

Development & Asset Services Committee Meeting

Agenda for 1 May 2017



**shire of
kalamunda**

NOTICE OF MEETING DEVELOPMENT & ASSET SERVICES COMMITTEE

Dear Councillors

Notice is hereby given that the next meeting of the Development & Asset Services Committee will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 1 May 2017 at 6:30pm.**

Dinner will be served prior to the meeting from 5.15pm.



Rhonda Hardy
Chief Executive Officer
27 April 2017

Our Vision and Our Values

Our Vision

The Shire will have a diversity of lifestyle and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

Our Core Values

Service – We deliver excellent service by actively engaging and listening to each other.

Respect – We trust and respect each other by valuing our difference, communicating openly and showing integrity in all we do.

Diversity – We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics – We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behavior.

Our Aspirational Values

Prosperity – We will ensure our Shire has a robust economy through a mixture of industrial and commercial development.

Harmony – We will retain our natural assets in balance with our built environment.

Courage – We take risks that are calculated to lead us to a bold new future.

Creativity – We create and innovate to improve all we do.

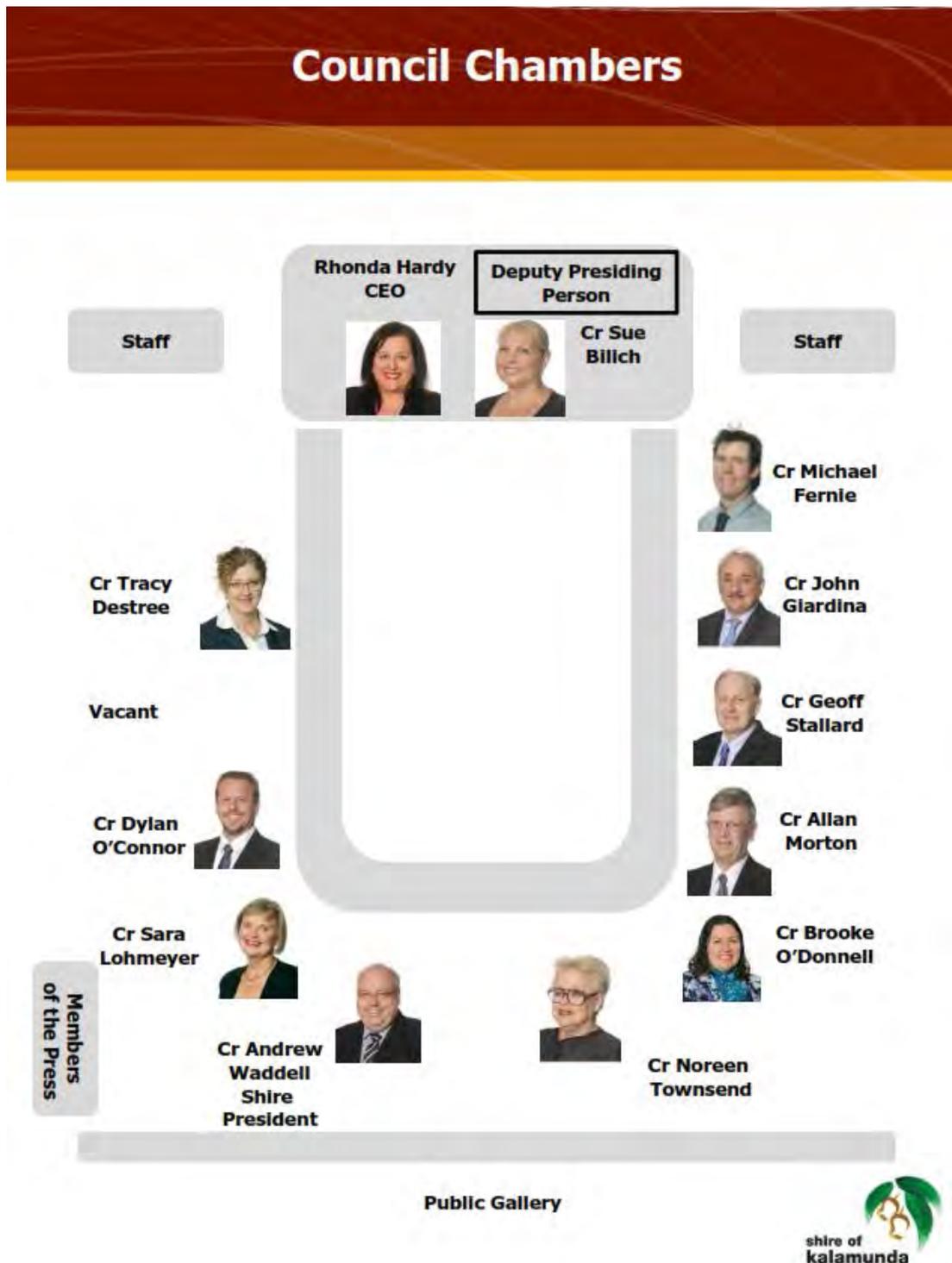


INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE OR COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Council Chambers – Seating Layout



Standing Committee Meetings – Procedures

1. Standing Committees are open to the public, except for Confidential Items listed on the Agenda.
2. Shire of Kalamunda Standing Committees have a membership of all 12 Councillors.
3. Unless otherwise advised a Standing Committee makes recommendations only to the next scheduled Ordinary Council Meeting.
4. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
5. Members of the public are able to ask questions at a Standing Committee Meeting during Public Question Time. The questions should be related to the purposes of the Standing Committee.
6. Members of the public wishing to make a comment on any Agenda item may request to do so by advising staff prior to commencement of the Standing Committee Meeting.
7. Comment from members of the public on any item of the Agenda is usually limited to three minutes and should address the Recommendations at the conclusion of the report.
8. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
9. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of person chairing the Committee Meeting.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by Shire Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Voting Requirements: Simple Majority

- 5.1 That the Minutes of the Development & Asset Services Committee Meeting held on 3 April 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the minutes as a true and accurate record of the meeting of 3 April 2017".

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

7.1 **27. CONFIDENTIAL ITEM – Consideration of Tenders – Provision for Supply of Skid Steer and Truck (Wet Hire)**

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."

7.2 **28. CONFIDENTIAL ITEM – Shires Contaminated Sites Database**

Reason for Confidentiality Local Government Act 1995 S5.23 (2) (d) - "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting."

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial and Proximity Interests

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

8.2 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.

9.0 REPORTS TO COUNCIL

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

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

19. Cell 9 Wattle Grove Development Contribution Plan Review

Previous Items	D&I 36/2015 (August), D&A 07/2017 (February)
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various
Attachment 1	Cell 9 Wattle Grove Outline Development Plan
Attachment 2	Advertised Development Contribution Plan Report
Attachment 3	Final Development Contribution Plan Report

EXECUTIVE SUMMARY

1. To consider endorsing the Wattle Grove Cell 9 – Development Contribution Plan (DCP) Report annual review with modifications made post-advertising.
2. The primary modification post advertising is the calculation of contributions from Commercial and Mixed Use developments. The Shire was previously taking a concept development approach to determine lot yield of non-residential development. This approach was not in accordance with the requirements of Schedule 11 of Local Planning Scheme No. 3 (the Scheme). The DCP has now been amended to reflect the correct calculation which requires the lot yield to be determined by the size of the lot divided by 450sqm.
3. The review of the DCP Report has resulted in a reduction in the contribution rate from \$27,816 per lot to \$26,588 per lot. This change is due primarily to the forecast dwelling yield increasing. Additionally, administrative costs have now been forecast and included, whereas they were previously calculated at the end of each month.
4. The recommendation is to adopt the DCP and new rate.

BACKGROUND

5. The Wattle Grove Cell 9 Outline Development Plan operates as a Local Structure Plan (LSP) with administrative provisions and Development Contribution provisions incorporated in Schedule 11 of the Scheme. The LSP is included as (Attachment 1) for information.

6. Following the gazettal of the DCP in October 1997, Council was required to adopt a DCP Report and cost apportionment schedule. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of the Scheme but, once adopted by Council, must be reviewed at least annually.

The DCP Report was last reviewed in August 2015. The delay in the review was primarily due to staff restructure and the need to revise the scope and cost estimates for infrastructure items.

7. The previous reviews of the report resulted in the following contribution rates:

Date Amended	Rate	Date Amended	Rate
1/11/2001	\$7,100	1/03/2008	\$24,650
1/11/2002	\$8,100	1/11/2008	\$25,500
1/11/2003	\$10,000	1/11/2009	\$25,500
1/11/2004	\$12,550	1/06/2011	\$26,450
19/07/2005	\$13,550	1/01/2013	\$27,335
1/03/2006	\$15,500	25/03/2014	\$27,315
1/09/2006	\$19,050	27/08/2015	\$27,816
1/03/2007	\$22,050		

DETAILS

8. The Advertised DCP Report (Attachment 2) is a revised version of the previous report. Council adopted the DCP Report for advertising at the OCM 27 February 2017. The reviewed report was advertised between 28 February and 28 March 2017. Some changes were made to the report during advertising to ensure the adopted version is accurate and reflects the latest information available to the Shire.
9. The factors contributing to the contribution rate are as follows and have been updated with post-advertising figures where necessary:
1. Remaining lot yield
 2. Land requiring acquisition
 3. Land valuation
 4. Cost of works outstanding
 5. Administration costs
 6. Works priorities
 7. Calculation methodology

10. *Remaining lot yield*

The future lot yield is expected to provide the contributions necessary to clear all the remaining DCP costs. Before advertising, approx. 390 new lots were expected to be created.

During advertising, two developments occurred and paid their contributions, which reduced the future lot yield to approx. 375. These were Lot 9000 Avalon Lane (residential 2 dwellings), and 332 Hale Road (commercial 13 dwelling equivalent).

Following the development of 332 Hale Road, the Shire determined that the lot yield was not being calculated in accordance with the requirements of Schedule 11 of the Local Planning Scheme for Commercial and Mixed Use zoned properties.

The Shire was previously taking a concept development approach to determine lot yield of commercial properties. This was done by preparing concept plans over the commercial lots for residential developments. However, Schedule 11 of the Scheme requires the lot yield to be determined by the size of the lot divided by 450sqm. Since advertising, this method has now been amended to be followed, which has resulted in a future yield of 24 additional dwellings, bringing the future lot yield up to 399.

11. *Land Requiring Acquisition - Advertised*

Item	Area of Remaining Acquisition (m ²)	Cost of Remaining Acquisition (\$)
Road Reservation	1,418	\$242,607
Public Open Space	39,185	\$6,670,925
Miscellaneous Land Purchase	1,143	\$200,000

Before advertising, there was a total of 41,746m² required for acquisition.

During advertising, 1,347sqm of land was acquired, resulting in the following final land area requiring acquisition. Furthermore, the miscellaneous land area was rounded up to avoid confusion, as it is a nominal figure.

Land Requiring Acquisition - Final

Item	Area of Remaining Acquisition (m ²)	Cost of Remaining Acquisition (\$)
Road Reservation	1,143	\$191,732
Public Open Space	38,113	\$6,472,605
Miscellaneous Land Purchase	~1,200	\$200,000

12. *Land Valuation*

An independent valuer assigns value to land required to be acquired. The value is currently between \$165-\$185/m² depending on lot particulars. The valuation for this review was undertaken in May 2016.

13. *Cost of Works Outstanding – Updated with new land acquisition amounts (no other changes)*

Item	Outstanding \$
Hale Road	\$6,555,000
Sheffield Road	\$170,000
Arthur Road / Wimbridge Road Extension	\$1,265,000
Woodlupine Brook Improvements	\$2,320,000
Developer Drainage Works	\$792,000
Miscellaneous Land Purchase	\$200,000
Subtotal	\$11,302,000
<i>10% contingency on above (rounded)</i>	\$1,130,000
Education Department Loan	\$3,909,092
Land for Roads	\$191,732
Land for Public Open Space	\$6,472,605
Administrative Items	\$686,000
Total (January 2017)	\$23,691,429

14. *Administration Costs*

Administration costs have been updated to reflect current expenditure and a revised DCP Project Team due to a restructure within the Shire administration. The annual figures have been multiplied over the remaining 5 years showing an estimated remaining cost of \$686,000. Appendix G of the DCP Report contains more detail but generally allows for two part time staff plus specialist consultant services.

The administration of the DCP includes but is not limited to the following key tasks:

- Legal/Land acquisition management
- DCP annual review
- Land valuation
- Planning/Project management of the delivery of DCP infrastructure

15. *Works Priorities*

Subdivision and development within DCPs are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there are not always enough funds within the DCP to deliver all of the infrastructure included. For this reason, Clause 6.5.7 (d) of LPS 3 requires Council to establish a priority works schedule for the provision of DCP infrastructure.

16. Clause 4 of the DCP Report contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the Shire has determined the following items as the current order of priority:
- Hale Road land acquisition and construction;
 - Arthur Road / Wimbridge Road design and construction;
 - Woodlupine Brook land acquisition and construction;
 - Sheffield Road improvements;
 - Developer drainage works; and
 - Administration costs.
17. The identification of priorities will be undertaken as part of the annual cost estimate review and associated DCP Report update.

18. *Calculation Methodology*

Schedule 11 of LPS 3 sets out the method for calculating contributions.

The calculation is as follows:

Net outstanding costs = remaining costs – funds held as money
 Remaining lot yield = R-Code yield or Commercial zone equivalent

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Using the following figures, the new contribution rate can be calculated.

Remaining costs	\$23,691,429
Funds held in trust	\$13,082,840
Remaining lot yield	399 lots or lot equivalent
Contribution Rate	\$26,588 per lot

$$\text{Contribution Rate} = \frac{(\$23,691,429 - \$13,082,840)}{399} = \$26,588 \text{ per lot}$$

STATUTORY AND LEGAL CONSIDERATIONS

19. Clause 6.5.11.2 of LPS3 requires the DCP cost estimates to be reviewed at least annually.
20. The DCP contributions are administered and determined in accordance with the provisions of Clause 6.5 and Schedule 11 of LPS3.

POLICY CONSIDERATIONS

21. The annual review has been conducted in accordance with *State Planning Policy 3.6 Development Contributions for Infrastructure*.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The review of the DCP was done with cooperation of the Asset Delivery service unit, who updated the cost and works schedule. The Financial Services unit also assisted with calculating cash in hand and future administration costs. The DCP Report and figures were also reviewed by the Shire's internal Auditor.

External Referrals

23. The DCP Review (Attachment 2) was advertised for 28 days from 28 February to 28 March 2017 for the purpose of public comment. An advertisement was placed in a local newspaper, an item was placed on the Shire's website, and letters were sent to all landowners who had contributions owing.

No submissions were received.

FINANCIAL CONSIDERATIONS

24. The operation of the DCP presents a major administrative responsibility for the Shire. While the DCP is self-funded, the Shire has an implicit obligation to efficiently and effectively manage the revenues and works.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

26. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered along with individuals' expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.

Economic Implications

27. The implementation of DCPs assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Environmental Implications

28. The proposed DCP provides upgrades to Woodlupine Brook, including the purchase of land for the purpose of Public Open Space. Landscaping and water course upgrades will enable the area to be utilised for more active uses by the community and to reduce erosion.

Consultation has occurred with the Water Corporation and Department of Water in the development of the designs for water course upgrades.

29. The detailed design for the Woodlupine Brook upgrades have been progressed by the Shire and will be advertised to the community for comments and review. The design aims to provide a high standard of amenity and improve water quality in the Woodlupine Brook.

RISK MANAGEMENT CONSIDERATIONS

30.

Risk	Likelihood	Consequence	Rating	Action/Strategy
DCP does not generate enough funds to undertake works.	Unlikely	Major	High	Ensure annual reviews account for the cost of infrastructure and the remaining development has the capacity to cover these costs. Ensure regular reviews of funding capacity.

OFFICER COMMENT

31. Post-advertising, the DCP report identifies a new contribution rate of \$26,588 per dwelling yield or equivalent. This is less than the advertised contribution rate of \$27,178. The new rate was due to an increase in lot yield from commercial and mixed use properties, the land value increasing, and the purchase of a section of Public Open Space.
32. The DCP has a positive cash flow at present, with a cash balance of \$13,082,840. There are a number of infrastructure projects planned in the short term as outlined in the works priorities, which will reduce the cash balance.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 19/2017)

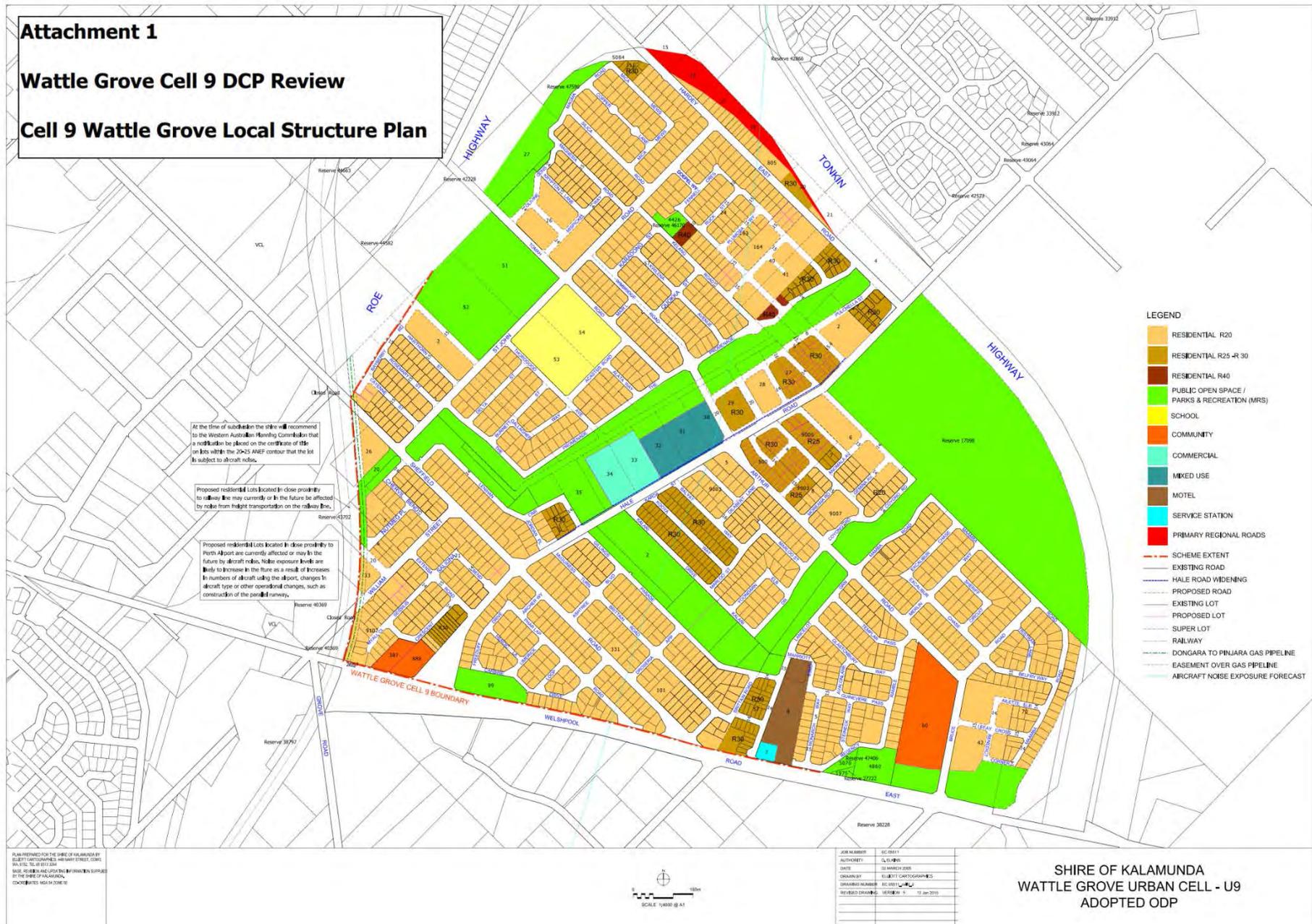
That Council:

1. Adopts the proposed Development Contribution Plan Report (Attachment 3);
2. Adopts the new Contribution Rate of \$26,588 (GST free) per dwelling yield, effective immediately; and
3. Notes that affected landowners will be notified of the new Contribution Rate.

Moved:

Seconded:

Vote:



Attachment 2
Wattle Grove Cell 9 DCP Review
Advertised Development Contribution Plan Report



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Wattle Grove Cell 9
Development Contribution Plan – Report
January 2017

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1. Introduction

1.1 Background

The Wattle Grove Cell 9 development area is located within the Shire of Kalamunda and is generally bound by Tonkin Highway, Roe Highway, and Welshpool Road East.

The Wattle Grove Cell 9 Local Structure Plan (the LSP) has been prepared to facilitate residential subdivision and development within the area. Due to the nature of fragmented land ownership, a Development Contribution Plan (DCP) has been prepared to coordinate the provision of common infrastructure required to cater for development.

A copy of the LSP is contained in 6.1 (page 9).

1.2 Purpose of Development Contribution Plan

This report has been prepared to set out in detail:

- The infrastructure, land and other items for which development contributions are to be collected;
- How land values are calculated and the valuation methodology applied;
- The cost estimates of infrastructure and other items;
- The periodic review of the cost estimates;
- The cost contribution rate applicable;
- Principles for the priority and timing of infrastructure provision and land acquisition; and
- Various other operational matters.

1.3 Status

This DCP Report has been prepared pursuant to Clause 6.5.3 of the Shire of Kalamunda (the Shire) Local Planning Scheme No.3 (LPS 3).

The DCP Report should be read in conjunction with Clause 6.5 and Schedule 11 (Development Areas Part 1) of LPS 3 and the LSP. This DCP Report does not form part of LPS 3 but has been prepared generally in accordance with the DCP provisions contained in Schedule 11 of LPS 3.

2. Infrastructure, Land and Other Items

This section of the DCP Report identifies the infrastructure, land and other items for which development contributions will be collected. These items include:

- Land for roads and intersections;
- Construction of roads and intersections;
- Landscaping;
- Drainage;
- Shared paths and footpaths; and
- Administration costs.

2.1 Land Value

Land is required to deliver the infrastructure and Public Open Space outlined within the DCP Report. To determine the total cost of items, an estimate of land value needs to be identified for each parcel. For the purposes of land acquisitions, the net land value is to be determined in accordance with the definition of "value" in LPS 3 Clause 6.5.12.

LPS 3 Clause 6.5.12 requires that the net land value be determined by a static feasibility valuation model. The static feasibility valuation model is a complex method for determining land value that takes into consideration the infrastructure and development costs of individual parcels. Advice provided by consultants indicates that, in the context of the nature of highly fragmented land ownership, this is not the most effective or efficient way of determining net land value. Additionally, this approach was included as a requirement in LPS 3 after the Cell 9 DCP came into operation.

In this context, an independent valuer undertook a comparative sales approach for all land parcels and those values will apply to their respective parcels to guide negotiations and acquisitions. This approach is consistent with previous versions of the DCP and has operated effectively in the past even though it does not comply with the requirements of LPS 3. The approach valued land based on the Urban Development zone disregarding the R-Code, acquisition requirements and development potential. An amendment to LPS 3 is being progressed to modify the requirements of Clause 6.5.12 to allow this method of valuation.

Valuation reports undertaken in May 2016 indicate land values between **\$165/m²** and **\$185/m²**.

2.1.1 Land for Roads, Public Open Space and Miscellaneous

The DCP takes responsibility for acquiring DCP road reserve land where the existing reserve is widened or where the road is a new road. The DCP is also responsible for acquiring Public Open Space land where it is identified on the LSP. Under the DCP there is generally no liability for landowners to vest Public Open Space in the Crown free of charge.

