

Development & Infrastructure Services Committee Meeting

Minutes for Monday 14 March 2016

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.46pm, 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)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Simon Di Rosso	(Presiding Member)	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
Donna McPherson	Executive Research Officer to	Chief Executive Officer
Nicole O'Neill		Public Relations Coordinator
Meri Comber		Governance Officer

Members of the Public 15

Members of the Press 0

2.2 Apologies

Councillors

Tracy Destree		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 this Committee. For the purposes of Minuting, these questions and answers are summarised.

3.1 Questions from Development & Infrastructure Services Meeting 8 February 2016

Peter Forrest, Kalamunda

- Q1. With the significant increase of development in the town centre car parking is becoming difficult, could Council consider asking Shire Officers to write a report reviewing the future provision for vehicle parking in the town centre in the light of future development?
- A1. The Shire conducted a parking study in 2011 which found that whilst there is a shortage on market days, there is suitable parking for other times.
- Q2. Also a back loading bay of the Coles complex, frequently used by those wishing to avoid steep steps, has been closed I have been asked could this issue be raised with Council?
- A2. Noted.
- Q3. Could Council consider recommending to the owners of the centre erecting signs to restrict parking times so as to discourage people lingering – in the interest of freeing car parking spaces?
- A3. The carpark is privately owned. As the carpark is not controlled by the Shire suggestions like this should be raised directly with the centre management. The centre management could implement such restrictions as they deem necessary.

The Director Development Services indicated the Agenda did not contain all answers to Peter Forrest's questions. All answers are recorded in these Minutes.

3.2 Questions from Development & Infrastructure Services Meeting 14 February 2016

Nita Parker, Pauls Valley

- Q1. With regard to Ordinary Council Meeting Item 10.3.4 Retrospective Application for Chalets, Stables and Rural Pursuits – Lot 2 (664) Pickering Brook Road, Pickering Brook. What legal advice would the Shire take should an accident/injury occur on this property due to these buildings not going through the planning process? Also, since the Shire would have prior knowledge of this, could the injured person then sue the owner or the Shire for not ensuring the environment they were in was safe?
- A1. Taken on notice.

4.0 PETITIONS/DEPUTATIONS

4.1 Petition

A Petition was received from Samantha Blair, Gooseberry Hill containing 122 names of electors from the Shire of Kalamunda requesting a budget allocation be made to upgrade and provide new facilities on Ledger Road Reserve, Gooseberry Hill.

4.2 Deputation

A Deputation was received from Emma Kallarn regarding Item 20. Policy P-DEV52; Telecommunications Infrastructure.

There were no Councillor questions following this deputation.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 That the Minutes of the Development & Infrastructure Services Committee Meeting held on 8 February 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Andrew Waddell**

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **23. Hoarding and Squalor Policy and Management Procedure -** (Attachment 4) Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b) the personal affairs of any person.

8.0 DISCLOSURE OF INTERESTS

8.1 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*.)

8.1.1 Nil.

8.2 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.

8.2.1 Nil.

9.0 REPORTS TO COUNCIL

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

16. Eastern Subgroup of Metropolitan Regional Road Group - Councillor Nominations

Previous Items	D&I 36/2012
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	EG-RDM-015
Applicant	N/A
Owner	N/A
Attachment 1	State Road Funds to Local Government Agreement 2011/12 to 2015/16

PURPOSE

1. To consider the nomination of a Councillor to represent Shire of Kalamunda on the Eastern Subgroup of Metropolitan Regional Road Group.

BACKGROUND

2. Western Australian Local Government Association (WALGA) on behalf of local government has entered into an agreement with State Government to administer State Road funds to local government. Under the agreement local government receives a share of revenue collected from vehicle licensing fees. (Refer Attachment 1 – State Road Funds to Local Government Agreement 2011/12 to 2015/16 – Roles and Responsibilities of Regional Road Group Members).
3. The agreement is accompanied by a Procedures Manual, which primarily outlines the terms of reference of the Advisory Committee, Regional Road Groups and Sub Groups as well as detailing the requirements for administering, distributing and accounting of the funds provided under the agreement.
4. In the Metropolitan area the funds are distributed to local government through Metropolitan Regional Road Group (MRRG), which is comprised of one elected member and one officer from each of the six sub-groups and Main Roads Officers. Under the terms of reference the MRRG is chaired by a local government elected member.
5. Each Council is represented on one of the six Subgroups by one elected member and one officer. The role of the elected members is to contribute towards the road funding decisions and make recommendations that are of direct benefit to local communities and the Western Australian Road Users.
6. The Subgroup makes recommendation to the Metropolitan Regional Road Group regarding the funding priorities of local governments within that sub-group. The Regional Road Group, subsequently on the advice of the Subgroup makes further recommendation to the Advisory Committee for seeking concurrence from the Honourable Minister for Transport to implement and monitor the Local Road Program.

DETAILS

7. The Eastern subgroup consists of City of Swan, Shire of Mundaring, City of Bayswater, Town of Bassendean and the Shire of Kalamunda. All other local governments except Shire of Kalamunda have nominated one elected member and one officer on the sub-group. Shire of Kalamunda is currently represented by an officer member only.
8. The Subgroup meets approximately twice a year, generally during the day to discuss the issues regarding the funding allocations and to ensure grants are expended in the year of allocation including monitoring local government expenditure on approved local government projects. The most recent meeting was held on the 10 November at 10am at the City of Swan.

STATUTORY AND LEGAL CONSIDERATIONS

9. Nil.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

11. Nil.

FINANCIAL CONSIDERATIONS

12. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.1 – To ensure a highly effective and strategic thinking Council sets direction and works for the greater good of the community at all times.

Strategy 6.1.4 Foster strategic partnerships and alliances and represent the community on external bodies to deliver key projects and initiatives.

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

Strategy 6.8.2 Ensure financial sustainability through the diversification of funding sources to reduce reliance on the current rates base.

SUSTAINABILITY

Social Implications

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Lack of nominations.	Unlikely	Minor	Low	Advise Council of the importance of an Elected Member representative to support future road funding for the Shire.

OFFICER COMMENT

18. The projects submitted by various local governments are prioritised based on a complex point scoring system which takes into account road condition, traffic loading and cost of proposed treatment. Although the funding allocations are based on well-established criteria and there is not a great degree of opportunity for local governments to alter the priority of projects, it will be beneficial for elected members to understand the process.

Councillor Andrew Waddell put himself forward, no other nominations were received .

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 16/2016)

That Council:

1. Nominates **Cr Andrew Waddell** to the Eastern Subgroup of the Metropolitan Regional Road Group to represent the Shire of Kalamunda.

Moved: **Cr Brooke O'Donnell**

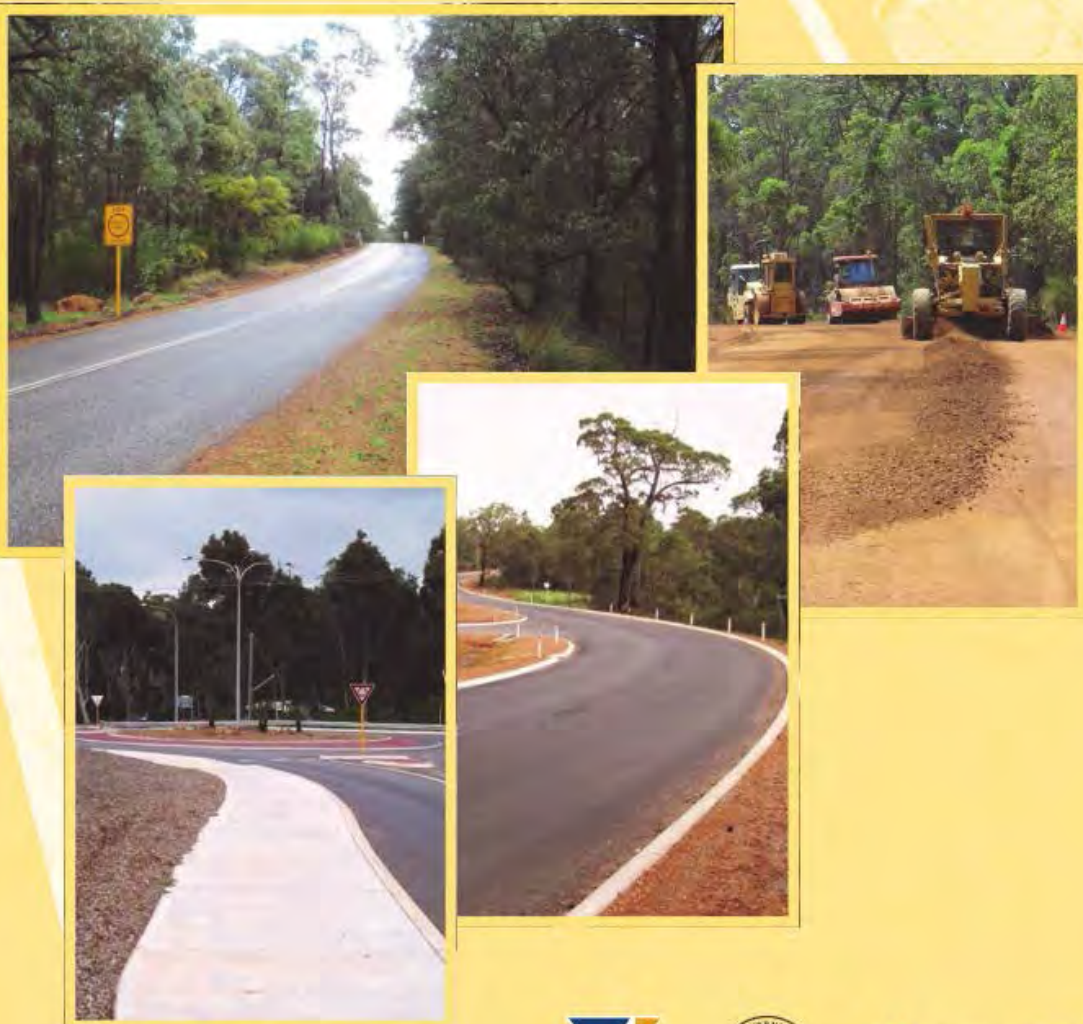
Seconded: **Cr Noreen Townsend**

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

Attachment 1

State Road Funds to Local Government Agreement 2011/12 to 2015/16

Roles and Responsibilities of Regional Road Group Members



Introduction

This brochure is designed to guide and assist Local Government Elected Members to understand their roles and responsibilities as members of a Regional Road Group (RRG).

Through RRGs the State Government provides Local Government with a voice in how the State's contribution to local roads is spent. This organisational structure and regional framework recognises the understanding of the local community's road needs that Local Government elected representatives have.

The delegation of responsibility provided to RRGs should be seen in the context of the statutory powers of the Commissioner of Main Roads WA (MRWA) to provide local road funding, with the required recommendation to the Hon Minister for Transport, from a state-wide perspective.

With limited funding and ever increasing demands on road assets, there is a need for Elected Members of Local Government to think beyond local boundaries in order to maximize community benefits and preserve and improve the road system through co-operative arrangements with neighbouring communities.

Elected Members, through processes contained in this brochure, are able to influence road funding decisions and make recommendations that are of direct benefit to local communities and the Western Australian road user.

State Road Funds to Local Government Agreement 2011/12 to 2015/16

The State Road Funds to Local Government Agreement 2011/12 to 2015/16, signed by the Premier of Western Australia, Minister for Transport, Western Australian Local Government Association (WALGA) President and Chief Executive Officer reinforces the partnership between State and Local Government and sets out funding levels and processes to meet the needs of the local road network.

The Agreement is projected to produce annual allocations, based on estimated licence fee revenue, for specific funding categories under an annual Local Roads Program. The Agreement is accompanied by a Procedures Manual which primarily outlines the Terms of Reference of the State Road Funds to Local Government Advisory Committee ("Advisory Committee"), RRGs and Sub-groups as well as detailing the requirements for administering, distributing and accounting for the funds provided under the Agreement.

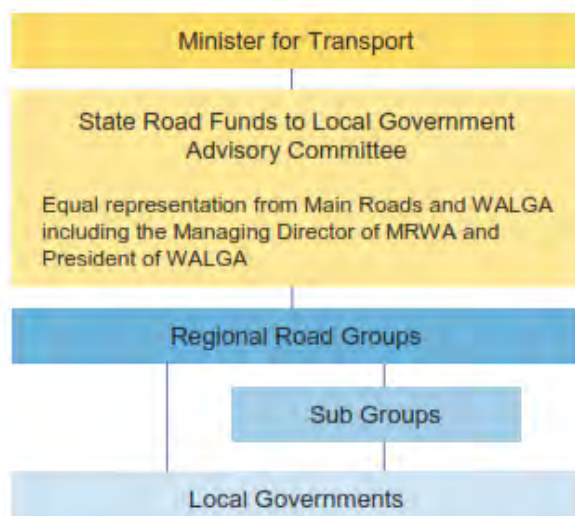
The Agreement also recognises ongoing issues that need long term solutions in cooperation by State and Local Government.

Under the Agreement there are procedures which detail the organisational structure for the allocation of State Government road expenditure on Local Government Roads. These procedures and the Agreement are accessible online at <http://www.mainroads.wa.gov.au>



*Signing of the State Road Funds to Local Government Agreement, June 2011
Left to right: WALGA President, Mayor Troy Pickard, WALGA CEO Ricky Burges,
Hon Minister for Transport, Troy Buswell, MLA and MRWA Managing Director Menno Henneveld*

State Road Funds to Local Government Management Structure



State Road Funds to Local Government Advisory Committee

The role of the Advisory Committee is to oversee, monitor and recommend the distribution of State funds for local roads to the Minister for Transport.

The Committee comprises of the Managing Director of MRWA (Chairman), the Chief Executive Officer of WALGA, four elected State Councillors (appointed by WALGA) and four senior MRWA officers appointed.

The Advisory Committee reports to the Minister for Transport through the Managing Director of MRWA.

Responsibilities include:

- Assessing Local Government road funding needs;
- Distribution of the State Road Funds to Local Government;
- The division of State funds between Regions and Program categories;
- Monitoring and reporting on the Local Roads Programs; and
- Development of performance indicators and an improved open and accountable process.

Regional Road Groups

Within policies and guidelines established by the State Road Funds to Local Government Advisory Committee, the RRG is responsible for the assessment of road funding needs, the annual distribution of State funds to Local Government roads and monitoring and reporting on the effectiveness of the application of the State funds for Local Government roads in its region.

The RRG ensures that funds made available by the State are applied to the road network to:

- Maximise benefits to the community;
- Preserve, improve and extend the road system;
- Maximise capacity and resources through joint purchasing and resource sharing; and
- Comply with the obligations of the Managing Director of MRWA under legislation.

The role of RRGs is to recommend Local Government road funding priorities to the Advisory Committee and to monitor the implementation of the Local Roads Program in their own Regions.

At the Regional level RRGs are responsible for:

- Assessing Local Government road funding needs;
- Prioritising Road Projects, Black Spot and Commodity Route funded Projects;
- Development of a long term plan (5 years) to distribute Road Projects and Black Spot Grants;
- Developing and improving methodology for the prioritization of projects and the distribution of State funds;
- Monitoring and reporting on program effectiveness;
- Implementing Performance Indicators and open and accountable processes;
- Ensuring grants are expended in the year of allocation;
- Monitoring Local Government expenditure on approved local roads projects;
- Recommending improved procedures to the Advisory Committee;
- Raising relevant issues on the Local Roads Program and the overall road needs of the Region with the Advisory Committee; and Providing advice to member Local Governments.

