

# Ordinary Council Meeting

Minutes for Monday 27 June 2016

**UNCONFIRMED**



**shire of  
kalamunda**

## INDEX

1.0	OFFICIAL OPENING.....	4
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED .....	4
3.0	PUBLIC QUESTION TIME .....	5
4.0	PETITIONS/DEPUTATIONS .....	7
5.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	8
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	8
7.0	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION.....	9
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	9
9.0	DISCLOSURE OF INTERESTS.....	10
10.0	REPORTS TO COUNCIL .....	10
10.1	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	11
10.1.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	11
10.1.2	C&C 21 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 MAY 2016.....	11
10.1.3	C&C 22 RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 MAY 2016 .....	11
10.1.4	C&C 23 REVIEW OF DELEGATIONS FOR 2016 .....	12
10.1.5	C&C 24 KALAMUNDA AGED CARE ADVISORY COMMITTEE - RECOMMENDATIONS .....	12
10.2	DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT.....	14
10.2.1	ADOPTION OF DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE REPORT .....	14
10.2.2	D&I 30 PROPOSED COMMERCIAL DEVELOPMENT, DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A SUPERMARKET AND A SINGLE SHOP TENANCY - LOT 601 (17) MEAD STREET, KALAMUNDA AND CONSTRUCTION OF CAR PARKING BAYS – LOT 611 (20) CENTRAL ROAD AND LOT 612 (22) CENTRAL ROAD, KALAMUNDA .....	14
10.2.3	D&I 31 AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 – LOT 25 (7) GILBA PLACE, AND LOT 26 (34) BREWER ROAD, MAIDA VALE - AMENDMENT 87 REZONING FROM SPECIAL RURAL TO URBAN DEVELOPMENT.....	14
10.2.4	D&I 32 PROPOSED LOCAL DEVELOPMENT PLAN – LOTS 5 AND 6 (280 AND 276) HALE ROAD, WATTLE GROVE .....	15
10.2.5	D&I 33 AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 – LOT 73 (30) AND PORTION OF LOT 200 (24) EDNEY ROAD, HIGH WYCOMBE – AMENDMENT 86 REZONING FROM PRIVATE CLUBS AND INSTITUTIONS TO RESIDENTIAL R25/R40 .....	15
10.2.6	D&I 34 DRAFT LOCAL PLANNING POLICY – ANCILLARY DWELLINGS.....	16
10.2.7	D&I 35 DRAFT LOCAL PLANNING POLICY – DESIGN ADVISORY COMMITTEES .....	16
10.2.8	D&I 36 EXCISION OF PT RESERVE 37650 FOR DEDICATION AS ROAD .....	17
10.2.9	D&I 37 IMMUNISATION WITHIN THE SHIRE OF KALAMUNDA REPORT.....	17
10.2.10	D&I 38 CARAVAN PARK ANNUAL LICENCES 2016/2017.....	18
10.2.11	D&I 39 KALAMUNDA ENVIRONMENTAL ADVISORY COMMITTEE - RECOMMENDATIONS.....	18
10.2.12	D&I 40 CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS – WEEKLY COLLECTION AND DISPOSAL OF WASTE SERVICES – MOBILE GARBAGE BINS (EQUOTE 05-2016).....	19
10.2.13	D&I 41 CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS – FORTNIGHTLY COLLECTION AND DISPOSAL OF RECYCLING SERVICES – MOBILE GARBAGE BINS (EQUOTE 06-2016) .....	19
10.2.14	D&I 42 CONFIDENTIAL ITEM – CONSIDERATION OF TENDERS – BULK WASTE COLLECTION SERVICE FOR GENERAL AND GREEN WASTE – BULK SKIP BIN OR VERGE WASTE COLLECTION (EQUOTE 04-2016).....	20

10.3	CHIEF EXECUTIVE OFFICER REPORTS .....	21
10.3.1	DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 MAY 2016 .....	21
10.3.2	INFORMATION AND COMMUNICATION TECHNOLOGY STRATEGY 2016 - 2020 .....	33
10.3.3	LOCAL PLANNING SCHEME NO. 3 AMENDMENT 82 – DUAL DENSITY CODES.....	38
10.3.4	PROPOSED COMMERCIAL DEVELOPMENT, DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF A SUPERMARKET AND A SINGLE SHOP TENANCY - LOT 601 (17) MEAD STREET, KALAMUNDA AND CONSTRUCTION OF CAR PARKING BAYS – LOT 611 (20) CENTRAL ROAD AND LOT 612 (22) CENTRAL ROAD, KALAMUNDA.....	70
10.3.5	SHIRE OF KALAMUNDA FENCING LOCAL LAW 2016 .....	112
10.3.6	CONFIDENTIAL ITEM - NATIONAL DISABILITY INSURANCE SCHEME.....	132
10.3.7	CONFIDENTIAL REPORT – CONSIDERATION OF TENDERS – HARTFIELD PARK RECREATION CENTRE – SUPPLY AND INSTALLATION OF A SPRUNG TIMBER FLOOR (RFT 1609) .....	133
10.3.8	CONFIDENTIAL ITEM- CONSIDERATION OF TENDERS- FORRESTFIELD INDUSTRIAL AREA- MANAGEMENT OF THE DEVELOPER CONTRIBUTION SCHEME .....	134
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	135
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE .....	135
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	136
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	137
15.0	MEETING CLOSED TO THE PUBLIC.....	138
16.0	CLOSURE .....	140

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## MINUTES

### 1.0 OFFICIAL OPENING

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

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Tracy Destree		North Ward
Simon Di Rosso		North Ward
Michael Fernie		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
Gerard Thomas	Manager Technology and Corporate Support
Andrew Fowler-Tutt	Manager Development Services
Kerry Fryers	Manager Community Care
Chris Lodge	Senior Statutory Planning Officer
Jordan Koroveshi	Senior Strategic Planning Officer
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	PA to Manager Development Services
Meri Comber	Governance Officer

##### Guest

Natalie Martin-Goode	Director Development Services Elect
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<b>Members of the Public</b>	<b>36</b>
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<b>Members of the Press</b>	<b>1</b>
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#### 2.2 Apologies

##### Councillors

Sara Lohmeyer	North West Ward
John Giardina	South East Ward

<b>2.3 Leave of Absence Previously Approved</b>	<b>Nil</b>
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### 3.0 PUBLIC QUESTION TIME

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

#### 3.1 Questions from Special Council Meeting 7 June 2016

##### 3.1.1 David Kelly, Forrestfield

Q4. There is an accomplished road builder who is a stakeholder in this development, could you explain why this stakeholder was not asked to quote and how many invitations to tender went out?

A4. Everyone from the West Australia Local Government Association (WALGA) panel was invited. The request was issued to the eight companies who have Road Building Services and Experience.

##### 3.1.2 Lynne Maurer, High Wycombe

Q2. Does the Shire have a telecommunication policy which they are obliged to refer to? Was the revoking of Policy DEV 26 ever advertised in the newspaper circulating the district and if so for how long?

A2. The Director Development Services responded there is no policy currently in place, there is a policy which has concluded being advertised for public comment, it has no statutory effect in this particular instance. Further to this answer, Policy DEV26 was revoked in November 2015 with an advertisement placed in the local newspaper for a three week period commencing on 8 December and concluding on 22 December 2015.

##### 3.1.3 Lucy Eyre, Lesmurdie

Q1. With regard to the asbestos pits around the Gooseberry Hill Primary School, were the school informed about these and if so when?

A1. This question was taken on notice and the Director Development Services provides the following answer. The school was informed that the site was a former landfill in 2004. A search of Shire records has not revealed if the school was or was not specifically made aware of the asbestos.

Q3. Were the Gooseberry Hill Planting Group informed about the contamination, and if so when?

A3. Yes, they were told prior to the planting; they were directed to plant within the Asbestos Management Plan which gave them direction as to where to plant and what method.

The date of notification was taken on notice. The Director Development Services provides the following answer. The Friends Group have been advised on an ongoing basis over the years of the presence of asbestos, and only to plant in areas covered in accordance with the Asbestos Management Plan.

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## 3.2 Questions Ordinary Council Meeting 27 June 2016

### 3.2.1 Katherine Foster, Lesmurdie

- Q. I am the owner of Herb Circle in Kalamunda; could Council advise why it is necessary to build an Aldi Store in Kalamunda? Has any census been taken from the small businesses in town? When does the local community know whether it has been passed or not?
- A. The Shire President responded it is not a decision of Council as to what businesses should be established, Council must make a decision on any development application put in front of them; this will be considered at this meeting. A number of submissions have been made and also some other contacts by local businesses regarding the application. If not passed this evening the proponent has the option to appeal to the State Administrative Tribunal. Then the conditions of the development would then be entirely out of the hands of the Shire of Kalamunda.

### 3.2.2 Stuart Kostera, Kalamunda

- Q1. Is a traffic study taking place with regard to the Aldi store application – should this not have taken place months and months ago?
- A1. Director Infrastructure Services indicated it was nine months since traffic counts were carried out in this area and this is to supplement the original figures.
- Q2. I understood many years ago a roundabout was planned for Mead/Canning Road, what happened to this?
- A2. Director Infrastructure Services indicated he was not aware of the history regarding this, however this intersection is currently being examined but at this stage he is unaware what the outcome will be.
- Q3. Regarding the car parking for the proposed Aldi Store, what proportion of land is Council land and what proportion is privately owned?
- A3. Director Development Services indicated Aldi own 3096m<sup>2</sup>, Shire of Kalamunda 4087m<sup>2</sup> and CWA 1100m<sup>2</sup>.
- Q4. Will Aldi pay for the 25 year lease for the car parking area and who is paying for the carpark upgrade?
- A4. The car park upgrade is being paid for by the developer as their contribution towards the parking area.
- Q5. Will Council be looking at spending money in the near future to enhance the town centre?

- A5. The Shire President indicated that money was spent on the town centre on a continuous basis to improve it. The latest budget includes a range of items to be implemented in the coming year.

3.2.3 Kim Warr, Kalamunda

- Q1. Why was only a small radius of the community notified of this development, why didn't the whole community have an opportunity to comment? Was an information session held in order for the community to have input?

- A1. The Shire President indicated there was no community sessions held, it was advertised on the Shire's Website, on the site itself, homes and businesses within a 500m radius were given the opportunity to comment. This is not a significant change, it was simply a request to develop something on a site which is already suitably zoned, not a change to the Town Planning Scheme.  
*(Note: The Shire President corrected this to a 200m radius when advised by the Director Development Services later in the meeting)*

- Q2. Do you believe this is something the Kalamunda Community want?

- A2. The Shire President noted it is important to understand this is not something the Shire have initiated, Council is responding to a request by the owner of the land to develop that land and by law Council must consider it. Conditions have been placed on the application.

3.2.4 David Downing, High Wycombe

- Q. Regarding Forrestfield Industrial Area, what section of road is to be constructed?

- A. The Chief Executive Officer responded the tender was for the entire stretch of road starting at Milner, the intersection at Milner/Nadine Close, going down to meet Ashby Close to Berkshire Road and covers all three options the community requested.

**4.0 PETITIONS/DEPUTATIONS**

*During the Deputations Cr Noreen Townsend left the room at 7.14pm and returned at 7.18pm.*

- 4.1 A Deputation was received from Kathleen Edmonds regarding Item 10.3.3 Local Planning Scheme No 3, Amendment 82 – dual Density Codes.

There were no Councillor questions following this deputation.

- 4.2 A Deputation was received from Sue Dupont regarding Item 10.3.3 Local Planning Scheme No 3, Amendment 82 – dual Density Codes.

There were no Councillor questions following this deputation.

- 4.3 A Deputation was received from Jennifer Marr regarding Item 10.3.3 Local Planning Scheme No 3, Amendment 82 – dual Density Codes.

A Councillor queried a comment made during this deputation indicating Councillors had advised the rezoning requirements were to discourage 'ordinary mums and dads' from developing their land and asked which Councillors had indicated this. Jennifer Marr did not wish to name the Councillors.

- 4.4 A Deputation was received from Richard Graham regarding Item 10.3.3 Local Planning Scheme No 3, Amendment 82 – dual Density Codes.

There were no Councillor questions following this deputation.

- 4.5 A Deputation was received from Peter Forrest regarding Item 10.3.4 Proposed Supermarket and Shops Lot 601 (17) Mead Street, Kalamunda.

There were no Councillor questions following this deputation.

- 4.6 A Deputation was received from Lou Di Virgilio regarding Item 10.3.4 Proposed Supermarket and Shops Lot 601 (17) Mead Street, Kalamunda.

A Councillor asked during what times the delivery trucks would operate; Lou Di Virgilio responded they would generally be between 6:00am to 7:00am and 10:00pm to 11:00pm. There may, however, be some emergency deliveries during operating hours.

## 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Nil.

## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 6.1 RESOLVED OCM 106/2016

That the Minutes of the Ordinary Council Meeting held on 23 May 2016, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Tracy Destree**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (10/0)**

### 6.2 RESOLVED OCM 107/2016

That the Minutes of the Special Council Meeting held on 7 June 2016 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (10/0)**



6.3 RESOLVED OCM 108/2016

That the Minutes of the Special Council Meeting held on 20 June 2016 are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Tracy Destree**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7.0 **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

7.1 The Shire President thanked Meri Comber, Governance Officer for her service with the Shire of Kalamunda and wished her well in her retirement.

8.0 **MATTERS FOR WHICH MEETING MAY BE CLOSED**

8.1 **D&I 40. CONFIDENTIAL ITEM – Consideration of Tenders – Weekly Collection and Disposal of Waste Services – Mobile Garbage Bins (eQuote 05-2016)**

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

8.2 **D&I 41. CONFIDENTIAL ITEM – Consideration of Tenders – Fortnightly Collection and Disposal of Recycling Services – Mobile Garbage Bins (eQuote 06-2016)**

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

8.3 **D&I 42. CONFIDENTIAL ITEM – Consideration of Tenders - Bulk Waste Collection Service for General and Green Waste – Bulk Skip Bin or Verge Waste Collection (eQuote 04-2016)**

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

8.4 **10.3.6 CONFIDENTIAL ITEM – National Disability Insurance Scheme**

Reason for confidentiality. *Local Government Act s 5.23(2) (a). A matter affecting an employee or employees.*

8.5 **10.3.7 CONFIDENTIAL ITEM - Consideration of Tenders – Hartfield Park Recreation Centre – Supply and Installation of a Sprung Timber Floor (RFT 1609)**

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

- 8.6            **10.3.8 CONFIDENTIAL ITEM – Consideration of Tenders – Forrestfield Industrial Area – Management of the Developer Contribution Scheme**  
*Reason for confidentiality Local Government Act 1995 S5.23 (d) (c)- "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

9.0            **DISCLOSURE OF INTERESTS**

9.1            **Disclosure of Financial and Proximity Interests**

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

9.1.1        Item 10.3.3 Local Planning Scheme No 3 Amendment 82 – Dual Density Coding.

Pursuant to section 5.65 of the *Local Government Act 1995*, the following councillors disclosed a Financial Interest as each owns land in the area affected by Amendment 82, however, pursuant to section 5.63 (1) (a) of the *Local Government Act 1995*, the interest is one in common with a significant number of electors or residents of the district:-

Cr Andrew Waddell  
Cr Tracy Destree-Thompson  
Cr Allan Morton  
Cr Simon Di Rosso  
Cr Dylan O'Connor

9.2            **Disclosure of Interest Affecting Impartiality**

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

9.2.1        Pursuant to *Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007*, Cr Michael Fernie declared an Interest Affecting Impartiality as his sisters own land in the area affected by Amendment 82. Cr Michael Fernie will consider the matter on its merits.

10.0         **REPORTS TO COUNCIL**

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

**10.1 Corporate & Community Services Committee Report**

**10.1.1 Adoption of Corporate & Community Services Committee Report**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 109/2016

That the recommendations C&C 21 to C&C 24 inclusive, contained in the Corporate & Community Services Committee Report of 13 June 2016, except withdrawn items C&C 23 and C&C24, be adopted by Council en bloc.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**10.1.2 C&C 21 Debtors and Creditors Report for the Period Ended 31 May 2016**

RESOLVED EN BLOC OCM 109/2016

That Council:

1. Receives the list of payments made from the Municipal Accounts in May 2016 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
2. Receives the list of payments made from the Trust Accounts in May 2016 as noted in point 13 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 12)*.
3. Receives the outstanding debtors (Attachment 2) and creditors (Attachment 3) reports for the month of May 2016.

**10.1.3 C&C 22 Rates Debtors Report for the Period Ended 31 May 2016**

RESOLVED EN BLOC OCM 109/2016

That Council:

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

***For separate consideration:***

*C&C 23 and C&C 24 are for separate consideration as an Absolute Majority is required.*

**10.1.4 C&C 23 Review of Delegations for 2016**

**Voting Requirements: Absolute Majority**

RESOLVED OCM 110/2016

That Council:

1. Notes the review of the delegations.
2. Approves an amendment to Delegation LGA2 – Tenders and Expressions of Interest to increase the threshold for acceptance of Tenders by the Chief Executive Officer from \$250,000 to \$350,000 and the inclusion of the following condition:  
  
*a tender is not to be accepted where the tendered amount is greater than the estimated budget allocated for the goods or service.*
3. Revokes the following delegation  
  
LGA15 – Land Asset Rationalisation – Additional Properties.
4. Adopts the delegations as detailed in the draft Delegations Register, with the inclusion of the amendments at point 2 and 3 above, (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

**10.1.5 C&C 24 Kalamunda Aged Care Advisory Committee - Recommendations**

**Voting Requirements: Absolute Majority**

RESOLVED OCM 111/2016

That Council:

1. Request the Chief Executive Officer to pursue an aged care development outcome through the structure planning approval processes of the Satterley Forrestfield Development.

2. Appoint deputy members to the Kalamunda Aged Care Advisory Committee.

Community Group	Nominated Deputy
Aged Care Today Kalamunda	Candy Gordon
Lesmurdie & Districts Community Association	James Hansen

Moved: **Cr Geoff Stallard**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

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

**10.2 Development & Infrastructure Services Committee Report**

**10.2.1 Adoption of Development & Infrastructure Services Committee Report**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 112/2016

That recommendations D&I 30 to D&I 42 inclusive, contained in the Development & Infrastructure Services Committee Report of 13 June 2016 be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**10.2.2 D&I 30 Proposed Commercial Development, Demolition of Existing Building and Construction of a Supermarket and a Single Shop Tenancy - Lot 601 (17) Mead Street, Kalamunda and Construction of Car Parking Bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda**

RESOLVED EN BLOC OCM 112/2016

1. The Item be moved to the Ordinary Council Meeting 27 June 2016.

**10.2.3 D&I 31 Amendment to Local Planning Scheme No. 3 – Lot 25 (7) Gilba Place, and Lot 26 (34) Brewer Road, Maida Vale - Amendment 87 Rezoning from Special Rural to Urban Development**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Considers Amendment 87 to Local Planning Scheme No. 3 as a basic amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason:
  - The amendment will make the Scheme consistent with the Metropolitan Region Scheme and will in itself have minimal effect on the Scheme or landowners in the Scheme area.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to prepare Amendment No. 87 to Local Planning Scheme No. 3 (Attachment 1).

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 87 to Local Planning Scheme No. 3 and supporting documents the Environmental Protection Authority for comment.
4. Pursuant to Regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once approved by the Environmental Protection Authority, forward Amendment No. 87 to the Western Australian Planning Commission for its consideration.

**10.2.4 D&I 32 Proposed Local Development Plan – Lots 5 and 6 (280 and 276) Hale Road, Wattle Grove**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Pursuant to Clause 52(1)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires the applicant to modify the Local Development Plan for Lots 5 and 6 (278 and 280) Hale Road, Wattle Grove (Attachment 1) in the following manner:
  - a) Delete the following wording from the Local Development Plan:

*"Open space equivalent to 40% of the site is permitted.*

*Outdoor living areas with minimum length or width dimensions of 3m are permitted".*
2. Upon the lodgement of the modified Local Development Plan, as required by item 1 above, adopts the modified Local Development Plan for Lots 5 and 6 (278 and 280) Hale Road, Wattle Grove.

**10.2.5 D&I 33 Amendment to Local Planning Scheme No. 3 – Lot 73 (30) and Portion of Lot 200 (24) Edney Road, High Wycombe – Amendment 86 Rezoning from Private Clubs and Institutions to Residential R25/R40**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Considers Amendment No. 86 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

- The amendment is consistent with the objectives identified in the Scheme for the Private Clubs and Institutions zone;
  - The amendment is consistent with the Shire’s Local Planning Strategy;
  - The amendment is consistent with the Metropolitan Region Scheme;
  - The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
  - an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - The amendment is not considered a complex or basic amendment.
2. Pursuant to Section 75 of the *Planning and Development Act 2005*, resolves to adopt Amendment No. 86 to Local Planning Scheme No. 3 (Attachment 1).
  3. Pursuant to Section 81 of the *Planning and Development Act 2005*, forwards the proposed Amendment 86 to Local Planning Scheme No. 3 and supporting documents the Environmental Protection Authority for comment.
  4. Pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, once the amendment is considered by the Environmental Protection Authority, advertises the amendment.

#### **10.2.6 D&I 34 Draft Local Planning Policy – Ancillary Dwellings**

##### RESOLVED EN BLOC OCM 112/2016

That Council:

1. Pursuant to Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the following policy:  
  
Planning Policy – P-DEV 50 - Ancillary Dwellings.

#### **10.2.7 D&I 35 Draft Local Planning Policy – Design Advisory Committees**

##### RESOLVED EN BLOC OCM 112/2016

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: Design Advisory Committees



(Attachment 1) for the purpose of advertising for a period of 21 days.

With the following amendments to the Policy:

2.5 Point a) .... have the relevant knowledge or **demonstrated local knowledge**, experience or expertise  
.....

#### **10.2.8 D&I 36 Excision of Pt Reserve 37650 for Dedication as Road**

##### RESOLVED EN BLOC OCM 112/2016

That Council:

1. Support the excision of two parcels of Reserve 37650 for dedication as road as shown in Attachment 2.
2. Request the Department of Lands to waive advertising requirements.
3. Forward the proposal to the Department of Planning for their comments.

#### **10.2.9 D&I 37 Immunisation within the Shire of Kalamunda Report**

##### RESOLVED EN BLOC OCM 112/2016

That Council:

1. Endorse the recommendations of the attached Immunisation Report:
  1. Disseminate the report to relevant stakeholders as listed in 6.1 and 6.2;
  2. Explore partnerships with new stakeholders as per 6.2;
  3. Advocate for more transparent data reporting concerning immunisation rates and conscientious objectors via professional networks such as the Metropolitan Environmental Health Managers Group (MEHMG), Environmental Health Australia (EHA) and the Immunisation Alliance of Western Australia (AIWA);
  4. Investigate opportunities to hold an immunisation promoting puppet show once this resource has been completed by the IAWA;
  5. Seek opportunities to locally promote the free shingles vaccine to persons between 70-79 years of age prior to 1 November 2016;

6. Seek opportunities to locally promote the pertussis vaccine (as newly introduced to the NIPS) to pregnant women in their third trimester;
7. Seek opportunities to raise adolescent HPV vaccination rates to or above the state average;
8. Investigate further if the low levels of vaccination in the 1 year old age group in Wattle Grove is linked to language or cultural barriers within the local immigrant population;
9. Survey parents to identify if current low levels of vaccination in the 5 year old age group are a result of complacency or vaccine hesitancy.
10. Investigate the recruitment of a Health Promotion Officer within Health Services to address existing Health Plan actions in addition to the initiatives considered within this report.

**10.2.10 D&I 38 Caravan Park Annual Licences 2016/2017**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Approves the renewal of the caravan park licences, subject to the receipt of the required licence fees, for :
  - Discover Holiday Park
  - Forrestfield Caravan Park N Park Home Village
  - Hillview Lifestyle Village
  - Advent Park

**10.2.11 D&I 39 Kalamunda Environmental Advisory Committee - Recommendations**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Endorses the following Key Advisory Tasks for the Kalamunda Environmental Advisory Committee:
  - 1) Development of a Local Environmental Strategy:
    - i) That its scope will embrace the totality of the Council's functions with the environment broadly interpreted;*
    - ii) This strategy to inform parts of the Shire's Strategic Community Plan; and*

*iii) This strategy to inform policies that can be recognised in the Local Planning Scheme.*

- 2) Conserving Tree Cover.
- 3) Review of the Local Biodiversity Strategy.
- 4) Development of a Sustainable Development Model
- 5) Review Waste Management Strategy 2013-2023.
- 6) Update Local Water Strategy.
- 7) Council Leadership in Environmental Management.
- 8) Bike Plan.

**10.2.12 D&I 40 CONFIDENTIAL ITEM – Consideration of Tenders – Weekly Collection and Disposal of Waste Services – Mobile Garbage Bins (eQuote 05-2016)**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Cleanaway, for the Weekly Waste Collection and Disposal Service – Mobile Garbage Bins (eQuote 05-2016) for a period of three years in accordance with the Price Schedule on Confidential Attachment 2, with 3 x 12 month extensions at the sole discretion of the Principal.

**10.2.13 D&I 41 CONFIDENTIAL ITEM – Consideration of Tenders – Fortnightly Collection and Disposal of Recycling Services – Mobile Garbage Bins (eQuote 06-2016)**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Cleanaway, for the Fortnightly Recycling Collection and Disposal Service – Mobile Garbage Bins (eQuote 06-2016) for a period of three years in accordance with the Price Schedule on Confidential Attachment 2, with 3 x 12 month extensions at the sole discretion of the Principal.

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**10.2.14 D&I 42 CONFIDENTIAL ITEM – Consideration of Tenders – Bulk Waste Collection Service for General and Green Waste – Bulk Skip Bin or Verge Waste Collection (eQuote 04-2016)**

RESOLVED EN BLOC OCM 112/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Cleanaway for the Bulk Waste Collection Service for General and Green Waste Bulk Skip Bin or Verge Waste Collection (eQuote 04-2016) – Option A Bulk Skip Bin Service for a period of three years in accordance with the Price Schedule on Confidential Attachment 2, with 3 x 12 month extensions at the sole discretion of the Principal.
2. Requests the Chief Executive Officer to undertake further investigation regarding the Alternate Disposal Location for General Waste and through negotiation with Eastern Metropolitan Regional Council and Cleanaway implement this option if agreement is reached between the three parties.
3. Request the Chief Executive Officer enter into negotiations with the awarded Tenderer to design a skip bin service that will be more accessible for members in our community who have expressed difficulty in being able to fill the current skip bins being delivered and report back to Council on the outcomes.

