budget adoption for the \$55,700 to be included within the 2016/17 budget.
15. There will also be ongoing maintenance and operating costs associated with the new assets.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 1.3 – To be a community that listens to, engages with and involves its young people in decision making.

Strategy 1.3.2 Ensure youth friendly spaces are considered and designed within new and existing facilities.

OBJECTIVE 1.5 - To provide a safe environment for the entire community to enjoy.

Strategy 1.5.3 Work in partnership with the community and other levels of government to achieve lasting improvements in community safety.

Social Implications

17. The installation of lighting aims to reduce the anti-social and criminal behaviour and assist in the general public feeling confident and safe to visit and use the skate park and associated facilities.

Economic Implications

18. Nil.

Environmental Implications

19. The site has already been cleared in accordance with conditions of the clearing permit for the construction of the Skate Park, so no further clearing is required for the lighting project.

RISK MANAGEMENT CONSIDERATIONS

20.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Insufficient budget funds to enable progression, resulting in no further enhancement to community confidence and safety at the site.	Unlikely	Major	Medium	Inform the CCPF (Police WA) of decline of offer and continue to proactively seek other means and resources to enhance community confidence and safety at site.

OFFICER COMMENT

21. The installation of lighting to the Forrestfield Skate Park is supported to address the anti-social and criminal behaviour being conducted in this area since the opening of the facility in August/September 2015. This was reinforced by the Forrestfield Skate Park Action Group that was formed over summer to address these issues.
22. Subject to funding for the proposed security lighting project being included and approved in advance of the 2016/17 Capital Works budget adoption and acceptance of the grant offer, it is considered feasible that the works can be completed by 18 June 2017.

Voting Requirements: Absolute Majority

RESOLVED OCM 56/2016

That Council:

1. Approves a \$55,700 budget allocation being included in the 2016/17 budget for the Forrestfield Skate Park Security Lighting project.
2. Accepts the grant offer of \$25,000 for the Forrestfield Skate Park Security Lighting project from the Community Crime Prevention Fund to support the total project cost of \$80,700 (ex GST)

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (11/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.3 Draft Planning Policies P-DEV 47 and P-DEV 46– Effluent Disposal for Ancillary Accommodation and Caretakers Dwellings and Effluent Disposal from Agri-Tourism in the Middle Helena Catchment Areas

Previous Items	OCM 48/2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	Not Applicable
Owner	Not Applicable
Attachment 1	Draft Policy – P DEV – 46 Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Areas
Attachment 2	Draft Policy – P DEV 47 – Effluent Disposal for Agri-Tourism in the Middle Helena Catchment Areas

PURPOSE

1. To consider final adoption of the following draft Local Planning Policies Draft Policy –
 - P-DEV 46 – Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment and;
 - P-DEV 47- Effluent Disposal from Agri-Tourism in the Middle Helena Drinking Water Catchment.
2. To provide guidance on the requirements for the development of ancillary accommodation, caretakers' dwellings and agri-tourism developments in relation to effluent disposal in order to protect areas designated as Priority 2 in the Middle Helena Catchment Public Drinking Water Source Area (Middle Helena).
3. It is intended that the Policies will assist applicants by providing an up-front list of information to be included with a development application. This will streamline the assessment process, particularly negating the need to refer some applications to the Department of Water (DoW).

BACKGROUND

4. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency, transparency and integrated processes in decision making as well as adding clarity to an intent to existing legislation.
5. The subject policies were adopted by Council at its November 2015 Ordinary meeting for the purposes of advertising.
6. There is an increasing interest in the development of tourism activities and incidental dwellings in the rural localities of the hills orchard areas. The

activities are however constrained environmentally due to the area being identified as water catchment. It is therefore considered appropriate to develop policies to provide guidance on the requirements for the development of ancillary dwellings, caretakers' dwellings and uses typically associated with agri-tourism in respect to effluent disposal.

DETAILS

7. The policies were drafted by an environmental consultant specialising in environmental impacts in drinking water catchments in consultation with Shire staff and the DoW.
8. The following brief summary of each policy is included below. Refer to (Attachments 1 & 2).

Draft Policy – Effluent Disposal From Agri-Tourism in the Middle Helena Catchment Areas

9. The Policy captures commercial land uses typically applied for in Priority 2 Areas, such as Wineries, Chalets and Restaurants and excludes those land uses deemed incompatible within Priority 2 areas. Local Planning Scheme No.3 (the Scheme) sets the permissibility of the various land uses whereas the Policy sets out the technical information required to accompany a development application.
10. The Policy sets out the following in respect to determining a suitable waste water treatment system:
 - The proposed use.
 - Size of the proposed use (likely area, number of patrons served/ volume of waste water created).
 - Frequency of use and hours of operation (daily, weekend use only, seasonal, peak demand).
 - Type of waste material entering the system (consider all sources of waste water such as sewage, scale and types of food preparation, fruit processing etc).
 - Type of treatment and disposal (system design) needed to ensure protection of the Middle Helena Catchment Area drinking water source.
11. The Policy also sets out the estimated daily waste water under production, organic loading and recommended maximum number of patrons (patrons, staff and residents) per day per hectare for the following agri-tourism uses:
 - Café.
 - Cellar door sales (winery/cidery).
 - Chalets.
 - Restaurants.

Draft Policy – Effluent Disposal From Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Areas

12. The policy sets out waste water loading based on the number of people or bedrooms and locational requirements for effluent disposal systems and other information required to be submitted with an application for ancillary accommodation and caretakers' dwellings.
13. A separate policy has been initiated dealing with ancillary accommodation and caretakers dwellings throughout the entire Shire. It is intended that this policy will deal with matters including floor areas, land use and locational requirements. Where necessary, it will be read in conjunction with this policy.

STATUTORY AND LEGAL CONSIDERATIONS

14. Local Planning Policies are created under Clause 3(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. A Local Planning Policy is not binding on the Shire in its decision making and if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

POLICY CONSIDERATIONS

16. The policies follow the adopted Council template with some minor modifications for structure, legibility and clarity, and have been drafted in accordance with the principles of orderly and proper planning.
17. If adopted, the policies will be given due regard when assessing relevant development proposals.

COMMUNITY ENGAGEMENT REQUIREMENTS

18. The policies were advertised by way of a public notice placed in a newspaper circulating in the district with a consultation period of 21 days. At the conclusion of the advertising period, no submissions had been received.

FINANCIAL CONSIDERATIONS

19. Costs for the public advertising of the draft Policies were covered in the existing budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 3.2 – To protect and enhance the Shire's local bushland reserves, Local Natural Areas and Biodiversity Conservation Areas.

Strategy 3.2.4 – Ensure appropriate environmental controls are implemented throughout any land development process and policies and guidelines are developed to assist in these processes.

OBJECTIVE 5.4 To be recognised as an excellent tourism destination with high levels of patronage.

Strategy 5.4.2 Ensure tourism development is integrated into land use planning in regards to the Perth Hills.

SUSTAINABILITY

Social Implications

21. Nil.

Economic Implications

22. The policies set out standards for commercial land uses and incidental dwellings and the intensity to which development may occur.

Environmental Implications

23. The policies set out acceptable standards for development in environmentally sensitive areas. The policies will assist in managing the expectations of applicants in respect to the intensity of development likely to be supported due to the environmental constraints in the drinking water catchment areas.

RISK MANAGEMENT CONSIDERATIONS

24.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Referrals to the Department of Water for non-compliant application may result in unnecessary delays in determining proposals.	Possible	Minor	Medium	Make sure Council is aware that the policies have been reviewed by the Department of Water which will provide developers with some certainty and consistency in the decision making process.

OFFICER COMMENT

25. The policies have been drafted in conjunction with an environmental consultant who specialises in development in drinking water catchments. The policies have been subject to vetting by the DoW, which is the referral agency for land uses in the Priority 2 Areas.

26. Previously where land uses are considered compatible with conditions in the Middle Helena, they were forwarded to the DoW for Comment. This has resulted in the processing of applications becoming protracted as there had been lack of understanding in what would be considered to be an acceptable development.
27. Applications that are consistent with the policies will not need to be referred to the DoW. Applications that are inconsistent will require referral to the Do W and will need to demonstrate compliance with risk minimisation with respect to water quality.
28. Additionally the policies set out the specific information required to be submitted with a development application as it relates to the drinking water catchment. Adoption of the policies will assist applicants in providing the required level of documentation and an up-front understanding of what will be considered an acceptable level of development.
29. At the Ordinary Council Meeting on 29 March 2016 this item was deferred to the April Ordinary Council Meeting.

In response to the Delegation made by Frank Lindsey a Councillor put forward a Procedural Motion to defer this item for a month as he wished to explore some of Frank Lindsey's points.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Pursuant to clause 2.2 and 2.4.1 of Local Planning Scheme No. 3, adopt the following policies:

Planning Policy – P-DEV 46 – Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment (Attachment 1).

Planning Policy - P-DEV 47- Effluent Disposal from Agri-Tourism in the Middle Helena Drinking Water Catchment (Attachment 2).

Moved:

Seconded:

Vote:

Voting Requirements: Simple Majority

RESOLVED OCM 57/2016

Procedural Motion

1. This item be deferred to the Ordinary Council Meeting 23 May 2016.

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Attachment 1

P-DEV 46 Effluent Disposal from Ancillary Accommodation and Caretakers Dwellings in the Middle Helena Catchment Area

Adopted	Next Review
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Purpose

To provide guidance on the requirements for the development of ancillary accommodation in relation to effluent disposal in order to protect the Middle Helena Catchment Area drinking water source with respect to the requirements of the Department of Water.

Policy Statements

1. Application

This policy applies to the Priority 2 areas of the Middle Helena Catchment Area.

2. Definitions

Priority 2 (P2) areas are defined within PDWSAs by the Department of Water, and are managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation.

Public drinking water source area (PDWSA) means an area that provides a source of drinking water and is proclaimed under legislation. Middle Helena Catchment Area is a PDWSA, and is proclaimed under the *Country Areas Water Supply Act 1947*.

Secondary treatment means the biological processing and settling or filtering of effluent received from a primary treatment unit (for example Aerobic Treatment Unit). The quality of effluent after secondary treatment is higher than after primary treatment.

Wastewater disposal system means any sewage treatment system, such as a composting toilet or septic tank system, approved by the Department of Health (WA).

3. Principle

The objective of Priority 2 areas within PDWSAs is 'risk minimisation'. All proposals within Priority 2 areas of the Middle Helena Catchment Area should therefore aim to maintain or improve water quality.

4. General provisions

- 4.1 Only one wastewater disposal system will generally be permitted on the lot to service all development (maximum load of system is not to exceed 10 people or 6 bedrooms). Preference is for a new secondary treatment system with nutrient retention to be installed to connect both existing and new buildings.
- 4.2 Bores for private household/drinking water use shall not be located within 30m of a wastewater system.
- 4.3 A wastewater disposal system shall not be located within 100m of a waterway or other water body including dams and wetlands. This may be reduced to 30m for a secondary wastewater treatment system with proven nutrient retention performance.
- 4.4 The lowest component of any wastewater disposal system shall be located at least 2 metres above the end of wet season groundwater level.
- 4.5 On-site wastewater disposal shall not occur on land with a slope of greater than one in five (vertical:horizontal).
- 4.6 Secondary wastewater treatment systems, where approved by the Department of Health, may be accepted with ongoing maintenance commitments. Lesser buffer distances than those stated in provisions 4.2, 4.3, 4.4 and 4.5 may be accepted if site factors (such as soil type, permeability, vegetation cover) and/or system design have been investigated and proven to have a low risk of contamination to public drinking water sources.
- 4.7 Effluent from on-site wastewater systems should be dispersed (irrigated by above or below ground systems) over an area able to deal with issues such as nutrient loading, erosion, distances to sensitive water resources etc, consistent with the requirements of AS/NZS 1547 *On-site domestic wastewater management*.
- 4.8 A wastewater disposal system is to be located outside any area subject to inundation and/or flooding in a 1 in 10 year average recurrence interval (ARI) event.
- 4.9 The management of stormwater should be in accordance with the *Stormwater management manual for Western Australia* (Department of Water 2004-07).

5. Application requirements

- 5.1 Compliance with the requirements of this policy does not exempt the applicant from meeting the requirements of other policy, legislation and/or regulation, nor guarantee approval of the proposal by the Shire of Kalamunda.
- 5.2 It is the applicant's responsibility to demonstrate that the site is suitable for long-term on-site wastewater disposal and that the proposal will maintain or improve water quality within the Priority 2 areas of the Middle Helena Catchment Area. This may be demonstrated through a pre- and post-development contaminant balance which considers all sources of contaminants on the site.
- 5.3 Applications that do not meet the requirements of this policy will be assessed on a case-by-case basis and referred to the Department of Water for advice in their role as manager of the catchment area of proclaimed PDWSAs through by-laws created under the *Country Areas Water Supply Act 1947 (WA)*.
- 5.4 Any application for an ancillary or caretakers dwelling should be accompanied by the following:
- a) Building plan showing footprint of proposed dwelling i.e. square meters, number of bathrooms, toilets, kitchens, laundry and bedrooms, outbuildings and associated setbacks, and paved surfaces including driveways, carparks, garages, verandahs and alfresco areas.
 - b) Maximum number of people (permanent and temporary) residing in existing and proposed development.
 - c) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams and bores.
 - d) Details of site investigation of soil strata and end of wet season groundwater level (if applicable).
 - e) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.
 - f) Wastewater management system to be installed including the location, type and performance of the system; any setbacks prescribed under the *Code of Practice for Onsite Sewage Management*; and the area proposed for disposal, demonstrating that this is sufficient to distribute the effluent and address contamination risks. This should be supported by a

nutrient/chemical budget that describes the types, quantities and quality of solid and liquid waste (if applicable) that will be generated or disposed of pre- and post-development.

