

Ordinary Council Meeting

Agenda for Monday 28 August 2017



**city of
kalamunda**

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next ordinary meeting of the Council will be held in the Woodlupine Community Centre (Main Hall), 88 Hale Road, Forrestfield on **Monday 28 August 2017 at 6.30pm.**


Rhonda Hardy
Chief Executive Officer
23 August 2017



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 differences, 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 behaviour.

Aspirational Values

- Creativity:** We create and innovate to improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.

www.kalamunda.wa.gov.au

**city of
kalamunda**

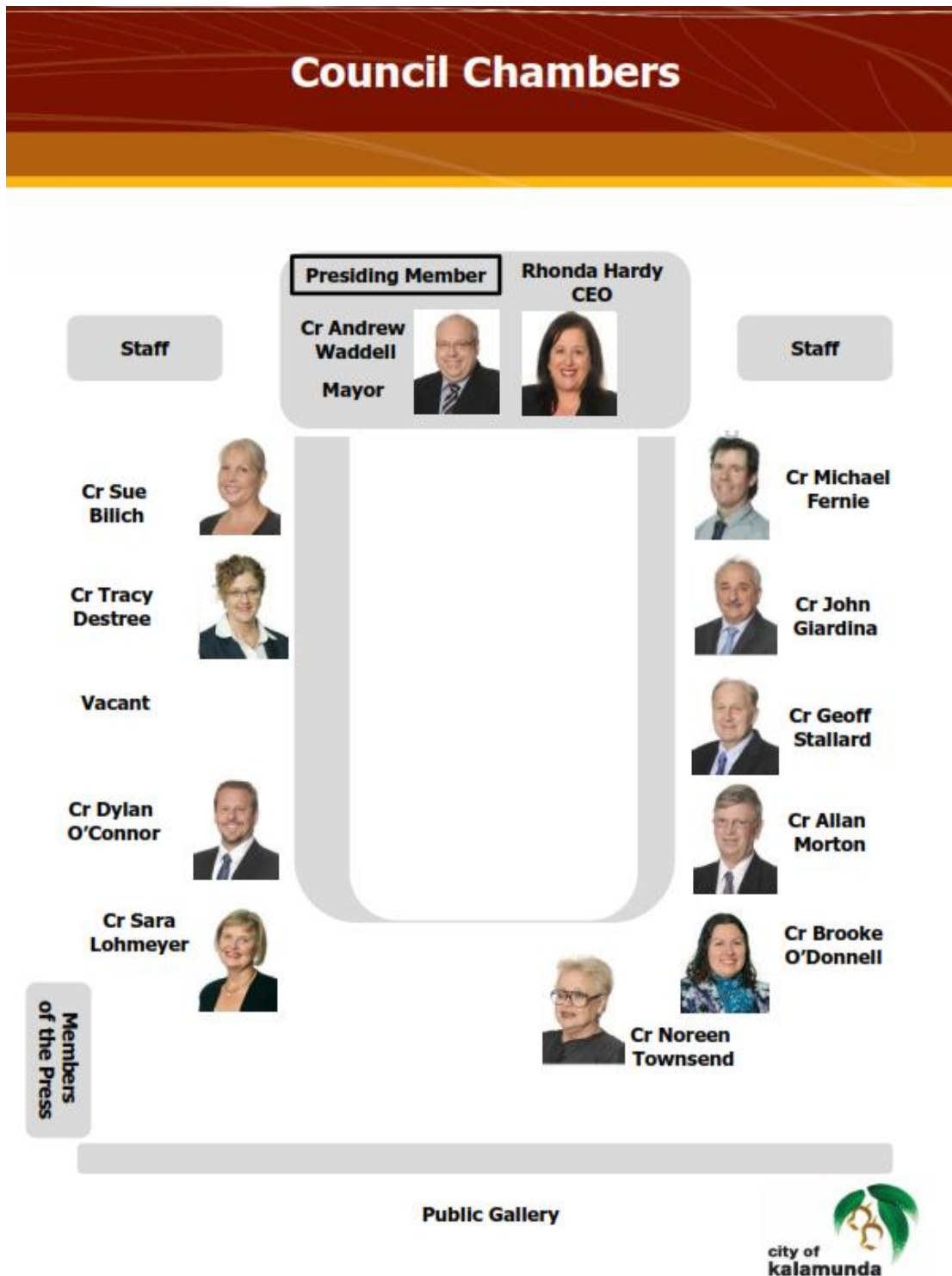


INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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



Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for confidential items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. 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.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

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 City 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.

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	3
4.0	PETITIONS/DEPUTATIONS	3
5.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
7.0	ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION	4
8.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	4
9.0	DISCLOSURE OF INTERESTS.....	4
10.0	REPORTS TO COUNCIL	4
10.1	DEVELOPMENT & ASSET SERVICES COMMITTEE REPORT	5
10.1.1	ADOPTION OF DEVELOPMENT & ASSET SERVICES COMMITTEE REPORT	5
10.1.2	D&A 54 AMENDMENT TO STRUCTURE PLAN – MAIDA VALE CELL 6 STRUCTURE PLAN – LOT 25 (7) GILBA PLACE AND LOT 26 (34) BREWER ROAD, MAIDA VALE.....	5
10.1.3	D&A 55 PARKS ASSET MANAGEMENT PLAN 2017	5
10.1.4	D&A 56 WOODLUPINE BROOK LIVING STREAM CONCEPT PLAN – PUBLIC CONSULTATION.....	5
10.1.5	D&A 57 CITY OF KALAMUNDA PARKING AND PARKING FACILITIES LOCAL LAW 2017.....	6
10.1.6	D&A 58 PROPOSED AMENDMENT NO. 96 TO LOCAL PLANNING SCHEME NO. 3 – USE CLASS PERMISSIBILITY IN THE DISTRICT CENTRE AND COMMERCIAL ZONES – PUBLIC ADVERTISING	7
10.1.7	D&A 59 CONSENT TO ADVERTISE REVISED LOCAL PLANNING POLICY P-DEV 20 OUTBUILDINGS AND SEA CONTAINERS	7
10.1.8	D&A 60 CONSENT TO ADVERTISE DRAFT LOCAL PLANNING POLICY P-DEV 57 – STREET FENCING, WALLS AND GATES POLICY	8
10.1.9	D&A 61 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL – NURSERY AND TEMPORARY FOOD VAN – LOT 17 (105) TANNER ROAD, CARMEL.....	8
10.2	CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT.....	9
10.2.1	ADOPTION OF CORPORATE & COMMUNITY SERVICES COMMITTEE REPORT	9
10.2.2	C&C 59 RATES DEBTORS REPORT FOR THE PERIOD ENDED 30 JUNE 2017	9
10.2.3	C&C 60 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 30 JUNE 2017.....	9
10.2.4	C&C 61 DRAFT MONTHLY FINANCIAL STATEMENTS TO 30 JUNE 2017	10
10.2.5	C&C 62 RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 JULY 2017.....	10
10.2.6	C&C 63 DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 JULY 2017	10
10.2.7	C&C 64 DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 JULY 2017.....	11
10.2.8	C&C 65 QUARTERLY PROGRESS REPORT AGAINST KPIS – APRIL-JUNE 2017	11
10.2.9	C&C 66 CONFIDENTIAL ITEM – LESMURDIE LIBRARY	11
10.3	CHIEF EXECUTIVE OFFICER REPORTS	12
10.3.1	AMENDMENT TO STRUCTURE PLAN – MAIDA VALE CELL 6 STRUCTURE PLAN – LOT 25 (7) GILBA PLACE AND LOT 26 (34) BREWER ROAD, MAIDA VALE	12
10.3.2	WOODLUPINE BROOK LIVING STREAM CONCEPT PLAN – PUBLIC CONSULTATION	24
10.3.3	CITY OF KALAMUNDA PARKING AND PARKING FACILITIES LOCAL LAW 2017	31
10.3.4	RECONSIDERATION OF DETERMINATION OF RETROSPECTIVE APPLICATION FOR OUTBUILDING (SHED) AND RETAINING – LOT 77 (310) CANNING ROAD, LESMURDIE.....	38
10.3.5	COMMUNITY SPORT AND RECREATION FACILITIES FUNDING – SMALL GRANTS 2017/18 – SCOTT RESERVE MASTER PLAN.....	72

10.3.6	NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT ANNUAL CONFERENCE REPORT ...	79
10.3.7	CANBERRA ADVOCACY SEPTEMBER 2017	83
10.3.8	APPLICATION FOR LEAVE – CHIEF EXECUTIVE OFFICER	90
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	93
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE	96
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	96
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION.....	96
15.0	MEETING CLOSED TO THE PUBLIC.....	96
16.0	CLOSURE	96

AGENDA

1.0 OFFICIAL OPENING

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Cr Noreen Townsend - Leave of Absence (16 August – 31 August 2017)

3.0 PUBLIC QUESTION TIME

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

4.0 PETITIONS/DEPUTATIONS

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 That the Minutes of the Ordinary Council Meeting held on 24 July 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 24 July 2017".

6.2 That the Minutes of the Special Council Meeting held on 7 August 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 7 August 2017".

7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 54. Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale - CONFIDENTIAL ATTACHMENT 9 (Confidential Submissions Map)

Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

8.2 61. Application for Amended Development Approval - Nursery and Temporary Food Van – Lot 17 (105) Tanner Road, Carmel – CONFIDENTIAL ATTACHMENT 4 (Confidential Submitters Map)

Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

8.3 66. CONFIDENTIAL ITEM– Lesmurdie Library - (Including Attachment 1 & Attachment 2)

Reason for Confidentiality Local Government Act 1995 S5.23 (2) (a) & (c) – "a matter affecting an employee or employees"; and" "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

9.0 DISCLOSURE OF INTERESTS

9.1 Disclosure of Financial and Proximity Interests

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

9.2 Disclosure of Interest Affecting Impartiality

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

10.0 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.

10.1 Development & Asset Services Committee Report

10.1.1 Adoption of Development & Asset Services Committee Report

Voting Requirements: Simple Majority

That recommendations D&A 54 to D&A 61 inclusive, contained in the Development & Asset Services Committee Report of 7 August 2017, be adopted by Council en bloc.

Moved:

Seconded:

Vote:

10.1.2 D&A 54 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 54/2017)

That Council:

1. Defer the item to the Ordinary Council Meeting.

This item is presented at 10.3.1 of this Agenda.

10.1.3 D&A 55 Parks Asset Management Plan 2017

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 55/2017)

That Council:

1. Endorses the Parks Asset Management Plan 2017 and sets the objective of maintaining the average condition and funding for parks asset renewals at current levels.
2. Notes that a specific community engagement process on parks "level of service" is planned for 2019/2020 in accordance with the timeframe specified in the Asset Management Strategy.

10.1.4 D&A 56 Woodlupine Brook Living Stream Concept Plan – Public Consultation

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 56/2017)

That Council:

1. Defer the item to the Ordinary Council Meeting.

This item is presented at 10.3.2 of this Agenda.

10.1.5 D&A 57 City of Kalamunda Parking and Parking Facilities Local Law 2017

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 57/2017)

That Council:

1. Gives State-wide and local public notification that Council proposes to make a new local law, the *City of Kalamunda Parking Local Law 2017* as per (Attachment 1).
2. Notes that:-
 - a) the purpose of the local law is to regulate the parking of vehicles within the City's parking region and provide for the management and operation of parking facilities;
 - b) the effect of the proposed local law is to ensure that a person parking a vehicle within the City's parking region will be required to comply with the provisions of the new local law; and
 - c) The new local law is intended to result in:
 - (i) a more modern local law dealing with parking in the City;
 - (ii) improved safety; and
 - (iii) adjustments to prescribed infringement to be more in line with adjoining local governments.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Brooke O'Donnell**

Vote:

For	Against
Cr Brooke O'Donnell Cr Noreen Townsend	Cr Michael Fernie Cr John Giardina Cr Allan Morton Cr Andrew Waddell Cr Sara Lohmeyer Cr Dylan O'Connor Cr Tracy Destree Cr Sue Bilich LOST (2/8)

This item is presented at 10.3.3 of this Agenda.

10.1.6 D&A 58 Proposed Amendment No. 96 to Local Planning Scheme No. 3 – Use Class Permissibility in the District Centre and Commercial Zones – Public Advertising

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 58/2017)

That Council:

1. Adjourn debate on this matter to the next Development & Asset Services Committee Meeting.

10.1.7 D&A 59 Consent to advertise revised Local Planning Policy P-Dev 20 Outbuildings and Sea Containers

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 59/2017)

That Council:

1. Pursuant to Clause 3 (1) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and 2.4.1. of the Local Planning Scheme No. 3, endorses Revised Planning Policy P-Dev 20 – Outbuildings and Sea Containers for advertising for a period of 28 days.
2. Forward Revised Planning Policy P-Dev 20 – Outbuildings and Sea Containers to the Western Australian Planning Commission for its approval.

10.1.8 D&A 60 Consent to advertise Draft Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates Policy

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 60/2017)

That Council:

1. Defer the item to the next Development & Asset Services Committee Meeting.

10.1.9 D&A 61 Application for Amended Development Approval – Nursery and Temporary Food Van – Lot 17 (105) Tanner Road, Carmel

COMMITTEE RECOMMENDATION TO COUNCIL (D&A 61/2017)

That Council:

1. Pursuant to section 31 (2) of the *State Administrative Tribunal Act 2004*, varies its decision made on 24 April 2017 by deleting condition i) and replacing it with the following:
 - i) The hours of operation for the nursery be 10am to 5pm, seven days per week.

10.2 Corporate & Community Services Committee Report

10.2.1 Adoption of Corporate & Community Services Committee Report

Voting Requirements: Simple Majority

That the recommendations C&C 59 to C&C 66 inclusive, contained in the Corporate & Community Services Committee Report of 21 August 2017, be adopted by Council en bloc.

Moved:

Seconded:

Vote:

10.2.2 C&C 59 Rates Debtors Report for the Period Ended 30 June 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 59/2017)

That Council:

1. Receives the rates debtors report for the period ended 30 June 2017 (Attachment 1).

10.2.3 C&C 60 Debtors and Creditors Report for the Period Ended 30 June 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 60/2017)

That Council:

1. Receives the list of payments made from the Municipal Accounts in June 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. Receives the list of payments made from the Trust Accounts in June 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the outstanding debtors and creditors reports (Attachments 2 & 3) for the month of June 2017.

10.2.4 C&C 61 Draft Monthly Financial Statements to 30 June 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 61/2017)

That Council:

1. Receives the Draft Monthly Statutory Financial Statements for the period to 30 June 2017, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

10.2.5 C&C 62 Rates Debtors Report for the Period Ended 31 July 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 62/2017)

That Council:

1. Receives the rates debtors report for the period ended 31 July 2017 (Attachment 1).

10.2.6 C&C 63 Debtors and Creditors Report for the Period Ended 31 July 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 63/2017)

That Council:

1. Receives the list of payments made from the Municipal Accounts in July 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. Receives the list of payments made from the Trust Accounts in July 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the outstanding debtors and creditors reports (Attachment 2 & 3) for the month of July 2017.

10.2.7 C&C 64 Draft Monthly Financial Statements to 31 July 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 64/2017)

That Council:

1. Receives the Draft Monthly Statutory Financial Statements for the period to 31 July 2017, which comprises:
 - Statement of Financial Activity (Nature or Type).
 - Statement of Financial Activity (Statutory Reporting Program).
 - Net Current Funding Position, note to financial statement.

10.2.8 C&C 65 Quarterly Progress Report Against KPIs – April-June 2017

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 65/2017)

That Council:

1. Receives the Quarterly Progress Report Against KPIs for April–June 2017.

10.2.9 C&C 66 CONFIDENTIAL ITEM – Lesmurdie Library

COMMITTEE RECOMMENDATION TO COUNCIL (C&C 66/2017)

That Council:

1. Endorse the plan to undertake community consultation for 60 days for the rationalisation of the Lesmurdie Library; and
2. Request the Chief Executive Officer to report back on the outcomes of the consultation process.