The following table brings together the road reserve and Public Open Space acquisitions along with an allowance for miscellaneous land purchase, which may be required through the course of detailed design work:

Item	Area of Remaining Acquisition (m ²)	Cost of Remaining Acquisition (\$)
Road Reservation	1,418	\$242,607
Public Open Space	39,185	\$6,670,925
Miscellaneous Land Purchase	1,143	\$200,000

A detailed breakdown of the cost is provided in Appendix A.

2.2 Roads / Intersections

2.2.1 Hale Road

Hale Road is an existing road and forms a main traffic route from Welshpool Road East to Tonkin Highway. Hale Road is required to be upgraded to service the future development envisaged by the LSP.

The following items are included in the DCP for Hale Road:

- Widening of carriageway along north side by approximately three metres to accommodate a dual carriageway separated by median islands.
- Construction of a dedicated bicycle lane along the north side of Hale Road to provide a continuous connection between Welshpool Road East and Tonkin Highway, including upgrading of the existing pedestrian path in this location.
- Undergrounding and relocating of power lines within a section of the northern footpath along Hale Road.
- Landscaping improvements and additions.

The future development cost for Hale Road is estimated at \$6,555,000.

A detailed breakdown of the cost is provided in Appendix B.

2.2.2 Sheffield Road

Sheffield Road is an existing road in the southern portion of Cell 9. A portion of Sheffield Road is required to be upgraded to service the future development envisaged by the LSP.

The following items are included in the DCP for Sheffield Road:

- Undertaking local upgrades to road and intersection treatments.
- Street lighting upgrade.

The future development cost for Sheffield Road is estimated at \$170,000.

A detailed breakdown of the cost is provided in Appendix C.

2.2.3 Arthur Road / Wimbridge Road Extension

Arthur Road is an existing road, proposed to connect to Wimbridge Road across Woodlupine Brook. This connection is of great importance to facilitate efficient traffic movements to Hale Road from the northern half of Cell 9.

The following items are included in the DCP for Arthur Road/Wimbridge Road:

- Extension of Wimbridge Road through to Hale Road.
- Construction of a roundabout at Wimbridge/Hale Road intersection.
- Construction of culvert over Woodlupine Brook.
- Landscaping improvements and additions.

The future development cost for Arthur Road/Wimbridge Road Extension is estimated at \$1,265,000.

A detailed breakdown of the cost is provided in Appendix D.

2.3 Woodlupine Brook Improvements

Woodlupine Brook is a watercourse that splits Cell 9 into two halves. There are improvements proposed to Woodlupine Brook to increase attractiveness, usability, and accessibility.

The following items are included in the DCP for Woodlupine Brook:

- Earthworks to modify flow path.
- Erosion and flow control measures.
- Landscaping improvements and additions.
- Removing drop structures.

- Construction of pedestrian bridge and footpaths.
- Construction of fencing.

The future development cost for Woodlupine Brook Improvements is estimated at \$2,320,000.

A detailed breakdown of the cost is provided in Appendix E.

2.4 Developer Drainage Works

Developer drainage works are costs associated with reimbursing private developers for drainage they install themselves. These works generally include gross pollutant traps, pipes, manholes and other related infrastructure.

The future development cost for Developer Drainage Works is estimated at \$792,000.

A detailed breakdown of the cost is provided in Appendix F.

2.5 Education Department Loan

The DCP was originally set up to purchase the Wattle Grove Primary School site. However, this never occurred as there was not enough money collected at the time and the site was purchased directly by the Department of Education. Thus, the DCP now owes the Department of Education for the site. The Shire has attempted on many occasions to repay the 'loan' to the Department of Education without success. The loan money is interest free and has been set aside to repay in future.

The future cost to repay the Education Department Loan is \$3,909,092.

2.6 Administrative Items (including consultant expenses)

Administrative items include all expended and estimated future costs associated with administration, planning and development of the LSP, DCP and any technical documents necessary for the implementation of the above, including:

- Legal and land admin costs;
- Planning costs;
- Other related technical and professional studies; and
- Scheme Management Costs (including administration and management of the DCP).

Excluded from administration costs are:

- Engineering and technical design fees for infrastructure projects;
- Contingencies; and
- Staging costs.

The total administration costs expended from inception up to January 2017 is \$927,869.

The estimated costs for future administrative items is estimated at \$686,000.

A detailed breakdown of the costs is provided in Appendix G.

2.6 Estimated Remaining Costs

The following table provides a summary of the remaining cost for all infrastructure, land and other items within the DCP.

Item	Remaining Costs (\$)
Hale Road	\$6,555,000
Sheffield Road	\$170,000
Arthur Road / Wimbridge Road Extension	\$1,265,000
Woodlupine Brook Improvements	\$2,320,000
Developer Drainage Works	\$792,000
Miscellaneous Land Purchase	\$200,000
Subtotal	\$11,302,000
<i>10% contingency on above (rounded)</i>	<i>\$1,130,000</i>
Education Department Loan	\$3,909,092
Land for Roads	\$242,607
Land for Public Open Space	\$6,670,925
Administrative Items (inc. consultant expenses)	\$686,000
Total	\$23,940,624

3. Development Contribution Methodology

This section of the DCP Report sets out the methodology for determining the development contributions applicable. The development area is characterised by a single precinct and development contributions are made on a 'per lot' basis.

The method for calculating contributions is as follows:

Net outstanding costs = remaining costs - funds held in bank
 Remaining lot yield = R-Code yield or Commercial zone equivalent

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Remaining costs	\$23,940,624
Funds held in bank	\$12,951,121
Remaining lot yield	390 lots or lot equivalent
Contribution Rate	\$28,178 per lot

$$\text{Contribution Rate} = \frac{(\$23,940,624 - \$12,951,121)}{390} = \$28,178 \text{ per lot}$$

4. Priority and Timing of Provision

The following key principles are utilised to guide the identification of priorities for the provision of infrastructure and land acquisition, including:

- Ensuring a constant turnover of funds – By managing the cash flow of the DCP, the Shire can optimise the use of funds between land acquisition and civil works and recovery of developer pre-funding.
- Prioritising the purchase of land identified for high priority infrastructure works.
- Undertaking works and land acquisition in areas of fragmented ownership – this assists in the successful and coordinated development of these areas. In some areas, the developer provides infrastructure and land as an offset to their contribution liability.
- Grant funding opportunities – the Shire will actively seek grant funding to assist in the provision of DCP infrastructure. In most instances, the use of grant funding is reliant on the Shire providing a matching or partial contribution. The Shire may utilise DCP funds and elevate the priority and timing of an infrastructure item to capitalise on grant funding opportunities. This approach is beneficial to the long-term financial viability of the DCP.

Subject to the availability of funding, the Shire has determined the following items as the current order of priority:

1. Hale Road land acquisition and construction (H2 2017);
2. Arthur Road / Wimbridge Road design and construction (H1 2017);
3. Woodlupine Brook Improvements (Ongoing 2017/2018);
4. Sheffield Road improvements (2017);
5. Developer drainage works (Ongoing); and
6. Administration Cost.

The priority list will be updated as part of the annual cost estimate review and associated DCP Report update.

5. Period of Operation and Review

The DCP will operate for a period of 5 years, concluding on the date the last infrastructure works are completed – currently estimated at 1 July 2021.

The DCP will be reviewed every year, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The review will include costs of construction, land values, changes to priorities, administration costs, developed lots and minor modifications to infrastructure items.

Additional reviews may be completed as required, having regard to cost volatility and development priorities.

6. Figures

6.1 Wattle Grove Cell 9 Local Structure Plan



7. Appendices

7.1 Appendix A: Land for Future Purchase

Lot Address	Area of POS (sqm)	Cost POS (\$)	Area Road Reserve (sqm)	Cost Road Reserve (\$)
Lot 42 (12) Bruce Road	11,191	\$1,946,515	0	\$0
Lot 60 (7) Bruce Road	6,912	\$1,170,480	0	\$0
Lot 2 (268) Hale Road	3,000	\$495,000	0	\$0
Lot 7 (310) Hale Road	1,800	\$302,000	144	\$23,810
Lot 8 (302) Hale Road	2,198	\$411,630	159	\$29,323
Lot 27 (286) Hale Road	1,072	\$198,320	275	\$50,875
Lot 28 (296) Hale Road	1,837	\$303,105	200	\$33,000
Lot 31 (318) Hale Road	2,600	\$429,000	210	\$34,650
Lot 32 (326) Hale Road	2,700	\$445,500	210	\$34,650
Lot 33 (332) Hale Road	775	\$127,875	220	\$36,300
Lot 26 (44) St John Road	5,100	\$841,500	0	\$0
Total	39,185	\$6,670,925	1,418	\$242,608

7.2 Appendix B: Hale Road

HALE ROAD WIDENING PROJECT							
Lot No	Item	HALE ROAD	Quantity	Unit	Rate	Amount	
6 (276)	1	Boxout	17490	m ²	\$16.00	\$279,840	
	2	Cut to spoil (rounded)	12592.8	tonne	\$165.00	\$2,080,000* ²	
	3	Supply Lay & Compact 200 Limestone (rounded)	8395.2	tonne	\$23.00	\$200,000* ²	
	4	Supply Lay & Compact 100 Roadbase	4197.6	tonne	\$49.00	\$205,682	
	5	Supply Lay Prime 7mm metal	16500	m ²	\$3.00	\$49,500	
	6	Supply Lay 30mm Asphalt	1250	Tonne	\$217.5	\$271,875	
	7	Supply Lay Mountable Kerb	4520	m	\$20.00	\$90,400	
	8	Supply Lay 2.5m DUP both sides (rounded)	3300	m	\$81.00	\$270,000* ²	
	9	Backfill behind New Kerb & Grade Verge	4500	m	\$6.70	\$30,150	
	10	Line Marking					
	10.1	Continuous/double/unbroken linemarking	4736	m	\$0.85	\$4,025	
	10.2	Thermo linemarking - give way	8	off	\$140.00	\$1,120	
	10.3	Cycle Symbols	30	no.	\$140.00	\$4,200	
	10.4	RPMs including installation	163	no.	\$16.00	\$2,608	
	10.5	Bollards	6	no.	\$47.50	\$285	
	10.6	Green demarcation surface	118.5	m ²	\$65.00	\$7,703	
	11	Turn Arrow	4	no.	\$140.00	\$560	
	11.1	Signage					
	11.2	New Sign install/replacement	45	No.	\$250.00	\$11,250	
	11.3	Relocate bus stop post	2	No.	\$250.00	\$500	
	12	Traffic Management	75	day	\$1,500.00	\$112,500	
	12.1	Median Islands					
	12.2	Kerbing	2276.2	m	\$20.00	\$45,524	
	12.3	Island Noses	37	no.	\$48.00	\$1,776	
	13	Pram ramps	38	no.	\$395.89	\$15,044	
	14	Design & Supervision Costs					
	15	Staging costs - extra over demobilisation and re-mobilisation				\$150,000	
	16	Road Safety Audit				\$3,000	
	17	Geotechnical					
	18	Land Acquisition - not included in estimate					
	19	Hale Road redesign to include vehicle turning				\$17,000	
	20	Porters 15/16 Design				\$17,000	
	21	Working around high pressure gas main				\$50,000	
	22	Design Review - civil				\$45,000	
	23	Ancillary costs				\$192,137	
	HALE ROAD - CIVIL SUBTOTAL (rounded up)						\$4,160,000*¹
	24	Median Island landscaping: soil condition, planting	2000	m ²	\$55.00	\$110,000	
	25	Verge Landscape: soil condition, planting	10413	m ²	\$55.00	\$572,715	
	26	Irrigation	3215	m ²	\$23.00	\$73,945	

	27	Trees - supply and install (includes stakes, fertiliser etc)	300	no.	\$700.00	\$210,000
	28	Grass trees - purchase and installation	15	no.	\$895.00	\$13,425
	29	Updating concept landscape design to detailed landscape design, including irrigation				\$30,000
HALE ROAD - LANDSCAPING SUBTOTAL (rounded up)						\$1,015,000*¹
Hale Rd Underground Power						
	30	Staging Costs				\$100,000
	31	Electrical Design				\$90,000
	32	Western Power				\$320,000
	33	Power construction				\$520,000
	34	Contingency - pending Western Power estimate				\$260,000
HALE ROAD ELECTRICAL / STREET LIGHTING SUBTOTAL (rounded up)						\$1,290,000*¹
	35	Hale Road culvert extension and retaining wall	1	no.		\$75,000
	36	Hale Road pedestrian crossing	1	no.		\$15,000
HALE ROAD TOTAL						\$6,555,000

Note: *¹ Computation rounded up to the nearest multiple of \$5,000
 *² Computation rounded up to the nearest multiple of \$10,000

7.3 Appendix C: Sheffield Road

SHEFFIELD ROAD MAINTENANCE PROJECT					
		Quantity	Unit	Rate	Amount
1	Patching				\$2,000
2	Resheeting - Supply and lay 30mm asphalt	282.60	tonnes	\$150	\$42,390
3	Traffic Management Plan	1	off	\$1,800	\$1,800
4	Traffic Control (not included in March 2015 estimate)	1	day	\$3,000	\$3,000
5	Site mobilisation and demobilisation for asphalt	1	off	\$780	\$780
6	Kerb removal and disposal	1061	m	\$30	\$31,570
7	Mountable kerb installation	1061	m	\$25	\$26,520
8	Pram ramp removal and disposal	6	no.	\$140	\$842
9	Pram ramp installation	6	no.	\$410	\$2,460
	SHEFFIELD ROAD SUBTOTAL				\$115,000 *1
10	Sheffield Rd Street Lighting				
10.1	Sheffield Road -42W CFLs on new 6.5m steel pole	3	no.	\$12,000	\$36,000
10.2	Sheffield Road -42W CFLs on existing 6.5m timber pole	1	no.	\$800	\$800
10.3	St John Road - 42W CFLs on existing timber pole	2	no.	\$800	\$1,600
11	High Pressure Gas Inspector to be on site during works on St John Rd	2	no.	\$400	\$8,000
12	Western Power conduit supply and installation (including trenching / horizontal drilling)	100	m	\$10	\$1,000
13	Western Power tie-ins to existing	4	no.	\$250	\$1,000
14	Digger and operator	10	hr	\$140	\$1,400
15	Backfill and compact	100	m ³	\$6.70	\$670
16	Remove and dispose of crossovers	27	m ²	\$22	\$594
17	Remove and replace crossovers	6	no.	\$49	\$292
	SHEFFIELD ROAD LIGHTING SUBTOTAL				\$55,000 *1
	SHEFFIELD ROAD TOTAL				\$170,000

Note: *1 Computation rounded up to the nearest multiple of \$5,000

7.4 Appendix D: Arthur Road / Wimbridge Road

WIMBRIDGE ROAD EXTENSION PROJECT (FORMERLY ARTHUR ROAD)				
ARTHUR ROAD ROUNDABOUT	Rate	Amount	Rate	Amount
Mobilisation & demobilisation - asphalt	2	No.	\$780.00	\$1,560
Roundabout and road - North				
Boxout	2193	m ²	\$16.00	\$35,088
Cut to spoil	1470	tonne	\$165.00	\$242,550
Supply and install 150 limestone	882	tonne	\$23.00	\$20,286
Supply and install 100 roadbase	490	tonne	\$49.00	\$24,010
Trim and compact subbase and subgrade etc	2450	m ²	\$10.00	\$24,500
Supply Lay Prime 7mm metal	2193	m ²	\$3.00	\$6,579
Supply Lay 30mm Asphalt	47.43	tonne	\$217.50	\$10,316
Supply Lay Mountable Kerb	395	m	\$30.00	\$11,850
Supply Lay 2.1m DUP (rounded)	232	m	\$68.04	\$15,785
Backfill behind New Kerb & Grade Verge	395	m	\$6.70	\$2,647
Median Island - red asphalt	4	tonne	\$333.00	\$1,239
Median Island - concrete/brick	182.6	m ²	\$45.00	\$8,217
Kerbing	227.05	m	\$30.00	\$6,812
Island Noses	6	no.	\$48.00	\$288
Pram ramp	8	no.	\$395.89	\$3,167
Roundabout - South (sweep widenings)				
Cut to spoil	106.8	tonne	\$165.00	\$17,622
Supply and install 150 limestone	64.08	tonne	\$23.00	\$1,474
Supply and install 100 roadbase	35.6	tonne	\$49.00	\$1,744
Trim and compact subbase and subgrade etc	178	m ²	\$10.00	\$1,780
Supply Lay Prime 7mm metal	137	m ²	\$3.00	\$411
Supply Lay 30mm Asphalt	2.96331	tonne	\$402.38	\$1,192
Supply Lay Mountable Kerb	153	m	\$30.00	\$4,590
Supply Lay 2.1m DUP (rounded up)	115	m	\$68.04	\$10,000 * ¹
Backfill behind New Kerb & Grade Verge	153	m	\$6.70	\$1,025
Median Island - concrete/brick	182.6	m ²	\$45.00	\$8,217
Kerbing	227.05	m	\$30.00	\$6,812
Island Noses	6	no.	\$48.00	\$288
Pram ramp	8	no.	\$395.89	\$3,167
Traffic Control (not included in March 2015 estimate) - from roundabout	50	days per stage	1500	\$75,000
Staging costs - extra over demobilisation and re-mobilisation				\$150,000
GHD Design fees				\$60,264
Porter Engineering design fees - review, approvals, update				\$82,583
Relocate existing telstra service pit				\$10,000
Verge landscape	395	m ²	\$55.00	\$21,725
Water cart				
Ancillary costs				\$18,392
WIMBRIDGE ROAD SUBTOTAL				\$895,000 *¹
WIMBRIDGE ROAD CULVERT SUBTOTAL				\$105,000*¹
WIMBRIDGE ROAD ELECTRICAL / STREET LIGHTING SUBTOTAL				\$265,000*¹
WIMBRIDGE ROAD TOTAL				\$1,265,000

Note: *¹ Computation rounded up to the nearest multiple of \$5,000

7.5 Appendix E: Woodlupine Brook Improvements

Item Description	Unit/Item Description	Number of Units/Items	Unit rate (\$ ex GST)	Total Fee (\$ ex GST)
Site Areas				
Channel length		1130		
Stage 2	Lm	330		
Stage 3A	Lm	300		
Stage 3B	Lm	500		
Living Stream Works area (Channel base to TOB level)		28000		
Stage 2	m ²	8200		
Stage 3A	m ²	7800		
Stage 3B	m ²	12000		
POS Works area (TOB level to kerb/lot boundary)		59000		
Stage 2	m ²	22800		
Stage 3A	m ²	13200		
Stage 3B	m ²	23000		
Preliminaries				\$234,747
Site Preparation				\$43,888
Earthworks				\$454,320
Stabilisation/Erosion Control				\$132,356
Civil Works (Drainage infrastructure)				\$87,499
Civil Works (Paths/Bridges etc)				\$323,014
Planting				\$523,906
CONSTRUCTION COST SUBTOTAL (rounded up)				\$1,805,000 *1
OTHER PROJECT COSTS				
ASSM Treatment (assuming 50% off-site disposal ASSM)				\$115,000
Dewatering				\$35,000
Professional Fees		lump sum +	11%	\$326,917
Escalation				exc.
OTHER PROJECT COSTS SUBTOTAL (rounded up)				\$480,000 *1
Design fees				\$35,000
WOODLUPINE BROOK IMPROVEMENTS TOTAL				\$2,320,000

Note: *1 Computation rounded up to the nearest multiple of \$5,000

7.6 Appendix F: Developer Drainage Works

Pipe network - Wattle Grove	\$585,000
163 (40) Hardey East Road (South Side)	
164 (36) Hardey East Road (South Side)	
40 (30) Hardey East Road (South Side)	
29 (302) Hale East Side Woodlupine Drain	
24 (48) Hardey East Road (South Side)	
26 (44) St John Rd (North Side of Tomah)	
500 (9) Arthur Road Cnr Hale	
GPTs - Wattle Grove	\$207,000
Lot 28 Hale Road	
Lot 29 Hale Road	
Lot 34 Hale Road	
Lot 26 St John Road	
TOTAL DRAINAGE	\$792,000

7.7 Appendix G: Administrative Items (including consultant expenses)

Description	Annual (\$)	Years	Total (\$)
Consultant Expenditure			
Legal / Land Admin	\$15,000	5	\$75,000
DCP Annual Review / Audit	\$5,000	5	\$25,000
Land Valuation	\$10,000	5	\$50,000
Staffing Costs			
Planning / Project Management	\$87,200	5	\$436,000
Scheme Windup	\$20,000	5	\$100,000
Total	\$137,200	5	\$686,000

Justification:

- Legal / Land Admin: Costs incurred for the establishment of legal agreements between the Shire and landowners to facilitate road construction and acquisitions and public open space purchases. Estimates are inclusive of surveying and subdivision costs.
- DCP Annual Review: Costs incurred for the accounting inputs into the financial spreadsheets and management of the DCP.
- Land Valuation: Costs incurred to undertake the annual land valuation.
- Planning / Project Management:
 - o 1 dedicated project manager 0.6 FTE since 1/7/2015
 - o Finance and accounting staff – mainly at EOFY and End of Quarter – 10 hours per month.
 - o Planning administration 0.2 FTE accounting for structure plan amendments, DCP review, report writing and admin.

Administration and Consulting – Expenditure to date since inception (1/2/2000): \$927,869

Attachment 3
Wattle Grove Cell 9 DCP Review
Final Development Contribution Plan Report



**shire of
kalamunda**

Wattle Grove Cell 9
Development Contribution Plan – Report
April 2017

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1. Introduction

1.1 Background

The Wattle Grove Cell 9 development area is located within the Shire of Kalamunda and is generally bound by Tonkin Highway, Roe Highway, and Welshpool Road East.

The Wattle Grove Cell 9 Local Structure Plan (the LSP) has been prepared to facilitate residential subdivision and development within the area. Due to the nature of fragmented land ownership, a Development Contribution Plan (DCP) has been prepared to coordinate the provision of common infrastructure required to cater for development.

A copy of the LSP is contained in 6.1 (page 9).

1.2 Purpose of Development Contribution Plan

This report has been prepared to set out in detail:

- The infrastructure, land and other items for which development contributions are to be collected;
- How land values are calculated and the valuation methodology applied;
- The cost estimates of infrastructure and other items;
- The periodic review of the cost estimates;
- The cost contribution rate applicable;
- Principles for the priority and timing of infrastructure provision and land acquisition; and
- Various other operational matters.

1.3 Status

This DCP Report has been prepared pursuant to Clause 6.5.3 of the Shire of Kalamunda (the Shire) Local Planning Scheme No.3 (LPS 3).

The DCP Report should be read in conjunction with Clause 6.5 and Schedule 11 (Development Areas Part 1) of LPS 3 and the LSP. This DCP Report does not form part of LPS 3 but has been prepared generally in accordance with the DCP provisions contained in Schedule 11 of LPS 3.

2. Infrastructure, Land and Other Items

This section of the DCP Report identifies the infrastructure, land and other items for which development contributions will be collected. These items include:

- Land for roads and intersections;
- Construction of roads and intersections;
- Landscaping;
- Drainage;
- Shared paths and footpaths; and
- Administration costs.

2.1 Land Value

Land is required to deliver the infrastructure and Public Open Space outlined within the DCP Report. To determine the total cost of items, an estimate of land value needs to be identified for each parcel. For the purposes of land acquisitions, the net land value is to be determined in accordance with the definition of "value" in LPS 3 Clause 6.5.12.

LPS 3 Clause 6.5.12 requires that the net land value be determined by a static feasibility valuation model. The static feasibility valuation model is a complex method for determining land value that takes into consideration the infrastructure and development costs of individual parcels. Advice provided by consultants indicates that, in the context of the nature of highly fragmented land ownership, this is not the most effective or efficient way of determining net land value. Additionally, this approach was included as a requirement in LPS 3 after the Cell 9 DCP came into operation.