- g) Stormwater management plan that addresses flood risk and erosion and sediment control from run-off during construction and ongoing operation.
- h) Planned operational and equipment maintenance procedures. It should be noted that Alternative wastewater treatment systems must be serviced by a qualified technician, typically four times a year. Each service is required to be reported to the Shire's Health Services.

Further information is provided in the following water quality protection notes which are available on the Department of Water website (www.water.wa.gov.au)

- WQPN 6 - Vegetation buffers to sensitive water resources
- WQPN 9 - Community drinking water sources - protection and management
- WQPN 22 - Irrigation with nutrient rich wastewater
- WQPN 25 – Land use compatibility tables for PDWSAs
- WQPN 39 - Ponds for stabilising organic matter
- WQPN 41 - Private drinking water supplies
- WQPN 48 - Water supplies for rural lots (non-potable use)
- WQPN 60 - Tanks for mobile fuel storage in PDWSA
- WQPN 70 - Wastewater treatment – onsite domestic system

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 2

P-DEV 47 Effluent Disposal from Agri-tourist Development in the Middle Helena Catchment Area

Adopted

Next Review

Purpose

To provide guidance on the requirements for effluent disposal for agri-tourist development in order to protect the Middle Helena Catchment Area drinking water source.

Policy Statements

1. Application

This policy applies to the Priority 2 areas of the Middle Helena Catchment Area (Figure 1).

Agri-tourist uses covered by this policy are:

- Chalet
- Restaurant
- Winery/Cidery

The following agri-tourist uses are considered incompatible with drinking water source protection objectives for Priority 2 areas and will not be supported within Priority 2 areas of the Middle Helena Catchment Area:

- Art and craft centre
- Reception centre
- Resort
- Rural stall
- Serviced apartment
- Tavern

2. Definitions

Public drinking water source area (PDWSA) means an area that provides a source of drinking water and is proclaimed under legislation. Middle Helena Catchment Area is a PDWSA, and is proclaimed under the *Country Areas Water Supply Act 1947*.

Priority 2 (P2) areas are defined within PDWSAs by the Department of Water, and are managed to maintain or improve the quality of the drinking water source with the objective of risk minimisation.

Secondary treatment means the biological processing and settling or filtering of effluent received from a primary treatment unit (for example Aerobic Treatment Unit). The quality of effluent after secondary treatment is higher than after primary treatment.

Wastewater disposal system means any sewage treatment unit, such as a composting toilet or septic tank system, approved by the Department of Health (WA).

All agri-tourist uses have the same definitions as provided by Shire of Kalamunda Local Planning Scheme No 3.

3. Principle

The objective of Priority 2 areas within PDWSAs is 'risk minimisation'. All proposals within Priority 2 areas of the Middle Helena Catchment Area should therefore aim to maintain or improve water quality.

Whilst a site may be zoned or rezoned for a specific use or activity, there is no guarantee that planning consent will be granted for that or any other specific use.

4. General provisions

- 4.1 A wastewater disposal system must be installed to treat the maximum predicted input from the proposed use including volume and potential contaminants as approved by the Department of Health (WA) (see schedule 1).
- 4.2 Maximum load should not exceed 350g Biochemical Oxygen Demand/day/hectare and/or recommended acceptable nitrogen application rate for the soil type (see schedule 1).
- 4.3 Dwellings and other rural tourist uses should share the same services and infrastructure (including drinking water source, wastewater disposal system, access roads, etc) where practical.
- 4.4 All wastewater disposal systems will be operated and maintained as recommended by the supplier and Department of Health and agreed by the Shire.
- 4.5 Signs are to be installed and maintained to advise patrons that the area is located in a proclaimed public drinking water source area where by-laws apply to protect the quality of the drinking water source.
- 4.6 Bores for private household/drinking water use shall not be located within 30m of a wastewater system.

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- 4.7 A wastewater disposal system shall not be located within 100m of a waterway or other water body including dams and wetlands. This may be reduced to 30m for a secondary treatment system with proven nutrient retention performance.
- 4.8 The lowest component of any wastewater disposal system shall be located at least 2 metres above the end of wet season groundwater level.
- 4.9 On-site wastewater disposal shall not occur on land with a slope of greater than one in five (vertical:horizontal).
- 4.10 Secondary wastewater treatment systems, where approved by the Department of Health, may be accepted with ongoing maintenance commitments. Lesser buffer distances as stated in provisions 4.6, 4.7, 4.8 and 4.9 may be accepted if site factors (such as soil type, permeability, vegetation cover) and/or system design have been investigated and proven to have a low risk of contamination to public drinking water sources.
- 4.11 Effluent from on-site wastewater systems should be dispersed (irrigated by above or below ground systems) over an area able to deal with issues such as nutrient loading, erosion, distances to sensitive water resources etc, consistent with the requirements of AS/NZS 1547 *On-site domestic wastewater management*.
- 4.12 A wastewater disposal system is to be located outside any area subject to inundation and/or flooding in a 1 in 10 year average recurrence interval (ARI) event.
- 4.13 The management of stormwater should be in accordance with the *Stormwater management manual for Western Australia* (DoW 2004-07). Stormwater from roofs, carparks, paths and landscape run-off should not be discharged into the vicinity of wastewater management systems (including into any oil and grease arrester).
- 4.14 Any proposed non-reticulated water supply source (eg rainwater tank or bore water) for a food premises serving the public must meet the recommended water quality criteria in the *Australian Drinking Water Guidelines* 2011 and the General Food Standards Code Australia New Zealand, Standard 2.6.2, and meet the requirements of the Department of Health with regards to water testing, treatment and monitoring.
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5.0 Application requirements

- 5.1 Compliance with the requirements of this policy does not exempt the applicant from meeting the requirements of other policy, legislation and/or regulation, nor guarantee approval of the proposal by the Shire of Kalamunda.
- 5.2 It is the applicant's responsibility to demonstrate that the site is suitable for long-term on-site wastewater disposal and that the proposal will maintain or improve water quality within the Priority 2 areas of the Middle Helena Catchment Area. This may be demonstrated through a pre- and post-development nutrient/contaminant balance which considers all sources of nutrient/contaminants on the site.
- 5.3 Applications that do not meet the requirements of this policy will be assessed on a case-by-case basis and referred to the Department of Water for advice in their role as manager of the catchment area of proclaimed PDWSAs through by-laws created under the *Country Areas Water Supply Act 1947 (WA)* for their advice.
- 5.4 Any application for rezoning should be accompanied by the following:
- a) Proposed scale of future development including area and likely visitation (average number of people per day).
 - b) A site plan showing the features of the site including remnant vegetation cover, existing development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams and bores. The plan should depict the likely location and extent of future development.
 - c) Details of soil type and approximate depth to water table¹.
 - d) Details of any likely vegetation clearing, buffer requirement and/or site earthworks.
 - e) Proposed servicing strategy (concept only) including for water supply, wastewater management and stormwater management.
 - f) Wastewater treatment system requirements.

¹ Information on soil permeability and suitability for liquid waste disposal for the Perth metropolitan region (Yanchep to Serpentine) is shown on the Metropolitan environmental geology map series produced in the 1980s by the Geological Survey division of the Department of Mines, and on the Department of Agriculture and Food (WA) land resources mapping series. Broad information on depth to groundwater is provided in the Perth groundwater Atlas available on the Department of Water website (www.water.wa.gov.au).

5.5 Any application for a development approval should be accompanied by the following:

- a) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater management system, and onsite water features and sources including waterways, drains, dams and bores.
- b) Building plan showing footprint of proposed development i.e. square meters, number of toilets, bathrooms, kitchens, outbuildings and paved surfaces including driveways, car parking areas, verandas and alfresco areas.
- c) Maximum number of persons (permanent and temporary) per day to be accommodated on the lot.
- d) Details of site investigation of soil strata and end of wet season groundwater level (if applicable).
- e) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.
- f) Description of the type, quantity and quality of solid and liquid waste (if applicable) that will be generated and disposed of and the methods of disposal, as a result of all uses on the site, both pre- and post-development.
- g) Wastewater management system to be installed including the location, type and performance of the system; any setbacks prescribed under the *Code of Practice for Onsite Sewage Management*; and the area proposed for disposal, demonstrating that this is sufficient to distribute the effluent and address nutrient/contamination risks.
- h) Stormwater management plan that addresses flood risk and erosion and sediment control from run-off during construction and ongoing operation (including carparks).
- i) Water use budget (all sources) pre- and post-development that identifies the location, extent, hydrology, quality and dependencies on local water resources (including any seasonal variations) that could be affected by the proposal.
- j) Planned operational and equipment maintenance procedures. It should be noted that Alternative wastewater treatment systems must be serviced by a qualified technician, typically four times a year. Each service is required to be reported to the Shire's Health Services.

- k) Details of any contingency measures proposed to minimise the impacts of chemical spills and safely dispose of contaminated waters that may result from storms, fire, flood, equipment malfunction or vandalism. Information should include workforce training, site monitoring and emergency response facilities appropriate to the level of risk from the proposed use.

Related Local Law			
Related Policies			
Related Budget Schedule			
Legislation			
Conditions			
Authority			
Adopted		Next Review Date	

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.4 Review of Joint Development Assessment Panels

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider calling the State Government to undertake a review of Joint Development Assessment Panel (JDAPs) and to request the Western Australian Local Government Association (WALGA) to advocate for this review.

BACKGROUND

2. The Local Government sector has concerns about the decisions being made by JDAPs, whereby poor planning outcomes are resulting and the communities are left blaming the local council representatives who are the minority on the JDAPs. Issues such as having three independent representatives on JDAPs is perceived to be creating a culture of lack of care and limited responsibility for the outcomes of planning decision upon the community or the longer term ramifications.
3. JDAPs are not required to look at any other aspects other than the application before it. This is perceived to be leading to decisions being made that will impact on broader community future planning outcomes.
4. A number of metropolitan local government Mayors at recent forums have outlined a range of issues being encountered by JDAPs.

The key issue raised are:

1. Chair of JDAPs are not independent.
 2. Council Policies are not being considered in deliberations.
 3. Council Reporting Officers are having to make a recommendation and an alternative recommendation which enables the JDAPs to be selective in their decision making.
 4. JDAPs are taking longer and costing the community more.
 5. Developers are using JDAPs to put through incomplete and inferior planning applications.
5. Many local governments are now questioning what could be done to raise the profile of this issue and as a result recently the City of Vincent passed a resolution on the matter. The City of Belmont is also considering a report regarding the issues they are experiencing and will be sending all their

community complaints to the Department of Planning (DoP) for their review. The City of South Perth recently dealt with a 50 storey tower development through its JDAP which resulted in Supreme Court Action.

6. The City of Nedlands has drafted and is circulating a request for all local governments to also make similar resolutions in order to influence State Government action.
7. The common theme being reiterated by many local governments dealing with JDAPs is that communities are being disengaged from the decisions of JDAPs and believe leveraging broader community support will be the only way the local government can get a commitment from the State Government to look at the JDAPs processes.
8. The Shire of Kalamunda's experience with JDAPs has been limited to one decision within the Shire. Whilst time consuming the process did not generate any issues or negative experiences. This particular JDAP assessment involved multiple dwelling and a tavern in Forrestfield and was support by both Council and staff.
9. The High Wycombe community has been effected by a decision of a JDAP in the neighbouring City of Swan. There were some technical difficulties in the administration of the JDAP and failure to notify the Shire of the meeting. The decision of the JDAP was contrary to the recommendations of the City of Swan and the community are not supportive of the final decision the JDAP made, following a reconsideration after an appeal.

DETAILS

10. Following the lead of the City of Vincent, several Councils including the Cities of Subiaco, Stirling and Belmont, and Towns of Mosman Park and Cambridge have either approved or are actively considering similar resolutions to the above.

The following is based on the administration report to the City of Vincent.

DAPs have largely (and deliberately) removed opportunities for local 'political' and community-based issues to be considered in the decision-making process. These issues represent the fine-grain fabric of what is important to a local community in terms of its future character, landscape and amenity. Elected Council Members are best placed to interpret and represent those views. Further, these local issues cannot always be easily captured through Local Planning Policies; as a result, subjectivity and discretion will always have a role to play in such decisions.

Whilst the specialist DAP members are well qualified and experienced in their fields, they do not have the same appreciation and ownership of local issues as elected members. Specialist DAP members will also typically not have the same enduring accountability to justify or 'live with' the consequences of DAP decisions as elected members have, which comes from being a resident of the local community.

DAPs may have a place in some local governments if and where local political or populist issues are influencing development outcomes at the expense of relevant planning considerations and established planning policies. However, this is not considered to be the case at the City of Nedlands, where the focus is on making good planning decisions that are well balanced and considerate of both allowable development standards and local issues. This view is supported by a number of recent planning decisions made by Council and administration which have resulted in well-informed and well-explained decisions.

The same cannot be said for DAP decisions, the most obvious example of which is the Aria development, opposed unanimously by Council on advice of its administration, universally condemned by local residents and the source of on-going frustration.

It is undemocratic for local government to be excluded from decision making in such cases and if the current process is to be retained, there should at least be legislative change to allow Councils to seek a review at the State Administrative Tribunal of all decisions.

