

# Ordinary Council Meeting

Minutes for Tuesday 28 August 2018

**CONFIRMED**



**city of  
kalamunda**

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**1. Official Opening**

The Mayor, due to illness, requested the Deputy Mayor preside at the meeting, albeit the Mayor did remain in attendance.

The Deputy Mayor, herein after referred to as the Presiding Member, opened the meeting at 6.33 pm and welcomed Councillors, Staff and Members of the Public Gallery.

**2. Attendance, Apologies and Leave of Absence Previously Approved**

**2.1 Attendance**

**Councillors**

**South East Ward**

Michael Fernie

John Giardina (Mayor)

**South West Ward**

Lesley Boyd

Allan Morton

Brooke O'Donnell

**North West Ward**

Sara Lohmeyer

Dylan O'Connor (Deputy Mayor / Presiding Member)

**North Ward**

Cameron Blair

Tracy Destree

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

**Management Team**

Nicole O'Neill - Manager Customer & Public Relations

Darren Jones - Manager Community Development (*left at 7:56pm*)

Andrew Fowler-Tutt - Manager Approval Services

Alida Ferreira – Manager Financial Services

**Administration Support**

Kristy Lisle - Legal & Governance Assistant to General Counsel

Donna McPherson - Executive Research Officer to Chief Executive Officer

Adam Parker - Service Desk Analyst

Leisha Fair – Governance Officer

**Members of the Public**

35.

**Member of the Press**

Nil.

2.2        **Apologies**  
Cr David Almond

2.3        **Leave of Absence Previously Approved**  
Cr Geoff Stallard  
Cr Margaret Thomas

**3.        Public Question Time**

**3.1       Questions Taken on Notice at Previous Meeting**

3.1.1     Mr David Kelly of 17 Ashby Close, Forrestfield – Forrestfield Industrial Stage 1 Trust

At the Council meeting held 26 June 2018, Mr Kelly asked the following question that was taken on notice:

Summary of question:

Can the City provide stakeholders of the Forrestfield Industrial Stage 1 Trust with a relevant policy which provided the administration with the authority to deny access to details relating to that trust? A formal written request was made on 14 May 2018. I have received notification from the CEO that a response will be received later this week. Can it be placed on record?

Summary of response from General Counsel:

A response to Mr Kelly was provided in a letter dated 4 July 2018.

3.1.2     Mr John Burzens of 307 Hawtin Road, Forrestfield – Revegetation and Clearing of 236 Holmes Road, Forrestfield

At the Council meeting held 26 June 2018, Mr Burzens asked the following question that was taken on notice:

Summary of question:

How will screening be done, was the infill used tested? Did Council approve all of the permits?

Summary of response from the Director Development Services:

The owners have stated that no fill has been brought onto the site since they took ownership of the property. The owners advised however that they have moved/spread fill around the location of the existing outbuilding (shed) on the site. An inspection of the property by the City noted where the fill had been moved. There was no evidence of the fill affecting the creek line on and adjacent to the property.

3.1.3     Rosie Kelly of Easterbrook Place, Wattle Grove –10.1.1 Consideration of Feasibility Investigation – Wattle Grove South

At the Council meeting held 24 July 2018, Miss Kelly asked the following question that was taken on notice:

Summary of question:

How does the City feel about destroying an idyllic childhood?

Summary of response from the Director Development Services:

The City has progressed the strategic planning for the area based on it being identified within the Western Australian Planning Commission's North-East Sub-regional Planning Framework. As the planning process progresses, the preservation of the amenity of the area is a key consideration. Wattle Grove is a community within the greater Perth Metropolitan Region. The State Government is responsible for setting land use requirements to cater for the future population. The Perth population is forecasted to expand to 3.5 million people by 2050. The City of Kalamunda has a strategic planning role to investigate future land uses and as Wattle Grove has been identified as an urban expansion area, the City is responding to the direction of the State Government.

3.1.4 Mark and Susan Crampton of 16 Easterbrook Place, Wattle Grove – 10.1.1  
Consideration of Feasibility Investigation – Wattle Grove South

At the Council meeting held 24 July 2018, Mrs Crampton stated that landowners were not consulted before the study and asked the following question that was taken on notice:

Summary of question:

Why was the study undertaken and why did the residents find out about it via an unofficial Facebook post?

Summary of response from the Director Development Services:

The City has progressed the strategic planning for the Wattle Grove South area based on it being identified within the Western Australian Planning Commission's North-East Sub-regional Planning Framework. The Wattle Grove South Planning Feasibility Study (the Study) was undertaken as a technical analysis of the planning framework and physical attributes that apply to the investigation area. The Study is not a planning proposal (i.e. Structure Plan, Rezoning Proposal or Scheme Amendment) and as such there is no statutory requirement under legislation to undertake consultation.

The purpose of the Study was to provide a direction for Council to decide if it was feasible to progress to more detailed phases of planning which is where community consultation commences and is recommended to occur by the Study.

During the District Structure Planning process and prior to preparation of a plan and rezoning documentation, the City will conduct community engagement and visioning workshops seeking public comment. This will be guided through the preparation of a comprehensive Community and Stakeholder Engagement Strategy. The *Planning and Development Act (Local Planning Schemes) Regulations 2015* (WA) and *Planning and Development Act 2005* establishes the advertising procedures relating to Metropolitan Region Scheme amendments, Local Planning Scheme No.3 amendments and the preparation of District Structure Plans.

3.1.5 Peter Bolden of 55a Snowball Road, Kalamunda –Corporate Business Plan on Website – Goals and Outcomes

At the Public Briefing Forum meeting held 14 August 2018, Mr Bolden asked the following question that was taken on notice:

Summary of question:

What is the City doing to rein in expenditure so that we can have sensible rate rises?

Summary of response from the Director Corporate Services:

The City's fiscal management strategy is based on financial sustainability. During the budget process, Council considers a range of scenarios before endorsing the budget.

During recent years, the City has implemented a number of efficiencies to reduce expenditure, including:

- Energy savings through installation of solar PV panels
- Reduction in fleet costs, including FBT
- Savings in insurance premiums
- Tight control over employee costs

The City regularly benchmarks its performance against other local governments.

3.1.6 Mr Peter Forrest of 36 Panoramic Terrace, Kalamunda –State Government Green Paper - Modernising the WA Planning System

At the Public Briefing Forum meeting held 14 August 2018, Mr Forrest asked the following question that was taken on notice:

Summary of question:

Could the submission be made public?

Summary of response from the Director Development Services:

The City is in the process of making this submission available to the public via the City's website.

3.1.7 Mr Barry Sheridan of 28 Davies Crescent, Gooseberry Hill –10.1.5 Proposed Outbuilding (Shed) – Lot 16 (28) Davies Crescent, Gooseberry Hill

At the Public Briefing Forum meeting held 14 August 2018, Mr Sheridan advised that an objection had been made by the previous owner of the adjoining property and asked the following question that was taken on notice:

Summary of question:

Have the new owners been made aware of the application?

Summary of response from the Director Development Services:

The City is not always privy to the timing of the sale of properties. Referrals are issued to the owners and occupiers of properties based on the latest information available to the City at the time of referral. The City has had communications with the new owner and can confirm that they are aware of the proposal.

### **3.2 Public Question Time - Questions from Meeting 28 August 2018**

*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.*

#### **3.2.1 Mrs Bev Dornan of 28 Easterbrook Place, Wattle Grove – Feasibility Study – Wattle Grove South**

Summary of question:

The study states that the City instructed the design group to proceed with scoping an industrial precinct south of Crystal Brook Road as constituting the preferred option of a Feasibility Study. On what authority from Council was this direction to the Burgess Design Group given?

Summary of response from the Director Development Services:

This question will be taken on notice.

#### **3.2.2 Mr Michael Longo of 6 Possum Court, High Wycombe – Hummerston Road Survey**

Summary of question:

Residents are waiting for a response on Community Key Holders - is the community street coordinator arrangement still going to be in place or has this been disbanded?

Summary of response from the Director Asset Services:

We are currently dealing with two petitions with opposing views and requirements. Community consultation has closed and a report to Council is planned for October. This will include a decision regarding access for keys to the gate.

Summary of question:

Who has the keys at present?

Summary of response from the Director Asset Services:

The keys are held by the Fire Brigade, City staff and relevant Utility operators.

Summary of question:

The environmental comment of 19 December 2017 noted the loss of trees will be counteracted by the reduction in carbon emissions, due to the potential of a shorter travel distance. What evidence do you have of this?

Summary of response from the Director Asset Services:  
This question will be taken on notice.

Summary of question:  
The main petition was to start or to reopen for a fire access. Has a fire risk assessment been undertaken by the City to justify the road to stay reopened permanently?

Summary of response from the Director Asset Services:  
This will be part of the discussion on the upcoming Council report.

3.2.3 Mr Vince Giglia of 130 Pomeroy Road, Walliston – Item 10.1.4 – Proposed Tavern Lot 1 (21) Haynes Street, Kalamunda

Summary of question:  
Can the ACROD parking bay be moved from the underground carpark area of the proposed Tavern to Central Avenue due to height restrictions, steepness of site and difficulty of access?

Summary of response from the Chief Executive Officer:  
This question has been taken on notice as there is a report item for consideration later in this Agenda.

**4. Petitions/Deputations**

- 4.1 A deputation was received from Mr Keith Fraser of 20 Parke Road, Gooseberry Hill - Item 10.1.5 Proposed Outbuilding (Shed) Lot 16 (28) Davies Crescent, Gooseberry Hill.
- 4.2 A deputation was received from Adele Standeven of 6 Charles Street, Maida Vale, Felix Davison of 5 Basset Place, Lesmurdie and Natasha Bunn of 77 Heath Road, Kalamunda – Item A&R 9.1.5 – City of Kalamunda Investment Policy (Item 10.5 in this Agenda).
- 4.3 A deputation was received from Brian Mollan of 28 Lenori Road, Gooseberry Hill - Item A&R 9.1.5 – City of Kalamunda Investment Policy.
- 4.4 A deputation was received from Mr Peter Bolden of 55a Snowball Road, Kalamunda - Item A&R 9.1.5 – City of Kalamunda Investment Policy.

**5. Applications for Leave of Absence**

- 5.1 Nil.



**6. Confirmation of Minutes from Previous Meeting**

**6.1 Ordinary Council Meeting Held 24 July 2018**

RESOLVED OCM 141/2018

That the Minutes of the Ordinary Council Meeting held on 24 July 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings, subject to the following amendment to Item 12 Questions by Members Without Notice.

Replace the words:

*"12.1 Water Towers - Cr Fernie*

*Q. Has the City considered Water Towers around the City?"*

with

*"12.1 Water Refill Stations - Cr Michael Fernie*

*Q. Has the City considered filtered water refill stations within the Kalamunda Activity Centre Plan and other key locations?"*

Moved: **Cr Cameron Blair**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 24 July 2018."*

**6.2 Public Briefing Forum Held 14 August 2018** (Resolution at item 14)

RESOLVED OCM 157/2018

That the Minutes of the Public Briefing Forum held on 14 August 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Michael Fernie**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 14 August 2018."*

**7. Announcements by the Member Presiding Without Discussion**

7.1 Nil.

**8. Matters for Which the Meeting may be Closed**

8.1 **Item 10.1.1 - Lot 95 (26) Sundew Road, Gooseberry Hill – Proposed Limestone Retaining Wall – Attachment 10.1.1.1 Letter of Objection**

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

8.2 **Item 10.1.1 - Lot 95 (26) Sundew Road, Gooseberry Hill – Proposed Limestone Retaining Wall – Attachment 10.1.1.2 Submitters Map**

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

8.3 **Item 10.4.7 – City of Kalamunda Submission: Perth Airport Major Development Plan – New Runway - Attachment 10.4.7.1 Perth Airport Public Submissions Summary Table**

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

8.4 **Item 10.4.7 – City of Kalamunda Submission: Perth Airport Major Development Plan – New Runway - Attachment 10.4.7.2 Submission Redacted**

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

**9. Disclosure of Interest**

**9.1 Disclosure of Financial and Proximity Interests**

- a) Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.1.1 Nil.

**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 Michael Fernie declared an Interest Affecting Impartiality on Item 10.1.4 - Proposed Tavern Lot 1 (21) Haynes Street, Kalamunda as the Applicant was on his election flyer and is a friend of the family. Cr Fernie will leave the room for the vote.

9.2.2 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.4 – Proposed Tavern Lot 1 (21) Haynes Street, Kalamunda as the Applicant of the Tavern owns a company that Cr Giardina purchases gas supplies from. Cr Giardina will stay in the room and be voting.

## **10. Reports to Council**

### **10.1 Adoption of Development Services Reports**

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 142/2018

The recommendations of reports 10.1.2, 10.1.3 and 10.1.6 inclusive be adopted by Council en bloc. Items 10.1.1, 10.1.4 and 10.1.5 are withdrawn for separate consideration as alternative motions have been received.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

Vote:	For	Against
	Cr Michael Fernie	Cr Tracy Destree
	Cr John Giardina	
	Cr Lesley Boyd	<b>CARRIED (8/1)</b>
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Sara Lohmeyer	
	Cr Cameron Blair	
	Cr Dylan O'Connor	

#### **10.1.1 Lot 95 (26) Sundew Road, Gooseberry Hill - Proposed Limestone Retaining Wall**

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

*This item was withdrawn for separate consideration as an Alternative Motion was foreshadowed by Cr Blair. Questions asked by Councillors were clarified. A Mover and Seconder were found for the Officer Recommendation, therefore the Alternative Motion was not considered.*

Previous Items	Nil
Directorate	Director Development Services
Business Unit	Approval Services
File Reference	SN-05/026
Applicant	Chester Reeve Limescapes Pty Ltd (ABN 94587002247)
Owner	Ken Birch

Attachments	1. Site Plan & Elevations <b>[10.1.1.1]</b>
	2. Site Photos <b>[10.1.1.2]</b>

Confidential Attachments	1. Letter of Objection
	2. Submitters Map

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

## EXECUTIVE SUMMARY

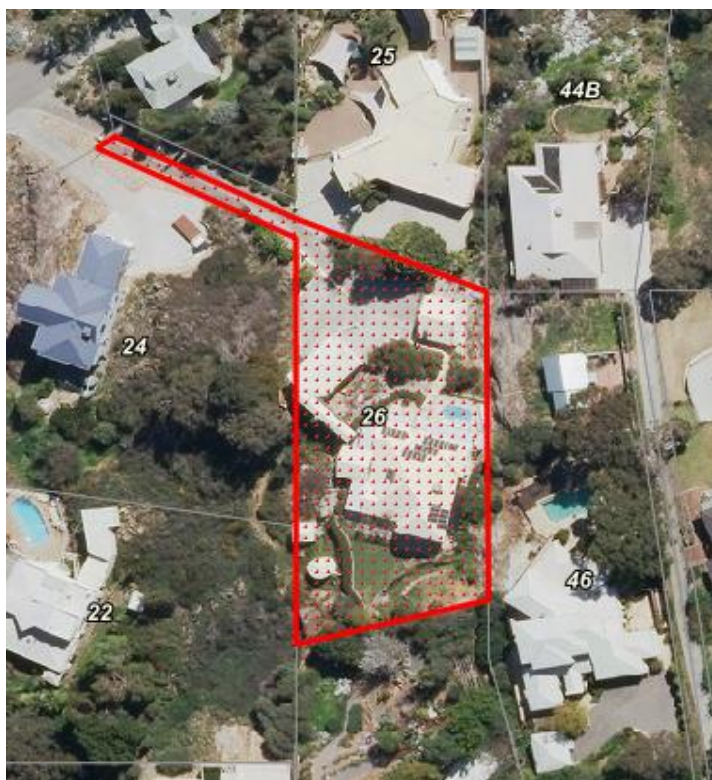
1. The purpose of this report is for Council to consider an application for a limestone retaining wall at Lot 95 (26) Sundew Road, Gooseberry Hill (Subject Site).
2. The limestone retaining wall is proposed to be 2.4m at its highest point, with portions of the wall ranging from 0.5m in height, to 2.4m, to the maximum height noted above. The wall is proposed to be 15.2m in length and located on the boundary between the Subject Site and Lot 194 Sundew Road. The proposal was advertised to the adjoining landowner and one objection was received.
3. The officer recommendation is to approve the proposal, subject to appropriate conditions.

## BACKGROUND

### 4. Land Details:

Land Area:	2,115m <sup>2</sup>
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

### 5. Locality Plan:



6. The Subject Site contains a single house and separate ancillary dwelling. Vehicle access to the site is via a steep common access driveway which also provides access to the adjoining Lot to the north (Lot 194 (25) Sundew Road).
7. The driveway on the Subject Site is currently elevated above the natural ground level of the adjoining Lot 194 by a maximum of 2.4m. No formal retaining wall exists, the fill between the two adjoining properties is battered and landscaped.

## **DETAILS**

8. The Applicant is seeking Council approval to construct a limestone retaining wall along the common lot boundary with Lot 194. Key aspects of the proposal are as follows:
  - a) the retaining wall is to be 15.2m in length;
  - b) maximum height of the retaining wall is to be 2.4m in height above the natural ground level of the adjoining Lot 194;
  - c) the retaining wall will be staggered along the boundary line, with heights of 0.56m, 1.66m, 2.02m and 2.4m.

Site and Elevation Plans setting out the proposal are included with this report and marked as Attachment 1.
9. The Applicant has advised that the proposed retaining wall is required to allow for the widening of the driveway to provide for a more functional turning area for vehicles reversing out of the existing garage.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

10. The Subject Site is zoned 'Residential' in accordance with the City's Local Planning Scheme No.3 (the Scheme) with a density coding of 'R5'.
11. Under Clause 4.2.1 the objectives of the Residential Zone are as follows:
  - *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.*
  - *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into single residential environment.*
  - *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
  - *To encourage the retention of remnant vegetation.*

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

12. In considering an application for planning approval, Clause 67 of *the Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (the Regulations) require Council to have due regard to a number of matters, including:
- a) the compatibility of the development within its settings;
  - b) amenity in the locality;
  - c) the amount of traffic to be generated by the development, particularly in relation to the capacity of the road system and effect of traffic flow and safety; and
  - d) any relevant submissions received on the application.
13. In the event that Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

## POLICY CONSIDERATIONS

### State Planning Policy 3.1 – Residential Design Codes

14. Clause 2.5.1 of the Residential R-Codes (R-Codes) states that the decision maker may choose to exercise discretion in granting approval to a proposal that does not meet the deemed-to-comply requirements of the R-Codes after first having regard to the objectives of the proposal and balancing these with the consideration of the design principles of the R-Codes.
15. Following assessment of the proposal, the following variations to the R-Codes have been noted:

Aspect of Proposal	Deemed to Comply Provision	Proposed	Variation
Boundary Setback of Retaining Walls	1.5m	Nil	-1.5m (100%)
Fill Adjacent to Property Boundary	No more than 0.5m above existing natural ground level	Maximum of 2.4m in some areas	+1.9m (380%)

## **ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. During the development assessment, the City ensured the proposal was assessed from the perspective of the following key development oriented disciplines:
  - a) Building Services;
  - b) Environmental Health; and
  - c) Assets.
17. No objections were received to the proposal. Comments requiring conditions to the proposal have been added to the Officer Recommendation section of this report.
18. From a building perspective, the City requires the Applicant to provide a Form BA20A – Notice and request for consent (response notice): Protection structures, party walls, removal of fences, access to land (BA20A Form). The form requires the signature of the adjoining landowner to allow for access to the neighbour's land in order to construct the wall.

### **External Referrals**

19. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals and involved a letter and plans being sent to the adjoining landowner. Upon completion of the advertising period one objection was received.
20. Key concerns raised during the advertising period are as follows:
  - a) the variation to the R-Codes is not necessary as the same outcome could be achieved through compliance with the R-Codes;
  - b) the variation in retaining wall height is significant;
  - c) removal of the existing garden bed is contrary to an agreement with the adjoining landowners to construct the wall within the boundaries of the subject property;
  - d) the removal of the garden bed will remove screening vegetation; and
  - e) the proposal will potentially increase the chances of water runoff onto the common driveway.
21. The concerns raised to the proposal are addressed in the officer comment section of the report.



## FINANCIAL CONSIDERATIONS

22. In the event that Council refuses the application and the Applicant appeals to the State Administrative Tribunal, the City will incur the cost of engaging an independent expert with building and engineering qualifications. General Counsel will attend to all legal preparation of the matter.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

**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

24. For the reasons stated above, the City does not consider that the proposed retaining wall will have an undue impact upon the amenity of the adjoining landowner, however this may not be the position taken by the adjoining landowner themselves.

