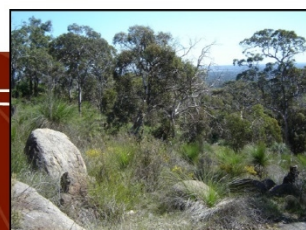


# Ordinary Council Meeting

Agenda for Tuesday 24 July 2018



**city of  
kalamunda**

**NOTICE OF MEETING  
ORDINARY COUNCIL MEETING**

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 24 July 2018 at 6.30pm.**



Rhonda Hardy  
**Chief Executive Officer**  
19 July 2018



## Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

## Aspirational Values

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

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

[www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au)

**city of  
kalamunda**



## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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

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

### Council Chambers – Seating Layout



## **Ordinary Council Meetings – Procedures**

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

## **Acknowledgement of Traditional Owners**

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

## **Emergency Procedures**

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

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

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

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

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**1. Official Opening**

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

- 2.1 Leave of Absence Previously Approved  
Cr Cameron Blair

**3. Public Question Time**

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

**3.1 Questions Taken on Notice at the Ordinary Council Meeting 26 June 2018**

Nil.

**4. Petitions/Deputations**

- 4.1 A deputation will be received from Mr Charles Dornan regarding Item 1.1 Consideration of Feasibility Study – Wattle Grove South.
- 4.2 A deputation will be received from Mrs Bev Dornan regarding Item 1.1 Consideration of Feasibility Study – Wattle Grove South.

**5. Applications for Leave of Absence**

Nil.

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

- 6.1 That the Minutes of the Ordinary Council Meeting held on 12 June 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 12 June 2018."*

- 6.2 That the Minutes of the Public Briefing Forum held on 10 July 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

*"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 10 July 2018."*

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

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

**8.1 10.1.2.1 Submitters Map – Lot 33 (332) Hale Road, Forrestfield**

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

**8.2 10.4.1.1 Result of Public Comment on Inclusion of a Skate Park – Stirk Park Master Plan**

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*.)

**9.2. Disclosure of Interest Affecting Impartiality**

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

**10. Reports to Council**

**10.1. Development Services Reports**

The recommendations of reports 10.1.1 to 10.1.2 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote:

**10.1.1. Consideration of Feasibility Investigation - Wattle Grove South**

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-MRS-024
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. City of Kalamunda - Feasibility Investigation - Wattle Grove <b>[10.1.1.1]</b>
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**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the opportunity to consider the options and recommendations presented by the Wattle Grove South Feasibility Study (the Study) to initiate detailed planning for the Wattle Grove South area.
2. The Feasibility Study presents three boundary options, two land use options and two statutory process options to progress the detailed planning for the area.
3. It is recommended that Council accepts Boundary Option 3, Land Use Option 2 and Statutory Process Option 2 as presented in the Study for the purposes of proceeding with detailed planning for Wattle Grove South.

**BACKGROUND**

4. **Land Details:**

Land Area:	310ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural



5. **Locality Plan:**



6. The Study Area is located within the City of Kalamunda (the City) in the suburb of Wattle Grove and is generally bound by Tonkin Highway to the west, Welshpool Road East to the north, and Kelvin Road, Judith Road, Fontano Road and the City's border with the City of Gosnells to the east.
7. The City's Local Planning Strategy 2010 identifies Wattle Grove as an urban investigation area.
8. The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework (the Framework), adopted in March 2018, identifies the majority of Wattle Grove South as Urban Expansion. An eastern portion of Wattle Grove South is identified as Urban Investigation.
9. The Framework specifies the following key considerations for the 'Urban Investigation' land:
  - a) Geotechnical analysis/land suitability to provide connections to reticulated wastewater services;
  - b) Bushfire risk;
  - c) Protection of significant environmental attributes.
10. In September 2017 the City appointed consultants to undertake the Study.

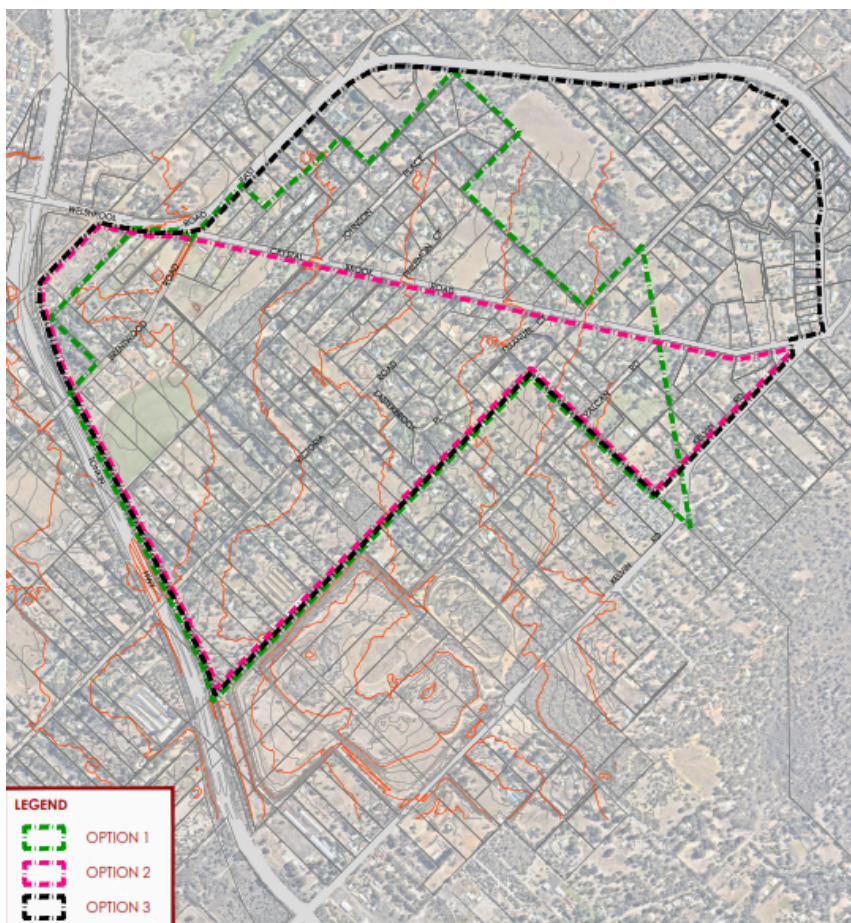
- 11. Since September 2017, the City has been working with the consultants and their team to prepare the Study. The Study has now been finalised and is at a stage where Council can consider the options presented to progress detailed planning for the area.

**DETAILS**

- 12. The purpose of the Study is to determine the optimum location, size, opportunities, constraints and risks involved in progressing the rezoning and planning of the Wattle Grove South area for the purposes of urban development.
- 13. The Study addresses the following key considerations:
  - a) Determine the optimum boundary, size and location of proposed development;
  - b) Identify major elements for consideration to guide urban development;
  - c) Regional Contextual Analysis;
  - d) Local Contextual Analysis;
  - e) Site Analysis;
  - f) Statutory Process Recommendations.

The following information addresses the key elements of the Feasibility Study:

- 14. Site Boundaries  
The Study examined three study area boundaries:



15. **Option 1 (Green boundary):** Boundary as shown on the draft North East Sub-regional Planning Framework.
- a) The site has a total land area of approximately 209ha;
  - b) The 'Urban Expansion' boundary shown on the draft North East Sub-regional Planning Framework was illogical and traversed a number of lots, rather than following specific lot boundaries;
  - c) It is unclear why certain lots were excluded from the 'Urban Expansion' area and why the WAPC determined that the eastern boundary of the area should follow the existing powerline easement.
16. **Option 2 (Pink boundary):** Reduce the 'Urban Expansion' area to include only the land south of Crystal Brook Road.
- a) The site has a total land area of approximately 162ha;
  - b) This option was conceived to create a more logical northern boundary for the study area, being Crystal Brook Road, as opposed to the illogical boundary identified in the draft Framework;
  - c) This option is not considered to be the optimum outcome for the City nor for those landowners for land identified as 'Urban Expansion' under the draft North East Sub-regional Planning Framework located on the north side of Crystal Brook Road;
  - d) Under this approach, a separate planning process will be required, at a future time, to pursue any development of the northern area.
17. **Option 3 (Black boundary):** Extension of the 'Urban Expansion' boundary to Fontano Road and Judith Road (eastern boundary), Welshpool Road (northern boundary), and towards the intersection of Tonkin Highway/Welshpool Road East (western boundary).
- a) The site has a total land area of approximately 310ha;
  - b) The proposed boundary is logical as it is bound by existing roads and is informed by the topographical and environmental characteristics of the site;
  - c) Extending the boundary in this way would also ensure there are no small rural pockets of land excluded from the rezoning for no logical reason;
  - d) The timing of development of the eastern most part of the study area is anticipated to be longer term, however, the notion of residential development being ultimately bound by the Scarp is logical;
  - e) The proposed boundary is consistent with the City's Local Planning Strategy 'Investigation Area' and the recently adopted final North-East Sub-regional Planning Framework.
18. Option 3 is considered to be the optimal study area boundary. The final North East Sub-regional Planning Framework was released on 23 March 2018. This Framework amends the 'Urban Expansion' boundary to the extent that it essentially aligns with Option 3 confirming the suitability of this adopted study area boundary.

19. Surrounding Land Use and Development  
The subject site is situated within close proximity to established and future residential, commercial, Public Open Space (POS) areas and services including:
- a) Residential development within the suburb of Forrestfield, located approximately 2km north of the subject site;
  - b) Beckenham Train Station located approximately 4.5km south west of the subject site;
  - c) Westfield Carousel located approximately 5km south west of the subject site;
  - d) Hartfield Park Recreation Centre located approximately 700m north;
  - e) Lesmurdie National Park located 1.2km to the north east;
  - f) The site is located approximately 6km south of the future Forrestfield Train Station.
20. Development of the site represents the most efficient use of the land given the subject land's strategic location in close proximity to the abovementioned land uses, capitalising from existing infrastructure and services, the future Forrestfield Train Station and nearby major arterial routes (eg. Tonkin Highway and Roe Highway).
21. The subject land abuts the City of Gosnells Maddington Kenwick Strategic Employment Area (MKSEA) a future general industrial/business area. The detailed planning of Wattle Grove South needs to consider how to appropriately address the interface with MKSEA.
22. Environmental  
A desktop review by the environmental consultants identified that remnant vegetation has potential black cockatoo habitat and Forrestfield Complex, which has less than 30% remaining.
23. There are a number of Environmentally Sensitive Areas (ESA) mapped within and adjacent to the current study area. These ESA are associated with known occurrences of threatened / priority flora that occur within and adjacent to the site.
24. The following Declared Rare Flora (DRF) or Threatened Ecological Community has been identified across the site:
- a) *Conospermum undulatum* (Wavy Leaved Smokebush);
  - b) *Isopogon drummondii*;
  - c) *Banksia mimica* (Summer Honeypot);
  - d) *Lasiopetalum glutinosum* subsp. *Glutinosum*;
  - e) *Thelymitra magnifica* (Crystal Brook Sun Orchid).
25. Given the above, site specific flora and vegetation surveys would be required to confirm the presence or absence of these DRF species which would provide a better indication of the land available for development and where future POS areas should be located. Flora and fauna investigations will be required at subsequent stages of the planning and rezoning process.

26. The desktop review has also identified that Bush Forever Site 50, which occurs north of Welshpool Road is mapped as an ESA and includes a 500m buffer that covers a significant portion of the area. This element will require further investigation during more detailed phases of the planning process.
27. Another key environmental consideration is Crystal Brook, which transects the northern portion of study area. Any future development will need to consider appropriate foreshore setbacks, reservation and future management requirements, together with stormwater management and water quality control.
28. Whilst there are a number of key environmental constraints associated with broadening the study area, it may lead to the following significant environmental outcomes for the City and broader community:
- a) Provide the City with an opportunity to identify and prioritise these natural assets for future conservation and protection in the long-term, as opposed to leaving these areas in private ownership;
  - b) Developing and implementing various town planning mechanisms, through scheme provisions and future structure plans that will allow for these areas to be acquired, set aside for conservation and appropriately managed;
  - c) Acknowledging that future urbanisation/intensification of land uses in the current study area will inevitably lead to increased pressure and edge effects on these natural areas if left unmanaged. Inclusion of the broader area can lead to these natural areas also being appropriately managed to ensure potential impacts from future urbanisation are minimised. This can be done through future environmental management plans, community education and/or funding being allocated to provide controlled access and rehabilitation where required.
29. Aboriginal Heritage  
A desktop search has identified two Registered Aboriginal Heritage Sites and one Lodged Aboriginal Heritage Site intersecting the Site, and these are:
- a) Brentwood Road Swamp (No.4343);
  - b) Brentwood Road Quarry (No.342);
  - c) Brentwood Road NW (No.4341).
30. These sites will require further consideration through more detailed phases of the planning process and be managed as part of any future POS or other future reservation.
31. Land Use Buffers  
The site is constrained by generic or imposed buffers on prescribed premises (poultry farms, turf farm and kennels). The opportunity for land development within the site is recommended to be split into two separate land uses. The area to the south of Crystal Brook Road may be more suitable for light industrial development. The area to the north of Crystal Brook Road has the potential to be developed for residential uses. The proposed light industrial uses create a suitable interface between existing uses and future urban areas.

Future more detailed studies will address potential buffer issues as more specific land uses and the urban / industrial layout of the area is progressed and defined.

32. Hydrology

There are several tributaries which traverse the site, as well as a wetland located along the western boundary. A District Water Management Strategy (DWMS) will be required as part of the future District Structure Plan, as well as groundwater monitoring to inform the Local Water Management Strategy (LWMS) and detailed local structure planning process.

33. The key objective of the DWMS will be to demonstrate that the land is capable of supporting the change in land use and is able to achieve appropriate urban water management outcomes.

34. It is recommended that following the Council's decision on the final boundary of the study area, and prior to the MRS Amendment being initiated, a District Structure Plan will need to be prepared with a supporting DWMS being submitted to the Department of Water and Environmental Regulation for approval.

35. Groundwater

Data from the Perth Groundwater Map indicates the groundwater table ranges between 12m Australian Height Datum (AHD) and 17m AHD. Groundwater flows from east to west. The area is not within a Public Drinking Water Source Area.

36. Surface Water

Yule Brook, a major tributary, exists 55m to the north of the site, separated by Welshpool Road East. An un-named minor non-perennial watercourse traverses the northern portion of the site connecting to Yule Brook in the northeast. In addition, another minor perennial watercourse traverses along the boundary in the south-western corner of the site. The site also contains three constructed earth dams and two perennial lakes. A constructed minor drain extends south of Crystal Brook Road to a constructed dam. The site is not within a mapped 100 Year ARI Floodplain Area.

37. Desktop mapping has identified that small portions along the western boundary of the site along Tonkin Highway are mapped as Conservation Category (CCW) and Resource Enhancement wetlands (REW). As such, there is the potential for their associated buffers to impinge on the south-western portion of the site. A buffer distance of 30 – 50m is generally imposed on REWs and a minimum 50m buffer is generally imposed on CCWs. However, as the vegetation within the mapped wetlands and the corresponding buffers does not appear to be intact and has been subject to clearing, it is likely that smaller buffer distances from the wetlands could be negotiated.

38. Alternatively, there is a potential opportunity to reclassify the wetlands within and surrounding the site to increase the developable potential of the site. Site specific surveys would be required to assess the vegetation remaining and the condition of the wetlands. A Wetland and Wetland Buffer Management Plan may be required at subdivision stage.

39. Infrastructure and Servicing

The key existing road and movement features are summarised as follows:

- a) Access to the subject land is currently available via the existing roads of Tonkin Highway (classified as a Primary Regional Road), Welshpool Road East (classified as an Other Regional Road) and Kelvin Road (classified as a local road).

40. The Study Area is reliant on some significant improvements to road connectivity, with consideration needed for the impact of the proposed Welshpool Road East grade separation on the development potential in the western third of the Study Area. Any bridge over the Tonkin Highway will have the following minimum requirements:

- a) Min depth of bridge structure = 1.7 metres;
- b) Min clearance to Tonkin Highway carriageways = 6.5 metres.

41. The cost of the bridge may need to be discussed with the State Government as Main Roads WA may not necessarily take the responsibility of the bridge.

42. Existing Traffic Counts:

- a) Tonkin Highway (South of Welshpool Road East) carries approximately 47,882 vehicles per day;
- b) Welshpool Road East (East of Tonkin Highway) carries approximately 20,314 vehicles per day;
- c) Crystal Brook Road (250m east of Brentwood Road) carries approximately 2,168 vehicles per day.

43. Future development and ultimate trip generation would be subject to detailed proposals at Structure Plan or subdivision stages. A more detailed Transport Assessment of the proposed land uses using WAPC guidelines will need to be completed at the structure planning phase.

44. The Water Corporation has confirmed there are significant water assets which run adjacent to the area inclusive of the Canning Trunk Main, with the Canning Foothills Trunk Main branching off at Hale Road. It is considered that a network of local infrastructure can be planned pending detailed future development yields and road layouts at the Structure Planning stage.

45. The site forms part of a larger area that is planned to be established as a new sewer district in Water Corporation planning, called the Wattle Grove Sewer District. This district is bounded by Bickley Road to the south, Roe Highway to the west, Welshpool Road to the north and the Mundy Regional Park to the east. Long term conceptual planning has been conducted by the Water Corporation with a general layout of infrastructure provided.

46. The current planning is based on the discharge of wastewater from the newly formed Wattle Grove Sewer District to be via a gravity feed to a 900mm diameter wastewater pipe running westward along Bickley Road. This collection sewer currently terminates at the intersection of Bickley Road and Dulwich Street, Beckenham, however this is a long-term ultimate design model.

47. None of these works will be required to commence development within Wattle Grove as the Water Corporation usually allow the development of interim scenarios utilising available capacities in existing systems. The key point with the allowance of this use of existing system capacities are that the design of the overall network must not prejudice the future ultimate network. Therefore, all designs developed will need to consider both the ultimate planning and interim availabilities, with developers who construct interim solutions understanding that the cost for those works will be borne solely by the developer.
48. Long term service planning by the Water Corporation is predicated on the development of the MKSEA area to the west and south-west of the site under investigation, however development has commenced in the MKSEA area without the construction of the ultimate sewer network reinforcing the points made above.
49. The following methodologies need to be considered and negotiated with Water Corporation:
- a) Enter into a Performance Agreement / Tanking Agreement  
Where infrastructure assets are located a long distance from a potential development site, and where the planning for the development of the assets which will connect the site in the future are known and relatively risk-free for the Water Corporation, the Water Corporation can enter into agreements with developers for the tankering of early release stages to allow the developer to fund studies and the extension of infrastructure;
  - b) Developer Constructed Headworks Asset Process  
Landowners have the opportunity to construct works on behalf of the Water Corporation. The Water Corporation has a 5-year Capital Investment Programme (CIP), which is developed in consultation with the land development industry to determine the required timing for major infrastructure. It is understood that the Water Corporation will generally fund wastewater infrastructure works of diameter 450mm or greater for gravity networks. Given the planned network shows a series of 450mm to 900mm-diameter pipes between Brentwood Road (south of Tonkin Highway) and the corner of Bickley Road and Brixton Road there is strong potential for these works being negotiated and agreed under the Water Corporation's future Capital Works Program or being the subject of a detailed pre-fund arrangement;
  - c) Construction of a temporary Pumping Station  
Discussions will be required with Water Corporation for the potential staging sections of the Wattle Grove district with a temporary or private pressure main and pumping station.
50. Existing power services are present nearby and extensions will be undertaken to service the subject land.
51. Wattle Grove South has existing telecommunications assets. There are no NBN rollouts currently planned in this area. NBN Co has a charter to work with local governments and developers, particularly for larger scale developments (+100 lots). In this regard, provision of suitable services can be negotiated.



52. Urban Land Supply and Demand

The WAPC's Perth and Peel at 3.5 million sets a framework for infill development to cater for this projected population increase. Wattle Grove South is identified as an urban expansion area by the North-East Sub-Regional Planning Framework (the Framework). The Framework projects 21,040 additional dwellings by 2050 for the City. The development of Wattle Grove South will contribute towards the City's urban infill requirements. Wattle Grove South's predicted contribution towards urban infill is described further below.