10.3 CHIEF EXECUTIVE OFFICER REPORTS

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

10.3.1 Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Previous Items	OCM 112/2016
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-LPS-003/087
Applicant	Burgess Design Group
Owner	Overgold Corporation Pty Ltd - Lot 25 (7) Gilba Place & Heather and Jeffery Anderson – Lot 26 (34) Brewer Road, Maida Vale.
Attachment 1	Proposed Local Structure Plan Map
Attachment 2	Existing Cell 6 Structure Plan Map
Attachment 3	Applicant's Structure Plan Amendment Request Report
Attachment 4	Environmental Assessment Report
Attachment 5	Bushfire Management Plan
Attachment 6	Transport Impact Assessment
Attachment 7	Engineering Services Report
Attachment 8	Submission Table
Attachment 9	Confidential Submitters Details

*Reason for Confidentiality:
Local Government Act 1995
S5.23 (2) (b) – "the personal
affairs of any person;"*

EXECUTIVE SUMMARY

1. The purpose of the Structure Plan Amendment is to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Maida Vale Cell 6 Structure Plan (Structure Plan), as shown in Attachment 1.
2. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision of the area.
3. The Amendment to the Structure Plan nominates a density of R30 to the 1.933ha parcel of land which has an expected yield of approximately 38 lots ranging in size from 283m² to 490m².
4. The Amendment to the Structure Plan was advertised and eight (8) objections were received.
5. This report requests Council to recommend that the Western Australian Planning Commission (WAPC) approve the Structure Plan Amendment subject to modifications.

BACKGROUND

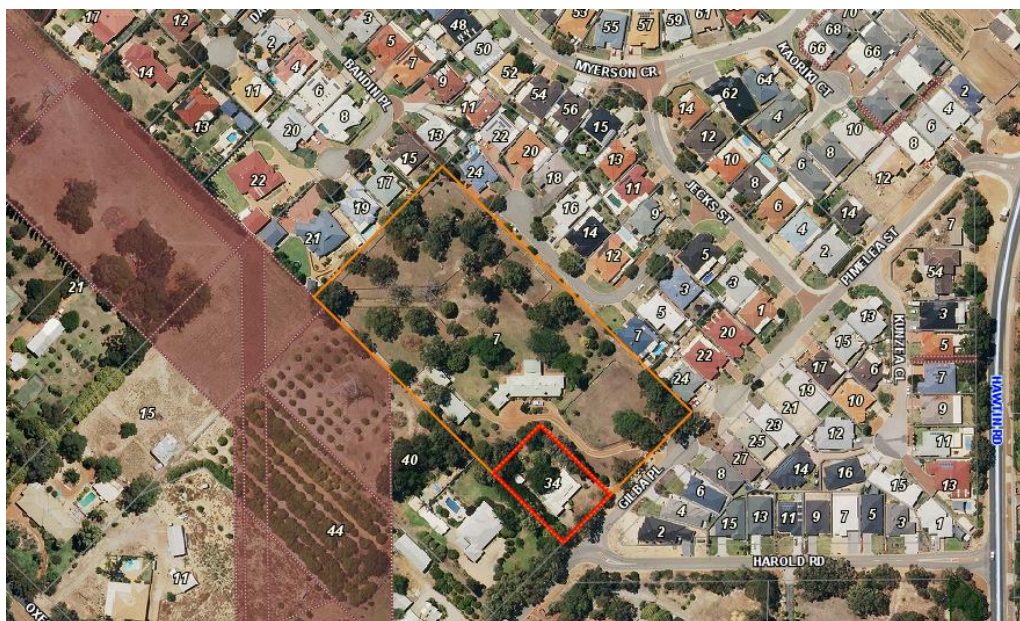
6. The Maida Vale Cell 6 Structure Plan was originally approved by the WAPC on 1 November 1994. Since the adoption of the Structure Plan, residential subdivision and development has occurred in the area.
7. The subject site was rezoned from Special Rural to Urban Development in April 2017 through Amendment No. 87 to the City of Kalamunda's (the City) Local Planning Scheme No.3 (LPS3).
8. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate the future development and subdivision of the area.

9. **Land Details:**

Land Area:	1.93ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

10.



11. The subject site contains an existing single dwelling on each allotment and other incidental ancillary structures. The site is surrounded by Residential allotments coded R5 and R20 to the east and Special Rural allotments to the south-west.

DETAILS

12. The Structure Plan is bound by Maida Vale Road and Old Maida Vale Road to the north, Hawtin Road to the south-east and Roe Highway to the west.
13. The Structure Plan was originally prepared to facilitate residential subdivision and development within the area.
14. Since adoption of the Structure Plan, the majority of residential subdivision and development has been completed, with some small parcels remaining undeveloped.

15. The proposed Structure Plan Amendment seeks to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Structure Plan, as shown in Attachment 1.
16. The Structure Plan Amendment proposes medium density residential development, identifying a code of R30. The applicant stated that the density is expected to yield approximately 38 lots ranging in size ranging from 283m² to 490m².
17. The Structure Plan Amendment proposes one 14.2m width road reserve to connect Jubata Court and Gilba Place. A Traffic Impact Assessment (TIA) has been prepared and is enclosed within Attachment 6.
18. In support of the proposal, the applicant has undertaken a number of other supporting technical studies, including an Environmental Assessment Report (Attachment 4), Bushfire Management Plan (Attachment 5), TIA (Attachment 6) and an Engineering Services Report (Attachment 7).

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

19. The subject site is currently zoned Urban Development under the City's LPS3.
20. The objectives of the Urban Development zone are as follows:
 - 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.
21. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. Accordingly, the proposed Structure Plan Amendment is consistent with the intent of the Urban Development zone.

Planning and Development (Local Planning Scheme) Regulations 2015

22. Pursuant to the Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2 - Deemed Provisions (the Regulations), Clause 29 (1) states that "A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."
23. Pursuant to the Regulations, Clause 29 (2) states that a Structure Plan Amendment is to follow the same process for making a Structure Plan. Accordingly, under the Regulations, the City is required to take the following actions:
 - i) Determine the level of information required to be provided with the Structure Plan;
 - ii) Assess the Structure Plan against appropriate planning principles;
 - iii) Advertise the Structure Plan;
 - iv) Consider and respond to submissions received during advertising; and

- v) Prepare a report and recommendation on the proposed Structure Plan Amendment, and forward the City's recommendation to the WAPC for a decision.
24. Under the Regulations, the WAPC after considering the Structure Plan and report may:
- a) Approve the Structure Plan; or
 - b) Require the City or the applicant to –
 - i) Modify the Structure Plan in the manner specified by the WAPC; and
 - ii) Resubmit the modified Structure Plan to the WAPC for approval; or
 - c) Refuse to approve the Structure Plan.

POLICY CONSIDERATIONS

Directions 2031 and Beyond

25. Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.
26. The applicant advises that the proposed Structure Plan Amendment is considered to be compliant with the key objectives and themes of Directions 2031 for the following reasons:
- The subject land is appropriately zoned under the MRS;
 - The land represents a logical infill of urban development;
 - The proposed 'Residential R30' zoning is consistent with surrounding residential development; and
 - The land immediately south is subject to a proposed MRS Amendment to rezone the area to 'Urban' to facilitate future urban development.

Draft Perth and Peel @ 3.5million – North-East Sub-Regional Planning Framework

27. In May 2015, the WAPC released the Draft Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks for comment. These documents aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
28. Perth and Peel @ 3.5 million encourages a consolidated urban form that limits the intensification of new greenfield areas to where they provide a logical extension to the urban form, and places a greater emphasis on urban infill and increased residential density of existing urban areas.
29. The Structure Plan Amendment is considered to comply with the key objectives of Perth and Peel @ 3.5 million as the subject site is identified as an existing urban area and the proposed Structure Plan Amendment will facilitate development consistent with the existing pattern of development in the Maida Vale Cell 6 Structure Plan area.

Livable Neighbourhoods

30. Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites throughout Western Australia.

-
31. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.
 32. The Structure Plan Amendment is considered to be consistent with the principals, objectives and requirements of each of the liveable Neighbourhoods design elements.
 33. Liveable Neighbourhoods sets a target of 22 dwellings per residential site hectare. This Structure Plan Amendment proposes 24.22 dwellings per net hectare and is therefore considered to meet the density target outlined in Liveable Neighbourhoods.

State Planning Policy 3.1 – Residential Design Codes

34. The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
35. The R-Codes are applied to the Structure Plan Amendment through the proposed residential density of R30. In this regard, any subsequent subdivision of the subject site will be required to achieve a minimum and average lot size of 260m² and 300m².

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Western Australian Planning Commission)

36. The intent of State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements through implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
37. A portion of the subject site is located within a Bushfire Prone Area. As such, the requirements of SPP 3.7 apply in addition to the provisions or requirements of the Special Controls Area relating to Bushfire Prone Areas under LPS3.
38. In accordance with the requirements of SPP3.7, a Bushfire Management Plan and BAL Contour Map has been prepared by the applicant and can be found in Attachment 2.
39. The BAL Contour Map, which represents the potential radiant heat impacts and associated BAL ratings after subdivision works, indicates a that the majority of the site is designated as BAL-LOW with portions of the site subject to a BAL-12.5.
40. The Bushfire Management Plan proposes an Asset Protection Zone (APZ) to ensure the radiant heat impact does not increase in the future.

WAPC Development Control Policy 2.3 Public Open Space in Residential Areas

41. Development Control Policy 2.3 (DC 2.3) seeks to preserve amenity and contribute to the quality of life in urban areas by recommending any subdivision creating more than five lots is to provide public open space.

-
42. The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation.
43. Part 4.3 of DC 2.3 stipulates that Sections 20C(1) to 20C(7) of the Planning and Development Act 2005 contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for public open space. These circumstances include subdivisions where the land is such that a 10 percent contribution would be too small to be of practical use and there is sufficient public open space already provided in the immediate locality.
44. Given the relatively small nature of this development (site area of 1.93ha) and the close proximity (within 400m of the subject site) of 5.3ha of existing public open space , it is likely that cash in lieu is likely to be required at subdivision stage.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

45. The Structure Plan Amendment was referred to the City's Health, Assets and Environmental Departments for comment. All comments and recommendations received can be dealt with at the subdivision or development phase of the planning process. A summary of the comments received are detailed below.
46. The Environmental Department highlighted that the following investigations would be required with any subsequent proposal for subdivision:
- An Urban Water Management Plan be provided at the time of subdivision to ensure drainage is contained within the development boundaries and not discharged into the existing Poison Gully Creek reserves.
 - A description of the vegetation will be required to be provided to support the subdivision application and include a reconnaissance survey of the site to record native vegetation is recommended.
47. The Health Department noted that any subsequent development shall be connected to reticulated sewer with all existing septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted accordingly.

External Referrals

48. The proposed Structure Plan Amendment was advertised for 29 days in accordance with Schedule 2, Part 4, Clause 18 and the Regulations and Local Planning Policy P-DEV45 – Public Notification of Planning Proposals through the following means letters to property owners within 100 metres of the subject site, letters to public authorities and relevant utility service providers, website notification and copies of the Structure Plan Amendment being made available at the City's Administration Offices.

-
49. During advertising, the City received eight (8) submissions, all of which were objections, and two (2) submissions from public authorities and utility service providers. A summary of all submissions received and responses to submissions is provided in Attachment 8.
50. The concerns raised through objections include traffic impacts, environmental impacts, dust pollution during development, the negative impact upon the amenity of surrounding landowners, impacts to existing views, devaluation of property values, inconsistent lot size in the context of the surrounding area and acoustic impacts during the construction phase.

FINANCIAL CONSIDERATIONS

51. In accordance with Regulations 48 and 49 of the Planning and Development Regulations 2009, any costs associated with advertising and assessment of the Structure Plan Amendment is to be borne by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

52. *Kalamunda Advancing 2027: Strategic Community Plan*

OBJECTIVE 3.1 To plan for sustainable population growth

STRATEGY 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

53. The Structure Plan Amendment would facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will facilitate greater housing choice, affordability, and a potentially broader demographic.

Economic Implications

54. The proposed Structure Plan Amendment would facilitate the subsequent subdivision and development of the subject site, thereby generating jobs for the building and construction industry.

Environmental Implications

55. An Environmental Assessment Report (EAR) has been prepared by Strategen in support of the propose Structure Plan Amendment and can be found enclosed within Attachment 4.

RISK MANAGEMENT CONSIDERATIONS

56.	Risk: The proposal may result in undue amenity impacts on surrounding residential properties.		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	The proposed Structure Plan Amendment is in accordance with the City's Local Planning Strategy and various State Government Strategic documents. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. air pollution, noise pollution and traffic impacts) will be dealt with at the subdivision and development application stage if the Structure Plan Amendment is approved by the WAPC.		

OFFICER COMMENT

57. The purpose of the Structure Plan Amendment is to incorporate 1.93ha of land at Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale into the approved Structure Plan as shown in Attachment 1. The subject site was rezoned from Special Rural to Urban Development in April 2017 through Amendment No. 87. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision and therefore, the proposed Structure Plan Amendment is considered to be administrative in nature.
58. The Amendment to the Structure Plan nominates a density of R30 to the 1.933ha parcel of land which has an expected yield of approximately 38 lots ranging in size from 283m² to 490m² and results in 24.22 dwellings per net hectare. This proposed density is consistent with the City's and State strategic planning documentation.
59. The TIA provided by the applicant concludes that the traffic generated by the proposed Structure Plan Amendment, once developed, will not unduly impact upon the flow, speed or safety of the surrounding road network and intersections. For further information in this regard please refer to Attachment 6.
60. An Engineering Services Report has been provided by the applicant and concludes that the subject site can be readily serviced with power, telecommunications and gas, with essential infrastructure already available in the area. Additionally, the Engineering Services Report stipulates that any required extensions and upgrades will be at the cost of the developer. For further information in this regard please refer to Attachment 7.
61. The EAR provided by the applicant concludes that the site is considered not to be significantly constrained from a development perspective and makes the recommendation that investigations and management may be required at the subdivision stage to address acid sulphate soils; water management system design and vegetation and potential for retaining existing Black-Cockatoo habitat on the site. Please refer to Attachment 4 for further information in this regard.

62. In regards to the concerns raised during advertising the following comments are made:

Proposed road alignment to be realigned to allow the properties to develop independently.

Following the submission period the applicant has agreed to modify the proposed road alignment, by shifting the road to the north to ensure that it is equally distributed across the two allotments (7.1m of the road reserve in Lot 26 and 7.1m in Lot 25).

63. **Increased demand on the limited public open space in Maida Vale**

The requirement for public open space is controlled by Development Control Policy 2.3 (DC 2.3). The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation. Part 4.3 of DC 2.3 stipulates that Sections 20C(1) to 20C(7) of the Planning and Development Act 2005 contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for open space. Accordingly, any subsequent subdivision may be required to vest in the Crown, free of cost, public open space or alternatively provide the City a cash in lieu payment. Please refer to paragraph 40 through 43 of this report for further information.

64. **Traffic Impacts.**

The TIA provided by the applicant concludes that the traffic generated by the proposed Structure Plan Amendment, once developed, will not unduly impact upon the flow, speed or safety of the surrounding road network and intersections. Additionally, no major concerns were raised through the internal referral process.

65. **R30 Density being inconsistent with the surrounding area.**

The surrounding Residential development is predominately coded R20 with pockets of R5 and R30 and was developed at a time when there was a demand for large lot sizes. Current market trends show an increase in demand for affordable housing which has resulted in reduced lot sizes.

66. **Should remain rural.**

The subject site is zoned 'Urban' under the MRS and 'Urban Development' under the City's LPS3.

67. **Environmental Issues (sand and dust) during development works**

Appropriate environmental and dust management will be required during all subdivision and development works on the site. All development on the site is required to comply with the Department of Water and Environmental Regulation's dust and smoke control guidelines; and the levels set out in the Environmental Protection (Noise) Regulations 1997.

68. **Negative impact upon the amenity of surrounding landowners.**

The proposed Structure Plan Amendment is in accordance with the City's Local Planning Strategy and various State Government Strategic documents. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. air pollution, noise pollution and traffic impacts) will be dealt with at the subdivision and development application stage if the Structure Plan Amendment is approved by the WAPC.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Pursuant to Clause 20(1) and (2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, in respect to the proposed Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale, forwards this report, attachments and recommendations, to the Western Australian Planning Commission for approval subject to the following modification:
 - A. The proposed road alignment is to be modified so that it is equally distributed across Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale (7.1m of the road reserve on Lot 26 and 7.1m on Lot 25).

Moved:

Seconded:

Vote:

Attachment 1

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Proposed Local Structure Plan Map

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

Attachment 2

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Existing Cell 6 Structure Plan Map

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

Attachment 3

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Applicant's Structure Plan Amendment Request Report

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

Attachment 4

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Environmental Assessment Report

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

Attachment 5

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Bushfire Management Plan

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

Attachment 6

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Transport Impact Assessment

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

Attachment 7

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Engineering Services Report

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

Attachment 8

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Submission Table

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

Confidential Attachment 9

Amendment to Structure Plan – Maida Vale Cell 6 Structure Plan – Lot 25 (7) Gilba Place and Lot 26 (34) Brewer Road, Maida Vale

Confidential Submitters Details

Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"

This attachment has been circulated to all Councillors under separate cover

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

10.3.2 Woodlupine Brook Living Stream Concept Plan – Public Consultation

Previous Items	OCM 19/2012, OCM 127/2016, and OCM 15/2017
Responsible Officer	Director Asset Services
Service Area	Asset Delivery
File Reference	PG-STU-029
Applicant	N/A
Owner	N/A
Attachment 1	Woodlupine Brook "Living Stream Concept Plan"
Attachment 2	Community Consultation Survey Summary

EXECUTIVE SUMMARY

1. To consider the outcomes of public consultation undertaken for the proposed Woodlupine Brook Living Stream Concept Plan.
2. The community engagement process was successful, with resounding positive feedback on the Woodlupine Brook Living Stream Concept Plan and noting that the community is eager for the earliest commencement of construction.
3. The design will be updated to accommodate the community request for a continuous, unobstructed cycleway.
4. It is recommended that the Woodlupine Brook Living Stream Concept Plan be adopted subject to a minor amendment.

