

Ordinary Council Meeting

Minutes for Tuesday 22 May 2018

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

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

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

North West Ward

David Almond

Sara Lohmeyer

Dylan O'Connor

North Ward

Cameron Blair

Tracy Destree

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate & Community Services

Dennis Blair - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

Management Team

Virginia Miltrup - Manager People Services

Andrew Fowler-Tutt - Manager Approval Services *(left at 8.15pm)*

Nicole O'Neill - Manager Customer & Public Relations

Jamie Paterson - Manager Information Technology *(left at 8.05pm)*

Administration Support

Kristy Lisle - Executive Research Officer Governance & Legal

Adam Parker - Service Desk Analyst

Members of the Public 9

Members of the Press Nil.

Apologies

South West Ward

Cr Brooke O'Donnell

Leave of Absence Previously Approved

Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

Mr Harry Mazza, 811 Welshpool Road, Wattle Grove

- Q. In December 2017 Arborlogic wrote a letter responding to the amended application to access Lot 36 Welshpool Road East. In the letter the Arborist, on 9 specific occasions, sought clarification as to the details regarding design, physical size, width and depth of excavations in order to understand the degree of damage the works will pose to the root zones. In the general comment the arborist sought further clarification. Given this letter is the lynch pin of understanding the risk and mitigating the risk to the trees was the Arborist provided with the clarification he sought?

If clarification, or more details were provided, are there records of this?

If there was no further communication with the Arborist can you please advise us why his queries still, to this day, have not been addressed or understood by the City of Kalamunda and Councillors?

- A. In follow up to the December 2017 addendum to the original Arborist Report dated August 2016 it is advised that the Arborist was not provided with any further clarification given any further assessment could only be made once construction proceeds. Given the Arborist's advice "could impact the root zone" it was therefore considered necessary to have the Arborist present during the earthworks phase of the works, hence the relevant conditions in support of the Development Approval.

It is noted that the engineering drawings also include notation on each drawing as follows:

- Arborist to review all overhanging branches and their impact on traffic.
- Pruning of branches and root protection during construction to be undertaken with strict supervision of Arborist.
- Unless otherwise instructed the Contractor shall not disturb any existing trees of vegetation.

It is noted that the Arborist is required to liaise with the City's representative on any proposed directions relating to pruning, root protection/removal and/or tree removal prior to issue of formal instructions to the Contractor. A report identifying all actions arising along with decisions made is to be presented to the City on conclusion of the works. This report will provide both a chronological account of all decisions relating to trees and vegetation identifying any on-going maintenance/inspection requirements that the City needs to be cognisant of and/or programme into its routine maintenance activities.

3.2. Public Question Time

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

3.2.1 Frank Lindsey - 95 Aldersyde Road, Piesse Brook

Q1. Can you please advise who authorised the actions before the Supreme Court in relation to the SAT decision related to the Pachamama Childcare Centre?

A1. The lodgement of the appeal was authorised by the City and the Chief Executive Officer.

Q2. Did Council laws approve the lodging of the application?

A2. The Chief Executive Officer is authorised under the Local Government Act.

4. Petitions/Deputations

4.1 A petition was received from Stephen Price's office on behalf of 13 residents regarding the establishment of a dog exercise area.

4.2 A deputation was received from Emma Kallarn of 67 Huntley Street, Gooseberry Hill regarding item 10.1.5 - Reserve 27154 - Lot 622 (No 42) Ledger Road Gooseberry Hill. Ms Kallarn spoke against the Officer Recommendation.

4.3 A deputation was received from Mr Terry Crestwell of 215 Lewis Road, Forrestfield regarding item 10.2.4 - Section 31 Reconsideration: Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield. Mr Crestwell spoke in favour of the Officer Recommendation.

4.4 A deputation was received from Mr Keith Moses of 209 Lewis Road, Forrestfield regarding item 10.2.4 - Section 31 Reconsideration: Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield. Mr Moses spoke against the Officer Recommendation.

4.5 A deputation was received from Mr Andy Farrant of 60 John Farrant Drive, Gooseberry Hill and Mr Steve Castledine of 54 Kalamunda Road, Kalamunda regarding item 10.3.2 Kalamunda Arts Advisory Committee - Recommendations. Both spoke in favour of the Officer Recommendation.

5. Applications for Leave of Absence

RESOLVED OCM 65/2018

That Cr David Almond be granted leave of absence for the period 5 June to 18 June 2018.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Public Briefing Session held on 10 April 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 (11/0)**

RESOLVED OCM 66/2018

Statement by Presiding Member

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

- 6.2 That the Minutes of the Ordinary Council Meeting held on 24 April 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 (11/0)**

RESOLVED OCM 67/2018

Statement by Presiding Member

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

- 6.3 That the Minutes of the Special Council Meeting held on 30 April 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

RESOLVED OCM 68/2018

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 30 April 2018."

7. Announcements by the Member Presiding Without Discussion

7.1 Nil.

8. Matters for Which the Meeting may be Closed

8.1 Confidential Attachment 10.2.2 City of Kalamunda: Public Open Space Strategy – Consideration of Submissions and Modifications for Final Adoption

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

8.2 Confidential Attachment 10.2.4 Section 31 Reconsideration – Lot 11 (215) Lewis Road, Forrestfield

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

8.3 Confidential Report 15.1.1 Chief Executive Officer's Performance and Salary Review Policy

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

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."

8.4 Confidential Report 15.1.2 Supreme Court Appeal – 59 Coolinga Road, Lesmurdie

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

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 Cr Cameron Blair declared a Proximity Interest on Item **10.1.5 - Reserve 27154 - Lot 622 (No 42) Ledger Road, Gooseberry Hill - Proposed Excision and Easements - Telecommunications Tower** for as his family property borders the reserve.
- 9.2. Disclosure of Interest Affecting Impartiality**
 - a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.
 - 9.2.1 Cr Margaret Thomas declared an Interest Affecting Impartiality on Item **10.1.5 - Reserve 27154 - Lot 622 (No 42) Ledger Road, Gooseberry Hill - Proposed Excision and Easements - Telecommunications Tower** as her granddaughter attends Gooseberry Hill Primary School.
 - 9.2.2 Cr Geoff Stallard declared an Interest Affecting Impartiality on Confidential Item **15.1.2 - Consideration of Conditions of Retrospective Development Approvals DA17/0531 and DA17/0532 and Supreme Court Appeal - 59 Coolinga Road Lesmurdie** as his grandson attends the childcare centre.

10. Reports to Council

10.1. Corporate Services Reports

10.1.1. Quarterly Progress Report Against KPIs – January - March 2018

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

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

- | | |
|-------------|--|
| Attachments | 1. Quarterly Report Progress Report Jan- Mar 2018
[10.1.1.1] |
| | 2. Council KPI Scorecard Jan- Mar 2018 [10.1.1.2] |

EXECUTIVE SUMMARY

1. The purpose of the Quarterly Progress Report is for Council to receive the report for the period 1 January to 31 March 2018.
2. The Quarterly Progress Report shows that 80% of actions are currently 90% or more of their year to date target.
3. It is recommended that Council receive the Quarterly Progress Report for the period 1 January 2018 to 31 March 2018.

BACKGROUND

3. In June 2017, Council adopted the Corporate Business Plan, *Kalamunda Achieving*. This plan contains 188 key actions which are a priority for the City of Kalamunda in the 2017/2018 year.
4. Each action is linked to Council's Strategic Plan, *Kalamunda Advancing 2027*, also adopted in June 2017. This ensures that each employee is working towards achieving the strategic direction of the Council.
5. The officer responsible for an action or task is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collated to provide an overview of how the organisation is performing.

DETAILS

6. **Priority Actions**
The Quarterly Progress Report for the period 1 January 2018 to 31 March 2018 is presented at Attachment 1.

7. The report shows comments indicating the status of all actions and their current progress.
8. Over 80% of the actions (154 of the 188) are currently at 90% or more of their target progress for the year to date. This slightly less than last quarter (when 172 actions were on-track).
9. **Key Performance Indicators**
Performance against the City's corporate KPIs is shown in Attachment 2.
10. Of the nine KPIs, for the period 1 January 2018 to 31 March 2018,
 - a) Seven are at or exceeding their target.
 - b) One is currently off-track (Subdivision Applications Referred to the WAPC Within Statutory Timeframes).
The results for the quarter for this KPI were 100% in January, 71% in February and 76% in March.
Whilst every effort is made to achieve the statutory timeframes for subdivision applications, there are some instances where, due to the complexity of the application and the resulting discussions with the WA Planning Commission and the applicant, the statutory timeframes cannot be achieved. This was the situation for this KPI with one subdivision application.
 - c) One is an annual KPI which will not be updated until 1 July 2018.

STATUTORY AND LEGAL CONSIDERATIONS

11. Nil.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *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

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RESOLVED OCM 69/2018

That Council:

1. Receives the Quarterly Progress Report Against KPIs for January-March 2018.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.1.2. Rates Debtors Report for the Period Ended April 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 April 2018 [10.1.2.1]

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. It is recommended that Council receive the Rates Debtors report for the month of April 2018 (Attachment 1).
3. The City has collected \$34.36 million (94.17%) in rates as at 30 April 2018.

BACKGROUND

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

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

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$36,985,079. As at 30 April, a total of \$34,358,283 has been collected. This represents a collection rate of 94.17% which is comparable to the 94.78% at the same time in the 2016/2017 Financial Year. The collection rate is expected to increase with the continuation of Debt Recovery.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/2018 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.
7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 766 ratepayers signed up. This represents a 32% increase from the previous year. It is expected

that this will remain largely static for the remainder of the financial year.

- b) eRates – there are 2,210 properties signed up for email delivery, compared to 1,953 in the previous year. This represents a 15% increase in this service and 9% of the rates database;
- c) BPay View – approximately 857 ratepayers have signed up for this service. Last year at total of 638 had signed up, representing a 19% increase in this service.

- 8. Interim Rating processing commenced in October 2017 and is continuing. While mostly focused on processing changes made to values last financial year or making changes to values from the revaluation, over \$150,000 has been raised in new charges. Training additional staff to raise interim rates during this year will accelerate the processing of interim rates.
- 9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in training and process improvements. Throughout the month of April 2018, the Rates department handled 774 calls with a total call time of over 30 hours.

DETAILS

- 10. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and these accounts will be a strong focus in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation or already pending legal action.
- 11. The City began debt collection in November 2017 with final notices sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Final Notices were due for payment no later than 08 December 2017 with an extension given until 15 January 2018 for arrangements and payment delays.
- 12. In February 2018, the City undertook a review of all accounts that have been sent a Final Notice. Those accounts that remain outstanding without a Direct Debit in place were sent a Letter of Demand by the City's Debt Collection Firm. The letters of Demand were issued by Milton Graham Lawyers in mid-March 2018 and allowed two weeks for payment to be finalised or an arrangement to be entered into.
- 13. A review of the remaining properties will be undertaken in early May 2018 and Legal Action will be undertaken where deemed necessary in accordance with the Debt Recovery Policy.

STATUTORY AND LEGAL CONSIDERATIONS

- 14. 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

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

18. The early raising of rates in July 2017 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

19. *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

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

Economic Implications

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

Environmental Implications

23. 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

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

OFFICER COMMENT

25. The City's debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/17 financial year.

The 2017/18 year to date collection rate is on track with the same time last 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).

Director Development Services left Chambers at 7.28pm and returned at 7.31pm.

Voting Requirements: Simple Majority

RESOLVED OCM 70/2018

That Council:

1. Receives the rates debtors report for the period ended 30 April 2018 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

10.1.3. Monthly Financial Statement to April 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. Staement of Financial Activity 30 April 2018 [10.1.3.1] 2. Statement of Net Current Funding Position 30 April 2018 [10.1.3.2]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

Financial Commentary

Statement of Financial Activity by Nature and Type for the ten months ended 30 April 2018

8. This Statement reveals a net result surplus of \$17,610,075 compared to budget for the same period of \$14,133,841. The majority of the final variance of \$2,876,236 is comprised from operating and investing activities.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$286,624. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$472,222 the variance is mainly attributable to \$556,446 received from the CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust.
 - b) Fees and Charges are under budget by 153,329. This is mainly attributable to a variance of \$93,569 from legal fees on debt collection in the rates business unit which is due to start legal action on default debts in the month of May 2018
 - c) Interest Income is under budget by \$121,681. The variance is due to the timing of the maturity of fixed deposits. Majority of the deposits are maturing during May and June 2018.
 - d) Other Revenue is under budget by \$13,290. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

10. Total expenses are under budget by \$2,375,501. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$666,960 which is primarily due to vacant positions not filled, timing of training programmes scheduled for the period and year end provisioning for annual and long service leave.
 - b) Materials and Contracts is under budget by \$1,050,764. This is mainly attributed to:
 - i. Consultancy costs being under budget by \$847,760 related to non-recurrent projects including Forrestfield North Project & revaluation of infrastructure assets for 2017/2018 which is a timing matter mainly.
 - ii. Fire mitigation programmes costs are under budget by \$223,859. This is again a timing matter and significant works are being planned for the winter season.
 - c) Utilities are under budget by \$250,158 of which; \$152,848 relates to street lighting which is lower than projected.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$410,815. During the 2016/17-year end audit review it was observed that the depreciation rates applied for infrastructure assets were lower than the actual consumption rate. For 2017/18 the actual depreciation is estimated based on the 2016/17 end of the year depreciation. The effect of the depreciation rates was adjusted during the mid-year review and the variance is due to a timing issue.

- e) Interest expense is under budget by \$7,688. This is a result of a timing difference between amounts accrued and the budget which is based on the debenture payments schedules.
- f) Insurance expense is over budget by \$23,710. The variance is within the reporting threshold.
- g) Other expenditure is under budget by \$14,696. The variance is within the reporting threshold.
- h) Loss on disposal of Assets is over budget by \$1,870. This relates to the disposal of fixed assets allocated to HACC after the discontinued operations of the HACC business unit.

Investing Activities

Non-operating Grants and Contributions

- 11. The non-operating grants and contributions are over budget by \$701,553. This is mainly attributable to reimbursements received \$616,249 from CELL 9 trust to cover the expenditure incurred on capital development projects.

Capital Expenditures

- 12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work In Progress) is over budget by \$591,472. This is deemed to be mainly a timing matter.
- 13. Capital work-in-progress of \$1,242,462, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 14. The amounts attributable to financing activities shows a variance of \$547,687 which is mainly reserve movements. More details of the reserve movements are given under note 24 of this report.

Rates revenues

- 15. Rates generation is under budget with a variance of \$779,283. The variance is mainly attributable to interim rates and year end prepaid rates adjustment. The City commenced its interim rates generation process during end October 2017 and is working through the back log.

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

The impact on 2018/19 rates yield will need to be factored in when reviewing the rates scenarios and budgeting for the following financial year.

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

16. Generally, each Program is within the accepted budget except for 'Other Property and Services', 'Community Amenities' and 'Recreation & culture'. Major variances have been reported by Nature and Type under points 9 to 15 above.

Statement of Net Current Funding Position as at 30 April 2018

17. The commentary on the net current funding position is based on comparison of the actual to April 2018 to the April 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total to \$27.1 million. The restricted cash position is \$12.6 million which is higher than the previous period's balance of \$11.1 million. This is mainly attributed to the transfers to reserves in the nominated employee leave reserve and the unexpended capital works reserve.
19. Unrestricted cash has decreased by \$3.6 million when compared with the balance at April 2017 mainly as a result of the increased capital expenditure and higher receivables.
20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.4 million.
- The rates balance increased by \$0.3 million from last year which reflects increases in rates generation.
21. Sundry debtors have decreased from \$461,547 to \$177,374, of which \$119,147 consists of current debt due within 30 days.
22. Receivables Other represents \$0.9 million comprising:
a) Emergency Service Levy receivables \$0.4 million
b) Receivables sanitation \$0.5 million
23. Provisions for annual and long service leave have increased by \$339,954 to \$3 million when compared to the previous year. The large variance is coming from the 2016/17-year end adjustment with long service leave liability increasing by \$198,518 as more employees came under the criteria for calculation of the liability.
24. Restricted Reserves have increased from \$11.1 million to \$12.6 million when compared to April 2017. The increase is due to the following:
a) Unexpended capital works reserve increased by \$0.8 million
b) Nominated employee leave provision increased by \$0.6 million.
c) Asset enhancement reserve increased by \$0.4 million
d) Waste management reserve has increased by \$0.5 million
e) EDP IT Equipment reserve has decreased by \$0.3 million
f) Forrestfield Industrial Area Scheme Stage 1 reserve has decreased by \$0.6 million. With commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

STATUTORY AND LEGAL CONSIDERATIONS

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 reviews the underlying business unit reports which form the consolidated results presented in this report.

External Referrals

28. As noted in point 25 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.		
	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

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

Voting Requirements: Simple Majority

RESOLVED OCM 71/2018

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

10.1.4. Debtors and Creditors Report for the Period Ended April 2018

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

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

- | | |
|-------------|--|
| Attachments | 1. Creditors payment for month ending April 2018
[10.1.4.1] |
| | 2. Summary of Debtors for the month of April 2018
[10.1.4.2] |
| | 3. Summary of Creditors for the month of April 2018
[10.1.4.3] |

EXECUTIVE SUMMARY

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of April 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 outstanding debtors and creditors must occur monthly.