### 10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

#### 10.3.1 Draft Monthly Financial Statements to 31 May 2016

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

- Attachment 1 Draft Statements of Financial Activity for the period ended 31 May 2016 incorporating the following:
- Statement of Financial Activity (Nature or Type)
  - Statement of Financial Activity (Statutory Reporting Program)
  - Net Current Funding Position, note to financial statement

#### PURPOSE

1. To provide Council with statutory financial reports on the activity of the Shire of Kalamunda with comparison of the year's performance against the revised budget adopted on 29 March 2016.

#### BACKGROUND

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

#### DETAILS

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

#### Financial Commentary

##### Draft Statement of Financial Activity by Nature and Type for the ten months ended 31 May 2016

6. This Statement reveals a net result surplus of \$15,163,722 compared to budget for the same period of \$11,764,150. The variance of \$3,399,571 represents 22.4% of the current surplus for the year to date. The majority

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

### *Revenue*

7. Total Revenue excluding rates is under budget by \$290,493. This is made up as follows:
- Operating Grants, Subsidies and Contributions are under budget by \$100,141. The variances are primarily due to timing matters, and made up of the following:
    - Reimbursements from CELL 9 project is under budget by \$43,626. This represents the salary costs related to CELL 9 project manager and relates to a timing issue of fund transfers.
  - Profit on Asset disposal is over budget by \$1,236. The variance is within the reporting threshold.
  - Fees and Charges variance is under budget by \$135,427. This is mainly attributable to:
    - Legal charges is under budget by \$108,895. The variance is mainly due to the reduced debt collection activity which was suspended temporarily awaiting the adoption of the Debt Collection Policy. With this policy now adopted, debt collection will now be pursued.
  - Interest Income is under budget by \$82,119 which is due to a timing issue influenced by the maturity dates of the term deposits.
  - Other Revenue is over budget by \$18,214. This variance is within the reporting threshold.

### *Expenditure*

8. Total expenses is under budget with a variance of \$2,699,189. The significant variances within the individual categories are as follows:
- Employment Costs are under budget by \$756,791 which is primarily due to vacant positions not being filled and a timing issue related to training costs. In addition to this, EBA negotiations are still ongoing and an accrual for back pay will be performed in June to recognise an adjustment in anticipation of the conclusion of the agreement.
  - Materials and Contracts is under budget by \$1,935,634. This is mainly attributed to:
    - Consultancy costs being under budget by \$263,307 in the areas of Asset Management, Survey and Design, Forrestfield North project and the Stirk Park Redevelopment Master plan.

- Infrastructure Maintenance for Roads, Reserves, Paths and Drainage being under budget by \$560,887 relating to a timing matter.
  - Kalamunda Water Park billing being under budget by \$133,376 due to a timing issue.
  - Various non-recurrent projects being under-spent by \$303,212 due to timing issues.
- Utilities are over budget by \$85,889. The revised contract with Telstra was delayed by WALGA resulting in delays in reductions in data and telephone costs.
  - Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$67,268 which is attributed to a phasing issue and the timing of various asset acquisitions.
  - Interest expense is under budget by \$12,747, which is a result of a timing difference between amounts accrued and the budget which is based on the debenture payments schedules.
  - Insurance expense is under budget by \$5,292. The variance is within the reporting threshold.
  - Other expenditure is under budget by \$55,203. These are mainly related to various non-recurrent projects related to a timing issue.
  - Loss on Sale of Asset is over budget by \$47,857. This is due to lower proceeds from the sale at auction of various shire fleet compared to the net book value.

#### *Capital Revenues*

#### *Non-operating Grants and Contributions*

9. The non-operating grant income is higher than the budget by \$227,335. The variance is mainly attributable to the Hartfield Park redevelopment project grant from Department of Sport and Recreation being over budget by \$182,543 and relating to a timing issue.
10. The capital contributions variance of \$265,512 relates to Forrestfield Industrial Area Stage 1 which is now managed by the Shire and funds are backed via a fully cash backed reserve. The variance reflects the new developer contributions received after the last budget review.

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*Capital Expenditures*

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets are under budget by \$1,329,777. The variances are as follows:
- Property, Plant and Equipment Expenditure are under budget by \$508,405. This is attributed mainly to Land and Building Expenditure being under budget by \$489,150 of which \$290,625 has been identified as carry forward.
  - Infrastructure projects, comprised of roads, drainage, footpaths, car parks and parks and ovals, are under budget by \$821,372. An amount of \$2,370,696 has been identified as part of the carry forward 2016/2017 budget.

*Rates revenues*

12. Rates generation is under budget with a variance of \$50,408, mainly due to timing of recognition of prepaid rates which is part of the year end adjustments.

Draft Statement of Financial Activity by Program for the ten months to 31 May 2016

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

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

14. The commentary on the net current funding position is based on comparison of the draft May 2016 year to date actuals with May 2015 year to date actuals.
15. Net Current Assets (Current Assets less Current Liabilities) show a positive result of \$24.8 million. The un-restricted cash position has a positive balance of \$17.7 million which is lower than the previous year's balance of \$18.9 million. This is mainly attributed to the low rates collection and larger transfers to reserves.
16. Trade and other receivables comprise rates and sundry debtors totalling \$2.4 million outstanding.
- The rates balance fell by \$26k to \$1.2 million, representing a collection rate of 96.55% for the year to date. This reduction is due to collections being on hold awaiting adoption of the Shire Debt Collection Policy. As the end of the financial year is imminent, it is deemed that collection efforts will be increased by reviewing default cases after the first instalment date of 16 August 2016 for the 2016/17 rates debts.



17. Sundry debtors have increased from \$795,342 to \$1,181,712, of which \$717,251 is made up of current debt due within 30 days. A total of \$268,397 remains outstanding over 90 days. The majority of this debt consists of two invoices which are overdue from the developers of the Forrestfield Industrial Area. These amounts are currently being monitored.
18. Receivables Other represents \$93,890 comprising mainly of waste services changes.
19. Provisions for annual and long service leave are generally higher having increased by \$560,121 to \$2.8 million when compared to the previous year. The reasons for the increase is due to more officers being above the seven year threshold at which point long service leave entitlements begin to fully accrue, and the review of the Annual Leave Liability in March 2016. The Shire aggressively pursues a leave management plan that will not adversely affect service delivery. The long term goal is to bring this liability down to a more manageable level and also ensure there are adequate cash backed reserves in place to support it.
20. Restricted Reserves have increased significantly from \$2.4 million to \$12.6 million when compared to May 2015. The increase is due to the following:
  - Transfer of Forrestfield Industrial Area Scheme Stage 1 from Trust accounts to reserves, amounting to \$4.4 million.
  - Land and Property Enhancement and Maintenance Reserve has increased by \$0.7 million.
  - Long Service Leave reserve has increased by \$1.2 million to address exposure mentioned in point 19 above.
  - Nominated employee leave reserve has increased by \$1.1 million to address exposure mentioned in point 19 above.
  - Minor changes are also noted with the following reserves:
    - Asset Enhancement Reserve has increased by \$0.7 million.
    - EDP IT Equipment Reserve has increased by \$0.4 million.
    - Unexpended Capital Works and Specific Purpose Grants Reserve has increased by \$0.4 million.
    - Waste Reserve has increased by \$0.6 million to recognise surplus in operating income in 2014/15.
    - Local Government Elections Reserve has increased by \$0.1 million.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

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

#### **POLICY CONSIDERATIONS**

22. Nil.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

23. Nil.

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

26. Nil.

### Economic Implications

27. Nil.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

29.

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

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**OFFICER COMMENT**

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

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 113/2016

That Council:

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

## Attachment 1

### STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE FOR THE 11 MONTHS TO 31 MAY 2016

	31/05/2016 YTD Actual (b) \$	31/05/2016 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
<b>Operating Revenues</b>					
Operating Grants and Subsidies	4,732,529	4,703,214	5,716,899	29,315	0.6%
Contributions, Reimbursements and Donations	720,130	849,586	4,505,790	(129,456)	(18.0%)
Profit on Asset Disposal	188,194	186,958	187,144	1,236	0.7%
Fees and Charges	13,847,823	13,983,250	14,317,854	(135,427)	(1.0%)
Interest Earnings	1,006,851	1,088,970	1,186,491	(82,119)	(8.2%)
Other Revenue	84,445	66,231	72,296	18,214	21.6%
Ex Gratia Rates Revenue	137,424	129,680	129,680	7,744	5.6%
<b>Total (Excluding Rates)</b>	<b>20,717,396</b>	<b>21,007,889</b>	<b>26,116,154</b>	<b>(290,493)</b>	
<b>Operating Expense</b>					
Employee Costs	(21,271,725)	(22,028,516)	(23,922,211)	756,791	3.6%
Materials and Contracts	(16,428,956)	(18,364,590)	(20,193,357)	1,935,634	11.8%
Utilities Charges	(2,245,192)	(2,159,303)	(2,333,585)	(85,889)	(3.8%)
Depreciation (Non-Current Assets)	(7,025,851)	(7,093,119)	(7,738,251)	67,268	1.0%
Interest Expenses	(363,156)	(375,903)	(410,081)	12,747	3.5%
Insurance Expenses	(567,287)	(572,579)	(578,896)	5,292	0.9%
Loss on Asset Disposal	(50,453)	(2,596)	(2,843)	(47,857)	(94.9%)
Other Expenditure	(438,222)	(493,425)	(534,599)	55,203	12.6%
<b>Total</b>	<b>(48,390,841)</b>	<b>(51,090,031)</b>	<b>(55,713,823)</b>	<b>2,699,189</b>	
<b>Funding Balance Adjustment</b>					
Add Back Depreciation	7,025,851	7,093,119	7,738,251	(67,268)	(1.0%)
Adjust (Profit)/Loss on Asset Disposal	(137,741)	(184,362)	(184,301)	46,621	(33.8%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current)					
FUSC	(158)	0	0	(158)	100.0%
Movement in Provisions	240,214	0	749,271	240,214	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
<b>Total</b>	<b>7,128,166</b>	<b>6,908,757</b>	<b>4,672,814</b>	<b>219,409</b>	
<b>Net Operating (Ex. Rates)</b>	<b>(20,545,279)</b>	<b>(23,173,385)</b>	<b>(24,924,855)</b>	<b>2,628,105</b>	
<b>Capital Revenues</b>					
Proceeds from Disposal of Assets	578,387	560,000	652,000	18,387	3.2%
Grants, Subsidies and Contributions	5,866,341	5,639,006	7,101,377	227,335	3.9%
Self-Supporting Loan Principal Capital (Developer) - Contributions	66,073	67,870	67,870	(1,797)	(2.7%)
Transfer from Reserves	2,495,893	2,230,381	2,230,381	265,512	10.6%
<b>Total</b>	<b>4,234,216</b>	<b>4,280,341</b>	<b>5,223,139</b>	<b>(46,125)</b>	<b>(1.1%)</b>
<b>Total</b>	<b>13,240,910</b>	<b>12,777,598</b>	<b>15,274,767</b>	<b>463,312</b>	

**STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE  
FOR THE 11 MONTHS TO 31 MAY 2016**

	31/05/2016 YTD Actual (b) \$	31/05/2016 YTD Budget (a) \$	Annual Budget \$	Var. \$ (b)-(a) \$	Var. % (b)- (a)/(b) %
<b>Capital Expenses</b>					
Land Development Costs	(2,000)	(41,021)	(43,782)	39,021	1951.1%
Land and Buildings New	(215,574)	(431,831)	(578,765)	216,257	100.3%
Land and Buildings Replacement	(1,058,718)	(1,331,611)	(1,536,874)	272,893	25.8%
Plant and Equipment New	(51,630)	(53,922)	(58,835)	2,292	4.4%
Plant and Equipment Replacement	(25,347)	(25,347)	(25,347)	0	0.0%
Furniture and Equipment	(104,198)	(82,139)	(138,700)	(22,059)	(21.2%)
Infrastructure Assets - Roads New	(151,455)	(185,041)	(673,292)	33,586	22.2%
Infrastructure Assets - Roads Renewal	(1,840,406)	(1,876,058)	(4,234,924)	35,652	1.9%
Infrastructure Assets - Drainage New	(188,964)	(183,477)	(232,898)	(5,487)	(2.9%)
Infrastructure Assets - Drainage Renewal	(32,567)	(161,753)	(175,550)	129,186	396.7%
Infrastructure Assets - Footpaths New	(7,801)	(116,332)	(170,500)	108,531	1391.3%
Infrastructure Assets - Footpaths Renewal	(62,506)	(125,733)	(125,734)	63,227	101.2%
Infrastructure Assets - Car Parks New	(186,757)	(242,749)	(267,749)	55,992	30.0%
Infrastructure Assets - Car Parks Renewal	(15,728)	(75,162)	(75,162)	59,434	377.9%
Infrastructure Assets - Parks and Ovals New	(302,757)	(338,764)	(369,646)	36,007	11.9%
Infrastructure Assets - Parks and Ovals Renewal	(3,906,783)	(4,212,027)	(4,578,878)	305,244	7.8%
Repayment of Debentures	(562,216)	(544,357)	(593,851)	(17,859)	(3.2%)
Transfer to Reserves	(5,581,817)	(4,628,460)	(10,141,872)	(953,357)	(17.1%)
<b>Total</b>	<u>(14,297,223)</u>	<u>(14,655,784)</u>	<u>(24,022,359)</u>	<u>358,561</u>	
<b>Net Capital</b>	<u>(1,056,312)</u>	<u>(1,878,186)</u>	<u>(8,747,592)</u>	<u>821,873</u>	
<b>Total Net Operating + Capital</b>	<u>(21,601,591)</u>	<u>(25,051,571)</u>	<u>(33,672,447)</u>	<u>3,449,978</u>	
Rate Revenue	31,797,198	31,847,606	31,893,225	(50,408)	(0.2%)
Opening Funding Surplus(Deficit)	<u>4,968,115</u>	<u>4,968,115</u>	<u>4,968,115</u>	<u>0</u>	0.0%
<b>Closing Funding Surplus(Deficit)</b>	<u>15,163,722</u>	<u>11,764,150</u>	<u>3,188,892</u>	<u>3,399,571</u>	22.4%

**STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM)  
FOR THE 11 MONTHS TO 31 MAY 2016**

	31/05/2016	31/05/2016			
	YTD	YTD	Annual	Var. \$	Var. %
	Actual	Budget	Budget	(b)-(a)	(b)-
	(b)	(a)			(a)/(b)
	\$	\$	\$	\$	%
<b>Operating Revenues</b>					
Governance	97,343	111,019	112,755	(13,676)	(14.0%)
General Purpose Funding	2,817,229	2,939,860	7,631,137	(122,631)	(4.4%)
Law, Order and Public Safety	487,537	411,884	449,386	75,653	15.5%
Health	256,769	215,317	224,325	41,452	16.1%
Education and Welfare	3,704,653	3,688,622	3,755,971	16,031	0.4%
Community Amenities	11,047,985	11,192,568	11,279,967	(144,583)	(1.3%)
Recreation and Culture	1,528,281	1,521,181	1,660,406	7,100	0.5%
Transport	57,119	0	0	57,119	100.0%
Economic Services	401,776	470,448	513,288	(68,672)	(17.1%)
Other Property and Services	318,704	456,990	488,919	(138,286)	(43.4%)
<b>Total (Excluding Rates)</b>	<b>20,717,396</b>	<b>21,007,889</b>	<b>26,116,154</b>	<b>(290,493)</b>	
<b>Operating Expense</b>					
Governance	(3,060,712)	(3,156,035)	(3,421,987)	95,323	3.1%
General Purpose Funding	(770,976)	(795,289)	(849,956)	24,313	3.2%
Law, Order and Public Safety	(1,631,777)	(1,754,282)	(1,902,448)	122,505	7.5%
Health	(983,142)	(1,087,657)	(1,194,417)	104,515	10.6%
Education and Welfare	(3,673,550)	(3,932,284)	(4,297,882)	258,734	7.0%
Community Amenities	(11,848,092)	(12,434,378)	(13,543,508)	586,286	4.9%
Recreation and Culture	(15,971,352)	(16,401,123)	(17,795,768)	429,771	2.7%
Transport	(8,833,842)	(9,402,053)	(10,268,343)	568,211	6.4%
Economic Services	(969,158)	(1,013,703)	(1,092,381)	44,545	4.6%
Other Property and Services	(648,240)	(1,113,227)	(1,347,133)	464,987	71.7%
<b>Total</b>	<b>(48,390,841)</b>	<b>(51,090,031)</b>	<b>(55,713,823)</b>	<b>2,699,190</b>	
<b>Funding Balance Adjustment</b>					
Add back Depreciation	7,025,851	7,093,119	7,738,251	(67,268)	(1.0%)
Adjust (Profit)/Loss on Asset Disposal	(137,741)	(184,362)	(184,301)	46,621	(33.8%)
EMRC Contribution (Non-cash)	0	0	(3,600,407)	0	
Deferred Loan (non-current)					
FUSC	(158)	0	0	(158)	100.0%
Movement in Provisions	240,214	0	749,271	240,214	100.0%
Pensioners Deferred Rates Movement	0	0	(30,000)	0	
<b>Total</b>	<b>7,128,166</b>	<b>6,908,757</b>	<b>4,672,814</b>	<b>219,409</b>	
<b>Net Operating (Ex. Rates)</b>	<b>(20,545,279)</b>	<b>(23,173,385)</b>	<b>(24,924,855)</b>	<b>2,628,106</b>	
<b>Capital Revenues</b>					
Proceeds from Disposal of Assets	578,387	560,000	652,000	18,387	3.2%
Capital Contributions and Grants	5,866,341	5,639,006	7,101,377	227,335	3.9%
Self-Supporting Loan Principal Income	66,073	67,870	67,870	(1,797)	(2.7%)
Capital (Developer) - Contributions	2,495,893	2,230,381	2,230,381	265,512	10.6%
Transfer from Reserves	4,234,216	4,280,341	5,223,139	(46,125)	(1.1%)
<b>Total</b>	<b>13,240,910</b>	<b>12,777,598</b>	<b>15,274,767</b>	<b>463,312</b>	

**STATEMENT OF FINANCIAL ACTIVITY (STATUTORY REPORTING PROGRAM)  
FOR THE 11 MONTHS TO 31 MAY 2016**

	31/05/2016	31/05/2016			
	YTD	YTD	Annual	Var. \$	Var. %
	Actual	Budget	Budget	(b)-(a)	(b)-
	(b)	(a)		\$	(a)/(b)
	\$	\$	\$	\$	%
<b>Capital Expenses</b>					
Land Development Costs	(2,000)	(41,021)	(43,782)	39,021	1951.1%
Land and Buildings New	(215,574)	(431,831)	(578,765)	216,257	100.3%
Land and Buildings					
Replacement	(1,058,718)	(1,331,611)	(1,536,874)	272,893	25.8%
Plant and Equipment New	(51,630)	(53,922)	(58,835)	2,292	4.4%
Plant and Equipment					
Replacement	(25,347)	(25,347)	(25,347)	0	0.0%
Furniture and Equipment	(104,198)	(82,139)	(138,700)	(22,059)	(21.2%)
Infrastructure Assets - Roads					
New	(151,455)	(185,041)	(673,292)	33,586	22.2%
Infrastructure Assets - Roads					
Renewal	(1,840,406)	(1,876,058)	(4,234,924)	35,652	1.9%
Infrastructure Assets -					
Drainage New	(188,964)	(183,477)	(232,898)	(5,487)	(2.9%)
Infrastructure Assets -					
Drainage Renewal	(32,567)	(161,753)	(175,550)	129,186	396.7%
Infrastructure Assets -					
Footpaths New	(7,801)	(116,332)	(170,500)	108,531	1391.3%
Infrastructure Assets -					
Footpaths Renewal	(62,506)	(125,733)	(125,734)	63,227	101.2%
Infrastructure Assets - Car					
Parks New	(186,757)	(242,749)	(267,749)	55,992	30.0%
Infrastructure Assets - Car					
Parks Renewal	(15,728)	(75,162)	(75,162)	59,434	377.9%
Infrastructure Assets - Parks					
and Ovals New	(302,757)	(338,764)	(369,646)	36,007	11.9%
Infrastructure Assets - Parks					
and Ovals Renewal	(3,906,783)	(4,212,027)	(4,578,878)	305,244	7.8%
Repayment of Debentures	(562,216)	(544,357)	(593,851)	(17,859)	(3.2%)
Transfer to Reserves	(5,581,817)	(4,628,460)	(10,141,872)	(953,357)	(17.1%)
<b>Total</b>	<b>(14,297,223)</b>	<b>(14,655,784)</b>	<b>(24,022,359)</b>	<b>358,561</b>	
<b>Net Capital</b>	<b>(1,056,313)</b>	<b>(1,878,186)</b>	<b>(8,747,592)</b>	<b>821,874</b>	
<b>Total Net Operating +</b>					
<b>Capital</b>	<b>(21,601,591)</b>	<b>(25,051,571)</b>	<b>(33,672,447)</b>	<b>3,449,979</b>	
Rate Revenue	31,797,198	31,847,606	31,893,225	(50,408)	(0.2%)
Opening Funding					
Surplus(Deficit)	4,968,115	4,968,115	4,968,115	0	0.0%
<b>Closing Funding</b>					
<b>Surplus(Deficit)</b>	<b>15,163,722</b>	<b>11,764,150</b>	<b>3,188,892</b>	<b>3,399,570</b>	<b>22.4%</b>

**NOTES TO AND FORMING PART OF THE FINANCIAL REPORT  
FOR THE 11 MONTHS TO 31 MAY 2016**

**NET CURRENT FUNDING POSITION**

Positive=Surplus (Negative=Deficit)

	<b>31/05/2016</b>	<b>31/05/2015</b>
	<b>\$</b>	<b>\$</b>
<b>Current Assets</b>		
Cash and Cash Equivalents (Unrestricted)	17,716,057	18,889,088
Cash and Cash Equivalents - Reserves (Restricted)	12,555,698	2,442,717
Receivables - Rates	1,243,510	694,460
Receivables - Sundry	1,181,712	(131,026)
Receivables -Other	93,890	1,413,372
Inventories	85,655	102,604
<b>(*exclude loan receivable)</b>	<u>32,876,522</u>	<u>23,411,215</u>
<b>Less: Current Liabilities</b>		
Payables	(5,157,103)	(5,048,351)
Provisions	(2,859,905)	(2,299,784)
<b>(*exclude loan payable)</b>	<u>(8,017,008)</u>	<u>(7,348,136)</u>
<b>Net Current Asset Position</b>	<u><b>24,859,515</b></u>	<u><b>16,063,079</b></u>
<b>Add:</b>		
Provision for Long Service Leave	1,262,117	824,072
Provision for Annual Leave	1,597,788	1,475,712
<b>Less:</b>		
Cash and Cash Equivalents - Reserves (Restricted)	<u>(12,555,698)</u>	<u>(2,442,717)</u>
<b>Net Current Funding Position</b>	<u><b>15,163,722</b></u>	<u><b>15,920,147</b></u>



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

### 10.3.2 Information and Communication Technology Strategy 2016 - 2020

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Technology & Corporate Support
File Reference	
Applicant	N/A
Owner	N/A

Attachment 1 Information and Communication Technology Strategy

#### PURPOSE

1. To endorse the Information and Communication Technology Strategy 2016 -2020 (ICT Strategy) (Attachment 1).

#### BACKGROUND

2. The ICT Strategy is a key component of the Shire's strategic framework that guides the manner in which resources are managed now and into the future.
3. The ICT Strategy is designed to make technology a core asset within the organisation and to provide the Shire with the capacity to deliver proactive services within the information and communication technology space. It is strongly focused on enhancing efficiency by improving business processes and reducing costs.
4. The ICT Strategy is expected to deliver a number of significant benefits to the Shire by:
  - Providing a clear statement that defines the purpose of information and communication technology within the Shire.
  - Providing strategic direction (objectives) for the provision of information and communication technology based services to internal and external customers.
  - Continuing to align information and communication technology planning with the Strategic and Corporate Plans through the ICT Framework.
  - Evolving transaction capacity within the Shire's business units.
  - Providing an action plan detailing projects and deliverables that underpin the delivery of the ICT Strategy's objectives.
  - Provide a framework on which to base the Shire's ten year forward estimates for financial and resourcing requirements.

#### DETAILS

5. The Shire has implemented enterprise based information technology infrastructure with a degree of future proofing around virtualisation, data storage, Intellectual Property (IP) telephony and networks. Currently, the Shire utilises a combination of site based infrastructure and systems together with cloud based technology for the telephony system and for disaster

recovery deployment. The majority of applications are web based with the exception of the current corporate database system.

6. A number of current and emerging technologies will impact the ICT, including:
  - The growth of social media and wide spread mobile applications that enhance customer capacity to search for on-line services and information.
  - Emerging trend of information on demand – characterised by increased requests for rapid delivery of information from the core database.
  - Internet and information channels that allow for a more connected and mobile community plus location based services (based on GIS and mobility).
  - The emergence of smarter machine technology and cloud based services.
  - Digital business enabling better connectivity offering greater opportunity for global communication.
  - Maximising innovation to improve data analysis.
7. The ICT has been developed following a current state assessment focused around seven key areas. These focus areas are:
  - Governance.
  - Infrastructure and Technology.
  - Business Systems Applications.
  - Human Capital.
  - Business Continuity.
  - Communications and Information Management.
  - Security.
8. The ICT contains a number of priority actions that have been informed through the application of a Maturity Matrix which considered the level of sophistication and integration within the information and communication technology framework. The priority actions can be themed around information management, website, mobility and flexibility, customer service and business processes.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

9. *Local Government Act 1995 section 5.41 (h) – Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law.*

#### **POLICY CONSIDERATIONS**

10. S – IT04 – IT Security - To protect information and communication technology facilities infrastructure against theft, fraud, malicious or accidental damage, breach of privacy and confidentiality.  
  
S – IT03 – IT Project Management - To ensure a consistent, structured approach to the way that information and communication technology projects are initiated, planned, implemented and finalised, to improve the Shire's ability to adapt to changing circumstances in a timely manner, whilst ensuring that fiscal responsibility is maintained and quality outcomes are achieved.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

11. Nil.

## FINANCIAL CONSIDERATIONS

12. The Information & Communication Investment Plan provides cost estimates for existing information and communication technology software and hardware together with projected costs for implementation of new priorities within the ICT Strategy.
13. The ICT Strategy contains a series of deliverables and actions that will be incorporated into the Corporate Business Plan and funded through the annual budget process through a combination of existing budget allocations and Reserve funding.
14. The cost estimates contained within the ICT Strategy include initial implementation costs and operating costs over the expected usage of software solutions.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 5.5: To ensure excellent information technology and communications services are being consistently delivered.