However it is recommended that WA follow development assessment practice in the eastern states, where DAPs as we know them have now been abandoned in favour of Ministerial call-in powers. Such powers are confined to projects of state or regional significance, typically with a minimal value of \$20 million or more. Projects called-in by the Minister for Planning could be assessed by a DAP with equal representation from state and local governments and a neutral chair. The DAP would advise the Minister.

This motion calls for WALGA to undertake an independent review of the effectiveness of DAPS. Any review of decision making in planning should not be limited to DAPs alone, but all levels, including how local government Councils and officers make their decisions. Whether we are talking about a garden shed or a multi-storey building, residents want clear and consistent decision making. Local Governments, DAPs and Town Planners shape the places that we live. No decision should be considered insignificant, so we would welcome a review of decision making processes in WA, but realise that no matter who makes the decision, not everyone will be happy with the outcome.

STATUTORY AND LEGAL CONSIDERATIONS

11. JDAPS are a key component of planning reform in Western Australia. JDAPS are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.
12. Each JDAP consists of five panel members, three being specialist members and two local government councillors. Under the JDAP regulations, each JDAP will determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or region planning scheme. The JDAP regulations state that JDAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. No consultation has been undertaken with the Shire of Kalamunda community regarding JDAPS.

FINANCIAL CONSIDERATION

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.2 To effectively plan for the diverse range of housing stock that will be required to meet the social and economic needs of the Shire's changing demographics.

OBJECTIVE 4.3 To Ensure the Shire's development is in accord with the shire's statutory and legislative obligations and accepted urban design planning standards.

SUSTAINABILITY

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATONS

20.

Risk	Likelihood	Consequence	Rating	Action/Strategy
If JDAPS are not reviewed public confidence in planning decisions may be undermined.	Possible	Major	High	Senior management attention will be given to monitor the impact of JDAPS upon the Shire.

OFFICER COMMENT

21. The planning system should be focussed on good decisions. Simply abolishing the JDAPs system gives no guarantee in and of itself that the decisions would be better. Clearly, locally elected Councillors have a far better understanding of the impacts of developments on the community than appointed persons, however in some circumstances, the added expertise are warranted for some decisions.
22. By way of an example, some Local Authorities in WA represent less than 1000 people and deal with relatively few applications per year. If an application for major infrastructure was applied for, understandably, the Council may not be able to gauge how their planning scheme should be applied, or what appropriate conditions may be applied, due to a lack of familiarity with the system. Whereas very large local authorities such as Stirling manage a population 40% of the State of Tasmania, but are not allowed to deal with a \$2 million shed, if the applicant seeks a JDAP determination. The system put in place by the state is a one size fits all planning system, rather than one that supports decision making at the appropriate level.
23. As has been pointed out by the State Government and numerous developer lobbies, the JDAPs are bound by the Local Planning Schemes, which whilst approved by the Minister, in most cases have been drafted by the local authorities. This would be the most appropriate place to start any review of the planning decision process. Much of the issue comes from poorly written planning schemes, which gives significant amounts of discretion, with little guidance on how it should be applied. For example if a scheme simply says that the height of a development can be increased, but gives no reason as the circumstances in which this variation can happen, of course there will be debate about whether it was appropriate if that discretion is applied.
24. Clearly the elected members have a better understanding of the strategic intent of certain provisions of their planning schemes and this knowledge should be respected. There is significant context set out in the strategic plans of the local governments that should be incorporated into the decision making process.
25. The advent of JDAPs was largely due to criticism by the development industry that some Councils were anti-development and incorrectly refusing applications, forcing the need for review at State Administrative Tribunal (SAT). Whilst this analysis is debatable, the other reforms that occurred over the same period was changes to the Local Government Act, which allows for the Minister for Local Government to suspend Councils or individual Councillors and mandate training to assist in their decision making.
26. The Shire would recommend that any review of decision making not be limited to the JDAPs system, but should look at how better decisions can be made across all levels of decisions in the planning system, from Ministerial decisions down to delegate decisions by officers.

27. A previous parliamentary inquiry was held into the functionality of the regulations surrounding JDAPs, however the scope of the review did not allow for a true investigation into the need for such a mechanism. Further review will find improvements to the planning system which will benefit the community and developers alike.

Voting Requirements: Simple Majority

RESOLVED OCM 58/2016

That Council:

1. Request the Western Australian Local Government Association to advocate for **AN INDEPENDENT REVIEW** of decision making in the Western Australian Planning System, including the roles of local government, delegated authorities and Joint Development Assessment Panels that gives consideration to:
 - 1.1 How the aspirations or values of the community are incorporated into the decision making framework;
 - 1.2 Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;
 - 1.3 Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;
2. Request the Western Australian Local Government Association to engage with members and advocate for practical reforms, in the event that the State Government is unwilling to pursue an independent review of the decision making process, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Joint Development Assessment Panel's decision making processes.

Moved: **Cr Geoff Stallard**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.5 Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	MC-04/065
Applicant	Aurecon Australasia
Owner	Adda Nominees 2005 Pty Ltd & Karragullen Cool Storage Pty Ltd
Attachment 1	Site Plan
Attachment 2	Floor Plans
Attachment 3	Elevations
Attachment 4	Photographs of Views
Attachment 5	Submission Table

PURPOSE

1. To consider a planning application for a proposed telecommunications mast at Lot 103 (65) McCorkill Road, Pickering Brook.

BACKGROUND

Land Details

- 2.

Land Area:	4,600m ²
Metropolitan Regional Scheme Zone:	Rural
Local Planning Scheme Zone:	Rural Agriculture

3. The surrounding area is predominantly characterised by rural uses. The subject site is relatively small (4,600m²) in comparison with surrounding lots (approximately 6 hectares). The site contains a large storage shed for cool storage. The remainder of the property comprises open hardstand area.

Locality Plan

- 4.



DETAILS

5. The application proposes the erection of a 50 metre high lattice mast and ancillary components (antennas, fencing and ground equipment) to the rear (north-east) of the existing storage shed on the site.
6. The mast is proposed to be located approximately 90 metres from the nearest residential dwelling, and approximately 490m from the nearest boundary of the Pickering Brook Primary School.
7. The applicant submits the following in respect to the proposed facility:
"The NBN is an upgrade to Australia's existing telecommunications network. It is designed to provide Australians with access to fast, affordable and reliable internet services. NBN plans to upgrade the existing telecommunications network in the most cost-efficient way using best-fit technology and taking into consideration existing infrastructure.

To support Fixed Wireless component of this network, NBN requires a fixed wireless transmission site to provide fixed wireless internet coverage to the Pickering Brook area. The proposed site in Pickering Brook will serve as a terminal site that connects through Bickley into the fibre network."

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

8. Clause 4.2.2 (Objectives of the Zones – Rural Agriculture) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives for the Rural Agriculture zone are as follows:
 - To protect and maintain the hills horticultural industry.
 - To ensure the conservation of soil and water resources important to the well-being of the horticulture industry.
 - Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.
 - To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of this zone.
 - To conserve the physical and visual environment of the area.
 - Encourage the reduction of bush fire hazard.
9. Under the Scheme, the proposed telecommunications infrastructure is defined as follows:
"telecommunications infrastructure means 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, on or in connection with a telecommunications network."
10. Telecommunications infrastructure is a 'D' (discretionary) use within the Rural Agriculture zone, which means that the use is not permitted unless the Council has granted planning approval.

11. In considering an application for planning approval, Clause 10.2 of the Scheme (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings.
 - Any approved Statement of Planning Policy of the Western Australian Planning Commission.
 - The preservation of amenity of the locality.
 - 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.
 - Any relevant submissions received during advertising or from any authority consulted.
12. In regard to the proposed structure, assessment was undertaken against Table 2 of the Scheme (Site Requirements), which is summarised in the following table:

Rural Agriculture Zone Site Requirements	Required	Proposed
Setbacks:		
Front	20m	68.8m
Side (east)	15m	4.4m*
Side (west)	15m	43.8m
Rear (north)	15m	2m*

* Variation to the Scheme setback requirements.

POLICY CONSIDERATIONS

State Planning Policy 5.2 – Telecommunications Infrastructure (2015)

13. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.
14. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:
- “The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.*

Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research".

Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA's findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions."

15. In regard to the visual impact and siting of telecommunications infrastructure, SPP 5.2 contains several planning principles to be considered which are summarised as follows:

- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres.
- Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land.
- Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised.
- Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
- Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community.
- Facilities should be co-located whenever possible.

P-DEV52 – Telecommunications Infrastructure (Draft)

16. Local Planning Policy P-DEV52 – Telecommunications Infrastructure (P-DEV52) was considered at Council's Ordinary Meeting on 28 March 2016 for approval to commence public advertising. However, given the advertising of the draft P-DEV52 does not conclude until 2 May 2016, it cannot be considered in the context of the current development application.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. Public advertising was undertaken for 28 days involving letters being sent to surrounding property owners, and information available for inspection on the Shire's website.

During the advertising period, the Shire received 102 submissions comprising 95 objections and seven (7) non objections. The Shire also received two (2) petitions containing a total of 57 signatures objecting to the proposal. Key concerns raised during the advertising period included the following:

- The proposal is located too close to the Pickering Brook Primary School and potential health issues resulting from exposure to EME.
- Visual amenity impacts of the facility.
- The proposal will devalue properties in the area.
- Other locations would be more appropriate.

FINANCIAL CONSIDERATIONS

18. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

20. Some sections of the community are concerned regarding alleged public health risks associated with exposure to EME, and the visual impact of the development.

Economic Implications

21. The proposal would facilitate improved wireless network coverage to the Pickering Brook area and surrounds.

Environmental Implications

22. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 23.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|--------|--|
| The proposal may detract from the visual amenity of the locality. | Likely | Major | High | Ensure the facility is appropriately located and designed so as to minimize undue impacts on visual amenity. |

Risk	Likelihood	Consequence	Rating	Action/Strategy
The visual impact of the development may detract from the emerging tourism precinct.	Likely	Major	High	Ensure the facility is appropriately located and designed so as to minimize undue impacts on visual amenity.
The proposal may result in public health issues associated with exposure to electromagnetic emissions.	Not considered	Not considered	Not considered	In accordance with SPP5.2, ensure the applicant has provided an Environmental EME Report in accordance with the requirements of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) which demonstrates that the EME levels are within the safe public exposure limit.

OFFICER COMMENT

Issues Raised During Advertising Period

24. In regard to the concerns raised during advertising, the following is noted:

Potential health issues resulting from exposure to EME:

A majority of objections received during advertising raised concern regarding the proximity of the proposed facility to the Pickering Brook Primary School and associated public health risks from EME. As noted above, the Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval.

25. Visual amenity impacts of the facility:

In regard to the visual impact of the facility at the subject site, it is noted that the section of Pickering Brook Road between Pickering Brook Golf Course and the Pickering Brook Primary School is a prominent scenic route in the Pickering Brook area. This road is elevated which creates an attractive view of the valley and rural landscape from the road, with a tree line framing the opposite side of the valley, the natural beauty of the area is considered an important factor in the emerging future opportunities for the Pickering Brook area. At a height of 50m, the facility would be highly visible in the skyline above the view of the valley and the tree line and would significantly detract from the visual amenity

of the area. This is also considered to be detrimental to tourism developments which are encouraged through the Hills Rural Study.

Photographs of the valley are provided in (Attachment 4).

26. The facility will devalue properties in the area:

This is not considered to be a relevant land use planning consideration.

27. Other locations would be more appropriate:

In regard to the appropriateness of the site selected, the applicant submits as follows:

"Candidate 1 [the site] provides separation from residential land uses, as well as areas of historical or conservation value. The subject land is located in Rural Agriculture zone which (in addition to industrial zones) is the preferred land use classification for telecommunications infrastructure to be sited in accordance with State Policy. As such, NBN considers Candidate 1 (the site) the best option as it provides an appropriate location for a facility given the significant separation from residential and other sensitive land uses (Pickering Brook Primary School), from tourist routes (Pickering Brook Road) and the ability of existing buildings, structures and vegetation to screen ground level infrastructure."

A total of 11 candidate sites were identified and considered by the applicant in the Pickering Brook area, however 10 of those sites were dismissed as they did not meet coverage objectives and the applicant's site considerations, which include the following:

- Service objectives.
- Topographical constraints affecting network line of site.
- Potential to co-locate at an existing telecommunications facility or building structure.
- Visual impact on the surrounding area.
- The need to obtain relevant planning approvals.
- The proximity to community sensitive locations.
- The proximity to areas of environmental or heritage significance; the availability of public utilities, such as power.
- Construction issues (including structural and loading feasibility and access for maintenance purposes).
- Occupational health and safety:
- Other cost factors.

28. Several objections indicated that there are alternative sites in the Pickering Brook area which would be more appropriate. Given that the current proposal is considered to have an undue impact on the visual amenity of the area, the Shire requested that the applicant consider alternative sites in the vicinity, which were not initially considered in the 11 candidates, and from a visual amenity perspective are considered to be more appropriate for the location of the facility.

29. While alternative sites may be considered by the applicant, determining whether or not alternative locations would be appropriate is an invalid

consideration for the purposes of the current application. Council should consider the appropriateness of the proposal in its current form, at the currently proposed location.