### Economic Implications

25. Nil.

### Environmental Implications

26. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 27.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The proposed retaining wall impacts upon the amenity of the adjoining property landowner.                                    |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/Strategy</b>  |                    |               |
| Ensure that the proposed retaining wall is appropriately designed and screened to minimise amenity impact upon the neighbouring property. |                    |               |

## **OFFICER COMMENT**

28. Various locations within Gooseberry Hill are significantly sloped and require retaining walls to shore up land.
29. Notwithstanding the topographical constraints of a property, the height of a retaining wall must be balanced against the potential impact that it may have on the amenity of adjoining neighbours.
30. The Applicant originally submitted plans detailing a maximum retaining wall height of 2.9m, which was stepped down to reflect the slope of the driveway. This plan was advertised to the affected neighbour for comment as outlined in Point 19 of the report. Prior to the Public Briefing Forum, the Applicant had prepared an amended design which has since been formally submitted to the City, as outlined in Point 8 of this report. Whilst the amended design has not been formally readvertised to the affected neighbour, the Applicant has provided a copy to the neighbour. It is understood the concerns raised by the neighbour to the revised design as outlined in Point 20 of the report remain unchanged.
31. The location of the proposed retaining wall will cut through an existing battered area of landscaping which slopes from a high point of 2.4m, measured from the natural ground level of the adjoining property (Lot 194) to the top of the existing driveway of the subject site. It is noted that the height of the proposed retaining wall tapers down to reflect the slope of the existing driveway. Construction of the proposed retaining wall will also require removal of a portion of the landscaped batter area.
32. **The variation to the R-Codes is not necessary**
- The Applicant has stated that the boundary setback and fill variation is required to ensure that a safe turning circle can be achieved at the property to allow for vehicle movements. From a planning perspective, the safe movement of vehicles over the Subject Site is a valid reason for the proposed fill, retaining and variation request.
33. **The variation in height is significant**
- It is acknowledged the proposed retaining wall at its highest point of 2.4m is significant. However, the retaining wall will be stepped down to reflect the slope of the driveway. With this in mind, the retaining wall will not be 2.4m for its entire length and will instead have an average height of approximately 1.728m.
34. Though the deemed-to-comply setback requirements of the R-Codes are not being met, it is open to the Applicant to apply for a variation under the 'design principles' of the R-Codes. Assessment under the design principles takes into account whether a retaining wall would create land that can be effectively used for the benefit of the resident, whilst not detrimentally affecting adjoining properties.

35. The objector will view the wall as they were entering and leaving their property. Aerial imagery suggests that the predominant outdoor entertaining area for the objector is on the other side of the house to the proposed location of the wall.
36. It is therefore considered that the proposed retaining wall would not have an impact on the area of land that is regularly used by the objector for the purposes of outdoor enjoyment. Furthermore, a portion of the existing landscaping can be retained to minimise the impact of the retaining wall.
37. **Removal of the existing garden is contrary to a neighbour agreement**  
The City is not party to any such agreement.
38. **Removal of the garden bed will reduce screening vegetation**  
It is acknowledged that works associated with the construction of the proposed retaining wall will result in some disturbance to the landscaping on the neighbouring property. To address this concern, a condition has been included requiring the Applicant to make good the landscaping to ensure that the impact of the proposed retaining wall is minimised.
39. **Potential increase in the amount of stormwater runoff into the common property driveway**  
Any stormwater that is generated on site by any structure, is required to be contained on site to the satisfaction of the City. A condition stating the above has been included in the Officer's recommendation.
40. It is important to note that the Applicant is required to seek approval from the neighbour through a BA20A Form in order to gain access to assist with the construction works. In the event that consent is not given within 28 days of the date that the BA20A Form is handed to the neighbour, the Applicant can apply to the Magistrate's Court for an order to allow access to the property pursuant to section 86 of the *Building Act 2011* (WA).

<b>Voting Requirements: Simple Majority</b>
---

**RESOLVED OCM 143/2018**

That Council:

APPROVES an application received from Chester Reeve Limescapes Pty Ltd for the construction of a retaining wall at Lot 95 (26) Sundew Road, Gooseberry Hill, 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) stormwater shall be disposed of on-site, to the satisfaction of the City of Kalamunda;
- c) the retaining wall is to be certified by a suitably qualified structural engineer; and

- d) within 30 days of the completion of the retaining wall, the Applicant must make good any damage caused to the existing landscaping on Lot 194 Sundew Road to the satisfaction of the City of Kalamunda.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote:	For	Against
	Cr Michael Fernie	Cr Lesley Boyd
	Cr John Giardina	Cr Sara Lohmeyer
	Cr Allan Morton	Cr Cameron Blair
	Cr Brooke O'Donnell	Cr Dylan O'Connor
	Cr Tracy Destree	

**CARRIED (5/4)**

## 10.1.2 Proposed Amendment No.100 - Lot 500 (27) Wandoo Road, Forrestfield - 'No Zone' (Road Reserve) to Residential R20

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/100
Applicant	The Land Division c/- Susan Daphne Wong and Norman Douglas Wong
Owner	Susan Daphne Wong and Norman Douglas Wong
Attachments	<ol style="list-style-type: none"> <li>1. Scheme Amendment <b>[10.1.2.1]</b></li> <li>2. Applicant Scheme Amendment Request <b>[10.1.2.2]</b></li> <li>3. Existing Deposited Plan <b>[10.1.2.3]</b></li> <li>4. Proposed Deposited Plan - Subsequent Subdivision <b>[10.1.2.4]</b></li> </ol>

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of Local Planning Scheme Amendment No.100 (Amendment No. 100) to Local Planning Scheme No. 3 (the Scheme) for the purposes of public advertising.
2. Amendment No. 100 proposes to rezone a 570m<sup>2</sup> portion of Lot 500 (27) Wandoo Road, Forrestfield (subject site) under the Scheme from 'No Zone' (road reserve) to 'Residential' with an applicable density code of R20 as shown on the Scheme Amendment Map. The balance of the site is proposed to remain Residential R20.
3. It is recommended that Council adopt Amendment No. 100 for the purposes of public advertising.

### BACKGROUND

#### 4. Land Details:

Land Area:	3,555.00m <sup>2</sup>
Local Planning Scheme Zone:	Residential R20 (2,985m <sup>2</sup> ) Road Reserve (570m <sup>2</sup> )
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6.



7. The subject site is currently improved by a single house and ancillary residential structures and is generally bound by four residential zoned properties to the north, Wandoo Road to the east, two residential zoned properties to the south and Coolabah Way to the west.
8. Further afield, the subject site is surrounded by a mix of zones and land uses, being predominately low residential development directly surrounding the site and Special Rural zoned land to the east and south.

9. The surrounding residential land was rezoned in 1975 and 1977. At the time of urban expansion, the eastern portion of the site was identified as a road reserve with the intent of providing a circular through movement for Coolabah Way.
10. In April 2017, the landowner submitted a subdivision application (WAPC Application No. 155121) to the Western Australian Planning Commission (WAPC) seeking to subdivide the 3,555m<sup>2</sup> lot into five freehold lots and a 570m<sup>2</sup> road reserve as shown in Attachment 3.
11. The application was subsequently referred to the City of Kalamunda (City) for comments at which time it was acknowledged that the road reserve on the site was no longer required.
12. In June 2017, the City recommended approval of the proposed subdivision subject to recommended conditions and advice notes. Acknowledging the road reserve was no longer required, the Applicant was advised through an advice note that an application to amend the Scheme to rezone the portion of subject land to urban can be submitted to the City for consideration.
13. Following receipt of the City's recommendations, the WAPC approved the subdivision on 2 August 2017 subject to a range of conditions and advice notes. The following conditions and advice notes are pertinent to this rezoning:
  - a) **Condition No. 1** which states:  
*"The plan of subdivision be modified to amalgamate proposed Lot 1 and the proposed 570m<sup>2</sup> road to form a balance lot."*
  - b) **Advice No. 1** which states:  
*"In regard to Condition 1, the landowner/applicant is advised that the proposed road reserve as identified on the approved plan of subdivision is no longer required by the Shire of Kalamunda. The applicant should discuss the possibility of a Local Planning Scheme Amendment with the City of Kalamunda."*

This Scheme Amendment seeks to fulfil Condition No. 1 of WAPC Approval 155121.

## **DETAILS**

14. The Applicant is seeking Council approval to advertise Amendment No. 100 which proposes to rezone a 570m<sup>2</sup> portion of the subject site under the Scheme from 'No Zone' (road reserve) to 'Residential' with an applicable density code of R20 as shown on the Scheme Amendment Map (refer Attachments 1 and 2). The balance of the site is proposed to remain Residential R20.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **15. Metropolitan Region Scheme**

The subject site is classified 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is therefore consistent with the zoning classification under the MRS.

### **16. City of Kalamunda Local Planning Scheme No. 3**

Under the provisions of the Scheme, the subject site is currently zoned Residential (R20) with the eastern portion (16% of the site) identified for dedication as a road reserve.

17. The objectives of the current zoning of 'Residential' are outlined in Part 4.2.1 (Objectives of the Zones: Residential Zones) of the Scheme as follows:

- 1. To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the City.*
- 2. To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
- 3. 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.*
- 4. To encourage the retention of remnant vegetation.*

### **18. Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Regulations), requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. The resolution must specify and provide justification for the type of amendment (basic, standard or complex).

19. Pursuant to Regulation 34, the proposed Amendment is considered to be a standard amendment as it:

- a) is consistent with the objectives identified in the Scheme for the Light Industry zone;
- b) is consistent with the City of Kalamunda Local Planning Strategy;
- c) is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
- d) is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy and Local Development Plan to guide subsequent assessment of development applications; and



- e) will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

## **POLICY CONSIDERATIONS**

### **20. Directions 2031 and Beyond**

Directions 2031 and Beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years. The Amendment will increase the development yield of the subject site, therefore assisting the City reach its housing targets.

### **21. North-East Sub-regional Planning Framework**

In March 2018, the WAPC finalised the draft Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-regional Planning Framework relevant to the subject site. The frameworks aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.

- 22. The document provides guidance on where development should occur to ensure sustainable urban growth, protecting the environment and heritage, and making the most effective use of existing infrastructure. The framework identifies the subject area as 'Industrial Expansion'.

- 23. The proposed Amendment will assist in achieving the objectives of the sub regional framework.

### **24. City of Kalamunda Local Planning Strategy**

The City's Local Planning Strategy (Strategy) was adopted by Council in October 2011 and endorsed by the WAPC in February 2013. The purpose of the Strategy is to enable Council to determine the vision and strategic planning direction for the City of Kalamunda for the next 20 years, to coincide with Directions 2031.

- 25. A key action of the Strategy is to encourage the expansion of new urban and industrial areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment. The proposed Amendment is consistent with the intent of the Strategy.

## **ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

- 26. A preliminary assessment was undertaken from the perspective of the following key oriented disciplines:
  - a) Assets; and
  - b) Parks and Environment.

No issues were raised regarding the proposed Amendment.

### **External Referrals**

27. The advertising processes will include but not be limited to:
- a) issuing letters to landowners affected by the Amendment and those within a 100 metre radius of the subject site;
  - b) a notice on the City's media platform;
  - c) a notice in the local newspaper;
  - d) display of the Amendment at the City's Administrative Centre;
  - e) letters to relevant public and service authorities; and
  - f) signage on site.

### **FINANCIAL CONSIDERATIONS**

28. All costs associated with advertising and assessment of the Scheme Amendment are to be borne by the Applicant.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

29. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**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**

30. Future development of the site for residential use will provide more housing opportunities in a location with good access to a range of commercial activities and public transport.

#### **Economic Implications**

31. The proposed Amendment will increase the development potential for the landowners of the subject site; increasing the development yield from six lots to eight lots.

#### **Environmental Implications**

32. Nil.

## RISK MANAGEMENT CONSIDERATIONS

33.	<b>Risk:</b> The Amendment is not adopted for the purposes of public advertising and does not proceed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Convey to the Elected Members that the City has previously acknowledged that the road reserve on the site is no longer required. Accordingly, with the City having no intent to extend Coolabah Way, the Amendment should be allowed to proceed to advertising.		

## OFFICER COMMENT

34. The proposed Scheme Amendment is consistent with the current subdivision approval over the site (WAPC 155121) which states that the eastern portion of the subject site currently identified as road reserve is no longer required.
35. The existing residential lots in Coolabah Way were created in 1975 and 1977, with the surrounding road network functioning in its current state for over forty years with no issues, with no requirement for the road reserve to be constructed.
36. Developing the eastern portion of the site as a road reserve is not considered to provide a benefit to the surrounding road network from a connectivity or permeability perspective.
37. Should the City resolve to approve Scheme Amendment No. 100, it will remove the anomaly under the Scheme where a proposed lot will have a dual Residential / Road zoning which will subsequently simplify the consideration and assessment of any future development on the site.
38. Advertising the Amendment will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process when the Amendment is brought back to Council for final approval.
39. From a planning perspective, the proposed amendment is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
40. Having regard to the above, it is recommended that Council adopts Scheme Amendment No. 100 for the purpose of public advertising.

<b>Voting Requirements: Simple Majority</b>
---

**EN BLOC RESOLUTION OCM 142/2018**

That Council:

1. ADOPTS, for the purpose of public advertising, Local Planning Scheme Amendment No. 100 to Local Planning Scheme No. 3 in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005* (WA).
2. CONSIDERS Local Planning Scheme Amendment No. 100 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) for the following reasons:
  - a) the Amendment is consistent with the objectives identified in the Scheme for the Residential zone;
  - b) the Amendment is consistent with the City of Kalamunda Local Planning Strategy;
  - c) the Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the site, and the applicable strategic planning framework;
  - d) the Amendment is considered to have a minimal impact upon the land within the City of Kalamunda;
  - e) the Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
  - f) the Amendment is neither complex nor basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. REFERS the proposed Local Planning Scheme Amendment No. 100 to Local Planning Scheme No.3 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005* (WA).
4. ADVERTISES Local Planning Scheme Amendment No. 100 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 Notification of Planning Proposals, subject to Sections 81 and 82 of the *Planning and Development Act 2005* (WA).

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

Vote:	For	Against
	Cr Michael Fernie	Cr Tracy Destree

Cr John Giardina

Cr Lesley Boyd

Cr Allan Morton

Cr Brooke O'Donnell

Cr Sara Lohmeyer

Cr Cameron Blair

Cr Dylan O'Connor

**CARRIED (8/1)**

### **10.1.3 Local Planning Policy P-DEV 64 - Requirements for Local Planning Scheme Amendments: Adoption for Public Advertising**

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A

Attachments 1. July 2018 Local Planning Scheme Policy **[10.1.3.1]**

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of draft Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments (the Policy) for public advertising.
2. The Policy has been written to provide guidance on the level of detail the City requires as part of a Standard or Complex Amendment to the Local Planning Scheme.
3. It is recommended that Council adopt the Policy for the purposes of public advertising.

#### **BACKGROUND**

4. The City of Kalamunda (City) periodically reviews, revokes, and adds new policies to provide a level consistency and transparency in decision-making and to ensure Council has a clear and defensible position regarding planning matters.
5. In response to an increasing trend and demand for Local Planning Scheme amendments, the City seeks to establish guidance through the Policy with respect to the level of detail and information provided as part a Local Planning Scheme amendment. This guidance is also aimed at assisting Council in determining the merit of the proposal prior to adopting the Amendment for the purposes of public advertising.

#### **DETAILS**

6. The primary objectives of the Policy are to:
  - a) provide guidance with respect to the process and level of detail required for a Local Planning Scheme amendment based on whether the amendment is Basic, Standard or Complex as defined by the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations);

- b) provide a consistent approach on the level of details required when an amendment is submitted;
  - c) ensure applicants provide as much details as possible up-front, so that the City and Council can understand the likely extent of any proposed development and amenity impacts, and therefore determine whether a Local Planning Scheme Amendment is considered appropriate; and
  - d) establish a practical administrative process to assist in the assessment of Local Planning Scheme amendments.
- 7. The Policy outlines the level of detail required to be submitted up front, where the amendment seeks to change a land use or apply an additional land use.
- 8. Currently, the City and Council may be faced with a decision whether to support an amendment to Local Planning Scheme No. 3 (the Scheme) without knowing what the anticipated built form or amenity outcome for that site may be, or the impact the amendment may have in terms of the surrounding community.
- 9. To improve the decision-making process, it is proposed, through the Policy, that the City will require an applicant to provide a Land Use Scoping report outlining the following key elements:
  - a) scale and intensity of use;
  - b) streetscape;
  - c) tree preservation and land clearing;
  - d) open space;
  - e) site limitations and / or constraints; and
  - f) prevailing amenity, relating to noise attenuation, dust and odour, environmental impact, traffic management, safety and security.
- 10. The Applicant will also be required to provide a Concept Master Plan upon lodgement when applying for Additional Uses or Special Use zones (or where the City deems appropriate) which requires the following to be provided at the City's discretion:
  - a) indicative location of proposed buildings;
  - b) incidental and additional uses;
  - c) concept drawings, including any development staging;
  - d) traffic assessment;
  - e) effluent disposal management statement;
  - f) stormwater disposal management plan;
  - g) car parking plan / strategy; and
  - h) noise impact assessment.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
12. In accordance with the Regulations and the City's Scheme, Local Planning Policies are required to be approved for advertising, and then adopted by Council at the end of the advertising period and having regard to submissions received.
13. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevail.

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. The Policy was developed from an Assets, Environmental Health, Strategic Planning, Building and Environmental perspective.

### **External Referrals**

16. Should Council resolve to adopt the Policy for the purposes of public advertising, the Policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 21 days, which is consistent with the period specified in Schedule 2, Part 2 Clause 4 (2) of the Regulations.
17. In accordance with Local Planning Policy P-DEV 45, the City is also required to publish a notice of the proposed policy in a local newspaper circulating within the Scheme area for two consecutive weeks and place notifications on the City's website and social media pages.
18. The City will also give notice of the Policy to the Western Australian Planning Commission (WAPC) during this time.

## **FINANCIAL CONSIDERATIONS**

19. All costs incurred during the advertising of the Policy will be met through the Approval Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

20. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

**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

21. If the Policy is adopted, Council and City officers will be provided with more guidance in the assessment and determination of Local Planning Scheme amendment proposals.
22. 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

23. There will be additional costs incurred by the Applicant in providing the additional information required as part of the Land Use Scoping Statement and Concept Master Plan.

### Environmental Implications

24. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 25.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The Policy is not adopted resulting in inconsistent application of planning advice and decisions.                                 |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Moderate           | Low           |
| <b>Action/Strategy</b>   |                    |               |
| Ensure that Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications. |                    |               |



26.

<b>Risk:</b> The Policy is not adopted resulting in a lack of information and guidance to assist Council in determining the merit of the proposal prior to adopting the Amendment for the purposes of public advertising.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Ensure that Council is aware of the importance of having sound and robust Policy to guide the Scheme amendment process.		

27.

<b>Risk:</b> The Policy does not achieve its stated objectives.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Consider reviewing the Policy and/or undertake education program to assist the community and developers to better understand the stated objectives.		

## OFFICER COMMENT

28.

It could be considered that Local Planning Scheme amendments establish the basis from which land use and built form outcomes are derived. Requiring a higher level of information at the beginning of the process is deemed to be of the highest priority and will assist in ensuring that the intent of the proposed Scheme Amendment is understood from the outset. By introducing the Policy, the City aims to provide greater clarity in terms of land use and future development by requiring a level of detail which can be more carefully considered when assessing the appropriateness of a Local Planning Scheme amendment.

29.

A key element of the Policy is the introduction of the additional information up front with lodgement of a Local Planning Scheme amendment in the form of a Land Use Scoping Statement. The Land Use Scoping Statement will help inform the City and Council of the scale and intensity of the proposed land use and provide as much information as possible regarding future planning and design for the operation of or construction of buildings associated with the proposed Local Planning Scheme amendments. In addition, the requirement for a Concept Master Plan is a mechanism by which the City can request illustrative concept plans, demonstrating any site staging, as well as dealing with any likely incidental or additional land uses proposed. Through this process, it will give the City the ability to request some or all of the listed detailed reports and plans at the discretion of the City as needed to understand and evaluate the appropriateness of a Local Planning Scheme amendment.

30. It is considered that the additional information required by the Policy will assist the City in terms of determining the appropriateness of a Local Planning Scheme Amendment, providing greater detail, which can be disseminated through the Community Engagement process. Importantly, the Concept Master Plan will provide the context as it relates to the land use and zoning change with the likely built form and operational outcomes.
31. The Policy also recognises that, while the additional information provided through the Land Use Scoping Statement and the Concept Master Plan can be indicative and could change, it is made clear to the applicant that any significant change at the development application stage will require considerable reasoning and justification from the applicant.

