

Ordinary Council Meeting

Minutes for Tuesday 18 December 2018

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

The Presiding Member opened the meeting at 6.34 pm and welcomed Councillors, Staff and Members of the Public Gallery.

The Presiding Member welcomed Councillor Elect, Kathleen Robyn Ritchie. Councillor Ritchie made a declaration in accordance with r13(1)(c) of *the Local Government (Constitution) Regulations 1998*. Councillor Ritchie took her place in the Council Chambers and voted on all matters as presented to Council.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

Geoff Stallard

South West Ward

Lesley Boyd

Allan Morton

Brooke O'Donnell

North West Ward

David Almond

Sara Lohmeyer

Dylan O'Connor

North Ward

Cameron Blair

Kathie Ritchie

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel

Management Team

Andrew Fowler-Tutt - Manager Approval Services

Darren Jones - Manager Community Development

Virginia Miltrup - Manager People Services

Nicole O'Neill - Manager Customer & Public Relations

Nic Daxter - Leisure Planning Project Manager

Administration Support

Donna McPherson - Executive Research Officer to Chief Executive Officer

Adam Parker - Service Desk Analyst

Members of the Public 34

Members of the Press Nil.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Questions Taken on Notice at the Public Agenda Briefing Forum of 13 November 2018

3.1.1.1 Dick Lovegrove of 41 Brentwood Road, Wattle Grove – Item 10.1.1 of the 9 October 2018 Public Briefing Forum Agenda - Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove

Summary of question from Mr Lovegrove:

Q2. *Given the dangers of heritage listing the Lemon Scented Gums, is the City going to pay for the maintenance of the trees?*

Summary of response from the Chief Executive Officer:

A2. *The City will provide a definitive answer following the outcome of the advertising period.*

3.1.1.2 Ms Cheryl Gole of 8 Landor Road, Gooseberry Hill – Item 10.1.1 Local Planning Scheme No. 3: Proposed Amendment No. 97 – Lot 7 (41) Marion Way, Gooseberry Hill – Special Use Zone – Aged and Dependent Persons Dwelling

Summary of questions from Ms Gole:

Q3. *In relation to the clearing of the road verges adjacent to Lot 7 because of fire risk and the likely clearing on the Marion Way frontage because of the necessity of multiple driveways, could the City please address the future of the permanent loss of mature Marri trees, all of which are habitat for Red Tailed Cockatoos which are listed as vulnerable under State and Federal legislation?*

Summary of response from the Director Development Services:

A3. *The Bushfire Management Plan (BMP) and more specifically the requirements for the Asset Protection Zone (APZ) will require some modification to the vegetation on the verge, this will require selective clearing of understorey and pruning of trees greater than 5m to avoid crowing of the canopy where appropriate. Under State Planning Policy*

3.7 management of vegetation as part of an APZ is required to be selective which would still allow for trees to be retained for foraging habitat for Red Tailed Cockatoos.

3.1.1.3 Chris O'Hora of 361 Paulls Valley Road, Paulls Valley - Item 10.2.1 – Hummerston Road – Public Consultation

Summary of questions from Mr O'Hora:

Q2. *Can the City reassure that the barrier restrictions installed on the gravel track at the end of Hummerston Road in relation to Fern Road have been installed in a safe manner and, as advised in a previous question to Council regarding safety design features installed and the advice that the barriers had panic and crash suitability, has this been tested?*

Summary of response from the Director Asset Services:

A2. *The chain gate is not intended to have crash through capability as is the case with other gates across tracks throughout the City.*

Further question from Mr O'Hora, asked at Item 10.2.1 – Hummerston Road

Q1. *Mr O'Hora asked if the gradient at the western end of Hummerston Road had been tested or checked.*

Summary of response from the Manager Asset Delivery Services:

A1. *The gradient at the western end of Hummerston Road (ie, the section of road leading up to the intersection with Mundaring Weir Road) was not tested or checked.*

3.1.1.4 Tony Fowler of 10 Marie Way, Kalamunda - Item 10.2.4. Kalamunda Flood Study

Summary of questions from Mr Fowler:

Q1. *Is it anticipated the Study will help combat the erosion problems that every creek line has?*

Q2. *What is the difference between streams and surface flow paths in Figure A10, because the surface flow paths look very much like creeks? Is there a technical difference that would influence the study?*

Q3. *Could the naming of the creek lines in this Study be improved for the benefit of residents?*

Q4. *Why is the no mention of Kadina Brook, Quenda Creek, and Bee-eater Creek in this Study?*

Summary of response from the Director Asset Services:

- A1. *It is noted that the Study as presented addresses potential flooding locations and on a prioritised location basis, mitigation of the impacts of flooding through detailed design will also include consideration of erosion control measures where required.*
- A2. *Streams are naturally existing watercourses that flow continually whereas surface flow paths only occur during storm events as a consequence of overflows generated by a stream where its natural capacity has been compromised, naturally occurring overland flow, or where excess water is not able to be contained within a constructed stormwater reticulation network. In each instance there is no technical difference that would influence the Study.*
- A3. *No, given the Study was finalised and the submissions closed some time ago however, this request will be noted in relation to future studies/plans developed as a consequence of stormwater related investigations.*
- A4. *The Study was undertaken at a high level, with outcomes utilised for further, more detailed investigation. Subject to Council consideration, proposed Stormwater Catchment Management Plans will assist in identifying issues (if any) relating to other water courses within the predefined catchments.*

3.1.2 Questions Taken on Notice at the Ordinary Council Meeting of 27 November 2018

3.1.2.1 Mick Unger of 24 Schmitt Road, Kalamunda – Subdivision and Sale of Lots 23, 24 and 50 Schmitt Road, Kalamunda by the Western Australian Planning Commission and the Impact on the Kalamunda Heritage Trail

Summary of questions from Mr Unger:

- Q1. *Can the City confirm what is currently being done and the proposed commitment they are prepared to make to protect the trail and bushland that's being promoted on lots 23, 24 and 50?*

Summary of response from the Director Development Services:

- A1. *Please find summary of history below:*
- In 1995 the Shire (now City) wrote to the WAPC expressing an interest in the land. The Shire proposed a land exchange which was not accepted by the WAPC and this position has not changed. The WAPC position was that any acquisition by the Shire or other party would be on a cash payment basis only.*
 - In 1997, Council resolved to enter into negotiations with the WAPC to acquire the lots.*

- *In July 1997, the Shire wrote to the Ministry for Planning requesting the matter of the land acquisition be further considered by the Commission and the Commission preserve the Shire's right of first refusal.*
- *In 2005, the Shire received enquiries from a developer regarding the possible acquisition of the land from the State Government.*
- *In December 2005, the Shire wrote to the Department of Planning to give consideration to the reservation of the land for recreation purposes as this would reflect the use of the land for the heritage walk trail.*
- *In December 2005, the then Department of Planning and Infrastructure advised the Shire the land in question was not available for purchase.*
- *In January 2006, the Shire wrote to the Department of Planning and Infrastructure requesting they give consideration to reserving the land for recreation purposes.*
- *In June 2015, the Shire wrote to the Minister for Lands, noting the land had been listed on the Departments website as being prepared for sale. The letter urged the Minister to reconsider the sale of the land given its use as a walking cycling trail and significance of the vegetation as an ecological linkage.*
- *In 2017 the City was requested to remove the trail from the WAPC land when the State Government engaged consultants to subdivide the land. The realignment would need to be along the back of the City Administration and the Kalamunda Water Park site.*
- *In November 2017, the application for subdivision was lodged with the WAPC and referred to the City for assessment. Officers provided comments from a planning perspective. City staff also met with the State Government's consultants on site expressing concerns over the proposal, noting the high level of recreational use and the Environmental values of the Site. The City followed up on a number of occasion to find out the status of the application and what was to occur with the trail.*
- *In March 2018, the WAPC approved the two plans of subdivisions subject to conditions.*
- *In September 2018 the Department advised of their plans to proceed to valuation and sale of the lots in the coming months.*
- *The City understands the State Government has since put the sale on hold. This decision is welcomed by the City.*
- *The City is raising their concerns with Minister Saffioti.*

Further questions from Mr Unger:

- Q2. *Could the City advise how they are going to engage with the community to see the outcome of possible transfer or rezoned to a Class A Reserve?*

- Q3. *At the meeting of 29 October 2018 at the Northern Terminus of the Bibbulmun Track, proposed alternative routes to the Kalamunda Heritage Trail were discussed - what information does the City have in relation to that alternative route and how does the City intend to engage with the community regarding its suitability or lack thereof?*

Summary of response from the Chief Executive Officer:

- A2. *Community engagement requirements will be determined once a decision has been received from the State Government.*
- A3. *A definitive answer cannot be provided until information on the alternative route is provided by the State Government.*

3.1.3 Questions Taken on Notice at the Special Council Meeting of 3 December 2018

3.1.3.1 Dianne Hockley of 32 Brae Road, High Wycombe – Item 8.1.2 Forreestfield North Local Structure Plan (Residential Precinct)

Summary of questions from Ms Hockley:

- Q2. *Are there plans to replace the buffer vegetation that was knocked down when you started putting in the railway station with a vegetation buffer?*

Summary of response from the Director Development Services:

- A2. *There are no specific plans to revegetate this section as part of the draft Local Structure Plan. As part of the preparation of Public Realm Design Guidelines at subsequent phases of the planning process, this may be considered.*

3.1.3.2 Luke Dujmovic of 287 (Lots 16 and 17) Berkshire Road, Forreestfield - Item 8.1.2 Forreestfield North Local Structure Plan (Residential Precinct)

Summary of question from Mr Dujmovic:

- Q1. *I have previously submitted a change of address request that doesn't seem to be done and ask that it be updated?*

Summary of response from the Director Development Services:

- A1. *The City has searched unsuccessfully for a change of address form. Unfortunately, we are unable to accept change of address over the phone. The forms are available at: <http://www.kalamunda.wa.gov.au/Services/Rates/Change-of-Details>*

3.1.3.3 Michael Ryan of 146 Lesmurdie Road, Lesmurdie

These questions were submitted in an email from Mr Ryan to the Director Development Services in response to the Special Council Meeting of 3 December 2018.

Q1. *Did the Federal Government give a commitment to provide funds as a Grant for the FNP during the recent visit to Canberra by the CEO and Mayor?*

If so,

- which projects were put forward for funding?*
- how much was promised?*
- which FNP projects are the funds to be spent on? and*
- are there any conditions?*

Q2. *Will the DCP include the cost of remediation for the landfill site?*

Q3. *Will the DCP include purchasing the land and / or construction of the*

- TOD Connector and flyover?*

Q4. *The Newsletter has the words "sewer (potentially)".*

Could Council clarify the situation re:

- costs for the sewer mains (e.g. State Government Capital Budgets / Infill Sewer Program)? and*
- the expected completion date?*

Q5. *Will the DCP include the costs for each and every Community and Sports facility mentioned in the document - purchasing the land and construction?*

- If so, what is the date the construction might start on the last facility e.g., is it 2036?*
- If not all of the facilities are included in the DCP, then which ones are included?*

Q6. *The map SCM - 8123 makes no mention of a Light Industrial Buffer area. SCM - 8124 does. Attachment is 150mB. Too large to attach. I have taken extracts and put into the attached file.*

Can Council please clarify if my land is:

- now designated 100% Residential? I found only one submission in SCM - 8126 to support a change. In fact, keeping Light Industrial Buffer with a variation, would have achieved their objective, my objective and the objective of State Planning.*

or

- still designated Light Industrial buffer area?*

If it is still LI Buffer, then can Council please provide the information I have previously asked for, especially:

NORTHERN BOUNDARY

Surveyor's pegs showing where the Light Industrial Buffer stops and the road reserve between this and the Residential portion of my block begins?

This information has a significant impact on my plans hence a reply within four (4) weeks is requested.

SOUTHERN BOUNDARY

How much land will be taken from my property for road widening of Sultana Road West?

I was previously advised it was close to ten (10) metres.

A surveyor's peg to mark the edge would establish the point.

TREES - NORTH AND SOUTH BOUNDARY (see attachment Page 10)

How wide are these tree sections that are new to LSP?

Please establish these areas relative to the surveyors pegs on the Northern and Southern boundaries.

It seems the band of trees might be ten (10) metres wide.

Response from the Director Development Services:

- A1. *The City of Kalamunda Mayor and CEO met with 19 representatives from government agencies, including Senators, Federal Ministers, and Shadow Ministers.*

The City briefed each of the offices on key strategic projects related to their portfolios including:

- *Ray Owen Reserve Master Plan - Growth Areas Perth and Peel*
- *Kalamunda Bike Plan*
- *Stirk Park Masterplan*
- *Perth Hills Trails Loop/Link Project*
- *Forrestfield North draft Structure Plan*
- *Forrestfield Woodlupine Brook Living Stream project- Stage 1*
- *Woodlupine Community Hub*
- *Water Harvesting Expansion Project*
- *Abernethy Road Upgrade*

No commitments were received during the visit in October 2018 by any Federal Members.

- A2. *Items included in the Developer Contribution Plan (DCP) will be considered and assessed against State Planning Policy 3.6 – Development Contributions for Infrastructure as part of the preparation of the DCP and as part of the finalisation process for the Local Structure Plan in the Residential and Transit Oriented Development Precincts. Until these processes are completed no definitive answer can be provided on infrastructure related items to be included in the DCP.*
- A3. *Refer to response for question 2.*
- A4. *This will be subject to detailed planning by the Water Corporation following the endorsement of the Local Structure Plan by the WAPC.*
- Items included in the DCP will be considered and assessed against State Planning Policy 3.6 – Development Contributions Towards Infrastructure as part of the preparation of the DCP and as part of the finalisation process for the Local Structure Plan in the Residential and Transit Oriented Development Precincts.*
- A5. *The DCP will include costs for the development of the POS based on an established minimum standard. Details regarding the apportionment of funding for community facilities will be considered as part of the preparation of the DCP that is currently in the process of being developed. Items included in the DCP will be considered and assessed against State Planning Policy 3.6 – Development Contributions Towards Infrastructure as part of the preparation of the DCP and as part of the finalisation process for the Local Structure Plan in the Residential and Transit Oriented Development Precincts.*
- A6. *The subject property is designated as Residential under the modified LSP as presented to Council 3 December 2018.*

3.1.4 Questions Taken on Notice at the Public Agenda Briefing Forum of 4 December 2018

3.1.4.1 Kathleen Edmonds of 72 Valcan Road, Orange Grove – Item 10.1.4 Parking of One Commercial Vehicle - Lot 206 (30) Ind Street, Lesmurdie

These questions were submitted in an email to the Director Development Services dated 5 December 2018 in response to the Public Agenda Briefing Forum of 4 December 2018.

Summary of questions from Ms Edmonds:

- Q1. *Where do these people with commercial vehicle permits wash their trucks, where does that possibly contaminated waste washing water go to? After all these trucks may have been on mine sites, in quarries and so on and may easily have contaminated soil on the vehicles.*
- Q2. *Does the waste water wash into the ground or is it collected and disposed of in the same manner as is required in more appropriate parking like commercial areas or truck parking and storage facilities?*

- Q3. *Where are these commercial vehicles serviced and maintained?*
- Q4. *Where is waste product e.g., oils from vehicle maintenance disposed of? Quite likely on the property where they are parked.*
- Q5. *It appears to me there has been a lack of real consideration of the implications when issuing commercial vehicle parking permits in the hills suburbs of City.*
- Q6. *Whilst every application is assessed on its' merits I am aware that the City has been strict in parking of commercial vehicles and does not approve commercial vehicle parking permits in some suburbs within City boundaries, yet it appears in relation to commercial vehicle parking in other City suburbs this has not been the case or so many would not have been approved in one cul-de-sac in Lesmurdie.*
- Q7. *Economic Implications in support of assisting business use in other than a commercial zone is not something I am used to seeing in the agenda staff recommendations at other councils where I attend meetings. Economic viability or assistance to a run a business in a residential area is not a consideration of a council; maintenance of the Locality Amenity for the majority of residents is a consideration of council.*
- Q8. *To have so many truck permits in one cul-de-sac is very wrong; the adjacent Ryan Way is a nice road, to access Canning Road those trucks have to pass many residential properties and are doing so often in the early hours.*
- Q9. *As the only reason this application will appear before full council is because it is a Retrospective Application I would like a response from you on your view of the comments I have made in relation to permit approvals by the City, in particular commercial vehicle parking.*
- Q10. *Had the application not been retrospective it would no doubt, as implied by the Mayor's comments to the applicant, have been just a rubber stamp exercise approved by planning department officers under Delegated Authority with the public being unaware of the approval.*

Summary of response from the Director Development Services:

- A1. *Local Planning Policy P-DEV 22 – Parking of Commercial Vehicles on Private Property stipulates that the washing of commercial vehicles on site is limited to the use of water and mild detergent only, and specifically excludes the use of solvents, degreasing substances, steam cleaning and any other processes. In effect, the washing of the commercial vehicle is similar to that of a normal passenger vehicle.*
- A2. *All water runoff from residential properties are generally contained on site, however there are some instances where the runoff is connected into the City's system. Noting the cleaning of the vehicle is limited to*

the use of mild detergent, adverse environmental impacts are considered unlikely.

- A3. *The Policy limits the maintenance of a commercial vehicle on site to oil and grease changes, change of tyres and any other minor maintenance as approved. This is consistent with the types of repairs associated with passenger vehicles undertaken on residential properties*
- A4. *The owner of the commercial vehicle is required to dispose of any waste products associated with the operation of the vehicle at designated collection areas in the City.*
- A5. *When assessing applications for the parking of commercial vehicles, the City is guided by the Scheme and Policy provisions. The parking of a commercial vehicle is not permitted in residential areas coded R20 and above and limited to a maximum of two vehicles on Rural zoned land. Council is required to have due regard to a number of matters when considering such applications, this includes any relevant submissions received to the application. The City also has the discretion to vary Scheme and Policies provisions where appropriate.*
- A6. *Local Planning Policy P-DEV 22 – Parking of Commercial Vehicles on Private Property does not restrict the number of commercial vehicles that can be parking in a residential street. Each application for the parking of a commercial vehicle is assessed on its merits.*
- A7. *When considering a planning application, Council is required to give consideration to the various social, economic and environmental implications of the proposal. This is a standard approach for all local authorities.*
- A8. *As indicated previously, the Policy does not restrict the number of Commercial Vehicle in a street.*
- A9. *In addition to the application being retrospective, the proposal was also referred to Council for determination due to its non-compliance with the City's Local Planning Policy P-DEV-22 pertaining to Commercial Vehicles and objections received from affected residents.*
- A10. *Refer comments above.*

3.5. 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.

General Counsel addressed the meeting and provided advice to members of the Public Gallery in relation to conduct during Council Meetings and their obligations under the City's Standing Orders Local Law.

3.5.1 Mr Peter Sewell, 25 John Street, Gooseberry Hill

Q1. Has this local government adopted a policy to ensure Councillors cannot act on behalf of the ratepayers they represent?

A. The City is required to follow the Local Government Act and Regulations.

Q2. If not, is the local government looking at the adoption of such a policy?

A. The City is required to follow the Local Government Act and Regulations.

Q3. What is the sense of electing people to act on our behalf if they cannot speak on our behalf?

A. The opportunity exists for elected members to speak on behalf of ratepayers during the meeting process giving due regard to the Local Government Act and Regulations.

Q4. How can progress be made if Councillors cannot speak for their ratepayers?

Q5. Is constructive criticism not a good thing?

A. The Mayor advised he was not of the view Council or Councillors had been "gaged" and was acting within the Code of Conduct.

3.5.2 Alice Clarke - 20 Williams Street Wattle Grove

Q1. Will the City of Kalamunda advise how to a stop a developer making a claim against local government property as defined within the Local Government Act 1997 s 1.4?

Q2. Can the City assist with the loss incurred from a developer?

A. The Director Development Services advised he was aware of this and it was a complicated matter. Further that he had previously met with Ms Clarke. The questions were taken on notice

3.5.3 Mr Peter Bolden - 55a Snowball Road, Kalamunda

- Q1. Why is the Kalamunda Club (Item 10.3.2 Request for Financial Assistance) being charged an interest rate of 5% when ratepayers who are charged 11% for late payments of rates?
- Q2. Can ratepayers who have been charged interest look forward to a refund? If not, why not? If the refund is not forthcoming will the Kalamunda Club be charged a rate of 11% interest?
- A. Taken on notice.
- Q3. In relation to Item 10.3.1, Main Roads Western Australia request for Land access and Transfer to Facilitate Roe Highway/Kalamunda Road Interchange project, why is the Council giving away land assets for no cost? Could this be a negotiation to get Schmitt Road land?
- A. The Director Corporate Services advised the land transfer is to facilitate a significant state road project. The City was originally seeded the land at no cost and there are several encumbrances on it. He advised he would not comment on it in relation to a Schmitt Road land swap negotiation.

Cr Giardina declared an Impartiality Interest in relation to Item 10.4.5 Special Electors Meeting Report as this item related to residents of Wattle Grove South he has declared an interest in the past as he has a relative in that area. Cr Giardina vacated the chambers at 7.05pm prior to the following questions being put to the meeting. Cr O'Connor presided over the meeting.

3.5.4 Bev Dornan - 28 Easterbrook Place Wattle Grove

- Q1. On Friday 5 October a letter was forwarded to Councillors and the City drawing attention to the fact the versions of the Draft Industrial Development Strategy advertised for public comment were not the same as that adopted on 26 June. When will a written response be provided?
- A1. Taken on Notice.
- Q2. Will the City give an undertaking to adjust the agenda and the minutes of 3 December to show the Strategy document approved for advertising on 26 June was not the version published on the website?
- A2. Taken on Notice.

3.5.5 Ms Kathleen Edmonds, 72 Vulcan Road, Orange Grove

- Q1. Since the adoption of the Draft Industrial Development Strategy 2018 on 3 December has the document been transmitted to the Western Australian Planning Commission? If yes, when did this occur? If no,

when will this occur? Will it be presented in the exact form as it was adopted?

- A1. The Draft Industrial Development Strategy 2018 was referred to the Western Australian Department of Planning through the public advertising period. The Draft Industrial Development Strategy 2018 is an informing strategy and a component of the City's Local Planning Strategy. The Local Planning Strategy is what will be formally referred to the Western Australian Department of Planning and Western Australian Planning Commission.
- Q2. Have all Councillors considered the implications of the Draft Industrial Development Strategy 2018 on all City of Kalamunda localities?
- A2. The presiding member advised, whilst he could not speak on behalf of councillors, to the best of his knowledge all councillors undertake due diligence in relation to information presented.
- Q3. Can the City please clarify which gas pipeline, domestic or Dampier/Bunbury, runs along the MKSEA boundary? Can it be confirmed that the buffer of Tonkin Hwy is between the MKSEA and the Dampier/Bunbury gas pipeline?
- A3. Taken on Notice.

3.5.6 Mr Robert Prew, 52 Crystal Brook Road, Wattle Grove

- Q1. Do I have permission to circulate a map from the which Draft Industrial Development Strategy that accurately depicts the area of semi-rural wattle grove which is subject to industrial zoning consideration?
- A1. Permission was provided to circulate the map.
- Q2. Does Council fully understand the map?
- A2. The Director Development Services advised clarification on this was provided at the Special Council Meeting of 3 December 2018. This map is an appendix to the Draft Industrial Development Strategy and highlights the opportunities and issues analysis undertaken within Wattle Grove South which supported the development of the Strategy.

3.5.7 Mr Frank Lindsey, 95 Aldersyde Road, Piesse Brook

- Q1. During a public statement at the meeting of 3 December Cr Giardina read an email from the CEO. Could the CEO please explain the context of the email read during the statement?
- A1. The context of the email read by Cr Giardina was in relation to an enquiry received from another councillor seeking to understand if Cr Giardina, or any councillor who declares an interest, should agree to

hold meetings with residents on planning issues. Also should a councillor declaring an interest attempt to advocate for a certain position in relation to a planning issue. It is the duty of the CEO to raise the matter with the councillor in question. As such the matter was raised with Cr Giardina who clarified his intent.