Strategy 6.6.2      Develop, implement and review a strategic information plan that identifies the ongoing technology needs and funding for the Shire over the next decade.

## SUSTAINABILITY

### Social Implications

16. Nil.

### Economic Implications

17. Nil.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

19.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	ICT Strategy budget overrun	Possible	Major	High	Strong Project Management
	Lack of buy-in from operational units	Possible	Minor	Medium	Staff consultation and engagement in determining solutions
	ICT Strategy unable to meet emerging technology demands	Possible	Minor	Medium	Monitor and update ICT Strategy as required

## OFFICER COMMENT

20. The ICT Strategy is an informing strategy input into the Shire's Integrated Planning Framework. It defines the manner in which the Shire's information and communication technology resources are managed and developed so as to best support the information needs of our customers and employees.
21. Through a strong focus on innovation, capacity building and collaboration, the ICT Strategy contains a number of priority actions that shape information and communication technology investment into the future.
22. The ICT Strategy identifies a need to improve information management, the website, flexibility and mobility, customer service and business processes.
23. Implementation of the ICT Strategy will be managed by a dedicated Project Manager who will be responsible for leading the Project and reporting regularly to the Executive Management Team.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 114/2016

That Council:

- Endorses the Information and Communication Technology Strategy 2016 -2020 (Attachment 1).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (10/0)**

**Attachment 1**

Information and Communication Technology Strategy 2016 – 2020

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

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**  
*Cr Michael Fernie disclosed an interest of impartiality, Crs Andrew Waddell, Allan Morton, Tracy Destree-Thompson, Simon Di Rosso and Dylan O'Connor declared a direct financial interest, in common.*

### 10.3.3 Local Planning Scheme No. 3 Amendment 82 – Dual Density Codes

Previous Items	OCM 140/2015, OCM 40/2013, OCM 118/2013, OCM 47/2014
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-LPS-003/082
Applicant	N/A
Owner	N/A
Attachment 1	Advertised Amendment No. 82
Attachment 2	Schedule of Submissions
Attachment 3	Track Changed Amendment No. 82 Text
Attachment 4	Modifications to Amendment Map – Maida Vale/High Wycombe
Attachment 5	Modifications to Amendment Map – Forrestfield
Attachment 6	Modifications to Amendment Map – Kalamunda
Attachment 7	Modified Amendment No. 82
Attachment 8	Submission Table (Government Agencies)
Attachment 9	Public Submission Meeting

#### PURPOSE

1. To consider supporting Amendment 82 to Local Planning Scheme No. 3 (the Scheme) with proposed modifications to address issues raised in submissions.

#### BACKGROUND

2. The Shire is required to plan to meet the future housing needs of its residents. The Perth Metropolitan Region is growing rapidly. Better use of existing urban land is needed to create a more intense metropolitan area that is functional and less expensive to service. Perth has become more diverse with new and different types of housing emerging beyond the traditional single house typology. State Government Policies, particularly *Directions 2031 and Beyond* and Activity Centres for Perth and Peel, are encouraging the movement toward a more efficient use of land through strategic changes in housing density.
3. The Shire's Local Planning Strategy (LPS) was prepared in the context of this modern planning theory. The LPS identified several housing issues in the Shire relevant to the proposed Scheme Amendment, which led to the preparation of the Shire's Local Housing Strategy (LHS).
4. In March 2014, Council resolved (OCM 47/2014) to adopt the LHS, which proposes dual density codes for areas of Forrestfield, High Wycombe/Maida Vale and Kalamunda. The LHS specified that a Scheme Amendment and local planning policy be prepared to formally identify and control development in these areas.

5. Council at its meeting on 26 October 2015, resolved (OCM 140/2015) to initiate Amendment 82 to the Scheme and advertise Amendment 82 documents for public comment. The advertised amendment is included as (Attachment 1).
6. The public comment period was between 4 January 2016 and 4 March 2016. The Shire received 572 written submissions. The Shire has addressed every submission and proposed modifications to Amendment 82 in response to the relevant comments as per (Attachment 2).
7. The Amendment 82 text with tracked changes is included at (Attachment 3). The modifications to Amendment 82 maps are included at (Attachments 4-6). The modified Amendment 82 document is included at (Attachment 7).
8. Due to the large number of submissions received, a Public Submission Meeting was held on 20 of June 2016 to provide an opportunity for affected residents to make additional submissions on Amendment 82. A total of 14 deputations were heard by Council. The issues raised to Amendment 82 were generally consistent with those raised during the formal advertising of the amendment. Refer (Attachment 9).
9. Due to the large number of submissions received, the WA Planning Commission in accordance with Clause 501(d) of *the Planning and Development (Local Planning Schemes) Regulations 2015* granted an extension to the Shire until the end of June 2016 for consideration of the submissions.

## DETAILS

10. A dual density code is the provision of two density codes over a single lot (for example R20/R30). Scheme Amendment 82 proposes to retain the majority of the existing density codes as the lower density code, and add a higher density code as per the recommendations of the Local Housing Strategy.
11. The intent of a dual density code under proposed Scheme Amendment 82 is to allow Council to reward high quality development, which is developed under criteria with higher amenity outcomes, with higher density. In proposed Amendment 82, only the lower density code will apply if the higher standard is not met.
12. In the cases where a developer meets a set of criteria for high quality design, the property will be able to be developed to a higher density. The outcome will presumably be a more favourable result for both the Shire and the developer. The Shire should achieve higher standards of development and design, and the developer gains a density bonus, allowing them to build more units and potentially improve their profit.
13. Should a development proposal not satisfy all criteria set out in the Scheme and associated Local Planning Policy, the lower density will apply and development at the higher density code will not be permitted.

14. The advertised amendment (Attachment 1) included design criteria and requirements in order to achieve the higher density code as follows:
- (a) The minimum area of the total development site being not less than 1000sqm.
  - (b) Any existing building(s) being demolished; and
  - (c) A stormwater drainage plan being submitted at the development application stage demonstrating that stormwater can be contained on-site; and
  - (d) Where the higher density code is R40 or greater, a minimum of 50% of the number of dwellings must be two (2) storeys or greater where permitted under the Residential Design Codes; and
  - (e) Dwelling(s) shall be designed and oriented to address the public street, right of way, communal driveway and public open space.
  - (f) Landscaping being provided to enhance the development and the streetscape with the following elements:
    - (i) The retention of any vegetation, which in the opinion of the Shire is worthy of retention;
    - (ii) A minimum of 50% landscaping of the front setback area of the development; and
    - (iii) The provision of a street tree(s) on the verge where there is no existing street tree which is worthy of retention;  
and
  - (g) Where available, vehicle access shall be from a secondary street, right of way or communal access way, and the number of crossovers for any development shall be minimised; and
  - (h) Garages, carports and parking bays shall be integrated into the development, and where possible located behind the dwelling(s);  
and
  - (i) The development shall be designed using urban design and sustainability principles, in accordance with any relevant Local Planning Policy and Design Guidelines for dual coded areas.

5.24.2 In considering subdivision applications for land within the dual coded areas depicted on the Scheme Map the Shire will only support subdivision at the higher density code where development has been constructed to plate height in accordance with a development approval granted by the relevant authority.

5.24.3 In considering development applications for Aged or Dependent Persons' dwellings or Single Bedroom Dwellings within the dual coded areas depicted on the Scheme Map, the additional density bonus under the Residential Design Codes shall not be permitted at the higher density code.

15. The Scheme provisions are in addition to the requirements of the Residential Design Codes and any Local Planning Policy or Design Guidelines.
16. Should a development proposal not satisfy all criteria set out in the Scheme and associated Local Planning Policy, the lower density will apply and development at the higher density code will not be permitted.



17. The areas subject to the amendment as advertised generally align with the Housing Opportunity Precincts identified under the LHS. However, three (3) key changes have been made to the mapping for the following reasons:
1. The area south of Newburn Road within the High Wycombe and Maida Vale Housing Opportunity Precinct has been removed from the dual density code amendment (approximately 380 residential lots). This is due to the announcement of the Forrestfield-Airport Rail Link and the preparation of the Forrestfield North District Structure Plan. The appropriate density of the area omitted from Amendment 82 has not yet been fully contemplated and further density in this location may be appropriate once planning studies have been undertaken.
  2. Due to changes proposed to incorporate a third runway and additional aircraft movements at Perth Airport under the Perth Airport Master Plan 2014, the Aircraft Noise Exposure Forecast (ANEF) contours will affect a greater area on the eastern portion of the High Wycombe and Maida Vale Housing Opportunity Precinct. *State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport* requires that for areas within the 20-25 and 25-30 ANEF contour should have dwelling density generally limited to R20 and below. Accordingly, the areas affected by this (618 residential lots) have been removed from the proposed dual density coded areas.

18. The following dual density codes are proposed for the Housing Opportunity Precincts:

**High Wycombe and Maida Vale:**

- R12/R30 – East of Roe Highway;
- R20/R30 – South of Edney Road and Wycombe Road and a small portion east of Roe Highway.
- R20/R40 – Lots immediately adjacent to Scott Reserve.
- R25/R40 – North of Edney Road and Wycombe Road.
- R25/R60 – Adjacent to Kalamunda Road.

**Forrestfield:**

- R20/R30 – Existing urban areas north of Forrestfield District Centre.
- R25/R35 – Lots south of Connaught Street and Jubilee Road surrounding Edinburgh Neighbourhood Centre.
- R20/R40 – Areas north of Hale Road generally within 400m walkable catchment of Forrestfield District Centre.
- R25/R40 – Areas south of Hale Road.
- R30/R40 – Area adjacent to Woodlupine Community Centre.
- R20/R60 – Lots north of Hale Road which are immediately adjacent the Forrestfield District Centre.
- R25/R60 – Lots south of Hale Road which surround Forrestfield Primary School and Edinburgh Neighbourhood Centre.

**Kalamunda:**

- R10/R20 – Lots west of Boonooloo Road and Mcrae Road.
- R10/R30 – Lots south of Cotherstone Road and adjacent to Canning Road.
- R20/R40 – Lots bound by Mead Street Canning Road and Railway Road.
- R30/R40 – Area east of Canning Road.

19. If approved, the proposed amendment would have a large implication on the number of number of new dwellings that could be built in the Shire. These dwellings would count towards the Shire's requirements for infill development under *Directions 2031 and Beyond*.
20. In regard to the proposed locational requirements for multiple dwelling developments in R40 codes areas, the following clause is proposed to be inserted into the Scheme:
- 5.3.1 In considering an application for multiple dwellings in R40 coded areas, a site area per multiple dwelling standard, in lieu of plot ratio standard will apply, unless the development occurs within the following core areas:
- (a) Within 800m of a district centre; or
  - (b) Within 400m of a local or neighbourhood activity centre.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **Planning and Development (Local Planning Schemes) Regulations 2015**

21. The proposed amendment will follow the 'standard' amendment process outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
22. Clause 50 of the Regulations gives Council the ability to consider all submissions, and decide whether to support the amendment with or without modifications or to not support the amendment.
23. Council may also decide under Clause 51 of the Regulations whether the modifications to the advertised amendment are significant enough to warrant re-advertising of the new proposal.

## **POLICY CONSIDERATIONS**

### **Draft Local Planning Policy and Design Guidelines – Dual Density Codes**

24. A Local Planning Policy will be prepared to complement the proposed Scheme provisions. The objectives of the Policy will be as follows:
- 1. To explain how to satisfy the Scheme provisions;
  - 2. To ensure a structured and justified approach to increasing housing density;
  - 3. To encourage new developments to incorporate best practice design principles;
  - 4. To enhance the streetscape of existing neighbourhoods and create high amenity communities;
  - 5. To improve the function and liveability of neighbourhoods; and
  - 6. To more efficiently use existing community facilities and infrastructure.

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### **Shire of Kalamunda Local Housing Strategy 2014 (LHS)**

25. The LHS sets out the strategic direction for meeting the future housing needs of the community and for managing the character and amenity of existing residential areas.
26. The LHS identified Housing Opportunity Precincts in High Wycombe, Maida Vale, Forrestfield and Kalamunda to deliver higher densities and a diverse range of housing. The areas in the proposed amendment are based on these Housing Opportunity Precincts.
27. The LHS recommended dual density codes to encourage new development to contribute positively to the environment and streetscapes of the respective areas.

### **Directions 2031 and Beyond**

28. *Directions 2031 and Beyond* requires all local governments to help reduce urban sprawl. The Shire of Kalamunda is required to provide 50% of all new dwellings as 'infill development'. The proposed amendment comprises approximately 10,000 new dwellings. Together with other infill projects like Forrestfield North, the Shire's contribution to infill will be over 90% of its total new dwellings.

### **State Planning Policy 3.1 - Residential Design Codes**

29. The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
30. The dual density requirements proposed under the Scheme amendment apply in addition to the 'deemed to comply' and 'design principle' requirements of the R-Codes. Where there is an inconsistency between a requirement of the Scheme and the R-Codes, the Scheme will prevail.

### **State Planning Policy 5.1: Land Use Planning in the Vicinity of Perth Airport**

31. State Planning Policy 5.1 (SPP 5.1) applies to the land in the vicinity of the Perth Airport, which is, or may in the future, be affected by aircraft noise, and includes the following objectives:
  - To protect Perth Airport from unreasonable encroachment by incompatible, noise sensitive development, to provide for its ongoing development and operation.
  - To minimise the impact of airport operations on existing and future communities with reference to aircraft noise.
32. An area on the western portion of the High Wycombe/Maida Vale Housing Opportunity Precinct as shown in the Local Housing Strategy is affected by the 20-25 ANEF contour. SPP 5.1 requires that, for areas within the 20-25 ANEF contour, dwelling density should be generally limited to R20 and

below. The density of properties in this area are proposed to remain as they are in the current Scheme amendment. Where properties are already coded higher than R20, they may be developed up to that R-Code.

33. Under SPP 5.1, an amendment which proposes densities above R20 may only be considered where:
1. land is identified as appropriate for more intensive development through strategic planning instruments such as a regional or sub-regional structure plan;
  2. a higher density coding is desirable to facilitate redevelopment or infill development of an existing residential area; and
  3. it can be demonstrated that the public benefits of higher density coding outweigh the negative impacts of exposing additional residents to aircraft noise.
34. The above items have not been fully considered in Amendment 82, however if there is appropriate rationale to consider an amendment to increase densities in the western portion of High Wycombe/Maida Vale, this can be brought to a future meeting of Council for consideration.

#### **Liveable Neighbourhoods**

35. Liveable Neighbourhoods is a Western Australian Government sustainable cities initiative. It addresses both strategic and operational aspects of structure planning and subdivision development in a code framework.
36. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.
37. 'Liveable Neighbourhoods' identifies the application of increased densities within a 400m radius of commercial centres, and a 200m radius of high frequency bus routes and District Open Space.

#### **Affordable Housing Strategy 2010 – 2020: Opening Doors to Affordable Housing (Department of Housing)**

38. The *Affordable Housing Strategy 2010-2020: Opening Doors to Affordable Housing* (Affordable Housing Strategy) is a 10-year strategic document intended to address a lack of affordable housing opportunities for low to moderate income earners in Western Australia. The Affordable Housing Strategy signifies a new government direction in housing affordability focus from public rentals to stakeholder collaboration to increase the range of housing options and solutions available to those facing housing stress.
39. Critically, the Affordable Housing Strategy also emphasises the importance of housing strategies in informing town planning schemes and facilitating the delivery of dwelling diversity in local areas, as is proposed through the dual density coding provisions of the Scheme.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

40. The Regulations establish the advertising procedure for amendments to Schemes. As the proposed amendment is considered a 'standard amendment', it was formally advertised for a period of 60 days from 4 January to 4 March 2016.
41. Advertising was conducted via letters to owners of all properties included in the amendment, website and newspaper advertising, and three community engagement sessions in High Wycombe, Forrestfield and Kalamunda.
42. Council also held a special meeting to hear additional submissions on the amendment on 20 June 2016.
43. During the advertising period for Amendment 82, 572 submissions were received, this included 7 submissions from government and non-government agencies refer Attachment 8.
44. There were approximately 50 different issues raised by submitters. These have been addressed in (Attachment 2).
45. The most frequently raised issues from the submissions are addressed in this report under Officer Comment. These issues are as follows:
  - Minimum lot area of 1000m<sup>2</sup> should be deleted or lowered as this will allow a greater level of development to retire the older housing stock
  - Disagree with the requirement to demolish the existing dwelling to achieve the higher density.
  - Disagree with the requirement to make 50% of the dwellings two storey.
  - Density increases will exacerbate traffic problems.
  - Infill development will necessitate clearing of vegetation.
  - Roads should be used to delineate the various coding rather than common lot boundaries.
  - Do not support the requirement to develop before subdivision will be supported
  - Certain lots should have been included.

## FINANCIAL CONSIDERATIONS

46. Any costs associated with the preparation of the Amendment 82 document, Local Planning Policy and Design Guidelines will be met through the existing Development Services budget.

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## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

Strategy 4.2.1 Facilitate the delivery through strategies and policy development of a diverse range of housing within the Shire to ensure inclusiveness in population accommodation.

Strategy 4.2.2 Facilitate the delivery of suitable housing options for the aged population and people with special needs through a range of smaller and affordable homes and unit dwellings.

OBJECTIVE 4.3 - To ensure the Shires development is in accord with the Shires 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

48. A key objective of the implementation of dual density codes is to facilitate a range of diverse housing types for the community.

### Economic Implications

49. The Scheme amendment aims to encourage resource-efficient development with the aim of promoting affordable housing and using existing services to their maximum.

### Environmental Implications

50. The Scheme amendment encourages environmentally sustainable and energy efficient building design, water sensitive urban design, and enhanced streetscape amenity.

## RISK MANAGEMENT CONSIDERATIONS

51.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Higher density development may result in undue amenity impacts and built form outcomes	Unlikely	Major	Medium	Ensure appropriate development and design standards are inserted into the Scheme and Local Planning Policy to ensure high quality development in dual density areas.

## OFFICER COMMENT

52. Dual density codes are broadly accepted as a technique for facilitating the transition from lower density established residential areas into medium and high density development. The proposed amendment represents a long term approach to the delivery of improved built form and streetscape outcomes for the Shire.
53. The proposed dual density coded areas will guide urban consolidation in appropriate areas. This is consistent with the strategic policy position of the State Government, in providing for population growth in areas with good access to transport, close to commercial centres and service infrastructure. Importantly the proposed amendment will deliver key environmental sustainable built form and streetscape outcomes for the Shire.
54. The provisions proposed under Scheme Amendment 82 aim to influence the fundamental factors that contribute towards the character and amenity of a residential area, such as:
- The quality and condition of dwellings;
  - Block sizes and dwelling density;
  - Quality landscaping;
  - Vehicle access requirements;
  - Walkability and connectivity to commercial centres, public transport, community facilities and public open space; and
  - A sense of safety and security.
55. Dual density code provisions have been proposed within the Scheme to give the provisions additional statutory weight and facilitate consistent decision making. In addition, a draft Local Planning Policy will be prepared which elaborates on the criteria to allow for the redevelopment of properties at the higher density coding and provide housing choice for a range of demographic groups.

56. Following public submissions, the advertised Amendment 82, has been modified in accordance with (Attachment 3) and the attached plans:
- High Wycombe/Maida Vale (Attachment 4)
  - Forrestfield (Attachment 5)
  - Kalamunda (Attachment 6).
57. These changes include modifications to the text provisions of Amendment 82 as well as boundary adjustments to the proposed density codes on the map. The map changes are as follows:
- High Wycombe – inclusion of Stevens Road to Kenneth Road as R25/R40. This area should have originally been included as part of the advertised amendment.
  - Forrestfield – multiple areas on Salix Way and Sussex Road have been included as R25/R60 where it has been determined a more logical pattern of development should occur.
  - Forrestfield – replacing R25/R35 with R25/R40. The proposed coding provides for more continuity and more options for affected residents.

#### **Issues Raised in Submission Period and Recommended Modifications**

Minimum lot area of 1000sqm should be deleted or lowered as this will allow a greater level of development to retire the older housing stock. Neighbours may not sell land and amalgamation is cost prohibitive.

58. By requiring a larger lot size, it will be easier for landowners to provide better design and efficiency of land use. Crossovers and services can be minimised, parking can be consolidated, and common utilities can be shared. However, the Shire acknowledges existing housing stock should also be demolished.
59. To allow more properties to develop, the Shire recommends a modification to the provision to allow all lots with two street frontages to develop without a minimum lot size restriction. Consideration was also given to increasing the minimum lot size for properties to 1300sqm, to be consistent with other adjoining local governments such as the City of Swan. In this instance the 1000sqm is considered appropriate.
60. Landowners who do not satisfy the minimum lot size may choose to work with their neighbours to undertake a development over both lots. The Shire will not require amalgamation; landowners may enter into private arrangements for access and submit a joint development application.
61. The full modified provision is proposed to be worded as follows:
- (a) The minimum area of the total development site must be greater than 1000sqm or the property must have access to two street frontages;



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Disagree with the requirement to demolish the existing dwelling to achieve the higher density. Issue of difficulty and feasibility.

62. Development incorporating existing dwellings is consistently of a lower standard than development of vacant land. New dwellings rarely match the design of existing dwellings, and the existing dwellings are rarely upgraded or maintained to the same quality as the new dwelling. Additionally, retaining a dwelling increases difficulty to subdivide and can result in misshapen lots, high building costs, and inefficient use of land.
63. The Shire acknowledges that some dwellings are worth retaining for their historical value. As such all dwellings identified on the Shire's Municipal Heritage inventory or State Heritage List will require planning approval to determine whether they can be demolished or not.

Disagree with the requirement to make 50% of the dwellings two storey in areas R40 and higher.

64. This requirement is to improve the function of neighbourhoods by increasing the housing diversity. A diversity of housing choice leads to a greater socio-demographic mix of residents and a more varied and interesting streetscape. Without this requirement, it is likely that the majority of housing would be small lot single storey developments. This sort of development has dominated the north and south corridors, and led to unattractive streetscapes, urban sprawl, and the urban heat island effect. The Shire is seeking this requirement to minimise building footprints, increase landscaping and enhance amenity.
65. The Shire recommends this provision remain the same but be worded slightly clearer:
- (a) At least half of the buildings on each parcel of land assessed at R40 or higher density must be multistorey;

Density increases will exacerbate traffic problems.

66. Most suburban roads are currently underutilised. Traffic issues may occur on major intersections at peak times, but this is a result of increasing population, not infill development. Should the increase in numbers of households cause a significant impact on the local traffic infrastructure, that issue will be dealt with through the Shire's operational budget.
67. Vehicle movement should also follow appropriate road hierarchies. Reducing the number of crossovers on main streets helps to improve pedestrian and vehicle movements. To ensure this occurs, the Shire proposes the following provision:
- (a) Where available, vehicle access shall be from a secondary street, right of way or communal access way, and the number of crossovers for any development shall be minimised;

---

Infill development will necessitate clearing of vegetation.

68. Submitters expressed concerns clearing of vegetation on private properties will occur as a result of higher density development. The Shire acknowledges this issue and has investigated ways to mitigate its impacts.

69. The Shire proposes the following provision to address this issue:

- (j) Landscaping being provided to enhance the development and the streetscape with the following elements:
  - (i) Trees with a trunk diameter of 300mm or more, measured at 1m above natural ground level, must be retained on the property where possible;
  - (ii) A minimum of 50% landscaping of the front setback area of the development; and
  - (iii) The provision of a street tree(s) on the verge where there is no existing street tree which is worthy of retention;

Roads should be used to delineate the various density codes rather than common lot boundaries. This will allow uniformity and better allow neighbours to negotiate outcomes.

70. It is accepted conflicts may arise using either the road or common lot boundaries as a border for a particular R-Code. The Forrestfield map has been amended slightly to form a more congruent outcome (Refer Attachment 5). However, in some locations, it is more appropriate to recode properties fronting onto a public open space or commercial area at a higher density and not those behind.

Do not support the requirement to develop before subdivision will be supported.

71. The Western Australian Planning Commission may approve subdivision of land without regard for some of these criteria. In those cases, it would not be possible for the Shire to enforce these criteria on future development of land. By requiring development/building first, the Shire can ensure all criteria deemed necessary to achieve high quality built form are addressed before lots are sold. Achieving these criteria is critical to the effectiveness of increasing housing density.

72. Only administrative changes are recommended to this provision. No change is recommended to its operation.

Specific lots were requested to be included in the dual density codes.

73. The residential area east of Anderson Road in Forrestfield and the portion between Stevens and Kenneth Roads in High Wycombe were considered to be included in Amendment 82. However, the Shire recommends only the area between Stevens Road and Kenneth Road is included at this stage. The area east of Anderson Road should be progressed through an additional Scheme amendment.

74. Single lots that have been requested for inclusion in certain density codes were either addressed through paragraph 66 or have been deemed inappropriate and not modified.

#### **Recommended Modifications Outside of Submissions**

75. The Shire has conducted further investigation of advertised Amendment 82 provisions and proposed the following modifications. These modifications are not major and do not require re-advertising of Amendment 82 if they are supported by Council. The proposed modifications are included as (Attachment 3) and briefly summarised below.

76. An additional provision is proposed to require on-street parking bays:  
“(i) On-street parking bays for visitors must be provided, where possible.”  
*Many high density developments do not provide adequate parking for visitors and can result in car dominated streetscapes. By structuring and regulating parking on the street, verges can be protected, vehicle speed can be reduced and sight lines can be maintained.*

77. The modified amendment also proposes provision 5.3.1 to read:  
“5.3.1 In considering an application for multiple dwellings in R40 coded areas, the permitted number of dwellings will be calculated as per the requirements for grouped dwellings under the R-Codes unless the development occurs within 400m of an activity centre.”  
*The number of R40 multiple dwellings that can currently be constructed on a property is calculated using a plot ratio method. This can result in a large amount of dwellings, cars, noise and building bulk in areas far away from town centres.*  
*The Shire is proposing to limit the number of apartments that can be built on any one property where the property is not located close to a town centre. In the advertised amendment, the area included all properties within 800m of a district centre, 400m of a local or neighbourhood centre, and 250m of a bus stop. As per the above provision, the Shire recommends modifying the applicable area to 400m of any activity centre.*

<b>Voting Requirements: Simple Majority</b>
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<b>RECOMMENDATION</b>
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That Council:

- |  |
|--|
| <p>1. Pursuant to Regulation 50(3) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, supports Amendment 82 to Local Planning Scheme No. 3 with proposed modifications to address issues raised in the submissions as per Attachment 7.</p> |
|--|

2. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward Amendment 82 documents to the Western Australian Planning Commission within 21 days.
3. Considers Amendment No. 82 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Shire of Kalamunda's Local Planning Strategy, endorsed by the Commission in 2013.
4. Requests the Chief Executive Officer to investigate potential recoding of land within the Australian Noise Exposure Forecast 20-25 contour, adjoining the amendment area, and to prepare a report for the Development & Infrastructure Committee.