DETAILS

Debtors

6. Sundry debtors as of 30 April 2018 were \$177,374 of which \$119,147 was made up of current debts and \$8,498 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$10,065, debts of significance are:
 - a) Zig Zag Gymnastics, \$2,923, Hall Hire;
 - b) Gregory Case, \$2,032, Fire Breaks;
 - c) Upper Swan Primary School, \$1,206, History Village entry fees; and
 - d) Kalamunda Cricket Club, \$1,139, Loan instalment.
8. Invoices over 60 days total \$36,986, debts of significance are:
 - a) Kalamunda Club, \$17,263, Loan instalment;
 - b) Hartfield Country Club, \$8,411, Lease Fees;
 - c) Prestige Civil Contractors, \$4,974, Bond / Supervision Fee;
 - d) Zig Zag Gymnastics, \$2,923, Hall Hire; and
 - e) Kalamunda Cricket Club, \$2,447, Electricity usage.
9. Invoices over 90 days total \$19,674, debts of significance are:
 - a) Zig Zag Gymnastics, \$12,016, Hall Hire; management of debt – discussions and reviews underway
 - b) Illuminations Dance Company, \$2,515, Hall Hire; reported to debt collectors - \$200 being paid weekly
 - c) Midland Sisdac, \$1,602, Hall Hire; user group has requested a meeting to discuss the debt
 - d) Keith Mortimer, \$1,133, Replacement Street Tree. – reported to debt collectors – unable to locate – consider write off

Creditors

10. Payments totalling \$4,294,933.50 were made during the month April 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) made in the month were:

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	388,293.40
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	369,934.44
Le Grove Landscaping	Land scaping works for the development of grass hockey fields – Hartfield Park – progress claim	296,628.59
Cleanaway	Waste, recycling & bulk bin disposal service fees	267,921.71
Electricity Networks Corp T/A Western Power	Kostera Oval – Headworks upgrade - \$199,801, Street light	202,563.00

	upgrade – Parke Road, Gooseberry Hill - \$1,904 Street light – Ashby Close & Sultana Road, High Wycombe - \$858*	
Midway Ford (WA)	Purchase of seven new vehicles	222,460.57
WA Local Government Superannuation Plan	Superannuation contributions	198,491.36
Safeway Building and renovations Pty Ltd	Pickering Brook Sports Club – roofing renewal	88,517.00
All Earth Group Pty Ltd	Disposal of road sweepings, gully education soils & mixed waste materials.	69,134.56
The Planning Group WA Pty Ltd (TPG Town Planning Urban Design & Heritage)	Professional Services for Forrestfield North Structure plan	67,612.42
Complete Underground Power Installations	Complete underground power installation – Street Lighting in Nardine Close & Ashby Close*	63,430.36
Kalamunda Toyota	Supply of a new vehicle	61,312.70
Dowsing Group Pty Ltd	Supply and installation of pathways at various locations	56,038.41
IT Vision Australia Pty Ltd	IT Vision development & technical managed services & confluence incense March 2018	55,077.00

These payments total \$ 2,407,415.52 and represent 56.05% of all payments for the month.

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

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,177,486.43 was paid in net salaries for the month April 2018.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

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

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

BCITF Levy		Amount (\$)
Date	Description	
17/04/2018	Building and Construction Industry Training fund levy March 2018.	9,406.03
CELL 9		Amount (\$)
Date	Description	
19/04/2018	ARRB Group Ltd - Falling weight deflector test for Hale Road, Wattle Grove	2,365.00
19/04/2018	Syrinx Environmental Pty Ltd - Woodlupine Brook Living Stream upgrade, Stage 2 Civil and Landscape works	15,089.46
19/04/2018	Opteon Property Group Pty Ltd - Valuation of Lot 33 Hale Road, Wattle Grove	3,250.00
30/04/2018	Brook Marsh Pty Ltd – POS and road reservation sub division	6,563.60
BRB Levy		Amount (\$)
Date	Description	
4/04/2018	Building Services (Licenses) Levy – March 2018	8,381.69
30/04/2018	Building Services (Licenses) Levy – April 2018	9,883.14
Unclaimed Monies		Amount (\$)
Date	Description	
12/04/2018	BPOINT error – rates payment error made through Bpoint and corrected	1,950.34

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 2017, Council resolved to adopt the City's current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**). The previous review of the register was completed 25 May 2015.
18. Delegation FMR1 – *'Payments from Municipal and Trust Funds'* of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12

of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.

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

POLICY CONSIDERATIONS

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

CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

29.	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 April 2018 are in the normal range in line with trend expenditure.

Cr Dylan O'Connor queried EFT62571 Midway Ford and EFT62529 Kalamunda Toyota. The Director Corporate & Community Services advised Midway Ford was for the purchase of five replacement vehicles and took the question regarding Kalamunda Toyota on notice.

Cr Sara Lohmeyer queried EFT62331 All Earth Group for disposal or road sweepings and the rationale behind the payment. The Director Asset Services advised this is the removal of road sweepings from the Walliston Transfer Station as they need to be taken to a specialist site as they are classed as contaminated waste.

Voting Requirements: Simple Majority

RESOLVED OCM 72/2018

That Council:

1. Receives the list of payments made from the Municipal Accounts in April 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 Accounts in April 2018 as noted in point 16 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the outstanding debtors and creditors reports (Attachments 2 & 3) for the month of April 2018.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

10.1.5. Reserve 27154 - Lot 622 (No. 42) Ledger Road, Gooseberry Hill - Proposed Excision and Easements - Telecommunications Tower

Cr Cameron Blair declared a Proximity Interest regarding this item as his family property borders the reserve. Cr Blair left the meeting at 7.34pm and returned at 7.43pm and was not present for the vote.

Cr Margaret Thomas declared an Interest Affecting Impartiality on this item as her granddaughter attends Gooseberry Hill Primary School.

A deputation was received from Emma Kallarn of 67 Huntley Street, Gooseberry Hill. Ms Kallarn spoke against the Officer Recommendation.

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

Previous Items	SCM 93/2016
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	LD-01/042(RESERVE)
Applicant	Optus Mobile Pty Ltd
Owner	State of Western Australia
Attachments	1. 160718 3986 WAPC APPROVAL [10.1.5.1] 2. Initial Request [10.1.5.2] 3. Further Information [10.1.5.3]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider:
 - a) excision of a portion of Reserve 27154, Lot 622 (No. 42) Ledger Road, Gooseberry Hill (the Reserve) for the purposes of a telecommunications tower; and
 - b) access and service infrastructure easements over a portion of the Reserve.
2. At SCM June 2016, Council recommended that an application for the construction of a telecommunications tower on the Reserve be supported by the Western Australian Planning Commission (WAPC) subject to conditions.
3. It is recommended that Council support the proposal for the excision of a portion of the Reserve for the purposes of a telecommunications tower, and access and service infrastructure easements over a portion of the Reserve for the tower, subject to strict conditions that must be followed to the City's satisfaction.

BACKGROUND

4. On 7 June 2016, Council resolved as follows (SCM 93/2016):

That Council:

1. Recommend the Western Australian Planning Commission, in determining the application for a Proposed Telecommunications Infrastructure at Lot

622 (42) Ledger Road, Gooseberry Hill (Ledger Road Reserve), have due regard to the following matters:

- a) the subject site contains fragments of asbestos and advice should be sought from the Department of Environment Regulation and Department of Health to determine the level of risk.
 - b) the subject site is located within the Middle Helena Catchment Area and advice should be sought from the Department of Water.
 - c) notwithstanding the advice provided by the application and the directions set out in State Planning Policy 5.2 with respect the Electro Magnetic Radiation, the community has raised this as an issue.
 - d) the area suffers from poor mobile coverage.
2. Advise the Western Australian Planning Commission that if it is minded to approve the proposal, that the following conditions be imposed:
- a) the development shall be carried out only in accordance with the terms of the development applications and any associated plans.
 - b) prior to commencement of site works an Environmental Management Plan, including detailed site survey, addressing construction and operational impacts of the development is to be approved by the Shire of Kalamunda on advice from the Department of Health, Department of Water and Department of Environmental Regulation. The Environmental Management Plan shall include, but not be limited to matters related to vegetation clearing, vehicle access, revegetation and potential asbestos hazards.
 - c) the applicant to provide an Asbestos Management Plan in accordance with the requirements of the Department of Environment Regulation.
 - d) no building materials, rubbish or other matter shall be deposited on the reserve after construction of the development.
3. Subject to the application being to the satisfaction of the government departments, with respect to part 1 of this recommendation, and the conditions in part 2 being applied, the Shire has no objection to this application.

The Shire forward the following documents to the Western Australian Planning Commission:

- a) a copy of all submissions;
- b) a copy of the Shire's Biodiversity Strategy; and
- c) a copy of the current Asbestos Management Plan.

4. Requests the Chief Executive Officer to:
 - a) Instruct the recently engaged contractor to immediately inspect and remove, any fragments of Asbestos **& all surface contaminants** from all tracks within the Ledger Reserve.
 - b) Ensure a contractor will be engaged to bi-annually inspect and remove, any fragments that may have appeared since and were not visible on previous inspections.
 - c) Immediately engage a consultant to revise and review the Shire's Asbestos Management Plan for Ledger Reserve Gooseberry Hill.
 - d) Erect appropriate signage on the site to alert any users of the reserve to the presence of Asbestos on the site.
 - e) Ensure immediate action is taken to complete the covering of the areas of heavy concentrations in accordance with the Asbestos Management Plan.
5. Allocate any necessary additional funds in into 2016/17 budget to undertake immediate actions arising from the revised Asbestos Management Plan.

5. The WAPC approved the proposed telecommunications tower, subject to conditions. A copy of the WAPC planning approval is attached to this report as Attachment 1.

DETAILS

6. On 27 October 2017, Property Logistics (on behalf of Optus Mobile Pty Ltd (Optus)) wrote to the City requesting that the City approve:
 - a) the excision of a portion of the Reserve for the purposes of a telecommunications tower; and
 - b) access and service infrastructure easements over a portion of the Reserve.

A copy of the correspondence from Property Logistics is attached to this report as Attachment 2.

7. Following consideration of the proposal by relevant internal business units, the City wrote to Property Logistics on 22 February 2018 requesting further information.
8. Property Logistics provided further information to the City on 13 March 2018. A copy of the further information provided by Property Logistics is attached to this report as Attachment 3.

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 51 of the *Land Administration Act 1997* (WA) (LAA) states as follows:

51. Cancelling, changing etc. reserves, Minister's powers as to

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Sections 42, 43 and 45 of the LAA do not apply to the Reserve.

POLICY CONSIDERATIONS

10. The City's Asset Management Council Policy (C-AS-01) requires that:
- a) All relevant legislation, regulatory and mandatory requirements together with political, social, environmental and economic perspectives are to be taken into account in strategic asset management.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Approval Services has no objection, from a planning perspective, to the proposed excision. The WAPC approval establishes that the use of the site for telecommunications is permitted. Approval Services has no objection to the proposed easements, as the easement locations are generally consistent with the approved development application. If the proposal proceeds, Approval Services requires the applicant to enter into a legal agreement with the City in which it:
- a) indemnifies the City from loss or damage coming out of construction or use of the easement;
 - b) agrees to take out and maintain public liability insurance; and
 - c) agrees to maintain the easement at its cost to the City's satisfaction.
12. Strategic Planning advise that there are no objections to the excision and easements from a Strategic Planning perspective, given the tower has been approved by the WAPC. As the site is identified as being contaminated and is located adjacent to Gooseberry Hill Primary School, Strategic Planning believe that Health Services and Approval Services are best placed to provide comments on the appropriate location of the excision and easements in response to those factors.
13. Development Engineering require the following conditions to be imposed on any approval:
- a) the 3.5 metre wide easement within the driveway needs to be justified with a cross section for depth, angle of repose of filling material and cover. The easement is to be designed, constructed, and drained to the satisfaction of the City of Kalamunda;
 - b) the existing driveway/crossover and road furniture on Ledger Road to be reinstated to the City's satisfaction if affected by the construction work; and
 - c) the Applicant is to ensure the identification and protection of any vegetation on the work site worthy of retention, prior to commencement of the works, to the satisfaction of the City of Kalamunda.
14. Asset Management has no objection to the proposed excision and easements. If the proposal proceeds, Asset Management advise that the following conditions should be attached to the City's support:
- a) all cables to be installed using underground boring. Trenching is not permitted; and
 - b) all City assets to be identified prior to commencement of works and protected during the installation of the underground power and communication cables.

Asset Management notes that the access to this Reserve at the end of the sealed car park has a locked gate on it. Optus or its contractors will need a City key for the construction phase and also for future maintenance access requirements. Asset Management further notes that access to this Reserve is currently closed due to asbestos investigations.

15. Health Services require the following information to be provided prior to any development of the excised portion of land at Ledger Road Reserve:
- a) a site plan showing the exact location of the services and proximity to the central historic landfill/quarry areas; and
 - b) an Environmental & Asbestos Management Plan which includes:
 - i. details of how services are to be installed;
 - ii. equipment and vehicles used;
 - iii. extent of ground works;
 - iv. remediation of the area where services traverse;
 - v. access and egress paths to be used for vehicles – noting this should be contained to the existing fire trails;
 - vi. fill that is to be used and confirmation that it is free of dieback as well as vehicles and equipment;
 - vii. how access will be managed/restricted during works;
 - viii. a task specific Occupational Health & Safety Plan that takes into account risk from asbestos prior to any groundwork;
 - ix. how dust will be minimised and suppressed;
 - x. how personnel and equipment is to be decontaminated where ground disturbing works have occurred;
 - xi. asbestos air monitoring to take place during ground disturbing works;
 - xii. takes into consideration weather conditions and potential for wind to carry dust;
 - xiii. a reporting procedure for any unexpected finds of potentially contaminated materials to the City's Health Services;
 - xiv. a site induction for all personnel onsite regarding conformance with the Environmental & Asbestos Management Plan;
 - xv. if soil is stockpiled onsite how will this be managed;
 - xvi. how and where waste will be disposed of and how will it be removed from the site;
 - xvii. transportation procedures and how potentially contaminated soil spillage will be avoided and dealt with if it occurs;
 - xviii. quantities of potential contaminated soil to be kept in a register and for it to match disposal receipts;
 - xix. an incident management plan including responses to unexpected asbestos findings; and
 - xx. communications plan with a 24-hour contact number going to a real person who will field all community and media enquiries.

In order to assist with the above being completed to the City's satisfaction it is recommended that the contractors be provided with a copy of the City of Kalamunda's Asbestos Management Plan (2017) for the site.

16. Parks & Environmental Services require the following conditions to be imposed on any approval:
- a) the area has an appropriate bushfire asset protection zone around it to reduce any impact from a fire, both in the instance of a wildfire and/or hazard reduction burn;
 - b) show structure bushfire attack level (BAL) rating;
 - c) show proposed firebreaks and annual bushfire mitigation program within the lease/licence area for the tower;
 - d) easement route construction specifications, with runoff and maintenance management, locked gate access and dual pedestrian use;
 - e) path for proposed power or other services to the structure to be within and under the easement route;
 - f) footprint for construction works, showing any areas to be cleared, along with the relevant clearing permits. Relocation of the proposal to an already cleared area;
 - g) fenced construction area to limit overspill of materials, earthworks and machinery;
 - h) dieback Management Plan required;
 - i) flora and Fauna Protection Plan required given the high value habitat values of the reserve;
 - j) there are ample opportunities for environmental 'offsets' such as weed control and planting in the Friends Group area, which could balance on short term environmental impacts; and
 - k) provide construction date and contact person to the City's Parks & Environmental Services.
17. Community Development has no objections to the proposal and did not require any conditions to be imposed.
18. Asset Maintenance did not provide any comments.

External Referrals

19. The Lands Division of the Department of Planning, Lands & Heritage (Lands) has advised that it would be supportive of excising the specific area for the telecommunication tower and then issuing a standard telecommunication lease under s. 79 of the *Land Administration Act 1997* (LAA) to Optus.

In addition to this, Lands will need to grant a s. 144 of the LAA "Access" easement over a portion of the Reserve to formalise access to the site. It is Lands' understanding that an easement is also required to house other services such as power. This may be either a separate adjacent easement or ancillary to the access easement – i.e. an "Access & Service Infrastructure" s. 144 LAA easement.

Lands notes that WAPC approval has already been obtained for the development due to the land being zoned under the Metropolitan Region Scheme (MRS).

In order to grant the abovementioned lease and easement, the following information will need to be provided:

- a) consent from the City of Kalamunda:
 - i. to excise portion of the Reserve; and

- ii. consent to an easement/s burdening portion of the Reserve.
- b) agreement from Optus to the issuing of a direct Lease from Lands under s. 79 of the LAA (with a maximum term of 21 years).
- c) Lands will then seek a valuation for the commercial lease rental value and also for the easement consideration – confirmation as to whether the site will be used to co-locate is required prior to obtaining a valuation.
- d) survey instructions will need to be issued for the preparation of a Crown Subdivision Deposited Plan to subdivide the Reserve and depict the easement/s. The Applicant is to nominate a surveyor and agree to pay all associated costs including survey preparation, document preparation and lodgement fees, the lease rental and the associated easement/s consideration fees.

Once the aforementioned actions are complete and the relevant Deposited Plan is in order for dealings, Lands will be ready to register the lease and easement/s.

