

Ordinary Council Meeting

Minutes for Tuesday 28 November 2017



**city of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

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

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

John Giardina	(Mayor) (Presiding Member)	South East Ward
Michael Fernie		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
David Almond		North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Cameron Blair		North Ward
Tracy Destree		North Ward
Margaret Thomas		North Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Dennis Blair	Director Asset Services
Simon Di Rosso	General Counsel
Natalie Martin Goode	Director Development Services
Andrew Fowler-Tutt	Manager Approval Services
Nicole O'Neill	Manager Public Relations
Peter Varelis	Manager Strategic Planner
Rajesh Malde	Manager Financial Services
Simon Terry	Manager Economic, Land & Property
Donna McPherson	Executive Research Officer

Members of the Public 20

Members of the Press 2

2.2 Apologies

Councillors

Staff

Gary Ticehurst	Director Corporate & Community Services
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2.3 Leave of Absence Previously Approved

Lesley Boyd	South West Ward
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3.0 PUBLIC QUESTION TIME

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

Questions Taken on Notice OCM 30 October 2017

3.1 Peter Bolden, 55a Snowball Road, Kalamunda

Q. My question relates to the election of members to the various committees that occurred at the Special Council Meeting held on 23 October, when it came to the election of members to the committees it appeared to be extremely disorganised and the lack of knowledge of the local government requirements by the City's senior staff in conducting this election. What are the Key Performance Indicators (KPI) for the Chief Executive Officer? Is there a KPI relating to the efficient and effective running of these special council meetings? If not, can a KPI be included for the next review process?

A. Mr Bolden's perception of the SCM of the 23 October 2017 were misconceived. The election of members to 14 advisory committees was complicated this year because so many councillors nominated resulting in ballots being required for most of the committees. This was unusual in comparison to previous years. Officers are required to perform their duties with diligence and each ballot required to be double counted and checked. Mr Bolden's reference to the Key Performance Indicators of the CEO, and criticism of the CEO should have been ruled out of order for breaching the City's Standing Orders.

3.2 David Downing, 234 Sultana Road East, Forrestfield

Q1. With the construction of the Airport Railway and the associated development of Forrestfield North, it is fair to assume that land prices across High Wycombe and Maida Vale will rise. Currently there is an enquiry of the City of Kalamunda Councillors by the Department of Local Government, is it therefore possible that the landowners of Forrestfield North will not have any of their locally elected members to represent them during discussions, debate and voting on any of the planning decisions?

A1. The City is not in a position to make specific comments about how any particular development may affect land values however the train station and development of Forrestfield North is considered to make a positive contribution to the community. The City is also not in a position to make comment or speculate about any potential Department of Local Government enquiry.

Q2. We must bear in mind these planning decisions will have a profound effect on the lives of all the landowners of Forrestfield North, however based on the recent history of the Industrial Stage 1, how can the landowners be assured that all of the other Ward Councillors will take sufficient interest in the fine detail of the planning process and

Development Contribution matters to make the correct decisions in the interest of the landowners?

A2. This is a matter for Councillors to determine.

3.3 Frank Lindsey, 95 Aldersyde Road, Piesse Brook

Q. While I was previously on Council, the staff were preparing new depreciation schedules for the City's assets based on replacement costs. It was estimated at that time, being 2015, that by early 2016 this work would be completed. Can you advise whether this work has been completed and if not, why not. If so, what is the dollar value of the City's asset gap and how do you propose to reduce the asset gap?

A. The City produces Asset Management Plans for each major asset class. As part of the planning, the long term renewal needs for the assets are valued, and this can be compared to the funding identified in the Long Term Financial Plan. A difference in the funding levels may be attributed to the age profile of the assets or an imbalance between renewal needs in the short term over the long term. The Long Term Financial Plan is reviewed on an annual basis to improve the management of renewals.

During 2017 the City produced asset management plans for Pathways and Parks. These plans identified a shortfall in renewal funding of \$83,000 per year for Pathways assets, and no shortfall in renewal funding for Parks assets. The shortfall is not significant, and has been incorporated into the Long Term Financial Plan.

In 2018 the City will produce asset management plans for Drainage and Roads, with Buildings in 2019. The City will not be able to give a complete picture of renewal funding needs until the plans for all asset classes have been completed.

3.4 Mrs Sandra Walker 81 Bridle Drive, Maida Vale

Q. Can the City please investigate the trees on the neighbouring property whose roots are encroaching on the verge?

A. If the tree is on private property then the issues need to be resolved by the property owners. It is not a City responsibility. If the root system from the tree on private property is causing damage to infrastructure in the road reserve then the City will inspect the verge and determine any action required. Arrangements will be made for the City's Parks and Environmental Services Manager to meet Mrs Walker on site.

3.5 Mr Walker, 81 Bridle Drive, Maida Vale

Q. Am I able to have more than 2 dogs at the property?

A. There is a process for application to have more than two dogs at a property. The Director Development Services advised this matter would be followed up with the resident.

3.6 Peter Bolden, 55a Snowball Road, Kalamunda

Q1. Where in my question asked on the 30 October 2017 do I criticise the CEO?

Q2. Please answer my original questions?

Q3. What Standing Order is breached by criticising performance of the CEO, bearing in mind of course question 1?

A. Taken on Notice.

3.7 Ms Neta Parker, Pauls Valley

Q. Would the Council please convene a committee to obtain a more realistic view as to what is possible to be complied with on larger rural properties in relation to bush fire?

A. The Director Development Services advised this matter would be followed up and the resident contacted.

Q. Could the contribution the City makes to the shared Lesmurdie Library please be provided?

A. Taken on notice.

4.0 PETITIONS/DEPUTATIONS

4.1 A deputation was received from Fabian Evans and Finn Caffrey in relation to Item 10.1.3, Stirk Park Master Plan – Public Comment, in support of the Kalamunda Skate Park being included within Stirk Park. A Petition was presented to the meeting.

4.2 A deputation was received from Vanessa Mazza in relation to Item 11.4, Heritage Status of Trees. Ms Mazza spoke in support of the motion.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 RESOLVED OCM 210/2017

That Cr Margaret Thomas be granted leave of absence for the period 15 December 2017 to 2 January 2018.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

5.2 RESOLVED OCM 210/2017

That Cr Cameron Blair be granted leave of absence for the period 18 December 2017 to 2 January 2018.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

6.0 **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

6.1 RESOLVED OCM 211/2017

That the Minutes of the Ordinary Council Meeting held on 30 October 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

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

6.2 RESOLVED OCM 212/2017

That the Minutes of the Special Council Meeting held on 13 November 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Tracy Destree**

Vote:	<u>For</u>	<u>Against</u>
	Cr John Giardina	Cr Michael Fernie
	Cr Geoff Stallard	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr David Almond	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Cameron Blair	
	Cr Tracy Destree	
	Cr Margaret Thomas	

CARRIED (10/1)

6.3 RESOLVED OCM 213/2017

That consideration of the Minutes of the Public Agenda Briefing Forum held on 14 November 2017, as published and circulated, be deferred to the Ordinary Council Meeting to be held on 19 December 2017.

Moved: **Cr Tracy Destree**

Seconded: **Cr Michael Fernie**

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

7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

7.1 Grant – Hon. Ken Wyatt

The City has received a \$20,000 grant from the Hon Ken Wyatt to build a half court for basketball in Wattle Grove at Lenihan Park.

7.2 Seniors Week

I have attended a number of successful senior's week events earlier this month.

7.3 Kalamunda Chamber of Commerce Awards Dinner

Last Saturday I attended the Chamber of Commerce annual business awards dinner. This was a very successful event for the Chamber.

7.4 Junior Sports Star Awards Night

Last week the City recognised its Junior Sports Stars with an awards night. This event was appreciated by both the junior athletes and their parents and guardians. The guest speaker was Kookaburra's goalkeeper Tyler Lovell who grew up and played his junior hockey in Forrestfield.

7.5 Thank a Volunteer Event

I would like to remind Councillors that this Friday the City will thank those who volunteer time to assist City programs with an event in Stirk Park.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **10.1.5 CONFIDENTIAL REPORT Acquisition of Portion of Lot 7 (No257) Lesmurdie Road Lesmurdie** – Submitters Map - Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c) "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting".

-
- 8.2 **10.2.5 CONFIDENTIAL Attachment 5 – Proposed Home Business (Vibrosauna) – Lot 773 (71) Pavetta Crescent Forrestfield** Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.3 **10.2.6 CONFIDENTIAL Attachment 8 – Proposed Telecommunications Monopole and Infrastructure – Lot 22 (120) Wittenoom Road, High Wycombe** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.4 **10.2.7 CONFIDENTIAL Attachment 6 – Proposed Restaurant – Lot 44 (101) Union Road, Carmel-** Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.5 **10.2.9 CONFIDENTIAL REPORT – Cambridge Reserve Community Enhancement Project-** Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (h), “Such other matters as may be prescribed.”
- 8.6 **10.3.1 CONFIDENTIAL Attachment 1 - Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-Use Paths, Crossovers and Miscellaneous Works (RFT 1716)** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
- 8.7 **10.3.1 CONFIDENTIAL Attachment 2 - Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-Use Paths, Crossovers and Miscellaneous Works (RFT 1716) – Tender Evaluation Report** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
- 8.9 **10.3.2 CONFIDENTIAL Attachment 1 - Consideration of Tenders for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717)) – Tender Evaluation Report** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
- 8.10 **10.5.6 CONFIDENTIAL ITEM - Chief Executive Officer’s Performance Review Committee** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
-

8.11 **10.5.8 CONFIDENTIAL REPORT – Legal Representation for Elected Members and Employees** - Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting.”

8.12 **10.5.9 CONFIDENTIAL REPORT - Review of Council’s September 2017 resolution to conduct further probity auditing of tenders during 2014 – 2017 and the formation of an Audit and Risk Subcommittee to determine tenders for the audit**
- Provided under separate cover.
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, 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*.)

9.1.1 Cr Tracy Destree declared an indirect financial interest in Item 10.1.3 Stirk Park Master Plan – Public Comment as she is a member of the RSL, which has an interest in the Stirk Park Redevelopment.

9.1.2 Cr Allan Morton declared a direct financial interest in Item 10.2.3 Draft Planning Policy – Dual Density own a property in dual density area.

9.1.3 Cr Cameron Blair declared a direct financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines family owns property in dual density area.

9.1.4 Cr Tracy Destree declared an indirect financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines as immediate family members own property that lies within the area affected by the dual density amendments.

9.1.5 Cr Dylan O’Connor declared a direct financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines as he has an interest in property in the affected zoning.

9.1.6 Cr Tracy Destree declared a proximity interest in Item 10.2.9 Cambridge Reserve Community Enhancement Project as family members own property in Cambridge Road, Forrestfield, adjacent to Cambridge Reserve.

9.2 Disclosure of Interest Affecting Impartiality

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

9.2.1 Cr John Giardina declared an interest affecting impartiality in relation to Item 11.4 Heritage Status of Trees as he has family living in the vicinity.

9.2.2 Cr Michael Fernie declared an interest affecting impartiality in relation to Item 11.5 Urban Expansion Pickering Brook as he resides in the area.

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 Corporate and Community Services Report

Voting Requirements: Simple Majority

RESOLVED OCM 214/2017

That recommendations of report 10.1.1 be adopted by Council en bloc. Item 10.1.2 to 10.1.5 will be considered separately. Confidential Item 10.1.6 will be considered as a separate matter.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Tracy Destree**

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

10.1.1 Quarterly Progress Report Against KPIs – July-September 2017

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Corporate Services
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Quarterly Progress Report Against KPIs – July-September 2017

[Attachment 2](#)

KPI Scorecard July-September 2017

EXECUTIVE SUMMARY

1. The Quarterly Progress Report provides information on the City's progress towards achieving its strategic goals.
2. It is recommended that Council receive the report.

BACKGROUND

3. Council resolved in June 2017 to select a number of key actions to be reported on each quarter to Council –

RESOLVED OCM 104/2017

That Council:

1. *Adopts Kalamunda Achieving: Corporate Business Plan 2017 to 2021 shown as Attachment 1.*
2. *Refers the Corporate Business Plan to the Chief Executive Officer's Performance Review Committee for determination and recommendation of key performance actions and projects to be approved by the Council*

that will be reported to the Community through the Quarterly Progress Report.

As this process has not yet been completed, all 188 actions from the Corporate Business Plan have been reported for this quarter (Attachment 1).

4. Each action is linked to Council's Strategic Plan, *Kalamunda Advancing 2027*, adopted in June 2017. This ensures that each employee is working towards achieving the strategic direction of the Council.
5. The person responsible for an action or task is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collated to provide an overview of how the organisation is performing.

DETAILS

6. **Priority Actions**
The Quarterly Progress Report for the period 1 July 2017 to 30 September 2017 is presented in (Attachment 1).
7. The report shows comments indicating the status of all actions and current progress.
8. 181 of the 188 actions are currently at 90% or more of their target progress for the year to date.
9. **Key Performance Indicators**
Performance against the City's corporate KPIs is shown.
10. Of the nine KPIs, for the period 1 July 2017 - 30 September 2017,
 - Seven are at or exceeding their target;
 - One is within 10% of its target (Subdivision applications referred to the WAPC within Statutory Timeframes); and
 - One is an annual KPI which will not be updated until 1 July 2018.

STATUTORY AND LEGAL CONSIDERATIONS

11. Nil.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. Managers and Directors have submitted the comments shown on the Quarterly Progress Report. A draft was provided for review and update prior to finalising the report.

External Referrals

14. The report is presented to keep Council informed of the organisation's progress. The community is advised of the City's achievements and progress via the Annual Report.

FINANCIAL CONSIDERATIONS

15. Financial progress is reported monthly via the Monthly Financial Statements and Management Reports.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Strategic Community Plan: Kalamunda Advancing 2027*

OBJECTIVE 4.1: To provide leadership through transparent governance.

Strategy 4.1.2 Build an effective and efficient service based organisation.

SUSTAINABILITY

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 20.
- | | | |
|---|--------------------|---------------|
| Risk: The City fails to carry out the actions set out in the Corporate Business Plan. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Regular reporting of action progress to CEO, Directors and Council to ensure that performance is monitored and managed. | | |

Risk: KPIs are not met – standard of customer service declines.

Likelihood

Consequence

Rating

Possible

Insignificant

Low

Action/ Strategy

Regular reporting of KPI achievement to CEO, Directors and Council to ensure that performance is monitored and managed.

OFFICER COMMENT

21. Nil.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 214/2017

That Council:

1. Receives the Quarterly Progress Report Against KPIs for July–September 2017.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Tracy Destree**

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

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

10.1.2 Kalamunda History Village Locomotive

Previous Items	OCM 57/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	RL-01/056
Applicant	N/A
Owner	City of Kalamunda

EXECUTIVE SUMMARY

1. The purpose of this report is to consider approving the full remediation of the locomotive located at the Kalamunda History Village and also consider approving Expressions of Interest being invited to undertake the remediation.
2. At Ordinary Council Meeting on 27 April 2017 it was resolved that Council:
 1. *Approves Option 2; the remediation of the G118 Locomotive, the platform and tracks, subject to the submission of a priority application to Lotteries West to secure a significant amount of external funding to offset the total cost of ratepayer funds.*
 2. *Notes once external funding has been confirmed a report will be submitted to Council for consideration.*
3. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of an amount up to \$180,000 which is to be contributed towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive, platform and railway station at Kalamunda History Village.
4. It is recommended that Council approves proceeding with an process of Expressions of Interest seeking submissions from suitably experienced contractors for the full remediation of the locomotive, platform and railway station at Kalamunda History Village.

BACKGROUND

5. In 1968, the Shire of Kalamunda (as it was then) purchased the G118 Locomotive (built in 1896) which was then placed on the Railway Reserve.
6. In 1971, the locomotive was moved to the Kalamunda Railway Station site before the Kalamunda and Districts Historical Society's Museum (now Kalamunda History Village) was officially opened in April 1971.
7. The Minister for Railways, the Honourable R.E. Bertram unveiled a plaque on the locomotive which commemorated its service on the Upper Darling Range Railway line.

8. The locomotive has become a historically significant symbol for the Kalamunda History Village, the City of Kalamunda and the Perth Hills.
9. On 24 October 2016 the presence of asbestos was confirmed on and surrounding the locomotive located at the Kalamunda History Village. The History Village was closed to the public with immediate effect.
10. Licensed asbestos contractors effected urgent interim remedial work to make the site safe and the Kalamunda History Village re-opened to the public on 11 November 2016.
11. The locomotive has remained encapsulated in plastic and frequent inspections are carried out to confirm the integrity of the wrapping. A more permanent remediation of the locomotive and surrounds remains a priority and a number of potential options were identified and presented at the Ordinary Council Meeting on 27 April 2017.
12. The City currently has a 10 + 10 year lease arrangement with the Kalamunda and Districts Historical Society and it is responsible for the management and operations of the Kalamunda History Village with the support of the City and its staff.
13. The Kalamunda History Village attracts over 13,000 visitors each year. The majority are coordinated through the very popular school excursion program, which welcomes over 100 schools from throughout the Perth metropolitan region.

DETAILS

14. The presence of asbestos came to light on 24 October 2016 following preparations for a re-painting of the locomotive.
15. The Kalamunda History Village was immediately closed with environmental consultants engaged to undertake an asbestos risk assessment including:
 - Collection of samples to submit for laboratory analysis
 - Recording, collating and reporting findings verbally and in writing; and
 - Appropriate recommendations to control and remediate the hazard.
16. On 25 October 2016, environmental consultants provided a report confirming the presence of friable asbestos within the submitted samples and recommending the control and remediation of the hazard. Based on the report, licenced asbestos contractors were engaged to apply a PVA (polyvinyl acetate) substance to ensure the site was made temporarily safe.
17. Air sample tests were also conducted throughout that week, which indicated results below the limit of detection.
18. Licensed asbestos contractors were then engaged to make the site safe by:
 - Removing contaminated material within the identified exclusion zone;
 - Environmentally cleaning the station building area; and
 - Fully encapsulating the locomotive in a durable plastic material.

19. Works were undertaken throughout the last week of October and Kalamunda History Village re-opened to the public and schools on 11 November 2016.
20. Consideration of options for a more permanent remediation of the locomotive and immediate affected site were proposed for Council's consideration at the Ordinary Council Meeting on 27 April 2017.
21. **Option 1 – Disposal**
This option would deliver maximum remediation of the site.
- Option 2 – Asbestos Removal and Restoration**
This option would deliver maximum remediation of the site.
- Option 3 – Encapsulation in Plastic Sheeting**
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
- Option 4 – Sealed Viewing Enclosure**
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
- Option 5 – Sealing with a Protective Coating**
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
22. At the Ordinary Council Meeting on 27 April 2017 it was resolved that Council:
1. *Approves Option 2; the remediation of the G118 Locomotive, the platform and tracks, subject to the submission of a priority application to Lotteries West to secure a significant amount of external funding to offset the total cost of ratepayer funds.*
 2. *Notes once external funding has been confirmed a report will be submitted to Council for consideration.*
23. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of up to \$180,000 towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive and railway station at Kalamunda History Village.
24. Remediation of the locomotive and surrounding area is an extremely specialised project and it is therefore recommended that Council seek Expressions of Interest from contractors for completing restoration work.

STATUTORY AND LEGAL CONSIDERATIONS

25. The Department of Environment Regulation has served the City with a notice of a classification of a known or suspected contaminated site under section 15 of the *Contaminated Sites Act 2003 (WA)*. This requires a remediation plan for the contaminated site. Until all asbestos is removed, the History Village will remain a contaminated site.

26. The Code of Practice under *Occupational Safety and Health Regulations 1996* indicates at *11.1 Implementing the asbestos management plan*:

The control measures required for identified and presumed Asbestos Containing Material (ACM) should be determined from the risk assessment and should follow the following principles:

- *If the ACM are friable and not in a stable condition, and there is a risk to health from exposure, they should be removed by an asbestos removalist as soon as practicable.*
- *If the ACM are friable but are in a stable condition and are accessible, serious consideration should be given to their removal. If removal is not immediately practicable, short-term control measures, such as sealing and enclosure, may be able to be used until removal is possible, although some State and Territory OHS and authorities do not permit sealing or encapsulation of ACM.*

The following excerpt is from the "How to Manage and Control Asbestos in the Workplace – Code of Practice" publication produced by Safe Work Australia in February 2016:

"If it is not reasonably practicable to remove asbestos, then other control measures must be implemented to ensure people are not exposed to airborne asbestos, including either enclosing or sealing the asbestos".

POLICY CONSIDERATIONS

27. Policy No.: *ART5 - Stirk Cottage and Kalamunda Museum – Management Agreements.*

Objective: To ensure that any Agreement to manage the facilities takes account of the necessity to preserve and promote the history and heritage of the Kalamunda Districts for the benefit of its residents and for future generations.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

28. Relevant City Departments including Economic & Tourism Development, Public Relations, Procurement, Asset Delivery, Occupational Safety & Health and Environmental Health have been, and continue to be, consulted.

External Referrals

29. Kalamunda and Districts Historical Society, as the key stakeholder, has been informed of developments, remedial works already undertaken and the outcome of the Lotterywest funding application.

Consultation will continue regarding decisions affecting the locomotive's future given the management agreements in place for the Kalamunda History Village.

30. An Environmental Hygienist and Asbestos Removal Contractor were consulted and engaged for the initial remedial works undertaken.
31. State Government agencies, and specifically the Department of Health and Worksafe were consulted, for the relevant approvals of the initial remedial works undertaken in the short-term.

FINANCIAL CONSIDERATIONS

32. Municipal funding of \$236,398.73 has been allocated towards this project in the City of Kalamunda 2017/18 budget.
33. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of up to \$180,000 towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive and railway station at Kalamunda History Village.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 2.4: To ensure contaminated sites are safe and managed to ultimate use.
Strategy 2.4.1 Identify, examine and manage risk associated with contaminated sites.

SUSTAINABILITY

Social Implications

35. The locomotive is regarded by the community as a significant feature of the Kalamunda landscape. Any prospect of permanent loss of the locomotive has the potential to cause considerable concern amongst the community.

Economic Implications

36. The locomotive has been a major attraction for visitors to the Kalamunda History Village. The current encapsulation has impacted negatively on visitor experiences and may have impacted on revenue generated.

Environmental Implications

37. The Department of Environment Regulation has served the City with a notice of a classification of a known or suspected contaminated site under section 15 of the Contaminated Sites Act 2003. This requires a remediation plan for the contaminated site which will assist the Kalamunda and Districts Historical Society in their day to day running.

RISK MANAGEMENT CONSIDERATIONS

38.	Risk: Insufficient budget to complete the remediation required		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Ensure all proposed methodologies have been fully considered and assessed.		
	Risk: Permanent loss of locomotive		
	Likelihood:	Consequence	Rating
	Unlikely	Significant	Medium
	Action/ Strategy		
	Ensure that a solution ensuring full remediation is a feasible option.		
	Risk: Exposure to asbestos		
	Likelihood:	Consequence	Rating
	Unlikely	Significant	Medium
	Action/ Strategy		
	Ensure that methodologies deliver best practice compliance and a solution providing full remediation.		

OFFICER COMMENT

39. Each of the five potential options presented to Council in April 2017 had advantages and disadvantages in terms of risk, regulation, cost, revenue implications and community impact. However, only Option 1, Disposal, and Option 2, Asbestos Removal and Restoration, are considered to deliver permanent solutions for full remediation.
40. Of the permanent measures, Option 2, Asbestos Removal and Restoration, was at face value likely to be the most expensive. Option 2 has however attracted significant funding from Lotterywest which reduces the City's contribution to a level not dissimilar to that of Option 1, Disposal, which in turn would be the one most likely to attract community and visitor concern.
41. The Kalamunda and District Historical Society is fully supportive of Option 2 to deliver full remediation to the locomotive and contaminated site.

Voting Requirements: Simple Majority

RESOLVED OCM 215/2017

That Council:

1. Approves the full remediation of the G118 locomotive, platform and tracks at the Kalamunda History Village.
2. Approves the City proceeding with the Expressions of Interest from suitably qualified contractors to undertake the remediation of the locomotive, platform and tracks at the Kalamunda History Village.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

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

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

Cr Tracy Destree declared an indirect financial interest in Item 10.1.3 Stirk Park Master Plan – Public Comment as she is a member of the RSL, which has an interest in the Stirk Park Redevelopment.

10.1.3. Stirk Park Master Plan – Public Comment

Previous Items	OCM 75/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	PR-PLN-005
Applicant	City of Kalamunda
Owner	City of Kalamunda

[Attachment 1](#)
[Attachment 2](#)

Public Comment Submission Table
Stirk Park Master Plan

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of the Community Consultation on the draft Stirk Park Master Plan (the Plan).
2. The Planning Group (TPG) & Emerge Associates were engaged in March 2016 to consult with the broader community in a design process to enhance the iconic and historical Stirk Park.
3. Since the Council resolution (OCM 75/2017) of May 2017, the community has been invited to provide final feedback on the Plan over an 80 day public comment period which concluded 15 August 2017. This process included direct email invitation to a subscribed email database of over 400 residents, copies available at City Administration, Libraries, website and social media promotion.
4. It is recommended that Council adopt the final Stirk Park Master Plan and provide support for the commencement of more detailed scoping, consultation and detailed design for the following 1-3 year priorities:
 - Playground upgrade;
 - Youth and Sport Precinct; and
 - Path Network upgrade.

BACKGROUND

5. In May 2017, Council considered a report on the draft Stirk Park Master Plan and resolved as follows:

C&C 39 Stirk Park Master Plan

EN BLOC RESOLUTION OCM 75/2017

That Council:

1. *Receives the draft Stirk Park Master Plan*
2. *Advertises the attached draft Stirk Park Master Plan for a period of 80 days, with results then presented to Council, prior to final adoptions of the Plan.*

6. The following is an extract from the City's 2010 Community Facilities Plan, indicating that Stirk Park should be maintained as a District Level Park:

"While Stirk Park has the capacity to function as a District level park, the standard and quality of the playground space is limited and appears to have been developed on an ad hoc basis, without an overall play concept in mind and is considered more consistent with some of the better equipped local parks in the Shire of Kalamunda.

The play space in Stirk Park is around 0.3 hectares in size, while as a District level park, the play space should be in order of one hectare. Continuing to provide a local level park experience at Stirk Park is considered a significant underutilisation of this valuable community asset.

As a District level park, Stirk Park should provide a major and unique play space and experience for all ages of children and young people and at this level should be custom designed, themed and well integrated with the other uses and functions required of a District level park. This recognises that a play space is only one element and function of a District level park."

DETAILS

7. Throughout the stakeholder engagement undertaken by TPG and Emerge Associates, the community connection to Stirk Park has become apparent through the following core message:

While the park is in need of enhancement, the community has a genuine connection with this green, open, tranquil space that they continually use to relax, play and gather.

8. Following the final phase of a comprehensive, staged consultation process with the community, TPG and Emerge Associates presented the final, 'draft' design to Council in February 2017, which was then received by Council in May 2017 for a final period of public comment.

9. The final Master Plan has been broken down into three time period stages, with components and associated costs applied to each:

1. Priority Implementation (1-3 years);
2. Secondary Implementation (3-6 years); and
3. Tertiary Implementation (6-10 years).

In addition, a prospective consideration to an upgrade and/or realignment of the Kalamunda Club area, inclusive of Bowling Greens has been noted as 10+ years' option.

STATUTORY AND LEGAL CONSIDERATIONS

10. *Local Government Act 1995* (WA) Section 3.18 (3) (c)

POLICY CONSIDERATIONS

11. *Policy – FAC22 -The Cash-in-lieu Assessment Criteria Policy* provides strategic direction to Council's decision making on proposed cash in lieu projects for which Stirk Park may be eligible, as it is regarded as a district level park.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

12. City officers from various departments have been consulted throughout various stages of the Stirk Park Master Plan project, particularly with respect to the impacts of significant asset infrastructure projects in the Kalamunda Town Centre area.
13. The stormwater drainage study relative to the Kalamunda Town Centre and Stirk Park, inclusive of design and proposed works is coming to a conclusion.
14. The proposed works relative to this study currently has a budget allocation to enable implementation in the 2018/19 financial year and this will be an integral component of integration into the 1-3 year priority components of the Plan.
15. The roundabout at the corner of Elizabeth Street and Kalamunda Road is also being redesigned and constructed from a traffic management perspective over the 2017/18 and 2018/19 financial years.
16. The timing and associated budget aligned to this roundabout may present an opportunity to link in the entry statement and roundabout upgraded referenced in the 1-3 year priorities of the Plan.
17. Additionally, given the strong redevelopment focus in the initial 1-3 year priorities of the Plan, community feedback and internal discussion has highlighted the need to consider traffic flow and parking along Elizabeth Street.
18. Given the significant playground and youth space enhancements proposed on the Elizabeth Street, frontage adjacent to Stirk Park, and an increase in visitation, future consideration will need to be given to traffic and parking design along Elizabeth Street.