Moved: **Cr Tracy Destree**

Seconded: **Cr Andrew Waddell**

Vote:

*A Councillor foreshadowed an amendment, a mover and seconder were found for the substantive motion and then the amendment was heard.*

*A Councillor asked how the changing of the lot size at this stage could impact on the approval and timeframe. The Director Development Services indicated the change would effect a great number of properties and is therefore a substantial change, he felt it was likely the Commission would not approve Amendment 82 without readvertising. An extension has previously been sought and approved from the Commission giving the Shire of Kalamunda until the end of June 2016 to deal with this matter; it is unknown whether a further extension would be granted.*

*Councillors sought clarification on a number of items. A mover and seconder were found for the amendment. The mover of the substantive motion did not accept the amendment therefore debate took place, the vote was then taken on the amendment.*

<b>Voting Requirements: Simple Majority</b>
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**AMENDMENT**

1. Local Planning Scheme No 3 Amendment 82, at item at Item 5.24.1(a) to reduce the minimum area of the total development site from 1,000 m<sup>2</sup> to 800m<sup>2</sup>.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote:

**For**

**Cr Geoff Stallard  
Cr Brooke O'Donnell  
Cr Noreen Townsend  
Cr Tracy Destree  
Cr Simon Di Rosso**

**Against**

**Cr Michael Fernie  
Cr Allan Morton  
Cr Dylan O'Connor  
Cr Sue Bilich  
Cr Andrew Waddell  
Cr Andrew Waddell  
LOST (5/6)**

*As the vote was 5/5 the Presiding Member, in accordance with Section 5.21 (3) of the "Local Government Act 1995" exercised his right to cast a second vote. The Presiding Member cast his second vote against the recommendation and the motion was therefore lost 5/6.*

*A Councillor had circulated a suggested amendment as a point 5. to the substantive motion with a mover and seconder found. This amendment was accepted by the mover and seconder of the substantive motion and became Point 5. of the substantive motion.*

#### **AMENDMENT**

That Council:

5. Requests the Chief Executive Officer investigate the potential recoding of the area of land bounded by Canning Road to the west, Lewis Road to the south, the Old Railway Reserve to the east and Collins Road to the north and prepare a report for the Development & Infrastructure Committee.

Moved: **Cr Michael Fernie**

Seconded: **Cr Geoff Stallard**

Vote: **Accepted by mover and seconder of substantive motion**

*A Councillor put forward an amendment to strike out 5.24.1(b), a mover and seconder was found, this was accepted by the mover of the substantive motion, but not the seconder, it was therefore debated.*

*During the debate a Councillor put a procedural motion to postpone a decision; this motion was lost.*

*A minor error was noted on two attachments to this report, new attachments were circulated by Director Development Services during the meeting, and are included with these Minutes; they are notated as being updated.*

<b>Voting Requirements: Simple Majority</b>
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#### **PROCEDURAL MOTION**

1. To postpone a decision until the next Ordinary Council Meeting 25 July 2016.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Dylan O'Connor**

Vote:

**For**  
**Cr Geoff Stallard**  
**Cr Brooke O'Donnell**  
**Cr Noreen Townsend**  
**Cr Dylan O'Connor**

**Against**  
**Cr Michael Fernie**  
**Cr Allan Morton**  
**Cr Simon Di Rosso**  
**Cr Tracy Destree**  
**Cr Sue Bilich**  
**Cr Andrew Waddell**  
**LOST (6/4)**

*The amendment to strike out 5.24.1(b) was then considered. The mover of the substantive motion was happy with the change, the seconder was not. The amendment was therefore debated prior to being voted on.*

**Voting Requirements: Simple Majority**

**AMENDMENT**

Strike Out - 5.24.1 (b) Any existing building(s) being demolished

Moved: **Cr Simon Di Rosso**

Seconded: **Cr Noreen Townsend**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Brooke O'Donnell</b>	<b>Cr Michael Fernie</b>
	<b>Cr Noreen Townsend</b>	<b>Cr Geoff Stallard</b>
	<b>Cr Simon Di Rosso</b>	<b>Cr Allan Morton</b>
	<b>Cr Tracy Destree</b>	<b>Cr Dylan O'Connor</b>
	<b>Cr Sue Bilich</b>	<b>Cr Andrew Waddell</b>
		<b>Cr Andrew Waddell</b>
		<b>LOST (5/6)</b>

*As the vote was 5/5 the Presiding Member, in accordance with Section 5.21 (3) of the "Local Government Act 1995" exercised his right to cast a second vote. The Presiding Member cast his second vote against the recommendation and the motion was therefore lost 5/6.*

*Councillors then debated the substantive motion prior to taking a vote.*

**Voting Requirements: Simple Majority**

**RESOLVED OCM 115/2016**

That Council:

1. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports Amendment 82 to Local Planning Scheme No. 3 with proposed modifications to address issues raised in the submissions as per Attachment 7.
2. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward Amendment 82 documents to the Western Australian Planning Commission within 21 days.
3. Considers Amendment No. 82 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the Shire of Kalamunda's Local Planning Strategy, endorsed by the Commission in 2013.

4. Requests the Chief Executive Officer to investigate potential recoding of land within the Australian Noise Exposure Forecast 20-25 contour, adjoining the amendment area, and to prepare a report for the Development & Infrastructure Committee.
5. Requests the Chief Executive Officer investigate the potential recoding of the area of land bounded by Canning Road to the west, Lewis Road to the south, the Old Railway Reserve to the east and Collins Road to the north and prepare a report for the Development & Infrastructure Committee.

Moved: **Cr Tracy Destree**

Seconded: **Cr Andrew Waddell**

Vote:	<b><u>For</u></b>	<b><u>Against</u></b>
	<b>Cr Michael Fernie</b>	<b>Cr Brooke O'Donnell</b>
	<b>Cr Geoff Stallard</b>	<b>Cr Noreen Townsend</b>
	<b>Cr Allan Morton</b>	<b>Cr Dylan O'Connor</b>
	<b>Cr Tracy Destree</b>	<b>Cr Simon Di Rosso</b>
	<b>Cr Andrew Waddell</b>	<b>Cr Sue Bilich</b>
	<b>Cr Andrew Waddell</b>	
	<b>CARRIED (6/5)</b>	

*As the vote was 5/5 the Presiding Member, in accordance with Section 5.21 (3) of the "Local Government Act 1995" exercised his right to cast a second vote. The Presiding Member cast his second vote in favour of the recommendation and the motion was therefore carried*

**Attachment 1**

Advertised Amendment No 82

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

**Attachment 2**

Schedule of Submissions

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



### Attachment 3 - Updated

During discussion it was noted there was a minor error; this revised attachment was circulated at the meeting.

#### Local Planning Scheme No. 3 Amendment No. 82 - Dual Density Codes **Track Changed Amendment No. 82 Text**

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME  
SHIRE OF KALAMUNDA  
LOCAL PLANNING SCHEME NO. 3  
AMENDMENT NO. 82

Resolved that ~~Council~~ the local government, in pursuance of Part 5 pursuant to section 72 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows by:

1. Inserting the following new sub-clause 5.3.1 and renumbering the remaining clauses accordingly:

"5.3.1 In considering an application for multiple dwellings in R40 coded areas, ~~a site area per multiple dwelling standard, in lieu of plot ratio standard will apply~~ the permitted number of dwellings will be calculated as per the requirements for grouped dwellings under the R-Codes; unless the development occurs within ~~the following core areas:~~

- ~~(a) Within 800m of a district centre; or~~
- ~~(b) Within 400m of a local or neighbourhood activity centre; or~~
- ~~(c) Within 250m of a bus stop on a high frequency bus route."~~

*Note: Location measurement is to be undertaken using a straight line from a central point within an activity centre boundary, and any pedestrian entry to a bus stop to any part of a lot (refer to R-Codes definition of high frequency bus route).*

2. Inserting the following clause:

#### "5.24 Dual Density Coded Areas

5.24.1 In considering development applications for development of land within the dual density coded areas depicted on the Scheme Map, the ~~lower density shall apply to any residential development, however development at the higher code may be supported at the discretion of the Shire subject to~~ higher density code shall only apply where the proposed development satisfies the following criteria:

- ~~(a)~~ The minimum area of the total development site being not less than 1000sqm must be greater than 1000sqm or the property must have access to two or more street frontages;
- ~~(a)~~ (b) Any existing building(s) being demolished;
- ~~(b)~~ (c) A stormwater drainage plan being submitted, at the development application stage demonstrating that stormwater can be contained on site; the development's compliance with the relevant section of the Residential Design Codes; and
- ~~(c)~~ (d) Where the higher density code is R40 or greater, a minimum of 50% of the number of dwellings must be two (2) storeys or greater where permitted under the Residential Design Codes. At least half of the buildings on each parcel of land assessed at R40 or higher density must be multistorey; and
- ~~(d)~~ (e) Dwelling(s) shall be designed and oriented to address the public street, right of way, communal driveway and public open space;:-

- ~~(e)~~(f) Landscaping being provided to enhance the development and the streetscape with the following elements:
- (i) Trees with a trunk diameter of 300mm or more, measured at 1m above natural ground level, must be retained on the property where possible.~~The retention of any vegetation, which in the opinion of the Shire is worthy of retention;~~
  - (ii) A minimum of 50% landscaping of the front setback area of the development; and
  - (iii) The provision of a street tree(s) on the verge where there is no existing street tree which is worthy of retention;
- ~~(f)~~(g) Where available, vehicle access shall be from a secondary street, right of way or communal access way, and the number of crossovers for any development shall be minimised;~~and~~
- ~~(h)~~ Garages, carports and parking bays shall be integrated into the development, and where possible located behind the dwelling(s).~~Private car parking for the development must not be visible from the street;~~ ~~and~~
- ~~(g)~~(i) On-street parking bays for visitors must be provided, where possible; ~~and~~
- ~~(h)~~(i) The development shall be designed using urban design and sustainability principles, in accordance with any relevant Local Planning Policy and Design Guidelines for dual coded areas.

5.24.2 In considering subdivision applications for land within the dual density coded areas depicted on the Scheme Map, ~~the Shire-local government~~ will only support subdivision at the higher density code where the development has been constructed to plate height in accordance with a development approval granted by the relevant authority.

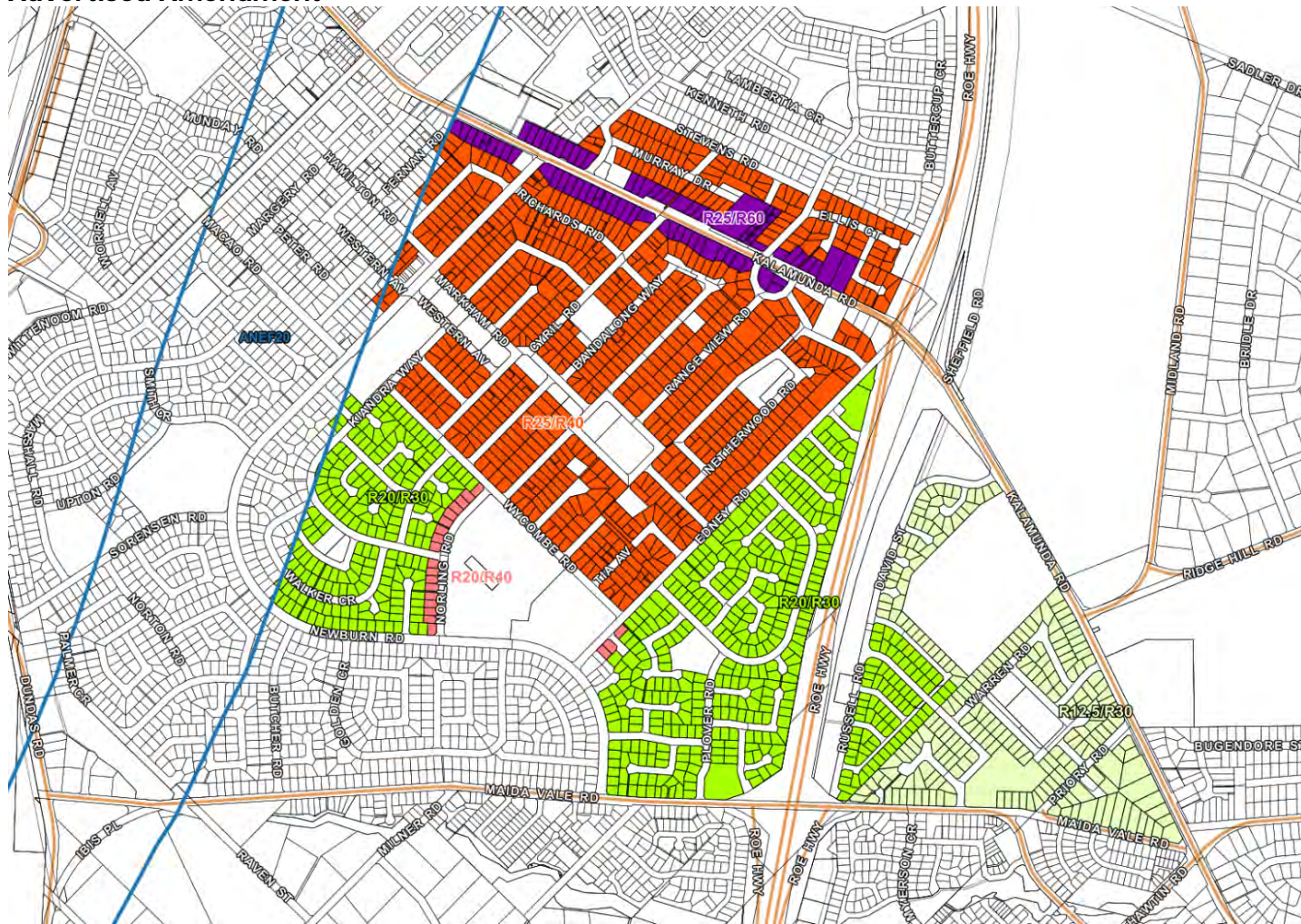
5.24.3 In considering development applications for Aged or Dependent Persons' dwellings or Single Bedroom Dwellings within the dual coded areas depicted on the Scheme Map, the additional density bonus under the Residential Design Codes shall not be permitted at the higher density code."

3. Modifying the Local Planning Scheme No. 3 map in accordance with the following maps.



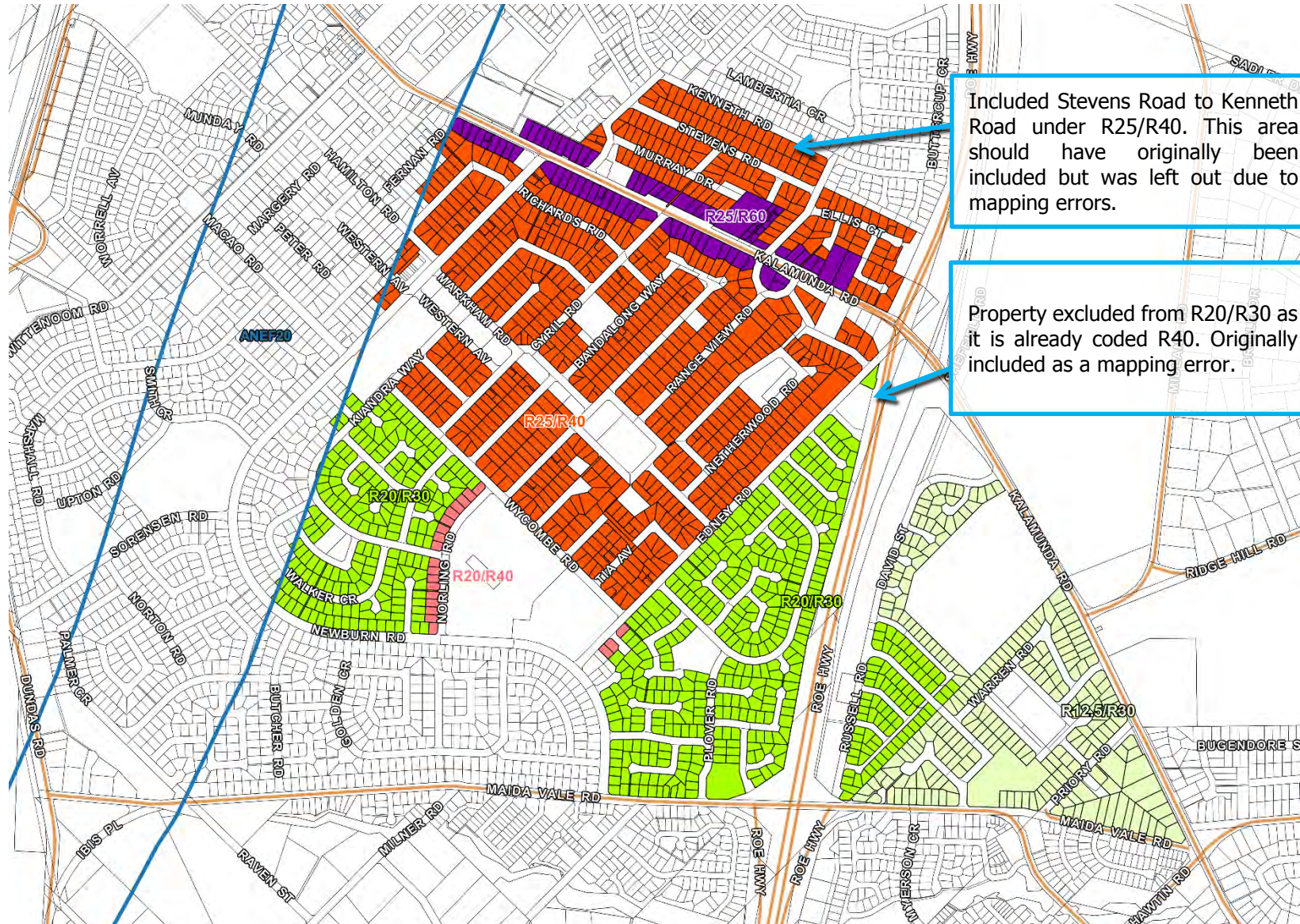
**Attachment 4**  
**Local Planning Scheme No. 3 Amendment No. 82 - Dual Density Codes**  
**Modifications to Amendment Map – Maida Vale/High Wycombe**

**Advertised Amendment**



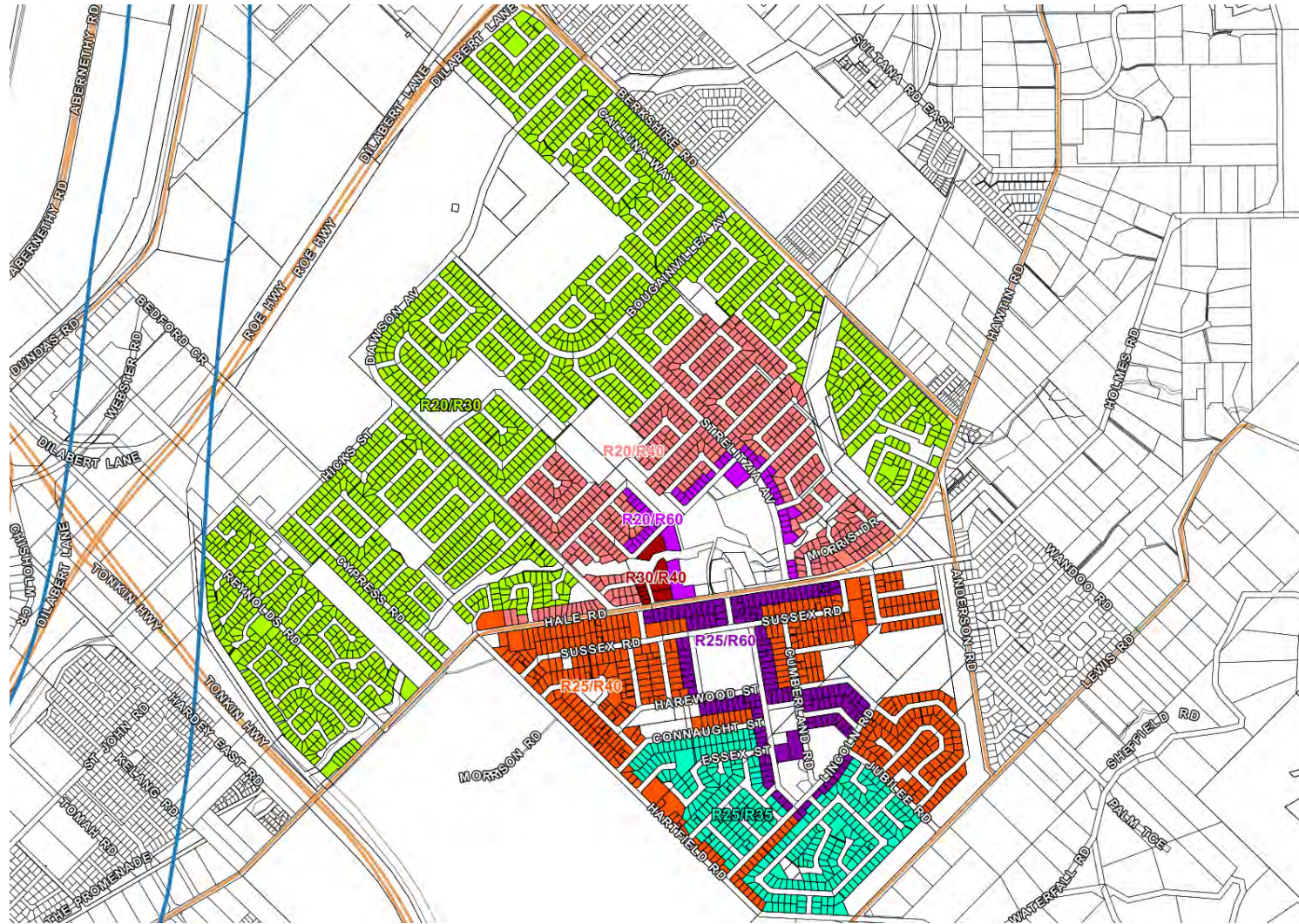


### Modified Amendment



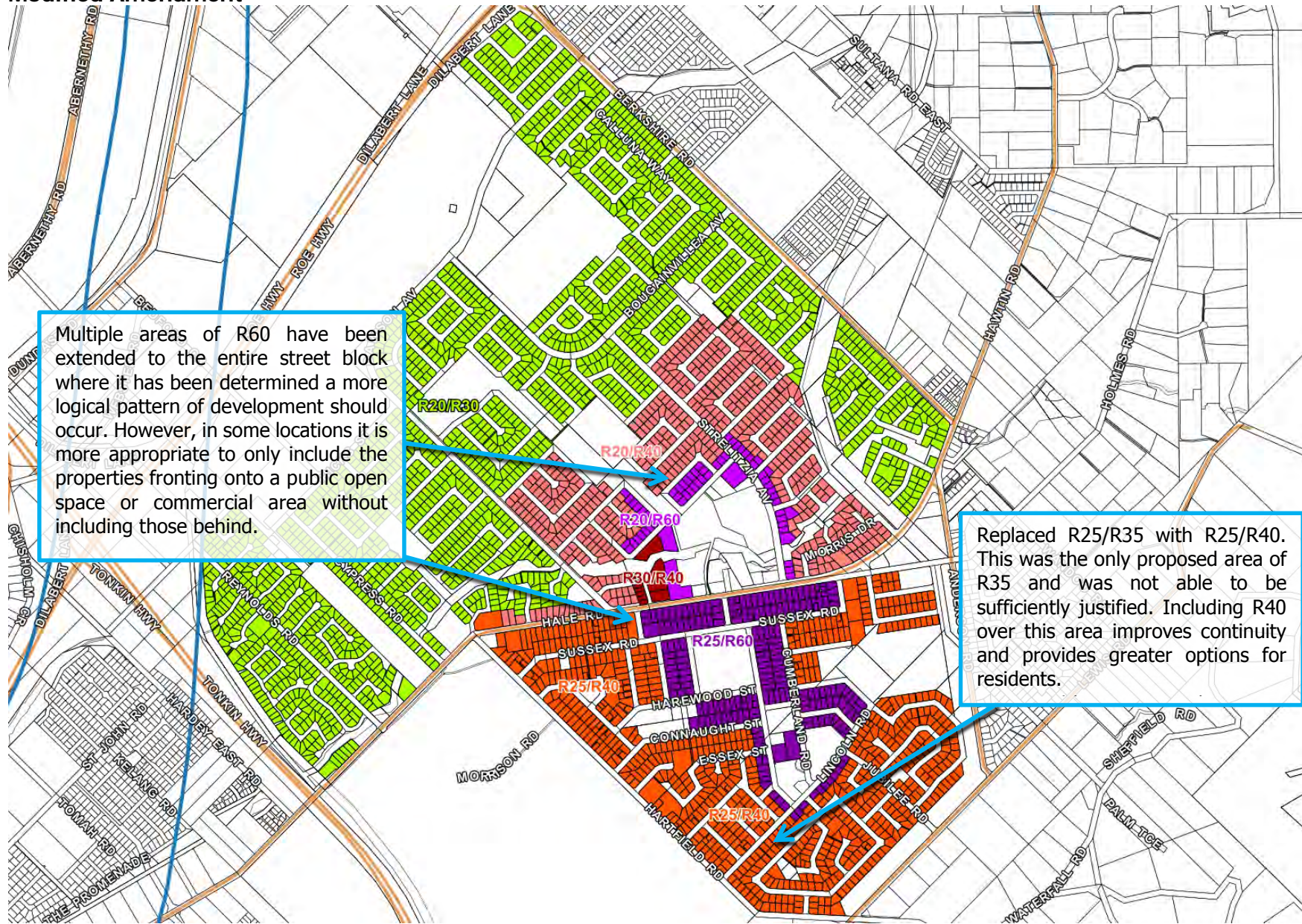


**Attachment 5**  
**Local Planning Scheme No. 3 Amendment No. 82 - Dual Density Codes**  
**Modifications to Amendment Map – Forrestfield**  
**Advertised Amendment**