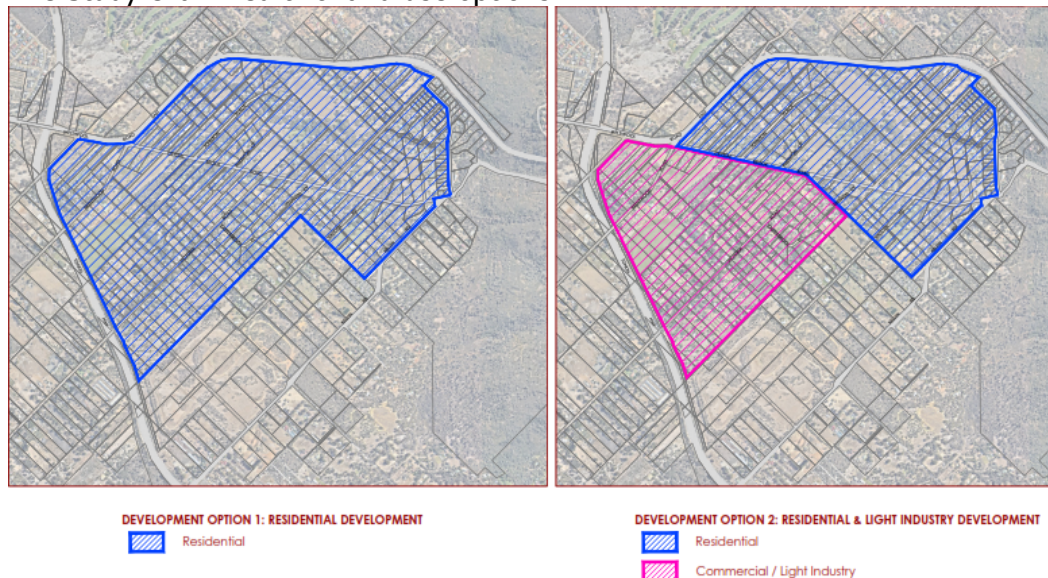
53. Industrial/Commercial Land Supply

The Economic Employment and Lands Strategy (EELS) of the WAPC and City's Local Planning Strategy 2010 identified land bound by Maida Vale Road, Raven Street, Milner Road and Dundas Road to be rezoned to 'Light Industry' to complement existing and proposed industrial areas in Forrestfield and High Wycombe. Following the State Government announcement of the Forrestfield Train Station, the WAPC requested the City prepare a District Structure Plan that reflected new land use opportunities (residential and commercial instead of industrial) in Forrestfield. As such, there is a potential shortfall of industrial land within the City.

54. The proposed Wattle Grove South locality is comparable to Forrestfield in terms of access to major highways and distance from other metropolitan centres. In this regard, it is considered to be a viable location for light industrial uses which addresses the issue of the shortfall of industrial land.

55. Potential Land Uses

The Study examined two land use options:



56. **Option 1: Residential Development**

Under this option, the whole Wattle Grove South area would be concurrently zoned 'Urban' under the Metropolitan Region Scheme (MRS), and 'Urban Development' under the City of Kalamunda Local Planning Scheme No.3 (LPS3) and developed entirely for residential purposes.

57. The development potential of the subject land is calculated based on the following assumptions:
- a) Total land area (excludes existing roads): 292ha;
  - b) 10% POS + 2.5% drainage: 36.5ha;
  - c) 25% roads: 73ha;
  - d) Total developable area: Total land area – (POS and Drainage + Roads) = 182.5ha.
58. The estimated population for the site based on Option 1 is as follows:
- a) Scenario 1 - Average of 15 lots to be developed per hectare and 2.6 persons per lot =
    - i) 2,737.5 lots
    - ii) 7,117.5 persons;
  - b) Scenario 2 – Average of 20 lots to be developed per hectare and 2.6 persons per lot =
    - i) 3,650 lots
    - ii) 9,490 persons;
  - c) Scenario 3 – Developable area to be subdivided at an average of 450m<sup>2</sup> per lot and 2.6 persons per lot =
    - i) 4,055.56 lots
    - ii) 10,544.4 persons.
59. The total projected dwellings and population projections above are based on the assumption that the whole area will be residential. It does not exclude land required for a future commercial uses (neighbourhood centres), community facilities, or any schools (at least 1 primary school site will be required). It also assumes only 10% POS. More land for recreation and conservation may be required pending further environmental analysis.
60. Option 1 is consistent with the North-East Sub-regional Planning Framework; however the 'Medium-Long Term (2022+)' timeframe set out the Frameworks may delay the initiation of an MRS Amendment. Officers of the Department of Planning, Lands & Heritage have indicated that this land may not be suitable for development (given the availability of other zoned land within the Perth Metropolitan Region), until beyond 2022.
61. The Department of Education in 2015 indicated the following:
- a) Primary school sites are provided based on the standard requirement of one site per 1,500-1,800 dwellings for government schools (thus likely two schools required);
  - b) The future school sites would ideally be centrally located to each catchment (potentially one north and one south of Crystal Brook Road);
  - c) No high school site is required due to the study areas being under the population threshold requirement as well as the proximity to Darling Range College.

School site requirements will need to be reviewed in conjunction with the Department of Education during detailed planning.

62. **Option 2: Residential and Industrial Development**  
Under this option, two separate MRS amendments would be submitted, one for the land generally north of Crystal Brook Road, and one for land south of Crystal Brook Road. The MRS amendments will seek concurrent amendments to rezone the land to 'Urban Development' and/or 'Industrial Development' under the Local Planning Scheme.
63. The development potential of the subject land is calculated based on the following assumptions with residential development being located north of Crystal Brook Road:
- a) Total land area (excludes existing roads): 292ha;
  - b) Total residential zoned area: 156ha;
  - c) 10% POS + 2.5% drainage: 19.5ha;
  - d) 25% roads: 39ha;
  - e) Total developable area: Residential Area – (POS and Drainage + Roads) = 97.5ha.
64. The estimated population for the site based on Option 2 is as follows:
- a) Scenario 1 - Average of 15 lots to be developed per hectare and 2.6 persons per lot =
    - i) 1,462.5 lots
    - ii) 3,802.5 persons;
  - b) Scenario 2 – Average of 20 lots to be developed per hectare and 2.6 persons per lot =
    - i) 1,950 lots
    - ii) 5,070 persons;
  - c) Scenario 3 – Developable area to be subdivided at an average of 450m<sup>2</sup> per lot and 2.6 persons per lot =
    - i) 2,166.67 lots
    - ii) 4,333.33 persons.
65. As mentioned previously, the City lost a significant area of future industrial land through the development of a large portion of Forrestfield North for residential purposes. This land was well located adjacent to the Perth Airport, marshalling yards and local highways. There is limited opportunity in other areas of the City for industrial land uses with such a high level of access to services and transport. The City also has limited bulky good/mixed business land use opportunities. The portion of Wattle Grove South to the south of Crystal Brook Road is of a suitable size to provide for a strategic industrial/bulky good/mixed business area.
66. Wattle Grove South is very well located, being in close proximity to:
- a) Perth CBD;
  - b) Perth airport;
  - c) Forrestfield marshalling yards;
  - d) Abutting highways;
  - e) Services and infrastructure.
67. The land use exposure provided by Tonkin Highway is also a key opportunity for light industrial development.

68. Located abutting a major highway and high capacity gas pipeline, being impacted by a poultry farm buffer and being situated in close proximity to services and infrastructure, confirms that the use of the land for light industrial purposes represents an ideal integration with surrounding development.
69. Crystal Brook Road also provides an ideal northern boundary to the industrial precinct, creating a physical buffer between this land use and the future residential development area to the north.
70. It is envisioned that land generally south of Crystal Brook Road will be designated as commercial/light industry zone under the Structure Plan. Whilst land generally north of Crystal Brook Road will be designated for residential development. Option 2 is the recommended option.
71. Statutory Process  
The Study examined two Statutory Process or rezoning options:
72. **Scenario 1: Urban Development Zone**  
Prepare two separate MRS amendments, one for the residential area generally north of Crystal Brook Road and one for the commercial/light industrial area south of Crystal Brook Road. Both MRS Amendments will rezone the subject land from the 'Rural' zone to 'Urban' zone with a concurrent amendment to the City's Local Planning Scheme No.3 (LPS3) to rezone the land from 'Special Rural' to 'Urban Development'.
73. Separate MRS amendment requests are proposed given the feedback received from the DPLH that the 'medium-long term (2022+)' timeframe for residential development will likely delay the initiation, advertising and consideration of the MRS amendment. It is expected that separate amendment processes will ensure that the commercial/light industrial area is not delayed by the 'medium-long term (2022+)' residential timeframe advised by DPLH.
74. **Scenario 2: Urban and Industrial Development Zones**  
Prepare two separate MRS amendments, one for the residential area generally north of Crystal Brook Road and one for the commercial/light industrial area south of Crystal Brook Road.
75. The first MRS Amendment will seek to rezone the southern portion of the study area from the 'Rural' zone to 'Urban' zone, and a concurrent local scheme amendment for land generally south of Crystal Brook Road to 'Industrial Development'.
76. Although the intention is for the site to the South of Crystal Brook Road to be industrial, the light industrial land uses can be applied to an Urban MRS zoning. An example of this is in the Forrestfield/High Wycombe Industrial Area Stage 1.
77. The second Metropolitan Region Scheme (MRS) amendment will seek to rezone a portion of the study area from the 'Rural' zone to 'Urban' zone, and request a concurrent local scheme amendment to rezone land generally north of Crystal Brook Road from 'Special Rural' and 'Rural' to 'Urban Development'.

78. Under LPS3 separate development zones are proposed to give the WAPC and the City increased certainty that the land generally south of Crystal Brook Road will be developed for light industrial/commercial uses, as recommended. The 'Industrial Development' zone will provide for orderly and proper planning through the preparation and adoption of a Structure Plan and allow the City to consider uses in accordance with LPS3. The ultimate preparation of a structure plan and creation of a new zone (through a local planning scheme amendment process) for this area will ensure that heavy and general industrial uses are not permitted.
79. The 'Urban Development' zone will also require the preparation and adoption of a Structure Plan over the proposed residential area. This Structure Plan will facilitate the ultimate subdivision and/or development of land for residential purposes and for commercial and other uses normally associated with residential development.
80. A Scheme Amendment will also need to be prepared to designate the land on the scheme map as a 'Development Contribution Area' and include the area in Schedule 12 – Development Contribution Areas in order to facilitate the creation of a Development Contribution Plan for the area to coordinate infrastructure delivery.
81. Technical Studies  
The following reports/studies will be required to support the rezoning of the site to 'Urban' under the MRS and to 'Urban Development'/'Industrial Development' under LPS3. They will also support the preparation of the strategic District Structure Plan which will include:
- a) Environmental Assessment (including Spring Flora and Fauna Survey);
  - b) District or local water management strategy (groundwater monitoring for two winters);
  - c) Bushfire hazard assessment and management plans;
  - d) Civil Engineering;
  - e) Traffic Engineering;
  - f) Acoustic Assessment;
  - g) Economic/Retail Strategy.

## **STATUTORY AND LEGAL CONSIDERATIONS**

82. If Council accepts to proceed with abovementioned proposed scenarios, the *Planning and Development Act 2005* (the Act) establishes procedures relating the amendments to the MRS. If the WAPC initiates the proposed amendment(s), then ultimately the amendment(s) will be determined by the Minister for Planning.
83. The Act allows for amendments to the MRS to be processed as either 'minor' or 'major' depending on whether they are considered to constitute a substantial alteration to the MRS or not. Whether to lodge the amendment(s) as minor or major will be determined during the preparation of the MRS amendment(s) documentation and in consultation with the DPLH.

84. If Council accepts to proceed with the abovementioned proposed scenarios, the *Planning and Development Act (Local Planning Schemes) Regulations 2015* (the Regulations) establishes procedures relating the amendments to the LPS3. If the City initiates the amendment(s), then ultimately the amendment(s) will need to be approved by Council and then determined by the Minster for Planning.
85. The new Planning Regulations allows for amendments to the LPS3 to be processed as either 'basic', 'standard' or 'complex' depending the significance of the alteration to the LPS3. It is likely that the amendment(s) will be processed as standard due to the following reasons listed under the Regulations:
- a) *'An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
  - b) *An amendment to the scheme so that is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment'*

## **POLICY CONSIDERATIONS**

86. **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.
87. **Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework**  
In March 2018, the WAPC released the final Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks. These documents identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
88. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form, and places a greater emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as 'Urban Expansion' and 'Urban Investigation'.
89. Although the intention is for the site to the South of Crystal Brook Road to be industrial, the light industrial land uses can be applied to an Urban MRS zoning. An example of this is in the Forrestfield/High Wycombe Industrial Area Stage 1.
90. **Liveable Neighbourhoods**  
Liveable Neighbourhoods is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.

91. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.
92. **State Planning Policy 3.1 – Residential Design Codes**  
The Residential Design Codes (R-Codes) apply to any Residential zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.
93. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**  
State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals take into account bushfire protection requirements. SPP 3.7 contains objectives and policy measures relating to strategic planning proposals in designated bushfire prone areas, as well as reference to the Guidelines for Planning in Bushfire Prone Areas.
94. Given the subject site is located within a bushfire prone area, a BMP will need to be prepared.
95. At the stage of subdivision and/or development a BAL Assessment will be required to be lodged.
96. **WAPC Development Control Policy 2.3 Public Open Space in Residential Areas**  
Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10 percent of gross subdivisible area shall be given up free of cost by a subdivider for public open space. During the Local Structure Planning phase at least 10 per cent of the urban cell will need to be identified for public open space.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

97. During the development of the Study, the City ensured the preparation of the Study was assessed from the perspective of the following key development oriented disciplines:
- a) Assets;
  - b) Parks and Environment.
98. During the detailed planning phase there will be greater involvement from the abovementioned internal departments as well as other relevant departments.

### **External Referrals**

99. During the District Structure Planning processes 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* (the Regs) and *Planning and*

*Development Act 2005* establishes the advertising procedures relating to MRS amendments, LPS3 amendments and the preparation of District Structure Plans.

100. Significant community and stakeholder engagement procedures are required before a rezoning under the MRS is determined, this includes hearings for submitters at the WAPC and approval of the rezoning by the WAPC, Minister for Planning and the State's Governor. There is also a requirement for the MRS amendment to be laid before each House of State Parliament.
101. Officers from the City and consultant team met with officers from the Department of Planning Lands and Heritage (DPLH) to discuss the overall planning feasibility of Wattle Grove South. The following key points were discussed:
- a) DPLH officers commented that MRS Amendments/release of urban land should occur in a sequential manner in accordance with Framework's timeframes;
  - b) The timeframes within the Frameworks are not based on constraints such as land assembly/land co-ordination (as assumed by consultants/City). The Department has confirmed it is mostly based on urban land supply and demand;
  - c) Justification will be required to progress an MRS Amendment ahead of the Medium-Long Term (2022+) timeframe, as outlined in the Frameworks document;
  - d) The boundary in the Frameworks could be modified if it is supported by technical studies/merit (it is noted this has now been adjusted);
  - e) Limited feedback was provided on the different boundary options.
102. The City will continue to liaise with the DPLH and other State Government agencies during the detailed planning phase.

## **FINANCIAL CONSIDERATIONS**

103. Costs associated with the preparation of the Study have been met through the Development Services annual budget.
104. A sum of \$300,000 has been included in the 2018/19 budget to complete the following technical reports/studies as recommended by the Study to progress rezoning:
- a) Planning report for concurrent MRS/LPS amendments and technical team coordination;
  - b) Preparation of a District Structure Plan (DSP);
  - c) District Water Management Strategy (DWMS) including monitoring;
  - d) Level 2 Spring flora and vegetation survey;
  - e) Bushfire Management Plan;
  - f) Civil Engineering Services;
  - g) Transport Impact Assessment and Traffic Modelling;
  - h) Acoustic Consultants.



105. In the case of Option 2, industrial properties generally have a higher Gross Rental Value than residential properties and as such may, in the longer term, increase the City's financial capacity.
106. The following information provides an estimated rate return of the two development scenarios:

Scenario	Lot Breakdown	Rates at \$ per m2	Total Annual Rates
1	4056 Residential lots (approx. 450m2 per lot)	Residential = \$2.11m2	\$3,859,811.20
2	2167 Residential lots (approx. 450m2 per lot)  100 Industrial lots (approx. 1ha per lot)	Residential = \$2.11m2  Industrial = \$3.11m2	\$5,167,392.20

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

107. *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

108. The detailed planning will facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability and a potential broader demographic for the City.
109. A key consideration is ensuring the appropriate interface with any land identified for industrial, as well as major roads and constrained land such as poultry farms. The detailed planning will identify solutions to deal with any land use conflicts.
110. As part of detailed planning, POS and community infrastructure will need to be identified which will provide the community with high quality amenity as well as health, recreational and organised sports benefits.

### **Economic Implications**

111. The Study has identified opportunities for residential and industrial development which would represent a significant development opportunity within the City. Increased levels of development as a consequence of further detailed planning will result in more jobs within the building and construction industry.
112. In the scenario where land is identified for light industrial, businesses would be able to be locate in Wattle Grove South and potentially result in more jobs.

### **Environmental Implications**

113. A desktop review by the environmental consultants identified that there are a number of significant environmental considerations in the Study Area. These considerations include:
- a) Potential black cockatoo habitat;
  - b) Forrestfield habitat complex (which has less than 30% remaining);
  - c) Declared Rare Flora (DRF) and Threatened Ecological Communities have been identified in the area;
  - d) Mapped Environmentally Sensitive Area (ESA) - Bush Forever Site 50;
  - e) Crystal Brook;
  - f) The site is constrained by generic or imposed buffers on prescribed premises (poultry farms, turf farm and kennels).
114. Whilst, there are a number of key environmental constraints associated with broadening the study area, it may lead to the following significant environmental outcomes for the City:
- a) Provide the City with an opportunity to identify and prioritise these natural assets for future conservation and protection in the long-term, as opposed to leaving these areas in private property;
  - b) Developing and implementing various town planning mechanisms, through scheme provisions and future structure plans that will allow for these areas to be acquired, set aside for conservation and appropriately managed;
  - c) Acknowledging that future urbanisation of the current study area will inevitably lead to increased pressure and edge effects on these natural areas if left unmanaged, inclusion of the broader area can lead to these natural areas also being appropriately managed to ensure potential impacts from future urbanisation are minimised. This can be done through future environmental management plans, community education and/or funding being allocated to provide controlled access and rehabilitation where required.
115. The above environmental considerations will be addressed during the detailed planning stage.

**RISK MANAGEMENT CONSIDERATIONS**

116.	<b>Risk:</b> Council decides not to proceed with detailed planning, which in turn may lead to an under supply of urban and industrial land within the City.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	The detailed planning process enables further investigations into the appropriate land use and density mix for the site. It is recommended Council initiate this process to determine the appropriate land use mix.		
	<b>Risk:</b> Landowners do not agree with the recommendations of the Study.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	The detailed planning process will include opportunities for community consultation and formalised public advertising periods to address the landowner views and opinions.		
	<b>Risk:</b> The shortage of industrial land and employment leads to residents moving outside of the City for employment.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	The detailed planning process will include economic and employment studies which will identify the demand for industrial land for the site and inform subsequent decisions.		
	<b>Risk:</b> Environmental constraints impact the development potential of the area.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	The detailed planning process includes environmental studies which will identify constraints and mitigating measure that will ensure significant environmental values are retained.		

**OFFICER COMMENT**

117. The WAPC’s North-East Sub-Regional Planning Framework identified Wattle Grove South as an area to be investigated for the purposes of future urban development. The draft Framework identified approximately 196ha of land for ‘Urban Expansion’. The final adopted Framework includes an expanded development area, with land shown as both ‘Urban Expansion’ and ‘Urban Investigation’ totalling approximately 300ha.

118. Despite the site being identified as urban expansion, it should be noted that land zoned light industry or industrial development can be allocated under an Urban MRS zoning. An example of this already occurring in the City is the Forrestfield/High Wycombe Stage 1 Industrial Area.
119. The purpose of the Study was to determine the optimum location, size, opportunities, constraints and risks involved in progressing the rezoning and planning of the Wattle Grove South area for the purposes of urban development.
120. The development of Wattle Grove South will require a number of technical matters to be addressed through detailed stages of planning and the progression of the statutory process (i.e. environmental, traffic and water management studies). It is apparent that the Wattle Grove South area is of strategic significance to the City and State Government because of its ability to provide employment for existing and future populations and diversifying land use opportunities within the City.
121. The information provided by the Study demonstrates that development at Wattle Grove South is feasible and it is considered appropriate to progress detailed planning through the preparation of a strategic District Structure Plan to support MRS and LPS3 amendments. It is recommended that Council accepts the Study and its recommendations.