External Referrals

19. TPG and Emerge Associates undertook a significant amount of community consultation in two distinct phases from March 2016 to February 2017, initially enabling the development of two concept designs before the consolidation to a final Master Plan.
20. Thirty eight formal submissions were received during the 80 day public comment period. The Public Comment Submission Table (Attachment 1) reflects the formal submissions and associated staff comment applicable to each.

21. The large majority of submissions received are constructive in nature, 16 of which overtly praised the Plan. Many provided further, more specific suggestions that can be put forth in isolated consultation processes relative to each component part of the Plan when implemented.
22. For example, 19 submissions referenced design specifics relative to the playground and/or youth precinct, some referencing specific parks within the metropolitan region. This level of interest remains consistent with these components being regarded as the highest priority. Detailed designs for these elements will need to be determined through a more specific consultation phase, which has occurred for other playground developments within the City.
23. Aside from the overall constructive nature of formal submissions and a dominant reference to the playground and youth precinct component, the second most prevalent reference (ten submissions) was in respect to themes of parking, traffic and pedestrian implications.
24. Other matters raised generally in a constructive manner related to the lake (including water quality), pathway networks, BBQ facilities, toilets, tree retention, memorial walk, memorial wall, future café, entry statement, lighting, Stirk Cottage, Headingly House, amphitheatre, Kalamunda Club and dog area requests.
25. The comment in relation to not supporting the relocation of the War Memorial on Canning Road is in reference to the Plan showing the opportunity for locating a memorial extending from the Memorial Walk. This opportunity has arisen through consultation with the RSL and is shown in the 6-10 year implementation phase. Further consultation regarding this proposal and location will need to be undertaken at the appropriate time.
26. In relation to comments from the Kalamunda RSL Sub-Branch about the proposed Memorial Wall, the City has supported their request for a further extension of the grant funding until December 2018.

FINANCIAL CONSIDERATIONS

27. Implementation of components of the Plan will continue to be subject to annual budget deliberation processes and competing priorities.
28. An indicative figure of \$1 million over the next three years has been included in the 10 year Long Term Financial Plan towards the implementation of the Master Plan as follows

2017/18	\$100,000
2018/19	\$450,000
2019/20	\$450,000
29. The \$100,000 identified in 2017/18 is for the purpose of developing detailed design and documentation for the initial 1-3 year priority components. This will then be utilised to attract and source external funding.

30. It is intended that the ongoing implementation of the schedule of works be staged in a manner that will ensure maximum opportunity for Council to leverage external funding through such sources as:

- Lotterywest – ‘Community Spaces Outdoor’ Grant
- Department of Planning – Cash in Lieu Funding
- Department of Local Government, Sport, Culture & Industries – Community Sporting & Recreation Facilities Fund (CSRFF)
- Other – State/Federal Government Advocacy, Service Clubs, etc.
- Sponsorship or naming rights for playground

31. The initial 1-3 year priority components as shown in the Plan and estimate of probable costs are as follows:

Path network upgrade	\$251,700
Playground upgrade (includes modular toilet block facilities, excludes sewer works)	\$527,300
Amphitheatre upgrade (excludes car park and drainage infrastructure)	\$296,130
Entry statement	\$35,200
Youth and sport precinct	\$265,800
Roundabout upgrade	\$60,000

Total (excl. GST) \$1,436,130

Note: Detailed design costs are not included in this total

32. Following the latest round of public consultation, it is now proposed to obtain detailed designs for the following priority components:

Playground upgrade (includes modular toilet block facilities, excludes sewer works)	\$527,300
Youth and sport precinct	\$265,800
Path network upgrade	\$251,700

Total (excl. GST) \$1,044,800

Note: Detailed design costs are not included in this total

33. There were a number of comments received in relation to a future café on the site. This has been identified on the plan as part of a proposed redevelopment of “Headingly House” community building on Headingly Road. While the proposal is in the 6-10 year implementation timeframe; the design, location and potential for a future income stream for the City, will need further detailed investigation at the appropriate time.

Strategic Planning Alignment

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

OBJECTIVE 1.9: To provide high quality community facilities to meet the needs of our current and our future community.

Strategy 1.9.1 Support and deliver a long term approach to community facilities planning.

SUSTAINABILITY

Social Implications

35. The undertaking of a study to provide strategic direction and guidance in the provision of recreation and social infrastructure at Stirk Park, will greatly assist in a long term approach to servicing the community with a suitable District Level Park.

Economic Implications

36. The enhancement of Stirk Park to a suitable District Level Park will attract increased usage and visitation locally and beyond, consequently providing spin off benefits to the local economy and businesses, particularly within the Kalamunda Town Centre.

Environmental Implications

37. Investigations are currently underway and coming to a conclusion with respect to drainage of the Kalamunda Town Centre which then has implications on drainage to and through Stirk Park.
38. Outcomes and recommendations of such drainage studies and investigations will certainly impact components of the Plan, specifically with respect to the drainage channels and the size and design of the lake.

RISK MANAGEMENT CONSIDERATIONS

- 39.
- | | | |
|--|--------------------|---------------|
| Risk: The Draft Master Plan design and priorities do not meet the needs of the community, including nearby residents. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/ Strategy | | |
| A significant amount of community consultation has already been undertaken with respect to the needs of the community and this will again occur through the detailed design process. | | |

Risk: Project does not receive external funding support.		
Likelihood	Consequence	Rating
Unlikely	Significant	Medium
Action/ Strategy		
Each of the proposed stage one developments will include staged upgrade options in the event that external funding support is not successful.		

OFFICER COMMENT

40. The draft Plan design has endeavoured to prioritise and stage components based on the community consultation feedback.
41. The main outcomes for the community will be increased opportunities to participate in physical and social activities at an enhanced District Level Park.
42. In addition, local tourism and businesses within the Kalamunda Town Centre will benefit from the likely increased visitation to the park from outside of the City as a result of key, priority park enhancements such as the playground development.
43. The priority elements identified for implementation in the proposed 1-3 year timeframe were as follows:
 - Path network upgrade
 - Playground upgrade
 - Amphitheatre upgrade
 - Entry statement
 - Youth precinct
 - Roundabout upgrade.
44. Of the 38 submissions received, the large majority were constructively supportive, providing further detail relative to specific component parts of the conceptual Plan.
45. The most common components referenced were with regard to specifics of the design elements to be included in the playground; youth and sport precinct spaces, highlighting the importance of consultation processes for each of those component parts.
46. Parking, traffic flow and pedestrian access considerations were the next most common following that, a wide range of references relative to lighting, BBQs, lake, water quality, vegetation, heritage elements, dog area requests, Kalamunda Club, Headingly House, Stirk Cottage, amphitheatre, future café, memorial walk, memorial wall and toilet facilities were referenced.
47. It should be noted that subject to future available budget, external grants and funding aligned to the various component parts, each will have more specific consultation phases with consideration to residents, vegetation, drainage, infrastructure and overall community needs.

48. Component parts such as the playground upgrade. Youth and sports precinct will require more specific community consultation phases, inclusive of a defined scope of works to enable design and implementation aligned to budgets. Compliance with all universal access regulations and requirements will be required as each component of the Plan is designed.
49. During the design phase for the youth and sports precinct there is potential to substitute the Pump Track element with a Skate Park. The Kalamunda Skate Park is ageing and will soon be at a stage of needing replacement, therefore this will need to be taken into consideration in accordance with funding parameters.
50. The significant amount of public commentary relative to the playground upgrade and youth and sport precinct reaffirms these two elements as initial, key priorities within the 1-3 year timeframe.
51. Pedestrian access and flow is an integral element in the initial planning and implementation of 1-3 year priorities highlighted in the Plan. This should be encompassed as initial priorities along with the playground and youth and sport precinct.
52. The amphitheatre upgrade has been deferred to stage two, so as to align the works with the proposed Sound Shell improvements. There is also potential to reduce the extent of new pathway developments in stage one if external funding opportunities are not successful.
53. The entry statement and roundabout upgrade however did not attract much attention in the final public comment phase and it is suggested that these elements be postponed.
54. In implementing the Plan, it is therefore recommended that the first stage be to undertake detailed design and scoping with respect to the following elements of the listed 1-3 year priorities, as deemed by the community. Specifically:
 - Playground Upgrade;
 - Youth and Sport Precinct; and
 - Path network upgrade.
55. In summary, it is recommended that Council endorses the draft Stirk Park Master Plan as a conceptual, strategic tool guiding future developments with more detailed scoping, consultation and design to be applied to the implementation of the prioritised component parts.

Voting Requirements: Simple Majority

RESOLVED OCM 216/2017

That Council:

1. Adopts the final Stirk Park Master Plan to be used as a conceptual, strategic tool guiding future developments with more detailed scoping, consultation and design to be applied to the implementation of the prioritised component parts.

2. Supports the commencement of more detailed scoping, consultation and detailed design for the following 1-3 year priorities:
 - Playground Upgrade;
 - Youth and Sport Precinct; and
 - Path network upgrade.
3. Notes that the remaining stage two and three development proposals will be subject to sourcing external funding, annual budget deliberations and the competing priorities in the Long Term Financial Plan.
4. Consider the inclusion of a skate park within the youth and sport precinct and then the closure of the existing skate park located on Canning Road in Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

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

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

10.1.4 Draft Economic Development Strategy – Public Comment

Previous Items	OCM 128/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachment 1	Draft Economic Development Strategy
Attachment 2	Public Comment Table

EXECUTIVE SUMMARY

1. The purpose of this report is to consider public comments received following a Council resolution to advertise the Draft Strategy for a period of 40 days.
2. In November 2016, AEC Group Ltd was engaged to develop an Economic Development Strategy for the City of Kalamunda.
3. In July 2017, Council received the Draft Economic Development Strategy and requested it be advertised for public comment for a period of 40 days, with results then presented to Council, prior to final adoption of the Strategy.
4. It is recommended that Council adopts the Economic Development Strategy – City of Kalamunda July 2017 (Attachment1).

BACKGROUND

5. The City's previous Economic Development Strategy was developed in 2009, with an action plan over a five year period.
6. The previous strategy had lapsed and the need for a contemporary Economic Development Strategy was identified and pursued.

DETAILS

7. The City recognises the important role the Draft Strategy plays in supporting and facilitating economic growth.
8. The Draft Strategy was prepared by AEC Group Ltd in consultation with the local businesses and the City of Kalamunda.
9. The Draft Strategy endeavours to provide a realistic, achievable, evidence-based plan of action with consideration to resourcing within the current local economic environment, responsive to challenges and opportunities to foster growth and investment.

10. The development of the Draft Strategy included the following key steps:
 1. Inception meeting, desktop review and establishment of project outputs.
 2. Socio-demographic, economic and tourism profile data gathering.
 3. Situational analysis of economic opportunities, including trends and strategic asset assessment.
 4. Stakeholder engagement through a variety of consultation.
 5. Strategy development, including a vision, goals, framework and five year activity program.
 6. Draft strategy development, presentation to Council and public comment period.
11. The Draft Strategy is designed to provide clear direction regarding five identified priorities to be implemented as the basis for a program of activities:
 - Industry expansion and attraction
 - Business capacity building
 - Tourism
 - Strong local identity
 - Create a welcoming environment

STATUTORY AND LEGAL CONSIDERATIONS

12. *Local Government Act 1995 (WA)* Section 5.56 Planning for the future:
 - (1) A local government is to plan for the future of the districts.
 - (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the districts.
13. This draft Strategy is an informing document to enable sustainable planning for the future.

POLICY CONSIDERATIONS

14. The proposed program of activities within the Draft Strategy suggests a review of the City's Local Planning Scheme and regulatory approvals processes.
15. Council Policy - *Appointment of Community Members to Advisory Committees and Reference Groups*"

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. In addition to the City's Economic, Land & Property Services, Councillors, the Executive Management Team, Planning Services and Community Development were also consulted.

External Referrals

17. AEC Group with support from the City has undertaken a significant amount of consultation during the development of the Draft Strategy.

18. In formulating the Draft Strategy prior to a final public comment period, the following methods were employed to promote involvement in the community consultation component of the project:
 - Targeted Emails – informative and promotional communication was sent through a number of business network email databases.
 - Traditional Media – informative and promotional communication was provided via website, local newspaper advertisements, media releases and promotional flyers distributed to businesses.
 - Social Media – informative and promotional posts were provided via City and local business network Facebook pages.
19. External engagement activities employed during the consultation phase, forming the considerable basis of the Draft Strategy included:
 - Industry workshops for businesses including tourism providers
 - One-on-One interview with key stakeholders
 - Online Business survey – 40 completed surveys
20. Following the resolution of the Ordinary Council Meeting on July 2017 a 40 day public comment period (concluding 8 September 2017) was promoted to businesses and the broader community.
21. In addition to the same methods initially employed to promote involvement, and in alignment with the above Council resolution, the City promoted the public comment opportunity at two business forums:
 - Business Breakfast Conversations on Wednesday 2 August 2017
 - Kalamunda Chamber of Commerce Business Breakfast on Wednesday 16 August 2017
22. The City also conducted an evening business forum on Tuesday 29 August 2017 to promote the Draft Strategy and encourage comment from the business community.
23. At the evening forum, City Officers provided a summary presentation of the project including stakeholder engagement and the five identified priorities to be implemented as the basis for a program of activities.
24. Since the Council resolution of July 2017, over the 40-day public comment period, a total of four formal comments were received. The attached table reflects the formal submissions and associated staff comment applicable to each (Attachment 2).
25. The majority of submissions received were of a positive and constructive nature.
26. The following amendments have been made to the draft Strategy since it was endorsed for public comment in July 2017.

Paragraph 3.2.3 - an additional sentence has been inserted to read: *'During consultation some tourism operators expressed the desire to ensure that the destination image is retained by preserving the smaller boutique attractions and services that are currently on offer.'*

Paragraph 3.4 – the title has been amended to read: '*The Role of the City*'.

Paragraph 3.2.4 and 4.1 – Local buy has been amended to read: '*Buy local*'.

FINANCIAL CONSIDERATIONS

- 27. The Draft Strategy should provide a direction for the City's advocacy program and improve the ability to attract external investment.
- 28. A number of the activities referenced within the Draft Strategy program of activities will be subject to annual budget processes and competing priorities.
- 29. The successful implementation of the Draft Strategy will be subject to both the availability of operational budget and staffing resources.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

- 30. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 3.3: To develop and enhance the City's economy.

Strategy 3.3.1 Facilitate and support the success and growth of industry and businesses.

SUSTAINABILITY

Social Implications

- 31. The objective of facilitating, achieving and maintaining a vibrant prosperous community also supports the social outcomes referenced in the Draft Strategy.

Economic Implications

- 32. The outcomes of this project will provide strategic direction and guidance for economic development that should assist local businesses to flourish and prosper.
- 33. Additional employment and training opportunities and the enhancement of essential supporting infrastructures, will add to the sustainability of the local and regional economy.

Environmental Implications

- 34. Land use planning and development assessment criteria, in addition to controls of relevant State Government bodies, are designed to safeguard and provide a balance between growth and protection of the natural environment.

RISK MANAGEMENT CONSIDERATIONS

35.	Risk: The Draft Strategy fails to meet the needs of the City and local business community.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	A significant amount of engagement and consultation has been undertaken with respect to the needs of the community by the Consultants and City Officers to ensure the Strategy is reflective of needs.		

	Risk: The Draft Strategy may raise community and local business expectations regarding activities that may not all affordably be resourced.		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action / Strategy		
	Ensure community and local business is informed as part of communications process that all activities are subject to resourcing.		

OFFICER COMMENT

36. The Draft Strategy has been prepared based on broad local stakeholder consultation and feedback, with the program of activities developed to address the key strategic priorities identified.
37. The program of activities sets targets and resourcing for each of the strategic priorities for the life of the Draft Strategy. However, these will need to be reviewed and prioritised on an annual basis to ensure they are relevant and adequately resourced.
38. The program of activities has been developed to address five identified strategic priorities:
- Industry expansion and attraction
 - New investment and jobs
 - Health and aged care
 - Agriculture
 - Business capacity building
 - Events and activities
 - Workforce development
 - Home based business support
 - Tourism
 - Product development
 - Destination marketing
 - Destination management
 - Strong local identity
 - Buy Local program
 - Community pride program
 - Township activation program
 - Create a welcoming environment
 - Provide supportive regulatory framework
 - Develop business application guidelines

- Establish internal decision making framework
39. Following the Council resolution of July 2017 for a 40 day public comment period, promotion has been undertaken with the local business community through a variety of mediums, including a public forum, encouraging review and public comment.
40. The minimal, yet constructive public comment received from the local business community provides some indication that the engaging community consultation process and consequent Draft Strategy is reflective of needs and providing sound, actionable strategic priorities.
41. In implementing the Draft Strategy, officers will review and confirm the actions of year one with consideration to prioritisation and resourcing.
42. In line with the Strategy document regarding 3.6 performance measurement, the progress against the program of activities will be reported back to Council on a biannual basis using the usual Ordinary Council Meeting cycle. The outcomes of these meetings will be communicated back to the business community and the broader community.
43. It is recommended that Council endorses the Draft Strategy as important strategic tool to guide and leverage economic development within the City of Kalamunda.

Voting Requirements: Simple Majority

RESOLVED OCM 217/2017

That Council:

1. Adopts the Economic Development Strategy – City of Kalamunda July 2017.
2. Supports the commencement of prioritised, resourced actions aligned to the program of activities within the Economic Development Strategy – City of Kalamunda July 2017.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

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

10.1.5 Strategic Sport and Recreation Community Committee – Public Comment

Previous Items	OCM 163/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	
Applicant	
Owner	
Attachment 1	Amended Terms of Reference
Attachment 2	Public Comment Summary
Attachment 3	Nomination Package

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of the community consultation on the draft Terms of Reference for the establishment of a Strategic Sport and Recreation Community Committee (SSRCC) to replace the existing Sport and Recreation Advisory Committees.
2. The opportunity for public comment was promoted widely through advertising on the City's website, in the local newspaper, emailed out to all sporting club contacts and provided via an online feedback form.

Meetings were also held with the Hartfield Park, Kostera Oval and Scott Reserve Advisory Committee along with two Community Forums.
3. It is recommended that Council:
 - receive the public comment
 - adopt the amended Terms of Reference
 - endorse the removal of the word "community" from the title
 - support the establishment of a SSRCC
 - abolish the existing Sport and Recreation Advisory Committees.

BACKGROUND

4. At the September OCM 163/2017 it was resolved that Council:
 1. *Support in principle the development of a Strategic Sport and Recreation Community Committee to replace the existing Sport and Recreation Advisory Committees.*
 2. *Request the CEO advertise the draft Terms of Reference for a period of 30 days including consultation with the following Sport and Recreation Advisory Committees:*
 - a. *Hartfield Park Advisory Committee*
 - b. *Scott Reserve Advisory Committee*
 - c. *Kostera Oval Advisory Committee*

3. Provide Terms of Reference to all clubs and invite representatives from each club to a forum held at Woodlupine Community Centre and City of Kalamunda Administration Centre with the purpose of providing information and assistance to the clubs of the proposed new structure. In addition explain how the capital grants program will work in conjunction with this group.

5. In accordance with this resolution the draft Terms of Reference were advertised for a period of 30 days closing on 3 November 2017.
6. A summary of the public comments, Advisory Committee and workshop feedback has been included in this report (Attachment 1).

DETAILS

7. Strategic Sport and Recreation Community Committee (SSRCC)
There has been little change to existing Council's Management and Advisory Committees for a number of years. It is timely to consider a review of the types and structure of the Committees to ensure alignment with Council's strategy and priorities, and to meet community expectations.
8. Some of the issues and perceptions around the existing process for capital funding of sport and recreation groups can be summarised as follows:
 - a. Lack of integration between Community Sporting & Recreation Facilities Fund (CSRFF) and budget processes.
 - b. Expectation that CSRFF projects will be funded prior to budget consideration.
 - c. Perception that funding is not always equitable.
9. The SSRCC is based around the principles of Participatory Budgeting, which is a process of democratic deliberation and decision-making, and a mechanism by which the community determines spending priorities, investment and budget allocation decisions within the City's sport and recreation program.
10. The proposed SSRCC will have two key focus areas:
 1. Provide a forum for independent consideration, assessment and ranking of new Capital Funding applications submitted from sporting and recreational clubs through the City's Capital Grants EOI process.
 2. Provide the City with an independent review and validation of the current sport and recreation projects included in the LTFP. This will ensure that all future projects remain strongly aligned with the communities' priorities and the City's funding parameters.
11. There was general support from both the Advisory Committees and other sporting clubs regarding the establishment of the SSRCC. Several key themes emerged throughout the public comment and feedback process:
 - The need for balanced representation particularly in relation to locality and sporting code.
 - How the City would select members should more than nine nominations be received.
 - The need for disclosure of interests, impartiality and transparency

- Comments were made with respect to ensuring that all knowledge is not lost after the completion of the proposed two year term with a suggestion that consideration be given to splitting of terms.
- How the City would ensure that the committee remains unbiased in the recommendations made to Council for funding.
- A query was received as to the inclusion of the word *Community* within the title of the proposed committee.

12. Advisory Committees

In regards to the proposed replacement of the current Advisory Committees, the main comments received from committees were:

- Hartfield Park Advisory Committee** – In regards to how operational matters would be dealt with, the user groups were not overly concerned with the proposal to replace the Advisory Committees.
The groups felt that the current system of liaising with a Recreation Services Officer worked well and would continue to do so.
- Kostera Oval Advisory Committee** – The committee were also not overly concerned with the proposed replacement of the Advisory Committees providing other measures were put into place to ensure that strong channels of communication remain.
The groups noted that seasonal handover meetings would need to include officers from the Parks and Environment team and would perhaps need to happen twice per season.
The Kalamunda Senior High School raised concern that perhaps reference was made within the Shared Licence Agreement between the City and the Department of Education, that communications be maintained via the committee.
- Scott Reserve Advisory Committee** – The user groups on this committee were steadfast in wanting to retain the Scott Reserve Advisory Committee as they felt that it was not strategic and the user groups needed the opportunity to discuss operational matters with each other and City officers.

STATUTORY AND LEGAL CONSIDERATIONS

13. *Local Government Act 1995 (WA)* - Part 5 Subdivision 2 - Committees and their meetings.

POLICY CONSIDERATIONS

14. COMR 21 - Capital Grants Clubs and Community Groups.

Council Policy - Appointment of Community Members to Advisory Committees and Reference Groups (*All nominations for the Strategic Sport and Recreation Community Committee will be assessed in accordance with this policy and criteria*).

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. Draft Terms of Reference were referred to Legal and Governance Services for further development and the following items were adjusted.
- a. 3.5 removed to ensure consistency with the Terms of Reference for other Committees of Council.
 - b. 4.2 amended to read as "The first meeting is to be held following the closure of the Expression of Interest process."

External Referrals

16. The opportunity for public comment was promoted widely through advertising on the City's website, in the local newspaper, emailed out to all sporting club contacts and provided via an online feedback form.
17. Meetings were held with Sport and Recreation Advisory Committees:
- 10 October 2017 - Hartfield Park Advisory Committee.
 - 12 October 2017 - Kostera Oval Advisory Committee.
 - 17 October 2017 - Scott Reserve Advisory Committee.
18. The following workshops were held:
- City of Kalamunda Administration Building - 19 October 2017.
 - Woodlupine Community Centre, Forrestfield – 26 October 2017.

FINANCIAL CONSIDERATIONS

19. Following a recommendation by the SSRCC, Council will consider and prioritise the Expression of Interest projects and endorse them as part of the annual budget and Long Term Financial Plan process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 1.2 To provide safe and healthy environments for the community to enjoy.
- OBJECTIVE 1.3 To support the active participation of local communities.
- OBJECTIVE 4.1 To provide leadership through transparent governance.
- OBJECTIVE 4.2 To proactively engage and partner for the benefit of the community.

SUSTAINABILITY

Social Implications

21. The formation of the SSRCC will provide strategic direction and guidance in regards to the development of facilities and reserve infrastructure in the City of Kalamunda and will greatly assist in a long term approach in regards to the provision of sporting facilities within the region.

Economic Implications

22. The formation of the SSRCC is expected to provide the community with an improved understanding of the economic costs and benefits associated with our sport and recreation services.

Environmental Implications

23. The formation of the SSRCC will allow for improved promotion of strategies for reducing energy consumption when considering facility development and upgrades including lighting projects across the City. This could include the potential of installing PV solar panels on the roof any new facilities and consideration of use of LED lighting where appropriate.

RISK MANAGEMENT CONSIDERATIONS

- 24.
- | | | |
|---|--------------------|---------------|
| Risk That a balanced representation is not achieved on the committee in terms of locality and sporting codes. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action / Strategy | | |
| Membership of the SSRCC provides for a wide representation from all sporting clubs across the City. Council will be responsible for appointing the members. | | |
-
- | | | |
|---|--------------------|---------------|
| Risk: Bias or favoritism by committee members when recommending projects to Council for funding. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action / Strategy | | |
| Staff develop a guide/matrix to assist with decision making and ranking of projects. | | |
-
- | | | |
|--|--------------------|---------------|
| Risk: Deterioration of working relationships with clubs following replacement of advisory committees. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action / Strategy | | |
| Recreation Services Officer (Sport and Club Development) and other City Officers will continue to provide support to and maintain a regular and open communication with all sporting and recreation clubs. | | |

OFFICER COMMENT

25. After analysing the feedback received, the key themes and issues that emerged during the consultation period were as follows:

SSRCC Membership

- The need for balanced representation particularly in relation to locality and sporting code
- How would the City select members should more than nine nominations be received
- The need for disclosure of interests, impartiality and transparency
- Comments were made with respect to ensuring that all knowledge is not lost after the completion of the proposed two year term with a suggestion that consideration be given to splitting of terms.
- How would the City ensure that the committee remains unbiased in the recommendations made to Council for funding.
- A query was received as to the inclusion of the word *Community* within the title of the proposed committee.

Officers have provided comment addressing each of these themes below.

26. Nominations will be assessed using a decision making matrix that will be based upon the Sport and Recreation feedback ensuring balanced representation in terms of locality, sporting code and relevant skills and experience the candidate would bring to the committee.
27. All committee members will be required to disclose any financial, proximity or impartiality interests that they may have in any matter to be discussed at the meeting as reflected in the amended Terms of Reference (Attachment 1).
28. Section 5.11 the *Local Government Act of 1995 (WA)* provides for two year terms for members with retiring members able to renominate. This should allow for knowledge to be retained through the process of re-election.
29. A decision-making matrix/guide would be developed to guide and assist members to make unbiased decisions in regards to recommendations to Council for funding.
30. Another element that could be added to the SSRCC deliberation process, to enhance impartiality and fairness, would be to have a suitably experienced and independent facilitator that oversees the decision making process.
31. As the focus of the committee is around the sporting and recreational clubs, it is proposed that the word *community* be removed from the title to avoid any confusion that community groups are also part of the membership of the SSRCC.

Advisory Committees

32. It should be noted that the Scott Reserve Advisory Committee are strongly opposed to the abolition of their Advisory Committee.
33. In the event that the Advisory Committees are replaced, then all maintenance and other reserve or building issues would be reported and handled through the City's Internal Customer Support system and tracked to ensure completion. Any major renewal projects would be referred to the Asset Services team and considered in conjunction with the appropriate Asset Management Plan (e.g. car parks, court re-surfacing, drainage etc).
34. The City's Club and Sport Development Recreation Services Officer and other City officers will continue to provide support and maintain a regular and open communication with all sporting and recreation clubs to ensure there is not a deterioration of the relationships with clubs following the replacement of the existing sporting Advisory Committee structure.
35. A more detailed seasonal handover process for clubs based at reserves will be instigated, involving City officers from Parks and Environment as well as the Recreation Services. Two onsite meetings will be held prior to the seasons start (October & February) and one mid-year, at which matters based around the grounds, bookings, funding and other club matters will be addressed. Property Services Officers will continue to host seasonal changeover meetings for clubs that share a leased facility at the appropriate time.
36. Reserve user groups will still be able to meet on an as needed basis to discuss any operational issues or improvements being proposed. This informal collaboration may also need to include City officers when events or other activities are proposed on a particular reserve.
37. Steering Committees or Working Groups comprising of the various sporting clubs and any other user groups, will need to be established when developing and implementing Master Plans or Major Projects on recreation reserves.
38. The retention of one or two formal Sport and Recreation Advisory Committees at the expense of other sporting clubs that are not included on these committees, may give the perception that these committees will have a stronger voice and greater influence when it comes to Council support for Capital Grant requests.
39. All 39 sporting and recreation clubs will be invited to a meeting in December where the process and objectives of the SSRCC and how they align with the City's new Capital Grants process will be explained. At the meeting nominations from all clubs will be invited.
40. At the September C&C 67/2017 comment was made that more detail and description be included in the Terms of Reference. Details explaining membership nomination, election and membership roles have been expanded on in the amended Terms of Reference (Attachment 1) and in a Nomination Guide (Attachment 3) that will be available to all clubs.