**Modified Amendment**



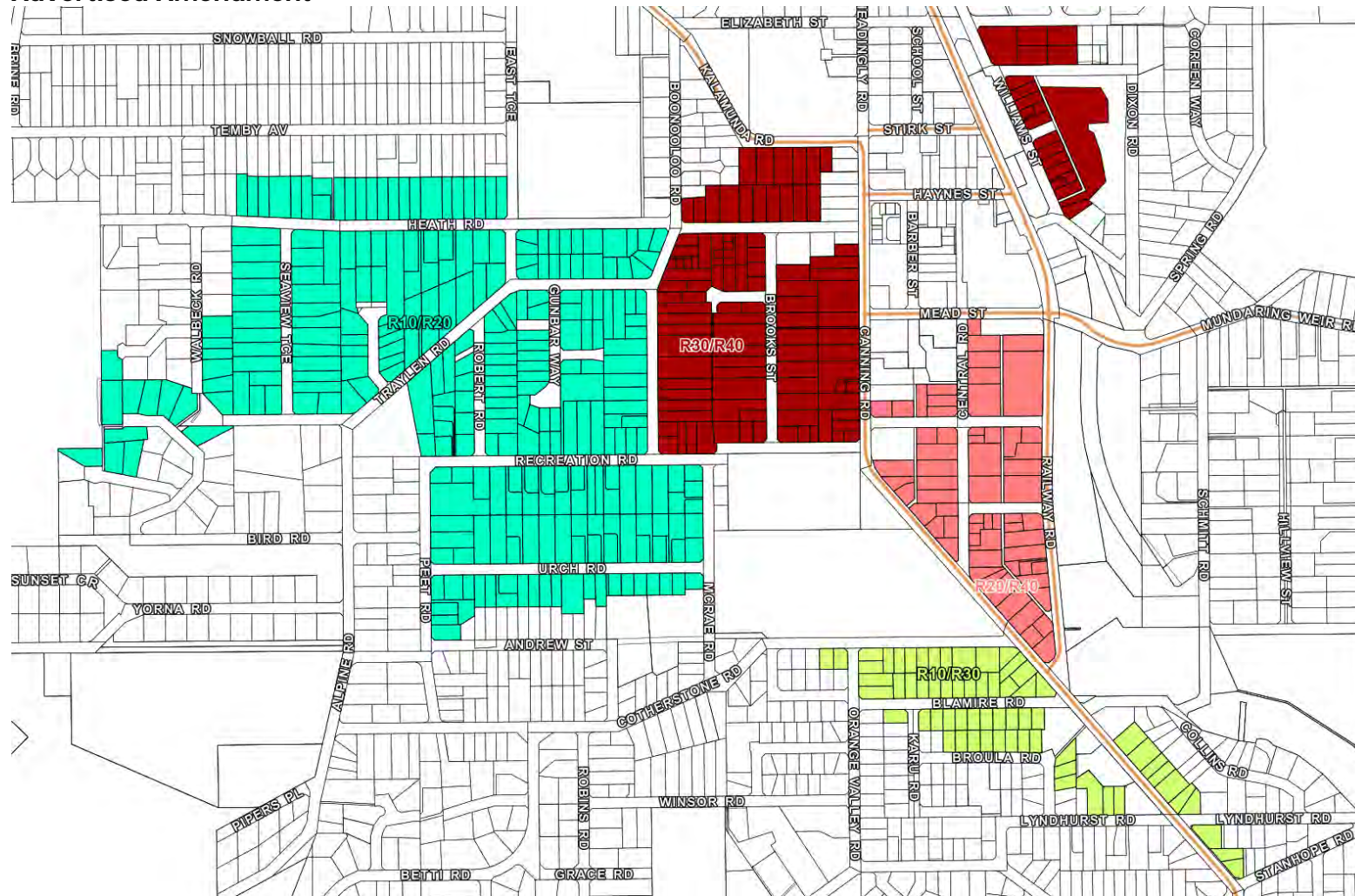
Multiple areas of R60 have been extended to the entire street block where it has been determined a more logical pattern of development should occur. However, in some locations it is more appropriate to only include the properties fronting onto a public open space or commercial area without including those behind.

Replaced R25/R35 with R25/R40. This was the only proposed area of R35 and was not able to be sufficiently justified. Including R40 over this area improves continuity and provides greater options for residents.

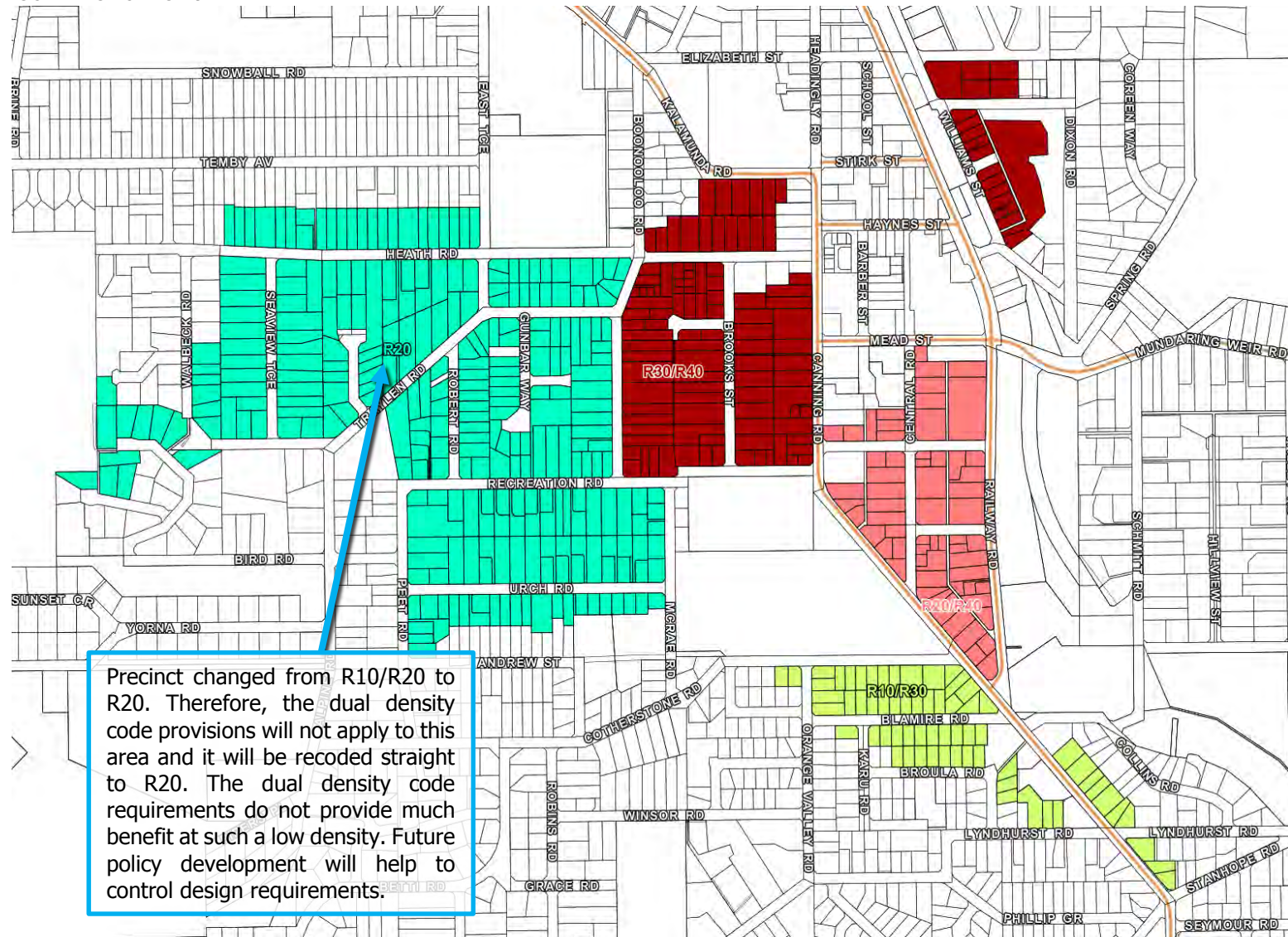


**Attachment 6**  
Local Planning Scheme No. 3 Amendment No. 82 – Dual Density Codes  
**Modifications to Amendment Map – Kalamunda**

**Advertised Amendment**



### Modified Amendment





**Attachment 7**

**This item has been updated since circulation of the Agenda due to a minor error; the revised attachment was circulated at the meeting.**

Local Planning Scheme No 3 Amendment No 82 – Dual Density Codes

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

**Attachment 8**

Amendment 82 (Dual Density Codes) Submission Table - Government Agency Submissions

	<b>Agency</b>	<b>Comment</b>	<b>Officer Comment</b>
1.	Department of Parks and Wildlife	Some areas covered by the amendment are near locations identified as threatened ecological communities. Any lots containing remnant vegetation should have appropriate surveys completed prior to development which would involve clearing of land.	Noted. This would be done on an as needs basis in accordance with good practices.
2.	Department of Water	Assessed - No comments	Noted.
3.	Telstra	No objection. Developers will be responsible for their own telecommunications infrastructure.	Noted.
4.	Perth Airport	<p>4.1 Maida Vale and High Wycombe locality proposes density in areas outside of the 20-25 ANEF area. In accordance with State Planning Policy this is acceptable. Perth Airport supports the exclusion of areas within the 20-25 ANEF.</p> <p>4.2 Kalamunda town centre is outside of the ANEF area. Due to topography the area is subject to height limitations for development and any potential infringing development proposal should be assessed by Perth Airport and CASA.</p> <p>4.3 Forrestfield locality is outside of the ANEF area, however it is noted that the area will still experience aircraft noise which may be unacceptable to some people.</p>	<p>4.1 Noted.</p> <p>4.2 Noted.</p> <p>4.3 Noted.</p>

	<b>Agency</b>	<b>Comment</b>	<b>Officer Comment</b>
5.	Department of Health	No objection to the proposal subject to the areas subject to the amendment being connected to reticulated sewerage and scheme water at the development stage.	Noted. At development stage it will be a requirement for development to be connected to these services.
6.	Water Corporation	<p>6.1 Increase in demands for wastewater disposal will necessitate an upgrade of the sewer system in due course as the areas were mostly serviced based on an R15 density. At the time of development the Corporation will determine what upgrades will be required. These will need to be funded by the subdividers and developers.</p> <p>6.2 All areas in the proposal are serviced by a reticulated. Where capacity is less than required due to diameter of mains pipes, they may need to be upgraded at the developers cost.</p> <p>6.3 Some parts of the area are located in declared urban drainage catchment areas managed by the Water Corporation. These drains have a finite capacity and increased development with impervious areas will have an impact on this capacity. The Shire will need to identify areas for drainage retention purposes.</p>	<p>6.1 Noted. This will be determined through the normal development and subdivision processes.</p> <p>6.2 See comment 6.1</p> <p>6.3 See comment 6.1</p>
7.	Main Roads Western Australia	7.1 Development in the Kalamunda town centre will not directly affect roads under Main Roads control, however it will increase volumes at the Kalamunda Road/ Roe Highway intersection. There are ultimate plans for grade separation at the Roe Highway/ Kalamunda Road intersection.	7.1 Noted.

	Agency	Comment	Officer Comment
		<p>7.2 In respect to the High Wycombe and Maida Vale locality it is noted that ultimately there will not be access from Stirling Crescent, High Wycombe to the Great Eastern Highway By-Pass. This will put pressure on heavy vehicles to use Kalamunda Road which may lead to conflict with other road users if development increases.</p> <p>7.3 Any noise sensitive development near the Roe Highway may need to implement measures to ameliorate the impact of traffic noise.</p> <p>7.4 Currently there are only south facing on ramps for the Maida Vale Road/ Roe Highway interchange. There is no capacity for north facing on or off ramps are proposed.</p> <p>7.5 In respect to the Forrestfield locality, the Roe Highway-Berkshire Road interchange was signed prior to the commitment of the Forrestfield Train Station. The Hale Road/ Tonkin Highway intersection is currently under review and Main Roads will liaise with the Shire in this regard. Any noise sensitive development near the Roe or Tonkin Highways may need to implement measures to ameliorate the impact of traffic noise.</p>	<p>7.2 Noted.</p> <p>7.3 Noted. This will be subject to an assessment under the relevant State Planning Policy.</p> <p>7.4 Noted.</p> <p>7.5 Noted.</p>

**Attachment 9**

Public Submission Meeting

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

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

**10.3.4 Proposed Commercial Development, Demolition of Existing Building and Construction of a Supermarket and a Single Shop Tenancy - Lot 601 (17) Mead Street, Kalamunda and Construction of Car Parking Bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	DA15/0581
Applicant	Lou Di Virgilio Designs
Owner	Newform Enterprises PTY LTD

Attachment 1	Site Plan
Attachment 2	Floor Plans
Attachment 3	Elevations
Attachment 4	Traffic Impact Assessment
Attachment 5	Submission Table

**PURPOSE**

1. To consider an application for a supermarket and a single shop tenancy at Lot 601 (17) Mead Street/ Central Road, Kalamunda and the construction of car parking bays on Lots 611 (20) and 612 (22) Central Road, Kalamunda.
2. To note that the development of the supermarket and associated shop proceeding is conditional on the applicant entering into a deed of agreement with the Shire of Kalamunda regarding the construction of parking at Lot 611 Central Road which is currently reserved for public purpose (car park) and Lot 612 Central Road which is currently reserved for public purpose.

**BACKGROUND**

3. Lot 611 presently contains a single vacant building previously occupied by the Kalamunda Community Radio Station. Lot 611 is an unconstructed public car parking area which contains a number of mature trees. Lot 612 contains a single building currently for use by the Country Women Association (CWA) the owners of the property.

4.

Land Area:	(Lot 601) 3096.4sqm (Lot 611) 4087.2sqm (Lot 612) 1100.1sqm
Local Planning Scheme Zone	(Lot 601) District Centre (Lot 611) Public Purpose (Car Park) (Lot 612) Public Purpose
Metropolitan Regional Scheme Zone:	Urban

## Locality Plan

5.



## DETAILS

6. The proposal is for a supermarket facility with a floor space area of 1600m<sup>2</sup>, with one smaller shop tenancy located at the under-croft section of the development facing Mead Street with 514m<sup>2</sup> of floor space. The net lettable area is 1,350m<sup>2</sup> with the balance of the area being used as storage and delivery, toilet and other areas not deemed to be net lettable area. The calculated car parking is based on 1,350m<sup>2</sup> net lettable area.
7. A total of 151 car parking bays are proposed, comprising 31 bays on Lot 601 as part of the supermarket and shop development, 95 bays on Lot 611, 15 bays on battle axe portion of Lot 612 and 10 bays created within the road verge on Central Road.
8. The applicant has provided design treatments showing the elevations with street activation with the use of glazed shop front, featured rockwork to walls, rusted steel columns and beams and all external walls proposed in a Kalamunda red "Gumnut Palette Code P04D8" as shown on the Town Centre Improvement Plans.
9. The Shire has referred this application to an independent local architect for peer review. This architect has made some comments and recommendations which require the applicant make some changes to the overall façade of the building, in particular how the building presents to Mead Street and to the

corner junction of Central Road. Revised plans have been submitted which further improve the interrelationship of the proposed new building and its streetscape and surrounding context. The additional architectural enhancements to the existing submitted plans seek to further improve the built form outcome for this development.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **Local Planning Scheme No.3**

10. The land use definition of “Shop” applies in accordance with Local Planning Scheme No.3 (the Scheme) which is defined as premises used to sell goods by retail, hire goods, or provide services of a personal nature (including hair dresser and beauty therapist) but does not include showroom or fast food outlet.
11. The land use of Shop is a “P” use which is permitted use within a District Centre zoning.
12. Clause 4.2.3 Objectives of Zones (District Centre) of the scheme stipulates that the objectives of the District Centre Zone are as follows:
  - To promote, facilitate and strengthen the District Centres as the major focus of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
  - Provide for medical and other health related services.
  - Allow for the establishment of uses which would co-exist with the District Centre’s activities whilst recognising a limited level of residential activities in the District Centre.
  - Achieve safety and efficiency in traffic and pedestrian circulation.
  - Ensure that the scale, size, design and location of buildings are compatible with the existing development in the district centre.
13. Clause 5.15 of the Scheme outlines the land use and development provisions for commercial development. This includes the following:
14. 5.15.1 Design: a person shall not erect a building which by virtue of colour or type of material, architectural style, height or bulk, ornamental or general appearance has an exterior design which in the opinion of the local government is out of harmony with existing buildings or the landscape character of the area.
15. 5.15.2 Shared Access and Parking Areas; the local government may require the shared use of driveways, crossovers and car parking because of the need to:
  - i) Minimise traffic conflict and the number of access points.
  - ii) Maximise the through traffic function of abutting roads.
  - iii) Minimise kerbside parking.
  - iv) Encourage access from side streets or from the rear.



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16. 5.15.3 Setbacks; the land located between a street alignment and the buildings shall not be used for any other purpose than one or more of the following:
- i) A means of vehicular or pedestrian access.
  - ii) The daily parking of vehicles used by employees and customers.
  - iii) The loading and unloading of vehicles.
  - iv) Landscaping.
17. 5.15.4 Landscaping; in connection with any application for development approval in a commercial zone, the local government shall, if it appears to be in the interest of amenity or orderly and proper planning to do so, require that such landscaping be provided in addition to that required in Table 2.
18. 5.15.5 Access; no person shall use a service road, access way or parking area situation on a parcel of land for any other purpose than a service road, access way or vehicle parking respectively.
19. 5.15.7 Service Yards and Refuse Storage; In any application for planning approval to which this part applies, provision shall be made for suitably designed and screened service yards and refuse storage areas, which shall be subsequently maintained to the satisfaction of the local government.
20. 5.15.8 Drainage ; Maximise on-site storage and stormwater treatment consistent with appropriate (water sensitive design) standards adopted by the local government.
21. With respect to Lots 611 and 612 part 3 of the Scheme deals with development on reserved land.
22. 3.4.1 a person must not –  
(a) use a Local Reserve; or  
(b) commence or carry out development on Local Reserve,  
  
Without first having obtained planning approval under Part 9 of the Scheme.
23. 3.4.2, In determining an application for planning approval the local government shall have regard to –  
  
(a) The matters set out in Schedule 2 Part 9 clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Matters to be considered by Local Government)  
(b) The ultimate purpose intended for the reserve.
24. In considering an application for planning approval, Clause 67 of the Regulations requires the local government to have due regard to number of matters, including (but not limited to):
- The aims and provisions of the Scheme and any other local planning scheme operating in the Scheme area;
  - The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning*

*Schemes) Regulations 2015* or any other proposed planning instrument the local government is seriously considering adopting or approving;

- Any local planning policy for the Scheme area;
  - Any structure plan, activity centre plan or local development plan that relates to the development;
  - In the case of land reserved under this Scheme, the objectives for the reserve and additional and permitted uses identified in the scheme for the reserve;
  - The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - The amenity of the locality including the following -
    - i) Environmental impacts of the development
    - ii) The character of the locality
    - iii) Social impacts of the locality;
  - The adequacy of –
    - i) The proposed means of access to and egress from the site; and
    - ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles;
  - The impact of the development on the community as a whole notwithstanding the impact<sup>80</sup>
  - of the development on particular individuals;
  - Any submission received on the application;
25. Clause 5.8.4 Cash in Lieu of Parking. An owner may, if the local government so agrees contribute to the cost of acquisition and development by local government of a public car park. The cost of each parking bay in a public car park shall be ascertained by dividing the total cost of the acquisition of land and development of the public car park by the number of car parking bays therein. The number of car parking bays which an owner is required to provide shall, if the local government so agrees, be reduced by the number of car parking bays in a public car park of which an owner pays the cost.
26. If Council refuses the development, or imposes conditions that are not acceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

## **POLICY CONSIDERATIONS**

### **Shire of Kalamunda Local Planning Strategy 2013**

27. Clause 2.4 Strategies and Action

Vision Statement 1 for the Kalamunda Town Centre is that it is the primary activity centre for the Shire.

Strategies statements include :

- Create Kalamunda Town Centre as the —heart of the Shire.

- Ensure business needs are recognized through land use planning, parking provision, appropriate development of the public domain and events.
  - Engage with the commercial sector.
  - Encourage a range of activities, including residential, to ensure vibrancy.
  - Provide appropriate density housing to support the Town Centre.
  - Plan for expanded tourism opportunities.
  - Address long term utility requirements to support Town Centre.
28. The commercial strategy within the Local Planning Strategy accounts for the importance of Kalamunda Town Centre as an important and growing strategic District Centre.

### **Kalamunda Town Centre Planning and Urban Design Guidelines**

29. The purpose of this Policy is to provide guidance on the design of new private and public buildings and spaces within the Kalamunda town centre, to achieve an enhanced urban environment, to improve the experience of the town for pedestrians, and to reinforce and build upon Kalamunda's established character.
30. The subject site is located on the southern side of Mead Street, and is located outside of the policy map area, however, being that all land within the Kalamunda Town Centre zoned "District Centre", this site is captured within this policy context. This includes land within the area bounded by Stirk Street, Railway Road, Mead Street and Canning Road, and also includes the land fronting Canning Road between Heath and Kalamunda Roads. Given that the site interfaces with the policy area and is zoned District Centre, the policy will be referenced for the purposes of appropriately assessing this application.
31. The proposed development is considered to accord with the guidelines in the following manner:
- Streetscape, Scale and Bulk. The proposal is of a scale consistent with the Kalamunda Town Centre. It is single storey as presented to the street, is inclusive of Kalamunda themed colours and materials and provides a new interface to Mead Street and the corner of Central Road, replacing an inferior building.
  - Interactive street frontage and climatic protection, the proposal contains shop frontages to both Central Road and Mead Street as well as awning treatments.
  - Car parking is located behind the proposed building and provides for universal accessibility.
  - Advertising Signage: should generally be attached to buildings in appropriate locations and be visually subservient to the building to which they are attached. The signage initially as proposed is low scale and located on strategic corners of the building facade. Further detail of all signage to the building will be required by way of condition to this application.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

32. Public advertising was undertaken for 28 days involving letters being sent to surrounding property owners, and information displayed on the Shire's website. The proposal was advertised on-site with a display sign.

During the advertising period, the Shire received 11 submissions comprising 6 objections, 2 with comments and 3 non objections (Attachment 5).

Key concerns raised during the advertising period included the following:

- Traffic Management.
- Protection of the natural vegetation.
- Car parking usage and associated park and ride for the bus station.
- Traffic access from Central Road.
- The need for another supermarket given current tenancy vacancies in the Town Centre.
- Amenity and potential noise.

## FINANCIAL CONSIDERATIONS

33. The Shire may seek to impose cash in lieu provisions on the applicant rather than seeking the construction of a car park on adjacent Lot 611 Central Road Kalamunda, however, it is seen as a positive contribution to the community for car parking to be constructed for public purposes on the adjoining Lots 611 and 612.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

## SUSTAINABILITY

### Social Implications

35. The proposal will provide an additional supermarket to the Kalamunda town centre allowing for greater choice and variety in terms of retail goods. It is considered that a supermarket is a suitable and desirable land use for a District Centre, coupled with being located adjacent to the Kalamunda Bus Station, it will be easily accessed by the wider community.

### Economic Implications

36. The introduction of a new supermarket and associated shop tenancy will see new employment opportunities for locals and will provide an ongoing new source of future opportunities for the Shire of Kalamunda and its residents.

### Environmental Implications

37. The applicant proposes to retain the existing trees on site where applicable, incorporating these into the parking area.

### RISK MANAGEMENT CONSIDERATIONS

38.

Risk	Likelihood	Consequence	Rating	Action/Strategy
If refused there would be an employment opportunity lost.	Almost certain	Minor	High	Demonstrate that the proposal provides adequate public benefit. If Council refuses to participate in any agreement to construction Car Parking on Lot 611 Central Road, the applicant will have to revise plans and resubmit for a development approval.
If approved there may be some community opposition to the proposal.	Likely	Insignificant	Medium	Demonstrate that the proposal complies with the Local Planning Scheme and associated planning instruments.

### OFFICER COMMENT

#### Zoning and Land use

39. The proposal for a supermarket and associated shop on Lot 601 is considered to be consistent with the Kalamunda Town Centre and designated District Centre zone.

40. The provision of car parking over Lot 611 is consistent with the intent of the public purpose reservation for a car park. In regard to Lot 612, the building on the site is currently used by the CWA. In this regard, the public purpose reservation does not preclude the development of car parking over the battle axe portion of the lot.

### **Built form and Streetscape**

41. The streetscape is improved with the construction of the building which wraps around the street corners of Mead Street and Central Road. The design incorporates a vertical element to the corner of the building to identify it as a precinct landmark, the activation of the street at zero setbacks, encouraging a pedestrian friendly environment whilst promoting retail development at the human rather than vehicle scale.
42. The building material is a concrete tilt slab construction with architectural detail including awnings for pedestrian shelter, shop front windows as well as material texturing to break up the façade for visual interest. The proposal adequately addresses both street frontages, providing an active façade which should be painted in a colour scheme which is sympathetic to the local environment and character. This is consistent with the adopted "Old Road Board Street Block" Masterplan.
43. Signage for the shop tenancy has not formed part of the current application and would therefore require separate planning approval as established by way of condition.

### **Traffic Management Plan**

44. The applicant has provided a Traffic Management Plan and is summarised as follows:
  - a. Impact on surrounding roads -Central Road currently carries 1430 vehicles per day, the proposed development will increase that to 2440 vehicles per day. It is considered to be an access road and therefore designed to carry a projected 3000 vehicles per day, therefore adequately catering for the increased usage.
  - b. Mead Street is a Distributer Road B which currently carries 4630 vehicles per day increasing to 5330 vehicles per day which falls within the projected traffic volumes for this type of road.
  - c. The traffic engineer has noted that a reasonable amount of the Supermarket's traffic is already on the road network destined to other supermarkets and this traffic is simply diverted to this new supermarket.
  - d. It has been recommended that the concluded traffic assessment is that traffic increases as a result of the proposed development can be accommodated by the surrounding roads without undermining traffic operations.
  - e. It has been assessed that the proposed development proposes very good access to the existing pedestrian network, subject to some modifications

to better connect the supermarket with the bus terminal from within the site, rather than relying solely on street side footpaths.