FINANCIAL CONSIDERATIONS

20. Lands Division of the Department of Planning, Lands & Heritage (Lands) requires that the excised portion of the Reserve be managed by the State of Western Australia. Therefore, the State of Western Australia will receive all rental funds from the telecommunications tower.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

22. Some sections of the community are concerned regarding potential health implications associated with exposure to electromagnetic energy (EME) particularly in relation to students attending Gooseberry Hill Primary School. However, it must be noted that the WAPC has already approved the

telecommunications tower. This proposal only relates to securing land tenure for the proposed telecommunications tower.

23. The proposal will improve telecommunications for the locality.

Economic Implications

24. Improved telecommunications infrastructure may create opportunities for economic development.

Environmental Implications

25. The site is in an area listed as a contaminated site with known areas of asbestos. Health Services requires the applicant to provide a site plan showing the exact location of the services and proximity to the central historic landfill/quarry areas and an Environmental & Asbestos Management Plan.
26. Parks & Environmental Services have assessed the site and require that conditions be imposed on any approval which relate to a bushfire asset protection zone, structure bushfire attack level (BAL) rating, proposed firebreaks, an annual bushfire mitigation program, easement route specifications, runoff maintenance management, locked gate access, dual pedestrian use, path for proposed services, footprint for construction works, clearing permits, fenced construction area, Dieback Management Plan, Flora and Fauna Protection Plan, environmental 'offsets' and provision of construction date and contact person.

RISK MANAGEMENT CONSIDERATIONS

- 27.
- | | | |
|---|--------------------|---------------|
| Risk: The installation of the services for the telecommunications tower causes damage to City assets. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| The City to require Optus to identify and protect all City assets prior to construction works. Optus to enter into a legal agreement indemnifying the City from loss or damage coming out of construction or use of the easement. | | |
| Risk: Risk of asbestos-related disease resulting from exposure to asbestos. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | High |
| Action/Strategy | | |
| Optus to provide an Environmental & Asbestos Management Plan to the City prior to any development on the land. | | |
| Risk: Risk of loss or damage caused by bushfire. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | High |
| Action/Strategy | | |

The City to impose conditions relating to bushfire asset protection zone, structure bushfire attack level (BAL) rating, proposed firebreaks and annual bushfire mitigation program.

OFFICER COMMENT

28. The site is in an area listed as a contaminated site with known areas of asbestos. It is crucial that the Applicant provide to the City an Environmental & Asbestos Management Plan to ensure that any risks relating to asbestos are being appropriately managed.
29. Parks & Environmental Services have assessed the site. In order to manage the risk relating to bushfires, it is recommended that the City impose conditions relating to a bushfire asset protection zone, structure bushfire attack level (BAL) rating, proposed firebreaks and an annual bushfire mitigation program.
30. In order to ensure that the City's assets are protected, it is recommended that conditions be imposed relating to the identification and protection of all City assets prior to construction works. It is also recommended that the Applicant be required to enter into a legal agreement indemnifying the City from loss or damage coming out of construction or use of the easement, in the event that any City assets are damaged.

Questions were asked by Councillors and clarified by the Director Development Services.

Cr Tracy Destree asked for clarification on what work has been undertaken under the Asbestos Management Plan since March 2016. The Director Development Service took this question on notice.

Voting Requirements: Simple Majority

RESOLVED OCM 73/2018

That Council:

1. Support the proposal for the excision of a portion of Reserve 27154, Lot 622 (No. 42) Ledger Road, Gooseberry Hill (the Reserve) for the purposes of a telecommunications tower, and access and service infrastructure easements over a portion of the Reserve for the tower, subject to the following conditions which must be completed to the City's satisfaction:
 - a. Prior to any development on the site, the Applicant must enter into a legal agreement with the City in which it:
 - i. indemnifies the City from any loss or damage arising out of the proposal, including loss or damage coming out of construction or use of the easement;
 - ii. agrees to take out and maintain public liability insurance in respect of the site; and
 - iii. agrees to maintain the easement at its cost to the City's satisfaction.
 - b. The 3.5 metre wide easement within the driveway needs to be justified with a cross section for depth, angle of repose of filling material and cover. The easement is to be designed, constructed, and drained to the satisfaction of the City.

- c. The existing driveway/crossover and road furniture on Ledger Road to be reinstated to the City's satisfaction if affected by the construction work.
- d. The Applicant is to ensure the identification and protection of any vegetation on the work site worthy of retention, prior to commencement of the works, to the satisfaction of the City.
- e. All cables to be installed using underground boring. Trenching is not permitted.
- f. All City assets to be identified prior to commencement of works and protected during the installation of the underground power and communication cables.
- g. Prior to any development on the site, the Applicant must provide to the City a site plan showing the exact location of the services and proximity to the central historic landfill/quarry areas.
- h. Prior to any development on the site, the Applicant must provide to the City an Environmental & Asbestos Management Plan which includes:
 - i. details of how services are to be installed;
 - ii. equipment and vehicles used;
 - iii. extent of ground works;
 - iv. remediation of the area where services traverse;
 - v. access and egress paths to be used for vehicles – noting this should be contained to the existing fire trails;
 - vi. fill that is to be used and confirmation that it is free of dieback as well as vehicles and equipment;
 - vii. how access will be managed/restricted during works;
 - viii. a task specific Occupational Health & Safety Plan that takes into account risk from asbestos prior to any groundwork;
 - ix. how dust will be minimised and suppressed;
 - x. how personnel and equipment is to be decontaminated where ground disturbing works have occurred;
 - xi. asbestos air monitoring to take place during ground disturbing works;
 - xii. takes into consideration weather conditions and potential for wind to carry dust;
 - xiii. a reporting procedure for any unexpected finds of potentially contaminated materials to the City's Health Services;
 - xiv. a site induction for all personnel onsite regarding conformance with the Environmental & Asbestos Management Plan;
 - xv. if soil is stockpiled onsite how will this be managed;
 - xvi. how and where waste will be disposed of and how will it be removed from the site;
 - xvii. transportation procedures and how potentially contaminated soil spillage will be avoided and dealt with if it occurs;
 - xviii. quantities of potential contaminated soil to be kept in a register and for it to match disposal receipts;
 - xix. an incident management plan including responses to unexpected asbestos findings; and
 - xx. communications plan with a 24-hour contact number going to a real person who will field all community and media enquiries.

It is recommended that the Applicant obtain a copy of the City's Asbestos Management Plan (2017) for the site to ensure this condition is completed to the City's satisfaction.
- i. Prior to any development on the site, the Applicant must provide documents/plans to the City showing:
 - i. an appropriate bushfire asset protection zone to reduce any impact from a fire, both in the instance of a wildfire and/or hazard reduction burn;

- ii. the structure bushfire attack level (BAL) rating for the proposed telecommunications tower;
 - iii. proposed firebreaks; and
 - iv. an annual bushfire mitigation program within the lease/licence area for the telecommunications tower.
 - j. Prior to any development on the site, the Applicant must provide to the City easement route construction specifications, with runoff and maintenance management, locked gate access and dual pedestrian use.
 - k. The path for the proposed power or other services to the structure to be within and under the easement route.
 - l. Prior to any development on the site, the Applicant must provide to the City the footprint for construction works, showing any areas to be cleared, along with the relevant clearing permits. The Applicant must use its best endeavours to locate the footprint for construction works in an already cleared area.
 - m. The construction area must be fenced to limit overspill of materials, earthworks and machinery.
 - n. Prior to any development on the site, the Applicant must provide to the City a Dieback Management Plan.
 - o. Prior to any development on the site, the Applicant must provide to the City a Flora and Fauna Protection Plan.
 - p. Prior to any development on the site, the Applicant must provide construction dates and contact person details to the City's Parks & Environmental Services.
2. Notes that there are ample opportunities for environmental offsets such as weed control and planting in the Friends Group area, which could balance on short term environmental impacts.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

Vote:

For	Against
Cr Michael Fernie Cr Lesley Boyd Cr Allan Morton Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Tracy Destree	Cr John Giardina Cr Geoff Stallard Cr Margaret Thomas CARRIED 7/3

10.1.6. Function Room Audio Visual Upgrade

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Information Technology
File Reference	IM-CPS-002
Applicant	N/A
Owner	N/A

Attachments 1. Kalamunda Briefing [10.1.6.1]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Councillors with an update on the proposed upgrade of audio-visual facilities in the function room at the City of Kalamunda Administration Centre.
2. In October 2017, an 84-inch commercial television was installed in the Council Chambers to assist members with viewing agenda items and reports at a cost of \$13,100.
3. Since the Council elections last year, Council has been conducting Public Agenda Briefing Sessions in the function room, providing enhanced community engagement opportunities.
4. The City has been investigating the cost and efficacy of upgrading the audio-visual service for the function room and from those investigations it is estimated that a budget of \$65,000 to \$70,000 is required, this is not inclusive of fees for professional services, builder's works, electrical and programming works to install the equipment.
5. It is recommended that Council conduct the Public Agenda Briefing Sessions in the Council Chambers which has a hearing induction loop system supporting the City's legislative requirements under the *Disability Discrimination Act 1992 (Cth)*.

BACKGROUND

6. The current audio-visual system operating in the function room is non-compliant with current disability standards due to the lack of a hearing impairment induction loop in the function room.
7. The current audio-visual system within the function room has a number of operational limitations when conducting Public Agenda Briefing sessions. These issues relate to:
 - a) Microphone feedback compromising the sound quality;
 - b) Limited visual aids for the community;
 - c) Using manual workarounds to improve the sound quality within the function room.

8. The consultant estimated that the upgrade to the function room would require a budget of \$65,000 to \$70,000 not including fees for professional services, builder's works, electrical and programming works to install the equipment.
9. Upgrading the function room would allow greater use of the function room for:
 - a) Public Agenda Briefing Sessions;
 - b) To provide overflow capability when required for Council meetings held in Council Chambers;
 - c) As a general meeting area, used for internal staff meetings, meetings with external stakeholders, and formal functions such as citizenship ceremonies.
 - d) Use as an incident management centre to coordinate with other authorities during emergency incidents

DETAILS

10. The audio-visual consultant's report provided the following findings:
 - a) Public Agenda Briefing Sessions. The current audio-visual environment needs to be upgraded significantly to be suitable for Public Briefing Meetings. The following will need to be undertaken:
 - i. An upgrade of the current projector and screen to allow all Councillors and members of the public to view agenda items and presentations no matter where they sit in the function room;
 - ii. The implementation and installation of microphones into the function room for the use of Councillors, CEO, Directors and for the public gallery. This system will also record audio as per Council Chambers.
 - iii. To meet legislative disability requirements, the hearing-impaired induction loop must be extended from Council Chambers into the function room and must cover at least 80% of the function room area.
 - b) General Usage. The audio-visual environment while not entirely fit for purpose for all uses is sufficient for use as an overflow area for Council Chambers as required, as a general meeting area, and as an incident management centre. To improve the function room for general usage meetings the following will need to be undertaken:
 - i. The purchase and installation of two new projectors and projector screens. This will improve the quality and resolution of picture of the projectors in the function room.
 - ii. These improvements will be undertaken overtime as part of the City's yearly budgeting process.

STATUTORY AND LEGAL CONSIDERATIONS

11. *Section 31(1) of the Disability Discrimination Act 1992 (Cth).*

Section D3.7(1)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.

Section D3.7(2)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. Business units within the City.

External Referrals

14. Hewshott International Audio-Visual Consultancy.

FINANCIAL CONSIDERATIONS

15. The estimated budget to deliver an audio-visual system suitable for Public Agenda Briefing Meetings has been estimated between the range of \$65 000 to \$70 000 for equipment alone and is exclusive of professional fees, builders works and electrical and programming works.

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 4.1.2 - Build an effective and efficient service based organisation.

SUSTAINABILITY

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.	Risk: Public Briefing Meetings may not currently be compliant with Disability Standards which determine hearing impairment standards.		
	Likelihood	Consequence	Rating
	Almost Certain	Moderate	High
	Action/Strategy		
	Hold Public Agenda Briefing Sessions in Council Chambers until such time, the Administration Building Function Room is made compliant.		

OFFICER COMMENT

21. Conducting Public Agenda Briefing Sessions provides enhanced community engagement opportunities.
22. The current location of the Public Agenda Briefing Sessions is non-compliant with disability standards as prescribed under *Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation*.
23. Investigations conducted by the City using an audio-visual consultant has confirmed that the estimated costs for upgrading the Function Room audio visual capability are approximately \$65,000 to \$70,000 exclusive of GST, professional fees, builders works and electrical and programming works.
24. It is prudent to consider any upgrades to the function room incrementally within current budget constraints. The current cost of providing briefing sessions in the function room entails hire of technical support and microphone facilities at around \$350 per session as well as staff time of 5.5 hours or \$250 to setup and pack away.
25. Returning the Public Agenda Briefing Sessions to the Council Chambers will satisfy prescribed Disability Standards and can be carried out within current budget parameters.

Cr O'Connor foreshadowed and alternative motion. Debate ensued, and the substantive motion was lost. Questions clarified by the Director Corporate & Community Services.

Voting Requirements: Simple Majority

That Council:

1. Move the Public Agenda Briefing Sessions to Council Chambers which has a hearing induction loop system supporting the City's legislative requirements under the *Disability Discrimination Act 1992 (Cth)*.

Moved: **Cr Tracy Destree**

Seconded: **Cr Sara Lohmeyer**

For	Against
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Vote:

Cr Tracy Destree Cr Sara Lohmeyer	Cr John Giardina Cr Michael Fernie Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr David Almond Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas LOST 2/9
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Voting Requirements: Simple Majority

RESOLVED OCM 74/2018

That Council:

1. Approve \$30,000 in 2018/19 Budget to facilitate the installation of audio visual equipment in the Function Room.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr David Almond Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas	Cr Sara Lohmeyer Cr Tracy Destree CARRIED 9/2

10.2. Development Services Reports

10.2.1. Caravan Park Annual Licences 2018/2019

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

Previous Items	OCM 54/2015; OCM 112/2016; OCM 97/2017
Directorate	Development Services
Business Unit	Community Safety
File Reference	LE – LIC – 001
Applicant	Not Applicable
Owner	Not Applicable

Attachments	1. Caravan and Camping Grounds Inspections Brief [10.2.1.1]
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EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval to renew the caravan park licences for the following premises:
 - a) Discovery Holiday Park
 - b) Forrestfield Caravan Park N Park Home Village
 - c) Hillview Lifestyle Village
 - d) Advent Park
2. The City inspected the above four operational caravan parks in March and April 2018. They are fully compliant with the Caravan Parks & Camping Grounds Act 1995 and the Caravan Parks & Camping Grounds Regulations 1997.
3. It is recommended that Council approve the renewal of the caravan park licences, subject to the receipt of the required licence fees, for:
 - a) Discovery Holiday Park
 - b) Forrestfield Caravan Park N Park Home Village
 - c) Hillview Lifestyle Village
 - d) Advent Park

BACKGROUND

4. The *Caravan Parks & Camping Grounds Act 1995* (Act) and the *Caravan Parks & Camping Grounds Regulations 1997* (Regulations) require that the Local Government annually inspects and licences all caravan parks within its municipality.
5. The City's Environmental Health Officers are all authorised persons under the Act and Regulations to inspect caravan parks but not to issue annual licences.
6. At its meeting on 26 June 2017 (OCM 97/2017) Council approved the renewal of the caravan park licences it administers, subject to the receipt of the required licence fees. The annual renewal of the licences for the following caravan parks is now due:
 - a) Discovery Holiday Park

- b) Forrestfield Caravan Park N Park Home Village
- c) Hillview Lifestyle Village
- d) Advent Park.

DETAILS

- 7. The Act and Regulations specify minimum standards that must be met by all caravan parks, further information on these standards is contained within Attachment 1
- 8. Currently there are four approved caravan parks operating within the City of Kalamunda:
 - a) Discovery Holiday Parks Perth at 186 Hale Road Forrestfield WA – approved in 2008 and comprises 55 Long Stay Sites, 33 Camp Sites and 63 Overflow Sites
 - b) Forrestfield Village at 353 Hawtin Road Forrestfield – approved in 1968 and comprises 53 Long Stay sites
 - c) Hillview Lifestyle at Village 597 Kalamunda Road High Wycombe – approved in 2006 and comprises 272 park home sites; and
 - d) Advent Park at 345 Kalamunda Road Maida Vale – approved in 2008 and comprises 35 caravan sites.

STATUTORY AND LEGAL CONSIDERATIONS

- 9. Section 6 of the *Caravan Park and Camping Grounds Act 1995*, makes it an offence for caravan parks and camping grounds to operate without a licence.
- 10. Section 7 of the *Caravan Park and Camping Grounds Act 1995* specifies that a local government may approve, refuse or transfer a caravan park or camping ground licence.

POLICY CONSIDERATIONS

- 11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

- 12. Nil.

External Referrals

- 13. Nil.

FINANCIAL CONSIDERATIONS

- 14. Licence fees are based upon the number of sites and set under the Act and Regulations. The current fee is \$6 per site and \$3 per campsite and the annual fees applicable are as listed below:
 - a) Discovery Holiday Park – licence fee \$1309.50

- b) Forrestfield Caravan Park N Park Home Village - licence fee \$318
- c) Hillview Lifestyle Village – licence fee \$1632
- d) Advent Park – licence fee \$210.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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.