- Q2. Did the email question Cr Giardina's inconsistent approach to declaring interests given when the Draft Industrial Development Strategy came to council in June he participated in that vote but has subsequently declared an interest and excused himself.
- A2. No, that was not the intent of the email.
- Q3. Can the CEO advise if the Local Government Act requires a councillor who declares an interest affecting impartiality to absent themselves from voting in council?
- A3. The Act does not require a councillor to absent themselves neither does it require them to stay.
- Q4. Can the CEO advise if WALGA has a view on what at a councillor should do when declaring an interest affecting impartiality?
- A4. Taken on Notice and referred to WALGA for further details.
- Q5. Can the CEO advise if councillors at the City of Kalamunda have access to WALGA training programs that address conflicts of interest?
- A5. Yes, councillors are provided with an annual training allowance.
- Q6. Has the Mayor undertaken this training?
- A6. Taken on notice.
- Q7. Given that the Act does not provide for councillors to abstain from voting if a councillor chooses to absent themselves, could that be perceived as the councillor seeking to avoid their statutory obligations?
- A7. There is nothing in the current Local Government Act which requires a councillor to vote.
- Q8. Can the CEO advise if Cr Giardina has breached the Rules of Conduct by his statement at the electors meeting on 3 December at which time he used his position of Mayor to make a public statement discrediting a article written by myself in order to give himself an advantage in the public eye and to disadvantage myself.
- A8. The CEO advised she was not in a position to answer that question as this would be a matter for external determination.
- Q9. On the subject of live streaming, the City passed a motion which sought to prepare a report. How is it the Mayor can state the cost of live

streaming of council meetings would be \$250,000 when a report has not yet been presented to council?

A9. Taken on notice.

4. Petitions/Deputations

A deputation was received from Ms Andrea Balfe of 22 Vulcan Road in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Ms Blafe spoke against the Officer Recommendation.

A deputation was received from Mr Charles Dornan of 28 Easterbrook Place in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Mr Dornan spoke against the Officer Recommendation.

A deputation was received from Ms Bev Dornan of 28 Easterbrook Place in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Ms Dornan spoke against the Officer Recommendation.

A deputation was received from Robert Prew of 52 Crystal Brook Road in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Mr Prew spoke against the Officer Recommendation.

A deputation was received from Mr Jim Reid of 89 Victoria Road in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Mr Reid spoke against the Officer Recommendation.

A deputation was received from Mr John Taylor of 72 Crystal Brook Road in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Mr Taylor spoke against the Officer Recommendation.

A deputation was received from Dr Michael Light of 22 Sheriff Circuit in Wattle Grove regarding Item 10.4.5 - Special Electors Meeting Report. Dr Light spoke against the Officer Recommendation.

Cr Giardina returned to the meeting at 8.30pm at which time, Cr O'Connor stepped down as Presiding Member.

A deputation was received from Mr Lex Barnett of Taylor Burrell Barnett, Level 7, 160 St Georges' Terrace Perth regarding Item 10.5.4 - Proposed Amendment No 101 to Local Planning Scheme No 3 - Maddington Kenwick Strategic Employment Area - Development Contribution Area. Mr Barnett spoke in favour of the Officer Recommendation.

5. Applications for Leave of Absence

5.1 RESOLVED OCM 235/2018

That Cr Margaret Thomas be granted leave of absence for the period 2 February 2019 to 20 February 2019.

Moved: **Cr Allan Morton**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

5.2 RESOLVED OCM 236/2018

That Cr Geoff Stallard be granted leave of absence for the period 19 January to 28 January 2019.

Moved: **Cr Allan Morton**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 237/2018

That the Minutes of Public Agenda Briefing Forum held on 13 November 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6.2 RESOLVED OCM 238/2018

That the Minutes of Ordinary Council Meeting held on 27 November 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6.3 RESOLVED OCM 239/2018

That the Minutes of the Special Council Meeting held on 3 December 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

6.4 RESOLVED OCM 240/2018

That the Minutes of Public Agenda Briefing Forum held on 4 December 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Allan Morton**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

7. Announcements by the Member Presiding Without Discussion

7.1 Nil.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.1.4 Parking of One Commercial Vehicle - Lot 206 (30) Ind Street, Lesmurdie – Attachment 1. Submitters List
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

8.2 Item 10.2.1 Consideration of Tenders for Canning Road, Upgrade Civil Construction (RFT 1811) – Attachment 1. Tender Evaluation Report
Reason for Confidentiality: *Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

8.3 Item 10.4.1 Draft Maida Vale Reserve Master Plan – Results of Public Comment Period – Attachment 1. Public Comment
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) – "the personal affairs of any person".*

8.4 Item 15.1.2 Chief Executive Officer's Performance Review 2017-2018
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.1.1 Nil.

9.2. Disclosure of Interest Affecting Impartiality

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

9.2.1 Cr John Giardina declared an Impartiality Interest on Item 10.4.5 Special Electors Meeting Report as he has family that resides in the area.

10. Reports to Council

10.1. Development Services Reports

RESOLVED OCM 241/2018

The recommendations of reports 10.1.1 to 10.1.5, excluding 10.1.4 which was withdrawn for separate consideration, be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.1.1. Local Planning Policy P-DEV 64 - Requirements for Local Planning Scheme Amendments: Final Adoption

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

Previous Items	OCM 142/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Draft P-DEV 64: Requirements for Local Planning Scheme Amendments [10.1.1.1]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the final adoption of draft Local Planning Policy P-DEV 64 - Requirements for Local Planning Scheme Amendments (Policy).
2. The Policy has been written to provide guidance on the level of detail the City of Kalamunda (City) requires as part of a Standard or Complex Amendment to the Local Planning Scheme. Following adoption for advertising by Council in August 2018, the Policy was advertised to the community. No submissions on the Policy were received.
3. It is recommended that Council adopt the Policy without modification (Attachment 1).

BACKGROUND

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

DETAILS

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

and Development (Local Planning Scheme) Regulations 2015 (the Regulations);

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

16. The Policy was advertised for a period of 21 days in accordance with the requirements of the City's Local Planning Policy -PDEV 45 – Public Notification of Planning Proposals and the requirements of the Regulations (Schedule 2, Part 2, Clause 4(2)).
17. Over the course of the advertising period, no submissions on the Policy were received.

FINANCIAL CONSIDERATIONS

18. All costs incurred through advertising were met through the Approval Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *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

20. If the Policy is adopted, Council and City officers will be provided with more guidance in the assessment and determination of Local Planning Scheme amendment proposals.
21. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

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

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 24.
- | | | |
|--|--------------------|---------------|
| Risk: The Policy is not adopted, resulting in inconsistent application of planning advice and fails to improve decision making. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/Strategy | | |
| Ensure that Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications. | | |

25.	Risk: The Policy will be viewed as onerous.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	The Policy provided discretion as to its application. Undertake education program to assist the community and developers to better understand the stated objectives.		

OFFICER COMMENT

- 26. The additional information required by the Policy will assist the City in terms of determining the appropriateness of a Local Planning Scheme amendment by providing greater detail which can be disseminated through the community engagement process.
- 27. A key element of the Policy is the introduction of the requirement for additional information up-front with lodgement of a Local Planning Scheme amendment in the form of a Land Use Scoping statement.
- 28. The Land Use Scoping Statement will help inform the City and Council of the scale and intensity of the proposed land use and provide as much information as possible regarding future planning and design for the operation of, or construction of, buildings associated with the proposed Local Planning Scheme amendment.
- 29. It is important to note however; that the Policy only applies to applications for a Scheme amendment where there is a change of use to the land and/or where there is the potential for new built form and associated activities and where these changes are likely to have an impact on the amenity of the existing and future local community. Where this is not the situation, the provisions of the Policy will not apply.
- 30. The Policy also recognises that while the additional information provided through the Land Use Scoping Statement and the Concept Master Plan can be indicative and may change, it is made clear to the applicant that any significant change at the development application stage will require considerable reasoning and justification from the applicant.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 242/2018

That Council:

ADOPTS Local Planning Policy P-DEV 64 - Requirements for Local Planning Scheme, as outlined in Attachment 1, pursuant to Clause 4(3)(i) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.1.2. Draft Local Planning Policy P-DEV 48 - Extensions of Approvals, Refunding, Waiving, and Reducing Planning and Building Fees

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

Previous Items	OCM 54/2015, OCM 148/2015
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Current Adopted Policy [10.1.2.1] 2. Draft Planning Policy P- DEV - 48 - Extensions to Approvals and Refunds [10.1.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider minor modifications to the Local Planning Policy P-DEV 48 – Extensions of Approvals, Refunding, Waiving and Reducing Planning and Building Fees (Policy).
2. Following an audit of the City of Kalamunda’s (City) Approval Services processes in September 2018, it was recommended that the Policy be reviewed with the intent to ensure all decisions with respect to requests for refunds are appropriately documented. The City has also taken the opportunity to amend the Policy with respect to Part 3 “Refund of Planning Fees” to reference the process where development applications are submitted to the City but do not require planning approval.
3. Noting the minor nature of the changes proposed, it is recommended that Council adopts the revised Policy without the need for public advertising.

BACKGROUND

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure Council has a clear and defensible position in making planning decisions.
5. The Policy was originally adopted by Council in November 2015 and is included in its current format as Attachment 1 to this report.
6. As an outcome of the audit, it was recommended that the City’s Policy be updated to incorporate the requirement for a written request for refund be lodged with the City prior to any action being undertaken.

DETAILS

7. The intent of the Policy is to provide guidance to applicants and the City when dealing with an application for refund, waiving of fees, or extension of development approval.

8. The Policy has been reviewed based on the recommendations of an external audit, with the following changes proposed:
 - a) including in Part 3 of the Policy the requirement for a written request to be lodged with the City for consideration of refunds;
 - b) including in Part 3 of the Policy, the ability for the Manager Approval Services to refund 100% of the application fee where no works have been undertaken by the City and it has been determined that development approval is not required; and
 - c) the inclusion of an appendix to the Policy that outlines the process for the refunds of planning fees.
9. In addition to the above changes, minor formatting and grammar alterations have been made to the structure of the Policy to bring it into alignment with current Policy framework and internal templates. The revised Policy is included as Attachment 2 to this report.

STATUTORY AND LEGAL CONSIDERATIONS

10. Local Planning Polices are created under Clause 3.1 of the Planning *and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
11. Under Schedule 2, Part 2, Clause 5 (2) of the Regulations it is stated that, despite the standard requirement to advertise a Local Planning Policy, *'the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.'*

POLICY CONSIDERATIONS

12. The Policy has been modified to follow more recently adopted City templates with some small modifications to improve structure, legibility and clarity as it relates to the Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. Due to the minor nature of the proposed changes, and because the Policy expressly relates to fees and the extensions of development approvals, the Policy was not required to be referred internally in this instance. The audit itself was reviewed by the City from a Statutory Planning and Corporate perspective.

External Referrals

14. As the proposed changes are minor and relate to internal processes only, it is considered that public advertising of the modifications is not required.

FINANCIAL CONSIDERATIONS

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *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

17. If the Policy changes are adopted, the City will have greater certainty when it comes to facilitating refunds on development applications that do not require development approval.

18. Additionally, the community will have access to more clarity and transparency regarding the process that the City will take in determining if a refund can be applied, leading to improved outcomes.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

21.	<p>Risk: The revisions to the Policy are not adopted, resulting in an inequity for refunds for development applications that the City has determined do not require planning approval.</p>		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Demonstrate the importance of including the provision to allow for 100% refunds when no development application is required.		

22.

Risk: The revisions to the Policy are not adopted, resulting in lack of guidance around the procedure for the processing of refunds to applicants in situations where no development application is required.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Demonstrate the importance of ensuring that the planning policy incorporate recommended changes outlining the procedure for determining refunds.		

OFFICER COMMENT

- 23. The proposed revisions provide clarity regarding the process to be undertaken for refunding development applications within the City.
- 24. The Policy has been reviewed to reflect the recommendations of the independent Planning Approval audit undertaken in September 2018. The recommended changes to the Policy ensure all decisions with respect to requests for refunds are appropriately documented. In addition, changes to the Policy have been included with respect to the process for applications received which do not require planning approval. The Policy also includes an appendix that outlines the process for the refunds of planning fees.
- 25. The changes will bring greater clarity regarding the refund process for both the City and applicants.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 243/2018

That Council:

- 1. ACCEPTS that the proposed minor amendment to Local Planning Policy P-DEV 48 – Extensions of Approvals, Refunding, Waiving and Reducing Planning and Building Fees are in accordance with Clause 5(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* and does not require advertising.
- 2. ADOPT Local Planning Policy P-DEV 48 – Extensions of Approvals, Refunding, Waiving and Reducing Planning and Building Fees, as outlined in Attachment 2, pursuant to Clause 5(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.1.3. Proposed Amendment No. 99 to Local Planning Scheme No. 3 - Lot 50 (98) Lawnbrook Road West, Walliston - Change of Density Coding From R2.5 to R5

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003
Applicant	Town Planning Innovations ABN 19618886070
Owner	Howard & Dot Ginbey
Attachments	<ol style="list-style-type: none"> 1. Current Scheme Zoning Map [10.1.3.1] 2. Applicant Report [10.1.3.2] 3. Amendment Document [10.1.3.3]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting proposed Scheme Amendment No. 99 to Local Planning Scheme No. 3 (LPS3) (Amendment 99) for the purposes of public advertising.
2. Amendment 99 proposes to rezone Lot 50 Lawnbrook Road, Walliston (subject site) as follows:
 - a) recode the northern portion of Lot 50 Lawnbrook Road, Walliston from 'Residential' R2.5 to R5;
 - b) rezone a central portion of Lot 50 Lawnbrook Road, Walliston from 'Local Open Space' to 'Residential', with an R5 code; and
 - c) rezone a portion of Lot 50 Lawnbrook Road, Walliston from 'Special Rural' to 'Local Open Space'.
3. Amendment 99 represents a logical extension of the existing urban area to the east of the subject site and is considered consistent with the applicable strategic and statutory planning framework.
4. The Officer Recommendation is to adopt Amendment 99 for the purposes of public advertising.

BACKGROUND

5. **Land Details:**

Land Area:	4.68 hectares
Local Planning Scheme Zone:	Special Rural, Residential Bushland R2.5, Local Open Space
Metropolitan Regional Scheme Zone:	Urban

6. **Locality Plan:**



7. The property has been used historically for rural purposes, with some grape vines still grown on the property. The subject site contains an existing house, ancillary accommodation and outbuildings.
8. The land surrounding the subject site is characterised by residential zoned land (Residential R5) to the east and rural zoned land (Rural Agriculture) to the west of the subject site. The residential zoned land has been subdivided and residential housing is now progressing as part of the 'Conti Gardens' Residential Estate. The rural zoned land is used for horticultural activities.

9. A number of land parcels, including the subject site, were previously rezoned under Amendment No 143 to the City of Kalamunda's (City) Local Planning Scheme No.3 from 'Rural Agriculture' to 'Special Residential' 'Special Rural', and 'Recreation/Open Space'.
10. Council at its Ordinary Council Meeting (OCM) of 22 May 2018 (OCM 77/2018) resolved to forward to the Western Australian Planning Commission (WAPC) a recommendation of adoption for a similar proposal adjacent to the site. Amendment 35 to LPS3 proposed to rezone a portion of Lot 31 (16) and Lot 32 (20) Halleendale Road from R2.5 to R5. These sites are currently located approximately 436m from the subject site.
11. For reference, the current Scheme zoning map has been included as Attachment 1 to this report.

DETAILS

12. The Applicant is seeking Council approval to advertise Amendment 99 which proposes to rezone the subject site as follows:
 - a) recode the northern portion of Lot 50 Lawnbrook Road, Walliston from 'Residential' R2.5 to R5;
 - b) rezone a central portion of Lot 50 Lawnbrook Road, Walliston from 'Local Open Space' to 'Residential', with an R5 code; and
 - c) rezone a portion of Lot 50 Lawnbrook Road, Walliston from 'Special Rural' to 'Local Open Space'.
13. In support of the Amendment 99, the Applicant has undertaken detailed analysis on site effluent disposal investigations, preparation of a Bushfire Management Plan, Subdivision Concept Plan and Drainage Concept Plan, (Attachment 2).
14. In support of the proposal, the Applicant notes the following:
 - a) the amendment represents a logical extension of the existing R5 coded areas on adjacent Lot 51 known as "Conti Gardens" residential estate;
 - b) a portion of the subject site is already designated as suitable for residential development. The increase in the density proposed is practical and allows for more manageable lot sizes which can support effluent disposal;
 - c) the location of the subject site has excellent access to existing services, facilities and shops in Walliston, Lesmurdie and Kalamunda;
 - d) it allows for a transition between the established urban area to the north west and special rural zoned land on the southern portion of the subject site; and
 - e) although there are some site constraints, a subdivision design can be achieved on the site compatible with the adjoining Conti Gardens development.

15. A copy of the Applicant's report and the proposed amendment documentation has been included as Attachments 2 and 3 to this report.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

16. Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme, as well as justification for the type of amendment proposed (basic, standard or complex).
17. Pursuant to Regulation 34, the proposal is to be a standard amendment for the following reasons:
- *The proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and*
 - *It is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.*
18. Pursuant to Regulation 47, and in accordance with s81 and 82 of the *Planning and Development Act 2005*, following adoption, the amendment must be referred to the Environmental Protection Authority (EPA) for their comments before being advertised in accordance with the requirements of the Regulations.

Local Planning Scheme No. 3

19. Under Clause 4.2.2 of the Scheme, the objectives of the Special Rural Zone are as follows:
- *To enable smaller lot subdivision to provide for uses compatible with rural development; and*
 - *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*
20. Under Clause 4.2.1 of the Scheme, the objectives of the Residential Zone are as follows:
- *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire;*
 - *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment;*
 - *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities; and*
 - *To encourage the retention of remnant vegetation.*

POLICY CONSIDERATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

21. The subject site is located within a Bushfire Prone Area. Under the provisions of State Planning Policy 3.7 (SPP3.7) the proposal is required to be referred to the Department of Fire and Emergency Services for their assessment and recommendations.
22. As part of the report provided by the Applicant, a Bushfire Management Plan (BMP) has been prepared. The BMP indicates that most of the site will be subject to a BAL Rating of 29 or lower. However, there are some areas in which a rating of BAL FZ applies. In these locations construction has been undertaken prior to the adoption of SPP3.7. The construction is therefore determined to be a legacy issue.

Directions 2031 and Beyond

23. Directions 2031 highlights the benefits of a consolidated City in order to achieve a more sustainable pattern of development, setting a 50 percent infill development target for future infill development within the Perth metropolitan region.
24. The proposed amendment will allow for an intensification of development within an established area, thus aligning itself with the objectives of Directions 2031.

North-East Sub-Regional Planning Framework

25. The North-East Sub-Regional Planning Framework has identified an urban infill target for the City of Kalamunda (the City) of 11,450 new dwellings by 2050. In order to respond to this the City will be required to facilitate structure plans, strategies and amendments that assist in increasing the potential of infill development.
26. By proposing a change of zoning and increase in density, the proposed amendment will assist in achieving the 2050 target.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. The City assessed the proposal and raised concerns from an Assets Services perspective relating to the future development of the subject site associated with access to the site, drainage, and future indicative subdivision layout. Following consultation with the Applicant, and the provision of revised documents, the concerns were addressed to the satisfaction of the City.

External Referrals

28. Should Council resolve to adopt the proposed amendment for advertising it will be submitted to the EPA for their comment and then advertised in accordance with the requirements of the Regulations and Local Planning Policy P-DEV 45 (as amended) as a standard amendment.

The advertising period will be for a total of 42 days and will incorporate the following:

4. publishing a notice in the local newspaper;
5. providing a copy of the proposal to each public authority likely to be affected;
6. erecting a sign on site for the duration of the advertising period;
7. publishing a notice of the proposed amendment on the City's website;
8. ensuring that a copy of the amendment is available for public inspection and the City's administration building; and
9. advertising the proposal in any additional ways that the WAPC deems suitable.

FINANCIAL CONSIDERATIONS

29. All advertising costs are to be borne by the Applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *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

31. The potential for amenity impacts from the operation of the adjoining horticultural activity to the east of the subject site may exist. Typically, amenity issues resulting from spray drift, general noise and dust associated with the operation of the horticultural activity may have an impact on encroaching residential land uses.

32. Uses in the subject area are in the process of transition to more intensive urban type uses. The subject site is located in close proximity to the area rezoned under Amendment 35, which also proposed to rezone land from R2.5 to R5. Amendment 35 was supported by Council in May 2018. Amendment 35 is currently with the Minister for Planning, Lands and Heritage for consideration.

Economic Implications

33. The subject site is located adjacent to an operating orchard. In this regard, reference is made to the comments received from the Department of Health during the advertising period for Amendment 35 where it was noted that sensitive land uses have historically encroached into areas operating horticultural activities which have the potential to impact on the economic viability of the horticultural activity. These comments are considered valid to the proposal at hand as the land subject to Amendment 35 is in close proximity to the site of proposed Amendment 99.

Environmental Implications

34. Natural vegetation exists over the southern portion of the subject site; comprising mature trees and managed understorey. Regard will need to be given to the clearing of vegetation on site for any future development. Such development would be required to comply with relevant development standards as they relate to the creation of firebreaks and Asset Protection Zones (APZs) under State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
35. The City’s current Scheme is silent on specific development requirements for removal of vegetation above the requirements of State legislation. However, any individual who wishes to develop the land should give due regard to the *Environmental Protection and Biodiversity Conservation Act 1999*.
36. The Environmental Protection Authority’s Guidelines for Separation of Agricultural and Residential Land Uses recommends a general buffer distance of 500m as a guide, however the precise buffer distance would depend on a number of factors, such as chemicals used, method of application, site characteristics, proposed land uses, surrounding characteristics such as road reserves and existing vegetation.

RISK MANAGEMENT CONSIDERATIONS

37.	Risk: Adopting the increase in zoning may cause intensification of the site, which may result in undue amenity and environmental impacts.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure that as part of the amendment process the overall concept and coordination of appropriate land uses are determined, and that any future applications for development are assessed by the City through the subdivision and development application process.		

OFFICER COMMENT

38. Amendment 99 represents a logical extension of the existing R5 coded development on adjacent Lot 51 known as "Conti Gardens" Residential Estate. A portion of the subject site is already designated as suitable for residential development under the current R2.5 coding. Importantly, Amendment 99 is consistent with the applicable strategic and statutory planning framework and is therefore considered consistent with orderly and proper planning of the area.
39. The subject site is located in close proximity to the area rezoned under Amendment 35, which also proposed to rezone land from R2.5 to R5. Amendment 35 was supported by Council in May 2018. The amendment is currently with the Minister for Planning, Lands and Heritage for consideration.
40. The potential does exist for amenity impacts arising from the operation of the adjoining horticultural activity on future residential land uses. Conversely, as noted in the report, the encroachment of sensitive land uses into areas of horticultural activity also has the potential to impact on the economic viability of the horticultural activity.
41. On balance, noting the competing interests of the two land use activities, it is considered appropriate for Amendment 99 to include a requirement for a notification to be placed on the title of future lots advising that the lot is located near to operating primary production activities (orchard) and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation. It is recommended that the amendment documents be amended by the Applicant to this effect prior to formal advertising proceeding.
42. Advertising the proposed amendment will provide the community and broader stakeholders an opportunity to outline any potential concerns and for these concerns to be addressed through the amendment process prior to the amendment being brought back to Council for approval.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 244/2018

That Council:

1. ADOPTS proposed Amendment 99 to Local Planning Scheme No. 3 for the purposes of public advertising subject to the following modification:

Insert the following development requirement into Clause 5.23.1 – Additional Site and Development Requirements (Table 4):

No.	Description of Land	Requirement
3	Lot 50 (98) Lawnbrook Road West, Walliston	<p>At the time of subdivision or development, a condition shall be applied to require notification pursuant to Section 165 of the Planning and Development Act 2005 to be placed on the Certificate(s) of Title of the subject lots, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan).</p> <p>The notification is to state as follows:</p> <p><i>"This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard)."</i></p>

2. CONSIDERS Amendment 99 to Local Planning Scheme No.3 as a standard amendment under Clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a) the proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
 - b) it is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
3. FORWARDS the proposed Amendment 99 to the Environmental Protection Authority for comment pursuant to Section 81 of the *Planning and Development Act 2005*.
4. ADVERTISES Amendment 99 for public comment for a period of 42 days in line with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Sections 81 and 82 of the *Planning and Development Act 2005*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.1.4. Commercial Vehicle Parking - Lot 206 (30) Ind Street, Lesmurdie

This item was withdrawn for separate consideration as an alternative motion was received.

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	IN-01/030
Applicant	Gregory Funnell
Owner	Gregory & Mary Funnell
Attachments	<ol style="list-style-type: none"> 1. Site Plan [10.1.4.1] 2. Photo of the Commercial Vehicle [10.1.4.2] 3. Street View [10.1.4.3] 4. Submission Table [10.1.4.4]
Confidential Attachment	<ol style="list-style-type: none"> 1. Submitters List <p><i>Reason for Confidentiality: 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 retrospective planning application for the parking of one commercial vehicle at Lot 206 (30) Ind Street, Lesmurdie (subject site).
2. A total of six submissions were received on the proposal, comprising of two objections and four non-objections. The concerns raised in the objection were in relation to amenity impacts, noise pollution and an increase in the volume of traffic.
3. It is recommended that Council refuse the application due to non-compliance with the City of Kalamunda’s (City) Local Planning Policy P-DEV 22 Parking of Commercial Vehicles on Private Property (Policy) and the visual amenity impacts of the proposal on the streetscape.