- f. The existing public transport services in this area can be accessed conveniently and present an alternative mode of transport to and from the development.

### Car Parking

45.

Bays Required	Bays Proposed	Location
Based on NLA of 1,350m <sup>2</sup> Table 3 of Local Planning Scheme No.3 = 5 bays per 100m <sup>2</sup> of NLA	31	Lot 601
	95	Lot 611
	15	Lot 612
	10	Verge – Central Road
<b>Total 68</b>	<b>Total 151</b>	

- a. The proposal provides for a total of 151 car bays, comprising 31 bays on Lot 601, 95 bays on Lot 611, 15 bays on Lot 612 and 10 parking bays are proposed to be constructed within the verge along Central Road. A total of two bays for people with disabilities are proposed that are located close to the pedestrian entry into the store.
- b. Based on the Scheme parking requirements, the development requires 67.5 or rounded up to 68 car parking bays. Therefore the proposal is short 37 parking bays otherwise to be provided on Lot 601.
- c. In accordance with Clause 5.8.4 “Cash in Lieu for Parking” of the Scheme the Shire has the discretion to vary car parking requirements. Noting the 37 bay shortfall, the applicant is proposing to construct, seal and drain an additional 83 car parking bays over Lots 611 and 612, it is therefore recommended that instead of paying cash in lieu for parking the applicant construct car parking as shown on their development plan for the purpose of public parking. As such 31 parking bays will be solely allocated to the Supermarket and associated shop, and the remaining 120 car parking bays will remain as public parking. Based on this option, the community will benefit from the construction of an additional 120 car parking bays which can be utilised by either supermarket or shop patrons, users of the bus station or the Country Women’s Association. The public parking can also be utilised for patrons of the weekend markets and being used for public purposes as per the reservation of the land.
- d. Car parking is currently proposed utilising Lot 612 which is owned by the Country Women’s Association. An agreement in principle submitted by the applicant, dated 28th August 2015 signed by the general secretary of the CWA has been received. This letter has stated that they have been in discussions with the developer and they have agreed that they would be happy not to have to maintain the strip of land in question, and that the parking bays be constructed all the way to the fence line. Currently the applicant has not provided any formal or legal mechanism in which to allow for access for public parking on their property. It will be subject to condition that the applicant provide this legal instrument by ways of a

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reciprocal rights of access or easement to be registered on the property title to demonstrate the permission for lot access over this portion of Lot 612.

- e. Ten car parking bays are proposed within the verge areas. This is supported as it adds to the contribution of public parking for both the supermarket and surrounding land uses.
- f. The proposed redevelopment of the existing car park and subsequently developing a new public car park will capture both supermarket patrons as well as users of the bus station. It is recommended that any proposed redevelopment of the car park be clearly marked for public purposes and not be solely for the use of the supermarket and subsequent shop tenancies.
- g. It is clear that the proposed supermarket cannot be developed without the redevelopment of the public car park due to the location of the site access points and reliance on these points for all vehicular access to and from the supermarket. It is therefore recommended that any approval be linked with the redevelopment of the parking lot. If agreement cannot be made then the design of the parking lot will need to be modified and parking arrangements found elsewhere, making this proposal potentially unable to proceed.
- h. The applicant through the preparation of a legal agreement will be required to maintain the condition of the parking areas over Lots 612 and 612 for a period of 25 years, after which time the arrangement will be reviewed.

### **Pedestrian Connectivity**

- 46. The subject site is located adjacent to the Kalamunda bus station. The bus station is a hub for visitors and school children with peak periods being in the mornings and afternoons. A non formalised access for pedestrians through the unconstructed portion of the car park to Central road is present, however, the proposal does not currently adequately address this informal connectivity. The applicant proposes a raised pedestrian pathway from the front of the supermarket, across the parking lot towards the bus station. The plan however shows that the pathway is leading into the bus turn around area instead of where it exists currently which connects to a pedestrian crossing directly to the bus pedestrian platform.
- 47. As part of this development and any subsequent redevelopment of the Shire's car parking lot, it is recommended that the applicant revise their plans and propose adequate pedestrian connectivity within the site, that does not solely rely on connection via footpaths on Mead Street and Central Road. A clear pathway is required from the supermarket to an area meeting the existing pedestrian crossing to the bus platform.



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## Site Access

48. Access into the site is proposed from the Central Road frontage from Lot 611 Central. It is therefore assessed that development of the car parking within Lot 601 cannot proceed until such time as an agreement has been met by the Shire of Kalamunda to redevelop the car park, and subsequently construct vehicle access to the rear of the supermarket building.
49. Two existing crossovers will be replaced with a pair of new crossovers, as listed by the traffic engineer as follows:
  - northern full movement 9m width crossover located approximately 50m south of Mead Street and;
  - southern, full movement 6.5m<sup>2</sup> width crossover on Central Road located approximately 110m south of Mead Street. Both crossovers lead directly into the car parking area to accommodate all vehicular patronage and employee traffic.
50. Delivery vehicles will enter and exit the site from the Central Road crossover points. The applicant will need to demonstrate as a condition of planning approval that the delivery trucks have an adequate turning area to the loading bay.
51. Cyclist access to the site is currently limited, however bicycle parking will be provided.

## Kalamunda Town Planning and Urban Design Guidelines

52. The proposal is considered consistent with the objectives and principles of the guidelines, namely:
  - The proposal does not exceed two storeys.
  - The proposal provides zero setback lines to Central Road and Mead Street which is consistent with the town centre design guidelines.
  - The building materials and colours are proposed in a Kalamunda theme being earth tones and consisting of design treatments including rockwork, rusted steel columns and painted in a burgundy colour palette.

## SPP 2.4 Activity Centres

53. The provision of a supermarket adjacent to a high frequency bus station accords with the objectives of the Activity Centres policy in promoting transit orientated development as it encourages use of the buses over driving. People who live along the bus route would therefore be able to easily access first order groceries at the terminus of their bus journey and would not necessarily have to rely on private motor vehicles. The land use is consistent with the district centre zoning and overall objectives for activity centres.

*A mover and seconder were found for the substantive motion. A Councillor foreshadowed an amendment, a mover and seconder were found for the amendment. The mover and seconder of the substantive motion were happy to accept the amendment of an additional point 26. This was added to the substantive motion.*

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<b>Voting Requirements: Simple Majority</b>
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**AMENDMENT**

26. The applicant be required to provide 10 parking bays outside the CWA Building marked exclusively for CWA use.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Tracy Destree**

Vote: **The amendment was accepted by the mover and seconder and became part of the substantive motion.**

*Councillors sought clarification on a number of points. The motion was then put.*

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<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 116/2016

That Council:

1. Approves the application to demolish existing buildings and construction of a Supermarket and one Shop tenancy at Lot 601 (17) Mead Street, Kalamunda, and the construction of car parking bays on Lot 611 (20) and Lot 612 (22) Central Road subject to the following conditions:
  1. Prior to issuing the building permit for the proposed development on Lot 601 (no.17) Mead Street, Kalamunda (Land), the owner of the Land shall enter into a deed of agreement with the Shire of Kalamunda for a period of 25 years for the use of a portion of the road reserve abutting the eastern boundary of the Land (road reserve) and Lot 611 (No.20) Central Road, Kalamunda being portion of Reserve 8042 (Reserve) for the purpose of providing additional car parking for the proposed development on the Land. The agreement shall require the owner as terms and conditions of the proposed use of the road reserve, to amongst other things, (but not limited to the following):
    - (i) indemnify the Shire against any loss or damage caused to the road reserve or other property of the Shire or to any person or property of any person arising out of the construction of car parking forming part of the development on the road reserve and the Reserve and/or the use of the road reserve and the Reserve for parking in connection with the development;
    - (ii) take out and maintain a policy of public liability insurance with a reputable insurer in an amount satisfactory to the Shire to insure the Shire and the owner against all claims for loss or damage or injury occurring to the road reserve and/or the Reserve or property of the Shire or any person or property of any person as a result of the construction of car parking on the road reserve and Reserve and/or in respect of the use of the road reserve and the Reserve for parking in connection with the development;

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- (iii) maintain the car parking constructed on the road reserve and the Reserve at the owner's cost to the satisfaction of the Shire;
  - (iv) acknowledge that a shortfall in car parking exists in respect of the development on the Land and the road reserve and the Reserve is required to provide car parking to accommodate the shortfall in car parking for the development on the Land and in the event the road reserve is and/or the Reserve is not available to provide car parking for the development on the Land for any reason whatsoever or the road reserve and/or the Reserve is required to be used as a road (in the case of the road reserve) or in the case of the Reserve for some other community purpose by the Shire or some other statutory authority, the owner shall be required to:
    - a) Provide alternative car parking to make up any shortfall in car parking for the development on the Land to the satisfaction of the Shire, either through provision of on-site car parking or by means of legal agreement with another landowner for the provision of car parking; or alternatively;
    - b) Address the shortfall in car parking for the development through the provision of cash-in-lieu in accordance with the requirements of the Shire's Local Planning Scheme No. 3.
  - (v) charge the owner's interest in the Land in favour of the Shire with the owner's obligations under the agreement and permitting the Shire to lodge an absolute caveat over the title to the Land to ensure that any subsequent owner of the Land and/or transferee of the Land enters into a deed of agreement with the Shire in respect of the use of the road reserve and the Reserve for car parking to ensure that the road reserve and the Reserve is available to provide car parking for the development".
2. In order to satisfy the parking requirements for the development the subject of this application, the owner of Lot 601 Mead Street, Kalamunda (Land) must enter into a legal agreement with the Shire prior to the submission of an application for a building permit for the proposed development to ensure that the car parking to be constructed on nearby Lot 612 Central Road, Kalamunda (Lot 612) to supply part of the shortfall in car parking for the development will be available, at any time, for any customers of the development on the Land and for the public at large for car parking purposes. The legal agreement will provide that should at any time, the car parking on Lot 612 become unavailable for use by the Land, the owner of the Land shall address the shortfall in car parking for the development through the provision of cash-in-lieu in accordance with the requirements of the Shire's Local Planning Scheme No. 3 or some other arrangement to the satisfaction of the Shire. The owner of the Lots shall be responsible for the full cost of the legal agreement which is to be prepared by the Shire's solicitors and shall be to the specifications of and to the satisfaction of the Shire and secured by an absolute caveat lodged over the certificate of title to the Land.

3. Vehicle parking, manoeuvring and circulation areas to be suitably constructed, sealed, kerbed, line marked and drained on Lots 601, 611 and 612 Central Road to the specification and satisfaction of the Shire.
4. Vehicle access ways shall be suitably constructed, sealed and drained to the specifications and satisfaction of the Shire.
5. Engineering drawings and specifications are to be submitted, approved and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of development.
6. Grading and/or stabilization of the site to ensure that the finished ground levels at the boundaries of the lot match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting.
7. Filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system Crossovers shall be designed and constructed to the specification and satisfaction of the Shire.
8. Provision of lighting to current Australian Standards in the car park area and on the footpath side to the specifications and satisfaction of the Shire.
9. 1.8m wide pedestrian footpaths shall be provided along Central Road and Mead Street, abutting the development area to the specification and satisfaction of the Shire.
10. A geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and storm water disposal by soakage (Clearance, quantity, soil permeability and location and size of soak wells).
11. Crossovers shall be designed and constructed to the specification and satisfaction of the Shire.
12. Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.
13. The applicant shall provide detailed information regarding all proposed signage. This shall form part of a separate application to be assessed by the Shire in accordance with the requirements of the Local Planning Scheme No.3
14. The development shall be connected to reticulated sewer.
15. All septic sewer systems including all tanks, pipes and associated drainage systems (soak wells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire of Kalamunda.

16. Measures shall be taken to ensure the identification and protection of any vegetation on the site worthy of retention prior to commencement of site work.
17. Development works to be carried out in accordance with AS 4970 2009 "Protection of trees on Development sites".
18. A revised landscaping and car parking plan shall be submitted to and approved by the Shire prior to the building permit being issued. The proposed landscaping is required to be planted within 28 days of the proposed development's completion, and maintained thereafter by the landowner to the satisfaction of the Shire. The revised landscaping and car parking plan shall clearly define pedestrian access links from the supermarket to the Bus station platform, maintaining ample access and egress from the bus station to the car parking lot and supermarket.
19. A Construction Management Plan shall be prepared by the applicant addressing the following, but not limited to:
  - a. Construction Workers' Parking
  - b. Material's Delivery and Storage
  - c. Worker's Toilets

To the satisfaction of the Shire, prior to the issue of a building permit.

20. The bin storage area shall be suitably screened by a gate and solid building material to a minimum height of 1.8m, and provided with a permanent water supply and drainage facility, to the satisfaction of the Shire.
  21. Any Trees on the Road verge which are required to be removed for the proposed crossover are to be removed by a Shire approved contractor and in consultation with the Shire.
  22. The applicant is to provide a plan demonstrating adequate pedestrian connectivity between Lot 611 and the adjoining bus station maintaining the existing pedestrian crossing to the bus platform to the satisfaction of the Shire.
  23. The applicant to provide a plan demonstrating there is an adequate vehicle turning area for delivery trucks to the loading bay area.
  24. The applicant to design and construct a pedestrian crossing on Central road to service the proposed development to the satisfaction of the Shire of Kalamunda.
  25. The applicant to remove three parking bays located on the Southern side of Mead Street adjacent to Lot 601 (17) Mead Street to the satisfaction of the Shire of Kalamunda.
  - 26. The Applicant be required to provide and mark 10 parking bays outside the CWA Building marked exclusively for their use.**
2. Request the Chief Executive Officer undertake a traffic study to enhance safety of the roads around the Kalamunda District Centre.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

Vote:

**For**

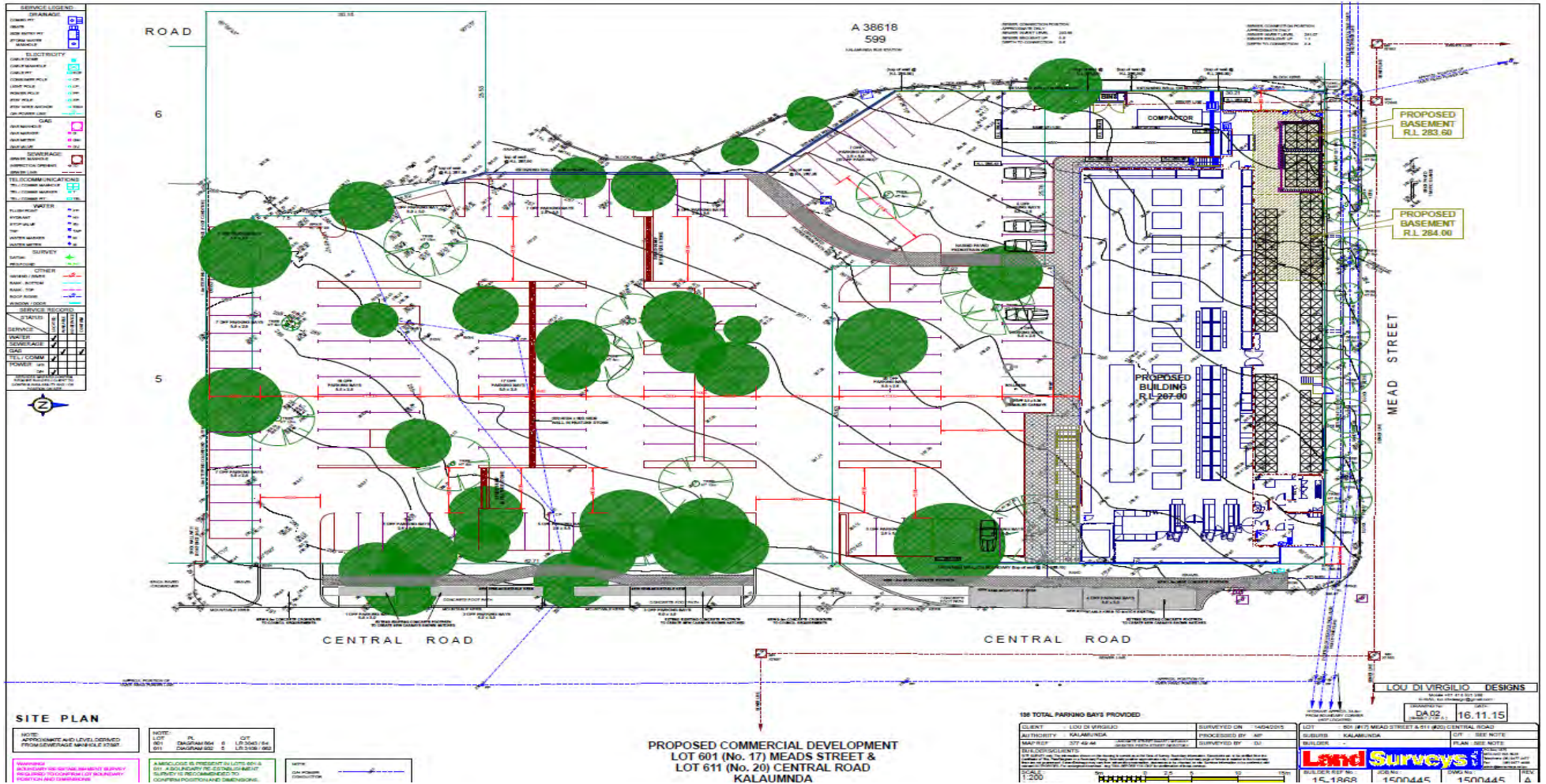
**Cr Michael Fernie  
Cr Geoff Stallard  
Cr Allan Morton  
Cr Brooke O'Donnell  
Cr Noreen Townsend  
Cr Dylan O'Connor  
Cr Andrew Waddell  
CARRIED (7/3)**

**Against**

**Cr Simon Di Rosso  
Cr Tracy Destree  
Cr Sue Bilich**

**Attachment 1**

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda  
**Site Plan**



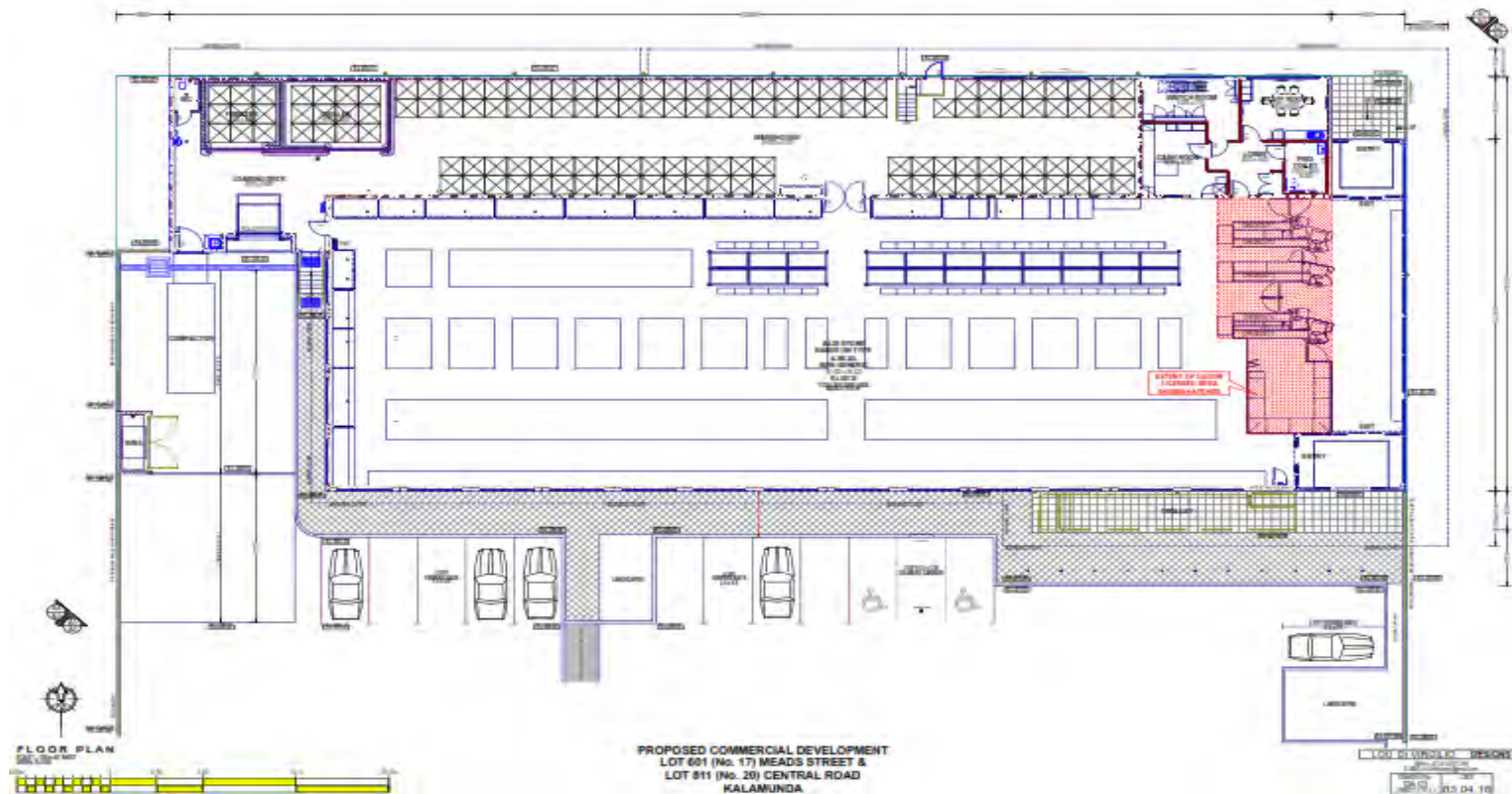


## Attachment 2

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

### Floor Plans

Ground floor



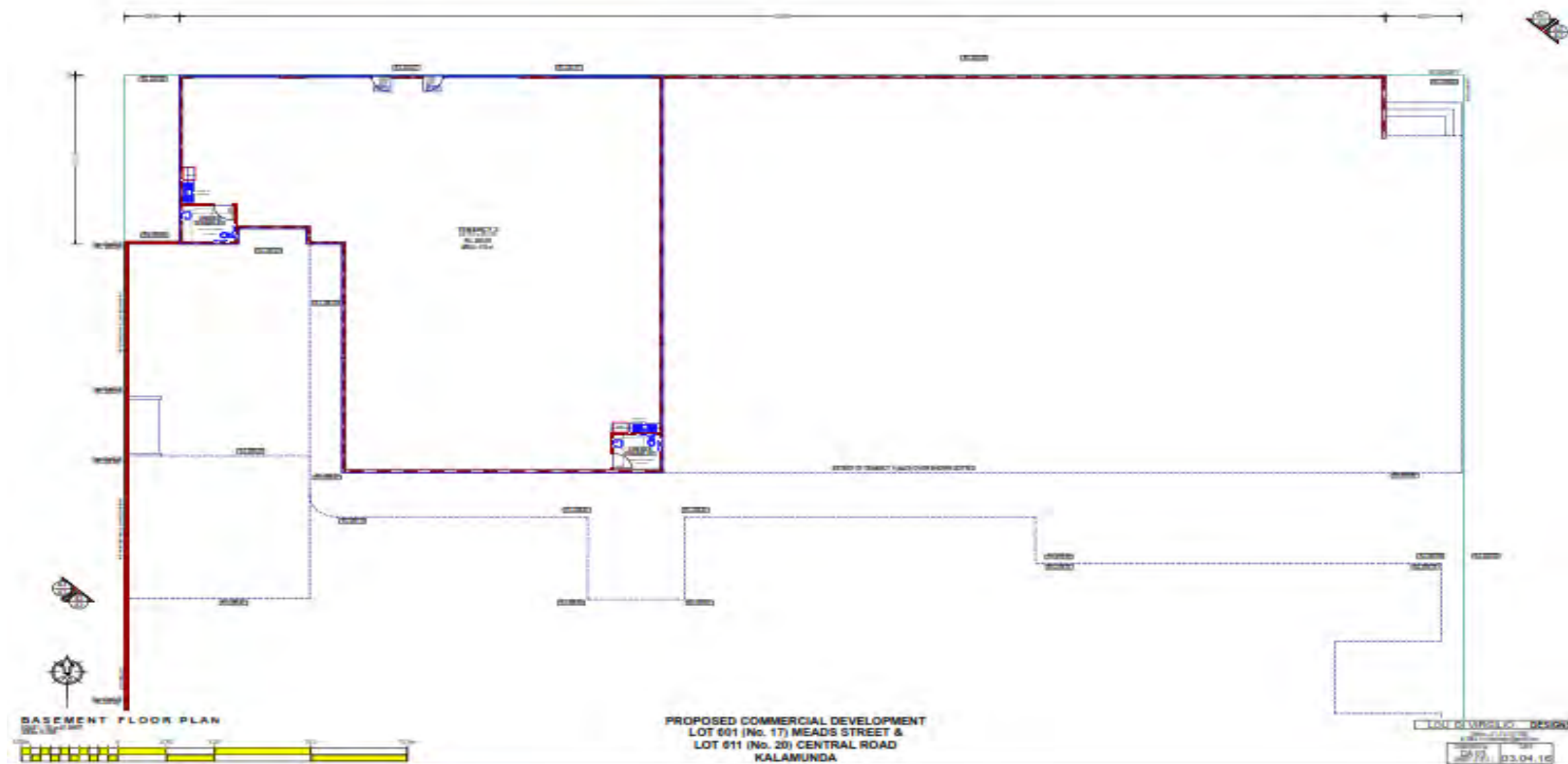


## Attachment 2

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

### Floor Plans

Basement Floor



### Attachment 3

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

### Elevations



### Mead Street Elevation

**Attachment 3**

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

**Elevations**

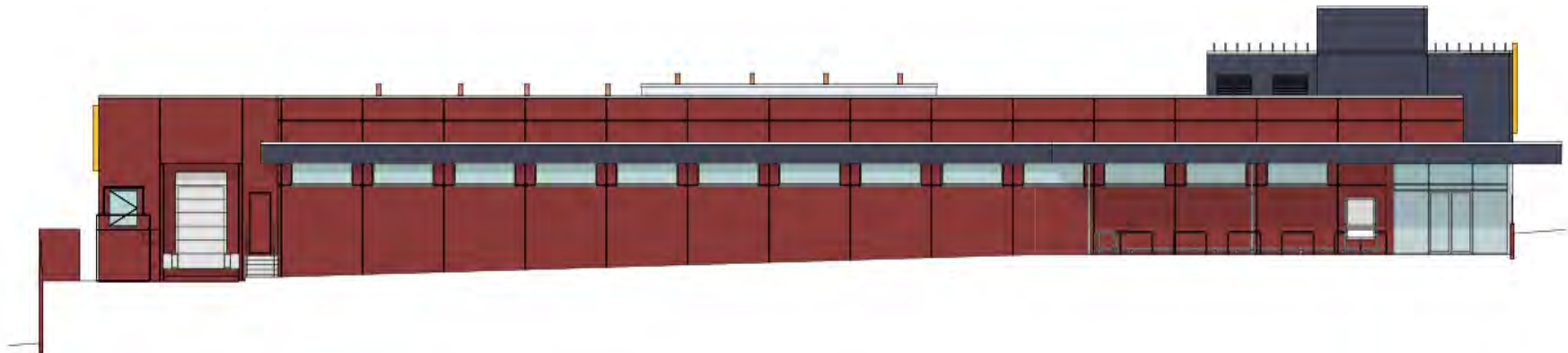


**Central Road Elevation**

### Attachment 3

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

### Elevations



Rear Elevation (as viewed from the Car Park)