The RRG may delegate certain functions and tasks to Regional Sub Groups, provided that all Regional Sub Groups have the same delegated responsibilities, as outlined in the Procedures.



Funding through the State Road Funds to Local Government Agreement

The share of State Road Funds to be allocated to Local Government roads is 27% of the estimated vehicle licence fees for that year. Funding is distributed under three categories:

Category 1

i. Direct Grants

Direct Grants are provided annually to all Local Governments. The Advisory Committee review the amount available for Direct Grants annually, using the Asset Preservation Model provided by the Western Australian Local Government Grants Commission.

Direct Grants are adjusted annually (positive only) by the movement in the Consumer Price Index to 31 December in the year preceding the budget year or the increase in Vehicle Licence Fee Revenue, whichever is greatest.

Timetable

Jun	Advisory Committee formally advises RRGs of annual Direct Grant allocations for the next financial year
Jul	Local Governments provide a Certificate of Completion for all Direct Grant distributions from previous financial year
Jul	MRWA Regional Managers arrange payment of Direct Grants to Local Governments on receipt of Certificate of Completion
Dec	RRGs monitor flow of funding to Local Governments and notify Advisory Committee of likely under-expenditure

ii. Road Project Grants

The Advisory Committee allocates funds for road projects to each RRG. Allocations are based on a five year program.

Road Project Grants may be used for road related works (e.g. street lighting) that the RRG wishes to undertake, provided it is assessed and prioritised against other road projects in the region and the State Road Funds to Local Government Advisory Committee approval is given.

Timetable

Mar	Projects recommended to Ministerial approval
Jun	Local Governments formally advised of approved applications for the financial year commencing July
Aug	Indicative Road Project Grants funding allocation for following financial years provided to RRGs
Sep	Local Governments apply to RRG for project funds for following financial year
Nov	RRGs provide project recommendations for following financial years to the Advisory Committee
Dec	Advisory Committee provides project recommendations for following financial year to the Managing Director of MRWA
Dec	RRGs advise Advisory Committee of likely under-expenditure of allocated project funds in the current financial year

iii. Supplementary Fund

The Advisory Committee ensures a minimum balance of \$4 million is in a supplementary fund at the commencement of each financial year. Funds are made available from the Rural RRG's Road Project Grant pool to ensure that this balance is maintained each year.

The Supplementary Fund is available to:

- Provide funds to assist Local Governments repairing roads affected by flood and fire damage; and
- Provide the State Road Funds to Local Government Advisory Committee with the flexibility to direct funds to strategic projects.

iv. Commodity Routes

\$2.5 million per year will be set aside from the total Road Project Grant allocation for a Commodity Route Fund. The Commodity Route Fund will be applied to projects not eligible or not prioritised for Road Project Grant Funding. The State Advisory Committee will review all applications for Commodity route funding and select successful projects for funding.

Timetable

Mar	Projects recommended for funding subject to Ministerial approval
Jun	Local Governments formally advised of approved applications
Sep	Local Governments apply to RRG for Commodity Route Fund projects for following financial year
Nov	RRGs provide project recommendations for the following financial year to the Technical Assessment Committee
Dec	Technical Assessment Committee provides project recommendations to Advisory Committee. Advisory Committee endorses project recommendations to the Managing Director of MRWA.
Dec	RRGs advise Advisory Committee of likely under-expenditure of allocated Commodity Route funds in the current financial year

v. Strategic and Technical Support

The Advisory Committee will annually determine funding for strategic and technical support projects. These funds are provided for activities such as Main Roads administrative and technical support to RRGs, Roads Forums, ROADS Foundation and funding to WALGA for the MINDER, RoadWise and ROMAN programs.

Timetable

Oct	WA Local Government Association and Main Roads determine proposals for funding
Nov	WA Local Government Association and Main Roads submit proposals for funding with appropriate justification to the Advisory Committee
Nov	The Advisory Committee gives its recommendations to the Managing Director of Main Roads

Category 2

Funding for State responsibilities on the Local Government road system is managed through Main Roads Western Australia programs. These include the following programs:

i. Traffic Management and Road Safety

This program includes funding for road marking and pavement markers, signing, traffic signals, railway crossings, safety and traffic improvements and the Black Spot program. The State Black Spot Program on Local Roads is intended to target improving the safety of roads with a proven crash history or high risk locations with the likelihood of crashes occurring.

ii. Bridgeworks and Inspections

Funding for bridge inspection and maintenance works. Funding is also provided for emerging bridge repair work.

iii. Remote Aboriginal Community Access Roads

Funding for access roads servicing remote Aboriginal communities.

Category 3

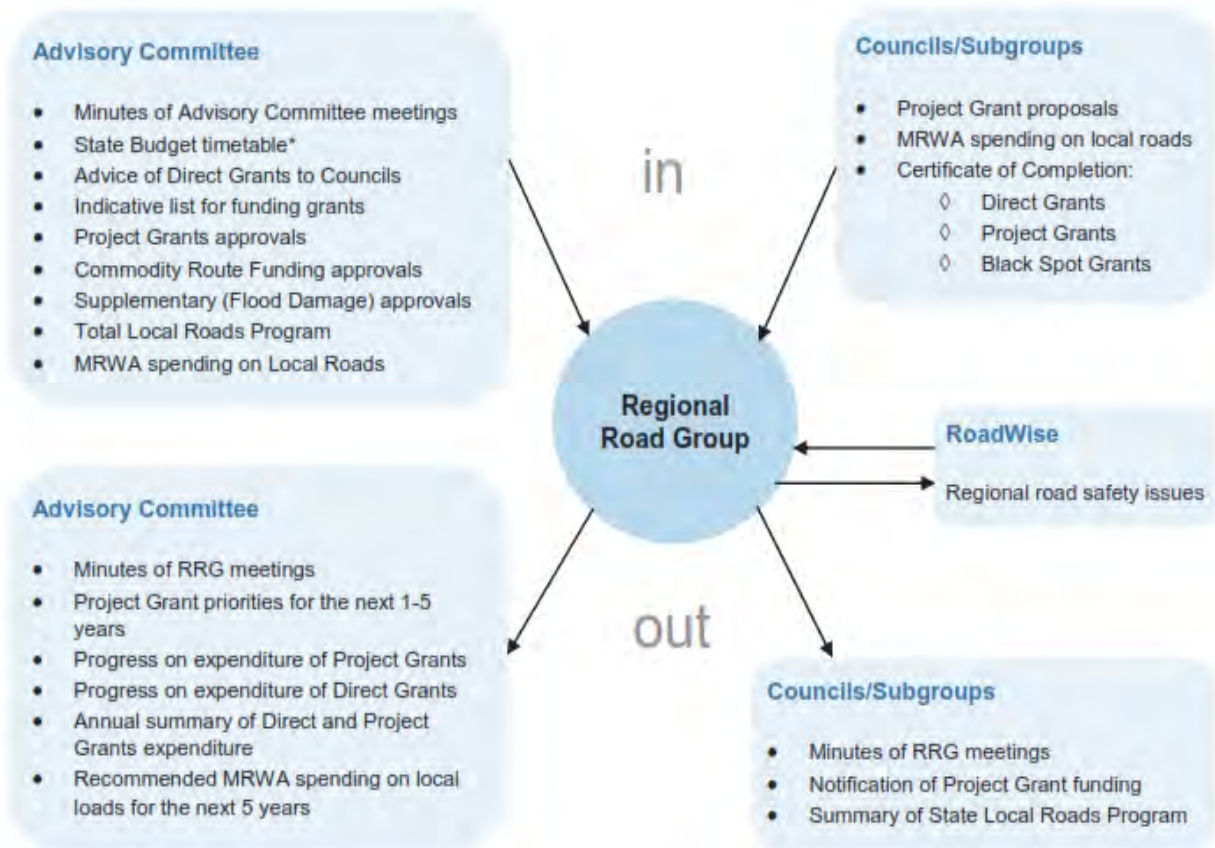
State Initiatives on Local Roads

Projects in this category are generally State-initiated projects. These projects can comprise both road and bridgeworks on urban and rural roads. As a result of their size and or complexity, projects are generally undertaken by Main Roads Western Australia on behalf of Local Governments.

Timetable

Nov	Proposed program of works prepared
May	Funded projects included in State Budget announcements
June	Local Governments formally advised of approved funding allocations

Communication Flows



** Note: Timetables must be advised by the Advisory Committee and RRGs to dovetail with the State Budgetary process and State Treasury Requirements*

More Information

The *State Road Funds to Local Government Agreement* is available on WALGA's and Main Road's website. Contact your Local Government for copies of the following:

- Procedures Manual
- Road Projects Evaluation Guidelines

or contact

**Western Australian
 Local Government Association**
 15 Altona street
 West Perth WA 6872
 Phone (08) 9213 2031
 Email : info@walga.asn.au
www.walga.asn.au

Main Roads Western Australia
 Don Aitken Centre
 Waterloo Crescent
 East Perth 6004
 Phone 13 81 38
 Email : enquiries@mainroads.wa.gov.au
www.mainroads.wa.gov.au



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

17. Nominations and Terms of Reference for the Kalamunda Environmental Advisory Committee

Previous Items	PS 65/08; PS 74/08; PS 17/11; OCM 169/2015
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Operations
File Reference	EV-EPP-014
Applicant	N/A
Owner	Manager Infrastructure Operations
Attachment 1	Terms of Reference – Kalamunda Environmental Advisory Committee
Attachment 2	Nominations and Recommendations – Kalamunda Environmental Advisory Committee

PURPOSE

1. To approve updated Terms of Reference (ToR) for the Kalamunda Environmental Advisory Committee (KEAC).
2. To approve the appointment of Community Representatives and Deputy Community Representatives to the Kalamunda Environmental Advisory Committee.

BACKGROUND

3. At its meeting on 21 December 2015, Council approved the terms of reference for KEAC and the advertising for community members to nominate themselves to participate on this committee.
4. The KEAC Terms of Reference requires four Community Representatives and four Deputy Community Representatives to be appointed to the committee.
5. The nominations were advertised on 1 January 2016 for a period of two weeks.

DETAILS

6. It was identified that the terms "Elected Alternate Member" and "Alternative Community Representative" in the ToR are considered inconsistent with the terminology for all the other Shire committees and the following changes are proposed:
 - (a) Replace the term "Elected Alternative Member" with "Deputy Elected Member".
 - (b) Replace the term "Community Alternative Representative" with "Deputy Community Representative".
 - (c) Provide the presiding member with the ability to call special meetings (clause 6.10).

7. A total of fifteen nominations for the Community Representative and Deputy Community Representative were received from the community. The nominations provide a range of skills, experience and qualifications (Attachment 2).
8. Administration undertook a review of all nominations, assessed and ranked the competencies of the nominees and developed a ranked list based on this assessment.
9. The group was assessed as a whole in order to identify a good balance between theoretical knowledge, qualifications and on-ground experience across the range of matters that the Committee may need to consider.
10. Based on the assessment of the group of nominees, the nominees were recommended as Community Representatives or Deputy Community Representatives.
11. Councillor representatives were provided with an opportunity to review, discuss and comment on the staff recommendations to finalise the list of appointments.

STATUTORY AND LEGAL CONSIDERATIONS

12. Section 5.11 (2) (d) of the *Local Government Act 1995* – Tenure of Committee Membership.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

14. Nil.

FINANCIAL CONSIDERATIONS

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. OBJECTIVE 1.8 – Support local community groups to grow, prosper and shape the future of Kalamunda.

Strategy 1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

OBJECTIVE 3.1 - To clearly identify the Shire role in protecting, promoting and enhancing the environmental values and biodiversity of the Shire in partnership with the community.

-
- Strategy 3.1.1 Develop and implement an overarching Local Environmental Strategy that can guide the Shire's decision on environmental protection.
- Strategy 3.1.2 Support, facilitate and engage with environmental community groups and friends of bushland groups.
- Strategy 3.1.5 Continue to improve environmental values in the region through the implementation of education programs.

OBJECTIVE 3.2 - To protect and enhance the Shire local bushland reserves, Local Natural Areas and Biodiversity Conservation areas.

- Strategy 3.2.1 Implement and regularly review the Shire's Biodiversity Strategy.
- Strategy 3.2.2 Continue planting local provenance species in road reserves and wildlife corridors to maintain biodiversity conservation values of the Shire.

OBJECTIVE 3.4 - To manage the use of water sustainability within the Shire

- Strategy 3.4.4 Ensure the adoption of water sensitive technologies and practices in Shire owned buildings and facilities and new developments.
- Strategy 3.4.5 Undertake retrofitting to existing developments to address erosion issues and reusing stormwater.

OBJECTIVE 3.5 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

- Strategy 3.5.2 Identify initiatives and encourage residents to minimise waste generation and support recovery rather than traditional waste disposal.

OBJECTIVE 4.7 - To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

- Strategy 4.7.1 Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.
- Strategy 4.7.2 Ensure adequate processes and procedures are in place to measure and achieve efficiency in asset management.

OBJECTIVE 5.6 - To foster regional collaboration with Perth's Eastern Region.

Strategy 5.6.2 Investigate opportunities for regional collaboration to deliver services.

OBJECTIVE 6.3 - To Lead, motivate and advance the Shire of Kalamunda.

Strategy 6.3.1 Develop and implement a wide variety of informing strategies and plans which benefit the community socially, economically and environmentally.

SUSTAINABILITY

Social Implications

17. Community representation on KEAC is integral to ensuring that a positive relationship is maintained between the organisation and community.
18. Community representation on KEAC ensures that recommendations include appropriate community input and provides better decision making.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 21.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council do not approve the recommendations	Rare	Major	Moderate	Council to determine an alternative list of community and deputy community representatives, either from the list of 15 current nominations, or by readvertising the request for nominations.

OFFICER COMMENT

22. The revised terms of reference provides for better governance of KEAC.
23. Administration undertook a review of all nominations and shortlisted these in order of skills, experience and qualifications.
24. The shortlist of recommendations was presented to the Councillor representatives for further comment and discussion before finalising the list of recommendations in this report.
25. It is believed that the recommendations provide a good balance between technical expertise, experience and on-ground knowledge of environmental issues relating to the Shire's operations.

The Councillor requested an addition of a point 6. to set the date for the first meeting, this was accepted by the Presiding Member. A mover and seconder were found and the vote taken.

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 17/2016)

That Council:

1. Endorses the revised Terms of Reference for the Kalamunda Environmental Advisory Committee as shown in Attachment 1.
2. Appoints the following nominees as Community Representatives on the Kalamunda Environmental Advisory Committee:
 - Joy McGilvray
 - Mark Schilling
 - Kevin Goss
 - Mike Burbridge
3. Appoints the following nominees as Deputy Community Representatives on the Kalamunda Environmental Advisory Committee:
 - Cameron Blackburn
 - Rupert Duckworth
 - Mark Simpson
 - Peter Forrest
4. Authorises the Chief Executive Officer to write to the Community and Deputy Community Representatives advising them that their nominations for the Kalamunda Environmental Advisory Committee has been accepted.
5. Authorises the Chief Executive Officer to write to the unsuccessful nominees advising them that they were unsuccessful and thanking them for their interest.