BACKGROUND

5. As at its meeting held on 27 February 2017, Council considered a report which included the Wattle Grove Landscape Masterplan and associated Woodlupine Brook "Living Stream" Concept Plan (OCM 15/2017 refers), and resolved as follows:
 - 1) *Adopts the Draft Cell 9 Wattle Grove Landscape Masterplan (Attachment 1) dated January 2012 previously endorsed by Council for public consultation (OCM 19/2012 refers) as "final", along with the Landscape Masterplan Element Review (Attachment 2) for future landscape capital works funding consideration in Wattle Grove.*
 - 2) *Endorses the Concept Plan for Woodlupine Living Stream prepared by Syrinx Environmental dated 10 January 2017 (Drawing No. 16046-SK-003 Rev 1/Attachment 3) for public consultation for a period of 6-weeks from proposed advertisement.*
 - 3) *Requests a report on the outcome of the Woodlupine Living Stream Concept Plan public consultation.*
6. In following up of Council Resolutions 2 and 3, the Concept Plan (Attachment 1) was issued for public consultation in the week commencing 20 March 2017, and concluded 29 May 2017.

-
7. Community consultation was presented on the basis of a staged approach programmed for implementation over the next three financial years, with staging noted as follows:
 - Stage 1: Section already completed.
 - Stage 2: Uncompleted section downstream of the recently completed, Wimbridge Road Culvert.
 - Stage 3: Uncompleted section upstream of the recently completed Wimbridge Road Culvert.
 8. It is noted that community consultation was undertaken when the City was referred to as the Shire; this report uses the current applicable nomenclature.
 9. At the D&A Services Committee Meeting on 7 August 2017 it was resolved to defer this item to the Ordinary Council Meeting on 28 August 2017 to allow consideration of the proposed half basketball court and an outdoor fitness equipment pod.

DETAILS

10. The City advertised the community consultation process through newspaper advertisements, social media promotion. Opportunity for comment was also incorporated directly within the City's website.
11. Members of the public were invited to comment on the Concept Plan at the following locations:
 - Forrestfield Forum, 3 May 2017;
 - Kalamunda Central Shopping Centre, 5 May 2017; and
 - High Wycombe Shopping Centre, 11 May 2017.
12. Additionally, a 'Drop-in Session' was held at the Lenihan Nature Playground in Wattle Grove 17 May 2017.
13. The community engagement process was successful, with resounding positive feedback received regarding the Concept Plan.
14. The Concept Plan will be updated to accommodate the community request for a continuous, unobstructed cycleway.
15. Funds have been approved in the 2017/2018 Capital Works Program for the construction of a half basketball court and an outdoor fitness equipment pod. It is considered that these two items need to be incorporated into the final design to enable implementation in conjunction with the Woodlupine Brook Living Stream project.

STATUTORY AND LEGAL CONSIDERATIONS

16. Local Planning Scheme No. 3 established a Development Contribution Plan for the Cell 9 Wattle Grove area. The Development Contribution Plan collects funds for acquisition of land, widening and improvement of roads, upgrading drainage, and creating water-ways and public open space.
17. The Woodlupine Brook Living Stream project has been included in the Cell 9 Development Contribution Plan. Funds for the project have been collected from all developing landowners since the establishment of the plan. It is a requirement of the contribution plan that this project be progressed.

POLICY CONSIDERATIONS

18. Ensure that all landscaping is compliant with the City's Street Tree and Streetscape Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Referrals were forwarded to; Strategic Planning, Parks and Environmental; Infrastructure Operations; Recreation Facilities and Services; Economic, Land and Property Services; Financial Services and Procurement; with comment received being of a minor nature and able to be accommodated during detailed design.
20. Asset Delivery and Recreation Facilities Services met subsequent to the August D&A meeting and support the incorporation of the proposed half basketball court and outdoor fitness equipment pod into the final design for the Woodlupine Brooke Living Stream project.

External Referrals

21. The community consultation process resulted in 14 responses, including 8 Wattle Grove residents, 3 Forrestfield residents, 1 response from Kalamunda, 1 from Maddington and 1 from High Wycombe. A detailed summary of the survey results inclusive of the City's response to each submission is provided in Attachment 2.
22. The Department of Water (DoW), and the Water Corporation (WaterCorp) have had several collaborative meetings with the City in regard to the Concept Plan. DoW and WaterCorp will continue to support the project acting in an approval capacity with technical direction where needed. Maintaining consistent liaison with DoW and WaterCorp will facilitate timely approval of the detailed design.
23. DoW, WaterCorp and the South East Regional Centre for Urban Landcare (SERCUL – an independent natural resource management body) provided letters of support for the Concept Plan.
24. The City has been in communication with members of the Wattle Grove Residents Association to advise of upcoming projects.

25. The City advertised the community consultation process through newspaper advertisements, social media promotion, and its website.

FINANCIAL CONSIDERATIONS

26. The proposed Woodlupine Brook Living Stream project is funded through the Cell 9 Trust. Furthermore, the City has also been successful in securing a grant through the State Natural Resource Management (NRM) Program for the sum of \$54,392.80 (excluding GST) to facilitate community education, planting activities as part of the proposed Woodlupine Brook (Stage 2) works by local community volunteers and Friends Groups. Letters of support provided by DoW, WaterCorp and SERCUL were included in support of the application. The City intends to continue its search for additional external funding for landscape works and key community infrastructure.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 1.2 To provide safe and healthy environments for community to enjoy.
- Strategy 1.2.2 Advocate and promote healthy lifestyles choices by encouraging the community to become more physically active.
- Strategy 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.
- OBJECTIVE 2.1: To protect and enhance the environmental values of the City.
- Strategy 2.1.1 Enhance out bushland, natural areas, waterways and reserves.
- Strategy 2.1.3 Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

28. Various project activities will provide opportunities for members of the community to be involved, in particular, community participation in relation to future planting days linked to the conversion of the balance of the Woodlupine Brook Drain located within Wattle Grove into a "Living Stream".
29. On completion of each stage of works the resultant public open space inclusive of the pathway network will provide Wattle Grove residents with increased passive related recreational opportunities.

Economic Implications

30. An increase in OPEX funding will be required from 2018/2019 as part of ongoing maintenance requirements associated with the upkeep of the Woodlupine Public Open Space (POS). Actual requirements will be determined on completion of the detailed design phase.

Environmental Implications

31. The landscape treatment to the Woodlupine Brook Living Stream will improve water quality of stormwater entering the drain through bio-filtration Water Sensitive Urban Design solutions, as well as improvement and extension of landscape corridors and networks that support biodiversity in nature flora and fauna within the Wattle Grove area.

RISK MANAGEMENT CONSIDERATIONS

32.

Risk: Council does not endorse the Concept Plan for detailed design and subsequent tender advertisement for construction.		
Likelihood:	Consequence	Rating
Possible	Significant	High
Action/ Strategy		
The City will revise the Concept Plan to the satisfaction of the Council, for immediate resubmission to meet required timeframes for plant procurement and construction.		

Risk: The City does not meet the requirements of NRM Grant funding.		
Likelihood:	Consequence	Rating
Possible	Moderate	Medium
Action/ Strategy		
The City has allocated a dedicated resource to satisfy the NRM Grant requirements. The officer will work with SERCUL and volunteer groups to deliver planting along the banks of the upgraded Woodlupine Brook Living Stream.		

OFFICER COMMENT

33. The public submissions received were supportive of the conversion of the balance of the Woodlupine Brook Drain into a "Living Stream", with a request to ensure the pathway network to accommodate a "circular continuous path" to enable young children to ride their bikes around the brook with ease being the only major change to the Concept Design presented for public consultation.
This will require reworking of the pathways abutting both sides of Wimbridge Road at the culvert crossing point, and review of the pathway location adjacent to Hardey East Road.
34. Public involvement in planting activities on a voluntary basis is supported, this encouraged through the grant arising from the State NRM Program.

35. Recreational activity within the Woodlupine POS arising from the “Living Stream” project will provide walking, running and cycling opportunities along with passive activities such as picnics in the various small open spaces being promoted. It is noted that ground contouring to accommodate “Living Stream” principals will result in an undulating ground contour with banks to the brook generally graded at a slope of 1 to 6.
36. It is recommended that the Concept Plan endorsed for public consultation by Council at its meeting held on 27 February 2017 be adopted subject to reworking the pathway alignments abutting both sides of Wimbridge Road at the culvert crossing and adjacent to Hardey East Road.
37. Subject to Council adopting the Concept Plan detailed design for Stages 2 and 3 will then be advanced, followed by tender advertisement for Stage 2 in the first instance as Stage 3 is still contingent upon finalising proposed land acquisition from abutting properties.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Notes the public submissions received and City of Kalamunda actions in response to the advertised public consultation period from 20 March 2017 to 29 May 2017.
2. Adopts the Woodlupine Living Stream Concept Plan prepared by Syrinx Environmental dated 10 January 2017 (Drawing No. 16046-SK-003 Rev 1) subject to:
 - (a) Reworking the pathway alignments abutting both sides of Wimbridge Road at the culvert crossing and adjacent to Hardey East Road.
 - (b) Incorporating a basketball half court and an outdoor fitness equipment pod into the final design.
3. Requests the Chief Executive Officer to advise submitters of its decision.

Moved:

Seconded:

Vote:

Attachment 1

Woodlupine Brook Living Stream Concept Plan – Public Consultation

Woodlupine Brook "Living Stream Concept Plan

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

Attachment 2

Woodlupine Brook Living Stream Concept Plan – Public Consultation

Community Consultation Survey Summary

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

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

10.3.3 City of Kalamunda Parking and Parking Facilities Local Law 2017

Previous Items	OCM 50/09; OCM 113/08
Responsible Officer	Director Development Services
Service Area	Community Safety Services
File Reference	LE-LOL-012
Applicant	N/A
Owner	N/A
Attachment 1	Proposed <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to:
 - a) request Council consider repealing the current *Parking and Parking Facilities Local Law 2008* and replace it with the proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017* (Attachment 1); and
 - b) seek Council's approval to give State-wide notice of the proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017*, seeking public comment pursuant to the requirements of the *Local Government Act 1995* (WA).
2. The current *Parking and Parking Facilities Local Law 2008* was gazetted on 14 January 2009.
3. The process for creating a local law is outlined in section 3.12 of the *Local Government Act 1995* (the Act) and requires that a local law be reviewed every eight (8) years.
4. The proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017* provides for a more modern local law dealing with parking in the City, improves safety and adjusts prescribed infringement fees to be more in line with adjoining local governments.

BACKGROUND

5. The gazettal of the current *Parking and Parking Facilities Local Law 2008* occurred on Wednesday, 14 January 2009.
6. A review of the *Parking and Parking Facilities Local Law 2008* commenced in May 2015.
7. The review revealed that the current *Parking and Parking Facilities Local Law 2008* is inconsistent with the business needs for the City. The modified penalties for non-compliance were also inconsistent with penalties of other WA local governments.
8. The process for creating a local law is outlined in section 3.12 of the Act and requires that a local law be reviewed every eight (8) years.

DETAILS

9. The proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017* has been prepared based on current industry standards, with modifications to meet the City's current business needs.
10. McLeods Barristers and Solicitors provided input into the drafting of the *City of Kalamunda Parking and Parking Facilities Local Law 2017* to ensure consistency, compliance with legislative requirements and acceptance by the WA Parliament's Joint Standing Committee on Delegated Legislation. Some of the change proposed by McLeods include:
 - Clause 1.2: Reference to parking stations amended and removed schedule 4 (parking stations)
 - Clause 1.10: Amended by deleting the words 'by resolution'
 - Clause 2.1: amended to be in line with the WALGA model local law
 - Clauses 2.1 & 2.2: Changed terminology from parking stalls to parking bays.
 - Clauses 2.1, 2.7 & 2.8: Provision for ticketed parking & parking stations
 - Clause 2.9: Provision for behaviour in parking stations
 - Clause 3.5 (3) (I) Parking prohibited in cul-de-sacs
 - Clause 3.6: Amended to include a vehicle allowed to remain parked
 - Clause 3.8: Amended related to prohibiting movement of vehicle to avoid a time limitation
 - Clause 6.9: Commercial vehicles with gross vehicle mass of less than 4.5 Tonne permitted to legally park on verges
 - Removed all CRC requirements and associated penalties as adequately covered by the Disability Act
 - Provision for trailing from a parked or stopped vehicle
 - Clause 4.2: Additional provisions for setting aside parking
 - Clauses 7.7, 7.8 & 7.9: Additional provisions for authorised persons
 - Schedule 2 Infringement: increased penalties to reflect current industry standards.
11. When comparing the proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017* to similar local laws of the City's neighbouring local governments, the current fines are significantly below that of industry standards. On that basis it is recommended that fines are approximately doubled.
12. Specific details of proposed amendments are contained within the Officer Comment section of this report below.
13. Once Council resolves to make a new local law, State-wide and local public notice must be given of the proposed local law and 42 days allowed for the public to make submissions.
14. At the end of the submission period, Council may proceed with adopting the local law, or may choose to not proceed. Minor amendments may be made before the local law is adopted, however, if proposed amendments result in the local law being significantly different from that advertised, the process must be re-started.

STATUTORY AND LEGAL CONSIDERATIONS

15. The Act enables Western Australian local governments to make local laws considered necessary for the good government of their districts.

Laws can only be made when authorised by the Act or other written laws but cannot be inconsistent with any State or federal law.

The types of laws made by local governments cover areas such as car parking, activities on thoroughfares, public places and council and committee meetings.

Section 3.5(1) of the Act provides –

A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Section 3.12 of the Act provides for the statutory procedure that the City must follow in the creation of a new local law.

The *Local Government (Functions and General) Regulations 1996* (WA) provide in Regulation 3, that –

for the purpose of section 3.12 of the LG Act, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that

-
- a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.*

POLICY CONSIDERATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. The City's General Counsel has also considered the proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017*.

External Referrals

18. McLeod's Barristers & Solicitors provided comment in respect of the draft *City of Kalamunda Parking and Parking Facilities Local Law 2017* as set out below.

If Council resolves to make the new local law, the City must give State-wide public notice, stating that the City proposes to make the new *City of Kalamunda Parking Local Law 2017* and its purpose and effect must be summarised in the notice.

As soon as the notice is given, the City must also give a copy of the proposed local law to the Minister, Local Government and Communities and to any other person who requests it.

FINANCIAL CONSIDERATIONS

19. Financial implications arising from the adoption of the new *City of Kalamunda Parking and Parking Facilities Local Law 2017* will be the cost of advertising as required by the legislation. The current budget will cover the cost of advertising.
20. The new *City of Kalamunda Parking and Parking Facilities Local Law 2017* will increase prescribed infringements for offences.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *Kalamunda Advancing: Strategic Community Plan to 2021*
OBJECTIVE 6.2 - To ensure local laws are upheld.
Strategy 6.2.1 - Develop, implement and monitor all local laws across the City to ensure they are relevant and realistic.

SUSTAINABILITY

Social Implications

22. Improved safety for residents living in cul-de-sacs, by regulating parking within these narrow carriageways.
23. Improved visual amenity by regulating the owners of vehicles who park on the verge for extended periods.