In this context, an independent valuer undertook a comparative sales approach for all land parcels and those values will apply to their respective parcels to guide negotiations and acquisitions. This approach is consistent with previous versions of the DCP and has operated effectively in the past even though it does not comply with the requirements of LPS 3. The approach valued land based on the Urban Development zone disregarding the R-Code, acquisition requirements and development potential. An amendment to LPS 3 is being progressed to modify the requirements of Clause 6.5.12 to allow this method of valuation.

Valuation reports undertaken in May 2016 indicate land values between **\$165/m²** and **\$185/m²**.

2.1.1 Land for Roads, Public Open Space and Miscellaneous

The DCP takes responsibility for acquiring DCP road reserve land where the existing reserve is widened or where the road is a new road. The DCP is also responsible for acquiring Public Open Space land where it is identified on the LSP. Under the DCP there is generally no liability for landowners to vest Public Open Space in the Crown free of charge.

The following table brings together the road reserve and Public Open Space acquisitions along with an allowance for miscellaneous land purchase, which may be required through the course of detailed design work:

Item	Area of Remaining Acquisition (m ²)	Cost of Remaining Acquisition (\$)
Road Reservation	1,143	\$191,732
Public Open Space	38,113	\$6,472,605
Miscellaneous Land Purchase	~1,200	\$200,000

A detailed breakdown of the cost is provided in Appendix A.

2.2 Roads / Intersections

2.2.1 Hale Road

Hale Road is an existing road and forms a main traffic route from Welshpool Road East to Tonkin Highway. Hale Road is required to be upgraded to service the future development envisaged by the LSP.

The following items are included in the DCP for Hale Road:

- Widening of carriageway along north side by approximately three metres to accommodate a dual carriageway separated by median islands.
- Construction of a dedicated bicycle lane along the north side of Hale Road to provide a continuous connection between Welshpool Road East and Tonkin Highway, including upgrading of the existing pedestrian path in this location.
- Undergrounding and relocating of power lines within a section of the northern footpath along Hale Road.
- Landscaping improvements and additions.

The future development cost for Hale Road is estimated at \$6,555,000.

A detailed breakdown of the cost is provided in Appendix B.

2.2.2 Sheffield Road

Sheffield Road is an existing road in the southern portion of Cell 9. A portion of Sheffield Road is required to be upgraded to service the future development envisaged by the LSP.

The following items are included in the DCP for Sheffield Road:

- Undertaking local upgrades to road and intersection treatments.
- Street lighting upgrade.

The future development cost for Sheffield Road is estimated at \$170,000.

A detailed breakdown of the cost is provided in Appendix C.

2.2.3 Arthur Road / Wimbridge Road Extension

Arthur Road is an existing road, proposed to connect to Wimbridge Road across Woodlupine Brook. This connection is of great importance to facilitate efficient traffic movements to Hale Road from the northern half of Cell 9.

The following items are included in the DCP for Arthur Road/Wimbridge Road:

- Extension of Wimbridge Road through to Hale Road.
- Construction of a roundabout at Wimbridge/Hale Road intersection.
- Construction of culvert over Woodlupine Brook.
- Landscaping improvements and additions.

The future development cost for Arthur Road/Wimbridge Road Extension is estimated at \$1,265,000.

A detailed breakdown of the cost is provided in Appendix D.

2.3 Woodlupine Brook Improvements

Woodlupine Brook is a watercourse that splits Cell 9 into two halves. There are improvements proposed to Woodlupine Brook to increase attractiveness, usability, and accessibility.

The following items are included in the DCP for Woodlupine Brook:

- Earthworks to modify flow path.
- Erosion and flow control measures.
- Landscaping improvements and additions.
- Removing drop structures.

- Construction of pedestrian bridge and footpaths.
- Construction of fencing.

The future development cost for Woodlupine Brook Improvements is estimated at \$2,320,000.

A detailed breakdown of the cost is provided in Appendix E.

2.4 Developer Drainage Works

Developer drainage works are costs associated with reimbursing private developers for drainage they install themselves. These works generally include gross pollutant traps, pipes, manholes and other related infrastructure.

The future development cost for Developer Drainage Works is estimated at \$792,000.

A detailed breakdown of the cost is provided in Appendix F.

2.5 Education Department Loan

The DCP was originally set up to purchase the Wattle Grove Primary School site. However, this never occurred as there was not enough money collected at the time and the site was purchased directly by the Department of Education. Thus, the DCP now owes the Department of Education for the site. The Shire has attempted on many occasions to repay the 'loan' to the Department of Education without success. The loan money is interest free and has been set aside to repay in the future.

The future cost to repay the Education Department Loan is \$3,909,092.

2.6 Administrative Items (including consultant expenses)

Administrative items include all expended and estimated future costs associated with administration, planning and development of the LSP, DCP and any technical documents necessary for the implementation of the above, including:

- Legal and land admin costs;
- Planning costs;
- Other related technical and professional studies; and
- Scheme Management Costs (including administration and management of the DCP).

Excluded from administration costs are:

- Engineering and technical design fees for infrastructure projects;
- Contingencies; and
- Staging costs.

The total administration costs expended from inception up to January 2017 is \$927,869.

The estimated costs for future administrative items is estimated at \$686,000.

A detailed breakdown of the costs is provided in Appendix G.

2.6 Estimated Remaining Costs

The following table provides a summary of the remaining cost for all infrastructure, land and other items within the DCP.

Item	Remaining Costs (\$)
Hale Road	\$6,555,000
Sheffield Road	\$170,000
Arthur Road / Wimbridge Road Extension	\$1,265,000
Woodlupine Brook Improvements	\$2,320,000
Developer Drainage Works	\$792,000
Miscellaneous Land Purchase	\$200,000
Subtotal	\$11,302,000
<i>10% contingency on above (rounded)</i>	<i>\$1,130,000</i>
Education Department Loan	\$3,909,092
Land for Roads	\$191,732
Land for Public Open Space	\$6,472,605
Administrative Items (inc. consultant expenses)	\$686,000
Total	\$23,691,429

3. Development Contribution Methodology

This section of the DCP Report sets out the methodology for determining the development contributions applicable. The development area is characterised by a single precinct and development contributions are made on a 'per lot' basis.

The method for calculating contributions is as follows:

Net outstanding costs = remaining costs - funds held in bank
 Remaining lot yield = R-Code yield or Commercial zone equivalent

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Remaining costs	\$23,691,429
Funds held in bank	\$13,082,840
Remaining lot yield	399 lots or lot equivalent
Contribution Rate	\$26,588 per lot

$$\text{Contribution Rate} = \frac{(\$23,691,429 - \$13,082,840)}{399} = \$26,588 \text{ per lot}$$

4. Priority and Timing of Provision

The following key principles are utilised to guide the identification of priorities for the provision of infrastructure and land acquisition, including:

- Ensuring a constant turnover of funds – By managing the cash flow of the DCP, the Shire can optimise the use of funds between land acquisition and civil works and recovery of developer pre-funding.
- Prioritising the purchase of land identified for high priority infrastructure works.
- Undertaking works and land acquisition in areas of fragmented ownership – this assists in the successful and coordinated development of these areas. In some areas, the developer provides infrastructure and land as an offset to their contribution liability.
- Grant funding opportunities – the Shire will actively seek grant funding to assist in the provision of DCP infrastructure. In most instances, the use of grant funding is reliant on the Shire providing a matching or partial contribution. The Shire may utilise DCP funds and elevate the priority and timing of an infrastructure item to capitalise on grant funding opportunities. This approach is beneficial to the long-term financial viability of the DCP.

Subject to the availability of funding, the Shire has determined the following items as the current order of priority:

1. Hale Road land acquisition and construction (H2 2017);
2. Arthur Road / Wimbridge Road design and construction (H1 2017);
3. Woodlupine Brook land acquisition and construction (Ongoing 2017/2018);
4. Sheffield Road improvements (2017);
5. Developer drainage works (Ongoing); and
6. Administration Cost.

The priority list will be updated as part of the annual cost estimate review and associated DCP Report update.

5. Period of Operation and Review

The DCP will operate for a period of 5 years, concluding on the date the last infrastructure works are completed – currently estimated at 1 July 2021.

The DCP will be reviewed every year, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The review will include costs of construction, land values, changes to priorities, administration costs, developed lots and minor modifications to infrastructure items.

Additional reviews may be completed as required, having regard to cost volatility and development priorities.

6. Figures

7. Appendices

7.1 Appendix A: Land for Future Purchase

Lot Address	Area of POS (sqm)	Cost POS (\$)	Area Road Reserve (sqm)	Cost Road Reserve (\$)
Lot 42 (12) Bruce Road	11,191	\$1,946,515	0	\$0
Lot 60 (7) Bruce Road	6,912	\$1,170,480	0	\$0
Lot 2 (268) Hale Road	3,000	\$495,000	0	\$0
Lot 7 (310) Hale Road	1,800	\$302,000	144	\$23,810
Lot 8 (302) Hale Road	2,198	\$411,630	159	\$29,323
Lot 28 (296) Hale Road	1,837	\$303,105	200	\$33,000
Lot 31 (318) Hale Road	2,600	\$429,000	210	\$34,650
Lot 32 (326) Hale Road	2,700	\$445,500	210	\$34,650
Lot 33 (332) Hale Road	775	\$127,875	220	\$36,300
Lot 26 (44) St John Road	5,100	\$841,500	0	\$0
Total	38,113	\$6,472,605	1,143	\$191,732

Miscellaneous land purchase of \$200,000 has been included on top of POS and Road Reserve as a contingency for any necessary truncations, improvements, relocation of buildings/services and other unforeseen land acquisition costs. This has been given a nominal land area size of 1,200 sqm for calculation purposes.

7.2 Appendix B: Hale Road

HALE ROAD WIDENING PROJECT							
Lot No	Item	HALE ROAD	Quantity	Unit	Rate	Amount	
6 (276)	1	Boxout	17490	m ²	\$16.00	\$279,840	
	2	Cut to spoil (rounded)	12592.8	tonne	\$165.00	\$2,080,000* ²	
	3	Supply Lay & Compact 200 Limestone (rounded)	8395.2	tonne	\$23.00	\$200,000* ²	
	4	Supply Lay & Compact 100 Roadbase	4197.6	tonne	\$49.00	\$205,682	
	5	Supply Lay Prime 7mm metal	16500	m ²	\$3.00	\$49,500	
	6	Supply Lay 30mm Asphalt	1250	Tonne	\$217.5	\$271,875	
	7	Supply Lay Mountable Kerb	4520	m	\$20.00	\$90,400	
	8	Supply Lay 2.5m DUP both sides (rounded)	3300	m	\$81.00	\$270,000* ²	
	9	Backfill behind New Kerb & Grade Verge	4500	m	\$6.70	\$30,150	
	10	Line Marking					
	10.1	Continuous/double/unbroken linemarking	4736	m	\$0.85	\$4,025	
	10.2	Thermo linemarking - give way	8	off	\$140.00	\$1,120	
	10.3	Cycle Symbols	30	no.	\$140.00	\$4,200	
	10.4	RPMs including installation	163	no.	\$16.00	\$2,608	
	10.5	Bollards	6	no.	\$47.50	\$285	
	10.6	Green demarcation surface	118.5	m ²	\$65.00	\$7,703	
	11	Turn Arrow	4	no.	\$140.00	\$560	
	11.1	Signage					
	11.2	New Sign install/replacement	45	No.	\$250.00	\$11,250	
	11.3	Relocate bus stop post	2	No.	\$250.00	\$500	
	12	Traffic Management	75	day	\$1,500.00	\$112,500	
	12.1	Median Islands					
	12.2	Kerbing	2276.2	m	\$20.00	\$45,524	
	12.3	Island Noses	37	no.	\$48.00	\$1,776	
	13	Pram ramps	38	no.	\$395.89	\$15,044	
	14	Design & Supervision Costs					
	15	Staging costs - extra over demobilisation and re-mobilisation				\$150,000	
	16	Road Safety Audit				\$3,000	
	17	Geotechnical					
	18	Land Acquisition - not included in estimate					
	19	Hale Road redesign to include vehicle turning				\$17,000	
	20	Porters 15/16 Design				\$17,000	
	21	Working around high pressure gas main				\$50,000	
	22	Design Review - civil				\$45,000	
	23	Ancillary costs				\$192,137	
	HALE ROAD - CIVIL SUBTOTAL (rounded up)						\$4,160,000*¹
	24	Median Island landscaping: soil condition, planting	2000	m ²	\$55.00	\$110,000	
	25	Verge Landscape: soil condition, planting	10413	m ²	\$55.00	\$572,715	
	26	Irrigation	3215	m ²	\$23.00	\$73,945	

	27	Trees - supply and install (includes stakes, fertiliser etc)	300	no.	\$700.00	\$210,000
	28	Grass trees - purchase and installation	15	no.	\$895.00	\$13,425
	29	Updating concept landscape design to detailed landscape design, including irrigation				\$30,000
HALE ROAD - LANDSCAPING SUBTOTAL (rounded up)						\$1,015,000*¹
Hale Rd Underground Power						
	30	Staging Costs				\$100,000
	31	Electrical Design				\$90,000
	32	Western Power				\$320,000
	33	Power construction				\$520,000
	34	Contingency - pending Western Power estimate				\$260,000
HALE ROAD ELECTRICAL / STREET LIGHTING SUBTOTAL (rounded up)						\$1,290,000*¹
	35	Hale Road culvert extension and retaining wall	1	no.		\$75,000
	36	Hale Road pedestrian crossing	1	no.		\$15,000
HALE ROAD TOTAL						\$6,555,000

Note: *¹ Computation rounded up to the nearest multiple of \$5,000
 *² Computation rounded up to the nearest multiple of \$10,000

7.3 Appendix C: Sheffield Road

SHEFFIELD ROAD MAINTENANCE PROJECT					
		Quantity	Unit	Rate	Amount
1	Patching				\$2,000
2	Resheeting - Supply and lay 30mm asphalt	282.60	tonnes	\$150	\$42,390
3	Traffic Management Plan	1	off	\$1,800	\$1,800
4	Traffic Control (not included in March 2015 estimate)	1	day	\$3,000	\$3,000
5	Site mobilisation and demobilisation for asphalt	1	off	\$780	\$780
6	Kerb removal and disposal	1061	m	\$30	\$31,570
7	Mountable kerb installation	1061	m	\$25	\$26,520
8	Pram ramp removal and disposal	6	no.	\$140	\$842
9	Pram ramp installation	6	no.	\$410	\$2,460
	SHEFFIELD ROAD SUBTOTAL				\$115,000 *¹
10	Sheffield Rd Street Lighting				
10.1	Sheffield Road -42W CFLs on new 6.5m steel pole	3	no.	\$12,000	\$36,000
10.2	Sheffield Road -42W CFLs on existing 6.5m timber pole	1	no.	\$800	\$800
10.3	St John Road - 42W CFLs on existing timber pole	2	no.	\$800	\$1,600
11	High Pressure Gas Inspector to be on site during works on St John Rd	2	no.	\$400	\$8,000
12	Western Power conduit supply and installation (including trenching / horizontal drilling)	100	m	\$10	\$1,000
13	Western Power tie-ins to existing	4	no.	\$250	\$1,000
14	Digger and operator	10	hr	\$140	\$1,400
15	Backfill and compact	100	m ²	\$6.70	\$670
16	Remove and dispose of crossovers	27	m ²	\$22	\$594
17	Remove and replace crossovers	6	no.	\$49	\$292
	SHEFFIELD ROAD LIGHTING SUBTOTAL				\$55,000 *¹
	SHEFFIELD ROAD TOTAL				\$170,000

Note: *¹ Computation rounded up to the nearest multiple of \$5,000

7.4 Appendix D: Arthur Road / Wimbridge Road

WIMBRIDGE ROAD EXTENSION PROJECT (FORMERLY ARTHUR ROAD)				
ARTHUR ROAD ROUNDABOUT	Rate	Amount	Rate	Amount
Mobilisation & demobilisation - asphalt	2	No.	\$780.00	\$1,560
Roundabout and road - North				
Boxout	2193	m ²	\$16.00	\$35,088
Cut to spoil	1470	tonne	\$165.00	\$242,550
Supply and install 150 limestone	882	tonne	\$23.00	\$20,286
Supply and install 100 roadbase	490	tonne	\$49.00	\$24,010
Trim and compact subbase and subgrade etc	2450	m ²	\$10.00	\$24,500
Supply Lay Prime 7mm metal	2193	m ²	\$3.00	\$6,579
Supply Lay 30mm Asphalt	47.43	tonne	\$217.50	\$10,316
Supply Lay Mountable Kerb	395	m	\$30.00	\$11,850
Supply Lay 2.1m DUP (rounded)	232	m	\$68.04	\$15,785
Backfill behind New Kerb & Grade Verge	395	m	\$6.70	\$2,647
Median Island - red asphalt	4	tonne	\$333.00	\$1,239
Median Island - concrete/brick	182.6	m ²	\$45.00	\$8,217
Kerbing	227.05	m	\$30.00	\$6,812
Island Noses	6	no.	\$48.00	\$288
Pram ramp	8	no.	\$395.89	\$3,167
Roundabout - South (sweep widenings)				
Cut to spoil	106.8	tonne	\$165.00	\$17,622
Supply and install 150 limestone	64.08	tonne	\$23.00	\$1,474
Supply and install 100 roadbase	35.6	tonne	\$49.00	\$1,744
Trim and compact subbase and subgrade etc	178	m ²	\$10.00	\$1,780
Supply Lay Prime 7mm metal	137	m ²	\$3.00	\$411
Supply Lay 30mm Asphalt	2.96331	tonne	\$402.38	\$1,192
Supply Lay Mountable Kerb	153	m	\$30.00	\$4,590
Supply Lay 2.1m DUP (rounded up)	115	m	\$68.04	\$10,000 * ¹
Backfill behind New Kerb & Grade Verge	153	m	\$6.70	\$1,025
Median Island - concrete/brick	182.6	m ²	\$45.00	\$8,217
Kerbing	227.05	m	\$30.00	\$6,812
Island Noses	6	no.	\$48.00	\$288
Pram ramp	8	no.	\$395.89	\$3,167
Traffic Control (not included in March 2015 estimate) - from roundabout	50	days per stage	1500	\$75,000
Staging costs - extra over demobilisation and re-mobilisation				\$150,000
GHD Design fees				\$60,264
Porter Engineering design fees - review, approvals, update				\$82,583
Relocate existing telstra service pit				\$10,000
Verge landscape	395	m ²	\$55.00	\$21,725
Water cart				
Ancillary costs				\$18,392
WIMBRIDGE ROAD SUBTOTAL				\$895,000 *¹
WIMBRIDGE ROAD CULVERT SUBTOTAL				\$105,000*¹
WIMBRIDGE ROAD ELECTRICAL / STREET LIGHTING SUBTOTAL				\$265,000*¹
WIMBRIDGE ROAD TOTAL				\$1,265,000

Note: *¹ Computation rounded up to the nearest multiple of \$5,000

7.5 Appendix E: Woodlupine Brook Improvements

Item Description	Unit/Item Description	Number of Units/Items	Unit rate (\$ ex GST)	Total Fee (\$ ex GST)
Site Areas				
Channel length		1130		
Stage 2	Lm	330		
Stage 3A	Lm	300		
Stage 3B	Lm	500		
Living Stream Works area (Channel base to TOB level)		28000		
Stage 2	m ²	8200		
Stage 3A	m ²	7800		
Stage 3B	m ²	12000		
POS Works area (TOB level to kerb/lot boundary)		59000		
Stage 2	m ²	22800		
Stage 3A	m ²	13200		
Stage 3B	m ²	23000		
Preliminaries				\$234,747
Site Preparation				\$43,888
Earthworks				\$454,320
Stabilisation/Erosion Control				\$132,356
Civil Works (Drainage infrastructure)				\$87,499
Civil Works (Paths/Bridges etc)				\$323,014
Planting				\$523,906
CONSTRUCTION COST SUBTOTAL (rounded up)				\$1,805,000 *1
OTHER PROJECT COSTS				
ASSM Treatment (assuming 50% off-site disposal ASSM)				\$115,000
Dewatering				\$35,000
Professional Fees		lump sum +	11%	\$326,917
Escalation				exc.
OTHER PROJECT COSTS SUBTOTAL (rounded up)				\$480,000 *1
Design fees				\$35,000
WOODLUPINE BROOK IMPROVEMENTS TOTAL				\$2,320,000

Note: *1 Computation rounded up to the nearest multiple of \$5,000

7.6 Appendix F: Developer Drainage Works

Pipe network - Wattle Grove	\$585,000
163 (40) Hardey East Road (South Side) 164 (36) Hardey East Road (South Side) 40 (30) Hardey East Road (South Side) 29 (302) Hale East Side Woodlupine Drain 24 (48) Hardey East Road (South Side) 26 (44) St John Rd (North Side of Tomah) 500 (9) Arthur Road Cnr Hale	
GPTs - Wattle Grove	\$207,000
Lot 28 Hale Road Lot 29 Hale Road Lot 34 Hale Road Lot 26 St John Road	
TOTAL DRAINAGE	\$792,000

7.7 Appendix G: Administrative Items (including consultant expenses)

Description	Annual (\$)	Years	Total (\$)
Consultant Expenditure			
Legal / Land Admin	\$15,000	5	\$75,000
DCP Annual Review / Audit	\$5,000	5	\$25,000
Land Valuation	\$10,000	5	\$50,000
Staffing Costs			
Planning / Project Management	\$87,200	5	\$436,000
Scheme Windup	\$20,000	5	\$100,000
Total	\$137,200	5	\$686,000

Justification:

- Legal / Land Admin: Costs incurred for the establishment of legal agreements between the Shire and landowners to facilitate road construction and acquisitions and public open space purchases. Estimates are inclusive of surveying and subdivision costs.
- DCP Annual Review: Costs incurred for the accounting inputs into the financial spreadsheets and management of the DCP.
- Land Valuation: Costs incurred to undertake the annual land valuation.
- Planning / Project Management:
 - o 1 dedicated project manager 0.6 FTE since 1/7/2015
 - o Finance and accounting staff – mainly at EOFY and End of Quarter – 10 hours per month.
 - o Planning administration 0.2 FTE accounting for structure plan amendments, DCP review, report writing and admin.

Administration and Consulting – Expenditure to date since inception (1/2/2000): \$927,869

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

**20. Retrospective Application for Storage of a Sea Container - Lot 143
(4) Kalamatta Way, Gooseberry Hill**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	KL-01/004
Applicant	Kylie Anne Lambert
Owner	Christopher Paul Bennett & Nina Bennett
Attachment 1	Site Plan
Attachment 2	Site photos
Attachment 3	Submission Table

EXECUTIVE SUMMARY

1. To consider a retrospective application for the Storage of a Sea Container at Lot 143 (4) Kalamatta Way, Gooseberry Hill (the Site) Refer Attachment 1.
2. The proposal is non-compliant in respect to Local Planning Policy P DEV 20 – Outbuildings and Sea Containers (the policy), principally the location and appearance of the sea container. Having regard to the proposal's non-compliance with the Policy, the officer recommendation is to refuse the application.