BACKGROUND

4. Land Details:

Land Area:	1537sqm
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

5. The subject property is located at the end of a cul-de-sac and contains an existing single dwelling and outbuilding. The land uses surrounding the area are predominantly residential.
6. The City received a complaint alleging the vehicle was being parked on the subject property without any relevant approvals. As a consequence of the complaint, the City advised the landowner to submit a planning application in order to continue parking the commercial vehicle on the subject property.
7. The Applicant has been parking the commercial vehicle on the site for many years without the approval of the City.

8. **Locality Plan:**



DETAILS

9. The proponent is seeking approval to park one commercial vehicle on the subject property. The commercial vehicle is proposed to have an average of three movements per week and to leave at 6:00am with no idling time required when leaving and returning.
10. Details of the proposed commercial vehicle are outlined below:

Make	Year	Type	Height	Length	Weight
Hino	2007	Flatbed	2.4m	8m	10.4 tonne

11. The proponent has identified the vehicle parking area to be forward of the dwelling, setback approximately 13m from the boundary line and to be screened by a 1.8m high colorbond gate (Attachments 1, 2 and 3).
12. The proponent uses the vehicle in conjunction with operating their business for picking up and delivering water tanks.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

13. Under the provisions of Local Planning Scheme No. 3 (Scheme), the zoning table stipulates land use permissibility for land zoned under the Scheme. The use 'commercial vehicle parking' is an "A" use which means it is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.
14. In accordance with Schedule 1 of the Scheme, Commercial Vehicle and Commercial Vehicle Parking is defined as:
- "commercial vehicle** means a vehicle as defined in the Road Traffic Act 1974, whether licensed or not which has a gross vehicle mass greater than 1.5 tonnes and which is used, designed or intended for use in the course of any business or trade, and is limited to the following vehicles-
- a) Any prime mover, truck bus or earth moving equipment and any wheeled attachment to any of the, or any wheeled article designed to be attached to any of them; and
 - b) A loaded combination, such as a bob cat, forklift of any other vehicle loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle"
- "commercial vehicle parking** means the parking of a commercial vehicle(s) for any period which is longer than necessary to load and unload to complete a service being rendered to the property".
15. Clause 5.19 of the Scheme establishes several provisions relating to commercial vehicle parking, these include:
- 5.19.6 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also-
- a) the owner of;
 - b) the driver of or;
 - c) the proprietor of a business which owns or operates the commercial vehicle in respect of which the approval is sought.
- 5.19.7 An approval for the parking of a commercial vehicle is -
- a) personal to the applicant for approval and;
 - b) specific to the commercial vehicle which is the subject of the application for approval
- 5.19.8 Council may revoke any approval granted for parking a commercial vehicle(s) if there is a failure to comply with any condition of the approval.

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY CONSIDERATIONS

Local Planning Policy P-DEV-22 Parking of Commercial Vehicles on Private Property

17. The intended purpose of the Policy is to provide guidance when assessing applications for parking commercial vehicles on private properties, that does not detrimentally impact on the amenity of the locality or the neighbouring properties.
18. The application was assessed against the following criteria as set out under the Policy:

Policy requirements	Proposal	Compliant with policy
Maximum length 17.5m and 4.3m in height for articulated type commercial vehicles.	8m / 2.4m	Yes
The vehicles shall only be started and manoeuvred on the lot in accordance with times and a manner approved by Council. Standard start and manoeuvring times are 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm Sundays, unless otherwise approved by Council.	The proponent is seeking a variation to the standard start up times and requests a dispensation of 6am in lieu of 7am.	No
Vehicle is to be parked behind the front alignment of the dwelling and preferably behind the rear alignment of the dwelling. Where the vehicle is parked alongside the dwelling, then gates or fencing to a height of 1.8m should be erected to satisfactorily screen the vehicle.	The vehicle is proposed to be parked forward of the dwelling with a 1.8m high colorbond gate in front.	No

The vehicle must be parked on the lot so that it does not interfere with access and egress of other vehicles. Where possible, vehicles should be parked such that they do not need to be reversed out.	The vehicle wouldn't interfere with the access and egress of other vehicles.	Yes
Spray painting, panel beating, and major servicing of the vehicle will not be permitted on the lot.	If approved, this will be included as a condition.	Yes
Washing of the vehicle on the lot is limited to the use of water and mild detergent and excludes the use of solvents, degreasers and steam cleaning.	If approved, this will be included as a condition.	Yes
Idling and cooling down shall be restricted to 5 minutes per day.	No idling time is required	Yes
The cleaning and maintenance of the vehicle is restricted to the hours of 8.00am to 7.00pm Monday to Saturday and 9.00am and 6pm Sunday, unless otherwise approved by Council.	If approved cleaning and maintenance times can be included as a condition.	Yes

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Given the nature of the proposal, there is no requirement to refer the application internally for comment.

External Referrals

20. In accordance with Local Planning Policy P -DEV-45 Public Notification of Planning proposals, the application was advertised to surrounding landowners for a period of 14 days. During the advertising period there were a total of six submission received, comprising two objections and four non-objections.

21. A summary of the objections raised are as follows:

i) Noise Pollution:

The respondents are concerned about noise due to the variation being sought to the start-up times and the area being predominantly residential.

j) Traffic Increase:

The respondents are concerned as there are allegedly 4 trucks operating out of Ind Street.

k) Amenity Impacts:

The area is predominantly a residential area and not industrial.

Responses to all submissions received are noted in the submission table (Attachment 4).

FINANCIAL CONSIDERATIONS

22. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

24. The location where the vehicle is being parked has the potential to negatively impact on the streetscape and the amenity of the neighbouring properties. The inclusion of a gate to screen the vehicle within the front setback area may further impact on the visual amenity of the streetscape.

Economic Implications

25. The parking of the vehicle will assist the proponent with the operation of their business.

Environmental Implications

26. The Policy provisions do allow for the washing of the commercial vehicles on site with the use of a mild detergent, but not the use of any solvents, degreasing substances or any other processes which may cause pollution or degradation of the environment.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: Approval of the application could establish a precedent for the parking of commercial vehicles forward of the building alignment.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure the planning arguments that substantiate the decision are clearly articulated.		

OFFICER COMMENT

- 28. The Applicant is seeking approval to park a commercial vehicle which is not compliant with all of the provisions of the Policy, in particular, the location of the vehicle being forward of the existing dwelling alignment. It is noted that the Applicant has been parking the vehicle forward of the dwelling for many years, with no complaints having been received until this year.

- 29. With respect to the objection raised to the proposal, the Scheme allows for the parking of commercial vehicles in R10 zoned areas subject to the approval of the City and where appropriate Council. The Policy establishes criteria for which applications for the parking of commercial vehicles will be assessed and ultimately determined against.

- 30. With respect to operating hours, the Policy limits vehicle movement and start up times to between 7.00am and 7.00pm Monday to Saturday, and 9.00am and 6.00pm Sundays unless otherwise approved. In the event the application is approved by Council, it is recommended that the vehicle movements and start up times outlined in the Policy are adhered to.

- 31. From a planning perspective, the purpose of the Policy is to provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area. Whilst it could be argued that the location of the subject site on a cul-de-sac and the location of the commercial vehicle parallel with the adjoining dwelling have the potential to lessen the amenity impacts, it is considered that on balance, the location of the commercial vehicle forward of the existing residence in an open streetscape is likely to have an amenity impact contrary to the purpose of the Policy.

- 32. Notwithstanding the above, Council in considering the application and having regard to Clause 67 of the regulations may consider the planning arguments sufficient to support the proposal. In doing so, Council should be mindful that approval of the commercial vehicle in a location forward of the building alignment may establish a precedent for future similar applications. Notwithstanding, each application will be assessed on its individual circumstances and merits.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

REFUSE the retrospective application to parking a commercial vehicle at Lot 206 (30) Ind Street, Lesmurdie for the following reasons:

- a) the location of the Commercial Vehicle forward of the building alignment, located within the front setback area is considered to have a detrimental impact on the visual amenity of the streetscape;
- b) the location of the Commercial Vehicle forward of the building alignment, located within the front setback area is considered contrary to the purpose of Local Planning Policy P-DEV 22 Parking of Commercial Vehicles on Private Property; and
- c) the proposal is not consistent with the principles of orderly and proper planning.

Moved:

Seconded:

Vote: **LAPSED**

Cr Thomas foreshadowed an alternative motion. As the Recommendation did not receive a mover it LAPSED. Cr Thomas motion was put to the meeting.

Voting Requirements: Simple Majority

RESOLVED OCM 245/2018

That Council:

- 1. APPROVES the development application for Commercial Vehicle Parking at Lot 206 (30) Ind Street, Lesmurdie as submitted by Gregory and Mary Funnell and received by the City of Kalamunda on 27 September subject to the following conditions:

- a) the development must be carried out only in accordance with the stamped approved plan(s)/drawing(s) and documents(s) (including any recommendations made) listed below, stamped and returned to the Applicant with this decision notice, including any amendments to those plans shown in red;

Title	Date	Prepared by
Site Plan	N/A	Gregory and Mary Funnell

- b) approval for the commercial vehicle parking is personal to Gregory Funnell (drivers licence number 1953626) vehicle details:

Make	Model	Year	Registration
Hino	FD	2007	1CM1694

- c) the vehicle shall, at all times, be parked in the location shown on the site plan;
- d) maintenance of a minor nature such as wheel changing, and cleaning of the commercial vehicle is only permitted between 8.00am and 6pm Monday to Saturday. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted;
- e) the idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day;
- f) washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment;
- g) movement and start-up times of the vehicle being restricted to 6.00am and 7.00pm Monday to Saturday and 9.00am to 6.00pm Sunday;
- h) vehicles brought onto the site as part of a loaded combination shall not be off - loaded onto the site and used for commercial related activity or storage purposes; and
- i) the off-loading and storage of any other commercial products on site associated with the parking of the commercial vehicle on site is not permitted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Cr Thomas - Rationale

My reasons for proposing to approve the application are:

1. I have owned and driven a truck this size and have motor bikes and the bikes are louder. This truck is about the same as a 4 wheel drive diesel of which there are many so I don't believe it is too noisy.
2. This is his business which he has operated for over 14 years, with no complaints, it is not a leisure vehicle which he doesn't need.
3. The neighbours that are closer to him have no objections.
4. It is not that far in front of his house and does not affect the amenity of this areas it is behind the fence line

10.1.5. City of Kalamunda: Community Health and Wellbeing Plan 2018 - 2022

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Community Safety & Compliance Services
File Reference	HE-PUH-013
Applicant	City of Kalamunda
Owner	N/A
Attachments	1. PR Proofed FINAL DRAFT - City of Kalamunda Community Health Wellbeing Plan 2018-2022 [10.1.5.1]

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council's endorsement of the City of Kalamunda's (City) Community Health and Wellbeing Plan 2018-2022 (Plan).
2. The Plan guides how the City will improve the health and wellbeing of its residents and replaces the City's previous Community Health and Wellbeing Plan 2013-2016.
3. It is recommended that Council endorses the Community Health and Wellbeing Plan 2018-2022.

BACKGROUND

4. The *Public Health Act 2016* (Act) will require local governments (anticipated for the year 2020 – 2021) to develop a local health plan.
5. The Act encompasses a much broader definition of health than the prevention of disease. Local authorities are now required to take on more responsibility for public health.
6. The City's Community Health and Wellbeing Plan 2013-2016 has now expired and the proposed Plan will replace it.
7. The purpose of the Plan is:

"To create a happy, healthy, connected community to live, work and play."

DETAILS

8. The Plan was developed after analysing the City's complaint history, Australian Bureau of Statistics' demographic data, and epidemiological information from the Department of Health.

9. The research undertaken in preparation of the Plan indicated that the health of the City's residents is better than state averages across most metrics. Unfortunately, whilst the City is doing better than most local government areas, the state averages are poor.
10. The health statistics of the City were used to create actions that target the City's specific needs.
11. The Plan aligns with Federal and State priorities and will meet the City's statutory obligations under the Act.
12. The Plan not only acknowledges activities already undertaken by the City to promote health and wellbeing, it also identifies future projects and actions that can be conducted to further enhance the health and wellbeing of the community.
13. Actions within the Plan have broadly been split into four different sections:
 - a) Health Lifestyles;
 - b) Healthy Communities;
 - c) Healthy and Safe Environment; and
 - d) Healthy Partnerships and economy.
14. The City is implementing a Health Plan before it becomes a statutory obligation under the Act.

STATUTORY AND LEGAL CONSIDERATIONS

15. Part V of the Act will come into effect in 2020-2021
16. Part V Section 45 of the Act states the following on Local public health plans:
 - (1) *A local government must prepare a public health plan (a local public health plan) that applies to its local government district.*
 - (2) *A local public health plan must be consistent with the State public health plan.*
 - (3) *A local public health plan may be prepared in conjunction with a plan for the future of the local government district prepared under the Local Government Act 1995 section 5.56.*
 - (4) *A local public health plan must —*
 - (a) *identify the public health needs of the local government district; and*
 - (b) *include an examination of data relating to health status and health determinants in the local government district; and*
 - (c) *establish objectives and policy priorities for —*
 - (i) *the promotion, improvement and protection of public health in the local government district; and*
 - (ii) *the development and delivery of public health services in the local government district; and*
 - (d) *identify how, based on available evidence, the objectives and policy priorities referred to in paragraph (c) are proposed to be achieved; and*

- (e) describe how the local government proposes to work with the Chief Health Officer and other bodies undertaking public health initiatives, projects and programmes to achieve the objectives and policy priorities referred to in paragraph (c); and*
- (f) include a strategic framework for the identification, evaluation and management of public health risks in the local government district and any other matters relating to public health risks in the local government district —*
 - (i) that the local government considers appropriate to include in the plan; or*
 - (ii) that are required to be included in the plan by the Chief Health Officer or the regulations; and*
- (g) include a report, in accordance with the regulations, on the performance by the local government of its functions under this Act.*
- (5) A local government must review its local public health plan each year and may amend or replace it at any time.*
- (6) Unless it is sooner replaced, a local public health plan must be replaced at the end of the period of 5 years after it was prepared.*
- (7) A local government must prepare its first local public health plan not later than 2 years after this section comes into operation.*

POLICY CONSIDERATIONS

17. There are no relevant policies.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The Plan was developed as a collaborative project with Environmental Health as project manager and subject matter expert receiving input from the following business units:
- a) Community Development – reviewed the Plan and are responsible for some of the its actionable outcomes;
 - b) Asset Services – responsible for some of the Plan’s actionable outcomes;
 - c) Approval Services – responsible for some of the Plan’s actions;
 - d) Events – responsible for some of the Plan’s actionable outcomes;
 - e) Rangers – responsible for some of the Plan’s actionable outcomes;
 - f) Emergency Management – responsible for some of the Plan’s actionable outcomes;
 - g) Economic Development – responsible for some of the Plan’s actionable outcomes; and
 - h) Public Relations. – responsible some of the Plan’s actionable outcomes.

External Referrals

19. The Plan has been developed based upon feedback obtained from non-for-profit organisations, government agencies and other local governments.
20. Community consultation was undertaken in the form of surveys and workshops with community members, health practitioners and community groups. The feedback received can be summarised as:
 - a) further consideration should be given to mental health initiatives;
 - b) focus should be given to youth and seniors;
 - c) access for people with disability or limited mobility needs to be improved in the Kalamunda town centre;
 - d) stress and substance abuse are two key issues in the community; and
 - e) some residents within the City are socially isolated.

The feedback was used to ensure the Plan addresses community needs.

FINANCIAL CONSIDERATIONS

21. Provisions for the Plan have been costed into existing operational budgets. No further funding is being requested to action the Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

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.

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

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

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.

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events.

SUSTAINABILITY

Social Implications

- 23. Community members will benefit from greater opportunities to improve their health and wellbeing.
- 24. The Plan encourages greater community participation in sporting and community groups.

Economic Implications

- 25. The Plan will have no direct economic impact on residents however, there are indirect economic benefits from improved health outcomes such as:
 - a) improved productivity;
 - b) reduction in sick leave; and
 - c) reduced burden on health care services.

Environmental Implications

- 26. Encouraging active living and the use of public spaces also promotes a lifestyle, which has a reduced environmental footprint.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: Future compliance risk to the City if it does not have a public health plan.		
	Likelihood	Consequence	Rating
	Rare	Moderate	Low
	Action/Strategy		
	Ensure that a health plan that meets the legislative requirements is prepared and adopted.		

28.	Risk: Reputational risk to the City if the actions of the Plan are not implemented.		
	Likelihood	Consequence	Rating
	Rare	Moderate	Low
	Action/Strategy		
	Regularly review and report on task and milestones, with a summary of outcomes being represented in the annual report.		

OFFICER COMMENT

- 29. Good health is the foundation of a happy, connected and vibrant community. People aspire to live in areas where they believe their health will improve.
- 30. The Plan reflects changing community expectations of the services that local governments offer their residents.
- 31. The Plan recognises the actions the City currently takes to improve the health outcomes of its residents and identifies opportunities to further improve community's health and wellbeing.
- 32. Actions within the Plan identify sources of grant money and leverage State and Federal health campaigns, ensuring the implementation of the Plan is as cost effective as possible.
- 33. Actions within the Plan encourage residents to interact with their community and make healthy lifestyle choices. In addition, to improve mental health and creating a sense of belonging, it will also reduce the incidents of preventable diseases.
- 34. The Interim State Health Plan did not consider mental health. However, the City's Plan has gone beyond this, recognising the importance of mental health. This will be achieved by increasing opportunities for families and individuals to create social connections and encouraging meaningful involvement in the community, as well as exploring opportunities for the City to offer mental health first aid courses.
- 35. Lifestyle choices can be attributed to half of all deaths worldwide. While the City is not a health care provider and does not have the means to treat lifestyle diseases, it does have an important role in developing initiatives which will prevent these diseases. The Plan is an integral part in delivering these outcomes.

Voting Requirements: Simple Majority

EN BLOC RECOMMENDATION OCM 246/2018

That Council:

ENDORSES the Community Health and Wellbeing Plan 2018-2022.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.2. Asset Services Reports

The recommendations of reports 10.2.1 to 10.2.2 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote: **LAPSED**

Asset Services Reports were considered separately. The en bloc recommendation LAPSED.

10.2.1. Consideration of Tenders for Canning Road, Upgrade Civil Construction (RFT 1811)

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachment	Nil
Confidential Attachment	1. Tender Evaluation Report

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a contract for the Canning Road Upgrade Civil Construction (RFT 1811).
2. On 6 June 2018, the City of Kalamunda (City) issued the Request for Tender (RFT 1811) seeking to engage a suitable, experienced and qualified Contractor for the upgrade of Canning Road from Pomeroy Road to Welshpool Road.
3. It is recommended that Council:
 - a) Notes that the revised overall project budget needs to be increased by \$187,430, which will be funded from a combination of external grant funding sources; and
 - b) Approves Tender Award to Dowsing Group Pty Ltd ACN: 617 211 935 for the Canning Road Upgrade Civil Construction (RFT 1811) for a lump sum price of \$519,899.94 (excluding GST).

BACKGROUND

4. The intent of the Canning Road upgrade is to widen the sealed surface by 1m either side of the existing lanes, with this involving drainage improvements, installation of crash barrier protection, sections of kerbing and inclusion of solid edge lines between Pomeroy Road and Welshpool Road East.
5. The project was approved by Council as part of the 2017/2018 CAPEX Program as an identified Blackspot project, having been successful in securing State BlackSpot funding for two-thirds of the project estimated cost, with the remaining one-third to be funded by the City.
6. The City does not Tender for the construction works until such time that external risks to the program are mitigated. In this case, the necessary Clearing Permit from the Department of Water and Environmental Regulation took seven months from application and was only granted in May 2018. Consequently, the City sought approval from the Metropolitan Regional Road Group (MRRG) who administer the approval of State BlackSpot projects and associated recoup of funding to carrying forward funding into the 2018/2019 financial year.

DETAILS

7. The City issued RFT 1811 seeking to engage a suitable, experienced and qualified Contractor to undertake the upgrade of Canning Road from Pomeroy Road to Welshpool Road East.
Tenders were called on 6 June 2018 and closed on 26 June 2018.
8. The Tender assessment was completed in July 2018 by a Panel consisting of:
 - a) Project Manager Asset Delivery (Panel Chair);
 - b) Coordinator Project Design; and
 - c) Coordinator Project Delivery.The Probity Overview was conducted by the Procurement Finance Officer.
9. Eight tenders were received from and in alphabetical order:
 - a) BMD Urban Constructions;
 - b) Civcon Civil Project Management;
 - c) DB Cunningham Pty Ltd t/a Advantearing Civil;
 - d) Densford Civil Pty Ltd;
 - e) DJ MacCormick Contractors Pty Ltd;
 - f) Dowsing Group Pty Ltd;
 - g) Industrial Roadpavers WA Pty Ltd; and
 - h) WCP Civil Pty Ltd.

10. As part of the Tender assessment process, all received tenders were to be considered against predefined Compliance Criteria, with only those tenders that met the Compliance Criteria to be considered further.

The submission from Advantearing Civil was non compliant.

11. Tenders were then assessed against the Qualitative Criteria to provide the Tender Assessment Panel with information to determine a suitable tender.

12. The Qualitative Criteria set for this Tender was:

Qualitative Criteria	Weighting
Relevant Experience	20%
Tenderer's Resources	25%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	35%

It was determined prior to calling Tenders that Tenderers would need to achieve a Qualitative Pass Mark (QPM) of 60% or higher to be considered further.

13. Panel members completed the Qualitative Evaluation through individual assessment and scoring of the responses by each Tenderer to the Qualitative Criteria. Thereafter the Panel collectively determined consensus scores on a Tender by Tender basis for each of the Qualitative Criteria on 17 July 2018. The process was progressed in accordance with the City's evaluation process in a fair and equitable manner.

14. The outcomes of the Qualitative Evaluation ranked the Tenders as follows:

Tenderer	Rank
Densford Civil Pty Ltd	1
Dowsing Group Pty Ltd	2
BMD Urban Constructions	2
WCP Civil Pty Ltd	4
Industrial Roadpavers WA Pty Ltd	5
Civcon Civil & Project Management	6
DJ MacCormick Contractors Pty Ltd	7

15. The top four ranked Tenderers achieved the minimum 60% QPM.

16. Once deemed suitably qualified by means of the QPM results, the Tender Price for each submission came under consideration to determine the best value for money offer.

The following table ranks the lump sum price offered by each Tenderer:

Tenderer	Rank
Dowsing Group Pty Ltd	1
WCP Civil Pty Ltd	2
Densford Civil Pty Ltd	3
BMD Urban Constructions	4

17. In reviewing Tender Prices, it was evident that prices submitted by all four Tenderers were in excess of the approved budget for the project, primarily due to the time delay in tender, underestimation of the costs of the traffic management costs and the barrier protection installation. The City sought MRRG consideration to increase their grant funding for this project, which was approved in late September 2018. Funding detail is further discussed in the Financial Considerations section of this report.
18. On confirmation that additional funding had been approved, the Panel reconvened in October 2018 to finalise its review of the Qualitative Evaluation results and the Tender Prices, with the Panel recommending that Dowsing Group Pty Ltd be the preferred Tenderer for its lump sum price of \$519,899.94 (excluding GST) on the basis that the lump sum price offered is considered to be value for money given that all four Tenderers who achieve the minimum 60% QPM successfully demonstrated their ability to deliver the works.
19. The Panel was also satisfied that Dowsing Group Pty Ltd has the capability and capacity to undertake the works for the lump sum price offered and undertook reference checks, with advice received being fully supportive of the recommendation as promoted.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. Nil.

External Referrals

23. Nil.

FINANCIAL CONSIDERATIONS

24. Funding for the Canning Road Upgrade Civil Construction project was originally allocated against Job No 3406 in the 2017/2018 Capital Works Program at an approved budget of \$394,408 (excluding overheads and GST). The budget included State BlackSpot funding totalling \$262,939 with the balance sourced through Municipal funding.
25. Upon resolution of the construction tender costs, a revised project budget of \$581,838 (including design costs expended, project management and construction contingency) has been determined.
26. The shortfall between original budget and revised budget is \$187,430. The MRRG has approved top up funding of \$124,953 from State BlackSpot funding, leaving a final shortfall of \$62,477, normally to be funded by the City from Municipal Funds.
27. Coincidentally, the City received a boost to the 2018/2019 Direct Grant scheme from the State of \$158,517.
28. It is proposed that the City's shortfall of \$62,477 required for the Canning Road Upgrade Civil Construction project is funded from the Direct Grant scheme.
29. Dowsing Group Pty Ltd, through its lump sum price of \$519,899.94 (excluding GST) as offered is the lowest price overall in comparison with the other Tenderers that met the required QPM. A review of their Price Schedule indicates they have made allowance for all items within the scope of works and appears to offer the best value for money.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

31. Nil.

Economic Implications

- 32. Funding carried forward from 2017/2018 is approved in the 2018/2019 budget to implement this project, with additional funding sourced to accommodate a shortfall in project budget.