<b>Voting Requirements: Simple Majority</b>
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EN BLOC RESOLUTION OCM 142/2018

That Council:

ADOPTS the following proposed Local Planning Policy for the purposes of advertising for a period of 21 days, pursuant to Clause 3 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- a) Draft Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

Vote:	For	Against
	Cr Michael Fernie	Cr Tracy Destree
	Cr John Giardina	
	Cr Lesley Boyd	
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Sara Lohmeyer	
	Cr Cameron Blair	
	Cr Dylan O'Connor	

**CARRIED (8/1)**

## 10.1.4 Proposed Tavern - Lot 1 (21) Haynes Street, Kalamunda

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

*This item was withdrawn for separate consideration as an Alternative Motion was foreshadowed by Cr Destree.*

*Cr Michael Fernie declared an Interest Affecting Impartiality on this item as the Applicant was on his election flyer and is a friend of the family. Cr Fernie left the room at 7:38pm and returned at 7:51pm. Cr Fernie was not present for the vote.*

*Cr John Giardina declared an Interest Affecting Impartiality on this item as the Applicant of the Tavern owns a company that Cr Giardina purchases gas supplies from. Cr Giardina stayed in the room for the vote.*

*Questions asked by Councillors were clarified.*

*The Officer Recommendation lapsed for want of a Mover and the Alternative Motion was carried.*

Previous Items	OCM 55/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	HY-02/021
Applicant	Dalewest Holdings Pty Ltd ACN: 109329393
Owner	Dalewest Holdings Pty Ltd ACN: 109329393

Attachments 1. Development Plans **[10.1.4.1]**

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a Development Application received from the Applicant on 29 June 2018, for a proposed Tavern at Lot 1 (21) Haynes Street, Kalamunda (the subject site) (Refer attachment 1).
2. The subject site has approval for an existing Restaurant which will operate in conjunction with the proposed Tavern. No modifications or alterations to the existing building are proposed. The proposal seeks approval for a dispensation of three car parking spaces for the Tavern land use which equates to a total shortfall of 32 car parking bays for the subject site.
3. It is recommended that Council approve the application for a proposed Tavern in addition to the existing Restaurant, subject to appropriate conditions.

### BACKGROUND

#### 4. Land Details:

Land Area:	797m <sup>2</sup>
Local Planning Scheme Zone:	District centre
Metropolitan Regional Scheme Zone:	URBAN

5. **Locality Plan:**



6. In April 2017, Council approved an application for a change of use from an Office (former Bank) to a Restaurant (DA17/0021 & OCM 55/2017). In approving the application, Council granted dispensation for 29 car parking bays.

**DETAILS**

7. This development application seeks approval for a Tavern which will enable the premises to apply for a Tavern Restricted Liquor Licence through the Department of Local Government, Sport and Cultural Industries allowing liquor to be sold without the need to have a meal. No works or modification to the building are proposed as part of the application (refer Attachment 2).
8. The proposed hours of operation for the Tavern are Monday to Sunday 11am to 12 midnight.
9. The Tavern component of the proposed development requires an additional three car parking bays. The existing Restaurant use on site provides for 21 parking bays, which includes one ACROD parking bay. Approval for the existing Restaurant granted dispensation for 29 car parking bays with the proposed additional use creating a total shortfall in parking on the site of 32 car parking spaces. This equates to a total of 53 car parking bays being required with 21 being provided.
10. The Applicant submits that, due to the size of the lot and the current structural requirements of the property, no additional bays can be created on site. The Applicant further states, it is expected due to the nature of the proposal, there will be a high turnover in the provided bays, and it is expected there will be no strain placed on parking availability. Reciprocal parking arrangements are also confirmed to be in place with the landowners of Mitre 10 and Auto One, allowing use of their parking bays after trading hours.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

11. Clause 4.2.3 (Objectives of the Zones – Commercial Zones: District Centre) of Local Planning Scheme No. 3 (the Scheme) stipulates that the objectives for areas zoned District Centre are as follows:
- a. To promote, facilitate and strengthen the District Centres as the major focus of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.*
  - b. Provide for medical and other health related services.*
  - c. Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.*
  - d. Achieve safety and efficiency in traffic and pedestrian circulation.*
  - e. Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.*
12. Under the Scheme, the proposed land use of Tavern is defined as follows:
- "tavern** means premises the subject of a tavern licence granted under the *Liquor Licensing Act 1988*"
- The Department of Local Government, Sport and Cultural Industries defines a tavern as:
- "Tavern Licence** authorises the sale and supply of liquor for consumption on and off the licenced premises. A holder of a tavern licence does not need to provide accommodation."
- Or
- "Tavern Restricted Licence** authorises the sale and supply of liquor for consumption on the licenced premises only (i.e. no packaged liquor sales). A holder of a tavern restricted licence does not need to provide accommodation."
- The Applicant has sought approval for a Tavern Restricted Licence.
13. In accordance with Table 1 (Zoning Table) of the Scheme, the proposed land use of Tavern is a 'D' (Discretionary) use within the District Centre zone, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval.
14. With respect to the provision of parking, Table 3 of the Scheme sets car parking standards determined by the proposed use. In summary, the Applicant is seeking a dispensation of three car parking spaces for the Tavern land use which equates to a total shortfall of 32 car parking bays for the premises.

Use	Car Parking Standards	Deemed to Comply Provision	Provided	Shortfall
Restaurant	1 bays per 5 patrons	Proposed Patron = 200  *50 car parking spaces	21 car parking bays (includes one ACROD parking bay)	32 car parking bays
Tavern	1 bay for every 5m <sup>2</sup> of bar and public area	13m <sup>2</sup> of bar area 13m <sup>2</sup> of bar area *3 car parking spaces		

15. Under Table 3 D3.5 of the Building Code of Australia (BCA), a Class 6 building (Restaurant) and Class 9b (Tavern) require the provision of one ACROD space for every fifty car parking spaces or part thereof. Based on the number of car parking bays proposed (21), the applicant has met the requirements of the BCA with the provision of a single ACROD bay on site. An inspection of the site revealed the ACROD parking bay has been designed in accordance with the BCA and is accessible to persons with a disability.

16. Clause 3.8.2 (Car Parking Requirements) of the Scheme stipulates:

*"The local government may apply at its discretion, a greater or lesser requirement for car parking than that stipulated as the minimum requirement in Table 3, if in its opinion the proposed use is likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended use or uses."*

17. Clause 3.8.3 (Reciprocal Parking) of the Scheme stipulates:

*"Local government may vary the parking requirements as specified in Table 3 for any zone when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the local government shall take into consideration the following matters:*

- i. The nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
- ii. The hours of normal operation of the intended use and abutting land uses; and*
- iii. Any such matters as the local government considers relevant, including any legal agreements between affected landowners."*

18. Clause 3.8.4 (Cash in Lieu of Parking) of the Scheme stipulates the Applicant may, if the local government so agrees, propose to provide cash in lieu of car parking.
19. For Council to accept cash in lieu funds for the purpose of providing public car parking, it pre-supposes that Council has adopted a plan which establishes how and where the funds are to be expended. At present no plan has been adopted.

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

20. In considering an application for planning approval, Clause 67 of *the Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
  - a) the compatibility of the development within its setting;
  - b) the preservation of amenity in the locality;
  - c) any Local Planning Policy adopted by the local government.
21. If Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under Part 14 of the *Planning and Development Act (2005)*.

### **POLICY CONSIDERATIONS**

#### **City of Kalamunda Local Planning Policy DEV 41 – Framework for Assessing Requests for Variation to the Number of Car Parking Bays**

22. City of Kalamunda *Local Planning Policy DEV41 – Framework for Assessing Requests for Variation to the Number of Car Parking Bays* stipulates that a reduction in parking will only be considered by Council and not under delegation and the proximity of public parking areas will only be considered in District Centre zoned land. The Policy further states that Council may approve a variation in parking if:

*“The circumstance of a development justify such a variation and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking spaces required by Table 3 of Local Planning Scheme No. 3”*

### **ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

23. No objections to the proposed use were raised from the City’s internal departments.

## External Referrals

24. Having regard to Local Planning Policy P-DEV45- Public Notification of Planning Proposals, and the 'D' use classification under the Scheme, it was considered that the shortfall in parking was not considered significant in the context of the proposed operating hours, number of patrons and the opportunities for reciprocal parking adjacent to the site. On this basis, no public advertising was required.

## FINANCIAL CONSIDERATIONS

25. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

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

## SUSTAINABILITY

### Social Implications

27. The Tavern land use, together with the approved and operating Restaurant, will contribute to the vibrancy and diversity of the Kalamunda District Centre.

### Economic Implications

28. The Tavern land use, together with the approved and operating Restaurant, will provide an economic stimulus to the town centre through new patrons visiting the area and through increased opportunities for local employment.

### Environmental Implications

29. The proposal would be required to comply with the Environmental Protection (Noise) Regulations 1997.



## RISK MANAGEMENT CONSIDERATIONS

- 30.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Refusal of the application may cause economic loss to the Kalamunda Town Centre. |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Significant        | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Ensure the planning rationale and merit of the proposal is properly explained and justified.  |                    |               |
- 31.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Allowing dispensation for parking may impact upon the car parking supply in the surrounding area.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Moderate           | Low           |
| <b>Action/Strategy</b>   |                    |               |
| The operating hours of the proposed restaurant provides opportunities for reciprocal parking with adjoining land uses.                                     |                    |               |
| An existing parking study commissioned by the City in 2011 indicates that there is a surplus of car parking provided within the Kalamunda District Centre. |                    |               |

## OFFICER COMMENT

32. The Applicant is seeking approval for a proposed Tavern in addition to the existing Restaurant which operates from the subject site. The proposal will enable the Applicant to apply for a Tavern Restricted Liquor Licence through the Department of Local Government, Sport and Cultural Industries. No building works are proposed as part of the application; however, approval is sought for car parking dispensation of three bays. The request for parking dispensation needs to be considered in the context of the existing shortfall of 29 car bays associated with the existing Restaurant use on the subject site.
33. Noting the above, consideration is given to "Parking Study, Kalamunda Town Centre" (Parking Study) commissioned by the City in 2011. The Parking Study found that the Kalamunda District Centre is well serviced by parking, with the vast majority of occasions, supply outstripping demand. Overall the Study found that the car parking standards stipulated in the Scheme are:
- "...considered conservative when applied to the Kalamunda District Centre and as such may provide the opportunity for dispensation to apply a lesser rate."*
- "Based on the assessment, the parking determination rates adopted for the various land uses by the Shire of Kalamunda under the LPS3 would appear to be conservative and may provide an excess of parking to actual demand".*

34. Noting that Council has previously approved a shortfall of 29 car parking bays associated with the existing restaurant use, the Applicant is seeking a further dispensation for three car parking bays associated with the proposed tavern use. Whilst the resulting shortfall of 32 car parking bays may be considered significant, the shortfall should be considered in the context of the following:
- a) total maximum patron capacity of the restaurant is expected to be a maximum of 200 people with an anticipated capacity of 75% during peak periods;
  - b) the opportunity of utilising reciprocal car parking within the Central Road / Central Mall car parking area, which provides 35 car parking spaces, which at the time of the Parking Study had an average occupancy of 64% as well as agreement with the owners of Auto One and Mitre 10 providing for additional parking opportunities;
  - c) the nature of the surrounding shops and other land use activities, i.e. shopping centre, banks and specialty shops presently operating will have differing hours of operation, principally during daylight hours, whilst patrons to the Tavern are likely to peak during evening hours; and
  - d) a high level of connectivity using the public transport network via the Kalamunda Bus Station which is located a 186 metre walk from the subject site.
35. With regard to the provision of disabled parking on site, the existing restaurant use provides an existing ACROD parking bay located in the basement car parking area. The ACROD bay has been designed in accordance with the requirements of the BCA and is accessible to persons with a disability. Under the requirements of the BCA the Applicant is required to provide one ACROD parking bay per fifty parking bays or part thereof. Based on the number of car parking bays provided by the proponent (21), it is considered the proponent has met the requirements of the BCA.
36. Notwithstanding the BCA requirements for disabled parking, the provision of ACROD parking on site should also be considered in the context of the City's Disability Access and Inclusion Plan (DIAP) 2012-2017. In this regard, the DIAP is committed to ensuring persons with disabilities have the same opportunities as other people to access services and buildings. On this basis Council could request the proponent provide an additional ACROD parking bay on site, irrespective of the dispensation provided. The design requirements for ACROD bays will result in the loss of an existing parking bay on site.
37. In considering the option of requesting an additional ACROD parking bay, Council should be mindful that the proponent may appeal the requirement to the State Administrative Tribunal (SAT). In considering the matter SAT would likely defer to the provisions of the BCA with respect to disability parking, which in the opinion of the City are based on the number of bays provided by the applicant and not the total number required under the Scheme or for which dispensation may be given.

38. The proposed Tavern component of the subject site is not anticipated to generate significant vehicles, as patrons attending the site for multiple alcoholic beverages are unlikely to drive in the context of the State's drink driving laws. Patrons in these instances are likely to share vehicles with designated drivers or utilise taxi / ride-sharing services.
39. It is recommended that Council approve the application for a proposed Tavern land use subject to appropriate conditions.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

APPROVES a Tavern land use at Lot 1 (21) Haynes Street, Kalamunda as requested by Dalewest Holdings Pty Ltd ACN 109329393 on 29 June 2018 subject to the following conditions:

- a) the development shall be carried out only in accordance with the plans set out in Attachment 1, to the satisfaction of the City of Kalamunda; and
- b) the proposed operating hours of the Tavern shall be limited to 11am to 12 midnight Monday to Sunday.

Moved: **LAPSED**

Seconded:

Vote:

## **ALTERNATIVE MOTION**

RESOLVED OCM 144/2018

That Council:

APPROVES a Tavern land use at Lot 1 (21) Haynes Street, Kalamunda as requested by Dalewest Holdings Pty Ltd ACN 109329393 on 29 June 2018 subject to the following conditions:

- a) the development shall be carried out only in accordance with the plans set out in Attachment 1, to the satisfaction of the City of Kalamunda;
- b) the proposed operating hours of the Tavern shall be limited to 11am to 12 midnight Monday to Sunday; and
- c) **the applicant shall provide an additional ACROD parking bay to comply with AS 2890.6 – Accessible (Disabled) Parking within 30 days of the date of the planning approval to the satisfaction of the City of Kalamunda.**

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (8/0)**

### **Rationale**

1. Based on the number of patrons, the proponent would need to provide two ACROD bays. The City's recommending a significant dispensation to the applicant on all bays, and then applying the adjusted lower number in the approval as the criteria for determining ACROD bay requirement, this now being only one bay – which is already being provided. I believe we have an obligation, and a legal imperative to require that two ACROD bays are required for approval of this development.
2. The final number determined by the City is a cross between the requirements under the Building Code of Australia and the planning regulations. I believe the final determination that only one ACROD bay is required is flawed, does not consider all City DAIP commitments or the relevant inclusion legislation. It is not therefore reasonable in its determination, and Council should be cautious if it is to accept this recommendation.
3. The *Disability Discrimination Act 1992* provides for "reasonable adjustment" to ensure that premises are accessible. Accessibility is to be provided for all people, including people with disabilities and the aged who are mobility impaired. Kalamunda has a current and growing aged community, and the Disability Advisory Committee has raised access to buildings in the Kalamunda town centre as a priority issue. While we are advised that there is not any car parking constraints in the town centre and this is a reason to support the car parking dispensation recommended by the City, there is not the same level of availability to ACROD bays – particularly ACROD bays that comply with the current design standards. ACROD bays are in high demand, and the closest bay is down the Haynes St hill or across into the centre shopping centre – neither are in close, accessible proximity.
4. It is important that Council also considers the provisions of the *Disability (Access to Premises – Buildings) Standards 2010* which details the number of ACROD bays, and principles to be applied. The Standard states that it is only unlawful for a person to fail to comply with a requirement of these standards if that compliance would impose "unjustifiable hardship". Given the investment in the development, I am not convinced that compliance with the Standard and the inclusion on two ACROD bays would result in such hardship. I am also of the view that this would not hold true for any potential SAT appeal.
5. The Human Rights Commission of Australia also provides details on requirements for access to buildings/ premises, and has reported an escalation of complaints across Australia regarding the lack of access to buildings, and is pursuing compliance under the *Disability Discrimination Act 1992* on behalf of complainants.

6. The Council approved the City's five-year *Disability Access and Inclusion Plan* in May 2017. This states that the City is:
  - a) Committed to consulting with people with disability, their families and carers and disability organisations and service providers in addressing barriers to access and inclusion;
  - b) Ensure new and redevelopment works provide access for people with disability in accordance with the current access to premises standard requirement in the National Construction Code (NCC), Building Code of Australia (BCA); and
  - c) Has a measurable outcome to ensure people with disability have the same opportunities as other people to access the buildings and other facilities of the City of Kalamunda.
7. While dispensation for general parking for the patron is an option for Council, it may well be reasonable for the City to apply this for general parking, it is my view that it is not reasonable nor appropriate for the City to apply this to ACROD bay requirements, nor to ignore its commitments under the recently approved DAIP.
8. In preparing this alternate motion and the rationale above, I have consulted a Disability Discrimination Solicitor. I urge Council to ensure we have access and inclusion at the forefront of our decision making, and therefore require the number of ACROD bays to be provided to be based on the applicants expected patron numbers.

### **10.1.5 Proposed Outbuilding (Shed) - Lot 16 (28) Davies Crescent, Gooseberry Hill**

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

*A deputation was received from Mr Keith Fraser of 20 Parke Road, Gooseberry Hill. Mr Fraser spoke against the Officer Recommendation.*

*This item was withdrawn for separate consideration as an Alternative Motion was foreshadowed by Cr Destree.*

*Questions asked by Councillors were clarified.*

*The Officer Recommendation lapsed for want of a Seconder and the Alternative Motion was carried.*

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	DV-03/028
Applicant	Barry and Yingbo Sheridan
Owner	Barry and Yingbo Sheridan
Attachments	1. Development Plans <b>[10.1.5.1]</b> 2. Streetscape Views <b>[10.1.5.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an application for an Outbuilding (shed) at Lot 16 (28) Davies Crescent, Gooseberry Hill (the site).
2. The Applicant is seeking a variation to the required secondary street setback as stated within State Planning Policy 3.1 – Residential Design Codes, as well as a wall height variation under the City's Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers.
3. It is recommended Council approve the application, subject to appropriate conditions.

#### **BACKGROUND**

##### **4. Land Details:**

Land Area:	1,757m2
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. The site currently contains a single residence and associated structures (existing outbuilding, patio).

**DETAILS**

7. The Applicant is seeking approval for an Outbuilding comprising the following:
- a) floor area of 46.32sqm;
  - b) proposed wall height of 3.5m;
  - c) proposed height to pitch of 4.2m;
  - d) vegetation screening between the rear fence and the proposed outbuilding;
  - e) rear boundary setback of 1.5m; and
  - f) secondary Street setback of 3m.

Plans of the development are included as Attachment 1 of this report.

8. In support of the proposal, the Applicant has stated that they will plant vegetative screening to offset the visual impact of the outbuilding and that they intend to match the colours of the outbuilding with the existing fence and the roof colour of the house.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

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

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

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

## POLICY CONSIDERATIONS

### State Planning Policy 3.1 – Residential Design Codes

12. The following table outlines the variations that are being sought to the R-Codes:

Aspect of Proposal	Deemed-To-Comply Provision	Proposed by Applicant	Variation to R Codes
Secondary Street Setback	6m	3m	3.5m (58%)
Open Space	70%	69.3%	0.7%



13. As indicated in the above table, where any aspect of a proposal does not satisfy the deemed to comply provisions of the Residential Design Codes (R-Codes), an assessment of the proposal is made against the Design Principles of the R-Codes. These are described below:

*5.1.2 Street Setback*

*P2.1 Buildings setback from street boundaries an appropriate distance to ensure they:*

- *Contribute to, and are consistent with, an established streetscape;*
- *Provide adequate privacy and open space for dwellings;*
- *Accommodate site planning requirements such as parking, landscape and utilities; and*
- *Allow safety clearances for easements for essential service corridors.*

*5.1.4 Open Space*

*P4 Development incorporates suitable open space for its context to:*

- *Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *Provide access to natural sunlight for the dwelling;*
- *Reduce building bulk on the site consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *Provide an attractive setting for the buildings, landscape vegetation and streetscape;*
- *Provide opportunities for residents to use active space around the building\; and*
- *Provide space for external fixtures and essential facilities.*

14. In addition to the above, the following clause of the R-Codes applies specifically to Outbuildings:

*5.4.3 Outbuildings*

*P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."*

### **Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers**

15. Section 1.3 (Objectives) of the City's Outbuilding and Sea Containers Policy stipulates that the objectives of the Policy are as follows:

- To ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings, detached garages including sheds, rainwater tanks and sea containers within the City of Kalamunda;
- To ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on site;
- Facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners;

- To give due consideration for proposals incorporating outbuildings, detached garages and sea containers where there are legitimate constraints on the subject lot; and
- To establish clear guidelines for the placement, streetscape consideration and aesthetics of sea containers.