BACKGROUND

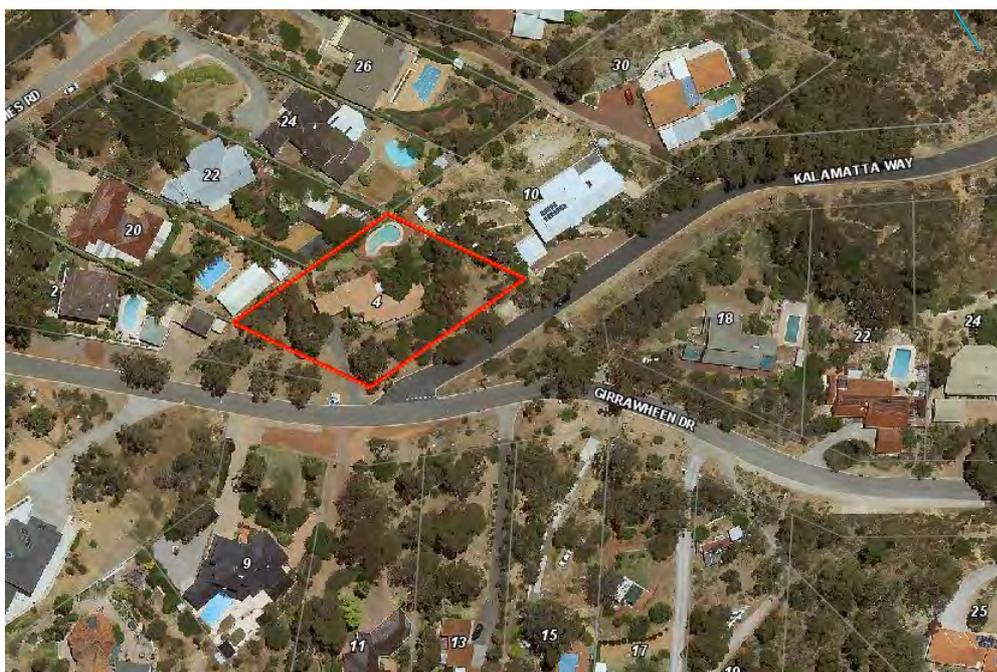
3. Land Details:

Land Area	1770 m2
Local Planning Scheme Zone	Residential R5
Metropolitan Regional Scheme Zone	Urban

4. The applicant applied for the sea container before storing it on the site. However the sea container has been placed on the site at the proposed location before the determination of the proposal by the Shire.
5. The applicant has offered to paint the colour of the sea container, but has not agreed to undertake any further improvements, and relocate the structure to ensure compliance with the Shire's policy.

Locality Plan

6.



DETAILS

7. The applicant is seeking retrospective planning approval for the storage of a sea container. The proposal is not compliant with Local Planning Policy DEV-20 in respect to-

- the placement of the sea container on the site;
- upgrading the sea container; and
- screening the sea container from the street view.

Details of the proposal are contained in the Policy Considerations of this report.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No.3

8. Clause 4.2.1 The objectives of the Residential Zones are:

- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
- To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into single residential environment.
- To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported

where it is appropriately situated in proximity to other services and facilities.

- To encourage the retention of remnant vegetation.

Planning and Development (Local Planning Schemes) Regulations 2015

9. In considering an application for planning approval, Clause 67 of The Planning and Development (Local Planning Schemes) Regulations 2015 (the regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
 - Amenity in the locality;
 - The amount of traffic to be generated by the Development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
 - Any relevant submissions received on the application.
10. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal.

POLICY CONSIDERATIONS

Local Planning Policy DEV 20- Outbuildings and Sea Containers

11. The objectives of the policy are to establish clear guidelines for the placement of sea containers so that it does not detrimentally impact on the amenity of the surrounding area.
12. The placement of a sea container is assessed against Policy DEV 20 Outbuildings and Sea Containers. The following is an analysis of the proposal in relation to the assessment criteria:

Policy requirement	Proposal	Compliant with policy
If the sea container is placed on the property permanently, it should be located behind the building line.	The sea container is proposed to be placed generally in line with the front of the building.	No
Where visible from the street, public spaces or a neighbouring property, appropriate screening and/or alterations to the exterior colour, finish and roof form should be used to be complementary/ sympathetic with the surrounding development or landscape	The sea container is placed behind natural vegetation, but it is not enough to screen the sea container. There is no proposal for altering the exterior appearance of the sea container	No
Upgrade the sea container to include a door that can be opened and unlocked from the inside	The sea container does not have a door that can be opened and unlocked from inside.	No

Permanent ventilation to be provided by either open able windows or a roof vent.	There are no windows or roof vent in the sea container.	No
On residential zoned land, the exterior appearance of the sea container will be upgraded to be complimentary with the surrounding development or landscape.	No upgrades have been proposed to the sea container.	No

COMMUNITY ENGAGEMENT REQUIREMENTS

13. In accordance with Local Planning Policy DEV 45 – Public Notification of a Planning Proposal, the application was advertised to nearby and affected land owners for a 14 day period. At the end of the advertising period four submissions were received, consisting of four objections. Refer Attachment 3.
14. The main issues raised in the objections are:
- There is a strong objection to the proposal as it is not in accordance with the Shire’s policy on sea containers.
 - Allowing a sea container will set a precedence and will impact the amenity of the area.
 - The sea container in the proposed location is not in accordance with the character of the area.
15. The above concerns raised by the local community are addressed in the officer comment section of the report.

FINANCIAL CONSIDERATIONS

16. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *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

18. The appearance and location of the sea container is not sympathetic to the surrounding residential areas. Therefore it is considered that the sea container will negatively impact the amenity of the area.

Economic Implications

19. Compliance with Policy requirements in respect to screening and upgrading of the sea container will incur cost to the owner.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

21.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The sea container in the front of the property will impact on the amenity of surrounding residents.	Likely	Significant	High	Recommend that the application not be supported due to its non-compliance with P-DEV 20.

OFFICER COMMENT

22. The existing sea container is situated forward of the building line of the existing dwelling, in a location which is highly visible from the street. In this regard, the proposal is non-compliant with the Policy with regards to its appearance and location (Refer Attachment 2) consequently it is considered that the sea container has the potential to adversely impact on the amenity of area, particularly in respect to the streetscape.
23. The applicant was requested to give consideration to implementing measures to bring the location and appearance of the sea container into compliance with the Policy. The applicant was not agreeable to the requested changes.
24. Given the above it is recommended that the application for retrospective planning approval for the sea container be refused.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 20/2017)

That Council:

1. Refuse the retrospective planning application for storage of a sea container at Lot 143 (4) Kalamatta Way, Gooseberry Hill due to the following reason:
 - a) The proposed development is not compliant with Local Planning Policy DEV- 20 Outbuildings and Sea Containers, in respect to the sea containers appearance, location and overall impact on the amenity of the locality and streetscape.
 - b) The proposal is not in accordance with the principles of Orderly and Proper Planning.

Moved:

Seconded:

Vote:

Attachment 2

Retrospective Application for Storage of a Sea Container- Lot 143 (4) Kalamatta Way, Gooseberry Hill
Site Photos



Sea Container on Site



Sea Container on Site



Sea Container on Site



Existing Open Streetscape



Sea Container on Site



Existing Open Streetscape



Existing Open Streetscape



Existing Open Streetscape



Existing Open Streetscape

Attachment 3

Retrospective Application for Storage of a Sea Container - Lot 143 (4) Kalamatta Way, Gooseberry Hill

Submission Table

	Comment	Staff Comment
1.	<p>Objection to the proposal.</p> <p>a) The proposal is not in accordance with the Shire's policies, etc. on sea containers and strongly objected to.</p> <p>b) Allowing a sea container is clearly going to set a precedent that is not in accordance with the amenity of the area.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) Noted, the location and appearance of the sea container will be assessed against the Shires Local Planning Policy P DEV 20.</p>
2.	<p>Objection to the proposal.</p> <p>a) Inappropriate for the area.</p> <p>b) The shed on their property has not been built in accordance with the policies and standards and it is unfair to approve a sea container in the front of the house.</p>	<p>Noted.</p> <p>a) Noted.</p> <p>b) Noted, the location and appearance of the sea container will be assessed against the Shires Local Planning Policy P DEV 20.</p>
3.	<p>Objection to the proposal.</p>	<p>Noted.</p>
4.	<p>Objection to the proposal.</p> <p>a) A permanent sea container structure in a prominent position like this is not on accordance with the character of this residential area.</p>	<p>Noted.</p> <p>a) Noted.</p>

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

21. Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

Previous Items	D&I 64 –184/2016 (November 2016)
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CN-01/310
Applicant	Grid Garages, Sheds and Patios
Owner	Andrew Herden
Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Justifications from Applicant
Attachment 4	Photographs of the Visual Impact of the Outbuilding
Attachment 5	Elevation Plan of Proposed Screening – Owner Recommendation
Attachment 6	Elevation Plan of Proposed Screening – Neighbour Recommendation

EXECUTIVE SUMMARY

1. The Shire approved an outbuilding (shed) at the subject site on 7 July 2016. Following this approval complaints were received from the adjoining rear neighbour upon the commencement of construction of the structure.
2. Following a site visit it was revealed that the outbuilding was being erected on an area that had been altered and retaining walls built. The presence of the retaining walls subsequently altered the natural ground level and overall height of the outbuilding. No previous approval had been granted for the retaining walls and the outbuilding is currently located on the site in a state of semi completion.
3. The application was tabled at the November 2016 Ordinary Council Meeting, where Council resolved to defer the application to allow the applicant and objecting neighbour to participate in professional mediation. The mediation process has now concluded and the matter has been brought back to Council for further consideration.
4. Officer recommendation is to approve the application subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	976m ²
Local Planning Scheme Zone	Residential R10
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

6.



DETAILS

7. The application proposes retrospective approval of an outbuilding (shed) and retaining walls (Refer to Attachments 1 and 2). Both the outbuilding and the retaining do not meet the deemed to comply requirements of the Residential Design Codes and do not comply the Shire’s Outbuilding and Sea Container policy. These matters are detailed below.

8. Where the proposal does not meet the deemed to comply requirements, the proposal must be assessed against the relevant design principles of the R Codes and where appropriate can be supported under these principles.

9.

Assessment Under Residential Design Codes	Deemed to Comply Provision	Proposed	Variation
Outbuilding Rear Setback	1.1m	1.15m	0.05m
Outbuilding Side Setback	1.1m	0.8m	-0.3m
Retaining Wall Rear Setback	6m	0.5m	-5.5m
Retaining Wall Side Setback	1m	Nil Setback	-1m

Assessment against P – DEV 20 (Outbuilding Policy)

Assessment Under Outbuilding Policy	Deemed to Comply Provision	Proposed	Variation
Wall height	3.0m	4.12m (retaining walls included)	1.12m
Roof Pitch Height	4.2m	4.58m (retaining walls included)	0.38m

Assessment against P – DEV 20 (Acceptable Design Outcomes)

Acceptable Design Outcome	Proposed by Applicant	Compliant with Policy
Compliant with R Code Setback Requirements	Rear: 1.15m	Yes
	Side: 0.8m	No
Will not reduce areas of open space below deemed-to-comply requirements (60%)	72.9% of Open Space on site	Yes
Outbuilding located behind the main dwelling and not directly visible from a street or public place	Rear of property, well away from the main dwelling and the primary street	Yes
Not located within a flood or stream management area	Not located in such an area	Yes
Development will not result in excessive or unnecessary removal of vegetation	Outbuilding to be located in a cleared space, well away from any established vegetation	Yes
Proposed colours and materials are consistent with the criteria set out in P DEV 20	Colorbond Steel – Considered to be Lightweight material with a rendered or painted finish	Yes
	Cloudy grey colorbond	Yes
Will not unduly impact on the amenity of an adjoining property owner/occupier		No

10. Following Councils resolution to defer the application to allow mediation to take place two (2) mediation sessions occurred between the owner of the property and the adjoining neighbour.
11. The first mediation session took place on the 18th of January 2017, where the following actions were agreed upon by the parties involved:

1. The parties are to explore the option of a free-standing timber fence (with slats made from painted treated pine) being constructed on the retaining wall of the owners property, at the cost of the owner.
 2. Building and planning advice from the Shire of Kalamunda regarding any requirements for the proposed fence will be provided to the parties by 27th January 2017. This may include a site visit by the Shire's officers of the owner's property.
 3. Subject to advice provided by the Shire, the owner shall prepare a proposal setting out the visual and structural design of the proposed fence and provide this to the adjoining neighbour by 3rd February 2017.
 4. The adjoining neighbour shall review the proposal and provide comments to the owner by 10th February 2017.
12. The second mediation session took place on the 15th of March 2017, where the following actions were agreed upon by both parties:
1. The parties agree that the proposed fence set out in the email from the owner dated 25th January 2017 (Refer Attachment 5) can be amended as follows:
 - a) Screws be used in place of nails;
 - b) The paint colour on the side of the proposed fence viewed from the adjoining neighbours property be painted Dulux 'Leroy';
 - c) The right edge of the proposed fence (when viewed from the adjoining neighbours property) be extended to the edge of the owners property; and
 - d) The left edge of the proposed fence (when viewed from the adjoining neighbours property) be extended to the outer edge of the retaining wall on the owners property.
 2. Following the outcome of the previous mediation dated 18th January 2017 that the proposed fence be constructed with slats made from painted treated pine, the adjoining neighbour has indicated some concerns regarding the durability of timber compared to that of steel.
 3. With respect to the shape of the proposed fence:
 - a) The owners preference is that the shape of the proposed fence follows the shape of the shed located on the owners property (Refer Attachment 5); and
 - b) The adjoining neighbours preference is that the proposed fence be of a rectangular shape with a flat top edge (Refer Attachment 6).
 4. With respect to the ongoing maintenance of the proposed fence:
 - a) The owner is of the view that the ongoing maintenance of the proposed fence should be stipulated as a condition of any retrospective planning approval for the shed and the retaining wall; and
 - b) The adjoining neighbour is of the view that the ongoing maintenance of the proposed fence should be recorded as a covenant on the title of the owners property.

5. Both parties were agreeable to the outcome of mediation document being provided to Council in making a decision whether to grant retrospective planning approval for the shed and the retaining wall.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

13. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Residential zone are as follows:
 - To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.

To encourage the retention of remnant vegetation.

Planning and Development (Local Planning Schemes) Regulations 2015

14. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) requires Council to have due regard to a number of matters, including:
 - The compatibility of the development within its settings;
 - Amenity in the locality; and
 - Any relevant submissions received on the application.
15. Clause 65 of the Regulations and section 164 of the *Planning and Development Act 2005* sets out the procedure and the effects of assessing applications for retrospective approval for development already commenced.
16. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

POLICY CONSIDERATIONS

P-DEV 20 – Outbuildings and Sea Containers

17. Section 1.3 (Objectives) of the Shires Outbuilding and Sea Containers Policy (Policy) stipulates that the objectives of the Policy are as follows:

- To ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings including sheds, rainwater tanks and sea containers;
- To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on site;
- Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners; and
- To give due consideration for proposals incorporating outbuildings and sea containers where there are legitimate constraints on the subject lot.

18. Under the Policy, an outbuilding has the same meaning as defined in the Residential Design Codes, as follows:

“Outbuilding – An enclosed non-habitable structure that is detached from any dwelling.”

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Nil.

External Referrals

20. Nil.

FINANCIAL CONSIDERATIONS

21. The cost of the mediation process to date has been \$2,068.00.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *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

23. The presence of the outbuilding with the current retaining may result in an undue impact on the amenity of the adjoining neighbour.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

26.	Risk	Likelihood	Consequence	Rating	Action/Strategy
	Undue visual impact on the adjoining neighbour	Likely	Moderate	High	Provision of effective cladding or screening may reduce the visual impact of the outbuilding on the adjoining neighbour

OFFICER COMMENT

27. Clause 67 of the Regulations requires Council to have due regard to a number of matters, including:

- The compatibility of the development within its settings.
- The preservation of amenity in the locality.
- Any relevant submissions received on the application.

28. It is considered that the majority of the conditions of the acceptable design outcomes have been met in this instance (see Table in *Details* Section). The adjoining neighbour who is being affected by the 0.8m outbuilding setback has stated that they have no objection to the setback variation. In addition to this it is considered that the remaining variations to the Acceptable Design Outcomes of the Outbuilding Policy can be addressed with acceptable screening conditions.

29. The combination of the retaining wall height in tandem with the proposed wall height of the outbuilding has led to a variation in the maximum allowable wall height of the structure under the Shire’s Outbuilding Policy. However, the rear setback distance of the total wall height is deemed to be compliant under the setback provisions of Table 2a of the Residential Design Codes.

While the setback distance for such a wall height is compliant under the provisions of the Residential Design Codes it is considered that the total wall height results in some visual impact on the adjoining neighbour in its current distance from the rear boundary.

30. In regard to the outcomes of the mediation it is considered that the visual screening agreed upon by both parties will assist in reducing the visual impact of the outbuilding on the adjoining neighbour.

In respect to the points of contention identified through the mediation process, namely the shape of the screening fence and the maintenance of the screening fence, the following is noted:

Shape of Screening Fence:

The owners preference for the design of the fence to follow the shape of the shed has merit, given the design will reduce the bulk and impact to the neighbours property. Moreover, having the fence extend to a flat top above the outbuilding will expose the structure to crosswinds and may affect the structural integrity of the design. On the basis the design outlined in Attachment 5 is the recommended option.

Ongoing Maintenance of the Screening Fence:

The requirement for a restrictive covenant to address ongoing maintenance of the fence is considered onerous in this instance, and not considered to be the most appropriate mechanism to address the issue. The matter can be addressed and enforced as a condition of the planning approval. In the event that the owner of the property does not comply with the condition, the Shire can take appropriate compliance measures to ensure the condition is adhered to.

It is acknowledged however, that in the event that the property is sold the purchaser might not be aware of the requirement for maintenance. In this situation, a section 70A notification being placed on the certificate of title would be appropriate and less onerous than the requested restricted covenant.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 21/2017)

That Council:

1. Approves the retrospective planning application for an outbuilding (shed) and retaining walls at Lot 77 (310) Canning Road, Lesmurdie, subject to the following conditions:
 - a) Within 60 days of the date of this approval effective screening is to be installed and maintained on the outbuilding, to the satisfaction of the Shire of Kalamunda.
 - b) The design of the screening fence shall be as per Attachment 5, and include the following:
 - a. the fence shall be constructed of slats made from treated pine.
 - b. screws shall be used in place of nails.
 - c. the paint colour shall be Dulux 'Leroy'.
 - d. the right edge of the proposed fence, when viewed from the neighbours property, shall be extended to the edge of the applicants property.
 - e. the left edge of the proposed fence, when viewed from the neighbours property, shall be extended to the outer edge of the retaining wall on the applicants property being the retaining wall.
 - c) All stormwater is to be disposed of on-site to the satisfaction of the Shire of Kalamunda.
 - d) The Outbuilding shall not be used for commercial, industrial, or habitable purposes.
 - e) Within 90 days of the date of this approval a notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to

be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"All screening between the existing outbuilding (shed) and the rear boundary is to be maintained to the satisfaction of the Shire of Kalamunda."

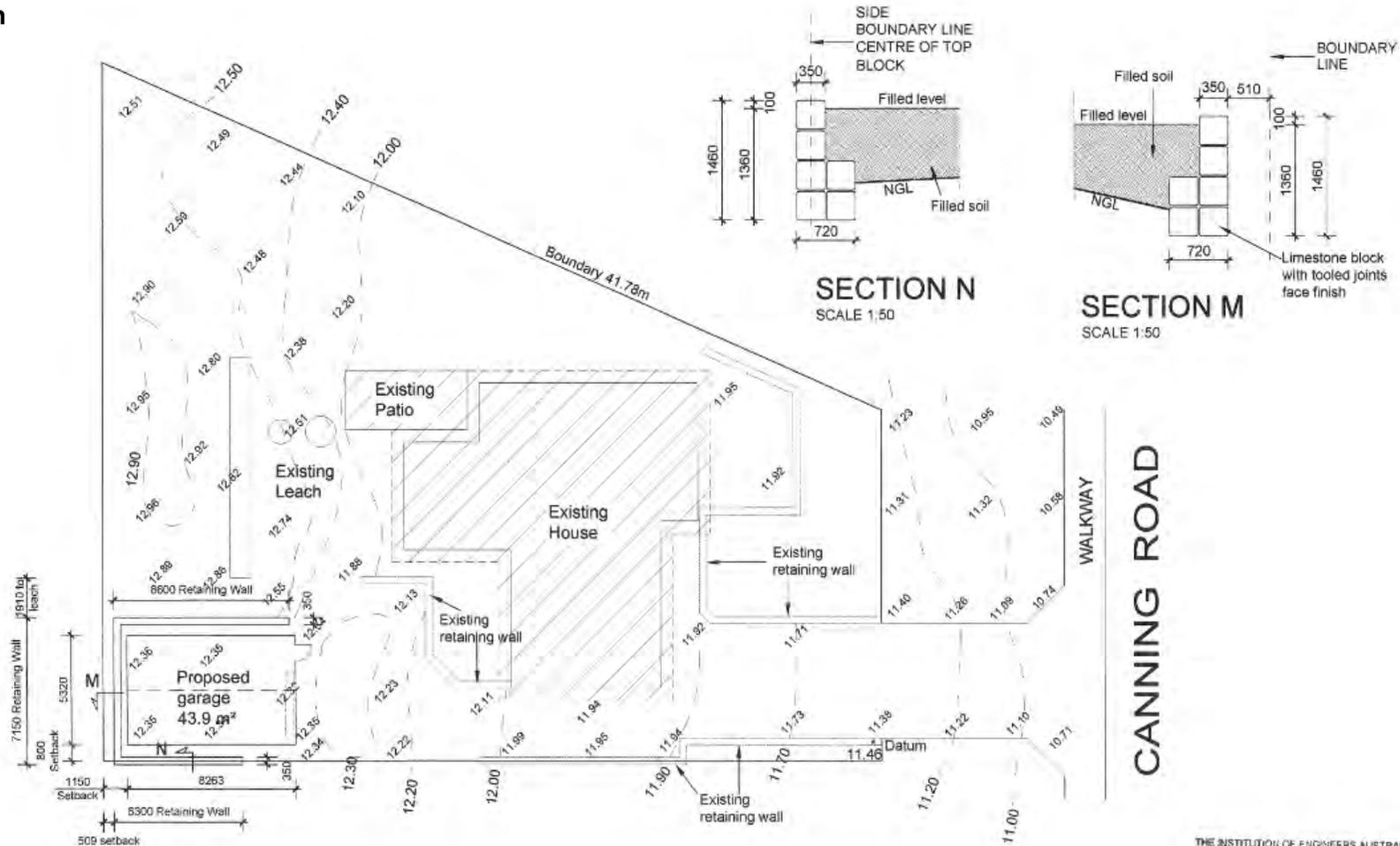
Moved:

Seconded:

Vote:

Attachment 1

**Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie
 Site Plan**



SITE PLAN

I ACCEPT THE DRAWINGS AS SHOWN ARE TOTALLY CORRECT AND AGREE THAT THE GARAGE/SHED AND ALL ACCESSORIES ADDED I.E. DOORS, WINDOWS ETC ARE CORRECT.

SIGNED.....DATE.....