Cr Thomas left the meeting at 7.40pm and returned at 7.42pm. Cr Thomas did not vote on this matter.

Voting Requirements: Absolute Majority

RESOLVED OCM 218/2017

That Council:

1. Receive the public comment.
2. Endorse the removal of the word "community" from the title of the new committee and amend the Terms of Reference accordingly.
3. In accordance with Section 5.8 of the *Local Government Act 1995 (WA)*, establishes the Strategic Sport and Recreation Community Committee.
4. Adopt the amended draft Terms of Reference for the Strategic Sports and Recreation Community Committee.
5. Abolish the existing Sport and Recreation Advisory Committees effective from 28 November 2017.
6. Request the Chief Executive Officer continue to implement informal meetings with Scott Reserve and Kostera Oval stakeholders to deal with issues and operational matters on a as needs basis as required by the sporting clubs.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

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

**10.1.6 CONFIDENTIAL ITEM – Acquisition of Portion of Lot 7 (No. 257)
Lesmurdie Road, Lesmurdie**

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

Previous Items	Nil
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	LS-03/257
Applicant	Keith Outram
Owner	Keith Outram

Confidential Attachment 1 <i>Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Letter from Owner of Lot 7 dated 24 March 2017
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Confidential Attachment 2 <i>Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Plan 4209-01-02/A
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Confidential Attachment 3 <i>Reason for Confidentiality Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Burgess Rawson Valuation Report for Portion of Lot 7 dated 19 September 2017
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RESOLVED OCM 239/2017

That Council:

1. Delegates to the Chief Executive Officer, the authority to negotiate with the registered proprietor of land described as Lot 7 on Diagram 13932, Certificate of Title Volume 1145, Folio 432 and otherwise known as lot 7 (257) Lesmurdie Road Lesmurdie (Land), for the acquisition of a 167 square metre portion of the Land shown delineated and marked on drawing 7779/16/1, attached as part of Confidential Attachment 1, pursuant to s.168 of the Land Administration Act 1997 (WA).
2. For the purposes of the negotiation described in (1) above, adopts Confidential Terms of Negotiation Option C as specified in Confidential Attachment 4 and requests the Chief Executive Officer to undertake negotiations accordingly.

Moved: **Cr Michael Fernie**

Seconded: **Cr Dylan O'Connor**

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

10.2 Development Services Report

Voting Requirements: Simple Majority

RESOLVED OCM 219/2017

That recommendations of reports 10.2.1, 10.2.4, 10.2.5, 10.2.6 and 10.2.8 be adopted by Council en bloc. Items 10.2.2, 10.2.3 and 10.2.7 will be considered as separate matters. Confidential Item 10.2.9 will be considered as a separate matter.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

10.2.1 Proposed Initiation of Scheme Amendment 95 to Local Planning Scheme No.3 – Additional Use, Reception Centre, Lot 601 (782) Welshpool Road East, Wattle Grove

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-LPS-003/097
Applicant	Altus Planning and Appeals
Owner	Rothway Homestays, K E Bennett
Attachment 1	Scheme Amendment Form 2A
Attachment 2	Applicant's Amendment Report
Attachment 3	Traffic Impact Statement Report
Attachment 4	Bushfire Management Plan Report
Attachment 5	Department of Fire and Emergency Services (DFES) Referral Notice.
Attachment 6	Site Photos

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application to amend the City of Kalamunda *Local Planning Scheme No.3 (Scheme)* to include the additional use "Reception Centre" at the above mentioned address.
2. The application is accompanied by a Transport Impact Statement (TIS) in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment (TIA) Guidelines 2016 as well as a Bushfire Management Plan (BMP).
3. The 'Reception Centre' would cater for small to medium-sized garden weddings with a cut off time of 11:00pm, except on Sunday, where the cut-off time will be 9:00pm.

4. It has been reported by the applicant that the majority of events would attract approximately 50 guests with the provision for the maximum number of guests to be capped at 100.
5. It is recommended that the proposal Scheme amendment be adopted by Council for the purpose of public advertising.

BACKGROUND

6. Land Details:

Land Area:	2.0057ha
Local Planning Scheme Zone:	Rural Composite
Metropolitan Regional Scheme Zone:	Rural

7. On the 20 August 2015, the City granted the land owner(s) with planning approval to operate a Bed and Breakfast at the subject site for a maximum of six guests, in addition to any persons currently residing at the residence.
8. The existing dwelling is identified in the City's Municipal Heritage Inventory 2015, as Place No 183 – formerly Taylors Home. The residence and surrounding property were built for Fred Taylor and his family around 1927 who made a significant contribution to the local community. The building is listed as having a Management Category Level 4, which is the lowest conservation level category with little historic significance.

Locality Plan

9. The existing dwelling is identified in the City's Municipal Heritage Inventory



DETAILS

10. The applicant is seeking Council approval to initiate Scheme Amendment 95 to Local Planning Scheme No.3 for the purpose of public advertising to allow for an additional use of 'Reception Centre' on the subject site.
11. In support of the request, the applicant has provided the following information:

- A comprehensive planning report justifying the proposal (Attachment 2).
 - A Traffic Impact Statement Report (Attachment 3).
 - A Bushfire Management Plan Report (Attachment 4).
12. Scheme amendment 95 will facilitate the use of reception centre on the site as follows:
- It is proposed that the 'Reception Centre' would have the ability to operate seven days per week, on an as needed basis and that it would be seasonal, i.e. during the warmer, dryer months of the year, with approximately 15 events per year. At all other times it is proposed to continue to operate in accordance with its present approval for a Bed and Breakfast.
 - It is proposed that the 'Reception Centre' would cater for small to medium sized garden weddings, attracting approximately 50 guests with a maximum capacity of 100 guests. All events will have a cut off time of 11.00pm, except on Sunday, when the cut off time will be 9.00am.
13. In support of the proposal, the applicant contends the following:

"The subject land would be an ideal location for and could accommodate a Reception Centre given the size and the layout of the land well as its direct (and full) access to Welshpool Road East. Furthermore, the nature, scale and frequency of the events are such that it will not have any adverse impacts on the surrounding area and in fact, the amendment would provide an incentive for the landowner to maintain his well-manicured and established garden setting, as well as the heritage listed dwelling, all of which is considered to have a positive impact on the amenity of the locality."

STATUTORY AND LEGAL CONSIDERATIONS

14. Should Council resolve to initiate the amendment, then it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination there is no Right of Review (appeal) irrespective of the Minister's decision.
15. In the event that Council does not adopt the amendment for the purposes of advertising, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal (SAT).

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

16. In relation to the processing of Scheme amendments, the Regulations distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.

17. Under the Regulations, the proposed Scheme Amendment 95 is considered a 'standard amendment', for the following reasons:
- The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment;
 - The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area; and
 - The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under Regulations.

Metropolitan Region Scheme

18. The site is zoned Rural under the Metropolitan Region Scheme.

Local Planning Scheme No.3

19. The subject lot is currently zoned Rural Composite under the Scheme, which includes the following objectives under Part 4.2.2 (Rural Zones):
- To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.*
20. The proposed additional uses are defined under the Scheme and Regulations as follows:

Use	<i>Planning and Development (Local Planning Schemes) Regulations 2015 Definition</i>	Local Planning Scheme No. 3 Definition
Reception Centre	Means premises used for hosted functions on formal or ceremonial occasions.	Means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.

21. This Scheme amendment proposes to enable the City to consider the use 'Reception Centre' as an 'A' use in the Rural Composite zone as an additional use for this specific property. This would mean that the use is not permitted unless the City has granted planning approval after advertising the proposal pursuant to the Scheme.

POLICY CONSIDERATIONS

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

22. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

23. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to bushfire prone areas under the Scheme.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. **Environmental Health:** concerns have been raised regarding the location and potential upgrade of effluent disposals systems. It has been indicated that this can be dealt with by way of appropriate conditions applied to any approval to commence development. In regard to noise association with the use of the Reception Centre, the applicant will be required to prepare a noise management plan as part of any future development application associated with the reception centre use.

Asset Services no concerns have been raised and any conditions can be applied to any approval to commence development. The following comments have been stated:

- *The proposal has a potential of 50 to 100 patrons of a function, creating 12 to 100 vehicle movements on and off the road network at the start and end of the function, being its 'peak hour'. This identifies the proposal as having a moderate impact.*
- *Normal operations will create a presumed less than 10 vehicle movements per hour, resulting in a low impact.*
- *Welshpool Road East carries high volume vehicle traffic, cycling traffic and in addition serves as a restricted access vehicle network.*
- *The crossover is closely aligned with an opening in the median on Welshpool Road East.*

The critical aspect will be ensuring that the up to 100 vehicles can safely exit the site and travel to the southwest, during peak hour traffic for the road.

This application needs to be assessed as having a Moderate Impact, and a Transport Impact Statement will be required. The Statement should include:

- 1. Management of traffic flows at the end of a function, to prevent or discourage queuing in the median of Welshpool Road East,*
- 2. Detail of the estimated numbers and types of vehicles for the types of functions proposed, and*
- 3. Evidence of sufficient parking space on the site, and not using the road verge for overflow parking.*

A Traffic Impact Statement (TIS) has been provided and forms part of Attachment 3 to this report. Following receipt of the (TIS) Asset Services had the following additional comments:

The TIS is acceptable, however they have not addressed how a large number of vehicles exiting at the same time would be managed. Can you therefore see if a condition or advice can be included in the approval, to the effect:

- a) The applicant to ensure ongoing management procedures for the safety of exiting traffic at the end of each function, and to prevent or discourage queuing in the median of Welshpool Road East.*

- b) The applicant to apply a policy on responsible serving of alcohol and driver responsibility.*

In response to whether a slip lane is required to accommodate the proposal, Assets have advised the following:

'Where we determine that there may be traffic impacts from a development, we request a Traffic Impact Assessment. The TIA Guidelines identify the extent of detail that is needed. In this case due to the low vehicle numbers accessing the site, only a Traffic Impact Statement (TIS) was required. The TIA process includes the assessment of Safety issues. Should a safety issue be identified then we have the option to request a Road Safety Audit or other design improvements to address the safety issue(s).

The TIS identified no safety issues, stating "Having regard to matters such as the subject land's direct and full access onto Welshpool Road East, the capacity of the road, the existence of a shared footpath running adjacent to the subject land, the proximity of public transport, and the nature, scale and frequency of the proposed use, it is considered that there are no immediate safety issues surrounding this development."

The site access for Number 782 includes a reasonable sized verge, and very good visibility for traffic well in advance of and beyond the crossover, and in this respect the TIS' statement is acceptable.

Although a Traffic Impact Statement has been provided, it has not identified a concern regarding the access of vehicles off Welshpool Road East: The entrance to the property needs to be assessed under the Austroads Guide to Road Design Part 4A. This Guide suggests that a short slip lane (auxiliary lane) of approximately 66 metres long will be required for vehicles entering the property. This matter does not need to be addressed with the Scheme amendment, and instead will be applied as a condition of development. The condition will be to ensure that a detailed Traffic Impact Assessment is completed that includes an assessment using the Austroads Guide to Road Design Part 4A.'

Section 3.6 of the applicant's Traffic Impact Statement notes that the subject land's crossover is a break in the median strip which allows access and egress movements in both directions.

The applicant has advised that in this location, given the minimal increase of vehicle movements into and out of the subject site, there is no road or access modification proposed from Welshpool Road East. Referral to the Department of Planning and Main Roads WA will form part of the assessment process during the advertising period, at which stage final determination on the requirement for a slip lane will be determined.

External Referrals

25. The *Planning Regulations (Local Planning Schemes) 2015* Clause 47 establishes the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation period of 42 days in a local newspaper for two consecutive weeks, a sign placed on the site and notices placed on the City's website and social media pages.
26. In accordance with SPP 3.7 the Bushfire Management Plan (BMP) was referred to the Department of Fire and Emergency Services (DFES) as the proposed land use is classified as a vulnerable land use. A response was provided on the 27 September 2017 (Attachment 4). DFES advise that the Bushfire Management Plan (BMP) has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved for the scheme amendment. It is anticipated that any proposed bushfire management requirements would be addressed as a condition of the additional use approval and would apply to any subsequent application to commence development. DFES advise that further assessment will be required at subsequent stages (development approval) to ensure that no new structures are located in the BAL-40 or BAL-FZ risk areas.

FINANCIAL CONSIDERATIONS

27. Any costs associated with the preparation of the amendment document and undertaking public advertising will be met by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.1 - To plan for strategic population growth.
- Strategy 3.3.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet social and changing focus and economic needs.

SUSTAINABILITY

Social Implications

29. By providing the ability to consider an Additional Use for 'Reception Centre' in the Rural Composite zone, the amendment may facilitate an additional gathering place for weddings and functions within the City, accessible to a wider community.

Economic Implications

30. The proposed Scheme amendment would allow the applicant to expand an existing tourism based use for which the City can consider in the Rural Composite zone. If an Additional Use for 'Reception Centre' is approved in, this will facilitate additional employment opportunities and services to the locality.

Environmental Implications

31. Detailed considerations of proposals for the 'Reception Centre' would be considered at the development application stage if the amendment is approved. In regard to noise, activities conducted in residential areas would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
32. A watercourse and associated easement is located to the rear of the site. All future development or effluent disposal systems will need to ensure appropriate clearances to the water course.

RISK MANAGEMENT CONSIDERATIONS

- 33.
- | | | |
|---|--------------------|---------------|
| Risk: The amendment may not be granted consent to advertise. | | |
| Likelihood: | Consequence | Rating |
| Possible | Insignificant | Low |
| Action/ Strategy | | |
| Ensure that Council is aware that the additional use for Reception Centre is appropriately classified as an 'A' use in the Rural Composite zone under the proposed amendment. | | |
- 34.
- | | | |
|---|--------------------|---------------|
| Risk: The proposed land use may have amenity impact on adjoining properties including traffic related impact. | | |
| Likelihood: | Consequence | Rating |
| Possible | Significant | High |
| Action/ Strategy | | |
| Ensure that Council is aware that if the proposed Scheme amendment is initiated by Council for advertising and untimely adopted by Council post advertising, and granted final approval by the Minister for Planning, the proposed use of Reception Centre will still require development approval from the City. If approved, the applicant will be required to provide a traffic management plan be prepared by a suitably qualified traffic engineers and that any measures required be implemented prior to the use becoming operational on this site | | |

OFFICER COMMENT

35. Although 'Reception Centre' is a prohibited land use in the Rural Composite zone, it is considered the intensity and design of this land use is compatible with the zone. Accordingly, it is considered appropriate to enable the City the ability to consider the use and development of a Reception Centre based on the merits of a planning application.
36. Amending the Scheme to allow Reception Centre as an additional use will enable consideration of the use under a development application only.
37. It is considered that the proposed additional use is consistent with the tourism theme of land use currently being undertaken on this site. The permission to allow approximately 15 weddings per year, with a maximum of 100 patrons is not considered to be a significant deviation from the existing Bed and Breakfast use approved on site.
38. The applicant has provided a Traffic Impact Statement as part of their application. Welshpool Road East is classified as an 'Other Regional Road' (ORR) pursuant to the Metropolitan Region Scheme (MRS). In accordance with the Main Roads Western Australia (MRWA) road information mapping system, Welshpool Road East is classified and a 'Distributor A' east of the Tonkin Highway intersection. As stated by the applicant, the proposed land use for receptions, with likely 15 events per year with a cap of 100 people per event, it is considered that Welshpool Road East can sufficiently accommodate this proposal, and that no road or access modifications will be required.
- a) It is recommended that a Traffic Impact Assessment be completed and any required works be undertaken, with specific emphasis to Austroads Guide to Road Design Part 4A. This will form a recommended condition of the Additional Use Scheme Amendment, with fulfilment of this condition to be undertaken at Development Application stage.
 - b) It is noted that there are no significant trees along the verge adjacent to the subject site. There are however mature trees located in the central median strip of Welshpool Road East. As per advice from the City's Engineers there may be a requirement for a deceleration slip lane, however no significant trees would be compromised. Formal advice will be sought from the Department of Planning and Main Roads WA on this matter, and reported by to Council prior to adoption of the proposed amendment.
 - c) Please note within the applicant's report (Attachment 2) Photos 9-12, pages 5 and 6 which illustrate the existing access which is construction, no significant vegetation and an existing median strip break on Welshpool Road East.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 219/2017

That Council:

1. Pursuant to Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare Amendment No. 95 to Local Planning Scheme No. 3 (Attachment 1).
2. Considers Amendment 95 to Local Planning Scheme No.3 as a standard amendment under Regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a. The amendment is consistent with the objectives in the Scheme for the Rural Composite zone.
 - b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
 - c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d. The amendment is not considered a complex or basic amendment.
3. Pursuant to section 81 of the *Planning and Development Act 2005*, refers the proposed amendment 95 to Local Planning Scheme No.3 to the Environmental Protection Authority.
4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertises Amendment 95 to Local Planning Scheme No.3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy P-DEV 45-Public Notifications of Planning Proposals.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

10.2.2 Draft Planning Policy P-DEV 56 – Family Day Care and Child Care Premises

Previous Items	OCM 125/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
Attachment 1	Draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises
Attachment 2	Planning Bulletin 72/2009 – Child Care Centres

EXECUTIVE SUMMARY

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises (Policy).
2. The Policy has been written for the purpose of providing guidance relating to the location, appropriateness, and scale of Family Day Care and Child Care Premises.
3. The Policy was advertised to the community in line with the requirements of P-DEV 45 (Public Notification of Planning Proposals). No responses were received.
4. It is recommended that Council adopts the Policy.

BACKGROUND

5. The City periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
6. Family Day Care and Child Care Premises are business related activities that are typically located in residential areas. This has given rise to community concern regarding the intensification of the use and amenity impacts arising, principally from the number of children attending the premises and resulting traffic numbers impacting on the local road network. The proposed policy seeks to address such concerns through development and operational criteria.
7. The Council resolved on 24 July 2017 (OCM 125/2017) to adopt the Policy for the purposes of public advertising. The advertising period has now closed and the Policy is now ready for consideration for final adoption by Council.

DETAILS

8. The primary objectives of the proposed Policy are:
 - a) Specify local provisions which supplement the requirements of Local Planning Scheme No.3;
 - b) Provide for the establishment of Family Day Care and Child Care premises in appropriate locations;

- c) Ensure that the operation of Family Day Care and Child Care premises do not impact on the amenity of the local area; and
 - d) Provide policy guidelines in terms of development standards suitable for the City of Kalamunda for all Family Day Care and Child Care premises development within the local government boundaries.
9. The policy statement introduces the following criteria an applicant will need to address:
- a) **Locational criteria** – specifying requirements for appropriate locations for Family Day Care and Child Care premises.
 - b) **Siting criteria** – identification of sites where for Family Day Care and Child Care premises would not be supported, including minimum distances between existing and proposed new facilities.
 - c) **Design criteria** – specifically built form and streetscape, parking and traffic assessment, landscaping, signage.
 - d) **Operational criteria** – hours of operation, maximum number of children, food preparation and outdoor play areas.
 - e) **Noise management** – As part of the application for a Child Care premises a Noise Management Plan and Acoustic Impact Assessment shall be prepared by a suitably qualified professional, submitted to, and approved by the City of Kalamunda prior to any approval being granted.
 - f) **Bushfire Management** – compliance with SPP 3.7 as both activities are classified as 'Vulnerable Land Use'.

STATUTORY AND LEGAL CONSIDERATIONS

- 10. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
- 11. As per the Regulations and the City of Kalamunda's Local Planning Scheme No. 3, planning policies are required to be approved for advertising and then adopted by Council at the conclusion of the advertising period.
- 12. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and Scheme provisions then the Regulations and Scheme prevail.

POLICY CONSIDERATIONS

- 13. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.
- 14. The Policy references aspects of the Western Australian Planning Commission Planning Bulletin 72/2009 (Child Care Centres) (refer Attachment 2) and gives regard to its objectives, as follows:
 - a) Location of the Child Care Centre;
 - b) Minimisation of the impact of the Child Care Centre on the surrounding area (particularly residential areas);
 - c) Minimisation of the impact that the surrounding area may have on the Child Care Centre; and
 - d) Consideration of the health and safety of the children under care.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. Health Services requested as part of the application for a child care premises a Noise Management Plan and Acoustic Impact Assessment which shall be prepared by a suitably qualified professional, submitted to, and approved by the City of Kalamunda prior to any approval being granted. The documents should demonstrate either compliance with the *Environmental Protection (Noise) Regulations 1997* or design/specification measures that will be incorporated to reach compliance. This has been included under clause 8 of the Policy.

External Referrals

16. Following approval by Council the Policy, was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. As part of this process a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City website and Facebook page.
17. The submission period, as part of the public notification, was 28 days from the date that the notification was first published in the local newspaper. During this time no responses were received.

FINANCIAL CONSIDERATIONS

18. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.3: To develop and enhance the City's economy.

Strategy 3.3.1 Facilitate and support the success and growth of industry and businesses.

SUSTAINABILITY

Social Implications

20. If the Policy is adopted the City will have greater certainty when assessing applications for Child Care premises and Family Day Cares.
21. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

24.	Risk: The policy is not adopted resulting in a lack of guidance regarding the applicable development applications for child care premises and family day care facilities.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development applications.		
	Risk: The policy does not achieve stated objectives.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure the policy is drafted with clear objectives, is advertised and public comments are taken into consideration.		

OFFICER COMMENT

25. The Policy will provide guidance for the establishment and operation of child care premises and family day centres within the City. The Policy will outline correct siting, traffic management, operational hours and additional assessment criteria for both City officers and applicants.
26. The Policy references the objectives of Planning Bulletin 72/2009 (Child Care Centres) and gives due regard to the requirements of the Western Australian Planning Commission.
27. In the last few years the City has noted an increase in the number of development applications for both Child Care premises and Family Day Care in residential areas. The Policy will provide guidance relating to the development and locational criteria for both land uses in zones where they can be considered for approval, with an emphasis on ensuring that potential amenity impacts, traffic safety and parking are appropriately managed for the benefit of surrounding residents.

28. A key element of the Policy is the introduction of siting criteria which establishes a minimum separation distance between land uses. For example, Child Care premises in residential areas cannot be located within 300m of an existing centre. The separation distance has been determined having regard to the prevailing lot size in residential zone. Noting that child care premises are a discretionary use in a residential zone, the use of siting criteria to address the cumulative effect of the land use is considered a reasonable approach for the City to take.
29. The Policy will require applicants to address specific criteria as identified in point 9 of the report and provide justification for any variations sought. In turn this will provide guidance and certainty to the community in respect to the location, scale and siting of Family Day Care and Child Care premises in context of the proposed location, zoning and the requirements of the Scheme. Importantly, the Policy will assist Council, the City and applicants alike in their assessment of such proposals.

Voting Requirements: Simple Majority

RESOLVED OCM 220/2017

That Council:

1. Pursuant to Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt the following Local Planning Policy as detailed in Attachment 1:
 - P-DEV 56 – Family Day Care and Child Care Premises.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sara Lohmeyer**

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

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

Cr Allan Morton declared a direct financial interest in Item 10.2.3 Draft Planning Policy – Dual Density own a property in dual density area.

Cr Cameron Blair declared a direct financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines family owns property in dual density area.

Cr Tracy Destree declared an indirect financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines as immediate family members own property that lies within the area affected by the dual density amendments.

Cr Dylan O'Connor declared a direct financial interest in Item 10.2.3 Draft Planning Policy P-DEV-54 – Dual Density Design Guidelines as he has an interest in property in the affected zoning.

All councillors declaring interest in this matter left the meeting at 7.46pm and returned at 7.48pm they were not present for the vote.

10.2.3 Draft Planning Policy P-DEV 54 – Dual Density Design Guidelines

Previous Items	OCM 99/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-016
Attachment 1	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Policy Document
Attachment 2	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Explanatory Information
Attachment 3	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Assessment Matrix
Attachment 4	Community Engagement Survey Feedback
Attachment 5	Community Engagement & Submission Table
Attachment 6	Community Information -Frequently Asked Questions.
Attachment 7	Dual Density Design Guidelines Survey
Attachment 8	Appendix 5 Recommended Plant List
Attachment 9	Scheme Amendment 82, Schedule of Modifications

EXECUTIVE SUMMARY

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines (Policy).
2. The Policy has been written for the purposes of providing guidance relating to the future development and subdivision relating to Dual Density Coded areas which form part of Scheme Amendment 82 to Local Planning Scheme No.3 (Scheme).

3. The Policy was advertised from 12 July 2017 until 22 August 2017 in accordance with the requirements of Council's Policy P-Dev. 45 Public Notification of Planning Proposals. The Policy and associated community information sessions were advertised in the local newspaper. Guidance signs were used to further notify the community of the location and times of the information sessions, and the public was requested to complete a questionnaire relating to the themes associated with the Dual Density Design Guidelines. At the conclusion of the advertising period, the City received 106 responses.
4. The Recommendation is for Council to adopt the Policy with minor modifications.

BACKGROUND

5. In June 2016, Council resolved to approve Scheme Amendment 82 to the Scheme, to introduce dual density codes to the existing urban areas of Forrestfield, High Wycombe, Maida Vale and Kalamunda. The intent of the dual density code under the amendment is to reward high quality development under criteria with higher amenity outcomes associated with the higher density.
6. Scheme Amendment 82 is currently with the WA Planning Commission (WAPC) and was tabled at the Statutory Planning Committee on 9 September 2017 with a recommendation to approve the amendment and for the WAPC to refer the amendment to the Minister for Planning for final approval. The WAPC originally agreed in consultation with the City to defer consideration of the amendment to the 31 August 2017 to allow for the proposed Policy to be adopted by Council. There is now a sense of urgency for the Policy to be adopted prior to the Ministers final approval of Scheme Amendment 82 to ensure that once it has been finalised there is an appropriate operational local planning policy approved by Council in which applications for subdivision referrals and development applications can be determined by the City.
7. On 19 October 2017 the City received correspondence from the WAPC with notification from the Minister for Planning requesting minor modifications to Scheme Amendment 82. Attachment 1 outlines the schedule of modifications in accordance with the Section 87 (1) of the *Planning and Development Act 2005* (Act)
8. The City periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
9. Council resolved on 26 June 2017 (OCM 99/2017) to adopt the Policy for public advertising. The advertising period has now closed and the draft policy is now ready for consideration by Council for final adoption.

DETAILS

10. The Policy will complement the proposed Scheme Amendment 82 provisions to create dual density coded zones within the City. The Policy outlines the process by which an applicant would apply to be able to develop a property at

the higher density code, as well as the conditions that the applicant would have to meet to allow such development to take place.

11. The objectives of the Policy include:
 - a) Providing policy guidelines in terms of development standards suitable for the City of Kalamunda for all residential development within the Scheme area (dual density coded areas).
 - b) Promoting the development of a sustainable community which is environmentally sustainable and utilises best practise measures relating to energy efficiency and water sensitive urban design.
 - c) To create functional and liveable neighbourhoods which accommodate a diverse community and range of household types.
 - d) To create safe neighbourhoods where anti-social behaviour is discouraged through the use of best practice CPTED (Crime Prevention through Environmental Design) principles.
 - e) To encourage new developments to incorporate best practise urban design principles which enhance the built environment and create attractive and functional neighbourhoods.
12. The Policy will address the following key elements:
 - Streetscape and Urban Design.
 - Dwelling Diversity.
 - Adjoining Property Applications, Joint Access and Reciprocal Rights of Carriageway.
 - Retention of Dwellings.
 - Dwelling Orientation and Bulk and Scale of Buildings.
 - Stormwater Drainage.
 - Tree Retention, preservation and Landscaping.
 - Utilities and Facilities.
 - Vehicle Access and Parking.
 - Sustainable Design Principles.
 - Street Walls and Front Fencing.
 - Plot Ratio Variance.
 - Additional requirements for R25/60 zoned properties fronting Hale Road, Forrestfield and Kalamunda Road, High Wycombe.
13. The Policy will provide development controls and criteria for applicants who are applying for a development and subdivision approval with the intent to develop property at higher dual density coding. The Policy will allow for consistency in the decision making process while imposing conditions that will ensure that the built form is developed to a standard that is deemed to be appropriate for the City.

STATUTORY AND LEGAL CONSIDERATIONS

14. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
15. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and Scheme provisions then the Regulations and Scheme prevail.

POLICY CONSIDERATIONS

16. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. The Policy was previously circulated to the City's Assets, Health, Building and Environment departments for comment. No objections or comments to the proposed draft policy were received.