SUSTAINABILITY

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 19.
- | | | |
|--|--------------------|---------------|
| Risk: That the caravan parks operate without a licence or operate in a manner non-compliant with the licence. | | |
| Likelihood | Consequence | Rating |
| Rare | Significant | Medium |
| Action/Strategy | | |
| Council mitigates this risk by approving the officer recommendation. Additionally, there is an annual inspection program conducted by Council officers to ensure licencing conditions are met. | | |

OFFICER COMMENT

20. The City inspected all four operational caravan parks in March and April 2018. The caravan parks comply with the *Caravan Parks & Camping Grounds Act 1995* and the *Caravan Parks & Camping Grounds Regulations 1997*.

Cr Thomas left the Chambers at 8.03pm and returned at 8.05pm and was not present for the vote.

Voting Requirements: Simple Majority

RESOLVED OCM 75/2018

That Council:

1. Approves the renewal of the caravan park licences, subject to the receipt of the required licence fees, for:
 - a) Discovery Holiday Park
 - b) Forrestfield Caravan Park N Park Home Village
 - c) Hillview Lifestyle Village
 - d) Advent Park.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

10.2.2. City of Kalamunda: Public Open Space Strategy - Consideration of Submissions and Modifications for Final Adoption

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

Previous Items	OCM 219/2017
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-037
Applicant	City of Kalamunda
Owner	N/A
Attachments	1. POS Strategy Report Final [10.2.2.1] 2. Community Engagement Summary Report [10.2.2.2] 3. Schedule of Submissions [QO4N] [10.2.2.3] 4. Schedule of Modifications [10.2.2.4] 5. POS Strategy - As Advertised [10.2.2.5]
Confidential Attachment 1	Submitters List

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider submissions received during advertising the of the City of Kalamunda Draft Public Open Space Strategy (the Strategy) and consider final adoption of the Strategy subject to modifications.
2. Council adopted the Strategy at the November 2017 Ordinary Council Meeting for the purpose of public advertising. Subsequently, public advertising took place between December 2017 and February 2018 and included a combination of workshops, information stalls at local shopping centres, online surveys and newspaper advertisements. A total of 113 surveys were received and six written submissions received.
3. It is recommended that Council grant final approval to the Strategy subject to a series of modifications in response to community consultation.

BACKGROUND

4. The Strategy will form a component of the City's new Local Planning Strategy, which will be progressed throughout 2019.
5. At present, the Local Public Open Space Strategy 1996 is the most recent strategy of its kind endorsed by the City. This is now considered out dated. Planning strategies of this nature are recommended to be reviewed on a five-year cycle.
6. This proposed Strategy has been prepared in accordance with a local interpretation of the Western Australian Planning Commission (WAPC) Liveable Neighbourhoods Operational Policy: Element 4 – Public Parkland and

Department of Sport and Recreation (DSR) Public Parkland Planning and Design Guide.

7. The City, through the Strategy, is planning to meet the sporting, recreation and conservation needs of its community and the broader environment.
8. The Strategy will ensure that Public Open Space (POS) is delivered to optimise community benefit by providing direction to guide future POS provision, enhancement and management.
9. This Strategy builds on the priorities of the City's Strategic Community Plan to look after and provide people with a healthy environment for social and cultural enjoyment, deliver a sustainable natural environment, and lead the way in transparent governance. The Strategy has the following overarching goal:

The City of Kalamunda will provide leadership in ensuring a network of fit for purpose public open space that protects our natural resources and meets recreational, social and cultural needs of the community.

10. The Strategy takes into consideration current and future population projections, housing and other demographic factors.
11. Broadly, the Strategy:
 - a) identifies suburbs which are below POS 10% provision as per Liveable Neighbourhoods calculation methodologies;
 - b) identifies suburbs/districts/regions which are below sports space requirements and identifies POS according to its classification and function;
 - c) assesses all POS reserves for their quality; and
 - d) identifies POS of low quality for improvement or potential transfer to alternative land uses.
12. The Strategy also provides an assessment of the area, distribution, classification, functions, level of infrastructure and standard, functionality, usability, environmental value and accessibility of POS in the City. A copy of the POS Assessment Matrix is provided in Appendix 11 of the Strategy.

13. A summary of the POS allocation is provided in the following table:

Suburb	Percentage of POS allocation
Bickley	6.33%
Forrestfield	11.12%
Gooseberry Hill	2.39%
High Wycombe	8.68%
Kalamunda	5.8%
Lesmurdie	6.07%
Maida Vale	9.08%
Walliston	4.31%

Wattle Grove	17.43%
Total	7.65%

14. A summary of ratings (number of parks with assessed value using the abovementioned assessment matrix) is provided as follows:

Ratings (number of parks in each area based on rating)				
	A	B	C	D
Forrestfield	1	9	13	7
Gooseberry Hill	0	1	1	2
High Wycombe	2	9	12	5
Kalamunda	2	0	4	5
Lesmurdie	1	4	5	4
Maida Vale	0	4	4	1
Rural East - Walliston		1	2	2
Wattle Grove	0	5	4	2
Total	6	33	45	28

* Note: ratings of A-D represent the value of parks based on location, facilities, care and maintenance, and environmental value. 'A' being the highest value and 'D' being the lowest value.

15. A key finding of the Strategy identified the provision and need for the following sports space allocation:
- Foothills – 64.16ha provided, 79.92ha required by 2036.
 - Hills – 25.29ha provided, 39.68ha required by 2036.
16. The Strategy sets out strategic directions and actions to improve the provision and quality of POS in the City. The following are some of the key strategies and actions:
- identification of reserves that can be rehabilitated/revegetated through offset plans;
 - transfer POS for development where the POS serves limited benefit to the community;
 - funds raised from transfer of POS and cash-in-lieu funds to be used for the improvement and acquisition of POS;
 - identify sites for acquisition for the use of POS. Space for sports space to be of particular preference;
 - commence the preparation of a Local Planning Policy for POS;
 - phased installation of low level solar powered lighting at key POS reserves;
 - disability access and improved pedestrian access through POS;
 - improved pedestrian and cycling access to POS; and
 - development of master plans for strategically significant POS.

DETAILS

17. The Strategy was adopted by Council at the November 2017 Ordinary Council Meeting for the purpose of public advertising.

18. Community consultation took place between December 2017 and February 2018 and included:
 - a) two workshops;
 - b) information stalls at local shopping centres;
 - c) online and hard copy surveys;
 - d) online content including a short video; and
 - e) newspaper advertisements.
19. At the conclusion of the advertising period, the City had received a total of 113 surveys from the community and seven written submissions. All submissions included comments of a general nature, ideas, some objections and support for the Strategy. Details of the submissions and responses are outlined in Attachment 3.
20. The consultation process highlighted that over 63% of the community who participated in the surveys do not support low quality POS being transferred to other uses to fund POS improvements. It was seen that the City should be enhancing its POS to create better regional linkages for pedestrians and cyclists.
21. The consultation also indicated that the community wanted to see more improvements to POS, increased trees for wildlife habitat and greater levels of beautification and community infrastructure being incorporated into POS areas.
22. There were numerous ideas provided with the key themes as follows:
 - a) Playgrounds/Nature Playgrounds (Quantity and Quality)
 - b) Trees/Nature/Wildlife Habitat (Protection and Implementation)
 - c) Beautification
 - d) Maintenance
 - e) Seating (Quantity and Quality)
 - f) Shade
 - g) Sports Facilities (Quantity and Quality)
 - h) Amenities
 - i) Dog Parks/Fenced
 - j) Exercise Equipment
 - k) Basketball Courts/Soccer Goals for Smaller Parks
 - l) Walking/Running/Bike Tracks
 - m) BBQs
 - n) Footpaths (Quantity and Quality)
 - o) Improved Scott Reserve Facilities
23. The community also raised issues that they wanted the City to focus more attention towards, these included:
 - a) Poor Maintenance
 - b) Quality/Quantity of Playgrounds and Equipment
 - c) Outdated POS
 - d) Poor aesthetics
 - e) Vandalism/Rubbish
 - f) Quality/Quantity of Facilities
 - g) Dog Issues (No Fenced Areas, Not Obeying Dog Restrictions)
 - h) Limited Shade

- i) Quality/Quantity of Amenities
 - j) Not enough trees/Removal of vegetation
24. The community generally conveyed that the quantity of parks and sporting reserves is acceptable, whereas the quality of reserves was less favourable.
25. Full details of the consultations undertaken are reported in points 38 to 43.

STATUTORY AND LEGAL CONSIDERATIONS

26. **Planning and Development Act 2005**
Under the provisions of section 153 of the *Planning and Development Act 2005* (WA) (P&D Act 2005), payment can be made by a subdivider in lieu of all or part of a POS contribution, referred to commonly as 'cash-in-lieu' for POS. Cash in lieu may be appropriate for small subdivisions, where the resultant POS would be too small, unusable or irregular in shape, or where sufficient POS is already available or previously provided in the locality, and where the City requires funding to assist in maintenance or upgrades to existing POS. Section 153 of the P&D Act limits the imposition of the requirement for cash in lieu for a subdivision that creates less than three lots.
27. **Local Planning Scheme No. 3**
The Strategy is applicable to reserves within the City that are zoned under the Local Planning Scheme No.3 (LPS3) as Local Open Space, in addition to reserves serving multiple functions identified by the Metropolitan Region Scheme (MRS) zoned as Parks & Recreation.

POLICY CONSIDERATIONS

28. **POS Contributions and Cash in Lieu**
The WAPC has adopted a longstanding requirement that 10 per cent of the gross subdivisible area be given up free of cost in a subdivision and vested in the Crown for the purposes of POS. This 10 per cent requirement is derived from the recommendations contained in the 1955 Stephenson-Hepburn Plan, and continues to form part of the WAPC's Operational Policy framework through Liveable Neighbourhoods. The Strategy will be utilised as a key guiding document in justifying the expenditure of cash in lieu funds.
29. As mentioned above, cash in lieu may be appropriate for small subdivisions, where the resultant POS would be too small, unusable or irregular in shape or where sufficient POS is already available or previously provided in the locality. The process for the collection and expenditure of cash in lieu is summarised as follows:
- a) the WAPC imposes a condition at the subdivision stage, on the advice of a local government and where the request for cash in lieu is supported by a POS Strategy;
 - b) all money received by the local government through cash in lieu is required to be paid into a separate account of the local government, which clearly sets out the purposes for which money is held, the landholding from which it was obtained and the date on which it was paid to the local government;
 - c) the money should generally be applied:

- i) for the purchase of land by the local government for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision is situated;
 - ii) in repaying any loans raised by local government for the purchase of any such land; and
 - iii) with the approval of the Minister for Planning, for the improvement or development of land as parks, recreation grounds or open spaces; generally of any land in the said locality vested in or administered by the local government for any of those purposes; and
 - d) Requests for expenditure of cash in lieu are required to be lodged with the WAPC for the Minister for Planning's approval, including:
 - i) location of subdivisions from which funds were obtained;
 - ii) dollar value of the funds obtained;
 - iii) location of the proposed reserve where the funds are proposed to be expended;
 - iv) nature of the proposed expenditure; and
 - v) program for the expenditure.
30. The Strategy is an important tool that provides strategic rationale for requests for cash in lieu for small subdivisions, where the resultant POS would be too small, unusable or irregular in shape, or where sufficient POS is already available or previously provided in the locality. Furthermore, the Strategy will assist with prioritising expenditure appropriately to ensure that the POS funding received will provide maximum benefit to the community. It would be difficult for the City to justify cash in lieu expenditure without the framework and strategic basis for expenditure provided through the Strategy.
31. **State Planning Policy No. DC 2.3: Public Open Space in Residential Areas (DC 2.3)**
DC 2.3 sets out the policy framework requirements for public open space within a residential development.
32. Under DC 2.3 and Liveable Neighbourhoods, the standard 10% POS contribution is, in practice, not normally required by the WAPC for a subdivision of five lots or less, where:
- a) the applicant demonstrates to the satisfaction of the WAPC that land had already been given up for open space in an earlier subdivision; or
 - b) the proposal is within a locality where the WAPC, on the advice on the local government, following an assessment of the locality, has concluded that there is sufficient open space in that locality.
33. **State Planning Policy No DC 5.3: Use of Land Reserved for Parks and Recreation and Open Space (DC 5.3)**
DC 5.3 sets out the circumstances under which the WAPC may approve the use and development of land reserved for Parks and Recreation and Regional Open Space for different purposes.

34. **State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)**
SPP 3.6 out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established development areas.
35. **WAPC Liveable Neighbourhoods Operational Policy**
Liveable Neighbourhoods sets out the planning framework for achieving liveable communities. Of particular relevance is *'Element 4: Public Parkland'*, which sets out the framework for achieving functional and well provisioned POS.
36. **Department of Sport & Recreation Public Parkland Planning and Design Guide**
This guide provides information on the general design of POS.
37. **State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region (SPP 2.8)**
SPP 2.8 provides for a framework to ensure that bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision making, with the aim to securing long-term protection of biodiversity and associated environmental values.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

38. The Strategy was prepared by the City taking into consideration the requirements from the following disciplines:
- a) Parks and Environment;
 - b) Assets;
 - c) Community Development;
 - d) Approval Services;
 - e) Environmental Health; and
 - f) Economic, Land and Property Services
39. The Strategy incorporates input from the City's various service areas which has been gathered through internal working groups and reviews of the Strategy.

External Referrals

40. The City sought the services of an independent consultant, CCS Strategic, to undertake a peer review of the Strategy. The peer review was undertaken prior to public advertising and feedback incorporated into the document.
41. As referred to earlier, the Strategy was advertised between December 2017 and February 2018 for a period of 77 days which included the following forms of community engagement:
- a) two workshops – Kalamunda and Forrestfield;
 - b) information stalls at Shopping Centres and Recreation Centres;

- c) online and hardcopy survey;
- d) social media posts;
- e) newspaper advertisements;
- f) footpath advertisement; and
- g) formal submissions.

42. A total of 113 surveys were completed by the community.

43. A total of seven formal submissions were received. All submissions included comments of a general nature, ideas, objections and support for the Strategy.

A copy of the Community Engagement Outcomes Report (Attachment 2) can be referenced for a full summary of the information received. A copy of the written submissions received, and responses are provided within the Submissions Table (Attachment 3).

FINANCIAL CONSIDERATIONS

44. Costs associated with the preparation of the document and public consultation/advertising were met through the Development Services annual budget.

45. Any future development, acquisition and maintenance of POS throughout the City will be funded through a range of sources:

- a) any new urban areas under a Structure Plan will generally be provided with 10% POS ceded to the Crown, and developed through the requirements of subdivision conditions or potentially Development Contribution Plan funds;
- b) subdivision of lots of five or more will provide cash-in-lieu funds to utilise for the ongoing improvement and acquisition of POS;
- c) any future transfer of any POS reserves would need to be structured in a way to fund the improvement and acquisition of other POS reserves; and
- d) any ongoing maintenance of POS will continue to be funded through the City's operational budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

46. *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.

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

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

SUSTAINABILITY

Social Implications

47. Some reserves identified for transfer may have some use by members of the community. As part of the transfer process, impacts on those community members that utilise the reserves will need to be investigated while balancing the broader public interest and demands for upgraded and accessible POS areas.
48. The Strategy has strategic directions and actions which are aimed at improving the quality and functionality of POS, high quality large multi-functional reserves which will have greater benefits for the community are encouraged to be delivered.

Economic Implications

49. The Strategy identifies reserves that may be suitable for transfer, which through the transfer process, would provide funds for the City to use for the acquisition and improvement of POS generally. Quality of POS over quantity is a relevant consideration in this regard.
50. The Strategy identifies reserves for improvement and highlights a need to identify acquisition sites for POS, which will require funding from a variety of sources.

51. Any new reserves acquired will be required to form part of the Asset Services budget for periodic maintenance with associated funding requirements.
52. The Strategy identifies POS sites that have low ratings and limited recreational benefits, which may be transferred to other uses. Funds from improvements and value-adding through the transfer process will contribute towards the improvement of POS that has significant community benefit and the acquisition of sites for POS where deficiencies are identified. The Strategy acts as a guide and does not mean that the City will transfer all the sites identified in the Strategy. Project specific briefs and detailed investigations (including environmental studies) will be required to undertake the transfer of POS sites.

Environmental Implications

53. The Strategy identifies strategic directions and actions relating to the preservation and enhancement of the environmental value of POS.
54. Identified transfer sites may have some native vegetation and will be required to be supported by an Environmental Assessment Report (EAR). The EAR may be required to include Flora and Fauna Surveys and consider any applicable environmental considerations such as connectivity to the surrounding environment, wildlife corridors and refuges.
55. POS reserves identified as being Biodiversity Assets have been noted for further assessment to determine their value. Biodiversity Assets of low quality are recommended to undergo improvement. Assessment of Biodiversity Assets are to be undertaken with the appropriate methodology, which is to be determined during the scoping of the project brief. The methodology utilised to assess Biodiversity Assets should consider the ecological value assessment matrix in the Local Biodiversity Strategy 2008 and recognised contemporary environmental assessment methodologies.

RISK MANAGEMENT CONSIDERATIONS

56.	Risk: Timeframes for the Strategic Directions and Actions within the Strategy are not achieved.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Items shall be addressed in Corporate Business Plans when they are due for implementation. The Strategy will be reviewed every five (5) years to ensure Strategic Directions and Actions are relevant, up to date and being appropriately implemented.		
	Risk: The community oppose the transfer of underperforming and low-grade POS sites and the City is unable to sufficiently fund POS upgrades to meet community expectations.		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		

Ensure Council understand the City has finite resources and that community expectations for POS upgrades have significant funding requirements which need to be sourced from various funding streams.		
Risk: The Strategy is not finalised and affects the City's ability to access funding sources (i.e. cash in lieu).		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
Ensure Council understand the importance of finalising the Strategy with regard to accessing future funding sources to upgrades POS to meet community demands and expectation.		