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

That Council:

1. NOTES the Wattle Grove South Feasibility Study, as outlined in Attachment 1.
2. SUPPORTS continuing with the next phases of planning based on the following recommended options:
  - a) Boundary: Option 3 - Extension of the 'Urban Expansion' boundary to Fontano Road & Judith Road (eastern boundary), Welshpool Road (northern boundary), and towards the intersection of Tonkin Highway/Welshpool Road East (western boundary), as outlined in Attachment 1;
  - b) Land Use: Option 2 - Residential and Industrial Development, as outlined in Attachment 1; and
  - c) Statutory Process: Scenario 2 - Urban and Industrial Development Zones, as outlined in Attachment 1.

## 10.1.2. Lot 33 (332) Hale Road - Proposed Change of Use Shop to Restaurant and Use Not Listed (Small Bar)

*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	DA18/0138 & HL-01/332
Applicant	Edge Mining Corporation Pty Ltd
Owner	Wattle Grove Properties Pty Ltd
Attachments	<ol style="list-style-type: none"> <li>1. Development Plans [<b>10.1.2.1</b>]</li> <li>2. Signage Plans [<b>10.1.2.2</b>]</li> <li>3. Submitters Table [<b>10.1.2.3</b>]</li> <li>4. Additional Information Applicant [<b>10.1.2.4</b>]</li> </ol>
Confidential Attachment	<ol style="list-style-type: none"> <li>1. Submitters Map</li> </ol> <p><u>Reason for Confidentiality:</u> <i>Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person"</i></p>

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a proposal for a change of use from a 'Shop' to 'Restaurant' and 'Use not Listed' (Small Bar) with related Signage at Tenancy 1, Lot 33 (332) Hale Road, Wattle Grove (the Subject Site) referred to as Luxe Tapas and Sports Bar.
2. A total of 15 submissions were received, comprising 10 objections, four non-objections and one submission. The principal concerns raised were as follows:
  - a) Proximity to the child care centre;
  - b) The effect on young families in the area;
  - c) Proximity to residential properties and anti-social behaviour;
  - d) Concern about noise at night.
3. It is recommended Council approve the proposal subject to appropriate conditions.

### BACKGROUND

4.	<b>Land Details:</b>	
	Land Area:	10,623m <sup>2</sup>
	Local Planning Scheme Zone:	Urban Development
	Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



## DETAILS

10. The applicant is seeking approval for change of use from 'Shop' to 'Restaurant' and Use not Listed (Small Bar) and associated signage on site. No external works are proposed for the existing building. Refer Attachment 1 Development Plans.
11. The development proposes to utilise the existing building with an entrance doorway to a seating area including a kitchen, food store and bar counter area located to the rear. Toilet facilities are located to the rear left hand side and a nominated play area for small children is located in the central section adjoining the kitchen wall in view of most of the seating areas.
12. The development proposes to utilise a portion of the 114 car parking bays on site associated with the original development. No additional parking is to be provided.
13. The proposed hours of operation are Monday to Wednesday and Sundays 10:00am to 10:30pm, Thursday 10:00am to 11:00pm, Friday and Saturday 10:00am to 12:00pm midnight.
14. Live 'Sunday session' style music entertainment will be held between 12:00pm noon to 6:00pm on Sundays.
15. The proposal is described as a family friendly restaurant and bar with occasional live music performances and the provision of American style tapas and pub style meals. The proposal incorporates an estimated 120 people maximum at any one time including staff.
16. The applicant is applying for a Section 39 & Section 40 liquor license via the relevant government agency and has advised that a restaurant license and bar license has also been applied for, primarily so patrons can stand at tables with beverages. A restaurant license restricts patrons to remaining seated whilst drinking. The primary use is intended to be a seated restaurant and a food menu will be readily available at all times. It is anticipated sports will play on the TV during daytime hours to attract patrons and no TAB facilities are proposed.
17. Part of the seating area can be partitioned off for private functions, and there is a play area enclosed with a fence and gate provided for small children.
18. An illuminated signage box approximately 700mm x 1700mm is proposed to the front entrance of the tenancy, as well as an insert into the existing Wattle Grove Shopping Centre pylon sign that is 3096mm x 753mm. The applicant is also proposing logo stickers on the windows and doors, and white frosted glass to a maximum of 1m from the floor level.
19. Waste disposal is to occur in a skip bin to the rear of the adjoining 7/Eleven drive-through area.

## STATUTORY AND LEGAL CONSIDERATIONS

### 20. **Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)**

In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires that Council give due regard to a number of matters, including:

- a) The compatibility of the development within its settings;
- b) Amenity of the locality;
- c) The amount of traffic to be generated by the proposed development, particularly in relation to the capacity of the road system and effect upon traffic flow and safety;
- d) Any relevant submissions received on the application.

### 21. **Local Planning Scheme No.3 (LPS3)**

The site is zoned Urban Development under the provisions of the Scheme. Under Clause 4.2.1 of the Scheme, the objectives of the Urban development zone are as follows:

- *'To provide orderly and proper planning through the preparation and adopted of a Structure Plan setting the overall design principles for the area.'*
- *'To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.'*

22. In accordance with the adopted Wattle Grove Cell 9 Local Structure Plan the Subject Site is identified as Commercial. Under Clause 4.2.3 of the Scheme, the objectives of a commercial zone are:

- *'To serve the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural. Medical and other health related services.'*
- *'To ensure that development is designed to be compatible with nearby uses and zones particularly Residential zones.'*

23. The applicant is seeking a change of use from Shop to Restaurant and Use not Listed (small bar). In accordance with clause 4.4.1 of the Scheme, where a specific use is mentioned in the zoning table it is deemed to be excluded from the general terms used to describe any other use.

24. In accordance with clause 4.4.2 of the Scheme where a land use is not specifically listed (such as small bar) the local government may determine that the use is consistent with the objectives of a particular zone and is therefore permitted.



25. With respect to the provision of car parking, the applicant proposes to utilise the existing 114 car bays provided as part of the original commercial development of the site. This number was calculated on the basis of a shop use at five bays per 100m<sup>2</sup> of NLA. The applicant is seeking approval for a restaurant and small bar which have different parking standards.
26. Noting the above, the Scheme parking ratio required for a restaurant use is one parking bay for every four persons to be accommodated including staff. Based on the maximum stated patronage of the restaurant and small bar of 120 people the parking requirement specific to the proposal is 30 bays. The parking requirement for the previous use of shop was 15 car bays. On this basis there is a technical shortfall of 15 car parking bays.
27. In accordance with clause 5.7.3 of the Scheme local government may vary the parking requirements as specified in Table 3 of the Scheme where it is considered reciprocal parking may apply. With respect to reciprocal parking, consideration should be given to the following:
- a) *The nature of the proposed development in relation to the existing or future development of land within the immediate vicinity of the subject land;*
  - b) *The hours of operation of the intended use and abutting land uses; and*
  - c) *Any such matters as the local government considers relevant, including any legal agreements between affected landowners.*

## **POLICY CONSIDERATIONS**

28. **P-DEV 41 Framework for assessing requests for variations to the number of car parks.**

The Policy provides guidance for proponents and the City when considering requests for a reduction in the number of car parking bays prescribed under Table 3 of the Scheme.

20. **P-DEV 42 Signage on Private Property**

Part 3.1 of the Policy relates to advertising signage and outlines standards including but not limited to the following:

- a) Location must not be beyond the property boundary, block pedestrian or vehicle sightlines;
- b) The height must be at have 2.75m clearance above ground level;
- c) The light intensity should be a low level and not cause nuisance;
- d) The signage is not to cause flashing, pulsing or flickering effects so as not to distract drivers or cause nuisance. Part 3.5 specifically relates to the requirements for illuminated signage.

In addition, Part 3.5 – Illuminated Signs of the Policy applies:

- a) Constructed of incombustible material;
- b) Have electrical installation constructed in accordance with the S.A.A Code 3000-1976;
- c) Be maintained to operate as an illuminated sign;

- d) Not cause annoyance to the public;
- e) Not flash, rotate as to cause a distraction to drivers.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

29. The application has been assessed by the City from an Environmental Health and Building code perspective where the following points were noted:
- a) It is acknowledged that residential properties are within 50m of the site and may be affected by noise from live music events. It is recommended that a condition be applied requiring a detailed noise assessment in relation to the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City of Kalamunda prior to commencement of development;
  - b) The applicant is also advised that the food premises must comply with the *Food Act 2008* and Food Standards Code;
  - c) The toilet facilities provided are acceptable and the applicant is advised that the proposal is required to demonstrate compliance with AS1428.1 for disability access both internal and external to the tenancy.

### **External Referrals**

30. The application did not require referral to external agencies for comment.
31. The proposal was advertised from 19 April 2018 until 3 May 2018 in accordance with P-DEV 45 Public Notification of Planning Proposals, to landowners within a 100m radius of the site. A notification was posted on the website, and a sign was erected in the window of the premises. The proposal was also advertised on the City's social media platform.
32. The application was advertised to affected landowners and 15 submissions were received comprising 10 objections, four non-objections and one submission which could not be opened (refer Attachment 3 – Submitters Table for more information). It is noted that three objections were lodged from a single property, and two other objections were also lodged from a single property.

In summary reasons for objection included:

- a) Proximity to the child care centre;
- b) The effect on young families in the area;
- c) Proximity to residential properties and anti-social behaviour;
- d) Concern about noise at night.

In summary reasons for support included:

- a) The proposal would be of great community benefit;
- b) The proposal would offer a place for social interaction and local involvement;
- c) The proposal is welcomed and supported.

## FINANCIAL CONSIDERATIONS

33. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

34. *Kalamunda Advancing Strategic Community Plan to 2027*

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

**Objective 3.3** - To develop and enhance the City's economy.

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

## SUSTAINABILITY

### Social Implications

35. As a destination point the proposal will attract a greater number of residents to the area and provide opportunities for social interaction and live entertainment for the community.
36. It is acknowledged, that the potential for drunk or disorderly behaviour associated with patrons attending the bar does exist, which may affect nearby residents within walking distance of the shopping centre. Management of patron behaviour will be the responsibility of the owners.

### Economic Implications

37. The proposal will increase commercial tenancies in the area and contribute to a night time economy.

### Environmental Implications

38. The proposal may have noise implications for nearby residential properties relating to the live music events on Sundays and night time activity. The applicant will be required to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

**RISK MANAGEMENT CONSIDERATIONS**

39.	<p><b>Risk:</b> Increased unmanaged noise causes mental and physical distress to surrounding residential properties.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Likely</td> <td>Moderate</td> <td>High</td> </tr> </tbody> </table> <p><b>Action/Strategy</b> The applicant will be required to submit a detailed noise assessment in relation to the <i>Environmental Protection (Noise) Regulations 1997</i> to the satisfaction of the City of Kalamunda prior to commencing the development. Where impacts may exceed acceptable levels, the applicant will be required to prepare noise mitigation plan to the City for approval.</p>	Likelihood	Consequence	Rating	Likely	Moderate	High
Likelihood	Consequence	Rating					
Likely	Moderate	High					
40.	<p><b>Risk:</b> Patrons cause anti-social behavior and reduce safety in the vicinity during opening hours.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </tbody> </table> <p><b>Action/Strategy</b> During night time hours increasing the number of visitors to the site is anticipated to increase safety, particularly as staff will be present to manage behavior and will be last to leave the facility so are able to take action regarding anti-social activity.  During daytime hours a greater number of people are expected to be visiting the site for other retail tenancies and the risk of anti-social behavior is therefore lessened.</p>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
41.	<p><b>Risk:</b> Refusal of the application causes economic loss to the commercial centre.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </tbody> </table> <p><b>Action/Strategy</b> Ensure the planning rationale and merit of the proposal is properly explained in the planning report.</p>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					

**OFFICER COMMENT**

42. The application for a change of use from a 'Shop' to 'Restaurant' and 'Use Not Listed' (Small bar) on the subject site, is considered consistent with the objectives of the Urban Development zone and the intent of the Wattle Grove Cell 9 Local Structure Plan in providing for commercial activities on the subject site.

43. It is noted that the applicant is proposing Live "Sunday Session" style music entertainment between 12.00pm to 6pm on Sunday's. It would be open to the applicant to conduct these sessions outside the stated time subject to compliance with the Noise Regulations.
44. The City acknowledges the parking required for a restaurant is 30 bays whereas for a shop use requires 15 bays. With respect to the shortfall and having regard to clause 5.7.3 of the Scheme, it is noted that the nature of the different shops, and other land use activities, i.e. child care premises, presently operating will have differing hours of operation, principally during the daylight hours, whilst patrons to the proposed restaurant and small bar are likely to peak during evening hours. On this basis, the shortfall in parking is considered acceptable given the opportunity for reciprocal parking likely to occur on the site.
45. Furthermore, two bus stops are located at either end of the shopping complex where the premises are located. Nearby local residents are also anticipated to walk to the premises where practical.
46. The existing development on the subject site provides for a total of 114 car parking bays, including 4 ACROD BAYS for people with disabilities. The Building Code of Australia only specifies the number and design of the ACROD bays and not the location of them. It is difficult to foreshadow the most appropriate location for ACROD bays as part of a broader commercial development because the nature of the tenancies is unknown at the time the development proposal is assessed.
47. With regard to the existing vehicle access arrangements approved as part of the existing commercial development on the subject site, a full turning movement is provided to Hale Road, with secondary internal access via the property at 338 Hale Road. In support of the traffic movement arrangements, the applicant of the initial development provided a Traffic Impact Assessment (TIA). The TIA estimated that the development would generate 212 vehicles in the peak hour (5pm-6pm). Given the peak operating periods of the restaurant, there may be an increase in the number of vehicles during this peak hour, however this would not be significant enough to constitute a re-design of the access arrangements for the site.
48. The design submitted and previously accepted by the City met all relevant design and safety standards for the purposes of the development. It should be noted that the eastern access to the subject site from for 338 Hale Road will be improved once the future Hale Road upgrade is completed.

49. With regard to community objections the following comment is provided:
- a) **Antisocial Behaviour** – it is acknowledged that the potential for antisocial behaviour associated with the consumption of alcohol on the premises does exist. However, the extent to which this is managed is the responsibility of the owners and ultimately the Police if necessary. In considering this issue, it should be noted that the applicant is proposing a family friendly operation, which should lessen the potential for such behaviour. The demographic within the locality is also generally characterised by families with children.
  - b) **Noise** - Whilst noise from patrons and live music is a factor, live music from noon-6pm on Sunday is restricted by virtue of the Noise Regulations and is unlikely to affect regular sleeping patterns for nearby residential properties. The applicant has confirmed noise during any other hours will be ambient background music or from the sports on the TV, which is considered reasonable. The opening hours are considered appropriate given the nature of the development.
  - c) **Parking** - With a maximum capacity of 120 people the parking required was found to be 30 bays. The existing number of car parking bays onsite is 114 bays and is considered reciprocal between all tenancies. The City acknowledges other tenancies have daylight opening hours while patrons to the proposed restaurant and small bar are likely to peak during evening hours. In this case the number of car parking bays provided is considered sufficient.
50. Noting the above, it is recommended the application be supported subject to appropriate conditions.

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

That Council:

1. APPROVES the proposed Change of Use from Shop to Restaurant and Use Not Listed (Small Bar) at Lot 33 (332) Hale Road, Forrestfield subject to the following conditions:
  - a) The proposal, subject of this approval shall be carried out only in accordance with the terms of this approval and any approved plan. If the development is not substantially commenced within a period of two years from the date of this approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval from the City of Kalamunda.
  - b) The development shall be connected to reticulated sewer.
  - c) The applicant is required to engage an appropriately qualified acoustic consultant (such as a member of the Australian Acoustical Society or the Association of Australian Acoustical Consultants) to undertake a detailed noise assessment in relation to the *Environmental Protection (Noise) Regulations 1997* to the

satisfaction of the City of Kalamunda prior to commencing the development. Where such an assessment finds the proposal fails to meet the legislative limits the proponent must submit a noise mitigation plan for approval of the City of Kalamunda prior to commencing the development.

- d) The hours of operation shall be limited to Monday to Wednesday and Sundays 10am to 10.30pm, Thursday 10am to 11pm, Friday and Saturday 10am to 12 midnight.
- e) The total number of visitors to the tenancy one (T1) premises, including staff, shall not exceed 120 individuals at any one time.
- f) Illuminated signage is to be constructed in accordance with P-DEV 42 Signage on Private Property, Part 3.1 Standards and Part 3.5- Illuminated Signage, and thereafter maintained to the satisfaction of the City of Kalamunda.

## **10.2. Asset Services Reports**

### **10.2.1. Drainage Asset Management Plan 2018**

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

Previous Items	OCM 130/2012, OCM 157/2016, OCM 79/2017, OCM 125/2017, OCM 140/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A

Attachments 1. Drainage Asset Management Plan Rev 1.3 **[10.2.1.1]**

#### **EXECUTIVE SUMMARY**

1. To consider endorsement of the City of Kalamunda Drainage Asset Management Plan 2018 (Drainage AMP) and set the objective of maintaining the current funding levels for renewals.
2. This Drainage AMP is an update of the set of asset management plans prepared in 2013 and identifies 86 basins, 15,708 pits and 220 km of drains. The drainage assets are valued at \$87.59 million, which includes a management valuation of 44% of drain assets not yet collected.
3. This report recommends endorsement of the City of Kalamunda Drainage Asset Management Plan 2018 and retention of the current average funding level for drainage assets renewals.

#### **BACKGROUND**

4. The City produced its first asset management plan for drainage in 2013. Subsequently in 2016 the Asset Management Council Policy was revised, and a number of internal processes improved, resulting in a revised Asset Management Strategy, new Pathways and Parks Asset Management Plans (adopted in 2017) and this proposed new Drainage AMP.

#### **DETAILS**

5. The Drainage AMP covers the following subjects:
  - a) Current Status of Assets;
  - b) Levels of Service;
  - c) Life Cycle Management;
  - d) Risk Management;
  - e) Future Demand;
  - f) Financial Summary;
  - g) Improvements, Monitoring and Review.



6. The current status of assets identifies 86 Basins, 15,708 Pits and 220 kilometres of Drains (56% of Drains asset data collected to date).
7. The average condition rating of drainage assets is reported in three categories as listed below, with the average condition in brackets:
  - a) Drains (1.9);
  - b) Pits (2.5);
  - c) Basins (1.7).
8. Visual condition inspections of drainage assets have not yet been undertaken. The condition rating of drainage assets is based on age using the percentage of the total remaining useful life of the asset. This is a satisfactory method of assigning condition rating as the life of drainage assets is in excess of 80 years. The City now needs to undertake detailed visual condition inspections and condition rating using a sampling methodology.
9. "Levels of Service" is a phrase used in asset management to reflect the service the assets provide to the community. The City conducted community consultation in 2018 to understand the expectations of asset levels of service. Three quarters of respondents agreed that the City's drainage assets are working to an acceptable level. In a 2016 Community Satisfaction Survey, 87% of respondents stated that they are satisfied with the service provided by the City's stormwater drainage.
10. The section of the Drainage AMP on Future Demand addresses the growth in population, developments, and the impact of climate change on drainage assets. The plan recommends the preparation of a comprehensive Stormwater Management Plan (SWMP) to estimate future asset requirements.
11. The Financial Summary section of the Drainage AMP addresses fair value, key performance indicators, current funding levels, funding gap analysis and funding scenarios is presented later in the Plan. Due to the need to complete the data collection and condition ratings of Drains assets, the continuation of the current average funding level of \$628,000 per year for drainage asset renewals is the recommended action. This may result in a reduction in the overall average condition rating over ten years, from 2.46 to 3.07. Once the data collection is complete, the Drainage AMP can be updated with new funding scenarios.
12. The Drainage AMP will be reviewed again in three years. During this period the drainage data and the associated practices will be improved, with the following objectives:
  - a) Complete the asset register by collecting and mapping all City Drains and conducting visual condition ratings for a representative sample of drainage assets (2018/2019 and 2019/2020);
  - b) Develop a Stormwater Management Plan (2019/2020);
  - c) Develop a Stormwater Maintenance Management Plan based on asset criticality, risk and maintenance service levels (2019/2020);
  - d) Add drainage assets containing asbestos to the asbestos register (2019/2020).