**Attachment 3**

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

**Elevations**



**Side Elevation – (As viewed from the Bus Station)**

**Attachment 4**

Traffic Impact Assessment

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

**Attachment 5**

Proposed Commercial development, demolition of existing building and construction of a Supermarket and a single shop tenancy - Lot 601 (17) Mead Street, Kalamunda and construction of car parking bays – Lot 611 (20) Central Road and Lot 612 (22) Central Road, Kalamunda

**Submission Table**

	Details	Comment	Staff Comment
1.	Doreen Rose Elizabeth Wollen Unit 2/23 Central Road, Kalamunda	<p><b>Objection</b></p> <p>a) Recommends that we view the site next to the bus station at 8am-9am or 3pm-4pm on school days as the number of children in this area at that time is considerable.</p> <p>b) As both Mead Street (access and exit to all buses from the station ) and Central Avenue are both bus routes and the current experience of the building site on Barber Street has meant that foot paths on the west side of the pedestrian walk way have been closed during construction.</p> <p>c) Mentions danger and difficulty for the aged and disabled, mentions that a schoolboy was injured at the corner of Central Road and</p>	<p>a) As part of the Shire’s assessment a traffic management study has been undertaken, this makes reference to pedestrian movements and access to and from the bus terminus at peak periods.</p> <p>b) Noted, as part of Councils conditions, a construction management plan will be recommended which will include managing pedestrian movements around and beside the construction site.</p> <p>c) Noted</p>

		<p>that a disabled lady was injured at Barber Street.</p> <p>d) Requests that the site should be used to increase safe pedestrian access to any future increase in public transport needs.</p> <p>e) Believes that through traffic of the proposed site would make the access to Mead Street more unsafe for vehicles as well as pedestrians that it already is.</p> <p>f) She has included an attachment "Public Transport at intersections", Main Roads Dept. regulations for bus routes.</p>	<p>d) The assessment of the site has taken into consideration the movement of pedestrians. The proposed activation of this site provides for a greater activation of this site with the Transperth terminus, increasing connectivity between the public transport and an active commercial land use. A condition of approval has been recommended to ensure that the pathways between the bus terminus and the proposed supermarket be improved and that cross access be maintained from the bus terminus through to Central Road.</p> <p>e) A traffic management plan has been submitted by the applicant which addresses issues regarding site access and egress. It has been determined that this report sufficiently addresses concerns regarding manoeuvrability as well as safe access.</p> <p>f) Noted</p>
2.	Ms Marian Ruth Walker 10/27 Central Road, Kalamunda	<p><b>Objection</b></p> <p>Concurs with the submission by Lillian and Roger Jennings</p> <p>a) Why permit another large supermarket when we are well served by Coles, IGA and Woolworths.</p>	<p>a) The Shire of Kalamunda Local Planning Scheme does not prohibit competing businesses, and therefore the market rather than Shire will determine demand for grocery and associated services, making a commercial decision as to whether or not a supermarket is viable in this location. Commercial feasibility is therefore not a planning consideration. The proposal is consistent with the objectives of Shire' Local Planning Strategy and the State Government Planning Policy SP2.2 for Activity Centres.</p>



		<p>b) Increased traffic on Central Road and Mead Street with cars turning off Canning Road, trucks doing night deliveries will cause increased congestion, safety issues and unwanted noise.</p> <p>c) Increased vehicle and people movement and presence will most likely lead to an increase in crime.</p> <p>d) Clearing of trees to build a car park changes the natural balance and affects residents who enjoy that outlook, also a loss of habitat for birds.</p> <p>e) Kalamunda is losing its appeal with the addition of large building structures and the many vacant shops, our population cannot sustain 3 supermarkets</p>	<p>b) A traffic management plan has been submitted as part of the proposed development. It has been assessed that access to and from the site from Central Road is consistent with the load capacity for that street. The proposed number of vehicles per day will remain within those limits. Any noise issues relating to the activity of the supermarket or proposed shop tenancies should be addressed in writing to the Shire’s Environmental Health Department.</p> <p>c) An increase in activity and the presence of people, coupled with an activated street frontage will accord with Crime Prevention through Design Principles (CPTED). Passive surveillance and human activity on a site which is currently underutilised is assessed as a positive change for this site and is likely to create a new meeting place in lieu of an underutilised building and core town centre site.</p> <p>d) The majority of trees are to be retained and to be incorporated into the design of the parking facility. The site has an express land use reservation for car parking and therefore complies with the intended land use for the site. The applicant will be required to submit further detailed plans showing retention of trees on-site.</p> <p>e) The scale of the proposed building is single storey, contains activated street frontages to Mead Street and Central Road. The commercial viability of a supermarket as previously mentioned is not a planning consideration and therefore cannot be considered in the Shire’s decision whether or not to approve this development. It is considered that the proposed development complies with the Policy for Urban Design for the Kalamunda District Centre.</p>
3.	P Edwards President Kalamunda CWA No address given	<p><b>No Objection</b></p> <p>No comments given</p>	Noted

4.	<p>Brett Johnson- Brett Johnson Real Estate 14 Haynes Street, Kalamunda WA</p> <p>On behalf of six owners at 21 Central Road Kalamunda</p>	<p><b>Non Objection</b></p> <p><b>Comments</b> Several concerns</p> <ul style="list-style-type: none"><li>a) No indication of pedestrian access to the development. it is presumed that this will be from Central Road. If this is the case they would expect a pedestrian crossing to be situation within a safe distance from the corner of Mead Street.</li><li>b) Senior Pedestrians crossing Mead Street Currently face the hazard of fast moving East-West traffic and this is increased by cars leaving the mall car park, Coles car park and the Shell Service Station. Concerned that elderly need extra time to cross and therefore modification should be considered including traffic calming.</li></ul>	<ul style="list-style-type: none"><li>a) Pedestrian access is provided by way of footpaths along Mead Street and Central Road. The Shire is now requesting that the applicant provide further information by way of a revised landscape and car parking plan to clearly delineate pedestrian connectivity through the site, linking the supermarket to the bus station and through to Central Road. This will be requested as a condition of approval.</li><li>b) Comments noted. A traffic impact assessment has been submitted and assessed by the Shire's Engineering department.</li></ul>
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		<ul style="list-style-type: none"> <li>c) Concerned about the car park and service entrances being directly aligned with their entrance making access to their property more difficult.</li> <li>d) Street Parking concerns, used Saturday markets as example of difficulties in the street. They suggest a parking ban on the eastern side of central road would help their residents access their homes at all times.</li> <li>e) Request that all native trees and vegetation in the car park be retained wherever possible as habitat for various bird life resides there.</li> <li>f) Security Lighting, should be positioned as to not impact on the residential properties on the Eastern side of Central Road.</li> </ul>	<ul style="list-style-type: none"> <li>c) The proposed service entrances are located with a considerable distance from the street corner to allow for ample sweeping pathways for larger vehicles, particularly delivery vehicles. The traffic impact assessment has deemed that this location is suitable for the site access points for vehicles.</li> <li>d) The applicant is proposing the construction of ten additional verge parking bays. Separate to this application the development of a public parking facility is envisaged, this will therefore alleviate growing parking demands for competing uses within the district centre.</li> <li>e) The Shire has recommended a condition be attached to any development approval seeking the retention of remnant vegetation where possible on site and within the road reservation.</li> <li>f) Noted, further information is required regarding the redevelopment of the overall car park and therefore lighting, signage and landscaping are yet to be determined.</li> </ul>
5.	Eryk Matustiz 675A Beaufort Street, Mount Lawley. Owner of 10 Central Road, Kalamunda	<p><b>Non Objection</b></p> <p>Fully Supports the application</p>	Noted

6.	Roger David Jennings & Lillian Mary Jennings Unit 3 / 27 Central Road, Kalamunda	<b>Objection</b>  Part A  a) Acknowledges the zoning as District Centre and that shop is a permitted use. b) The Shire does not state that the proposed is of the large single shop in the proposal. Believes that we should have been more descriptive and stated supermarket. c) Acknowledges the size of building and the requirements for additional parking. Acknowledges that the proposal is for Aldi. d) Believes that the supermarket is not needed and will have further detrimental effects on smaller retailers in the area. e) Concerned about traffic volume on both streets including customers as well as commercial vehicles. Believes that access could have been	a) Noted  b) Noted, the proposal is for a small supermarket and associated shop tenancies x 2.  c) Noted  d) Noted, however the proposal accords with Councils Local Planning Strategy for commercial development within the Kalamunda Town Centre as well as the objectives of State Planning Policy 2.2 relating to Activity Centres regarding appropriate land uses within a district centre.  e) A Traffic Impact Assessment has been undertaken. It has been determined that the traffic volume increases are minor and will not exceed the load capacity of either Mead Street or Central Road.
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		<p>provided from Mead Street which would obviate some of the problems likely to occur.</p> <p>f) Concerned about night deliveries given the hours shops are allowed to be open. Concerned about the associated noise and will affect their amenity. Believes that the noise will disturb their sleep and will be intolerable.</p> <p>g) Concerned about the inadequacy of the junction of Mead Street and Canning Road to deal with the increased volumes in traffic. Will the Shire of Main Roads be willing to fund changes.</p> <p>h) Concerned about the number of current vacant store fronts in the centre of Kalamunda. They are concerned at where tenants will come from for the "Specialty shops".</p> <p>i) All objection points raised are stated would</p>	<p>f) The applicant will need to comply with Environmental Health regulations regarding noise and odour. It has been assessed that the proposed land use is compliant and therefore supported.</p> <p>g) A traffic impact assessment has been undertaken and recommendations have been reviewed by the Shire's Engineering Department. No further works have been deemed necessary at this time.</p> <p>h) The development of the proposed supermarket and associated shops is seen as an attractive alternative shopping option for local residents that may bring more people into the centre of Kalamunda, therefore it is seen as a positive contribution to the vibrancy and viability of the district centre, providing more opportunities for visitors and locals to obtain fresh food and produce. The proposal is seen as adding variety and consumer choice and accords with planning controls regarding land use for the District Centre.</p> <p>i) Noted, the redevelopment of an alternative use may have different requirements for parking.</p>
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		<p>apply equally if the shop was any other use such as a liquor store or electrical appliance store etc.</p> <p>Part B</p> <p>Proposed Car Park Development Lot 611 (20) Central Road, Kalamunda.</p> <ul style="list-style-type: none"><li>a) The Shire does not state who will fund this.</li><li>b) Mentions that the Shire previously published proposals for the redevelopment of this site along with surrounding land including the Jack Healy Centre.</li><li>c) The provision of parking on Lot 611 Central road is adequate for those commuters using the bus station so any increase in parking provision can only be for the benefit of the developer of Lot 601 Mead Street. Does not want to see ratepayers funding the increase in</li></ul>	<p>Part B – The public car park redevelopment</p> <ul style="list-style-type: none"><li>a) Development of the car park will be at the expense of the developer. No current agreement has been formalised regarding the redevelopment of the parking lot at Lot 611 Central Road. It is envisaged that the applicant will be liaising with the Shire of Kalamunda to devise a plan for reciprocal access.</li><li>b) Noted.</li><li>c) It is envisaged that any redevelopment of the parking lot will include public parking, of which the shortfall in parking bays will be shared both with the Supermarket, associated shop tenancies, public transport patrons as well as the general public. This agreement has not yet been formalised between the Shire of Kalamunda and the applicant.</li></ul>
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		<p>parking on Lot 611 Central Road.</p> <p>d) Is concerned that it is the only parking area in central Kalamunda that is not subject to a nominal time restriction. Mentions that the developers of Lot 601 are unlikely to be content with this car parking being used by all day commuters, therefore the Shire then needing to enforce time restrictions or parking meters. Where will the commuters park then? Concerned this will cause an on-street overflow.</p> <p>e) All objections relating to Lot 601 Mead Street regarding traffic flow and loss of amenity apply to this lot also.</p> <p>f) It is stated that they believe that plans marked the existing trees to be retained but is concerned that stone walls and speed humps are not a replacement for suburban vegetation</p>	<p>d) No additional details regarding timed parking or parking meters is currently available, this detail will be made in agreement with the Shire and is likely to allow parking for both commuters as well as patrons of the supermarket and associated shop tenancies.</p> <p>e) Noted.</p> <p>f) A detailed plan indicating all proposed landscaping, car parking design and retention of existing vegetation is required and will be requested as a condition of approval.</p>
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7.	Norman McIver Campbell 9/27 Central Road Kalamunda	<p><b>Objects</b></p> <p>Concurs with the submission by Lillian and Roger Jennings</p>	Noted
8.	Roberto Villani Unit 4- 23 Central Road, Kalamunda	<p><b>Comments</b></p> <p>a) Does not want the car parking area to be haven for car and motorbike after hours hoons. Wants the parking lot to be designed to avoid this after hours practice from taking place.</p> <p>b) Sees no sense in relocating the footpath along central road to make way for parking bays on Central Road. Concerned about on-street parking to Central Road.</p> <p>c) Would like to see public toilets at the rear of the premises to cater for bus patrons and shop patrons.</p> <p><b>A second submission was received</b></p> <p>a) Asks that the council ask the appropriate authority</p>	<p>Part A</p> <p>a) Noted, further car parking design and landscaping will be recommended as a condition of approval. Detail of the construction and access of the parking lot is yet to be determined. All Hoon related activity should be reported to the Western Australian Police.</p> <p>b) Pedestrian access will recommended to be addressed so that access from Central Road, through to the supermarket / shops and to the bus station will be maintained.</p> <p>c) Public toilets do not form part of this application and are located throughout the district centre.</p> <p>Part B</p> <p>a) A traffic impact assessment has been undertaken. The results of this assessment have been forwarded to the Shire’s engineering department who will consider all traffic calming / improvement enquiries.</p>



		<p>to carry out a proper study on the requirements of traffic islands / road speed bumps in Mead Street to slow the traffic.</p> <p>b) This area is now used by high school students, buses, farmer's mart patrons, and local seniors, particularly patrons of the local tuck shop.</p> <p>c) Having access to the new premises from the rear of the development may be a good idea for the patrons</p>	<p>b) Noted</p> <p>c) Noted</p>
9.	Dr Libby Mattiske 28 Central Road, Kalamunda	<p><b>Objection</b></p> <p>a) Presents similarly as the Barber Street building which has altered the style and ambiance of the Kalamunda shopping precinct.</p> <p>b) A multistorey building should be avoided to assist in maintaining the ambiance of the area.</p> <p>c) Suggests that alternative designs should be presented to the local</p>	<p>a) The proposed development is significantly less in scale than the Barber Street development in that this development is predominantly single storey.</p> <p>b) The proposal is single storey with an undercroft.</p> <p>c) The applicant is not required by the Local Planning Scheme No.3 to provide multiple design options as part of their application. They have submitted</p>

		<p>community to address options for the development that maintain the ambiance and character of the Kalamunda district.</p> <ul style="list-style-type: none"><li>d) Questions the need for the development and believes that locals avoid the area on market day due to a lack of parking.</li><li>e) The design of the back south facing section of the building appears to look like a massive toilet block. Suggests an alternative design and otherwise screening using local native plants.</li><li>f) Concerned about traffic load. Suggests that we undertake a traffic management plan that accounts for the increasing traffic on Mead Street and Central Road.</li><li>g) Access of traffic on and off the adjacent roads will lead to more noise and safety concerns on Mead Street and Central Road.</li></ul>	<p>the design which they wish to pursue and this is deemed sufficient for the purposes of assessing an application to commence development.</p> <ul style="list-style-type: none"><li>d) A retail needs assessment has not been provided, however this is not a requirement as part of an application to commence development in accordance with the Local Planning Scheme No.3</li><li>e) The design frontage mentioned is the elevation which is not facing either Mead Street or Central Road. The design seeks to frame the corner of Mead and Central, providing a well-articulated and interactive shop frontage, promoting passive surveillance as well a pedestrian friendly environment.</li><li>f) A traffic impact assessment has been undertaken independently and submitted to Shire as part of this application. The proposed traffic load increase is deemed to be within the capacity of both Mead Street and Central Road.</li><li>g) The traffic impact assessment report has been evaluated by Council's Engineering department and it has been determined that no further upgrades are required as a direct result of this development proposal.</li></ul>
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		<p>h) Concerned for the local older residents and local school children who use Central Road daily during school terms for access to and from Kalamunda.</p> <p>i) Environmental Issues- Concerned about the tree usage for the listed black Cockatoos, and that this be reviewed and assessed by a specialist in this species. Suggest that if the proposal proceeds that a significant species management plan as part of an environmental management plan be prepared to assist in maintaining the ambiance of the area. Also suggests that the need for a more formal assessment in view of its current usage for foraging by the species.</p>	<p>h) Noted</p> <p>i) The application has been reviewed by the Shire’s Environment and Parks team. Conditions of approval relating the retention of existing vegetation will form part of the recommendation for approval.</p>
10.	Stuart Kostera 7 Mead Street Kalamunda	<p><b>No Objection</b></p> <p>No further comments</p>	Noted

11.	Mike and Jean Steward 24 Central Road, Kalamunda	<b>Objections</b> <ul style="list-style-type: none"><li>a) The proposal to develop Lot 17A and Lot 20 does not specify the exact nature of the business to be undertaken.</li><li>b) Concerned about the openly access to the facility for deliveries and customers shown as being from Central Rd which is essentially a quiet residential road with little commercial activity.</li><li>c) Concerned that if it a supermarket issues of noise and traffic density will completely change the character of this quiet residential road. The impact on all residents nearby will be significant.</li><li>d) Concerned at the possibility of 7 day trading and associated noise.</li><li>e) Concerned about security.</li></ul>	<ul style="list-style-type: none"><li>a) Noted, it is a supermarket and associated two shop tenancies</li><li>b) A traffic impact assessment has been undertaken which evaluates traffic movement and access to and from the site. It has concluded that the site access is appropriate in size and location. The capacity of Central Road has been determined as being appropriate for commercial vehicles associated with a supermarket and shop land uses.</li><li>c) As per point b), the traffic impact assessment has indicated that the site access is suitable for this road and does not significantly increase the number of movements on this road, and is therefore within the capacity of this particular road.</li><li>d) The applicant has not indicated proposed trading hours. In this instance the Shire will not be imposing restrictions of the number of trading days or hours of operation.</li><li>e) Noted. Lighting details within the car parking facility have not yet been determined or submitted. The applicant will be required to submit further details regarding security and lighting as part of a recommended condition of approval.</li></ul>
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		<p>f) Has asked the Shire why it has not been considered to have the entry for delivery vehicles from Mead Street given that it is much wider and already used by commercial traffic.</p> <p>g) Concerned that there are already a lot of vacant shops and Kalamunda is already serviced by three supermarkets.</p> <p>h) Concerned about parking for the park and ride facility for the bus station.</p> <p>i) Has asked if there are going to be time restrictions or parking metres.</p>	<p>f) The Shire has not requested that the access for vehicles be located on Mead Street given that the traffic impact assessment has deemed that access from Central Road is a viable option and is assessed as not greatly impacting on the traffic volumes of capacity of that road.</p> <p>g) The Shire of Kalamunda encourages the redevelopment of sites within the District Centre in accordance with the Local Planning Strategy, within the State Planning Policy objectives for Activity Centres as well as within the urban design controls for the town centre. New supermarket and associated shops adjacent to the bus station, whilst activating what is an inactive street front is seen as being of benefit to Kalamunda and is therefore supported in principle. A new supermarket is seen as a greater attractor of local residents to visit the centre and therefore bring about more customers and activity for surrounding shops and businesses.</p> <p>h) Parking for the bus station will not be compromised.</p> <p>i) No details regarding the parking is currently agreed or available.</p>
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		<p>j) Asking about what restrictions the developer has requested regarding their deal to upgrade the adjacent parking lot.</p> <p>k) Has suggested the construction of a two storey parking lot at Barberry Square line the one at Coles.</p> <p>l) Is querying why the Shire did not reveal the type of business the shopping development is for.</p> <p>m) With changes to surrounding density to R20/40 they are concerned that there will already be an increase in traffic load.</p> <p>n) Concerned about the removal of trees.</p> <p>o) Accepts progress and change but needs to be with respect and consideration of the residents and ratepayers directly impacted.</p>	<p>j) No deal has been reached for the redevelopment of the car parking lot.</p> <p>k) Noted</p> <p>l) The development is for a supermarket and associated shops. The retailer is not the applicant in this instance so the applicant therefore is not required to disclose which supermarket chain will occupy the proposed development. The subsequent shops also may not have allocated tenants but have been designated as "Shop" land uses in terms of assessment in accordance with Local Planning Scheme No.3</p> <p>m) Traffic impact assessment statement has been submitted for this development and is consistent with the capacity loads for Central Road and Mead Street.</p> <p>n) The applicant is required to submit further details regarding the retention of existing trees within the site and within the road verge.</p> <p>o) Noted</p>
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		<p><b>Second submission</b></p> <ul style="list-style-type: none"><li>a) Concerned about notation of the site survey that the dividing fence is in "poor condition" and rejects such a claim.</li><li>b) Is concerned about reasonable clearance between the boundary fence and the proposed parking.</li></ul>	<p><b>Part B</b></p> <ul style="list-style-type: none"><li>a) Noted, dividing fencing is a civil matter between land owners and is not within the Shire's jurisdiction. It is suggested that the submitter liaise directly with the adjacent land owner. It is noted that upon inspection that the fence appears to be in "good" condition.</li><li>b) Noted, this will be considered when further details are made available regarding the proposed redevelopment of the car parking facility.</li></ul>
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**10.3.5 Shire of Kalamunda Fencing Local Law 2016**

Previous Items	11/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	LE-LOL-002
Applicant	N/A
Owner	N/A
Attachment 1	Proposed Shire of Kalamunda Fencing Local Law 2016
Attachment 2	Submission Table

**PURPOSE**

1. To consider making the Shire of Kalamunda Fencing Local Law 2016 (Attachment 1)

**BACKGROUND**

2. The Fencing Local Law provides guidance on boundary fences within the Shire.
3. The current Local Law was adopted in 2008.
4. Numerous issues have arisen in the application of the current Local Law, notably the inability of Council to determine applications in certain scenarios.
5. At the Ordinary Council Meeting on 22 February 2016, Council resolved to repeal the current Local Law and advertise the proposed Shire of Kalamunda Fencing Local Law 2016.

**DETAILS**

6. The advertising period was from 15 March 2016 to 25 April 2016, (42 days)
7. The approval process from now is as follows:
  - a. Council resolves to make the Local Law 2016.
  - b. Copy of the Shire of Kalamunda Fencing Local Law is forwarded to the Department of Local Government and Communities for approval.
  - c. The Local Law is published in the Government Gazette. The Shire of Kalamunda Fencing Local Law 2016 comes into effect 14 days after gazettal.
  - d. Local public notice of the gazettal of the local law.
  - e. Copy of the local law provided to the WA Parliamentary Joint Standing Committee on Delegated Legislation



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## **STATUTORY AND LEGAL CONSIDERATIONS**

8. Section 3.12 of the *Local Government Act 1995*.

## **POLICY CONSIDERATIONS**

9. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

10. If Council resolves to make the new Local Law, local public notice is required of the gazettal and application of local law.
11. The advertising period was from 15 March 2016 to 25 April 2016, (42 days)
12. A total of seven submissions were received from four people. Refer to (Attachment 2).

## **FINANCIAL CONSIDERATIONS**

13. The only financial implications arising from the adoption of this Local Law will be the cost of advertising as required by the legislation. These costs will be met from current budget allocations.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

14. *Kalamunda Advancing: Strategic Community Plan to 2023*
- 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.

## **SUSTAINABILITY**

### **Social Implications**

15. Nil.

### **Economic Implications**

16. Nil.

### **Environmental Implications**

17. Nil.

## RISK MANAGEMENT CONSIDERATIONS

18.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	The proposed new local law will not be approved.	Unlikely	Minor	Medium	Ensure Council is aware that the legislation requires a review of local laws every eight years.

## OFFICER COMMENT

19. Following the 42 day advertising period a total of seven comments were received from 3 individuals. A further detailed submission was received from the Department of Local Government & Communities which in the main related to formatting and current convention, were noted and amendments made where applicable.
20. Comments relating to the proposed permissible fence heights and materials in properties zoned Residential R5 are noted. Schedule 1 of the Local Law will give consenting neighbours a number of options regarding types of permissible fencing compared with the 2008 version of the Local Law which is restrictive.
21. The 2008 version of the Local Law is so restrictive it does not enable the Shire to arbitrate where neighbours cannot reach a consensus in regards to the construction of, or repair of their dividing fences leaving only the Courts to make a determination. The proposed Local Law enables the Shire to make a determination where a consensus cannot be reached or where fencing materials, design or repair do not meet the specifications of a sufficient fence.