Economic Implications

24. The proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017* will improve customer access to small businesses by making it easier for the City Rangers to ensure street parking is more accessible.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 26.
- | | | |
|---|--------------------|---------------|
| Risk:
The proposed <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i> will not be approved. | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Major | High |
| Action/ Strategy | | |
| Ensure Council is aware that the legislation requires a review of local laws every eight years. | | |
- 27.
- | | | |
|--|--------------------|---------------|
| Risk:
Community criticism is received regarding the <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i> . | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/ Strategy | | |
| Ensure the proposed <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i> undergoes appropriate community consultation and due regard is given to any submissions received. | | |
- 28.
- | | | |
|---|--------------------|---------------|
| Risk:
The proposed <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i> does not meet the stated objectives. | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/ Strategy | | |
| Ensure that the proposed <i>City of Kalamunda Parking and Parking Facilities Local Law 2017</i> is reviewed independently, advertised widely and regard is given to any submissions received. | | |

OFFICER COMMENT

29. While the proposed penalties are almost double the amount previously prescribed, in most instances they are still 50 - 80% below most other Western Australian local governments.
30. Notably the proposed penalty increases are less than or equal to the penalties prescribed by two adjoining local governments, both of which have amended their local laws within the last 8 years.
31. The City's other neighbours have much older local laws with penalties indicative of the City of Kalamunda's *Parking and Parking Facilities Local Law 2008* (current local law).
32. A new section has been added to the local law that allows for the provision of ticketed parking and parking stations. While there is no proposal to implement paid parking in the City in the short term, with the development of Forrestfield North, residential densification and increased tourism, paid parking may be considered in the future. The inclusion of clauses in the local law now to allow for paid parking simply allows for paid parking in the future.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Gives State-wide and local public notification that Council proposes to make a new local law, the *City of Kalamunda Parking Local Law 2017* as per (Attachment 1).
2. Notes that:-
 - d) the purpose of the local law is to regulate the parking of vehicles within the City's parking region and provide for the management and operation of parking facilities;
 - e) the effect of the proposed local law is to ensure that a person parking a vehicle within the City's parking region will be required to comply with the provisions of the new local law, and
 - f) The new local law is intended to result in:
 - (iv) a more modern local law dealing with parking in the City;
 - (v) improved safety; and
 - (vi) adjustments to prescribed infringement to be more in line with adjoining local governments.

Moved:

Seconded:

Vote:

Attachment 1

City of Kalamunda Parking and Parking Facilities Local Law 2017

Proposed *City of Kalamunda Parking and Parking Facilities Local Law 2017*

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

WITHDRAWN

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

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

Previous Items	OCM 73/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	CN-01/310
Applicant	Town Planning Innovations
Owner	Andrew Herden
Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Agreed Mediation Outcome
Attachment 4	Justifications Provided by Applicant
Attachment 5	Additional Screening Plans
Attachment 6	Steel Screening Plan
Attachment 7	Photograph of the Visual Impact of the Outbuilding

EXECUTIVE SUMMARY

1. In May 2017 at the Ordinary Meeting of Council (OCM 73/2017), the officer recommendation in support of an application for a retrospective outbuilding (shed) and retaining wall at Lot 77 (310) Canning Road, Lesmurdie (the subject site), was lost which was then deemed refused. For the purpose of the refusal letter, reasons for refusal were drafted by the City.
2. Subsequent to the decision of Council, the owner appealed the deemed refusal to the State Administrative Tribunal (SAT).
3. Following mediation between the applicant and the City, in accordance with orders from the SAT, pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT has invited Council to reconsider its decision made at the 22 May 2017 Ordinary Council Meeting to refuse the application for retrospective approval of the outbuilding (shed) and retaining walls at the subject site.
4. As part of the Section 31 request, the applicant has submitted new information that outlines how the proposed works to screen the outbuilding will mitigate the visual impact of the outbuilding on the adjoining neighbour.
5. The affected neighbour has been in discussion with the City regarding the new information provided by the applicant, and has provided alternative measures regarding the proposed screening.
6. It is recommended to approve the application for retrospective approval.

BACKGROUND

7. Land Details:

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

Locality Plan

8.



9. In July 2016, the City approved an application for a proposed outbuilding at the subject site. Following this approval, complaints were received from the adjoining rear neighbour upon commencement of construction of the structure.
10. A site visit was undertaken where it was determined that the outbuilding was being erected on a portion of land 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 by the City for the retaining walls.
11. At this stage the outbuilding is currently located on site in a state of semi-completion.
12. In August 2016, an application for retrospective approval of the outbuilding and retaining walls was lodged with the City (Site and Elevation Plans as Attachments 1 and 2). In November 2016 at its Ordinary Council Meeting, Council resolved to defer the application to allow the owner of the property and the objecting neighbour to participate in professional mediation. At total of two (2) sessions were undertaken, with the costs covered by the City.

-
13. Following the completion of the second mediation session on 15 March 2017 the following actions were agreed upon by both parties (Refer Attachment 3):
1. The parties agree that the proposed fence set out in the email from the owner dated 25th January 2017 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 neighbour's property) be extended to the outer edge of the retaining wall on the owner's 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; and
 - b) The adjoining neighbour's preference is that the proposed fence be of a rectangular shape with a flat top edge.
 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 owner's 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.
14. The deemed refusal reasons are:
- a) The bulk and scale of the outbuilding is considered to have a detrimental impact on the amenity of the neighbour to the rear of the subject property.
 - b) The proposal is not consistent with the principles of orderly and proper planning.

DETAILS

15. The applicant requests that Council reconsider its determination as made at the Ordinary Council Meeting of 22 May 2017. As part of the request, further information has been provided by the applicant detailing how screening and landscaping could reduce the visual impact of the outbuilding on the adjoining neighbour (See Attachment 4 and 5).
16. As part of the additional information provided the applicant raises the following key points:

Retaining Walls:

The subject property has a large slope to the rear of the property, and as such a retaining wall was required to ensure that a flat area for development and practical use of land could be provided. The continued variance in the natural ground level also means that the adjoining neighbour holds a different line of site to the subject property, and that the retaining walls on their own would not cause a direct impact upon the amenity of the adjoining neighbour for the following reasons:

- a) *Sightlines from Lot 144 to Lot 77 are interrupted by the existing dividing fence. The retaining walls cannot be viewed from the rear of Lot 144 and therefore have no visual impact.*
- b) *Conversely, the dividing fence also interrupts sightlines between Lot 77 and Lot 144.*

Outbuilding and Proposed Screening:

The applicant raises that under Design Principle 5.4.3 P3 of the *Residential Design Codes* (the R-Codes) the City must be satisfied that the outbuilding meets the following provision:

"Outbuildings which do not detract from the streetscape or the visual amenity of residents or neighbouring properties"

To demonstrate compliance with this principle the applicant submits that the outbuilding is located to the rear of the lot, thus removing any impact of the outbuilding on the primary streetscape. The applicant further states that the R-Codes accept screening as a valid mechanism to alleviate amenity issues that could arise from overlooking, and that this screening can be in the form of physical screens or landscaping.

The applicant has submitted a combination of options to alleviate the proposed visual impact of the outbuilding, as follows:

1. Construction of a rectangular timber screen that achieves a 3.459m (the roof peak) height from top of the retaining wall to be constructed, treated, and painted in accordance with the specifications for installation of screening as agreed upon as part of the mediation session of 15 March 2017 with a total width of 5.82m
2. The installation of two large pots at the rear of the shed, to be planted with native Wisteria that will climb the installed screen and contribute to lessening the visual impact of the outbuilding. The structure is the same dimensions as Option 1 above.

3. Construction of a steel frame horizontal structure that would be attached to three metal support posts powder-coated to a colour determined by the affected neighbour with a total width of 7.19m.

Images of the proposed vegetation and the various screening types are shown in Attachments 5 and 6.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

17. The subject property is zoned "Residential" in accordance with Local Planning Scheme No. 3 (the Scheme) with a density coding of "R10". Under Clause 4.2.1 of the Scheme, the objectives of the residential zone are as follows:
 - To provide primarily for single residential development whilst allowing for a range of 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

18. 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.
19. 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.
20. In the event that Council resolves to not reconsider the proposal the application will be referred to the SAT for a full hearing.

POLICY CONSIDERATIONS

State Planning Policy 3.1 – Residential Design Codes

21. The below tables details the setback and height variations being sought by the owner in regard to both the retaining wall and outbuilding. The applicant submits that a combination of the two screening measures mentioned above will effectively reduce the impact of the outbuilding on the adjoining neighbour.

Assessment Under Residential Design Codes	Deemed to Comply Provision	Proposed	Design Principle 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

P-DEV 20: Outbuildings and Sea Containers

22. Section 1.3 (Objectives) of the City's 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.

23. The following tables outlines the assessment of the initial application against the Deemed-To-Comply Requirements and Acceptable Design Outcomes of P-DEV 20.

Assessment against P – DEV 20 (Outbuilding Policy)

Assessment Under Outbuilding Policy	Deemed to Comply Provision	Proposed	Design Principle Assessment
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 Design Outcomes

Acceptable Design Outcome	Proposed by Applicant	Compliant with Policy
Compliant with R Code Setback Requirements	Rear: Required - 1.1m Provided – 1.15m Side: Required – 1.1m	Yes No

	Proposed - 0.8m	
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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. Nil.

External Referrals

25. The additional information provided by the applicant was referred to the affected neighbour for comment. The neighbour responded that that installation of additional vegetation screening as proposed was not preferred in this case.
26. Following a meeting, the neighbour indicated four (4) potential options that could be undertaken at this time, as follows:
1. Remove 2 courses of limestone blocks. This would reduce the overall height of the structure by an estimated 750mm.
 2. Construct a screen of the outbuilding out of steel, in a colour to be selected by the neighbour. This would ensure that the screen has the same life expectancy as the outbuilding.
 3. Construct the screen out of wood and install a covenant on the certificate of title for the property ensuring that the screen upkeep is continued in perpetuity. The neighbour is to view all documentation prior to approval of the covenant.

-
4. Allow the application to run its course through SAT. The neighbour indicated that this was their least preferred option.
27. Following discussion with the neighbour, it was agreed that option 2 should be progressed with the applicant as the preferred solution moving forward.
28. The applicant was advised of the preference of the adjoining neighbour and adjusted their plans accordingly. Following this the applicant submitted plans in which the screening fence to be used is steel and powder coated in a colour specified by the neighbour (Attachment 6). The revised plans were referred to the neighbour for their comment and to provide a preferred colour for the screening fence.
29. Subsequent to the above, the neighbour has now changed their preference and instead stated that they would rather have the applicant reduce the height of the outbuilding, as per Option 1 indicated in section 26 of the report, via the removal of the two courses of limestone blocks and regrading of the driveway, for the following reasons:
- There is no increase to flooding potential;
 - Re-grading of the applicant's driveway is possible;
 - The applicant would still be able to back their trailer into the garage;
- The neighbour further stated that the applicant has created this situation through their decision to be non-compliant, and that the preference is reflective of their desire to reach an amicable agreement with the applicant.
30. Noting the change of preference by the neighbour, proceeding with Option 1 would require the applicant to undertake the following works:
- Dismantling of the outbuilding.
 - Removal of the two courses of limestone blocks and associated fill.
 - Re grading of the driveway from the street frontage to the outbuilding.
 - Erection of the outbuilding at the new finished floor level.

FINANCIAL CONSIDERATIONS

31. In the event that Council refuses the application, legal fees for lawyers defending the City's position at a SAT hearing is expected to be in the range of \$20,000 - \$30,000.
32. To date, the cost to the City in undertaking the two mediation sessions, at the request of Council, between the affected parties is \$3,520.00.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

33. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

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

Economic Implications

35. There would be a significant cost and economic impact on the applicant in the event that the outbuilding and retaining wall have to be removed.

Environmental Implications

36. Nil.

RISK MANAGEMENT CONSIDERATIONS

37.	Risk: Undue visual impact on the adjoining neighbour		
	Likelihood:	Consequence	Rating
	Likely	Moderate	Medium
	Action/ Strategy		
	Ensure that the provision of effective screening occurs. This may reduce the overall visual impact of the outbuilding on the adjoining neighbour.		

OFFICER COMMENT

38. For the purpose of addressing the deemed refusal, the following comments are provided in response to the following reasons for refusal.

39. **Reason 1**

"The bulk and scale of the outbuilding is considered to have a detrimental impact on the amenity of the neighbour to the rear of the subject property."

40. In respect to reason 1, it is acknowledged that the overall bulk of the outbuilding will have an impact upon the amenity of the adjoining neighbour in its present form. However, it is considered that the provision of appropriate visual screening will assist in alleviating the potential visual impact of the outbuilding. In this regard an affective durable screen with or without vegetation, will assist in mitigating the visual impact of the outbuilding on affected rear neighbour.

41. **Reason 2**

"The proposal is not consistent with the principles of orderly and proper planning."

42. In order for the outbuilding to be consistent with the principles of orderly and proper planning it must comply with Clause 5.4.3 P3 of the R-Codes, as follows:

"Outbuildings which do not detract from the streetscape or the visual amenity of residents or neighbouring properties"

-
43. Noting the above, the applicant has provided additional information as to how the visual impact of the proposal can be mitigated. In this regard, it is considered that the provision of a horizontal steel structure that screens the outbuilding in its entirety will effectively reduce the visual impact of the outbuilding upon the adjoining neighbour, and thus satisfies the above clause.
44. The City has met and discussed with the affected neighbour the additional new information provided by the applicant. In turn, the neighbour offered four options, as indicated in section 26 of the report. Option 2 (Attachment 6 – that indicates a 7.19m long metal screen) has been discussed further with the applicant and the neighbour, and was initially agreed to as a way forward. It should be noted that the applicant had no objection to the neighbour determining the colour for the metal screen.
45. Noting the above, the affected neighbour has now provided further correspondence with a preference for the reduction of the height of the retaining wall, as per Option 1 as distinct from Option 2 which was understood to be the preferred option moving forward. The City has worked closely with both the applicant and the affected neighbour through a formal mediation process, at some cost to the City, and outside this process in an attempt to find an appropriate planning outcome. It should be noted, that the neighbour has altered their preference a number of times over the course of both the mediation and subsequent meetings. The neighbour provided a total of four outcomes as part of the current proposal, and it was generally accepted, with the exception of allowing the application to proceed to a full SAT hearing, that Options 2 and 3 would be the preference, with the durability of a metal screen as per Option 2 indicated in Attachment 6 being the preference moving forward.
46. Discussions with both the applicant and the neighbour progressed on the basis of the design shown in Attachment 6, with revised plans provided to the neighbour a number of times following this outcome, with only the colour of the screen to be agreed to by the neighbour. The neighbour only indicated their preference for the reduction in height at what is considered to be a very late point in the proceedings, when the discussion was related to the colour of the screening, and not the type of screening or works to be carried out.
47. The removal of the two courses of limestone blocks as proposed under Option 1 would limit the impact of the overall bulk and scale of the proposal to the neighbour by reducing the wall and ridge height by approximately 680mm. The height reduction would result in the ridge height of 3.9m being compliant with the policy requirement of 4.2m, however the new wall height of 3.4m would still be non-compliant with the 3m requirement under the Policy. This option should be considered in the context of the works required by the applicant as indicated in section 30 of the report, and the suitability of the design shown in Attachment 6 in reducing the visual impact of the outbuilding.
48. Notwithstanding the above, the applicant has provided additional information at the request of SAT to enable Council to consider the proposal again. It is considered that the proposed outbuilding and retaining wall as indicated in Attachment 6 is not in conflict with the principles of orderly and proper planning and will assist in mitigating visual amenity impacts arising. The metal more durable screen is one of the options that the neighbour indicated as preferred, and the applicant has chosen this option and agreed to have the screen powder-coated to the preference of the neighbour. On this basis, approval is recommended subject to appropriate conditions.
-

Voting Requirements: Simple Majority

RECOMMENDATION

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 City of Kalamunda.
 - b) The design of the screening fence shall be as per attachment 6 and include the following:
 - i) The fence shall be constructed of slats made from Colorbond steel.
 - ii) Screws shall be used in place of nails.
 - iii) The colour of the screen shall be determined by the adjoining neighbour, to the satisfaction of the City.
 - iv) The right edge of the proposed screen, when viewed from the neighbours property, shall be extended to the edge of the applicants property.
 - v) 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 owners property.
 - c) All stormwater is to be contained and disposed of on-site to the satisfaction of the City of Kalamunda.
 - d) Access ways are to be appropriately designed, sealed, and drained to the specifications and satisfaction of the City of Kalamunda.
 - e) The outbuilding shall not be used for commercial, industrial, or habitable purposes.