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

**"Outbuilding** – An enclosed non-habitable structure that is detached from any dwelling."

17. Assessment against the City's Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers (Policy) has determined the following variations. It should be noted that, where the proposal does not meet the deemed to comply requirements of the Policy, an assessment must be made against the relevant design principles of the Policy.

Aspect of Proposal	Deemed-To-Comply Provision	Proposed by Applicant	Variation
Wall Height	3m	3.5m	0.5m (16%)
Secondary Street Setback	6m	3m	3m (50%)

Assessment against the design principles of the Policy:

Acceptable Design Outcome	Proposed by Applicant	Compliant with Policy (Y/N)
Compliant with R-Codes Setback Requirements	Rear: 1.5m	Yes
	Secondary Street: 2.5m	No
Meet the construction requirements of AS3959-2009 Construction of Buildings. (Where located in a Bushfire Prone Area).	Will Comply	Yes
Will not reduce areas of open space below deemed-to-comply requirements of the R-Codes.	69.3%	No
Outbuilding(s) located behind the main dwelling alignment and	Rear of property, adjacent to secondary street	No

not directly visible from a street or public space.		
Are not located within an area where there is historical evidence of flood waters reaching high levels.	Not located in such an area	Yes
Does not result in the excessive or unnecessary removal of vegetation.	Site has already been cleared for some time	Yes
The proposed colours and materials are consistent with the criteria set out in Table 2 of this policy.	- Mist green walls - Brown roof	Yes
Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.	No trees are being impacted	N/A
Will not unduly impact on the amenity of an adjoining property owner/occupier.	Objections received from surrounding landowners	No

## ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. The proposal was assessed from an Environmental Health and Engineering perspective. Conditions relating to the construction of crossovers to access the proposed outbuilding are recommended.

### External Referrals

19. The proposal was advertised to adjoining landowners in accordance with the City's P-DEV 45 – Public Notification of Planning Proposals. During the advertising period a total of two responses were received, comprising of one objection and one non-objection.

20. Key concerns raised by the objector are as follows:
- a) the position of the outbuilding is forward of adjacent dwellings along Parke Road;
  - b) the wall height is non-compliant; and
  - c) the location of the outbuilding will impact upon views of significance from the property.
21. The Applicant was contacted regarding the objections raised and requested to provide revised plans that increase the setback distance to the secondary street. The Applicant submitted revised plans that increase the secondary street setback to 3m, which is noted to be a variation to the deemed to comply setback provisions of 3m, or 50%.
22. The revised plans were provided to the objector, who stated that their objection still stood.
23. A summary of the concerns raised by the objector have been included in the attached submitters table (Attachment 2). Responses to the concerns raised by the objector have been included as part of the Officer Comment section of this report.

## **FINANCIAL CONSIDERATIONS**

24. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

25. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**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**

26. The presence of the Outbuilding without adequate screening and at its current height may result in an undue impact on the amenity of the surrounding landowners.

### **Economic Implications**

27. Nil.

## Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

29.	<b>Risk:</b> Undue visual impact upon the amenity of the adjoining neighbour and the streetscape.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Insignificant	Medium
	<b>Action/Strategy</b>		
	Ensure that adequate screening is installed to mitigate the potential visual impact of the outbuilding.		

## OFFICER COMMENT

30. Though the proposed structure does not comply with the height, setback, and site coverage requirements of the relevant Policies, Council can still exercise its discretion by approving the Outbuilding where the proposal has satisfied the design principles of the R-Codes as described in sections 14 and 15 of the report.

31. Having regard to the design principles of the R-Codes and the concerns raised by the objector, the following is considered:

### Position of the Outbuilding Forward of Structures in Parke Road

In terms of the impact of the outbuilding on the existing streetscape, it is noted that there is currently a predominantly open streetscape along Parke Road (the road that the outbuilding will face) at this time, with the exception of a carport and ancillary dwelling at 33 Parke Road (Refer Attachment 3).

Where discretion has previously been applied to allow for existing structures forward of the building line on Parke Road, it is noted that the structures have been appropriately designed to blend with the existing house to minimise the impact on the streetscape. This same principle can be applied to the proposed Outbuilding which if approved, can be conditioned to match the colour of existing structures on the site.

The neighbouring dwelling is located approximately 10m from the lot boundary to Parke Road. It is noted that even if the proposed Outbuilding met the 6m setback requirement under the R-Codes, a portion of the Outbuilding would still be located forward of the adjoining dwelling.

### Non-Compliant Wall Height

The objector stated that the wall height was 'too tall'. As noted above, the Applicant is seeking a dispensation to the deemed to comply wall height for an outbuilding within an R5 coded area.

The Applicant has offered to provide vegetative screening to offset the impact of the wall height upon the adjoining property. It is considered that such screening may assist in reducing the impact of the height of the wall.

In addition, it is noted that the site sits approximately 800mm lower than the adjoining property, thus lessening the impact of the wall height to the adjoining property.

### **Impact Upon Views of Significance**

It is stated within Clause 4.4 (Views) of the *Residential Design Codes Explanatory Guidelines* that the R-Codes cannot guarantee the protection of views, and that views of significance are generally those that are seen from a public space, rather than a private property.

32. The City is aware that the property adjacent to the site, the subject of the objection, has recently been sold to new owners. Clarification has been sought as to the City's obligations in notifying the new owners of the proposal. In this regard the City is not always privy to the timing of the sale of properties. Accordingly, referrals are issued to the owners and occupiers of properties based on the latest information available to the City at the time of referral. In this instance, the City has spoken with the new owners in respect to the proposal and confirmed when the proposal is to be formally considered by Council.
33. In conclusion, the proposed variations to the R-Codes and Policy, with respect to the wall height and open space and setbacks, are considered appropriate in the context of the site and impact on residents. On this basis it is recommended that approval be granted subject to appropriate conditions.

<b>Voting Requirements: Simple Majority</b>
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### **RECOMMENDATION**

That Council:

APPROVES the application received from the Applicant for a proposed Outbuilding (Shed) at Lot 16 (28) Davies Crescent, Gooseberry Hill, 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) stormwater shall be disposed of on site, to the satisfaction of the City of Kalamunda;
- c) the applicant shall provide a schedule of colours and materials to the satisfaction of the City of Kalamunda prior to the issue of a building permit; and
- d) the Outbuilding shall not be used for commercial, industrial, or habitable purposes.

Moved: **Cr Michael Fernie**

Seconded: **LAPSED**

Vote:

### **ALTERNATIVE MOTION**

RESOLVED OCM 145/2018

That Council:

APPROVES the application received from the Applicant for a proposed Outbuilding (Shed) at Lot 16 (28) Davies Crescent, Gooseberry Hill 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) stormwater shall be disposed of on site, to the satisfaction of the City of Kalamunda prior to the issue of a building permit;
- c) the applicant shall provide a schedule of colours and materials to the satisfaction of the City of Kalamunda prior to the issue of a building permit;
- d) the Outbuilding shall not be used for commercial, industrial, or habitable purposes;
- e) the Outbuilding shall be setback 6 metres from the secondary street lot boundary of Parke Road to the satisfaction of the City of Kalamunda.**

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **Rationale**

Councillor Fernie indicated that the Alternative Motion will bring the Recommendation into line with State Planning Policy 3.1 – Residential Design Codes.

## 10.1.6 Suburb Naming of the Forrestfield North District Structure Plan Area and Future Train Station

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

Previous Items	OCM 83/2018
Directorate	Development Services
Business Unit	Development Services
File Reference	PG-STU-035
Applicant	N/A
Owner	Various

Attachments	1. Forrestfield North District Structure Plan Map <b>[10.1.6.1]</b>
	2. 1574- Geographic-names-policies <b>[10.1.6.2]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide information relating to the process that gives consideration to the naming of the Forrestfield North District Structure Plan area (Area) and future train station in response to a Notice of Motion (NOM) resolved at the May Ordinary Council Meeting (OCM) (OCM 83/2018).
2. Landgate's *Policies and Standards for Geographical Naming in Western Australia* (Policy) governs geographical naming in Western Australia. There are a number of processes required to be fulfilled in order to give effect to the naming of a suburb. The naming of a train station is a decision made by the Minister for Transport and generally reflects the geographic location of the station.
3. It is recommended that Council initiate the engagement processes associated with the naming of the area.

### BACKGROUND

#### 4. Land Details:

Land Area:	Approx. 220ha
Local Planning Scheme Zone:	Various
Metropolitan Regional Scheme Zone:	Urban



5. **Locality Plan:**



6. The area is located within the City of Kalamunda (City) in the suburb of High Wycombe and is generally bounded by Berkshire Road to the south, Roe Highway to the east, Poison Gully Creek to the north and the Forrestdale Marshalling Yards to the west.
7. In June 2014, the State Government announced a decision to proceed with the Forrestdale-Airport Link. Following this decision, the State Government requested the City to consider the planning and land use opportunities that the Forrestdale Train Station could create for the surrounding areas of Forrestdale and High Wycombe.
8. The State Government instructed the City to prepare a District Structure Plan (DSP) over the subject land, in order to identify new land use opportunities arising from the Forrestdale Train Station. In response, Element (previously TPG + Place Match), under commission from the City, prepared the Forrestdale North DSP. The area was informally named 'Forrestdale North' in the context of its location north of the existing suburb of Forrestdale and the State Government's naming of the Forrestdale-Airport Link project.

9. In September 2016, the Forrestfield North DSP was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area. A copy of the approved Forrestfield North DSP is provided in Attachment 1.
10. In April 2018, Council adopted, for the purposes of public advertising, the Forrestfield North Residential Precinct Local Structure Plan (LSP). The LSP provides a more refined and detailed planning framework to facilitate subdivision and development of the residential precinct. The LSP area is generally bounded by Sultana Road West to the south, Poison Gully Creek to the north, Milner Road to the west and Roe Highway to the east.
11. Since the City informally named the project as Forrestfield North, residents within the area and surrounding locality have raised concerns as the project actually sits within the existing suburb of High Wycombe.
12. In response to these concerns, Council resolved to support a NOM at the May 2018 OCM as follows:

*"RESOLVED OCM 83/2018*

*That Council:*

1. *Request the Chief Executive Officer to investigate and liaise with the relevant State Government agencies regarding the processes that gives consideration to the naming of the future train station currently known as Forrestfield and the District Structure Plan area currently known as Forrestfield North and report to Council on this process."*

## **DETAILS**

13. Landgate's *Policies and Standards for Geographical Naming in Western Australia* (Policy) governs geographical naming in Western Australia. A copy of the Policy is provided in Attachment 2.
14. For the purposes of applying procedures within the Policy, a suburb is a locality. The process for naming a suburb is broadly summarised below.
15. Step 1 - Check information - Local Governments are to ensure that all the necessary information has been provided by the party proposing the name. If insufficient information, request additional information within a specified timeframe. This step will not apply if the City is proposing the name.
16. Step 2 - Apply the policies - Upon selection of a new name, local governments must ensure the proposal conforms to all of the policies outlined in the relevant sections of the Policy, being Sections 1 and 4 of the Policy for a locality. The checklist at Appendix 4A of the Policy (Locality Naming and Boundary Checklist) will assist in determining whether the proposal conforms to the policies outlined in Sections 1 and 4 of the Policy. If the proposed new name is an Aboriginal name, the name must also comply with all of the policies set out in Section 7 of the Policy.

17. Step 3 - Consult with Aboriginal communities - If the proposed new name is derived from an Aboriginal language, from the outset the local government, or the party proposing the name, should consult with and obtain the input and approval of the relevant local Aboriginal community(s). Details on the consultation process are provided in Section 9 of the Policy.
18. Step 4 - Consult with emergency service response and other stakeholders - When local governments have ensured that the proposal adheres to the relevant naming policies, there should be no further need for consultation with emergency service response and other service providers. This is due to the Policy having been endorsed by Landgate and the relevant agencies. In instances of local governments not being certain whether the naming or renaming proposal conforms to the policies (for instance, in cases of possible duplication or confusion) they should consult with Landgate and seek feedback from emergency service response and public service providers. Such consultation and feedback processes should be undertaken prior to any public consultation to ensure that unsuitable proposals are not unnecessarily provided to the public for their feedback.
19. Step 5 - Consult with the public - The immediate community, including residents, ratepayers and businesses, must be consulted on any naming or renaming proposals that will affect their address. Consultation with the immediate and/or extended community should only occur once Local Government is certain that the proposed name conforms to the relevant naming policies. If councils are uncertain of this, they should contact Landgate for further advice. Details on the consultation process are provided in Section 9 of the Policy.
20. Step 6 - Council consideration - Once the above steps have been undertaken a report must be prepared on the proposal. The local government's decision to accept or reject a proposal needs to be formally recorded. This also applies when the decision has been made under delegated authority.
21. Step 7 - Lodgement of submission to Landgate - If the local government endorses the proposal, a formal request seeking approval of the submission should be made to Landgate, via an online submission.

All naming proposals should include:

- a) applicant local government authority contact details;
- b) developer/agent/proposer details;
- c) the location of the development site in which the proposed road or feature will be situated;
- d) supporting information as to why Landgate should consider naming or changing the name(s);
- e) the proposed name(s) and the origin/source/historical context;
- f) a final road design plan (where applicable) correctly marked with road extents and names;
- g) where applicable, evidence of landowner, family or community support;

- h) if the name is Aboriginal in origin, evidence of support from relevant Aboriginal Community; and
  - i) if the application is for a renaming, evidence of consultation from the affected residents is required.
- 22. Consultation with the Public Transport Authority (PTA) has revealed that the naming of the station is a task undertaken by the Minister for Transport. However, it is important to note that the geographic location of the station has a significant bearing on the name of the station. It is envisaged that should a name change occur for the DSP area and surrounding land then the station name would follow. The City has provided written notification to the Minister of Transport advising of the NOM and the City's intention to initiate a naming process for the DSP area.
- 23. Minister for Transport, Ms Rita Saffioti, advised in December 2017 that the community would be consulted in the new year on what they would like to call the station.
- 24. In November 2017, Forrestfield MLA Mr Stephen Price raised the matter as a grievance in State Parliament and said the new development around the Forrestfield train station warranted the creation of a new suburb.

## **STATUTORY AND LEGAL CONSIDERATIONS**

- 25. The Policy is provided for under the:
  - a) *Land Administration Act 1997, Part 2 – General Administration, Division 3 – General; 26. Constitution, etc. of land districts and townsites; 26A Names of roads and areas in new subdivisions; and*
  - b) *Land Information Authority Regulations 2007; 3 – Information prescribed as fundamental land information.*

## **POLICY CONSIDERATIONS**

- 26. There are no relevant internal policies.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

- 27. City officers from Land Services, Customer & Public Relations and Development Services have all met and formed a working group to review the process and structure required to undertake naming of the Forrestfield North District Structure Plan Area.

### **External Referrals**

#### ***Landgate***

- 28. City officers have contacted Landgate for information regarding the naming process.

29. Landgate has recommended that City officers review the following sections of the Policy:
- a) Section 1: General naming policies and standards, particularly 1.4: Commemorative names and personal names (very important);
  - b) Section 4: Localities, particularly 4.1: Components of a locality name and locality sizes (very important); and
  - c) Section 7: Appropriate use of Aboriginal names and dual naming (Landgate encourages the use of Aboriginal names).
30. Landgate advised that before a new locality name can successfully be approved by Landgate, it must first be reviewed by three separate groups: The Geographic Names Team (GNT) within Landgate, the Permanent Committee on Place Names (PCPN), and the Geographic Names Committee (GNC).
31. Firstly, the GNT will review the proposed name for compliance with the Policy.
32. If the proposed name is compliant, GNT will request feedback from the State committee members of the PCPN. This is to determine if there is a duplication within any of the States of Australia, or any conflict concerning the proposed name.
33. Finally, if there are no objections from the other States, the name will be presented for endorsement by the GNC at their next quarterly meeting. Once the GNC have provided their endorsement, Landgate can then formally approve the new locality name.

### ***Public Transport Authority***

34. The Public Transport Authority (PTA) has advised the naming of the station is a task undertaken by the Minister for Transport. It is important to note that the geographic location of the station has a significant bearing on the name of the station. It is envisaged that should a name change occur for the area and surrounding land then the station name would generally follow suit.

### ***Office of the Minister for Transport***

35. The City has written to the Minister for Transport to advise of the concerns raised by residents in the area and the process that the City is considering with regard to the naming of the area. The City also advised that the geographic location of the station has a significant bearing on the name of the station. It is envisaged that should a name change occur for the area and surrounding land, then the station name would generally follow.
36. In the context of the naming of the station being a responsibility of the Minister for Transport, the City sought the Minister for Transport's position on the naming of the future station in High Wycombe should a name change occur for the area.

37. Following endorsement from Council, a comprehensive Community Engagement Strategy will be implemented to engage with members of the community to consult on the proposed name for the precinct.

## **FINANCIAL CONSIDERATIONS**

38. The City is proposing a \$500 prize for the winner of the Naming Competition as referred to in Officer Comment.
39. Time and processes associated with the naming of the area will be met through the City's annual budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

40. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

**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.

#### **Priority 4: Kalamunda Leads**

**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.

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

## **SUSTAINABILITY**

### **Social Implications**

41. Undertaking a naming process will give current and future residents an opportunity to have a say in the name of the new development area.
42. The City is aware of there being potential social angst by the use of the current working title of 'Forrestfield North' when the area encompasses both a part of Forrestfield (in the current industrial areas) and the southern part of the suburb of High Wycombe.

### **Economic Implications**

43. The economic lives of residents will not be impacted by the naming process.

### **Environmental Implications**

44. The environment will not be impacted by the naming process.

## RISK MANAGEMENT CONSIDERATIONS

45.

<b>Risk:</b> Community does not feel engaged or want to participate.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/Strategy</b>		
A comprehensive Communications and Engagement Strategy will be implemented to encourage community members to put forward ideas and their reasons why.		

46.

<b>Risk:</b> Names submitted by the public do not comply with the Policy.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Insignificant	Medium
<b>Action/Strategy</b>		
Ensure that advertising for the naming competition refers to the requirements of the Policy, for example, the name must be relevant to the area and must be unique within Australia. Ensure that shortlisted names are referred to Landgate for comment.		

47.

<b>Risk:</b> Landgate is unwilling to approve the selected name on the basis that another State has claimed that the name is more relevant to that State.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Ensure that shortlisted names are highly relevant to the area and are submitted to Landgate for referral to other States prior to the submission of a formal application.		

## OFFICER COMMENT

48. The City is proposing to run a naming competition for a period of 60 days. The competition will be open to all people who live, work or visit the City and will ask those submitting ideas to explain the reason for their suggestion.
49. The ideas and reasons will be assessed by a panel of staff, in accordance with the principles of the *Policies and Standards for Geographical Naming in Western Australia*, which governs geographical naming in Western Australia.
50. The shortlisted names will then be referred to Council, relevant Committees and Agencies to commence the formal naming process.
51. An announcement will then be made to the community advising of the winner.

52. It is envisaged that should a name change occur for the DSP area and surrounding land then the station name would follow. The City has provided written notification to the Minister of Transport advising of the NOM and the City's intention to initiate a naming process for the DSP area.

<b>Voting Requirements: Simple Majority</b>
---

EN BLOC RESOLUTION OCM 142/2018

That Council:

ENDORSES the proposal to initiate the naming of the Forrestfield North District Structure Plan area.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

Vote:	For	Against
	Cr Michael Fernie	Cr Tracy Destree
	Cr John Giardina	
	Cr Lesley Boyd	<b>CARRIED (8/1)</b>
	Cr Allan Morton	
	Cr Brooke O'Donnell	
	Cr Sara Lohmeyer	
	Cr Cameron Blair	
	Cr Dylan O'Connor	



## **10.2 Adoption of Corporate Services Reports**

### **10.2.1 Quarterly Progress Report Against KPIs - April - June 2018**

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Corporate Systems
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A

- |             |  |
|-------------|--|
| Attachments | 1. Quarterly Report Progress Report Apr- Jun 2018<br><b>[10.2.1.1]</b> |
|             | 2. KPI Scorecard July 17 - June 18 <b>[10.2.1.2]</b>                   |

#### **EXECUTIVE SUMMARY**

1. The purpose of the Quarterly Progress Report is for Council to receive the report for the period 1 April to 30 June 2018.
2. The Quarterly Progress Report shows 93.6% of actions are currently at 90% or more of their year to date target.
3. It is recommended that Council receive the Quarterly Progress Report for the period 1 April 2018 to 30 June 2018.