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

14. The Drainage AMP is prepared in support of the Asset Management Policy, (AS-01) and Asset Management Strategy 2017-2021.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. The draft Drainage AMP was reviewed by the Asset Management Steering Committee prior to finalising this report.

### **External Referrals**

16. Asset Management Plans are informed by a "levels of service" process which is the result of a community consultation process. The consultation undertaken to provide direction to the Drainage AMP was through the 2016 Community Satisfaction Survey and the Asset Level of Service Community Consultation 2018 as per the requirements of the City's Asset Management Strategy 2017-2021.

## **FINANCIAL CONSIDERATIONS**

17. The City currently forecasts a total average annual amount of \$628,000 for capital expenditure on drainage assets renewals.
18. Financial modelling of the drainage asset conditions has identified that the City has the options of either improving the average condition or maintaining it at the current level. The recommended scenario is to maintain the current level of drainage renewal funding, which will result in the assets being renewed when they reach a 'Very Poor' condition. Drainage assets are considered long life assets with an expected useful life of more than 80 years.
19. Notable renewal funding needs in 2018/2019 include:
- a) \$760,000 for channel and pond improvements in Stirk Park;
  - b) \$225,000 for Booligal Street drainage pipe renewal and upgrade.
20. The Drainage AMP also includes three financial ratios, being the Asset Consumption Ratio, the Asset Sustainability Ratio, and the Asset Renewal Funding Ratio.

21. The Asset Consumption Ratio has been determined as 0.20, while the desired is 0.50 or greater. A score of 0.50 means that the assets are half depreciated (consumed), and this is a reasonable objective. This ratio is low due to the method of depreciating assets that was used in the last comprehensive valuation in 2015. The effect of the method used (reducing balance consumption curve) is to depreciate assets at higher rate when the condition (service potential) of assets is high. This methodology is being reviewed as part of the 2018 Infrastructure Revaluation.
22. The Asset Sustainability Ratio is 0.58 and is desired to be 0.90 or greater. The ratio is calculated for the 2018–2028 period using the current LTFP renewal budgets for asset renewals and annual depreciation from the 2015 asset valuation. This ratio has an inherent bias as it only measures the next ten years of renewals, whereas the depreciation value reflects the entire life of the assets (80 years for pipes, for example). The City's age matrix shows many assets have a much longer expected remaining useful life than ten years. As the Drainage AMP is reviewed every three years, this measure will be updated with new condition information.
23. The Asset Renewal Funding ratio is 0.70 and is desired to be between 0.75 and 0.95. The ratio is calculated for the 2018-2028 period using the current LTFP renewal budgets and the funding required to maintain the current average drainage network condition. The renewal cost excludes any asset upgrades. Based on the confidence level of current data and 44% of drain assets not yet collected it is proposed to maintain funding for drainage assets at current levels. As the Drainage AMP is reviewed every three years, this measure will be updated with new condition information.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

24. *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 3: Kalamunda Develops**  
**Objective 3.2** - To connect community to quality amenities.  
**Strategy 3.2.1** - Optimal management of all assets.

## **SUSTAINABILITY**

### **Social Implications**

25. Maintaining stormwater drainage assets at an acceptable level, including improvements in stormwater management practices, will assist in minimising the potential risk of flooding events to properties.

### **Economic Implications**

26. There are no direct economic implications arising from the Drainage AMP.

**Environmental Implications**

- 27. As management practices for stormwater drainage improve, there will be improvements in water quality to natural water courses, and better controls for mosquitoes.

**RISK MANAGEMENT CONSIDERATIONS**

28.	<b>Risk:</b> The Drainage AMP fails to meet its objectives.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/Strategy</b>		
	Ensure asset management activities continue in line with national practices. Continue to collect data, improve practices, and seek funding for renewals and engaging with the community on levels of service.		

**OFFICER COMMENT**

- 29. The Drainage AMP is presented in a format that is consistent with contemporary asset management practices across Australia and New Zealand.
- 30. The financial modelling that identified the average condition rating and funding requirements, is considered an 'Intermediate' level practice in terms of asset management maturity.
- 31. As the recent 2018 Levels of Service Consultation and 2016 Customer Satisfaction Survey indicates a positive perception of drainage assets, it is recommended that the average condition of the drainage assets be maintained at current levels and no additional funding is required.
- 32. Through the scenario modelling process, the Drainage AMP provides ten year funding options, and assists in the development of appropriate drainage assets renewal programs.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. ENDORSES the Drainage Asset Management Plan 2018 and sets the objective of maintaining the funding for drainage asset renewals at current levels.

### 10.3. Corporate Services Reports

#### 10.3.1. Rates Debtors Report for the Period Ended 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	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachments 1. Rates Report June 2018 [10.3.1.1]

#### 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 has collected \$35.03 million (95.77%) in rates as at 30 June 2018.
3. It is recommended that Council receive the Rates Debtors report for the month of June 2018 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issued on 11 July 2017 with the following payment options available:

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

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$37,076,673. As at 30 June, a total of \$35,028,663 has been collected. This represents a collection rate of 95.77% which is slightly lower than the 97.25% collected at the same time in the 2016/2017 Financial Year.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/2018 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.
7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
  - a) A Smarter Way to Pay – with approximately 765 ratepayers signed up. This represents a 32% increase from the previous year;

- b) eRates – there are 2,234 properties signed up for email delivery, compared to 1,953 in the previous year. This represents a 14% increase in this service and 9% of the rates database;
  - c) BPay View – approximately 865 ratepayers have signed up for this service. Last year a total of 638 had signed up, representing a 36% increase in this service.
8. It is expected that eRates and BPay view registrations will increase again in the period to the next rates due date as incentive prizes are drawn for accounts that have signed up to the electronic delivery options.
9. Interim Rating processing commenced in October 2017 and was concluded in May 2018. While mostly focused on processing changes made to values last financial year or making changes to values from the revaluation, almost \$250,000 has been raised in new charges.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in training and process improvements. Throughout the month of June 2018, the Rates department handled 1,124 calls with a total call time of over 50 hours.

## **DETAILS**

11. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and these accounts have been the focus in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation, estates in probate or already pending legal action.
12. The City began debt collection in November 2017 with final notices sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Final Notices were due for payment no later than 8 December 2017 with an extension given until 15 January 2018 for arrangements and payment delays.
13. In February 2018, the City undertook a review of all accounts that have been sent a Final Notice. Those accounts that remain outstanding without a Direct Debit in place were sent a Letter of Demand by the City's debt collection firm. The Letters of Demand were issued by Milton Graham Lawyers (now Commercial Litigation and Insolvency Lawyers) in mid March 2018 and allowed two weeks for payment to be finalised or an arrangement to be entered into.
14. A review of the remaining properties was undertaken in May 2018 and legal action ordered on properties where it has been deemed necessary in accordance with the Debt Recovery Policy. Debts for 167 properties have been sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. Overdue balances total \$740,577 and individual balances range from \$2,000 to \$24,000.

Further action will be taken on individual accounts in the 2018/2019 year as part of the debt collection process. Further action may include Property Seizure and Sales Orders being issued. Council will be notified of any potential land sales if these are implemented.

## **STATUTORY AND LEGAL CONSIDERATIONS**

15. 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**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

18. 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**

19. The early raising of rates in July 2018 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**

20. *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.

## **SUSTAINABILITY**

### **Social Implications**

21. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.

22. The City has introduced “a smarter way to pay” to help ease the financial hardship to its customers. This has proved very effective with a growing number of accounts taking advantage of this option.

**Economic Implications**

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

**Environmental Implications**

24. 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**

25.	<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**

26. The City’s debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/2017 financial year and a slightly lower collection rate at 95.77% for the current 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**

**RECOMMENDATION**

That Council:

1. RECEIVES the rates debtors report for the period ended 30 June 2018 (Attachment 1).



### 10.3.2. Monthly Financial Statement to 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	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	1. Statement of Financial Activity 30 June 2018 <b>[10.3.2.1]</b>
	2. Statement of Net Current Funding Position 30 June 2018 <b>[10.3.2.2]</b>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the year ended June 2018.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the year's performance against the budget adopted by the Council on 27 March 2018 after the mid-year budget review.
3. The City's Financial Statements as at 30 June 2018 demonstrate the City has managed its budget and financial resources effectively.
4. It is recommended that Council receives the Monthly Statutory Financial Statements for the year ended to 30 June 2018, which comprise:
  - a) Statement of Financial Activity (Nature or Type) for the year ended 30 June 2018;
  - b) Statement of Financial Activity (Statutory Reporting Program) for the year ended 30 June 2018; and
  - c) Net Current Funding Position, note to financial report as of 30 June 2018.

#### BACKGROUND

5. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2016/17.
7. The draft report provided 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 categories and depreciation;

- c) Provisions for staff leave entitlements have not been finalised;
- d) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
- e) June 2018 Overhead allocations have not been finalised and under/over recoveries on allocation accounts are yet to be finalised;
- f) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
- g) Audit adjustments are awaiting final audit by the External Auditors, Grant Thornton.

## **DETAILS**

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

## **FINANCIAL COMMENTARY**

### Statement of Financial Activity by Nature and Type for the year ended 30 June 2018

9. This Statement reveals a net result surplus of \$3,534,859 compared to budget for the same period of \$3,177,210.

### **Operating Revenue**

10. Total Revenue excluding rates is over budget by \$1,346,623. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$892,186 the variance is mainly attributable to \$1,238,343 payment of financial assistance general and roads grant 2018/19 1<sup>st</sup> quarter in June 2018;
  - b) Fees and Charges are over budget by \$577,086, which is due to recovery of incorrect skip bin charges incurred in 2016/2017;
  - c) Interest Income is under budget by \$138,679. The variance is due to the lower interest rates than forecast;
  - d) Other Revenue is under budget by \$16,752. This is mainly due to the lower than projected revenue from fines and enforcements.

### **Operating Expenditure**

11. Total expenses are under budget by \$3,691,417. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$241,868 which is primarily due to vacant positions not filled, pending year end provisioning for annual and long service leave and a final adjustment invoice for worker's compensation from LGIS. It is expected that these adjustments will line up with the budget.

- b) Materials and Contracts is under budget by \$1,314,774. This is mainly attributed to:
  - i. Consultancy costs being under budget by \$504,099 related to non-recurrent projects including the Forrestfield North Project and revaluation of infrastructure assets for 2017/2018;
  - ii. Fire mitigation program costs are under budget by \$288,598. This is a timing issue and significant works are being planned for the winter season.
- c) Utilities are under budget by \$254,078 of which; \$172,106 relates to street lighting which is lower than projected.
- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$493,154. During the 2016/17-year end audit review it was observed that the depreciation rates applied for infrastructure assets were lower than the actual consumption rate. For 2017/18 the actual depreciation is estimated based on the 2016/17 end of the year depreciation. The effect of the depreciation rates was adjusted during the mid-year review and the variance is due to a timing issue and will be resolved with year-end final movements.
- e) Interest expense is under budget by \$117,395. The variance is due to the pending year end final interest accruals.
- f) Insurance expense is over budget by \$17,775. The variance is within the reporting threshold.
- g) Other expenditure is under budget by \$1,253,131. The variance is due to the fact that land acquisition for Forrestfield Industrial Area Stage 1 was not undertaken, despite a budget provision for the land acquisition.
- h) Loss on disposal of Assets is under budget by \$34,792. The loss on disposal of fixed assets has been lower than the projected loss.

## **INVESTING ACTIVITIES**

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

- 12. The non-operating grants and contributions are under budget by \$591,166. This is mainly attributable to lower than expected Capital grants being received by the City.

### **Capital Expenditures**

- 13. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work In Progress) is under budget by \$6,861,752. A large part of this has now been identified as a carry forward for the new budget 2018/19. The funds are placed in the appropriate reserves in June to allow for the works to continue into the new year.
- 14. Capital work-in-progress monies spend of \$1,998,885, 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**

15. The amounts attributable to financing activities shows a variance of \$10,052,209 which is mainly reserve movements. More details of the reserve movements are given under note 26 of this report.

## **Rates Revenues**

16. Rates generation is under budget with a current variance of \$1,425,300. It is estimated that this variance will reduce by around \$750,000 once year end adjustment are complete.

It should be noted that due to the misalignment of the valuations provided by Landgate (valuations as of 1 August 2015 which were applied by the City for its 2017/18 rates generation), many property owners have successfully objected to the valuations and, as a result of that, the interim rates revenue projected at \$334,950 will most likely not be met. As of June 30, \$248,000 has been billed for interim and back rates.

The impact on 2018/19 rates yield has been factored in when reviewing the rates scenarios and budgeting for the following financial year.

### Statement of Financial Activity by Program for the year ended 30 June 2018

17. Generally, each Program is within the accepted budget except for 'Other Property & Services', 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 10 to 17 above.

### Statement of Net Current Funding Position as at 30 June 2018

18. The commentary on the net current funding position is based on comparison of the June 2018 to the June 2017 actuals.
19. Net Current Assets (Current Assets less Current Liabilities) total to \$18.7 million. The restricted cash position is \$18.2 million which is lower than the previous period's balance of \$18.8 million. This is mainly attributed to the transfers from reserves in the long service leave reserve and the Forrestfield Industrial Area Scheme Stage 1 reserve.
20. Unrestricted cash has decreased by \$3 million when compared with the balance at June 2017 mainly as a result of the increased capital expenditure and higher receivables.
21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.2 million. The City has commenced legal action on default rates amounts due in June 2018.
- The rates balance increased by \$0.8 million from last year which reflects increases in rates generation.
22. Sundry debtors have increased from \$253,433 to \$469,760, of which \$390,499 consists of current debt due within 30 days.

23. Receivables Other represents \$1.4 million including:
- a) Emergency Service Levy receivables \$0.3 million;
  - b) Receivables sanitation \$0.4 million;
  - c) GST purchases \$0.4 million.
24. Provisions for annual and long service leave have decreased by \$229,594 to \$3.1 million when compared to the previous year. Annual leave and long service final provision calculations are pending for 2017/18.
25. Restricted Reserves have decreased from \$18.8 million to \$18.2 million when compared to June 2017. The decrease is due to the following:
- a) Long service leave reserve decreased by \$0.6 million;
  - b) Forrestfield Industrial Area Scheme Stage 1 reserve has decreased by \$0.7 million. With commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements;
  - c) Unexpended capital works reserve decreased by \$0.6 million;
  - d) Waste management reserve has increased by \$0.6 million;
  - e) Waste avoidance and resource recovery reserve increased by \$0.6 million.

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

26. 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**

27. Nil.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

##### **Internal Referrals**

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

##### **External Referrals**

29. As noted in point 27 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

#### **FINANCIAL CONSIDERATIONS**

30. 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

31. *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

32. Nil.

### Economic Implications

33. Nil.

### Environmental Implications

34. Nil.

## RISK MANAGEMENT CONSIDERATIONS

35.

<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

36. The City's Financial Statements as at 30 June 2018 demonstrate the City has managed its budget and financial resources effectively.

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

That Council:

1. RECEIVES the Monthly Statutory Financial Statements for the year ended to 30 June 2018, which comprises:
  - a) Statement of Financial Activity (Nature and Type) for the year ended 30 June 2018;
  - b) Statement of Financial Activity (Statutory Reporting Program) for the year ended 30 June 2018;
  - c) Net Current Funding Position, note to financial report as of 30 June 2018.

### 10.3.3. Debtors and Creditors Report for the Period Ended 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	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachments	1. Creditors payment for the month ending 30 June 2018 <b>[10.3.3.1]</b>
	2. Summary of Debtors for the month of June 2018 <b>[10.3.3.2]</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 June 2018 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. The Debtors Report provides Council with outstanding debtors for the month of June 2018.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in June 2018 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*;
  - b) receive the outstanding debtors report for the month of June 2018.

#### BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of June 2018 there were no abnormal overdue debtors that demanded special attention.
5. For the End of the Financial Year operational purposes the creditors' subsidiary ledger will be open till 20 July 2018. As a result, the outstanding creditor's payment list for the month of June 2018 will not be available until after the creditor ledger close off date.
6. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on payments made from Municipal Fund and Trust Fund must occur monthly.



## **DETAILS**

### **Debtors**

7. Sundry debtors as of 30 June 2018 were \$469,760 of which \$390,499 was made up of current debts and \$2,943 unallocated credits (excess or overpayments).
8. Invoices over 30 days total \$37,582, debts of significance are:
  - a) Water Corporation, \$16,089, Hazard Reduction Burns;
  - b) Kalamunda District Rugby Union Club, \$7,830, Player Fees;
  - c) WA Christian Football Club, \$6,720, Player Fees;
  - d) Howard Ginbey, \$2,500, Planning Fees;
  - e) Red Ink Homes, \$1,732, Replacement Verge Tree; and
  - f) Kalamunda & District Netball, \$1,009, Utility Expenses.
9. Invoices over 60 days total \$11,788, debts of significance are:
  - a) Zig Zag Gymnastics, \$2,923, Hall Hire;
  - b) Kalamunda District Rugby Union Club \$2,368, Utility Expenses;
  - c) Foothills Information and Referral Service, \$1,456, Utility Expenses;
  - d) Forrestfield Sisdac, \$1,445, Hall Hire; and
  - e) Forrestfield Cricket Club, \$1,047, Electricity Expenses.
10. Invoices over 90 days total \$32,833, debts of significance are:
  - a) Kalamunda Club, \$17,263, Loan instalment – request received for deferral from the Club;
  - b) Zig Zag Gymnastics, \$5,862, Hall Hire; management of debt – discussions and reviews underway;
  - c) Hills District Callisthenics, \$2,951, Hall Hire;
  - d) Evolution Cheer & Dance, \$2,673, Hall Hire - making regular payments and debt is reducing;
  - e) Keith Mortimer, \$1,133, Replacement Street Tree - Council paper has been included in Audit & Risk Committee Agenda scheduled on 31 July 2018 to write off the debt.

### **Creditors**

11. Payments totalling \$5,628,881.22 were made during the month June 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency Services Levy – 4 <sup>th</sup> quarter payment	626,099.14
Australian Tax Office	PAYG payments	400,275.78
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	378,500.89
Asphaltech Pty Ltd	Road materials – Supply and lay asphalt - various locations	373,839.85
Syrinx Environmental P/L *	Woodlupine living stream upgrade – stage 2 civil works and landscaping.	338,660.72
Cleanaway	Waste, recycling and bulk bin disposal service fees	279,218.91
WA Local Government Superannuation Plan	Superannuation contributions	194,669.69
BE Projects (WA) Pty Ltd	Construction of hockey club room facilities – Hartfield Park, Forrestfield – progress payment	167,272.86
LGIS Workcare Scheme	Performance based adjustment – WCI as calculated on claims experience.	156,014.10
Kennedys Tree Services	Tree removal / pruning at various locations	137,866.85
Synergy	Power Charges – various locations	125,361.55
Safeway Building and Renovations Pty Ltd	Pickering Brook Sports Club – roofing renewal	96,221.40
Tom Stoddart Pty Ltd	Supply of bus stops – various	91,167.60
All Earth Group Pty Ltd	Disposal of road sweepings, gully education soils & mixed waste materials.	85,629.28
Green Planet Grass	Conversion of one turf grassed bowling green to sand filed synthetic bowling green – Forrestfield Bowls Club – Progress payment	79,002.00
Stabilised Pavements of Australia Pty Ltd	Supply and install cement stabilising on Foxton BLVD, High Wycombe	73,626.52
Midway Ford (WA)	Supply of two new vehicles and plant parts	59,237.06

These payments total \$ 3,662,664.20 and represent 65% 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 June 2018.

## Payroll

13. Salaries are paid in fortnightly cycles. A total of \$1,187,697.77 was paid in net salaries for the month June 2018.
14. Details are provided in (Attachment 1) after the creditor's payment listing.

## Trust Account Payments

15. 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;
  - e) Unclaimed Monies.
16. The following payments (GST exclusive) were made from the Trust Accounts in the month of June 2018.