6. Set the first meeting date for this Committee as Wednesday 30 March 2016 at 6.00pm.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

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

Attachment 1

Kalamunda Environmental Advisory Committee



Terms of Reference

1. Name

The name of the Committee shall be the "Kalamunda Environmental Advisory Committee".

2. Definitions

"Council" shall mean the Council of the Shire of Kalamunda.

"Committee" shall be the Kalamunda Environmental Advisory Committee.

3. Purpose

- 3.1** To make recommendations to Council on matters relating to the environmental including but not limited to:
- Environment and Tree management matters including policies and procedures
 - Parks and open space management including bushland maintenance
 - Drainage and water course management
 - Water quality
 - Resource Recovery and waste management
 - Friends groups and community environment activities
 - Fauna and Fauna protection and enhancement
 - Pest control and management
 - Chemical use in the environment
- 3.2** Provide feedback on community engagement matters relating to the above items.
- 3.3** Assist the Shire and its work within the community to encourage an increased level of awareness relating to the matters presented and discussed.
- 3.4** To highlight the Council's projects whereby the Shire Officer will have an opportunity to actively engage with representatives of the community.

4. Strategic Alignment

Kalamunda Advancing: Strategic Community Plan to 2023

OBJECTIVE 1.8 – Support local community groups to grow, prosper and shape the future of Kalamunda.

Strategy 1.8.3 Proactively investigate opportunities that facilitate the establishment and/or growth of local community groups.

OBJECTIVE 3.1 - To clearly identify the Shire role in protecting, promoting and enhancing the environmental values and biodiversity of the Shire in partnership with the community.

Strategy 3.1.2 Support, facilitate and engage with environmental community groups and friends of bushland groups.

OBJECTIVE 3.5 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 3.5.2 Identify initiatives and encourage residents to minimise waste generation and support recovery rather than traditional waste disposal.

OBJECTIVE 4.7 - To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

Strategy 4.7.1 Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage networks to encourage increased utilisation and extension of asset life.

OBJECTIVE 5.6 - To foster regional collaboration with Perth's Eastern Region.

Strategy 5.6.2 Investigate opportunities for regional collaboration to deliver services.

5. **Membership, Nominations, Election, Term of Membership and Membership Roles**

5.1 The committee shall consist of eight (8) members, including:

Elected Members – two (2) elected members will be appointed by Council
Shire Staff – two staff (2) representatives as follows:

- Coordinator Parks and Environmental Services
- Manager Infrastructure Operations

Community Representatives – up to four (4) persons residing in the Council area that have an interest and/or expertise in:

- Upgrades, renewal and improvements to infrastructure and natural areas such as, roads, footpaths waterways, drains, parks and recreation areas;
- Environmental matters such as water sensitive urban design, natural area protection and enhancement, waste and recycling management, travel smart, bushfire management and carbon reduction;

5.2 In addition, the committee shall have one (1) Deputy Elected Member and four (4) Deputy Community Representatives including:

Deputy Elected Member – one (1) elected member will be appointed by Council

Deputy Community Representatives – up to four (4) persons residing in the Council area that have an interest and/or expertise in:

- Upgrades, renewal and improvements to infrastructure and natural areas such as, roads, footpaths waterways, drains, parks and recreation areas;
- Environmental matters such as water sensitive urban design, natural area protection and enhancement, waste and recycling management, travel smart, bushfire management and carbon reduction.

- 5.3** The Council, at its first meeting after an election will appoint three Elected Members to the Committee, with two to be Elected Members and one as Deputy Elected Member.
- 5.4** The Council will seek nominations from the community through media outlets such as e-news and local community newspapers to fill the Community Representative and Deputy Community Representative roles.
- 5.5** A report will recommend four of the nominated persons to become Community Representatives and four of the nominated persons to become Deputy Community Representatives. Representatives and Deputy Representatives will be selected on the basis of expertise, experience and personal interest.
- 5.6** Community Representatives will not be selected to represent community interest groups, associations or commercial interests.
- 5.7** If a Community Representative is unable to attend a meeting, shire staff will invite a Deputy Community Representative to vote to ensure a quorum is available for each meeting.
- 5.8** The term of appointments for all members will be for a period of two years. This excludes shire staff who are perpetual members.
- 5.9** If an Elected Member cannot continue to participate on the committee, the Deputy Elected Member will be appointed as member and, if necessary, Council can appoint another Deputy Elected Member.
- 5.10** Council will periodically seek nominations from individuals from within the community for potential membership on the committee when community positions become vacant.
- 5.11** The group is not empowered to manage or direct any programs, activities or Council staff.
- 5.12** The role of Chairperson and Deputy Chairperson will be determined by the committee at its first meeting. Shire staff cannot be nominated to either of these positions.

6. Meeting Frequency, Conduct, Agenda and Minutes

- 6.1** The conduct of the committee shall be in accordance with the Local Government Act 1995, Section 5.10 Code of Conduct and the Councils regulations.
- 6.2** The Committee shall at its first meeting and annually thereafter, will identify topics of interest for inclusion for the planning of up-coming meetings.
- 6.3** The Committee shall at its first meeting and annually thereafter, determine the dates of the meetings for the remainder of the year.
- 6.4** The group shall meet once every quarter.
- 6.5** Meetings will commence at 6:00pm unless otherwise resolved by the group at the first meeting.

- 6.6 A quorum will be reached when at least one half plus 1 of the current appointed members are present (5).
- 6.7 The Agenda will be prepared and circulated not less than seven days before the meeting.
- 6.8 Administrative support shall be provided by a Council employee. This person is not a member of the Group.
- 6.9 The Minutes of the meeting will be reported to Council at the following Development & Infrastructure Committee meeting.
- 6.10 The Chairperson may call a special meeting of the committee as required.

7. Disclosure of Interests

- 7.1 All Committee Members are required to disclose any financial, proximity or impartiality interests that they may have in any matter to be discussed at the meeting.

8. Member and Committee Performance

- 8.1 The performance of the members and committee will be measured according to the following outcomes:

Outcome	Description	Measure	Target
Meeting attendance	Committee members participate in the committee	Number of meetings attended over the term of appointment	100% attendance for each member.
Compliance	Agenda and minutes are provided in accordance with the Local Government Act 1995, Section 5.10 Code of Conduct and the Councils regulations. Members act in accordance with the code of conduct.	Number of breaches	No breaches.
Strategic Objectives	Recommendations are in line with the strategic objectives and actions set by Council through the Strategic Community Plan.	Number of recommendations that meet the Strategic Objectives.	100% of recommendations meet the Strategic Objectives.

Attachment 2

KEAC Nominations and Recommendations

Terms of Reference - notes 4 people on committee and 4 alternative members

Name	Comments	Recommendation	Suburb
Eileen Stark	Friends group member (Markham Road Reserve). Experience as Girl Guides Leader. Involvement with a number of on-ground projects. Limited Experience and Qualifications.	No	High Wycombe
Joy McGilvray	Friends group member (Jorgenson Park). Active community member through volunteering in multiple perspectives. Undertaken environmental studies. Active in a number of areas including on-ground environmental activities. Environmental Qualifications.	Committee	Lesmurdie
Cameron Blackburn	Experience and interest in environmental legislation, flora, revegetation and community engagement. Volunteers at the City of Canning Environmental Qualifications.	Deputy Committee	Lesmurdie
Jane Wallis	Interest in bushland, recycling, member of Nature Reserves Preservation Group and volunteers in local sports groups. Geography qualifications. Limited Experience and Qualifications.	No	Kalamunda

Name	Comments	Recommendation	Suburb
Kathy Ritchie	Experience: Kalamunda High School principal, sustainability at the school and Kostera Oval group, emergency services. Interest in geography, fire mitigation and vegetation. Active in a number of areas including on-ground environmental activities. Academic Background.	No	Walliston
Raymond Maher	Assisted Shire as volunteer in roadside weed surveys. Experience: Lesmurdie High School Principal, Guide and Master Gardener at Kings Park and interests in vegetation, gardening and geography. Active participant in some environmental activities.	No	Kalamunda
Graeme Young	Real estate valuator, consultant to WAPC re: environmental and conservation matters. Member of two committees. Limited Experience and Qualifications.	No	Kalamunda
Rupert Duckworth	Experience: water corporation, flora, fauna, tree management, environmental impact assessments. Environmental Qualifications and previous CEAC experience.	Deputy Committee	Kalamunda
Mark Simpson	Previously on CSAC. Experience: urban regional and environmental planning. Notes sustainability. Past Committee Experience and Environmental Qualifications.	Deputy Committee	Kalamunda
Peter Forrest	Experience: environmental planning, ecology and management of Peel Harvey catchment. Vocal to the Shire at Council meetings specifically regarding planning matters. Active in raising concerns with Theoretical Environmental Experience.	Deputy Committee	Kalamunda

Name	Comments	Recommendation	Suburb
Mark Schilling	Experience; water sensitive urban design, Poison Gully and Crumpet Creek and other committees. Works with Perth Airport. Broad relevant experience and involvement with other committees.	Committee	Kalamunda
Kevin Goss	Addresses sustainability, Friends group member, experience with the Shire providing aged care investigations, strategic environmental experience. Broad relevant experience and previous involvement with the Shire.	Committee	Gooseberry Hill
Andrew Mitchell	Experience in Botany, pasture, biosecurity, no committee experience. Limited Experience.	No	Lesmurdie
David Keast	Previously on the CSAC, involved in groups; Maida Vale Archery and Jorgenson Pk Management. Experience in Agriculture. Limited relevant experience.	No	Hacketts Gully
Mike Burbridge	Sustainability experience, environmental consultant, many studies and experience in the UK. Broad relevant experience and qualifications.	Committee	Kalamunda

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

18. Dedication of Tonkin Highway in the Shire of Kalamunda

Previous Items	N/A
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	OR-IGR-015
Applicant	Main Roads Western Australia
Owner	Various
Attachment 1	Letter from Main Roads WA and attached plans - Sheets 5 to 8 (City of Belmont boundary to City of Gosnells boundary)

PURPOSE

1. To consider the dedication of Tonkin Highway in the Shire of Kalamunda as road reserve.

BACKGROUND

2. Main Roads Western Australia is undertaking the rationalisation of existing land forming the Tonkin Highway road reserve between Swan River and Albany Highway, as identified within the Metropolitan Region Scheme reservation for Primary Regional Road.
3. This includes the section of Tonkin Highway between the City of Belmont boundary and City of Gosnells boundary as shown on Attachment 1 – Sheets 5 to 8 (City of Belmont boundary to City of Gosnells boundary).

DETAILS

4. To enable the dedication of land as road reserve, the *Land Administration Act* requires the concurrence of the Local Authority to the dedication.
5. The land identified in this process is held either as:
 - Freehold to the Commissioner of Main Roads
 - State of WA/Crown
 - Reserves
 - Unallocated Crown Land or
 - Road Reserve.
6. The dedication will not apply to privately owned freehold land which may be acquired over time and dedicated once acquisition is concluded.

STATUTORY AND LEGAL CONSIDERATIONS

7. The dedication is undertaken under the *Lands Administration Act 1997*.

POLICY CONSIDERATIONS

8. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

9. Nil

FINANCIAL CONSIDERATIONS

10. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 - To ensure land use plans provide long term sustainable population growth.

Strategy 4.1.6 Continue to work collaboratively with State government and agencies to deliver strategic land use plans, policies and initiatives.

SUSTAINABILITY

Social Implications

12. The dedication of land under this process relates to Tonkin Highway, which provides a key strategic transport link for the community.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 15.
- | Risk | Likelihood | Consequence | Rating | Action/Strategy |
|---|------------|-------------|----------|---|
| That Council does not concur with the dedication of Land for Road Reserve | Unlikely | Moderate | Moderate | That Council is provided with sufficient information to ensure it undertakes its decision making effectively. |

OFFICER COMMENT

16. Main Roads Western Australia has indemnified the Shire from all costs and charges relating to this dedication action.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 18/2016)

That Council:

1. Concurs to the request from Main Roads Western Australia for the dedication of the land pursuant to Section 56 of the *Land Administration Act 1997*, reserved as Primary Regional Road, Tonkin Highway, as shown in the attached Plans Sheets 5 to 8 (City of Belmont boundary to City of Gosnells boundary) contained within the Shire of Kalamunda, to satisfy the legislative requirements of the Department of Lands.
2. Notes that Main Roads Western Australia has indemnified the Shire of Kalamunda from all costs and charges relating to this dedication action.
3. Authorises the Chief Executive Officer to write to Main Roads Western Australia detailing the recommendation of this report.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Sue Bilich**

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

Attachment 1



mainroads
WESTERN AUSTRALIA

Enquiries: Frank Lyons 9323 4168
Our Ref: 09/2127
Your Ref:

12 October 2015

Chief Executive Officer
Kalamunda Shire
PO Box 42
KALAMUNDA WA 6926

Dear Sir/Madam

DEDICATION OF TONKIN HIGHWAY IN THE SHIRE OF KALAMUNDA

Main Roads WA is facilitating the dedication as road reserve of the Tonkin Highway within the Shire of Kalamunda.

All land within the Shire identified and within the Metropolitan Region Scheme reservation for Primary Regional Road shown on attached plans Sheets 5 to 8 (City of Belmont boundary to City of Gosnells boundary) is earmarked for dedication as road reserve.

The land is held either as freehold to the Commissioner of Main Roads, the State of WA/Crown, Reserves, Unallocated Crown Land or is already road reserve.

To enable this land to be dedicated as road reserve it is a requirement of the Land Administration Act that the Local Authority give its concurrence to the dedication.

It would be appreciated if Council consider the matter at its next meeting and provide the following statement in its letter of concurrence to satisfy the requirements of the Department of Lands:-

"Council at its meeting of (date) concurred to the dedication of the land reserved as Primary Regional Road, Tonkin Highway -, shown in the attached Plans Sheets 5 to 8 (City of Belmont boundary to City of Gosnells boundary) contained within the Shire of Kalamunda, as road under Section 56 of the Land Administration Act".

To satisfy Department of Lands requirements a copy of the Council meeting minutes relating to the concurrence is also requested to be supplied.

Please note any privately owned freehold land within the reservation is excluded from this dedication action. Privately held land within the reservation will be acquired over time and can be dedicated once acquisition action is concluded.

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138



mainroads
WESTERN AUSTRALIA

Main Roads will indemnify Council against all costs and charges relating to this dedication action.