#### **BACKGROUND**

4. In June 2017, Council adopted the Corporate Business Plan, *Kalamunda Achieving*. This Plan contains 188 key actions which are a priority for the City of Kalamunda in the 2017/2018 year.
5. Each action is linked to Council's Strategic Plan, *Kalamunda Advancing 2027*, also adopted in June 2017. This ensures that each employee is working towards achieving the strategic direction of the Council.
6. The officer 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**

7. **Priority Actions**  
The Quarterly Progress Report for the period 1 April 2018 to 30 June 2018 is presented at Attachment 1.
8. The report shows comments indicating the status of all actions and their current progress.

9. Over 93% of the actions (176 of the 188) are currently at 90% or more of their target progress for the year to date. This is an improvement on last quarter (when 154 actions were on-track).
10. **Key Performance Indicators**  
Performance against the City's corporate KPIs is shown in Attachment 2.
11. Of the nine KPIs, for the year 1 July 2017 to 30 June 2018:
  - a) Eight met or exceeded their target; and
  - b) One is currently off-track (Subdivision Applications Referred to the WAPC Within Statutory Timeframes). The target for the year was 95%, and the actual result achieved was 85.9%.
12. Whilst every effort is made to achieve the statutory timeframes for subdivision applications, there are some instances where, due to the complexity of the application and the resulting discussions with the WA Planning Commission (WAPC) and the applicant, the statutory timeframes cannot be achieved. For the April-June quarter, three applications required further information from the applicant, and two were delayed due to discussions with the WAPC.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. Nil.

## **POLICY CONSIDERATIONS**

14. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. 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**

16. 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**

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.2** - Build an effective and efficient service based organisation.

## SUSTAINABILITY

### Social Implications

19. Nil.

### Economic Implications

20. Nil.

### Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 22.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The City fails to carry out the actions set out in the Corporate Business Plan.                            |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Significant        | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Regular reporting of action progress to CEO, Directors and Council to ensure that performance is monitored and managed. |                    |               |
- 23.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> KPIs are not met – standard of customer service declines.  |                    |               |
| <b>Likelihood:</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/ Strategy</b>   |                    |               |
| Regular reporting of KPI achievement to CEO, Directors and Council to ensure that performance is monitored and managed. |                    |               |

## OFFICER COMMENT

24. The Quarterly Progress Report outlines that the City is working effectively in implementing the strategic direction of the Council.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 146/2018

That Council:

RECEIVES the Quarterly Progress Report for 1 April to 30 June 2018.

Moved: **Cr Tracy Destree**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.3 Adoption of Office of the CEO Reports

#### 10.3.1 Community Sport and Recreation Facilities Funding - Small Grants August 2018

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Recreation Facilities & Services
File Reference	
Applicant	N/A
Owner	N/A
Attachments	Nil

#### EXECUTIVE SUMMARY

1. The purpose of this report is to:
  - a) seek Council endorsement of two Community Sport and Recreation Facilities Fund (**CSRFF**) applications for the Small Grant Funding Summer Round, which must be submitted by 4pm on the last working day of August 2018; and
  - b) subject to the above, seek Council endorsement of the City's proposed ranking of the applications using the Department of Local Government, Sports and Cultural Industries (**DLGSCI**) ranking criteria in terms of the need for projects.
2. The first application is from the Forrestfield Tennis Club (**FTC**), seeking funding for the resurfacing of its six plexi pave tennis courts. The second application is from the City itself, seeking funding for a feasibility study that considers the long-term viability of the existing Kalamunda Club premises and options for shared use of that facility with community groups.
3. This report recommends that Council endorse the two presented applications and that Council rank the FTC application as a first priority and the City's application as a second priority.

#### BACKGROUND

4. Through the CSRFF program, the State Government provides financial assistance to community groups and local governments to develop basic infrastructure for sports and recreation.
5. The CSRFF program aims to increase participation in sports and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities.

6. The DLGSCI requires the City to assess CSRFF applications and rank each application in priority order for funding. All CSRFF applications for the 2018 Small Grants Summer Round are to be received by DLGSCI by 4pm on the last working day of August 2018 for assessment.
7. Successful applicants will be advised in November/December 2018, with funds to be expended by 15 June 2019. The maximum CSRFF grant will be no greater than one third of the total estimated project cost.

## DETAILS

### 8. **FTC Court Resurfacing Project**

The FTC submitted an Expression of Interest (EOI) to the City pursuant to the Council's *'Capital Grants - Clubs and Community Groups Policy'* (COMR – 21), requesting funding support to resurface all six *'plexi pave'* tennis courts at the FTC.

9. The EOI was assessed by the Strategic Sport and Recreation Committee (**SSRC**), which subsequently recommended that the Council support funding for the project through its budget deliberation process on the understanding that, if endorsed, Council would fund one third of the funding requested as part of a CSRFF application (**FTC Court Resurfacing Project**).
10. All six courts at the FTC were last resurfaced in 2010 with the FTC completely financing that project. The surfaces are now cracked and in need of resurfacing. The FTC Court Resurfacing Project will ensure that the six FTC courts remain fit for purpose and therefore safe for all FTC members and the wider community to use.
11. The FTC Court Resurfacing Project will allow the FTC to remain competitive within the community by providing an improved playing surface that will attract both new and casual members.
12. The proposed cost contribution for the FTC Court Resurfacing Project is as follows:

<b>Organisation</b>	<b>Contributions ex GST</b>
CSRFF	\$20,000
City of Kalamunda	\$20,000
FTC	\$20,000
<b>Total Project Cost</b>	<b>\$60,000</b>

### 13. **Kalamunda Club Shared Use and Community Hub Feasibility Study**

On the 6 February 2018, the City of Kalamunda held its Annual General Meeting (**AGM**). During the AGM, Kalamunda Club President Allan Mappin, noted that the Kalamunda Club felt there was an opportunity for other community groups to be based at the Kalamunda Club site and for the Kalamunda Club to become a community hub.

14. The President explained that the reasoning for this proposal was due to the current heavy use of the Kalamunda Club for community events and functions on a weekly basis.
15. Council subsequently carried the following motion at the AGM:
  - *Undertake a review of the Stirk Park Master Plan in relation to the portion of the plan covering the Kalamunda Club lease area and undertake a feasibility study, taking into account the long-term viability of the existing Club premises and give consideration to developing a shared use community facility incorporating the Kalamunda Club and other community services or purposes.*
16. It is considered that the main focus of any feasibility study should be on investigating future partnerships and colocation opportunities for groups to share the current Kalamunda Club facility.
17. With the aforesaid scope in mind, the City is now seeking funding support to engage a consultant to undertake a feasibility study pursuant to the above motion (**Kalamunda Club Shared Use and Community Hub Feasibility Study**).
18. The proposed cost contribution for the Kalamunda Club Shared Use and Community Hub Feasibility Study is as follows:

<b>Organisation</b>	<b>Contributions ex GST</b>
CSRFF	\$13,333
City of Kalamunda	\$26,667
<b>Total Project Cost</b>	<b>\$40,000</b>

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

20. COMR – 21 – Capital Grants - Clubs and Community Groups

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

21. **FTC Court Resurfacing Project**  
  
This project was reviewed by City's Technical Officers group.
22. **Kalamunda Club Shared Use and Community Hub Feasibility Study**  
  
Nil.

## External Referrals

### 23. **FTC Court Resurfacing Project**

City officers progressed the FTC Court Resurfacing Project application through the new Capital Grants process. This involved the FTC Court Resurfacing Project application being submitted for review and ranking with the SSRC prior to it being recommended for support by Council through the City budget deliberation process.

### **Kalamunda Club Shared Use and Community Hub Feasibility Study**

Should the Kalamunda Club Feasibility Study CSRFF funding application be successful, the City would engage a consultant to develop the study and this would involve consultation with relevant stakeholders.

## FINANCIAL CONSIDERATIONS

### 24. **FTC Court Resurfacing Project**

On 25 June 2018, Council adopted the 2018/19 budget including funding support of up to \$20,000 for the FTC Court Resurfacing Project.

25. Pending a successful CSRFF grant announcement, the FTC Court Resurfacing Project cost contribution would be as follows:

<b>Organisation</b>	<b>Contributions ex GST</b>
CSRFF	\$20,000
City of Kalamunda	\$20,000
FTC	\$20,000
<b>Total Project Cost</b>	<b>\$60,000</b>

26. If a CSRFF grant application for the FTC Court Resurfacing Project is successful, the CSRFF grant must be acquitted by 15 June 2019.

27. If a CSRFF grant application for the FTC Court Resurfacing Project is unsuccessful, Council would need to consider whether to:

- fund the full amount of the shortfall (an additional \$20,000 beyond the \$20,000 which Council previously approved for the 2018/19 budget);
- require the FTC to fund the full amount of the shortfall (being the additional \$20,000 required if Council and the FTC still contribute the previously approved and proposed funding amounts respectively);
- agree to jointly fund the shortfall with the FTC (being an additional \$10,000 from Council beyond that already included in the 2018/19 budget and an additional \$10,000 from the FTC beyond the \$20,000 already proposed); or
- not to progress the FTC Court Resurfacing Project at all.



28. **Kalamunda Club Shared Use and Community Hub Feasibility Study**

Pending a successful CSRFF grant announcement for the Kalamunda Club Shared Use and Community Hub Feasibility Study, a budget item for the City's contribution will need to be considered as part of the 2018/19 Mid-Year review.

29. The Kalamunda Club Shared Use and Community Hub Feasibility Study cost contribution would be as follows:

Organisation	Contributions ex GST
CSRFF	\$13,333
City of Kalamunda	\$26,667
<b>Total Project Cost</b>	<b>\$40,000</b>

30. If a CSRFF grant application for the Kalamunda Club Shared Use and Community Hub Feasibility Study is successful, the CSRFF grant must be acquitted by 15 June 2019.

31. If a CSRFF grant application for the Kalamunda Club Shared Use and Community Hub Feasibility Study is unsuccessful, Council would need to consider whether it would be willing to fund the total cost of the study.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

32. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

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

#### Priority 1: Kalamunda Cares and Interacts

**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.

#### Priority 3: Kalamunda Develops

**Objective 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

#### 33. **FTC Court Resurfacing Project**

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

#### **Kalamunda Club Shared Use and Community Hub Feasibility Study**

Should a feasibility study be undertaken, and alternate uses are identified, this could generate social benefits for the community.

### Economic Implications

#### 34. **FTC Court Resurfacing Project**

Nil.

#### **Kalamunda Club Shared Use and Community Hub Feasibility Study**

A multi-functional facility could potentially provide employment opportunities through the design and construction phase of an updated facility in addition to ongoing operational staffing needs. The project could also provide an opportunity to collocate community groups and rationalise facilities.

### Environmental Implications

#### 35. Nil.

## RISK MANAGEMENT CONSIDERATIONS

#### 36. **FTC Court Resurfacing Project**

**Risk:** Membership and community use of courts decreases due to poor quality sports surfaces.

Likelihood	Consequence	Rating
Possible	Moderate	Medium

#### **Action/Strategy**

Council should give due consideration to either contributing to the FTC Court Resurfacing Project in conjunction with a successful SSRFF grant, or otherwise as part of the City's asset management renewal program.

37. **Kalamunda Club Shared Use and Community Hub Feasibility Study**

<b>Risk:</b> That the Kalamunda Club is unable to support the growing community need for the use of the facility as a multi-use community hub.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Ensure that the option of progressing with the Kalamunda Club Shared Use and Community Hub Feasibility Study is given due consideration subject to competing projects and the public interest.		
<b>Risk:</b> That there is an increased level of public expectation that a new Kalamunda Club Shared Use and Community Hub will be developed.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
As referred to above in paragraph 16 of this report, ensure stakeholders are advised that the focus of the Kalamunda Club Shared Use and Community Hub Feasibility Study is to be on investigating future partnerships and colocation opportunities for groups to share the current Kalamunda Club facility.		

**OFFICER COMMENT**

38. **FTC Court Resurfacing Project**

The FTC is the only tennis club serving the Forrestfield community with the next closest club based in High Wycombe. Forrestfield is a high growth area with the current population at just over 13,000 and the suburb predicted to grow by 28% over the next 20 years. (Forecast Id.2017)

39. The nearby growth areas of Wattle Grove and the planned suburb of Forrestfield North will see further increase in population to the area and potential membership growth for clubs such as the FTC.

40. As referred to earlier in this report, City officers agree that the six court surfaces need resurfacing, since the courts have degraded substantially since the last resurfacing conducted in 2010 and funded solely by the FTC.

41. The SSRC considered and ranked the FTC Court Resurfacing Project as the third highest of four alternative considered projects and supported the FTC's submission of a CSRFF application through the Summer Round of the CSRFF programme. The SSRC also supported one third of City funds to be considered as part of the 2018/19 budget, which, as referred to above in paragraph 24, has already occurred with \$20,000 being included in the 2018/19 budget.

42. **Kalamunda Club Shared Use and Community Hub Feasibility Study**

Community hubs, where multiple community groups are collocated at the one venue, are recognised as an effective model when local governments consider redevelopment of sporting or community sites.

43. There are many advantages to bringing different community groups together at the one venue. For an existing club, the opportunity to increase revenue and membership, and therefore the long-term sustainability of the group, is a significant driver.

44. The Kalamunda Club Shared Use and Community Hub Feasibility Study would provide the opportunity for the City and the Kalamunda Club to consider which other community groups may be best suited to be collocated at the site.

45. **Conclusion as to both the FTC Court Resurfacing Project and the Kalamunda Club Shared Use and Community Hub Feasibility Study**

Prior to completing a CSRFF application, the City is required to rank projects if there is more than one application. As referred to earlier in this report, the two applications were ranked using the DLGSCI assessment criteria as a guide.

46. Although both applications have merit, the FTC Court Resurfacing Project was ranked higher in the areas of project need, physical activity, asset management and project planning. The FTC Court Resurfacing Project was also considered and supported through the SSRC.

47. Officers recommend that Council support the following rankings as below:

1. FTC Court Resurfacing Project.
2. Kalamunda Club Shared Use and Community Hub Feasibility Study.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 147/2018

That Council:

1. ENDORSES the Forrestfield Tennis Club's Community Sport and Recreation Facilities Fund application for the resurfacing of six tennis courts, as the City of Kalamunda's number one ranked priority project for the Department of Local Government, Sports and Cultural Industries 2018/19 Small Grants Summer Round.
2. ENDORSES the City of Kalamunda's Community Sport and Recreation Facilities Fund application for the purpose of conducting a feasibility study into the proposal of a Shared Use and Community Hub development at the Kalamunda Club, as the City of Kalamunda's number two ranked priority project for the Department of Local Government, Sports and Cultural Industries 2018/19 Small Grants Summer Round.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## **10.4 Adoption of Chief Executive Officer Reports**

### **10.4.1 Monthly Financial Statement to July 2018**

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	1. Statement of Financial Activity 31 July 2018 <b>[10.4.1.1]</b> 2. Statement of Net Current Funding Position 31 July 2018 <b>[10.4.1.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended July 2018.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the month's performance against the statutory budget adopted by the Council on 25 June 2018 for 2018/19 financial year.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the month ended to 31 July 2018, which comprise:
  - a) Statement of Financial Activity (Nature or Type) for the month ended 31 July 2018;
  - b) Statement of Financial Activity (Statutory Reporting Program) for the month ended 31 July 2018; and
  - c) Net Current Funding Position, note to financial report as of 31 July 2018.

#### **BACKGROUND**

4. 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).
5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2017/18.
6. The opening surplus position is un-audited and subject to change as:
  - a) Infrastructure revaluation entries are pending subject to our External Auditors' review;

- b) Capital projects are at a point of finalisation which can impact on asset balances;
- c) Provisions for staff leave entitlements have not been finalised;
- d) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
- e) Overhead allocations are not yet finalised;
- f) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised.

## **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 10% or \$50,000 whichever is greater.

## **FINANCIAL COMMENTARY**

### Statement of Financial Activity by Nature and Type for the month ended 31 July 2018

8. This Statement reveals a net result surplus of \$46,958,935 compared to budget for the same period of \$46,994,637.

## **Operating Revenue**

9. Total Revenue excluding rates is over budget by \$431,986. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$170,944, the variance is mainly attributable to:
    - i. \$331,385 received from the CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust, and
    - ii. Financial assistance and general roads grant is under budget by \$91,257. In June 2018, the City received the first quarter payment of \$1,238,343 related to 2018/19 financial year. The City recognised the income in 2017/18 financial year as per the Australian Accounting Standards.
  - b) Fees and Charges are over budget by \$343,926. This is mainly due to the budget phasing of the swimming pool inspection fees as per the rates notices, which amounted to \$251,194. The budget is phased monthly, i.e. \$21,020 resulting in a positive variance of \$230,174 in July.  
This budget line phasing will be rectified in the following month;
  - c) Interest Income is under budget by \$87,653. This is the result of a timing matter. As rates collection is in progress, detailed cash flow analysis is done to determine the length of time investments can be held with Approved Deposit Institutions (ADI's); and
  - d) Other Revenue is under budget by \$4,647. This is mainly due to the lower than projected revenue from fines and enforcements.

## **Operating Expenditure**

10. Total expenses are under budget by \$371,314. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$4,456, which is mainly made up of uniforms, protective clothing and corporate training. The variance is within the reporting threshold;
  - b) Materials and Contracts is under budget by \$276,903. This is mainly attributed to:
    - i. Waste costs are under budget by \$197,843 mostly from putrescible waste charges and verge collection costs; and
    - ii. Verge maintenance, various sites, \$68,348.These are considered to be a timing variance;
  - c) Utilities are under budget by \$18,689 which mainly relates to street lighting costs which is lower than projected;
  - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$49,859. The infrastructure assets revaluation entries for 2017/18 are pending due to the impending external audit;
  - e) Interest expense is over budget by \$548. 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 under budget by \$443. The variance is within the reporting threshold; and
  - g) Other expenditure is under budget by \$30,424. The variance is due to the timing difference of planned donations and contributions to various community groups.

## **INVESTING ACTIVITIES**

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

11. The non-operating grants and contributions are under budget by \$26,803. This is mainly attributable to lower than projected State Government grants received for the month.

### **Capital Expenditures**

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$83,297. This is considered to be a timing issue.
13. Capital work-in-progress monies spend of \$431,231, 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**

14. The amounts attributable to financing activities shows a variance of \$28,675 which is mainly reserve movements. More details of the reserve movements are given under note 25 of this report.

## **Rates Revenues**

15. Rates generation is under budget with a variance of \$850,278. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

### Statement of Financial Activity by Program for the month ended 31 July 2018

16. Generally, each Program is within the accepted budget except for 'Recreation & culture' and 'Community Amenities'. Major variances have been reported by Nature and Type under points 9 to 14 above.

### Statement of Net Current Funding Position as at 31 July 2018

17. The commentary on the net current funding position is based on comparison of the July 2018 to the July 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total to \$62.1 million. The restricted cash position is \$18.1 million which is lower than the previous period's balance of \$18.8 million. This is mainly attributed to the lower opening restricted cash balance reported in this year compared to the previous year.
19. Unrestricted cash has decreased by \$1.4 million when compared with the balance at July 2017 mainly as a result of higher receivables.
20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$33.9 million. The rates receivable balance increased by \$1.4 million from last year which reflects increases in rates generation.
21. Sundry debtors have increased from \$166,056 to \$581,079, of which \$243,779 consists of current debt due within 30 days.  
Current debts have increased from \$59,174 to \$243,779, the increase is mainly due an invoice raise for \$205,173 works bond, supervision fee related to the Hales Estate development.  
Debtors over 30 days increased from \$85,877 to \$280,772, the increase is mainly due to an invoice raised for a works bond amounting to \$216,690. The Company submitted a bank guarantee for the bond and the invoice was credited on 1 August 2018.
22. Receivables Other represents \$17 million including:  
a) Emergency Service Levy receivables \$6.2 million; and  
b) Receivables sanitation \$9.6 million.

23. Provisions for annual and long service leave have increased by \$145,059 to \$3 million when compared to the previous year. Long service leave final provision calculations are pending for 2017/18.
24. Restricted Reserves have decreased from \$18.8 million to \$18.1 million when compared to July 2017. The decrease is mainly due to the lower opening reserve balance in 2018/19 when compared to the previous year.