Environmental Implications

- 33. A Clearing Permit has been obtained to accommodate the proposed widening works.

RISK MANAGEMENT CONSIDERATIONS

34.	Risk: The Contractor does not undertake the works to the requirements of Cost, Time or Scope.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	<ul style="list-style-type: none"> a) Warranties, Australian Standard contracts and Professional Project Management in place. b) Clearly defined scope of works and specifications developed. c) Construction to be supervised by the City. 		

OFFICER COMMENT

- 35. The Canning Road Upgrade Civil Construction project forms part of the State BlackSpot Program, with implementation focused on mitigating what has become a significant number of road run off crashes along the length of road between Welshpool Road East and Pomeroy Road.
- 36. This stretch of road also contains an above-ground length of Water Corporation watermain in the western verge – addressed by the installation of safety barriers.
- 37. The scope of work includes widening of the road shoulders to provide recovery area, safety barrier at appropriately located sections along the road edge and upgrade to existing signage along this stretch of road.
- 38. In eventually receiving the Clearing Permit for the Canning Road Upgrade Civil Construction project and thereafter addressing the funding shortfall arising as a consequence of Tender prices received, there is no other impediment impacting on the City’s ability to deliver the project.

Voting Requirements: Simple Majority

RESOLVED OCM 247/2018

That Council:

1. APPROVES the revised project budget for the Canning Road Upgrade and Civil Construction from \$394,408 to \$581,838.
2. NOTES receipt of \$124,953 in additional State BlackSpot funding for the Canning Road Upgrade and Civil Construction (Job No 3406).
3. APPROVES the allocation of \$62,477 to the Canning Road Upgrade and Civil Construction (Job No 3406), sourced from the additional 2018/2019 Direct Grant funding received from the State Government.
4. APPROVES the award of the Canning Road Upgrade and Civil Construction (RFT 1811) contract to Dowsing Group Pty Ltd ACN: 617 211 935 for its lump sum price of \$519,899.94 (excluding GST).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.2.2. Milner Road Traffic Management Options

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

Previous Items	Nil
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	ML-10/GEN, ST-10/GEN, MD03/GEN, 4.00009238
Applicant	N/A
Owner	N/A

Attachments	1. Milner Example of Information Sent by Residents to the City [10.2.2.1]
	2. Milner and Stewart Proposed Treatment Option 2 [10.2.2.2]
	3. Milner and Stewart Proposed Treatment Option 1 [10.2.2.3]
	4. Raven [10.2.2.4]

EXECUTIVE SUMMARY

1. The purpose of this report is to approve seeking public consultation on a preferred option for managing traffic related to Milner Road, High Wycombe, to reduce the number of heavy vehicles accessing the intersection of Milner Road and Maida Vale Road.
2. Three 'infrastructure' options and one 'legislative' option are discussed in this report following many complaints over several years from the residents in the vicinity of Milner Road and Maida Vale Road, whereby a larger than normal percentage of heavy vehicles is accessing the intersection of Milner Road and Maida Vale Road, associated with the industrial area to the south. Although most of the heavy vehicles are compliant in size for the roads, they are creating noise and vibration that is a significant disturbance to some residents. The City of Kalamunda (City) is only able to address some aspects of the concerns due to the governing legislation regarding the types of vehicles that can use Milner Road 'as of right'.
3. The Council is requested to consider the options and endorse the option for the Raven Street Extension to be released for public consultation, with the aim of seeking funding as part of the mid-year budget review to fund the construction if Council determines to proceed with the works.

BACKGROUND

4. The City has records of complaints regarding heavy traffic accessing the Milner Road and Maida Vale Road intersection dating back to 2010. The complaints have increased in frequency this year, as a result of recent activity in the area including:
 - a) the Forrestfield Airport Link development early works site;
 - b) the realignment of Dundas Road;

- c) the temporary closure of Dundas Road due to the sink hole, with subsequent detouring of traffic; and
 - d) concerns over the change in size and function of the roads arising from the Forrestfield North Residential Area Structure Plan.
5. Attachment 1 to this report provides typical detail of the matters recorded by residents and provided to the City.
6. Milner Road is a local distributor road, with a 60 km/hr speed zone north of Stewart Road, 70 km/hr for the remainder. The land use changes from residential R20 and R30 by Maida Vale Road, then south of Poison Gully the use changes in a southward direction from High Density Residential, Mixed Use and Light Industry. The southern end of Milner Road is in the Forrestfield Industrial Area, with the section south of Nardine Close to be rated for Restricted Access Vehicles (RAV).

DETAILS

7. The complaints that have been received cover a range of issues; in summary:
- a) noise of larger vehicles;
 - b) vibration from larger vehicles;
 - c) times that the larger vehicles are driving through the intersection making noise and vibrations, such as early morning and late at night;
 - d) the number and frequency of larger vehicles;
 - e) speeding; and
 - f) inability of some larger vehicles to safely make the turn into Milner Road.
8. Traffic investigations for Milner Road and Maida Vale Road in the vicinity of the intersection undertaken in May 2018 identified that:
- a) Milner Road has an 85th percentile vehicle speed of 66.6 km/hr as recorded in March 2018. The speed limit is 60 km/hr. Where the 85th percentile speed is more than 10 km/hr over the speed limit, the WA Police are notified for enforcement. The measurement location was north of Stewart Road, and would not reflect any changes in speed south of this area;
 - b) Maida Vale Road has 85th percentile speeds of 62.3 and 63.4 km/hr (west and east of the intersection respectively), with a speed limit of 60 km/hr;
 - c) the percentage of commercial vehicles is low and has not significantly increased in the last five years, with 8.6% commercial in Milner Road and 6.6% commercial in Maida Vale Road;
 - d) the average daily traffic numbers for Milner Road are low at 1,586 in March 2018, while Maida Vale Road counts of 2,808 (west of Milner Rd) and 3,354 (east of Milner Rd). For reference, a local distributor (such as Milner Road) would be expected to take up to 6,000 vehicles per day in a built-up area before it was considered at or beyond design capacity; and

- e) the City has a Policy (ENG13 adopted in October 2016) to guide the objective assessment of whether or not traffic treatments are needed in response to complaints. The resulting score for Milner Road for a Traffic Treatments Assessment was 21, and the Policy would reflect that in this case no action is recommended.
9. Regarding the noise of the larger vehicles, Main Roads WA have noise advisory signs that can be applied where Restricted Access Vehicles may impact on residential areas, however these signs are not suitable for residential areas. In a similar request for truck noise signage on Kalamunda Road, Main Roads WA advised the following:
- a) "Main Roads has previously commissioned a before and after study to identify any change in noise levels after installation of heavy vehicle noise advisory signs in key locations. The study concluded there was no significant change in noise levels resulting from the installation of the advisory signs."; and
 - b) "Generally, all jurisdictions undertaking noise studies found that signs requesting heavy vehicle drivers refrain from using engine / compression brakes do not appear to have much effect. Some socially aware drivers may have responded to the issue, however in a few cases, some drivers actually resent the message on the sign and appear to deliberately use compression brakes as they pass the sign."
10. Vibrations experienced by transmission through the ground are related to the compaction, moisture content and material type of the soils and also the design of the house. The possible responses the City can offer are to attempt to slow vehicles, thus reducing the potential to cause vibration, or to provide alternative routes that are more suitable for larger vehicle access. The City otherwise has no liability to residents arising from the vibrations of public traffic.
11. As a public road, there are no time restrictions on when vehicles can drive on the road. There may be operating time conditions as part of the respective business operations, however the City has not been in a position to identify the relevant businesses and is not equipped to track and enforce non-compliance in this respect. Note that, based on the information and photos submitted by the residents, most vehicles are compliant for the road.
12. As noted in the background information, Milner Road north of Stewart Road experiences 8.6% heavy vehicles with total average daily traffic numbers being 1,586. The numbers of heavy vehicles (average 136 per day) is high but not significant enough to warrant special treatment. For reference, a volume of 15% or higher would require investigation and treatments to ensure the road network is accommodating the range of heavy vehicles.
13. Where photos were taken of vehicles that may have been oversize, the photos were forwarded to Main Roads WA's Heavy Vehicle Services. In one case (that we are aware of), the vehicle was confirmed as over-sized and Main Roads WA contacted the operator and company. Most of the photos are of 'as-of-right' vehicles, so Main Roads WA and the City were not required to take any compliance action.

14. As noted in the background information, the 85th percentile speed is showing 66.6 km/hr on Milner Road and lower for Maida Vale Road. The 85th percentile speed is the speed at which 85 percent of vehicles are below and this is a design parameter that is used for geometric road design and road safety treatments. Vehicle speed is a function of the behaviour of the driver, the vehicle and the road environment. Of these, the City is only able to influence the road environment, and this is done by providing infrastructure that either requires drivers to slow down, or guides drivers to slow down.
15. As noted in the background information, the Traffic Treatments Assessment has determined that no treatment is recommended.
16. In response to the concerns regarding the turning movement from Maida Vale Road into Milner Road, the City arranged for Cardno Consultants to review the Milner and Maida Vale Road intersection design in July 2018. A software model was used to test the turning movements of a 19 metre long articulated vehicle (as-of-right size) and it was found that considerable modifications would be needed for these types of heavy vehicles to allow turns solely to be lane correct and within the carriageway. There are a number of power poles that would need to be relocated to improve the intersection and the cost for this would be prohibitive. Improving the intersection design would also not mitigate the main range of complaints from the residents. Other vehicle movements can be made within the boundary of the road kerbs and line marking, provided that the driver has slowed and positioned their vehicle correctly for the turn.
17. The City also considered installing intersection counting devices, to validate the vehicle movements, however a single week of counting was quoted at over \$5,000. This was considered to be too expensive given the low numbers of vehicles involved. Although the City has its own traffic classifiers for sections of road, there are no counting devices or funds for intersection traffic data collection.
18. Following the intersection design review, as an alternative, the City arranged signs along Milner Road and Maida Vale Road. The signs advise "Local Traffic Only", "Truck Route Roe Hwy", "Truck Route Dundas Road" and "Not Suitable for Trucks". These signs are not expected to have significant effect and are not approved by Main Roads WA (for similar reasons provided earlier). As the authority on signs and line marking, Main Roads WA can have them removed at any time.
19. As a result of the realignment of Dundas Road, and soon after the closure of Dundas Road north of the Dundas realignment due to the sink hole, the traffic coming through the Milner and Maida Vale intersection increased. Further traffic classifier data at Milner Road north of Stewart Road for the week after the road closure showed an increase in:
 - a) heavy vehicles to 9.0 percent (8.6 percent previously); and
 - b) daily traffic to 2,180 vehicles (1,586 previously).

20. Although the data shows an increase in traffic, the increases are not significant enough to change the prior assessment or recommendation.
21. The long term planning for this area is represented in the Forrestfield North District Structure Plan, for both the Residential Area and the Transit Oriented Development (TOD) Precinct and the Forrestfield Train Station. Key impacts of this future planning are:
- a) the train station multi-deck carpark will increase traffic along Maida Vale Road. Although no upgrades are proposed east of Ibis Place, there will be an upgraded intersection at Ibis Place and further traffic accessing the train station forecourt. The train station works are due to be completed in 2020;
 - b) under the structure plan, Maida Vale Road is to be upgraded to two lanes each way, requiring widening of the road reserve and upgrades to intersections in particular Milner Road. This is expected to occur from around 2030 subject to the progress of development;
 - c) under the structure plan, Milner Road will be upgraded with parking and pedestrian facilities however will retain two lanes for the near term. There are proposed roundabouts at Stewart Road and Sultana Road West. At some time during development of the area, the improvements to Milner Road should result in a decrease in speed limit to 50 km/hr. The upgrades are expected to occur from around 2025 subject to the progress of development; and
 - d) Raven Street will be upgraded to a local distributor, connected through to Maida Vale Road (noting this is based on the prior structure plan and may change when the TOD Precinct structure plan is completed). The timing of this upgrade will be subject to the development of the adjacent land (unless undertaken earlier as proposed below).
22. The City has assessed the issues and determined that from a technical assessment no action is required. However, this is not satisfactory for the affected residents, so the following options have been considered:
- a) create a traffic calming treatment in Milner Road, at the intersection with Stewart Road, ('Infrastructure option');
 - b) close Milner Road north of Stewart Road, ('Infrastructure option');
 - c) extend Raven Street to Maida Vale Road ('Infrastructure option'); and
 - d) close Milner Road to a specific class of vehicle ('Legislative option').
23. A concept for traffic calming at the intersection of Milner Road and Stewart Road is provided as Attachment 2. As noted previously, the 85th percentile speed on Milner Road is over the speed limit at 66.6 km/hr. Although a treatment is not recommended, if a traffic calming treatment were installed then we would expect a decline in vehicle speeds. The more important consideration is what the impact would be to larger vehicles that are wanting to access the Milner and Maida Vale Road intersection. The concept design is intended to slow traffic while allowing passage of all as-of-right vehicles (which includes buses and semi-trailers). The City must design roads to

accommodate the classes of vehicles that are permitted to operate on those roads.

24. The Milner and Stewart Intersection option has been estimated at \$81,500. This option would reduce traffic speeds on Milner Road adjacent to Stewart Road, however it is expected that this option would have no impact on the number of heavy vehicles on Milner Road.
25. A feasibility concept has been prepared for the closure of Milner Road at Stewart Road, refer Attachment 3. This option is in response to a direct request from the residents. The design is for a cul-de-sac that is expected to be able to fit within the road reserve and thus not require land acquisition. This option is expected to be highly controversial as it closes a significant road connection to the north for the businesses and residences south from Stewart Road. The option also significantly changes the structure plan; however the treatment could be applied as a short term arrangement (up to 5 years) until the structure plan developments trigger the need for the upgrade and reopening of Milner Road.
26. The closure of Milner Road for a period longer than four weeks must be conducted under the *Local Government Act 1995*, Subdivision 5, Section 3.50. The Act requires a period of public notice of at least four weeks, consideration of any submissions, and notification to the Minister of the resulting order. The Minister has the authority to revoke the order.
27. The Milner Road cul-de-sac option has been given a preliminary estimate at \$30,000. This estimate will need to be refined once more detailed design is completed. Although this option will have a dramatic reduction in heavy vehicle access to the north end of Milner Road, it is expected to generate significant controversy from other residences and businesses that must instead travel to the south via Berkshire Road.
28. The Raven Street option to extend to Maida Vale Road is presented in Attachment 4. The opening of Raven Street provides a more direct route for traffic heading north-south between Dundas Road and Milner Road. Turning templates and vehicle dimensions have been applied to the street, indicating the need for widening of the road and also improvements to the intersection with Milner Road. This option also supports the future structure planning, noting that if the road was constructed later under the structure plan, then the funding would come from the developer contribution scheme.
29. The Raven Street Extension option has been given a preliminary estimate at \$190,000. This estimate will need to be refined once more detailed design is completed and there will be some land acquisition costs also (as yet unknown). This option provides a long-term solution that aligns with the structure planning and provides a short term solution of diverting the north-south through traffic from the intersection at Milner and Maida Vale Roads.

30. Milner Road can be closed to certain classes of vehicle under the *Local Government Act 1995*, Subdivision 5, Section 3.50 ('Legislative solution'). The classes of vehicle that could be restricted are the articulated vehicles (classes 6 to 9 as per Austroads' *Vehicle Classification System*). For the closure, the Act requires a period of public notice of at least four weeks, consideration of any submissions and notification to the Minister of the resulting order. The Minister has the authority to revoke the order. The only site work needed for this option is to install signage to support the restriction, however enforcement via the WA Police will be needed to make this effective. This option is expected to be controversial as it will directly impact businesses, requiring them to travel to the south via Berkshire Road and Dundas Road and thus have a longer journey.
31. Following endorsement of the report's recommendation, the City will undertake consultation with residents and businesses, undertake detailed design and cost estimates and subject to funding and subsequent Council Approval, proceed with the work.
32. Due to the extent of complaints, concerns and correspondence that have been raised regarding the intersection of Milner and Maida Vale Roads, as a matter of urgency the City will be seeking funding for the accepted option as part of the mid-year budget review (which will also seek the implicit approval for the works).

STATUTORY AND LEGAL CONSIDERATIONS

33. Legislation that is relevant to this report includes:
- a) the *Local Government Act 1995* – authority to close roads;
 - b) the *Main Roads Act 1930* – the provision of roads;
 - c) the Road Traffic (Administration) Act – closure of roads; and
 - d) the *Road Traffic Code 2000* – speed limits, permissible activities, driving, pedestrians and so on.

POLICY CONSIDERATIONS

34. The Traffic Treatments Assessment Policy applies to the assessment undertaken for Milner Road.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

35. The subject of the report has not been referred internally.

External Referrals

36. Subject to approval of this report, the local community and businesses will be consulted.

FINANCIAL CONSIDERATIONS

37. The options represented in this report are not funded in the current financial year. Subject to approval of the report, funds will be requested as part of the mid-year budget review to enable the work to be completed this financial year.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

38. *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.

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

SUSTAINABILITY

Social Implications

39. The existing situation is causing distress to the residents, so any improvement that can be made to reduce large vehicle impacts will improve their wellbeing.

Economic Implications

40. The option to open Raven Street will reduce the journey time for some businesses. The options to install treatments on Milner Road may have no impact or a negative impact to businesses.

Environmental Implications

41. The option to open Raven Street will reduce the journey time for some businesses, resulting in a minor reduction in emissions. The options for Raven Street and the cul-de-sac on Milner Road may require a number of trees to be removed from the road verge.

RISK MANAGEMENT CONSIDERATIONS

42.

Risk: That the City takes no further action until the initiatives detailed in the Forrestfield North District Structure Plan are undertaken and resident complaints continue.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action/Strategy		
The City promotes the changes that will occur over time and weathers continual complaints from residents.		
43.

Risk: That the preferred option, once constructed, does not provide the expected outcomes.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Further detailed design and traffic forecasting prior to construction being approved will improve the ability to achieve the outcomes.		

OFFICER COMMENT

44. The City is limited in its ability to respond to this type of complaint, noting the complexity of the issues raised; the City is only responsible for some aspects of traffic and transport management. The following functions and roles are covered by other agencies and legislation, for which the City must adhere to:
- a) signs and line marking (with some exceptions for signs) – Main Roads WA;
 - b) speed zones – Main Roads WA;
 - c) Restricted Access Vehicles – Main Roads WA;
 - d) regional roads – Main Roads WA; and
 - e) driver behaviour and speeding – WA Police.
45. The City's Traffic Treatment Assessment Policy does not support the need for any changes, however it is recognised that this is Policy and not Legislation.
46. In respect of the nature of the complaints and the need to support the community and businesses, it is considered that the Raven Street Extension is the best option.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the release of the concept for the Raven Street Extension for public consultation.
2. NOTES that a request for funding of the resulting works will be received as part of the mid-year budget review, following which subject to funding the works will commence in the 2018/2019 financial year.

Moved:

Seconded:

Vote:

Cr Almond foreshadowed amendments to the Recommendation. The amendments were put to the meeting and received a seconder.

RESOLVED OCM 248/2018

That Council:

1. ENDORSE the release of the concept for the Raven Street Extension for public consultation.
2. NOTES that a request for funding of the resulting works will be received as part of the mid-year budget review, following which subject to funding the works will commence in the 2018/2019 financial year.
3. CONSIDERS the outcomes of the community consultation prior to any decision regarding the scope and timing of traffic management works on Milner Road or Raven Street.

Moved: **Cr David Almond**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.3. Corporate Services Reports

10.3.1. Main Roads Western Australia Request for Land Access and Transfer to Facilitate Roe Highway/Kalamunda Road Interchange Project

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	4.00009260
Applicant	Main Roads Western Australia ABN: 50 860 676 021
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none">1. Letter from MRWA dated 30 October 2018 and attachments [10.3.1.1]2. Roe Highway and Kalamunda Road Design [10.3.1.2]3. Revised Letter of Consent for Access [10.3.1.3]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request from Main Roads Western Australia (MRWA) that the City of Kalamunda (City) transfer to MRWA for nil consideration and provide MRWA with early access to a portion of:
 - a) Lot 726 (15) Edney Road, High Wycombe (Lot 726); and
 - b) Lot 3 (96) Maida Vale Road, Maida Vale (Lot 3).
2. The proposed land transfer and early access is required to facilitate the Roe Highway/Kalamunda Road Interchange Project.
3. It is recommended that Council agree to the proposed land transfer and early access, subject to conditions.

BACKGROUND

Lot 726 (15) Edney Road, High Wycombe

4. Historically, the building located on Lot 726 encroached onto the road reserve.
5. On 18 October 1984, the City wrote to MRWA requesting that it transfer a portion of the road reserve to the City, at no cost, to accommodate the existing building.
6. MRWA agreed to the proposal and a portion of the road reserve was transferred to the City and amalgamated with Lot 726 to allow the existing building to remain for community purposes.

7. In 2014, a noise wall was constructed by MRWA. The noise wall was constructed along the current boundary of Lot 726 due to the building at Lot 726 still being utilised for community purposes.

Lot 3 (96) Maida Vale Road, Maida Vale

8. On 14 January 2000, Lot 3 was transferred to the City from Western Power (together with other portions of land) for \$10 consideration.
9. Lot 3 is utilised as public open space and is encumbered by an easement to Western Power for the purpose of high tension power lines.

DETAILS

10. By way of a letter dated 30 October 2018 (emailed 1 November 2018), MRWA requested the City to transfer a portion of Lot 726 and a portion of Lot 3 to MRWA to facilitate the Roe Highway/Kalamunda Road Interchange Project. The letter attaches a number of plans and historical documents, as well as a draft letter of consent for access that MRWA requests the City to sign and return. The letter is attached to this report as Attachment 1. The Roe Highway & Kalamunda Road Design is attached as Attachment 2.
11. In respect of part Lot 726, MRWA advises that the former road reserve portion of Lot 726 still exists within the Metropolitan Region Scheme as primary road reserve. MRWA sees it as an opportune time to realign the noise wall as part of this project since the existing building on Lot 726 is no longer being utilised. The City has earmarked the building for demolition to allow for the future development of the site.
12. In respect of part Lot 3, MRWA is requesting the transfer of the required portion based on the benefit the Roe Highway/Kalamunda Road Interchange Project will provide to City residents. A portion of the land will be utilised for the southern on-ramp from Kalamunda Road onto Roe Highway, while most of the land will be improved by a Principal Shared Path. A Principal Shared Path is a high standard pathway that is primarily used by both pedestrians and riders of bicycles. It is primarily provided for regional commuter bicycle trips, though it serves many local destinations along the way. It offers a high level of safety due to its high standards and separation from motor traffic.

STATUTORY AND LEGAL CONSIDERATIONS

13. Section 3.58 of the *Local Government Act 1995* (WA) requires a local government to advertise any disposal of land that does not occur by way of a public auction or public tender.
14. This proposal is exempt from advertising under section 3.58 since MRWA is an agency of the State government: regulation 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* (WA).

POLICY CONSIDERATIONS

15. The purpose of the Asset Management Council Policy (C-AS-01) is to "*provide a framework for undertaking long term strategic asset management of the City's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community.*"
16. The relevant portion of Lot 726 was transferred to the City on the basis that it was required for community purposes, however, it is no longer required for those purposes.
17. The relevant portion of Lot 3 is restricted public open space since it is encumbered by an easement to Western Power for the purpose of high tension power lines. The land will better serve City residents if transferred to MRWA for the purposes of the Roe Highway/Kalamunda Road Interchange Project.
18. The transfer of both parcels of land to MRWA represents good asset management.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

Lot 726 (15) Edney Road, High Wycombe

19. The proposal to transfer a portion of Lot 726 to MRWA has been assessed by the City from an asset management perspective. It is noted that the proposed boundary for Lot 726 cuts through the corner of the existing building, the Foothills Community Centre. The realignment of the noise wall along the new boundary will necessitate the demolition of the building. The building is vacant and no longer required. The City has earmarked the building for demolition to allow for the future development of Lot 726. The demolition of the building was initially included in the CAPEX budget for 2016/2017. The City later decided not to proceed with the demolition of the building on the basis that the cost could be borne by a prospective buyer/developer. MRWA is prepared to pay for the costs of the demolition. There are no other infrastructure assets affected.
20. The proposal has also been assessed from an environmental perspective. A row of small trees and bushes will be included in the land to be transferred to MRWA. These trees are unlikely to provide sustainable habitat due to their proximity to the highway. Any trees or vegetation removed from the portion of Lot 726 to be transferred to MRWA should be offset at a ratio of 2:1 (two new trees/plants planted for every tree/plant removed) at a suitable location. Suitable locations would be the significant regional corridor located at Poison Gully to the south or the local corridor at the northern side of Kalamunda Road.