30. In regard to site requirements under the Scheme, the proposal incorporates a side (east) and rear (north) setback of 4.4m and 2m respectively, in lieu of the allowable 15m under the Scheme. It is noted that the small size of the site and existing position of the storage shed results in a setback variation being largely unavoidable, unless the mast was located in front of the storage shed. However, it is considered that the setback variation is significant and would be inconsistent with the objectives of the Scheme for the Rural Agriculture zone, particularly the conservation of the visual environment for adjoining properties.
31. In respect to the applicant's planning report which was lodged with the application, there is considered to be a failure to address the visual amenity principles of the Rural Agriculture zone under the Scheme. Furthermore, it would appear from discussions with the applicant that alternative sites were dismissed based on a misconception that other zones (such as Rural Landscape Interest) require higher visual amenity standards under the Scheme, rather than on the merits of the particular site. In this respect, it is noted that telecommunications infrastructure can be considered as a 'D' (Discretionary) use in all of the Scheme's Rural zones.
32. In conclusion, the current proposal is considered to be prominently visible within a scenic landscape in Pickering Brook, as viewed from Pickering Brook Road and adjacent properties. This is not considered to comply with SPP 5.2 policy measures. Additionally, the proposal incorporates significant setback variations under the Scheme which are considered to result in undue impacts on the visual environment from the perspective of adjoining properties.

This item was debated by Council prior to a vote being taken.

Voting Requirements: Simple Majority

RESOLVED OCM 59/2016

That Council:

1. Refuses the planning application for a telecommunications facility Lot 103 (65) McCorkill Road, Pickering Brook, for the following reasons:
 - a) The proposal does not comply with Clause 5.1.1 (ii)(a and b) of State Planning Policy 5.2 – Telecommunications Infrastructure, as it will be prominently visible and detract from a significant view in the Pickering Brook area.
 - b) The proposal does not comply with the setback requirements for the Rural Agriculture zone under Table 2 of the Local Planning Scheme No. 3.
 - c) The proposal is inconsistent with the orderly and proper planning of the locality for the following reasons:

- i. The proposal does not meet the objectives of the Rural Agriculture Zone under the Local Planning Scheme No. 3.
- ii. The proposal does not adequately protect rural character and landscape, which will result in a detrimental impact on tourism developments encouraged through the Hills Rural Study 2014.

Moved: **Cr Geoff Stallard**

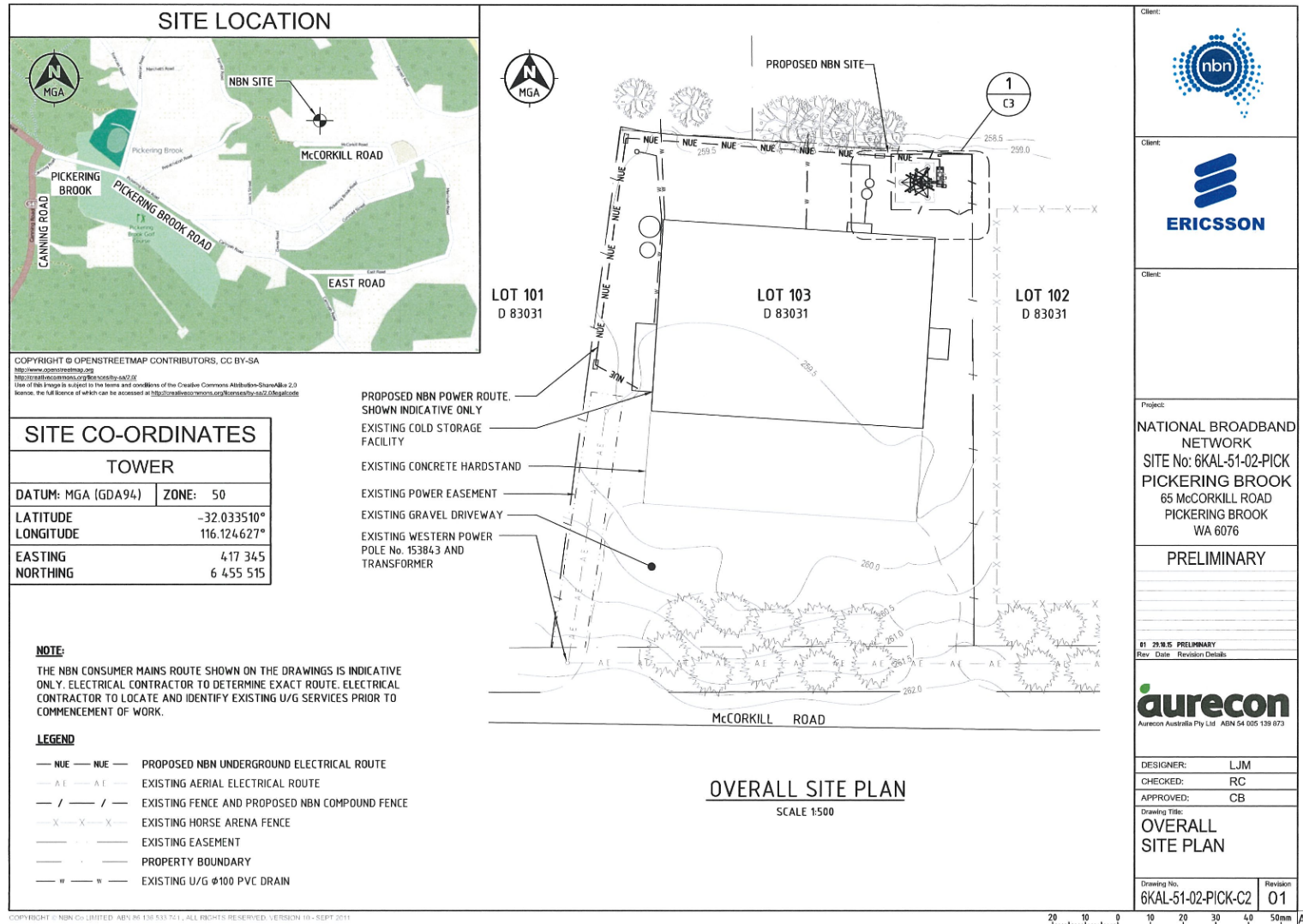
Seconded: **Cr John Giardina**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Brooke O'Donnell
	Cr John Giardina	Cr Noreen Townsend
	Cr Geoff Stallard	Cr Tracy Destree
	Cr Allan Morton	Cr Andrew Waddell
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Simon Di Rosso	
	CARRIED (7/4)	

Attachment 1

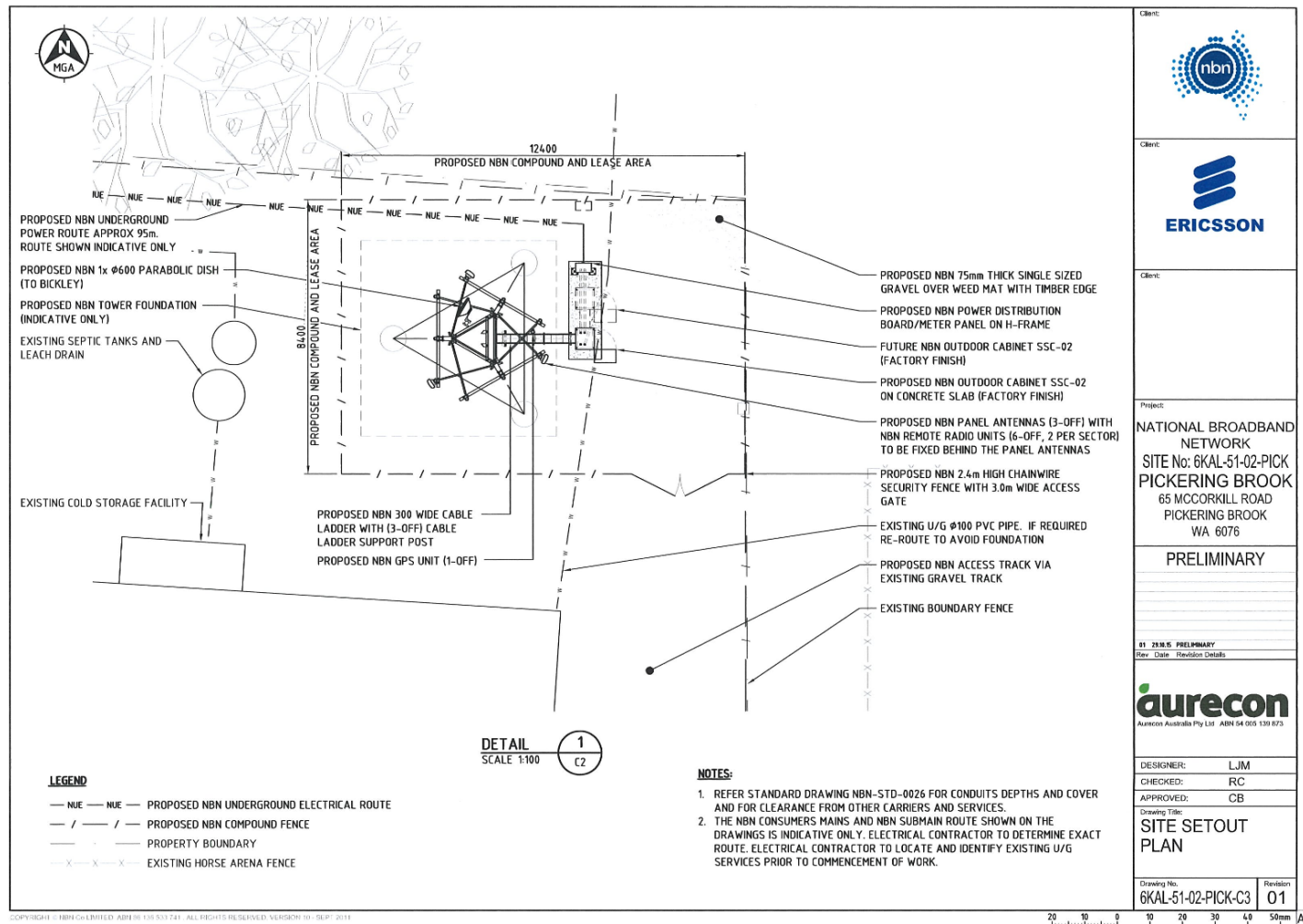
Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook

Site Plan



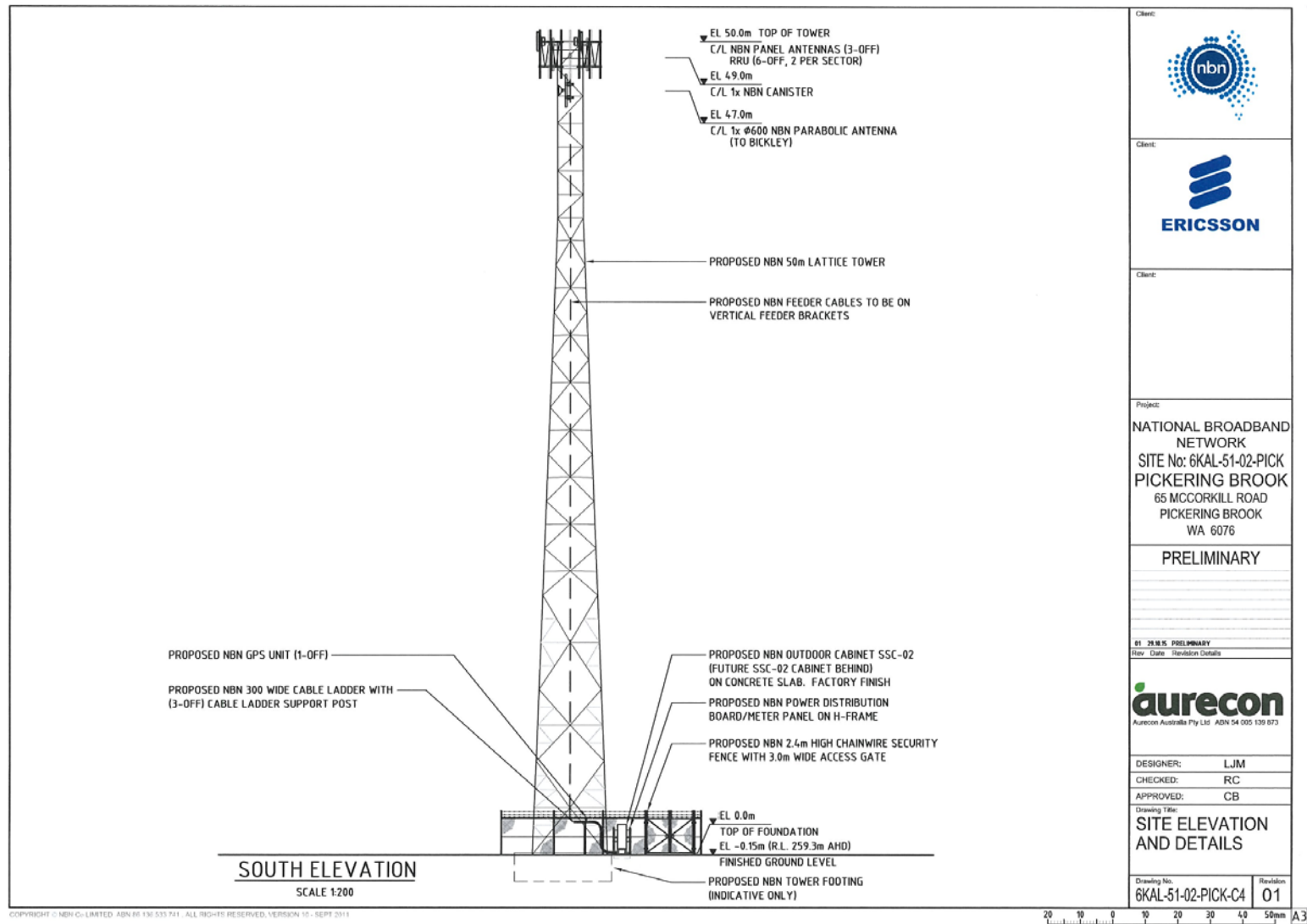
Attachment 2

Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook Floor Plan



Attachment 3

Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook Elevations



Attachment 4

Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook

Photographs of Views



Attachment 5

Proposed Telecommunications Mast – Lot 103 (65) McCorkill Road, Pickering Brook

Submission Table

Details		Comment	Staff Comment
1.	Mr Claude Della Franca 211 Pickering Brook Road PICKERING BROOK WA 6076	Non-objection	Noted.
2.	Mr Fred Della Franca 331 Pickering Brook Road PICKERING BROOK WA 6076	Comment on the proposal a) Another location would be more appropriate.	a) Noted.
3.	Shaan Russell-Smith 19 Ash Road CARMEL WA 6076	Objection a) The proposal is too close to the Pickering Brook Primary School.	a) Noted.
4.	Mr Terence Rae Jacks 4 Neave Street PICKERING BROOK WA 6076	Objection	Noted.
5.	Ms Toni-Marie Warden 21 Roach Road PIESSE BROOK WA 6076	Comment on the proposal a) The Pickering Brook Primary School is not detailed on the site location map or the plans.	a) In accordance with State Planning Policy and relevant industry codes, the applicant is required to provide a report demonstrating compliance with the Mobile Phone Base Station Deployment Industry Code. It is considered that the information received does adequately address the surrounding context around the development.