## **STATUTORY AND LEGAL CONSIDERATIONS**

25. 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**

26. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

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

## **FINANCIAL CONSIDERATIONS**

29. 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**

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

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service based organisation.

## SUSTAINABILITY

### Social Implications

31. Nil.

### Economic Implications

32. Nil.

### Environmental Implications

33. Nil.

## RISK MANAGEMENT CONSIDERATIONS

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

## OFFICER COMMENT

35. The City's Financial Statements as at 31 July 2018 reflects the un-audited surplus carried forward from 2017/18.

<b>Voting Requirements: Simple Majority</b>
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**RESOLVED OCM 148/2018**

That Council:

RECEIVES the Monthly Statutory Financial Statements for the month ended to 31 July 2018, which comprises:

- a) Statement of Financial Activity (Nature and Type) for the month ended 31 July 2018;
- b) Statement of Financial Activity (Statutory Reporting Program) for the month ended 31 July 2018; and
- c) Net Current Funding Position, note to financial report as of 31 July 2018.

Moved: **Cr Cameron Blair**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## **10.4.2 Debtors and Creditors Report for the Period Ended July 2018**

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachments	1. Creditor Payments for the period ending 31 July 2018 <b>[10.4.2.1]</b>
	2. Summary of Debtors for month of July 2018 <b>[10.4.2.2]</b>
	3. Summary of Creditors for month of July 2018 <b>[10.4.2.3]</b>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in July 2018 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of July 2018.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in July 2018 in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13); and
  - b) receive the outstanding debtors and creditors report for the month of July 2018.

### **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of July 2018 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 payments made from Municipal Fund & Trust Fund must occur monthly.

## DETAILS

### Debtors

6. Sundry debtors as of 31 July 2018 were \$581,079 of which \$243,779 was made up of current debts and \$4,292 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$280,772, debts of significance are:
  - a) Satterley, \$216,690, Bonds – Company submitted a bank guarantee for the bond and credit note raised on 01/08/18.
8. Invoices over 60 days total \$26,301, debts of significance are:
  - a) Water Corporation, \$16,089, hazard reduction burns;
  - b) Kalamunda District Hockey, \$4,731, Player Fees;
  - c) Howard Ginbey, \$2,500, Planning Fees; and
  - d) Red Ink Homes, \$1,732, Replacement Verge Tree.
9. Invoices over 90 days total \$34,520, debts of significance are:
  - a) Kalamunda Club, \$17,263, Loan instalment – request received for deferral from the Club;
  - b) Zig Zag Gymnastics, \$7,686, Hall Hire; Instalment arrangement in place.
  - c) Evolution Cheer & Dance, \$2,323, Hall Hire - making regular payments and debt is reducing;
  - d) Foothills Information and Referral Service, \$1,456, lease/electricity expenses;
  - e) Keith Mortimer, \$1,133, Replacement Street Tree – A request for write-off was submitted to the 31 July Audit and Risk Committee; and
  - f) Forrestfield Cricket Club, \$1,047, electricity expenses.

### Creditors

10. Payments totalling \$5,084,484.98 were made during the month of July 2018. 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 – where applicable) made in the month were:

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	426,228.85
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees - \$356,574.11 Changes to & reprint of waste & recycling guide 2018/19 - \$7,100.00	408,070.11

	Eastern Region Catchment Program 2017/18 - \$38,896.00 Regional Services Project Funding Contribution 2017/18 - \$5,500.00	
Cleanaway	Waste, recycling and bulk bin disposal service fees	217,081.15
Syrinx Environmental P/L	Woodlupine living stream upgrade – progress payment- \$208,955.43* Woodlupine living Stream Reserve upgrade – concrete dual use pathway - \$3,934.96	212,890.39
WA Local Government Superannuation Plan	Superannuation contributions	205,462.90
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	150,079.45
Building and Construction Industry Training fund	June 2018 levy	129,497.65
Synergy	Power Charges – various locations	121,921.05
Curnow Group Hire Pty Ltd **	Nardine Close widening – separable portion redesign – progress payment	103,397.28
IT Vision Australia	Annual license fees Synergy soft data base 2018/19	98,804.42
Western Australian Treasury Corporation	Loan instalment repayment – loan no.221	96,590.44
Kalamunda Electrics	Electrical repairs / maintenance for various locations	95,954.60
Beaver Tree Services	Tree removal/ pruning for various locations	66,125.40
Contraflow	Traffic management for various locations	65,835.71
Dowsing Group Pty Ltd	Supply and lay for concrete pathway maintenance & miscellaneous works at various locations	65,149.37
Element Advisory Pty Ltd	Professional planning services for Forrestfield North structure plan	63,563.51
Pavement Management Services	Network data collection & reporting on sealed road condition survey – progress payment	57,858.45
Boya Equipment Pty Ltd	Supply of new tractor for operations centre	55,990.00
Midway Ford (WA)	Supply of two new vehicles and plant parts	50,203.10

These payments total \$ 2,690,703.83 and represent 52.92% of all payments for the month.

\* - The amount paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during July 2018.

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

## Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,280,340.89 was paid in net salaries for the month July 2018.
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:
  - a) CELL 9 Trust;
  - b) POS Trust;
  - c) BCITF Levy;
  - d) Building Services (Licence) Levy; and
  - e) Unclaimed Monies.
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of July 2018.

BCITF Levy		Amount (\$)
Date	Description	
10/7/2018	Building and Construction Industry Training fund levy June 2018	129,497.65
CELL 9		Amount (\$)
Date	Description	
26/7/2018	Talis Consultants Pty Ltd – Hale Road widening – pavement testing & interpretative	3,800.00
26/7/2018	Lycopodium Infrastructure Pty Ltd - Detail design & documentation for Hale Road widening & enhancement	34,670.25
26/7/2018	Porter Consulting Engineers - Arthur Road roundabout and road extension infrastructure project - Final Claim	2,862.00
26/7/2018	Syrinx Environmental Pty Ltd - Woodlupine living stream upgrade stage 2 & 3 Civil and Landscaping Works	189,959.47
26/7/2018	Natural Area Management & Services - Woodlupine Living Stream Enhancement works - Plant supply for Stage 2	29,329.55
26/7/2018	Benara Nurseries - Woodlupine Brook - Living Stream Enhancement Stage 2 Works	32,324.51
26/7/2018	Telstra Corporation – relocation of services	2,189.31



26/7/2018	McKay Earthmoving Pty Ltd - Hire of plant and labour for clearing Lots 7,31 and 32 Hale Road Project	15,475.50
26/7/2018	K-Line Fencing Group - Supply & install fencing at Wimbridge Road, Wattle Grove	17,952.00
26/7/2018	Brook & Marsh Pty Ltd - Replacement of peg at 7,31 & 32 Hale Road, Wattle Grove	495.00
26/7/2018	McLeods Barristers & Solicitors - Road land acquisition Lot 7 (no 310) Hale Road, Wattle Grove	2,327.37
BRB Levy		Amount (\$)
Date	Description	
31/7/2018	Building Services (Licenses) Levy – July 2018	93,426.78

## 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 2018, Council resolved to adopt the City's current Delegation Register (ref OCM 113/2018), which was accordingly updated and came into effect on 27 June 2018 (**26 June 2018 Register of Delegations**). The previous review of the register was completed 26 June 2017.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2018 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. The City is bound by the Debt Collection Policy S-FIN02.

## **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*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service-based organisation.

## **SUSTAINABILITY**

### **Social Implications**

26. Nil.

### **Economic Implications**

27. Nil.

### **Environmental Implications**

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

### Debtors

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

### Creditors

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

## OFFICER COMMENT

31. Creditor payments for July 2018 are in the normal range in line with trend expenditure.

### Voting Requirements: Simple Majority

#### RESOLVED OCM 149/2018

That Council:

1. RECEIVES the list of payments made from the Municipal Accounts in July 2018 (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 Fund Accounts in July 2018 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 July 2018.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.4.3 Rates Debtors Report for the Period Ended July 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachments 1. Rates Report July 2018 [**10.4.3.1**]

#### 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. The City of Kalamunda (City) has collected \$4.58 million (12.13%) in rates as at 31 July 2018.
3. It is recommended that Council receive the Rates Debtors report for the month of July 2018 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issues on 13 July 2018 with the following payment options available:

Options	Payment Dates			
Full Payment	17 August 2018			
Two Instalments	17 August 2018	17 December 2018		
Four Instalments	17 August 2018	17 October 2018	17 December 2018	18 February 2019

5. A total of 23,106 Rate Notices were sent on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$38,381,325. As at 31 July, a total of \$4,582,975 has been collected in the 18 days since Rate Notices were released. This represents a collection rate of 12.13% which is slightly higher than the 11.58% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. As at the 31 July 2018 1,238 properties are on the instalment options. Of these, 259 have taken up the option to pay by two instalments and 979 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) A Smarter Way to Pay – with approximately 778 ratepayers signed up. This represents a 16% increase from the same time last year;
  - b) eRates – there are 2,263 properties signed up for email delivery, compared to 2,001 in the previous year. This represents a 13% increase in this service and equates to approximately 10% of the rates database; and
  - c) BPay View – approximately 884 ratepayers have signed up for this service. Last year at total of 680 had signed up, representing a 30% increase in this service.
8. It is expected that eRates and BPay View registrations will increase again in the period leading up to the rates due date, as the City has an incentive prize draw for ratepayers who register to receive their future rates notices electronically.
9. Interim Rating processing will commence after the 2018/19 due date (17 August 2018).
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for the purpose of training and process improvements. Throughout the month of July 2018, the Rates department handled 1,558 calls with a total call time of almost 84 hours.

## **DETAILS**

11. For the 2017/18 financial year, Legal Action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. At the end of July, overdue balances totalled \$740,577 and individual balances range from \$2,000 to \$24,000. The City has received a good response from properties served and further action will be taken on individual accounts where it is deemed necessary. Further action may include Property Seizure and Sales Orders being issued. Council will be notified of any property seizure and sales orders, if these are implemented.
12. Following the 2018/19 due date of 17 August 2018, the City will send Final Notices to properties that have not paid in full or taken up an instalment or Direct Debit Arrangement.

## **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 Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

## **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*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

**Strategy 4.1.2** - Build an effective and efficient service based organisation.

## **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 ratepayers 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 and BPay View, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

## RISK MANAGEMENT CONSIDERATIONS

23.	<b>Risk:</b> Failure to collect outstanding rates and charges.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	High
	<b>Action/Strategy</b>		
	Ensure debt collections are rigorously maintained.		

## OFFICER COMMENT

24. The City's debt collection strategy has proven to be very effective with a collection rate of 95.99% for the 2017/18 year.

The City is ranked in the top four WA metropolitan Councils (of 19 Councils surveyed) for efficiency in rates collection (Source: Australasian LG Performance Excellence Survey, 2017).

## Voting Requirements: Simple Majority

### RESOLVED OCM 150/2018

That Council:

RECEIVES the Rates Debtors Report for the Period Ended 31 July 2018 (Attachment 1).

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **10.4.4 Kalamunda Aged Care Advisory Committee - Recommendations August 2018**

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments Nil

#### **EXECUTIVE SUMMARY**

1. To consider the recommendations of the Kalamunda Aged Care Advisory Committee (KACAC).
2. The KACAC meets quarterly to provide advice to Council on issues, trends and other matters in relation to aged care services.
3. At the meeting of the KACAC held on 1 August 2018, several motions were passed and are now presented to the Council for consideration.

#### **BACKGROUND**

4. Council established the Kalamunda Aged Care Advisory Committee in 2015 in response to the critical shortage in aged care beds in the City.

#### **DETAILS**

5. At its meeting in February 2018, the KACAC supported the City undertaking a Judicial Review of the decision by Minister for Planning, Rita Saffioti, to revoke an approval made by the previous Minister for Planning.
6. At its Ordinary Meeting in March 2018 the City resolved (OCM 41/2018) to request the Chief Executive Officer to provide a detailed report as to the merits of a judicial review of the Minister for Planning's revocation of the previous approval of MRS Amendment 1271/41 - Lot 59 Wilkins Road, Kalamunda.
7. The City provided advice on this matter. The opinion of the advice provided the following:

*a) Minister Saffioti did have the power to direct the Governor to revoke any approval for amendment to the MRS;*



- b) as Amendment 55 (running in parallel to the MRS amendment) never made it to final gazettal, notwithstanding previous Ministerial 'approval', there is no prospect of arguing that the Ministerial decision to revoke approval for amendment to the MRS and to not proceed to gazettal of Amendment 55, was 'beyond power' (a term known as 'Functus Officio' in legal parlance);*
  - c) consequently, the next best option in a Judicial Review process of the Minister's decision would be to argue that the Minister's decision, in all respects, was a decision that was unreasonable in the circumstances;*
  - d) to proceed with this argument, the City would need to be appraised (in detail) of the full basis upon which the Minister made her decision;*
  - e) the City does not have this information and is unlikely to be able to acquire it by request, or through an FOI process;*
  - f) given the above, a Judicial Review process is not considered worthy of pursuit, especially given that if the City is unsuccessful in its argument, it will have to pay the Minister's legal costs, which would be substantial;*
  - g) as an alternative to pursuing a Judicial Review, it is possible for the City to re-initiate a Scheme amendment for the Wilkin's Road Site, however, this would appear to be a futile exercise given the concurrent need for an amendment to the MRS, a process which the Minister's office has advised is closed;*
  - h) on this basis, it is recommended that the City not proceed any further with consideration of a Judicial Review of Minister Saffioti's decision.*
8. It is also the view of the City that pursuing a Judicial Review, either at this stage, or at all, is not a good use of rate payer funds and the City's time, considering if the City was to be unsuccessful in its argument, it would need to pay for the Minister's legal expenses, which would be substantial.
9. On the basis of the information provided, KACAC endorsed a Motion advising the City it had reconsidered its support for a judicial review to be undertaken due to the unlikelihood of success and the risk and costs involved.

*The Kalamunda Aged Care Advisory Committee:*

- 1. ADVISES Council Kalamunda Aged Care Advisory Committee has reconsidered its view about undertaking a judicial review.*
- 2. ADVISES Council the risk and cost associated with undertaking a judicial review without detailed information about how the Minister made the decision is not in the wider public interest to pursue and requests Council not to authorise the Chief Executive Officer to lodge a judicial review into the Wilkins Road Amendment Decision with the Supreme Court of Western Australia.*

10. There is an existing vacancy within the members of the committee as per the Terms of Reference. Mr Geof Irvin was invited to present to Committee on his interest in being a member. Mr Irvin is the current President of the Kalamunda RSL.
11. The KACAC supported Mr Irvin and recommend his endorsement by Council as a member.

*That Kalamunda Aged Care Advisory Committee:*

*REQUEST Council to appoint Mr Geof Irvin be appointed to the Kalamunda Age Care Advisory Committee.*

*Moved* **Lesley Boyd**

*Seconded* **Margaret Thomas**

*Vote* **Carried Unanimously**

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Sections 5.8, 5.9 and 5.10 of the *Local Government Act 1995*.

## **POLICY CONSIDERATIONS**

13. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

14. Nil.

### **External Referrals**

15. Nil.

## **FINANCIAL CONSIDERATIONS**

16. Undertaking a Judicial Review would incur costs and potentially, if unsuccessful, may result in the City having to pay the Minister's legal expenses, which may be in the order of \$30,000 - \$40,000.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.1** - To be a community that advocates, facilities and provides quality lifestyles choices.

**Strategy 1.1.1** - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

**Strategy 1.1.3** - Facilitate opportunity to pursue learning.

#### **Priority 1: Kalamunda Cares and Interacts**

**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.

#### **Priority 3: Kalamunda Develops**

**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.

#### **Priority 4: Kalamunda Leads**

**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

18. Retirement living and Aged Care Accommodation is a serious social issue which requires all levels of Government, community and industry to work together collaboratively to find solutions.

### Economic Implications

19. Nil.

### Environmental Implications

20. Nil.

## RISK MANAGEMENT CONSIDERATIONS

21.

**Risk:** The community may not agree with not pursuing a judicial review for Wilkins Roads aged care facility.

Likelihood	Consequence	Rating
Possible	Moderate	Medium

### Action/Strategy

Ensure all senior's networks are provided with the reasons for not pursuing the judicial review.

## OFFICER COMMENT

22.

It is seen as prudent to withdraw from the pursuit of a judicial review given the risk of success is low. Furthermore, lodging another amendment process would not be advisable, at this point in time, given the current government does not support Wilkins Road as a suitable aged care site.

### Voting Requirements: Absolute Majority

## RESOLVED OCM 151/2018

That Council:

1. SUPPORTS the Kalamunda Aged Care Advisory Committee recommendation and withdraws from undertaking a Judicial Review of the Governor's revocation of Metropolitan Region Scheme amendment 1271/41 – Lot 59 Wilkins Road, Kalamunda and does not at this point in time lodge a new amendment process given the current State Government's view on Lot 59 Wilkins Road for aged care.
2. APPOINTS Mr Geof Irvin to a vacancy on the Kalamunda Aged Advisory Committee under the Terms of Reference as a *Community Members who are carers of seniors or people with senior's interests*.

Moved: **Cr Tracy Destree**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/0)**

## **10.4.5 Kalamunda Bushfire Advisory Committee: Recommendations - July 2018**

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

Previous Items	OCM 111/2018
Directorate	Development Services
Business Unit	Community Safety
File Reference	RA-BFC-019
Applicant	N/A
Owner	N/A

Attachments	1. Bush Fire Advisory Committee Minutes 19 July 2018 <b>[10.4.5.1]</b>
	2. File Note - Response to Council Resolution 26 June 2018 (OCM111/2018) <b>[10.4.5.2]</b>
	3. Kalamunda Bush Fire Brigade Officer Group 2018 <b>[10.4.5.3]</b>
	4. City of Kalamunda - Bush Fire Control Officer Appointments 2018/19 <b>[10.4.5.4]</b>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the recommendations of the Kalamunda Bushfire Advisory Committee (BFAC) meeting 19 July 2018. The minutes of the meeting are provided as Attachment 1.
2. As Council will note in the minutes, BFAC made five recommendations to Council regarding the following:
  - a) The outcomes of an investigation (Attachment 2) into the legal and insurance implications of developing a register of volunteer members potentially exposed to Per-and-poly-fluoroalkyl substances, also known as "PFAS/PFOS" compounds contained in aqueous firefighting foam (AAAF);
  - b) The officer appointments to the Kalamunda Bush Fire Brigade (Attachment 3);
  - c) City of Kalamunda Bush Fire Control Officer appointments for 2018/2019 (Attachment 4);
  - d) Updating BFAC's terms of reference (TOR) to align as a Committee of Council under the *Local Government Act 1995*; and
  - e) Funding for the Volunteer Fire and Rescue Services BART (Broadcast. Alert. Respond. Turnout) subscription.
3. It is recommended that Council:
  - a) Notes the findings and recommendations for the establishment of a register of volunteer Bush Fire Brigade members potentially exposed to "PFAS/PFOS" compounds (Attachment 2);
  - b) Approves the creation of a register of volunteer Bush Fire Brigade members potentially exposed to "PFAS/PFOS" compounds;

- c) Approves the officer appointments to the Kalamunda Bush Fire Brigade (Attachment 3);
- d) Approves the City of Kalamunda Bush Fire Control Officer appointments for 2018/2019 (Attachment 4)
- e) Requests the CEO draft a letter from Council to the Commissioner of Fire and Emergency Services lobbying their financial support for the Kalamunda Volunteer Fire and Rescue Services access to BART; and
- f) Requests the CEO review BFAC's TOR to align as a Committee of Council under the *Local Government Act 1995*.

## BACKGROUND

- 4. Council established BFAC under s67 of the *Bush Fires Act 1954* including its TOR. BFAC formulates, for Council's consideration, recommendations on policy and matters relating to bush fire prevention, control and extinguishment.
- 5. Item 2.5 of BFAC's TOR requires BFAC to refer its recommendations to Council.
- 6. BFAC membership comprises two elected representatives appointed by Council and seven other members comprising as follows:
  - a) The Chief Bush Fire Control Officer;
  - b) Deputy Chief Bush Fire Control Officer(s);
  - c) Two representatives from the Bush Fire Brigade;
  - d) Two Officers from the Kalamunda Volunteer Fire and Rescue Service (FRS); and
  - e) State Emergency Service (Kalamunda).
- 7. Council RESOLVED (OCM 111/2018) at the Ordinary Meeting held on 26 June 2018

*That Council:*

*1) APPROVE the Chief Executive Officer to:*

- a) Investigate the legal and insurance implications of developing a register, as it relates to Bush Fire Brigade volunteers that may have had exposure to PFAS/PFOS chemicals in the course of their volunteer duties; and*
- b) Report findings and recommendation by mid-July to BFAC and then to Council.*

- 8. Three City Officers support the administration of BFAC. From time to time additional staff attend depending on the matters that arise.