Moved:

Seconded:

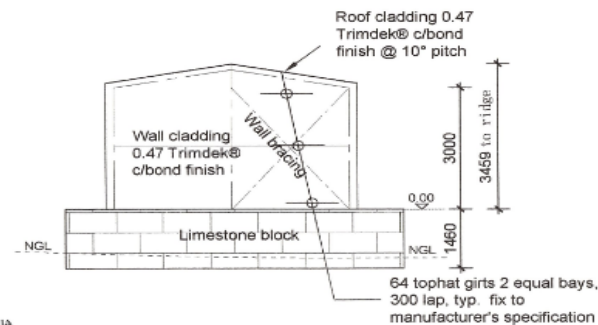
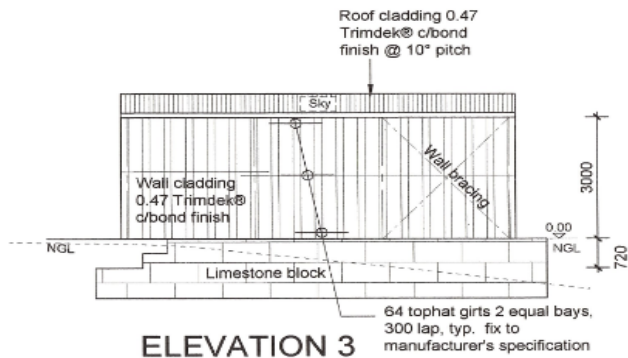
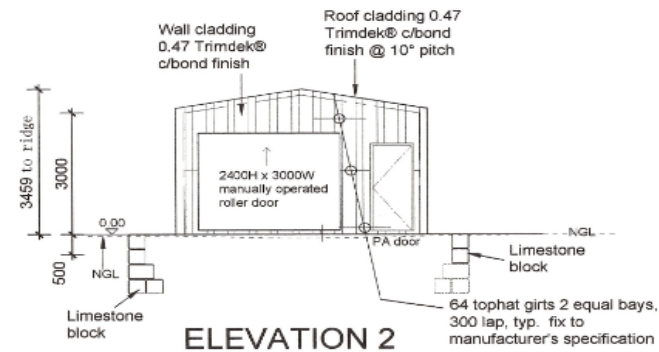
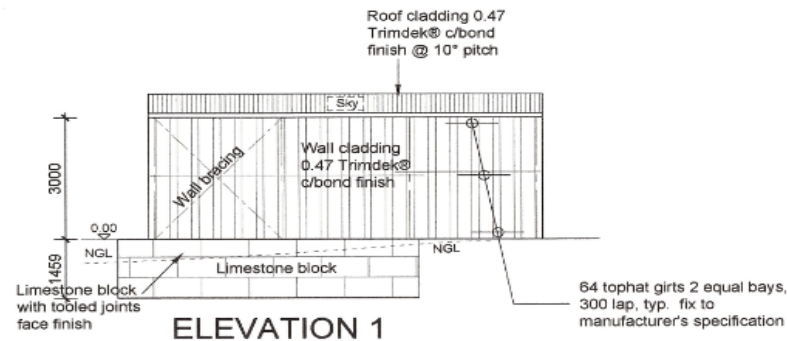
Vote:

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



Attachment 2

Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining – Lot 77 (310) Canning Road, Lesmurdie Elevation Plan



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

C. B. Longo 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
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 Cornerstone Carpentry
Site Address:	Lot 77, 310 Canning Road Lesmurdie WA 6076
Drawn: AY Date: 20/5/16	Checked: Date:

 GRID Garages, Sheds & Pallets	Unit 11, 11 Henson St Maddington WA 6109 Tel: 08 9459 2559 E: david@gridmc.com.au	
Drawing No: S02	Scale: 1:100	Revision D

Attachment 3

Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining - Lot 77 (310) Canning Road, Lesmurdie

Agreed Mediation Outcome

From: Wanjie Song <w.song@cglawmediation.com.au>

Date: 17 March 2017 at 10:21:19 am AWST

To: Andrew Fowler-Tutt <Andrew.FowlerTutt@kalamunda.wa.gov.au>

Cc: Cornerstone Carpentry <andrew@cornerstonecarpentry.com.au>, Garfield Woods <woodsgarfield4@gmail.com>

Subject: Outcome of second mediation - Lot 77 (310) Canning Road, Kalamunda

Dear Andrew

Please find attached document summarising the outcome of the second mediation on 15 March 2017.

Kind regards

Wanjie Song

Lawyer

Castledine Gregory

Unit C4/118 Railway Street, West Perth WA 6005

T: (08) 9486 7665 | F: (08) 9486 7663 | M: 0423 681 416

E: w.song@cglawmediation.com.au | Web: www.cglawmediation.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

This email is confidential and may also be privileged. If you are not the intended recipient, please notify us immediately and delete this message from your system without first printing or copying it.
Please consider the environment before printing this email

OUTCOME OF MEDIATION – 15 MARCH 2017

BETWEEN

Andrew Herden

First Party

and

Garfield Woods

Second Party

The parties to the mediation agree that the outcome of the mediation dated 15 March 2017 can be summarised as follows:

1. The parties agree that the proposed fence set out in the email from the First Party dated 25 January 2017 and the attached plan (**Proposed Fence**) 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 Second Party's property be painted Dulux 'Leroy';
 - c. the right edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the edge of the First Party's property; and
 - d. the left edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the outer edge of the retaining wall on the First Party's Property (**Retaining Wall**).
2. Following the outcome of the previous mediation dated 18 January 2017 that the Proposed Fence be constructed with slats made from painted treated pine, the Second Party 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 First Party's preference is that the shape of the Proposed Fence follows the shape of the shed located on the First Party's property (**Shed**); and
 - b. the Second Party's preference is that the Proposed Fence be of a rectangular shape with a flat top edge.
4. With respect to the ongoing maintenance of the Proposed Fence:

- a. the First Party 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 Second Party is of the view that the ongoing maintenance of the Proposed Fence should be recorded as a covenant on the title of the First Party's property.
- 5. The parties are agreeable to this 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.



Attachment 4

Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining - Lot 77 (310) Canning Road, Lesmurdie

Justifications Provided by Applicant

21 July 2017

City of Kalamunda
PO Box 42
KALAMUNDA WA 6076

Attention: Andrew Fowler Tutt

Dear Andrew,

ADDITIONAL INFORMATION AND REQUEST FOR RECONSIDERATION – LOT 77 (310) CANNING ROAD, LESMURDIE : DR 201/2017 (Herden vs City of Kalamunda)

Thankyou for attending the recent SAT site mediation. We appreciate that City Officers have generally been supportive of the proposed development and attended extensive mediation sessions in an endeavour to facilitate an agreed outcome with the rear neighbour.

In accordance with the order issued by the State Administrative Tribunal on the 15 June 2017 TPI takes this opportunity to lodge further information in support of the proposal.

We advise as follows:

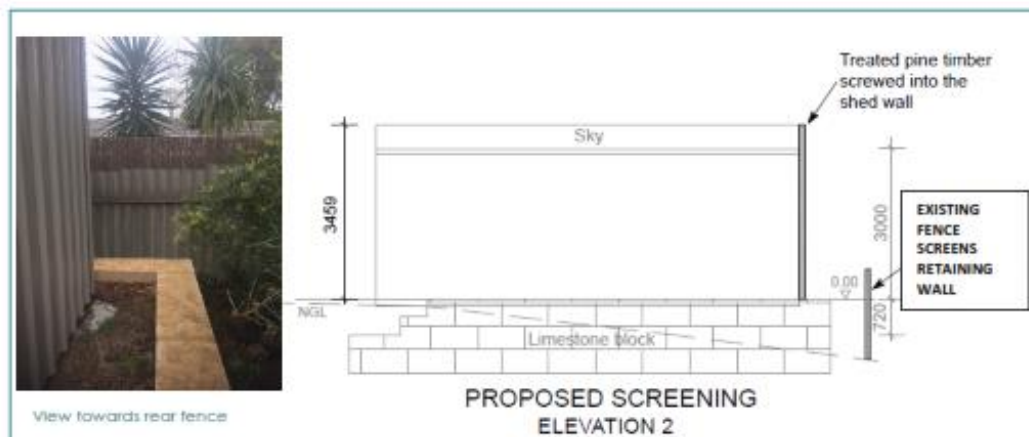
1. Retaining Walls

Firstly, TPI would like to emphasize that the rear portion of Lot 77 slopes to the south west and therefore some form of retaining to level the lot was necessary to provide a flat area for development and practical use of the land.

It is also noted that the natural ground level of Lot 144 is significantly lower than Lot 77, therefore both parties are not viewing the development from the same natural line of sight.

TPI is of the view that the retaining walls, in isolation, do not have a negative impact on the rear property due to the following:

- (a) Sightlines from Lot 144 to Lot 77 are interrupted by the existing dividing fence. The retaining walls cannot be viewed from the rear of Lot 144 therefore have no visual impact – refer Figure 1.
- (b) Conversely, the dividing fence also interrupts sightlines between Lot 77 and Lot 144.



TPI has concluded that the amenity issue raised by the neighbour is not a direct result of the retaining wall, but is due to the combined height of the outbuilding wall and the retaining wall.

2. Outbuilding – proposed screening

Reconsideration of the outbuilding is sought in accordance with the Design Principle of the Codes.

The City needs to be satisfied that the outbuilding meets the Design Principle (No 5.4.3 P3) which states :

'Outbuildings which do not detract from the streetscape or the visual amenity of residents or neighbouring properties'.

The impact on visual amenity is not simply determined by whether a neighbour objects, it has to be determined by the City's Planning Department/ Council having regard for the Scheme, Regulations, visual mitigation (screening), external appearance, sightlines, lot constraints and Design Principle of the Codes.

To demonstrate compliance with Design Principle 5.4.3 P3 TPI submits justification below.

(a) Streetscape

The outbuilding is located to the rear of the lot, has a significant setback to Canning Road, and is situated behind solid colorbond gates. TPI is of the view that it does not have any negative impact on streetscape.

It is clear from the Council minutes (30.11.2016) that the City's Planning Department agrees there is no streetscape impact through the statement *'rear of property, well away from the main dwelling and the primary street'*.

(b) Visual Impact

It is clear that the Codes accept screening as a valid planning mechanism to alleviate amenity issues that could potentially arise from overlooking.

Screening can be in the form of physical screens, or landscaping, or a combination of both.

It is also similarly clear that the Codes identify that screening, such as landscaping, can mitigate any visual impact from outbuildings.

The Code Explanatory Guidelines include the following example where landscaping is used to screen development (from a street).

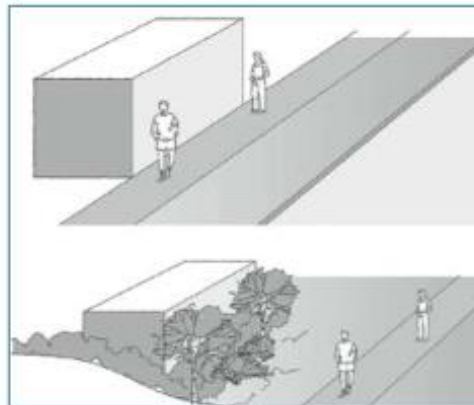


Figure 1 (Explanatory Guidelines / Codes)

As we understand it (from the 2016 November minutes), the rear neighbour expressed two main objections being:

- (1) The significant visual caused by the overall height of the outbuilding;
- (2) Lack of certification of the retaining walls by a qualified engineer.

Part 2 of the objection has been resolved as our client has provided engineering certification for the retaining wall.

It is proposed to mitigate the visual impact with a combination of measures:

- (i) Construction of a rectangular timber screen that achieves a 3.459 metre height (to the roof peak).

The treated pine treated timber slats will be painted in a colour preferred by the neighbour which we understand to be Dulux 'Leroy'.

A revised plan is included as Attachment 1.

- (ii) If supported, two large rectangular pots can be placed above the retaining wall at the rear of the shed. Each pot can be planted with a native wisteria known for it's attractive foliage, hardiness, fast growth and ability to climb structures.

The 'Happy Wanderer' climber has narrow green leaves and masses of pea-shaped flowers in late winter to spring.

It can be grown in pots if planted in native potting mix, and comes in purple, white or pink – examples below.



Examples of Happy Wanderer screening

TPI is of the view that the combination of screening with planting of two 'happy wanderer' plants will effectively prevent the rear neighbour from seeing the shed wall or roof. Instead it will create a green living wall that blends in with the surrounding trees and vegetation already contained on Lot 77.

It is understood that the City's Planning Department was generally supportive of a screen (in isolation) as a measure to mitigate visual aspects of the development. This is evident in Officer Comments such as:

'Provision of effective cladding or screening may reduce the visual impact of the outbuilding on the adjoining neighbour' (Paragraph 28).

'...it is considered that the remaining variations to the Acceptable Design Outcomes of the Outbuilding Policy can be addressed with acceptable screening conditions'

(Paragraph 30).

*'...the proposed impact may be minimised through provision of appropriate screening'.
(Paragraph 33)*

*'the amenity impact of the combined height of the retaining wall and the outbuilding can be lessened through appropriate cladding to ensure the outbuilding is more visually pleasing'.
(Paragraph 34)*

*'it is considered that the impact can be reduced through the provision of appropriate screening/ cladding to the wall of the outbuilding'.
(Paragraph 35)*

Source: Council minutes 14 November 2017

TPI agrees with the Planning Departments assessment however considers that a combination of a timber screen and landscaping would achieve a higher level of visual amenity.

3. Other matters for consideration

(a) Site constraints

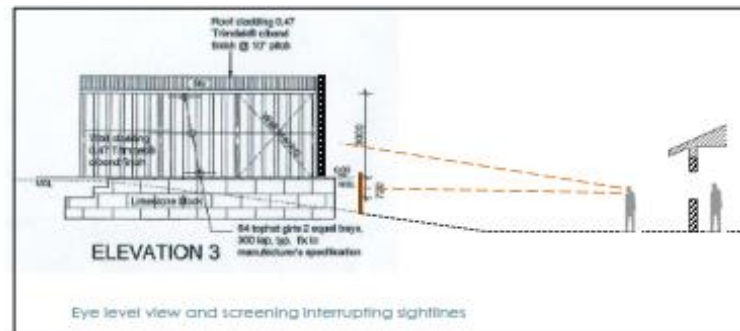
There are limited locations on Lot 77 where an outbuilding can be accommodated due to the sloping nature of the rear portion of the lot, and existing mature substantial trees. Only one tree had to be removed for construction of the outbuilding.

TPI recommends that the City have due regard for the site constraints associated with the topography of Lot 77 – refer below.



TPI also recommends that some regard be given to sightlines as the natural ground level of adjacent Lot 144 is at least 1.12 metres lower than the development site. This means the outbuilding wall is not within the direct line of vision for any person viewing it from Lot 144 – refer below.

The combination of the existing fence, proposed screen and vegetation obliterates any view of the outbuilding – example figure below:



(b) Maintenance / Notification on Title

TPI is of the understanding that the rear neighbour may have expressed some concern over ongoing maintenance and hence the Shire suggested that a condition may be imposed requiring a Notification to be placed on the Certificate of Title of Lot 77 to alert prospective purchasers of the need for ongoing maintenance.

Council can impose a condition requiring the screen (and any landscaping) to be maintained to the satisfaction of the City. The owner would have a legal obligation to comply with the conditions of any planning approval and hence that would sufficiently address any maintenance concerns.

Despite my view, in the interest of achieving a resolution and compromise, the owner is prepared to accept a condition requiring a Notification on Title if preferred by the City.

(c) Neighbour consultation

TPI is of the understanding that as part of the planning process, the City engaged a professional external mediator who acted as a facilitator between the owner of Lot 77, and the rear neighbour who owns adjacent Lot 144.

Castledine Gregory have a respected reputation for professional mediation services.

It is understood that the City invested reasonably significant expenditure and resources trying to resolve the matter through a mediation process, which is appreciated.

Our client advises that a number of sessions were held. It is understood that at a mediation session held on the 15 March 2017 (with the external mediator), agreement was reached between the rear neighbour and our client Andrew Herden. City officers attended mediation and also understood that the neighbour at Lot 144 agreed to a mediated outcome.

It was thought that the owner of Lot 144 was satisfied that a timber slatted screen higher and wider than the shed (Elevation 4) would mitigate visual amenity concerns. Specifically he wanted the top of the screen to be level with the top of the roof.

After that mediated outcome was (allegedly) achieved, the mediator that was engaged by the City, emailed our client a Draft agreement to confirm the agreed outcome – [Attachment 2](#). Presumably the neighbour was also emailed a Draft agreement.

It is assumed that the records of the mediated outcome were only finalised once the draft was first vetted by the owner of Lot 144. A copy of the final mediation outcome is included as [Attachment 3](#).

We seek Council officer's assistance to liaise with the mediator and confirm if there is written evidence of the agreement by the rear neighbour.

Whilst the outcome of this matter does not directly impact on our reconsideration request, we believe that it would demonstrate to Council that our client entered mediation in good faith, and has offered a number of options to mitigate the neighbours concerns. It would also demonstrate if the neighbour did entertain acceptance of screening to mitigate visual impact.

It would be disappointing if the adjacent landowner has retracted any agreement, considering the extent of resources expended by the City.

Reconsideration does not rely on the neighbour withdrawing their objection – it relies on the City Council accepting screening (and landscaping) as suitable to mitigate amenity concerns and compliance with the Design Principle of the Codes. It is clear that the Planning Department was prepared to accept screening as a suitable resolution.

4. Costs

The purpose of proceeding with a SAT mediation is to try and achieve a resolution and mediated outcome with the City.