Lot 3 (96) Maida Vale Road, Maida Vale

21. The proposal to transfer a portion of Lot 3 to MRWA has been assessed by the City from an asset management perspective. The land is currently an unreticulated grassed area under transmission lines. There are no infrastructure assets affected.
22. The proposal has been assessed from a strategic planning perspective. This parcel of land is not identified in the City's Public Open Space Strategy 2018, as it is under a power easement. Any public open space that is restricted by a power easement is not included in public open space calculations. Therefore, transferring this portion of land to MRWA will not reduce the City's public open space, as calculated in the Public Open Space Strategy.
23. The proposal has also been assessed from an environmental perspective. The relevant portion of Lot 3 is a local wildlife corridor. Any trees or vegetation removed from the portion of Lot 3 to be transferred to MRWA should be replaced with a suitable species on the opposite side of the road reserve at a ratio of 2:1 (two new trees/plants planted for every tree/plant removed). There is a significant regional corridor located at Poison Gully to the south which could also serve as an area for vegetation offsets.

External Referrals

24. This proposal is exempt from advertising under section 3.58 of the *Local Government Act 1995* (WA).

FINANCIAL CONSIDERATIONS

25. The estimated costs of the land transfer are approximately \$25,000, which includes survey and administrative costs. MRWA has agreed to pay these costs. MRWA also proposes to pay for the installation of the noise wall at Lot 3 and the realignment of the noise wall at Lot 726, along with any additional fencing required due to the adjusted boundary. At this stage, there is no additional fencing proposed along the Lot 3 boundary to continue to allow this area to be utilised as public open space.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

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

27. The Principal Shared Path proposed to be located within part of Lot 3 will provide the local community with opportunities for cycling and walking in a safe and enjoyable environment, along with greater connectivity to the local network which is currently not available along Roe Highway. Future sections of the Principal Shared Path along Roe Highway are being planned to provide even better connectivity in the future.
28. The noise wall proposed to be located within part of Lot 3 along Roe Highway will provide surrounding eastern residents with an effective noise barrier from Roe Highway, similar to the one that provides noise protection to the residents on the western side of Roe Highway.

Economic Implications

29. The proposal will not impact on the economic lives of residents.

Environmental Implications

30. It is proposed that any trees or vegetation removed be offset at a ratio of 2:1 (two new trees/plants planted for every tree/plant removed).

RISK MANAGEMENT CONSIDERATIONS

- | 31. | <p>Risk: Early access is not provided to MRWA at the December 2018 Ordinary Council Meeting, resulting in the Roe Highway/Kalamunda Road Interchange Project being delayed by a year.</p> | | | | | | |
|------------|---|------------|-------------|--------|----------|-------------|------|
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">High</td> </tr> </tbody> </table> | Likelihood | Consequence | Rating | Possible | Significant | High |
| Likelihood | Consequence | Rating | | | | | |
| Possible | Significant | High | | | | | |
| | <p>Action/Strategy</p> <p>Ensure that the item is not deferred and a decision is made at the December 2018 Ordinary Council Meeting.</p> | | | | | | |
-
- | 32. | <p>Risk: The activities of MRWA or its contractors on the relevant land result in loss, damage or injury to person or property.</p> | | | | | | |
|------------|---|------------|-------------|--------|----------|-------------|--------|
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">Medium</td> </tr> </tbody> </table> | Likelihood | Consequence | Rating | Possible | Significant | Medium |
| Likelihood | Consequence | Rating | | | | | |
| Possible | Significant | Medium | | | | | |
| | <p>Action/Strategy</p> <p>The City to provide early access to the relevant parcels of land on the condition that MRWA indemnify the City from any liability as a result of MRWA and/or its appointed contractors' actions on the land.</p> | | | | | | |

OFFICER COMMENT

Roe Highway/Kalamunda Road Interchange Project

33. The proposed land access and transfers are required to facilitate the Roe Highway/Kalamunda Road Interchange Project.

34. The intersection of Roe Highway and Kalamunda Road is one of the last remaining signalised intersections on Roe Highway.
35. It is heavily congested, leading to a higher than average number of crashes and reduced efficiency of Roe Highway as a strategic freight route.
36. Almost 60,000 vehicles pass through this intersection each day, and up to 14 per cent of these are heavy vehicles.
37. This intersection has a poor safety record with 204 recorded crashes in the five-year period ending December 2016. Crashes are characterised by a relatively high number of casualties.
38. MRWA advises that, once complete, this project will:
 - a) reduce congestion for all road users on Roe Highway and Kalamunda Road;
 - b) improve safety and journey times in Perth's eastern suburbs;
 - c) enhance freight efficiency by allowing more efficient, reliable movement; and
 - d) improve safety for pedestrians and cyclists.

Lot 726 (15) Edney Road, High Wycombe

39. The relevant portion of Lot 726 was transferred to the City for nil consideration on the basis that it was required for community purposes, that is, to enable the existing community building to remain on the land. The building is now vacant and has been earmarked for demolition by the City. The City has not demolished the building to date due to the cost. MRWA has advised that it can arrange for the demolition of the building at its cost.
40. Since the relevant portion of Lot 726 is no longer required for community purposes, it is recommended that the City transfer the relevant portion of Lot 726 to MRWA for nil consideration, subject to conditions.

Lot 3 (96) Maida Vale Road, Maida Vale

41. The Principal Shared Path proposed to be located within part of Lot 3 will provide the local community with opportunities for cycling and walking in a safe and enjoyable environment, along with greater connectivity to the local network which is currently not available along Roe Highway.
42. The land is restricted public open space since it is encumbered by an easement to Western Power for the purpose of high tension power lines. The land will better serve the needs of the community if transferred to MRWA and used for the purposes of the Principal Shared Path and the southern on-ramp from Kalamunda Road onto Roe Highway.

43. The City received the land (together with other portions of land) for \$10 consideration, so it is recommended that the land be transferred to MRWA for nil consideration for the purposes of the Roe Highway/Kalamunda Road Interchange Project, subject to conditions.

Early Access

44. If the City does not provide MRWA with early access at the December 2018 Ordinary Council Meeting, this could delay the Roe Highway/Kalamunda Road Interchange Project by a year. This is because MRWA is only able to access the Water Corporation valve during the Winter Period (usually a 3-day single shutdown period, but as low as 12 hour night-time shutdowns for other pipes). It will also likely result in additional costs to the project, particularly if the contractor is appointed in early 2019 as intended. MRWA has advised that, while it would prefer to work with the City to resolve any access issues, it will need to consider compulsory action if agreement cannot be reached on access and transfer arrangements due to the short and crucial timeframes involved.
45. It is recommended that Council agree to provide MRWA with early access, subject to conditions.
46. The City has revised the letter of consent for access provided by MRWA. It is recommended that Council approve the Revised Letter of Consent for Access (Attachment 3).

Voting Requirements: Simple Majority

RESOLVED OCM 249/2018

That Council:

1. AGREES to transfer to Main Roads Western Australia that portion of Lot 726 (15) Edney Road, High Wycombe shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1) for nil consideration, subject to the following conditions:
 - a. Main Roads Western Australia to pay for all costs of and incidental to the land transfer, including but not limited to survey and legal documentation costs;
 - b. Main Roads Western Australia to arrange and pay for the demolition of the existing building on Lot 726 (15) Edney Road, High Wycombe; and
 - c. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable species and planted at a suitable location, as determined by the City of Kalamunda.

2. AGREES to transfer to Main Roads Western Australia that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1) for nil consideration, subject to the following conditions:

- a. Main Roads Western Australia to pay for all costs of and incidental to the land transfer, including but not limited to survey and legal documentation costs; and
 - b. Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable species and planted at a suitable location, as determined by the City of Kalamunda.
3. AGREES to provide Main Roads Western Australia with early access to:
 - a. that portion of Lot 726 (15) Edney Road, High Wycombe shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1); and
 - b. that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1),subject to the conditions set out in the Revised Letter of Consent for Access (Attachment 3).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.3.2. Request for Financial Assistance

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

Previous Items	
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	
Applicant	Kalamunda Club Inc ABN 21 950 199 266
Owner	City of Kalamunda
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request for financial assistance from the Kalamunda Club Inc (Club) for the deferral of loan instalments (loan 219) due as of February 2018 and August 2018.
2. In August 2009 the Club requested a loan of \$250,000 from the City of Kalamunda (City) for the Bowling Green Conversion. A self-supporting loan was approved with fixed bi-annual payments terms, with the final payment being in August 2019.
3. The Club has been under financial pressure as a result of the significant additional costs incurred in relation to the upgrading of their greens, which has necessitated them borrowing funds from their members. The member loans have been repaid early in this financial year.
4. It is recommended that Council:
 - a) Amends the current 2018/2019 Budget Pursuant to S6.8(1)(b) of the *Local Government Act 1995* to allocate an amount of \$28,076.66 to the Kalamunda Club Inc as a deferred loan to be repaid in the 2019/2020 budget; and
 - b) Notes the deferral of \$28,076.66 on the Kalamunda Club Inc self-supporting loan to be paid on 29 August 2019 plus interest at 5%.

BACKGROUND

5. A self-supporting loan of \$250,000 was approved in 2009 for the Bowling Club Green Conversion, with fixed bi-annual payments terms.
6. In 2016/17, The City in conjunction with the Club completed the replacement of synthetic greens at a cost of \$243,867. The City contributed \$66,500 and a Community Sporting and Recreation Facilities Fund (CSRFF) grant application for the amount of \$66,500 was submitted.
7. The CSRFF grant application was unsuccessful, resulting in the club financing the funding shortfall.

8. In addition to the above, the Club expanded the scope of works by adding in shaded areas to protect the players from the elements at a further cost of \$40,000. The Clubs contribution to the project was \$213,500.
9. The loan repayments for the 13 February 2018 and 13 August 2018 were not met as a result of the Club's financial position.
10. The City has been working with the Club in order to better understand their financial position. As a result, the Club was able to make a repayment of \$6,000 during September 2018.
11. The Club advises that it expects to meet the February 2019 and August 2019 loan instalments and requests that the current outstanding balance amount of \$28,076.66 be deferred until 29 August 2019

DETAILS

12. A self-supporting loan of \$250,000 was approved in 2009 for the Bowling Green Conversion, with fixed bi-annual payments terms. Initially the Club made payment within the specified payment terms. As time progressed some payments were made later than the agreed terms.

Purpose	Term	Rate per annum	Repayments	Amount	Frequency	Current Balance 1 July 2018
Bowling Green Conversion	10 years	Fixed 6.3%	Half yearly	\$17,038	13 Feb 13 Aug	\$63,104.77

14. The City has reviewed the Club's financial statements as is confident on the basis of the information provided, that the Club will continue to operate sustainably.
15. The Club's request to defer the loan instalments is necessary so that the Club can maintain its financial sustainability.
16. The Club has advised that it would be seeking financial assistance by way of the deferral of two Self Supporting Loan instalments of \$17,037.83 being the instalments that were due on 13 February and on 13 August 2018.
17. In accepting the Club's request to defer the overdue amount of 28,076.66, it is prudent that Council imposes the following conditions on the Club:
 - a) all payments due to the City must be paid within normal City credit terms;
 - b) repay the accumulated overdue instalment of \$28,076.66, comprised of the amount of \$34,075.66 less the \$6,000 payment received in September 2018;
 - c) accrued interest is to be repaid;
 - d) the 13 February and 13 August 2019 instalments are to be paid on or before the due date; and
 - e) guarantee fee as invoice separately to be paid according to payment terms.

STATUTORY AND LEGAL CONSIDERATIONS

18. *Local Government Act 1995* S.6.8(1). A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure – is authorised in advance by resolution.

POLICY CONSIDERATIONS

19. The Lease Council Policy and Lease Council Procedure C-PP02 and CM-PP02 makes reference to subsidies available to community groups to meet building occupancy costs.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Not required.

External Referrals

21. Not required.

FINANCIAL CONSIDERATIONS

22. By foregoing instalments in 2018/19 until 2019/20 the City will be required to provide for the loan repayments to be rescheduled to 2019/20 as part of the Mid Term Budget review process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *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

24. The Club provides facilities for the local community and many of the Club members have provided financial assistance to the Club.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.

Risk: That the Club fails to meet its financial obligations to the City		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
The City continues to work closely with the Club to monitor its financial position.		

28.

Risk: That the City fails to support the Club’s request to defer the two loan instalments.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Council is fully informed regarding the Club’s financial position.		

OFFICER COMMENT

29. The Club has substantively met its financial obligations to the City in regards to the Loan.
30. The City has worked closely with the Club to assess their financial position and based on the information provided, feel comfortable that the Club has the capacity to meet their financial commitments with the deferral of the two loan installments.
31. The current Club Committee has produced the financial accounts for the year to 30 June 2018.
- a) the statements show loans from members outstanding on 30 June 2018;
 - b) the City received verbal confirmation that these loans were repaid early in the 2018/19 Financial Year;
 - c) trading profit has increased from 2017 to 2018, however with a reduction in grants as mentioned in point 6 and 7 the operating profit has reduced significantly in 2018; and
 - d) the Club still shows a profit of \$51,851.30 as at 30 June 2018.

Voting Requirements: Absolute Majority

RESOLVED OCM 250/2018

That Council:

1. AMENDS the current 2018/2019 Budget Pursuant to S6.8(1)(b) of the *Local Government Act 1995* to allocate an amount of \$28,076.66 to the Kalamunda Club Inc as a deferred loan to be repaid in the 2019/2020 budget.
2. NOTES the deferral of \$28,076.66 on the Kalamunda Club Inc self-supporting loan to be paid on 29 August 2019 plus interest at 5%.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

10.4. Office of the CEO Reports

The recommendations of reports 10.4.1 to 10.4.5, with the exception of Items 10.4.4 and 10.4.5, inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote: **LAPSED**

Office of the CEO Reports were considered separately. The en bloc recommendation LAPSED.

10.4.1. Draft Maida Vale Reserve Master Plan - Results of Public Comment Period

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

Previous Items	134/2018
Directorate	Office of the CEO
Business Unit	Recreation Facilities & Services
File Reference	PR-PLN-009
Applicant	City of Kalamunda
Owner	Crown Land

Attachment	1. Final Revised Draft Maida Vale Reserve Master Plan Report [10.4.1.1]
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Confidential Attachment	1. Draft Maida Vale Reserve Master Plan – Results of Public Comment Period <i>Reason for confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) – "the personal affairs of any person".</i>
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EXECUTIVE SUMMARY

1. The purpose of this report is to:
 - a) inform Council of the feedback received on the Draft Maida Vale Reserve Master Plan (Plan) during the public comment period; and
 - b) advise Council of the key issues raised and the proposed changes to the revised plan.
2. This report recommends that Council accept the changes and endorses the final revised draft Maida Vale Reserve Master Plan (Attachment 1).

BACKGROUND

3. A Balanced View (ABV) Leisure Consultants were engaged in late 2017 to develop the plan which aims to provide a clear framework and objectives to assist the City of Kalamunda (City) in planning, developing and implementing sustainable sport and recreation improvements at Maida Vale Reserve.

4. The plan was presented to Council at the July Council meeting, where the following resolution (134/2018) was carried:

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.

5. The key recommendations outlined in the plan included:

- a) increased power supply and upgrades to sports flood lighting;
- b) connection to sewerage system and upgrades to Norm Sadler Pavilion;
- c) relocate Maida Vale Tennis Club and upgrades to the Netball Complex Pavilion;
- d) relocation of skate park and playground;
- e) carpark expansion and access road; and
- f) additional playing surface.

DETAILS

6. The community engagement process concluded on 31 August 2018. There was a good response from the community, with 250 visitors to the project's engagement portal, over 70 survey responses and submissions, as well as direct input from the sporting clubs, groups and residents during the comment period.

7. The main issues and concerns raised were:

- a) the proposed relocation of the tennis club;
- b) the proposed relocation of the skate park; and
- c) the expansion of the car park and proposed new car park access road.

8. The proposed relocation of the Maida Vale Tennis Club was not supported through the survey results, with respondents advising that the:
 - a) existing seven clay courts have another 10 years of life and are well maintained;
 - b) five hard courts are the revenue raisers through hiring and coaching; and
 - c) club consider that they already have a high profile from the traffic generated by the other clubs based at the reserve passing by.
9. The proposed relocation of the skate park adjacent to the pavilion and carpark was not supported or seen as a high priority by the survey respondents. The main issues raised were:
 - a) the potential for additional noise impacts on adjoining residents; and
 - b) limited visibility and passive surveillance only by reserve users.
10. The carpark expansion proposal and new car park access road received several negative comments from adjoining residents. The main issues raised were:
 - a) increased noise from vehicles and anti-social behaviour; and
 - b) impact on residents from lighting in carpark.
11. To address the above issues and concerns, a revised plan was prepared which included:
 - a) the retention of the tennis club facilities in their current location;
 - b) the retention of the skate park in its current location, with an upgrade at the end of its useful life; and
 - c) a reduced car park area, additional vegetation screening and tree buffers adjoining properties, and removal of the rear access road to the future car park.
12. To confirm that the revised plan had captured the latest feedback, sporting clubs, nearby residents and the wider community were invited to an additional community workshop on 19 September 2018.
13. Following the presentation and discussions, the feedback indicated that there was strong support from the Maida Vale Tennis Club, Kalamunda United Soccer Club, Kalamunda Rangers, other key user groups and nearby residents for the revised plan.
14. A summary of the public comments received in relation to the revised plan have been included in this report (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

16. 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.
17. Capital Grants - Clubs and Community Groups (COMR 21) provides strategic direction to Council's decision-making on sport, recreation and community infrastructure by aligning them to key principles, priorities and City strategic objectives. The plan identifies a range of projects that align to this policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The City regards the proposed changes to the plan as appropriate for the future development of Maida Vale Reserve.

External Referrals

19. The following engagement strategy and process was undertaken to promote the plan and seek public comment:
 - a) notices on the City's website and other social media channels including Facebook;
 - b) community survey on *Engage Kalamunda*;
 - c) contact with people who participated in the consultation process and all users of Maida Vale Reserve;
 - d) a copy of the plan was located at key City of Kalamunda locations and events;
 - e) a media release and advertisement were placed in the local newspaper;
 - f) the City held two informal community 'Pop Up' stalls at the reserve, which coincided with user groups training. This session provided the user groups with an opportunity to inform and discuss the plan with Administration;
 - g) the City held two informal community Drop-In sessions with the consultant at the Reserve. This session provided the community and user groups with an opportunity to meet in person with the consultant and Administration in a casual setting to inform the plan;
 - h) the City held a community workshop with the consultant at the Reserve. This session provided the community and user groups with an opportunity to meet in person with the consultant and Administration in a structured workshop setting to inform the plan; and
 - i) a meeting with the Maida Vale Tennis Club to explain the issues and rationale for the proposed future relocation of the tennis facilities.

20. Following the completion of the public comment period, invitations to a community workshop on 19 September 2018 were sent to all sporting clubs and adjacent residents as well as being advertised on social media, flyers at City's key locations and a media release sent to local newspapers. Following this a Councillor Briefing Session was held on 16 October 2018.

FINANCIAL CONSIDERATIONS

21. The overall cost of implementing the recommendations outlined within the plan is estimated at \$14.95 million. 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.
22. Implementation of components of the plan will be considered as part of Council's future advocacy campaigns, the Long Term Financial Plan and will be subject to annual budget deliberation processes and competing priorities.
23. The proposed implementation has been separated into three stages. The initial priority projects and their estimated costs are as follows:

Stage One - Priority Projects

- a) upgrade power to site - \$338,800;
- b) connect site to sewer system - \$718,256;
- c) pedestrian crossing across the car park and fencing - \$48,869;
- d) formalise parking (off Ridgehill Road) - \$40,656;
- e) archery improvements (Entry and Car Park) - \$81,312;
- f) upgrade to Norm Sadler Pavilion - \$2,573,187;
- g) upgrade of oval lighting and permanent diamonds - \$1,761,760;
- h) relocate baseball diamond two - \$135,520;
- i) install baseball practice pitching nets, batting nets and backing nets to diamonds (for fly balls) - \$420,030;
- j) remove existing concrete cricket pitch - \$18,837;
- k) demolish existing toilet block - \$8,131;
- l) signage to precinct (entrances and environmental) - \$33,880; and
- m) water fountains - \$30,492.

24. It is reasonable to expect that a timeframe of up to 20 years 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 sources such as:
- a) Department of Local Government, Sport and Cultural Industries – Community Sporting and Recreation Facilities Fund;
 - b) Lotterywest – ‘Community Spaces Outdoor’, ‘Community and Workplace Buildings’ and ‘Furniture and Equipment’ grants;
 - c) Department of Planning, Lands and Heritage – Cash in Lieu Funding; and
 - d) Other – State/Federal Government Advocacy, potential contribution from user groups of the reserve.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

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.

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

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

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

26. The undertaking 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 to the sustainable provision of sporting facilities within the region.

27. 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

28. 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. Where practical, external grant funding will be sought to reduce the financial impact on the City.

Environmental Implications

29. 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.
30. The reserve is home to Smokebush “Conospermum”, which is a plant species that have been declared rare by the Department of Biodiversity, Conversation and Attractions. There is also known areas of Dieback infestation on the reserve.
31. Any new car parking upgrades/expansion will need to ensure that any significant trees are retained and protected.
32. The current septic system at Norm Sadler Pavilion does not meet current demand and will not be able to support additional change rooms. The plan recommends that the pavilion be connected to the sewerage system, which will allow for the construction of additional change rooms.
33. The revised plan proposes increased tree buffers and additional vegetation screening on the boundary adjoining residential properties on Bugendore Street.

RISK MANAGEMENT CONSIDERATIONS

34.	<p>Risk: Without the Master Planning process, the City’s approach to Reserve upgrades would be adhoc and it would be difficult to advocate effectively for external funding.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">Moderate</td> <td style="padding: 2px;">Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<p>Action/Strategy</p> <p>To progress the Maida Vale Reserve Master Plan to ensure upgrades are planned effectively and advocacy opportunities are maximised.</p>						

35.	Risk: The plan may raise community expectations for improvements that may not be affordable in the near future.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure community is informed as part of the communications process that improvements are subject to external funding, budget availability and will be implemented through a staged process over a timeframe of up to 20 years.		

OFFICER COMMENT

- 36. The plan is a strategic planning tool that can be integrated with Council’s other related plans and documents, providing clear direction for future developments on the reserve.
- 37. The plan has been developed in a manner that endeavours to prioritise and stage components of any future developments.
- 38. The main outcomes for the community will be increased opportunities to participate in recreational activities and improved provision of community facilities and services.
- 39. A summary of the key changes to the revised plan in response to the community feedback are outlined below:
 - a) retain the tennis facilities in their current location with the following alterations:
 - i. at the end of their useful life the northern five hard courts will be relocated to the previously decommissioned southern hard court area;
 - ii. the northern five hard court area will then be available for a future additional playing field and realignment of Acacia Road which will improve access to the car park. This removes the need for a rear access road to the car park as per the first draft master plan; and
 - iii. as the tennis facilities are remaining in their current location, and the existing netball courts are proposed to be multipurpose courts, there is no need for the City to access the two netball courts at Maida Vale Primary School, therefore the revised plan does not propose the City financially contributing to their renewal as per the first draft master plan;
 - b) retain the skatepark in its current location with an upgrade at the end of its useful life:
 - i. the current location allows for better passive surveillance across the day and night;

- c) increase the tree buffer between the carpark and neighbouring residents and remove the proposed access road adjacent to the residential properties:
 - i. the revised carpark layout still provides for additional parking bays and will include traffic calming measures as well as increased tree buffers and additional vegetation screening on the boundary adjoining residential properties on Bugendore Street;
 - d) relocation of baseball batting cages and pitching practice nets adjacent to diamond one, near Norm Sadler Pavilion;
 - i. the revised location will reduce the impact on neighbouring residents and likely increase their use due to being centrally located adjacent to diamond one and Norm Sadler Pavilion; and
 - e) increased club storage at Norm Sadler Pavilion.
40. It is further noted that the following studies may also be required as part of the plan's implementation:
- a) a detailed car park and traffic management study. This will be required in an effort to maximise car parking available and reduce the impact on neighbouring residents; and
 - b) an assessment on the condition of the playing field surfaces, including soil quality, drainage, irrigation and ground conditions. This will ensure quality playing surfaces are provided for the user groups and may reduce the level of ongoing maintenance required by the City.
41. The revised plan identifies the upgrade of the existing netball courts to multipurpose courts with lighting as a medium-term priority. The need for this project may be brought forward due to the construction phase of the four-court extension project at Ray Owen Sports Centre.
42. In summary, considering the strong support received for the revised plan, it is recommended that Council receives the public comment and adopts the final revised Draft Maida Vale Reserve Master Plan.