## DETAILS

9. The following points discussed at the BFAC meeting are brought to Council's attention:
- a) BFAC noted the legal and insurance implications of developing a register, as it relates to volunteers potentially exposed to PFAS/PFOS compounds contained in AAAF (Attachment 2);
  - b) BFAC noted the Kalamunda Volunteer Bush Fire Brigade Officer Group 2018 appointments for the next 12 months;
  - c) BFAC noted the City of Kalamunda Bush Fire Control Officer Appointments for 2018/2019 (Attachment 3);
  - d) BFAC discussed updating its TOR, and noted the following key points in favour of the amendments:
    - i. The main focus of the Committee will remain on bushfire prevention and preparedness.
    - ii. The amendments recognise the broad scope of the Committee's membership.
    - iii. Amendments provide the committee with a direct reporting mechanism to Council on critical matters.
    - iv. Ensures the Committee complies with both the *Local Government Act 1995* and *Bush Fire Act 1954*.
  - e) BFAC discussed the need for ongoing funding for the Volunteer Fire and Rescue Services to maintain their BART subscription.
10. At its meeting on 19 July 2018, BFAC made the following recommendations for consideration by Council:
- a) Council note BFAC has provided in principal support for the establishment of the Bush Fire Advisory Committee under the Local Government Act 1995, while maintaining its legislative mandate under s67 Bush Fire Act 1954.
  - b) Council approves the amending of the terms of reference to reflect this change.  
  

Moved:  
Seconded:  
Vote:

**Tony Moiler**  
**Duncan Reynolds**  
**Carried Unanimously**
  - c) Council write to the Commissioner of Fire and Emergency Services lobbying their support for the Volunteer Fire and Rescue Services to have access BART.  
  

Moved:  
Seconded:  
Vote:

**Steve Lake**  
**Mike Ward**  
**Carried Unanimously**

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Section 67 of the *Bush Fires Act 1954* states:

*A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of cooperation and coordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*

12. Although employment and taxation laws do not classify volunteers as employees because they are not paid workers, the City of Kalamunda still owes its volunteers a general duty of care in relation to the work they perform while under the instructions of the City and its officers.
13. There are additional legal obligations imposed under the *Occupational Safety and Health Act 1984* for the City to provide a safe work environment and safe systems of work.

## **POLICY CONSIDERATIONS**

14. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. Community Safety have consulted with General Counsel and Corporate Services regarding the legal liability and insurance implications associated with the creation and maintenance of a register of volunteers potentially exposed to AFFF.

### **External Referrals**

16. Community Safety has advised the volunteers of the Volunteer Bush Fire Brigade members that volunteers who are experiencing emotional distress regarding potential exposure can access support through the City Employee Assistance Program (EAP), at no incremental cost to the City.
17. Community Safety Services has consulted BFAC member agencies on the proposal to amend the TOR.

## **FINANCIAL CONSIDERATIONS**

18. None identified.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 4: Kalamunda Leads**

**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.

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

## SUSTAINABILITY

### Social Implications

20. Creating and advertising a register will heighten awareness of volunteers of their potential exposure to the PFAS/PFOS, requiring the City to provide additional support for individuals and groups who may raise concerns.
21. Negative publicity surrounding the use of PFAS/PFOS may adversely affect future volunteer numbers within our Bush Fire Brigade Services, although this is a retrospective risk to members, which the City can manage.

### Economic Implications

22. None identified.

### Environmental Implications

23. The reporting of PFAS/PFOS exposure may identify contaminated land associated with the use of the AFFF. Land contaminated by PFAS/PFOS through training activities is reportable under the Contaminated Sites Act (WA) 2003. In contrast, land contaminated by PFAS/PFOS through emergency operations is exempt from the reporting requirements identified by the Contaminated Sites Act (WA) 2003

## RISK MANAGEMENT CONSIDERATIONS

24.	<b>Risk:</b> Financial and legal risks associated with Bush Fire Brigade volunteers seeking compensation and/or damages due to health effects resulting from possible PFAS/PFOS exposure.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Major	Extreme
	<b>Action/Strategy</b>		
	The City undertakes a thorough investigation of the legal and insurance liabilities of creating a register.		

## OFFICER COMMENT

25. The legal and insurance advice received indicates there is a low legal and insurance liability risk to the City through the creation of a register to document volunteers exposed to PFAs/PFOs, provided the City clearly articulate intent for the development and use of the register.
26. The volunteer Bush Fire Brigade presents its officer nominations on an annual basis to BFAC for noting and referral to Council (Attachment 3).
27. The City presents its Bush Fire Control Officer appointments to BFAC annually for noting and referral to Council (Attachment 4).

### Voting Requirements: Absolute Majority

#### RESOLVED OCM 152/2018

That Council:

1. NOTES the findings and recommendations for the establishment of a register of Volunteer Bush Fire Brigade members potentially exposed to Per-and-Poly-fluoroalkyl substances (PFAS/PFOS) compounds (Attachment 2).
2. APPROVES the creation of a register of volunteer Bush Fire Brigade members potentially exposed to "PFAS/PFOS" compounds.
3. APPROVES the officer appointments to the Kalamunda Bush Fire Brigade (Attachment 3).
4. APPROVES the City of Kalamunda Bush Fire Control Officer appointments for 2018/2019 (Attachment 4).
5. REQUESTS the Chief Executive Officer draft a letter from Council to the Commissioner of Fire and Emergency Services lobbying their financial support for the Kalamunda Volunteer Fire and Rescue Services access to Broadcast.Alert.Respond.Turnout.

6. REQUESTS the Chief Executive Officer review the Bushfire Advisory Committee's Terms of Reference to align as a Committee of Council under the *Local Government Act 1995* and to bring the amended Terms of Reference back to Council for consideration.

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (9/0)**

### 10.4.6 Canberra Advocacy October 2018

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	N/A
Owner	N/A
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. To endorse the Mayor and the Chief Executive Officer of the City of Kalamunda's visit to Canberra.
2. The next Federal Election is likely to occur in May 2019 and the City has several significant projects that require funding. The City of Swan are also proposing to travel to Canberra in October 2018. In order to advocate for the dual carriageway along Abernethy Road through to Lloyd Street Road and for the construction of two bridges, it is preferable the advocacy effort is jointly shared. Infrastructure Australia have advised the two projects will have greater chance of federal funding if presented jointly.
3. It is recommended the visit to Canberra be supported during the week commencing Monday 15 October 2018.

#### **BACKGROUND**

4. The City of Kalamunda 's Strategic Plan gives special attention to advocacy activities to address issues of priority that require funding contributions from external sources. The City adopted *Kalamunda Advocates – Advocacy Strategy 2017/2022* in February 2017. Advocacy is a tool to influence the political, social and economic environment to maximise benefits for Council and their communities.
5. The City of Kalamunda Advocacy Strategy aims to attract an increased share of investment to the City by implementing a framework that facilitates consistent, professional and effective advocacy.

#### **DETAILS**

6. Meeting will be sought with key Ministers and Shadow Ministers whose portfolios are across the various projects being targeted for funding through advocacy.

7. The following key projects are listed for Council consideration towards the City of Kalamunda's Advocacy Strategy in 2018:

Projects	Total Cost	Details
Ray Owen Reserve Master Plan	\$18mil	<p>Upgrade to existing regional basketball, netball and football facility requiring:</p> <ul style="list-style-type: none"> <li>• Implementation of the Masterplan to address constraints is estimated at \$18 million</li> <li>• Additional 4 indoor courts and supporting amenities</li> <li>• Lighting on outdoor courts</li> <li>• Increased turf space for cricket and football</li> <li>• Football/Cricket Pavilion Upgrade</li> <li>• Additional parking and pathways</li> <li>• Power and water upgrades</li> <li>• Upgrade to BMX facilities - In progress</li> <li>• Enhanced Bushland Protection.</li> </ul>
Kalamunda Bike Plan	\$17mil	<p>The City has developed a cycle plan that identifies infrastructure improvements that will support cycling and improve safety. Proposed improvements are beyond the capacity of the City to fund:</p> <ol style="list-style-type: none"> <li>1. Railway Heritage Trail - 6.9km of cycling paths and bike boulevards (\$2.0m)</li> <li>2. Kalamunda Town Centre - 5.25km of dedicated cycling lanes and bike boulevards (\$2.91m)</li> <li>3. Kalamunda Road - 6.6km of widening for dedicated cycling lanes (\$1.84m)</li> <li>4. Welshpool Road East - 5.65km of dedicated cycling lanes and treatments (\$3.65m)</li> <li>5. Canning Road - 31.4km of dedicated cycling lanes and rural training routes (\$3.0m)</li> <li>6. Connection to City of Armadale - 9.3km of dedicated cycling lanes (\$4.0m)</li> </ol>
Stirk Park Masterplan	\$3mil	<p>A multi-purpose district level park development staged over 5 years+:</p> <ul style="list-style-type: none"> <li>• Playground upgrades for all ages and abilities</li> <li>• Amenity upgrades essential to meet required standards and maximise usage</li> <li>• Sympathetic management of heritage and nature elements</li> <li>• Enhanced pathway, parking and infrastructure connectivity</li> <li>• Creation of social spaces capable of hosting a variety of events</li> </ul>

Kalamunda Skate Park	\$600,000	The City seeks to build a new skate park in Stirk Park.
Perth Hills Trails Loop/Link Project	\$600,000	Project aims to create a trails loop through enhanced linkage of trails between Kalamunda, Bickley and Pickering Brook, Munda Biddi trail, Kalamunda Circuit and back to Kalamunda Town Centre for various trail users (walkers/cyclists). Second stage of the project aims to link Kalamunda Town Centre to the Mundaring Railway Reserve Heritage Trail.
Forrestfield North - Transit Oriented Development.	\$100mil	<p>The City is seeking a City Deal from the Federal Government to pre-fund development works and repay funds through the Developer Contribution Scheme. This will support the State Government flagship Metronet Projects and create significant jobs and growth in the region.</p> <p>To construct a community hub within the TOD development incorporating a library and other community services.</p>
Forrestfield Woodlupine Brook Living Stream project - Stage 1	\$500,000	<p>A healthy safe brook and park (or nature space) our community enjoys. The City seeks to develop a collaborative living stream exemplar.</p> <p>The benefits will include:</p> <ul style="list-style-type: none"> <li>• Ecological improvement</li> <li>• Water quality improvement (must validate pre and post development measures)</li> <li>• Best practice erosion and sediment control</li> <li>• Valued community place - what is great about it, what could it be Improved landscape amenity and recreational uses</li> <li>• Increase public access</li> </ul>
Woodlupine Community Hub	\$13mil	<p>The City seeks to replace its old outdated community buildings with a centralised all-encompassing community digital hub.</p> <p>Construction of a high-quality community facility to collocate community services across the Foothills such as:</p> <ul style="list-style-type: none"> <li>• Community library</li> <li>• Youth Centre</li> <li>• Seniors Centre</li> <li>• Community groups</li> <li>• Smart technology enabled community rooms</li> <li>• Digital Maker Space</li> <li>• Playgroups</li> </ul>

Water Harvesting Expansion Project	\$1mil	<p>The City is in the process of evaluating the potential of providing an alternative fit for purpose water source for the irrigation of its parks in the hills in environment, where ground water supplies are scarce.</p> <ul style="list-style-type: none"> <li>• The project involves the recovery of the harvesting stored stormwater and piping the water to the hills environment.</li> <li>• Increasing the capacity of the current annual harvested stormwater from 50 million litres to 200 million litres.</li> </ul>
Abernethy Road Upgrade	\$26.5mil	<p>To complete a missing link with in the Gateway WA road system. The project will require an upgrade between Avonside Crescent and Kalamunda Road; requiring:</p> <ul style="list-style-type: none"> <li>• Dual Carriageway construction \$12.0 million</li> <li>• Rail Tunnel extension \$7.7 million</li> <li>• Utility Services relocation \$2.5million</li> <li>• Land Acquisition (provisional sum) \$4.3 million</li> </ul>

8. In relation to the Abernethy Road Upgrade project, the City has been working with the City of Swan to develop a joint advocacy project that will cover both Abernethy Road through to Lloyd Street in Midland. This will provide a key connection through Hazelmere. By joining forces to create a larger cross boundary infrastructure project will increase our chances of funding through Infrastructure Australia.

## STATUTORY AND LEGAL CONSIDERATIONS

9. Nil.

## POLICY CONSIDERATIONS

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

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

11. Nil.

### External Referrals

12. Nil.

## FINANCIAL CONSIDERATIONS

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

Airfare	\$1,800.00
Accommodation (3 nights)	\$2,000.00
Incidentals (\$150 per day)	\$900.00
<b>Total Estimated Cost</b>	<b>\$4,700.00</b>

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

14. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

**Objective 4.2** - To proactively engage and partner for the benefit of community.

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

## SUSTAINABILITY

### Social Implications

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

### Economic Implications

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

### Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

18.	<b>Risk:</b> That Council does not support the Mayor and CEO visiting Canberra.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Alternative opportunities to advocate projects with Federal Government need to be sought.		



**OFFICER COMMENT**

19. The Canberra 2018 Advocacy mission will power relationships in readiness for the forthcoming Federal Election likely to be in May 2019.
20. The electorates of Swan, Hasluck and Canning are all located within the City's boundaries and are all marginal seats.
21. Strong advocacy in the next nine months is important for successful election promises to be secured.
22. Council has the option of adjusting the proposed list of advocacy projects.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 153/2018

That Council:

APPROVES the Mayor, Councillor John Giardina, and the Chief Executive Officer, Rhonda Hardy, visit to Canberra from 15 to 19 October 2018, and that all travel and accommodation costs be borne by the City of Kalamunda.

Moved: **Cr Tracy Destree**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## 10.4.7 City of Kalamunda Submission: Perth Airport Major Development Plan - New Runway

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

*Cr O'Donnell foreshadowed an Alternative Motion. A Councillor proposed a minor amendment to the Alternative Motion. The Mover and Seconder were happy with the amendment. The Officer Recommendation lapsed for want of a Mover and the Alternative Motion was carried.*

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009171
Applicant	N/A
Owner	Perth Airport

Attachments	1. City of Kalamunda Submission Summary Table <b>[10.4.7.1]</b>
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Confidential Attachments	1. Perth Airport Public Submissions Summary Table 2. Submission Redacted <i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i>
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### EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has been invited to provide feedback on the proposed Major Development Plan (MDP) for a new runway at Perth Airport. Submissions for feedback are due 24 August 2018, however, the City has requested an extension to this date, so that Council has an opportunity to consider the submission.
2. The City has assessed the proposal and recommends a number of actions relating to noise and air pollution, traffic management, environmental management and offsets, and strategic planning. Refer to Attachment 1- City of Kalamunda Submission Summary Table for more information.
3. In addition to the City assessment, the City has received 22 submissions from the general public affected by the proposed new runway. The City has compiled these public submissions and will provide them to Perth Airport for consideration as an addendum to the City's submission. Please refer to Confidential Attachment 1 Perth Airport Public Submission Summary Table, and Confidential Attachment 2.
4. Council is recommended to endorse the submission to Perth Airport.

## BACKGROUND

### 5. Locality Plan:



6. **Proposed Perth Airport Site Plan:**



## **DETAILS**

7. Perth Airport is proposing a MDP for the new runway project. The new runway is proposed to be 3km long, 45m wide, consisting of an area of 293ha and is located south-east of the central airport.
8. The application is being advertised for 60 days with submissions closing on the 24 August 2018. The City has requested an extension so that Council has an opportunity to consider the submission.
9. Perth Airport briefed the City's staff and Council about the project in April 2018.
10. The reason for the new runway is that the existing runways have reached capacity. Generally, if an airport has more than 145,000 flights per year a new runway is required. In 2013, Perth Airport accounted for 151,000 flights. Flights are forecasted to reach 172,000 by 2025 and 241,000 by 2045.
11. The timeline for construction and opening, subject to approval, is estimated to be between 2023 and 2028, allowing approximately four years for construction works.

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Perth Airport is located within land under the control of the Commonwealth Government and is not subject to the City's Local Planning Scheme No 3. The City is only able to provide comment on the proposal through a submission during the advertising period.
13. The determining authority for the application is the Federal Government through the Department of Infrastructure, Regional Development and Cities.
14. Development and subdivision applications received by the City which may be affected by activities at Perth Airport are subject to State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport.

## **POLICY CONSIDERATIONS**

15. P-DEV54 - Dual Density Design Guidelines  
During rezoning for Dual Density areas, the City accounted for increased aircraft noise exposure levels (ANEF). Any areas within the proposed future ANEF boundary were removed from the dual density areas so that density was not increased in areas affected by potential future aircraft noise under the ANEF contours.

## ENGAGEMENT REQUIREMENTS

### Internal Referrals

16. The Perth Airport MDP was assessed by the City from an environmental health, planning, engineering and environmental perspective. Please refer Attachment 1 for further details on the key issues raised from the various disciplines.
17. The content of the City's submission was discussed with the Kalamunda Environmental Advisory Committee with key elements associated with offset proposals having been considered and incorporated as part of the submission.

### External Referrals

18. Perth Airport is required to advertise the MDP for a period of 60 business days. The City is not required to advertise the application as they are not the applicant or determining authority. Some unsolicited submissions from the public were received and have been collated and attached as an addendum to this report for review by Perth Airport.
19. The City has also received 22 submissions from the general public affected by the proposed new runway. The City has compiled these public submissions and will provide them to Perth Airport for consideration as an addendum to the City's submission. Please refer to Confidential Attachment 1 and 2 for further details.

## FINANCIAL CONSIDERATIONS

20. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

21. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 4: Kalamunda Leads**

**Objective 4.2** - To proactively engage and partner for the benefit of community.

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



## **SUSTAINABILITY**

### **Social Implications**

22. Areas of High Wycombe, Forrestfield, Wattle Grove and Maida Vale may be affected by the increased flights resulting from the Perth Airport new runway. Aircraft noise may have significant social impacts for the City's residents including the enjoyment of their property due to increased aircraft noise.

### **Economic Implications**

23. The proposed new runway is likely to have a positive impact on WA's economy by increasing the capacity of the airport to facilitate increased aircraft movements from both a passenger and freight perspective.
24. As part of the proposed new runway project, Grogan Road will be closed to all traffic. As such, there will be increased residential and industrial traffic on Abernethy Road and Dundas Road. Road and verge works within the City's boundaries will be required and, once completed, thereafter maintained by the City. Further analysis to ascertain these impacts has been requested of Perth Airport.
25. The City has requested financial contributions for works and road wear resulting from changes to traffic conditions. Relevant road and verge maintenance will be incorporated into the City's current maintenance programs.

### **Environmental Implications**

26. The proposed new runway is located south of Munday Swamp which is a wetland of State and Commonwealth significance.
27. Perth Airport is proposing to clear the following protected flora:
- a) Banksia Woodland;
  - b) Black Cockatoo foraging habitat;
  - c) *Conospermum undulatum* (wavy leaf smokebush); and
  - d) *Macarthuria keigheryi*.
28. The conservation areas identified within the draft Forrestfield North Residential Precinct Local Structure Plan (the LSP) include:
- a) Banksia Woodland;
  - b) Black Cockatoo foraging habitat;
  - c) *Conospermum undulatum* (wavy leaf smokebush); and
  - d) *Isopogon drummondii*.

29. The protected flora proposed to be cleared for construction of the new runway is nearly identical to the protected flora identified for conservation within the LSP. The LSP area is within close proximity to Perth Airport and would be an ideal location for offsets. The City requests Perth Airport to purchase offsets within the LSP area as it achieves mutual benefits between Perth Airport, affected residents and environmental protection requirements by the State and Federal Government.
30. The proposed ANEF contours may affect existing sensitive land uses. The City has identified a number of properties and land uses likely to be affected by aircraft noise exposure. It is recommended that affected properties have independent assessments undertaken to gauge any required noise mitigation measures. Perth Airport is also requested to provide a detailed analysis of these sensitive uses for consideration as part of this process.
31. The City acknowledges that the N65 contour as an alternative, more practical, measure of noise impacts to residents. This was expressed to the City and Council in the Perth Airport presentation on the MDP. The N65 contour identifies areas exposed to flight events likely to increase noise above 65dBa, which is noise that will be loud enough to disrupt a regular conversation. The area of N65 noise contours have increased with noteworthy areas being identified in Lesmurdie, Forrestfield and Wattle Grove. Future land use planning in these areas will need to have regard for these future impacts.