Whilst not a planning matter the City should be aware that if the matter is not resolved there will likely be ongoing costs for both parties.

Most importantly we note that:

- The City has already facilitated mediation with the rear neighbour which has not been successful so this SAT mediation is now between the owner and the City.
- If the matter is not resolved and this appeal has to be determined by the State Administrative Tribunal, it is likely the City will need to engage an external planning consultant to act on their behalf. TPI and the City

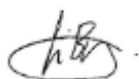
Planning Department seem to be in agreeance that screening will be effective.

- If a retrospective planning approval cannot be achieved, it leaves our client in a difficult position. The City may have to consider issuing notices and / or pursuing prosecution (likely to entail minimal costs of \$30,000.00 for solicitor fees).

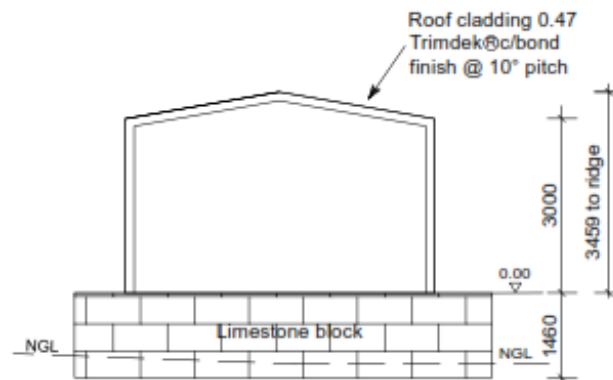
TPI appreciates that it is likely a report on this matter will be referred straight to Council. I will lodge a separate request to make a deputation at the August Council meeting, and trust the Planning Department will continue to support the development.

If you wish to discuss any aspect please do not hesitate to contact me on 0488910869.

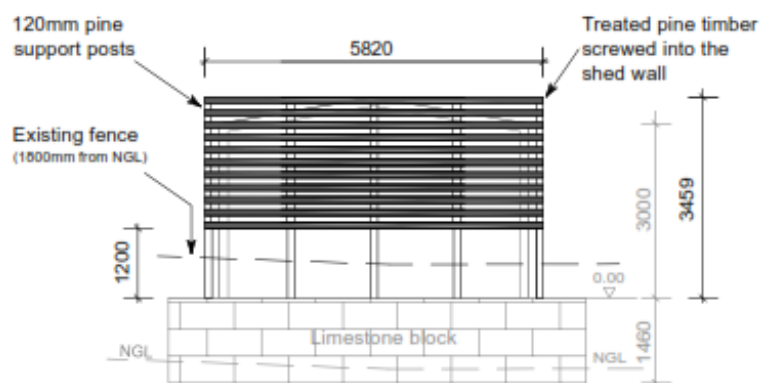
Yours Sincerely,



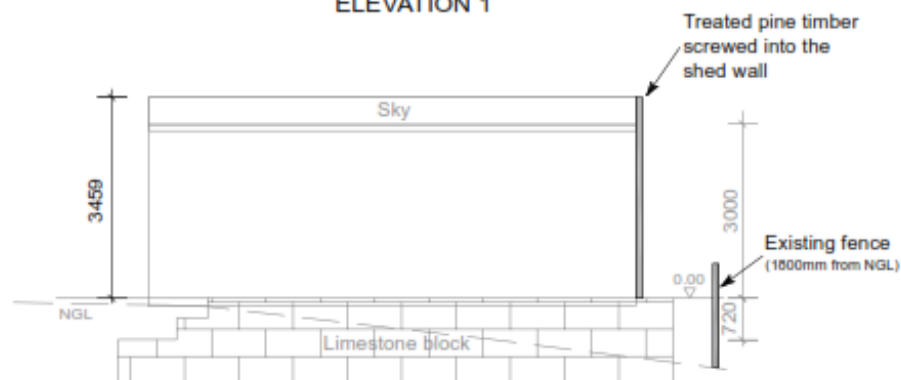
Liz Bushby
TOWN PLANNING INNOVATIONS



EXISTING ELEVATION



PROPOSED SCREENING
ELEVATION 1



PROPOSED SCREENING
ELEVATION 2

PROPOSED SCREEN
LOT 77 (No. 310) CANNING ROAD
LESMURDIE



tpi
Town Planning Innovations
PO Box 223
Cullindara WA 6325
T 0809 10869
tpi@townplanning.com.au

JOB REFERENCE: 26.2017 DATE: 19h-July 2017
THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WHATSOEVER IS PROHIBITED.

ATTACHMENT 2

From: Wanjie Song <w.song@cglawmediation.com.au>
Date: 15 March 2017 at 2:49:42 pm AWST
To: Cornerstone Carpentry <andrew@cornerstonecarpentry.com.au>, Garfield Woods <woodsgarfield4@gmail.com>
Subject: Outcome of second mediation - Lot 77 (310) Canning Road, Kalamunda

Dear Andrew and Garfield

Thank you again for your participation at the mediation this morning.

As discussed, please find attached the draft outcome of mediation document. Please confirm that you are happy for me to send this document to Andrew at the Shire.

Kind regards

Wanjie Song
Lawyer
Castledine Gregory
Unit C4/118 Railway Street, West Perth WA 6005
T: (08) 9486 7665 | F: (08) 9486 7663 | M: 0423 681 416
E: w.song@cglawmediation.com.au | Web: www.cglawmediation.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

This email is confidential and may also be privileged. If you are not the intended recipient, please notify us immediately and delete this message from your system without first printing or copying it.
Please consider the environment before printing this email

OUTCOME OF MEDIATION – 15 MARCH 2017

BETWEEN

Andrew Herden

First Party

and

Garfield Woods

Second Party

The parties to the mediation agree that the outcome of the mediation dated 15 March 2017 can be summarised as follows:

1. The parties agree that the proposed fence set out in the email from the First Party dated 25 January 2017 and the attached plan (**Proposed Fence**) 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 Second Party's property be painted Dulux 'Leroy';
 - c. the right edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the edge of the First Party's property; and
 - d. the left edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the outer edge of the retaining wall on the First Party's Property (**Retaining Wall**).
2. Following the outcome of the previous mediation dated 18 January 2017 that the Proposed Fence be constructed with slats made from painted treated pine, the Second Party 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 First Party's preference is that the shape of the Proposed Fence follows the shape of the shed located on the First Party's property; and
 - b. the Second Party's preference is that the Proposed Fence be of a rectangular shape with a flat top edge.
4. With respect to the ongoing maintenance of the Proposed Fence:

- a. the First Party 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 Retaining Wall; and
 - b. the Second Party is of the view that the ongoing maintenance of the Proposed Fence should be recorded as a covenant on the title of the First Party's property.
5. The parties are agreeable to this Outcome of Mediation document being provided to Council in making a decision whether to grant retrospective planning approval for the Retaining Wall.

ATTACHMENT 3

From: Wanjie Song <w.song@cglawmediation.com.au>
Date: 17 March 2017 at 10:21:19 am AWST
To: Andrew Fowler-Tutt <Andrew.FowlerTutt@kalamunda.wa.gov.au>
Cc: Comerstone Carpentry <andrew@comerstonecarpentry.com.au>, Garfield Woods <woodsgarfield4@gmail.com>
Subject: Outcome of second mediation - Lot 77 (310) Canning Road, Kalamunda

Dear Andrew

Please find attached document summarising the outcome of the second mediation on 15 March 2017.

Kind regards

Wanjie Song
Lawyer
Castledine Gregory
Unit C4/118 Railway Street, West Perth WA 6005
T: (08) 9486 7665 | F: (08) 9486 7663 | M: 0423 681 416
E: w.song@cglawmediation.com.au | Web: www.cglawmediation.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

This email is confidential and may also be privileged. If you are not the intended recipient, please notify us immediately and delete this message from your system without first printing or copying it.
Please consider the environment before printing this email

OUTCOME OF MEDIATION – 15 MARCH 2017

BETWEEN

Andrew Herden

First Party

and

Garfield Woods

Second Party

The parties to the mediation agree that the outcome of the mediation dated 15 March 2017 can be summarised as follows:

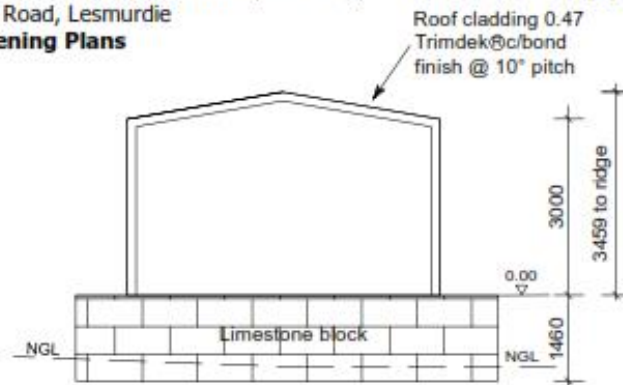
1. The parties agree that the proposed fence set out in the email from the First Party dated 25 January 2017 and the attached plan (**Proposed Fence**) can be amended as follows:
 - a. screws be used in place of nails;
 - b. the paint colour on the side of the Proposed Fence viewed from the Second Party's property be painted Dulux 'Leroy';
 - c. the right edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the edge of the First Party's property; and
 - d. the left edge of the Proposed Fence (when viewed from the Second Party's property) be extended to the outer edge of the retaining wall on the First Party's Property (**Retaining Wall**).
2. Following the outcome of the previous mediation dated 18 January 2017 that the Proposed Fence be constructed with slats made from painted treated pine, the Second Party 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 First Party's preference is that the shape of the Proposed Fence follows the shape of the shed located on the First Party's property (**Shed**); and
 - b. the Second Party's preference is that the Proposed Fence be of a rectangular shape with a flat top edge.
4. With respect to the ongoing maintenance of the Proposed Fence:

- a. the First Party 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 Second Party is of the view that the ongoing maintenance of the Proposed Fence should be recorded as a covenant on the title of the First Party's property.
- 5. The parties are agreeable to this 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.

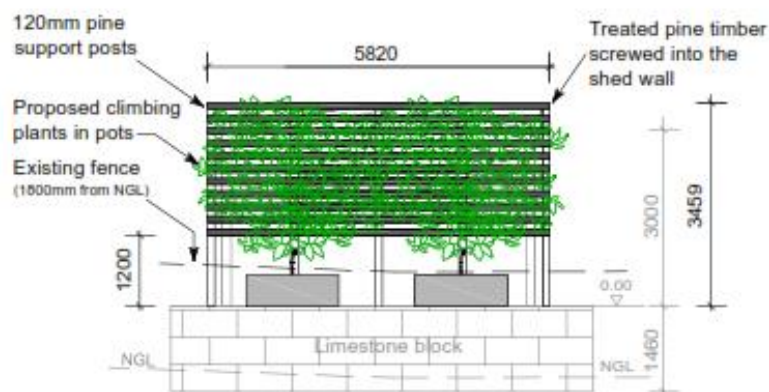
Attachment 5

Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining - Lot 77 (310) Canning Road, Lesmurdie

Additional Screening Plans



EXISTING ELEVATION



PROPOSED SCREENING
ELEVATION 1



PROPOSED SCREENING
ELEVATION 2

PROPOSED SCREEN

LOT 77 (No. 310) CANNING ROAD
LESMURDIE

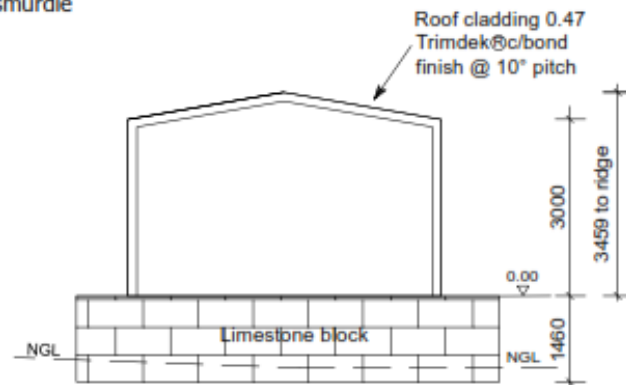


Town Planning Innovations
PO Box 223
Gulbourn WA 6820
T 089510285
info@tpiinnovations.com.au

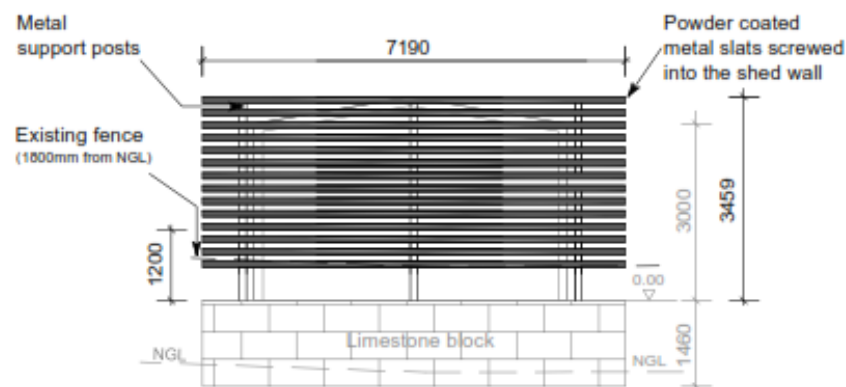
JOB REFERENCE: 262017 DATE: 19A-JULY-2017
THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT MAY BE PROHIBITED.

Attachment 6

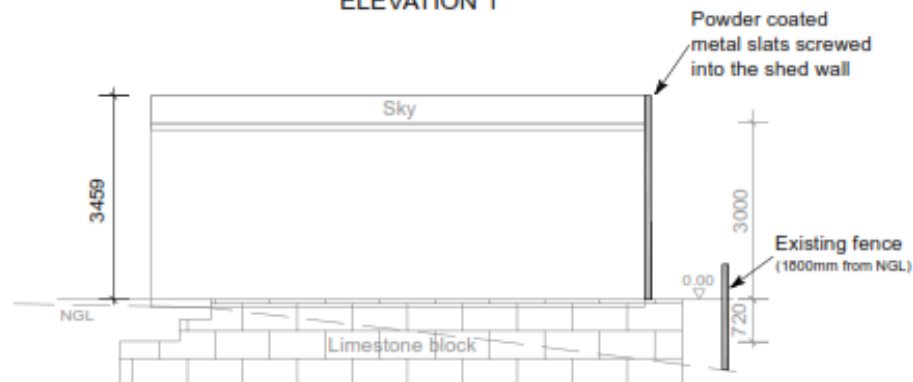
Reconsideration of Determination of Retrospective Application for Outbuilding (Shed) and Retaining - Lot 77 (310) Canning Road, Lesmurdie
Steel Screening Plan



EXISTING ELEVATION



PROPOSED SCREENING
ELEVATION 1



PROPOSED SCREENING
ELEVATION 2

PROPOSED SCREEN

LOT 77 (No. 310) CANNING ROAD
LESMURDIE

Job No 16-2017

DATE: 16-AUGUST 2017

THIS DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THIS DOCUMENT MAY BE PROHIBITED.



Town Planning Innovations
PO Box 223
Gulford WA 6825
T 0825 0055
tpi@townplanning.com.au

Attachment 7

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

Photograph of the Visual Impact of the Outbuilding



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

**10.3.5 Community Sport and Recreation Facilities Funding – Small Grants
2017/18 – Scott Reserve Master Plan**

Previous Items	OCM
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	
Applicant	Not Applicable
Owner	Not Applicable Aerial map of Maida Vale Reserve
Attachment 1	Aerial map of Scott Reserve

EXECUTIVE SUMMARY

1. The City of Kalamunda (Kal) wishes to submit an internal funding application through the Department of Local Government, Sport and Cultural Industries (DLGSCI) Community Sport and Recreation Facilities (CSRFF) 2017/18 Small Grants summer round, for the development of a Master Plan for Scott Reserve, located on Norling Road, High Wycombe.
2. Although this Master Plan was intended to be completed in 2018/19 as per the the City's Corporate Business Plan, Stephen Price MLA - Member for Forrestfield encouraged the City to take advantage of potential political advocacy opportunities associated with the approaching Federal election towards the end of 2018, and bring forward this project to the 2017/18 financial year.
3. In order to satisfactorily complete this proposed Master Plan together with the currently funded, Maida Vale Reserve Master Plan in the 2017/18 financial year, additional funding will need to be allocated for the project.
4. It is recommended that Council endorse the Scott Reserve Master Plan application as its priority project within the CSRFF 2017/18 Small Grant Fund and in the event of a successful application, approves a budget increase of \$58,334 to be funded from the Asset Enhancement Reserve.