External Referrals

18. The Policy was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals.

As part of this process a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City website for a period of 28 days.

In addition, the City undertook three Community Engagement sessions:

Venue	Date
KPAC Agricultural Hall	19/07/2017
High Wycombe Recreation Centre	27/07/2017
Woodlupine Community Centre	3/08/2017

The community information sessions were operated by the City's Approval Services staff and were principally 'drop in session' in nature with detailed information boards being displayed around the room. The community was encouraged to ask questions and seek clarification. A Frequently Asked Questions Brochure was distributed to attendees.

19. A survey was distributed at the community information sessions as well as forming part of the online advertising for the Policy (Attachment 7). The City received 106 responses to this survey, including 102 online and 4 hard copy submissions. The detail of the responses have been summarised (Attachments 4 and 5).

The general feedback is summarised as follows:

- Forrestfield residents comprised the highest frequency, with 42% of the residents responding.
- Predominance of respondents (67%) strongly disagree or disagree with the provisions requiring 1,000m² minimum lot size.
- More than half of respondents (54%) strongly agree or agree to the dwelling diversity exemption for lots less than 1,000m²

- Provisions for reciprocal rights of carriageway and applicants jointly applying to meet the 1,000m², a high degree of respondents were neutral (35%) and 44% either agreed or strongly agreed to this question.
- A strong support was shown for the option to retain and upgrade existing dwellings versus previous provisions to require demolition. 69% of respondents either agreed or strongly agreed to this provision.
- Respondents were predominantly neutral to policy measures regarding dwelling orientation and legibility (46%).
- There was a strong support for provisions regarding the orientation of dwellings, access and dwellings addressing the street and public open space with 62% of respondents either agreeing or strongly agreeing to this provision.
- There was a strong support for provisions regarding the stormwater management with 62% of respondents either agreeing or strongly agreeing to this provision.
- There was relative support for provisions regarding the requirement to retaining trees and provisions for landscaping with 55% of respondents either agreeing or strongly agreeing to this provision.
- There was a strong support for provisions regarding the screening of utilities and facilities with 73% of respondents either agreeing or strongly agreeing to this provision.
- There was some support for provisions regarding the numbers of crossovers and screening of car parking bays with 48% of respondents either agreeing or strongly agreeing to this provision.
- Respondents were predominantly neutral to the provisions regarding the fencing and wall standards proposed with 46% of respondents. 37% of respondents either agreed or strongly agreed to this provision.
- There was some support for provisions regarding sustainable design principles with 46% of respondents either agreeing or strongly agreeing to this provision.
- Respondents were predominantly neutral to the provisions regarding building and design requirements for properties fronting Hale and Kalamunda Road standards proposed with 67% of respondents remaining neutral. This is likely to due to the provisions only affecting a small number of properties in the amendment area.
- Respondents were predominantly neutral to the provisions regarding multiple dwelling requirements with 54% of respondents remaining neutral.
- When asked what respondents' intentions were for the future of their property, more than half 55% stated that they intended to develop their property themselves.

FINANCIAL CONSIDERATIONS

20. All costs associated with the advertising of the proposed Policy are provided for in the Approval Services Budget.
21. The City will receive increased rates from infill subdivision and development occurring as a result of the dual density provisions.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

23. If the Policy is adopted the City and community will have greater certainty when assessing how properties will be developed and subdivided to an acceptable standard.
24. Additionally, the community will have access to clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.
25. Furthermore, if the Policy is adopted, housing diversity and overall achievements of dwelling targets in line with State Planning Policies including *Perth and Peel 3.5 million* will be encouraged. A diversity in housing choices will provide a positive social impact as the policy provisions will facilitate the redevelopment of tired and ageing housing stock.

Economic Implications

26. The adoption of this Policy, once Scheme Amendment 82 has been approved by the Minister for Planning, will facilitate the ability for land owners to develop and subdivide their properties at a higher density code, subject to compliance with the provisions of this Policy. The economic impact for the City will be an increase in development applications, an increase in local employment within the construction industry, and higher levels of population and rateable properties over time.

Environmental Implications

27. The adoption of this Policy will result in an increased amount of development within the housing opportunity areas as identified by the Local Housing Strategy. The introduced provisions for tree preservation, planting of verge trees, provision of water tanks and solar panels associated with the Policy provisions will seek to improve and offset any potential environmental impacts relating to increases in housing density throughout the City.

RISK MANAGEMENT CONSIDERATIONS

28.	Risk: The policy is not adopted resulting in a lack of guidance regarding the applicable Scheme Amendment 82 provisions.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development/subdivision applications.		

	Risk: The policy is not adopted prior to the adoption of Scheme Amendment 82. Applicants may then be able to apply for subdivision to the WAPC and development to the City without an adopted policy to provide guidance or control for application determinations		
	Likelihood:	Consequence	Rating
	Possible	Significant	High
	Action/ Strategy		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development/subdivision applications.		

OFFICER COMMENT

29. The proposed policy recommends development standards that are well above the requirements of many other local governments. Without detailed design guidelines there is a risk that infill development within the City will result in poor quality built form outcomes which result in adverse amenity impacts.
30. The policy will support the proposed Scheme Amendment 82 provisions and provide guidance for future development within dual density coded areas of the City. Having such guidance will assist both the City's officers responsible for assessing development and subdivision applications as well as provide detailed guidance and provisions for residents of the City who wish to apply to develop in these areas. This follows the ongoing discussions with the WAPC in regards to Scheme Amendment 82 which is currently before the Minister for Planning for final determination.
31. The City received correspondence from the WAPC on the 19 October 2017 notifying the City that the Minister for Planning has requested minor modifications to Scheme Amendment 82 which is in accordance with section 87 (2) (b) of the *Planning and Development Act 2005* and that the amendment be resubmitted under section 87(1) of the Act. The modifications are minor in nature and modifications to the Scheme amendment are reflected within the Dual Density Design Guidelines. The Minister has also requested three exclusions and requested that the maps be amended by;
- Deleting the areas south-west of Walbeck Road (proposed to be recoded to R20)

- b) Deleting the area bounded by Williams Street and Dixon Road Kalamunda (proposed to be recoded R30/40); and
- c) Replacing the proposed R20 coded areas in Kalamunda with dual density code R10/20.

Although no explanation has been given to the requested modifications it is assumed that the properties in the two mentioned areas were of a higher bushfire prone risk and therefore deemed not to be appropriate for a higher density.

The Minister has also requested that the Dual Density Code be applied to the proposed R20 Coded area to the west of the Kalamunda Town Centre. The impact of this is that the Dual Density Guidelines will therefore be applicable to those properties, whereas previously proposed to be assessed solely as Residential R20 properties.

32. Through consultation with the City, the WAPC have modified Scheme Amendment 82 from its original format as approved by Council in June 2016. The modifications are described below:

- The removal of a number of criteria that development and subdivision must satisfy when the higher density code is applied for,
- The existing building to be demolished;
- Stormwater drainage demonstrating compliance with the R Codes;
- At least half of the buildings assessed at R40 being multi-storey;
- Dwelling design to be orientated to address the public street;
- Landscaping elements to enhance the development and streetscape;
- Limiting vehicle access to the site, including the number of crossovers;
- Provision of on-street parking; and
- The removal of the requirement for development to be constructed to plate height for the purpose of subdivision applications at the higher density code.

The rewording and inclusion of criteria the development must satisfy when considering development applications for dual coded areas. In such cases the lower density code will apply unless:

- The parent lot is at least 1000m² in areas; or
- The parent lot is has two or more frontages to a public road; or
- The parent lot is the only lot between two lots with two or more frontages to a public road; or
- The parent lot is the only lot between two lots where one or both of the adjoining lots have been developed at the higher dual density code; or
- The development is designed to accommodate a mixture of dwelling types and shall include two or more types of dwelling as defined by the R-Codes and at least one dwelling in the development is two storeys; and
- The development is designed with the due regard for any relevant Local Planning Policy or Design Guidelines for dual coded areas; and
- The development can be serviced by reticulated sewerage in accordance with the Government Sewerage Policy.

The inclusion of new wording specifically for subdivision applications that the City will recommend the lower density be applied unless:

- The parent lot is at least 1000m² in areas; or
- The parent lot has two or more frontages to a public road; or
- The parent lot is the only lot between two lots with two or more frontages to a public road; or
- The parent lot is the only lot between two lots where one or both of the adjoining lots have been developed at the higher dual density code; or
- The development is designed to accommodate a mixture of dwelling types and shall include two or more types of dwelling as defined by the R-Codes and at least one dwelling in the development is two storeys; and
- The development is designed with the due regard for any relevant Local Planning Policy or Design Guidelines for dual coded areas; and
- The development can be serviced by reticulated sewerage in accordance with the Government Sewerage Policy.

In relation to aged and dependent persons dwellings or single bedroom dwellings in accordance with the R-Codes within the dual density coded areas depicted on the Scheme Map, the additional density bonus under the R-Codes shall not be permitted at the higher density code unless the higher of the dual coding is R60.

The inclusion of the modified wording into the Scheme Amendment has been reflected in the proposed policy.

The City has included a clause within the Dual Density Design Guidelines which will recommend to the WAPC as part of subdivision referral for subdivision at the higher dual density coding, that a restrictive covenant be placed on title, requiring that any subsequent development on those lots comply with the requirements of the Dual Density Design Guidelines.

33. The community feedback provided during the public advertising period was generally positive with general support to the principles relating to the Dual Density Guidelines. It is acknowledged that the majority of respondents disagreed with the minimum 1,000m² lot size requirement for development. However, it should be noted that exemptions to this requirement have been introduced where the minimum lot size cannot be achieved. The community sought feedback regarding the status of Scheme Amendment 82, in which this Policy has been formulated to accord with the final provisions as specified by the WAPC. Following this feedback the City's officers have sought to develop a robust Policy which provides clarity and guidance whilst ensuring that the built form outcomes which will result from the Scheme Amendment 82 will accord with the City's strategic values as well as providing both social and environmental benefits to the community.
34. Following feedback from the community, only minor modifications to the Policy have been sought from the draft policy document which was previously endorsed by Council for public advertising in June 2017 (OCM 99/2017). Minor editing has been undertaken as well as the following changes:

Clause 8.2 Dwelling Diversity

Grouped Dwellings have been divided into two storey grouped dwellings and single storey grouped dwellings.

The reason for this change is to provide for the opportunity for R20/R30 dual coded properties to develop or subdivide their properties at less than 1,000m², subject to compliance with the Dwelling Diversity Clause whereby at least one dwelling is required to be two storey and a mixture of housing types.

The advertised version of the Policy did not classify single storey and two storey grouped dwellings separately. The impact of which could have had the impact of restricting options for those who wish to retain an existing dwelling and build only one dwelling beside or behind that dwelling. This revision now rectifies this anomaly whereby a two storey and single storey grouped dwelling will be classified as different dwelling types and can satisfy the requirement for dwelling diversity.

35. **Clause 14.0 Sustainable Design Principles.**

This is a requirement for 3000ltr water tanks for lots 300m² or greater. A further provision has now been added to require a water tank to also be provided in multiple dwelling development scenarios at a ratio of 1 tank per 4 multiple dwellings.

The reason for the change is to accommodate the need for water tanks for buildings with more than one dwelling (multiple dwellings) whereby this scenario was not considered in the draft Policy.

36. **Clause 16.0 Multiple dwellings.**

This section of the policy has been modified following advice provided by the WAPC that they did not support the restriction on plot ratio provisions to 400m from activity centres. The WAPC stated the requirement would be overly restrictive and recommend its removal from this section of Scheme Amendment 82.

Due to this recommended modification to Scheme Amendment 82, the Policy has also been modified to reflect the deletion of this requirement. Clause 16 relates to a plot ratio method of calculating density as well as a plot ratio variance provision, which will allow incentive based development outcomes, subject to the provision of additional on-site amenities and full compliance with the requirements of the Policy and the deemed to comply provisions of the R-Codes.

37. Appendix 10 of the Policy has been removed as it replicates the same information contained in the adopted Planning Policy P-Dev-61, Retention and Upgrade of Grouped Dwellings, where it references the Dual Density Guidelines in the Policy document's appendices.

38. Noting the provision of Clause 7.3.1 of the R-Codes, the Policy will be referred to the WAPC for final approval.

Voting Requirements: Simple Majority

RESOLVED OCM 221\2017

That Council:

1. Pursuant to Clause 4 (3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt the following policy with minor modification:
P-DEV 54 – Dual Density Design Guidelines
2. Refers the adopted policy to the Western Australian Planning Commission for endorsement.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED (7/0)**

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

10.2.4 Nominations for the City of Kalamunda Design Advisory Committee

Previous Items	OCM 60/2017 OCM 46/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
Attachment 1	Local Planning Policy P-DEV 60 – Design Advisory Committee's

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council for their information and noting of the proposed nominations to the Design Advisory Committee (DAC) and adopt an hourly fee for members.
2. During the expression of interest period, a total of seventeen nominations were received by the City of Kalamunda for membership of the DAC.
3. A total of seven members have been nominated to make up the membership of the DAC, which comprises five sitting members, and two alternate members. All seven members are considered to have an appropriate level of expertise and experience.
4. It is recommended that Council note the seven DAC members and adopt an hourly rate of \$200 (ex GST) per hour for each DAC members.

BACKGROUND

5. In November 2016, Council resolved (OCM 60/2016) to approve Scheme Amendment 84 to Local Planning Scheme No.3 (Scheme) to introduce provisions with the aim to establish DAC's.
6. In July 2017, Council resolved (OCM 46/2017) to adopt Local Planning Policy P-DEV 60 Design Advisory Committees. The intent of the policy is to compliment the adopted Scheme Amendment 84 provisions to create DACs, in order to guide the types of applications and matters to be considered by the DAC in more detail. The policy outlines the process for advertising, recruiting and operating the DAC, as well as stating expectations of the DAC itself.

DETAILS

7. The DAC panel will be established comprising a total of seven members, five of which are appointed to sit on the DAC, and two deputy members have been selected as standby members in the event that any of the five sitting members are unavailable. Each of the DAC panel members are community representatives and/or technical experts. From the panel a Chair, Deputy Chair will be appointed.

8. A total of seventeen nominations to the DAC were received by the City. Each of the nominee's applications were reviewed and assessed against the nominated selection criteria. From the section process the following nominees have been selected:

Sitting Members:

Chris Melsom

- 30 years' experience in planning, architecture and urban design in Western Australia and internationally.
- Qualified and registered Town Planner and Architect.
- Demonstrated experience in contemporary architectural design and urban design.
- Demonstrated expertise in design review, design critique and the provision of advice on design quality issues.

Carmel Van Ruth

- 20 years' experience as a qualified Architect.
- Currently working as a Senior Architect for the Office of the Government Architect.
- Past Chair and current member of the City of Vincent Design Advisory Committee.
- Extensive experience in the development and review of design review documents, i.e. Design WA suite of policies.

David Barr

- 14 years' experience in Architecture and Planning.
- Qualified and registered Architect,
- Extensive experience in the development and review of design documents, i.e. Design WA.
- Contemporary experience in large residential development.

Jurg Hunziker

- 30 years' experience in Architecture both local and international.
- Qualified and registered Architect.
- Extensive experience in design reviews and membership of design review committees.
- Contemporary experience in numerous complex design and construction projects.

Ross Montgomery

- 25 years' experience as Town Planner in a variety of government and non-government organisations.
- Qualified and certified Town Planner and Landscape Architect.
- Past member of the City of Perth Design Advisory Committee.
- Contemporary experience in urban design planning projects.

The following two (2) alternate members have been selected:

Patrick Beale

- 40 years' experience in architecture and urban design, both locally and internationally.

- Extensive experience in research and academia, more recently at University of Western Australia.
- Specialises in timber design and construction.

Ian Molyneux

- Architectural qualifications, Registered Architect (non-practising).
- Extensive past experience dating back to 1965.
- Variety of positions of employment and fields of expertise, exposure to diverse range of residential, commercial and industrial projects.
- Extensive experience in heritage conservation.

STATUTORY AND LEGAL CONSIDERATIONS

9. Clause 10.3 – Advisory Committees of the Scheme details provisions pertaining to the establishment of DAC's.

POLICY CONSIDERATIONS

10. Local Planning Policy P-DEV 60 establishes provisions pertaining DAC's as follows:
- Appointment and Termination of Membership and selection criteria requirements;
 - Operational Funding and Remuneration;
 - Code of Conduct; and
 - Attendance and Quorum.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Nil

External Referrals

12. Nil

FINANCIAL CONSIDERATIONS

13. In regard to recommended remuneration for sitting members, the City's Officers sought advice from the Office of the Government Architect, who provided information on other existing Local Government DAC sitting fees, and recommended a range of \$200 to \$250 per hour (ex. GST). Based on the information received, it is recommended that the City establishes a sitting fee of \$200 plus GST (totalling \$220), which represents an average of the sitting fees of other Local Government DACs.
14. Costs associated with the operation of the DAC will be allocated through the quarterly budget process. It is anticipated that each DAC will operate for a maximum of three hours. The DAC is proposed to meet on an adhoc basis, with a maximum meeting of one per month. The sitting fee will be reviewed in conjunction with the annual review of the City's schedule of fees and charges.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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

16. The appointment of suitably qualified and experienced committee members will enable the appropriate level of design advice and review to development proposal of significance to the City and community.

Economic Implications

17. The appointment of suitably qualified and experienced committee members will give greater certainty to developers, City staff and the elected members that proposals are of a high design quality.

Environmental Implications

18. The nominated committee members have a wide range of skill sets that can be applied to both the built form design in terms of sustainability, and also from a landscape perspective.

RISK MANAGEMENT CONSIDERATIONS

- 19.
- | | | |
|---|--------------------|---------------|
| Risk: The nominated committee members do not have necessary technical skills and experience to be an effective member of the DAC. | | |
| Likelihood: | Consequence | Rating |
| Rare | Major | High |
| Action/ Strategy | | |
| The selection criteria applied will ensure members appointed will have the necessary credentials to ensure the DAC is an effective committee. | | |

Risk: Council does not support the DAC		
Likelihood:	Consequence	Rating
Rare	Major	High
Action/ Strategy		
Ensure Council is aware, that Scheme amendment 84 and Local Planning Policy P- DEV 60 were adopted by Council to establish and guide how DAC's would operate.		

OFFICER COMMENT

20. The nominated seven members to the DAC, have demonstrated they have the relevant contemporary experience and expertise in Architecture and Planning to give fair, reasoned and non-biased advice on all matters referred to the DAC.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 219/2017

That Council:

1. Notes that the following nominees are appointed to the City of Kalamunda Design Advisory Committee:

Sitting Members:

- Chris Melsom
- Carmel Van Ruth
- David Barr
- Jurg Hunziker
- Ross Montgomery

Alternate Members:

- Patrick Beale
- Ian Molyneux

2. Adopts the sitting fee of \$200 (ex GST) per hour for Design Advisory Committee members.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

10.2.5 Proposed Home Business (Vibrosauna) – Lot 773 (71) Pavetta Crescent, Forrestfield

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PV-01/071
Applicant	Susan Dawn Thomas
Owner	Susan Dawn Thomas
Attachment 1	Initial Applicant Submission
Attachment 2	Site Plan
Attachment 3	Floor Plan
Attachment 4	Submitters Table
Attachment 5	Confidential Submitters Map
<u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23 (2) (b) – "the Personal Affairs of any person."</i>	

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for a proposed Home Business (Vibration Sauna Bed) at Lot 773 (71) Pavetta Crescent, Forrestfield.
2. The applicant is anticipating a maximum of one person at any given time, six persons per day on weekdays and four persons per day on a Saturday.
3. The application was advertised in accordance with the City's P-DEV 45 Public Notification of Planning Proposals. Over the course of the advertising a total of one objection and six non-objections to the proposal were received. The single objection raised concerns regarding noise and security related issues.
4. It is recommended to approve the application of the home business, subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	716m2
Local Planning Scheme Zone:	R20
Metropolitan Region Scheme Zone:	Urban



DETAILS

6. The applicant is seeking approval to operate a home business from the subject property. As part of the home business the applicant intends to provide the vibrating massage and dry heat bed "vibrosauna" to clients. The purpose of the vibrosauna is to relieve pain and lose weight simultaneously. The machine is operated by the client (refer to Attachment 1 for further details).
7. The home business is proposed to operate from Monday to Saturday, between the hours of 10am-7pm (weekdays) and 9am-1pm (Saturday). A maximum of six persons per day on weekdays and four persons per day on a Saturday.
8. The home business will be conducted from a bedroom inside the existing dwelling where the machine will be located. The room is approximately 12 square metres in size (refer to Attachments 2 and 3 for plans).

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

9. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (Scheme) states that 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.

10. Under the Scheme, a home business is defined as follows:

“home business” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-

- a) Does not employ more than 2 people not members of the occupier’s household;
- b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) Does not occupy an area greater than 50 square metres;
- d) Does not involve the retail sale, display or hire of goods of any nature;
- e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, and
- f) Does not involve the use of an essential service of greater capacity than normally required in the zone.”

11. Under the Scheme, ‘Home Business’ is an ‘A’ use, meaning the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

12. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires that Council give due regard to a number of matters, including:
- a) The compatibility of the development within its settings;
 - b) Amenity of the locality;
 - c) The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
 - d) Any relevant submissions received on the application.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. The proposal was referred to the City’s Environmental Health department for their assessment and comment. The Environmental Health department reviewed the proposal and determined that they had no concerns regarding the proposal and therefore no conditions are required.

External Referrals

15. The proposal was advertised for a period of 14 days in accordance with the City's P-DEV 45 - Public Notification of Planning Proposals. As part of the advertising letters were sent to surrounding neighbours inviting comment. Over the course of the advertising a total of one objection and six non-objections to the proposal were received. (Attachment 4).
16. The following concerns were raised as part of the objection:
 - Noise; and
 - Security
17. The concerns raised are addressed in the officer comment section of this report.

FINANCIAL CONSIDERATIONS

18. Nil

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. 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

20. An increase in the number of persons visiting the site may have an impact upon the amenity of the surrounding properties.
21. The proposed vibrosauna provides an opportunity for people in the community to relieve ongoing muscular pain and improve their physical health.

Economic Implications

22. Nil.

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

24.	Risk: The amenity of the area is unduly affected.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure that conditions are imposed stipulating maximum number of patrons to attend the site at any one time and that all parking is to be contained on site.		

OFFICER COMMENT

25. The proposal is compliant with the requirements of a Home Business under the Scheme. The very nature of this type of land use activity, being of a small scale, and maximum one patron at any given time and maximum six persons per day, and also the activity being relatively benign, suggests that amenity impacts to the surrounding residential areas from people and vehicles attending the site are unlikely.
26. Concerns raised regarding noise and security are noted. However given that the machine itself makes very little to no noise and only one person will be attending site at any given time, these concerns are addressed.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 219/2017

That Council:

1. Approves the application for a Home Business (Vibrosauna) at Lot 773 (71) Pavetta Crescent, Forrestfield subject to the following conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) The activity is to comply with the Council's definition of a Home Business as set out under Local Planning Scheme No.3.
 - c) Patrons are to attend the site by appointment only.
 - d) Approved hours of operation are to be Monday to Friday between 10am and 6pm, and between 9am and 1pm on Saturday.
 - e) A maximum of six (6) persons per day on weekdays and four (4) persons per day on Saturday shall attend the site.
 - f) All parking is to be contained to the existing driveway on the property.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

10.2.6. Proposed Telecommunications Monopole and Infrastructure – Lot 22 (120) Wittenoom Road, High Wycombe

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	WT-05/120
Applicant	Servicestream
Owner	High Wycombe Land Pty Ltd
Attachment 1	Site Plan
Attachment 2	Elevation Plan
Attachment 3	Site Photos
Attachment 4	Summary of Drop in Session
Attachment 5	Submitters Table
Attachment 6	Coverage Gap Map
Attachment 7	Alternative Locations Considered
Attachment 8	Confidential Submitters Map

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

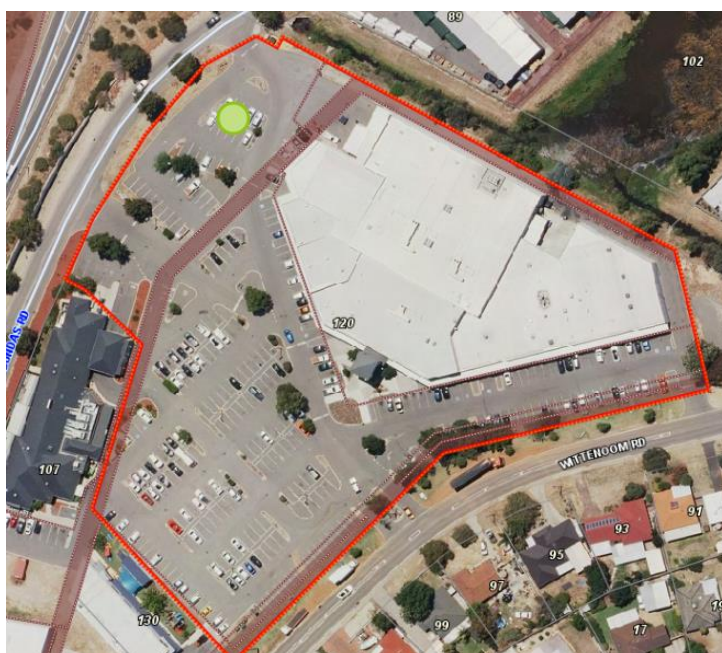
EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for a proposed telecommunications monopole and associated infrastructure at Lot 22 (120) Wittenoom Road, High Wycombe (Site).
2. The applicant is proposing to replace an existing 10m high light pole with a new 25m high light pole with aerial attachments and associated infrastructure. The location of the proposed telecommunications infrastructure comprises part of the Wittenoom Road Shopping Centre.
3. The application was advertised in accordance with the City's P-DEV 45 - Public Notification of Planning Proposals. Over the course of the advertising a total of two objections and five non-objection to the proposal were received. Perth Airport was also contacted to provide comment and raised no objection to the proposal.
4. It is recommended to approve the application for the telecommunications infrastructure, subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	2.07ha
Local Planning Scheme Zone:	Commercial
Metropolitan Regional Scheme Zone:	Urban



DETAILS

6. The applicant is seeking approval to replace an existing 10m high light pole at the Lot 22 (120) Wittenoom Road, High Wycombe with the following development (Attachments 1 and 2):
- One new 25m high monopole with attached telecommunications infrastructure, including three panel antennas within a turret; and
 - Associated ground based support infrastructure.
7. The monopole will be located at the northern portion of the lot, as indicated on the above locality plan. The site currently comprises an existing shopping centre and associated parking located on the Site. The surrounding area to the north and west is predominantly industrial/commercial, with residential development located to the south-east, (Attachment 3). A child care centre is located adjacent to the Site at 130 Wittenoom Road.

8. The applicant states as part of documents included that the telecommunications monopole is required to comply with the *Industry Code on the Deployment of Mobile Telephone Network Infrastructure* (the Codes), and that the company that would operate the telecommunications tower has chosen the proposed Site in accordance with the Codes, and the design of the structure is in line with the Codes.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

9. Under the Scheme telecommunications infrastructure is defined as follows:

"telecommunications infrastructure" means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network"

10. Under the provisions of the Local Planning Scheme No. 3 (Scheme) the subject site is zoned 'Commercial'. 'Telecommunications Infrastructure' is a 'D' use, meaning the use is not permitted unless the local government has exercised its discretion by granting planning approval.
11. Clause 4.2.3 (Objectives of the Zones – Commercial) of the Scheme No. 3 (the Scheme) states that the objectives of the Commercial zone are as follows:
- *To serve the needs of a localised area in providing for local shopping facilities, businesses, professional, civic, cultural, medical and other health related services.*
 - *To ensure that development is designed to be compatible with nearby uses and zones particularly Residential zones.*
12. 'Table 2 – Site Requirements' of the Scheme outlines development requirements for proposals within the Commercial zone as follows:

LPS3 Table 2 Requirement (Commercial Zone)	Requirement	Proposed	Complies Yes/No
Setback Front (Wittenoom Road)	15m	120m (minimum)	Yes
Setback Minor Street (Dundas Road)	3m	30m to nearest point	Yes
Side Setback (East)	0m	N/A (Covered by Minor Street)	Yes
Side Setback (West)	0m	N/A	Yes

Setback Rear	0m	N/A	Yes
Site Coverage	60%	<60%	Yes
Plot Ratio	0.6	N/A	N/A
Landscaping Strip	3m	Existing Strip Remains	Yes

Planning and Development (Local Planning Schemes) Regulations 2015

13. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires that Council give due regard to a number of matters, including:
- The compatibility of the development within its settings;
 - Amenity of the locality;
 - The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety; and
 - Any relevant submissions received on the application.