BCITF Levy		Amount (\$)
Date	Description	
5/6/2018	Building and Construction Industry Training fund levy May 2018.	12,797.64
CELL 9		Amount (\$)
Date	Description	
28/6/2018	City of Kalamunda – reimbursement of staff costs incurred for project management	49,956.00
25/6/2018	A Proud Landmark Pty Ltd - Truck watering at Hale Road / Wimbridge Road roundabout	900.00
25/6/2018	Syrinx Environmental Pty Ltd - Woodlupine living stream upgrade stage 2 Civil and Landscaping Works	307,873.38
25/6/2018	Benara Nurseries - Woodlupine Brook - Living Stream Enhancement Stage 2 Works	2,929.33
25/6/2018	McKay Earthmoving Pty Ltd - Hire of plant and labour for clearing Lots 7,31 and 32 Hale Road Project	6,148.50
25/6/2018	Plant Force Investments P/L T/A Plantrite	36,624.20
BRB Levy		Amount (\$)
Date	Description	
6/6/2018	Building Services (Licenses) Levy – May 2018	12,844.69
30/6/2018	Building Services (Licenses) Levy – June 2018	11,105.16
Unclaimed Monies		Amount (\$)
Date	Description	
6/6/2018	BPAY error located from 14/8/2017 and receipted to rates assessment number A198217	1,093.74

## **STATUTORY AND LEGAL CONSIDERATIONS**

17. 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 Chief Executive Officer (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.
18. On 26 June 2017, Council resolved to adopt the City's current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**). The previous review of the register was completed 25 May 2015.
19. Delegation FMR1 – *'Payments from Municipal and Trust Funds'* of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
20. 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.
21. This report is prepared in accordance with the requirements of Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA).

## **POLICY CONSIDERATIONS**

22. The City is bound by CEO Instruction - Debt Collection S-FIN02.

## **CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

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

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *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

27. Nil.

### Economic Implications

28. Nil.

### Environmental Implications

29. Nil.

## RISK MANAGEMENT CONSIDERATIONS

### Debtors

30.

<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

31.

<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**

32. Creditor payments for June 2018 are in the normal range in line with trend expenditure.

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

**RECOMMENDATION**

That Council:

1. RECEIVES the list of payments made from the Municipal Accounts in June 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 June 2018 as noted in point 16 above in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
3. RECEIVES the outstanding debtors report (Attachments 2) for the month of June 2018.

### 10.3.4. Proposed Permanent Road Closure - Portions of Setosa Drive, Forrestfield

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	155243; ST-21/GEN
Applicant	Rowe Group
Owner	State of Western Australia
Attachments	1. Subdivision Approval Western Australian Planning Commission (WAPC) Ref. 155243 <b>[10.3.4.1]</b> 2. Letter from Rowe Group dated 17 November 2017 <b>[10.3.4.2]</b>

#### EXECUTIVE SUMMARY

1. The purpose of this Report is to consider a request to permanently close portions of Setosa Drive, Forrestfield.
2. This is necessary in order to facilitate subdivision forming part of the Hales development.
3. It is recommended that Council support the request to close portions of Setosa Drive, subject to conditions.

#### BACKGROUND

4. **Locality Plan:**



5. The proposed road closure is required to facilitate a subdivision that forms part of the Hales development. A copy of subdivision approval Western Australian Planning Commission (WAPC) Ref. 155243 is attached as Attachment 1.

## **DETAILS**

6. The Rowe Group acts on behalf of Satterley Property Group (SPG) in respect of their landholding comprising Lot 9003 Gala Way, The Hales, Forrestfield (Lot 9003).
7. On 17 November 2017, the Rowe Group wrote to the City requesting that the City initiate:
  - a) the excision of a 744-square metre portion of Reserve 37650 to be dedicated as road reserve to facilitate the future subdivision of lots as part of the Hales development;
  - b) the closure of portions of Setosa Drive to be amalgamated with Lot 9003 and incorporated into proposed lots subject to subdivision approval WAPC Ref. 155243.

A copy of the Rowe Group's 17 November 2017 letter is attached as Attachment 2.

8. The following plans are attached to the Rowe Group's 17 November 2017 letter:
  - a) Proposed Crown Subdivision and Road Closures Crown Reserve 37650 & Setosa Drive Forrestfield;
  - b) Modified Plan of Subdivision;
  - c) Local Structure Plan.
9. The City wrote to the Rowe Group on 28 February 2018 advising that it was unable to support the proposed excision and dedication, as the City would lose part of its public open space without compensation. Further, if the relevant portion of Reserve 37650 was dedicated as road, the landowner, SPG, would not need to use part of its freehold land for the purposes of road reserve and would therefore benefit from having additional land to use for the creation of residential lots. The City is unable to support a proposal whereby SPG would obtain the commercial benefit of additional developable area at no cost. This position is consistent with advice received from the Lands Division of the Department of Planning, Lands & Heritage.
10. Although the City is unable to support the proposed excision and dedication, the City advised the Rowe Group that it is willing to support SPG purchasing the 744-square metre portion of Reserve 37650 from the State of Western Australia at market value and amalgamating that portion of land into its freehold land, pursuant to s. 87 of the *Land Administration Act 1997* (WA). Once the relevant land has been amalgamated into SPG's freehold, SPG could then proceed to dedicate that portion of land on the plan of subdivision.
11. The City further advised SPG that the City would proceed to advertise the proposed road closure.



## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Section 58 of the *Land Administration Act 1997* relates to permanent road closures.
13. Section 58(1)-(3) states as follows:

### **58. Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

## **POLICY CONSIDERATIONS**

14. The City's Asset Management Policy (C-AS-01) states that "*As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council.*"
15. A review of the portion of road reserve proposed to be closed indicates that it is surplus to the future requirements of the road network in light of subdivision approval WAPC Ref. 155243. Further, if the road closure does not occur, the proposed subdivision will create an irregularly shaped lot.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. The City has assessed the request and has no objection to the proposed road closure, subject to the subdivision development approval conditions applying to development of this lot, that is, identification and protection of significant vegetation, landscaping to the City's satisfaction, dual use path provided.
17. The City has no objection to the proposed road closure and does not require any conditions to be imposed.

## External Referrals

18. The proposal was advertised in the Hills Gazette on 23 March 2018, the Kalamunda Reporter on 27 March 2018, the Echo Newspaper on 7 April 2018 and on the City's website. Comments closed on 1 May 2018. No public submissions were received.
19. The proposal was also referred to the service authorities for comment.
20. Telstra's plant records indicate that there are Telstra assets in the vicinity. Subject to compliance with Telstra's standard conditions, Telstra has no objection to the proposed closure.
21. ATCO Gas operates medium pressure gas mains within the opposite side road reserve of Setosa Drive. ATCO Gas has no objection to the proposal.
22. Western Power does not have any objection to the proposal but would appreciate being kept informed of developments.
23. Water Corporation has no objection to the proposed closure.

## FINANCIAL CONSIDERATIONS

24. The applicant should be required to meet all costs of the proposal, including the cost of any easements and service relocations required by the service authorities.

## 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 proposal will not have any social or lifestyle impacts on residents.

### Economic Implications

27. The economic lives of residents will not be impacted by this decision.

## Environmental Implications

28. Parks & Environment have requested that the subdivision approval conditions apply to development of this land. Subdivision approval WAPC Ref. 155243 contains conditions relating to the identification and protection of significant vegetation, landscaping to the City's satisfaction and the provision of a dual use path.

## RISK MANAGEMENT CONSIDERATIONS

29. 

<b>Risk:</b> The proposed permanent road closure does not occur.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/Strategy</b>		
Demonstrate that a failure to close the relevant portions of Setosa Drive will result in the creation of an irregularly shaped lot. Demonstrate that the road closure will create a uniform streetscape in that location.		
30. 

<b>Risk:</b> The proposed permanent road closure occurs, but the proposed subdivision WAPC Ref. 155243 does not proceed.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Insignificant	Low
<b>Action/Strategy</b>		
It is highly unlikely that proposed subdivision WAPC Ref. 155243 will not proceed. However, even if the proposed subdivision does not occur, the road closure should still proceed, as it will straighten the road reserve.		

## OFFICER COMMENT

31. The proposed permanent road closure will facilitate a future subdivision (WAPC Ref. 155243) that forms part of the Hales development.
32. If the road closure does not occur, the proposed subdivision will create an irregularly shaped lot.
33. The service authorities do not have any objection to the proposed road closure.
34. No public submissions were received in respect of the proposal.
35. It is recommended that Council support the request to close portions of Setosa Drive, subject to the following conditions:
- The subdivision approval conditions (WAPC Ref. 155243) to apply to the portions of road reserve proposed to be closed;
  - The applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities;
  - The applicant must pay any other costs of and incidental to the proposal.

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

That Council:

1. REQUESTS the Minister for Lands to permanently close those portions of the Setosa Drive, Forrestfield road reserve shown delineated and marked as "Proposed Road Closure 63 m<sup>2</sup>" and "Proposed Road Closure 13 m<sup>2</sup>" on the plan entitled "Proposed Crown Subdivision & Road Closures Crown Reserve 37650 & Setosa Drive Forrestfield", (Attachment 2), pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) The subdivision approval conditions (WAPC Ref. 155243) to apply to the portions of road reserve proposed to be closed;
  - b) The applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities; and
  - c) The applicant must pay any other costs of and incidental to the proposal.

## **10.4. Office of the CEO Reports**

The recommendations of reports 10.4.1 to 10.4.3 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote:

### **10.4.1. Stirk Park Master Plan - Result of Public Comment on Inclusion of a Skate Park**

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

Previous Items	OCM 75/2017 OCM 216/2017
Directorate	Office of the CEO
Business Unit	Recreation Facilities & Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Proposed Location of Skate Park - Stirk Park <b>[10.4.1.1]</b>
Confidential Attachment	1. Public Comment – Stirk Park Skate Park 2018 <i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person"</i>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the outcomes of the community engagement process regarding the potential relocation of the Kalamunda Skate Park, located on Canning Road to Stirk Park.
2. At the Ordinary Council Meeting held on the 28 November 2017, a youth driven petition seeking the inclusion of a Skate Park into the Stirk Park Master Plan, with 187 signatures was presented to Council. In response to the petition the City undertook further community engagement over a 30-day period.
3. A total of 243 responses were submitted to the City and a majority supported a relocation of the Skate Park to Stirk Park.
4. It is recommended that Council support an amendment of the Stirk Park Master Plan to include a Skate Park, in lieu of the Pump Track, within the Youth Precinct area and the commencement of the detailed design process for Stage One.

## **BACKGROUND**

5. At the OCM held on the 28 November 2017, a deputation was received, and a petition presented by two youths from the community in relation to Item 10.1.3, Stirk Park Master Plan – Public Comment, in support of the Kalamunda Skate Park being included within Stirk Park.
6. After considering the above, and the Officers report on the draft Stirk Park Master Plan, Council resolved as follows:

### RESOLUTION OCM 216/2017

That Council:

- 1. Adopts the final Stirk Park Master Plan to be used as a conceptual, strategic tool guiding future developments with more detailed scoping, consultation and design to be applied to the implementation of the prioritised component parts.*
  - 2. Supports the commencement of more detailed scoping, consultation and detailed design for the following 1-3 year priorities:*
    - *Playground Upgrade*
    - *Youth and Sport Precinct; and*
    - *Path network upgrade.*
  - 3. Notes that the remaining stage two and three development proposals will be subject to sourcing external funding, annual budget deliberations and the competing priorities in the Long Term Financial Plan.*
  - 4. Consider the inclusion of a skate park within the youth and sport precinct and then the closure of the existing skate park located on Canning Road in Kalamunda.*
7. In accordance with point 4 of the above resolution, a period of further community engagement was undertaken, to consider the inclusion of a skate park within the Stirk Park Master Plan.

## **DETAILS**

8. Following the adoption of the Stirk Park Master Plan, further community engagement was required to consider the inclusion of a skate park within the Youth and Sport Precinct at Stirk Park, and the closure of the existing skate park on Canning Road.
9. Officers commenced a 30-day engagement strategy with the community in March 2018 to determine the level of support prior to re-presenting back to Council for final consideration.
10. It is proposed to locate the skate park in the north west corner of the park adjacent to the Youth Precinct to provide families with the opportunity to recreate together in the one area. This would also see the skate park located away from areas where other more cultural activities take place.  
(Attachment 1)
11. The Community Engagement and Public Comment feedback, provided a

positive response to the proposal to include a skate park as part of the Stirk Park Master Plan.

12. A summary of the public comments received in relation to the proposal have been included in this report (Confidential Attachment 1).

Results from the surveys showed that:

- a) 243 survey responses were received;
- b) 75% of respondents were aged over 25, with largest amount of responses from the 36-45 age group;
- c) 70% or 171 respondents supported the proposed relocation to Stirk Park;
- d) 29% or 70 respondents were opposed to the proposal;
- e) 136 rated the overall current condition of the Kalamunda Skate Park as "Poor or Very Poor";
- f) 129 of responders noted that they did not feel safe at the location either due to the condition of the park or the proximity to a main road;
- g) 29 respondents suggested that the skate park could be relocated elsewhere.

13. The City also received five written submissions, all of whom were opposed to the relocation proposal.

14. Of those opposed, the following themes emerged:

- a) Family oriented feel and tranquillity within the park may be lost;
- b) Skate park may not be compatible with other activities currently held throughout the park; Opera in the Park, Jazz in the Park, etc.

## **STATUTORY AND LEGAL CONSIDERATIONS**

15. Nil.

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. The City regards the proposed location as appropriate for the skate park.

### **External Referrals**

18. The opportunity for public comment was promoted widely through:
- a) Seven Community Drop In sessions at various locations;
  - b) Newspaper advertising in local community papers;
  - c) Letters to local residents and businesses within 300m of the park;

- d) Emails to local schools promoting proposal and survey details;
- e) Meeting with Kalamunda Club Inc.;
- f) Online survey through the City's Engagement Portal;
- g) Hardcopies of surveys and flyers available from Libraries and City of Kalamunda Administration building.

**FINANCIAL CONSIDERATIONS**

19. The 1 to 3 year priority components as endorsed by Council at the November 2017 OCM, showed an order of probable costs as follows:

<b>1 to 3 Year Priority</b>	<b>Estimated Cost</b>
Path Network Upgrade	\$ 251,700
Playground Upgrade (includes modular toilet block facilities, excludes sewer works)	\$ 527,300
Youth and Sport Precinct	\$ 265,800
<b>Total (excl. GST)</b>	<b>\$ 1,044,800</b>

Note: Detailed design costs are not included in this total

20. The current Long Term Financial Plan (LTFP) includes funds allocated as below to implement the priorities for years one to three, including an amount of \$500,000 for the skate park in 2021/22 should its relocation to Stirk Park be supported. The \$500,000 is a nominal figure based upon previous skate park development costs. Security lighting costs have not been included at this stage.

<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
\$100,000 for detailed design costs.	\$530,000	\$520,000	\$500,000

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

- a) Lotterywest – ‘Community Spaces Outdoor’ grant;
- b) Department of Planning – Cash-In Lieu funding;
- c) Department of Local Government, Sport and Cultural Industries – Community Sport and Recreation Facilities Fund (CSRFF);
- d) Other – State/Federal Government Advocacy, Service Clubs etc.

22. If the proposed new skate park is supported and funding endorsed by Council through the LTFP in (2021/22), an amount of \$50,000 has been allocated in 2018/19 budget to undertake necessary safety repairs to the existing Kalamunda Skate Park.

23. An estimated amount of between \$300,000 - \$500,000 would be required to redevelop the existing Kalamunda Skate Park should it be determined that it should remain in its current location.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *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.

**Strategy 1.2.2** - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

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

#### **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.

## SUSTAINABILITY

### Social Implications

25. The inclusion of a skate park as part of the Youth precinct, promotes opportunities for intergenerational activity to take place. It also includes an inclusive, active and safe place for people to come together.
26. Skate boarding and scootering are both activities that are undertaken by many adults as well as children. The inclusion of a skate park allows parents to interact with their children, rather than observing through the playground type activities usually provided.

### Economic Implications

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

### Environmental Implications

28. Consideration will need to be given to minimise any potentially negative impact on the natural environment of the park.

## RISK MANAGEMENT CONSIDERATIONS

29.	<b>Risk:</b> Resistance from residents in close proximity to Stirk Park and from some users of the park in regard to disturbance from the skate park.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Regulate hours and consider installation of security lighting and potentially CCTV. Locate the skate park in the area adjacent to the Youth Precinct and away from areas where cultural activities are held.		

## OFFICER COMMENT

30. The community consultation process undertaken resulted in 243 submissions being received with a majority supporting the inclusion of a skate park within the Stirk Park Master Plan.
31. The benefits of relocating the skate park included:
- a) Popular activity for teenage element within Stirk Park;
  - b) Opportunity for a modern facility to be designed and integrated with other family activities/facilities within the park;
  - c) Improved connectivity to the town centre;
  - d) Security - Passive surveillance;
  - e) Access to toilets, drinking fountain, shade, etc.;
  - f) Parking and access.
32. The concerns or limitations with the existing skate park location included:
- a) No toilets or shade shelter;
  - b) Somewhat disconnected to town centre;
  - c) Limited options to expand existing facility;
  - d) Ageing facility/safety concerns will require significant upgrade;
  - e) Not a contemporary skate park design.
33. The two main themes raised through the consultation period in opposition to the skate park relocation were, an increase in noise, and concern that a skate park would affect the tranquillity of the park.
34. In response to these concerns, the skate park has been located to an area of Stirk Park that is largely underutilised, has natural screening from nearby residents and is some distance from the majority of cultural activities. The location will also form part of an expanded youth precinct and compliment the available activities.
35. Consideration will also be given to the installation of security lighting, ensuring that the hours of use are restricted to largely daylight hours.
36. Further consultation with the Community would be undertaken to support the

detailed design process for a skate park to be located within Stirk Park.

37. Given the level of community support to relocate the skate park to Stirk Park, it is recommended that Council support the inclusion of a skate park within the Stirk Park Master Plan and remove the Pump Track.

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

That Council:

1. APPROVES an amendment to the Stirk Park Master Plan to include a skate park within the Youth Precinct Area, in lieu of the pump track.
2. APPROVES the progression of detailed designs for the following Stage One priorities:
  - a) Playground Upgrade;
  - b) Youth and Sport Precinct;
  - c) Path Network Upgrade.

## **10.4.2. Maida Vale Reserve Master Plan**

*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	PR-PLN-009
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Maida Vale Reserve MP Final Draft Report 140618 <b>[10.4.2.1]</b>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide the findings from the draft Maida Vale Reserve Master Plan (the Plan).
2. The Plan outlines development opportunities and recommendations in terms of facility provision, playing field space expansion and other future requirements to guide the sustainable development of Maida Vale Reserve.
3. It is recommended that Council:
  - a) Receives the Draft Maida Vale Reserve Master Plan;
  - b) Advertises the plan for a period of 40 days;
  - c) Notes the community engagement process;
  - d) Requests all affected user groups and stakeholders be provided with a copy of the Draft Maida Vale Reserve Master Plan.

### **BACKGROUND**

4. Maida Vale Reserve, located in Maida Vale, is Crown Land vested with the City for purposes of recreation (14.37ha) and conservation (16.22ha).
5. The Community Facilities Plan (2011/2031) suggested the need to undertake a master planning process for the site.
6. The Public Open Space Strategy, recently adopted by Council at the Ordinary Council Meeting 22 May 2018, indicated that Maida Vale Reserve may be required to cater for additional sports spaces that are not available in neighbouring suburbs.
7. Maida Vale Reserve has facilities and supporting infrastructure that service a diverse range of user groups.
8. The key factors providing the catalyst for the development of the Plan include:
  - a) An increasing number of requests from user groups to improve and upgrade facilities and flood lighting on the Reserve;

- b) The ageing nature of the majority of facilities;
  - c) Increasing usage demands on the reserve, negatively impacting surface standards;
  - d) A need to investigate potential options to maximise the efficient usage of the existing grounds/facilities and unused outdoor netball courts;
  - e) The need to undertake a coordinated approach toward any future developments with Maida Vale Reserve.
9. A Community Sport and Recreation Facilities Fund grant application was submitted to the Department of Local Government, Sport and Cultural Industries in 2017 to engage a consultant to assist in undertaking a Master Plan study. Subsequently the City was successful in obtaining a grant of \$16,666 to assist with the cost of the Plan.
10. ABV Consultancy (the Consultant) were engaged in late 2017 to develop the Plan. The Plan is now presented to Council for consideration and endorsing for the purpose of seeking public comment.