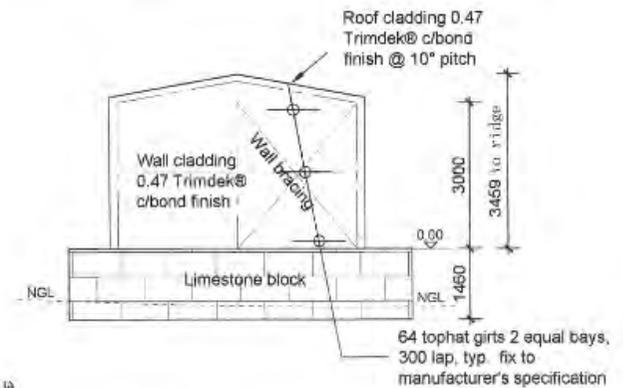
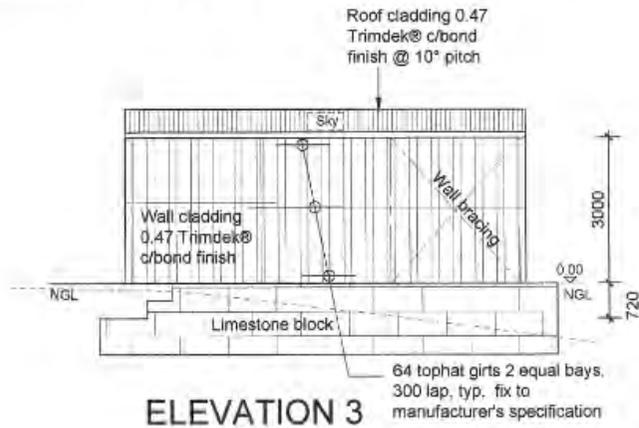
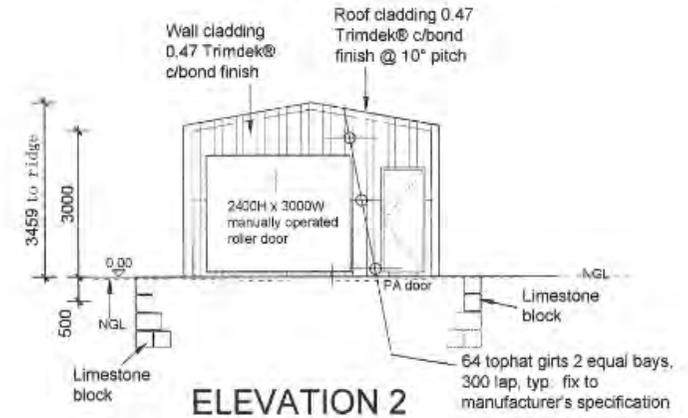
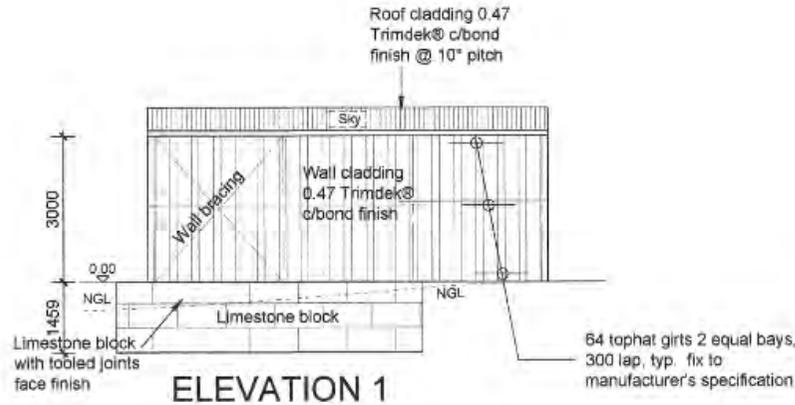
Rev	Description	Drawn	Date
D	Add site data & contours: revise retaining wall	AY	7/10/16
C	Adjust the height of retaining walls to 500	AY	24/9/16
B	Add retaining walls	AY	12/8/16
A	Issue for approval	AY	20/5/16

Job Title:	Garage for Cornerstone Carpentry
Site Address:	Lot 77, 310 Canning Road Lesmurdie WA 6076
Drawn:	AY Date: 20/5/16
Checked:	Date

THE INSTITUTION OF ENGINEERS AUSTRALIA
 Mr Carmelo E Lindro MIE Aust.
 Structural Engineer
 Membership No: 2926229
 10/10/16

<p>GRID Garages, Sheds & Pallets</p>	Unit 11, 11 Henson St. Maddington WA 6109 Tel: 08 9459 2559 E: david@gridm.com.au	
Drawing No:	Scale:	Revision:
A01	1:200/50	D

Attachment 2
 Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie
Elevation Plan



THE INSTITUTION OF ENGINEERS AUSTRALIA
 Mr Carmelo B Londra MIE Aust
 Structural Engineer
 Membership No
 2926229



CBL 10/10/16

I ACCEPT THE DRAWINGS AS SHOWN ARE TOTALLY CORRECT AND AGREE THAT THE GARAGE/SHED AND ALL ACCESSORIES ADDED I.E. DOORS, WINDOWS ETC ARE CORRECT.

SIGNED:..... DATE:.....

Rev	Description	Drawn	Date	Drawn: AY Date: 20/5/16	Checked: Date:
D	Change limestone retaining wall as built	AY	7/10/16		
C	Adjust the height of retaining walls to 500	AY	24/8/16		
B	Add retaining walls	AY	12/8/16		
A	Issue for approval	AY	20/5/16		

Job Title Garage for Comerstone Carpentry		 Unit 11, 11 Henson St Maddington WA 8109 Tel: 08 9459 2559 E: david@gridmc.com.au
Site Address: Lot 77, 310 Canning Road Lesmurdie WA 6078		
Drawing No: S02	Scale: 1:100	Revision D

Attachment 3

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

Justifications From Applicant



Date 23rd September 2016

Shire of Kalamunda

PO Box 42

Kalamunda WA 6926

Ref DA16/0374 310 Canning Road Kalamunda

Attention: Luke Harris

Dear, Luke

Thank you for your email regarding the above Planning Issue, we have been in discussion with our client Mr Andrew Herden and are trying to resolve the issue with his neighbour, our client is keen to assist in whatever he can do to appease his neighbour with his complaint.

The reason Mr Herden requires a shed as it stands is he requires the clearance height to allow a caravan and a boat to be stored into the shed so he does not have them sitting either out the front of the property or to the side, is also is the only way to keep his property safe and secure from weather etc. his block falls quite dramatically to the rear of his property and the building would flood if not retained.

Mr Herden will screen the rear boundary with lattice work, inside his property, and plant vine and foliage to screen the rear of his shed which is visible, he would also maintain this area and make sure the cover would be acceptable to his neighbour, he wishes to work with his neighbour to resolve the issue and to have a solution for both parties.

Please feel free to call and discuss the above

Best regards

Greg Robertson

Attachment 4

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

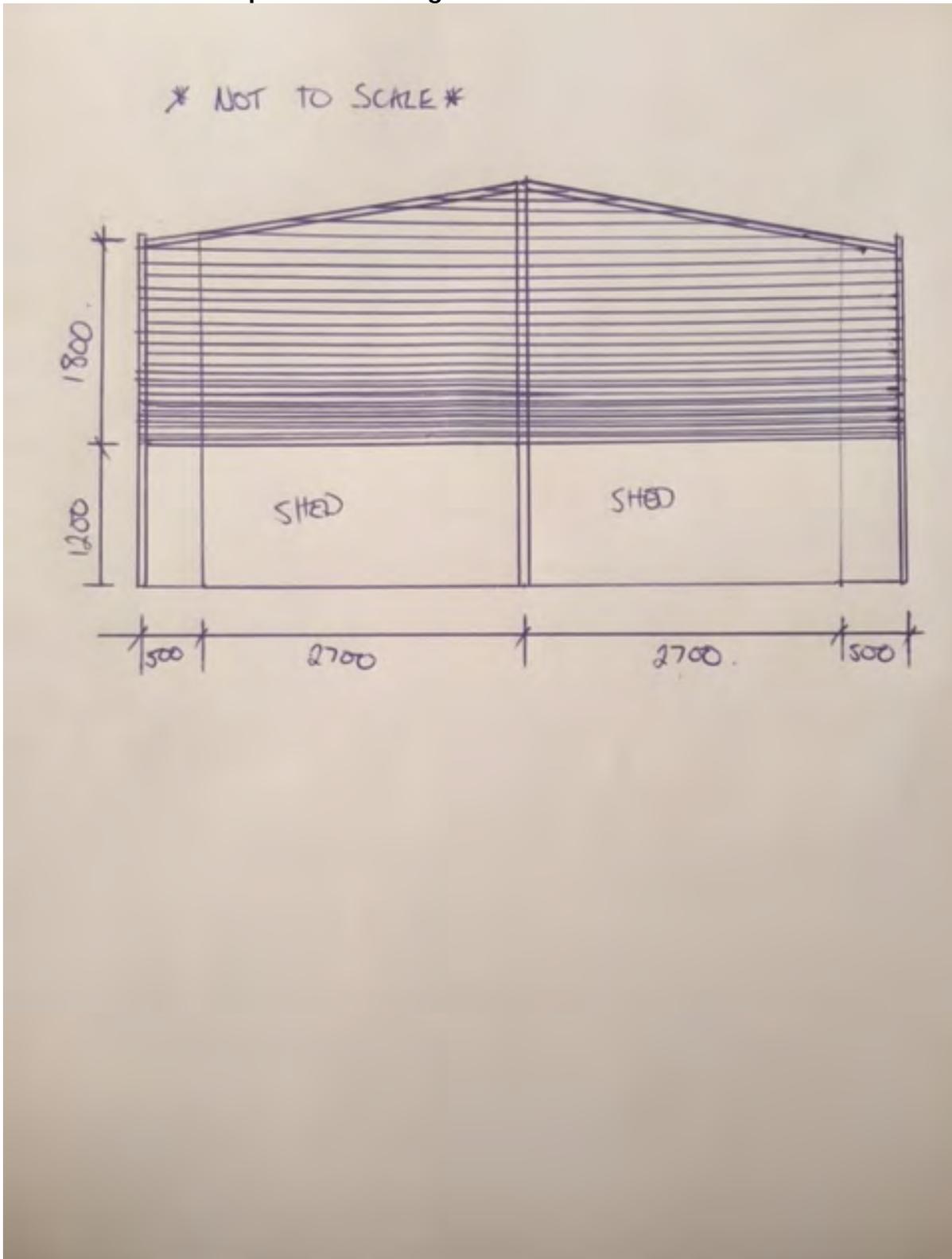
Photograph of the Visual Impact of the Outbuilding



Attachment 5

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

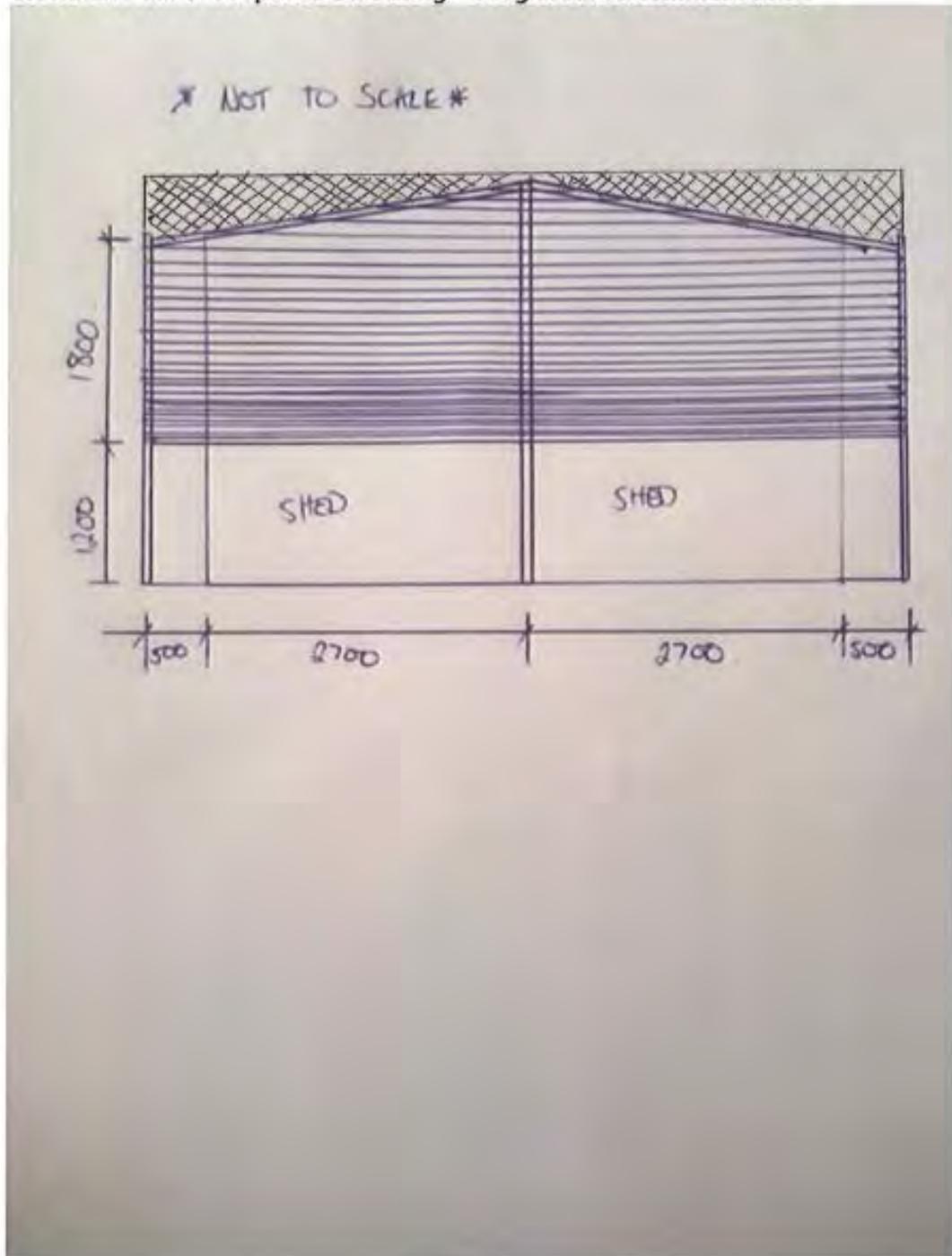
Elevation Plan of Proposed Screening – Owner Recommendation



Attachment 6

Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie

Elevation Plan of Proposed Screening – Neighbour Recommendation



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

22. Proposed Outbuilding (Shed) – Lot 137 (7) Sunrise Heights, Maida Vale

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	SN-06/007
Applicant	Hamish Thom
Owner	Hamish Thom
Attachment 1	Site Plan
Attachment 2	Floor and Elevation Plan
Attachment 3	Submission Table
Attachment 4	Response from Applicant
Attachment 5	Site Visit Photos

EXECUTIVE SUMMARY

1. The applicant is seeking approval to erect an outbuilding (shed) at the subject site. Variations are being sought to maximum wall and pitch height, and the floor area of the outbuilding.
2. The proposal was advertised to the adjoining neighbours. Three (3) responses were received, comprising of two (2) non-objections and one (1) objection with comments.
3. In response to the objection the applicant has revised some aspects of their application and provided further justifications for the other variations as part of the application (Attachments 1, 2 and 4).
4. It is recommended to approve the application subject to appropriate conditions.

BACKGROUND

5. **Land Details:**

Land Area:	4000m2
Local Planning Scheme Zone	Residential Bushland R2.5
Metropolitan Regional Scheme Zone	Urban

6. The applicant is seeking approval to erect an outbuilding (shed) at the subject site.
7. The site currently contains a single residence and associated structures (garage, pool, and existing outbuilding).
8. The applicant intends to demolish the existing outbuilding and replace it with a newer, larger outbuilding.

Locality Plan

9.



DETAILS

10. Following lodgement of the application, the applicant has submitted revised plans in response to the objection received proposing the following key elements:
- Demolition of the existing outbuilding (shed).
 - Erection of a 150m² outbuilding (shed) at the rear of the property.
 - The proposed outbuilding to have a wall height of 3.6m.
 - The proposed outbuilding to have a pitch height of 4.8m.
 - Erection of an open verandah to run around two sides of the proposed outbuilding (shed).
11. The proposed variations to the design of the outbuilding, are described in more detail in section 22 of the report.
12. The applicant is seeking the following variations to the provisions of the Shire's P Dev 20 – Outbuildings and Sea Containers. It should be noted that where the proposal does not meet the deemed to comply requirements the proposal must be assessed against the relevant design principles of the policy.

Aspect of Proposal	Deemed to Comply Provisions	Proposed	Revisions Proposed	Variation
Wall Height	3m	3.6m	Nil.	0.6m
Maximum Height to Pitch	4.2m	5.4m	Reduction to 4.8m	0.6m
Floor Area (R2.5 Coding)	90m ² for single outbuilding 150m ² for total aggregate of all outbuildings	180m ²	Reduction to 150m ²	60m ² for single Nil for aggregate

Assessment against the acceptable design outcomes.

Acceptable Design Outcome	Proposed by Applicant	Compliant with Policy
Compliant with R Codes Setback Requirements	Rear: 3m Side: 3m	Yes Yes
Will not reduce areas of open space below deemed-to-comply requirements (80%)	80% open space on site	Yes
Outbuilding located behind the main dwelling and not directly visible from a street or public place	Rear of property, well away from the main dwelling and the primary street	Yes
Not located within a flood or stream management area	Not located in such an area	Yes
Development will not result in excessive or unnecessary removal of vegetation	Outbuilding to be located in a cleared space, applicant intends to revegetate around the completed outbuilding	Yes
Proposed colours and materials are consistent with the criteria set out in P DEV 20	Colours are to match the existing house on site	Yes Yes

	Materials are to be non-reflective Colorbond	
Will not unduly impact on the amenity of an adjoining property owner/occupier		No. The issue of amenity impacts however can be subjective. To extent to which people are prepared to accept increased bulk and scale of an outbuilding will vary from person to person.

13. In support of the proposal the applicant has stated that they are willing to install and maintain vegetation to screen the proposed outbuilding from the adjoining landowners.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No.3

14. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (The Scheme) stipulates that the objectives of the Residential Bushland zone are as follows:
- To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.
 - To give due consideration to land uses that are compatible with the amenity of surrounding residential development.
 - Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.

Planning and Development (Local Planning Schemes) Regulations 2015

15. In considering an application for planning approval, Clause 67 of *The Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations) requires Council to have due regard to a number of matters, including:
- The compatibility of the development within its settings;
 - Amenity in the locality; and
 - Any relevant submissions received on the application.
16. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

POLICY CONSIDERATIONS

P-DEV 20 – Outbuildings and Sea Containers

17. Section 1.3 (Objectives) of the Shires Outbuilding and Sea Containers Policy (Policy) stipulates that the objectives of the Policy are as follows:
- To ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings including sheds, rainwater tanks and sea containers;
 - To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on site;
 - Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners; and
 - To give due consideration for proposals incorporating outbuildings and sea containers where there are legitimate constraints on the subject lot.
18. Under the Policy, an outbuilding has the same meaning as defined in the Residential Design Codes, as follows:
- “Outbuilding – An enclosed non-habitable structure that is detached from any dwelling.”*

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. The application was referred to the Shire’s Environment and Environmental Health Departments. No objections were raised from either department.

External Referrals

20. In accordance with Planning Policy P-DEV 45 (Public Notification of Planning Proposals) the application was advertised for a period of 14 days and involved letters being sent to the adjoining side and rear neighbours. A total of three (3) submissions were received, comprising two (2) non-objections and one (1) objection with comments.
21. The following key concerns were raised during the advertising period:
- The proposed floor area exceeds the maximum allowable 150sqm aggregate under the Shire’s P-DEV 20;
 - The proposal exceeds the maximum allowable wall height under the Shire’s P-DEV 20;
 - The proposal exceeds the maximum allowable pitch height under the Shire’s P-DEV 20;
 - The outbuilding is considered to be more appropriate for a commercial site;
 - The height of the patio is noted at 3 metres, which means a maximum height of 3 metres for anything entering the outbuilding, thus making the additional wall height redundant;
 - Will any attempts be made to reduce the visual impact of the outbuilding on the adjoining property; and

- The outbuilding will have an undue visual impact upon the adjoining properties visual amenity.

22. In response to the above concerns the applicant has proposed the following modifications (See Attachment 4):

Floor Area:

To reduce the dimensions of the outbuilding to the maximum 150m² that is allowed for under the Shire's Outbuilding Policy. It should be noted that the 150m² relates to the total aggregate floor area for outbuildings and not a single outbuilding which is restricted to 90m².

Wall Height:

The proposed wall height is 3.6m in lieu of the 3m policy requirement. However, it is noted from an inspection of the property that there is a fall in ground level between properties, suggesting that the impact of the 3.6m wall height will be reduced (Attachment 5).

Pitch Height:

The applicant submitted that the floor area of the outbuilding is 600mm lower than that of the ground level of the adjoining property. They have also amended the maximum pitch angle of the outbuilding to 15 degrees, thus dropping the maximum pitch height to 4.6m. The applicant states that these factors effectively reduce the maximum visible pitch height of the outbuilding to 4.2 metres.

Commercial Properties of the Outbuilding:

The applicant submits that the outbuilding is intended for family and storage uses, and as such would not have any commercial implications. They further submit that there are a large number of outbuildings located in the surrounding area that are in excess of the Shire's P-DEV 20 (Outbuilding Policy), and that due to the size of their property (4000m²) a 150m² outbuilding would only cover 3.75% of the property. The applicant has also noted that the adjoining neighbour has an 80.65 metre long boundary line, of which the proposed outbuilding would only take up 11 metres.

Redundant Additional Wall Height:

The applicant has submitted that the variation between the wall and the proposed verandah is to take into account for the fall on the property. The clearances for the verandah will allow access for the boat and camper trailer and still enable appropriate runoff from the roof of the outbuilding.

Attempts at Reducing Visual Impact of Outbuilding:

The applicant submits that they have already planted a number of trees along the boundary line to increase visual privacy. They have indicated that they intend to plant further screening vegetation to reduce the impact of the outbuilding. The applicant also intends to match the colour scheme of the existing dwelling to the outbuilding.

Undue Impacts upon Adjoining Properties:

The applicant reiterated points previously made under the other concerns raised. Specifically, the applicant noted the percentage of the boundary wall that the outbuilding would impact upon and the intent to plant and maintain further screening vegetation.

FINANCIAL CONSIDERATIONS

23. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

25. The presence of the outbuilding without adequate screening may result in an undue impact on the amenity of the adjoining neighbour.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
Undue visual impact on the adjoining neighbour	Possible	Moderate	Medium	The reduced pitch height and floor space of the outbuilding, coupled with the provision of effective cladding or screening will assist in reducing the visual impact of the outbuilding on the adjoining neighbour

OFFICER COMMENT

29. Clause 67 of the Regulations requires Council to have due regard to a number of matters, including:

- The compatibility of the development within its settings.

- The preservation of amenity in the locality.
- Any relevant submissions received on the application.

30. It is considered that all but one of the conditions of the acceptable design outcomes as stated in the Shire's Outbuilding Policy have been met in this instance (see the table in *Details* section above). The adjoining neighbour has raised concerns regarding the potential visual impact that may be caused by the outbuilding. However, it is considered that if appropriate screening was installed and maintained along the boundary line the impact of the outbuilding can be lessened.

31. It is noted that the boundary setback requirements for the outbuilding are compliant at 3 metres (greater than the required 1.5 metres).

32. In regards to concerns raised during advertising, the following is noted:
Floor Area:

Under the provisions of the Shire's P-DEV 20 any proposed outbuilding within a Residential Bushland zoned area is to have a maximum floor area of 90m², with a total aggregate of all outbuildings on the site being 150m². It is important to note that the applicant is proposing a maximum floor area of 150m² which is consistent with the total aggregate floor area not 90m² prescribed for single outbuildings. The applicant has no other outbuildings located on their property, and as such it is considered that a variation may be allowed in this case to increase the floor area to the maximum aggregate. This is in line with the maximum floor area and would ensure that no further outbuildings could be constructed on the property. It is considered that one outbuilding of 150m² would be more preferable than a number of outbuildings of varying sizes.

33. *Wall Height:*

It is noted that the applicant is seeking a variation for the total wall height of the outbuilding. The applicant has stated that due to the variations in the natural ground level the impacts of the total wall height may be lessened. It is considered that the impact of this variation could be reduced if appropriate screening is installed and maintained and the variation in existing ground levels is taken into account.

34. *Pitch Height:*

It is noted that the applicant has reduced the maximum pitch height of the outbuilding by 0.6m, achieving a total pitch height of 4.8m. While this is still outside of the requirements of the Shire's P-DEV 20 the applicant has stated that the variations between the ground levels of his property and the neighbours property will effectively reduce the visual impacts of the maximum pitch height. It is considered that the impact of this variation could be reduced if appropriate screening is installed and maintained.