POLICY CONSIDERATIONS

State Planning Policy 5.2 – Telecommunications Infrastructure

14. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

15. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:

"The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that

typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research".

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

16. In reference to the visual impact and siting of the telecommunications infrastructure, SSP 5.2 contains several planning principles to be considered, which are detailed as follows:
- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres;
 - Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land;
 - Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;
 - Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;
 - Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and
 - Facilities should be co-located whenever possible.

Local Planning Policy P-DEV 52 – Telecommunications Infrastructure

17. The objectives of P-DEV 52 are as follows:

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

18. P-DEV 52 recognises that the City is not in a position to consider the alleged public health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts.

19. In considering an application for development approval, in particular the visual impact of the facility, P-DEV-52 recommends that regard be given to the provisions of the Scheme and SPP 5.2. In this respect, development approval may be refused where the City is of the opinion that the proposed facility would have a significant adverse visual impact.

Alternatively, the City may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. The proposal was referred to internal departments who were invited to comment on the proposal or request that the proposal be referred to them for formal assessment. No concerns were raised by the City's Building, Health, Environment or Assets departments, and so the application was not formally referred internally.

External Referrals

21. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 Public Notification of Planning Proposals for a period of 28 days. As part of the advertising, letters were sent to surrounding neighbours to a radius of 800m inviting comment, with a total of 1058 properties advertised to. A sign was also erected on site for the duration of the advertising period, as well as notification and plans of the proposal being displayed on the City's website and social media platforms.

The applicant also organised a community drop-in session as part of the proposal, where members of the public were invited to attend and ask questions or comment on the proposal. A summary of the evening has been provided as Attachment 4.

22. In addition to this, and due to the proximity of the airport, the City referred the proposal to Perth Airport for their assessment and comment. Perth Airport returned no objection to the proposal.
23. During the advertising period a total of seven responses were received, comprising of five (5) non-objections and two objections, (Attachment 5).
24. The following key concerns were raised as part of the objection:
- a) The proposal is too close to housing and schools in the area and would be better suited in an industrial area.
 - b) The phone tower will release carcinogens and is not safe to live near.
 - c) The phone tower should be closer to the airport.
25. The concerns raised are addressed in the officer comment section of this report.

FINANCIAL CONSIDERATIONS

26. In the event that Council resolves to refuse the application, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *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

28. An increase in mobile phone coverage within the area will assist the local community in this regard.
29. The presence of the mobile phone tower may make individuals who believe that they are hazardous to the health of the community uncomfortable with being in the area, and may lead to complaints to the City.

Economic Implications

30. The proposal would facilitate improved wireless network coverage to the High Wycombe area and surrounds, which will support business, emergency services and the community generally. Refer Attachment 6 regarding current gaps in the network coverage of the area.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 32.
- | | | |
|---|--------------------|---------------|
| Risk: The visual amenity of the area is unduly affected. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Ensure that the facility is appropriately located and designed so as to minimise undue impacts on visual amenity. | | |

OFFICER COMMENT

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

Potential health issues resulting in exposure to EME:

As noted above, the City of Kalamunda is not technically able to consider the alleged health impacts of the telecommunications infrastructure when determining an application for development approval.

Other locations would be more appropriate:

As part of the site selection process a number of different locations were assessed by the applicant. These alternate locations and the reasons that they were not selected for the monopole can be noted in Attachment 7.

Proximity of the telecommunication infrastructure to Schools and Housing:

The telecommunication infrastructure is located in the north west portion of the site, approximately 722m to the south west of the Matthew Gibney School in High Wycombe, approximately 150m to the west of residential houses situated on Wittenoom Road and approximately 143m to the existing child care premises on Wittenoom Road. The positioning of the telecommunications infrastructure has been chosen to maximise continuous network coverage for the local community, and to provide maximum separation to the aforementioned land uses.

34. From a planning perspective, the proposal is considered to be compliant with the provisions of the Scheme and associated P-DEV-52 and SSP 5.2. With respect to the potential visual amenity impact of the proposal, the proposed monopole replaces an existing 10m high light pole and will be located in an area of the commercial centre adjacent to an existing industrial/commercial development well removed from residential development on Wittenoom Road. Moreover, the proposed monopole has been designed to blend in with existing light poles in the commercial area. The visual impact of the proposal is considered to comply with SPP 5.2 policy measures and the objectives of P-DEV-52.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 219/2017

That Council:

1. Approves the development application for a Telecommunications Monopole and associated Infrastructure at Lot 22 (120) Wittenoom Road, High Wycombe, subject to the following conditions:
 - a. The development shall be carried out only in accordance with the terms of this approval, and any approved plan.
 - b. The building materials shall be of a colour that matches with the surrounding and existing light poles.

- c. No building materials, rubbish or any other matter shall remain on the site after construction of the development is completed to the satisfaction of the City of Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

10.2.7 Proposed Restaurant – Lot 44 (101) Union Road, Carmel

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	UN-01/101 & DA16/0060
Applicant	Anthony Sclanders
Owner	Rodney Sclanders, Maxinne Sclanders and Anthony Sclanders
Attachment 1	Development Plans
Attachment 2	Site Photographs
Attachment 3	Applicant's Water Management Plan
Attachment 4	Applicant's Bushfire Management and Evacuation Plan
Attachment 5	Submission Table
Attachment 6	Confidential Attachment – Submitters Map
	<i><u>Reason for confidentiality:</u></i>
	<i>Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a planning application for alterations to, and the use of, the existing building in the south-east portion of Lot 44 (101) Union Road, Carmel, for use as a restaurant with a maximum seating capacity of 50 people.
2. During advertising of the proposal, the City received three non-objections, one comment, and six objections to the proposal. The objections raised the following key planning concerns:
 - a) Increases of traffic down Union Road;
 - b) Noise impacts from the proposal; and
 - c) Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site.

A full summary of submissions is provided in Attachment 5.
3. In summary, the proposal is considered to be a positive initiative to facilitate additional tourism activity in the area and represents a relatively small scale restaurant use that is unlikely to significantly affect the amenity of the area and surrounding properties.
4. Issues surrounding bushfire risk and impacts on the environmental values of the area are considered to be addressed by the applicant, and through recommended conditions of planning approval.
5. It is recommended that the application be approved subject to appropriate conditions.

BACKGROUND

6. Land Details:

Land Area:	8.81 hectares (88,127m ²)
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Regional Scheme Zone:	Rural

7. Locality Plan



8. The subject site is approximately 8.8 hectares in size and contains a dwelling, caretakers dwelling and outbuildings, including the building the subject of this report in the south east portion of the site adjacent to Union Road.
9. The frontage to Union Road is approximately 200m wide with the building that is the subject of this application located in a central location of the frontage. Approximately half of the site (the south-eastern half) is used for a vineyard and open paddocks, the north eastern half comprises bushland.
10. This site is located on a minor tributary of the Piesse Gully with a single creek line/drain traversing the site. The surrounding area is characterised as a mixture of larger rural landholdings varying in size, and smaller residential lots of approximately 2,000m². The adjoining site to the south at 60 Carmel Road East is currently used as a winery and cellar door.
11. In March 1991, planning approval was granted to clear two hectares of orchards to establish a winery at the Site, which allowed for wine tasting and sale of wine for off site consumption. The City's records indicate that wine tastings have historically been carried out from the existing stone winery building in the south-east portion of the site (Attachment 2), which is the

same building that is proposed to be converted into a restaurant as part of this application.

DETAILS

12. The following summarises the key aspects of the proposal:
- Alterations to, and the use of, an existing 142.6m² building in the south-east portion of the site, which has previously been used for cellar door tasting and sales;
 - The proposed restaurant would incorporate a maximum of five employees and a seating capacity of 50 people at any given time;
 - The restaurant is proposed to serve tea/coffee, cakes and light snacks, in addition to the existing cellar door activities occurring on site;
 - Hours of operation are proposed to be 9:00am to 5:00pm, Friday to Sunday (including public holidays); and
 - Upgrades to the site including a commercial kitchen, car parking and toilet facilities.

13. In support of the proposal, the applicant submitted the following justification (in part):

"My intention is to only be open during the day and operate as a tearoom serving tea, cakes, coffee and light snacks. We have an internationally recognised chef on board and intend to make everything onsite and bring something different and of the highest quality to the area."

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

14. Under the Scheme, the proposal is considered to fall within the Restaurant use class, which is defined as follows:

*"**Restaurant** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons and the term shall include a licensed restaurant."*

15. Restaurant is classified as an 'A' (advertise) use in the Rural Agriculture zone, which means that the use is not permitted unless planning approval is granted after advertising the proposal.
16. Clause 4.2.2 Objectives of the Zones – Rural of the Scheme states that the objectives of the Rural Agriculture zone are:
- To protect and maintain the hills horticultural industry.
 - To ensure the conservation of soil and water resources important to the wellbeing of the horticulture industry.
 - Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.
 - To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of the zone.
 - To conserve the physical and visual environment of the area.

- Encourage the reduction of bush fire hazard.

Planning and Development (Local Planning Schemes) Regulations 2015

17. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires that Council give due regard to a number of matters, including:
- a) Any approved State planning policy;
 - b) Any local planning policy for the Scheme area;
 - c) the compatibility of the development within its setting;
 - d) amenity of the locality;
 - e) The likely effect of the development on the natural environment or water resources;
 - f) The suitability of the land for the development taking into account the possible risk of bushfire;
 - g) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
 - h) The history of the site where the development is to be located;
 - i) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
 - j) Any submissions received on the application;
 - k) The comments or submissions received from any authority consulted; and
 - l) Any other planning considerations.
18. If Council refuses the development application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

POLICY CONSIDERATIONS

State Planning Policy 2.7 – Public Drinking Water Source Policy (Western Australian Planning Commission)

19. The key objective of State Planning Policy 2.7 (SPP 2.7) is to ensure that land use and development within the Public Drinking Water Source Area (PDWSA) is compatible with the protection and long-term management of water resources for public drinking water supply.
20. Under SPP 2.7, the subject site is located within a Priority 2 PDWSA, which is declared over land where low-risk development already exists. This classification is defined to ensure that there is no increased risk of pollution to the water source as a result of land use or development.

Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas (Department of Water and Environmental Regulation)

21. The Department of Water's (now known as the Department of Water and Environmental Regulation) Water Quality Protection Note – Land Use Compatibility in PDWSA provides advice on the acceptability of land uses and activities within PDWSA areas.

22. This policy stipulates that a Priority 2 PDWSA is managed to ensure that there is no increased risk of water source contamination, and that these areas are to include low risk land development.
23. Restaurants are listed as incompatible within P2 PDWSA areas. However, an exception has been made for the Middle Helena Catchment in the acknowledgement of the City's objective to promote tourism in the area. The exception is subject to limitations on the scale of proposed developments and the implementation of best management practices, particularly with respect to on-site wastewater disposal system, use of grease traps and appropriate stormwater management.
24. Given the additional requirements that apply within a PDWSA, the applicant lodged a water management plan to support the proposal (Attachment 3).
25. The City referred the application to the Department of Water during assessment, a full summary of the response is provided below in the External Referral section of the report.

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

26. The subject site falls within a Bushfire Prone Area, which means the proposed development is required to comply with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7). The intent of SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas, is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
27. The application was referred to the Department of Fire and Emergency Services on the 17 July 2017 because the proposed restaurant was initially deemed a 'vulnerable land use'. However, in August 2017 the Department of Planning released version 1.2 of the Guidelines for Planning in Bushfire Prone Areas, which clarifies the definition of vulnerable land uses. Using the current definition, the proposed restaurant would not be a 'vulnerable land use'. As such, DFES's comments are no longer required to make a decision on the subject development. The ultimate decision regarding compliance with SPP 3.7 in this instance now rests with the City. Notwithstanding the changes to SPP 3.7, in this instance, given the timing of the changes, comments were still received from DFES to the proposal.
28. As per the requirements of SPP 3.7, the applicant lodged a Bushfire Management and Evacuation Plan (Attachment 4). With the exception of A3.1 two access routes, the proposal is, or with the implementation of the Bushfire Management Plan is capable of, being compliant with the bushfire protection criteria. Clause A3.1 requires the provision of two different vehicular access routes, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions. The established interpretation of the Guidelines is that a proposal should not allow a subdivision or development to include a dead-end road that is greater than 200m from an intersection that provides two access routes.

29. In regard to the two access routes requirement, the applicant's consultant submitted as follows in the Bushfire Management Plan:

"The subject portion of Union Road is a cul-de-sac. The distance to the proposed development from a place of 2 way access and egress directions is approximately 280 metres. However, its design is a legacy issue, being created prior to the enacting of the bushfire provisions. The time to travel 280 metres at 40 km/hr is approximately 25 seconds along a relatively flat road with one 30 degree bend.

The greater portion of the route is either managed gardens and vineyards or Grassland areas where the residence time of a bushfire would be short. There are some small areas of Woodland along the route where the residence time of a bushfire would be 3-5 minutes. The bushfire hazard level along this route would be considered low to moderate.

The outcome is that the level of personal safety risk that exists from the cul-de-sac as part of the proposed access/egress route to two different destinations is low to moderate and therefore acceptable and able to meet the intent of this element."

30. In order to satisfy the requirements of Clause A3.1 of SPP 3.7 subsequent to further discussions with the City, the applicant has indicated a willingness to construct an emergency access way parallel to Union Road in the south-east corner of the site, to achieve an access point that is within 200m of the corner of Union Road and Carmel Road East.

Local Planning Policy P-DEV 47 – Effluent Disposal from Agri-tourist Development in the Middle Helena Catchment Area (City of Kalamunda)

31. P-DEV 47 provides requirements relating to effluent disposal systems for restaurant land uses in the Middle Helena Catchment Area.
32. The general provisions of P-DEV 47 requires that a waste water system shall not be located within 100m of a waterway or other water body including dams and wetlands, however this may be reduced through a secondary treatment system (such as an Aerobic Treatment Unit) with proven nutrient retention performance. With a view of meeting the objectives of P-DEV 47, the applicant proposes to install conventional septic tanks and leach drains, however pump effluent to the disposal area which will be located on the western portion of the site over 100m away from the creek line and dam.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

33. The application was referred to the City's Assets and Environmental Health teams for comment. The comments received are detailed below:

34. Assets

Assets advised they had no objection to the proposal subject to appropriate conditions in respect to vehicle parking, crossovers and the requirement for a Transport Impact Assessment being undertaken by the applicant.

35. Environmental Health

Environmental Health advised they had no objection to the proposal subject to appropriate conditions in respect to effluent disposal and food business registration.

External Referrals

Department of Water

36. The DoW provided the following comments in regard to the proposal:

"The DoW is generally satisfied with the Management Plan for the site. However, the DoW notes that two options for wastewater treatment has been discussed in the plan. At this stage of the planning approval, the DoW requires clarification on the preferred wastewater treatment system for the proposed development. Please also note the DoW strongly recommends the use of ATUs in Public Drinking Water Source Area Catchments.

In addition to this, the existing waterway on the site is highly degraded. Proposed rehabilitation works should therefore be included as part of the Water Management Plan to reduce erosion and maintain and/or improve water quality."

37. In respect to existing waterway traversing the property, it is not considered that the proposed use will significantly increase flow levels and result in further degradation to the creek. Therefore, conditions requiring rehabilitation are not considered to reasonably relate to the application under consideration and should not be included as conditions.

38. Regarding the recommendation from the DoW to install an Aerobic Treatment Unit, as mentioned above, the applicant proposes to install conventional septic tanks and leach drains, however pump effluent to the disposal area which will be located on the western portion of the site over 100m away from the creek line and dam.

Department of Fire and Emergency Services

39. The Department of Fire and Emergency Services provided the following general comments:

"It is noted that the City of Kalamunda (City) have referred this proposal to DFES given the proposed development is for a restaurant, which the City has considered to be a vulnerable land use. In August 2017, the Guidelines Version 1.2 was published which provides clearer definitions of what constitutes a vulnerable land use that the City may like to consider.

It is stated within the BMP that the development does not comply with the acceptable solution for Element 3: Vehicle Access. It should be noted that to demonstrate compliance to a performance principle, the performance principle based solution(s) must provide substantiated evidence and be referred to DFES to provide formal, technical fire-related advice used to help guide decision-making.

This evidence should clearly demonstrate/document how the proposal, product, design or material can meet or exceed the intent and performance principle of the element, and more broadly, the objectives of the SPP.

The following submission requirements apply for all performance principle based solution(s):

- A statement of the extent to which the proposed principle based solution(s) conforms with, or deviates from the acceptable solution(s);*
- Evidence including calculations and diagrams to support how the use of a material, form of construction or design achieves the performance principle(s);*
- Verification methods such as a test, inspection, calculation or other method that determines whether a principle based solution(s) complies with the relevant performance principle(s). All verification methods must be acceptable to DFES.*

It is acknowledged that the building already exists at this location and the application is for a change of land use. Consequently, there is little influence DFES can advocate in relation to the application of the bushfire protection criteria for the existing development. The below assessment of compliance to SPP 3.7 is provided to aid decision making.

<i>Element of Bushfire Protection Criteria</i>	<i>Assessment</i>
<i>Vehicular access</i>	<i>Union Road is a dead end road and the proposed development is situated approximately 300 metres from the intersection with Carmel Road East. Cul-de-sacs and dead end roads are to be avoided in bushfire prone areas and the maximum allowable length is 200 metres.</i>
	<i>DFES does not accept the performance principle based solution meets the intent of Element 3: Vehicular Access. Section 7.4 states that "the</i>

	<p><i>greater portion of the route is either managed gardens and vineyards or Grassland areas where the residence time of a bushfire would be short. There are some small areas of Woodland along the route where the residence time of a bushfire will be approximately 3-5 minutes. The bushfire hazard level along this route would be considered low to moderate."</i></p> <p>The performance principle based solution within the submitted BMP assesses the vegetation along the access route as being a low to moderate risk. Substantiated evidence (such a peer-reviewed studies/reports) has not been provided to justify or support this conclusion. Furthermore, the proposal does not address the impact of smoke, flame and radiant heat on life and property, which will be present under this scenario.</p>
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It is acknowledged that this site has been developed prior to the introduction of the bushfire policy framework. Should the decision maker be of a mind to approve the proposal the above assessment of compliance with the bushfire protection criteria is provided to aid decision making."

Community Consultation

40. The application was initially advertised to nine nearby property owners by letter in February 2016 for a period of 14 days, and further advertising was undertaken to six additional property owners by letter in May 2017 to extend the notification distance from the subject site.
41. During the advertising period, the City received three non-objections, one comment, and six objections to the proposal.
42. The key planning concerns raised during advertising are summarised as follows:
- a) Increases of traffic down Union Road;
 - b) Noise impacts from the proposal; and
 - c) Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site.

The above concerns are discussed in the officer comment section of the report and in Attachment 5.

FINANCIAL CONSIDERATIONS

43. In the event that Council resolves to refuse the application, or impose conditions that are not acceptable to the applicant, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal (SAT). Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 2.1: To protect and enhance the environmental values of the City.

Strategy 2.1.1 Enhance our bushland, natural areas, waterways and reserves.

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.

OBJECTIVE 3.4: To be recognised as a preferred tourism destination.

Strategy 3.4.1 Facilitate, support and promote, activities and places to visit.

Strategy 3.4.2 Advocate and facilitate diversification options for the rural properties to flourish

SUSTAINABILITY

Social Implications

45. Consideration should be given to whether the proposed restaurant is acceptable having regard to the potential amenity impacts of the restaurant on the immediate locality.

Economic Implications

46. The Hill Rural Study (2014) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area. The proposal is consistent with the objectives of the study in facilitating new revenue opportunities and diversification of land uses, including tourism based ventures.
47. *Kalamunda Advancing 2027: Strategic Community Plan* included developing and marketing the City as a tourist destination as a valuable strategy in for generating economic activity. An important part of this strategy is to support rural land owners to diversify to attract tourism.

Environmental Implications

48. As noted above, the subject site is located within a Priority 2 PDWSA, which is declared over land where low-risk development already exists. This classification is defined to ensure that there is no increased risk of pollution to the water source as a result of land use or development.

RISK MANAGEMENT CONSIDERATIONS

49.	Risk: The proposed restaurant will unduly impact on the amenity of the area.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Include appropriate conditions in any development approval to ensure that the proposal will operate with minimal undue impacts on surrounding landowners.		

OFFICER COMMENT

50. While it is understood that there has been significant community interest in this part of Union Road in light of a separate Joint Development Assessment Panel application that is currently being considered for a distillery, restaurant and tourist accommodation at 116 Union Road, Carmel, it is important to note that the subject application is considered to be a far smaller proposal in comparison and will be undertaken from an existing building that is, or has previously been, used for wine tasting activities.

51. It is noted that the applicant's intentions are to operate in a café style environment, however even if the use were to be a restaurant that served full meals, it would not be considered a substantial intensification of land use.

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

- **Increases of traffic on Union Road**

The amount of traffic likely to be generated by the proposal is not considered to be significant or discernible to a majority of land owners on Union Road. Furthermore, the applicant proposes to accommodate all parking within the subject site. The concerns raised regarding access for larger passenger vehicles are noted; it is considered that there is sufficient room for vehicles to manoeuvre through the site without the need to stop on Union Road to deliver customers.

- **Noise impacts from the proposal**

The likely noise generated from the proposed use would be from vehicles (engine, car door opening/closing), people talking, and music. It is considered that vehicle noise and noise from people talking would not be excessive, however a condition should be applied to the use to prevent any outdoor music from being emitted as part of the restaurant operation, and an advice note included advising of the requirements of the proposal to comply with the *Environmental Protection Noise Regulations 1997*.

- **Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site**

The applicant has submitted a Water Management Plan which concludes that the risk of contamination to nearby waterways and to the P2 PDWSA is minimal and the on-site effluent treatment and disposal system will adequately protect the drinking water source area.

53. Having regard to the objectives of the Rural Conservation zone, the proposed use is not considered to unduly impact on soil or water resources or impact on the physical and visual environment of the area, particularly given the use would be operated out of an existing building.
54. It is noted that a winery and cellar door exists to the south of the site at 60 Carmel Road East, and a Bed and Breakfast operates opposite the Site at 84 Union Road, Carmel. The building is located approximately 80m from the nearest dwelling to the north-east and south-east, however the building orientation faces the opposite direction, comprising the balcony and entry to the building, towards the valley. It is considered that the use would not detract from, but rather compliment, the existing tourism based uses in the area.
55. In regard to parking, the application currently proposes a total of 24 parking bays for customers and employees, which exceeds the minimum number of 13 car parking bay required under the Scheme. However, it is noted that there is significant area on-site for overflow parking, or for manoeuvring for larger vehicles, for example buses for tour groups or delivery vehicles.
56. While the proposal is considered to be acceptable in regard to the impacts on the amenity of the area, the issue regarding bushfire risk associated with distance from the site from two separate access routes remains. In this regard, the following justification is considered to satisfy this issue:
- The fact that Union Road is a cul de sac is a result of historical decisions that is beyond the scope and control of this development application, this is referred to as a 'legacy issue'. SPP 3.7 requires that applicants demonstrate compliance with the bushfire protection criteria within the boundary of the development site. In this regard, it is arguable that the application of this requirement through SPP 3.7 should be less essential to development applications where this legacy issue exists in established areas, but rather the creation of new roads through subdivision of new areas.
 - DFES has acknowledged in relation to this application that the building already exists at this location, that the application is for a change of use, and that the site has been developed prior to the introduction of the bushfire policy framework. In this regard, there is little influence DFES can advocate in relation to the application of the bushfire protection criteria for the existing development.
 - The definition of a 'vulnerable land use' has been clarified in the latest version of the WAPC Guidelines for Planning in Bushfire Prone Areas, meaning that a restaurant is no longer considered to fall within this definition.

- The distance from the main crossover entry of the site to the Carmel Road East / Union Road intersection is approximately 280m, which is a relatively minor variation to the maximum 200m guideline under the WAPC bushfire protection criteria. Eighty metres (80m) is considered to add minimal travel time in the event of an emergency.
- The applicant has indicated a willingness to construct an emergency access way parallel to Union Road in the south-east corner of the site, to achieve an access point that is within 200m of the corner of Union Road and Carmel Road East. This can form a condition in the event that approval is granted to the application.
- The building where the proposed restaurant is to be located has historically been used for commercial purposes (wine tasting). While anecdotal evidence suggests the winery activities have diminished in recent years, and a restaurant is minor intensification of the use, there is a pre-existing commercial activity occurring at the Site.
- A Bushfire Evacuation Plan has been prepared for the subject use which details preparation for, and responses to, a bushfire event. This is a requirement that would ordinarily only apply to a vulnerable land use and exceeds the requirements needed for this application.

57. In view of the above, the proposed development to be considered represents a relatively small scale restaurant use that is unlikely to unduly affect the amenity of the area and surrounding properties. Accordingly, it is recommended that the application be approved subject to appropriate conditions.

Voting Requirements: Simple Majority

RESOLVED OCM 222/2017

That Council:

1. Approves the application for a proposed restaurant at Lot 44 (101) Union Road, Carmel, subject to the following planning conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) Permitted hours of operation are limited to 9:00am to 5:00pm, Friday to Sunday (including public holidays).
 - c) A maximum of 50 customers are permitted to attend the site in association with the restaurant at any given time.
 - d) Prior to the commencement of the restaurant use, all parking and vehicle circulation areas, shall be designed, constructed and drained to the specifications and satisfaction of the City of Kalamunda, and Australian Standards AS 2890.
 - e) Prior to the commencement of any site works, a Transport Impact Assessment is required in accordance with the WAPC Transport Impact Assessment Guidelines, and the recommendations of the

assessment are to be incorporated into the design, to the satisfaction of the City of Kalamunda.

- f) Prior to the commencement of the restaurant use, crossover(s) shall be designed and constructed to the specifications and satisfaction of the City of Kalamunda.
- g) Prior to the commencement of the restaurant use, access way(s) shall be designed, constructed, sealed, and drained to the specifications and satisfaction of the City of Kalamunda.
- h) Vehicle parking associated with the restaurant use shall be contained wholly within the subject site.
- i) Prior to the commencement of the restaurant use, redundant vehicle crossover(s) and associated infrastructure is to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications and satisfaction of the City of Kalamunda.
- j) Prior to the commencement of the restaurant use, an Aerobic Treatment Unit or Nutrient Retentive effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed to the City's satisfaction.
- k) Prior to the commencement of the restaurant use, information is to be provided to the City of Kalamunda to demonstrate that the measures contained in the bushfire management plan (Prepared by Bushfire Prone Planning, Version v1.0, dated 12 July 2017) that address the Bushfire Protection Criteria under the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas (Version 1.2), have been implemented during development works, to the satisfaction of the City of Kalamunda.
- l) Prior to the commencement of the restaurant use, an emergency access shall be constructed to enable a vehicular and pedestrian access/egress point that is within 200m of the intersection of Union Road and Carmel Road East, , to the satisfaction of the City of Kalamunda. The emergency access way shall be constructed in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas (Version 1.2).
- m) Outdoor music or other amplified devices shall not be used in association with the restaurant use.

Moved: **Cr Michael Fernie**

Seconded: **Cr Sara Lohmeyer**

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

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

10.2.8 Draft Public Open Space Strategy – Adopt for the Purposes of Public Advertising

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-037
Applicant	City of Kalamunda
Owner	N/A

Attachment 1	Draft Public Open Space Strategy Report
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EXECUTIVE SUMMARY

1. The purpose of this report is for Council to adopt, for public advertising, the City of Kalamunda's draft Public Open Space Strategy (Strategy).
2. The purpose of the Strategy is to meet the sporting, recreation and conservation needs of the City's community and environment. The Strategy provides direction to ensure that Public Open Space (POS) is managed, enhanced and delivered to optimise community benefit.
3. It is recommended that Council adopt the Strategy for public advertising for not less than 42 days.

BACKGROUND

4. The Strategy will form a component of the City's new Local Planning Strategy 2018. The Local Planning Strategy will also include components of Industrial Development, Infrastructure and Servicing, Housing, Activity Centres, and Environmental Planning. These components will be progressed and adopted as individual strategies before being incorporated into the overarching Local Planning Strategy.
5. The Local Public Open Space Strategy 1996 is the current guiding document and will be superseded upon adoption of the Strategy.

DETAILS

6. The Strategy has been prepared in accordance with the Western Australian Planning Commission's (WAPC) Liveable Neighbourhoods Operational Policy: Element 4 – Public Parkland, and Department of Sport and Recreation (DSR) Public Parkland Planning & Design Guide.
7. The purpose of the Strategy is to meet the sporting, recreation and conservation needs of the City's community and environment. The Strategy provides direction to ensure that POS is managed, enhanced and delivered to optimise community benefit.