Voting Requirements: Simple Majority

RESOLVED OCM 251/2018

That Council:

1. RECEIVES the public comment on the Draft Maida Vale Reserve Master Plan.
2. ADOPTS the revised Maida Vale Reserve Master Plan.
3. NOTES that all the capital projects identified within the Maida Vale Reserve Master Plan shall be considered by Council for inclusion within future City of Kalamunda advocacy campaigns, the Long Term Financial Plan and subjected to annual budget deliberation processes.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.4.2. Council Authorisation - Administration of Caravan Parks and Camping Grounds

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

Previous Items	OCM 56/2015
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	LE-ACT-006
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Authorisation - C A 2- Administration of the Caravan Parks & Camping Act [10.4.2.1]
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EXECUTIVE SUMMARY

1. To consider the adoption of a Council Authorisation to staff with respect to the Administration of the *Caravan Parks and Camping Grounds Act 1995* (the Act) and *Camping Ground Regulations 1997* (the Regulations).
2. Adoption of the proposed authorisations will provide a framework for the Administration to action these functions in an effective and timely manner.
3. It is recommended that Council adopt the proposed authorisations to staff detailed in Attachment 1 - CA2 *Administration of Caravan Parks and Camping Grounds Act*.

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability under many Acts of Parliament to delegate its powers and duties to the Chief Executive Officer (CEO) or to another staff member, in some cases.
5. However, some Acts as is the case with the *Caravan Parks and Camping Grounds Act 1995*, there is no head of power to delegate, therefore an authorisation is an alternative. As a consequence, a previous delegation encompassing some of these functions was revoked by Council in June 2015 (OCM 56/2015).
6. The differentiation between a delegation and authorisation is that a delegation provides for the delegate to have full decision making responsibility to make the decision as they see fit, whereas an authorisation does not transfer that full decision making power, but still enables the powers and duties to be undertaken.

DETAILS

7. Adoption of the proposed authorisations will relieve the Council of the need to consider minor routine matters and provide a framework for the Administration to action these functions in an effective and timely manner.

8. It is now proposed to provide the following authorisations to the Chief Executive Officer, Director Development Services, Manager Community Safety Services and Coordinator Environmental Health Services:
- a) s7(1), (2) and (3) - seek further information regarding an application for a licence for a facility where required;
 - b) s7(4) - grant, renew, or refuse to grant or renew, an application for licence of a caravan park and camping, transit park and nature based park;
 - c) s10 - issue a prohibition notice to a licence holder of a facility;
 - d) s11 - withdraw a prohibition notice issued to a licence holder of a facility;
 - e) s12 - cancel a licence of a facility;
 - f) s34 - determine a licenced facility has ceased to be a facility;
 - g) r6 - appoint authorised persons for the purpose of administering the Regulations;
 - h) r11 - grant approval for camping up to 3 months in areas other than caravan parks and camping grounds;
 - i) r54 – power to grant a temporary licence for a facility; and
 - j) r55 – power to approve the transfer of a licence.

STATUTORY AND LEGAL CONSIDERATIONS

9. *Caravan Parks and Camping Act 1995 & Caravan Parks and Camping Ground Regulations 1997.*

POLICY CONSIDERATIONS

10. Where appropriate, Policies will reflect the principles and conditions included in any authorisations.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. The relevant Directorate provided input into the development of the proposed authorisations.

External Referrals

12. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

13. There are no direct financial implications associated with this issue.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *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

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: Loss of efficiency in processing administrative approvals.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action/Strategy		
	Introduce processes that would assist Council with the additional decision workload.		

OFFICER COMMENT

19. The proposed authorisations replace the delegations revoked in 2015.

Voting Requirements: Simple Majority

RESOLVED OCM 252/2018

That Council:

ADOPTS Council Authorisation CA 2 – Administration of Caravan Parks and Camping Grounds as detailed in Attachment 1.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.4.3. Quarterly Progress Report for the Corporate Business Plan 2018-2022

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

Previous Items	
Directorate	Office of the CEO
Business Unit	People Services
File Reference	3.009509
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Strategic Plan Progress Report - Quarterly Report - September 2018 [10.4.3.1]
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EXECUTIVE SUMMARY

1. The purpose of this report is for Council to note the progress on the City of Kalamunda's (City) achievement against the Kalamunda Achieving: Corporate Business Plan 2018/2022 for the period July to September 2018.
2. At an aggregate level, the Corporate Business Plan is 27.6% complete (against a target of 25%) as at 30 September 2018. This is on track and is a pleasing result.
3. The 2018/2019 Works Program has seen completion of 22 projects and has another 113 projects in progress. This represents activity against 70% of planned projects.
4. It is recommended Council notes this progress report.

BACKGROUND

5. Kalamunda Achieving: Corporate Business Plan 2018/2022 (CBP) was endorsed by Council on 25 June 2018.
6. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
7. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
8. The Chief Executive Officer, Directors and Managers have individual performance objectives directly linked to their achievement of the CBP in the 2018/2019 year.

DETAILS

9. The CBP is comprised of four priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
10. There are 74 individual initiatives within the CBP.
11. The relevant Director and Manager is responsible for preparing a schedule of work for each of these 74 initiatives. This report reflects the progress report against the relevant work schedule, as at 30 September 2018.
12. The "%COMP" for each initiative reflects the percentage completion of that initiative for the 2018/2019 year. Some initiatives will be scheduled for completion earlier in the year, and some later in the year, so it is expected that percentage completion will vary within this report.
13. At an aggregate level, the CBP is 27.6% complete as at 30 September 2018. This is on track and is a pleasing result.
14. The CBP initiative of a rolling 10 year Capital Works Program (Strategy 3.2.1) has resulted in the City having 193 individual capital works projects provided in the 2018/2019 Budget, with delivery by the Asset Services Directorate.

In the first quarter, 22 projects were completed, and another 113 projects were in progress. Each of the 193 capital works projects has a work schedule in place.

STATUTORY AND LEGAL CONSIDERATIONS

15. All local governments are required, by legislation to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995*, which is to effectively 'plan for the future'.
16. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

POLICY CONSIDERATIONS

17. None.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. All Directors and Managers have provided input to the quarterly progress report.

External Referrals

19. Various external stakeholders and community members have been involved in the achievement of the Corporate Business Plan, as detailed herein.

FINANCIAL CONSIDERATIONS

20. This Plan is delivered within the City's approved Annual Budget and Long Term Financial Plan.

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. Nil.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 25.
- | | | |
|---|--------------------|---------------|
| Risk: The City fails to be transparent in its achievement of the statutory requirement of a Corporate Business Plan. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/Strategy | | |
| Quarterly reports are provided to Council outlining progress against the Corporate Business Plan. | | |

OFFICER COMMENT

26. In this financial year we have strengthened the alignment of the corporate business plan to the achievement of Director and Management performance objectives. In turn, this has required work schedules to be more specific, achievable and measurable.
27. The quarterly progress report for Quarter 2 – October to December 2018 – will be provided to Council in February 2019.

Voting Requirements: Simple Majority

RESOLVED OCM 253/2018

That Council:

NOTES the Quarterly Progress Report for the Kalamunda Achieving: Corporate Business Plan 2018-2022 for the period July to September 2018.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.4.4. Annual Report 2018

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. 3090- Cityof Kalamunda Annual Report 2017 18 PROOF [10.4.4.1]

EXECUTIVE SUMMARY

1. The purpose of this report is to accept the City of Kalamunda (City) 2017/2018 Annual Report and set the date for the Annual General Meeting of Electors.
2. The statutory Annual Report is prepared to advise the Community on the activities of the local government. It also contains the audited Annual Financial Report, previously adopted by Council.
3. It is recommended Council accepts the 2017/2018 Annual Report and sets Tuesday 5 February 2019 as the date for the Annual General Meeting of Electors.

BACKGROUND

4. Section 5.53 of the *Local Government Act 1995* (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.
5. Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.
6. Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.
7. Section 5.27 of the Act requires that a general meeting of the electors of a district is to be held once every financial year.

DETAILS

8. Section 5.53 of the *Local Government Act 1995* (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.

The statutory Annual Report is prepared to advise the Community on the activities of the local government. It reports on the annual outcomes achieved by the organisation against the strategic priorities, objectives and strategies set out in the Strategic Community Plan – Kalamunda Advancing.

9. The Annual Report contains the audited Annual Financial Report, previously adopted by Council.

STATUTORY AND LEGAL CONSIDERATIONS

10. The Draft 2017/2018 Annual Report is in compliance with Sections 5.53 and 5.54 of the Act.
11. Section 5.27(2) of the Act requires the Annual General Meeting of Electors to be held within 56 days of acceptance of the Annual Report.

POLICY CONSIDERATIONS

12. There are no policy considerations with respect to the Annual Report.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. All Directorates within the City of Kalamunda have been involved in the preparation of the 2017/2018 Annual Report.

External Referrals

14. Section 5.55 of the Act requires that the Chief Executive Officer give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

FINANCIAL CONSIDERATIONS

15. The 2018/2019 Budget includes provision for the cost of producing the Annual Report for statutory and public distribution.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *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

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.	Risk: The Annual Report is not accepted as required by the Act		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure the Annual Report is prepared in time to meet the legislative requirements.		

OFFICER COMMENT

21. As the Act requires the Annual General Meeting (AGM) of Electors to be held within 56 days of acceptance of the Annual Report, it is proposed the Annual General Meeting of Electors be held on Tuesday 5 February 2019.

Voting Requirements: Absolute Majority

RESOLVED OCM 254/2018

That Council:

1. ACCEPTS the 2017/2018 Annual Report (Attachment 1) in accordance with Section 5.54 of the *Local Government Act 1995*.
2. AGREES the Annual General Meeting of Electors be held on Tuesday 5 February 2019.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY/ ABSOLUTE MAJORITY (12/0)**

10.4.5. Special Electors Meeting Report

Cr Giardina declared an Impartiality Interest in this item as he has a relative that live in the vicinity. Cr Giardina vacated the chambers at 9.03pm. Cr O'Connor presided over the meeting.

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	Governance & Legal Services
File Reference	N/A
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. SEM Minutes 3 December 2018 [10.4.5.1]

EXECUTIVE SUMMARY

1. This Report provides for Council consideration of the outcome of the Special Electors Meeting (SEM) held on 3 December 2018.

2. The SEM considered and passed the following motion:-

'The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option.'

3. In summary, the recommendation is to:

1. receive the Minutes of the Special Electors Meeting of 3 December 2018;
2. note the motion SEM 02/2018 passed at the Special Electors Meeting only; and
3. defers further consideration of whether to ultimately cease consideration of whether to rezone Wattle Grove South, or any part of the area, as Light Industrial until after:
 - a) the proposed Community Consultation Committee is established; and
 - b) the Community Consultation Committee has an opportunity to consider the matter and inform Council of its view.

BACKGROUND

4. Pursuant to section 5.28 of the *Local Government Act 1995* (the Act), the City of Kalamunda (City) was presented with a valid petition on 5 November 2018 demanding that a Special Meeting of Electors be held to consider the Council's decision to proceed with a feasibility study for the detailed planning of Wattle Grove South.

5. In accordance with the provisions of section 5.28 (4) of the Act the SEM was held on 3 December 2018.

DETAILS

6. Section 5.33 of the Act requires all decisions made at an Electors meeting are to be considered at the next available Ordinary Council Meeting. In addition, the reasons for a decision made at a Council Meeting in response to a decision made at an Electors Meeting are to be recorded in the minutes of the Council Meeting.

7. The item of Business and the decision made at the SEM is:

To consider the prayer of the petition received by the City:

To decide the motion below –

The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option

The following motion was considered and passed by the SEM:-

Motion SEM 02/2018

The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option.

Moved: **Mr Charles Dornan**

Seconded: **Mr Robert Prew**

Carried: **173/17**

8. Section 5.33 of the Act requires the Council give consideration to decisions made at an Electors meeting.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 5.33 of the Act requires the Council give consideration to decisions made at an Electors meeting and to minute reasons for any decision made by the Council in response.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. None.

External Referrals

12. This report is as a consequence of the community feedback provided at the SEM.

FINANCIAL CONSIDERATIONS

13. None specifically from this report although there will be some finds required for the environmental studies as part of the development of the Industrial Development Strategy.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *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

15. None directly from this report.

Economic Implications

16. None directly from this report.

Environmental Implications

17. None directly from this report.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: The community considers the City’s response to the SEM motion inadequate.		
	Likelihood	Consequence	Rating
	Possible	Medium	Moderate
	Action/Strategy		
	Continue to consult and work cooperatively with the community to reach a consensus with respect to development options for the Wattle Grove South area.		

OFFICER COMMENT

- 19. At its Special Council Meeting of 22 October 2018, the Council resolved to request the Chief Executive Officer prepare a report to Council, by May 2019, detailing the process and requirements, including cost, for establishing a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.

- 20. In section 7.11.1 of the Final Industrial Development Strategy as adopted by resolution of the Council at its Special Council Meeting of 3 December 2018, it is noted that:
 - a) Wattle Grove South is identified for urban investigation by the Local Planning Strategy 2010. The Framework also identifies Wattle Grove South as an urban expansion area with a Medium- Long term (2022+) development horizon;
 - b) the City undertook a Feasibility Study (the Study) which considered the most appropriate land use options and took into consideration contextual considerations and the opportunities and constraints of the site;
 - c) the Study recommended that Light Industry / Commercial be considered generally south of Crystal Brook Road;
 - d) community consultation for the site identified opposition to Light Industry/Commercial uses in this area; and
 - e) it is therefore the City’s position that Wattle Grove South is not identified for any specific land use until further community and Council consultation and detailed planning investigations are undertaken and resolved.

- 21. It follows that Council could reasonably consider noting the SEM 02/2018 only at this stage and agree to defer further consideration of whether to ultimately ‘cease all efforts to rezone’ Wattle Grove South, or any parts of the area to Industrial until such time as the Consultative Community Committee has been formed and considered the matter.

- 22. This accordingly forms the recommendation of this report.

RESOLVED OCM 255/2018

That Standing Orders be suspended.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Cameron Blair**

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

Standing Orders were suspended at 9.14pm.

RESOLVED OCM 256/2018

That Standing Orders be resumed.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Sara Lohmeyer**

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

Standing Orders were resumed at 9.24pm.

Cr Fernie foreshadowed a procedural motion to adjourn debate on the Special Electors Meeting Report until February 2019. Cr Fernie received a seconder to the motion. The motion was put to the vote and lost.

Voting Requirements: Simple Majority

That Council:

ADJORN the debate on the Special Electors Meeting Report until the Ordinary Council Meeting in February 2019.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

Vote: For
Cr Michael Fernie
Cr Lesley Boyd
Cr Allan Morton
Cr Kathie Ritchie
Cr Margaret Thomas

Against
Cr Geoff Stallard
Cr Brooke O'Donnell
Cr David Almond
Cr Sara Lohmeyer
Cr Cameron Blair
Cr Dylan O'Connor

LOST (5/6)

The original recommendation received a mover and seconder. Following debate, the original motion was put to the vote.

Voting Requirements: Simple Majority

RESOLVED OCM 257/2018

That Council:

1. RECEIVES the Minutes of the Special Electors Meeting of 3 December 2018 (Attachment 1).
2. NOTES the motion SEM 02/2018 passed at the Special Electors Meeting:-

'The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option.'

3. DEFERS further consideration of whether to ultimately 'cease all efforts to rezone' Wattle Grove South, or any parts of the area, to Light Industrial, until such time as the Consultative Community Committee has been formed and considered the matter and informs Council of its view **resolved to be formed by the Council.**

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Allan Morton**

Vote: For
Cr Michael Fernie
Cr Geoff Stallard
Cr Lesley Boyd
Cr Allan Morton
Cr Brooke O'Donnell
Cr Margaret Thomas

Against
Cr Kathie Ritchie
Cr David Almond
Cr Sara Lohmeyer
Cr Cameron Blair
Cr Dylan O'Connor

CARRIED (6/5)

NOTE - In accordance with section 5.33 (2) of the *Local Government Act 1995*, reasons for this decision of Council are:-

RESOLVED OCM 258/2018

That meeting be adjourned until 10.10pm.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

RESOLVED OCM 259/2018

That meeting be reopened following the adjournment.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The meeting recommenced at 10:09pm. Cr Giardina resumed as presiding member.

10.5. Chief Executive Officer Reports

10.5.1. Rates Debtors Report for the Period Ended November 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 November 2018 [**10.5.1.1**]

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 of Kalamunda (City) has collected \$25.6 million (66.8%) in rates as at 30 November 2018.
3. It is recommended that Council receive the Rates Debtors Report for the month of November 2018 (Attachment 1).

BACKGROUND

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

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

5. A total of 23,106 Rate Notices were sent on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$38,971,151. As at 30 November 2018, a total of \$25,643,982 has been collected since Rate Notices were released. This represents a collection rate of 66.80% which is slightly higher than the 64.64% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. In the current financial year 9,019 properties are on instalment options. Of these, 1,698 have taken up the option to pay by two instalments and 7,321 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 808 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase once the final demand letters are issued in November 2018 for ratepayers who are in default;
 - b) eRates – there are 2,472 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
 - c) BPay View – approximately 998 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout this financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. Interim Rating continued throughout November 2018 and are now up to date. As at 30 November \$589,826 has been raised in new charges and 74 new properties created in the system.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. Throughout the month of November 2018, the Rates Department handled 521 calls with a total call time of 28.22 hours.

DETAILS

11. For the 2017/18 financial year, legal action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from properties served and further action will be taken on individual accounts where appropriate. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.
12. Final Notices were due on 26 October 2018 of the 1,753 properties to receive a Final notice 581 have paid in full, 157 have taken up a direct debit and 998 still have outstanding Rates. The next step would be to send Letters of Demand.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

14. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

16. The higher-level debt collection actions are undertaken by the City's Debt Collection firm Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RESOLVED OCM 260/2018

That Council:

RECEIVES the Rates Debtors Report for the Period Ended 30 November 2018 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.2. Debtors and Creditors Report for the Period Ended November 2018

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

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

Attachments	1. Creditor Payments for the Period Ended 30 November 2018 [10.5.2.1]
	2. Summary of Debtors for the month of November 2018 [10.5.2.2]
	3. Summary of Creditors for the month of November 2018 [10.5.2.3]

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of November 2018 there were no abnormal overdue debtors that demanded special attention.
5. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS

Debtors

- 6. Sundry debtors as of 30 November 2018 were \$342,060 of which \$271,971 was made up of current debts and \$3,346 unallocated credits (excess or overpayments).
- 7. Invoices over 30 days total \$18,999; debts of significance are:
 - a) Kalamunda & District Junior Football Club, \$3,323, Utilities;
 - b) Zig Zag Gymnastics, \$2,923, Lease;
 - c) High Wycombe Junior Football, \$2,121, Utilities; and
 - d) Forrestfield Sisdac, \$1,806, Hall Hire.
- 8. Invoices over 60 days total \$13,052; debts of significance are:
 - a) GIO Workers Compensation, \$3,539, workers compensation claim;
 - b) Hills District Callisthenics, \$3,410, Hall Hire;
 - c) Zig Zag Gymnastics, \$2,923, Lease; and
 - d) Evolution Cheer & Dance, \$1,434, Hall Hire.
- 9. Invoices over 90 days total \$41,383, debts of significance are:
 - a) Kalamunda Club, \$21,483, Loan instalment; request received for deferral from the Club; a report will be brought to the December Ordinary Council Meeting to consider the Club’s repayment plan;
 - b) Evolution Cheer & Dance, \$3,543, Hall Hire - making regular payments and debt is reducing;
 - c) Zig Zag Gymnastics Pty Ltd, \$3,032, Hall Hire; Instalment arrangement in place.

Creditors

- 10. Payments totalling \$5,001,069.73 were made during the month of November 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
- 11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	595,354.17
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	443,206.06
WA Local Government Superannuation Plan	Superannuation contributions	386,290.58

BE Projects (WA) Pty Ltd	Construction of hockey club rooms facility – Hartfield Park – Forrestfield – Progress payment	263,726.44
Cleanaway	Waste/recycling and bulk bin disposal fees	255,432.39
Dowsing Group Pty Ltd	Supply and install new pathway at Schmitt Road, Kalamunda	121,793.12
Synergy	Power Charges – various locations	110,125.95
Illion (Australia) Pty Ltd	Debt collection fees for rates	101,778.93
Beaver Tree Services	Tree removal and pruning - various locations	77,353.10
Asphaltech Pty Ltd	Road materials for Newburn & Edney Road, High Wycombe	76,554.48
Hydra Equip Pumps	New bore works at Hartfield Park & Connaught reserve Forrestfield	60,905.90
Telstra Corporation	Telephone expenses	55,147.00
Kalamunda Electrics	Electrical repairs – maintenance for various locations	51,303.37

These payments total \$2,598,971.49 and represent 51.97% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,233,367.36 was paid in net salaries for the month November 2018.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) POS Trust;
 - c) BCITF Levy;
 - d) Building Services (Licence) Levy; and
 - e) Unclaimed Monies.

15. The following payments (GST exclusive) were made from the Trust Accounts in the month of November 2018.

BRB Levy		Amount (\$)	
Date	Description		
3/10/2018	Building Services Levy – September 2018	9,632.39	
BCITF Levy			
01/11/2018	Building Services Levy – October 2018	10,234.81	9,632.39
02/11/2018	Building Services Levy – November 2018	7,132.64	
CELL 9		Amount (\$)	
Date	Description		
29/11/2018	Syrinx Environmental Pty Ltd – Woodlupine living stream upgrade – stage 2, civil & landscape works	12,030.69	
29/11/2018	Focus Consulting WA Pty Ltd – Electrical consulting services – 348, Hale Road, Forrestfield	1,500.00	

STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996 (WA)*, a payment may only be made from the municipal fund or the trust fund:
- if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2018, Council resolved to adopt the City’s current Delegation Register (ref OCM 113/2018), which was accordingly updated and came into effect on 27 June 2018 (**26 June 2018 Register of Delegations**). The previous review of the register was completed 26 June 2017.
18. Delegation FMR1 – *‘Payments from Municipal and Trust Funds’* of the 27 June 2018 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995 (WA)*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996 (WA)*, regarding the making of payments from the municipal and trust funds.

19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
- a) the payee's name; and
 - b) the amount of the payment; and
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

POLICY CONSIDERATIONS

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

CONSULTATION / COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

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

Creditors

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RESOLVED OCM 261/2018

That Council:

1. RECEIVES the list of payments made from the Municipal Accounts in November 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 November 2018 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
3. RECEIVES the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of November 2018.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.3. Monthly Financial Statements to November 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 November 2018 [10.5.3.1]
	2. Statement of Net Current Funding Position 30 November 2018 [10.5.3.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 November 2018.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the budget adopted by the Council on 27 November 2018 subsequent to the first-term budget review.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the period ended to 30 November 2018, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program); and
 - c) Net Current Funding Position note to the financial report.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2017/18.

DETAILS

6. The *Local Government Act 1995* (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Statement of Financial Activity by Nature and Type for the period ended 30 November 2018

7. This Statement reveals a net result surplus of \$31,774,767 compared to budget for the same period of \$29,293,636.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$359,186. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$471,859, the variance is mainly attributable to, \$576,196 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$23,239. This is mainly due to a variance of \$94,645 in waste fees.
 - c) Interest Income is under budget by \$141,698. The bulk of the investments are placed on a 6 months' tenure which currently gives the highest return. This is a timing issue.
 - d) Other Revenue is under budget by \$20,164. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

9. Total expenses are under budget by \$356,832. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$43,528, variance is within the reporting threshold;
 - b) Materials and Contracts is under budget by \$124,017. This is mainly attributed to fire mitigation programmes – fire breaks \$173,220. This variance is a timing issue;
 - c) Utilities are under budget by \$69,268 which mainly relates to phasing;
 - e) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$195,221. Both actual and budgeted depreciation rates will be adjusted prior to the mid-term review to reflect the additional depreciation resulting from the larger revaluation surplus reported after the infrastructure revaluation in 2017/18;
 - d) Insurance expense is over budget by \$27,159. The variance is within the reporting threshold; and
 - e) Other expenditure is under budget by \$81,695. The variance is due to a timing difference in planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$982,113. The variance was due to:
- a) The receipt of 10% of the State Government grant for the Kalamunda Community Centre upon signing of the funding agreement; and
 - b) Receipt of capital grants from the State Government for various roads projects \$639,448. Variance is a timing issue.

Capital Expenditures

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$1,677,352. This is considered to be a timing issue.
12. Capital work-in-progress monies spend of \$882,008, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities shows a variance of \$115,512 which is mainly reserve movements.