35. *Commercial Properties of Outbuildings:*

It is noted that the adjoining neighbour considers that the size of the proposed outbuilding would be better suited to a commercial lot. However, it

is considered following justifications being sought from the applicant that the proposed scale of the outbuilding would be appropriate to house the various items that are intended to be stored there.

In addition to this, it is noted that there are a number of existing outbuildings within the local area that are of a size and scale similar to the proposed outbuilding. It is also noted that the total lot size of the subject property and a number of surrounding properties is of a total size of around 4000m².

It is considered that lot sizes of around 4000m² are of a rural-residential nature, and that consideration could be made for large outbuildings on these sites.

36. *Redundant Additional Wall Height:*

It is noted that when considered against the height of the adjoining verandah the additional wall height of the outbuilding may be considered as redundant. However, the applicant has stated that the additional wall height will be used to allow for erection of various structures within the outbuilding, i.e. pop top caravan.

37. *Attempts to Reduce Visual Impact of Outbuilding and Undue Impacts upon the Adjoining Property:*

It is considered that by providing effective vegetative and other screening to the outbuilding the visual impact of the outbuilding can be reduced. In addition to this, the applicants desire to match the colour of the outbuilding with the colour scheme of the existing house will potentially allow the outbuilding to 'blend' with the existing structure. These works would potentially reduce any undue impacts upon the adjoining neighbour.

38. From a planning perspective, the Shire is received an increasing number of applications on lots typically greater than 2000m² which are proposing variations to the Shire's P-DEV 20 in respect to floor area, wall and pitch height. This would appear to be a reflection of changing requirements for domestic storage needs for boats, caravans, cars, and gardening machinery. Accordingly, the Shire is proposing to review Planning Policy P-DEV 20 (Outbuildings and Sea Containers) to give consideration to changes in the Policy to reflect community expectations regarding the size and style of outbuildings.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 22/2017)

That Council:

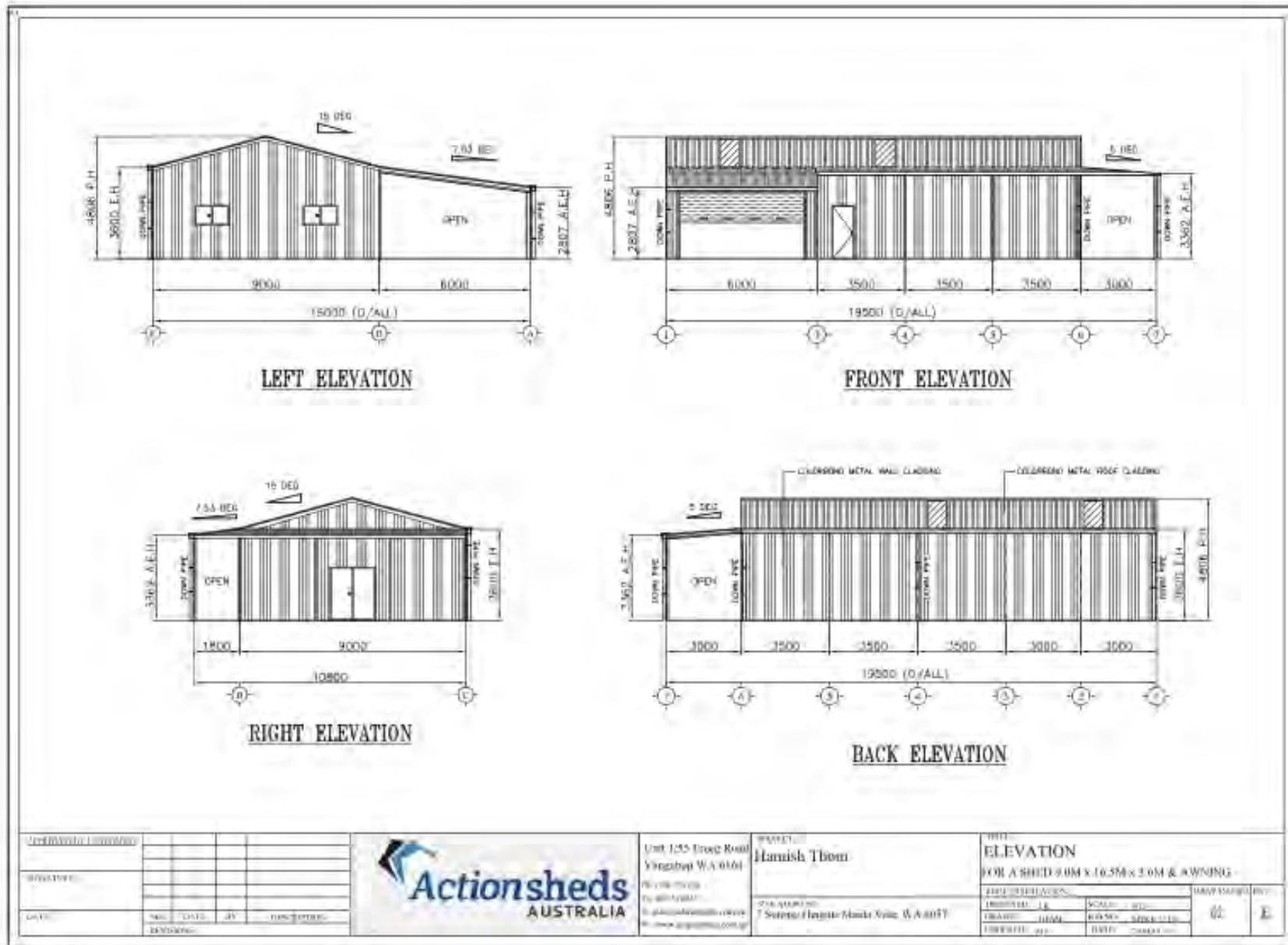
1. Approve the application for a 150m² outbuilding (shed) at Lot 137 (7) Sunrise Heights, Maida Vale, subject to the below conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) Stormwater shall be disposed of on-site, to the satisfaction of the Shire of Kalamunda.

-
- c) The outbuilding shall be constructed of similar and/or sympathetic colours to the existing building(s), to the satisfaction of the Shire of Kalamunda.
 - d) The outbuilding shall not be used for commercial, industrial, or habitable purposes.
 - e) Within 30 days of the erection of the outbuilding appropriate vegetative screening is to be installed. . The screening vegetation shall be a minimum pot size of 100L and comprise appropriate species suitable to screen the wall and ridge height of the outbuilding. All vegetation screening shall be maintained to the satisfaction of the Shire of Kalamunda.
 - f) A notification, pursuant to section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
"All screening between the outbuilding (shed) and the rear property boundary is to be maintained to the satisfaction of the Shire of Kalamunda as required by condition e) of the issued planning approval.

Moved:

Seconded:

Vote:



Attachment 3

Lot 137 (7) Sunrise Heights, Maida Vale – Proposed Outbuilding (Shed)

Submission Table

Response	Submitter Number	Officer Comments
No Objection	1, 2	Noted.
Objection - The outbuilding exceeds the maximum allowable floor area.	3	The applicant has reduced the total floor area of the outbuilding.
Objection - The outbuilding exceeds the maximum allowable wall height	3	It is considered that due to the variation in ground level between the two properties that the visual impact of the wall height variation could be reduced.
Objection - The outbuilding exceeds the maximum allowable pitch height	3	The applicant has reduced the pitch height of the outbuilding.
Objection – The outbuilding would be more suited for a commercial site	3	It is considered that the size of the proposed outbuilding is not overbearing for a 4000m2 property, instead fitting with the lot size.
Objection – The patio height suggests that the additional wall height is redundant	3	It is considered that the height of the patio enables appropriate runoff from the roof of the outbuilding.
Objection – The outbuilding will have an undue impact upon the amenity of the neighbour	3	It is considered that with appropriate screening the visual impact of the outbuilding can be reduced.

Attachment 4

Lot 137 (7) Sunrise Heights, Maida Vale - Proposed Outbuilding (shed)

Response from Applicant

**HAMISH
THOM**

7sunrise Height

Maida Vale

PERTH WA 6057

30/03/17

Luke Harris | Planning Officer Shire of Kalamunda
PO Box 42
KALAMUNDA WA 6926

DEAR LUKE

We have provided a formal response to your email dated 23rd March 2017.

Our response is attached along with this letter.

In addition to this formal response we would like to provide additional comment;

- I have attached a photo of a shed (12mL x 9mW x 5.2mH 3.6m wall height) similar to our proposal. We believe the photo shows the proposed outbuilding will not have the huge impact the Neighbour is implying.
- Our existing house at 7 Sunrise Heights is well elevated and will be visible above the proposed outbuilding from the Neighbours rear yard. The majority of the view we are impacting is into our back yard and our house.
- The proposed outbuilding impacts 15m of Boundary (Shed & Lean top) to our Neighbour at 3 Sunrise Heights. We have had nothing but encouragement from this neighbour and our other 2 neighbours.
- Prior to receiving the letter for comment, other than mowing the lawn we have rarely seen our neighbours in a recreational or maintenance capacity. Subsequently, they spent a week removing vegetation from the rear boundary and since then we have hardly seen them. I have attached a photo of the pile of vegetation removed from

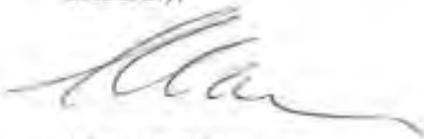
the rear boundary. While they are entitled to prune and tidy their yard, we can't help but feel this was a knee jerk reaction to our proposal and completely undermines the concerns expressed.

Thank you for meeting with myself and discussing the issues raised over our proposal.

I hope our position to provide compromise in our formal response is viewed as a positive move forward.

We look forward to hearing from you soon.

Sincerely,



Hamish Thom

Luke Harris | Planning Officer Shire of Kalamunda
PO Box 42
KALAMUNDA WA 6926

Date : 30/03/17

Formal response to email dated : 23/03/2017

RE : 7 Sunrise Heights Proposed Out Building

1.The proposal exceeds the maximum total aggregate floor area of 150sqm under the Shires Outbuilding Policy, and will have an undue impact on the adjoining neighbour.

We have reviewed the dimensions in comply with your requirements. The revised dimensions are flat wide and to stay within the 150sqm, the length has been reduced to 10.60m, which equates to an area of 140.58sqm. We have requested our civil supplier amend the plans to reflect these changes.

2.The proposal exceeds the maximum allowable wall height under the Shires Outbuilding Policy, and will have an undue impact on the adjoining neighbour.

The proposed wall height is needed to store our breads warm (rather than requested for drying and cooling after a trip). We also have a door that requires a similar clearance. The floor level of the proposed outbuilding is 690mm lower than that of the ground level of the adjoining neighbour. This difference reduces the visible wall height to 3.0m.

3.The proposal exceeds the maximum allowable pitch height under the Shires Outbuilding Policy, and will have an undue impact on the adjoining neighbor.

The floor level of the proposed outbuilding is 690mm lower than that of the ground level of the adjoining neighbour. In addition, we have now reduced the roof pitch angle to 15 degrees. The combination of these 2 changes means that the adjoining neighbour will view the height of the proposed outbuilding as being 4.2m high. We are unclear on how the Shire evaluates this aspect, however we believe that this is a fair and reasonable interpretation of the Shire's maximum.

4. The outbuilding is considered to be more appropriate for a commercial site rather than a residential site.

We would like to make several comments on this point:

- The shed is intended solely for family use so it has no commercial implications.
- There are a large number of outbuildings in our suburb clearly in excess of the shire outbuilding policy. We believe that in order to be consistent in their approach, the Shire decision in this matter should reflect these examples of precedent.
- Also, as both our properties area are in excess of 4000sqm, the proposed 150sqm out building would occupy only 3.75%.
- Of our rear neighbour's 80.65m rear boundary, only 11m face of the proposed out building would impact their view (13.6%)

5. The height of the patio attached to the shed has been noted at 3m, which means that anything that enters the outbuilding will need to be less than 3m. Why has the wall height been increased out of line of this?

- The proposed wall height is necessary to accommodate our family camper trailer which when erected for under cover drying & airing.
- We need 3.6 m wall height in order to allow for the fall and achieve the 3.3 m height on our lean-to.
- Our boat, currently in storage elsewhere, requires similar clearance.

6. How will the outbuildings impact on the boundary be reduced?

- We have already planted a number of trees to provide screening and will plant additional plants to further enhance the screening.
- The chosen colour scheme matches our existing house. We are willing to alter the colour scheme if an alternate colour scheme is requested.

7. The outbuilding will have an undue impact on the adjoining neighbours visual amenity.

- Only one neighbor has any real view of our back yard. Their rear boundary is 80.65m long. Only 11 meters of shed plus 3m lean-to would have the potential to impact the neighbour's visual amenity.
- In order to minimize any visual impact, we have planted a number of screening type plants along the common boundary.
- We wish to record that since the Shire inspection on Monday 20th Feb at 9am our rear neighbour has removed significant amounts of their own screening vegetation from their side of our common boundary. We recognize that this is within their right to do so, but it calls into question the validity of concerns they may have regarding visual amenity of our proposal.

Regards,

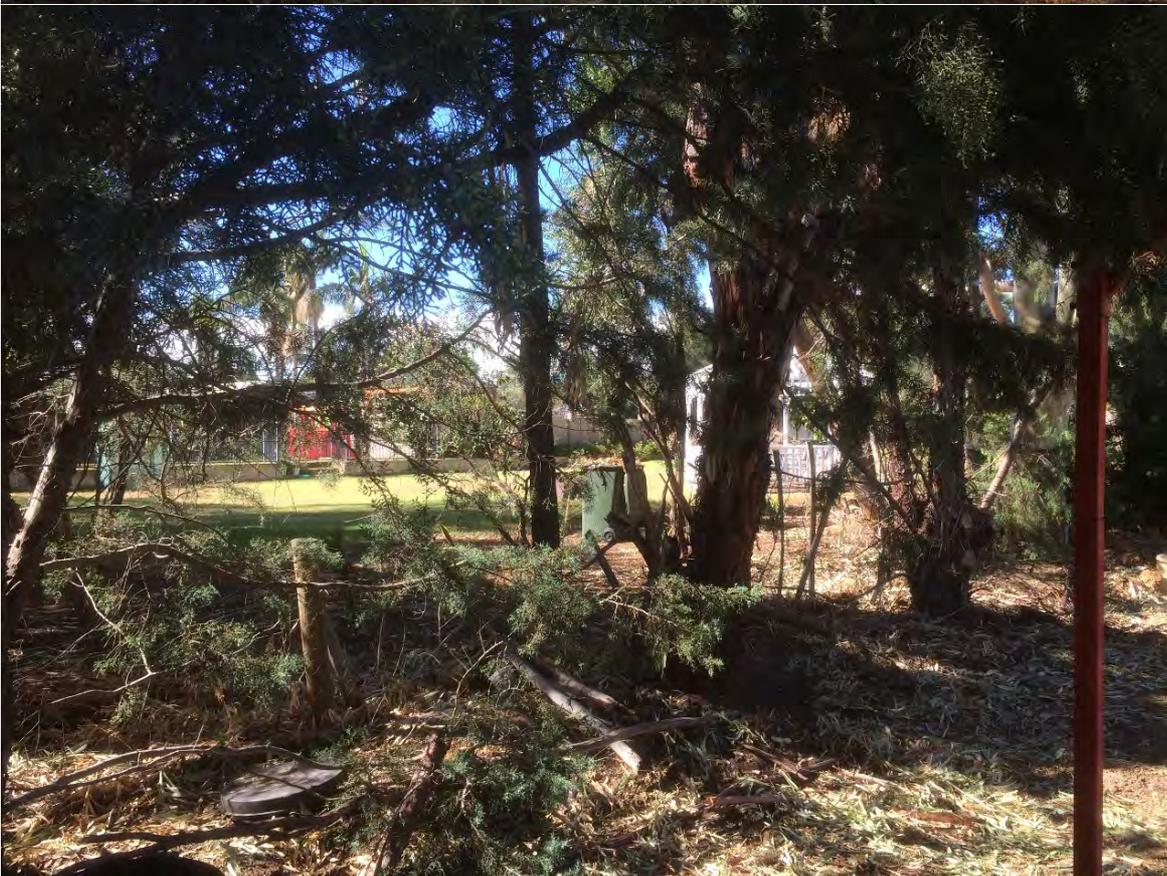


Hamish Thom

Attachment 5

Proposed Outbuilding (Shed) – Lot 137 (7) Sunrise Heights, Maida Vale

Site Visit Photos









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

23. Proposed Local Development Plan – Lot 9000 Hawtin Road, Forrestfield

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-DEV-46
Applicant	Rowe Group
Owner	Satterley
Attachment 1	Forrestfield Cell 7 Structure Plan
Attachment 2	Approved Subdivision Plan
Attachment 3	Proposed Local Development Plan

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a Local Development Plan (LDP) for a portion of the Forrestfield Cell 7 Structure Plan area, formally known as the Hales Estate.
2. A previous subdivision application has been approved by the West Australian Planning Commission, subject to Local Development Plans being provided to, and approved by, the Shire of Kalamunda.
3. The proposed LDP incorporates variations to the Residential Design Codes (R-Codes) deemed to comply requirements.
4. This report recommends that Council approves the Local Development Plan (Attachment 3).

BACKGROUND

5. The Cell 7 Forrestfield Structure Plan was first adopted in 1994. The subject site is identified under the Structure Plan for predominantly residential development with an R20 density code and a grid pattern road and block layout. A copy of the adopted Cell 7 Forrestfield Structure Plan is included in this report (Attachment 1).
6. The subdivision for the stage 1B area was approved subject to conditions under WAPC reference number 153520 in November 2016. A copy of the approved subdivision plan is included in this report (Attachment 2).
7. **Land Details:**

Land Area	Approx 2.3 Hectares
Local Planning Scheme Zone	Urban Development
Metropolitan Region Scheme Zone	Urban
Structure Plan Density	Residential R20, R30, R60 and Open Space

Locality Plan

8.



DETAILS

9. A LDP is defined under the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) as follows:

“Local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following –
 (a) *Site and development standards that are to apply to the development;*
 (b) *Specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.”*

10. The proposed LDP incorporates variations to the Residential Design Codes (R-Codes) deemed-to-comply requirements, as detailed in the below table:

R – Codes Provision	R60 Deemed-to-Comply Requirement	Proposed LDP Requirement
5.1.2 Street Setback	Primary Street: 2m minimum, 1m average Secondary Street: 1m	Primary Street: 2m minimum. 1m minimum to a porch or verandah. Secondary Street: 1m minimum. Setbacks do not apply to eaves.

<p>5.1.3 Lot Boundary Setback</p>	<p>Side Setbacks: Generally 1 – 1.5m for single storey</p> <p>Rear Setbacks: Generally 1 – 1.5m for single storey</p> <p>Boundary wall to one side boundary only, maximum length permitted is 1/3 of the side boundary behind the street setback line.</p>	<p>Buildings may be constructed on lot boundaries with no maximum lengths.</p>
<p>5.1.4 Open Space</p>	<p>40% minimum.</p>	<p>25% minimum.</p>
<p>5.1.6 Building Height</p>	<p>Compliant with Table 3 (Category B) of the R Codes.</p>	<p>Compliant with Table 3 (Category B) of the R Codes and includes walls that are built up to the site boundary.</p>
<p>5.2.1 Setback of Garages and Carports</p>	<p>Garages and carports setback 4.5m from the primary street and 1.5m from a secondary street.</p>	<p>Where access is made from a laneway vehicle access and garages must be located on the laneway unless otherwise specified.</p> <p>Garages setback 1m from the laneway.</p> <p>Only double garages are permitted and shall be a minimum internal width of 5.4m.</p> <p>Carports are not permitted.</p>
<p>5.2.4 Street Walls and Fences</p>	<p>1.8m maximum height, visually permeable above 1.2m</p>	<p>Front fencing has been provided by the developer. Modifications to fences installed by the developer are not permitted.</p>
<p>5.3.1 Outdoor Living Areas</p>	<p>16m² minimum and minimum dimension of 4m x 4m.</p>	<p>10% of the site area or 20m², whichever is the greater.</p>

		Minimum dimension of 3m x 3m.
5.4.2 Solar Access for Adjoining Sites	Adjoining properties in areas coded R40 and above shall not be covered more than 50% by any shadow cast at midday on June 21.	No overshadowing requirements.

11. All other deemed-to-comply requirements of the R-Codes are applicable to development on these lots.
12. The effect of the LDP will be that any development that demonstrates compliance with the requirements of the LDP provisions will negate the requirement for planning approval on lots of 260m² or less and may proceed directly to a building application.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

13. The Regulations stipulate that an LDP may only be prepared in the following circumstances:
 1. To address a condition of subdivision approval;
 2. A structure plan requires the preparation of an LDP;
 3. An activity centre plan requires the preparation of an LDP; or
 4. The WAPC and the Shire considers that an LDP is required for the purposes of orderly and proper planning.
14. In this instance the WAPC has advised that it supports the preparation of the subject LDP in accordance with item 4 above.
15. In making a decision in relation to the LDP, Council is required to:
 - i) Approve the LDP; or
 - ii) Require the person who prepared the LDP to –
 - i. modify the plan in the manner specified by the Shire; and
 - ii. Resubmit the modified plan to the Shire for approval;
 or
 - iii) Refuse to approve the plan.
16. In the event that Council resolves not to approve the LDP the applicant may apply to the State Administrative Tribunal for review, in accordance with the *Planning and Development Act 2005*.

Local Planning Scheme No. 3

17. The subject lots are zoned 'Urban Development' under the Local Planning Scheme No. 3 (the Scheme), which includes the following objectives under Part 4.2.1 (Objectives of the Zones - Residential Zones):
- *"To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.*
 - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development"*

POLICY CONSIDERATIONS

Liveable Neighbourhoods

18. Design Principle 6 of Element 4 of State Planning Framework *Liveable Neighbourhoods* outlines the need for housing density and diversity to meet changing future community needs. The framework states that a variety of lot sizes and housing types should be distributed through a neighbourhood, and preferably within the same street. This facilitates housing diversity, choice, and style within a neighbourhood.
19. The policy recommends the use of LDP's for a group of lots to vary the requirements of the R-Codes, particularly for small lots where design coordination is required for buildings. On this basis the proposed LDP is consistent with *Liveable Neighbourhoods*.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Nil.

External Referrals

21. Following assessment of the surrounding area the proposed LDP was advertised in accordance with the Shire's P-DEV 45 (Public Notification of Planning Proposals) and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
22. Public consultation was sought from two (2) adjoining landowners. Two (2) non-objections to the proposal were received.

FINANCIAL CONSIDERATIONS

23. In accordance with Regulations 48 and 49 of the *Planning and Development Regulations 2009*, any costs associated with advertising and assessment of the proposed LDP is to be borne by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

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

SUSTAINABILITY

Social Implications

25. The proposed LDP will provide additional flexibility for new dwellings being constructed on the subject lots, and will facilitate more contemporary housing typologies, without the need to apply for planning approval. This will ultimately speed up approval timeframes for constructing a dwelling.