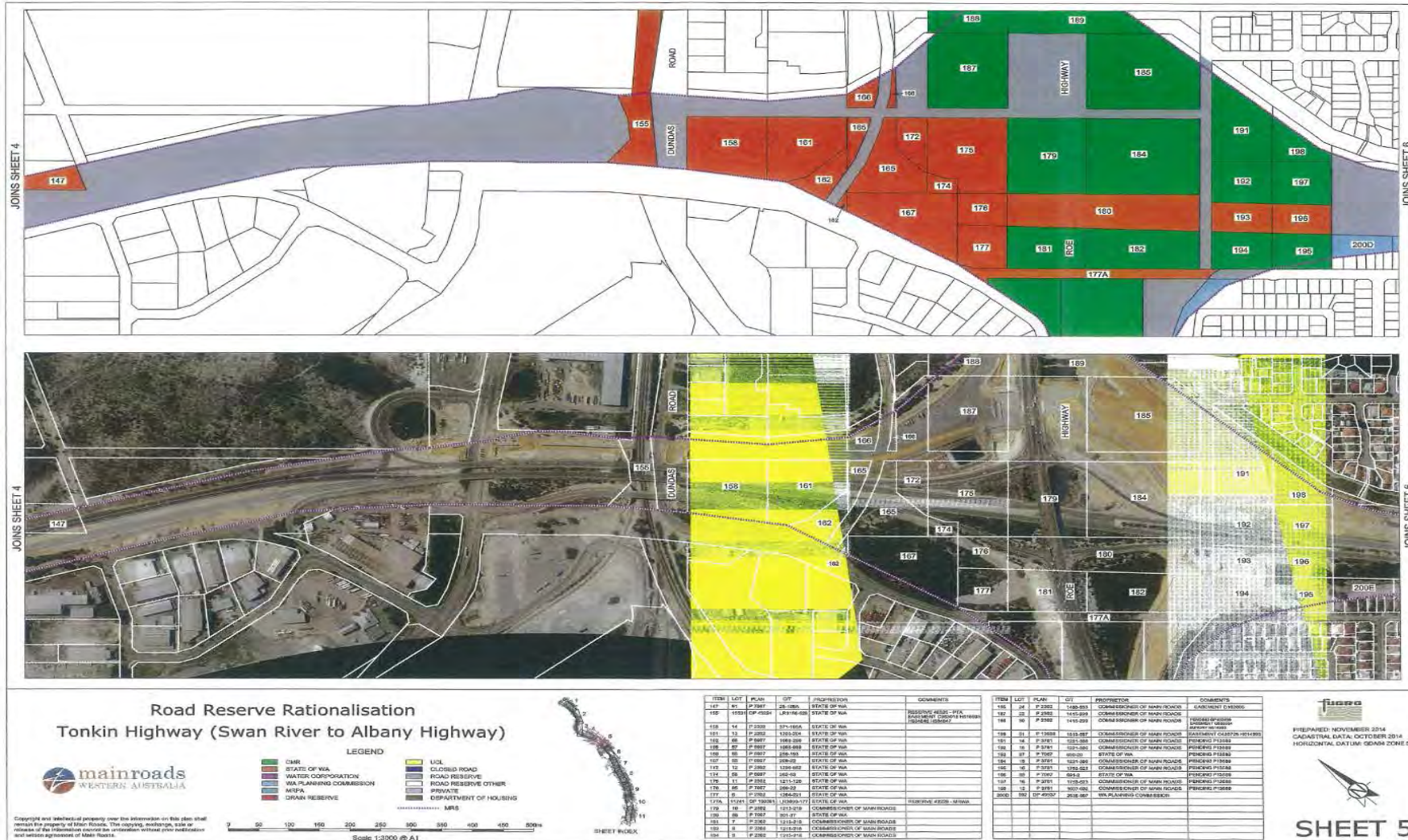
Can you please provide the letter of concurrence and a copy of the relevant Council minutes to this office at the earliest opportunity and should you have any queries please do not hesitate to contact Frank Mataboni on 9323 5856.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Lyons'.

Frank Lyons
Principal Land Tenure Manager

Sheet 5



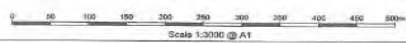
Sheet 6



Road Reserve Rationalisation
 Tonkin Highway (Swan River to Albany Highway)



- LEGEND
- CNR
 - STATE OF WA
 - WATER CORPORATION
 - WA PLANNING COMMISSION
 - MPA
 - DRAIN RESERVE
 - UCL
 - CLOSED ROAD
 - ROAD RESERVE
 - ROAD RESERVE OTHER
 - PRIVATE
 - DEPARTMENT OF HOUSING



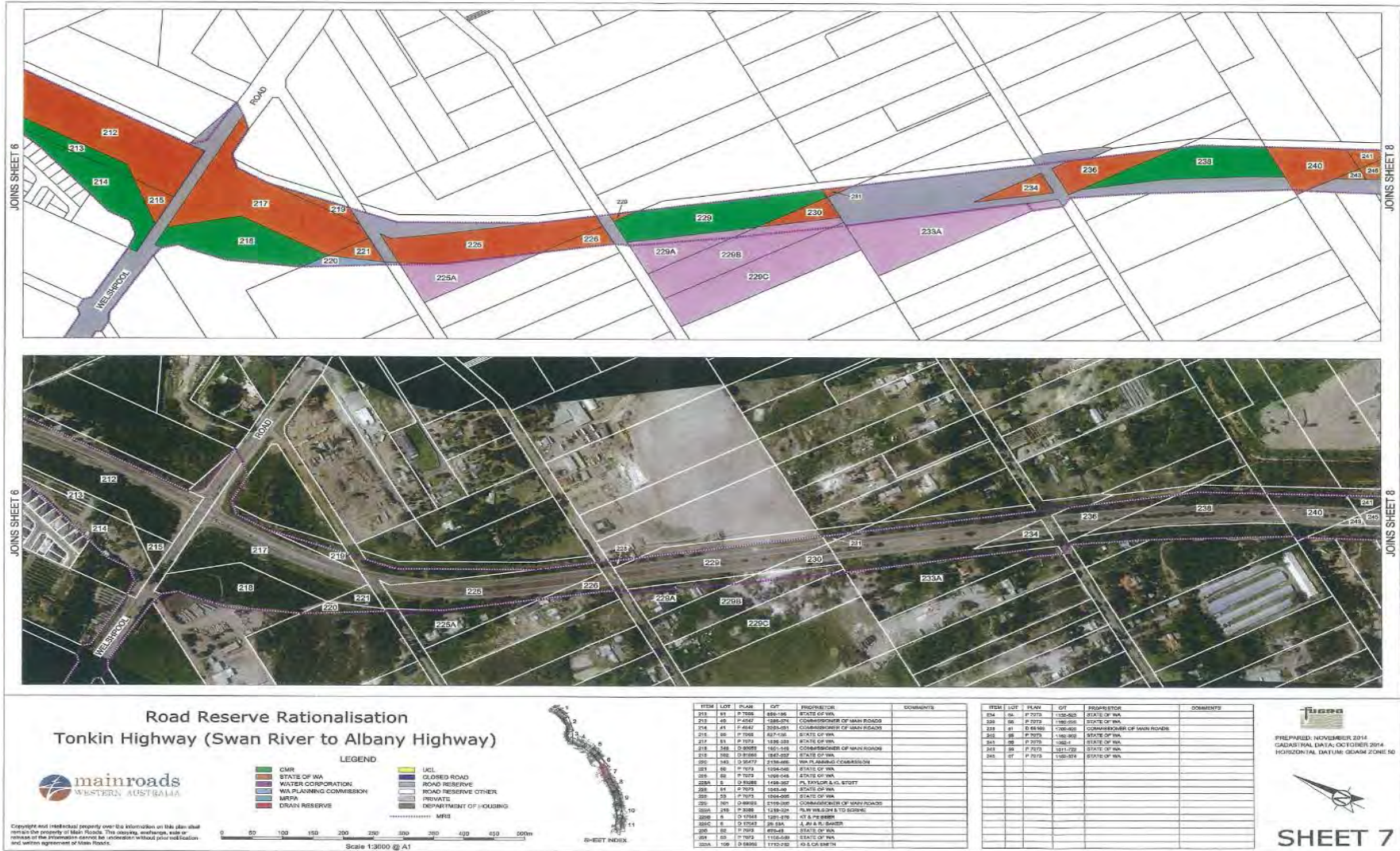
ITEM	LIST	PLAN	CP	PROPRIETOR	COMMENTS
198	WA	P 3761	1023-000	COMMISSIONER OF MAIN ROADS	PENDING P1588
199	ST	P 706	106-00	STATE OF WA	PENDING P1588
19A	WA	P 3761	1021-008	COMMISSIONER OF MAIN ROADS	PENDING P1588
19E	WA	P 3761	1194-028	COMMISSIONER OF MAIN ROADS	PENDING P1588
19B	WA	P 3762	891-0	STATE OF WA	PENDING P1588
197	WA	P 3761	1194-028	COMMISSIONER OF MAIN ROADS	PENDING P1588
19B	ST	P 3761	1887-008	COMMISSIONER OF MAIN ROADS	PENDING P1588
200B	WA	EP 4867	3076-011	WA PLANNING COMMISSION	
200C	ST	P 3761	1781-001	STATE OF WA	
200C	WA	EP 4867	3076-008	WA PLANNING COMMISSION	
200C	ST	EP 4867	3076-007	WA PLANNING COMMISSION	
20C	ST	P 3761	1855-028	COMMISSIONER OF MAIN ROADS	
20A	WA	P 3761	1070-010	STATE OF WA	
20B	WA	P 3761	1887-146	STATE OF WA	
200C	WA	EP 4867	3076-010	WA PLANNING COMMISSION	
20B	WA	P 3761	1887-007	COMMISSIONER OF MAIN ROADS	
20B	WA	EP 4867	3076-009	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-008	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-007	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-006	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-005	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-004	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-003	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-002	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-001	WA PLANNING COMMISSION	
20B	WA	EP 4867	3076-000	WA PLANNING COMMISSION	

ITEM	LIST	PLAN	CP	PROPRIETOR	COMMENTS
210	WA	P 1762	1100-003	COMMISSIONER OF MAIN ROADS	
211	WA	P 706	1100-010	STATE OF WA	
212	ST	P 706	888-185	STATE OF WA	
213	WA	P 4847	3280-000	COMMISSIONER OF MAIN ROADS	
214	ST	P 4847	3280-001	COMMISSIONER OF MAIN ROADS	
215	WA	P 706	887-000	STATE OF WA	

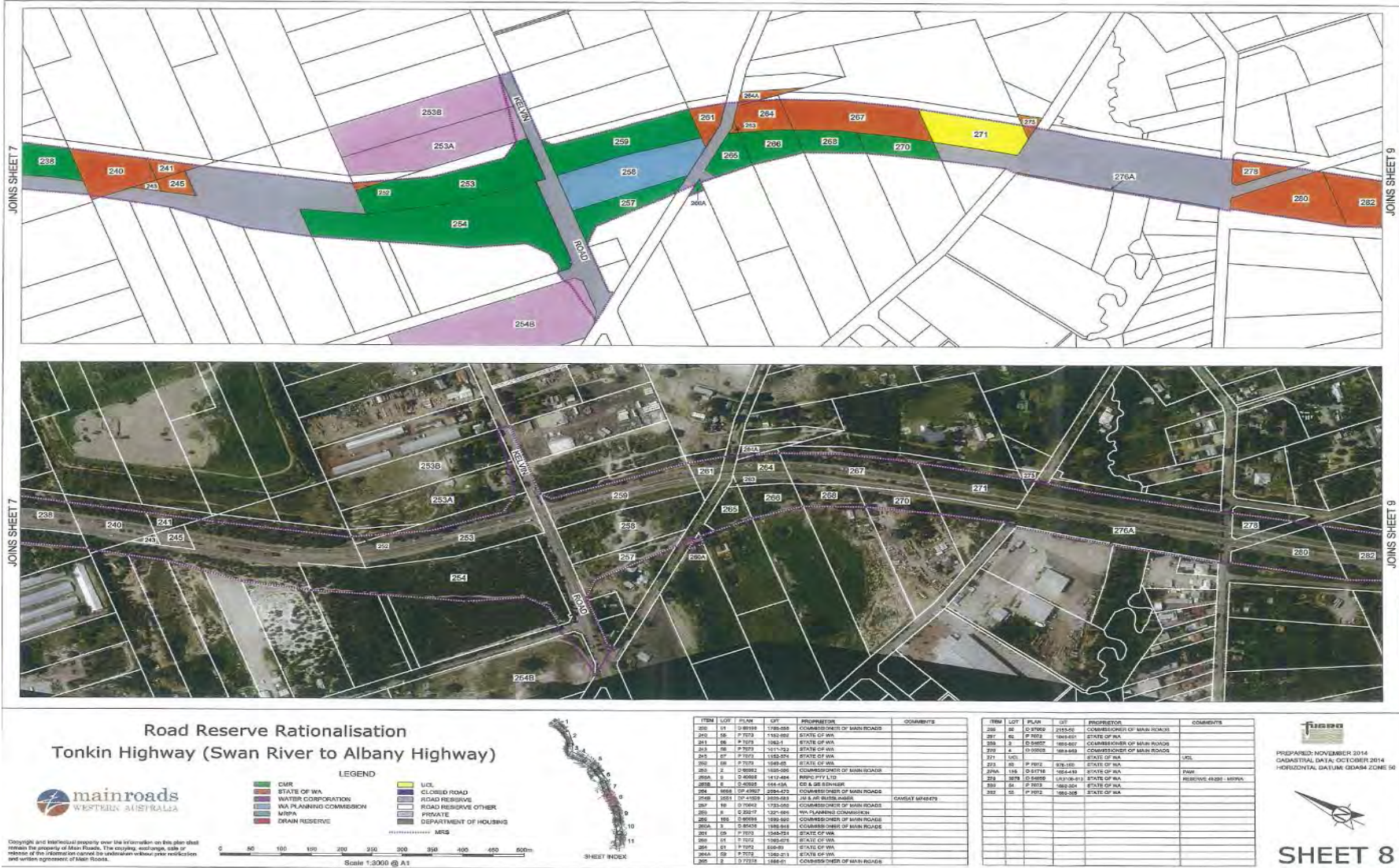
PREPARED: NOVEMBER 2014
 QUANTIFIED DATA: OCTOBER 2014
 HORIZONTAL DATUM: GDA94 ZONE 85

SHEET 6

Sheet 7



Sheet 8



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

19. Hartfield Park Recreation Centre – Budget Variation towards the Floor Replacement Program

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

PURPOSE

1. To consider a budget variation to accommodate replacement of the flooring in the main sports hall of the Hartfield Park Recreation Centre to enable the works to commence in the 2015/2016 financial year.

BACKGROUND

2. The current rubber flooring of sports hall courts at the Hartfield Park Recreation Centre was installed 14 years ago. After seven years, these rubber floors started to rapidly deteriorate.
3. In June 2014 an improvement notice was issued by Work Safe WA to rectify the uneven and bubbled sports surface on Court 2 of the main sports hall at Hartfield Park Recreation Centre.
4. Key reasons identified included:
 - Rubberised floor trapped moisture underneath the surface, resulting in mould, fungus and large bubbling of the surface.
 - Surface bubbling splits creating trip hazards, is difficult to clean and has moved fading line markings from their original position.
 - Rubberised surface moves around causing hazardous gaps around equipment floor sockets.
5. Other related factors highlighting the need to address and replace the deteriorated rubber flooring include:
 - Rubberised floor does not provide the absorption of impact for user groups to the same level of other indoor sports court flooring such as commercial sprung timber parquetry.
 - The Court 2 floor was removed completely in September 2014 and is unfit for activity resulting in only one court being available for use.
 - Centre based sports competitions have consequently been relinquished, with user groups and members having to choose alternative facilities.
 - Community feedback, resultant lower participation rates and decreased revenue is negatively impacting the goodwill and reputation of the Hartfield Park Recreation Centre.