### Voting Requirements: Absolute Majority

#### RESOLVED OCM OCM 117/2016

That Council:

1. Resolves to makes the Shire of Kalamunda Fencing Local Law 2016, as proposed (Attachment 1).

Moved: **Cr Sue Bilich**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (10/0)**

**Attachment 1**

***LOCAL GOVERNMENT ACT 1995  
DIVIDING FENCES ACT 1961***

SHIRE OF KALAMUNDA

**FENCING LOCAL LAW 2016**

TABLE OF CONTENTS

**PART 1 - PRELIMINARY**

- 1.1 Citation
- 1.2 Application
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Purpose and effect
- 1.6 Interpretation
- 1.7 Licence fees and charges

**PART 2 – SUFFICIENT FENCES**

- 2.1 Sufficient fences

**PART 3 - GENERAL**

- 3.1 Fences within street setback areas
- 3.2 Maintenance of fences
- 3.3 General discretion of the local government
- 3.4 Applications for approval of local government
- 3.5 Duration of approval
- 3.6 Revocation of approval

**PART 4 - FENCING MATERIALS**

- 4.1 Fencing materials
- 4.2 Barbed wire and broken glass fences

**PART 5 - ELECTRIFIED AND RAZOR WIRE FENCES**

- 5.1 Requirements for an approval

**PART 6 - NOTICES OF BREACH**

- 6.1 Notices of breach

**PART 7 - OFFENCES AND PENALTIES**

- 7.1 Offences and penalties
- 7.2 Modified penalties
- 7.3 Form of notices
- 7.4 Objections and appeals

**SCHEDULE 1 - Sufficient fence on a Residential Lot**

**SCHEDULE 2 - Sufficient fence on a Commercial or Industrial Lot**

**SCHEDULE 3 - Sufficient fence on a Rural or Special Rural Lot**

**Local Government Act 1995**

SHIRE OF KALAMUNDA

**FENCING LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kalamunda resolved on (insert resolution date) to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *Shire of Kalamunda Fencing Local Law 2016*.

**1.2 Application**

This local law shall apply throughout the district.

**1.3 Commencement**

This Local Law will come into operation on the 14th day after the day on which it is published in the *Government Gazette*.

**1.4 Repeal**

The *Shire of Kalamunda Fencing Local Law 2008* published in the *Government Gazette* on 3 October 2008 is repealed.

**1.5 Purpose and effect**

- (1) The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.
- (2) The effect of this local law is to establish the minimum requirements for fencing within the district.

**1.6 Interpretation**

In this local law, unless the context otherwise requires -

*Act* means the *Dividing Fences Act 1961*;

**AS or AS/NSZ** means an Australian or Australian/New Zealand Standard as published by Standards Australia and as amended from time to time;<sup>1</sup>

**boundary fence** has the meaning given to it in the Act;

**Building Surveyor** means a Building Surveyor of the local government;

**CEO** means the Chief Executive Officer of the local government;

**Commercial Lot** means a lot where a commercial use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**composite fence** means a fence constructed of brick piers and with infill panels between the piers of materials other than brick or a fence where the supporting posts and infill panels are of different materials.

**dangerous** in relation to any fence means -

- (a) an electrified fence, other than a fence in respect of which a licence under Part 5 of this local law has been issued and is current;
- (b) a fence containing barbed wire, other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire (unless otherwise approved in accordance with Part 5 of this local law), or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

**district** means the district of the local government;

**dividing fence** has the meaning given to it in the Act;

**electrified fence** means a fence carrying or designed to carry an electric charge;

**fence** means any structure, used or functioning as a barrier, irrespective of where it is located, and includes any gate, but does not include a retaining wall unless otherwise stated in this Local Law;

**frontage** means the boundary line between a lot and the thoroughfare which that lot adjoins;

**height** in relation to a fence means the vertical distance between -

- (a) the top of the fence at any point; and
- (b) the ground level at the base of the fence or if the fence is constructed on a retaining wall the ground level at the base of the retaining wall and where the ground levels on each side of the fence are not the same, the

<sup>1</sup> A copy of this Standard is available for viewing at the Shire of Kalamunda's Administration Centre

higher ground level (whether at the base of the fence or retaining wall), immediately below that point;

**Industrial Lot** means a lot where an industrial use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**local government** means the Shire of Kalamunda;

**local planning scheme** means a local planning scheme of the local government made under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*;

**lot** has the meaning given to it in the *Planning and Development Act 2005*;

**notice of breach** means a notice referred to in clause 6.1;

**Residential Design Codes** means State Planning Policy 3.1 Residential Design Codes prepared under section 26 of the *Planning and Development Act 2005* by the Western Australian Planning Commission, as amended from time to time;<sup>2</sup>

**Residential Lot** means a lot where a residential use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**retaining wall** means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

**Rural Lot** means a lot where a rural use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**Schedule** means a Schedule to this local law;

**Special Rural Lot** means a lot where a special rural use -

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

**street setback area** has the meaning given to it for the purposes of the Residential Design Codes;

**structural engineer** means a qualified engineer trained to understand and calculate the stability, strength and rigidity of built structures for buildings and non-building structures;

<sup>2</sup> A copy of the Residential design Codes may be viewed at the Shire of Kalamunda's Administration Centre or downloaded at <http://www.planning.wa.gov.au/dop> pub pdf/State Planning Policy 3.1-Residential Design Codes Print.pdf

***sufficient fence*** means a fence described in clause 2.1;

***thoroughfare*** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is open at each end; and

***visually permeable*** has the meaning as defined in Appendix 1 –Definitions of the Residential Design Codes.

### 1.7 **Approval** fees & charges

All **approval** fees and charges applicable under this local law shall be as determined by the local government from time to time, in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

## Part 2 - Sufficient Fences

### 2.1 Sufficient fences

- (1) Unless approved by the local government under clause 3.3(1), a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Subject to subclauses (3) and (4), a sufficient fence -
  - (a) on a Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 1.
  - (b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
  - (c) on a Rural Lot and on a Special Rural Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
- (3) Where a fence is erected on or near the boundary between -
  - (a) a Residential Lot and an Industrial Lot, Commercial Lot, Rural Lot or Special Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 1; and
  - (b) a Special Rural Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.
- (4) Unless the local government specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (5) Notwithstanding any other provisions in this local law, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where:
  - (a) it is greater than 1800mm in height; or
  - (b) the local government so requires.



### **Part 3 - General**

#### **3.1 Fences within street setback areas**

- (1) A person shall not, without the approval of the local government, erect a fence greater than 1800mm in height, or a fence that is not visually permeable for a minimum height of 1.2m, within the street setback area of a Residential Lot within the district.
- (2) The local government may approve the erection of a fence of a height greater than 1800mm in the street setback area of a Residential Lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of subclause (2) shall not apply to a fence -
  - (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
  - (b) that does not adjoin a footpath.

#### **3.2 Maintenance of fences**

An owner or occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, damaged, dilapidated, unsightly, or otherwise detrimental to the visual amenity of the streetscape or neighbouring properties.

#### **3.3 General discretion of the local government**

- (1) Notwithstanding clause 2.1, the local government may approve the erection or repair of a fence which:
  - (a) is not a sufficient fence; or
  - (b) otherwise requires approval under this Local Law.
- (2) In determining whether to approve the erection or repair of any fence under subclause (1), the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on -
  - (a) the safe or convenient use of any land; or
  - (b) the safety or convenience of any person.
  - (c) the visual amenity of the streetscape or neighbouring properties.

#### **3.4 Applications for approval of local government**

- (1) An application for approval of the local government under clause 3.3(1) must be –

- (a) in writing in a form approved by the local government;
  - (b) accompanied by any document or information that is required by the local government; and
  - (c) accompanied by an application fee.
- (2) An application for approval shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (3) An application for approval may be:
- (a) approved by the local government;
  - (b) approved by the local government subject to such conditions as it thinks fit; or
  - (c) refused by the local government.

### **3.5 Duration of approval**

An approval given under this Local Law shall transfer with the land to any new occupier or owner of the lot and shall continue in force and effect until –

- (a) the fence is removed;
- (b) the approval is revoked by the local government under clause 3.6; or
- (c) the owner of the lot surrenders the approval.

### **3.6 Revocation of approval**

Subject to Division 1 Part 19 of the *Local Government Act 1995*, the local government may revoke an approval granted under this Part if –

- (a) the fence is not maintained in accordance with clause 3.2; or
- (b) there is a breach of any condition upon which the approval has been granted.

## **Part 4 - Fencing Materials**

### **4.1 Fencing materials**

- (1) A person shall only construct a fence on a Residential Lot, a Commercial Lot, Industrial Lot or Rural Lot from those materials specified for a sufficient fence in respect of such a lot in Schedules 1, 2 or 3, or some other material approved by the local government.
- (2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the local government.

### **4.2 Barbed wire and broken glass fences**

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- (3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections, unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm from the face of the fence and is not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall on that lot, whether internal or external, any broken glass.
- (6) An owner or occupier of a Rural Lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place, unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

## Part 5 - Electrified and Razor Wire Security Fences

### 5.1 Requirements for an approval

- (1) Subject to subclauses (3 and 4) an owner or occupier of a lot, shall not -
  - (a) erect or use an electrified security fence on that lot; or
  - (b) construct a fence wholly or partly of razor wire on that lot;
  - (c) unless approval of the local government is first obtained.
- (2) Approval to erect or use an electrified fence or construct a fence wholly or partly of razor wire on that lot shall not be granted -
  - (a) in respect of a lot which is, or which adjoins, a Residential or Rural Lot;
- (3) Approval shall only be granted on lots other than Residential or Rural for an electrified security fence where:
  - (a) Application is made to the local government for approval and the design and specifications for the fence will comply with AS/NZS 3016 – Electrical installations – Electric security fences; as amended from time to time; and
  - (b) provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected;
  - (c) an electrified fence once erected must at all times comply with the provisions of AS/NZS 3016; as amended from time to time; and
  - (d) comply with any requirements of Western Power.
- (4) Approval to have a fence constructed wholly or partly of razor wire shall not be granted:
  - (a) if the fence is within 3m of the boundary of the lot;
  - (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level; and
  - (c) on any lots other than Commercial or Industrial lots.

## Part 6 - Notices of Breach

### 6.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot ('notice of breach').
- (2) A notice of breach shall -
  - (a) specify the provision of this local law which has been breached;
  - (b) specify the particulars of the breach; and
  - (c) state that the owner or occupier of the lot, as the case may be, is required to remedy the breach within 28 days from the giving of the notice.

- (3) If an owner or occupier fails to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
- (4) The provision of this clause are subject to section 3.25 and item 12 of division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry on the land will be in accordance with Part 3, Division 3 of that Act.

## **Part 7 – Offences and Penalties**

### **7.1 Offences and penalties**

- (1) An owner who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.
- (2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

### **7.2 Modified penalties**

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this local law is \$500.

### **7.3 Form of notices**

For the purposes of this local law –

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

### **7.4 Objections and appeals**

When the local government makes a decision under this local law as to whether it will -

- (a) grant or refuse to grant a person an approval;
- (b) cancel an approval; or
- (c) give a person a notice under clause 6.1,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

**Schedule 1 - Specifications for a Sufficient Fence on a Residential Lot**  
[Clause 2.1(2)(a)]

Each of the following is a "sufficient fence" on a Residential Lot -

1. A 1 metre high, 2.5mm wire mesh rail-less fence with steel posts at a maximum 3 metre spacing, terminal posts to be braced with a diagonal brace in the line of the fence.
2. A picket timber fence which satisfies the following specifications -
  - (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
  - (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
  - (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
  - (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
  - (e) rails to be 75mm x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
  - (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
  - (g) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.
3. A fence constructed of corrugated fibre reinforced pressed cement or profiled coloured steel sheeting which satisfies the following specifications -
  - (a) to be installed in accordance with the manufacturer's specifications;
  - (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
  - (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
  - (d) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height, but which is subject to clause 3.1.
4. A fence constructed of brick, stone or concrete, which satisfies the following specifications -

- (a) footings having a minimum of 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
  - (b) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
  - (c) expansion joints in accordance with the manufacturer's written instructions; and
  - (d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1.
5. A composite fence having a minimum overall height of 1800mm except with respect to the front setback area for which there is no minimum height, but which is subject to clause 3.1, which satisfies the following specifications for the brick construction -
- (1)
    - (a) brick piers having a minimum of 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
    - (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
    - (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
    - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
    - (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; or
  - (2)
    - (a) brick piers having a minimum of 345mm x 345mm x 2700mm centres bonded to the base wall; and
    - (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.
6. A "Duralok" or similar PVC fencing system not exceeding 1.8m high, erected and installed in accordance with the manufacturer's specifications.

**Schedule 2 - Specifications for a Sufficient Fence on a Commercial Lot and an Industrial Lot**

[Clause 2.1(2)(b)]

Each of the following is a "sufficient fence" on a Commercial Lot and an Industrial Lot -

1. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications:
  - (a) corner posts having a minimum of 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
  - (b) intermediate posts having a minimum of 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 600mm;
  - (c) struts having a minimum of 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
  - (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
  - (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 4.2(3) of this local law; and
  - (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6 metres, be designed to open inwards, and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.
2. A fence of fibre reinforced cement sheet or coloured steel sheeting constructed to the minimum specifications referred to in Schedule 1.
3. A fence constructed of aluminium or metal sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.
4. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 1.



**Schedule 3 -Specifications for a Sufficient Fence on a Rural or Special Rural Lot**  
[Clause 2.1(2)(c)]

In the case of a non-electrified fence, each of the fences described in **items 1 to 4** is a sufficient fence on a Rural or Special Rural Lot.

1. A fence of post and wire construction not exceeding 1.2m in height, the minimum specifications for which are:
  - (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
  - (b) posts shall be of indigenous timber or other suitable material including –
    - timber impregnated with a termite and fungicidal preservative;
    - standard iron star pickets; or
    - concrete;
  - (c) if timber posts are used, posts are to be cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be placed at not more than 10 metre intervals, set minimum 600mm in the ground and 1200mm above the ground; and
  - (d) strainer posts, if timber, shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.
2. A Duralok PVC fencing system not exceeding 1.2m in height erected and installed in accordance with the manufacturer's specifications.
3. A timber post and rail fence not exceeding 1.2m in height the minimum specifications for which are:
  - (a) the posts to be of a durability grade as defined in the Australian Standards or other suitable material including impregnated with termite and fungicidal preservatives not less than 1800mm long x 125mm diameter at the small end if round or 125mm x 75mm if sawn. Posts to be placed at not more than 2.7 metre intervals, set minimum 600mm in the ground and 1200mm above the ground;
  - (b) strainer posts, shall be not less than 2250mm long and 125mm diameter at the small end and shall be cut from indigenous timber or other suitable material. These shall be placed **at** a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart; and
  - (c) rails shall be no less than no less than two in number and 80mm round at the small end or 75mm x 50mm if sawn timber.
4. A concrete timber look post and rail fencing not exceeding 1.2m in height installed and erected in accordance with the manufacturers specifications.

5. An electrified low voltage fence on a Rural or Special Rural Lot having four wires is a sufficient fence only if constructed and maintained in accordance with AS/NZS 3014 – Electrical Installations – Electric fences (as amended from time to time).

Dated this            day of                            2016.

The Common Seal of the Shire of Kalamunda was affixed by authority of a resolution of the Council in the presence of:

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Andrew Waddell  
Shire President

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Rhonda Hardy  
Chief Executive Officer

## Attachment 2

### Submission Table

	Details	Comment	Staff Comment
1.	Harry Lang 24 Lookout Road Kalamunda	Questioned what is under review. Comments related to the use of 1.8m high fencing and how the local law will effect an ongoing neighbour dispute	<p>The Fencing Local Law is being reviewed, principally to allow for a range of fencing material which can be considered as a "Sufficient Fence". The proposed Local Law enables the Shire to make a determination where a consensus cannot be reached or where fencing materials, design or repair do not meet the specifications of a sufficient fence.</p> <p>The proposed local law requires a minimum 1.8m for front boundary fences which are required to be visually permeable. The local law has been amendment to reflect a minimum fence height of 1.2m in accordance with the Residential Design Codes.</p>
2.	Alan Pugh (via email)	Objects to 1.8m high fence on a residential lot and that if a pool fence is ok at 1.2m then this should also be sufficient.	The proposed local law requires a minimum 1.8m for front boundary fences which are required to be visually permeable. The local law has been amendment to reflect a minimum fence height of 1.2m in accordance with the Residential Design Codes.
3.	Hayley (via email)	Supports that Council will be able to determine applications where dispute arise.	Noted.
4.	Department of Local Government and Communities	Changes required to the local law to improve clarity, formatting and to satisfy current local law drafting convention	Noted. All comments and suggestions have been incorporated in the amended local law. These changes do not alter the effect of the local law as provided for public comment.

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

**10.3.6 CONFIDENTIAL ITEM - National Disability Insurance Scheme**

Reason for confidentiality. *Local Government Act s 5.23(2) (a). A matter affecting an employee or employees.*

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Community Care
File Reference	
Applicant	N/A
Owner	N/A

**This item was circulated to Councillors under separate cover and discussed under Point 15 of this Agenda**

**Voting Requirements: Simple Majority**

RESOLVED OCM 119/2016

That Council:

1. Approves the continuation of the current service delivery model for a period of six months for clients that will be required to move to the National Disability Insurance Scheme model from 1 July 2016.
2. Notes the appointment of a Consultant to evaluate all Community Care programs and future funding arrangements.
3. Notes that a Consultant Report will be provided to Council recommending service delivery options for Community Care Programs.

Moved: **Cr Tracy Destree**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**10.3.7 CONFIDENTIAL REPORT – Consideration of Tenders – Hartfield Park Recreation Centre – Supply and Installation of a Sprung Timber Floor (RFT 1609)**

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

Previous Items	OCM 37/2016
Responsible Officer	Director Infrastructure Services
Service Area	Infrastructure Services
File Reference	RFT 1609
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Tender Evaluation Report

**This item was circulated to Councillors under separate cover and was discussed under Point 15 of this Agenda**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 120/2016

That Council:

1. Accepts the recommendation of the Tender Evaluation Panel to appoint WA Hardwood Floors for the provision of the Hartfield Park Recreation Centre – Supply and Installation of a Sprung Timber floor (RFT 1609) for its tendered lump sum price of \$271,476.00 (excluding GST).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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

**10.3.8 CONFIDENTIAL ITEM- Consideration of Tenders- Forrestfield Industrial Area- Management of the Developer Contribution Scheme**

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

Previous Items	OCM 178/2015
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	RFT-1511, PG-STU-028
Applicant	N/A
Owner	Various
Confidential Attachment 1	Local Structure Plan
<i>Reason for confidentiality Local Government Act 1995 S5.23 (d) (c)- "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	

Confidential Attachment 2	Tender Evaluation Report
<i>Reason for confidentiality Local Government Act 1995 S5.23 (d) (c)- "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	

**This item was circulated to Councillors under separate cover and was discussed under Point 15 of this Agenda**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 121/2016

That Council:

1. Accepts the recommendation of the Tender Assessment Panel to appoint Woodsome Management for the management of the Developer Contribution Scheme for Forrestfield Industrial Area Stage 1 (RFT 1511) for its tendered annual sum of \$38,000 + GST and \$1,180.00 + GST for presentation of the annual Developer Contribution Scheme review and hourly rates of \$275.00 + GST for landowner liaison.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

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**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

11.1 Nil.

**12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

12.1 Cr Michael Fernie – Public Submissions Meeting

Q. A number of residents have been unhappy regarding the shortness of the notice given to attend the public submissions meeting, can this be improved upon?

A. The Chief Executive Officer took this question on notice in order to investigate the procedure and anticipated improvements can be made.

12.2 Cr Stallard – Public Submissions Meeting

Q. As a follow-up; I understood the notification was simply to let them know about the meeting, not to put in a submission, if it was for a comment this only gave the public one day - is this correct?

A. The Chief Executive Officer responded the issue was because the Shire Officers had to process all the submissions after the closing date in May and this took a significant amount of time. Then a meeting date needed to be set, the Shire could not pre-empt when or if the meeting should be set as there were a number of constraints. We will examine this more closely in the future.

12.3 Cr Sue Bilich - Kalamunda Library Stained Glass Window

Q. I note the answer regarding the energy audit carried out in 2012, as there have been advances in this type of technology, could this be re-examined please?

A. The Chief Executive Officer confirmed this would take place.

12.4 Cr Tracy Destree – Questions by Councillors

Q. Why are some of the Councillors named at *Item 13.0 Question by Members of which Due Notice has be Given?*

A. The Shire President indicated it depended upon where in the meeting the question had been asked. Manager Governance & PR clarified, when a question is asked during the course of the meeting it is customary to not name the Councillor in the Minutes. When a specific question is asked at *Item 12.0 Questions by Members Without Notice* the Councillors name is noted.

When recording the response to questions taken from the course of the meeting they are added to *Item 13.0* of the following Agenda and Minutes.

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### **13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

#### **13.1 Debtors and Creditors Report for Period Ended 30 April 2016**

- Q1. A Councillor asked if any discussions had taken place with the Zig Zag Gymnastics group regarding their outstanding debt, Director Corporate Services reported a payment arrangement is currently being negotiated. The Councillor also queried why this group had fallen behind with their payments, this question was taken on notice.
- A1. The lessee advised the delay related to a cash flow issue and has agreed that upon receiving the mid-term subscriptions she will settle the amounts due for March and April by end June. Amounts related to May and June will be paid in July.
- Q2. A Councillor further asked with regard to EFT 48650 for \$5841.00 did this figure include all aspects of the PA requirements for Corymbia. This question was taken on notice.
- A2. The payment is inclusive of delivery, installation and pick up of the caravan operations centre, the PA system including horns and towers for the whole grounds, including the main stage.

#### **13.2 Review of Policies**

- Q. A Councillor asked what rationale was used when revoking policies FAC1, FAC2, FAC3 and FAC13. This question was taken on notice by the Director of Corporate Services.
- A. Policies FAC1, FAC2, FAC3 and FAC13 were revoked as they were replaced with Management Procedures in 2011. It was decided to move HACC Policies to Management Procedures to adapt, as things changed as a result of a reform, without the need to continually go to Council with operational issues.

#### **13.3 Cr Sue Bilich, Kalamunda Library Stained Glass Window / Break-ins**

- Q1. The lighting inside the library to view the stained glass window at night is very dull, can this be improved to better view the window? (A Councillor advised she had previously been told this was a cost saving measure)
- A1. The lighting for the stained glass window at the Kalamunda Library is left on permanently, including evenings and weekends. Following an energy audit at the Kalamunda Library (undertaken in 2012) as part of the Perth Solar City Program designed to trial and showcase creative ways to become smarter about energy use the 4 x 400W mercury vapour lights were replaced with energy efficient 4 x LED hi-bays 100W lighting.



13.4 Cr Geoff Stallard – Break-Ins / Shire Festivals

Q1. I have been informed by shop keepers who have been broken into that local governments have a grant available to them for cctv.

A1. The Chief Executive Officer indicated there are applications in the system for cctv waiting for approval. These are for the Kalamunda Town Centre, Forrestfield Shopping Centre and High Wycombe Shopping Centre.

Q2. Would talking to the Minister help speed up the process.

A2. The Shire has been advised it has been successful in all its CCTV applications both with the State Government and the Federal Government. This will mean CCTV will be installed in the following locations.

- Lions Look out car park Lesmurdie
- Falls Rd car park Lesmurdie (top of Lesmurdie Falls)
- Zig Zag car park Gooseberry Hill
- Jack Healy Centre (near Mead St bus depot) Kalamunda
- Woolworths Drive, Forrestfield
- Hale Rd / Hartfield Rd roundabout – Forrestfield
- Haynes St Kalamunda (outside Library)
- Kalamunda Rd High Wycombe (Tavern/Shopping Centre)

Q3. I have heard from local orchardists that they fall outside the urban area for tourism assistance from the Tourist Association funds and also outside of the area for Royalties for Regions' funds – is there any way we as a Council can look at assisting with this anomaly?

A3. The Chief Executive Officer took this on notice and will raise with Officers to investigate. The Director Development Service Responds, Neither the Shire of Kalamunda nor any other organisations based within the Shire are eligible for funding through the Royalties for Regions program. The Shire falls within the Perth metro area and is therefore not a region for the purposes of this funding.

The Tourism Demand Driver Infrastructure Program is open to organisations within the Shire provided the eligibility criteria are met. The Shire was successful in accessing funding through this program for the Bibbulmun Track Terminus Link.

**14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

14.1 Nil.

**15.0 MEETING CLOSED TO THE PUBLIC**

**15.1 Meeting Closed to the Public**

RESOLVED OCM 118/2016

That the meeting go behind closed doors to consider Confidential Items.

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

*The meeting closed to the public at 8.55pm. All members of the public left the meeting, all staff remained in Chambers.*

**15.2 10.3.6 CONFIDENTIAL ITEM - National Disability Insurance Scheme**  
Reason for confidentiality. Local Government Act s 5.23(2) (a). A matter affecting an employee or employees.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 119/2016

That Council:

1. Approves the continuation of the current service delivery model for a period of six months for clients that will be required to move to the National Disability Insurance Scheme model from 1 July 2016.
2. Notes the appointment of a Consultant to evaluate all Community Care programs and future funding arrangements.
3. Notes that a Consultant Report will be provided to Council recommending service delivery options for Community Care Programs.

Moved: **Cr Tracy Destree**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

15.3      **10.3.7 CONFIDENTIAL ITEM - Consideration of Tenders – Hartfield Park Recreation Centre – Supply and Installation of a Sprung Timber Floor (RFT 1609)**

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

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 120/2016

That Council:

1.            Accepts the recommendation of the Tender Evaluation Panel to appoint WA Hardwood Floors for the provision of the Hartfield Park Recreation Centre – Supply and Installation of a Sprung Timber floor (RFT 1609) for its tendered lump sum price of \$271,476.00 (excluding GST).

Moved:      **Cr Noreen Townsend**

Seconded:   **Cr Brooke O'Donnell**

Vote:         **CARRIED UNANIMOUSLY (10/0)**

15.4      **10.3.8 CONFIDENTIAL ITEM – Consideration of Tenders – Forrestfield Industrial Area – Management of the Developer Contribution Scheme**

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

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 121/2016

That Council

1.            Accepts the recommendation of the Tender Assessment Panel to appoint Woodsome Management for the management of the Developer Contribution Scheme for Forrestfield Industrial Area Stage 1 (RFT 1511) for its tendered annual sum of \$38,000 + GST and \$1,180.00 + GST for presentation of the annual Developer Contribution Scheme review and hourly rates of \$275.00 + GST for landowner liaison.

Moved:      **Cr Dylan O'Connor**

Seconded:   **Cr Noreen Townsend**

Vote:         **CARRIED UNANIMOUSLY (10/0)**

15.5 **Meeting Reopened to the Public**

RESOLVED OCM 122/2016

That the meeting reopen to the public after considering Confidential Items.

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

*The meeting reopened to the public at 9.07, members of the public returned.  
The Presiding Member read the resolutions to the meeting.*

16.0 **CLOSURE**

16.1 There being no further business, the Presiding Member declared the meeting closed at 9.08pm.

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