## RISK MANAGEMENT CONSIDERATIONS

32. **Risk:** A submission is not referred to Perth Airport and the community's interests are not properly represented and accounted for.
- | Likelihood  | Consequence | Rating |
|---|-------------|--------|
| Unlikely  | Significant | Medium |
| <b>Action/Strategy</b>  |             |        |
| That Council endorse the City submission with addendum including public comments to refer to Perth Airport. |             |        |
33. **Risk:** Noise mitigation measures are not implemented as recommended by the City.
- | Likelihood   | Consequence | Rating |
|--|-------------|--------|
| Possible   | Significant | High   |
| <b>Action/Strategy</b>   |             |        |
| Ensure mitigations measures are expressed in the City's submission on the MDP. |             |        |



34.	<b>Risk:</b> Areas previously unaffected by noise impacts from Perth Airport start to experience aircraft noise affects.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Almost Certain	Moderate	High
	<b>Action/Strategy</b>		
	Ensure future land use planning takes into account future noise affected areas.		

35.	<b>Risk:</b> The construction of the new runway results in significant clearing of native vegetation.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Almost certain	Significant	Extreme
	<b>Action/Strategy</b>		
	Request that Perth Airport provide offsets within the locality and specifically within Forrestfield North.		

## OFFICER COMMENT

36. In the wider context of the Perth metro area, the City understands the broader benefits of increasing the capacity of domestic and international aircraft movements via Perth Airport but also acknowledges residents may be impacted by construction works and increased road and air traffic. Should the project be approved, Perth Airport is encouraged to consider the City's recommendations and requirements to assist with the transition from the current airport operations to the construction and operation of the new runway.
37. In summary, the City considers the following areas a priority for Perth Airport during the planning, construction, and operating phases of the new runway -
- Appropriate land use planning within the vicinity of Perth Airport and future noise affected areas;
  - The preparation of a Traffic Impact Assessment in accordance with the WAPC Transport Impact Assessment Guidelines to model traffic in the local area;
  - The preparation of a Construction Management Plan and Haulage Management Plan outlining the short-term management of construction traffic;
  - Financial contributions for the cost of road wear or damage caused by increased heavy construction vehicles in accordance with the WALGA User Guide document 'Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks – May 2015/Version No: 1';
  - Localised community engagement regarding long-term management of road closures;

- f) The construction of crossovers and reinstatement of verges where necessary within the City's boundaries in accordance with the City's specifications;
  - g) Noise monitoring for residents and sourcing the funding for noise insulation where appropriate;
  - h) The preparation of a Stormwater Management Plan incorporating careful monitoring of the quality of groundwater and surface water which is hydrologically linked to Munday Swamp and local waterways such as Crumpet Creek, Poison Gully and the Southern Main Drain and Northern Main Drain;
  - i) The appropriate assessment and monitoring of the effect of dewatering and construction works on the quality of ground and surface water with likely risk of permanent contamination / acidification of Munday Swamp from exposed acid sulphate soils, gross or chemical pollutants;
  - j) The opportunity for Perth Airport to purchase offsets within the LSP area for the following reasons:
    - i. The like-for-like nature of vegetation complexes requiring offset,
    - ii. Close proximity of the natural habitat,
    - iii. Limited geographical area on the Swan Coastal Plain that vegetation complexes exist,
    - iv. Availability of the conservation areas identified in Forrestfield North,
    - v. Visual amenity of the buffer between the eastern boundary of Perth Airport and the City of Kalamunda.
38. The City has already taken into consideration the future planning of Perth Airport's new runway through actions such as –
- a) Referral of statutory development applications in close proximity.
  - b) Broader strategic planning through the dual density rezoning.
  - c) Strategic planning in other areas that will be affected by the aircraft noise in the future.
  - d) Traffic reconfiguration and management.
  - e) Attendance at the Perth Airport Coordination Forum which is a stakeholder forum for land use planning in an around Perth Airport.
39. The City will continue to work in partnership with Perth Airport to ensure orderly and proper planning in this area.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. ENDORSES the City of Kalamunda's submission for the Perth Airport Major Development Plan New Runway Project as outlined in Attachment 1 which requests Perth Airport to provide for:
  - a) a Traffic impact Assessment;
  - b) a Construction Management Plan and Haulage Management plan;
  - c) financial contributions for the cost of road wear or damage caused by increased heavy haulage construction vehicles;
  - d) localised community engagement regarding long-term management of road closures;
  - e) construction of appropriate crossovers and reinstatement of the verge where necessary within the City of Kalamunda boundaries;
  - f) independent noise monitoring for existing residents and sourcing the funding of an insulation scheme where appropriate;
  - g) a Stormwater Management Plan and ongoing monitoring of Munday Swamp and associated drainage areas and waterways;
  - h) the purchase of offsets within the Forrestfield North District Structure Plan area;
  - i) a more recent flora and fauna survey to be undertaken to fully understand the impacts to existing native flora and fauna and appropriately ascertain offset requirements; and
  - j) installation of a vegetation buffer on the eastern boundary of Perth Airport to improve amenity and provide for fauna habitat.
2. NOTES the confidential public submissions received by the City of Kalamunda, as outlined in Confidential Attachment 1 and Confidential Attachment 2, be forwarded to Perth Airport as an addendum for consideration.
3. REQUESTS a timely response from Perth Airport on how it proposes to pursue the matters raised in Points 1 and 2 above and further requests that Perth Airport liaise directly with the City of Kalamunda in the ongoing resolution of those matters.
4. REQUESTS the Chief Executive Officer raise the matters in Points 1 and 2 above with the Perth Airport Coordination Forum.

Moved: **LAPSED**

Seconded:

Vote:

## ALTERNATIVE MOTION

### RESOLVED OCM 154/2018

That Council:

1. ENDORSES the City of Kalamunda's submission for the Perth Airport Major Development Plan New Runway Project as outlined in Attachment 1 which requests Perth Airport to provide for:
  - a) a Traffic impact Assessment;
  - b) a Construction Management Plan and Haulage Management plan;
  - c) financial contributions for the cost of road wear or damage caused by increased heavy haulage construction vehicles;
  - d) localised community engagement regarding long-term management of road closures;
  - e) construction of appropriate crossovers and reinstatement of the verge where necessary within the City of Kalamunda boundaries;
  - f) independent noise monitoring for existing residents and sourcing the funding of an insulation scheme where appropriate;
  - g) a Stormwater Management Plan and ongoing monitoring of Munday Swamp and associated drainage areas and waterways;
  - h) the purchase of offsets within the Forrestfield North District Structure Plan area;
  - i) a more recent flora and fauna survey to be undertaken to fully understand the impacts to existing native flora and fauna and appropriately ascertain offset requirements; and
  - j) installation of a vegetation buffer on the eastern boundary of Perth Airport to improve amenity and provide for fauna habitat.
2. NOTES the confidential public submissions received by the City of Kalamunda, as outlined in Confidential Attachment 1 and Confidential Attachment 2, be forwarded to Perth Airport as an addendum for consideration.
3. **REQUESTS Perth Airport give consideration to minimising the use of the new runway during the hours of late evening to early morning, and uses the western most runway during those hours, to minimise the additional noise impacts on the adjoining suburbs to the east.**
4. **REQUESTS that Perth Airport undertake further studies to identify and minimise any health impacts on neighbouring suburbs in relation to the ~~emission of fine particles as a result of~~ aircraft activity emissions.**
5. REQUESTS a timely response from Perth Airport on how it proposes to pursue the matters raised in **Points 1, 2, 3 and 4** above and further requests that Perth Airport liaise directly with the City of Kalamunda in the ongoing resolution of those matters.
6. REQUESTS the Chief Executive Officer raise the matters in **Points 1, 2, 3 and 4** above with the Perth Airport Coordination Forum.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **Rationale**

1. In the context of the location of the proposed new runway, Perth Airport should give consideration to ameliorating noise impacts by utilising the existing run way facilities during the hours of late evening to early morning. This will assist with minimising the additional noise impacts on the adjoining suburbs to the east of Perth Airport and within the City of Kalamunda.
2. Concerns have been raised with me from residents in relation to the health impacts with a particular concern around the emission of fine particles from increased aircraft activity. Perth Airport should give due consideration to this as part of the proposal for the new runway.

## **10.5 Audit & Risk Committee Reports**

### **10.5.1 Adoption of Audit & Risk Committee Reports**

<b>Voting Requirements: Simple Majority</b>
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#### EN BLOC RESOLUTION OCM 155/2018

That recommendations of reports A&R 9.1.1 to 9.1.6 and A&R 14.1.1 inclusive, be adopted by Council en bloc, except for withdrawn Item A&R 9.1.5.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **A&R 9.1.1 City of Kalamunda Risk Profile**

##### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. ENDORSE the Risk Profile (Attachment 1).
2. NOTES the Strategic Risk Register (Attachment 3).
3. NOTES that the Risk Profile will be brought to subsequent Audit & Risk Committee Meetings.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **A&R 9.1.2 Audit & Risk Committee – Appointment of External Member**

#### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. ENDORSES the revised Terms of Reference for the Audit & Risk Committee, **subject to the deletion of the word 'not' in the second sentence under the heading 8, "Meetings", such that sentence shall read meetings will be open meetings in the context of Section 5.23(1) of the *Local Government Act*.** (Attachment 1).
2. REQUESTS the Chief Executive Officer to advertise for the appointment of an external member to the Audit & Risk Committee.
3. ENDORSES the following selection criteria for appointing an external member to the Audit & Risk Committee:
  - a) knowledge and experience in audit and risk management;
  - b) previous experience in participation on audit and risk committees;
  - c) **experience in Audit planning and risk management processes and procedures;**
  - d) **experience in business and financial management;**
  - e) **experience in internal business controls, assurance processes and legislative compliance;**
  - f) **preferably being a Certified Practising Accountant, a member of Institute of Chartered Accountants or equivalent;**
  - g) tertiary qualifications commensurate with understanding audit, risk, Policy and financial reports and information.
  - ~~h) the ability to allocate the necessary time to attend meetings and read documentation prior to the meeting;~~
  - ~~i) how the application addresses a knowledge or skills gap on the Audit & Risk Committee, with consideration given to the balance of the Committee;~~

#### **4. NOTES the withdrawal of the CEO Instruction.**

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **A&R 9.1.3 Sundry Debtor Write-Off Over \$1,000 2017/2018**

#### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. APPROVES the write-off of debts totalling \$1,133 owed by the resident.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **A&R 9.1.4 Review of Tender and Procurement Processes**

#### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. NOTES the observations and recommendations made by Deloitte Risk Advisory Pty Ltd as outlined in Confidential Attachment 1.
2. REQUESTS the Chief Executive Officer provide an update at each Audit & Risk Committee Meeting with regards to the status of implementation of the Deloitte Risk Advisory Pty Ltd Report – *Review of Tender and Procurement Processes* recommendations.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**



### **A&R 9.1.5 City of Kalamunda – Investment Policy**

*A deputation was received from Adele Standeven of 6 Charles Street, Maida Vale, Felix Davison of 5 Basset Place, Lesmurdie and Natasha Bunn of 77 Heath Road, Kalamunda. Ms Standeven, Mr Davison and Ms Bunn all spoke in favour of the Officer Recommendation.*

*A deputation was received from Brian Mollan of 28 Lenori Road, Gooseberry Hill. Mr Mollan spoke in favour of the Officer Recommendation.*

*A deputation was received from Mr Peter Bolden of 55a Snowball Road, Kalamunda. Mr Bolden spoke against the Officer Recommendation.*

*This item was withdrawn for separate consideration as an Alternative Motion was foreshadowed by Cr Destree. Questions asked by Councillors were clarified. A Mover and Seconder were found for the Officer Recommendation; therefore the Alternative Motion was not considered.*

#### **RESOLVED OCM 156/2018**

That Council:

1. ADOPTS the revised Investment of Surplus Fund – Council Policy as per Attachment 1.
2. GIVES preference to financial institutions which do not invest in or finance the fossil fuel industry where:
  - a) the investment is compliant with Council’s Investment Policy with regards to risk diversification and credit rating;
  - b) the investment rate of interest is comparable to Council relative to other similar investments that may be on offer to Council at the time of investment.
3. REQUESTS monthly financial statement and reports include the state of its divestment from fossil fuels.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote:	For	Against
	Cr John Giardina	Cr Michael Fernie
	Cr Allan Morton	Cr Lesley Boyd
	Cr Brooke O'Donnell	Cr Cameron Blair
	Cr Sara Lohmeyer	Cr Dylan O'Connor
	Cr Tracy Destree	

**(Carried 5/4)**

### **A&R 9.1.6 Internal Audit Report July 2018**

#### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. RECEIVES the Internal Audit Report.
2. NOTES that internal audit reports identifying recommendations and management responses will be brought back to the Audit & Risk Committee.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **A&R 14.1.1 Deloitte Project Review Report of the Nardine Close / Ashby Close Tender Procurement Process**

#### EN BLOC RESOLUTION OCM 155/2018

That Council:

1. NOTES the observations and recommendations made by Deloitte Risk Advisory Pty Ltd in their Nardine Close / Ashby Close Upgrade Review report shown as Confidential Attachment 1 to this report.
2. NOTES the actions taken by the City to improve processes and address the recommendations made by Deloitte.
3. **REQUESTS the Chief Executive Officer to develop a council policy of high level expectations for contract and procurement management by November 2018.**

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**11. Motions of Which Previous Notice has been Given**

11.1 Nil.

**12. Questions by Members Without Notice**

**12.1 Questions by Members Without Notice from Previous Meetings**

12.1.1 Cr Destree – Question Taken on Notice from the OCM Minutes 24 July 2018 – 10.5.2 Memorandum of Agreement – City of Kalamunda and Natsales Australia Pty Ltd – Variation to Guidelines – Political Advertising

Cr Destree asked for clarification on risk assessment.

General Counsel provided a response to the Question on Notice as follows:

Assessment of the risk of legal challenge in this matter was considered by General Counsel to be high on the basis that the current judicial position provides authority that the Executive should only seek to fetter the implied freedom of political communication in very limited circumstances. Further, as stated in paragraph 20 of the relevant report, any fetter needs to be properly justified by considerations weightier than the mere temporary look of a local neighbourhood during an election campaign. The risk assessed was based upon a legal challenge being initiated and not necessarily whether such a legal challenge would be successful. This said, as also noted in the report on this item in the risk table under 'action/ strategy', it was not considered unreasonable for Council to remove the political advertising prohibition from the Natsales Agreement, with the limited restrictions recommended.

12.1.2 Cr Fernie – Question Taken on Notice from the OCM Minutes 24 July 2018 – Filtered Water Refill Stations within the Kalamunda Activity Centre Plan and other key locations

Cr Fernie asked if the City had considered filtered water refill stations within the Kalamunda Activity Centre Plan and other key locations?

Director Development Services provided a response to the Question on Notice as follows:

The provision of refill stations will be considered as part of the Kalamunda Activity Centre Plan and specifically the guidelines in relation to future public realm improvements.

12.1.3 Cr Destree – Question Taken on Notice from the PBF Minutes 14 August 2018 – 10.1.4. Proposed Tavern - Lot 1 (21) Haynes Street, Kalamunda

Cr Destree asked when an audit would be taking place on ACROD parking bays across the City?

Director Asset Services provided a response to the Question on Notice as follows:

It is programmed to complete audits and designs during 2018/2019 to inform Council of the costs and implications of bringing the current ACROD bays in public car parks up to current standards.

The audits are already underway (in part) as part of the facility accessibility audits.

Funds for line marking, signage and associated construction will then be requested in the 2019/2020 capital works budget.

12.1.4 Cr Destree – Question Taken on Notice from the PBF Minutes 14 August 2018 – 10.1.4. Proposed Tavern – Lot 1 (21) Haynes Street, Kalamunda

Cr Destree sought clarification on ACROD parking requirements and compliance in regard to this application.

The Manager Approval Services provided a response to the Question on Notice as follows:

The planning application for the Tavern identifies an existing ACROD parking bay located in the basement car parking area. Under the requirements of the Building Code of Australia, the applicant is required to provide one ACROD parking bay per 50 parking bays. Based on the number of car parking bays proposed (21), the applicant has met the requirements of the BCA. An inspection of the property by City Officers revealed the ACROD parking bay has been designed in accordance with the BCA and is accessible to persons with a disability.

12.1.5 Cr O'Connor – Question Taken on Notice from the PBF Minutes 14 August 2018 – 10.1.5. Proposed Outbuilding (Shed) – Lot 16 (28) Davies Crescent, Gooseberry Hill

Cr O'Connor asked if the City is required to advise the new owners of the application?

Director Development Services provided a response to the Question on Notice as follows:

The City is not always privy to the timing of the sale of properties. Referrals are issued to the owners and occupiers of properties based on the latest information available to the City at the time of referral. The City has had communications with the new owner and can confirm that they are aware of the proposal.

**12.2 Questions by Members Without Notice from the Ordinary Council Meeting 28 August 2018**

**12.2.1 Cr Destree – OCM Resolution 119/2018, Publication of Audio Files**

When would this be considered as it was not in the OCM Agenda for August?

Director Corporate Services provided a response as follows:

This report will be included in the September 2018 Ordinary Council Meeting Agenda.

**12.2.2 Cr Destree – OCM Resolutions 118/2018 and 120/2018, Media Communications and Publication of Design Advisory Committee (DAC) Minutes**

When will this be coming to Council?

Director Development Services provided a response as follows:

These have been resourced and are currently being looked into.

**12.2.3 Cr Destree – Design Advisory Committee (DAC) – Scheduled JDAP Meeting of 9 September 2018**

Is it possible for members of JDAP to review the relevant minutes of the DAC prior to the scheduled meeting of 9 September 2018?

Director Development Services provided a response as follows:

The JDAP meeting scheduled for September relates to Valencia Road and is currently before the State Administrative Tribunal (SAT). Matters are currently confidential.

**12.2.4 Cr Fernie – Hummerston Road**

Has the City considered a give-way sign on the corner of Hummerston and Aldersyde Roads?

Director Asset Services provided a response as follows:

The decision lies with Main Roads. If Cr Fernie could forward a request to the City, an assessment review will be made.

**12.2.5 Cr Giardina – Application for Seniors Development of Valencia Road**

Has this Application had gone to SAT?

Director Development Services provided a response as follows:

The City has conducted a preliminary meeting with the State Solicitor's Office in relation to these proceedings and there has been no progress at this stage. The matter is currently with SAT.

12.2.6 Cr Destree – SAT Pachamama

Would a Special Council Meeting be called to resolve this?

Director Development Services provided a response as follows:

There will be discussions with the Mayor and Chief Executive Officer around scheduling a Special Council Meeting. At present, the City is still working through some matters with Government Agencies.

**13. Questions by Members of Which Due Notice has been Given**

13.1 Cr Thomas - Email of 7 August 2018

Ratepayers often say that they were told when they bought their properties that nothing was going to change in their neighbourhood such as rezoning. Does this response come from the City and if a new purchaser asks this, what would be the response from the City?

Director Development Services provided a response to the Question on Notice as follows:

If a landowner queries the development potential of a property with the City, this query is generally responded to by one of the City's Planning Officers. In providing advice, the Planning Officer will have regard to the relevant strategic and statutory planning framework that applies to the subject land.

With regards to future rezoning, the City relies upon information contained in the Western Australian Planning Commission's North East Sub-Regional Planning Framework (2018) and the City's adopted Local Planning Strategy (2013). Advice is provided generally in accordance with these documents.

If members of the community are seeking more detailed information on a particular property they can request preliminary written planning advice from Approval Services as per the attached form\*. The form details what planning information the City can and can't provide advice on, and general guidance around the requisite fee and timeframes for a response.

***\*See tabled document***

**14. Urgent Business Approved by the Presiding Member or by Decision**

- 14.1 The Public Briefing Forum Minutes of 14 August 2018 were confirmed by Council (see Item 6.2 for details) at this time, as a hard copy of the Minutes was not available at the time Council considered Item 6.2 of this Agenda.

**15. Meeting Closed to the Public**

- 15.1 Nil.

**16. Tabled Documents**

- 16.1 Kalamunda Aged Care Advisory Committee Minutes – 1 August 2018.
- 16.2 Bushfire Advisory Committee Minutes – 19 July 2018.
- 16.3 Written Planning Advice Form.
- 16.4 Kalamunda Environmental Advisory Committee Minutes – 2 August 2018.
- 16.5 Letter from Mr Barrie Jones, 25 Sundew Road, Gooseberry Hill – regarding Item 10.1.1 Lot 95 (26) Sundew Road, Gooseberry Hill – Proposed Retaining Limestone Wall.

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:36pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2018.