-
8. The vision of the Strategy is to provide the City with a network of fit for purpose parkland that protects our natural resources and meets community need.
 9. The objectives of the Strategy are to:
 - a. Protect environmentally significant areas from encroaching development.
 - b. Optimise the use of the City's resources to achieve effective and efficient POS outcomes.
 - c. Ensure POS is safe for all members of the community.
 - d. Provide high levels of access both within and to POS.
 - e. Provide the community with health, recreational, organised sport and social opportunities.
 10. These objectives conform to the principles of Liveable Neighbourhoods and are compliant with the WAPC's requirements.
 11. The Strategy accounts for current and future population projections, housing and other demographic factors that impact upon the future demand for the amount of POS required and the way it is utilised.
 12. The Strategy identifies suburbs that are below and above the 10% POS provision as per Liveable Neighbourhoods' calculations. It also identifies suburbs/districts/regions that are below sports space requirements in accordance with calculation methodologies developed by Curtin University's Centre for Sports and Recreation Research.
 13. Curtin University's sports space calculation methodology recommends 6.5sqm of sports space per resident to be provided within a suburb or district, or 1.4% of subdivisible area for organised sport in new suburbs, plus an allowance of double the sports space for supporting infrastructure such as clubrooms, spectator areas, parking etc. See Appendix 5 of the Strategy for a suburb breakdown of sports space provided and future provision requirements. These figures relating to sport space are guidelines only and are not a statutory require of the WAPC.
 14. A summary of the key findings and results is detailed below:

POS allocation (Liveable Neighbourhoods Methodology):

 - Bickley – 6.33%
 - Forrestfield – 11.12%
 - Gooseberry Hill – 2.39%
 - High Wycombe – 8.68%
 - Kalamunda – 5.80%
 - Lesmurdie – 6.07%
 - Maida Vale – 9.08%
 - Walliston – 4.31%
 - Wattle Grove – 17.43%
 - City of Kalamunda overall – 7.65%

Sports Space allocation (Curtin University Methodology):

 - Foothills – 76.98ha provided, 100.53ha (additional 23.55ha) required by 2036
 - Hills – 25.59ha provided, 49.89ha (additional 24.3ha) required by 2036
-

15. In addition to an assessment of the provision of POS, the City conducted a detailed rating and evaluation of all individual POS sites. The aim of the process was to evaluate and rate each site in relation to the level of infrastructure and maintenance standard, functionality, usability, environmental value and accessibility. A copy of the POS Assessment Matrix is provided in Appendix 11 of the Strategy.
16. The Assessment Matrix is divided into the following categories:
 - Location
 - Usage Value
 - Care and Maintenance
 - Environmental Value
17. Each category has features which a reserve is assessed against allocating scores of 1-5. Each reserve is given an average score which in turn gives it a rating. The reserves deemed as Biodiversity Assets are not assessed against the assessment matrix as the matrix is not applicable and instead those reserves are flagged for future environmental assessment to determine their value.
18. The rating distribution is identified as follows:

Average Score	Rating
4+	A
3 – <4	B
2 – <3	C
1 – <2	D

19. A summary of the key findings and results from the rating process is detailed below:

Locality / Rating	D	C	B	A
Forrestfield	6	14	9	1
Gooseberry Hill	4	1	1	-
High Wycombe	5	11	10	2
Kalamunda	8	4	-	2
Lesmurdie	4	6	4	1
Maida Vale	1	4	4	-
Rural East-Walliston	1	2	1	-
Wattle Grove	2	4	5	-

20. The Strategy sets out strategic directions and actions to improve the provision and quality of POS in the City. The following are some of the actions:
 - a. Identification of reserves that can be rehabilitated/revegetated through offset plans.
 - b. Transfer POS for development purposes where the POS serves limited benefit to the community.

- c. Funds raised from the transfer of POS and cash-in-lieu funds to be used for the improvement and acquisition of POS.
- d. Identify sites for acquisition for the use of POS. Areas for sports space to be of particular preference.
- e. Commence a Local Planning Policy for POS.
- f. Phased installation of low level solar powered lighting at key POS reserves.
- g. Disability access and improved pedestrian access through POS.
- h. Improved pedestrian and cycling access to POS.
- i. Development of master plans for strategically significant POS.

A detailed explanation of the strategies and actions is provided in Part 5 of the Strategy.

- 21. The City may, with the prior approval of the Minister for Lands and Department of Planning, transfer identified POS into freehold land and apply the proceeds from rezoning, development and sale to capital improvements for other POS in the general locality.
- 22. The Strategy identifies POS sites that have low ratings and limited recreational benefits, which should be transferred to other uses. Funds from improvements and value-adding through the transfer process will contribute towards the improvement of POS that has significant community benefit and the acquisition of sites for POS where deficiencies are identified. The Strategy acts as a guide and does not mean that the City will transfer all the sites identified in the Strategy. Project specific briefs and detailed investigations will be required to undertake the transfer of POS sites, similar to what has occurred for Cambridge Reserve in Forrestfield.

STATUTORY AND LEGAL CONSIDERATIONS

- 23. *Local Planning Scheme No.3*
The Strategy is applicable to the land within the City that is reserved under the Local Planning Scheme No.3 (LPS 3) as Local Open Space, in addition to land serving multiple functions identified by the Metropolitan Region Scheme (MRS) reserved as Parks & Recreation.

POLICY CONSIDERATIONS

- 24. The Strategy has been prepared generally in accordance with the requirements detailed by the state's relevant guiding policy framework relevant to POS. These frameworks are briefly discussed below.
- 25. *State Planning Policy No. DC 2.3: Public Open Space in Residential Areas*
Sets out the policy framework requirements for public open space within a residential development.
- 26. *State Planning Policy No. DC 5.3: Use of Land Reserved for Parks and Recreation and Open Space*
Sets out the circumstances under which the Western Australian Planning Commission may approve the use and development of land reserved for Parks and Recreation and Regional Open Space for different purposes.

27. *State Planning Policy 3.6 – Development Contributions for Infrastructure*
This policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established development areas.
28. *WAPC Liveable Neighbourhoods Operational Policy*
Sets out the planning framework for achieving liveable communities. Of particular relevance is Element 4: Public Parkland which sets out the framework for achieving functional and well provisioned POS.
29. *Department of Sport & Recreation Public Parkland Planning & Design Guide*
Directs the general design and classification of POS.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

30. The Strategy was referred to the following internal departments:
 - Parks and Environment
 - Assets
 - Community Development
 - Approval Services
 - Environmental Health
 - Economic, Land and Property Services

Each department was provided with the draft report and a review document to provide comments and recommended changes.
31. A meeting was convened between Strategic Planning, Parks and Environment and Assets Services to discuss the comments and recommended changes as part of the internal review process.
32. The Strategy incorporates the comments and modifications received from internal service teams.

External Referrals

33. The Strategy was peer reviewed by CCS Strategic. CCS Strategic provided a review report and tracked changes of the Strategy.
34. In the context of the Strategy forming a component of the City's Local Planning Strategy, it is recommended that the Strategy is advertised in a similar manner to a Local Planning Strategy.
35. If Council decide to adopt the proposed Strategy, it will be advertised for public comment for not less than 42 days.
36. Further to the consultation detailed in Part 1.7.1 of the Strategy, a comprehensive community engagement plan is in the process of being prepared and will include but not limited to:
 - Community briefing / consultation sessions.
 - Targeted consultation with sporting groups.

- Surveys to assist with guiding and obtaining valuable community input and engagement.

FINANCIAL CONSIDERATIONS

37. Costs associated with the preparation of the document were met through the Development Services annual budget.
38. Costs associated with public consultation/advertising will be met through the Development Services annual budget.
39. The development, acquisition and maintenance of POS throughout the City will be funded through a range of sources. Any areas within a Structure Plan will be developed through development contribution funds and/or through conditions of subdivision approval. Subdivision of land will provide cash-in-lieu funds for the improvement and acquisition of POS where appropriate.
40. The transfer of any POS reserves will fund the improvement and acquisition of other POS reserves. Any maintenance of POS will continue to be funded through the Assets Services budget. The Assets Services budget and City funds may assist with the acquisition and improvement of POS where funding and resources allow, and if deemed appropriate through the City's Long Term Financial Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 2.3: To encourage and facilitate healthy lifestyles through regular participation in recreational and leisure oriented activities.

Strategy 2.3.2	Undertake effective public open space planning to ensure an appropriate balance exists between active and passive recreation space provision.
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SUSTAINABILITY

Social Implications

42. Any transfer sites will need to be rezoned to an appropriate zoning to complement the land use immediately surrounding the reserve. Any subsequent development on that land will need to be appropriately designed to also complement surrounding development.
43. Some reserves identified for transfer may have some limited existing use by members of the community. As part of the transfer process, the City will investigate the impact on those community members and provide them with an alternative solution.

44. The Strategy has strategic directions and actions, which are aimed at improving the quality and functionality of POS and providing high quality, multi-functional reserves, which will have greater benefits for the community.

Economic Implications

45. The Strategy identifies reserves for transfer, which will provide funds for the City to use for the acquisition and improvement of POS generally.
46. The Strategy identifies reserves for improvement, which will require funding from a variety of sources including the annual budget.
47. The Strategy identifies a need to identify acquisition sites for POS, which will require funding from a variety of sources including the annual budget.
48. Any new reserves acquired will be required to form part of the Asset Services budget for periodic maintenance.
49. The transfer of reserves is aimed to transfer any reserves that do not provide any community benefit and therefore are considered an inefficient use of Council funds. Council funds can therefore be more appropriately distributed to reserves that generate significant community benefit.

Environmental Implications

50. The Strategy identifies strategic directions and actions relating to the preservation and enhancement of environmental value of POS.
51. Identified transfer sites may have some native vegetation and will require a detailed environmental assessment before transfer is formally processed.
52. POS reserves identified as being Biodiversity Assets have been identified for further assessment to determine their value. Biodiversity Assets of low quality will be required to undergo improvement.

RISK MANAGEMENT CONSIDERATIONS

- 53.
- | | | |
|---|--------------------|---------------|
| Risk: The community disagrees with the POS assessment ratings | | |
| Likelihood: | Consequence | Rating |
| Possible | Significant | High |
| Action/ Strategy | | |
| The Strategy will be advertised to the community for comment and consultation. | | |
| Risk: The community disagrees with strategic directions and actions for POS. | | |
| Likelihood: | Consequence | Rating |
| Possible | Significant | High |
| Action/ Strategy | | |
| The Strategy will be advertised to the community for comment and consultation. | | |

OFFICER COMMENT

54. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Liveable Neighbourhoods Operational Policy: Element 4 – Public Parkland and Department of Sport and Recreation (DSR) Public Parkland Planning & Design Guide.
55. The Strategy seeks to improve the quality, functionality and provision of POS throughout the City by taking into account the current provision, future requirements, assessment of POS, demographic analysis, and state and local policy and strategic frameworks.
56. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be undertaken to rationalise the recommended actions.
57. In light of the above, it is recommended that Council adopt the Strategy for public advertising.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 219/2017

That Council:

1. Adopt the draft Public Open Space Strategy for the purposes of public advertising for a period of not less than 42 days.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY**

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

Cr Tracy Destree declared a proximity interest in Item 10.2.9 Cambridge Reserve Community Enhancement Project as family members own property in Cambridge Road, Forrestfield, adjacent to Cambridge Reserve. Cr Destree left the meeting at 9.06pm and returned at 9.07pm. Cr Destree did not vote on this matter.

10.2.9 CONFIDENTIAL REPORT: Cambridge Reserve Community Enhancement Project

Reason for Confidentiality: Local Government Act 1995 Clause 5.23(2)(h): Such other matters as may be prescribed. Information contained in this report may impact the outcome of future community engagement.

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	CM-01/012(RESERVE)
Applicant	N/A
Owner	State of Western Australia
Attachment 1	Cambridge Reserve – Previous Studies and Reports
Attachment 2	Cambridge Reserve – Revised Vision and Principles Document
Attachment 3	Cambridge Reserve – Draft Revised Concept Designs

RESOLVED OCM 240/2017

That Council:

1. Receives the confidential report Cambridge Reserve Community Enhancement Project.
2. Supports progressing further technical investigations for the Cambridge Reserve Community Enhancement Project based on the direction outlined in the Vision and Principles Document in Attachment 2.
3. Supports progressing community consultation on the Cambridge Reserve Community Enhancement Project.

Moved: **Cr Allan Morton**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY**

10.3 Asset Services Report

Voting Requirements: Simple Majority

RESOLVED OCM 223/2017

That recommendations of reports 10.3.1 to 10.3.2 be adopted by Council en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

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

10.3.1 Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous Works (RFT 1716)

Previous Items	OCM 95/2012
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Tender Evaluation Report
Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Price Schedule

EXECUTIVE SUMMARY

1. To consider the award of a contract for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths and Crossovers subsequent to due consideration of all compliant Tenders submitted to the City in response to Request for Tender 1716 (RFT 1716) for two (2) years with an option, at the sole discretion of the City to extend the resultant Contract by a further two (2) x 12 month periods.
2. The current services are provided under Contract 1204 which commenced on 20 August 2012 and expired on 20 August 2017.

3. It is recommended that Council appoint Dowsing Group Pty Ltd for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous Works.

BACKGROUND

4. The Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous was undertaken under Contract 1204, which commenced on 20 August 2012 and expired on 20 August 2017.
5. The City issued a Request for Tender (RFT 1716) through its website and an advertisement in the West Australian newspaper on 15 September 2017. Receipt of Tender submissions closed at 2.00pm, Tuesday 3 October 2017.
6. The Scope of Services for the Contract is defined in RFT 1716 and includes the removal of existing structures and the construction of cast in-situ paths, vehicle and pedestrian crossovers, dual-use paths and minor traffic treatments composed of cement concrete, all constructed on a sub grade prepared in accordance with the RFT 1716 specification and drawings or as directed by the Superintendent.
7. The City received Tender submissions from the following nine (9) organisations:
 - a) JJ Concrete & Civil Pty Ltd (JJ Civil);
 - b) PH Concrete (WA) Pty Ltd (PH Concrete);
 - c) Vera Group (Vera);
 - d) G&G Di Martino Concrete (G&G);
 - e) Axiis Contracting Pty Ltd (Axiis);
 - f) Remote Civils Australia Pty Ltd (RCA);
 - g) WCP Civil Pty Ltd (WCP);
 - h) Super Civil Pty Ltd (Super Civil); and
 - i) Dowsing Group Pty Ltd (Dowsing)

DETAILS

8. The scope of the Tender requires the services of a suitably qualified and experienced concreting contractor for the provision of works as outlined in the RFT 1716 specifications and drawings.
9. The Contract shall be in force for a period of two (2) years, with an option, at the sole discretion of the City, to extend the Contract by a further 2 x 12 month periods. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.

-
10. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
 - Coordinator Project Delivery (Panel Chair)
 - Coordinator Project Design
 - Project Manager – Project Delivery Team
 11. The Probity overview was conducted by the Procurement and Finance Officer.
 12. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. All submissions were assessed as being compliant with the Tender Compliance Criteria.
 13. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request document.
 14. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.
 15. The Panel undertakes a qualitative assessment of each Tender submission in accordance with the following general direction:
 - a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - c) Where clarifications are sought from Tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
 - d) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.
 16. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the Tenderer to satisfactorily deliver its services. The predetermined Qualitative Pass Mark (QPM) was set at 60%.
 17. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.
-

18.	<table border="1"> <thead> <tr> <th>Qualitative Criteria</th><th>Weighting</th></tr> </thead> <tbody> <tr> <td>1. Relevant Experience</td><td>25%</td></tr> <tr> <td>2. Key Personnel and Sub Contractor Skills and Experience</td><td>10%</td></tr> <tr> <td>3. Tenderers Resources</td><td>25%</td></tr> <tr> <td>4. Demonstrated Understanding</td><td>40%</td></tr> </tbody> </table>	Qualitative Criteria	Weighting	1. Relevant Experience	25%	2. Key Personnel and Sub Contractor Skills and Experience	10%	3. Tenderers Resources	25%	4. Demonstrated Understanding	40%
Qualitative Criteria	Weighting										
1. Relevant Experience	25%										
2. Key Personnel and Sub Contractor Skills and Experience	10%										
3. Tenderers Resources	25%										
4. Demonstrated Understanding	40%										

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

19. Panel members completed the qualitative assessment on 6 October 2017 in accordance with the City's evaluation process in a fair and equitable manner.

20. The resultant outcomes of the qualitative assessment determined that the following Tenderers exceeded the required QPM, advancing to the price assessment stage of the Tender evaluation process.

- Axiis
- RCA
- Dowsing

Tenderers not achieving the required QPM, did not have their prices assessed. Actual scores achieved are detailed in the Tender Evaluation Report (Confidential Attachment 1).

21. The Tender is based on a Schedule of Rates against which works to be undertaken are measured and paid for on a unit rate basis. The price assessment methodology is based on assessing the Tenderers Schedule of Rates against the approved Capital and Maintenance Pathways Program for the 2017-18 financial year.

22. This assessment included all the relevant items in the price schedule to undertake the work with the exception of traffic management. The Panel excluded this item from the price assessment as it is dictated exclusively by each Tenderer's chosen methodology to undertake the prescribe work.

The Panel determined that given the hourly rates offered for the most typical type of traffic management (i.e. the use of two (2) accredited traffic controllers), that this represents a very small variance from highest to lowest, with the impact on the overall price assessment considered minor.

23. The Panel, supported by Asset Services staff, undertook a detailed estimate of the quantities and scope of works required for approved projects identified in the 2017-18 financial year Capital and Maintenance programmes, with this assessment along with associate costs arising provided in the attached Tender Evaluation Report (Confidential Attachment 1).

24. The resultant ranking arising from the combined pricing assessment based on Schedule of Rates from the Tenderer's who achieve the QPM are shown in the following table.

Tenderer	Rank
Dowsing	1
Axiss	2
RCA	3

STATUTORY AND LEGAL CONSIDERATIONS

25. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

POLICY CONSIDERATIONS

26. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. Asset Planning and Management for the purpose of determining the proposed pathway programmes heading forward (i.e. the majority of the work to be covered by this RFT 1716).
28. Asset Operations and Waste Services for the purpose of determining the annual estimated area for footpath repairs.

External Referrals

29. Prior to any works being undertaken the successful Contractor is required to inform any affected residents and/or stakeholders in writing.

FINANCIAL CONSIDERATIONS

30. The services supplied under the Contract are used for both Capital and Maintenance related works.
31. The annual amounts varied depending on the number of projects in the approved Capital Program, the extent of maintenance arising from Maintenance Program and the cost of traffic management for the safe implementation of the works.
32. Funding for this service is annually secured through individual Capital and Maintenance cost codes attributed to the relevant project or maintenance activity.
33. The cost of services provided will be determined in accordance with Section 1.22 Price Basis of the request documentation, with details in this

regard identified in the attached Tender Evaluation Report (Confidential Attachment 1).

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.1 Optimal management of assets.

SUSTAINABILITY

Social Implications

35. Nil.

Economic Implications

36. Nil.

Environmental Implications

37. Nil.

RISK MANAGEMENT CONSIDERATIONS

38.	Risk: Tender not awarded.		
	Likelihood:	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Responsiveness compromised along with increased administrative time required to seek project by project quotations.		
	Risk: The Contractor does not satisfy the specification.		
	Likelihood:	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Warranties, Australian Standard contracts and Professional Project Management in place.		

OFFICER COMMENT

39. All Tenderers were given the opportunity to provide information in accordance with the RFT.

40. The Panel concluded that Dowsing Group Pty Ltd provided the documentation as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring well in excess of the QPM of 60%. Furthermore, the pricing assessment based on Dowsing's Schedule of Rates resulted in it being ranked highest due to its lowest overall combined total price. As a consequence, the Panel recommends that Dowsing Group Pty Ltd be promoted for Tender award consideration.
41. It is anticipated that the Contract is to commence in December 2017, subject to the outcome of consideration of Tender Award by Council.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 223/2017

That Council:

1. Approves the appointment of Dowsing Group Pty Ltd for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous works (RFT 1716) for a period of two (2) years with an option, at the sole discretion of the City, to extend the Contract by a further two (2) x 12 month period in accordance with the Price Schedule in Confidential Attachment 2.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

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

10.3.2 Consideration of Tenders for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717)

Previous Items	OCM15/2017- OCM97/2017
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	AD-TEN-00
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Tender Evaluation Report

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

EXECUTIVE SUMMARY

1. To consider the award of a contract for the Construction of Grass Hockey Fields –Hartfield Park, Forrestfield (RFT 1717).
2. On 24 September 2017, the City of Kalamunda (the City) issued Request for Tender (RFT 1717) seeking Tenderer's for the construction of grass hockey fields at Hartfield Park, Forrestfield.
3. It is recommended that Council appoint Le Grove Landscaping for Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717).

BACKGROUND

4. On the 28 July 2014 the State of Western Australia and the City of Kalamunda entered into a Financial Assistance Agreement for the State to provide a grant amount of \$6.01m (exclusive of GST) for the provision of a number of deliverables as outlined in the Hartfield Park Masterplan 2010 (HPM) and detailed in the Agreement. The term of the Agreement is 24 June 2014 to 31 December 2017. The upgrading of the former Darling Range Pony Club Facility (the Project) was one of the deliverables detailed in the Agreement to accommodate a hockey facility.
5. At its meeting on 6 February 2017, Council considered a report on the Hartfield Park Redevelopment Project on Proposed Redevelopment to the Former Darling Range Pony Club Facility and resolved in part as follows:
 1. *Endorses the proposed redevelopment of the former Darling Range Pony Club facility at Hartfield Park in accordance with the Site Location and Hockey Field Layout Plan Drawing No. 14876-G01/A (Attachment 1).*
 2. *Endorses the demolition of the existing Darling Range Pony Club Facility and construction of a new shared use clubroom/change room facility*

generally in accordance with Option 2 Drawing No. 400-004/B (Attachment 5), for the purpose of further discussions with the Kalamunda Districts Hockey Club, noting that the final design will be undertaken to match the available funds for this facility, with a further report presented to Council for endorsement.

6. *Note that a further report will be presented on the outcomes of discussions with other sporting clubs for:*

- a) Joint use of the new facility during the summer months;
and*
- b) Use of the existing hockey club facilities on Morrison Oval when the Kalamunda United Hockey Club relocates to the new site.*

7. At its meeting on 26 June 2017, Council considered a report on the Hartfield Park Redevelopment Project and resolved in part as follows:

Endorses the final clubroom facility concept design for the proposed Hockey Facility at Hartfield Park as detailed on Drawing Number 400-004/D, for the purpose of inviting public Tenders upon receiving Western Australian Planning Commission and Department of Aboriginal Affairs approvals.

8. The City issued for public advertisement RFT 1717 through its website and advertisement in the West Australian newspaper on 24 September 2017. Receipt of tender submissions closed at 2.00pm, Tuesday 10 October 2017.
9. The scope of Services for the Contract is defined in RFT 1717 and includes survey set out, clearing and grubbing, earthworks, gravel car park, electrical conduits and pits, irrigation and roll on turf, prepared in accordance with the specifications and in conformity with the, grades, thickness and cross-sections shown on the plans and/or as directed by the Superintendent.
10. The City received Tender submissions from the following nine (9) organisations:
- a. BCL Group Pty Ltd;
 - b. Environmental Industries Pty Ltd;
 - c. Vera Group;
 - d. GMF Civil Pty Ltd;
 - e. Le Grove Landscaping;
 - f. Remote Civils Australia Pty Ltd;
 - g. Menchetti Consolidated Pty Ltd;
 - h. Tracc Civil Pty Ltd; and
 - i. Turfcare WA Pty Ltd.

DETAILS

11. The scope of the Tender requires the services of a suitable experienced and qualified Contractor to undertake the Construction of Grass Hockey Fields at Hartfield Park, Forrestfield as outlined in the RFT 1717 specifications and drawings.
12. The Contract shall be in force until the end of the defects liability period. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.
13. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
 - Coordinator Project Delivery (Panel Chair)
 - Project Manager – Project Delivery Team (x2)
14. The Probity overview was conducted by the Procurement and Finance Officer.
15. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. All submissions were assessed as compliant with the Tender Compliance Criteria.
16. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request document.
17. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.
18. The Panel undertakes qualitative evaluation of each Tender submission in accordance with the following general direction:
 - a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - c) Where clarifications are sought from tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
 - d) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.

19. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the Tenderer to satisfactorily deliver its services. The predetermined Qualitative Pass Mark (QPM) was set at 60%.
20. Panel members completed the qualitative assessment on 12 October 2017, in accordance with the City's evaluation process in a fair and equitable manner.
21. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.

Qualitative Criteria	Weighting
1. Relevant Experience	25%
2. Tenderers Resources	20%
3. Key Personnel Skills and Experience	15%
4. Demonstrated Understanding of Required Works	40%

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

22. The resultant outcomes of the qualitative assessment determined that the following Tenderer's achieved the required QPM of 60%, advancing to the price assessment stage of the Tender evaluation process.
- Le Grove Landscaping
 - Environmental Industries Pty Ltd
 - BCL Group Pty Ltd
 - Remote Civils Australia Pty Ltd

Actual scores achieved are detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

23. Tenderers not achieving the required QPM, did not have their prices assessed.
24. Tenderers who achieved the QPM were ranked on price as summarised in the table below.

Tenderer	Rank
Le Grove Landscaping	1
Remote Civils Australia Pty Ltd	2
BCL Group Pty Ltd	3
Environmental Industries Pty Ltd	4

STATUTORY AND LEGAL CONSIDERATIONS

25. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.

26. The implementation of the project is in accordance with the terms and conditions of the Financial Assistance Agreement with the State of Western Australia. The term of the Agreement is 24 June 2014 to 31 December 2017. However, due to the complications and lengthy process involving the Section 18 process, the Department of Sport and Recreation has agreed to an extension of the term until 30 June 2018. This is subject to the acquittal process for the funding being completed in the 2017/2018 financial year. It is confirmed that this condition is achievable.
27. Permit to Clear Native Vegetation Under the Environmental Protection Act 1986 was sought for this project, with the City granted a clearing permit on 22 December 2015 for the proposed development subject to the following condition:
 1. *The Permit Holder must implement and adhere to the document "Vegetation Management Plan – Hartfield Park Hockey Fields Development" Doc No. Ep15-054-001 Revision A, December 2015.*
28. Section 18 Notice under the Aboriginal Heritage Act 1972 was sought for this project, with notice submitted to the Department of Aboriginal Affairs on 30 November 2016. Approval from the Minister of Aboriginal Affairs was granted on 19 May 2017.
29. Western Australian Planning Commission (WAPC) development approval granted on 18 August 2017.

POLICY CONSIDERATIONS

30. Policy C-PP01 – Purchasing, has been followed and complied with.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. Community Development for sporting club liaison.
32. Development Services for planning and development advice.

External Referrals

33. Extensive consultation has been undertaken with Traditional Owners/Department of Aboriginal Affairs, Department of Environment, Department of Parks and Wildlife and the Western Australian Planning Commission.
34. Representatives from the Kalamunda Districts Hockey Club have been consulted and involved in site meetings on a regular basis as the scope of works and concept designs have been developed on the basis of the Club's functional brief for both the building (works in this regards are not included in the Tender being considered) and the field alignment layout requirements.

FINANCIAL CONSIDERATIONS

35. This project is a key deliverable in the implementation of the Hartfield Park Masterplan and is funded through the Agreement as per page 13, Project Schedule Item 3 Stage 2 – Development of the hockey clubroom and playing fields.

36. The estimated cost of the playing field construction is summarised below:

Bulk Earthworks	\$400,000
Vegetation Clearing	\$30,000
Turfing and Irrigation	\$450,000
Fencing	\$30,000
Training Lighting	\$200,000
Gravel Sheet Carpark	\$40,000
Contingency	\$50,000
Total	\$1,200,000 (ex GST)

37. A budget allocation of \$1.2 million (excluding overheads) has been approved in the 2017/2018 Capital Works budget under title: *Hartfield Park Project- Develop three new hockey fields, hockey clubrooms and parking - 100 % State Govt funded (4415).*

38. The cost of services provided will be in accordance with Section 1.23 Price Basis of the Request documentation, with details in this regard identified in the attached Tender Evaluation Report included as Confidential Attachment 1.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.2 To provide safe and health environments for community to enjoy.

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

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.1 Optimal management of assets.

SUSTAINABILITY

Social Implications

40. This redevelopment project will provide the City of Kalamunda, the community and user groups of Hartfield Park with a unique facility. The available playing space at Hartfield Park will be increased by this development enabling sustainable sporting club growth and reduction of the wear and tear on the current playing surfaces.

Economic Implications

41. Nil.

Environmental Implications

42. The conditions of the Permit to Clear Native Vegetation Under the Environmental Protection Act 1986 must be implemented and adhered in accordance with the document "Vegetation Management Plan- Hartfield Park Hockey Fields Development" Doc No Ep15-054—001 Revision A, December 2015.