OFFICER COMMENT

57. The Strategy seeks to improve the quality, functionality and provision of POS throughout the City by taking into account the current provision, future requirements, assessment of POS, demographic analysis, and state and local policy and strategic frameworks.
58. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be prepared following the adoption of the Strategy. These briefs will need to scope and allocate appropriate resources to ensure the relevant actions are delivered.
59. The Strategy identifies POS which has limited community benefit to be transferred to other uses. Funds from transfer will help fund the improvement of POS which has significant community benefit and the acquisition of sites for POS. It is important to note that the Strategy acts as a guide and does not imply that the City will transfer all the sites identified in the Strategy. It provides a basis for more detail analysis and investigation.
60. Whilst the community has indicated reservations around the transfer of underperforming POS sites, Council must also realise that to provide the quality parks, the ongoing maintenance and repatriation of its parks, the City must hold a balanced view between community expectation and the ability to fund improvements. The City does not have the funds to meet the expectations of the community, trade-offs such as transferring low quality underutilised areas to improve high use and strategic areas is essential.
61. The consideration of the transfer of POS is an entirely separate process and subject to comprehensive community engagement and consultation. Project specific briefs and detailed investigations will be required to be undertaken and this process will also involve approval of the Minister for Lands and Department of Planning, Lands and Heritage.
62. It is anticipated that the Strategy will undergo minor design and formatting improvements through the insertion of infographics and images, prior to the final version being published. The core content, findings and strategic directions and actions of the Strategy will not change through this publishing process.

63. The Strategy is a key strategic document to guide the future development of POS within the City and given the strong community connection to its POS it is recommended that Council adopt the Strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 76/2018

That Council:

1. Adopt the Public Open Space Strategy 2017 as outlined within Attachment 1.
2. Notes the submissions received and the Community Engagement Summary Report in Attachments 2 and 3.
3. Note that the Strategy will undergo minor design and formatting improvements through the insertion of infographics and images, prior to the final version being published, and this will not change the core content, findings and strategic directions and actions of the Strategy.

Moved: **Cr Tracy Destree**

Seconded: **Cr Michael Fernie**

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

10.2.3. Local Planning Scheme No. 3: Amendment 35 - Change of Density from R2.5 to R5 – Lot 31 (16) and Lot 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston

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

Previous Items	OCM 193/92, OCM 144/2010, and OCM 182/2011
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/035
Applicant	Algeri Planning and Appeals
Owner	KJ & KE Elmy, F & L Carameli, DJ & TL Wallace
Attachments	<ol style="list-style-type: none"> 1. Advertised Amendment 35 Document [10.2.3.1] 2. Modified Amendment 35 Document [10.2.3.2] 3. Applicants Justification Report [10.2.3.3] 4. Bushfire Management Plan [10.2.3.4] 5. Submissions from Department of Health and Department of Primary Industries and Regional Development, and Applicant's Response to these Submissions [10.2.3.5] 6. Excerpt from MRS Amendment 1292/57 relating to the subject site [10.2.3.6]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the progression of Amendment 35 (the Amendment) to increase the residential density of Lots 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from R2.5 to R5.
2. A key issue relates to rural and sensitive land use conflicts raised by the Department of Health and Department of Primary Industries and Regional Development during advertising of the Amendment. To address this matter, it is recommended that a requirement for a notification to be placed on the title to notify prospective purchasers of existing and new lots of the adjacent rural land uses that may affect residential amenity.
3. Subject to minor modifications to the Amendment, it is recommended that Council support the progression of the Amendment to the Minister of Planning for determination.

BACKGROUND

4. Land Details:

Land Area:	Lot 31: 4,000m ² Lot 32: 4,002m ² Lot 33: 4,002m ²
Local Planning Scheme Zone:	Residential Bushland R2.5

Metropolitan Regional Scheme Zone:	Urban
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5. The lots subject to the Amendment are approximately 4,000m² in size, zoned Residential Bushland R2.5, contain single dwellings and associated outbuildings, and are on the corner of Halleendale Road and Dan Close.
6. Land to the north of the subject site and in the broader urban area of Walliston is zoned Residential R10, to the east and south of the site is zoned Special Rural used for orchards, to the west of the site is the Kalamunda Christian School.

7. **Locality Plan:**



8. **Amendment 35 background:**

In October 2010 Council resolved (Resolution OCM 144/2010) to adopt the Amendment to the Scheme for the purposes of public advertising. The Amendment proposed to increase the residential density of Lots 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from R2.5 to R5.

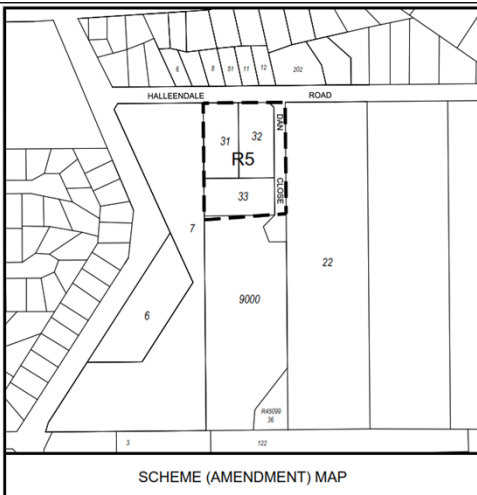
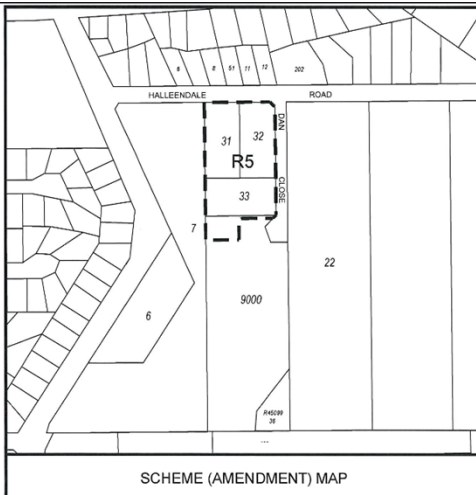
9. Subsequent to Council's initiation of the Amendment, the applicant advised the City of the following:

"Whilst the initial amendment would facilitate each individual lot owner to subdivide their respective lots into two, there would be no net benefit in pursuing the amendment if any of the existing dwellings are required to be demolished. More specifically, the position of the dwelling on Lot 31 would be problematic and the owners of Lot 31 and 33 have long since discussed a land swap situation that also involves land being amalgamated from Lot 9000."

It is for this reason that the initial amendment, determined by Council at its Ordinary Meeting on 4 October 2010 was not proceeded with."

In light of the above advice from the applicant, the version of the Amendment adopted by Council in October 2010 did not progress to public advertising.

10. At the Ordinary Council Meeting held in November 2011 (OCM 182/2011), a modified version of the Amendment was adopted for the purposes of advertising. The key modification to the Amendment involved a portion of the land to the south of the Amendment area (Lot 9000) being included in the Amendment area and being rezoned from Special Rural to Residential Bushland R5. This would be consistent with the zoning sought of the other lots subject of the amendment. The below table illustrates the difference between the versions of the Amendment that were adopted by Council in October 2010 and November 2011.

11.	 <p>Initially adopted by Council on 18 October 2010 (Resolution OCM 144/2010)</p>	 <p>Initially adopted by Council on 21 November 2011 (OCM 182/2011)</p>
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12. At the time of the initial adoption of the Amendment, the area was zoned Rural under the MRS. Given the proposed amendment incorporated further intensification (a higher residential density), in order for the Amendment to be consistent with the MRS, the MRS was required to be amended to zone the subject land to Urban. According to the information provided in the Council report in November 2011, the Western Australian Planning Commission (WAPC) advised the applicant that they would hold the Amendment until the MRS zoning was changed to Urban to facilitate a Residential zoning.
13. On 14 July 2017, MRS Omnibus Amendment No. 1292/57 was gazetted which, in part, rezoned Lots 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from Rural to Urban. This has enabled the applicant to now progress Amendment 35.
14. The applicant now intends to progress the Amendment in accordance with the original plan initiated by Council on 18 October 2010 (see diagrams above). Given that the MRS Omnibus Amendment No. 1292/57 did not include the

north-west portion of Lot 9000 the revised plan that was adopted in 2011 is unable to be progressed.

15. Regarding the comments made by the applicant in paragraph 12 above, the landowner of Lot 31 (16) Halleendale Road has recently indicated that they will be able to retain the dwelling, however will be required to remove the pool and outbuilding to facilitate subdivision in accordance with the amendment initiated by Council in October 2010.

DETAILS

16. The Amendment seeks to increase the residential density of Lots 31 (16) and 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston, from R2.5 to R5. The Residential Bushland zoning of the land under the City's Scheme would be retained. The Amendment would in effect enable each of the three (3) existing lots to be subdivided into two (2) lots.
17. It is noted that the Amendment was initially adopted by Council in October 2010 for the abovementioned lots, however a modified version of the Amendment was adopted in November 2011 to incorporate a portion of Lot 9000 to the south of the initial amendment area.
18. Importantly, Lot 9000 to the south of the subject site was not included in the Urban zone through MRS Omnibus Amendment No. 1292/57, which means that the modified version of the Amendment (adopted by Council in November 2011) is unable to proceed. Accordingly, the removal of Lot 9000 from the Amendment will be addressed as a modification for the purposes of proceeding to a final decision on the matter.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

19. This amendment was originally initiated in 2010 when the *Town Planning Regulation 1967* were in place. These regulations have since been replaced by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). Under the 2015 Regulations, this amendment would be considered a 'Standard Amendment' for the following reasons:
 - The Amendment relates to a zone that is consistent with the objectives identified in the Scheme for that zone;
 - The Amendment is consistent with the MRS;
 - The Amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment;
 - The Amendment does not result in a significant environmental, social, economic or governance impacts on land in the scheme area; and
 - The Amendment is not considered a complex or basic amendment.
20. Regulation 50 of the Regulations requires local government to pass a resolution to do one of the following:
 - a) support the Amendment without modification;

- b) support the Amendment with proposed modifications to address issues raised in the submissions; or
- c) not support the amendment.

Local Planning Scheme No. 3

21. The subject land is currently zoned 'Residential Bushland' with a density coding of R2.5 pursuant to the City's Scheme. Clause 4.2.1 of the Scheme provides the following objectives for the zone:
- To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.
 - To give due consideration to land uses that are compatible with the amenity of surrounding residential development.
 - Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.

POLICY CONSIDERATIONS

State Planning Policy 3.1 - Residential Design Codes

22. The Residential Design Codes prescribe site area and density standards that apply to residential density codes. In this instance, the difference in development standards applicable to the Amendment being sought is as follows:

Minimum development standards	R2.5 (existing density)	R5 (proposed density)
Site area:	4,000m ²	2,000m ²
Frontage:	40m	30m
Open space:	80% of site area	70% of site area
Primary street setback:	15m	12m
Secondary street setback:	7.5m	6m
Other/rear setback:	7.5m	As per tables 2a and 2b for side setback (generally 1m – 1.5m for single storey) 6m for rear setback

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

23. North-East Sub-Regional Planning Framework (Framework) forms part of the WAPC Perth and Peel@3.5million suite of strategic land use planning documents which aim to accommodate 3.5 million people by 2050.
24. Consistent with MRS Amendment 1292/57 (mentioned above), the subject land is shown as 'Urban' under the Framework.

Development Control policy 2.5 – Special Residential Zones

25. In relation to lot sizes, clause 3.2.1 states that the minimum lot size for Special Residential zones should be 2,000m² or the equivalent of an R5 density coding, where reticulated water is provided. Reticulated water is available to this site.

Existing and Draft Government Sewerage Policy

26. Clause 6.2 of the Draft Government Sewerage Policy 2016 outlines exemptions to the policy's mandatory requirement to connect to sewer through subdivision. Specifically, clause 6.2(1) provides that an exemption may be considered for residential subdivisions for the creation of lots greater than 2,000m². This position is consistent with the provisions in the existing Government Sewerage Policy. This amendment would enable the subdivision of lots to a minimum size of 2,000m², which would meet this sewer exemption.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

27. The subject land is designated as being within a bushfire prone area pursuant to the Department of Fire and Emergency Services' mapping and therefore State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) is applicable to the proposed amendment.
28. The applicant has lodged a Bushfire Management Plan which demonstrates that the subject land can comply with the requirements of SPP 3.7 and the bushfire protection criteria of the WAPC's Guidelines for Planning in Bushfire Prone Areas.

State Planning Policy 2.5 – Rural Planning

29. State Planning Policy 2.5 (SPP 2.5) applies to rural land and uses and land that may be impacted by rural land uses in WA. A key intent of SPP2.5 is to ensure broad compatibility (and reduce conflict) between rural and other land uses.
30. SPP 2.5 incorporates provisions which seek to limit the introduction of sensitive land uses (such as new dwellings) where it would limit primary production. In this regard, planning proposals should take into account whether a buffer is required, having regard to separation distances recommended in Government policy and guidance, management and operating conditions of the rural use, potential cumulative impacts, and whether modelling is required to assess the impacts.
31. The Environmental Protection Authority's Guidelines for Separation of Agricultural and Residential Land Uses recommends a general buffer distance of 500m, 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.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

32. The Amendment has been assessed by the City from an Environmental Health and Asset Services perspective prior to final adoption. The following points were noted (summarised):

Environmental Health:

- a) Regarding the rural and sensitive land use conflict concerns raised by the Department of Health and Department of Primary Industries and Regional Development (see below), there are numerous properties including the three (3) properties subject to the Amendment which are already located within the recommended agricultural buffer area. There is no history of complaints about spray drift.
- b) Recommended that the Amendment includes a requirement that a notification be placed on the certificate(s) of title of the lots advising of the close proximity to an existing orchard, so that new owners are aware of surrounding land uses.

From an Asset Services perspective, it was noted that drainage easements would likely be required through the subdivision process.

External Referrals

33. The Amendment was advertised in accordance with the requirements of the Regulations for a 'Standard Amendment' and the City's P-DEV 45 as follows:

- a) Letters to surrounding landowners/occupiers;
- b) Letters to relevant public and service authorities;
- c) Notice on the City's Website and Social Media platform;
- d) Signage on site;
- e) Local newspaper advertisement; and
- f) Display of documents at the City's Administration Centre.

34. At the conclusion of the advertising period, the City had received seven submissions, all from government and service authorities, comprising four non-objections, two objections and one comment on the proposal.

35. **Department of Fire and Emergency Services (comment on the proposal)**

The Department of Fire and Emergency Services advised that the proponent has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved within the submitted BMP. However, minor modifications to, or further information regarding, the BMP were recommended prior to subsequent planning stages as follows:

- a) That the City, in consultation with the Department of Planning, Lands and Heritage (DoPLH), clarify the assessment methodology for the south-most lots within the Amendment area, to determine whether a dwelling is capable of being constructed to meet the maximum BAL-29 requirements of the WAPC's Guidelines for Planning in Bushfire Prone Areas. The City

clarified this matter with the DoPLH as requested by DFES, which resulted in confirmation that the subdivision would enable a dwelling to be constructed within an area of the lot with a maximum BAL-29 rating.

- b) Modification to the proposed Fire Service Access Route (FSAR) and Emergency Access way (EAW) so that it connected to Halleendale Road and Dan Close through the battle-axe legs of the future subdivision. The applicant responded to this submission with an amended version of the BMP to address DFES's recommendation.

DFES noted that the revised BMP does not need to be forwarded to them for further consideration at this stage in the planning process.

36. **Department of Health (objection)**

The Department of Health (DoH) provided the following comments (summarised):

- a) All developments resulting from the Amendment are required to be connected to scheme water and comply with the Government Sewerage Policy – Perth Metropolitan Region.
- b) There may be a concern about the existing orchard and potential agricultural activities on surrounding land and the possible resultant spray drift from chemical applications. The Amendment should adhere to the necessary buffer separation distances between agricultural and sensitive land uses.

37. **Department of Primary Industries and Regional Development (objection)**

The Department of Primary Industries and Regional Development (DPIR) provided the following comments (summarised):

- a) DPIR is concerned that the Amendment increases residential density adjacent to Rural zoned land, potentially creating land use conflicts;
- b) Given the subject land currently has residential zoning and land uses, DPIR recommended a requirement for a condition to be placed on the Title to notify prospective purchasers of existing and new lots of the adjacent land uses that may affect residential amenity.

FINANCIAL CONSIDERATIONS

38. Costs associated with the preparation of the Amendment documents and public consultation/advertising are being met by the applicant/owner.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

39. *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

40. Nil.

Economic Implications

41. In this regard it is noted that sensitive land uses have already historically encroached on the orchard activities in this location, and that the proposed amendment would not in itself detrimentally impact the future viability of rural land uses. In the event that the rural zoned land on Halleendale Road were to change from an orchard to a different, more intensive, rural land use, consideration would even now need to be given to the amenity impacts on surrounding sensitive land uses such as schools and residential dwellings.