## **DETAILS**

11. The Plan aims to provide a clear framework and objectives to assist the City in planning, developing, implementing and evaluating sustainable sport and recreation reserves/facilities at Maida Vale Reserve into the future.
12. During the development of the Plan, an audit and review of facilities was undertaken, involving a visual inspection off all clubrooms, and other supporting infrastructure. The information obtained from the audit has been analysed to determine future facility requirements and upgrades at the Reserve.
13. A summary of the key proposed upgrades which have been recommended, in response to the issues identified are outlined below:
- a) Upgrade power supply to the site to enable improved and new flood lighting to playing fields and batting cages;
  - b) Transfer from a septic to a sewerage system to enable the construction of additional change rooms and toilets;
  - c) Upgrade to Norm Sadler pavilion with additional and refurbished changerooms / toilets and storage areas;
  - d) Upgrade lighting to ovals to disperse training loads and enable more efficient use of the playing surfaces;
  - e) Formalise parking off Ridgehill Road to increase pedestrian safety and protect significant trees;
  - f) Undertake Archery Club upgrades to clubroom facilities that are currently not fit for purpose and in a poor condition;
  - g) Install baseball practice pitching mounds and backing nets for baseball and relocate existing baseball diamond;
  - h) Modify cricket nets for use as baseball batting cages to enable dual usage and increased batting practice area;
  - i) Demolish existing public toilets that are currently in an isolated/unlit section of the carpark;

- j) Convert existing netball courts to eight tennis courts and four multipurpose courts thereby providing new tennis courts in a prominent position and improved utilisation of the old netball pavilion;
- k) Develop a Fitness Trail to provide more passive recreation pursuits for all ages to enjoy;
- l) Demolish the existing playground and develop a new nature playground in a more prominent and accessible location;
- m) Develop a new skate park and youth space in a more prominent and accessible location;
- n) Future car park extension and access from Acacia Street to increase parking capacity and reduce informal parking;
- o) Modifications to former netball pavilion to accommodate Tennis Club use;
- p) Future expansion of playing surface to be considered when additional water is available or alternatively a synthetic surface is used.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. *Local Government Act 1995* Section 3.18 (c) - Effective Management of Local Government Services and Facilities.

## **POLICY CONSIDERATIONS**

15. Cash-in-lieu Assessment Criteria (FAC22) provides strategic direction to Council's decision-making on proposed cash in lieu projects for which Maida Vale Reserve may be eligible.
16. Capital Grants Clubs & Community Groups (COMR 21) provides key principles/priorities, needs and assessment criteria for future upgrades or new community and recreation infrastructure.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. The Consultant obtained input and feedback from various service areas within the City including Parks / Environment and Asset Management / Delivery.

The Consultant presented a preliminary presentation to Council in April 2018 based on information gained through their consultations and potential proposals that could be in the Plan.

### **External Referrals**

18. The following engagement strategy and process was undertaken in developing the Plan:
- a) A Community Survey was prepared for the broader community;
  - b) Two Community Drop-in Sessions were conducted;
  - c) A Community Workshop was held;
  - d) A User Group Survey was completed;
  - e) Interviews were held with regular users of the Reserve;

- f) Meetings were held with other stakeholder groups;
- g) The City's website and Facebook page.

**FINANCIAL CONSIDERATIONS**

- 19. The overall cost of implementing the recommendations outlined within the Plan is estimated at \$15,693,843. It should be noted that at this stage these figures are high level indicative costs only. Detailed capital and whole of life costings will be developed prior to the implementation of each stage of the Master Plan.
- 20. Implementation of components of the Plan will be considered as part of Council's Long Term Financial Plan and will continue to be subject to annual budget deliberation processes and competing priorities.
- 21. The proposed implementation has been separated into three stages. The initial priority projects and their estimated costs are as follows:

**Stage One - Priority Projects**

<b>Item</b>	<b>Cost Estimate \$</b>
*Upgrade power to site	750,000
*Connect to sewerage system	530,000
Upgrades to Norm Sadler Pavilion	1,778,750
Upgrade lighting to ovals	650,000
Car parking and pedestrian crossings	87,930
Archery club house & carpark upgrades	160,000
Baseball pitching mounds, backing nets, batting cages	199,940
Remove concrete cricket pitch	10,000
Demolish existing public toilet block	6,000
Water fountains	22,500
Preliminaries, Contingencies & Professional Fees	1,710,153
<b>Total</b>	<b>\$5,905,273</b>

\*These items would need to be undertaken prior to lighting and pavilion upgrades. (Contingencies & Professional Fees are calculated at 30%.)

- 22. It is reasonable to expect that a 15 to 20 year timeframe may be required to complete the implementation of the plan, with the schedule of works being staged in such a manner that will ensure maximum opportunity for Council to leverage external funding through such sources as:
  - a) Lotterywest – 'Community Spaces Outdoor', 'Community and Workplace Buildings' and 'Furniture and Equipment' grants;
  - b) Department of Local Government, Sport and Cultural Industries – Community Sporting and Recreation Facilities Fund;
  - c) Department of Planning, Lands and Heritage – Cash in Lieu Funding;
  - d) Other – State/Federal Government Advocacy, potential contribution from user groups of the reserve.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

23. *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.

**Strategy 1.2.2** - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

#### Priority 2: Kalamunda Clean and Green

**Objective 2.1** - To protect and enhance the environmental values of the City.

**Strategy 2.1.2** - Support the conservation and enhancement of our biodiversity.

#### Priority 2: Kalamunda Clean and Green

**Objective 2.2** - To achieve environmental sustainability through effective natural resource management effective natural resource management.

**Strategy 2.2.1** - Facilitate the appropriate use of water and energy supplies for the City.

#### 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. The understanding of a study to provide strategic direction and guidance in the provision of sport and recreation infrastructure at Maida Vale Reserve will greatly assist in a long-term approach in the sustainable provision of sporting facilities within the region.
25. Investment in Maida Vale Reserve with updated sport and recreation facilities increases the value of the City's assets, provides benefits to the local community, and enhances the clubs and players experiences who use the Reserve for their competitions.

### Economic Implications

26. Nil.



## Environmental Implications

27. A portion of Maida Vale Reserve is a "Bush Forever" site and there are significant environmental, both flora and fauna, issues that must be considered in the preparation of a Master Plan and any further developments.
28. Any new car parking upgrades/expansion will need to ensure that any significant trees are retained and protected.
29. The current septic system supporting the infrastructure at Norm Sadler Pavilion is not coping with the current usage, and it will definitely not be suitable with the construction of additional change rooms. The Plan recommends that the pavilion be connected to the sewerage system.

## RISK MANAGEMENT CONSIDERATIONS

30.

<b>Risk:</b> Without the Plan, the City's approach to upgrade would be adhoc and nor would it be able to advocate effectively for external funding.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
To progress the Plan to ensure upgrades are planned effectively and advocacy opportunities are maximised.		
<b>Risk:</b> The Plan may raise community expectations for improvements that may not be affordable in the near future		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Ensure community is informed as part of the communications process that improvements are subject to external funding and budget availability.		

## OFFICER COMMENT

31. The Plan is a strategic planning tool that can now be integrated with Council's other related plans and documents, providing clear direction for future developments.
32. The Plan has been developed in manner that endeavours to prioritise and stage components of any future developments.
33. The main outcomes for the community will be increased opportunities to participate in physical activities and improved provision of community facilities and services.
34. In particular the key recommendations outlined in the Plan include:
  - a) Power supply and flood lighting upgrades;
  - b) Connection to sewerage system and upgrades to main pavilion;

- c) Relocate Maida Vale Tennis Club and upgrades to netball pavilion;
- d) Relocation of skate park and playground;
- e) Carpark expansion and access road;
- f) Additional playing surface.

### **Power Supply and Flood lighting Upgrades.**

35. The current electrical supply to the reserve is via three separate supplies, which does not meet Western Power regulations. The capacity of the transformers are at, or nearing, capacity and with the introduction of additional lighting a single point of supply and additional power capacity will be required.
36. The current lighting only covers less than 50% of the sports space, thereby limiting the areas of the active open space available for training, particularly during winter months. Additional lighting will enable increased utilisation of additional areas of the playing fields and reduce usage of high wear and tear areas.

### **Connection to Sewerage System and Upgrades to Pavilion**

37. All clubs have identified that the current change rooms are inadequate. In order to refurbish the existing and add additional change rooms, the most effective solution is to connect the building to the sewerage system. A site analysis has also identified:
- a) The existing change rooms are not compliant with current standards;
  - b) The number of change rooms is inadequate for the sports that play at the reserve;
  - c) The existing change rooms do not provide well for increasing female participation;
  - d) There is no first aid or dedicated umpires change room that meets contemporary standards for design.

### **Relocate Tennis Club and Upgrade Netball Pavilion**

38. There is an oversupply of courts at this location for the number of members currently in the club. Current membership is four juniors and 48 seniors, no pennant teams and projected growth is minimal. Twelve of the useable courts are in poor/average condition and will soon require an upgrade.
39. The 12 netball courts previously occupied by the Foothills Netball Association are underutilised and require maintenance. This presents an opportunity to convert this underutilised space and refurbish the building to accommodate the tennis club in a more prominent position than it currently is, and retain some existing courts for netball/multipurpose courts for community and school use.
40. The relocation of the tennis club to a more prominent location on the reserve provides an opportunity to allocate this space for additional playing surfaces. Increased capacity at this reserve can then be created with extra fields to cater for growth needs into the future.

### **Relocate Skate Park**

41. The existing skate park is in a poor location with limited passive surveillance. Infrastructure is ageing, the design is dated, and it will require either increased maintenance or a major upgrade. The proposed new location is more prominent and easily accessible for all users of the reserve. The addition of a 3 on 3 basketball court will also provide further opportunities for youth to utilise the area.

### **Relocate Playground**

42. The existing playground is below the standard for a Neighbourhood Level Park and could be in a more prominent location with complimentary features. A new nature space playground is proposed in a more prominent and accessible location.

### **Carpark Expansion and Access Road**

43. User group consultation has identified issues with car parking and traffic flows. The existing car parking bays are not adequate to cope with load at peak times, with informal car parking being used on road/street verges during these busy times.
44. The Plan proposes more efficient use of the existing formal carpark and additional parking bays as well as improvements to traffic flows and improvements to overflow area to accommodate more efficient parking.

### **Additional Playing Surface**

45. To provide greatest opportunity, the area identified would be suitable for an additional senior sized soccer field with a junior sized field alongside. An analysis should be undertaken to confirm water supply and storage availability, this would determine if additional playing surfaces may be provided as a synthetic surface, additional grassed area or a combination of both.
46. In order that the Plan meets the needs of the community, it is recommended that the plan be provided for a 40-day period of public consultation. Furthermore, the results of the public comment period will be presented to Council prior to the final adoption of the Plan.
47. It is also proposed to hold a separate meeting with the Maida Vale Tennis Club and with Tennis West, to explain the issues/rationale and opportunities for the future relocation for the tennis club.
48. If Council is supportive of the above process, it is proposed that the Plan will be promoted through:
- a) the City's website and other social media channels;
  - b) Facebook page;
  - c) Publish on *Engage Kalamunda*;

- d) Contact with people who participated in the consultation process and all users of Maida Vale Reserve;
- e) A copy of the plan will be located at key City of Kalamunda locations;
- f) A media release and advertisement will be placed in the local newspaper;
- g) A further community workshop will be conducted by the consultants.

49. In summary, it is recommended that Council receives the Draft Maida Vale Reserve Master Plan and advertises it for a period of 40 days, with results then presented to Council for final consideration.

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

That Council:

1. RECEIVES the Draft Maida Vale Reserve Master Plan.
2. ADVERTISES the Draft Maida Vale Reserve Master Plan for a period of 40 days, with results then presented to Council for final consideration.
3. NOTES the community engagement process and strategy.
4. REQUESTS that all affected user groups and stakeholders receive a copy of the Draft Maida Vale Reserve Master Plan.

### **10.4.3. Ray Owen Sports Centre - Proposed Court Redevelopment Review**

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

Previous Items	OCM 09/2015
Directorate	Office of the CEO
Business Unit	Recreation Facilities & Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Appendix 1 Ray Owen Sports Centre Cost Estimates 2018 Update <b>[10.4.3.1]</b> 2. Ray Owen Stadium Court Redevelopment Review Draft Report June 18 <b>[10.4.3.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the findings of the assessment of the number of basketball courts required at the Ray Owen Reserve.
2. In January 2018, consultants were engaged by the City of Kalamunda to undertake a review of these options for the indoor basketball court development at the Ray Owen Sports Centre.
3. It is recommended Council endorse the findings of the Court Redevelopment Review Report (the Report) and endorse the option to provide an additional four indoor courts at part of the Ray Owen Reserve Master Plan (RORMP).

#### **BACKGROUND**

4. The RORMP, adopted by Council in February 2015, noted that the Ray Owen Sports Centre has reached capacity due to the lack of indoor courts, resulting in people missing out on their opportunity to participate in their desired sport. The RORMP provided options of either a two or four indoor court extension to the Centre for Council consideration.
5. The RORMP noted that there was a cost advantage in constructing four courts as opposed to two, due to the need to rebuild the remaining two courts to the same level as the new indoor courts.
6. It was also noted that Council could reconsider both options following the completion of the detailed investigations into water, power and environmental impacts. This approach was deemed to then allow a greater level of understanding of the potential constraints of the site, whilst also allowing further time to assess population growth, membership growth and other issues.

7. The City has since:
  - a) completed the environmental study;
  - b) completed the power capacity upgrade at the supply point;
  - c) continued investigations into water supply.
8. Key user groups of the facility are requesting a four court development and in order to acquire the necessary external funding there is a need to substantiate this option.
9. In order for Council to make an informed decision on the options for the court redevelopment, the City engaged a consultant to undertake a review of previous recommendations for the indoor court development at the Ray Owen Sports Centre.

## **DETAILS**

10. The consultant's report identified the following key findings to support the addition of four indoor courts at the centre:
  - a) Increased demand for junior sports facilities likely to continue to grow. This is supported through the projected population growth figures for the City, showing the highest increase likely to be in the 10 to 19 year old age brackets;
  - b) Lack of court capacity is an issue that has spread to almost all basketball association venues in the Perth Metropolitan area;
  - c) The demand for usage of the indoor courts by both netball and basketball continues to grow with players/teams still being turned away. Netball, although traditionally an outdoor sport, continues to trend towards indoor usage with Kalamunda District's Netball Association (KDNA) continuing to attract more teams because they offer indoor facilities;
  - d) Some teams that play their matches at the centre are having to use satellite courts for training due to demand. Both Associations report paying out amounts of approximately \$14,000 (Kalamunda District's Basketball Association [KDBA]) and \$2,580 (KDNA) for satellite court hire;
  - e) Both the Basketball WA Strategic Facilities Plan and the Netball WA Strategic Facilities Plan highlight the potential for expanded court facilities at the Ray Owen Sports Centre.
11. To accommodate the findings and satisfy the demand the report noted that:
  - a) A decision to build a two or four indoor court extension to the Ray Owen Sports Centre to accommodate that need and allow for increased community indoor sports capacity requires a four court solution;
  - b) Levels of demand are demonstrated through figures provided as below:
    - i. KDNA estimate 600 people being turned away each week in peak season, 150 in off season;
    - ii. KDBA report having eight teams each week on byes and being unable to accommodate new teams.
12. The final recommendation from the Report is as follows:

"It is recommended that the City of Kalamunda undertake a feasibility, concept design and cost estimates for a four court extension to the Ray Owen Reserve Sports Centre."

**STATUTORY AND LEGAL CONSIDERATIONS**

13. Nil.

**POLICY CONSIDERATIONS**

14. Nil.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

15. The City has provided additional information to the consultant as required.

**External Referrals**

16. The consultant engaged with both KDNA and KDBA and also the relevant State Sporting Associations for both sports.

**FINANCIAL CONSIDERATIONS**

17. The probable order of costs provided by the Quantity Surveyor for the four court option is \$6.6 million (ex. GST).

18. Implementation of the proposed extension will continue to be subject to annual budget and LTFP deliberation processes.

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

- a) Department of Local Government, Sport and Cultural Industries (DLGSCI) – Community Sport and Recreation Facilities Fund (CSRFF), limited to \$2,000,000 through the forward planning program;
- b) Other – State/Federal Government Advocacy.

20. Currently within the City of Kalamunda Long Term Financial Plan there are amounts as below for staged implementation of the Indoor Court Extension at Ray Owen Sports Centre:

<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>
\$120,000 – concept designs and internal power distribution network	\$440,000 – detailed designs and construction drawings	\$2,400,000 (Stage One) Construction	\$4,500,000 (Stage Two) Construction

21. Contributions from both KDNA and KDBA could also be potentially considered, as per previous large scale projects undertaken at the centre.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

22. *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.

**Strategy 1.2.2** - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

#### **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

23. Department of Local Government, Sport and Cultural Industries (DLGSCI) advocates and supports projects to strengthen communities through sport and recreation. The proposed provision of four additional indoor courts at the Ray Owen Sports Centre will provide greater opportunity for more people to take part in physical activity, promoting a healthier community and enhancing cognitive function in children.

### Economic Implications

24. Nil.

### Environmental Implications

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



**RISK MANAGEMENT CONSIDERATIONS**

26.	<b>Risk:</b> Insufficient funding available to develop an additional four courts resulting in people being unable to play their desired sport.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	Project to remain a high priority in all future advocacy programs to help secure significant external funding.		
	<b>Risk:</b> Without the Report, the City’s approach to upgrade would be adhoc and nor would it be able to advocate effectively for external funding.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	To progress the Report to ensure upgrades are planned effectively and advocacy opportunities are maximised.		
	<b>Risk:</b> The Report may raise community expectations for improvements that may not be affordable in the near future		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure community is informed as part of the communications process that improvements are subject to external funding and budget availability.		
	<b>Risk:</b> Four courts are developed and then underutilised.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	The Concept Design and Feasibility stages will enable objective decisions to be made regarding size, usage, functionality and affordability.		

**OFFICER COMMENT**

- 27. The review of the proposed court redevelopment identifies that the demand for extra indoor court facilities at Ray Owen Sports Centre is still strong.
- 28. KDNA has advised that an estimated 600 people per week are being turned away during peak season and with a further 1,000 people missing out each season through lost opportunities to host large carnivals due to current usage at weekends.

29. With no capacity to expand competitions or the number of teams playing, KDBA are finding that they often have an uneven number of teams within leagues. This uneven number of teams leads to byes each week, which could be alleviated by additional court space.
30. KDBA are also having to utilise satellite courts to provide training options for some teams due to demand and lack of availability at the centre. This is an additional cost that then goes to external providers rather than stay within Ray Owen Sports Centre.
31. The population of the City of Kalamunda is projected to grow by an estimated 16,838 by 2036. In the RORMP, the participation rates of residents for both basketball and netball within the City were identified as:
- a) 1.9% of the City's population play basketball;
  - b) 2.7% of the City's population play netball.
32. Using the above participation rates for both sports in the City of Kalamunda that equates to:
- a) A potential extra 319 players or 45 teams for basketball by 2036;
  - b) A potential extra 454 players or 56 new teams for netball by 2036.
- These figures reflect the continuing growth in both sports and the rising demand for facilities to accommodate the growth.
33. In regard to the State Sporting Associations strategic direction, the report notes that Netball WA identifies the City of Kalamunda as one of their priority development areas within the "Urban Growth Corridor".
34. Basketball WA also report that within the Metropolitan area, demand is high for access to courts for training and that the likely future growth for basketball will focus on enhancing and extending indoor provision.
35. It is recommended within the report that the City undertake concept designs, feasibility and cost estimates for a four court option. These are key elements to have in place when seeking external funding through DLGSCI's Community Sport and Recreation Facility Fund Forward Planning grants. The feasibility will help refine the concept design and then test that concept to determine if it will perform both practically and financially.
36. This documentation will also be required when seeking other external grant funding and will enhance the City's advocacy program opportunities.