6. It was recommended that prior to replacing the existing rubberised floor a detailed investigation be undertaken to identify and rectify any water incursion into the main sports hall.
7. Council endorsed \$250,000, excluding corporate overheads in the 2015/2016 financial budget titled: *Hartfield Park Recreation Centre-Roof and Gutter Renewal (4795)*, to undertake this investigation and rectification process. This amount allowed for the replacement of the roof should the investigation determine that this was the required treatment to address the water incursion.

DETAILS

8. An extensive investigation, which included the following items, was undertaken to determine the source(s) of water incursion into the main sports hall:
 - The age and condition of the roof;
 - Deterioration of the roof sheeting;
 - Box gutter sizing and drainage capacity; and
 - CCTV camera inspection on existing underfloor drainage network.
9. Investigation findings:
 - The roof is approximately fourteen years old and was installed as part of Centre expansion works in 2002.
 - No deterioration other than normal weathering on surfaces was identified.
 - The thickness of the installed sheeting was of appropriate commercial gauge - 48BMT.
 - The CCTV underfloor drainage inspection indicated that some pipe sections were not fully seated.
 - The primary issues observed were incorrect foot traffic on the roof causing damage, lack of appropriate flashings, poorly executed roofing practices and inadequate silicone joints.
 - Reuse of original building roofing components, namely sumps and downpipes on the Eastern quarter with failing solder joints.
 - A total of 15 roof leaks were identified, predominantly around penetration points and failing downpipes.
10. The following works have been undertaken to address the outcomes of the investigation findings:
 - Roof leaks addressed and rectified.
 - Underfloor drainage joints repaired.
 - Complete replacement of all ridge-cap screws with high weather resistant washers and foam strip sealer on the underside of ridge cap in trays of roof sheeting.
 - New flashings to all fan extraction units (previously not installed).
 - New commercial grade polyurethane silicone applied to all truss penetrations.

- Damaged roof sheeting from foot traffic replaced and/or repaired.
 - Checking of all roof screws to ensure properly fixed and missing screws fitted.
 - Installation of roof walkway system for roof sheet protection.
 - Application of commercial roof coating system that provides heat reflective qualities reducing expansion/contraction of metal surfaces.
 - The installation of awnings above entry doors to mitigate the effects of driving rain.
11. As a result of the issues confronting Court 2, the replacement of Court 1 flooring is also supported due to its continuing deterioration and a need for surface consistency across the main hall.
12. Options to replace the flooring of Courts 1 and 2 are summarised below:
1. The existing rubberised floor be replaced on a like for like basis at a cost of \$250,000.
 2. A commercial sprung timber parquetry floor be installed at an estimated cost of \$340,000. This estimate include the associated modifications to existing access points.
13. Ray Owen Stadium Courts (1-6) are sprung timber floors ranging in age from 18 years to 26 years and remain in good condition compared to the Hartfield Park Recreation Centre courts that are 14 years old but have shown ongoing signs of deterioration over the past six or seven years.

STATUTORY AND LEGAL CONSIDERATIONS

14. It should be noted that while flooring upgrades are exempt from the need to submit a Development Application to the West Australian Planning Commission by way of Public Works exemption, they have been suitably designed so as to comply with the principles of proper and orderly planning.
15. The Department of Sport and Recreation recommends referral to a handbook provided by Standards Australia titled *“Sporting Facilities Manual (SA HB 492 – 1993)”*. It states the following in Part 2: Sporting Surfaces:
- “The provision of well-designed, safe, attractive and durable sporting recreational facilities is in the interests of all Australians. Whether such facilities are small community venues or large international stadiums, those responsible for their development and operation need to ensure that they are able to be use efficiently and effectively for the purposes for which they are provided.”*

POLICY CONSIDERATIONS

16. Not applicable.

COMMUNITY ENGAGEMENT REQUIREMENTS

17. It will be essential to notify users of the main sports hall at the Hartfield Park Recreation Centre that this facility will need to be closed prior to construction and installation works being carried out. A communication strategy will be developed as part of the Project Plan.

18. Following installation of the new sports hall flooring, a concerted marketing and promotional strategy will be integral to attracting members and user groups back to the Hartfield Park Recreation Centre.

FINANCIAL CONSIDERATIONS

19. An amount of \$252,000 has been allocated in year 2016/2017 of the 10 year Capital Works Program for Hartfield Park Recreation Centre - Floor Replacement Program.
20. There is an opportunity, with savings of approximately \$150,000 on budget item Hartfield Park Recreation Centre - Roof and Gutter Renewal (4795), to bring forward the start of the floor replacement works to 2015/2016. However, there will be a requirement for a revised amount of funding in the order of \$190,000 to be included in the 2016/2017 budget to accommodate the full cost of the works.
21. In addition to the fitting and maintenance requirements of the new floor, Sports Equipment replacement (Badminton, Netball and Soccer) and a Floor Scrubbing unit will need to be procured as part of the 2016/2017 budget at an estimated cost of \$20,000.
22. Prior to the unavailability of Court 2 in 2013/2014 the Hartfield Main Hall Court booking numbers (2 courts) totalled 4,129, compared with 1,867 in 2015.

These significant decreases in participation levels have obviously impacted on revenue, with the decline depicted in the table below:

Financial Year	2012/2013	2013/2014	2014/2015	2015/2016
Overall Income	\$575,034	\$550,039	\$474,862	\$475,568

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.7 – To ensure the selection, maintenance, inspection, renewal and disposal of all categories of assets within the Shire is managed efficiently.

Strategy 4.7.1 Maintain, refurbish or upgrade existing infrastructure, including public buildings, parks, reserves, local roads, footpaths, cycle ways, verges and drainage network to encourage increased utilisation and extension of asset life.

SUSTAINABILITY

Social Implications

24. This replacement of the floor will allow the main sports hall at the Hartfield Park Recreation Centre to reopen in its full capacity. The flooring will provide a quality multi-use indoor surface available for public use.
25. Parquetry indoor sports floors are considered a “sprung” or “floating” floor, resulting in greater shock absorption and a consequent reduction in the incidence of injury.

Economic Implications

26. The main sports hall at the Hartfield Park Recreation Centre has been operating at a reduced capacity since September 2014, resulting in loss of income through a reduction in court hire revenue.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
That the Recreation Centre roof continues to leak, damaging new flooring.	Unlikely	Minor	Low	Rigorous investigation and roof repairs undertaken prior to new flooring installation.
That the Contractor does not satisfy the specification.	Unlikely	Minor	Low	Warranties, Australian Standard contracts and Professional Project Management in place.
That Council does not approve the budget amendment.	Unlikely	Minor	Low	Prepare specifications and documentation to enable early calling of tenders in July 2016.

OFFICER COMMENT

29. As a result of the extensive leak investigation work, the age of the infrastructure and the undertaking of the recommended repairs, it has been determined that the roof does not require replacement.
- Savings of approximately \$150,000 have been made on budget item Hartfield Park Recreation Centre - Roof and Gutter Renewal (4795) following the implementation of the required actions outline in the details section for this report.
30. Due to the savings made on budget item Hartfield Park Recreation Centre - Roof and Gutter Renewal (4795), there is an opportunity to commence budget item Hartfield Park Recreation Centre - Floor Replacement (4776) prior to the planned start date of September 2016. This will allow the main sports hall at the Hartfield Park Recreation Centre to reopen in its full capacity sooner than planned.
31. The existing rubberised floor at the main sports hall at the Hartfield Park Recreation Centre has not met asset life or user expectations. This type of flooring also has a relatively short warranty period and life span compared to timber parquetry flooring.
32. Parquetry floors are considered by contemporary standards as the best available for indoor sport and recreation activities. This is evident by the following Local Governments with indoor sports facilities choosing to provide and maintain such a surface:
- City of Joondalup
 - City of Melville
 - City of Cockburn
 - City of Vincent
 - City of Armadale
 - City of Bayswater
33. It is recommended that the proposed new flooring system be a premium commercial sprung timber parquetry floor at an estimated cost of \$340,000. This flooring system is consistent with installations at other Shire facilities namely, Ray Owen Stadium and High Wycombe Recreation Centre.
34. The Department of Sport and Recreation and other Local Government Authorities reaffirms the importance of providing a contemporary, high quality, durable, safe and user friendly sport surface such as sprung timber parquetry.
35. The provision of a sprung timber parquetry floor and the reinstatement of two courts with a new, high quality surface will attract greater usage and revenue akin to that of past years.
36. The reinstatement of two courts will certainly assist in reclaiming the lost patronage and reputation of the Hartfield Park Recreation Centre. However, it will take some time given departing customers may have now formed new allegiances with other competing facilities.
37. All costs quoted exclude administrative overheads.

Voting Requirements: Absolute Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 19/2016)

That Council:

1. Endorses the proposal to bring forward the replacement of the main sports hall floor at the Hartfield Park Recreation Centre to enable the works to commence in the 2015/2016 financial year.
2. Endorses the use of sprung timber parquetry floor in replacement of the main sports hall rubberised floor at the Hartfield Park Recreation Centre at an estimated cost of \$340,000.
3. Pursuant to Section 6.8(1) (b) of the *Local Government Act 1995*, approves the unbudgeted expenditure of \$150,000 in 2015/2016 to enable tenders to be awarded and works commenced on the replacement of the existing rubberised floor with a sprung timber parquetry floor noting that additional funds will be required in 2016/2017 to complete the project, the amount to be determined as part of the tender award consideration by Council.
4. Notes the following budget amendment to transfer unexpended funds from Job No. 4795 Hartfield Park Recreation Centre - Roof and Gutter Renewal to Job No. 4776 Hartfield Park Recreation Centre - Floor Replacement Program, noting that these figures exclude administrative overheads:

Project Description	Job No.	Current Budget	Adjusted Budget
Hartfield Park Recreation Centre Roof and Gutter Renewal	4795	\$250,000	\$100,000
Hartfield Park Recreation Centre Floor Replacement Program	4776	\$0	\$150,000

5. Notes that further funds will be required in the 2016/2017 Capital Works Budget to complete the construction of a new sprung timber parquetry floor, with the amount to be determined as part of the tender award process.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY**

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

20. Draft Planning Policy P-DEV52: Telecommunications Infrastructure

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	
Applicant	Not Applicable
Owner	Not Applicable
Attachment 1	Draft Planning Policy P-DEV52: Telecommunications Infrastructure

PURPOSE

1. To consider, for the purpose of advertising, draft Planning Policy P-DEV52: Telecommunications Infrastructure.

BACKGROUND

2. The Shire periodically reviews, revokes and adds new policies to its register. Policies are used to ensure consistency and transparency in decision making as well as adding clarity to an intent to existing legislation.
3. Draft Planning Policy P-DEV52: Telecommunications Infrastructure (the Policy) has been prepared to assist in making determinations related to planning decisions for telecommunications infrastructure.

DETAILS

4. The purpose of the draft Policy is to provide guidance in relation to what sort of infrastructure does and does not require development approval. The draft Policy explains that 'Low-impact facilities' do not require development approval by the Shire and all other (high impact, more obtrusive) facilities would require development approval.
5. The draft Policy states that where an applicant and the Shire disagree on the impact of a proposal, the Shire will be the determining authority.
6. In determining development applications, the Shire will consider the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunications Infrastructure regarding the visual impact of any proposal.
7. The draft Policy identifies that the Shire is not the suitable authority to consider or address any alleged health impacts of telecommunications infrastructure.

STATUTORY AND LEGAL CONSIDERATIONS

8. Local Planning Policies are created under Clause 3(1) of *Planning and Development (Local Planning Schemes) Regulations 2015*.
9. A Local Planning Policy does not bind the Shire in its application of discretion. If a provision of a Local Planning Policy is inconsistent with Local Planning Scheme No. 3, the Scheme prevails.
10. The draft Policy clarifies and simplifies the requirements of the *Telecommunications Act 1997*.

POLICY CONSIDERATIONS

11. The draft Policy follows the adopted Council template and has been drafted in accordance with the principles of orderly and proper planning.
12. *State Planning Policy 5.2 Telecommunications Infrastructure* provides guidance on preparing local planning policies for the same purpose. The draft Policy has been created in accordance with the State Planning Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

13. If Council resolves to prepare a Local Planning Policy, it is to be advertised in a newspaper circulating in the district with a consultation period of 21 days.

FINANCIAL CONSIDERATIONS

14. Advertising of the draft Policy can be met through current operational budgets. Any development applications received as a result of this draft Policy can be dealt with by existing staffing levels.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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 4.3.1 – Provide efficient building and development approval services to the community.

SUSTAINABILITY

Social Implications

16. The draft Policy provides guidance and certainty for telecommunications companies and residents as to which applications require a development approval. This level of certainty should help to alleviate the concerns of some residents that large facilities could be constructed without any approval.

Economic Implications

17. Nil.

Environmental Implications

18. The draft Policy requires development applications for any proposals that could have an impact in an area of environmental significance. This should provide greater protection of the environment than was previously provided.

RISK MANAGEMENT CONSIDERATIONS

19.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The Council might decide not to initiate the Policy	Possible	Minor	Medium	Make sure Council is aware that the Policy can give applicants greater certainty of process.

OFFICER COMMENT

20. The draft Policy is a necessary tool to help guide future telecommunications infrastructure proposals. In particular, the Policy identifies that the Shire is not the appropriate authority to address any alleged health impacts associated with telecommunications infrastructure.
21. The draft Policy provides clarity for which proposals require development approval, and which are exempt under the *Telecommunications Act 1997*. The draft Policy provides a simple interpretation of the requirements of the *Telecommunications Act 1997*, and how those requirements relate to the provisions of the Shire's Local Planning Scheme No. 3.
22. The draft Policy gives the Shire additional power to determine which classification to assign to a certain proposal, whether 'low-impact' or not.
23. The draft Policy is consistent with the best practice approach of other local governments' policies and it complies with the requirements of State Planning Policy 5.2: Telecommunications Infrastructure.
24. Should the policy be adopted by Council for advertising, it will allow the Community to provide input and give them the opportunity to suggest improvements and changes.

Greg Bargmann of Lesmurdie spoke against the Recommendation.

Patrick Bourke, Gooseberry Hill Primary School Principal spoke against the Recommendation.

There were no Councillor questions.

A Councillor foreshadowed a motion that this item be deferred to the Ordinary Council Meeting.

A mover and seconder were found, Councillors went into debate.

During debate a Councillor queried the reason the Presiding Member had foreshadowed deferring this item, this was explained that having looked at other local government's policies he felt there could be some additions made to clarify some aspects of the policy.

A Councillor queried if the item is passed at the Ordinary Council Meeting and is then advertised is there an opportunity for the community to give input. The Director Development Services noted that all submissions would be examined, any suggestions that comply legally and are practical could be added and a report come back to Council with suggested changes. As always a summary of submissions will be included in the report but Councillors are welcome to view all full submissions.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 20/2016)

That Council:

1. Pursuant to Clause 3(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts the draft Planning Policy P-DEV52: Telecommunications Infrastructure (Attachment 1) for the purpose of advertising for a period of 21 days.

Moved: **Cr Andrew Waddell**

Seconded: **Cr Brooke O'Donnell**

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

Attachment 1

P-DEV52: Telecommunications Infrastructure	
Adopted	Next Review

1. Purpose

To guide the exercise of discretion in terms of the requirements for development approval under Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and dealing with disagreements related to such a determination.