Environmental Implications

42. As mentioned above, 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

43.	Risk: The Amendment would facilitate a sensitive land use within the recommended environmental buffer area, which would expose future occupants of new dwellings to impacts resulting from nearby rural land uses.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Note that the City has not received any complaints from occupants of sensitive land uses, regarding the ongoing operation of orchards on Halleendale Road. Requirement for a condition to be placed on the Title to notify prospective purchasers of existing and new lots of the adjacent land uses that may affect residential amenity		

OFFICER COMMENT

44. Since the gazettal of MRS Omnibus Amendment 1292/57 on 14 July 2017, the applicant has sought to progress the subject Amendment 35 that was originally initiated by Council in October 2010 and modified in November 2011.

45. The applicant intends to progress the Amendment in accordance with the plan initiated by Council on 18 October 2010 (see diagrams above) given that the MRS Omnibus Amendment No. 1292/57 did not include the north-west portion of Lot 9000 and is unable to be rezoned to an urban, residential zone under the Scheme.
46. In justification for the proposed increase in density and proximity to services, the applicant submits that the Amendment will allow for an increase of three (3) single residential dwellings within close proximity (within 200m) to the local centre (Walliston Deli), Bill Shaw Reserve public open space, adjoining Kalamunda Christian School, and Walliston Primary School.
47. Under the recently adopted North-East Sub-Regional Planning Framework the subject land is shown as 'Urban' to account for the existing Residential-Bushland zoning of the land. The proposal is considered to be consistent with the objectives of the Residential Bushland zone under the Scheme, in that it would not compromise the development and use of land primarily for single detached houses, and enable development to be designed and sited in a manner which is sensitive to the environmental characteristics of the land.
48. In regard to the surrounding pattern of density in the area, the predominant zoning is Residential R10, which is a higher density than the Residential-Bushland R5 density that is being sought. The density proposed is not considered inappropriate in this respect.
49. Regarding the concerns raised by DoH and DPIR, the following is noted for Council's consideration:
- a) The DoH's and EPA's Guidelines for Separation of Agricultural and Residential Land Uses recommends a separation distance of 500m, which is not achieved in this instance.
 - b) If the recommended 500m separation distance were to be applied to sensitive land uses in the vicinity of the Amendment area, it would include approximately 300 residential dwellings and two (2) schools.
 - c) There is no history of complaints about rural land uses in the area.
 - d) The Amendment represents a relatively minor level of intensification of a sensitive land use in the vicinity of the existing orchards on Halleendale Road, and would not in itself result in undue limitations on the primary production capabilities of the rural zoned land in the area.
 - e) SPP 2.5 provides for the use of a condition that notifies prospective purchasers of a lot that may affect residential amenity.
50. Having regard to the above, it is recommended that requirement for a notification to be placed on the land title to notify prospective purchasers of existing and new lots of the adjacent rural land uses that may affect residential amenity.
51. The following modifications are proposed to Amendment 35 to address the submissions received, the issues discussed above, and to ensure consistency with the MRS Omnibus Amendment 1292/57:
- a) Removal of reference to Lot 9000 (20) Dan Close, Walliston, from the amendment.

- b) Realign the dividing line of the Residential Bushland and Special Rural zones to follow the southern cadastral boundary of Lot 33 (10) Dan Close, Walliston. This is to address a historical administrative mapping error on the Scheme.
- c) Insert a new requirement for a notification to be placed on the certificate(s) of title advising that the land use located near to operating primary production activities (orchard) and has the potential to be affected by odours, noise, spray drift and dust.

52. Subject to the abovementioned modifications, it is recommended that Council support the progression of the Amendment to the Minister for Planning for determination.

Cr Tracy Destree sought clarification on comments made from state agencies regarding the potential exposure from the products on the facility and an intention to extend the redevelopment of further properties in the area and changing it from the current zoning and asked if there is any indication on the timing and can the City take the initiative to do this. The Director Development Services took this question on notice.

Voting Requirements: Simple Majority

RESOLVED OCM 77/2018

That Council:

1. Pursuant to Part 5 Regulation 41(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports Amendment 35 to Local Planning Scheme No.3 with modifications as contained in Attachment 2.
2. Pursuant to Part 5 Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the Summary of Submissions and Responses and all required Amendment 35 documentation to the Western Australian Planning Commission.

Moved: **Cr Michael Fernie**

Seconded: **Cr Lesley Boyd**

Vote:

For	Against
Cr John Giardina	Cr Sara Lohmeyer
Cr Michael Fernie	Cr Tracy Destree
Cr Geoff Stallard	
Cr Lesley Boyd	CARRIED 9/2
Cr Allan Morton	
Cr David Almond	
Cr Dylan O'Connor	
Cr Cameron Blair	
Cr Margaret Thomas	

10.2.4. Section 31 Reconsideration: Proposed Outbuilding - Lot 11 (215) Lewis Road, Forrestfield

A deputation was received from Mr Terry Crestwell of 215 Lewis Road, Forrestfield. Mr Crestwell spoke in favour of the Officer Recommendation.

A deputation was received from Mr Keith Moses of 209 Lewis Road, Forrestfield. Mr Moses spoke against the Officer Recommendation.

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

Previous Items	OCM 78/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA17/0237/LW-04/215
Applicant	Terence and Donna Crestwell
Owner	Terence and Donna Crestwell
Attachments	<ol style="list-style-type: none">1. Site and Elevation Plans [10.2.4.1]2. Applicant Justification [10.2.4.2]3. Locality Plan Showing Topography [10.2.4.3]4. Objector - Proposed Alternative Location Plan [10.2.4.4]5. Comment Summary Table [10.2.4.5]
Confidential Attachment 1	Submitters Map

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a Section 31 reconsideration order from the State Administrative Tribunal (SAT) for a proposed 150m² outbuilding at Lot 11 (215) Lewis Road, Forrestfield.
2. At the Ordinary Council Meeting on Monday 30 October 2017 Council resolved to refuse an application for a 160m² outbuilding at the subject site. On 14 December 2017, the applicant appealed the decision of Council to the SAT. Further to a SAT mediation meeting held onsite on 28 February 2018, the applicant provided amended plans proposing a reduction in the floor area of the outbuilding and changes to the building setbacks to the front and side lot boundaries. The amended plans were advertised to affected landowners for a period of 28 days (an additional two weeks due to the extended advertising period over Easter). During this period two submissions were received, both objecting to the proposal.
3. It is recommended that the City approve the revised plans for the outbuilding subject to appropriate conditions.

BACKGROUND

4. Land Details:

Land Area:	9938m ²
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

5. Locality Plan:



6. The site is approximately 1 hectare in size, rectangular in shape with a frontage of approximately 54m and a depth of approximately 185m. The site comprises an existing residential dwelling and scattered areas of mature vegetation with a driveway which extends along the northern boundary. An area to the side and behind the existing dwelling is currently cleared for the purpose of containing sheep.
7. The drainage easement that appears on the south-east area of the lot was re-configured to run directly down the south-western boundary from Lewis Road to the creek. The drainage easement was reconfigured in collaboration with the City and formally registered with Landgate on 28 November 2017.
8. The topography of the site is constrained in some aspects; the site slopes down from the primary street approximately 7m to a winter creek which runs horizontally across the lot. The topography then slopes up from the creek to a high point on the north-east corner of the site behind the existing dwelling.

The site slopes from north-east to south-west, falling approximately 8m from the north-east side boundary to the south-west side boundary. The area south-west of the winter creek is subject to waterlogging after heavy rainfall.

9. The site is located in an area characterised by small rural landholdings of approximately 1 hectare in size.
10. The adjoining property at 219 Lewis Road, Forrestfield contains an existing 15m x 9m (135m²) outbuilding in the front area of the site that was approved by the City in 2012. This outbuilding incorporated significant fill given the slope of the site, however is largely screened from view of Lewis Road.
11. In October 2017, Council resolved to refuse an application for an outbuilding comprising 160m² with proposed variations to the allowable external wall and ridge height prescribed under Local Planning Policy P-DEV 20 Outbuildings and Sea Containers (the Policy) for the following reasons:
 1. *The Bulk, scale and location of the outbuilding is considered to have a detrimental impact on the visual amenity of the area when viewed from the Lewis Road and neighbouring properties.*
 2. *The proposal does not comply with the provisions of Local Planning Policy P-DEV 20 Outbuildings and Sea Containers in respect to external wall height, roof pitch height, maximum allowable floor area and location being forward of the existing dwelling.*
 3. *The proposal is not consistent with the principles of orderly and proper planning as outlined in Clause 4.2.2 of the Local Planning Scheme No 3 pertaining to the objectives of the Special Rural zone.*
12. On 14 December 2017, the applicant sought a review of the Council decision through the SAT. On 28 February 2018, following a mediation conference held on site, the City was invited to reconsider its decision of refusal.

DETAILS

13. Further to the SAT mediation, the applicant has provided revised plans (Attachment 1) as follows:
 - a) Increasing the front setback from 15m to 20m.
 - b) Increasing the north-east side setback by 14m to 15.4m and subsequently reducing the south-west side setback to a total of 28.6m.
 - c) Reducing the proposed length by 1m resulting in a reduced floor area of 10m² and total floor area of 150m².
 - d) The external wall height of 5.5m above natural ground level (4m wall height from pad level, plus up to 1.5m of fill) remains unchanged.
 - e) The external roof pitch height of 7.83m above natural ground level (6.33m roof pitch height from pad level, plus up to 1.5m fill); remains unchanged.
 - f) The outbuilding remains located forward of the existing residential dwelling.
14. In support of the revised proposal, the applicant is proposing vegetative screening and replanting for vegetation requiring removal. To accommodate the proposal, a total of 10 trees are proposed to be removed. Eleven (11)

trees (Wandoo and Marri) are proposed to be replaced as well as vegetative screening of forty four (44) plants, refer Attachment 2.

15. There is no proposed change to the finished floor levels from the original proposal. The slab height is approximately 2m lower than the road and the nature of fill is consistent with the surrounding properties, refer Attachment 3.
16. The proposed colour and material of the outbuilding is green powder coated steel 'pale eucalypt' or 'mangrove' in colour and is considered to comply with requirements stipulated in Table 2 of the Policy.

STATUTORY AND LEGAL CONSIDERATIONS

17. **Planning and Development (Local Planning Schemes) Regulations 2015**

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; and
- c) Any relevant submissions received on the application.

18. **Local Planning Scheme No. 3**

The subject site is zoned Special Rural in accordance with the City's Local Planning Scheme No. 3 (Scheme).

Clause 4.2.2 (Objectives of Zones – Rural) of the Scheme states that the objectives of the Special Rural zone are to:

- a) *To enable smaller lot subdivision to provide for uses compatible with rural development.*
- b) *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

POLICY CONSIDERATIONS

P-DEV-20 Outbuildings and Sea Container's Policy

19. The following assessment is provided of the proposal in respect to the Policy provisions:

	Previous Policy	Revised Policy	Previous Proposal	Revised Proposal
	P-DEV20 Outbuildings Policy Acceptable Design Outcomes	P-DEV20 Outbuildings Policy Acceptable Design Outcomes		

Front Setback	15m	15m	15m	20m
Side Setback (East)	10m	10m	14m	15.4m
Side Setback (West)	10m	10m	30m	28.6m
Wall Height	4m	4m	5.5m	5.5m
Roof Pitch Height	4.8m	4.8m	7.83m	7.83m
Floor Area (Individual Outbuilding)	100m ²	150m ²	160m ² (10m x 16m)	150m ² (10m x 15m)
Floor Area (Aggregate Floor Area)	200m ²	200m ²	160m ²	150m ²

Acceptable Design Outcomes	<ul style="list-style-type: none"> • Compliant with LPS No. 3 setback requirements. • Meet the construction requirements of AS3959-2009 Construction of buildings. (Where located in a bushfire prone area) • Outbuilding(s) located behind the main dwelling alignment and/or will not be directly visible from a street or public space. • Are not located within an area where there is historical evidence of flood waters reaching high levels. • Does not result in the excessive or unnecessary removal of vegetation. • The proposed colours and materials are consistent with the criteria set out in in Table 2 of this policy. • Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department. • Will not unduly impact on the amenity of an adjoining property owner/occupier.
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20. It is noted that the Policy was reviewed and subsequently adopted by Council in February 2018. The Western Australian Planning Commission (WAPC) have subsequently endorsed the Policy with minor modifications in April 2018. The requested modifications from the WAPC related to the size of outbuildings in R10 zoned land and are not relevant to this proposal.

21. Under the adopted Policy, the allowable floor area for a single outbuilding in the Special Rural zone has been increased to 150m², consistent with the revised proposal. The rationale for increasing the floor areas was to better reflect the domestic storage needs of residents evidenced by the increasing number of applications the City has received for larger outbuildings.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The City assessed the proposal from an Asset Services perspective and no issues were raised given the frontage width of the subject site exceeds 20m and the crossover does not result in excessive or unnecessary removal of vegetation. The proposal is in alignment with the City's Specification for Crossover Construction Information Sheet.

External Referrals

23. The application was advertised to surrounding land owners for a period of 28 days. During the advertising period, the City received two responses to the proposal, both were objections, refer Attachments 4 and 5.
24. The concerns raised during advertising are summarised as follows:
- a) Visual amenity – the outbuilding will impact adjoining neighbours and the existing streetscape;
 - b) The proposal does not comply with P-DEV 20 as it is located forward of the existing dwelling;
 - c) The increased wall and roof pitch height and bulk of the building;
 - d) The glare from the roof will impact on neighbour amenity; and
 - e) Alternative locations behind house, in line with the neighbours existing outbuilding(s), or behind the winter creek are recommended.

FINANCIAL CONSIDERATIONS

25. In the event that Council determines not to support the Section 31 request for reconsideration, the matter will progress to a full hearing of the SAT. Notwithstanding that Council has its own General Counsel, the City will need to engage expert planning witnesses which are likely to incur costs in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *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

27. Consideration should be given to whether the location, bulk and scale of the proposed outbuilding will unduly impact on the streetscape or amenity of

adjoining land owners. This is discussed further in the Officer Comment section of this report.

Economic Implications

28. Nil.

Environmental Implications

29. The applicant is proposing the removal of 10 trees within the subject site. The applicant proposes to revegetate with 11 trees, a mixture of *Eucalyptus wandoo*, and *Corymbia calophylla* (Marri), as well as 44 plants for vegetative screening.

RISK MANAGEMENT CONSIDERATIONS

30.	Risk: The outbuilding will unduly impact on the amenity of the streetscape and adjoining properties.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure that the proposed outbuilding is appropriately setback from boundaries, and appropriate landscape screening is planted.		

OFFICER COMMENT

31. It is noted that all boundary setbacks comply with the requirements of the Scheme and that the verge is vegetated which will partially screen the proposed outbuilding. Additional vegetation is proposed by the applicant through the planting of 55 trees/shrubs to screen the building. The proposed colour and material of green powder coated steel complies with the colour requirements of the Policy and is considered to be complimentary to the landscape character of the area.
32. Since the application was lodged and progressed through the SAT, the Policy has been reviewed and adopted by Council in February 2018 and the WAPC in April 2018. The revised Policy has increased the maximum allowable floor area for a single outbuilding in the Special Rural zone to 150m², which is consistent with the applicant's revised proposal.
33. It is noted that larger outbuildings by virtue of their bulk and scale are not uncommon on small rural landholdings; for example, the adjoining property to the east would exceed the allowable wall and roof pitch. In this regard, it is not considered that the size of the outbuilding will in itself unduly impact on the character the area but it is important to consider the location of the outbuilding and likely impact on the visual amenity of the area. This has been ameliorated through proposed vegetative screening.
34. While it is not generally desirable from a planning perspective to locate an outbuilding forward of the dwelling, the location of the outbuilding is supported for the following reasons:

- a) The Policy does provide the option to have the outbuilding located forward of the dwelling provided where the structure is not directly visible from the Street. In this instance, the applicant is prepared to undertake screening to the front of property which combined with the existing vegetation will provide the necessary screening over time.
 - b) The existing dwelling is located approximately 116m from the front lot boundary. If the City were to strictly enforce the locational requirements of the Policy, this would effectively sterilise the front section of the site from any non-habitable buildings, which is not considered reasonable in this particular instance.
 - c) The setbacks of the outbuilding are compliant with the requirements of the Scheme.
 - d) Site visits by the City's officers has confirmed that the site is constrained in terms of topography, drainage, and location of existing vegetation. If the outbuilding were to be moved further to the rear of the site, its location would conflict with an existing creek and wet areas in the centre of the site and/or steep sloping land to the rear. In the event that Council resolves to refuse the application, there would be significant constraints to constructing an outbuilding to an accessible position towards the rear of the site.
35. It is noted that the wall and roof pitch height variations proposed are largely due to the requirement for fill due to the low lying area of the site that was previously used as a drainage easement. Having regard to the sloping nature of the site and the level of the outbuilding when compared to the level of the front of the property at Lewis Road, the floor level of the outbuilding will still be approximately 2 metres below the level of Lewis Road.
36. From a streetscape perspective, it is not considered that the building height variations will result in a significant impact, particularly given the extent of vegetative screening proposed by the applicant.
37. While it is noted that the outbuilding exceeds the wall and roof pitch height under the Policy, the proposed location of the outbuilding represents the least constrained area of land on the site. It is also noted that the topography of the site contributes significantly to the requested variations to the wall and roof pitch height when measured from natural ground level.
38. Through mediation, the applicant has increased the front boundary setback to 20m and proposed additional landscape screening to the property to reduce the visual impact of the proposal to the road and from neighbouring properties. On balance, it is recommended that the application be approved subject to appropriate conditions.