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

That Council:

1. RECEIVES the Ray Owen Sports Centre Court Redevelopment Review report.
2. SUPPORTS the preferred option to develop four additional indoor courts at the Ray Owen Sports Centre.
3. REQUESTS the Chief Executive Officer to prepare concept designs, feasibility and cost estimates for a four court option.

## **10.5. Chief Executive Officer Reports**

### **10.5.1. Application for Leave - Chief Executive Officer**

*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 seek the approval of Council for leave arrangements for the Chief Executive Officer and to approve appointment of an Acting Chief Executive Officer during the periods.
2. Council is responsible for the approval of leave for the Chief Executive Officer and all appointments to the position of Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period of Monday 20 August to Friday 24 August 2018 inclusive.

#### **BACKGROUND**

4. Nil.

#### **DETAILS**

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Monday 20 August to Friday 24 August 2018 inclusive.
6. The Chief Executive Officer has accrued significant leave entitlements to date and is required to reduce this liability in accordance with staff leave management policy.

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

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

#### **POLICY CONSIDERATIONS**

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

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

9. Nil required.

### External Referrals

10. Nil required.

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

12. *Kalamunda Advancing Strategic Community Plan to 2027*

#### 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

13. Nil.

### Economic Implications

14. Nil.

### Environmental Implications

15. Nil.

## RISK MANAGEMENT CONSIDERATIONS

16.	<b>Risk:</b> Annual leave liabilities accrue and become a significant financial risk which are identifiable by auditors.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Minor	Low
	<b>Action/Strategy</b>		
	Ensure leave liabilities are managed and all staff utilise leave entitlements regularly.		

**OFFICER COMMENT**

17. The Director Corporate Services, Gary Ticehurst, will be appointed as the Acting Chief Executive Officer from 5pm on Friday 17 August to 9am on Monday 27 August 2018.

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

That Council:

1. APPROVES Chief Executive Officer to have annual leave for the period Monday 20 August to Friday 24 August 2018 inclusive.
2. NOTES the Director Corporate Services as the Acting Chief Executive Officer from 5pm on Friday 17 August to 9am on Monday 27 August 2018 pursuant to section 5.36 of the *Local Government Act 1995*.

## **10.5.2. Memorandum of Agreement - City of Kalamunda and Natsales Australia Pty Ltd - Variation to Guidelines - Political Advertising**

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

Previous Items	GS-121/2009, OCM 154/09, OCM 8/2010
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	HE-RLW-010
Applicant	N/A
Owner	N/A
Attachments	1. Memorandum of Agreement City of Kalamunda and Natsales Pty Ltd <b>[10.5.2.1]</b> 2. General Services Committee Minutes 7 December 2009 <b>[10.5.2.3]</b>

### **EXECUTIVE SUMMARY**

1. The City has been approached by local politicians requesting permission to advertise on the Natsales Australia Pty Ltd (Natsales) roadside bins.
2. The purpose of this report is to therefore present Council with sufficient factual and legal information in order to allow Council to consider a variation to the Memorandum of Agreement between the City of Kalamunda and Natsales Australia Pty Ltd (Natsales) (Natsales Agreement), specifically, the Guidelines to the Natsales Agreement which are included as *'Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins'* (Guidelines), that expressly prohibit political advertising: (**Ref Attachment 1**).
3. It is recommended that Council support a variation to the Natsales Agreement to allow political advertising by local State and Federal Members on Natsales' roadside bins within the electorate to which they have been elected. This recommendation is based upon current judicial consideration of similar political advertising being determined to fall within the implied freedom of political communication ('the Implied Freedom') within the Australian Constitution.

### **BACKGROUND**

4. In July 1999, Council agreed to a trial of the installation of 30 Natsales bins on selected sites and reserves for a period of three months (Trial), and that at the conclusion of the Trial, Council would review the same in light of public comment for further discussion, negotiation and implementation of Natsales Australia's proposal. The Trial commenced in September 1999.
5. On 20 December 1999, Council was presented with a summary of public comment received in response to the Trial. At that time, Council received a total of 12 letters and phone calls of objection from residents and 8 letters of support from business proprietors. The main reason for objection cited visual pollution, a road safety hazard and detracting from the *'village environment'*.

6. At the same meeting, after giving due consideration to the aforesaid public submissions, Council resolved to enter into the Natsales Agreement (incorporating the Guidelines), for a 5-year term, with provision for Natsales to seek approval for further 5-year terms at the discretion of the Council.
7. Council has since agreed to consecutive 5-year extensions of the Natsales Agreement to date without amendment.
8. On 2 October 2009, Council received a letter from then MLA, Mr Andrew Waddell (**ref Attachment 2**), in which Mr Waddell sought a review of the Guidelines in order to allow political advertising.
9. On 7 December 2009, Council considered Mr Waddell's request at its then General Services Committee Meeting (**Ref Attachment 2**).
10. Officer comment at that meeting (refer to paragraphs 9-12) provided that –  
  
*The base philosophy behind the Guideline is the apolitical nature of the Shire of Kalamunda. The Shire has maintained a position of working with both political parties and presenting a non party political position when dealing with the public.*  
  
*Whilst the advertising on these street bins is a commercial activity and does not reflect a Council view or position that fact may not be appreciated or understood by the "man in the street" and could be taken as shire endorsement of a political member or party.*  
  
*The request from Mr Waddell does not provide an argument that successfully counters such a view.*  
  
*Unless Councils' views on this matter have changed it is staff opinion that the status quo in regards to the Guidelines should remain.*
11. The General Services Committee Meeting resolved that '*the Guideline that no political advertising on Natsales Bins remains*' (GS-121/2009), which resolution was adopted by Council en bloc at the Council's Ordinary Council Meeting on 21 December 2009 (OCM 154/2009).

## **DETAILS**

12. The Guidelines accordingly still state that '*No political ... advertising will be permitted*'.
13. As referred to above in paragraph 2 of this report, the City has again been approached by local politicians requesting permission to advertise on the Natsales' bins and suggesting that the current prohibition against political advertising in the Guidelines is contrary to the Implied Freedom.
14. The High Court of Australia, in the case of *Australian Capital Television Pty Ltd v Commonwealth of Australia* deemed there is an implied freedom of political communication within the Australian Constitution. In this case, the majority of the High Court reasoned that representative democracy is constitutionally entrenched and there is therefore implied in the Constitution a guarantee of freedom of communication on all political matters.



15. However, this implied freedom of political communication is not absolute. The freedom does not confer rights on individuals or organisations (e.g. political candidates and parties) to communicate about political matters. It operates as a limitation on legislative (and executive) power (*Levy v Victoria* (1997) 189 CLR 579).
16. The question of whether political signage should be considered as a conduit for political speech, and therefore, be protected by this implied right, was considered by the Supreme Court of Western Australia in the case of *Liberal Party of Australia (Western Australian Division) Inc v City of Armadale* [2013] WASC 27 (*Liberal Party v Armadale*).
17. In *Liberal Party v Armadale*, the Liberal Party (Western Australia) Inc., sought an injunction against the City of Armadale taking action to remove its signs, amongst other things, and argued that its electoral signage placed on private land in the lead up to an election, was political speech, which should not be fettered by the application of the City of Armadale's signage policies.
18. The Court, in making its decision to restrain the City, took note of the fact that the electoral signage at issue was only of a temporary character as regards candidates in the then looming State election.
19. Further, that '*Australia as a nation and Western Australia as a State, will forever place a high value upon the freedom to engage in political communications. Entities or organisations that perhaps unwittingly seek to fetter the freedom of political communication can expect to be called to account to explain a proper rationale for fetters they seek to impose against political communications, even if their measures only fetter in part, by requiring people to ... obtain permissions or the like, in order to engage*'.
20. The Court did however narrow this to signs placed in an election period, by later stating that '*A fetter inhibiting political communications under electoral signage properly made in a liberal democracy during an election process leading to a State election needs to be properly justified by considerations weightier than the mere temporary look of a local neighborhood during an election campaign.*'
21. The current Natsales Agreement proffers rights to both Natsales and the City of Kalamunda regarding signage on Natsales Units located on land vested in the City (usually road reserves) and completely prohibits political advertising.
22. Whilst it is arguable that *Liberal Party v Armadale* could be distinguished from the prohibition on political advertising in the Natsales Agreement, potentially on the basis that the Natsales Units are not on privately owned land, this is not likely to be a particularly persuasive argument based upon this distinction alone.
23. The more likely persuading factors would be that the Court's judgement *Liberal Party v Armadale* expressly deals with signage placed:
  - a) during an election period; and
  - b) that is temporary.

24. This said, if Council decides against removing the current prohibition against political signage in the Natsale Agreement, Natsales could still argue such signage is constitutionally protected.
25. It could do this by arguing that if temporary political signage is deemed to be protected by the Implied Right during an election period, long term signage, even if not within an election period, should properly fall under the same protection.
26. This argument does have merit and would be difficult to counter, other than to perhaps argue that too many signs within the district may become an amenity issue, particularly in light of the original public feedback in regard to the Natsales bis, during the original Trial (ref paragraph 5 of this report above).
27. The Court did consider amenity in a neighbourhood in making its decision, and specifically noted that *'amenity must give way to democracy and the democratic process, at least for the duration of the election campaign'*. (Emphasis added).
28. Based upon the above, whilst it is likely that the Court's decision in *Liberal Party v Armadale* could be used to argue that the complete prohibition on political advertising in the Natsales Agreement is unconstitutional, given provisos set out in that case, it would nevertheless appear reasonable for Council to limit approval for the same.
29. This report therefore recommends that Council agree to amend the Natsales Agreement by:
- a) removing the prohibition against political advertising in in *'Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins'*;
  - b) requiring that, outside of an election period, the number of political signs allowed from any individual candidate be limited to a specific number to be determined by Council; and
  - c) requiring otherwise, that all other current conditions in *'Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins'* remain in place.

## **STATUTORY AND LEGAL CONSIDERATIONS**

30. Constitution of the Commonwealth of Australia  
Western Australian Constitution  
*Local Government Act 1995* (WA)  
*Building Act 2011* (WA)  
*Building Regulations 2012* (WA)  
*Main Roads (Control of Advertising) Regulations 1996* (WA)  
*Shire of Kalamunda, Local Laws Relating to Signs, Hoardings and Bill Posting Local Law 2001*  
City of Kalamunda Local Planning Scheme No. 3

31. Councils Local Laws Relating to Signs, Hoardings and Bill Posting do not apply to the placement of the Natsales bins or any other advertising device on roadsides or reserves.
32. Excepting the "exemptions" in clause 3.1.2. in the Local Law (e.g. a direction sign, signs of use solely for the direction and/or control of people, animals or vehicles) it provides Council approval for the erection of a variety of signs on private land only. A 'Special Permit' must be sought for Election Notices *'upon such terms and for such period as the Council may in each case decide'*.
33. However the provisions of the *Local Government (Uniform Local Provisions) Regulations 1996* enacted under section 9.60 of the *Local Government Act 1995* provide Council with the ability to approve or refuse the placement of Natsales bins on public land.

## **POLICY CONSIDERATIONS**

34. Planning Policy P-Dev-43 currently provides requirements for signs on private property within the City of Kalamunda, however does not specifically deal with Electoral signage and otherwise, does not assist to guide the resolution of this matter.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

35. The City's General Counsel was consulted in regard to this item and provided the legal advice and commentary herein.

### **External Referrals**

36. Nil.

## **FINANCIAL CONSIDERATIONS**

37. The Natsales Agreement provides that the bins are provided at no cost to the City of Kalamunda and provides an indemnity to the Council against any liability that the local government may incur in connection with the construction, maintenance or use of the bins to the amount of \$10 million dollars.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

38. *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**

- 39. Political advertng can raise community dissatisfaction.
- 40. The Natsales Agreement prohibits any form of offensive advertising and expressly provides the City with a right to remove, or require the removal of, signs that are considered to be unacceptable.

**Economic Implications**

- 41. Nil.

**Environmental Implications**

- 42. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

- 43.
 

<b>Risk:</b> That the Council resolves not to amend the Natsales Agreement to remove the prohibition against political advertising, which results in a legal challenge against the City.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/Strategy</b>		
Recommend to Council that it is not unreasonable to remove the political advertising prohibition from the Natsales Agreement, with limited restrictions in consideration of current judicial views.		
  
- 44.
 

<b>Risk:</b> Political advertng can raise community dissatisfaction.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Recommend to Council that the amount of political advertising be limited.		

**OFFICER COMMENT**

- 45. During the past fifteen years Natsales have continued to provide a professional service, and has complied in all respects with the Natsales Agreement.
- 46. Based upon the above and the legal analysis presented in this report, it is recommended that Council agree to amend the Natsales Agreement by:
  - a) removing the prohibition against political advertising in in '*Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins*';

- b) requiring that, outside of an election period, the number of political signs allowed from any individual candidate be limited to a specific number to be determined by Council; and
- c) requiring otherwise, that all other current conditions in *'Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins'* remain in place.

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

That Council:

1. AUTHORISE the Chief Executive Officer to cause the current Memorandum of Agreement between the City of Kalamunda and Natsales Australia Pty Ltd to be varied by agreement with Natsales Australia Pty Ltd by:
  - a) Amending *Annexure A – Guidelines for the placement of Natsales Roadside Litter Bins'* by removing the words *'no political'* from dot point 2 under the heading *'Advertising Material on Litter Bins'* and replacing those words with:

*'Any State or Federal Member may, unless otherwise contrary to any other written law:*

    - i. up to, but not including the 90<sup>th</sup> day before any State or Federal Election period, cause political advertising to be displayed on a maximum number of \_\_\_\_ Units within the District of the City of Kalamunda; and*
    - ii. within the period of 90 days before any State or Federal election period, cause political advertising to be displayed on any Units within the District of the City of Kalamunda as may be available at the relevant time.'*

### **10.5.3. State and Australian Government Black Spot Programs Submissions 2019-2020**

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

Previous Items	OCM 131/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	EG-RDM-004
Applicant	N/A
Owner	N/A

Attachments	1. 2019-20 Black Spot Nomination Diagram Holmes Rd <b>[10.5.3.1]</b>
	2. 2019-20 Black Spot Nomination Diagram Canning Rd Lesmurdie Rd <b>[10.5.3.2]</b>
	3. 2019-20 Black Spot Nomination Diagram Abernethy Rd Kalamunda Rd <b>[10.5.3.3]</b>
	4. 2019-20 Black Spot Nomination Diagram Canning Rd Pickering Brook Rd <b>[10.5.3.4]</b>

#### **EXECUTIVE SUMMARY**

1. To consider the endorsement of submissions for funding from the 2019/2020 State and Australian Government Black Spot Programs.
2. The report outlines the Guidelines and processes associated with the two Black Spot Programs, including the funding implications.
3. It is recommended Council endorses the submission of the following projects to Main Roads WA for grant funding consideration:
  - a) Holmes Road, Forrestfield – Installation of crash barriers with localised shoulder widening;
  - b) Canning Road/Lesmurdie Road Intersection, Walliston – Extension of traffic islands and installation of speed cushions;
  - c) Abernethy Road/Kalamunda Road Intersection, High Wycombe – Installation of additional elevated traffic lights (mast arms);
  - d) Canning Road/Pickering Brook Road Intersection, Carmel – Shoulder widening and centre traffic island.

#### **BACKGROUND**

4. The State and Australian Governments have both committed to reductions in casualty crashes on Australian roads through Black Spot Programs. These programs are primarily reactive and target road locations where crashes have occurred, although some allowance is made for proactive submissions supported by an independent formal Road Safety Audit (RSA).

5. A formal invitation for submissions for the 2019/2020 State and Australian Government Black Spot Programs was issued by Main Roads WA (MRWA) on 18 April 2018, with a closing date of 13 July 2018. The resulting submissions are evaluated by MRWA against criteria set out in the Black Spot Program Development and Management Guidelines. To assist with the preparation of submissions, MRWA provided:
  - a) Access to the Crash Analysis Reporting System which provides five years of crash history (2013 to 2017). The crash data is provided to MRWA by the WA Police and the Insurance Council of Australia;
  - b) 2019/2020 Black Spot Program Workshop and Safe System approach to Road Treatment Selection held on 7 May 2018.
6. The Black Spot Program Development and Management Guidelines require Black Spot projects based on crash data to meet a minimum Benefit Cost Ratio (BCR) to ensure the proposed remedial works are both cost effective and treatment is considered appropriate for the safety concerns. The BCR is the ratio of the benefit to the community of the expected reduction in crashes versus the cost of the proposed remedial treatment.
7. Successful State Government Black Spot projects are funded two-thirds by the Program and one-third by the City. The criteria for the program are as follows:
  - a) For intersections, mid-block or short road sections less than three kilometres, the crash criterion is five crashes over the five years;
  - b) For road lengths greater than three kilometres, the crash criterion is the average of two crashes per kilometre over the five years;
  - c) The value of work must be between \$2,000 and \$3,000,000; and
  - d) The Benefit Cost Ratio (BCR) must be greater than 1.0.
8. The Australian Government Black Spot Program may fully fund projects that meet the following criteria:
  - a) For intersections, mid-block or short road sections less than three kilometres, the crash criterion is three casualty crashes over the five years;
  - b) For road lengths greater than three kilometres, the crash criterion is one casualty crash per kilometre over the five years;
  - c) The value of works must be between \$2,000 and \$2,000,000; and
  - d) The Benefit Cost Ratio (BCR) must be greater than 2.0.

## **DETAILS**

9. The locations have been assessed for inclusion in both the State and Australian Government programs. The assessment includes selection of appropriate remedial treatments and estimating the costs. Projects can be nominated for both funding programs depending on the qualifying criteria.
10. Funding can also be sought for projects based on identification of potential hazards and where the application is supported by a Road Safety Audit. The current proposed projects do not include a submission using this method.

11. The Metropolitan Regional Road Group (MRRG) will assess the nominations in conjunction with MRWA and are expected to advise the results by December 2018. The Minister for Transport is expected to announce the approved projects by May 2019 to allow sufficient time for the City to finalise the 2019/2020 budget.
12. Five projects have been identified from the available crash history data for the five year period 2013 to 2017. These have been submitted for funding by the 13 July 2018 deadline. Due to the short time frame between the announcement of the funding programs and the submission deadlines, the City has not been able to prepare the submissions in enough time for the Council to review them prior to the submission deadline. The projects are summarised in the following paragraphs.
13. **Holmes Road, Forrestfield at various locations along the road (Refer Attachment 1)**  
*Crash Summary:*  
With 16 crashes reported in five years, the predominant crash type is of vehicles hitting objects.  
  
*Proposed Treatment:*  
The proposed treatment is to widen the shoulders in selected locations and install crash barriers to prevent the vehicles from travelling further off the road.  
  
BCR – 6.83 based on an estimated project cost of \$108,000  
  
This project will be submitted for both the State and Australian Government Black Spot Programs. If it qualifies only for the State Program the City will need to contribute \$36,000 in the 2019/2020 financial year.
14. **Canning Road/Lesmurdie Road Intersection, Walliston (Refer Attachment 2)**  
The City submitted this project in 2017 for the Black Spot Programs, however it was declined due to a concern that the selected treatment would not achieve the desired safety outcome. Although the reporting and analysis tool is very robust, it can not determine if the specific design will lead to the expected safety outcome: this assessment is undertaken by MRWA. An alternative design has now been proposed.  
  
*Crash Summary:*  
The predominant crash types are right angle crashes (15) and rear end crashes (9). The crash investigation suggests that the main cause may be attributed to the approach speed of traffic.



*Proposed Treatment:*

The proposed treatment is to extend the traffic islands for traffic advancing from either direction along Canning Road to the roundabout at Lesmurdie Road. Speed cushions will be installed at the start of the new islands, causing all traffic to slow before reaching the roundabout, while ensuring the drivers are not distracted at the roundabout.

BCR - 5.07 based on an estimated project cost of \$38,000

This project will be submitted for only the State Black Spot Program. If it qualifies for the State Program the City will need to contribute \$12,667 in the 2019/2020 financial year.

15. **Abernethy Road/Kalamunda Road Intersection, High Wycombe  
(Refer Attachment 3)**

*Crash Summary:*

The predominant crash types are rear end crashes (21). At traffic lights this is usually attributed to drivers not having sufficient notice of the changing signals, and thus attempting to speed through orange lights and crashing into a vehicle in front that has elected to slow and stop.

*Proposed Treatment:*

The proposed treatment is to install additional overhead traffic lights, called mast arms. These will provide additional warning and reinforcement of the intersection controls.