		<ul style="list-style-type: none"> b) There is no EME (electro-magnetic energy) plot included to understand where the beam of intensity will be at its strongest. c) Concern regarding visual amenity impacts, particularly given the future township proposed for the local area. d) Concern regarding the health effects of the proposal, particularly on children. 	<ul style="list-style-type: none"> b) The applicant submitted an Environmental EME report which details the calculated EME levels around the proposed development location. c) Noted. Refer to the officer comments section of the report. d) Refer to the Officer comments section of the report regarding EME considerations.
6.	Ms Laura Bundesen Lot 1 East Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) The proposal is too close to the Pickering Brook Primary School. b) There is mounting evidence on the effects that radio waves have on people's health. 	<ul style="list-style-type: none"> a) Noted. b) Refer to the Officer comments section of the report regarding EME considerations.
7.	Justin and Christine Mercy 47 McCorkill Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Long term effects of mobile phone infrastructure is unknown. b) Potential effects on the health of children, particularly given the site is close to the Pickering Brook Primary School. c) Current industry codes advocate a precautionary approach to siting base stations near community sensitive locations, such as schools. d) The tower is located 100m from our property and 20m from our neighbour's property. e) The height of the infrastructure will destroy the look of our beautiful valley. f) The proposal will have significant negative effect on the value of properties on McCorkill Road. A tower of this size would be a deterrent to prospective home buyers. 	<ul style="list-style-type: none"> a) Refer to the Officer comments section of the report regarding EME considerations. b) Refer to the Officer comments section of the report regarding EME considerations. c) Noted. d) Noted. e) Refer to the Officer comments section of the report. f) The effect on property values is not a valid land use planning consideration.

		<p>g) The infrastructure is located in a very visible location and will impact on tourism.</p> <p>h) There are more appropriate alternative locations.</p>	<p>g) Refer to the Officer comments section of the report.</p> <p>h) Noted.</p>
8.	<p>Ms Leslie Jean Brede 180 Pickering Brook Road PICKERING BROOK WA 6076</p>	<p>Objection</p> <p>a) Concern regarding the health effects on us and the community around this infrastructure from radiofrequency emissions.</p> <p>b) Concern regarding the economic risk when selling property.</p> <p>c) The infrastructure is ugly and will be a blight on the landscape.</p>	<p>a) Refer to the Officer comments section of the report regarding EME considerations.</p> <p>b) The effect on property values is not a valid land use planning consideration.</p> <p>c)</p>
9.	<p>Ms Ailsa McDonald 151 Pomeroy Road WALLISTON WA 6076</p>	<p>Non-Objection</p> <p>a) We do need communication and masts are required in the event of bush fires as they are an effective and critical means of communicating.</p>	<p>a) Noted.</p>
10.	<p>Nina Lee and Fryderyk Flor 35 Ryan Way LESMURDIE WA 6076</p>	<p>Objection</p> <p>a) Proximity to the Pickering Brook Primary School and the health and wellbeing of the children attending the School.</p>	<p>a) Refer to the Officer comments section of the report.</p>
11.	<p>Ms Desiree Freshwater 226 Pickering Brook Road PICKERING BROOK WA 6076</p>	<p>Objection</p> <p>a) Health impacts of the proposal.</p> <p>b) Proximity to children at the Pickering Brook Primary School.</p> <p>c) The proposal is a fire hazard.</p>	<p>a) Refer to the Officer comments section of the report regarding EME considerations.</p> <p>b) Noted.</p> <p>c) The proposal is not considered to unduly increase bushfire risk.</p>

		<p>d) The proposal will depreciate the value of properties in the area.</p> <p>e) Potential light disruption at night.</p>	<p>d) The applicant has indicated that there will not be, nor is there required to be, any security lighting or lighting on the facility itself.</p>
12.	<p>Ms Michelle Reed 67 First Avenue BICKLEY WA 6076</p>	<p>Objection</p> <p>a) The effects of radiation are not yet fully understood.</p> <p>b) Once erected, others can use the structure for other purposes.</p>	<p>a) Refer to the Officer comments section of the report regarding EME considerations.</p> <p>b) Noted.</p>
13.	<p>Name and address withheld</p>	<p>Objection</p> <p>a) Concern regarding the extent of consultation undertaken.</p> <p>b) Concern regarding the health impacts of the proposal, particularly on children at the Pickering Brook Primary School.</p> <p>c) Concern regarding the impact of the proposal on property values in the area.</p> <p>d) Independent and objectives evidence needs to be obtained before making any decision.</p>	<p>a) Noted.</p> <p>b) Refer to the Officer Comments section of the report regarding EME considerations.</p> <p>c) The effect on property values is not a valid land use planning consideration.</p> <p>d) Noted.</p>
14.	<p>Ms Lyn Cashmore 16 Kurrajong Street ROLESTONE WA 6111</p>	<p>Objection</p> <p>a) Concern regarding location close to Pickering Brook Primary School.</p> <p>b) Concern regarding noise and wires 'buzzing'.</p> <p>c) Concern regarding the health impacts of the proposal.</p>	<p>a) Noted.</p> <p>b) There is no indication that the proposal will result in undue noise.</p> <p>c) Refer to the Officer Comments section of the report regarding EME considerations.</p>
15.	<p>Ms Rhonda Whelan 17 Nairn Road BICKLEY WA 6076</p>	<p>Non-objection/Comment</p> <p>a) Unsure why there has been negativity about the proposal.</p>	<p>a) Noted.</p>

		b) Usually there is complaints when we don't have sufficient coverage/services. People need to realise they can't have it both ways.	b) Noted.
16.	Ms Emma Kallarn 67 Huntley Street GOOSEBERRY HILL WA 6076	Objection a) There is no evidence indicating why other sites cannot be considered. The cost of the alternative locations should not be a deciding factor if weighed against the precautionary approach. b) The proposal is too close to the Pickering Primary School and immediate residents.	a) Noted. b) Noted.
17.	Ms Tracey Keary 163 Kalamunda Road KALAMUNDA WA 6076	Objection a) Concern regarding health issues. b) Proximity to Pickering Brook Primary School.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted.
18.	Nicholas and Nisha Britton 4 Lawnbrook Road East BICKLEY WA 6076	Objection a) This proposal will impact on Eco-Tourism. b) Concern regarding proximity to Pickering Brook Primary School. c) Concern regarding the long term health effects of the proposal.	a) Noted. b) Noted. c) Refer to the Officer Comments section of the report regarding EME considerations.
19.	Ms Evie Molson 251 Buckingham Road KELMSCOTT WA 6111	Objection a) Further studies are required regarding the infrastructure. b) Concerns regarding visual pollution and environmental impacts.	a) Noted. b) Noted.
20.	Ms Rebecca Foster 64 Orchid Drive ROLEYSTONE WA 6111	Objection	

		<ul style="list-style-type: none"> a) Concern regarding the location of the infrastructure close to residential zone and the Pickering Brook Primary School. b) Concern regarding the health impacts that will arise. 	<ul style="list-style-type: none"> a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
21.	Ms Sophie Petrucci 511 Pickering Brook Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding location close to the Pickering Brook Primary School. b) Evidence shows that radio frequency emissions cause detrimental effects to children health. 	<ul style="list-style-type: none"> a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
22.	Tarrah Masser and Christopher Bellamy 218 Pickering Brook Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding health impacts of the proposal. b) Concern regarding the visual impact c) Impact on value of properties in the area. d) Impact of lights. e) Environmental Impacts on the rural area (birds and bees). f) Concern regarding the location of the infrastructure close to the Pickering Brook Primary School. 	<ul style="list-style-type: none"> a) Refer to the Officer Comments section of the report regarding EME considerations. b) Refer to the Officer Comments section of the report. c) The effect on property values is not a valid land use planning consideration. d) The applicant has indicated that there will not be, nor is there required to be, any security lighting or lighting on the facility itself. e) Noted. f) Noted.
23.	Mr Victor Della Franca 70 Forrest Road PICKERING BROOK WA 6076	Non-Objection	Noted.

24.	Mr Simon Griffiths 62 Valencia Road CARMEL WA 6076	Objection a) Concern regarding health impacts of the proposal and that the long term health effects are not fully understood.	a) Refer to the Officer Comments section of the report regarding EME considerations.
25.	Mr Kenneth Hart 231 Pickering Brook Road PICKERING BROOK WA 6076	Objection a) Insufficient consultation to residents in the area. b) The Pickering Brook Sports Club would be more appropriate and would have full community support.	a) Noted. b) Noted.
26.	Ms Deanna James 25 Birtwistle Place ROLEYSTONE WA 6111	Objection a) The proposal is too close to the Pickering Brook Primary School.	a) Noted.
27.	Ms Claire Hulcup 30 Lawnbrook Road East BICKLEY WA 6076	Objection a) Concern regarding the unknown negative health side effects of being in such close proximity to a telecommunications mast. b) Concern regarding the infrastructure being so close to the Pickering Brook Primary School.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted.
28.	Name and address withheld	Objection a) Concern regarding health impacts of the proposal. b) The proposal is too close to the Pickering Brook Primary School.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted.
29.	Ms Anna Kirstine Bougher Address withheld	Objection	Noted

30.	Ms Felicity King 45 Armour Way LESMURDIE WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School. b) Recommend location at the Pickering Brook Sports Club.	a) Noted. b) Noted.
31.	Ms Michelle Radice 26 Forrest Road PICKERING BROOK WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School.	a) Noted.
32.	Ms Rosemary Sala-Tenna 51 Armour Way LESMURDIE WA 6076	Objection a) Visual impact on the landscape. b) Concern regarding health risks of the proposal.	a) Refer to the Officer Comments section of the report. b) Refer to the Officer Comments section of the report regarding EME considerations.
33.	Ms Kelly Petrucci 467 Petterson Road PICKERING BROOK WA 6076	Objection	Noted
34.	Ms Vanessa Wight 2 Mario Court LESMURDIE WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School.	a) Noted.
35.	Jonathan Alford 144A Peet Road ROLEYSTONE WA 6111	Objection a) Concern regarding the proximity to the Pickering Brook Primary School.	a) Noted.
36.	Emily Alford 144A Peet Road ROLEYSTONE WA 6111	Objection a) Concern regarding the proximity to the Pickering Brook Primary School.	a) Noted.

37.	Mr Travis James 25 Birtwistle Place ROLEYSTONE WA 6111	Objection	Noted
38.	Ms Lara Ogden 5 Carmel East Road CAMEL WA 6076	Objection a) Concern regarding the health impacts. b) Proximity to the Pickering Brook Primary School.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted.
39.	Paul Stewart 130 Merrivale Road PICKERING BROOK WA 6076	Objection	Noted
40.	Julie Stewart 130 Merrivale Road PICKERING BROOK WA 6076	Objection	Noted
41.	Mr Edward Bucknell 2 Mario Court LESMURDIE WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Recommend location at the Pickering Brook Sports Club.	a) Noted. b) Noted.
42.	Manju Chhibber 216 Glenisla Road CAMEL WA 6076	Objection	Noted
43.	Mr Glen O'Meagher 49 Repatriation Road PICKERING BROOK WA 6076	Objection	Noted

44.	Fortunata Knight 581 Canning Mills Road MARTIN WA 6076	Objection a) Proximity of the proposal to the Pickering Brook Primary School.	a) Noted.
45.	Ms Leisha Post Lot 6 Foti Road PICKERING BROOK WA 6076	Objection a) Proximity of the proposal to residential properties and the Pickering Brook Primary School.	a) Noted.
46.	Ms Jodi Biddlecombe PO Box 955 KALAMUNDA WA 6926	Objection a) Proximity of the proposal to the Pickering Brook Primary School.	a) Noted.
47.	Ms Miriam Howarth 14 Butcher Road ROLEYSTONE WA 6111	Objection a) Proximity of the proposal to the Pickering Brook Primary School. b) Long term health impacts of the proposal.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
48.	Christopher Gray 73 Bracken Road PICKERING BROOK WA 6076	Objection a) The effects of long term emissions of this technology is untested. b) Concern regarding the proximity to the Pickering Brook Primary School. c) Concern that children absorb radioactive and electromagnetic waves at a greater rate than adults. d) The effect of the 50m mast on the burgeoning tourist trade in the Pickering Brook area.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted. c) Refer to the Officer Comments section of the report regarding EME considerations. d) Noted.