BACKGROUND

5. Through the CSRFF program, the State Government provides financial assistance to community groups and Local Government Authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities.
6. The City is required to assess the applications and rate each application received in priority order for funding. All applications for the 2017/18 Small Grants summer round, are to be received by the Department of Sport and Recreation by 31 August 2017 for assessment.
7. Successful applicants will be advised in October/November 2017, with funds to be expended by 30 June 2018. The maximum CSRFF grant will be no greater than one third of the total estimated project cost.

DETAILS

8. The Master Plan for Scott Reserve is currently listed in the Corporate Business Plan for completion in the 2018/19 financial year. However, in order to take advantage of political advocacy opportunities associated with the Federal election towards the end of 2018, it is proposed to bring forward this project to the 2017/18 financial year.
9. The Master Plan would outline potential projects that could be considered for future funding.
10. If supported, it is proposed that the joint advertising of consultancy requests for quotations for both the Maida Vale and Scott Reserve Master Plans may potentially achieve economies of scale through a reduction in study costs.

11. **Scott Reserve Master Plan (SRMP)**

The key factors providing the catalyst for the development of a Master Plan at Scott Reserve include:

- a. An increasing number of requests from user groups to improve, upgrade facilities and grounds.
- b. Scott Reserve is the City's only multi- use sporting Reserve without a Master Plan.
- c. Limitations with the design, functionality of High Wycombe Community & Recreation Centre (HWCRC) located on this reserve and uncertainty about its best future use.
- d. Floodlighting issues, site power capacity and multiple points of supply.
- e. Scott Reserve Pavilion issues – aging facility/amenities/design functionality/accessibility & inclusion, storage requirements.
- f. Incoming women's AFL team and desire to cater for inclusive programs.
- g. Need to plan for long term maintenance of turf cricket wicket, becoming harder for volunteers to maintain and costs are shifting to the City.
- h. Increasing usage demands on the reserve, which can negatively impact the standard of the playing surfaces.
- i. The need to undertake a coordinated approach towards any future developments within Scott Reserve.
- j. A need to investigate potential options to maximise the efficient usage of the existing grounds/facilities and High Wycombe Community & Recreation Centre.

12. The Plan will aim to provide strategic direction and guidance, together with a detailed concept design for the future development of Scott Reserve over the next 10-20 years.
13. In particular the Plan will:
 - a. Identify the overall usage and future capacity of the entire site
 - b. Identify any power, water supply and environmental constraints
 - c. Provide a detailed needs and feasibility study
 - d. Provide design/layout features of potential upgrades with cost estimates
 - e. Identify sports lighting and car parking requirements.

STATUTORY AND LEGAL CONSIDERATIONS

14. Section 5.56 of the *Local Government Act 1995* (WA) requires that the Local Government plan for the future of the district.

POLICY CONSIDERATIONS

15. FAC 24 – Active Reserve Use.
FAC 21 - Use and Development of Facilities.
COMR – 21 – Capital Grants - Clubs and Community Groups;
This policy was adopted in July 2017 and is intended to deal with funding requests from clubs or groups towards capital infrastructure projects. This proposal is an internal application for a Master Plan from the City.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. Nil.

External Referrals

17. The City has received feedback from three of the major user groups located at Scott Reserve, specifically regarding the future development and direction of the site.
18. Should this CSRFF funding applications be successful, the City would engage all the user groups and other relevant stakeholders as part of the process.

FINANCIAL CONSIDERATIONS

19. The City of Kalamunda's contribution towards the proposed projects will be dependent on the outcome of the CSRFF applications. If the grant application is successful the CSRFF grant is required to be acquitted by June 2018.
20. The proposed Master Plan cost contribution would be as follows:

Organisation	Contributions ex GST
CSRFF	\$ 16,666
City of Kalamunda	\$ 33,334
Total Project Cost	\$50,000

21. The City currently has a number of significant projects on the books for 2017/18 and has allocated staff accordingly. An additional amount of \$25,000 is sought through the budget to assist in the project management of these Master Plans.
22. A new budget allocation of \$58,334 for the Scott Reserve Master Plan will be required for 2017/18. It is proposed transfer this funding from the Asset Enhancement Reserve. This budget adjustment will be affected at the First Term Review.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.2: To provide safe and healthy environments for community to enjoy

Strategy 1.2.3: Provide high quality and accessible recreational and social spaces and facilities.

SUSTAINABILITY

Social Implications

24. The provision of high quality community sport and recreation facilities is essential in developing a positive sense of community health and wellbeing.

Economic Implications

25. Nil

Environmental Implications

26. Further adoption of modern technology, sustainable building materials and efficient power and water supplies, will have a long term positive impact on the environment.

RISK MANAGEMENT CONSIDERATIONS

- 27.
- | | | |
|---|--------------------|---------------|
| Risk:
That there is limited direction in regards to the future development of Scott Reserve | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Ensure a Master Plan is developed to direct and guide the City to make informed decisions regarding the future development of the reserve | | |

28.	Risk: That there is insufficient time available this financial year to satisfactorily complete two Master Plans		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Ensure sufficient project management resources are made available to assist the consultant deliver the two Master Plans		

29.	Risk: That the City does not undertake the Scott Reserve Master Plan and we are not ready to advocate for major projects through Federal and State election campaigns.		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Support the development of Scott Reserve Master Plan and lodge the CSRFF application.		

OFFICER COMMENT

30. Scott Reserve is located within the Federal electoral division of Swan and remains the only major sporting reserve within the City of Kalamunda that does not have a Master Plan (Note: Maida vale being completed this current financial year).
31. The need to undertake the development of a Master Plan for Scott Reserve has been raised in various discussions with the user groups. The discussions highlighted the need to improve the existing facilities and take a coordinated, long term approach to future upgrades and developments at the reserve.
32. The Community Facilities Plan (2011) identified a number of issues with HWCRC such as the small scale of the building limiting its capacity to function as a recreation centre and that the building would better suit being reclassified as a neighbourhood community centre.
33. As a result, Council has recently supported changes to the operations of the HWCRC that have included transitioning to an unstaffed facility and the conversion to a 24/7 access gym. It is acknowledged however, that further community engagement needs to occur to determine the future direction of the facility.
34. The projected population growth of the Scott Reserve catchment, following the Forrestfield North development, will add a significant amount of pressure on the City to provide functions sports space for informal and structured sporting activities.
35. Through the development of a Master Plan that identifies how to maximise the usage of the reserve through efficient design and layout of the grounds, floodlighting and supporting facilities, the City will be in a position to potentially attract funding for these developments as part of approaching Federal and State Government Advocacy programs.

36. If this Master Plan was not put forward for grant funding until the CSRFF winter round in March 2018, the City will not have a plan ready to take advantage of these Advocacy opportunities.
37. The importance of Master Plans in determining the future needs and feasibility of capital infrastructure cannot be overstated. In addition to providing the City with a long term strategic approach to capital investment Master Plans also:
- a. Identify multi-use and co-location opportunities
 - b. Identify participation/usage trends and access/inclusion issues
 - c. Identify levels of community benefit (health & wellbeing)
 - d. Determine the adequacy and availability of existing and surrounding facilities
 - e. Provide a sound basis for obtaining external funding opportunities.
38. Pending Council support to submit the CSRFF application for the Scott Reserve Master Plan, in addition to agreeing to fund the City's contribution within the current financial year, it is proposed that consultancy requests for quotations for both the Maida Vale and Scott Reserve Master Plans are advertised jointly. This approach may present an opportunity to achieve economies of scale and potentially reduce the study costs.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Endorses the Scott Reserve Master Plan application as its priority for the Community Sport and Recreation Facilities Fund 2017/18 Small Grants summer round.
2. Notes that in the event of a successful Community Sport and Recreation Facilities Fund application, the following cost contributions (Ex GST) will be required.

3.	<table><tr><th>Organisation</th><th>Contributions ex GST</th></tr><tr><td>CSRFF</td><td>\$ 16,666</td></tr><tr><td>City of Kalamunda (Master Plan)</td><td>\$ 33,334</td></tr><tr><td>City of Kalamunda (Project Management)</td><td>\$ 25,000</td></tr><tr><td>Total Master Plan Project Cost</td><td>\$75,000</td></tr></table>	Organisation	Contributions ex GST	CSRFF	\$ 16,666	City of Kalamunda (Master Plan)	\$ 33,334	City of Kalamunda (Project Management)	\$ 25,000	Total Master Plan Project Cost	\$75,000
Organisation	Contributions ex GST										
CSRFF	\$ 16,666										
City of Kalamunda (Master Plan)	\$ 33,334										
City of Kalamunda (Project Management)	\$ 25,000										
Total Master Plan Project Cost	\$75,000										

4. Approve the reallocation of 2017/18 budget funds from the Asset Enhancement Reserve Account of \$ 58,334 to provide funds for the Scott Reserve Master Plan and project management resources.

Moved:

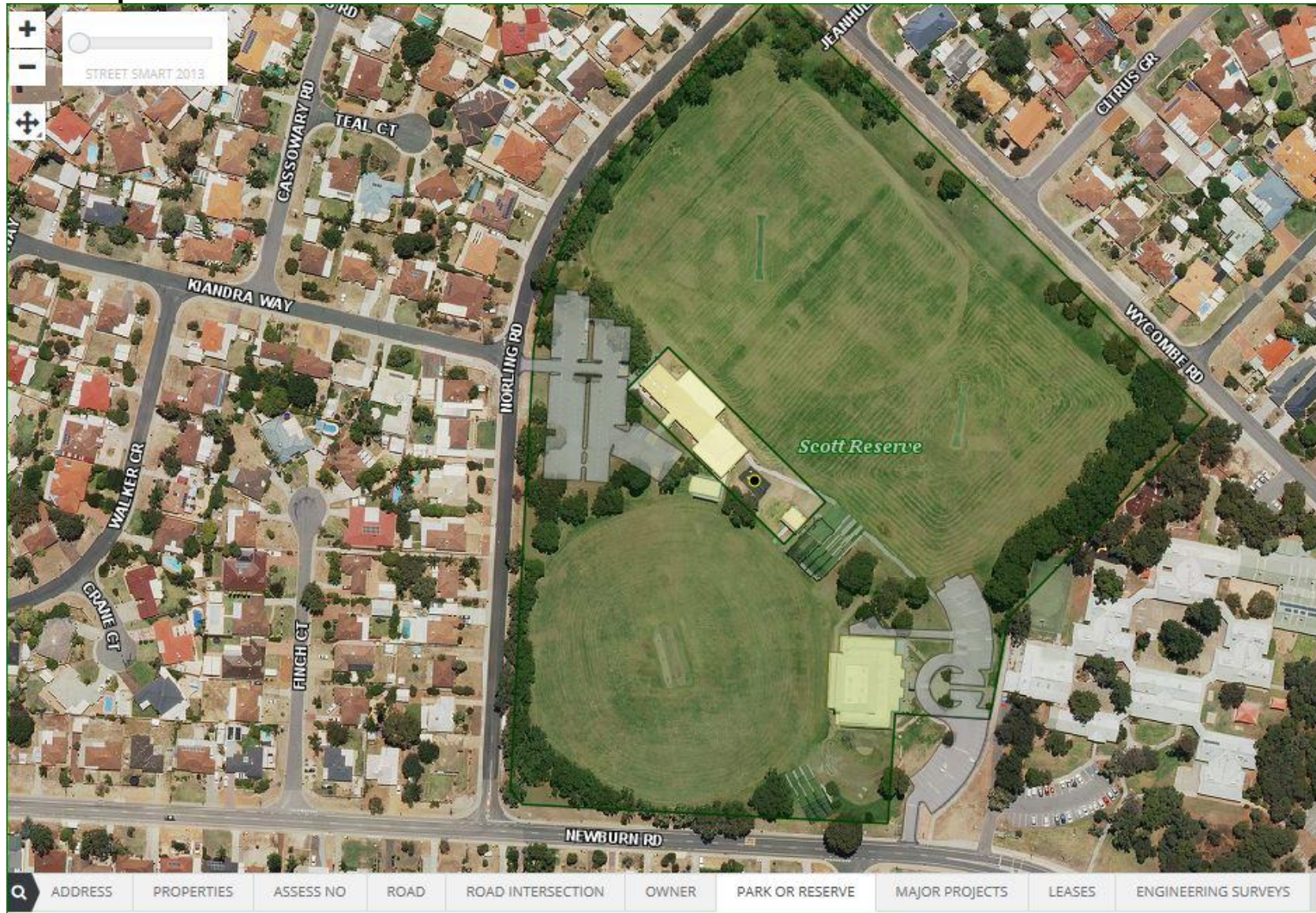
Seconded:

Vote:

Attachment 1

Community Sport and Recreation Facilities Funding – Small Grants 2017/18 – Scott Reserve Master Plan

Aerial map of Scott Reserve



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

10.3.6 National General Assembly of Local Government Annual Conference Report

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Resolutions from the 2017 National Assembly

EXECUTIVE SUMMARY

1. To provide an overview of the annual National General Assembly of Local Government Annual Conference.
2. The theme of the 2017 Assembly was *Buildings Tomorrow's Communities*. The Assembly focused on the critical role local government has in shaping future communities. There was an emphasis on how to make cities smarter, more efficient and more resilient and stronger and the part local government as a whole plays.
3. This report recommends Council note the report from National General Assembly of Local Government Annual Conference.

BACKGROUND

4. The National General Assembly of Local Government 2017 was held at the National Convention Centre in Canberra 18 – 21 June 2017. The Assembly is the largest gathering of local government elected officials and staff, bringing together around 800 attendees to hear presentations from Federal politicians and experts on the important issues facing local government in Australia.

DETAILS

5. At the 2017 Assembly the City of Kalamunda was represented by the, then Shire President, Mayor Andrew Waddell JP. Also in attendance was the Manager Economic, Land and Property Services.
6. Over the course of the Assembly over 100 motions were debated and voted upon. A full list of resolutions is attached.
7. The theme for the 2017 Assembly was Building Tomorrow's Communities with a strong focus from the speakers on Smart Cities and the importance of local governments not only adapting to the digital age, but also being leaders in bringing about positive outcomes for their communities from digital technology.
8. Keynote Speakers included The Australian Financial Review's Political Editor Laura Tingle who has been reporting from Canberra for over 30 years. Another Keynote Speaker was award-winning journalist Leigh Sales who anchors ABC's 7:30 program.

9. Highlights from other speakers included:

The Hon Angus Taylor MP, Assistant Minister for Cities and Digital Transformation, addressing delegates regarding the City Deals and Smart Cities program. City Deals between the Australian Government, a state or territory government, and local governments will make our cities better places to live in and do business. Through City Deals, governments, industry and communities will develop collective plans for growth and commit to the actions, investments, reforms and governance needed to implement them. The Federal Government has already signed deals for Townsville and Launceston and is working on a City Deal for Western Sydney. Cities, or parts of cities, will be selected through consultation with state and territory governments, prioritising areas where the opportunities are greatest.

Mayor Mark Jamieson from Sunshine Coast Council providing delegates with an example of how their Council is incorporating new technology in developing the smart city of Maroochydore on a greenfield site.

Brook Dixon, Vice President of the Australian Smart Communities Association and Managing Director, Delos Delta. Brook inspired delegates regarding his work in promoting smart city solutions and in driving digital transformation that improve the liveability of Australian cities. Brook confirmed the view that all local governments should develop a digital strategy which should be developed in consultation with their communities.

STATUTORY AND LEGAL IMPLICATIONS

10. Nil.

POLICY IMPLICATIONS

11. Conference Attendance and Professional Development for Elected Members required that a report be presented following attendance at a Conference.

COMMUNITY ENGAGEMENT REQUIREMENTS

12. Nil.

FINANCIAL CONSIDERATIONS

13. All conference, travel costs and accommodation arrangements have been made and paid for by the City of Kalamunda.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.6: To ensure the optimal management of assets delivers continuity of services to the community.

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: Breach of Council Policy		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure reports from conferences are reported to Council in a timely manner.		

OFFICER COMMENT

19. The Resolutions from the 2017 National Assembly is provided as Attachment 1.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Notes the Resolutions of the National General Assembly of Local Government Annual Conference.

Moved:

Seconded:

Vote:

Attachment 1

National General Assembly of Local Government Annual Conference Report

Resolutions from the 2017 National Assembly

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

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

10.3.7 Canberra Advocacy September 2017

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of the CEO
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Canberra Advocacy Program

EXECUTIVE SUMMARY

1. To endorse the Mayor and the Chief Executive Officer of the City of Kalamunda's visit to Canberra.
2. The City of Kalamunda's Strategic Plan gives special attention to advocacy activities as a means to address issues of priority that require funding contributions from external sources. The City adopted Kalamunda Advocates – Advocacy Strategy 2017-2022 in February 2017. Advocacy is a tool to influence the political, social and economic environment to maximize benefits for member Councils and their communities.
3. It is recommended the visit to Canberra be supported.