BCR - 2.69 based on an estimated project cost of \$48,000

This project will be submitted for both the State and Australian Government Black Spot Programs. If it qualifies only for the State Program the City will need to contribute \$16,000 in the 2019/2020 financial year.

16. **Canning Road/Pickering Brook Road Intersection, Carmel  
(Refer Attachment 4)**

*Crash Summary:*

The predominant crash types are rear end crashes (6) involving northbound vehicles on Canning Road and right-angle crashes (3). These indicate a problem with drivers being unable to select a safe gap to turn from the south out of Canning Road.

*Proposed Treatment:*

The proposed treatment is to widen the northern shoulder of the southern approach of Canning Road, and install a traffic island to define vehicle movements.

BCR - 1.50 based on an estimated project cost of \$36,500

This project will be submitted for only the State Black Spot Program. If it qualifies for the State Program the City will need to contribute \$12,167 in the 2019/2020 financial year.

### **STATUTORY AND LEGAL CONSIDERATIONS**

17. Nil.

### **POLICY CONSIDERATIONS**

18. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

19. Nil.

#### **External Referrals**

20. Residents affected by any approved Black Spot Project will be consulted during the design and construction phases of the project.

### **FINANCIAL CONSIDERATIONS**

21. Three of the five projects meet the Australian Government Black Spot criteria which provides all of the funding. However, it is possible that other competing projects will cause some of these to be declined and considered only for the State Black Spot Program. The following table therefore presents the maximum cost that the City may incur in completing the projects with Black Spot funding:

Location	Proposed treatments	BCR	Estimated construction cost	City <sup>1</sup> / <sub>3</sub> contribution
Holmes Road at various locations along the road, Forrestfield	Install crash barriers and widen the shoulders in selected locations.	6.83	\$108,000	\$36,000
Canning Road / Lesmurdie Road Intersection, Walliston	Extend the traffic islands and install speed cushions.	5.07	\$38,000	\$12,667
Abernethy Road / Kalamunda Road Intersection, High Wycombe	Install additional overhead traffic signals.	2.69	\$48,000	\$16,000
Canning Road / Pickering Brook Road Intersection, Carmel	Widen the northern shoulder of the southern approach of Canning Road, and install a traffic island to define vehicle movements.	1.50	\$36,500	\$12,167
<b>Total:</b>			<b>\$230,500</b>	<b>\$76,834</b>

22. Should the City be successful in winning funding for all four projects, the City's maximum municipal funding commitment will be \$76,900 in 2019/2020.
23. The Long Term Financial Plan (LTFP) includes an annual amount of \$450,000 in 2019/2020 for Black Spot Projects, comprising \$300,000 grant funding and \$150,000 municipal funding. The 2019/2020 amount will be amended to reflect the resulting funding.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *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 3: Kalamunda Develops

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

**Strategy 3.2.2** - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

## SUSTAINABILITY

### Social Implications

25. The MRWA State Black Spot Program Development and Management Guidelines states "The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering of crash victims and their loved ones." Any form of crash causes stress and impacts on the community, and the State Black Spot Program provides a mechanism for the City to address this and reduce the number and severity of crashes using proven treatments.

### Economic Implications

26. Crashes are identified as a road user cost that impacts individuals and the general community through insurance premiums, cost of services, and loss in efficiency from the road network.

### Environmental Implications

27. There are no direct environmental implications arising from this program.

## RISK MANAGEMENT CONSIDERATIONS

28.	<b>Risk:</b> The submissions are not endorsed and the opportunity is lost for government funding contributions towards treatment of Black Spots on the City's road network.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/Strategy</b>		
	Provide sufficient and detailed information to support the project submissions.		

<b>Risk:</b> Any one or all of the submissions are not accepted for funding through the Black Spot Programs.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	High
<b>Action/Strategy</b>		
Provide sufficient and detailed information to support the project submissions. Ensure there are alternatives available and resubmit when needed.		

<b>Risk:</b> Any one or all of the submissions do not achieve the crash reductions that are intended, or otherwise create unintended consequences.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Significant	Medium
<b>Action/Strategy</b>		
The treatment selection methodology has been thoroughly tested and the process includes significant oversight and review by MRWA. Black spot sites are also reviewed in future years to determine the effect of the treatments.		

**OFFICER COMMENT**

- 29. The 2019/2020 Black Spot project submissions were prepared using the services of Cardno Consultants, with officers experienced in crash analysis and treatment selection. The resultant treatments are aimed at reducing the targeted crash types, and to reduce severity and likelihood through the application of improved road design.
- 30. The proposed grant funding submissions for the 2019/2020 Black Spot Program have undergone stringent engineering reviews that ensure each treatment proposed is feasible and can be progressed to detailed design and delivery, pending MRWA approval of each submission.
- 31. As the closing date for submissions was 13 July 2018, the completed submissions have already been delivered to MRWA to commence assessment. This report is therefore submitted on a retrospective basis, with Council’s endorsement of the submissions to be provided through to MRWA later.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. ENDORSES the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2019/2020 State and National Government Black Spot Program:
  - a) Holmes Road, Forrestfield – Installation of crash barriers with localised shoulder widening;

- b) Canning Road/Lesmurdie Road Intersection, Walliston – Extension of traffic islands and installation of speed cushions;
  - c) Abernethy Road/Kalamunda Road Intersection, High Wycombe – Installation of additional elevated traffic lights (mast arms);
  - d) Canning Road/Pickering Brook Road Intersection, Carmel – Shoulder widening and centre traffic island.
2. REQUESTS the Chief Executive Officer to advise Main Roads WA of the endorsement of these projects.

#### **10.5.4. Appointment of Community Members to Advisory Committees and Reference Groups - CEO Instruction**

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

Previous Items	OCM 192/2017, OCM 115/2018
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. CEO Instruction Appointment of Community Members to Advisory Committees <b>[10.5.4.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with a revised CEO Instruction relating to the appointment of Community Members to Advisory Committees and Reference Groups.
2. Council requested at its June 2018 meeting that the Policy of Community Members to Advisory Committees and Reference Groups be revised. The review has been undertaken and changes have been effected as shown in Attachment 1 to this report.
3. This report recommends Council Notes the revised CEO Instruction shown as Attachment 1.

#### **BACKGROUND**

4. In 2017 Council suggested having standard selection criteria for all selection processes pertaining to advisory committees and reference groups of Council in order to increase accountability, transparency and equity in the process.

#### **DETAILS**

5. Council at its meeting resolved (OCM 192/2017) to NOTE the City Policy - Appointment of Community Members to Advisory Committees and Reference Groups.

Council at its meeting of June 2018 OCM 115/2018 RESOLVED

*That Council:*

1. *DEFER item 10.4.5 to July OCM and request the Chief Executive Officer to undertake a review of the terms of reference and processes for selection of members to the Committee.*
6. **Review of Selection Criteria**  
The City has undertaken a review of its Policy and have made amendments to the selection criteria as follows:

		Now	Was
1	Knowledge and experience of the topics the Committee/Group will be required to provide advice on.	25%	25%
2	The ability to allocate the necessary time to attend meetings and read documentation prior to the meeting.	25%	25%
3	Whether the application addresses a knowledge/skill gap on the Committee/Group, with consideration given to the balance of the Committee/Group ensuring broad and diverse community representation.	25%	15%
4	Ability to work in teams and groups.	15%	25%
5	Representation from all wards within the City will be considered important to provide a balance of membership from the different communities of interest. Should there be more than one candidate from a ward the candidate with the highest scores in points 1-4 will receive an additional ward score of 10%.	10%	Nil.

Score	Assessment
21 – 25%	Excellent
16 – 20%	Very Good
11 – 15%	Satisfactory
6 – 10%	Poor
1 – 5%	Unsuitable

7. The rationale for the abovementioned criteria is outlined at points 8 through 12.
8. Demonstrating knowledge and experience of the topics of the committee is important given many of our committees are calling for community expertise or local knowledge.
9. The ability to work as a team and to adhere to the values of the City are important attributes to ensuring committees and groups function effectively. Members who can demonstrate they have clear understanding of what is required to work in a team or with a group of people, should be able to demonstrate and articulate this requirement, and where possible give examples of teams or groups they have been involved with as part of the criteria.



10. Many people often underestimate the time commitment they are making. To ensure we have continuity of members over the life of the committee it is important for people to respond to and consider the time commitment including the preparation time to read agendas and minutes to be adequately prepared for meetings.
11. It is important to a committee or group to have a range of relevant skills and knowledge bases to work from. Ensuring that the various members selected bring diversity in views and come from varying backgrounds is important.
12. In establishing a committee, it is important to ensure the City receives balanced and considered advice from broad representation across the City. Without balance and equal representation, a group or committee can develop bias towards a certain outcome.
13. **Evaluation Process and Report**

City officers will undertake an assessment against the selection criteria of each application for a committee or group. The assessment will be undertaken by a panel of up to five City officers appointed by the CEO, for each committee or group.

Designated officers will produce an evaluation report outlining the selection process and will identify the candidates that best met the criteria.

The evaluation report will be a confidential attachment to the Council report for consideration and Council appointment of members.
14. Council, upon receipt of the evaluation report may review the recommendations of officers and provide an alternative recommendation.

### **STATUTORY AND LEGAL CONSIDERATIONS**

15. Section 5.8 of the *Local Government Act 1995* – Establishment of Committees.  
Section 5.9 (2) (c) of the *Local Government Act 1995* – Types of Committees.  
Section 5.11 (2) (d) of the *Local Government Act 1995* – Tenure of Committee Membership.
16. There are no statutory provisions stipulating how to select members to committees.

### **POLICY CONSIDERATIONS**

17. Section 2.7 (2)(b) of the Act states that the Council is to “determine the local government’s policies”.  
  
The City’s Governance and Policy Framework provides for Council and staff direction to make decisions that are considered to be consistent and unbiased. A policy can also provide detail on the manner in which the City undertakes, or requires others to undertake, certain works or activities.

The Council has established the following level of Policy:

1. Council Policies  
These are strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the City.
2. CEO Instructions  
These Instructions are developed for administrative and operational requirements. They have an internal focus.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

18. Not required.

### **External Referrals**

19. This is not a Council Policy that requires to be externally referred.

## **FINANCIAL CONSIDERATIONS**

20. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

21. *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.

## **SUSTAINABILITY**

### **Social Implications**

22. The selection of members to an advisory committee or reference group should resemble a similar confidential and standardised process as occurs in the recruitment of employees.

Applying fair, transparent and consistent approach to the selection of community members to committees and groups is important for building trust and confidence within the community.

By ensuring that everyone has the same opportunity the selection process is based on the strength of the candidate’s application and the process also allows for equal representation across the various wards of the City.

**Economic Implications**

23. Nil.

**Environmental Implications**

24. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

25.	<b>Risk:</b> Without a consistent and standardised approach to selection of community members the City risks being criticised for being unfair or bias.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Having an Instruction that is transparent and provides consistency in selection will demonstrate the City is being fair in its assessment processes.		

**OFFICER COMMENT**

26. The revised Instruction being proposed will positively support the implementation of selecting community representatives on committees and groups and provide clear guidance to officers undertaking assessments.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. NOTES the revised Chief Executive Officer Instruction - Appointment of Community Members to Advisory Committees and Reference Groups.

### **10.5.5. Terms of Reference Community Safety and Crime Prevention Advisory Committee**

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

Previous Items	OCM 167/2017; OCM 199/2017; OCM 13/2018; OCM 115/2018
Directorate	Development Services
Business Unit	Community Safety & Compliance Services
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	1. Terms of Reference Community Safety and Crime Prevention Advisory Committee <b>[10.5.5.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee for the term 2018 to 2020.
2. The Terms of Reference for the Community Safety and Crime Prevention Advisory Committee was reviewed with two recommended changes, being:
  - a) Revising the City of Kalamunda Elected Member membership from three to four members, with one from each ward, where possible;
  - b) Revising the four community representatives to have, one from each ward where possible.
3. This report recommends Council:
  - a) Adopt the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee for the term 2018 to 2020;
  - b) Cease the application process presented in OCM115/2018, with all applicants being notified accordingly;
  - c) Approve the advertising of four community members to join the Community Safety and Crime Prevention Advisory Committee;
  - d) Appoint four councillors one from each ward to the Community Safety and Crime Prevention Advisory Committee;
  - e) Appoint two deputy members to the Community Safety and Crime Prevention Advisory Committee.

#### **BACKGROUND**

4. Council resolved (OCM167/2017) to abolish the Community Safety and Crime Prevention Advisory Committee as follows:

*"That Council:*

  1. *Approves the Kalamunda Arts Advisory Committee Terms of Reference as outlined in Attachment 1.*

2. *Endorses the reviewed Advisory Committees Manual for Management and Terms of Reference for all Advisory Committees as shown Attachment 1 as amended.*
  - *Increase the Community Membership of the Kalamunda Environmental Advisory Committee from 4 to 6.*
  - *The Aged Care Advisory Committee "City of Kalamunda" deputy representative be changed to "Council Delegate"*
  - *Aged Care Advisory Committee ex officio members be "invited" not "appointed".*
3. *Abolish the Community Safety and Crime Prevention Advisory Committee."*
5. Council then reconsidered the resolution and resolved (OCM 199/2017) to reinstate the Community Safety and Crime Prevention Advisory Committee:  
*"That Council:*
  1. *Reinstate the Community Safety and Crime Prevention Advisory Committee*
  2. *Request the Chief Executive Officer to review the Terms of Reference for Council endorsement at its December 2017 meeting."*
6. The City is committed to engaging with the community in a collaborative manner to resolve crime and safety issues and achieve community goals.
7. Community-led Advisory Committees and Reference Groups assist in dealing with specific service areas or issues.
8. Local government is the most effective tier of government for engaging with the community. The City has existing networks and relationships, which enable us to engage directly with the community and relevant organisations (i.e. WA Police).
9. Advisory Committees provide an effective collaborative forum between the City and the community.
10. This level of engagement provides participants with a high degree of influence over outcomes, although the final decision will always remain with the Council.
11. It allows the City to look to the community for advice and innovation in formulating solutions and to incorporate their advice and recommendations into decisions to maximum extent possible.
12. The objectives of the Community Safety and Crime Prevention Advisory Committee are:
  - a) To consider issues relevant to the implementation of the Community Safety and Crime Prevention Plan (CSCP);
  - b) To provide advice and recommendations to Council, based on local community safety and crime prevention needs;
  - c) To liaise and consult with relevant agencies, individuals and community groups that will assist in the implementation of the CSCP Plan; and
  - d) To monitor and review the strategies and actions adopted as part of the CSCP Plan.

13. Council resolved at its June 2018 meeting (OCM 115/2018) as follows:

*"That Council:*

- 1. DEFER item 10.4.5 to July OCM and request the Chief Executive Officer to undertake a review of the terms of reference and processes for selection of member to the Committee."*

14. With regard to the process for selection of the members to the Committee, a separate report on this OCM agenda has been prepared to deal with this matter.

#### **DETAILS**

15. The City undertook a review of the Committee's terms of reference with changes being made to the document to allow for a more balanced approach to the selection of members.
16. The document was also amended to include four Councillors with one being from each ward where possible.

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

17. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*
- Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.*
- Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.*

#### **POLICY CONSIDERATIONS**

18. The City Policy – Appointment of Community Members to Advisory Committees and Reference Groups, adopted in October 2017 was utilised when reviewing the Community Safety and Crime Prevention Advisory Committee.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

##### **Internal Referrals**

19. The City's General Council and Chief Executive Officer were consulted in the preparation of this document.

##### **External Referrals**

20. Nil

#### **FINANCIAL CONSIDERATIONS**

21. The cost to administer an advisory committee is in the order of \$5,000 to \$6,000 per year based on four meetings per year. This can vary depending on requirement of the committee.

Meeting agenda preparation	2 hours/meeting	\$ 400.00
Briefing Papers prepared and research	8 hours/meeting	\$ 1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$ 1,200.00
Minutes	2 hours/meeting	\$ 400.00
Senior Officers review and signoff	3 hours/meeting	\$ 900.00
Ongoing Liaison	2 hours/meeting	\$ 400.00
Reporting to council	4 hours/meeting	\$ 800.00
	<b>Total estimate</b>	<b>\$ 5,700.00</b>

These costings provided where determines from previous meeting statistics and information provided by the City's financial management team.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

22. *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.

#### 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

23. Reduction of antisocial behaviour through the introduction of new initiatives coming from the activities of the Community Safety and Crime Prevention Advisory Committee.

### Economic Implications

24. Reduction of vandalism and damage to public and private property caused by antisocial behaviour through the introduction of new initiatives coming from the Community Safety and Crime Prevention Advisory Committee.

### Environmental Implications

25. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

26.	<b>Risk:</b> Financial risk of the committee becoming irrelevant and become a cost to the City rather than a benefit.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	By regularly reviewing the terms of reference and the efficacy of advisory committees the City will not incur a cost without benefit.		
27.	<b>Risk:</b> Reputational risk where the committee’s goals do not align with the City’s objective and strategies.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Provide guidance to the members at the first meeting communicate the City’s strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

**OFFICER COMMENT**

- 28. The application process presented to Council on 26 June 2018 meeting (OCM 115/2018) will need to be ceased prior to the adopted changes.
- 29. The applicants will require written notification of the cessation in the application process and the changes made to the Community Safety and Crime Prevention Advisory Committee Terms of Reference.
- 30. The applicants should be invited to re-apply, giving them the opportunity to make amendments to their initial application.
- 31. The new application period should be limited to fourteen days, with applications assessed and brought back to Council at the earliest convenience.



**Voting Requirements: - Absolute Majority**

**RECOMMENDATION**

That Council:

1. ADOPT the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee for term 2018 to 2020.
2. APPROVE ceasing the current membership application process for the Community Safety and Crime Prevention Advisory Committee and request the Chief Executive Officer to advise all applicants accordingly.
3. REQUEST the Chief Executive Officer to implement the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee and advertise to fill the four community member vacancies.

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

**11.1. Attendance to Tourism Council Conference Dinner 5 September 2018**

**NOTICE OF MOTION**

**Voting Requirements: Absolute Majority**

That Council:

1. APPROVE funding of \$1,400 for a table of eight at the WA Tourism 2018 Conference Dinner for Councillors, business representatives and the Chief Executive Officer to attend and promote City of Kalamunda tourism opportunity.
2. PROPOSE the attendance to the conference dinner to include:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

Moved: **Cr Tracy Destree**

Seconded:

Vote:

**Rationale:**

Attendance open for discussion – but given work on Tourism Committee and Arts Committee are both relevant, I would suggest attendance include – Mayor, one Councillor, Chief Executive Officer, two Chamber members, Vince Giglia, Johannes Pannekoek, Peter Kenyon.

**Officer Comments:**

In considering this motion Council must consider the risk of community perception of sending a large number of representatives to a dinner on ratepayer's funds.

**12. Questions by Members Without Notice**

Nil.

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

Councillor Destree provided by email on 16 July 2018

Q1. Could the Chief Executive Officer please provide:

- a) An update on the progress of the City of Kalamunda Reconciliation Action Plan (RAP)?
- b) When is the RAP expected to come before Council for discussion?
- c) Given the City has provided cultural awareness training to City staff, is there any plans or opportunities to offer similar training to Councillors as the City decision makers and advocates for RAP?

Answer

- a) Consultants Kambarang Services and CSD Network have been engaged to develop the RAP.

One of the first tasks completed on the 4 July, was to undertake Cultural Awareness Training for an internal staff stakeholder group (including Executive Management Team attendance).

The consultants have also more recently commenced the community engagement process.

- b) The Draft RAP will be presented to Council in December 2018 for the purposes of seeking public comment. The results of which shall be collated and re-presented to Council for final consideration in March 2019.
- c) Yes. Councillors will have the option of a 4 hour half day session or if preferred a more condensed 2 hr session. Training is proposed to take place in September/ October subject to Councillor and consultant availabilities.

Q2. Could we please have an update of the progress of the City's Internet revision project, and the forecast date for delivery?

Answer

The Website Development Tender has been awarded to Isobar Communications Pty Ltd on the 4 July 2018.

Members of the Web project team and Isobar Communications had the Introductory meeting on 11 July 2018.

The website is expected to be live by January 2019.

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

**15. Meeting Closed to the Public**

**16. Tabled Documents**

**17. Closure**