49.	Sally Gray 73 Bracken Road PICKERING BROOK WA 6076	Objection	Noted
50.	Oliver Gray 73 Bracken Road PICKERING BROOK WA 6076	Objection	Noted
51.	Ms Marilyn Rollings 55 Kings Mill Road PICKERING BROOK WA 6076	Non-objection/Comment a) We need better and faster internet coverage in Pickering Brook. b) There could be better sites chosen perhaps but no matter where it is located there will be objectors.	a) Noted b) Noted
52.	Riccardo and Ursula Chianese 6 Cunnold Close PICKERING BROOK WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Concern regarding the long term health effects of the proposal. c) Concern regarding the visual impact of the proposal. d) Flight navigation lights. Night time light emissions. e) Impact on property values. f) Other locations which are more suitable.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Refer to the Officer Comments section of the report. d) The applicant has indicated that there will not be, nor is there required to be, any security lighting or lighting on the facility itself. e) The effect on property values is not a valid land use planning consideration. f) Noted.
53.	Ms Emma-Louise Hamill PO Box 227 KALAMUNDA WA 6076	Objection	Noted.

54.	Amandeep and Jaspreet Dehelae 42 Armour Way LESMURDIE WA 6076	Objection	Noted.
55.	David and Helen Gould 25 Ash Road CARMEL WA 6076	Objection	Noted.
56.	Mr Rodney Hort 9 Empire Road CARMEL WA 6076	Objection	Noted.
57.	Ms Kathryn Twine 14 Valencia Road CARMEL WA 6076	Objection a) Proximity to the Pickering Brook Primary School.	a) Noted.
58.	Name and address withheld	Objection	Noted.
59.	Ms Chantelle Thomson 10 Sala Road PICKERING BROOK WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Health effects of the proposal. c) Recommend location at the Pickering Brook Sports Club.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Noted.
60.	Name and address illegible	Objection a) Proximity to the Pickering Brook Primary School.	a) Noted.
61.	Mr Terry Twine 14 Valencia Road CARMEL WA 6076	Objection	Noted.

62.	Helen Saville and Paul Fenlon PO Box 3310 LESMURDIE WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding the proximity to the Pickering Brook Primary School. b) Request further information regarding the cumulative emissions of an existing Telstra communications tower across the road from the Pickering Brook Primary School on Cunnold Street. c) The information in the ARPANSA report is misleading, as the World Health Organisation indicated in 2007 that further research is required concerning the possible acute and long term effects of exposure. 	<ul style="list-style-type: none"> a) Noted. b) It is understood that the EME report required as part of a development application submission only relates to the base station itself, and does not include other facilities in the area. c) Refer to the Officer comments section of the report regarding EME considerations.
63.	Melissa and Stephen King 37 Cunnold Street PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Proximity to the Pickering Brook Primary School. b) An alternative location would be more appropriate. 	<ul style="list-style-type: none"> a) Noted. b) Noted.
64.	Mr Geoffrey and Ms Regina Eckardt-Cheong 61 McCorkill Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Setbacks do not comply with the Scheme requirements. b) There is restricted access to the rear of the site where the facility is proposed. c) Concern regarding flooding of the neighbouring block given additional concrete hardstand. d) Concern regarding the height of the structure. 	<ul style="list-style-type: none"> a) Refer to the Officer Comments section of the report regarding setbacks. b) The access to the facility is considered appropriate. c) Any stormwater should be retained on the site as a conditions of approval in the event that the application is approved. d) Noted.

65.	Mr Robert Wright 31 Cunnold Street PICKERING BROOK WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Concern regarding the health impacts.	a) Noted. b) Refer to the Officer comments section of the report regarding EME considerations.
66.	Ms Kathryn Ackers 38 Hill Street GOOSEBERRY HILL WA 6076	Objection a) Proximity to the Pickering Brook Primary School.	a) Noted.
67.	Peter and Judy Petrucci 547 Pickering Brook Road PICKERING BROOK WA 6076	Objection	Noted.
68.	Ms Yvonne Hadfield 9 Ryan Road PICKERING BROOK WA 6076	Objection a) The extent of consultation was inadequate. b) Concern regarding the proximity to the Pickering Brook Primary School.	a) The extent of advertising was considered appropriate in this instance, in line with standard consultation practice. b) Noted.
69.	Mr Ronald Waddy 632 Pickering Brook Road PICKERING BROOK WA 6076	Objection a) Concern regarding the health and safety impacts on children and people in the area.	a) Refer to the Officer Comments section of the report regarding EME considerations.

70.	Ms Donna Turnock 664 Pickering Brook Road PICKERING BROOK WA 6076	Objection	Noted.
71.	Mr Will Hepburn 51 Woodbine Road PICKERING BROOK WA 6076	Comment on the proposal a) We need a tower in the area given the substandard coverage. b) Recommend consideration of alternative sites.	a) Noted. b) Noted.
72.	Ms Maria Petrucci 511 Pickering Brook Road PICKERING BROOK WA 6076	Objection	Noted.
73.	Ms Suzanne Pollock 542 Pickering Brook Road PICKERING BROOK WA 6076	Objection	Noted.
74.	Mr Liam Reffell 27 Lawnbrook Road East BICKLEY WA 6076	Objection	Noted.
75.	Ms Wendy Damon 62 Lokewood KARRAGULLEN WA 6111	Objection	Noted.

76.	Ms Amanda Browse 2/1 Canning Road PICKERING BROOK WA 6076	Objection	Noted.
77.	Brie Evans 5 Nama Place ARMADALE WA 6112	Objection/Comment on the proposal a) We need a tower, however not near the Pickering Brook Primary School.	a) Noted.
78.	Mr Matt Silvester 6 Union Road CARMEL WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School. b) Concern regarding the exposure of electromagnetic radiation and associated health impacts.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
79.	Mr Charles Spaldine 196 Pickering Brook Road PICKERING BROOK WA 6076	Non-objection	Noted.
80.	Mr Don Hawkins Address withheld	Objection/Comment on the proposal a) Concern regarding interference with privacy and enjoyment of the properties in the vicinity. b) Suggest a different location.	a) It is unclear how the proposal will unduly effect privacy in the area. b) Noted.
81.	Ms Liz Hewitt and Mr Richie Hewitt 41 McCorkill Road PICKERING BROOK WA 6076	Objection a) Concern regarding the health impacts. b) Proximity to the Pickering Brook Primary School. c) EMR (electro-magnetic radiation) monitoring should be undertaken based on existing and proposed emissions.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted. c) It is understood that the EME report required as part of a development application submission only relates

		<ul style="list-style-type: none"> d) Impact on land values in the area. e) Setbacks do not comply with the Scheme requirements. f) Concern regarding increased risk of bushfire. g) Lighting of the tower. h) Visual impact of the proposal. i) Concern regarding structural integrity of the structure. 	<p>to the base station itself, and does not include other facilities in the area.</p> <ul style="list-style-type: none"> d) The effect on property values is not a valid land use planning consideration. e) Refer to the Officer Comments section of the report regarding setbacks. f) The proposal is not considered to unduly increase bushfire risk. g) The applicant has indicated that there will not be, nor is there required to be, any security lighting or lighting on the facility itself. h) Refer to the Officer Comments section of the report regarding visual amenity. i) In the event that the application is approved, the structural integrity of the structure will be considered at the building permit stage.
82.	Calie and Andrew Ferran-Field 165 Merrivale Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding the proximity to the Pickering Brook Primary School. b) Concern regarding the long term health effects of the proposal. 	<ul style="list-style-type: none"> a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
83.	Ms Svetlana Elliott 25 Kadina Road GOOSEBERRY HILL WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Concern regarding the proximity to the Pickering Brook Primary School. b) The adverse effects of radiation are well documented. 	<ul style="list-style-type: none"> a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
84.	Brian and Marilyn Gittos 71 McCorkill Road PICKERING BROOK WA 6076	<p>Objection</p> <ul style="list-style-type: none"> a) Visual amenity impact on the rural outlook. b) Concern regarding the health effects of the proposal. 	<ul style="list-style-type: none"> a) Refer to the Officer Comments section of the report regarding visual amenity. b) Refer to the Officer Comments section of the report regarding EME considerations.

85.	Julie Holland 214 Pickering Brook Road PICKERING BROOK WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School. b) Concern regarding the long term health effects of the proposal. c) Proximity to residential properties. d) Suggest that the facility be located at Pickering Brook Sports Club.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Noted. d) Noted.
86.	Richard Holland 214 Pickering Brook Road PICKERING BROOK WA 6076	Objection a) Concern regarding the proximity to the Pickering Brook Primary School. b) Concern regarding the long term health effects of the proposal. c) Proximity to residential properties. d) Suggest that the facility be located at Pickering Brook Sports Club.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Noted. d) Noted.
87.	Mr Andrew Murray 16 Russelia Way ROLEYSTONE WA 6111	Objection a) Concern regarding the health effects of the proposal. b) Alternative locations would be more appropriate.	a) Refer to the Officer Comments section of the report regarding EME considerations. b) Noted.
88.	Ms Sharieen Blair 16 Russelia Way ROLEYSTONE WA 6111	Objection a) Proximity to the Pickering Brook Primary School. b) Concern regarding the health effects of the proposal.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
89.	Illegible name and address	Objection	Noted.

90.	Ms Clare Chaloupe 41 Forrest Road PICKERING BROOK WA 6076	Objection/comment on the proposal a) Insufficient consultation was undertaken. b) Upgraded facilities would be good. c) Concern regarding the health effects of the proposal. d) Alternative locations would be more appropriate.	a) The extent of advertising was considered appropriate in this instance, in line with standard consultation practice. b) Noted. c) Refer to the Officer Comments section of the report regarding EME considerations. d) Noted.
91.	Ms Kirsty Bateman 7 Winjana Road LESMUDIE WA 6076	Objection	Noted.
92.	Leannnda and David Raye 1 Cunnold Street PICKERING BROOK WA 6076	Objection a) Long term health impacts of the proposal. b) Proximity to the Pickering Brook Primary School.	c) Refer to the Officer Comments section of the report regarding EME considerations. d) Noted.
93.	Mr Robert Bateman 24 Wyuna Crescent LESMURDIE WA 6076	Objection a) The proposal is not environmentally friendly. b) The proposal is unsightly. c) The proposal will be a hazard to children and workers at the Pickering Brook Primary School.	a) Noted. b) Refer to the Officer Comments section of the report regarding visual amenity. c) Refer to the Officer Comments section of the report regarding EME considerations.
94.	Ms Claire Bellamy 118 Nanson Street WEMBLEY WA 6014	Objection a) Visual amenity impacts of the proposal. b) Impact on property values.	a) Refer to the Officer Comments section of the report regarding visual amenity. b) The effect on property values is not a valid land use planning consideration.

95.	Ms Belinda Henderson 168 Pickering Brook Road PICKERING BROOK WA 6076	Objection a) Recommend location at the Pickering Brook Sports Club.	a) Noted.
96.	Sam and Lina Ballato 50 Mccorkill Road PICKERING BROOK WA 6076	Objection a) The visual impact of the proposal will detract from the rural amenity of the area. b) Concern regarding the health effects of the proposal. c) Proximity to the Pickering Brook Primary School. d) Impact on property values.	a) Refer to the Officer Comments section of the report regarding visual amenity. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Noted. d) The effect on property values is not a valid land use planning consideration.
97.	Mr Paul Fantuz 72 Merrivale Road PICKERING BROOK WA 6076	Objection a) The proposal is inconsistent with the Local Planning Scheme No. 3 provisions/objectives. b) The proposal does not comply with setbacks requirements. c) Concern regarding the site selection process outlined in the applicant's planning report. d) Impact on tourism in the area. e) Recommend location at the Pickering Brook Sports Club. f) The long term health effects of EME (electromagnetic energy) are yet to be understood. g) Proximity to the Pickering Brook Primary School.	a) Noted. b) Noted. c) Noted. d) Noted. e) Noted. f) Refer to the Officer Comments section of the report regarding EME considerations. g) Noted.
98.	Deborah Wilkes 22 Kobus Heights ROLEYSTONE WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Concern regarding the health effects of the proposal.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.

99.	Jamie Wilkes 22 Kobus Heights ROLEYSTONE WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) Concern regarding the health effects of the proposal.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations.
100.	Ms Natalie Anne Della Franca 95 Bracken Road PICKERING BROOK WA 6076	Objection	Noted.
101.	James McNaught 65 Valencia Road CARMEL WA 6076	Objection a) Proximity to the Pickering Brook Primary School.	a) Noted.
102.	Ms Danielle Della Franca 41 Kingsmill Road PICKERING BROOK WA 6076	Objection a) Proximity to the Pickering Brook Primary School. b) The long term health effects are unknown. c) The detrimental effect that the facility may have on the Population of the Pickering Brook Primary School. d) Potential fire risk.	a) Noted. b) Refer to the Officer Comments section of the report regarding EME considerations. c) Noted. d) The proposal is not considered to unduly increase bushfire risk.
Petition 1			
103.	Mr Ian Ross 7 Cunnold Close PICKERING BROOK WA 6076	Objection We , the undersigned, all being electors of the Shire of Kalamunda do respectfully request that: The Council reject any application for development of mobile phone base station towers:	Noted.