BACKGROUND

4. The City of Kalamunda Advocacy Strategy aims to attract an increased share of investment to the City by implementing a framework that facilitates consistent, professional and effective advocacy.
5. In order to achieve this aim, four areas for focus have been identified that provide objectives and the related action needed to deliver an effective advocacy program.

The Key Focus Areas and objectives are:-

Priorities and Messages

Objective 1.1 Identify and agree to the key desired outcomes for each issue.

Objective 1.2 The identified outcomes are prioritised into high, medium and low priorities.

Objective 1.3 Core messages for each issue are clearly identified and articulated.

Target Audiences

Objective 2.1 Maintain a cooperative and productive relationship with State and Federal Government Ministers and their Departments.

Objective 2.2 Maintain consistent and effective participation in relevant regional organisations and peak bodies for the purpose of influencing outcomes beneficial to Perth's Eastern Region.

Objective 2.3 Represent and promote the interests of Perth's Eastern Region at key conferences, meetings and other forums.

Objective 2.4 Develop protocols for communication with different stakeholders and target groups.

Tools and Processes

Objective 3.1 Develop an Advocacy Implementation Plan template in consultation with key staff.

Objective 3.2 Develop Advocacy Implementation Plans for the key issues and outcomes identified as part of Key Focus Area 1.

Objective 3.3 Design and develop appropriate processes, methods and materials to support advocacy campaigns.

Roles and Skilling

Objective 4.1 Ensure Presidents and Councillors understand their role and actively participate in the advocacy effort.

Objective 4.2 Ensure all staff understand their role and actively participate in advocacy effort.

Objective 4.3 Provide all councillors and staff with adequate skills, training and resources to undertake their advocacy roles.

DETAILS

6. Meetings will be sought with key Ministers to discuss the following major initiatives and projects currently being pursued by the City.
 1. Hale Road Grade Separation
 2. Welshpool Road Grade Separation
 3. Abernethy Road
 4. Outer Harbour, New route of Roe, Tonkin via Anketell.
 5. Forrestfield North
 6. Perth Hills – Tourism. Investment and Trade - Economic Development
 7. Pickering Brook Townsite/ AgriBusiness
 8. Smart Cities – Innovation/Technology– Associated with Forrestfield North
 9. Kalamunda Loop – Trails
 10. Stirk Park Masterplan
 11. Community Hubs – Kalamunda Community Centre, Woodlupine Centre and new facility in the Forrestfield North precinct.
 12. Aged Care
 13. Contaminated Sites
 14. Water Harvesting
 15. Recreation facilities/ masterplans
 16. Canning Road to Armadale Border
7. Meeting will be sought with Ministers and Shadow Ministers whose portfolios the various projects fall within.

STATUTORY AND LEGAL IMPLICATIONS

8. Nil.

POLICY IMPLICATIONS

9. The report relates to the City of Kalamunda Advocacy Strategy 2017.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Estimated cost of the Mayor and the Chief Executive Officer to visit Canberra are:

Airfare	\$1,800.00
Accommodation (3 nights)	\$1,500.00
Incidentals (\$150 per day)	\$1,000.00
Total Estimated Cost	\$4,300.00

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

12. Kalamunda Advancing: Strategic Community Plan to 2027

Priority 4: Kalamunda Leads – Providing good government and Leadership

OBJECTIVE 4.2: To proactively engage and partner for the benefit of the community

Strategy 4.2.2 Increase advocacy activities and develop partnerships to support growth and reputation.

Sustainability Implications

Social Implications

13. Advocacy enables and facilitates the securing of external funding sources for social, economic and environmental initiatives.

Economic Implications

14. Advocacy enables and facilitates the securing of external funding sources for social, economic and environmental initiatives.

Environmental Implications

15. Advocacy enables and facilitates the securing of external funding sources for social, economic and environmental initiatives.

RISK MANAGEMENT CONSIDERATIONS

16.	Risk: That Capital does not support the Mayor and CEO visiting Canberra.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	Alternative opportunities to advocate projects with Federal government need to be sought.		

OFFICER COMMENT

17. The Canberra 2017 Advocacy mission will power relationships in readiness for the forthcoming Federal Election likely to be in February 2018.
18. The electorates of Swan, Hasluck and Canning are all located within the City's boundaries and are all marginal seats.
19. Strong advocacy in the next twelve months is important for successful election promises to be secured.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Approves the Mayor, Councillor Andrew Waddell, and the Chief Executive Officer, Rhonda Hardy, visit to Canberra from 12 to 15 September 2017, and that all travel and accommodation costs be borne by the City of Kalamunda.

Moved:

Seconded:

Vote:

Attachment1

Canberra Advocacy September 2017

Canberra Advocacy Program

COMMONWEALTH GOVERNMENT – TURNBULL MINISTRY		
Name of Minister	Via Local Member	Topic for Discussion
Hon Angus Taylor Assistant Minister for Cities and Digital Transformation	Steve Irons	City Deals and Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Perth Aerotropolis Project Perth Outer Harbour Project
Hon Steven Ciobo Minister for Trade, Tourism and Investment	Andrew Hastie	<ul style="list-style-type: none"> Tourism development of the Perth HillsFuture for Agribusiness Hills trails development – walking and cycling
Hon Keith Pitt	Andrew Hastie	<ul style="list-style-type: none"> Tourism development of the Perth Hills, Future for Agribusiness Hills trails development – walking and cycling
Hon Scott Morison Treasurer	Steve Irons	City deals and Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Perth Aerotropolis Project Perth Outer Harbour Project
Senator the Hon Fiona Nash Minister for Regional Development and Local Government & Territories	Steve Irons	City Deals and Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Perth Aerotropolis Project Perth Outer Harbour Project Community Hub Concept <ul style="list-style-type: none"> Kalamunda Community centre Forrestfield North TOD digital hub Woodlupine Community Hub
Hon Greg Hunt Minister for Sport	Ken Wyatt	<ul style="list-style-type: none"> Future Issues with Sporting Infrastructure New Model for Funding Sporting infrastructure
Hon Darren Chester Minister for Infrastructure & Transport	Ken Wyatt Steve Irons	<ul style="list-style-type: none"> Abernethy Road Tonkin Highway Grade Separations (Hale and Welshpool)
Hon Paul Fletcher Minister for Urban Infrastructure	Steve Irons	City Deals and Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Perth Aerotropolis Project Perth Outer Harbour Project Community Hub Concept <ul style="list-style-type: none"> Kalamunda Community centre Forrestfield North TOD digital hub Woodlupine Community Hub

Senator Hon Mathias Cormman Minister for Finance	Steve Irons	<p>City Deals and Smart Cities</p> <ul style="list-style-type: none"> • Forrestfield North Transit oriented development Project • Perth Aerotropolis Project • Perth Outer Harbour Project <p>Community Hub Concept</p> <ul style="list-style-type: none"> • Kalamunda Community centre • Forrestfield North TOD digital hub • Woodlupine Community Hub
Senator the Hon Mitch Fifield Minister for Arts	Ken Wyatt	<ul style="list-style-type: none"> • Economic development through Arts • Creative Arts Co working space
Hon Josh Friedenberg Minister for Environment and Energy	Ken Wyatt	<ul style="list-style-type: none"> • Water harvesting Project • Environmental Contamination – PFAAS, landfill sites
Hon Christian Porter Minister for Social Services		<ul style="list-style-type: none"> • Volunteering • Families at Risk -Early intervention • Youth Economic development
SHADOW FEDERAL GOVERNMENT		
Senator the Hon Don Farrell Shadow Minister for Sport	Louise Pratt	<ul style="list-style-type: none"> • Future Issues with Sporting Infrastructure • New Model for Funding Sporting infrastructure
Hon Anthony Albanese Shadow Minister for Infrastructure, Cities, Regional development and Tourism	Louise Pratt	<p>City Deals and Smart Cities</p> <ul style="list-style-type: none"> • Forrestfield North Transit oriented development Project • Perth Aerotropolis Project • Perth Outer Harbour Project <p>Community Hub Concept</p> <ul style="list-style-type: none"> • Kalamunda Community centre • Forrestfield North TOD digital hub • Woodlupine Community Hub <p>Tourism development of the Perth Hills,</p> <ul style="list-style-type: none"> • Future for Agribusiness • Hills trails development – walking and cycling
Hon Mark Butler Shadow minister for Climate change and Energy	Louise Pratt	<ul style="list-style-type: none"> • Water harvesting Project • Environmental Contamination – PFAAS, landfill sites

Senator the Hon Kim Carr Shadow Minister for Innovation, Industry Science and Research	Louise Pratt	Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Big Data Dealing with the future of block chain, sharing open source data to assist with community issues e.g. identifying people at risk.
Senator the Hon Katy Gallagher Shadow minister for small Business & Financial Services	Louise Pratt	<ul style="list-style-type: none"> Economic development through Arts Creative Arts Co working space
Hon Julie Collins Shadow Minister for Ageing and Mental Health	Louise Pratt	<ul style="list-style-type: none"> Aged care accommodation Aged Care Beds Funding issues and land availability
Jenny Macklin Shadow Minister for Social services	Louise Pratt	<ul style="list-style-type: none"> Volunteering Families at Risk -Early intervention Youth Economic development
Stephen Jones Shadow Minister for Regional Services, Territories & Local Government	Louise Pratt	City Deals and Smart Cities <ul style="list-style-type: none"> Forrestfield North Transit oriented development Project Perth Aerotropolis Project Perth Outer Harbour Project Community Hub Concept <ul style="list-style-type: none"> Kalamunda Community centre Forrestfield North TOD digital hub Woodlupine Community Hub Constitutional Recognition State Government Planning Regulations – SAT, JDAP and WAPAC

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

10.3.8 Application for Leave – Chief Executive Officer

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

EXECUTIVE SUMMARY

1. To approve leave arrangements for the Chief Executive Officer.
2. In accordance with the Contract of Employment the Chief Executive Officer is entitled to 5 weeks' paid annual leave each year.
3. It is recommended the leave arrangements be approved and an Acting Chief Executive Officer be appointed for the period of leave.

BACKGROUND

4. Nil.

DETAILS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Wednesday 27 September to Monday 2 October 2017.

STATUTORY AND LEGAL IMPLICATIONS

6. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

7. The Shire leave policy requires all employees to apply for leave and have this leave approved.

PUBLIC CONSULTATION/COMMUNICATION

8. Public consultation is not required with respect to this matter.

FINANCIAL CONSIDERATIONS

9. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

10. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 6.10 To build a high performing and motivated workforce.

SUSTAINABILITY

Social Implications

11. Nil.

Economic Implications

12. Nil.

Environmental Implications

13. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 14.
- | | | |
|--|--------------------|---------------|
| Risk: Increased leave liability for the City and decreased health and wellbeing. | | |
| Likelihood: | Consequence | Rating |
| Rare | Insignificant | Low |
| Action/ Strategy | | |
| Ensure staff members utilise their leave entitlements in a timely manner and have regular leave. | | |

OFFICER COMMENT

15. The Director Corporate and Community Services, Gary Ticehurst, will be appointed as Acting Chief Executive Officer to act on behalf of the Chief Executive Officer during the period Wednesday 27 September to Monday 2 October 2017.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Wednesday 27 September to Monday 2 October 2017.
2. Pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director Corporate & Community Services, Mr Gary Ticehurst, as Acting Chief Executive Officer for the period Wednesday 27 September to Monday 2 October 2017.

Moved:

Seconded:

Vote:

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Provision of recycling bins and associated servicing in Kalamunda Town Centre

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer investigate and report on how recycling bins and associated servicing could be introduced in the Kalamunda Town Centre.

Moved: **Cr Tracy Destree**

Seconded:

Vote:

Rationale:

Council adopted Kalamunda Advancing 2027-Strategic Community Plan in June 2017 with an Objective to “reduce the amount of waste produced and increase the amount of reuse and recycling of waste” and an associated Strategy to “identify and implement strategies to reduce waste.” The consideration of recycling options for the Kalamunda Town Centre is in line with this strategic direction.

We have established there is strong community support to maximising the City’s recycling opportunities and yet there is currently limited, and in some cases no recycling bins or services provided in the Kalamunda Town Centre, in direct conflict with our understanding of our community’s expectations.

With waste management being a major budgetary item, we should be making every effort to reduce the City’s waste burden wherever possible.

But it is not all about the financial and environmental impacts. We are also risking a reputation impact if we do not taken action. The Kalamunda Town Centre is a tourism centre attracting a large numbers of day trip and short stay visitors. We need to consider the message we are sending visitors about our ‘Home in the Forest’ where there are no recycling options in the Town Centre, something that is now commonplace across Perth and many WA regional centres.

Officer Comments

The Notice of Motion is supported. Currently there are no recycling bins within the Kalamunda Town Centre. Whilst the City is promoting a recycling culture it needs to provide the appropriate infrastructure to enable the community to participate at source.

The Kalamunda Town Centre currently has small 80 litre general waste bins with surrounds. There is an opportunity to upgrade these to larger and more aesthetically pleasing units that allow and promote separation of general and recyclable waste.

Generally the cost of these more aesthetic bins are around \$2200 supplied & installed. The cost of processing recycling is cheaper than the cost of waste disposal and larger bins reduce the cost of emptying.

The opportunity to investigate and report back will enable consideration of the manner of servicing, future Town Centre works, education, promotion and impacts such as the proposed container deposit scheme and vandalism.

11.2

State Administrative Tribunal and Joint Development Assessment Panel outcomes and costs over the period 2015 – 2017

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer prepare a report for the September 2017 Ordinary Council Meeting regarding State Administrative Tribunal (SAT) and Joint Development Assessment Panel (JDAP) outcomes and costs over the period 2015 – 2017 that includes the:
 - a) decision recommended by the Officer;
 - b) decision of the Council;
 - c) decision of the SAT or JDAP; and
 - d) costs incurred by City of Kalamunda.

Moved: **Cr Tracy Destree**

Seconded:

Vote:

Rationale:

A number of Council planning decisions are being appealed through the State Administrative Tribunal (SAT) or Joint Development Assessment Panel (JDAP) and, regardless of the outcome, the City of Kalamunda is exposed to significant costs whenever an appeal is heard.

In cases where Council decisions are overturned the costs are usually the same (awarding costs is uncommon), however one could argue that the confidence in the Council's planning decision making maybe undermined should this become a trend.

It is incumbent on Council to understand the consequences and costs incurred of any appeal and its decision making 'success rate'.

Understanding any correlations between the SAT/ JDAP decision with either the Officer's recommendation and/ or the Council decision could provide context for future planning decisions and further inform decision making. Ensuring this information is available to the community may improve understanding of the constraints of the planning process with the relevant stakeholders.

While the information requested is a matter of public record, the trend information is not readily available.

There is currently no report or source of information provided to Council that provides a snap shot of the final outcome (including recommendation, decision, appeal, determination and costs) of its planning decisions.

Should the initial report provide valid information, it may be prudent to ensure such data is provided to Council on an annual basis.

Officer Comments

City Staff are able to prepare the report as requested for consideration at the September Ordinary Council Meeting.

11.3

Establishment of a Kalamunda Arts Advisory Committee

Voting Requirements: Simple Majority

That Council:

1. Establish a Kalamunda Arts Advisory Committee.
2. Request the Chief Executive Officer to develop draft Terms of Reference for consideration of Council at its September 2017 meeting.

Moved: **Cr Tracy Destree**

Seconded:

Vote:

Rationale:

Kalamunda contains a rich and vibrant creative community, where many local artists have emerged and coalesced to create a sense of place. The Arts Community to some degree have been left to their own devices for many years. The City of Kalamunda has not harnessed the knowledge and advice that many within our arts community would be willing to give in order to create opportunities that would enrich the community and build upon the artistic foundation that we have in kalamunda.

After many conversations with many of our renowned artists I have come to believe that we have gap in our strategic approach when it comes to dealing with the arts community. I believe the time is right to engage with our artists to access their views and to create a vision that will give Kalamunda a reputation as a City of Creativity and a place that will have a unique perspective on arts which inherently resembles the essence of our community. This approach will inevitably lead to a brand that is unique and a significant tourist attraction that will dovetail closely with the City's economic and tourism agendas.

In leading a strategic conversation with the arts community I propose that an Advisory Committee of Council is formalised to enable an ongoing conservation and ensuing strategies to come from the arts community through a formalised structure.

The City needs to sophisticate its approach providing support and leadership in the area of community arts and the establishment of the Kalamunda Arts

Advisory Committee is the most appropriate mechanism to enable vision, strategies and a new reality to emerge.

Officer Comments

It is agreed that a Community Arts Advisory Committee would be advantageous in supporting the strategic direction for the development of arts within the Kalamunda community.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

15.0 MEETING CLOSED TO THE PUBLIC

16.0 CLOSURE