1.1. Structure

<i>Purpose:</i>	Outlines the application and purpose of the policy.
<i>Policy Statement:</i>	Contains policy requirements and provisions.
<i>Attachment 1:</i>	Research findings relating to health impact.

1.2. Statutory

This policy is prepared under Part 2 of Schedule 2 of the Regulations.

1.3. Application

This policy is applicable to any aboveground telecommunications infrastructure in the Shire of Kalamunda. The Shire will apply this policy when making discretionary decisions relating to telecommunications infrastructure. The Shire's Local Planning Scheme No. 3 (the Scheme) defines 'telecommunications infrastructure' as "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."

1.4. Objectives

The Shire recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities, and opposes other telecommunications infrastructure that would have a significant adverse visual impact.

2. Policy Statement

2.1. Background

Authorised carriers are installing networks of electromagnetic wave transmission facilities for mobile telephones and telecommunications cabling. This will provide services to users of mobile telephones and 'cable' television. Different forms of facilities have varying degrees of environmental impact.

The following written laws regulate the installation of Telecommunications Infrastructure:

- (a) *Telecommunications Act 1997 (Commonwealth)*;
- (b) Telecommunications Code of Practice 1997 (Commonwealth);
- (c) Telecommunications (Low-Impact Facilities) Determination, 1997(Commonwealth); and
- (d) Shire of Kalamunda Local Planning Scheme No. 3.

2.2. Visual impact of Telecommunications Infrastructure

- (a) Low-impact facilities –

'Low-impact facility' means a facility that the Minister has determined in the Low Impact Determination to be a low-impact facility. Schedule 3 to the *Telecommunications Act 1997 (Commonwealth)* identifies certain facilities that are not low-impact.

The facilities that are not 'low-impact' include the following:

- (i) a mobile telecommunications tower that is not attached to a building;
- (ii) a tower attached to a building if the tower is more than 5.0 metres high;
- (iii) an extension to a tower that has previously been extended;
- (iv) an extension to a tower, if the extension is more than 5.0 metres high;
- (v) overhead cabling; and
- (vi) a facility in an area of environmental significance.

The Shire supports low-impact facilities. 'Low-impact facilities' do not require the Shire's development approval. However, approved carriers must submit details of them to the Shire for information.

- (b) Other facilities –

- (i) Telecommunications infrastructure that does not constitute a low-impact facility requires development approval. Development approval must be obtained before installing any such facility.
- (ii) In considering an application for development approval, in particular the visual impact of the facility, the Shire will have regard to the provisions of Local Planning Scheme No. 3 and State Planning Policy 5.2 Telecommunication Infrastructure. Development approval may be refused where the Shire is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, the Shire may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

2.3 Advertising of development applications for other facilities

The Shire will advertise, or require the applicant to advertise, an application for development approval in accordance with the following methods:

- (a) Letters shall be sent to all landowners, whose properties fall within a 500m radius of the proposed structure, advising of the application, where it may be inspected and the submission period;
- (b) A sign shall be installed on the subject property in a conspicuous location, advising of the application, where it may be inspected and the submission period;
- (c) A notice shall be placed in a newspaper circulating in the region of the subject property, advising of the application, where it may be inspected and the submission period;
- (d) The full application and supporting information shall be uploaded to the Shire's public website and promoted through the Shire's social media;
- (e) The Shire will request the applicant to hold a community engagement session, run by a facilitator, to discuss the application with residents. The Shire will provide logistical support to assist with the community engagement process.

2.4 Health impact of Telecommunications Infrastructure

The Shire is not technically able to consider the alleged health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts. The attachment to this policy refers to research findings in this regard.

2.5 Resolution of disagreements on classification and related matters

The Shire and an authorised carrier may disagree on the need to lodge an application for development approval based on the classification of proposed telecommunications infrastructure. This may result in a disagreement on the level of public consultation required or the adequacy of the information submitted. The Shire may determine, within the time limits specified in the Telecommunications Code of Practice, which classification applies to the proposed telecommunications infrastructure. In this case, the following officers of the Shire may make such a determination:

- (a) Chief Executive Officer;
- (b) Director Development Services; or
- (c) Manager Development Services.

Attachment to P-DEV50: Telecommunications Infrastructure

Research findings relating to health impact

Independent scientific research has been conducted by Federal Government bodies including Austel and the Department of Human Services and Health in relation to the electromagnetic emissions (EME) from mobile telephone towers and their associated equipment buildings. The results have shown that the EME levels associated with such equipment are well within national and international guidelines, and are too low to cause a health risk to the community. These findings are supported by other research undertaken by the World Health Organisation, the International Radiation Protection Association and the National Radiological Protection Board, UK. In Australia, EME levels are governed by the Federal Government's Australian Standard which is five times as strict as those in other countries, and twice as strict as the World Health Organisation¹ recommendation.

Based on a review of research findings, the Health Department of Western Australia has advised that there is currently no health basis for restricting either the siting of mobile telephone towers in or near residential areas, or ground level access to them. However, the Department recognises that there is also community concern about the visual impact of the towers, and has recommended that any Council policy concerning the siting of mobile telephone towers should be formulated to recognise the community's general concern about such facilities rather than as an explicit statement about the health impacts of these towers. Planning Policy P-DEV50 has been formulated on the recommended basis.

Related Local Law	
Related Policies	State Planning Policy 5.2: Telecommunications Infrastructure
Related Budget Schedule	
Legislation	<i>Telecommunications Act, 1997 (Commonwealth)</i> Telecommunications Code of Practice, 1997 Telecommunications (Low-Impact Facilities) Determination, 1997 Australian Communications Industry Forum industry code - Deployment of Radio Communications Infrastructure Code, 2002
Conditions	
Authority	

¹ FOOTNOTE

Although supporting the findings that there is currently no health basis for restricting the siting of mobile telephone towers, the World Health Organisation's advice on electromagnetic fields and public health with respect to mobile telephones includes the following precautionary measures:

"Present scientific information does not indicate the need for any special precautions for use of mobile phones. If individuals are concerned, they might choose to limit their own or their children's radiofrequency exposure by limiting the length of calls, or using 'hands-free' devices to keep mobile phones away from the head and body."

(SOURCE: Australian Communications Industry Forum industry code – Deployment of Radiocommunications Infrastructure Code, 2002, which may be accessed on the Australian Communications Authority website at: www.acma.gov.au)

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

21. 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.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 21/2016)

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: **Cr John Giardina**

Seconded: **Cr Noreen Townsend**

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
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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.

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).

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- 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.

22. Request to Initiate an Amendment to the Metropolitan Region Scheme – Pickering Brook Townsite Expansion

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-034
Applicant	N/A
Owner	Various
Attachment 1	Current and Proposed Metropolitan Region Scheme Zoning Map
Attachment 2	Current and Proposed Local Planning Scheme No. 3 Zoning Map
Attachment 3	Environmental Assessment Report
Attachment 4	Level 2 Flora and Vegetation Assessment
Attachment 5	Transport Impact Assessment
Attachment 6	Infrastructure Servicing Report
Attachment 7	Bushfire Hazard Assessment
Attachment 8	District Water Management Strategy

PURPOSE

1. To request the Western Australian Planning Commission (WAPC) to amend the Metropolitan Region Scheme (MRS) by rezoning the proposed Pickering Brook Townsite Expansion Area from Rural to Urban.

BACKGROUND

2. **Land Details:**

Land Area:	90ha
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Region Scheme Zone:	Rural

3. The Shire's Local Planning Strategy, endorsed by the WAPC in 2013, identifies the Pickering Brook Townsite Expansion as an Urban Investigation area. The Local Planning Strategy assigned the following strategy to the area:

- 'Review the Pickering Brook town site with the intention of consolidating the uses and giving it a focus'

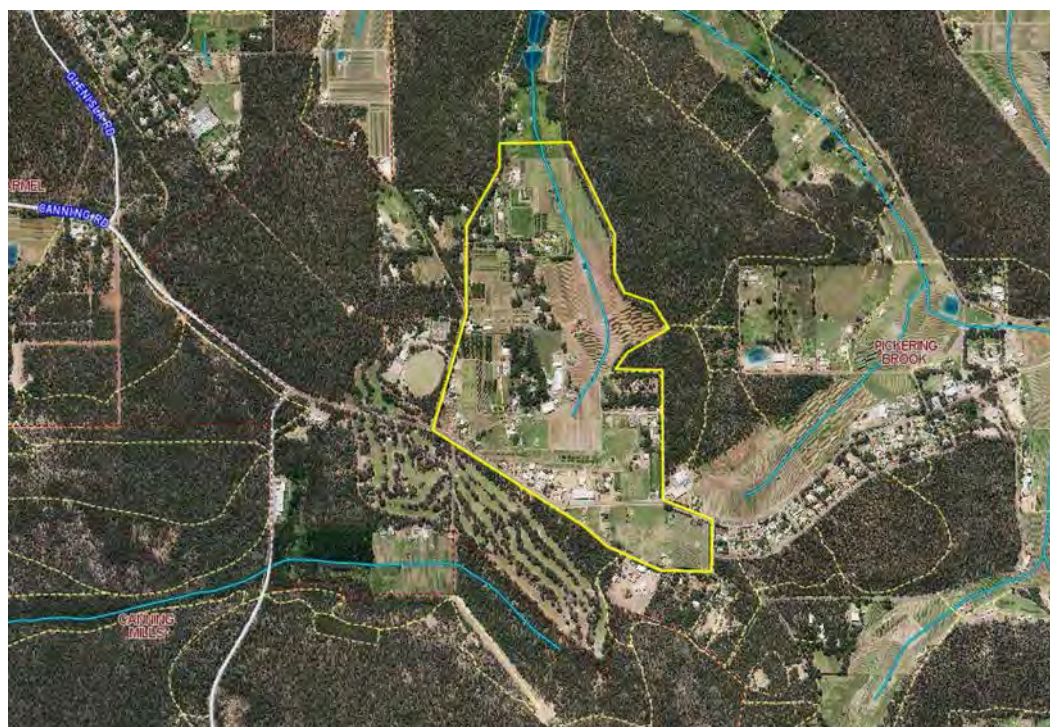
and the action:

- 'Undertake comprehensive planning analysis of the Pickering Brook Townsite and surrounds to investigate potential for the creation of new lots'.

4. A planning consultant was appointed to conduct preliminary investigations into the subject area and liaise with State Government stakeholders including the WAPC and Department of Water (DoW). In the last year, the Shire has been working with the consultant to identify constraints and opportunities and conduct technical studies in the area.
5. The Shire conducted a number of studies that found there were no inherent constraints to allow for the rezoning of the site from Rural to Urban under the MRS, these technical studies included:
 - Environmental Impact Assessment
 - Flora and Vegetation Assessment
 - Transport Impact Assessment
 - Infrastructure Servicing Report
 - Bushfire Hazard Assessment
 - District Water Management Strategy

Locality Plan

6.



7. The site is zoned Rural under the MRS and Rural Agricultural under the Shire's Local Planning Scheme No. 3 (the Scheme) (refer Attachments 1 and 2).
8. The site covers an area of approximately 90 ha comprising 37 land parcels bounded by Weston Road, Pickering Brook Road, Carinyah Road, Davey Road, Isaacs Road, McCorkill Road and Repatriation Road.
9. The site is characterised by predominantly small (2-4 hectares) rural agricultural landholdings either cleared or partially cleared. The majority of lots are being used for agricultural purposes, primarily citrus, stone and pome fruit orchards. The majority of lots also contain residences.

10. Some existing landholdings to the south of the site are being used for commercial purposes associated with earth moving and cold storage.

DETAILS

11. The Shire proposes to request the WAPC to rezone the site from Rural to Urban under the MRS. The Shire will request the WAPC to progress a concurrent amendment to rezone the site from Rural Agriculture to Urban Development under the Scheme.
12. To support the proposal, the Shire has undertaken the following studies:
 - Environmental Impact Assessment
 - Flora and Vegetation Assessment
 - Transport Impact Assessment
 - Infrastructure Servicing Report
 - Bushfire Hazard Assessment
 - District Water Management Strategy

Environmental Assessment Report

13. The Shire engaged a consultant to conduct an Environmental Assessment Report (EAR) to assess environmental opportunities and constraints associated with the proposal (Attachment 3).
14. The EAR concludes that there are no significant impediments to rural residential development:
 - The vegetation condition across the majority of the site has been rated as 'Completely Degraded' due to historical clearing for agricultural activities. No flora species of conservation significance were recorded across the site.
 - Six fauna species of conservation significance are likely to visit/utilise the site. However, given the lack of remnant vegetation, it is unlikely that the site is significant to these species.
 - Acid Sulphate Soil risk mapping for the site shows that there is a 'Low to nil risk of acid or potentially acid sulphate soils greater than 3m below the ground surface'.
15. The EAR recommends that some further studies and management measures be considered during development of a final concept design for the site.
16. If this occurs, the EAR concludes the proposed MRS amendment and subsequent development of the site for rural residential purposes will have minimal potential environmental impacts.

Level 2 Flora And Vegetation Assessment

17. The Shire engaged a consultant to conduct a Level 2 Flora and Vegetation Assessment (FVA) to assess the impact the proposed development would have on the flora and vegetation that occurs across the site (Attachment 4).

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18. The FVA found that the proposal would not have a significant impact on the flora and vegetation.

Heritage Surveys

19. The Department of Aboriginal Affairs database indicates that no listed Aboriginal heritage places occur within or in close proximity to the site.
20. The Shire's Municipal Heritage Inventory indicates that one registered heritage place occurs within the site:
- Heritage Place No. 55 'Temby's home (fmr)' located at 30 Foti Road, Pickering Brook.

Transport Impact Assessment

21. The Shire engaged a consultant to conduct a Transport Impact Assessment (TIA) to assess the potential traffic and transport impacts that the proposed development may have on both the surrounding road and transportation networks (Attachment 5).
22. The TIA addressed:
- The expected future traffic volumes, taking into consideration the planned residential densities.
 - The current and future level of service of the Repatriation Road/Hewson Road intersection and Carinyah Road/Davey Road intersection.
 - An assessment of Pickering Brook Road and Carinyah Road in terms of capacity, turning movements and safety.
23. The TIA found that the MRS amendment would not have a significant impact on the safety or performance of the road and transport infrastructure.

Infrastructure Servicing Report

24. The Shire engaged a consultant to conduct an Infrastructure Servicing Report (ISR) to assess the existing infrastructure in proximity to the site and the upgrade/connection requirements for the proposed development (Attachment 6).
25. The ISR investigated existing and future roads, stormwater drainage, water, power, telecommunications and gas services.
26. The ISR found that the MRS amendment would not have a significant impact on the performance of existing and future roads, stormwater drainage, power, telecommunications or gas services.
27. Water supply services will likely require some upgrades. The Shire will investigate the technicalities and specifics of these upgrades as part of the Local Structure Planning phase of the planning process.

Bushfire Hazard Assessment

28. The Shire engaged a consultant early in the process to conduct a Bushfire Hazard Assessment of the subject area. The assessment will influence the design and staging of the Townsite expansion project (Attachment 7).
29. The current level of assessment shows that the majority of the site is a 'Low' risk, with some 'Moderate' risk where there is remnant vegetation. The site is surrounded by 'Extreme' risk bushland, which will need to be appropriately considered during the Local Structure Planning process.