Rates Revenues

14. Rates generation is under budget with a variance of \$516,559. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

Statement of Financial Activity by Program for the period ended 30 November 2018

15. Generally, each Program is within the accepted budget except for 'Recreation & Culture' and 'Community Amenities'. Major variances have been reported by Nature and Type under points 7 to 14 above.

Statement of Net Current Funding Position as at 30 November 2018

16. The commentary on the net current funding position is based on comparison of the November 2018 to the November 2017 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$46.6 million. The restricted cash position is \$18.0 million which is higher than the previous period's balance of \$13.4 million. This is mainly attributed to the timing of release of funds from the unexpended capital works and specific purpose grant reserve towards current years' capital works programme.

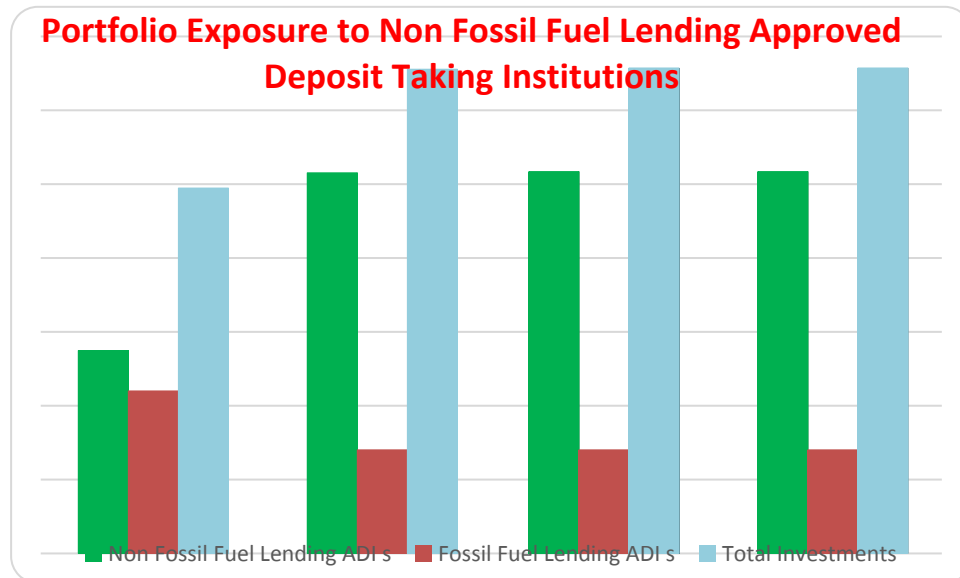
18. Unrestricted cash has decreased by \$3.1 million when compared with the balance at November 2017. The decrease was mainly due to the timing of reserve funds released from the unexpended capital works and specific purpose grant reserve.
19. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

It was recommended that when investing the City's Surplus funds, preference is to be given to financial institutions which do not invest in or finance the fossil fuel industry. The Council also requested that monthly financial statements and reports include the state of its divestment from fossil fuels.

The following table indicates the financial institutions where City has investments as of 30 November 2018.

Description	Financial Institution	Amount Invested \$	Percentage to Total Investments
Financial Institutions without Investments in Fossil Fuel Industry	IMB	6,765,382	21%
	Bankwest	6,000,000	18%
	Bendigo	5,859,761	18%
	Suncorp	7,226,739	22%
Total Investments in Financial Institutions without having Investments in the Fossil Fuel Industry			79%
Financial Institutions with Investments in the Fossil Fuel Industry	National Australia Bank (NAB)	7,013,036	21%
Total Investments - including Restricted Funds		32,864,918	100%

20.



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$13.3 million. The rates receivable balance increased by \$0.03 million from last year which reflects increases in rates generation and more ratepayers choosing to pay by either instalment options or direct debit payment arrangements.

22. Sundry debtors have increased from \$287,618 to \$342,060, of which \$271,971 consists of current debt due within 30 days.

23. Receivables Other represents \$3.4 million including:
 a) Emergency Service Levy receivables \$2 million; and
 b) Receivables sanitation \$0.9 million.

24. Provisions for annual and long service leave have decreased by \$110,721 to \$3.2 million when compared to the previous year.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

26. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

31. Nil.

Economic Implications

32. Nil.

Environmental Implications

33. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 34.
- | | | |
|--|--------------------|---------------|
| Risk: Over-spending the budget. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Monthly management reports are reviewed by the City and Council.
Procurement compliance is centrally controlled via the Finance Department. | | |

35.

Risk: Non-compliance with Financial Regulations		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action / Strategy		
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 November 2018 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 262/2018

That Council:

RECEIVES the Monthly Statutory Financial Statements for the period ended 30 November 2018, which comprises:

- a) Statement of Financial Activity (Nature and Type);
- b) Statement of Financial Activity (Statutory Reporting Program); and
- c) Net Current Funding Position note to the financial report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.4. Proposed Amendment No. 101 to Local Planning Scheme No 3 - Maddington Kenwick Strategic Employment Area - Development Contribution Area

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-STU-043
Applicant	Taylor Burrell Barnett c/- Linc Property Pty Ltd ABN 33 096 272 043
Owner	Various
Attachments	<ol style="list-style-type: none">1. Proposed Scheme Amendment No.101 to LPS3 - Document [10.5.4.1]2. Proposed Scheme Map - DCA 2 - City of Kalamunda [10.5.4.2]3. Proposed Precinct Map - DCA 2 - City of Kalamunda [10.5.4.3]4. Proposed Precinct Map - DCA 12 - City of Gosnells [10.5.4.4]5. MKSEA Draft Development Contributions Plan Report December 2018 [10.5.4.5]6. MKSEA DCP Cost Schedule [10.5.4.6]

EXECUTIVE SUMMARY

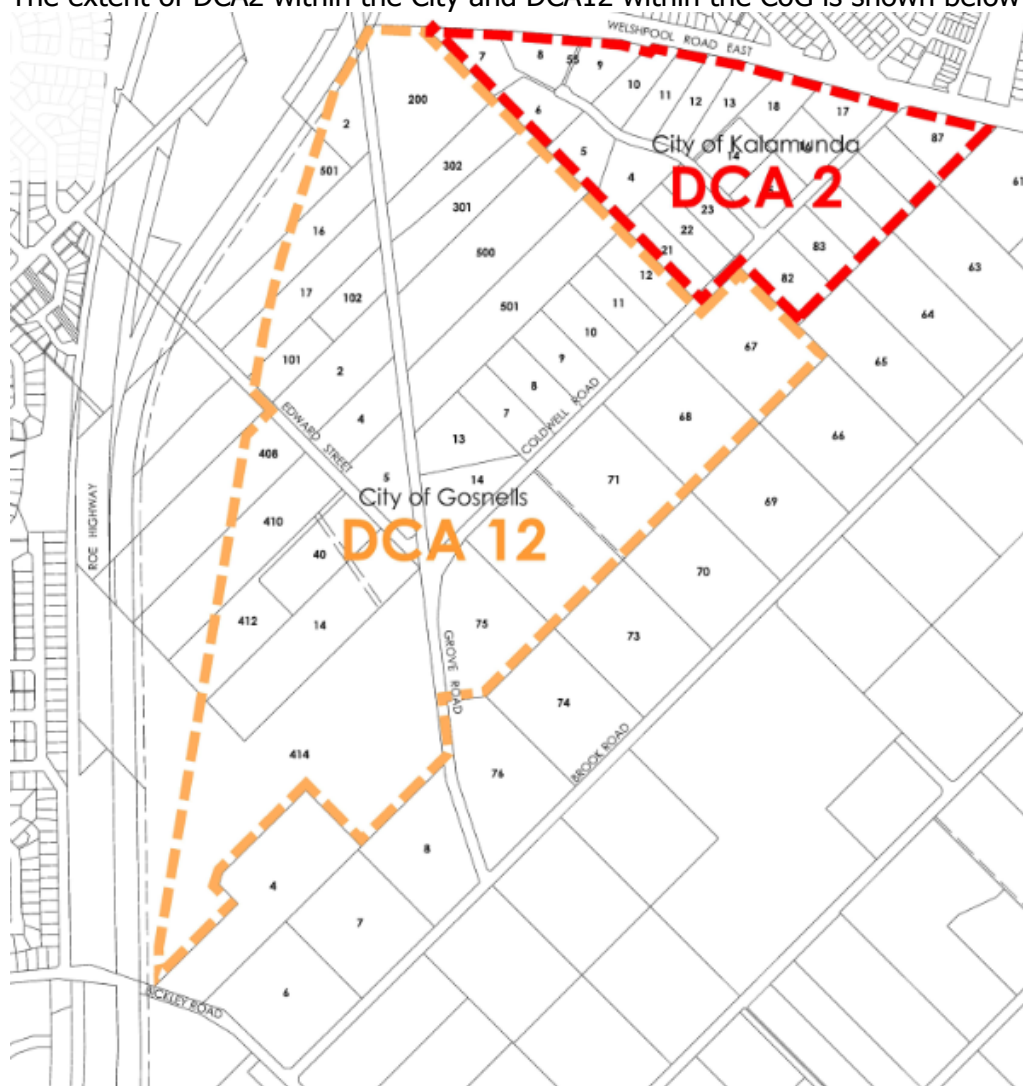
1. The purpose of this report is to consider the adoption of Amendment 101 to Local Planning Scheme No. 3 (Scheme) and the associated Development Contribution Plan Report (DCP Report) for the purposes of public advertising.
2. Amendment 101 proposes to:
 2. Introduce a Special Control Area on the scheme map which establishes a Development Contribution Area (DCA) over Maddington Kenwick Strategic Employment Area (MKSEA) Kalamunda Wedge Precinct 3 (Attachment 2) known as DCA2; and
 3. Include, in Schedule 12 of LPS3, the DCA for the MKSEA Kalamunda Wedge Precinct 3 as Development Contribution Area 2 (Attachment 1).
3. The MKSEA covers an area south of Welshpool Road east and is largely located in the City of Gosnells (CoG), with a smaller portion within the City of Kalamunda (City). The area within the City is known as MKSEA Kalamunda Wedge Precinct 3. The DCA, the subject of this report, covers the area of MKSEA Kalamunda Wedge Precinct 3.
4. It is recommended that Council adopt, for the purposes of public advertising, Amendment 101.

BACKGROUND

5. The area subject to the report forms part of MKSEA which has been planned for industrial development since the late 1990s and was identified in the Economic and Employment Lands Strategy (2012) and the City's Local Planning Strategy as a future industrial precinct.
6. The MKSEA sits mostly within the CoG, and partly within the City located in Wattle Grove, south of Welshpool Road East. The total area is bounded by the Public Transport Authority (PTA) Kenwick Rail Freight Facility to the west and northwest, Welshpool Road East to the northeast and cadastral boundaries for lots fronting Coldwell Road and Grove Road to the south and southeast. Each of the local governments are proposing to introduce a DCA over the land the subject of their jurisdiction. The DCA in CoG will be referred to as DCA 12, and the City's referred to as DCA 2.

The area of land within the City's boundary is approximately 20.4 hectares.

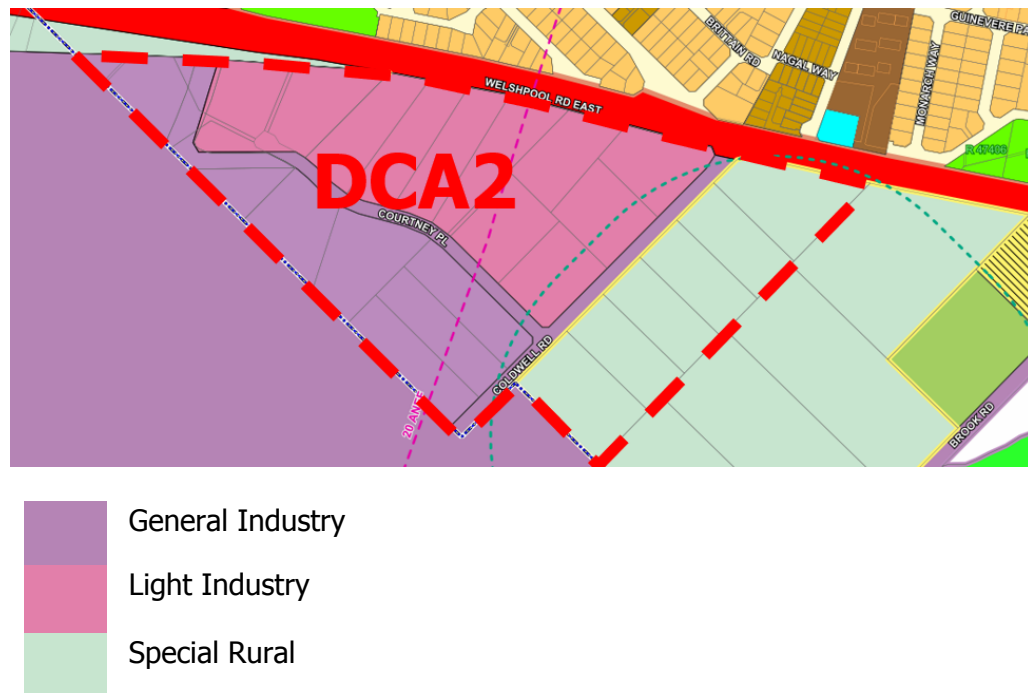
7. The extent of DCA2 within the City and DCA12 within the CoG is shown below:



8. The DCA area was zoned from 'Rural' to 'Industry' under the Metropolitan Region Scheme (MRS) in accordance with MRS Amendments 1300/57 (the

City) and 1301/57 (CoG) which were approved and published in the Government Gazette in October 2016.

9. The Scheme identifies the majority of DCA2 as 'General Industry' and 'Light Industry' as shown in the below figure. The remaining land to the south of Coldwell Road is currently zoned 'Special Rural' but will be subject to a subsequent amendment to rezone the land for industrial purposes.
10. City of Kalamunda Scheme Zoning Map:



11. As the area has historically been used for rural and rural lifestyle land uses, the future industrial development of the area will generate the need for the provision of new infrastructure and upgrades to existing infrastructure to cater for development. Given the fragmented nature of land ownership, and the need to achieve the coordinated delivery of infrastructure, a DCP is considered necessary to facilitate infrastructure provision in an equitable and coordinated manner.
12. Taylor Burrell Barnett (TBB) have prepared a draft DCP for the MKSEA for consideration by the City and the CoG.

DETAILS

13. The development of the DCA for industrial purposes will require the progressive upgrade of public infrastructure. The majority of the local road infrastructure and drainage upgrades will be the responsibility of the landowners abutting this infrastructure, as a condition of development or subdivisional approval. There are, however, a number of infrastructure upgrades which require coordination amongst landowners due to the complexity of the works and nature of fragmented landownership. Some road infrastructure items are not able to be upgraded on an incremental basis and required coordination through the DCP.

14. To establish a DCA over MKSEA, Kalamunda Wedge Precinct 3 Amendment 101 proposes to:
 - a) introduce a Special Control Area (referred to as Development Contribution Area 2) on the scheme map (Attachment 1 & 2); and
 - b) insert Attachment 1 into Schedule 12 of the Scheme.
15. A local government must prepare a DCP Report for each DCA within a Local Planning Scheme. A draft DCP Report has been prepared for the purpose of setting out contributions towards the cost of providing infrastructure and/or facilities in a DCA and how those contributions are to be determined.
16. The DCP Report has been prepared to accompany Amendment 101 but will not form part of the Scheme. This report and the associated cost apportionment schedule sets out, in detail, the calculation of the cost contributions for landowners in the DCA, in accordance with the methodology, and items identified within the proposed scheme text. The draft DCP Report can be found in Attachment 5 which includes the costing details of each of the above Common Infrastructure Works (CIW) items (see items 23 and 24 for further information regarding CIW).
17. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of the Scheme, but once adopted by the Council, is required by Clause 6.5.11.2 of the Scheme to be reviewed annually.
18. Development contributions are generally calculated and applied by way of conditions of a subdivision, strata subdivision or development, with the timing for payment determined by the decision maker in accordance with the provision of the Scheme. This usually occurs at the subdivision or building license phase.
19. The DCP Report details the infrastructure and other items that make up the contribution rate. In summary the below listed items should be noted.
20. **Land Deductions / Developable Area**

Whilst the total land area within DCA2 (City) and DCA 12 (CoG) is 177.638 hectares. The DCP assumes a total net contribution area (NCA) of 97.365 hectares, 22.941 hectares of which is located within the City and the balance CoG. Land within the DCA that is proposed to be excluded from the NCA includes areas of wetland, the Yule Brook floodplain, existing and proposed road reserves, drainage basins and land that is otherwise constrained due to its shape, size or access limitation.
21. The NCA is expected to provide the contributions necessary to account for all CIWs noted in the DCP Report. For further information regarding the calculation of the NCA refer to Part 3.1 (Calculation of Net Contribution Area) of the DCP Report in Attachment 5.

22. **Contribution Rate**

The DCP Report identifies a total cost of contribution items being \$21,811,294 over a total contribution area of 97.3653 hectares. The contribution rate for each of the eight precincts is proposed as follows:

Precinct	Total Land Area (Hectares)	Net Contribution Area (Hectares)	Contribution Rate (\$m ²)
A	42.6679	37.0623	\$8.33
B	24.035	19.4700	\$8.67
C	9.3200	8.1967	\$30.57
D	15.9853	9.6953	\$44.45
E	4.2500	3.5283	\$8.33
F	8.324	8.2728	\$47.55
G	2.0017	1.8140	\$73.95
H	11.0538	9.3259	\$49.77

Further information regarding the estimated cost of contribution items are referenced in Part 3.6 (Summary of Common Infrastructure Works) of the DCP Report at Attachment 5.

23. **Common Infrastructure Works**

The DCP administers six CIWs within the DCA.

24. The following infrastructure and administration items are proposed to be funded by the DCP:

- a) Upgrade the intersection of Grove Road/Hale Road/Welshpool Road East;
- b) Upgrade the intersection of Grove Road and Coldwell Road;
- c) Upgrade the intersection of Coldwell Road and Welshpool Road East;
- d) Upgrade Coldwell Road (East);
- e) Upgrade Courtney Place;
- f) Land for drainage within the Kalamunda Wedge Precinct;
- g) General Administration;
- h) Preparation of Development Contribution Plan Reports; and
- i) Finance costs for pre-funding infrastructure.

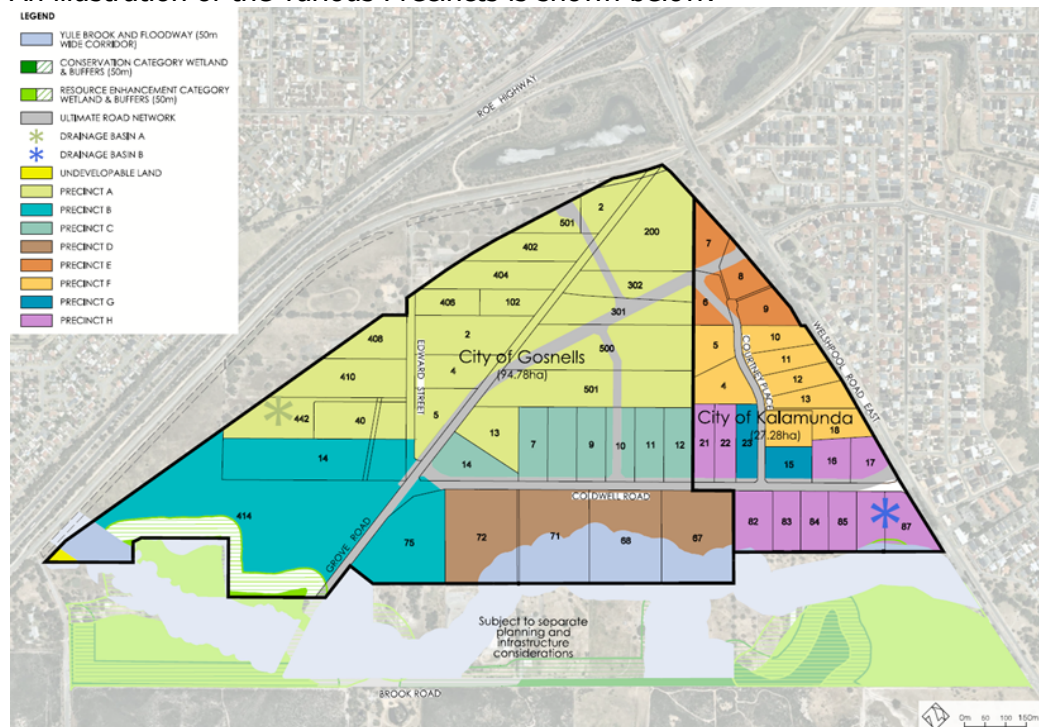
25. **DCA Precincts**

A number of these items are exclusively within the CoG or may only affect small areas of the DCA. For that reason, the DCP Report has been structured on a precinct basis, ensuring landowners only contribute for those infrastructure items for which they have a direct nexus.

26. The DCP Report assumes that local infrastructure (i.e. local road upgrades and the provision of site and catchment drainage infrastructure) is to be provided by individual landowners in accordance with a condition of subdivision development and in accordance with the relevant planning framework.

27. Precinct E through H are applicable to land within the City. For further information regarding the DCA precincts refer to Part 3.4 (Development Contribution Precincts) of the DCP Report as at Attachment 5.

28. An illustration of the various Precincts is shown below:



29. **Administration Costs**
 The City contributes a significant amount of financial and human resources towards the preparation and administration of DCPs. For the most part, financial resources and the cost of human resources are sourced from general municipal funds. It is therefore considered reasonable that the City be reimbursed for the administrative costs associated with the DCP through the collection of development contributions. The DCP Report nominates a total administration cost of \$1,330,000 over the 10 year lifetime of the DCP. The administration cost includes the costs for the local government to implement the DCP, an initial peer review of the DCP and calculations, as well as the mandatory annual reviews. The distribution of administration costs between the local governments will be established through the MoU.

30. **Peer Review**
 With the DCP being prepared by TBB on behalf of Linc, both local governments have agreed to commission a peer review of all associated documentation, to ensure the estimated costs of CIW are accurate.

31. The peer review will be undertaken by a suitably qualified quantity surveyor or engineering firm of the proposed cost of infrastructure items.

32. It is intended that the peer review will occur concurrently with the advertising of the DCP Report, with any changes to costs included in a final DCP Report which the Council will be required to endorse prior to its operation.

33. To ensure transparency and certainty, the local governments will share the cost associated with the peer review which can be reimbursed to the local governments through the administration funds of the DCP once operational.
34. **Period of Operation and Review**
It is proposed that the DCP will operate for a period of ten years from the date of gazettal of Amendment No. 101. This will ensure adequate time to develop the infrastructure items included in the draft DCP Report, with consideration for those landowners who are not currently ready to develop their land for industrial purposes. The DCP will be reviewed annually, allowing for further reviews to be undertaken on an as needs basis. This allows the City to have regard to the cost increases and fluctuations in economic growth and rate of subsequent development.
35. **Timing and Staging of Works**
The DCP Report assumes that the staging of development and in turn the staging of infrastructure, is anticipated to occur over six stages. The timing and staging of development and works will be carefully monitored during the annual DCP Report review to ensure that all assumptions with respect to the timing and delivery of infrastructure are appropriate.
36. **Pre-funding**
In order to facilitate the coordinated delivery of infrastructure some pre-funding of CIWs is required. It is anticipated that this pre-funding will be undertaken either by developers looking to progress a stage of development, or by the local government(s) looking to assist with the progression of development more generally and provide suitable infrastructure to support industrial uses. The DCP Report therefore includes finance costs, which are the costs associated with finance for the pre-funding of infrastructure where these costs are reasonably covered. The principle behind the finance costs is that the entity that pre-finds the infrastructure for the cost of the money borrowed and invested in the pre-funding of works will be compensated. The rate of return used to calculate finance costs is proposed at a flat rate of six per cent per annum to ensure suitable re-imburement for the pre-funding of infrastructure works.
37. A developer has commenced construction of infrastructure on-site (including the intersection of Grove Road and Welshpool Road, and the realignment of Grove Road), and would therefore be reimbursed under the proposed arrangement (as shown in Attachment 5, Table 4). It is noted that this infrastructure was required to provide appropriate access to service approved development applications on land owned by the initial developer.
38. For proposed Finance Cost C, which represents the cost of borrowing applicable to pre-funding of required road works for the development of the Kalamunda Wedge precinct, the finance costs are considered appropriate given the need to wholly construct the upgrade of Courtney Place in one stage due to level differences and nature of fragmented land ownership.