Economic Implications

26. Nil.

Environmental Implications

27. Nil.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed LDP will allow development which will have an undue impact on the amenity of the area.	Unlikely	Moderate	Low	Ensure that the proposed provisions will not result in significant impacts on the amenity of the streetscape or adjoining property owners, and allow flexibility in the built form design to allow for effective use of space.
Not having an LDP will affect the ability of officers to expedite the application process through the LDP,	Likely	Moderate	High	Demonstrate that applications that comply with the LDP will not require planning approval.

resulting in longer assessment times.				
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OFFICER COMMENT

- 29. The proposed LDP allows some flexibility for housing design at the R60 coding. For example, the LDP would allow boundary walls on both side lot boundaries, with a height restriction of six (6) metres. This would allow developments on the lots to make effective use of space and facilitate greater upstairs room in any two-storey development. The LDP will also ensure that garage access is in the rear laneway, thus allowing for an appropriate building design interface with the public open space.
- 30. In respect to the provision of private open space and courtyard areas, the proposed LDP proposes 25% in lieu of 40% for open space and 20sqm in lieu of 16sqm for private courtyard areas. The shortfall in private open space is considered acceptable, given the R60 lots front onto the proposed public open space area providing residents with direct an easy access to passive and active areas.
- 31. In summary, the proposed variations in the LDP are considered to be reasonable as they will facilitate development of contemporary housing designs on relatively constrained lots. The variations to the R-Codes that are proposed are not considered to compromise the established streetscape character of the area and will not result in undue amenity impacts on adjoining properties. Accordingly, it is recommended that the proposed LDP be approved.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 23/2017)

That Council:

- 1. Approves the Local Development Plan pursuant to Clause 52 (1)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

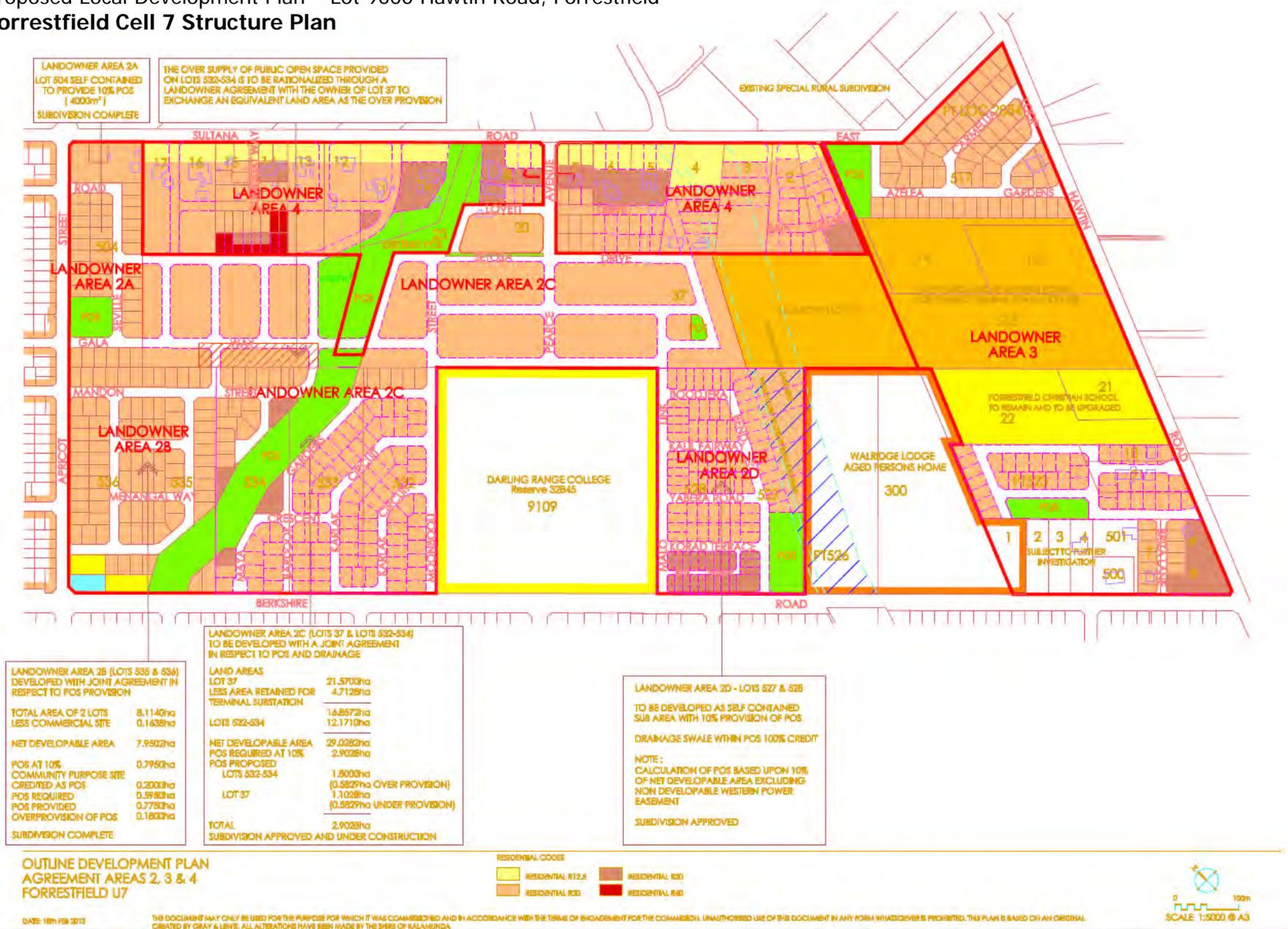
Moved:

Seconded:

Vote:

Attachment 1

**Proposed Local Development Plan – Lot 9000 Hawtin Road, Forrestfield
 Forrestfield Cell 7 Structure Plan**



Attachment 2

**Proposed Local Development Plan – Lot 9000 Hawtin Road, Forreestfield
 Subdivision Plan – Stage 1A and 1B**



Attachment 3

Proposed Local Development Plan – Lot 9000 Hawtin Road, Forrestfield

Proposed Local Development Plan

PROVISIONS

This Local Development Plan (LDP) applies to Lots 613-619 and 623-629 within The Hales - Local Structure Plan area.

Unless otherwise defined on this LDP, all development shall be in accordance with the Shire of Kalamunda Local Planning Scheme No. 3 and the R-Codes for the R60 density code. The Residential Design Codes do not apply where varied below.

The following provisions vary existing R-Code standards for building and garage setbacks (Clauses 5.1.2, 5.1.3 and 5.2.1) and open space (Clause 5.1.4).

Compliance with the provisions of this LDP negates the need for planning approval for lots of 260m² or less.

Minimum Open Space and Outdoor Living

1. An outdoor living area (DLA) with an area of 30% of the lot size or 20m², whichever is greater, directly accessible from a habitable room of the dwelling and located behind the street setback.
2. The DLA has a minimum 3.0m length and width dimension.
3. No other R-Code open space/site cover standards applies.

Garages

4. Where a lot abuts a rear laneway, vehicle and/or garage access must be from the rear laneway unless otherwise indicated on this LDP.
5. Garages are to be setback 1.0m from rear laneway.
6. Only double garages are permitted and shall be a minimum internal width of 5.4 metres.
7. Carports are not permitted.

Street Setback and Front Fences

8. Street Setbacks:
 - Primary
 - a. 2.0m minimum;
 - b. 1.0 minimum to porch/verandah, no maximum length.
 - Secondary
 - a. 1.0m minimum;
9. Setbacks do not apply to eaves.
10. Front fencing has been provided by the Developer. Modifications to fences installed by the Developer are not permitted.

Lot Boundary Setback

10. Buildings may be constructed on lot boundaries with no maximum lengths:
 - a. Building heights to comply with Table 3 (Category B area buildings) and include walls built up to the site boundary.
 - b. Overshadowing requirements do not apply.

Drainage

11. All dwellings are to be connected into the road drainage network. Connection of the dwelling is to be at the connection pit provided within the lot and is the responsibility of the owner. Building plans are to identify lot connection details when making application for a building licence to the Shire of Kalamunda.

Miscellaneous

12. Pedestrian access for Lots 623 to 629 is to be from the public open space side of the lot.
13. Minimum two storey dwellings are required for all lots.
14. In accordance with Clause 5.2.3 of the R Codes at least one opening from a habitable room shall face the rear laneway, with another facing to the lot frontage.

This Local Development Plan has been approved by Council under the provisions of the Shire of Kalamunda Town Planning Scheme No. 2 and The Hales Local Structure Plan

Manager Development Services: _____

Date: _____

Local Development Plan 2



Planning Design Delivery

LEGEND

- 7 Lots Subject to this LDP
- 7 Proposed Lot Numbers
- Existing Boundaries
- Proposed Boundaries
- Residential - R60
- Public Open Space
- 2.0m Dwelling Setback Line (Primary Setback)
- 1.0m Rear Setback to Garage
- 1.0m Secondary Street Setback
- Dwelling Orientation
- Designated Garage Locations

REVISIONS

Rev	Date	Drawn
A	2016.11.21	W. Clements
B	2016.12.09	M. Sullivan
C	2017.02.27	M. Sullivan
D	2017.04.04	W. Clements

ROWEGROUP
 PLANNING DESIGN DELIVERY

www.rowegroup.com.au
 info@rowegroup.com.au
 08 9221 1970

Date Drawn: 2016.11.21
 Job Ref: 8485
 Scale: 1:750 @ A3
 Client: Satterley Property Group
 Designer: F. Chesterman
 Drawn: W. Clements
 Projection: MGA50 DD494
 Plan ID: 8485-LDP-03-D

DRAFT

Scale supported by Windows Reader

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

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

Previous Items	OCM 112/2016
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	TP-LPS-003/086
Applicant	Gordon Smith
Owner	Maida Vale Baptist Church Inc.
Attachment 1	Amendment 86 to Local Planning Scheme No. 3
Attachment 2	High Wycombe and Maida Vale Dual Density Map

EXECUTIVE SUMMARY

1. The purpose of this report is to consider submissions relating to, and recommend final approval for, Scheme Amendment 86 to Local Planning Scheme No. 3 (Scheme), to rezone Lot 73 (30) and Portion of Lot 200 (24) Edney Road, High Wycombe from Private Clubs and Institutions to Residential R25/R40.
2. During advertising, the Shire received 16 submissions, comprising four (4) non-objections from surrounding landowners and 12 submissions received from public authorities and utility service providers.
3. If approved, the subject amendment will be considered concurrently with, however not before, Amendment 82 (Dual Density Codes), so as to ensure the provisions which apply to the higher density are effective when the subject amendment is ultimately approved.
4. The applicant submits that the land subject to the amendment is surplus to the requirements of the Maida Vale Baptist Church. The proposed amendment area does not affect the area allocated for parking for church attendees or any other church related activities. The Scheme objectives for the Private Clubs and Institutions and Residential zones are considered to be compatible as both zones encourage development which is sympathetic in a residential area.
5. Accordingly, it is recommended that the amendment be approved without modification.

BACKGROUND

6. Land Details:

Land Area:	Lot 73: 1,370m ² Lot 200: 4,982m ²
Local Planning Scheme Zone:	Private Clubs and Institutions
Metropolitan Region Scheme Zone:	Urban



7. Council initiated the subject amendment for the purposes of public advertising at its meeting held on 27 June 2016.
8. A subdivision application has been lodged with the Western Australian Planning Commission, proposing the amalgamation of a 6m section of Lot 200 (24) to include this land in Lot 73 (30) Edney Road. If this subdivision is finalised, the area subject to the proposed amendment will be contained wholly on Lot 73 (30).
9. Lot 73 (30) has a frontage of 27m to Edney Road and currently contains a dwelling and associated outbuildings which have historically been used in association with activities of the Maida Vale Baptist Church.
10. Lot 200 (24) has a frontage of 101.43m and contains existing Maida Vale Baptist Church buildings sited towards the north-eastern portion of the lot. The applicant submits that the grassed area of Lot 200 (24) is used as a parking area for church attendees.
11. The lots are located opposite Edney Road Reserve and surrounding development is predominantly zoned Residential R25 with single storey residential typologies.

DETAILS

12. The proposed amendment seeks to rezone the whole of Lot 73 (30) and a 6.0m wide portion of the south-west of Lot 200 (24), from Private Clubs and Institutions to Residential R25/R40 (Attachment 1).
13. In respect to the purpose of the amendment, the applicant submits the following:

“Over many years, since its acquisition by the Maida Vale Baptist Church, the dwelling on lot 73 (No. 30) Edney Road has principally been used for residential purposes in association with activities of the Church. It has recently been

determined by the Church, however, that the property is now surplus to its requirements and can be released for development for residential purposes."

14. Rezoning of the subject land to Residential R25/R40 may ultimately result in development which is commensurate with the grouped housing lot to the south-west of the lots, or potentially a higher density outcome at the R40 density.

STATUTORY AND LEGAL CONSIDERATIONS

15. Should Council resolve to adopt the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. There is no right of review/appeal irrespective of the Minister's decision.
16. In the event that Council does not adopt the amendment, the process ceases and there is no right of review/appeal to the State Administrative Tribunal.

Planning and Development (Local Planning Schemes) Regulations 2015

17. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.
18. Under the Regulations, the proposed Scheme Amendment is considered a 'standard amendment', for the following reasons:
- a) The amendment is consistent with the objectives identified in the Scheme for the Private Clubs and Institutions zone;
 - b) The amendment is consistent with the Shire's Local Planning Strategy;
 - c) The amendment is consistent with the Metropolitan Region Scheme;
 - d) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - e) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - f) The amendment is not considered a complex or basic amendment.

Local Planning Scheme No. 3

19. The subject lots are currently zoned Private Clubs and Institutions under the Scheme, which includes the following objectives under Part 4.2.5 (Other Zones) of the Scheme:
- To make provision for privately owned or operated schools, clubs, recreation facilities and similar uses.
 - To make provision for privately owned or operated nursing homes, retirement villages, and a range of other residential uses which would be compatible with the type of non-residential uses referred to above.
 - To ensure that such uses have due regard and do not adversely impact upon the adjoining land uses.
20. The amendment proposes to rezone the subject lots to Residential, which under part 4.2.1 (Residential Zones) of the Scheme, includes the following objectives:

-
- To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.
 - To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
 - To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
 - To encourage the retention of remnant vegetation.”
21. It is noted that the subject site falls within the High Wycombe and Maida Vale precinct of the proposed Amendment 82 for Dual Density Codes, and are proposed to be assigned a dual density of R25/R40. (Attachment 2).
22. The applicant submits that during advertising of Amendment 82 a submission was made by the Maida Vale Baptist Church to the Shire requesting that the dual density be removed from Private Clubs and Institutions zone, given no density code currently applies, or should apply to this zone. This is considered correct practice and modifications will be made to the maps accordingly.
23. However, the request for the amendment the subject of this report includes dual density codes of R25/R40 over the Residential portion of land, to ensure the dual density provisions ultimately apply to the land. It is noted that Amendment 82 is subject to a separate amendment process which is yet to be finalised, however it is considered appropriate to include dual density as part of this amendment to ensure the site is ultimately assigned the dual density codes in accordance with other residential zoned land in the area.
24. If Council resolves to adopt the subject amendment, it will likely be considered concurrently with, however not approved before, Amendment 82, so as to ensure the provisions which apply to the higher density are effective when the subject amendment is ultimately approved.

POLICY CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

25. Detailed comments from internal service areas on design considerations resulting from the proposed amendment will be addressed at the development application stage.

External Referrals

26. In accordance with regulation 47 (2) of the Regulations, and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals, the amendment was advertised for 42 days, including the following:
- Letters to landowners within 100m of the subject site;
 - Letters to public authorities and relevant utility service providers;

- Newspaper advertisement;
- Sign on site;
- Website notice; and
- copies of the amendment being made available at the Shires administration offices

During advertising, the only comments received by the Shire were from the following public authorities:

- Department of Health;
- State Heritage Office;
- Perth Airport;
- Department of Water;
- Main Roads;
- Department of Education;
- Department of Fire and Emergency Services;
- Western Power;
- Department of Environment Protection;
- Department of Parks and Wildlife; and
- Department of Mines and Petroleum.

None of the comments from the public authorities object to the principal purpose of the amendment. However, it should be noted that the Department of Health made the following comments in regards to the proposed Amendment:

- All developments be required to connect to scheme water and reticulated sewerage as required by the *Government Sewerage Policy – Metropolitan Region*; and
- *All subsequent developments mitigate any potential negative impacts of the mixed density development (e.g. noise, odour light).*

FINANCIAL CONSIDERATIONS

27. In accordance with the *Planning and Development Regulations 2009*, costs associated with the finalisation of the amendment will be borne by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *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

29. The proposed amendment will ultimately facilitate increased residential development on the subject lots which may result in amenity implications for surrounding property owners. This is proposed to be mitigated by a planning

policy that applies to Dual Density coded land. This policy is currently being drafted and will be referred to Council for advertising shortly.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

32.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposed Amendment may facilitate development which will unduly impact on surrounding property owners.	Possible	Minor	Medium	Any proposed residential development is subject to the requirements of the Residential Design Codes and the Shire's Policies.

OFFICER COMMENT

33. No objections were received during advertising of the subject amendment. Advice was received from public authorities and service providers, however these comments do not fundamentally affect the likely outcome of the amendment itself.

34. The amendment seeks to rezone Lot 73 (30) and a portion of Lot 200 (24) from Private Clubs and Institutions to Residential R25/R40. The proposed amendment will allow residential development to occur on the land which is consistent with the surrounding pattern of development.

35. In regard to Amendment 82 Dual Density the proposed R25/R40 code will ensure the dual density provisions apply to the land. Noting that Amendment 82 is subject to a separate amendment process, it is considered likely that the Western Australian Planning Commission will consider both amendments concurrently and not approve the subject amendment until Amendment 82 has been finalised.

36. In this respect, the amendment itself will not result in any undue consequences from a planning perspective. The appropriateness of the development which will be built on the land, including any amenity impacts, will be considered at the development application stage.

37. Regarding the current operation and approvals for the Maida Vale Baptist Church, the proposed amendment area does not affect the area allocated for parking for church attendees or any other church related activities. The existing outbuilding in the west corner of Lot 200 (24) will however need to be demolished.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 24/2017)

That Council:

1. Supports Amendment 86 to Local Planning Scheme No. 3 pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* without modifications.
2. Pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015* forwards to the Western Australian Planning Commission for their consideration:
 - A schedule of submissions made on the Amendment; and
 - Amendment 86 to Local Planning Scheme No. 3 Scheme documents.

Moved:

Seconded:

Vote:

Attachment 1

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

Amendment 86 to Local Planning Scheme No. 3

LOCAL PLANNING SCHEME NO. 3

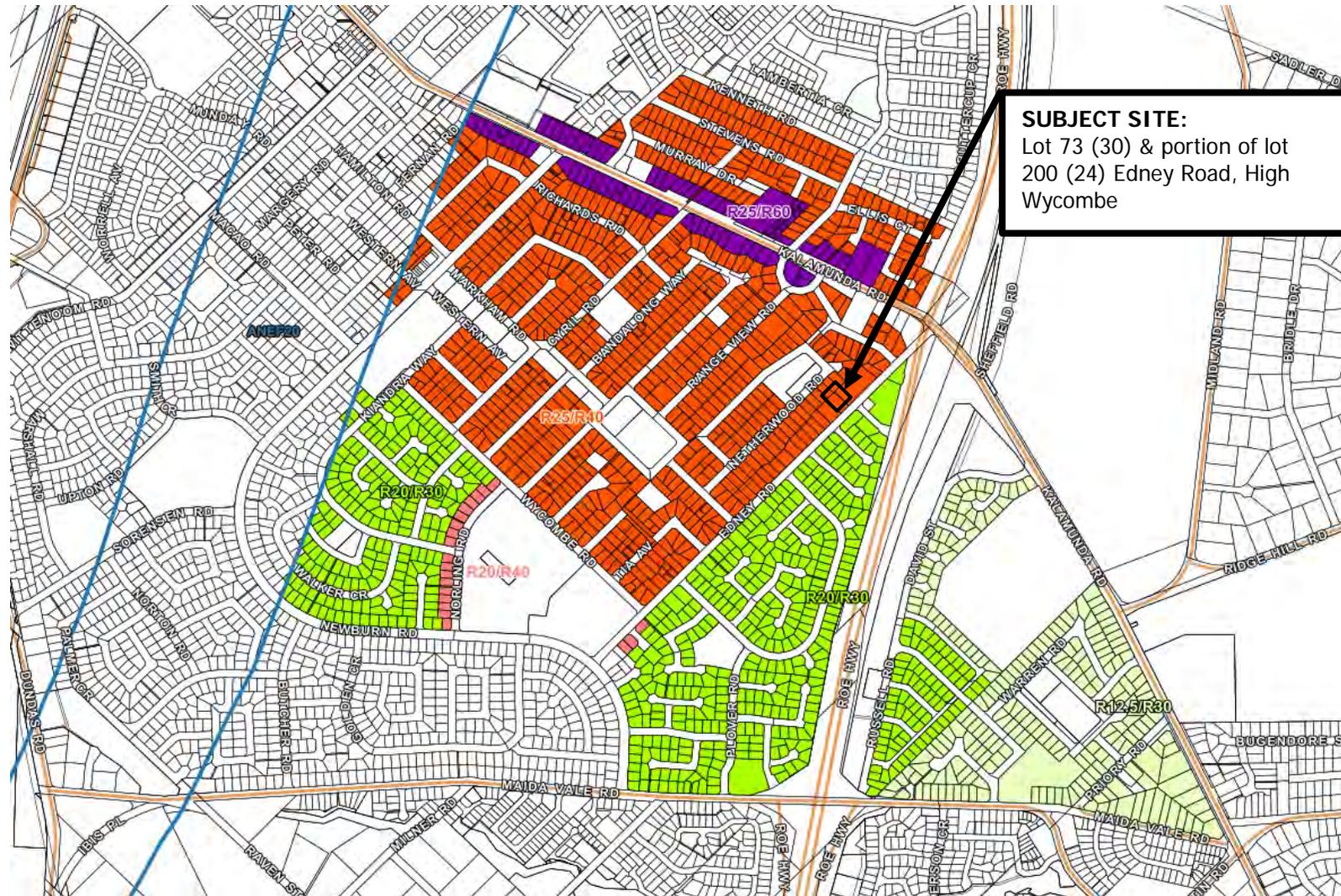
Amendment No. 86

Rezoning of Lot 73 (30) and Portion of Lot 200 (24) Edney Road, High Wycombe from Private Clubs and Institutions to Residential R25/40

Attachment 2

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

High Wycombe and Maida Vale Dual Density Map



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

25. Memorandum of Understanding (MOU) with the Department of Housing

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	PG-STU-036
Attachment 1	Draft MOU

EXECUTIVE SUMMARY

1. The purpose of the report is for Council to enter into a Memorandum of Understanding (MOU) with the Department of Housing (DoH).
2. The MOU is a non-legally binding document where the parties agree to form a strategic partnership, collaborate, share information and work together to achieve affordable housing outcomes.
3. It is recommended that the Shire of Kalamunda enter into the MOU.

BACKGROUND

4. In November 2016 DoH made a presentation to Council about affordable housing and mentioned that an MOU would be drafted. In January 2017, the DoH contacted the Shire about the sharing of information and achieving affordable housing outcomes through an MOU.
5. After discussion between the Shire and DOH, a draft MOU was sent to the Shire which is included in Attachment 1 of this report.
6. Several other local governments that include Fremantle, Stirling, Albany, Bunbury and Broome have entered into similar MOU's.

DETAILS

7. The objectives of the MOU include:
 - (a) create a strategic relationship with the intent of achieving whole of government outcomes through the achievement of the Parties respective objectives;
 - (b) collaborate and share information on housing demand and need analysis to inform strategic and regulatory functions of the Shire;
 - (c) collaborate and share information on affordable housing tools and statutory planning mechanisms to assist in the implementation of affordable housing outcomes;
 - (d) collaborate and share information on land and property holdings, options and initiatives between the respective Parties, and provide opportunities which may include but are not limited to the development, redevelopment, sale, purchase or renting of land and property holdings;
 - (e) subject to commercial confidentiality and internal guidelines, the Housing Authority may provide advice to the Shire of Kalamunda with regards to private developer procurement processes;

- (f) identify and progress potential development sites or redevelopment opportunities to pursue the delivery of built form and housing outcomes. This may include, but is not limited to, ordering sites based on priority, statutory time frames, project feasibility and partnership and procurement methodology;
- (g) identify and progress potential pilot or demonstration projects that deliver innovation in built form and housing outcomes; and
- (h) develop subsequent MOU or such other agreements between the Parties for the purpose of progressing commercial working relationships for individual development projects.