District Water Management Strategy (DWMS)

30. The Shire engaged a consultant to conduct a DWMS of the subject area. Since the subject area is currently a Priority 2 Public Drinking Water Source Area, no Urban development can be permitted. The purpose of the DWMS is to provide justification that the area should be reclassified to Priority 3, meaning that Urban development is possible. The implementation of the principles and objectives of DWMS through the preparation of the Local Structure Plan will ensure that the drinking water quality of the area will be maintained.

STATUTORY AND LEGAL CONSIDERATIONS

31. The *Planning and Development Act 2005* (the Act) establishes procedures relating to amendments to the MRS and the Scheme. If the WAPC initiates the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
32. The Act allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not.
33. This amendment is recommended to be processed as a minor amendment for the following reasons:
 - The scale and size of the proposed amendment is not considered regionally significant. It does not reflect a change to the planning strategy or philosophy for the Metropolitan Region and is unlikely to have an adverse impact on the surrounding localities;
 - The MRS amendment accords with the general intent of a number of strategic State and Local Government documents such as: Directions 2031 and Beyond, Outer Metropolitan Perth and Peel Sub-regional Strategy, and the Local Planning Strategy; and
 - The amendment is to be initiated subject to the resolution of various issues at later stages of the planning process
34. If the amendments to the MRS and the Scheme are approved by the Minister, a Local Structure Plan will be prepared for the Pickering Brook Townsite Expansion, which will be required to be endorsed prior to the Shire considering any subdivision or development proposals within the area.

POLICY CONSIDERATIONS

Development Control Policy 1.9 – Amendment to Region Schemes

35. The WAPC's Development Control Policy 1.9 - Amendment to region schemes sets out the criteria for deciding whether the major or minor process should be followed.

Directions 2031 and Beyond

36. *Directions 2031 and Beyond* addresses urban growth needs and also takes into consideration the need to protect our natural ecosystems. The framework provides for different lifestyle choices, vibrant nodes for economic and social activity and a more sustainable urban transport network.
37. The amendment is consistent with the intent of *Directions 2031 and Beyond* as it will facilitate the construction of a new local centre that will provide a location for incidental shopping for people within the Pickering Brook area and contribute to a decrease in daily car use and increase in the health of the community. Furthermore, the amendment will facilitate small-scale commercial and tourism development in the Hills Orchard Region, which will increase the level of economic and employment self-sufficiency in the region.

Draft North-East Sub-regional Planning Framework

38. The draft North-East Sub-regional Planning Framework expands on the principles of *Directions 2031 and Beyond* as they relate to urban development, and is used to inform local planning strategies and schemes.
39. The proposal was not represented in the draft North-East Sub-regional Planning Framework as Urban Expansion area. However, the Pickering Brook Townsite Expansion and the site's designation as Urban Expansion formed part of the Shire's Local Planning Strategy, which was approved by the State government. It is unclear at this stage why the proposal was not identified, particularly given the level of consultation undertaken by the Shire with senior staff at the WAPC. The rezoning of the site from Rural to Urban Expansion was included in the Shire's comments on the draft Planning Framework.

Shire of Kalamunda Local Planning Strategy

40. The Local Planning Strategy enables Council to determine the vision and strategic planning direction for the Shire for the next 20 years to coincide with *Directions 2031 and Beyond*.
41. The Local Planning Strategy has identified the Pickering Brook Townsite Expansion as a Residential Bushland area suitable for further subdivision. Therefore, the amendment complies with the intent of the Local Planning Strategy. The State Government endorsed the Local Planning Strategy in 2013.

Statement of Planning Policy 2.7 Public Drinking Water Source Areas

42. This Policy addresses land use and development in public drinking water source supply areas. The policy will protect and manage public drinking water source areas from incompatible land uses and pollution in order to maintain the quality of the drinking water. Land uses that are detrimental to the quality and quantity of the water supply will not be permitted unless it can be demonstrated that such an impact can be managed.

COMMUNITY ENGAGEMENT REQUIREMENTS

43. A public forum was held on 3rd March 2016 to inform landowners of the proposal and the process to be followed. Public consultation and advertising will be conducted by the WAPC and the Shire if the request to initiate the rezoning is supported.

FINANCIAL CONSIDERATIONS

44. Any future costs can be met through existing operational expenditure.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

45. *Kalamunda Advancing: Strategic Community Plan to 2023*
- Strategy 4.1.1 – Develop, implement and review strategic land-use plans and policies which guide the location and sustainability of industrial, commercial and residential areas within the Shire.

SUSTAINABILITY

Social Implications

46. The proposed Pickering Brook Townsite Expansion will provide a greater variety of housing stock that caters to the existing demographic profile. It will provide suitable housing options to both the ageing local community and those people whose place of employment has moved from the orchards to outside the Pickering Brook area.

Economic Implications

47. Due to reduced viability of orcharding activities, this proposal gives some landowners alternative ways to use their land.

Environmental Implications

48. The site contains an unnamed tributary of Piesse Brook which drains in a northward direction into Piesse Gully and the Helena River. The ephemeral creek is poorly defined within the site which runs through a series of orchards.

49. As the majority of the site has been historically cleared for agricultural purposes there will be minimal potential environmental impacts. No flora or fauna of conservation significance should be impacted by the proposed development. There will, however, be additional studies undertaken at the Local Structure Plan stage.
50. The amendment will be subject to review by the Environmental Protection Authority for assessment under the requirements of the *Environment Protection Act 1986*.

RISK MANAGEMENT CONSIDERATIONS

51.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The WAPC may resolve not to initiate amendment, based on the current Sub-Regional Framework.	Possible	Minor	Medium	Ensure the WAPC is aware that the proposed amendment has strategic significance to the local and broader region and senior WAPC staff have indicated no objection to the proposal.

OFFICER COMMENT

52. The Shire's Local Planning Strategy recognises the Pickering Brook Townsite Expansion Area as an important site for accommodating future population growth in the Kalamunda area, and the local community of Pickering Brook.
53. Consolidation of the Pickering Brook Townsite will give the settlement of Pickering Brook a focus and would be an economic and social advantage to the community.
54. The proposal will provide greater housing options for an ageing population and will provide land use alternatives to people who no longer find orcharding to be a viable economic and employment option.
55. The proposal will provide small-scale commercial and tourism opportunities for the community, further improving economic and social advantages of the area.
56. Notwithstanding the recommendation of the Draft Strategic Framework for the North East Region, the Shire has been liaising with a number of local government agencies including the senior staff at the WAPC in order to progress the amendment to this point.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 22/2016)

That Council:

1. Requests the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme, rezoning the Pickering Brook Townsite Expansion Area from Rural to Urban as per Attachment 1;
2. Pursuant to Section 126(3) of the *Planning and Development Act 2005*, requests the Western Australian Planning Commission concurrently rezone the Pickering Brook Townsite Expansion Area from Rural Agriculture to Urban Development under Local Planning Scheme No. 3 as per Attachment 2; and
3. Forwards the additional documents, included at Attachments 3-8, to the Western Australian Planning Commission for their information.

Moved: **Cr John Giardina**

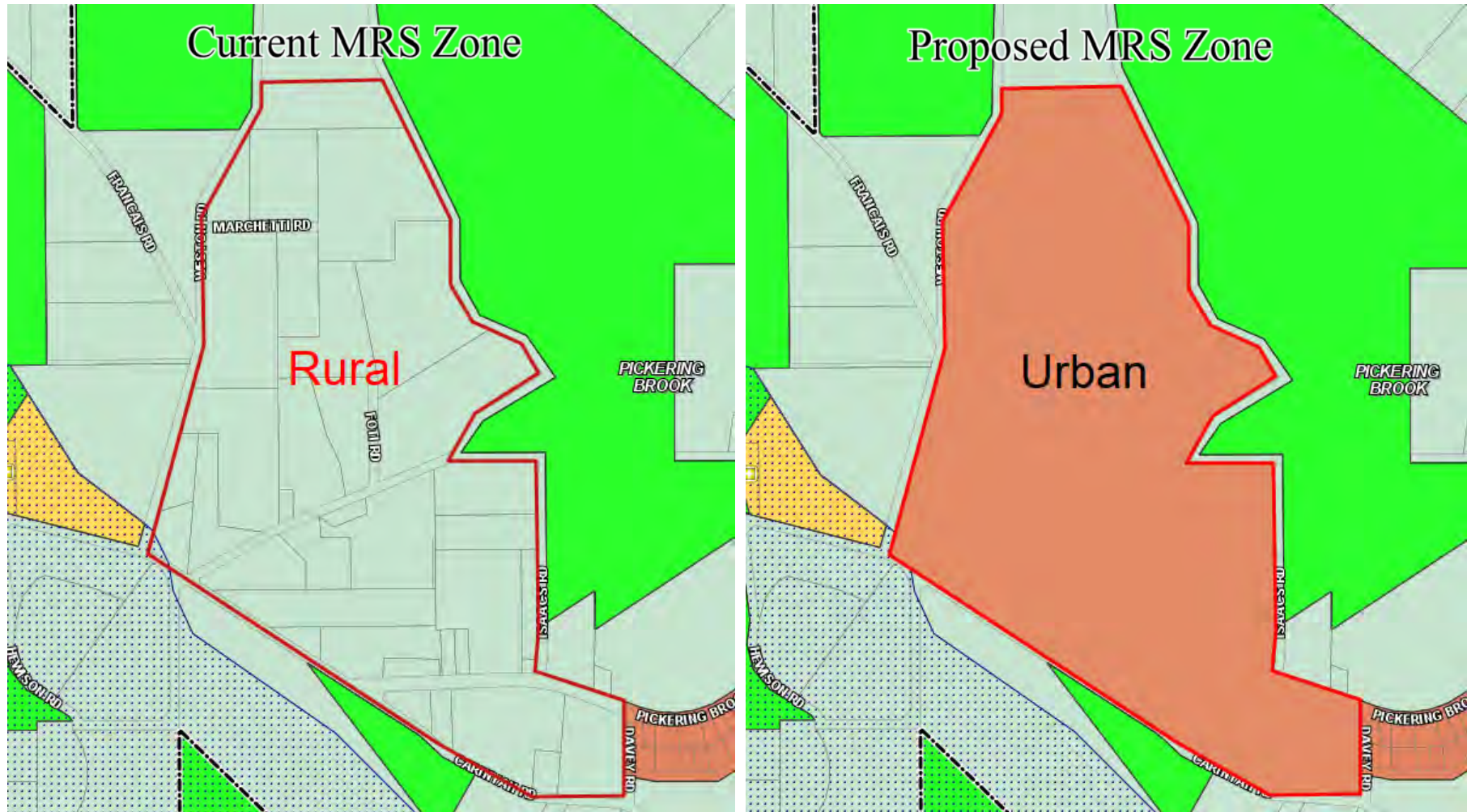
Seconded: **Cr Geoff Stallard**

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

Attachment 1

Request to Initiate an Amendment to the Metropolitan Region Scheme – Pickering Brook Townsite Expansion

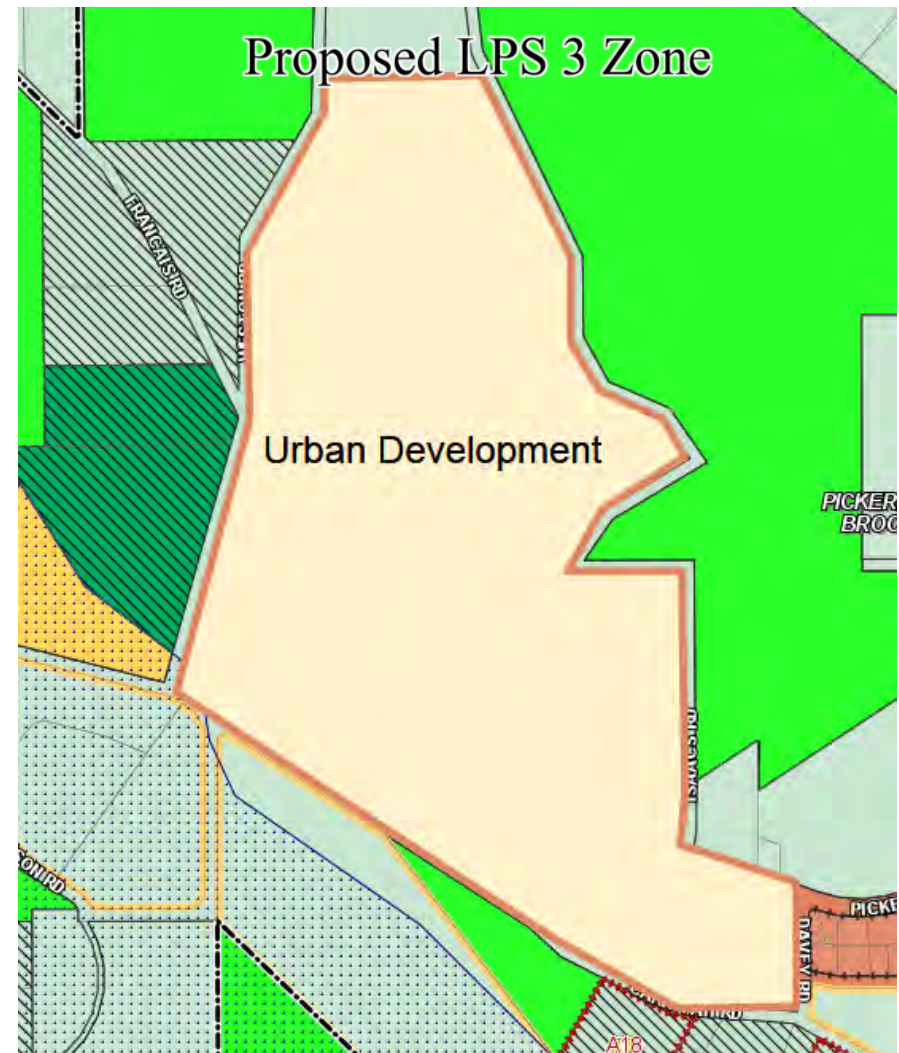
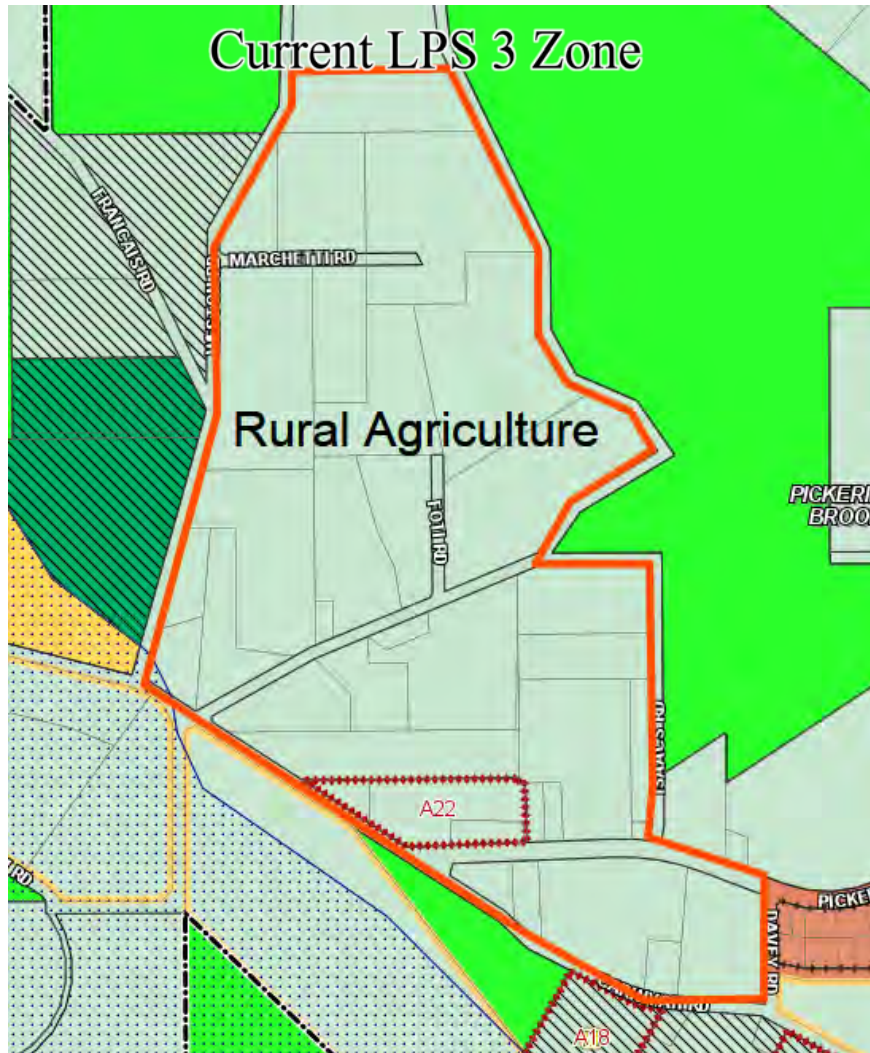
Current and Proposed Metropolitan Region Scheme Zoning Map