Councillors were provided with an amendment to the officer recommendation and is shown in bold below. Discussions were held amongst Councillors and questions clarified.

Voting Requirements: Simple Majority

RESOLVED OCM 78/2018

That Council:

1. Approves the application for an Outbuilding at Lot 11 (215) Lewis Road, Forrestfield subject to the following planning conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) The outbuilding shall not be used for habitable, commercial or industrial purposes.
 - c) The outbuilding shall be complementary in materials, colours and design with the existing building(s) to the satisfaction of the City of Kalamunda. Details of colours and materials shall be submitted to and approved by the City of Kalamunda, with the submission of a building permit application.
 - d) Fencing shall be provided on the south-west boundary to screen the outbuilding from the adjoining neighbouring residence and outdoor living area. The fencing shall be 1.8m in height, constructed of a solid building material in accordance with the specifications under Schedule 2 of the City of Kalamunda Fencing Local Law (2016). The fencing is to commence 15m from the front lot boundary and extend a distance of 25m along the boundary. The applicant/owner shall submit an amended plan showing details of the fencing prior to the lodgement of a building permit application to the satisfaction of the City of Kalamunda.**
 - e) The stormwater being disposed of on-site and/or directed to an appropriate drainage channel and disposed of to the satisfaction of the City of Kalamunda.
 - f) Prior to the lodgement of a building permit application, a detailed landscaping and reticulation plan for the subject site shall be submitted to and approved by the City of Kalamunda.
 - g) Crossover(s) shall be designed and constructed to the specification and satisfaction of the City of Kalamunda.
 - h) Existing verge trees are protected from development works in accordance with AS 4970 (2009) "*Protection of Trees on Development Sites*".

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

For	Against
Cr John Giardina Cr Michael Fernie Cr Geoff Stallard	Cr Allan Morton CARRIED 10/1

Vote:

Cr Lesley Boyd Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Tracy Destree Cr Margaret Thomas	
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10.2.5. Response to Notice of Motion OCM26/2018: Dog Park Feasibility Investigations

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

Previous Items	OCM 26/2018
Directorate	Development Services
Business Unit	Development Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none">1. City of Kalamunda Dog Park Feasibility Investigations [10.2.5.1]2. Letter from Stephen Price re Dog Park [10.2.5.2]

EXECUTIVE SUMMARY

1. A Notice of Motion (NOM) (OCM26/2018) was carried at the Ordinary Council Meeting of 27 February 2018 (the OCM) which requested the Chief Executive Officer (CEO) investigate the viability and process associated with identifying and creating a fenced dog exercise area including, but not limited to, in the vicinity of the David Street easement in Maida Vale.
2. The City of Kalamunda (the City) has considered the viability and process of creating a fenced dog exercise area and recommends that Council considers the allocation of funds for progression of feasibility investigations as part of the 2018-19 budget deliberations.

BACKGROUND

3. A group of dog owners addressed Council and commented that the existing unfenced dog exercise areas such as Federation Gardens and Jorgensen Park are not entirely suitable for all dogs and the needs of their owners.
4. Residents at the same Council meeting also raised the following issues:
 - a) Concerns about larger dogs injuring smaller dogs.
 - b) Lack of dog agility and obstacle course equipment.
 - c) Decreasing lot sizes, limiting private open space areas for dogs.
 - d) Dogs escaping from unfenced areas.
5. Consequently, a NOM (OCM26/2018) was carried at the OCM which requested:

"That Council:

1. *Request the Chief Executive Officer to **investigate the viability and process** associated with a fenced dog exercise area including but not limited to in the vicinity of the David Street easement in Maida Vale.*
2. *Request the Chief Executive Officer to bring a report back to Council regarding Point 1 above, no later than the May round of meetings."*

6. The City also recently undertook a comprehensive consultation process through the development of the City's Public Open Space (POS) Strategy. Dog exercise areas were the 9/15 most wanted improvements to the City's POS areas. The broader community see that community infrastructure and park improvements have a greater priority than dog parks.
7. Correspondence was also received from the Member for Forrestfield, Mr Stephen Price (MLA) regarding the potential for a fenced dog exercise area within Fleming Reserve, see Attachment 2. Attached to the correspondence was a petition from thirteen residents.

DETAILS

8. Before investigating the viability of a fenced dog exercise area it is important to consider all the opportunities and constraints of the various recreation and other similar reservations available within the City, including the David Street easement in Maida Vale and Fleming Reserve in High Wycombe.
9. To conduct a full and proper investigation, the first phase involves appropriate site selection investigations and will include, but not be limited to:
 - a) assessment of suitability in relation to parking and accessibility;
 - b) assessment of suitability in relation to size and existing uses within the reservations;
 - c) assessment of suitability to contain the required infrastructure to support a dog exercise area;
 - d) assessment of suitability in relation to potential amenity impacts for immediately surrounding residents;
 - e) assessment of impacts to existing infrastructure / assets and vegetation on the subject reservations;
 - f) workshop and consultation with the City's technical teams on the initial outcomes of the site analysis;
 - g) consultation with Council on the preferred site; and
 - h) identification of the preferred site.
10. Subject to the outcomes of the first phase, the second phase will include a detailed site investigation and 'fatal flaw' analysis of the preferred location identified. This will include, but not be limited to:
 - a) Site Analysis (as relevant):
 - i. Topography
 - ii. Assets
 - iii. Bushfire
 - iv. Utilities / Easements
 - v. Environment
 - vi. Summary of general observations
 - b) Context Analysis
 - c) Indicative / Preliminary Design Concept
 - d) Recommendations
 - i. Landscape design considerations
 - ii. Environmental
 - iii. Servicing / Infrastructure
 - iv. Any other considerations

- e) Workshop and consult with the City's technical teams on the site investigations. Make modifications as appropriate.
 - f) Consult with Council on the site investigations. This will be undertaken via a Strategic Briefing Session. Make modifications as appropriate.
11. The third phase of the investigations will include the preparation of a detailed landscape concept design and associated cost estimates. The City will also prepare a detailed communications and consultation strategy to ensure community input is obtained and assimilated into the design.
12. As a guide, the key components of the detailed landscape concept will include:
- a) Perimeter fencing
 - b) Car parking (off-street)
 - c) Entry gate / doggy airlock
 - d) Service (maintenance) gates
 - e) Pathways (internal and external)
 - f) Ground surfaces (e.g. grass, mulch, gravel, sand, concrete)
 - g) Landscaping (e.g. vegetation, screen planting, mounding, exercise equipment and facilities).

STATUTORY AND LEGAL CONSIDERATIONS

13. *Section 31.1 of the Dog Act 1976 states, a dog may only be in a public place when it is either:*
- held by person capable of controlling it; or
 - when it is securely tethered.
14. In addition to *Section 31.1*, *Section 32 of the Dog Act 1976 states a dog shall not be in a dog exercise area or public place unless "it is being supervised by a competent person who is in reasonable proximity to the dog".*
15. *Section 31.3A Dog Act 1976 permits a local government, by an absolute majority as defined in the S1.4 Local Government Act 1995, to specify a public place that is under the care, control or management of the local government to be a dog exercise area.*
16. *Section 31.3C Dog Act 1976 requires a local government to give public notice, as defined in S1.7 Local Government Act 1995, for period of not less than 28 days, of their intention to make a place a dog exercise area.*
17. *Section 31.5 Dog Act 1976 requires a local government, "must specify ... such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in the district."*
18. *Section 1.7 Local Government Act 1995 local public notices must be:*
- *published in a newspaper circulating generally throughout the district; and*
 - *exhibited to the public on a notice board at the local government's offices; and*
 - *exhibited to the public on a notice board at every local government library in the district.*

POLICY CONSIDERATIONS

19. There are currently no policies relating to dog exercise areas.
20. As the project progresses, the City will consider the development of a policy to guide decision making and regulating the requirements of the proposed and future dog exercise areas.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. The scope of works detailed in Attachment 1 has been prepared with input from various teams within the City to ensure appropriate aspects of the proposal are covered within the scope.

External Referrals

22. The City recently undertook a comprehensive consultation process through the development of the City's POS Strategy, which included a questionnaire regarding the City's existing local recreation facilities. A total of 113 responses were received.
23. Notable feedback received from the community during this consultation process relating to dog exercise areas included:
 - a) Dog walking was ranked as the fifth of 10 most liked activities within the City's Public Open Space (POS) areas.
 - b) Dog issues (no fenced areas and owners disobeying reserve rules / restrictions) was the seventh of 10 most disliked issues associated with the City's sports reservations.
 - c) Dog exercise areas were the ninth of 15 most wanted improvements to the City's POS areas.
24. One resident made the following statement:

'So many unused grassed areas that could be used as an enclosed dog park. The closest ones currently are Inglewood and Aveley.'
25. As discussed in Point 11 of this report, the City will prepare a detailed communications and consultation strategy to ensure community input is assimilated into the design should the project be progressed.

FINANCIAL CONSIDERATIONS

26. It is recommended that Council provide an initial budget allocation of \$15,000 as part of the 18-19 budget to undertake a detailed concept landscape design as specified within Phase 3 of the scope of works outlined in Attachment 1.
27. This project has not been identified within the City's current budget and as such it is recommended to be deferred for consideration as part of the 18/19 budget deliberations.

28. In relation to the cost of future construction, this will be identified as part of the detailed landscape concept and through the feasibility investigations. Indicative infrastructure components of the construction are discussed at Point 12 of this report. Discussions with land developers who have constructed contemporary facilities (high spec) in new estates indicate an approx. budget amount of \$500,000 inclusive of car parking infrastructure. The final estimates are dependent on the scale of infrastructure involved and the site selected as part of the feasibility investigations. There are varying scales of dog parks and Council need to provide guidance on this as part of the feasibility investigation process.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy - 1.2.1 Facilitate a safe community environment.

SUSTAINABILITY

Social Implications

30. Dog exercise areas can reduce the likelihood of dog owners letting their dog's off-leash in other recreational areas and infringing on the rights of other community residents and park users. They can also provide opportunities to educate dog owners about animal health and welfare and dog park etiquette.
31. Dog exercise areas can provide opportunities for dogs to have frequent interaction with other dogs and people. Dogs that are well socialised and exercised are healthier and happier as well as less likely to be aggressive.
32. Dog parks can provide a public space where dog owners can interact with each other and form community bonds. Dogs can act as a social catalyst, with owners more likely to exchange favours with neighbours, to be involved in community issues and develop higher levels of social capital.
33. Residents may object to the dog exercise park due to potential local amenity issues, which may include:
- a) Potential noise and odour problems.
 - b) Parking congestion in residential streets.
 - c) Dogs off-leash when walking to and from the dog exercise park.

Economic Implications

34. A trip to the dog park is a free outdoor activity where the family can take both their children and their pet (provided they are both under supervision by adults).
35. Construction of the dog park will be a key consideration at the conclusion of the feasibility investigations. Construction of the dog park needs to be balanced against other recreational priorities including the implementation of various Master Plans across the City's recreational facilities.

Environmental Implications

36. Good control and design of dog exercise parks can reduce the incident of dog faeces in parks and on footpaths.
37. Environmental factors will be a consideration of the feasibility investigations, with particular reference to site selection.

RISK MANAGEMENT CONSIDERATIONS

38.	Risk: Aggressive dog causes harm to people or other animals at the dog exercise area		
	Likelihood	Consequence	Rating
	Almost Certain	Moderate	High
	Action/Strategy		
	a) Display dog exercise area rules on easy to read signage. b) Regular patrols of the dog exercise area by City Rangers. c) Community education on dog etiquette when using a dog exercise area. d) Design criteria can assist with a variety of spaces for different users, allowing dog owners to choose appropriate space for their dog's temperament.		
	Risk: Dog faeces are not well managed, resulting in odour and/or public health concerns		
	Likelihood	Consequence	Rating
	Likely	Moderate	High
	Action/Strategy		
	a) Display dog exercise area rules on easy to read signage. b) Education program to advise dog owners of appropriate etiquette. c) Dog exercise areas have sufficient waste disposal sites to encourage owners to collect dog faeces.		
	Risk: Dog exercise park contributes to spread of dog viruses, such as parvo-virus		
	Likelihood	Consequence	Rating
	Likely	Moderate	High
	Action/Strategy		
	a) Display dog exercise area rules on easy to read signage.		

- b) Dog exercise areas have sufficient waste disposal sites to encourage owners to collect dog faeces.
- c) Design of the area considers the spread of dog viruses and makes appropriate choices about landscape and assets to minimise infection.

OFFICER COMMENT

- 39. Based on consultation undertaken as part of the City's POS Strategy, there appears to be some community interest in the development and provision of dog exercise areas. This comes from both dog users and other park users, particularly sporting groups.
- 40. The creation of a dog exercise area requires careful planning and consideration to ensure it reflects the current and future needs of the City's residents. The nature and scale of the dog exercise area also needs to be well defined to inform budget estimates and infrastructure requirements.
- 41. It is important that appropriate feasibility investigations are undertaken to inform site selection and design and give consideration to the asset management and maintenance requirements of the facility. There are varying scales of dog parks and Council need to provide guidance on this as part of the feasibility investigation process.
- 42. Dog exercise areas can reduce the likelihood of dog owners letting their dog's off-leash in other recreational areas and infringing on the rights of other community residents and park users. They can also provide opportunities to educate dog owners about animal health and welfare and dog park etiquette.
- 43. Research into existing dog parks within the metropolitan region indicates the majority of park users drive to dog parks. This highlights that car parking is key matter for consideration as part of the design process.
- 44. An appropriately sized off-street parking facility will form part of the design considerations. The transition from the car park to the designated entrance of the dog park needs to be direct and safe. Locating off-street parking as close as possible to the dog park entrance is important in order to discourage owners letting their dog off-leash to and from the fenced areas of the park.
- 45. It is recommended that Council note the information contained within the report in response to the NOM (OCM 26/2018) and considers the allocation of funds for progression of the project as part of the 2018/19 budget deliberations.

Discussions ensued and a suggestion to amend the recommendation to include a dollar figure was made and is shown in bold.

Voting Requirements: Simple Majority

RESOLVED OCM 79/2018

That Council:

1. Note the information contained within the report in response to Notice of Motion (OCM26/2018).
2. Considers the allocation of funding of **\$15,000 for a feasibility study** ~~for the project~~ as part of the 2018-19 budget deliberations.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

10.3. Office of the CEO Reports

10.3.1. Request for Change of Name - Reserve 29873 - 39 Sanderson Road, Lesmurdie

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

Previous Items	OCM 109/2013
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	SN-01/039
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. To support a request for a portion of Reserve 29673 at 39 Sanderson Road, Lesmurdie currently named "Willoughby Park" to be renamed Barrie Oldfield Park.
2. In 2013 then local resident, Barrie Oldfield, registered a Friends Group with the City and the aim of the group was to preserve and maintain this naturally vegetated Reserve. The City supported the naming of the Reserve as Willoughby Park and this was accepted by Landgate.
3. It is recommended Council support further investigation into renaming the Reserve in recognition of Barrie Oldfield's contribution.

BACKGROUND

4. Willoughby Park has an area of 2,732sqm and forms part of Reserve 29673. It is located on the corner of Sanderson and Willoughby Roads, Lesmurdie and abuts the Sanderson Road Shopping Centre.
5. In August 2013 the City endorsed and requested approval of the name "Willoughby Park" to Landgate's Geographic Names Committee (OCM 109/2013). The Geographic Names Committee approved the name on the basis it had no objections to the park being named after the street on which it is located.

DETAILS

6. To change the name of the Reserve from Willoughby Park to Barry Oldfield Park the name change must be forwarded to Landgate for initial advice.
7. Preliminary discussions with Landgate have indicated Landgate would not be supportive of the name change. A key reason being when a Reserve is named the intention is for that name to be enduring. If approved by Landgate the City will likely charge a fee for 'unnecessary name change'.

8. For the name change of Barry Oldfield Park to be considered, information will need to be provided on the person's contribution to the community. If Landgate is of the opinion the person did not make a significant enough contribution they will not approve the name change.

STATUTORY AND LEGAL CONSIDERATIONS

9. The name must adhere to the requirements of *Policies and Standards for Geographical Standards for Geographical Naming* in Western Australia.

POLICY CONSIDERATIONS

10. The City does not have a policy for the naming of Reserves.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Not required.

External Referrals

12. The City would be required to undertake public consultation as to the community's support of a name change. Support for the name would be required for Landgate to give consideration to the proposal.

FINANCIAL CONSIDERATIONS

13. Landgate may charge the City if a name change is supported.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: Landgate does not support the change of name from Willoughby Park to Barrie Oldfield Park.		
	Likelihood	Consequence	Rating
	Likely	Insignificant	Medium
	Action/Strategy		
	Expectation of name change happening to be managed within the Community.		
	Risk: Community or family may not agree with the change.		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	Undertake broader community consultation.		

OFFICER COMMENT

19. The City has no objection to the name being changed to honour the contribution made by Mr Oldfield within the local Lesmurdie Community.
20. The change of name was initially instigated by the Lesmurdie Residents Association. As this group is no longer in operation it would not be possible to get their endorsement.
21. City staff have contacted the Men of the Trees, of which Mr Oldfield was a member. The Men of the Trees are supportive of the change of name.
22. The family of Mr Oldfield have not yet been consulted and it would be essential that the city gain their support before embarking on any name changes.