STATUTORY AND LEGAL CONSIDERATIONS

8. The MOU is not legally binding.

POLICY CONSIDERATIONS

9. Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

10. As the MOU is not legally binding and relates to forming a strategic partnership, collaborating, sharing information and working together to achieve affordable housing outcomes, no internal or external referrals are necessary for the purpose of entering into the MOU.

FINANCIAL CONSIDERATIONS

11. In the instance that the Shire enters into a formally legally binding agreement over land with the DoH (i.e. not related to the MOU subject to this report), any GST or notional GST benefits that arise from the Shire's ownership of land will remain the property of the Shire. The Shire may retain the dispositive power over the land and continue ownership of the land when entering into a financially binding contract/agreement with another party.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

Strategy 4.1.6: Continue to work collaboratively with State Government and agencies to deliver strategic land use plans, policies and initiative.

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

OBJECTIVE 5.5 To be courageous and tenacious in the pursuit of benefits from the State and Federal Governments through effective advocacy.

Strategy 5.5.4 Maintain strong and effective links with all other levels of Government and leverage opportunities as they arise.

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

Strategy 6.1.3 Increase advocacy efforts to influence State and Federal policy to achieve improved local outcomes.

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

SUSTAINABILITY

Social Implications

13. Entering into the MOU will facilitate the investigation and provision of appropriate forms of affordable housing suitable for the community's cross section of current and future population.

Economic Implications

14. The MOU seeks to cater for the diverse housing needs of the community that will support the provision of local services and meet the social and economic needs of the changing population.

Environmental Implications

15. The MOU will facilitate the investigation and implementation of statutory planning mechanisms that lead to innovation in built form that includes sustainable built form design.

RISK MANAGEMENT CONSIDERATIONS

16.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The MOU is not entered into.	Unlikely	Moderate	Low	Demonstrate the importance of sharing information and working collaboratively with the Department of Housing as a means of achieving several key strategic objectives.

OFFICER COMMENT

17. As mentioned in paragraph 12 above, the intent of the MOU to facilitate affordable housing which is consistent with several objectives and strategies of the Kalamunda Advancing: Strategic Community Plan to 2023.

18. The Shire's Local Planning Strategy (the Strategy) was adopted by Council in 2011 and the Western Australian Planning Commission in 2013. The vision of the Strategy states:

"The Shire will have a diversity of lifestyles and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages."

Strategy 2.4.3 of the Strategy requires the preparation of a Local Housing Strategy.

19. The Local Housing Strategy (LHS) was adopted in March 2014. Objective e) of the LHS states:

"To encourage cost effective and resource efficient development with the aim of promoting affordable housing."

The LHS also recognises that the provisions of greater housing choice and greater quantities of affordable housing should occur.

20. The MOU is consistent with several strategic documents of the Shire that include:

- a. Kalamunda Advancing: Strategic Community Plan to 2023
- b. Local Planning Strategy
- c. Local Housing Strategy

On this basis it is recommended that the Shire enter into the MOU.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 25/2017)

That Council:

1. Endorse the Shire of Kalamunda entering into a Memorandum of Understanding with the Department of Housing as detailed in Attachment 1.

Moved:

Seconded:

Vote:

Attachment 1

Memorandum of Understanding (MOU) with the Department of Housing
Draft MOU

THE HOUSING AUTHORITY

And

THE SHIRE OF KALAMUNDA

MEMORANDUM OF UNDERSTANDING

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2. RECITALS

- (a) Housing and the Shire are seeking to achieve whole of government outcomes through the creation of a strategic relationship and achievement of respective objectives.
- (b) Housing and the Shire have a desire to collaborate and share information on land and property holdings owned by, or accessible to, the Parties.
- (c) Housing has considerable experience in affordable land and housing development, possesses substantial real estate assets, and oversees a range of speciality consumer products to assist people on low to moderate incomes into affordable accommodation.
- (d) The Shire is seeking to create value from within its substantial land and property holdings to assist in achieving the objective of providing diverse and appropriate built form and housing outcomes in an affordable manner.
- (e) Both Parties are committed to broadening the activities and cooperation between their respective organisations.
- (f) This MOU sets out the terms on which the Parties have agreed to work collaboratively to pursue whole of government outcomes. In doing so however, the MOU is not intended to create legally enforceable obligations on, or between, the Parties.

3. DEFINITIONS

In this MOU:

- (a) **"Affordable Housing"** means accommodation that households on low-to-moderate incomes can afford (moderate income equates to 80-120% of median income, while meeting other essential living costs. It includes Public Housing, not-for-profit housing, other subsidised housing together with private rental and home ownership options for those immediately outside of the subsidised social housing system.
Depending on circumstances, this occurs where repayments or rent are either:
 - (i) less than 30% of gross household income – generally used in well-functioning markets; or
 - (ii) an agreed percentage lower than comparable prices in the local market-generally applicable in high cost or difficult locations.
- (b) **"MOU"** means this Memorandum of Understanding.
- (c) **"Parties"** mean Housing and the Shire of Kalamunda.
- (d) **"Party"** means either Housing or the Shire of Kalamunda.
- (e) **"Public Housing"** means rental accommodation provided by the Housing and leased to members of the public who meet Housing's eligibility criteria for Public Housing as set out in the relevant Housing policy.
- (f) **"Social Housing"** means rental accommodation provided by the community housing sector and leased to members of the public who meet Housing's eligibility criteria for social housing or affordable housing as set out in the relevant Housing policy.
- (g) **"Term"** means the term of this MOU, commencing on the date on which the MOU is made and expiring on the Termination Date or such other date as may be mutually agreed between the Parties in writing.
- (h) **"Termination Date"** means two (2) years after the date of execution or any such other date as may be mutually agreed between the Parties in writing.

4. OBJECTIVES

Under this MOU, the Parties aim to:

- (a) create a strategic relationship with the intent of achieving whole of government outcomes through the achievement of the Parties respective objectives;
- (b) collaborate and share information on housing demand and need analysis to inform strategic and regulatory functions of the Shire;
- (c) collaborate and share information on affordable housing tools and statutory planning mechanisms to assist in the implementation of affordable housing outcomes;
- (d) collaborate and share information on land and property holdings, options and initiatives between the respective Parties, and provide opportunities which may include but are not limited to the development, redevelopment, sale, purchase or renting of land and property holdings;
- (e) subject to commercial confidentiality and internal guidelines, the Housing Authority may provide advice to the Shire of Kalamunda with regards to private developer procurement processes;
- (f) identify and progress potential development sites or redevelopment opportunities to pursue the delivery of built form and housing outcomes. This may include, but is not limited to, ordering sites based on priority, statutory time frames, project feasibility and partnership and procurement methodology;
- (g) identify and progress potential pilot or demonstration projects that deliver innovation in built form and housing outcomes; and
- (h) develop subsequent Memorandums of Understanding or such other agreements between the Parties for the purpose of progressing commercial working relationships for individual development projects.

5. IDENTIFICATION OF JOINT WORKING OPPORTUNITIES

The Parties will endeavour to identify land and property holdings located within the boundaries of the Shire that are suitable for joint working opportunities for the provision of Affordable Housing.

6. OBLIGATIONS OF THE PARTIES

During the Term, the Parties will each:

- (a) arrange and attend all required meetings of the working group;
- (b) use their best endeavours to progress the objectives of this MOU;
- (c) share their accumulated knowledge and experience;
- (d) contribute information on their respective land and assets to the other Party; and
- (e) share the costs and risk on any joint projects or collaborative activities, with such costs and risks to be negotiated and documented in separate agreements.

7. GOVERNANCE

7.1 Establishment of a Working Group

There shall be a working group established which will comprise the members specified in clause 7.2 and which will be responsible for the strategic oversight of the process, principles and intent associated with this MOU.

7.2 Membership of the Working Group

- (a) The members of the working group are to comprise:
 - (i) the Director Business Development, Housing or delegated nominee;
 - (ii) the Director Development Services, Shire or delegated nominees; and
 - (iii) any deputies or proxies nominated by either Party.
- (b) The Parties may at any time formally change their member of the working group by written notice to the other Party.

7.3 Meetings of the Working Group

- (a) The Working Group must meet at least four times every 12 months unless otherwise agreed.
- (b) Parties agree that they will use reasonable endeavours to time these meetings at the beginning of the quarterly Property Strategy reporting cycle.
- (c) The members of the working group will use their best endeavours to work collaboratively to progress the purpose and intent of the MOU.

8. CONTACT OFFICERS

8.1 Appointment of Contact Officers

- (a) The Parties agree to each appoint contact officers. The contact officers for each Party are authorised to act for that Party in relation to this MOU and is the first point of contact for the other Party in relation to any disputes arising under the MOU.
- (b) The details for each Party's contact officers are set out in clause 8.2.
- (c) If the Parties wish to change their contact officers that Party will notify the other Party in writing of the new contact details within five business days of the change.

8.2 Details of Contact Officers

The following personnel have been nominated by their respective Party to be the contact officer in all instances of communication between the Parties in relation to this MOU.

Housing Authority:

David Jones (Primary)	Tiffany Allen
Business Development Manager	Director, Business Development
Commercial Operations	Commercial Operations
Telephone: 6217 6243	Telephone: 9222 4878
Email: David.Jones@housing.wa.gov.au	Email: Tiffany.Allen@housing.wa.gov.au

or such other person notified by Housing in accordance with clause 8.1(c)

Shire of Kalamunda:

Natalie Martin Goode (Primary)	Rhonda Hardy
Director, Approval Services	Chief Executive Officer
Shire of Kalamunda	Shire of Kalamunda
Telephone: 9257 9999	Telephone: 9257 9999
Email: kala.shire@kalamunda.wa.gov.au	Email: kala.shire@kalamunda.wa.gov.au

or such other person notified by the Shire in accordance with clause 8.1(c).

9. INTELLECTUAL PROPERTY RIGHTS

The Parties acknowledge that nothing in this MOU shall affect ownership of any intellectual property rights.

10. COSTS OF THE MEMORANDUM OF UNDERSTANDING

Each Party will pay its own costs and expenses in respect to the negotiation, preparation, execution and delivery of this MOU.

11. CONFIDENTIALITY

- (a) The Parties acknowledge that the terms of this MOU and any information about any projects entered into by the Parties, will be kept confidential unless:
 - (i) required by law to be released;
 - (ii) made aware to the Shire of Kalamunda Council, Minister for Housing for Western Australia or the State Government of Western Australia (or any relevant department, agency or representative body or committee of the government);
 - (iii) placed in the public domain, for reasons other than through a contravention of this clause; or
 - (iv) both Parties agree in writing to the release of the information.
- (b) The obligations set out in clause 11(a) survive the termination of this MOU.

12. PUBLIC RELATIONS AND MARKETING

- (a) Promotional and/or media opportunities generated by joint projects and collaborative activities created under this MOU are to be undertaken in a cooperative manner that promotes both the Shire and Housing.
- (b) The respective roles of Housing and the Shire, in the context of any project or activity, must be acknowledged at relevant forums, conferences and project launches where a commercial working relationship for the individual development project is promoted. Approval is required from both parties before any public statement is made.

13. VARIATIONS TO THE MEMORANDUM OF UNDERSTANDING

The Parties agree that this MOU can be amended at any time upon the agreement in writing of the Parties.

14. DISPUTE RESOLUTION

- (a) If any Party (the first Party) is of the view that the other Party (second Party) is not fulfilling any of its obligations under, or referred to in this MOU, the first Party will notify in writing to the second Party, setting out full details of the second Party's obligations/s under this MOU and requesting that the obligation/s be fulfilled.
- (b) If a dispute arises out of or in relation to the content of this MOU, including but not limited to the fulfilment of an obligation under clause 14(a), the Parties will endeavour in good faith to settle all matters notified in writing as being in dispute between them at the lowest and most informal level practical.
- (c) In the event that a dispute cannot be determined under paragraph 14(b), the dispute shall be finally and conclusively determined by the respective Chief Executive Officers for each Party acting reasonably and in good faith.

15. NON-ENFORCEABILITY

- (a) With the exception of clause 11, this MOU merely constitutes a statement of the mutual intentions of the Parties with respect to its contents and each Party represents to the other that:
 - (i) no reliance shall be placed on it;
 - (ii) it does not constitute an obligation contractually or legally binding on either Party; and
 - (iii) it creates no rights in favour of either Party.
- (b) The Parties acknowledge and agree that:
 - (i) the MOU may not constitute all communications, negotiations, arrangements and agreements made between the Parties with respect to the subject matter; and
 - (ii) the Parties may during the Term enter into any further communications, negotiations, arrangements and agreements in order to give effect to, or fulfil any obligation under the MOU or with respect to the subject matter of the MOU.

16. ENDING THE MEMORANDUM OF UNDERSTANDING

- (a) This MOU will terminate on whichever is the earliest of:
 - (i) the Termination Date as defined in clause 3(h); or
 - (ii) such other date agreed in writing by the Parties as the date on which the MOU terminates.
- (b) With the exception of the obligations set out in clause 11, after the MOU terminates, neither Party will have any further obligation to the other Party arising under or pursuant to this MOU.

17. GENERAL

- (a) Each Party will do all things and execute all further documents reasonably necessary to give full effect to this MOU.
- (b) Nothing in this MOU constitutes either Housing or the Shire as an agent, employee, director, partner or joint venturer of the other Party.
- (c) Nothing in this MOU authorises either Party to incur any obligation on behalf of the other Party.
- (d) Nothing in this MOU confers or can confer, any proprietary interest on either Party in the other Party's land or assets, unless specifically agreed to and executed in writing under another agreement.

EXECUTION OF THIS MOU

SIGNED FOR AND ON BEHALF OF
SHIRE OF KALAMUNDA BY

RHONDA HARDY
CHIEF EXECUTIVE OFFICER
SHIRE OF KALAMUNDA

DATE: 2017

SIGNED FOR AND ON BEHALF OF THE
HOUSING AUTHORITY BY

PAUL WHYTE
A/CHIEF EXECUTIVE OFFICER
HOUSING AUTHORITY

DATE: 2017

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

26. Pathways Asset Management Plan 2017

Previous Items	OCM 130/2012 – Adoption of the revised Asset Management Policy OCM 157/2016 – Review of Asset Management Policy ENG15
Responsible Officer	Director Asset Services
Service Area	Asset Planning and Management
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Attachment 1	Pathways Asset Management Plan

EXECUTIVE SUMMARY

1. To consider endorsement of the Shire of Kalamunda Pathways Asset Management Plan 2017 (PAMP) and set the objective of maintaining the average condition of pathways at 2.54.
2. This PAMP is the first update of the set of plans prepared in 2013 and identifies 371km of paths with a value in the order of \$40.65 million.
3. This report recommends an average funding increase of \$83,100 per year for path renewals. This will maintain the pathway network condition at existing service levels, being an average of 2.54. The average annual renewal (capital) budget will increase from \$332,500 to \$415,600.
4. The asset management plans collate and inform many aspects of Shire operations. In particular, the plans provide input to the Long Term Financial Plan, and meet statutory obligations for the Integrated Planning and Reporting Framework and Guidelines.
5. The Council is requested to endorse the Pathways Asset Management Plan 2017, and sets the objective of maintaining the average condition of pathways at 2.54, with an estimated annual increase in pathway renewal funding of \$83,100. Council is requested to note that a specific community engagement process on pathways “level of service” is planned for 2017/2018.

BACKGROUND

6. The Shire produced its first asset management plan for pathways in 2013. Subsequently in 2016 the Asset Management Council Policy was revised, and a number of internal processes improved to produce the current PAMP.

DETAILS

7. The PAMP covers the following subjects:
 - Current Status of Assets
 - Levels of Service
 - Life Cycle Management

-
- Risk Management
 - Future Demand
 - Financial Summary
 - Improvements, Monitoring and Review
8. The current status of assets identifies the 371 km of paths, their material type, age and widths. Widths are presented to identify those that are not considered to meet the current standard, being 1.8 metres to enable two people in wheelchairs to pass, with 220 km of the Shire's paths being less than 1.8 metres in width. The PAMP does not seek to upgrade these paths, with the exception of those with a condition rating of Poor or Very Poor. Those paths will be upgraded as they are scheduled for replacement.
9. As most paths are concrete, they are durable and generally have a life in excess of 50 years. Only 24 km of paths are currently in Poor and Very Poor condition, all of which are listed in the 10-year program to renew.
10. The average condition of the Shire's pathway network has been evaluated as 2.54. The condition scale is 1 (New) to 5 (Very Poor). This average condition of 2.54 is a measure that the Shire has used to represent the current level of service provided by the pathways assets.
11. Levels of service should be set based on community consultation. To date this process has not been undertaken specifically for pathways. Instead, the Community Satisfaction Survey of 2016 has been used to guide the objectives of the PAMP as presented. This identifies that 63% of the comments has provided a positive performance rating for pathways (excellent + good + okay). It is therefore important not to let the current standard decrease.
12. The section on future demand addresses the growth in population and associated path networks. Approximately 46 km of pathways are expected from Shire works and developers over the next 20 years. As these will be mostly concrete and long life assets there will only be a growing need for maintenance support (sweeping and minor repairs).
13. This report recommends an average funding increase of \$83,100 per year for path renewals, with this maintaining conditions at existing service levels, that is; an average of 2.54. The average annual renewal (capital) budget will increase from \$332,500 to \$415,600.
14. The PAMP and the associated practices will be improved, with the following objectives:
- Undertake community consultation to determine desired levels of service 2017/2018
 - Develop Kalamunda Bike Plan 2017/2018
 - Develop a pathway maintenance plan 2018/2019
 - Analyse Shire's pathway network needs and prepare forward works program 2018/2019

STATUTORY AND LEGAL CONSIDERATIONS

15. All local governments are currently required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework.

POLICY CONSIDERATIONS

16. The PAMP has been prepared in recognition of the C-AS-01 Asset Management Council Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. The PAMP was reviewed and endorsed by the Asset Management Steering Group.

External Referrals

18. Asset Management Plans are informed by a “levels of service” process which is the result of a community consultation process. The only consultation undertaken to provide direction to the PAMP was through the 2016 Community Satisfaction Survey. It is proposed that a more pathways specific community consultation be undertaken in 2017/2018.

FINANCIAL CONSIDERATIONS

19. The Shire currently forecasts to expend an average of \$332,500 capital per year on path renewals.
20. Modelling of different target path conditions has identified that the Shire has the options of either increasing average path condition, maintaining, or declining the average path condition. Modelling suggests that maintaining the current level of path renewal funding would result in a decline in average condition from 2.54 to 2.74, resulting in 16.4km of paths being in Poor or Very Poor condition over the next ten years.
21. Increasing renewal funding by an average of \$83,100 per year will enable the Shire to maintain the average condition at 2.54, noting that this results in 6.3km of paths being in Poor or Very Poor condition over the next ten years.
22. Increasing renewal funding further has also been analysed, with the following two options for improvement included in the modelling:
- (i) Annual increase of \$127,900 – 0.8km of paths remaining Poor or Very Poor
 - (ii) Annual increase of \$187,200 – 0.0km of paths remaining Poor or Very Poor

23. Key Financial Ratios
Table 10, page 21 of the PAMP presents the Shire's key financial ratios.
- The Asset Consumption Ratio should be 0.50 or greater, with this ratio indicating that assets are half depreciated (that is, half consumed). The Shire has recorded a ratio of 0.32, due in the main to the depreciation method currently used to represent the value of assets along with the relative age of the assets. The depreciation method is currently under review.
- The Asset Sustainability Ratio should be 0.90 or greater, with this ratio using the value of funding identified over the next ten (10) years, divided by depreciation. The majority of the Shire's paths assets do not require renewing in the next ten (10) years, so the funding need is low as reflected by the low ratio of 0.40.
- The Asset Renewal Funding ratio should fall between 0.75 and 0.95, with the Shire's ratio being 0.80 indicating that funding needs have been adequately identified in the Long Term Financial Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing: Strategic Community Plan to 2023*
- OBJECTIVE 2.3 To encourage and facilitate healthy lifestyles through regular participation in recreational and leisure oriented activities.
- Strategy 2.3.3 Plan for the improvement and expansion of the existing shared pathways network to ensure a high quality and consistent network is provided for walking, cycling and recreational hiking.
- OBJECTIVE 4.6 To ensure the optimal management of assets delivers continuity of services to the community.
- Strategy 4.6.2 Develop financially sustainable funding models to ensure the Shire can adequately fund its asset plans.
- OBJECTIVE 5.5 To be courageous and tenacious in the pursuit of benefits from the State and Federal Governments through effective advocacy.
- Strategy 5.5.1 Continue to advocate to all levels of government for the delivery of appropriate public transport options including cycling and walkways for the Shire and the region.

SUSTAINABILITY

Social Implications

25. Maintaining the standard of pathways will continue to support a range of healthy activities and community interaction.

Economic Implications

26. There are no grant funding sources for the renewal of pathways and any increase in funding will need to be provided through municipal funding.

Environmental Implications

27. Maintaining the standard of pathways will continue to support pedestrian and cycling activities, thus reducing the impact to the environment caused by vehicles.

RISK MANAGEMENT CONSIDERATIONS

28.

Risk	Likelihood	Consequence	Rating	Action / Strategy
That pathways asset management planning as an activity does not produce the desired outcomes, in particular failing to identify renewal funding and ensure levels of service are provided.	Unlikely	Significant	Medium	Ensure asset management activities continue in line with national practice. Continue to improve practices, seek funding for renewals and engaging with the community on levels of service.

29. The PAMP provides a more detailed analysis of risks associated with pathway hazards, and these are available on page 15 of the plan.

OFFICER COMMENT

30. The PAMP is in a format that meets current practice across Australia and New Zealand. The scenario modelling that identified the average condition rating and funding requirements, is considered an 'Intermediate' level practice.
31. As the 2016 Customer Satisfaction Survey indicates a Positive Performance of 63%, it is recommended that the average condition of the pathway network be maintained at 2.54, with the additional annual funding required to maintain this condition level estimated at \$83,100.
32. Through the scenario modelling process, the PAMP provides 10-year funding options for Council to consider and assists in the development of appropriate pathway renewal programs.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION (D&A 26/2017)

That Council:

1. Endorses the Pathways Asset Management Plan 2017 and sets the objective of maintaining the average condition of pathways at 2.54, with an estimated annual increase in pathway renewal funding of \$83,100.
2. Notes that a specific community engagement process on pathways “level of service” is planned for 2017/2018.

Moved:

Seconded:

Vote:

Attachment 1

Pathways Asset Management Plan 2017

[Click Here to go directly to document](#)

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

27. CONFIDENTIAL ITEM – Consideration of Tenders – Provision for Supply of Skid Steer and Truck (Wet Hire) Services (RFT1702)

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	N/A
Responsible Officer	Director Asset Services
Service Area	Asset Maintenance
File Reference	RFT1702
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Tender Evaluation Report

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

Confidential Attachment 2 Price Schedule

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

This report item has been circulated to all Councillors under separate cover.

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

28. CONFIDENTIAL ITEM – Shires Contaminates Sites Database

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (d)* - 'legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.'

Previous Items	OCM 145/2016 and D&A 18/2017
Responsible Officer	Director Development Services
Service Area	Community Safety and Compliance Services
File Reference	EV-PNC-009
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Legal opinion – 2 parts

Reason for Confidentiality
*Local Government Act 1995
S5.23 (2) (d)* - 'legal advice
obtained, or which may be
obtained, by the local
government and which
relates to a matter to be
discussed at the meeting.'

This report item has been circulated to all Councillors under separate cover.

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- 10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

 - 11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

 - 12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

 - 13.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY
 DECISION**

 - 14.0 TABLED DOCUMENTS**

 - 15.0 MEETING CLOSED TO THE PUBLIC**

 - 16.0 CLOSURE**