104.	Jo Haynes 33 Cunnold Street PICKERING BROOK WA 6076	<ul style="list-style-type: none">• In close proximity to community sensitive locations and in particular facilities used by children; and/or• Environmentally sensitive locations provided for in any relevant Commonwealth, State and Local Laws and/or Policies. <p>That the Shire of Kalamunda apply the Precautionary Principle as noted in Australia's Inter-governmental Agreement on the Environment (IGAE) in acknowledgement of the current level of concern about RF exposure, which is not fully alleviated by scientific data, and that radiofrequency electromagnetic fields are classified as possibly carcinogenic to humans (Groupe 2b) by the World Health Organisation.</p>	
105.	Mr Peter Howard 15A Greenslade Street HAMILTON HILL WA 6163		
106.	Ms Jenny Owen 12 Biffel Place GOSNELLS WA 6110		
107.	Name and address illegible		
Petition 2			
108.	Ms Emily Lyons 306 Pickering Brook Road PICKERING BROOK WA 6076	<p>Objection</p> <p>a) Children absorb EMF (electro-magnetic frequency) at much higher rates than adults. Children will be radiated for up to 12,525 hours over the term of their primary school life.</p> <p>b) Australian standards account for the safety of adults not children. Making them scientific experiments. Australia has some of the lowest safety and control standards in the world.</p> <p>c) There are other safer locations that don't breach federal guidelines requiring facilities not to be built close to children and community sensitive areas.</p>	Noted.
109.	R. T. Wootten 41 Forrest Road PICKERING BROOK WA 6076		
110.	Mr Robert Bateman 26 Wyuna Crescent LESMURDIE WA 6076		

111.	Amanda and Mark Della Franca 5 Hovea Crescent WALLISTON WA 6076	d) The tower facility will be the future site for more and more radiation antenna and potential fire hazard.	
112.	Ms Joan Della Franca 35 Merrivale Road PICKERING BROOK WA 6076		
113.	Ms Claire Spry 10 Irymple Road ROLEYSTONE WA 6111		
114.	Ms Amy Fovine 7 Glouster Road KALAMUNDA WA 6076		
115.	Sophia, Naomi and Paul Fantuz 72 Merrivale Road PICKERING BROOK WA 6076		
116.	Ms Cheryl Tapscoty 83 Merrivale Road PICKERING BROOK WA 6076		
117.	Mr Lou Radice 211 Merrivale Road PICKERING BROOK WA 6076		

118.	T & S Washington 40 Francais Road PICKERING BROOK WA 6076		
119.	Ms Emma-Louise Hamill 37 Nannup Place PAULLS VALLEY WA 6076		
120.	Ms Eleanor Fairweather 6 Lane Road KALAMUNDA WA 6076		
121.	Ms Audrey Worsley 41 Girrawheen Drive GOOSEBERRY HILL WA 6076		
122.	Ms Polly Smith 11 Karlak Ct FORRESTFIELD WA 6058		
123.	Ms Joy Stock 21 Broula Road KALAMUNDA WA 6076		
124.	Ms Shelley Moore 10 Gladys Road LESMURDIE WA 6076		

125.	Ms Marcia Maher 52 Temby Avenue, Kalamunda KALAMUNDA WA 6076		
126.	Ms Karenn Wood 40 Kadina Road GOOSEBERRY HILL WA 6076		
127.	D Pearce 5 Avonia Road KALAMUNDA WA 6076		
128.	Ms Emma Jo Broadley 19 Ledger Road GOOSEBERRY HILLWA 6076		
129.	Mr Peter Howard 15A Greenslade Street HAMILTON HILL WA 6163		
130.	Ms Jenny Owen 12 Biffel Place GOSNELLS WA 6110		
131.	Ms Renae Matthews 29 Brady Road LESMURDIE WA 6076		
132.	Ms Louise Young 1273 Brookton Highway KARRAGULLEN WA 6111		

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.6 Perth and Peel Green Growth Plan for 3.5 million

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-DPI-011
Applicant	N/A
Owner	N/A
Attachment 1	Perth and Peel Green Growth Plan for 3.5 million- Draft Strategic Conservation Plan
Attachment 2	Submission to the State Government

PURPOSE

1. To endorse a submission to the State Government on the *Perth and Peel Green Growth Plan for 3.5 million*.

BACKGROUND

2. In 2010, the State Government endorsed *Directions 2031*, a high-level spatial framework and strategic plan for Perth and Peel which established a vision for the development of the region up to the year 2031 and the population of 3.5 million.
3. Shortly after, in 2011, the Minister for Planning, Minister for Environment and the Federal Minister for Environment agreed to undertake a Strategic Assessment of the Perth and Peel Regions (Strategic Assessment) under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of the Strategic Assessment was to respond to the challenges the future development in the region would present to the environmental protection.
4. In May 2015, the State Government released draft *Perth and Peel @ 3.5 million*, an implementation strategy for *Directions 2031*. The document included sub-regional planning framework for Perth and Peel and was to a large extent informed by the work on the Strategic Assessment.
5. In December 2015, the State Government released a report titled *Perth and Peel Green Growth Plan for 3.5 million* (the Plan) for public comment.

DETAILS

6. The Plan addresses how the future development (urban, industrial, rural-residential, infrastructure and basic raw materials extraction) will impact on the Matters of State and National Environmental Significance (MNES). It establishing long term certainty for both the development and the environmental conservation.

7. The Plan is comprised:
 - *Perth and Peel Green Growth Plan for 3.5 million – Draft Strategic Conservation Plan* (Conservation Plan) (Attachment 1).
 - Nine associated Action Plans
 - Impact Assessment Reports on MNES and State environmental values associated with the implementation of the Conservation Plan.
8. The Plan aims to provide a comprehensive conservation package that will set aside 170,000 ha of new parks and reserves in the regions, establish the Peel Regional Park, resolve tenure, ownership and management arrangements for Bush Forever sites, provide for protection of threatened species, wetlands of international significance and threatened ecological communities and importantly, reduce delays caused by need for environmental approvals.
9. The Plan aims to deliver the following key outcomes:
 - Upfront environmental approval under the EPBC Act for future urban, industrial, rural residential and infrastructure development as well as Basic Raw Materials extraction required to support the planned growth of the Perth and Peel regions.
 - Streamlined State approval process under the Environmental Protection Act (EP Act).
 - Optimisation of development and environmental outcomes.

STRATEGIC CONSERVATION PLAN

10. The central document in the suite of documents- *The Strategic Conservation Plan* (Conservation Plan) aims to establish long-term certainty for both conservation and development in Perth and Peel regions over the next 30 years. It has been developed to provide for the growth of the Perth and Peel regions to a population of 3.5 million while protecting the unique biodiversity and environmental systems of the region.
11. Importantly the Conservation Plan sets out conservation framework that will provide improvements to the protection and management of State biodiversity and environmental values as well as MNES.
12. The Conservation Plan seeks to provide certainty around the following "Development" or "Classes" of Actions:
 - Urban and industrial development.
 - Rural residential development.
 - Infrastructure development.
 - Basic raw materials extraction.
 - Harvesting of pine plantations.
13. The Conservation Plan is supported by nine Action Plans that detail the implementation processes for how development will proceed, how conservation actions will occur, and how monitoring and reporting will happen.

14. The Conservation Plan outlines a wide range of commitments to provide positive conservation outcomes for both Commonwealth and State environmental values in the Perth and Peel regions as follows:
- Expanding the Conservation Reserve System.
 - Protection river and wetland systems.
 - Protecting Carnaby's Cockatoo.
 - Commitments to protect Commonwealth matters and State environmental values.
 - Implementation and assurance.

DRAFT ACTION PLANS

15. Nine action plans detail the development implementation processes, the conservation commitments to meet the conservation outcomes and objectives for MNES and State environmental values, and the monitoring and reporting arrangements. They are as follows:

Implementation plans- classes of action:

1. Urban and industrial development;
2. Rural residential development;
3. Infrastructure;
4. Basic raw materials;
5. Harvesting of pines.

Conservation plans:

1. MNES conservation commitments.
2. State factors conservation commitments.
3. Conservation program.
4. Assurance plan.

STATUTORY AND LEGAL CONSIDERATIONS

16. Once the Commonwealth Minister for the Environment endorses the Plan, the streamlined environmental approval process will apply and there will be no need for a referral under Part 9 of the *EPBC Act*, if the development falls under the definition of the listed classes of action.
17. The compliance with the Plan will secure approval under Part 10 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.
18. The Plan will also deliver streamlined approvals process under the Western Australian *Environmental Protection Act 1986 (EP Act)*.
19. The nine Action Plans will be implemented under the following key legislation:
- *Planning and Development Act 2005*.
 - *Environmental Protection Act 1986 (part V)*.
 - *Mining act* and various Conservation Acts.

POLICY CONSIDERATIONS

20. The Plan has been progressed in consideration of *Directions 2031 and beyond* and collaboration with the preparation of draft *Perth and Peel at 3.5 million* document which presents a vision for future land uses and more liveable, prosperous, connected and sustainable community.

COMMUNITY ENGAGEMENT REQUIREMENTS

21. The State Government (Department of the Premier and Cabinet) is seeking public comment on the draft Perth and Peel Green Growth Plan for 3.5 million suite of documents. The draft documents were available for public comment from 17 December 2015 to 13 May 2016.

FINANCIAL CONSIDERATIONS

22. The implementation of the Plan will likely require significant additional funding for land purchase, management and other necessary measures. Funding mechanisms are still being developed and this is likely to be a critical issue to resolve in order to implement the plan effectively.
23. The creation of new conservation reserves within the Shire of Kalamunda (Shire) may have a financial impact with respect to the management of the reserves.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.
- Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

25. The intent of the Plan is to ensure that Perth and Peel are developed in the next 30 years in the manner that will conserve, enhance and preserve environmental values of highest order which in turn will provide for environmentally rich communities.

Economic Implications

26. Potential increase in municipal funding required to manage reserves to improve and maintain environmental values and possibly an expectation from the community to use these sites as offset sites, which may have an economic benefit.

Environmental Implications

27. The Plan is a commitment by the WA Government to ensure the long term protection of the Perth and Peel regions most significant environmental assets, while accommodating significant population growth within Perth and Peel. The Plan and associated Action Plans will establish comprehensive basis for protecting regions unique biodiversity and other environmental values.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Implications of the plans are not communicated to the State Government	Unlikely	Major	Medium	Make sure Council is aware of the implications of the Strategic Assessment to the future development in the Shire.

OFFICER COMMENT

General comments

29. The Shire of Kalamunda supports the intent of the *Green Growth Plan at 3.5 million* in delivering a long term strategic response to key environmental issues within the Perth and Peel regions in order to provide greater certainty about the long term supply of land for development purposes within the region.
30. The Plan was undertaken in collaboration with the draft *Perth and Peel @3.5million* document. It is acknowledged therefore that the integration of the two documents is critical to the success of the long term planning outcomes for Perth and Peel to ensure the delivery of a compact, useable and consolidated city with effective environmental protection.
31. It is clear from the sheer volume of documents produced that a substantive amount of work has been put in this project. Nevertheless, it is crucial that the authors of the assessment address a number of concerns that have been raised.
32. One of the problems in assessing the proposal is a structure and legibility of the documents. The material is repetitive which takes away from the clarity and the format is not user friendly. More so, the accompanying mapping does not allow for a detailed analysis of the proposal. The Department of Premier and Cabinet stated that the mapping data is in its draft format and errors might still be discovered. That is a major issue for the Shire as the mapping format allows a fairly broad response and comparison with the other relevant mapping.
33. The impact of agricultural development is largely omitted from the Plan. Agricultural production is an important industry in both the Perth and Peel

regions and the one that has potential for a significant environmental impact. The significance of agriculture is such that it should not be overlooked by the Plan. The increase in population will undoubtedly create greater demands for agricultural products, however it is not clear from the Plan how agricultural development will service the anticipated population growth and what impact will it have on environmental values.

34. Another area of concern is the lack of information on the funding models and the implementation of the plan. Western Australian Local Government Association (WALGA) requested to the Department of Premier and Cabinet to allow for further consultation on the funding model and the implementation of the Plan.

Shire of Kalamunda

35. The Shire of Kalamunda is disappointed by the lack of engagement and consultation that the State Government undertook in creating this document. It is contemporary practice to adopt more inclusive and collaborative approaches to development of strategic planning documents of the magnitude such as this.
36. The Shire of Kalamunda has recently made a detailed submission to the planning suite of documents- *Perth & Peel @ 3.5 million* and associated sub-regional framework that amongst other issues, addressed protection of significant environmental values, water source protection, productive rural land preservation and the management of the bushfire threat. All the above elements were considered in the framework in order to achieve sustainable growth outcomes for Perth and Peel.
37. *Perth & Peel @ 3.5 million* and associated sub-regional framework did not correspond entirely with the Shire's adopted Local Planning Strategy. That was of considerable concern and the discrepancies were addressed in great detail in the Shire's submission.
38. The strategic assessment on which the Plan is based was also used to produce the draft *Perth and Peel @ 3.5 million* and associated frameworks.
39. The relevance of the document in affecting the Shire's ability to plan for urban growth in the short, medium and long term was seen as crucial and we made a strong representation in our previous submission, requesting that the discrepancies between the document and the Shire's Local Planning Strategy were rectified.
40. The comparison between the mapping accompanying draft *Perth and Peel @ 3.5 million* and associated frameworks and the mapping related to the Plan showed that the two plans broadly correspond in the areas where the land has been excluded from the future development potential in the Shire of Kalamunda.
41. Therefore it is important that the submission to the Green Growth Plan reiterates our argument that the proposed exclusions be reviewed.

A Councillor noted two people had indicated earlier this evening that the Shire's submission was silent in certain areas and asked if the Director of Development Services wished to make a comment regarding this. The Director indicated that it was considered that the document is fairly flawed as it does not give answers as to how the conservation of the region will be protected. If Council wished for some rewording this could be done; however there is a short timeframe as the submission closure date is 13 May 2016.