RISK MANAGEMENT CONSIDERATIONS

- 43.
- | | | |
|--|--------------------|---------------|
| Risk: Tender not awarded. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | High |
| Action/ Strategy | | |
| Tender will require re-advertisement, jeopardising the financial assistance agreement expenditure timeframes, with the potential for the City having to return the funding for this deliverable. | | |
-
- | | | |
|---|--------------------|---------------|
| Risk: The Contractor does not satisfy the specification. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Warranties, Australian Standard contracts and Professional Project Management in place. | | |

OFFICER COMMENT

44. All Tenderers were given the opportunity to provide information in accordance with the RFT.
45. The Panel concluded that Le Grove Landscaping provided sufficient information as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring in excess of the QPM of 60%.
46. Le Grove Landscaping offered the lowest lump sum Tender Price of \$941,564.89 (Excluding GST).
47. It is anticipated that the Contract is to commence in December 2017, subject to consideration of Tender Award by Council.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 223/2017

That Council:

1. Approves the appointment of Le Grove Landscaping for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT1717) for a total lump sum Tender Price of \$941,564.89 (Excluding GST).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.4 OFFICE OF THE CEO

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

10.4.1 Adoption of Customer Service Strategy 2017 – 2021

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	City of Kalamunda
Attachment 1	Public Consultation Feedback
Attachment 2	Customer Service Strategy 2017 – 2021
Attachment 3	Customer Charter

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to adopt the Customer Service Strategy 2017-2021.
2. The Customer Service Strategy 2017 – 2021 (the Strategy) is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces.
3. The Strategy outlines the key principles, strategies, actions, and performance measures for improved customer service standards over the next four years at the City of Kalamunda.
4. The Strategy was advertised for a period of 30 working days closing on 8 September 2017. Public comment was widely sought from the community via adverts in local newspapers, an online survey linked from the City of Kalamunda's website, social media platforms and digital advertising, and notifications at the City of Kalamunda Administration, libraries and other facilities.

BACKGROUND

5. The City does not currently have a Customer Service Strategy to guide standards and initiatives toward achieving optimal customer service outcomes. The current Customer Charter was last adopted in 2010 and is also due for review.
6. Under a new business unit: 'Customer and Public Relations' formed in July 2016 the organisation began a journey toward consolidating its customer service operations and put in place a team to lead and monitor customer satisfaction with responsibility for delivering better customer service outcomes more holistically.

7. To achieve this a new Customer Service Strategy has been developed, which outlines strategic initiatives to meet emerging customer needs. The Customer Service Strategy 2017 – 2021 is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces.
8. This Strategy was developed over the 2016/17 year following the organisational restructure, by collating data from internal working groups and external research of other Local Government customer strategies, consultation and revision of a range of our own strategies and plans relating to customer service, communication and community engagement.
9. The City of Kalamunda strives to be recognised as a welcoming, responsive Local Government and as such we need to work with internal teams and customers in a more proactive manner, with the aim of making all and any interaction between the City and customers '*easier, friendlier and faster*'.
10. Key informing documents and strategies in the development of the Strategy have included but is not limited to:
 - Catalyse Perception Scorecard
 - Strategic Community Plan
 - Community Engagement Strategy
 - Workforce Plan
 - Information Technology Strategy
11. The Customer Service Strategy will constitute another informing strategy within the City's planning framework. Actions will be incorporated into the Corporate Business Plan and funded annually through the annual budgeting process. Progress will be reported quarterly to Council.
12. Currently all staff are to use the SynergySoft system to document official business. Business records and customer enquiries are to be responded to within five working days, and overdue records are reported monthly to Executive Directors and the CEO.
13. Customer requests can be received via several channels (in person at front counter, to any staff member in the field or at an event, to a Councillor, via email, post or phone calls during office hours and after hours) and should be responded to within five days, as per our charter standard.

DETAILS

14. To create the service ethos we desire we will need to focus on a combination of concepts including; cultural change, technological and process improvement and a centralised service model - with increased self-service options and improvements based on customer feedback.
15. The objectives of The Customer Service Strategy 2017 – 2021 are to:

-
- Strive to achieve a new customer service ethos and deliver on the customer service promise and principles
 - To culturally optimise the organisation to achieve best practice customer service outcomes
 - To support and train staff to feel empowered, be proactive and work collaboratively toward business objectives and customer service excellence
 - To effectively communicate with our customers, internally and externally.
16. The strategy responds to consistent feedback themes from internal and external customer bases around:
- Customer service standards
 - Timely and effective communication
 - Consistently reviewing enquiry handling processes
 - Respect, honesty and professionalism
 - Self-service options and accessibility through technology enablement
 - Automated transactions
 - Less referrals across the organisation
 - Offering options and customised services
17. The Strategy addresses these under five key principles and outlines, objectives, actions and measures within three focus areas.
- 1. Service Standards:** Methods for setting standards and working together better.
 - 2. Communication & Culture:** Staff engagement, motivation and skill development.
 - 3. Technology:** Systems, tools and processes to support customer service delivery.
18. It is proposed this Strategy be reviewed by a cross-functional team which includes customer service officers from all business units across the organisation and a reference group of customers. The Strategy is due for review in 2021.
19. To provide a high standard of customer service to our community, it is crucial for internal relationships to be strong and that we service each other's internal requests for support and assistance in a proactive manner, to achieve the end goal more efficiently for customers. Due to the diversity and complexity of many of our services, several areas can be involved in delivering an optimal outcome to a single customer request. Collaboration across Business Units will be integral to the success of this strategy.

STATUTORY AND LEGAL IMPLICATIONS

20. Projects and initiatives developed from the Strategy will be implemented in parallel with other dependent strategies following the appropriate budgetary allocations and all Statutory and Legal requirements.

POLICY IMPLICATIONS

21. A City Communication and Engagement Policy has also been drafted to align internal and external communication and engagement activity with customer service outcomes to be achieved. Other relevant policies and documents to be reviewed and updated as part of implementing the Strategy include the Complaint Handling Council Policy and Management Procedure, and the Customer Charter.

COMMUNITY ENGAGEMENT REQUIREMENTS

22. In developing this strategy, some actions proposed align with our Community Engagement Strategy: Kalamunda Engages, which adopts the International Association of Public Participation (iap2) model. The City follows the endorsed spectrum of engagement which helps determine the need for communication and consultation, regularity of information sharing, and role in seeking community feedback. It also defines the public's role in any public participation and decision making process. This helps to make well informed decisions based on input from the community – which in turns supports the proposed customer service vision of seeing our customers as the 'key influencers' in the development and delivery of services. This strategy was reviewed and updated in May, and adopted by Council in June 2017.
23. While developing the Customer Service Strategy throughout 2016 the City asked staff and customers for feedback on what they wanted the City's customer service ethos to be and how customers should feel at each and any interaction.
24. Results from the Community Perception Catalyse Scorecard and recommendations from an external Communication Plan Review have also been incorporated.
25. The Customer Service Strategy 2017-2021 was advertised and available for a period of 30 working days or 6 weeks closing on 8 September 2017.
26. Public comment was widely sought from the community via adverts in local newspapers, an online survey linked from the City of Kalamunda's website, social media platforms and digital advertising, and notifications at all City libraries and other facilities.
27. 27 online surveys were completed and one email comment was submitted. See Public Consultation Feedback Attachment 1.
28. In summary, feedback demonstrated a collective community feeling of the need for improvement in responsiveness, transparency, consistency and technology based self-service solutions. There was positive feedback in relation to the document itself.
29. As a result, minor amendments have been made to the Strategy as shown in Attachment 2.
30. A Draft Customer Charter (Attachment 3) has also been developed in accordance with the objectives outlined in the Strategy and feedback received.

FINANCIAL CONSIDERATIONS

31. The cost to undertake initial actions within the Strategy have already been considered in 2017/18 Budget and will continue to be budgeted for accordingly over each financial year.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance

Strategy 4.1.2: Build an effective and efficient service based organisation

SUSTAINABILITY

Social Implications

33. Exceptional customer service can lead to positive social and community outcomes. The Strategy will assist to improve the customer experience.
34. In May 2016, population forecasts were predicting by 2036, the total population would reach 77,130 people. The City needs to prepare and grow its organisational capability to deliver optimal customer service outcomes to many more residents over the coming years.

Economic Implications

35. Dissatisfaction amongst customers has a significant and measurable impact on financial outcomes for all organisations. For government authorities and public sector organisations, poor service can significantly impact efficiency and increase costs. By prioritising our investment in service areas we can establish a financial framework for customer-driven value creation.

Environmental Implications

36. Nil.

RISK MANAGEMENT CONSIDERATIONS

37.	Risk: The absence of a Customer Service Strategy will result in ad hoc and inconsistent service standards and customer interactions, damaging brand and reputation.		
	Likelihood:	Consequence	Rating
	Likely	Significant	High
	Action/ Strategy		
	Implement the Strategy and consistently review and report against actions and measures.		
	Risk: Without a Customer Service Strategy the City cannot meet customer expectations and service delivery standards, or enhance its reputation		
	Likelihood:	Consequence	Rating
	Almost certain	Moderate	High
	Action/ Strategy		
	Develop and implement a Customer Service Strategy.		

OFFICER COMMENT

38. The Customer Service Strategy 2017\2021 will be a significant informing strategy to key Business Plans and outputs. It contains a number of objectives and actions that align with the Kalamunda Advancing 2017\2027: Strategic Community Plan. It further prescribes a set of clear objectives and measurable outcomes under three focus areas to vastly improve customer service standards over the next four years at the City of Kalamunda.
39. The Strategy is designed to align with other strategies and plans already being implemented, such as the ICT Strategy and Workforce Plan, and will support improvement of the City's culture, communication and customer service outcomes across the whole organisation. It will also enable Council to align itself to deliver better overarching community engagement and continuously improve and refine its whole service delivery.

Voting Requirements: Simple Majority

RESOLVED OCM 224/2017

That Council:

1. Adopt the Draft Customer Service Strategy 2017 to 2021 (Attachment 2).
2. Note the Community feedback as provided in Attachment 1.
3. Note the Customer Charter as provided in Attachment 3.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.5 CHIEF EXECUTIVE OFFICER REPORTS

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

10.5.1. Rates Debtors Report for the Period Ended 31 October 2017

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachment 1	Summary of Outstanding Rates for the period ended 31 October 2017

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. It is recommended that Council receive the Rates Debtors report for the month of October 2017 (Attachment 1).
3. The City has collected \$21.941 million (60.34%) in rates as at October 31 2017.

BACKGROUND

4. Rates notices were issued on 11 July 2017 with the following payment options:

Options	Payment Dates			
Full Payment	16 August 2017			
Two Instalments	16 August 2017	15 December 2017		
Four Instalments	16 August 2017	16 October 2017	15 December 2017	16 February 2018

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$36,856,264. As at 31 October 2017, a total of \$21,941,266 has been collected. This represents a collection rate of 60.34% which is higher than 58.64% at the same time in the 2016/17 Financial Year. This small variance in collections is to be expected from year to year.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/18 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - A Smarter Way to Pay – with approximately 723 ratepayers signed up. This is significantly higher than the 483 at the same time last year. It is expected that this will further increase once the final demand letters are issued for ratepayers who are in default.
 - eRates – there are 2,171 properties signed up for email delivery, compared to 1,907 in the previous year. This represents a 15% increase in this service and 9% of the rates database;
 - BPay View – approximately 795 ratepayers have signed up for this service. Last year at total of 638 had signed up, representing a 19% increase in this service.
8. Interim Rating processing commenced in October 2017 and is continuing. While mostly focused on processing changes made to values last financial year, over \$25,000 has been raised in new charges. Training additional staff to raise interim rates during November will accelerate the processing of interim rates.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in targeted training. Throughout the month of October 2017, the Rates department handled 940 calls with a total call time of approximately 48 hours.

DETAILS

10. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and special attention will be taken with these accounts in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation or already pending legal action.
11. The City began debt collection in early November 2017 with final notices that will be sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Debt Collection will be handled per the Debt Collection Procedure approved by Council.
12. There is one property in the City with an amount outstanding since 2012/13. The process is currently on hold pending receipt of funds paid to the Bailiff by the property owner. Once funds have been receipted, the City can review the options available to it to collect any remaining balance.

STATUTORY AND LEGAL CONSIDERATIONS

13. The City collects its rates debts in accordance with the *Local Government Act 1995 Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.*

POLICY CONSIDERATIONS

14. The City is bound by the Debt Collection Policy S-FIN02.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. The City's General Counsel has been briefed on the debt collection process.

External Referrals

16. The higher-level debt collection actions are undertaken by the City's Debt Collection Firm Dun & Bradstreet with all legal work in this area undertaken by Milton Graham Lawyers (MGL).

FINANCIAL CONSIDERATIONS

17. The early raising of rates in July allows the City's operations to commence without delays by increasing cashflow, in addition to earning additional interest income.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance.
To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

19. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
20. The City has introduced "a smarter way to pay" to help ease the financial hardship to its customers. This has proved very effective with a growing number of accounts taking advantage of this option.

Economic Implications

21. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

Environmental Implications

22. The increase in take up of eRates, as a system of payment, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT CONSIDERATIONS

23.	Risk: The City is exposed to the potential risk of the ratepayer failing to make payments which it is obligated to do. This will result in the disruption of cash flows and increased collection costs.		
	Likelihood	Consequence	Rating
	Likely	Moderate	High
	Action / Strategy		
	Ensure debt collections is rigorously managed.		

OFFICER COMMENT

24. The City's debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/17 financial year. The 2017/18 year to date collection rate is tracking slightly higher than at the same time last year.

Voting Requirements: Simple Majority

RESOLVED OCM 225/2017

That Council:

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

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

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

10.5.2 Debtors and Creditors Report for the Period Ended 31 October 2017

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1	Creditors Payments for the month of October 2017
Attachment 2	Summary of Debtors for the month of October 2017
Attachment 3	Summary of Creditors for the month of October 2017

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with a list of payments made from Municipal and Trust Accounts for the period of October 2017. In addition, the report provides Council with the outstanding debtors and creditors for the period of October 2017.
2. The effective management of debtors and creditors enables optimal cash flow management.
3. It is recommended that Council receives:
 - the list of payments made from the Municipal Accounts in October 2017 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
 - the list of payments made from the Trust Accounts in October 2017 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
 - the outstanding debtors and creditors reports for the month of October 2017.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of October 2017 there were no abnormal overdue debtors that demanded special attention.
5. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on outstanding debtors and creditors must occur monthly.

DETAILS

Debtors

6. Sundry debtors as of 31 October 2017 were \$228,132 of which \$185,449 was made up of current debts and \$7,887 unallocated credits (excess or overpayments).

7. Invoices over 30 days total \$12,225.83 debts of significance are:
 - Zig Zag Gymnastics, \$8,506, hall hire.
8. Invoices over 60 days total \$20,151, debts of significance are:
 - Kalamunda Club, \$17,312, loan; and
 - Kalamunda & District Rugby Union, \$1,103, utilities – floodlights.
9. Invoices over 90 days total \$18,194, debts of significance are:
 - Evolution Cheer & Dance, \$3,022, hall hire;
 - Zig Zag Gymnastics, \$2,070, hall hire;
 - Illuminations Dance Company, \$1,286, hall hire; and
 - Keith Mortimer, \$1,133, replacement street tree – damaged

Creditors

10. Payments totalling \$3,766,483.78 were made during the month October 2017. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
11. Significant Municipal payments (GST inclusive) made in the month were:

Supplier	Purpose	\$
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	377,751.72
Australian Tax Office	PAYG payments	365,474.40
Densford Civil Pty Ltd	Kalamunda Town Centre Drainage Construction	352,794.17
Cleanaway	Waste / recycling services and bulk bin disposal services	219,736.00
WA Local Government Superannuation Plan	Superannuation contributions	180,550.89
Total Eden Pty Ltd	Supply & installation of irrigation system – Scott reserve – stage 1	154,353.91
Synergy	Power charges - Various locations	121,453.30
Beaver Tree Services	Tree removal / pruning for extra locations	115,321.73
Industrial Road Pavers (WA) Pty Ltd	Installation of traffic calming treatments & upgrades to intersection on Wittenoom Road – progress claim 4	109,420.22
Curnow Group Hire Pty Ltd *	Construction of separable portion B – Nardine close / Ashby close widening & upgrade – progress claim 3	93,520.03
The Planning Group WA Pty Ltd (TPG Town Planning Urban Design & Heritage)	Professional planning services for Forrestfield North Structure Plan	91,365.74
IT Vision Australia Pty Ltd	IT Vision Altus development & technical managed services, Implementation of the Dog/Cat renewal solution	63,072.90

These payments total \$2,244,815.01 and represent 59.6% of all payments for the month.

* The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve net of GST.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,124,981 was paid in net salaries for the month of October 2017.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City relate to the following types:
 - CELL 9 Trust
 - POS Trust
 - BCITF Levy
 - Building Services (Licence) Levy
 - Unclaimed Monies
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of October 2017.

BCITF Levy		Amount (\$)
Date	Description	
5/9/2017	Building and Construction Industry Training fund levy September 2017	9,012.01
CELL 9		Amount (\$)
Date	Description	
9/10/2017	McLeod's Barristers & Solicitors – Compulsory acquisition, lot 33(332) Hale Road, Wattle Grove	17,481.16
9/10/2017	McLeod's Barristers & Solicitors – Compulsory acquisition, lot 33(332) Hale Road, Wattle Grove	13,908.99
9/10/2017	Altus Planning - Planning assessment of Lot 33 (no 332) Hale Road, Wattle Grove	3,675.00
25/10/2017	SYRINX Environmental Pty Ltd - Woodlupine Living Stream -Landscape upgrade & Pedestrian Bridge - Concept Design	3,675.00
25/10/2017	SYRINX Environmental Pty Ltd - Woodlupine Living Stream - Concept Design and Construction Works	8,179.46
25/10/2017	McLeods Barristers & Solicitors - Road land acquisition for Lot 8 (302) Hale Road, Wattle Grove	19.43
25/10/2017	McLeods Barristers & Solicitors - Compulsory acquisition Lot 33 (no 332) Hale Road, Wattle Grove	1,986.20

STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), a payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the Council.
- 17. On 26 June 2017, Council resolved to adopt the City's current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**), the previous review of the register was completed 25 May 2015.
- 18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
- 19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- 20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

POLICY CONSIDERATIONS

- 21. Nil.

CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

- 22. Various business units are engaged to resolve outstanding debtors and creditors as required.

External Referrals

- 23. Debt collection matters are referred to the City's appointed debt collection agency.

FINANCIAL CONSIDERATIONS

- 24. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

29.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action / Strategy		
	Ensure debt collections are rigorously managed.		

Creditors

30.	Risk: Adverse credit ratings due to the City defaulting on creditor.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action / Strategy		
	Ensure all disputes are resolved in a timely manner.		

OFFICER COMMENT

31. Creditor payments for October 2017 are in the normal range in line with trend expenditure.

32. Outstanding debtors are being managed in accordance with policy.

Voting Requirements: Simple Majority

RESOLVED OCM 226/2017

That Council:

1. Receives the list of payments made from the Municipal Accounts in October 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 October 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 October 2017.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**

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

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

10.5.3. Draft Monthly Financial Statements to 31 October 2017

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

- [Attachment 1](#) Draft Statements of Financial Activity for the period ended 31 October 2017 incorporating the following:
- a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2017
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2017
 - c) Net Current Funding Position, note to financial statement as of 31 October 2017

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period of October 2017.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the budget adopted by the Council on 30 October 2017 subsequent to the first-term budget review.
3. The City's Draft Financial Statements as at 31 October 2017 demonstrate the City has managed its budget and financial resources effectively.
4. It is recommended that Council receives the Draft Monthly Statutory Financial Statements for the period to 31 October 2017, which comprises:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2017;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2017; and
 - c) Net Current Funding Position, note to financial statement as of 31 October 2017.

BACKGROUND

5. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).

6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2016/17.

DETAILS

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

Financial Commentary

Draft Statement of Financial Activity by Nature and Type for the four months ended 31 October 2017

8. This Statement reveals a net result surplus of \$40,456,062 compared to budget for the same period of \$38,053,882. The majority of the final variance of \$2,402,180 is in the area of operating activities, where \$2,634,162 is recorded as a favourable variance with the major components of this explained below.

Operating Revenue

Total Revenue excluding rates is over budget by \$537,986. This is made up as follows:

- a) Operating Grants, Subsidies and Contributions are over budget by \$402,285, the variance is mainly attributable to \$358,211 received from CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust.
- b) Fees and Charges are over budget by \$132,389. The variance is mainly attributable to \$ 208,205 in waste fees as part of the yearly fees raised in line with rates.
- c) Interest Income is over budget by \$6,590. The variance is within the reporting threshold.
- d) Other Revenue is under budget by \$18,879. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

9. Total expenses are under budget by \$767,829. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,168,481 which is primarily due to vacant positions not filled and timing of training programmes scheduled for the period.
 - b) Materials and Contracts is under budget by \$635,484. This is mainly attributed to:
 - (i) Waste costs are under budget by \$218,885 mainly from lower putrescible waste charges and verge collection costs.
 - (ii) Verge maintenance costs are under budget by \$175,777 which is a timing issue.
 - c) Utilities are under budget by \$118,250 of which; \$55,606 relates to street lighting which is lower than projected.
 - d) Depreciation, although a non-cash cost, is tracking over budget, reporting a variance of \$1,361,062. During the 2016/17-year end audit review it was observed that the depreciation rates applied for infrastructure assets are lower than the actual consumption rate. To rectify the issue an adjustment entry was passed to reduce the variance. For 2017/18 the actual depreciation is estimated based on the 2016/17 end of the year depreciation. The effect of the depreciation rates change will be adjusted in the mid-year review.
 - e) Interest expense is under budget by \$9,061. This is a result of a timing difference between amounts accrued and the budget which is based on the debenture payments schedules.
 - f) Insurance expense is over budget by \$1,960. The variance is within the reporting threshold.
 - g) Other expenditure is under budget by \$182,911 of which \$131,793 relates to Forrestfield Industrial Area Scheme Stage 1 operational expenditure. This is considered a timing matter.
 - h) Loss on disposal of Assets is under budget by \$16,664. Some vehicles have been identified for disposal which obtained the Fleet Steering Committee's sign off.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$44,871 emanating from grants received for the Bibbulmun Track Development. This is regarded as a timing matter.

Capital Expenditures

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets is under budget by \$112,522. This is considered to be a timing issue.
12. Capital work-in-progress of \$671,902, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities shows a variance of \$140,872 which is mainly reserve movements. More details of the reserve movements are given under note 21 of this report.

Rates revenues

14. Rates generation is over budget with a variance of \$17,404. The variance is within the reporting threshold.

Draft Statement of Financial Activity by Program for the period ended 31 October 2017

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

Draft Statement of Net Current Funding Position as at 31 October 2017

16. The commentary on the net current funding position is based on comparison of the draft October 2017 to the October 2016 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) amount to \$50.6 million. The restricted cash position is \$13.4 million which is higher than the previous period's balance of \$12.9 million. This is mainly attributed to the transfers to reserves in the nominated employee leave reserve and the unexpended capital works reserve.
18. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$14.5 million.

The rates balance increased by \$0.9 million from last year which reflects increases in rates generation.
19. Sundry debtors have decreased from \$905,527 to \$228,132, of which \$185,449 consists of current debt due within 30 days.

-
20. Receivables Other represents \$3.3 million comprising:
- a) Emergency Service Levy receivables \$2.1 million
 - b) Receivables sanitation \$1.1 million
21. Provisions for annual and long service leave have increased by \$292,497 to \$3.3 million when compared to the previous year. The large variance is coming from the 2016/17-year end adjustment with long service leave liability increasing by \$203,110 as more employees came under the criteria for calculation of the liability.
22. Restricted Reserves have increased from \$12.9 million to \$13.4 million when compared to October 2016. The increase is due to the following:
- a) Unexpended capital works reserve increased by \$0.8 million
 - b) Nominated employee leave provision increased by \$0.6 million.
 - c) Asset enhancement reserve increased by \$0.4 million
 - d) Waste management reserve has increased by \$0.5 million
 - e) Forrestfield Industrial Area Scheme Stage 1 has decreased by \$2.1 million. With commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

24. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

25. The City's executive and management reviews the underlying business unit reports which form the consolidated results presented in this report.

External Referrals

26. As noted in point 24 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

27. The City's financial position continues to be closely monitored to ensure it is operating sustainably and to allow for future capacity.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 – To provide leadership through transparent governance.

Strategy 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

32.	Risk: Over-spending the budget.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action / Strategy		
	Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department		
	Risk: Non-compliance with Financial Regulations		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Medium
	Action / Strategy		
	The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews compliance with Financial Regulations.		

OFFICER COMMENT

33. The City's Draft Financial Statements as at 31 October 2017 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 227/2017

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

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

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

10.5.4 Application for Leave – Chief Executive Officer

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

PURPOSE

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer and to approve appointment of Acting Chief Executive Officer during the periods.
2. Council is responsible for the approval of leave for the Chief Executive Officer and all appointments to the position of Chief Executive Officer
3. It is recommended leave be approved for the Chief Executive Officer for the period of Thursday 21 December 2017 to Monday 15 January 2018 and Monday 26 February 2018 to Tuesday 6 March 2018.

BACKGROUND

4. Nil.

DETAILS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Thursday 21 December 2017 to Monday 15 January 2018 and Monday 26 February 2018 to Tuesday 6 March 2018.
6. The Chief Executive Officer will be out of the country from 26th February to 6th March 2018.
7. The Chief Executive Officer has accrued significant leave entitlements to date and needs to reduce this liability in accordance with staff leave management policy.

STATUTORY AND LEGAL IMPLICATIONS

8. 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

9. The City's leave policy requires all employees to apply for leave and have this leave approved.

PUBLIC CONSULTATION/COMMUNICATION

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

FINANCIAL CONSIDERATIONS

11. 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

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

SUSTAINABILITY

Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 16.
- | | | |
|--|--------------------|---------------|
| Risk: Annual leave Liabilities accrue and become a significant financial risk which will be identified by auditors. | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Minor | Low |
| Action/ Strategy | | |
| Ensure leave liabilities are managed and all staff utilised their leave entitlements regularly. | | |

OFFICER COMMENT

17. The Director Development Services, Natalie Martin Goode, will be appointed as the Acting Chief Executive Officer from Thursday 21 December 2017 to Monday 15 January 2018.
18. The General Counsel & Executive Advisor, Governance & Legal Services, Simon Di Rosso, will be appointed as the Acting Chief Executive Officer from Monday 26 February 2018 to Tuesday 6 March 2018.

Voting Requirements: Simple Majority

RESOLVED OCM 228/2017

That Council:

1. Approves Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Thursday 21 December 2017 to Monday 15 January 2018 and Monday 26 February 2018 to Tuesday 6 March 2018.
2. Pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director Development Services will be appointed as the Acting Chief Executive Officer from Thursday 21 December 2017 to Monday 15 January 2018.
3. Pursuant to section 5.36 of the *Local Government Act 1995* appoints the Director Asset Services will be appointed as the Acting Chief Executive Officer from Monday 26 February 2018 to Tuesday 6 March 2018.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

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

10.5.5 Revised Procedure for Public Agenda Briefing forums

Previous Items	C&C 47/2017 Council Meeting Structure OCM September 2017
Responsible Officer	CEO
Service Area	Office of the CEO
File Reference	
Attachment 1	Public Agenda Briefing Forums Policy
Attachment 2	Procedure for Public Agenda Briefing Forums

EXECUTIVE SUMMARY

1. This report presents to Council for its consideration a revised procedure for Public Agenda briefing forums.
2. Feedback received the first Agenda Briefing Forum in November has prompted some refinements to be adopted for future forums.
3. This report recommends that Council endorse the revised procedure to become effective from December 2018.

BACKGROUND

4. On 26 June 2017, Council resolved to abolish the Development and Asset Services and Corporate and Community Services Committees effective from 21 October 2017 (ref Council Resolution 101/2017).
5. Moreover, Council resolved to introduce '*Public Briefing Sessions*', referred to in this report as '*Public Agenda Briefing Forums*', from 1 November 2017, to be held 2 weeks prior to each Ordinary Council Meeting.
6. The Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters at the next Ordinary Council Meeting for formal consideration and decision.

DETAILS

7. The Forums involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and are open to the public.
8. The Forums allow an extended opportunity for the public to ask questions about matters in the Forum agenda in a less formal environment than Ordinary Council meetings.
9. The Forums are not formal committees of Council (as otherwise established under section 5.8 of the *Local Government Act 1995* (WA)), however, procedures are required to give structure to meetings. The City has accordingly developed both a Forum Policy and Forum Procedures as discussed herein.