Attachment 2

Request to Initiate an Amendment to the Metropolitan Region Scheme – Pickering Brook Townsite Expansion

Current and Proposed Local Planning Scheme No. 3 Zoning Map



Attachment 3

Environmental Assessment Report

Please [click here](#) to go direct to the document

Attachment 4

Level 2 Flora and Vegetation Assessment

Please [click here](#) to go direct to the document

Attachment 5

Transport Impact Statement

Please [click here](#) to go direct to the document

Attachment 6

Infrastructure Servicing Report

Please [click here](#) to go direct to the document

Attachment 7

Bushfire Hazard Assessment

Please [click here](#) to go direct to the document

Attachment 8

District Water Management Strategy

Please [click here](#) to go direct to the document

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

23. Hoarding and Squalor Policy and Management Procedure

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Health & Ranger Services
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Shire Hoarding and Squalor Policy
Attachment 2	Shire Hoarding and Squalor Policy – Management Procedures
Attachment 3	Shire Hoarding and Squalor Policy – Guidelines
Confidential	Examples of Squalor and Hoarding
Attachment 4	<u>Reason for confidentiality:</u> <i>Local Government Act 1995</i> S 5.23 (2) (b) the personal affairs of a person

PURPOSE

1. To note the Shire's Hoarding and Squalor Policy (Policy) and the associated Management Procedure, and Guideline (Attachments 1, 2 and 3).

BACKGROUND

2. The Shire periodically reviews, revokes and adds new policies to its policy register. Policies are used to ensure consistency and transparency in the Shire's operations and decision making as well as adding clarity to an intent to existing legislation.
3. The purpose of the Policy is to ensure that investigations of Hoarding and Squalor cases address the underlying needs of both occupants, neighbours and the broader community through a fair and compassionate approach.

DETAILS

4. Hoarding and Squalor is acknowledged as a community public health and safety issue that affects not only the occupant, but also other community members (see attachment 4). The Shire of Kalamunda is committed to providing a safe and healthy environment by ensuring that instances of hoarding and squalor within the community are resolved in a consistent and equitable manner.
5. Hoarding and squalor are not new issues, however the frequency of cases being reported to the Shire is increasing. Traditional approaches relied upon health regulatory tools alone, without considering strategies to collaborate with stakeholders to address cases of hoarding and squalor. A new approach is required to ensure sustained and appropriate outcomes for both residents and the community.

6. The Hoarding and Squalor Management Procedures support the Shire Hoarding and Squalor Policy and are designed to be used in conjunction with the Hoarding and Squalor Staff Guideline (Attachment 3). The Guideline includes detailed information such as extended definitions of hoarding and squalor, identification of occupational health and safety concerns, a stakeholder list, staff procedures and legislative considerations.

STATUTORY AND LEGAL CONSIDERATIONS

7. *Heath Act 1911*
Local Government Act 1995
Shire of Kalamunda Health Local Law 2011
Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011

POLICY CONSIDERATIONS

8. N/A.

COMMUNITY ENGAGEMENT REQUIREMENTS

9. There was no requirement to advertise the proposed policy.

FINANCIAL CONSIDERATIONS

10. A budget allocation of \$8,000 has been created for the costs of undertaking remediation works for cases of hoarding and squalor and/or fire prevention measures.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.1 To be a community that cares for its aged and frail and those less fortunate.

Strategy 1.1.3 Plan for and provide ongoing support for people with disabilities to feel included in the community.

OBJECTIVE 1.7. To create healthy lifestyles and environments for the community.

Strategy 1.7.1 Develop, implement and review a local Community Health and Wellbeing Plan.

OBJECTIVE 6.2. To ensure local laws are upheld.

Strategy 6.2.1 Develop, implement and monitor all local laws across the Shire to ensure they are relevant and realistic.

OBJECTIVE 6.3. To lead, motivate and enhance the Shire of Kalamunda.

- Strategy 6.3.1 Develop and implement a wide variety of informing strategies and plans which benefit the community socially, economically and environmentally.

SUSTAINABILITY

Social Implications

12. Severe cases of squalor and hoarding can impact significantly on the individual or family concerned, including children. Also affected are their friends, relatives, community support workers and neighbouring residents. Having an inconsistent policy approach or being too light or heavy handed has the potential to negatively impact on situations and peoples quality of life.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

RISK MANAGEMENT CONSIDERATIONS

15.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Council is unaware of the Shire's Squalor and Hoarding Policy.	Unlikely	Minor	Low	Squalor and Hoarding Policy noted by Council.

OFFICER COMMENT

16. The proposed Squalor and Hoarding Policy and Management Procedure will ensure that the Shire applies a consistent and fair approach to cases of squalor and hoarding. The Management Procedure and Guidelines can be used to provide evidence that the Shire has acted in a fair manner in application of the relevant provisions of the *Health Act 1911* and *Local Government Act 1995* and that it is acting in the best interests of all concerned parties. It will also ensure Shire staff are not exposed to unnecessary risk in the workplace while attending to complaints of this nature.

A Councillor asked what the scope of the problem was in the Shire, how often is it necessary to deal with a property that would fall within this range and what normally alerts the Shire to the problem.

Director Development Services indicated in the last two years there have been 6 or 7 and these have taken approximately six months to resolve in the first instance, the Shire then continues to liaise for a further period. The Shire can be alerted by neighbours, the medical community and sometimes a family member.

Voting Requirements: Simple Majority

COMMITTEE RECOMMENDATION TO COUNCIL (D&I 23/2016)

That Council:

1. Notes the Shire Hoarding and Squalor Shire Policy and the accompanying Management Procedures and Guideline (Attachments 1, 2 and 3).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Sue Bilich**

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

Attachment 1

[Policy Number]: Hoarding and Squalor Shire Policy	
Management Procedure Hoarding and Squalor Procedures	Relevant Delegation

Purpose

To ensure that investigations of Hoarding and Squalor cases address the underlying needs of both occupants, neighbours and the broader community through a fair and compassionate approach.

Policy Statement

Hoarding and Squalor is acknowledged as a community public health and safety issue that affects not only the occupant, but also other community members.

The Shire of Kalamunda is committed to providing a safe and healthy environment by ensuring that instances of hoarding and squalor within the community are resolved in a consistent and equitable manner.

In resolving complaints of hoarding and squalor, investigations by the Shire will ensure:-

- Collaboration between Service Areas
- Collaboration with External Stakeholders
- A compassionate approach
- Shire intervention that is proactive and produces a positive outcome.

Related Local Law	Shire of Kalamunda Health Local Laws 2011		
Related Policies			
Related Budget Schedule			
Legislation	Health Act 1911, Local Government Act 1995		
Conditions			
Authority			
Adopted		Next Review Date	

Attachment 2

Hoarding and Squalor Policy Procedure
Relevant Shire of Kalamunda Council Policy
Relevant Shire of Kalamunda Policy
Hoarding and Squalor Policy

Purpose

To guide staff decision making and set clear expectations, roles and responsibilities in relation to the investigation of complaints concerning hoarding and squalor.

Definitions

Hoarding

Persistent accumulation of, and lack of ability to relinquish, large numbers of objects or animals.

Squalor

A living environment that has become unsanitary, often via the accumulation of items, such as rotten food, excrement and waste items, which can adversely impact human health.

Detail

The Hoarding and Squalor Management Procedures support the Shire Hoarding and Squalor Policy and are designed to be used in conjunction with the Hoarding and Squalor Staff Guideline (Attachment 1). The Guideline includes detailed information such as extended definitions of hoarding and squalor, identification of occupational health and safety concerns, a stakeholder list, staff procedures and legislative considerations.

Hoarding and squalor are not new issues, however the frequency of cases being reported to the Shire is increasing. Traditional approaches relied upon health regulatory tools alone, without considering strategies to collaborate with stakeholders to address cases of hoarding and squalor. A new approach is required to ensure sustained and appropriate outcomes for both residents and the community.

Collaboration between Service Areas

Environmental Health Officers (EHOs) are predominantly responsible for investigating hoarding and squalor. Due to the nature and complexity of these cases, often they may be first investigated by another officer within the Shire, including but not limited to; Building Officers, Rangers, Fire Safety Officers, Planners, or HACC Services.

Developing trust is key when dealing with people living in hoarding and squalor. Where the first responder has developed a working relationship with the occupant, they should remain

with the case until an appropriate handover process has taken place. This may involve joint site inspections until trust and rapport has been developed with the district EHO.

Collaboration with External Stakeholders

External stakeholders will differ from case to case depending on the situation. A full list of relevant stakeholders can be found in the Guideline. Information sharing is currently limited between key stakeholders such as Mental Health Services, State and Local Government. This can make cases difficult to investigate and resolve. A Memorandum of Understanding (MoU) is to be developed between key stakeholders and the Shire to address this issue. 'Partners in Recovery' are currently developing a pilot MoU in a separate Western Australian local government authority. Once complete, the Shire will be able replicate the process locally.

Mental health services cannot be accessed without the occupant obtaining a referral from their General Practitioner (GP). To assist this process, a pro forma letter has been developed which the EHO can give to the occupant. This can then be taken to their GP to both provide insight into the living conditions of the occupant and to convey the importance of appropriate referrals to achieve long term resolutions.

Compassionate Approach

Local governments may apply either a compassionate or enforcement approach, or a combination of these. In some circumstances, enforcement considerations may be necessary however, where possible, the Shire will aim to provide a compassionate approach toward residents in line with the core values of the Shire.

A compassionate approach entails working with the resident to bring about change. This can be achieved by using appropriate language and regular communication (within confidentiality constraints), with both the occupant and all stakeholders, including neighbours if necessary. Setting clear and appropriate timeframes and actions is essential to foster progress. This approach further utilises appropriate support services, both government and not for profit. For the best outcome, the occupant should be provided current and relevant information regarding services available to support them during both clean-up and recovery.

Shire Intervention

The Shire may need to intervene in cases where a person is unable to improve their own situation and support services are not accessible. These situations will be assessed on a case by case basis at the discretion of the Manager Health and Ranger Services. Decision making will involve the following considerations; likelihood to relapse, ongoing support both practical and psychological and the potential health implications on the occupant and neighbours due to inaction.

Shire intervention may take form in the place of arranging the clean-up a property on behalf of the occupant. In order to do this several measures must first be in place. The occupant must be willing to accept intervention, a S139 Notice in accordance with the Health Act 1911 must be issued on the property to stipulate the cleaning and repair required for the premises, and sufficient funds must be budgeted to undertake these works. Where disused items have accumulated external to the house, a S3.25 Notice may be issued in accordance with the Local Government Act 1995, requiring removal of these materials.

The Shire can support an occupant to clean their own property by providing additional waste collection services. However, it is likely an external contractor will be required, depending on the condition of the property and capacity of the occupant. A list of known hoarding and squalor cleaners is provided in the Guideline. The Shire may reclaim costs of these works on the property in accordance with S140 of the Health Act 1911 and S3.26 of the Local Government Act 1995.

Related Budget Schedule			
Associated Documents	Shire of Kalamunda Hoarding and Squalor Guideline		
Authority			
Adopted		Next Review Date	

Attachment 3

Shire of Kalamunda Hoarding and Squalor Policy – Guidelines

Please [click here](#) to go direct to the document

CONFIDENTIAL Attachment 4

Examples of Squalor and Hoarding

These have been supplied to Councillors under separate cover

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

11.1 Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 Forrestfield Skate Park – Additional Infrastructure Proposals

Q1. A Councillor queried how much had been spent on the skate park. The Director Infrastructure Services took the question on notice and added that once this work is completed there should be only minimal works and maintenance required.

A2. The final cost of the Forrestfield Skate Park is summarised below:

Design and documentation	\$38,500
Construction	\$403,430
Corporate overheads	<u>\$63,618</u>
Total	\$505,548

Q2. A Councillor asked why toilets had not been included on the original plan as the skate park is isolated from the major buildings and was an award winning development. This question was taken on notice on behalf of the Manager Community Development.

A2. Council supported the need for a skate park in Forrestfield following a petition (comprising 150 signatures) lodged by two local youths and requested that funding options be pursued to build a skate park. It is understood that toilets were not considered at the time due to the following:

- There was previously no toilet facility at the original Forrestfield skate park facility
- The need for public toilets was not identified during the Skate Park community consultation phase
- Public toilets were not identified in the Hartfield Pk Master Plan
- Three of the four Shire of Kalamunda skate park facilities do not provide toilets, with the exception of Fleming Reserve
- Limitation of available funds

12.2 Cr John Giardina – Complaints re. 189 Orangedale Road

Q. I have received a number of complaints that for months vehicles are being pulled apart in front yard of 189 Orangedale Road; sometimes spilling onto the footpath. Could staff please attend to this?

A. Staff attended the site and there were no obstructions with footpath. The site was found to be in adequate condition.

12.5 Cr Tracy Destree – Heritage Listing of Trees

Q1. Please could I be advised what the process is for heritage listing the trees in this Shire and some advice as to what process could be applied to protect trees of some significance?

A1. Director Development Services indicated there were currently no guidelines, they could be considered through the municipal heritage inventory.

Q2. Could this be explored further as I feel there are some which should be listed?

A2. Cr Noreen Townsend indicated that the Community Sustainability Advisory Committee had been working on a register.

Furthermore officers have provided a reply; Councillor Destree has requested that the response in this Agenda be deferred until April pending further investigation by her.

13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

13.1 Nil.

14.0 MEETING CLOSED TO THE PUBLIC

14.1 Nil.

15.0 CLOSURE

15.1 There being no further business the Presiding Member declared the meeting closed at 7.41pm.

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