A Councillor queried why this had not been brought to the attention of the Kalamunda Environmental Committee for comment and felt this should be done. The Chief Executive Officer noted this was due to a timing issue as the Environmental Committee had only recently been formed. An addition was made to the resolution to allow for the Kalamunda Environmental Advisory Committee to give feedback.

Voting Requirements: Simple Majority

RESOLVED OCM 60/2016

That Council:

1. Endorse the submission to the State Government on the *Perth and Peel Green Growth Plan for 3.5 million* suite of documents. (Attachment 2). **Subject to the incorporation of comments about the unique biodiversity values of the Shire of Kalamunda from the Kalamunda Environmental Advisory Committee.**

Moved: **Cr Geoff Stallard**

Seconded: **Cr Noreen Townsend**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr John Giardina
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Noreen Townsend	
	Cr Dylan O'Connor	
	Cr Sara Lohmeyer	
	Cr Simon Di Rosso	
	Cr Tracy Destree	
	Cr Andrew Waddell	
	CARRIED (10/1)	

Attachment 1

Perth and Peel Green Growth Plan for 3.5 million- Draft Strategic Conservation Plan

[Click HERE to go directly to the document](#)

Attachment 2

Submission to State Government

Submission

Perth and Peel Green Growth Plan for 3.5 million



**shire of
kalamunda**



Draft Perth and Peel Green Growth Plan for 3.5 million

General comments

The Shire of Kalamunda supports the intent of the Strategic Assessment to deliver a long term strategic response to key environmental issues within the Perth and Peel regions in order to provide greater guidance about the long term supply of land for development purposes within the region.

The Shire of Kalamunda is concerned by the lack of engagement and consultation that the State Government undertook in creating this document. It is contemporary practice to adopt more inclusive and collaborative approaches to development of strategic planning documents of the magnitude such as this. Whilst the document places a substantial responsibility for the implementation of the plan on various proponents, including local government, there is very little information on the funding of the Plan's implementation and more importantly on unstated financial implications and potential hidden costs to local governments.

It is clear from the sheer volume of documents produced that a substantive amount of work has been put in this project. Nevertheless, it is crucial that the authors of the assessment address a number of concerns that will be raised by the Shire of Kalamunda, as well as the other local governments.

In our opinion, the following issues should be addressed prior to the document being finalized:

- Structure and legibility of the documents. The material is repetitive which takes away from the clarity and the format is not user friendly. More so, the accompanying mapping does not allow for a detailed analysis of the proposal. The DPC states that the mapping data is in its draft format and errors might still be discovered. That is a major issue for the Shire of Kalamunda as the mapping format allows a fairly broad response and comparison with the other relevant mapping.
- Addition of the impact of agricultural development on the environmental values. Agricultural production is an important industry in both the Perth and Peel regions and the one that has potential for a significant environmental impact. The significance of agriculture is such that it should not be overlooked by the Plan. The increase in population will undoubtedly create greater demands for agricultural products, however it is not clear from the Plan how agricultural development will service the anticipated population growth and what impact will it have on environmental values.
- More detailed information on the funding models and the implementation of the Plan. Lack of consideration on implementation of the Plan of this magnitude is concerning. There should be more details about the Plan's implementation through land use planning, and any other statutory controls, including funding mechanisms. It is our opinion that the Department of Premier and Cabinet should allow for further consultation on the funding model and the implementation prior to the finalisation of the Green Growth Plan.

Areas not within urban industrial and rural residential classes of action

The Shire of Kalamunda has recently made a detailed submission to the draft *Perth & Peel @ 3.5 million* and associated sub-regional framework that amongst other issues, addressed protection of significant environmental values, water source protection, productive rural land preservation and the management of the bushfire threat. All the above elements were considered in the framework in order to achieve sustainable growth outcomes for Perth and Peel.

The relevance of the document in affecting our ability to plan for urban growth in the short, medium and long term was seen as crucial and we made a strong representation in our submission requesting that the discrepancies between the document and the Shire's Local Planning Strategy were rectified.

The comparison between the mapping accompanying draft *Perth and Peel @ 3.5 million* and associated frameworks and the mapping related to the *Green Growth Plan* shows that the two plans broadly correspond in the areas where the land has been excluded from the future development potential within the Shire of Kalamunda.

It is still unclear what the rationale behind the exclusion of the areas is. Neither draft *Perth and Peel @ 3.5 million* nor the *Green Growth Plan* have stated the clear rationale behind the exclusion of certain areas previously identified through the Shire's Local Planning Strategy as potential future development areas.

Nevertheless, it is clear that the intention of the Plan is that where the land has not been shown as a class of action under the Plan, any future development consideration will have to go through a complex environmental assessment process, with a substantial leverage in favour of any opposition to the development and in favour of the environmental protection. This presents a substantial concern for the Shire, as it will likely prevent consideration of further development in some areas that have been identified and adopted by the WA Planning Commission as area of potential urban expansion.

In order to support the Shire's argument, attached to this submission is a copy of the Shire's submission to draft *Perth and Peel @ 3.5 million*.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.7 Amnesty for Non-Compliant Development

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Development Services Directorate
File Reference	N/A
Applicant	N/A
Owner	N/A

PURPOSE

1. To consider information regarding the cost of Kalamunda (Shire) associated with an amnesty for non-compliant development in the Shire.

BACKGROUND

2. Council at its Ordinary Council Meeting of 22 February 2016 requested staff bring back a report regarding the costs associated with providing an amnesty for illegal development in the Shire.

DETAILS

3. If Council were to commit to an amnesty, the Shire would anticipate a rise in the number of applications received. It is anticipated that up to 15% of the properties in the Shire have some level of non-compliance, but note that the source of non-compliance may be trivial in nature or in place for a prolonged period. The Shire would therefore only expect about 2% of properties would be in a position to take up amnesty, assuming the Shire promoted the amnesty. This would equate to approximately 400 applications.
4. The Shire would anticipate that some suburbs would have higher rates of non-compliance than others. Non-compliance is less likely in the more urbanised areas of the Shire, given the smaller lots and higher likelihood that impacted persons would have already complained.
5. The Shire typically processes 800 applications per year, with a team of 3 Statutory Planners plus administration and a compliance officer. The additional 400 applications would therefore require two staff members. The cost, including salary, superannuation, IT, insurance, and other incidentals would likely equate to \$200,000 for a year-long amnesty.
6. There are several options on how such an amnesty could be promoted. Direct mail out to all residents would be the most effective way of communicating. From a management and capacity perspective, it would be beneficial to stagger such a mail out across certain areas, so as not to create a concentration of applications at one point in the year. If the applications were concentrated, the Shire would need to employ additional contractors over a very short period of time, which may create additional expense by use of more expensive short term contractors and potential issues accommodating additional staff during that period.

7. The costs would likely be offset by an increase of planning fees in the order of approximately \$70,000, or up to \$200,000 if Council charged the triple fee allowed under the Planning Regulations as a penalty for non-compliant development.
8. In addition to these charges, there would likely be an increase in building applications. Given the retrospective nature of the applications, the majority would be certified externally by building consultants.

STATUTORY AND LEGAL CONSIDERATIONS

9. Development of land which does not have an exemption or an approval, is an offence under the *Planning and Development Act*.

POLICY CONSIDERATIONS

10. The Shire's Retrospective Applications Policy gives the Shire guidance on dealing with matters, particularly those which date back a significant time or are of minor consequence. This policy would apply when looking at non-compliant development.

COMMUNITY ENGAGEMENT REQUIREMENTS

11. If Council were to consider some sort of amnesty, it would need to be communicated to various parts of the Shire. Ideally this would be done through an area targeted campaign over a period of time, with information evenings held to help inform, as well as a dedicated webpage to deal with the process.

FINANCIAL CONSIDERATIONS

12. It is anticipated that the cost would be in the order of \$200,000. The Shire would receive application fees to partially offset the costs.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire's development is in accord with the Shire's statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

14. There is a community expectation that the Local Planning Scheme is enforced to maintain orderly planning of the Shire.

Economic Implications

15. There may be some additional costs to people who are required to alter developments to bring them into compliance.

Environmental Implications

16. The amnesty may identify opportunities to improve environmental management through conditions of approval.

RISK MANAGEMENT CONSIDERATIONS

17.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Unapproved development detrimentally impacts on the amenity of the locality.	Possible	Insignificant	Minor	Major issues of significance are usually reported to the Shire and a process of retrospective approval is initiated. An amnesty is likely to focus on the insignificant unapproved developments.

OFFICER COMMENT

18. Council has three options broadly. The first is the “do nothing” approach, whereby the Shire enforces the Scheme as matters are raised. The Shire’s investigation of compliance matters then leads to either applications being received, development being removed or no action, where it is deemed compliant. The second option is to propose an amnesty, whereby over a period of time, all properties are requested to be in compliance and thereafter the Shire enforce the Scheme to a standard set by the Council. Lastly, Council could request the Shire to fully enforce the scheme and create an inspection program for all properties in the Shire.

Voting Requirements: Simple Majority

RESOLVED OCM 61/2016

That Council:

1. Note the information in the report.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.8 CONFIDENTIAL ITEM - Request for an Extension of Staged Developer Contribution Payments for an Approved Light Industry Development– Lot 219 (122) Sultana Road West, Forrestfield

Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”

Previous Items	OCM 136/2013
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	SL-08/116
Applicant	
Owner	Mr David Letizia

Both Attachments are confidential	<i>Reason for Confidentiality Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”</i>
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Confidential Attachment 1	Option A
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Confidential Attachment 2	Option B
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This item had been circulated to Councillors under separate cover

Voting Requirements: Simple Majority

RESOLVED OCM 63/YEAR

That Council:

1. Supports Option B which is outlined in (Attachment 2).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Simon Di Rosso**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Noreen Townsend
	Cr John Giardina	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Simon Di Rosso	
	Cr Tracy Destree	
	Cr Andrew Waddell	
	CARRIED (10/1)	

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.9 CONFIDENTIAL ITEM – Consideration of Tenders Welshpool Road East Wire Rope Barrier Installation (RFT 1608)

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	RFT1608
Applicant	N/A
Owner	N/A

Confidential Attachment 1	Tender Evaluation Report
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Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Confidential Attachment 2

Drawing No. 4081-420-SK1-01

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

This item had been circulated to Councillors under separate cover

Voting Requirements: Simple Majority

RESOLVED OCM 64/2016

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Safety Barriers WA for the provision of the Welshpool Road East Wire Rope Barrier Installation (RFT 1608) for its tendered lump sum price of \$265,288.50 (excluding GST).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

10.3.10 CONFIDENTIAL ITEM – Consideration of Tenders Provision of Extruded Concrete Kerbing (RFT 1605)

Reason for Confidentiality *Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	Nil
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	RFT1605
Applicant	N/A
Owner	N/A

Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Tender Evaluation Report
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Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>	Price Schedule
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This item had been circulated to Councillors under separate cover

Voting Requirements: Simple Majority

RESOLVED OCM 65/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Kerb Direct Kerbing Pty Ltd For the Provision of Extruded Concrete Kerbing for a period of three years in accordance with the Price Schedule on Attachment 2, with an option, at the sole discretion of the Principal, to extend the Contract by a further 1 x 12 month period.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Nil.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Nil.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Meeting Closed to the Public

RESOLVED OCM 62/2016

That the meeting go behind closed doors to consider CONFIDENTIAL ITEMS –

Moved: **Cr Michael Fernie**

Seconded **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting closed to the public at 8.46pm. All members of the public left the meeting, all staff remained in Chambers. Cr Tracy Destree left the Chambers and returned at 8.50pm, she was present for all votes.

15.2 10.3.8 CONFIDENTIAL ITEM - Request for an Extension of Staged Developer Contribution Payments for an Approved Light Industry Development– Lot 219 (122) Sultana Road West, Forrestfield

Reason for Confidentiality *Local Government Act 1995 S5.23 (f) (i) – “a matter that if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.”*

Voting Requirements: Simple Majority

RESOLVED OCM 63/2016

That Council:

1. Supports Option B which is outlined in (Attachment 2).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Simon Di Rosso**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Noreen Townsend
	Cr John Giardina	
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Simon Di Rosso	
	Cr Tracy Destree	
	Cr Andrew Waddell	
	CARRIED (10/1)	

15.3 **10.3.9 CONFIDENTIAL ITEM – Consideration of Tenders Welshpool Road East Wire Rope Barrier Installation (RFT 1608)**

Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Voting Requirements: Simple Majority

RESOLVED OCM 64/2016

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint Safety Barriers WA for the provision of the Welshpool Road East Wire Rope Barrier Installation (RFT 1608) for its tendered lump sum price of \$265,288.50 (excluding GST).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

15.4 **10.3.10 CONFIDENTIAL ITEM – Consideration of Tenders Provision of Extruded Concrete Kerbing (RFT 1605)**

Reason for Confidentiality Local Government Act 1995 S5.23 (d) (c) – “a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”

Voting Requirements: Simple Majority

RESOLVED OCM 65/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Kerb Direct Kerbing Pty Ltd For the Provision of Extruded Concrete Kerbing for a period of three years in accordance with the Price Schedule on Attachment 2, with an option, at the sole discretion of the Principal, to extend the Contract by a further 1 x 12 month period.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY**

15.5 **Meeting Reopened to the Public**

RESOLVED OCM 66/2016

That the meeting reopen to the public follow consideration of the Confidential Items.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The meeting reopened to the public at 8.58pm, members of the public returned. The Presiding Member read the Resolutions to the meeting.

16.0 **CLOSURE**

- 16.1 There being no further business, the Presiding Member declared the meeting closed at 9.02pm

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2016