39. **Administrative Operation**
As previously noted, the DCP Report includes land within both the City and CoG. A Memorandum of Understanding (MoU) will be drawn up between the two Local Governments to set out roles and responsibilities in respect to the administration and operation of the DCP. It is intended that the MoU will deal with such matters as the collection of contributions and responsibilities for the financial implications of the arrangement. The MoU will be established prior to the DCP becoming operable.
40. **Legal Agreement**
As previously mentioned, the DCA includes land to the south of Coldwell Road which whilst zoned 'Industrial' under the MRS, is still currently zoned 'Special Rural' under the Scheme. The balance of the land within the CoG is subject to Amendment 166 which is currently being formally assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) because of the known environmental values. The City anticipates that a subsequent Amendment would also be assessed under Part IV Division 4 of the EP Act and for this reason both Cities are concerned there could be a diminishing contribution base, resulting in higher contributions or an inequitable share of the cost. To ensure the City is not exposed to financial risk as a result of including these lots, the applicant has agreed to a legal agreement specifying that the applicant will not seek compensation from the City should there be inadequate funds available in the DCP to reimburse the applicant for their initial works. The City has therefore agreed to its inclusion in the DCP area subject to the legal agreement.
41. The legal agreement will ensure that the initial developer who has undertaken construction of infrastructure items prior to the establishment of the DCP will not seek any credit, off-set, refund, payment or compensation in respect of the initial infrastructure works that it is undertaking if there are inadequate funds available in the DCP to reimburse the developer for such works. The legal agreement will be required to be agreed and entered into prior to the DCP becoming operable.

STATUTORY AND LEGAL CONSIDERATIONS

42. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**
DCPs are created under Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
43. Regulation 35 of the Regulations requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. The resolution must specify and provide justification for the type of amendment (basic, standard or complex).
44. Pursuant to Regulation 72 of the Regulations, DCAs and DCPs are to be considered as a complex amendment to a local planning scheme.

45. **City of Kalamunda Local Planning Scheme No. 3**
Clause 6.5 (Development Contribution Areas) of the Scheme sets out the establishment, implementation and operation of DCAs and DCPs operable within the City.
46. Whilst all operable DCPs are incorporated into Schedule 12 as part of the Scheme, DCP Reports and the Cost appointment schedule do not form part of the Scheme.
47. Clause 6.5.11 (Cost contributions based on estimates) of the Scheme requires the local government to:
- a) have the DCP Report independently certified by appropriate qualified persons and must provide such independent certification to an Owner when requested; and
 - b) review the DCP Report annually.
- The City will commission a peer review of the DCP Report during the public consultation period.
48. Following public consultation, should the Council resolve to endorse the DCP Report, landowners within the DCA will be liable to pay contributions to the local government on the earlier of the:
- a) WAPC endorsing its approval on the deposited plan or survey strata plan of the subdivision of land within the DCA;
 - b) commencement of any development on land within the DCA;
 - c) approval of any strata plan by the local government or WAPC of land within the DCA; or
 - d) approval of a change or extension of a use by the local government on land within the DCA.
- (Clause 6.5.13.2 of the Scheme)

POLICY CONSIDERATIONS

49. **State Planning Policy 3.6 – Development Contributions for Infrastructure**
As part of the State Government’s planning framework, State Planning Policy 3.6 (SPP 3.6) was progressed in conjunction with industry stakeholders over a number of years and was gazetted in November 2009. The gazettal of SPP 3.6 effectively provided a statutory basis for the collection of funds from subdivision and development toward the provision of ‘community infrastructure’.
50. A DCP for each DCA should be prepared in accordance with SPP 3.6 and included as a schedule to the Scheme.

51. SPP 3.6 sets out the objectives for preparing a development contribution plan for a DCA as follows:
- a) **Need and Nexus**
The need for the infrastructure included in the DCP must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
 - b) **Transparency**
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
 - c) **Equity**
Development contributions should be levied from all developments within a DCA, based on their relative contribution to need.
 - d) **Certainty**
All development contributions should be clearly identified and methods of accounting for escalation agreed upon at the commencement of development.
 - e) **Efficiency**
Development contributions should be justified on a whole life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
 - f) **Consistency**
Development contributions should be applied uniformly across a DCA and the methodology for applying contributions should be consistent.
 - g) **Right of Consultation and Review**
Land owners and developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe that the calculation of the contributions is not reasonable.
 - h) **Accountable**
There must be accountability in the manner in which development contributions are determined and expended.

(SPP3.6, Section 5.2 – Principles underlying development contributions)

The draft DCP Report as at Attachment 5 addresses the above requirements and principles as described herein.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

52. Throughout the preparation of the DCP, TBB consulted with the City and Councillors from both local governments with several amendments made to all documents as per the requests made by the local government(s).

53. During the consultation, a very preliminary review has been undertaken from an Assets and Financial Services perspective. A comprehensive review will occur during public advertising and as part of the independent review with all outcomes reported back to Council prior to final consideration.
54. Further detailed reviews will occur in parallel with the public advertising period and as issues are raised through submissions.

External Referrals

55. On 12 December 2018 the City invited affected landowners to an Information Session which discussed DCPs, the need for a DCP in the area and to answer any questions landowners had.
56. Should the Council resolve to adopt Amendment 101 for the purposes of public advertising, it will be concurrently submitted to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for their comment before being advertised for public comment for a period of 60 days.
- (Regulation 37 (2) and Section 81 of the Planning and Development Act)
57. Where no environmental assessment is required, and consent has been granted by the WAPC, the Amendment is required to be advertised as a complex Local Planning Scheme amendment in accordance with the Regulations and Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals) for a period of 60 days (commencing on the day on which the notice is published in a newspaper circulating the Scheme area) via the following methods:
- a) letters to landowners and occupiers within a 100m radius of the DCA and any relevant community organisations;
 - b) publish the notice in a newspaper circulating the Scheme area for two consecutive weeks;
 - c) display a copy of the notice at the City's administration building for the period for making submissions set out in the notice;
 - d) letters to relevant public and service authorities;
 - e) a notice on the City's website; and
 - f) signage on site.
58. In addition to the mandatory advertising requirements stipulated by P-DEV 45 for a complex Local Planning Scheme amendment, the City can also choose at its discretion to undertake additional advertising measures. In this regard, a Community Information Session will be held. The purpose of this session will be for the City's planning staff to assist the public in interpreting the DCP and answer any questions. These sessions are informal and give the community the opportunity to interact with planning staff on a one-on-one basis.

59. There is no formal statutory process established for the advertising of a DCP Report. However, given that the vital importance of the document in setting out the costs and methods of the DCA, it is considered that the draft DCP Report should be advertised concurrently with the scheme amendment. To this extent it is recommended that the Council adopt the draft DCP Report for the purposes of advertising.
60. Following the submission period, the Council is required to consider all submissions made and pass a resolution either supporting the amendment, with or without modification, or not to support the Amendment.
(Regulation 41(3) of the Planning and Development Regulations)

FINANCIAL CONSIDERATIONS

61. All costs associated with the preparation and consideration of Amendment No. 101 and associated DCP Report are intended to be reimbursed through the allocated Administration Costs of the DCP.
62. The operation of the DCP presents a major administrative responsibility for the local government(s). While the DCP is self-funded, the local government(s) have an implicit obligation to efficiently and effectively manage the revenue and works.
63. The DCA is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage infrastructure is critical as most developers rely on these improvements for suitable access.
64. The City contributes a significant amount of financial and human resources towards the preparation and administration of DCPs. For the most part, financial resources and the cost of human resources are sourced from general municipal funds. It is therefore considered reasonable that the City be reimbursed for the administrative costs associated with the DCP through the collection of development contributions. An MoU will be drawn up between the two Local Governments in respect to the administration of the DCP (refer to item 38 of this Report for further information in this regard).
65. The establishment of a DCA for MKSEA represents a potential financial burden for the Cities. The main risk is that the funds to be collected may not be sufficient to meet the cost of the infrastructure required, which could result due to an escalation in the cost of infrastructure or land being excluded for environmental reasons, or delays in the roll-out of infrastructure if landowners choose not to develop. Notwithstanding, the draft legal agreement will ensure the predominant landowner will not seek reimbursement for development works should there be insufficient funds available in the DCP upon completion of development of the DCA .

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

66. *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

67. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future landowners and occupiers. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be satisfied.

Economic Implications

68. DCAs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCAs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

Environmental Implications

69. DCA's are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, DCA's have no impact on the environment, as they are principally 'administrative' and 'financial' agreements. Indirectly, however, DCA's can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment. Equally, the infrastructure that may be funded from a DCA may have a significant impact on the environment; for example, the construction of drainage infrastructure and the upgrading of local road networks.

RISK MANAGEMENT CONSIDERATIONS

70.	Risk: Amendment 101 is not adopted for the purposes of public advertising and does not proceed.		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/Strategy		
	Ensure that Council is aware that given the fragmented nature of the land, in the absence of a DCA, the costs of infrastructure upgrades would likely need to be borne by the City.		

71.	Risk: There is not enough money collected in the DCP to fund infrastructure upgrades.		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/Strategy		
	Undertake annual reviews to ensure the scope of infrastructure remains relevant and to maintain the currency of the cost of infrastructure, land and other DCP items.		

OFFICER COMMENT

72. **Purpose of DCAs**
 Local governments are facing increased pressures on the services which they provide. These pressures arise from population, development and economic growth. Coupled with this growth is the community expectation of new and upgraded infrastructure. Given the financial limitations of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth, DCAs are created to establish a statutory mechanism by which local governments can collect contributions from developers. Importantly, DCAs ensure that the burden of providing district or precinct level infrastructure does not fall upon ratepayers at large and that it is shared amongst those necessitating the demand on that infrastructure.

73. **Need for DCA2**
 The land contained within the proposed DCA has historically been used for rural and rural lifestyle land uses and is characterised by fragmented land ownership. The future industrial development of the contribution area will generate the need for the provision of new infrastructure and upgrades to existing infrastructure. Given the fragmented nature of land ownership, and the need to achieve a coordinated approach to the delivery of infrastructure, a DCP is considered necessary to facilitate infrastructure provision in an equitable manner. If this approach is not taken, the costs of infrastructure upgrades across the fragmented landholdings would likely need to be borne by the City through municipal funds.

74. **DCA Precincts**
The draft DCP Report proposes eight precincts, with landowners only contributing to items of infrastructure that benefit from its provision. Infrastructure upgrades which are agreed as being of benefit to all landowners will be funded by the DCP Report and equitably shared amongst landowners that benefit from its provision. Under this model, the contribution rate would vary from precinct to precinct. Due to the size of the DCA, and the relative isolation of some of the infrastructure and cost items to specific precincts, this was considered the most appropriate and equitable approach.
75. Further information regarding the details of which precinct contributes towards the cost contribution can be referenced in Appendix D of the draft DCP Report as at Attachment 5.
76. **Annual Review of DCP**
The DCP Report will be updated and reviewed on an annual basis. Having the DCP Report sit outside the Scheme is beneficial as the DCP can be updated or amended in a timelier manner than if it was embedded within the Scheme. If the DCP Report was to form part of the Scheme, it would be a very costly and difficult to enable adjustment and would require amending the Scheme. This approach is considered the most appropriate given the fluctuations of infrastructure and land values costs and is consistent with the approach required by SPP 3.6.
77. **Contingency Rates**
A ten per cent rate of contingency has been applied to the CIW's where there are detailed designs (certified by appropriately qualified engineers).
78. A twenty per cent rate of contingency has been applied to the CIW's based on estimated quantitative costings. Given that no detailed engineering design has taken place for these items, it is difficult to allocate an accurate quantity at this current point in time. However, it is not considered appropriate to wait until engineering design takes place as it requires the collection of development contributions to initiate design. For this reason, the twenty per cent rate of contingency has been applied and is considered appropriate.
79. Landowners and the broader community will have an opportunity to provide comment on the rates of contingency during the consultation period and the Council will have an opportunity to consider those submissions and contemplate potential modifications.
80. **Legal Agreement Between Linc Property**
As previously mentioned, given the uncertainty of the development potential of those lots fronting Coldwell Road, the City is concerned there could be a diminishing contribution base, resulting in higher contributions or an inequitable share of the cost. To ensure the City is not exposed to financial risk as a result of including these lots, the Applicant has agreed to a legal agreement specifying that the Applicant will not seek compensation from the City should there be inadequate funds available in the DCP to reimburse the Applicant for their initial works. The City has therefore agreed to its inclusion in the DCP area subject to the legal agreement.

81. **Commencement of the DCP**
Given the vital importance of the DCP Report document in setting out the costs and methods of the DCA proposed with Amendment No. 101, it is recommended that the DCP Report should be advertised concurrently with the scheme amendment. However, it is important to note that the DCP will not become operable until the date of gazettal of Amendment No. 101.
82. Advertising Amendment No. 101 and the DCP Report will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process when Amendment No. 101 is considered by Council for final approval.
83. From a planning perspective, Amendment No. 101 is consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning and the provisions of the Scheme and SPP3.6.
84. Having regard to the above, it is recommended that Council adopts Scheme Amendment No. 101 and the DCP Report for the purpose of public advertising.

Voting Requirements: Simple Majority

RESOLVED OCM 263/2018

That Council:

1. ADOPTS for the purpose of public advertising, Local Planning Scheme Amendment No. 101 to Local Planning Scheme No. 3 as a complex amendment as it relates to the preparation of a Development Contribution Arrangement in accordance with Attachment 1 without modification, pursuant to Regulation 35(2) and Regulation 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* and Section 75 of the *Planning and Development Act 2005 (WA)*.
2. REFERS Local Planning Scheme Amendment No. 101 to Local Planning Scheme No. 3 to the Western Australian Planning Commission and Environmental Protection Authority pursuant to Regulation 37(1)(a)(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* and Section 81 of the *Planning and Development Act 2005 (WA)* respectively.
3. ADVERTISES Local Planning Scheme Amendment No. 101 to Local Planning Scheme No.3 in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* and Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals), subject to Sections 81 and 82 of the *Planning and Development Act 2005 (WA)*.
4. NOTES the draft Maddington Kenwick Strategic Employment Area Development Contribution Plan Report will be advertised concurrently with Amendment No. 101 to Local Planning Scheme No. 3, subject to any required modifications, following referral to the Western Australian Planning Commission and Environmental Protection Authority.

5. NOTES that the City of Kalamunda will be undertaking a comprehensive and detailed review of the Development Contribution Plan Report and associated cost estimates in parallel with the advertising and progression of Local Planning Scheme Amendment No. 101.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

10.5.5 Chief Executive Officer's Performance Review 2017-2018

This item was moved to and discussed at Item 15 of the agenda.

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

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

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

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

Previous Items	May 2016 April 2017 November 2017 March 2018
Directorate	Office of the CEO
Business Unit	People Services
File Reference	
Applicant	
Owner	
Attachments	1. CEO Performance Review 6 months to June 2018 (Summary Report to Council) [15.1.1.1]

11. Motions of Which Previous Notice has been Given

Nil.

12. Questions by Members Without Notice

12.1 Cr O'Connor – Dundas Road Restoration

Q. Does the CEO have an update on the repair of the damage caused by the sinkhole on Dundas Road?

A. The Minister today announced the opening of the train line to Forrestfield has been delayed 12 months due to the issues in the main tunnel and the sink hole collapse. There was comment as to the timeframe for the restoration of Dundas Road. There is no conclusive resolution at this stage.

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

13.1 Questions Taken on Notice at the Public Agenda Briefing Forum of 13 November 2018

13.1.1 Cr Fernie – Item 10.2.1 Hummerston Road – Public Consultation

Summary of question from Cr Fernie:

Q1. Why have concerns such as traffic accidents not been addressed in the report?

Response from the Director Asset Services:

A1. Traffic accidents were not the driving force behind the petitions and therefore not presented for discussion in the report. The report was focused on addressing the need, or otherwise, of an alternative access option during emergency situations and/or routine maintenance (e.g., Western Power infrastructure maintenance, etc.), traffic accidents and sports events (i.e., Targa Rally, cycle races, etc.) when Mundaring Weir Road west of the Fern Road intersection is temporarily closed to *through traffic*.

13.1.2 Cr Boyd – Item 10.2.1 Hummerston Road – Public Consultation

Summary of question from Cr Boyd:

Q1. Could the signatures from the survey be verified?

Response from the Director Asset Services:

- A1. The breakdown of the survey results supporting Option A (seal and extend Hummerston to Fern), Option B (leave as is) and No Preference against the locality of the responses are detailed in the following table:

Area	Option A	Option B	None	Total
Kalamunda Hills	31	34	7	72
Kalamunda Foothills	0	9	3	12
Outside of Kalamunda	1	18	2	21
Not Noted	6	3	0	9
TOTALS	38	64	12	114

(number of surveys received, grouped by Area and preference)

13.2 Questions Taken on Notice at the Ordinary Council Meeting of 27 November 2018

13.2.1 Cr O'Connor – Customer Service Training for City Rangers

Summary of question from Cr O'Connor:

- Q1. The response talks about a 70-20-10 model and I would like to clarify if this is an industry norm or practice for Rangers to use that model?

Response from the Director Development Services:

- A1. Yes, this is an industry norm. The 70-20-10 Model for Learning and Development is a commonly used across industry to describe the optimal sources of learning. It holds that individuals obtain about 70 percent of their skills from job-related experiences, tasks and problem solving. This is the most important aspect of any learning and development plan. About 20 percent from interactions, feedback and from observing and working with role models, and about 10 percent from formal educational events. The model is widely used across a number of industries including the West Australian and Australian Public Sector commissions. The basic premise is that formal training for a competency or skills needs to be complimented by on the job practice and feedback. For this example; the time learning the theory of customer service from a formal course requires a far greater portion of time to practices, receive feedback and learn from on the job experiences and from others.

“The Australian Public Sector Commission has adopted the principles of the 70-20-10 model of learning, which reflects that the majority of learning takes place on the job (i.e. 70 per cent), a portion takes place through peer-based learning (20 per cent), and a smaller portion takes place in the classroom (10 per cent).”

13.2.2 Cr Blair – Kalamunda History Village Train

Summary of question from Cr Blair:

- Q1. The last time we heard from the Director with regard to the train, there was going to be a site meeting with a sub-contractor and I would like to know what the outcome of that meeting was and when something is going to happen?
- Q2. Can we have an indication on how long the works would take?

Response from the Director Corporate Services:

- A1. This was referred to in the Minutes of 23 October 2018; the contract has been awarded and works are scheduled to commence in January 2019. The City had a meeting with the History Village late last week to confirm those dates and I will need to come back to you. At this stage, the tender has been awarded, the approvals are substantively in place and they're seeking to commence the works in January 2019.
- A2. The contractor, Thuroona, have advised the project is estimated to commence mid-January 2019 and the works will take a duration of approximately six weeks.

13.3 Questions Taken on Notice at the Public Agenda Briefing Forum of 4 December 2018

13.3.1 Cr O'Connor - Item 10.4.2 Administration of Caravan Parks and Camping Grounds

Summary of question from Cr O'Connor:

- Q1. This is not an exhaustive list and when the Act was created, why wasn't it given a head of power so it could be delegated?

Summary of response from General Counsel:

- A1. The City is unaware why such a head of power was not included by the Government in the legislation.

The Council has previously provided some Delegated Authority to the Chief Executive Officer to perform some of its functions under the Caravan Parks and Camping Grounds Act, however as this Act does not have a head of power to enable the Council to delegate these matters, that delegation of Council cannot legally be made. As indicated in the Report, the delegations were withdrawn in June 2015.

As a consequence, the Council has been required to consider routine matters which could be handled in a more timely and effective manner at an Administrative level.

The proposed Authorisation can be enacted under the Act and have been restricted to those functions considered routine rather than strategic in nature and therefore *would not be an exhaustive list*.

13.3.2 Cr Stallard – Item 10.2.2 Milner Road Traffic Management Options

Summary of question from Cr Stallard:

- Q. Could the City put in place a temporary closure of Milner Road until such stage as the Forrestfield North Train Station had been completed and could the cul-de-sac be reopened later?

Summary of response from the Director Development Services:

- A. The City could undertake a temporary road closure, but this would need to be carefully considered in the context of potential impacts to traffic flow and practical use of the existing road network in the immediate and surrounding area. If the City undertakes a temporary road closure which is aimed to exceed 28 days, the City would have to issue the proposal for public comment and then Council would be required to endorse a decision for a temporary closure. The closure could be reviewed, and the cul-de-sac could be reopened if necessary.

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

14.1 Appointment to Advisory Committee

Voting Requirements: Absolute Majority

RESOLVED OCM 267/2018

That Council:

APPOINTS Councillor Kathy Ritchie to the Arts Advisory Committee.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

15. Meeting Closed to the Public

15.1 RESOLVED OCM 264/2018

That meeting be closed to the public for the consideration of Confidential Item 10.5.5 Chief Executive Officer's Performance Review.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The meeting closed to the public at 10.20pm. All staff except for the Manager of People Services were asked to leave the meeting at this time. Manager of People Services left chambers at approximately 10.45pm.

Standing Orders were suspended by Council to consider this report

10.5.5 Chief Executive Officer's Performance Review 2017-2018

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

Previous Items	May 2016 April 2017 November 2017 March 2018
Directorate	Office of the CEO
Business Unit	People Services
File Reference	
Applicant	
Owner	
Attachments	1. CEO Performance Review 6 months to June 2018 (Summary Report to Council) [15.1.1.1]

RESOLVED OCM 265/2018

That Standing Orders be resumed.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (12/0)**

Standing orders resumed at 11.47pm

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

3. NOTES that the appraisal of Ms Rhonda Hardy, Chief Executive Officer, has been undertaken for the period of January 2018 to June 2018 and notes the consultant report at Attachment 1.
4. ACCEPTS the outcome of 'Meets Expectations' and thanks Ms Hardy for her efforts.
5. ENDORSES that the Chief Executive Officer's performance criteria for the 2018-2019 period are amended as per the proposed Key Result Areas and associated measures at Attachment A of the consultant report.

Moved: **Cr Michael Fernie**

Seconded: **Cr Sara Lohmeyer**

For

Cr Michael Fernie
Cr Sara Lohmeyer
Cr Dylan O'Connor
Cr Kathy Ritchie

Against

Cr John Giardina
Cr Geoff Stallard
Cr Lesley Boyd
Cr Cameron Blair
Cr Allan Morton
Cr Brooke O'Donnell
Cr David Almond
Cr Margaret Thomas

Vote: **LOST (4/8)**

Cr Giardina moved and alternative motion which received a seconder. Council debated the motion before it was put to a vote.

Voting Requirements: Simple Majority

RESOLVED OCM 266/2018

1. The confidential report prepared by Natalie Lincolne, Senior Consultant, of Price Consulting Group Pty Ltd dated 10 December 2018 and its attachment A is received and noted
2. A contract on employment between the City of Kalamunda and Rhonda Hardy was executed on 17 May 2016. In the contract of employment clause 12.2 empowers the Council to terminate the CEO's employment/contract at any time for any reason. The employment of the CEO (Rhonda Hardy) be terminated forthwith.

3. Or the CEO is afforded the opportunity to resign under the conditions that she takes 3 months 'garden leave' at full pay, then will be paid out her entitlements
4. The Director of Corporate Services and Governance/General Counsel prepare the necessary document to be executed accordingly for the termination to take effect.
5. All property, intellectual or otherwise, shall remain the property of the City of Kalamunda
6. The Mayor and General Counsel (Simon Di Rosso) shall immediately or as soon as practicable seek the return of all City of Kalamunda property in the CEO's possession
7. The Council offer Rhonda Hardy the service of transport from the City of Kalamunda offices to her place of residence
8. Appoint Gary Ticehurst as the Acting CEO until Friday 21 December 2018
9. Council engages Natalie Lincolne to assist with the recruitment of an interim CEO while the recruitment process for a substantive CEO is undertaken. In the event an Acting CEO is not appointed before 7 January 2019, Brett Jackson remains as Acting CEO until Gary Ticehurst returns from annual leave or an interim CEO is appointed (whichever occurs first).

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote: For
Cr John Giardina
Cr Geoff Stallard
Cr Lesley Boyd
Cr Allan Morton
Cr Brooke O'Donnell
Cr David Almond
Cr Margaret Thomas

Against
Cr Michael Fernie
Cr Sara Lohmeyer
Cr Dylan O'Connor
Cr Cameron Blair
Cr Kathy Ritchie

CARRIED (7/5)

16. Tabled Documents

- 16.1 Management and Advisory Committee Minutes
- 16.1.1 Kalamunda Aged Care Advisory Committee – Minutes of 7 November 2018
- 16.1.2 Kalamunda Environmental Advisory Committee – Minutes of 8 November 2018
- 16.1.3 Strategic Sport and Recreation Committee – Minutes of 12 November 2018
- 16.1.4 Bushfire Control Advisory Committee – Minutes of 15 November 2018
- 16.1.5 Ray Owen Management Committee – Minutes of 8 November 2018

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 12.10am on Wednesday 19 December 2018.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2019.