-
10. Following the first Forum held in November 2017 Councillors provided feedback on the initial Forum's procedure, which has now been considered and utilised to update the Forum procedure.
11. The Forum Procedures shall govern, amongst other things;
- a) the format of the Forum agenda; and
 - b) make allowance for:
 - (i) verbal and written questions;
 - (ii) submissions;
 - (iii) deputations; and
 - (iv) clarifying questions.
12. Feedback received from Councillors in respect of improvements required included the following:
- a) Question time and deputations should be incorporated into the report process for each item.
 - b) Officers presentations should be shortened.
 - c) Deputations should be shortened
 - d) Directors should make presentations only
 - e) The community ask questions and make deputations from a more prominent position
 - f) Statements should be allowed
 - g) Elected members can make both verbal and written requests and ask questions of the CEO prior to and at the Forum which, as far as practicable, will be answered at the Forum.
- To achieve these changes the Forum process is outlined in the revised agenda procedure.
- 1. Official Opening
 - 2. Attendance, Apologies and Leave of Absence Previously Approved
 - 3. Declarations of Interest
 - 4. Announcements by the Presiding Member (without discussion)
 - 5. Public Question Time (maximum of 10 minutes)
 - 6. Public Statement Time (maximum of 10 minutes)
 - 7. Public Submissions Received in Writing
 - 8. Petitions Received
 - 9. Confidential Items announced but not discussed
 - 10. Reports of Officers
 - 11. 10.0 Reports from each Directorate and the Office of the CEO with the following to be included during each Directorate's presentation:
 - 12. a) Deputations (5 minutes per Deputation)
 - 13. b) Presentations from Officers
 - 14. c) Questions and requests from Elected Members in writing
 - 15. d) Public Questions of Clarification (5 Minutes)
13. The Forums shall continue to take place every second Tuesday of the month, with Ordinary Council Meetings taking place every fourth Tuesday of the month.
-

STATUTORY AND LEGAL CONSIDERATIONS

14. Section 5.8 of the *Local Government Act 1995* (WA) is noted here for Council reference on the basis that this section provides for the establishment of committees.

It should be noted however, that the Forums are not committees of the Council, do not have a decision making capacity, are not open for debate, or amendments and it is not proposed that the Council shall delegate any powers or duties of the Council to the Forum whatsoever.

POLICY CONSIDERATIONS

15. If Council approves the recommendations of this report as set out below, the Forum Policy and Forum Procedure will be included in the City's Council Policy and Procedure Register, which is publically available for inspection. Both the Forum Policy and Forum Procedure will be subject to review once every 2 years.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. Draft Forum Procedures were provided to Elected Members on 14 August 2017 given further consideration for Councillors and the Executive following the first Forum held on 14 November.

External Referrals

17. In the development of the Forum Procedures, City officers considered similar rules of the City of Joondalup and the City of Belmont.

FINANCIAL CONSIDERATIONS

18. The Forums are expected to be cost neutral to the City.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.3: To support the active participation of local communities.

Strategy 1.3.1 Support local communities to connect, grow and shape the future of Kalamunda.

OBJECTIVE 4.1: To provide leadership through transparent governance.

Strategy 4.1.1 Provide good governance.

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

Strategy 4.2.1 Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

20. The Forums will allow for increased public participation and engagement, increased public confidence in the Council and the City and proactively allow for questions to be considered by City officers prior to matters being considered at Ordinary Council Meetings.

Economic Implications

21. Nil.

Environmental Implications

22. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 23.
- | | | |
|--|--------------------|---------------|
| Risk: That the public perceives that decisions have already been made on matters once included on the agenda. | | |
| Likelihood: | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Members of the public will be informed by notice during the Forums that the Forum has no decision making capacity and that all decisions will be made at the following Ordinary Council Meeting. | | |
-
- | | | |
|---|--------------------|---------------|
| Risk: That an item is presented to a Forum that is confidential in nature. | | |
| Likelihood: | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/ Strategy | | |
| The Forum Procedures provide that Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the <i>Local Government Act 1995</i> (WA). | | |

OFFICER COMMENT

24. The Forums are intended to provide, amongst other things:
- a) an less formal avenue for Elected Members to ask questions to City staff prior to matters coming before the Council at the Ordinary Council Meeting;

- b) a further opportunity for City staff and external consultants (where authorised by the City) to inform both Elected Members and the community about the details of matters coming before the Council; and
 - c) the opportunity for greater public participation in decision making at an early stage.
- 25. One of the main aims of the Forums is to encourage the public to have meaningful input into the Council's decision-making process thereby proactively affording the community with the opportunity to actively discuss forthcoming government decisions before they are made. In adopting these new Forums, the Council and the City is assisting the community by providing it with a sense of ownership and understanding of its Council's strategy and direction.
- 26. In addition to the above, the two-way nature of the Forums will enhance both the City and Council's understanding of the community's need and its perception of how Council is tracking against its strategic planning mechanisms.
- 27. Effective public participation allows community values to be identified early and incorporated into properly considered decisions. The enhanced ability for the community to present submissions, deputations and questions (including clarifying questions after the reports) at all Forums in advance of matters coming before the Council, will result in further informed Council decision making an increased community confidence.

Voting Requirements: Simple Majority

RESOLVED OCM 229/2017

That Council:

- 1. Endorse the Procedure for Public Agenda Briefing Forums as attached.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

10.5.6 CONFIDENTIAL ITEM - Chief Executive Officer's Performance Review Committee

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), "the personal affairs of any person".

Previous Items	April 2017 May 2016 October 2017
Responsible Officer	Chief Executive Officer
Service Area	
File Reference	
Applicant	N/A
Owner	N/A

RESOLVED OCM 241/2017

That Council:

1. Notes and accepts Cr Destree's resignation from the Chief Executive Officer's Review Committee (CEOPRC) and appoints Cr Thomas to the CEOPRC as Cr Destree's replacement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

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

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

10.5.7 Delegation of Regulation 15D Health (Asbestos) Regulations 1992

Previous Items	N/A
Responsible Officer	Simon Di Rosso
Service Area	Legal and Governance Services

[Attachment 1](#)

Health (Asbestos) Regulations 1992 (with highlighted amendment)

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to delegate to the Chief Executive Officer the authority to appoint officers as Authorised Officers and Approved Officers for the purposes of Part 2 of the *Criminal Procedures Act 2004* under the *Health (Asbestos) Regulations 1992* (**Regulations**).
2. On the 20 September 2017, an amendment to the Regulations took effect which allows Council to delegate to the Chief Executive Officer of a local government the authority to appoint officers under the regulations.
3. This report recommends that Council delegate the power or duty conferred or imposed on the local government by Regulation 15D of the *Health (Asbestos) Regulations 1992*, to the Chief Executive Officer.

BACKGROUND

4. The Department of Health advised all regulatory authorities that it intended to amend the Regulations on 20 September 2017.
5. The amendment is designed to complement the changes previously made to the Regulations on 24 January 2017. At that time the Regulations were amended to reflect the terminology used in the *Public Health Act 2016* (**PH Act**), increase the penalties for offences under the Regulations and to enable local governments to issue infringement notices for specified offences.
6. Additionally, through the amendments of 24 January 2017, all references to the Executive Director, Public Health in the *Health (Miscellaneous Provisions) Act 1911* (**Health MP Act**) and its regulations were amended to be references to the Chief Health Officer to achieve consistency with the new terminology provided by the PH Act.
7. Those amendments were introduced as an intermediate measure to deter unlawful conduct and encourage compliance, while the process of regulation review was ongoing and a new set of subsidiary instruments to the PH Act were being developed.

DETAILS

8. Regulation 15D(5) states that, '*A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.*'

-
9. This appointment authorises an officer to either issue or extend or cancel an infringement notice.
10. An infringement notice is a notice that a person has committed an alleged specified offence under a regulation, and requires payment of a specified monetary amount for the offence within a specified time.
11. The State Solicitor's Officer has advised that there are no powers under the Health MP Act or the Regulations to delegate this power. This means that all appointments must currently be made by Council.
12. In order to remedy this, the following clause is to be inserted into the Regulations:
- "(7) A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government".*
13. The amendments to the Regulations will provide Authorised Officers with the power to issue infringement notices for breaches of the Regulations and Approved Officers with the power to withdraw or extend the time to pay infringement notices.
14. To enable the effective and efficient administration of the Regulations it is proposed that this authority be delegated to the Chief Executive Officer.

STATUTORY AND LEGAL CONSIDERATIONS

15. Regulation 15D of the *Health (Asbestos) Regulations 1992*.

POLICY CONSIDERATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. Nil.

External Referrals

18. Department of Health.

FINANCIAL CONSIDERATIONS

19. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing: Strategic Community Plan to 2027*
- 4.1 To provide leadership through transparent governance.
- 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

21. Nil.

Economic Implications

22. The amendments to the Regulations will provide Authorised Officers with the power to issue infringement notices for breaches of the Regulations and Approved Officers with the power to withdraw or extend the time to pay infringement notices.

Environmental Implications

23. The amendments should allow for a more efficient administration of breaches against the Regulations.

RISK MANAGEMENT CONSIDERATIONS

24. Nil.

OFFICER COMMENT

25. The delegation allows the CEO to appoint persons or classes of persons as authorised officers for the purposes of the Regulations, on behalf of Council. Amongst other responsibilities, these appointments authorise officers to issue or extend or cancel an infringement notice and the delegation removes any requirement for this administrative function to be undertaken by Council.

Voting Requirements: Absolute Majority

RESOLVED OCM 230/2017

That Council:

1. Delegate the power or duty conferred or imposed on the local government by Regulation 15D of the *Health (Asbestos) Regulations 1992*, to the Chief Executive Officer.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

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

10.5.8 CONFIDENTIAL REPORT - Legal Representation for Elected Members and Employees

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting.”

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Chief Executive Officer
Attachment 1	ADM24 - Legal Representation for Elected Members and Employees

WITHDRAWN FROM MEETING

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

10.5.9 CONFIDENTIAL REPORT - Review of Council's September 2017 resolution to conduct further probity auditing of tenders during 2014 – 2017 and the formation of an Audit and Risk Subcommittee to determine tenders for the audit

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), "legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting."

Previous Items	OCM 82/2017, A & R 06/2017, OCM 105/2017, OCM 170/2017, A & R 08/2017, OCM 165/2017, OCM 170/2017
Responsible Officer	Chief Executive Officer
Service Area	Chief Executive Officer
Attachment 1	Probity Report

RESOLVED OCM 242/2017

That Council:

1. Rescind resolution OCM 170/2017 in its entirety.
2. Request the Chief Executive Officer to:
 - a) prepare a request for quotation to suitably qualified external auditors seeking the cost and timeframe for a standard audit to be undertaken on tenders in the 2014 – 2017 period otherwise excluded from the audit report previously undertaken and presented to Council's 18 September 2017 Audit and Risk Committee;
 - b) include in the City's request for quotation referred to above that the auditor, in providing their response to the request for quotation, advise the City of the sample size it recommends as appropriate for the standard audit process requested together with reasons for its decision; and
 - c) provide the Council with a report incorporating the responses to the request for quotation referred to above for Council's consideration at its March 2017 Audit and Risk Committee meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

Vote:

For

Cr Michael Fernie
Cr Allan Morton
Cr Brooke O'Donnell
Cr David Almond
Cr Dylan O'Connor
Cr Cameron Blair
Cr Tracy Destree
Cr John Giardina

Against

Cr Geoff Stallard
Cr David Almond
Cr Margaret Thomas

CARRIED/ABSOLUTE MAJORITY (8/3)

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Responsible Authority Reports (Cr Destree)

RESOLVED OCM 231/2017

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer ensure all Responsible Authority Reports prepared by the City of Kalamunda for the purposes of a DAP review shall be provided to all Councillors for information in advance of DAP meetings, and in reasonable time for sufficient review by DAP appointed Councillors.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

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

Rationale:

The current practice is for the City Planning department to prepare Responsible Authority Reports (RAR) for Development Assessment Panel (DAP) reviews and submit them straight to the Department of Planning, without submission to Council for approval or information.

This was a matter of discussion at the August training session, where a number of Councillors advised it was not only practice, but they considered essential that the RAR is provided to Council for approval.

Further to discussion with the City's planning staff, who advised it may be difficult to meet the schedule for DAP RAR submission and seek Council approval of the report. However, it would be possible to ensure all RAR prepared by the City are provided to Councillors for information once complete, and to DAP appointed Councillors prior to attending the relevant DAP.

Officer Comments

Staff are able to provide a copy of the completed RAR to all Councillors for information at the same time the RAR is submitted to JDAP.

11.2 **Audit & Risk Committee (Cr Destree)**

RESOLVED OCM 232/2017

That Council:

1. Request the CEO prepare a report for the March 2018 Audit and Risk Committee regarding an alternate structure of the Audit and Risk Committee that considers:
 - a) The ability to include suitably qualified, independent members and the associated appointment process;
 - b) How Audit and Risk Committees are structured in other Local Governments; and
 - c) What changes, if any, should be made to the Committee's Terms of Reference.

Moved: **Cr Tracy Destree**

Seconded: **Cr Dylan O'Connor**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Margaret Thomas
	Cr Geoff Stallard	Cr Cameron Blair
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr David Almond	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Tracy Destree	
	Cr John Giardina	

CARRIED (9/2)

Rationale

Please Note: Cr Destree provided a verbal rationale for the NOM during the Ordinary Council Meeting at the time of consideration.

Officer Comments

The City of Kalamunda Audit and Risk Committee has been functioning effectively since council resolved to have all councillors involved however should council support this motion a report will be brought to a future AR meeting.

11.3 **Audit & Risk Committee Schedule (Cr Destree)**

RESOLVED OCM 234/2017

That Council:

1. Request the CEO to schedule and advertise Audit and Risk Committees meetings for 2018 will be held in:
 - a) March 2018;
 - b) June 2018;
 - c) September 2018;
 - d) December 2018; and
 - e) At any other date as required by Council.

Moved: **Cr Tracy Destree**

Seconded: **Cr Dylan O'Connor**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr Margaret Thomas
	Cr Allan Morton	Cr Cameron Blair
	Cr Brooke O'Donnell	Cr Michael Fernie
	Cr David Almond	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Tracy Destree	
	Cr John Giardina	

CARRIED (8/3)

Rationale

It is important that the Audit and Risk Committee has a structured timeframe for review of risk, audit and compliance reports. The schedule should provide some alignment to the planning and budgeting processes.

The Community should also be informed of the program of Council review and confirming dates removes any "ad hoc" approach to meeting scheduling.

A resolution for within the Month provides some flexibility for staff to schedule around its work program and external report delivery.

Officer Comments

The *Local Government (Administration) Regulations 1996* (WA) provide in Regulation 12(1) and (2) that –

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Setting specific dates and times for Audit and Risk Committee meetings in advance can be an issue given that the Committee regularly considers independent Audit Reports which require attendance of the Auditor at the Meeting. Booking the attendance of auditors at the meeting is dependent upon the completion date of the audit and their availability to attend. This would result in the need to call a Special Council Meeting each time there was a change in the date or time of the meeting; as recently occurred.

An alternative method of ensuring that the Audit and Risk Committee has a structured timeframe would be for Council to endorse there being a minimum of four meetings to be held each calendar year, with a meeting to be held by or before the end of each quarter, being March, June, September and December. Further, that the dates for each meeting be determined in the OCM of the preceding month and advertised thereafter.

A recommended alternative resolution taking the above into account is accordingly set out below for Council's consideration.

That Council –

- 1. Agree to hold a minimum of four Audit and Risk Committee meetings per calendar year with a meeting to be held by or before the end of each quarter, being March, June, September and December of the relevant calendar year.*
- 2. Agree that the specific time and date for each quarterly Audit and Risk Committee meeting shall be determined at the Ordinary Council Meeting preceding the last month of each quarter, therefore being, February, May, August and November of the relevant calendar year.*
- 3. Request the CEO to advertise the time and date for each quarterly Audit and Risk Committee meeting within 14 days of the Ordinary Council Meeting at which the Audit and Risk Committee meeting time and date is set, or as otherwise determined at any Special Council meeting, as the case may be.*

11.4 Heritage Status of Trees (Cr Giardina)

Cr John Giardina declared an interest affecting impartiality in relation to Item 11.4 Heritage Status of Trees as he has family living in the vicinity. Cr Giardina left the meeting at 8.18pm vacating the presiding member chair.

Cr Dylan O'Connor took the Chair. Cr Giardina did not participate in the debate or vote on this matter. Cr O'Connor vacated the presiding member chair at 8.36pm. Cr Giardina returned to the meeting at 8.37pm and recommenced presiding over the meeting.

RESOLVED OCM 235/2017

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer to undertake an investigation on how the City can establish heritage status of the trees along Welshpool East so they are kept as an entry statement for the City.
2. Request the Chief Executive Officer to bring back a process and costings for undertaking this investigation so it can be listed for budget consideration.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr Brooke O'Donnell
	Cr Allan Morton	Cr Sara Lohmeyer
	Cr Cameron Blair	
	Cr Margaret Thomas	
	Cr David Almond	
	Cr Dylan O'Connor	
	Cr Tracy Destree	
	Cr Michael Fernie	

CARRIED (8/2)

Rationale:

The recent community concerns over the loss of trees along Welshpool Road has led me to believe we need to show our community that we are sympathetic of their concerns and will do whatever we can to prevent the trees from being impacted from future development proposal.

An investigation into this issue will provide council with strategic direction so we can legally and responsibly protect these iconic trees.

Officer Comments

Part 7 of the City of Kalamunda Local Planning Scheme No. 3 outlines the process by which a place or area can be heritage listed. The heritage listing process includes the following steps;

1. notify and invite submissions from owners and occupiers in the area;
2. erect a sign on site;
3. notice in a local newspaper;
4. advertise on the City's web site and social media platforms;
5. consult with the Heritage Council of Western Australia;
6. engaging an arborist and heritage professional to advise on the health and heritage significance of the trees;
7. any other consultation the City sees fit; and
8. Council to consider any submissions made and make a determination on the heritage listing.

11.5

Urban Expansion Pickering Brook (Cr Stallard)

Cr Michael Fernie declared an interest affecting impartiality in relation to Item 11.5 Urban Expansion Pickering Brook as he resides in the area. Cr Fernie left the meeting at 8.34pm and returned at 8.39pm. Cr Fernie did not vote on this matter.

RESOLVED OCM 236/2017

Voting Requirements: Simple Majority

That Council:

Request the Chief Executive Officer

- a) To continue advocating for the inclusion of areas of urban expansion the City of Kalamunda, including Pickering Brook, areas of Wattle Grove and Forrestfield and Maida Vale, as outlined in the City's Local Planning Strategy to be included within the Perth and Peel North-East Sub-Regional Planning Framework that were not identified within the draft in May 2015.
- b) To clarify and resolve issues raised by the WAPC with regards to a District Water Management Strategy presented in the City's application to develop the Pickering Brook Townsite.
- c) To resubmit, at an appropriate time, a new application to develop the Pickering Brook Townsite with an amended area for consideration.
- d) To advocate to the State Government to change State Planning Policy to enable opportunities of sub-division within the eastern rural portion of the City of Kalamunda and amend the local planning strategy and local planning scheme accordingly.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Tracy Destree**

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

Rationale:

Since the Hills Rural Strategy was adopted in 2015 there is a view in the community that little progress is being made particularly in relation to the reclassification of priority agricultural which was a task to be undertaken by the Department of Agriculture.

Many of the landowners and growers in the area still would like the opportunity for subdivision of one subsidiary block for family but not wholesale sub division and are generally accepting of the Townsite expanding.

Rural land owners on bush blocks who are not growers within Carmel Bickley Pickering Brook and surrounds want subdivision for family and profit making opportunities. These blocks are viewed as not being able to sustain any production and hence may have greater subdivision potential to enable other commercial pursuits.

There is overall community support of the proposed expansion of the Pickering Brooke Townsite but a reduced area could be considered. There is also need for aged care in this region and the community supports this land use within the town centre expansion.

Completion of the priority agriculture study by Department of Agriculture is a key facilitator in the progression of the above-mentioned land use changes. This process will need to include a detailed assessment of each land parcel identifying its capacity to produce water. It may be fertile land free of obvious hurdles i.e. Rock, slope, creek lines, cleared bushland; but it will need to identify a water source for horticultural use. Overall this area is not suited for pastoral use. For those growers that are producing some hay for stock feed this will conflict with bush fire rules and protection zones so some land uses will need to be excluded from the Hill Rural area. The paddocks are often required to be mowed to 50 mm before the crop is often ready to harvest.

These are the types of issues being raised within the community and will need to be assessed when moving this motion forward.

Officer Comments

The City is happy to advocate and progress the development of the Pickering Brook Townsite expansion through the resolution of bush fire, water management and sub-regional planning framework matters.

The final decision however rests with the Western Australian Planning Commission with keys stakeholders being the Department of Water and

Environmental Regulation and the Department of Fire and Emergency Services. The City will continue to work with these state government departments to advocate and progress the town site expansion.

11.6 **Audio/ Visual Live Streaming of Council Meetings (Cr O'Donnell)**

RESOLVED OCM 237/2017

Voting Requirements: Simple Majority

That Council:

1. Requests the Chief Executive Officer prepare a report to Council on the feasibility of live streaming Agenda Briefing Forums and Ordinary Council Meetings online to the general public through the use of audio/visual technology; and
2. Any reports should take into consideration and include information on the following:
 - i. the most effective method of delivery; and
 - ii. the privacy considerations of members of the public in the gallery and residents making deputations and asking questions.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Tracy Destree**

Vote:	<u>For</u>	<u>Against</u>
	Cr Brooke O'Donnell Cr David Almond Cr Tracy Destree Cr John Giardina	Cr Michael Fernie Cr Geoff Stallard Cr Allan Morton Cr Cameron Blair Cr Margaret Thomas Cr Sara Lohmeyer Cr Dylan O'Connor

LOST (4/7)

Rationale:

Some members of the community have noted their inability to attend Council meetings in person. This is an issue for residents who cannot attend on the dates and at the times we hold meetings, nor for the length of time (which is likely to increase now that Council only holds one Ordinary Council Meeting and one Agenda Briefing Forum).

Residents and Councillors have at times asked for feedback on the finer points of Council decisions. Although communication with our community has

improved over time, it should be more effective and convenient for residents to have access to a recording in real time. This will afford residents with the ability to stop and start specific aspects of the meeting, so that a user of the recording can access the part of the meeting relevant to their interest.

In order to further improve the City's engagement with our community, I request that officers investigate the best method by which the City can provide live streaming of all Council and Committee meetings. This practice is being adopted by other councils in Western Australia, nationally and internationally.

As guidance, several cameras could be installed in the Council Chamber, offering a view of proceedings. This should allow for multiple views of the Chamber and its Councillors and staff. Preferably, the public gallery should not be recorded for potential privacy reasons, but any live streaming should provide for questions/deputations of the public to be heard through audio.

In my opinion, any consideration of costing would be highly dependent on the platform and devices used to live stream the meeting. Some councils utilise free platforms (such as YouTube or Facebook) whilst other councils use a drop-box facility. Consideration will need to be given to the storage and record-keeping requirements of the recording

Officer Comments

The Chief Executive Officer can prepare a report to Council for its consideration, subject to Council's endorsement and the availability of third party advice on costing.

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Public Question Time (Cr O'Donnell)

Q1. Who is responsible for providing answers questions asked at public question time?

A1. It depends on the content of the questions.

Q2. In the case of the question asked by Mr Bolden at the previous OCM, and recorded in the minutes, who would have approved the response?

A2. The CEO advised the response to these questions was provided by the CEO.

Q3. Would this response be in line with the adopted Customer Services Strategy?

A3. The CEO took the question on notice.

12.2 Recycling Bins – Kalamunda Centre (Cr Destree)

Q. Council approved the installation of recycle bins in the Kalamunda Town Centre. When will these bins be installed?

A. The Director Asset Services believed the resolution was to investigate and report to council. This report will be presented to council in February

12.3 Yule Brook Creek (Cr O'Connor)

Q. Can a meeting please be arranged with City Staff and a concerned student from Wattle Grove Primary School in relation to actions to ease the degradation of the creek?

A. Taken on Notice

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.2 Nil.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 RESOLVED OCM 238/2017

That the meeting close to the public to consider confidential items listed on the agenda.

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

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

The meeting closed to the public at 9.05pm. All remaining members of the public gallery left the Council Chambers.

15.2 10.1.6 **CONFIDENTIAL ITEM – Acquisition of Portion of Lot 7 (No. 257)
Lesmurdie Road, Lesmurdie**

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

RESOLVED OCM 239/2017

That Council:

1. Delegates to the Chief Executive Officer, the authority to negotiate with the registered proprietor of land described as Lot 7 on Diagram 13932, Certificate of Title Volume 1145, Folio 432 and otherwise known as lot 7 (257) Lesmurdie Road Lesmurdie (Land), for the acquisition of a 167 square metre portion of the Land shown delineated and marked on drawing 7779/16/1, attached as part of Confidential Attachment 1, pursuant to s.168 of the Land Administration Act 1997 (WA).
2. For the purposes of the negotiation described in (1) above, adopts Confidential Terms of Negotiation Option C as specified in Confidential Attachment 4 and requests the Chief Executive Officer to undertake negotiations accordingly.

Moved: **Cr Michael Fernie**

Seconded: **Cr Dylan O'Connor**

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

15.3 10.2.9 **CONFIDENTIAL REPORT: Cambridge Reserve Community
Enhancement Project**

*Reason for Confidentiality: Local Government Act 1995 Clause 5.23(2)(h):
Such other matters as may be prescribed. Information contained in this report
may impact the outcome of future community engagement".*

*Cr Tracy Destree declared a proximity interest in Item 10.2.9 Cambridge Reserve
Community Enhancement Project as family members own property in Cambridge Road,
Forrestfield, adjacent to Cambridge Reserve. Cr Destree left the meeting at 9.06pm
and returned at 9.07pm. Cr Destree did not vote on this matter.*

RESOLVED OCM 240/2017

That Council:

1. Receives the confidential report Cambridge Reserve Community Enhancement Project.

2. Supports progressing further technical investigations for the Cambridge Reserve Community Enhancement Project based on the direction outlined in the Vision and Principles Document in Attachment 2.
3. Supports progressing community consultation on the Cambridge Reserve Community Enhancement Project.

Moved: **Cr Allan Morton**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY**

15.4 10.5.6 Chief Executive Officer's Performance Review Committee

Reason for Confidentiality: – Local Government Act 1995: Section 5.23 (2) (b), "the personal affairs of any person".

RESOLVED OCM 241/2017

That Council:

1. Notes and accepts Cr Destree's resignation from the Chief Executive Officer's Review Committee (CEOPRC) and appoints Cr Thomas to the CEOPRC as Cr Destree's replacement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY**

15.5 10.5.9 Review of Council's September 2017 resolution to conduct further probity auditing of tenders during 2014 – 2017 and the formation of an Audit and Risk Subcommittee to determine tenders for the audit

Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (d), "legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting."

RESOLVED OCM 242/2017

That Council:

1. Rescind resolution OCM 170/2017 in its entirety.
2. Request the Chief Executive Officer to:
 - a) prepare a request for quotation to suitably qualified external auditors seeking the cost and timeframe for a standard audit to be undertaken on tenders in the 2014 –

2017 period otherwise excluded from the audit report previously undertaken and presented to Council's 18 September 2017 Audit and Risk Committee;

- b) include in the City's request for quotation referred to above that the auditor, in providing their response to the request for quotation, advise the City of the sample size it recommends as appropriate for the standard audit process requested together with reasons for its decision; and
- c) provide the Council with a report incorporating the responses to the request for quotation referred to above for Council's consideration at its March 2017 Audit and Risk Committee meeting.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Brooke O'Donnell**

Vote:	<u>For</u>	<u>Against</u>
	Cr Michael Fernie	Cr Geoff Stallard
	Cr Allan Morton	Cr David Almond
	Cr Brooke O'Donnell	Cr Margaret Thomas
	Cr David Almond	
	Cr Dylan O'Connor	
	Cr Cameron Blair	
	Cr Tracy Destree	
	Cr John Giardina	

CARRIED/ABSOLUTE MAJORITY(8/3)

15.6 RESOLVED OCM 243/2017

That the meeting open to the public following consideration of confidential items listed on the agenda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

The meeting reopened to the public at 9.16pm. Members of the public gallery returned to the Council Chambers. The Chief Executive Officer read the resolutions of the confidential reports considered to the meeting.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 9.22pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2017

Tabled Documents

01 Minutes – Kalamunda Environmental Advisory Committee 10 August 2017

02 Minutes – Kalamunda Environmental Advisory Committee 14 September 2017

03 Minutes – Kalamunda Environmental Advisory Committee 28 September 2017

04 Minutes – Hartfield Park Advisory Committee 10 October 2017

05 Minutes – Kalamunda Sporting Precinct Advisory Committee 12 October 2017

06 Minutes – Scott Reserve Advisory Committee 17 October 2017