Voting Requirements: Simple Majority

RESOLVED OCM 80/2018

That Council:

1. Request the Chief Executive Officer to undertake community consultation on the change of name for Reserve 29673 at 39 Sanderson Road, Lesmurdie currently named "Willoughby Park" to be renamed Barrie Oldfield Park and report the outcome to Council.

Moved: **Cr Tracy Destree**

Seconded: **Cr Geoff Stallard**

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

10.3.2. Kalamunda Arts Advisory Committee - Recommendations

A deputation was received from Mr Andy Farrant of 60 John Farrant Drive, Gooseberry Hill and Mr Steve Castledine of 54 Kalamunda Road, Kalamunda. Both spoke in favour of the Officer Recommendation.

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

Previous Items	OCM 260/2017
Directorate	Office of the Chief Executive Officer
Business Unit	Office of the Chief Executive Officer
File Reference	CO-CEV-005
Applicant	
Owner	
Attachments	Nil

EXECUTIVE SUMMARY

1. To consider the recommendations of the Kalamunda Arts Advisory Committee (KAAC).

BACKGROUND

2. Council has approved the establishment, pursuant to the provisions of section 5.8 of the *Local Government Act 1995* (the Act), of the KAAC including its Terms of Reference.

DETAILS

3. At a meeting of KAAC on 19 April 2018 several recommendations were made for consideration by Council.
4. The Terms of Reference of KAAC permit a total of ten full members comprising:
 - a) one Councillor;
 - b) five members of the Arts Community who are practising in fine arts within the City (ranging disciplines);
 - c) two members of the community who are practising in performing arts within the City; and
 - d) two members from Community Arts Groups within the City.
5. Currently there are only eight members of the committee. There remain two vacancies on the Committee, one of which is for a member of a Community Arts Group within the City. The Committee requests that the following three community members be endorsed as members of the KAAC.
 - a) Briony Bray is a member of the Kalamunda Senior High School Gifted and Talented art student group.
 - b) Tammi Lal of Wattle Grove is the organiser of the Foothills Unearthed community events.

- c) Carol Innes of Forrestfield has a strong background in strategic arts, having worked for the Department of Culture and Arts, Artsource, Perth Festival and the Metropolitan Redevelopment Authority.

6. The Committee has prioritised actions that it regards as achievable during the 2018/19 financial year. The Committee requests consideration for funding for consideration in the 2018/2019 budget for these projects.

7. **Recommendations by the Kalamunda Art's Advisory Committee**

- 1. That Council lists for consideration in the 2018/19 budget the following items:
 - i) Funding to undertake the development of an Arts Strategy.
 - ii) Funding to undertake an operational effectiveness review of the Kalamunda Performing Arts Centre, the Perth Hills Visitor Centre and Zig Zag Art Gallery
- 2. That Council notes the Kalamunda Arts Advisory Committee supports the development of the City of Kalamunda branding strategy and requests that Council extends the timeframe to complete the strategy by three months in order for the Committee to participate in the creative process and project development.
- 3. That Council endorse Briony Bray, Tammi Lal and Carol Innes as members of the Kalamunda Arts Advisory Committee.

Moved: Gordon Mitchell
Seconded: Johannes Pannekoek
Vote: Carried Unanimously

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

9. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Nil.

External Referrals

11. Community engagement has not been undertaken with respect to this Report.

FINANCIAL CONSIDERATIONS

12. There will be an increase in the operational expenditure if funding is approved for the items listed under Item 7 above.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

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

SUSTAINABILITY

Social Implications

14. It is not expected that there will any negative social impacts from the recommendations.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.	Risk: Request for actions not approved by the Council.		
	Likelihood	Consequence	Rating
	Unlikely	Minor	Low
	Action/Strategy		
	Actions approved by Council to support the objectives of the Committee.		

OFFICER COMMENT

18. Funding to develop an Arts Strategy will assist the Committee to obtain information that will enable it to focus its priorities.

Funding for an external operational review of cultural facilities will assist the Committee to advise on appropriate management models and consider operational efficiencies.

Councillors discussed and allocated figures to the Arts Strategy and the operational review. The amendments are shown in bold.

Voting Requirements: Simple Majority

RESOLVED OCM 81/2018

That Council:

1. Lists for consideration in the 2018/19 budget the following items:
 - a) Funding **\$20,000** to undertake the development of an Arts Strategy.
 - b) Funding **\$40,000** to undertake an operational effectiveness review of the Kalamunda Performing Arts Centre, the Perth Hills Visitor Centre and Zig Zag Art Gallery
2. Notes the Kalamunda Arts Advisory Committee supports the development of the City of Kalamunda branding strategy and requests that Council extends the timeframe to complete the strategy by three months in order for the Committee to participate in the creative process and project development.
3. Endorse Briony Bray, Tammi Lal and Carol Innes as members of the Kalamunda Arts Advisory Committee.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

Vote:

For	Against
Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr David Almond Cr Sara Lohmeyer Cr Cameron Blair Cr Tracy Destree Cr Margaret Thomas	Cr Lesley Boyd Cr Allan Morton Cr Dylan O'Connor CARRIED 8/3

10.4. Chief Executive Officer Reports

10.4.1. Kalamunda Aged Care Advisory Committee - Recommendations May 2018

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

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

Attachments	1. KACAC TERMS OF REFERENCE - Reveiwed May 2018 [10.4.1.1]
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EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

5. At its Ordinary Meeting in March 2018 the City resolved (OCM 40/2018) to agree to in principle support of holding a Retirement Living Community Conference.
6. The resolution also referred the concept of a Retirement Living Community Conference to the KACAC for advice on the proposal.
7. At its meeting held on 2 May 2018 the KACAC moved a motion in support of the City giving consideration to hosting a community forum to inform and update the community.

MOTION

The Kalamunda Aged Care Advisory Committee supports the concept of the City of Kalamunda conducting a Forum incorporating information on trends and issues in aged care accommodation, current models being provided by the

industry, as well as providing updates to the community on aged care sites in Kalamunda.

Moved: **Ray Maher**
Seconded: **Ian Tarling**
Vote: **Carried Unanimously**

8. The Committee also discussed two issues within the Terms of Reference. It was decided the Terms of Reference required amendment to better reflect the intention.

MOTION

That Kalamunda Aged Care Advisory Committee:
Request Council to amend the Terms of Reference to reflect that ex-officio appointments are non-voting members as shown in the revised Terms of Reference at Attachment 1.

Moved: **Beverley Giumelli**
Seconded: **Helen Dymond**
Vote: **Carried Unanimously**

9. The TORS at Point 10 – state that KPIs are to be added when agreed upon. It is requested KACAC give consideration to this and advise if KPIs should be developed. If so, what would they entail, and if not, then they should be removed from the terms of reference.

MOTION

That Kalamunda Aged Care Advisory Committee:
Not support the development of Key Performance Indicators and reference should be removed from the Terms of Reference.

Moved: **Margaret Thomas**
Seconded: **Ray Mayer**
Vote: **Carried Unanimously**

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

12. Nil.

External Referrals

13. Nil.

FINANCIAL CONSIDERATIONS

14. Conducting a Community Forum would be subject to Council supporting the allocation of funds in the 2018/2019 Municipal Budget.

The cost of the forum would require a future budget allocation of approximately \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 4: Kalamunda Leads

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

Strategy 4.2.1 - Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

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

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.	Risk: The community will not support and attend a community retirement living forum.		
	Likelihood	Consequence	Rating
	Unlikely		Low
	Action/Strategy		
	Ensure all seniors networks are engaged and good promotional campaign is launched.		

OFFICER COMMENT

20. The concerns raised by the KACAC on the matter of hosting a retirement conference largely centred on the naming of the event. Whether the event is called a forum or conference has little bearing on the content which will still cover the latest trends, ideas and models being built for retirement living, as well as the work being undertaken by the City to develop public owned land for integrated aged care facilities.

Discussions ensued, and an amendment was made to point 1 of the officer recommendation and is shown in bold below.

Voting Requirements: Absolute Majority

RESOLVED OCM 82/2018

That Council:

1. Lists for budget consideration a sum of \$20,000 **\$12,000** in the 2018-19 budget deliberations for the purpose of holding a Retirement Living Community Forum.
2. Notes the wishes of the Kalamunda Aged Care Advisory Committee to call the event a Retirement Living Community Forum and to include information about aged care developments within the City of Kalamunda;
3. Modify the Terms of Reference of the Kalamunda Aged Care Advisory Committee as follows:
 - a. That ex-officio appointments are non-voting members.
 - b. That Key performance indicators are removed from Terms of Reference
4. Adopts the revised Terms of Reference as shown as attachment 1 to this report.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

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

11. Motions of Which Previous Notice has been Given

11.1. Naming of Forrestfield Train Station

NOTICE OF MOTION

Voting Requirements: Simple Majority

RESOLVED OCM 83/2018

That Council:

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

Rationale:

1. Recently, for several years, the special rural blocks in High Wycombe, bordered by Maida Vale Rd, Dundas Rd, Berkshire Rd and Roe Hwy, have been in limbo as the residents have been waiting for some certainty around the future planning, zoning, opportunities and restrictions on their land.
2. The process originated with the area being identified as suitable for light industrial purposes.
3. The State Government then announced that it was going to construct an airport rail link that included an extension and station in the High Wycombe precinct previously mentioned.
4. The State Government through various departments determined that the working name of the station to be located in High Wycombe would be Forrestfield.
5. As a result of the announcement of the train station, the State Government then wrote to the then Shire of Kalamunda and requested that the officers begin the process of creating a structure plan over the area previously stated that shifted away from industrial uses and included residential and commercial opportunities to take advantage of the new train station.
6. The City's staff at the time developed a District Structure Plan and tentatively named it, 'Forrestfield North'.

7. The staff sought guidance from Council and at an Ordinary Meeting of Council, it was determined that Council would undertake the planning for the area.
8. Early in the process, among City staff and organisations such as the Public Transport Authority (PTA) and other relevant parties, it was agreed that the term, 'Forrestfield Station' was a suitable working title. The PTA agreed that at some point in the near future, the naming process would be undertaken with wide community consultation.
9. There is a question over whether the naming process for the station should happen in isolation or in conjunction with a potential new name for the wider district or whether a new name for the district is even required.
10. Worth noting is that there are many residents that have either made a choice to stay, or through the potential impacts of the revised planning, have decided that they won't be moving for a number of years and that their identity through location needs to be preserved. Part of ones identity is where they live and this is the case in many cultures – I don't want to diminish this potential impact for any of the residents living in the precinct.
11. The importance of initiating the naming process cannot be underestimated. This train station is being constructed in an existing and well-established community. The stakeholders, including residents, must take into account the expected life of the project area and the impact on the residents who are unable to or choose not to move early in the development process.
12. The naming process needs to involve the immediate residents, the wider community, relevant elected members from local, state and federal levels and it needs to follow the process as set out by relevant State Government agencies.

Officer Comments

Subject to the Notice of Motion, the City will initiate investigations through relevant State Government agencies to identify and define the appropriate process for considering the naming of the future Forrestfield train station and broader District Structure Plan area.

Through identifying this process, the City will, if supported by the State, establish an appropriate Consultation and Engagement Strategy that will ensure community involvement and high levels of engagement to inform to decision making process.

11.2. Policy for Hypothecating Funds from Telecommunication Towers

NOTICE OF MOTION

Voting Requirements: Simple Majority

RESOLVED OCM 84/2018

That Council:

1. Requests the Chief Executive Officer to prepare a Council Policy that establishes protocol's that ensures that revenues received from Telecommunication Towers, where they are constructed in public reserves are hypothecated back to community groups or clubs in the near vicinity of the tower through a formalised process.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

Rationale:

1. The development of mobile phone towers in the City of Kalamunda in recent times has proven to be, at times, divisive in the community as residents struggle to reconcile the perceived amenity issues that the towers bring with the improved mobile connectivity that they are told they will experience following the installation of a tower.
2. The Council has found that carriers have demonstrated a general willingness to work with the council, city staff and residents to find suitable locations for the infrastructure that they wish to install.
3. There has been a trend occurring in metropolitan and built-up areas around Perth that has seen telecommunication providers increasingly opting to locate mobile telephone infrastructure towers in locations such as recreational and sporting reserves.
4. In choosing these locations to develop telecommunication towers, the carriers have generally acknowledged or accepted that there is a community interest in locating this type of infrastructure in a location that prevents residents from extended exposure to a reduced amenity. In my view, a carrier is demonstrating sound judgement when they take the matter of community amenity into their wider consideration before lodging a development application to install a telecommunication tower.
5. The City should continue to work with carriers to assist them in locating infrastructure that services the residents but has minimal negative impact on their amenity.

6. In locating telecommunication towers in recreational and sporting reserves, the visual amenity that families are experiencing is minimal and on average, less than 4 hours per week. This is in direct comparison to towers that are located adjacent to residential precincts whose occupants could experience the perceived negative amenity issues beyond 12 hours per day.
7. Typically, the City receives a small amount of revenue from the footprint of the telecommunication tower and is considered 'rent' paid by the carrier.
8. It is proposed that the 'rent' or income that is generated by any new installation of a telecommunication tower that is located on a recreation or sporting reserve is directed to a reserve account under the name of the recreational reserve and held by the City, for example, 'Reid Oval, Forrestfield Capital works'. The purpose of the reserve is to assist the user groups to apply for and carry out capital works upgrades to their facilities that otherwise would have to be considered by council as part of the budget process – therefore helping them to get on with required upgrades sooner.
9. The benefits to these user groups that purely consist of volunteers, is that they can begin to make short and long term plans when considering facility upgrades and other capital works. Council is aware of the commitment that community group volunteers make and is willing to assist them in their efforts to improve the facilities and amenity for their group's users.

Officer Comments

The development of a policy establishing protocols to ensure that revenue received from telecommunication towers constructed on public reserves is hypothecated to community groups or clubs in the near vicinity of the tower is supported. It should be noted that the Department of Planning, Lands & Heritage (DPLH) has responsibility for the decision regarding the application of revenue from telecommunication towers located on public reserves and their decision on whether or not the City receives any rental funds and the manner in which any rental funds received by the City must be applied in accordance with management orders.

It is also recommended that consideration is given to ensuring that access to the funding reserve proposed within this nomination be consistent with the Capital Grants Policy and considered by the Strategic Sport and Recreation Committee where appropriate.

12. Questions by Members Without Notice

12.1 Cr Tracy Destree – Clarification of BFAC Minutes

- Q. Item 7.1.2 is a recommendation by the advisory committee to Council to support investigating and creating a register to maintain for volunteers who have been exposed to AFFF. The minutes have been tabled at this meeting, yet the recommendation hasn't appeared on the agenda. I'm seeking clarification of what is the status of that.
- A. The Director Development Services advised the Emergency Management team is currently liaising with the Occupational Health and Safety and People Services teams to identify the requirements of such a register and the appropriate management of the details in ensuring the currency of those details. When people are registered on such a register, their addresses may change and issues relating to the exposure may arise many years down the track and it is important the City is able to maintain the details. The City is working around the management procedures and a report will be presented to Council in response to the BFAC recommendation with commentary to that effect.

12.2 Cr Dylan O'Connor – Agenda Size

- Q. There have been issues with Councillors and residents being unable to download the agenda due to the size. Is it possible to provide the attachments as a separate document as was previously done.
- A. The Chief Executive Officer confirmed that agenda and attachments will be separated for easy download.

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

13.1 Nil.

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

14.1 Nil.

15. Meeting Closed to the Public

Cr Tracy Destree left chambers at 8.49pm and returned at 8.51pm and was not present for the vote.

That the Meeting be closed to the public to consider confidential items.

RESOLVED OCM 85/2018

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

The Meeting closed to the public at 8.50pm. All members of the public gallery left the meeting and all elected members and staff remained.

15.1. Office of the CEO Reports

15.1.1. Chief Executive Officer's Performance and Salary Review Policy

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	Human Resources
File Reference	
Applicant	
Owner	

Confidential Attachment	1. C- H R 07 CEOPRC Policy and Procedure [15.1.1.1]
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Voting Requirements: Simple Majority

RESOLVED OCM 86/2018

That Council:

1. Approves the adoption of C-HR07 Chief Executive Officer's Performance and Salary Review Policy and CM-HR07 Chief Executive Officer's Performance and Salary Review Procedure.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY 10/0**

Cr Geoff Stallard declared an Interest Affecting Impartiality on this item as his grandson attends the childcare centre. Cr Stallard left Chambers at 8.51pm and returned at 9.10pm and was not present for discussions or the vote.

The meeting adjourned briefly at 8.52pm at the direction of the Mayor and recommenced at 8.56pm.

15.1.2. Consideration of Conditions of Retrospective Development Approvals DA17/0531 and DA17/0532 and Supreme Court Appeal – 59 Coolinga Road Lesmurdie

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

Previous Items	OCM 80/2017, SCM 66/2018
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	DA17/0531, DA17/0532 & 170037/ GDA1/2018
Applicant	Allerding & Associates / City of Kalamunda
Owner	36 Marri Crescent: Chakana Pty Ltd & Maggie Pty Ltd 61 Coolinga Road: Chakana Pty Ltd & Maggie Pty Ltd 59 Coolinga Road: Chakana Pty Ltd & Maggie Pty Ltd
Confidential Attachments	<ol style="list-style-type: none"> 1. Pachamama Table of Comments [15.1.2.1] 2. City of Kalamunda Report D& A 09 of 2017 [15.1.2.2] 3. Supreme Court of WA Appeal Notice [15.1.2.3] 4. Legal Advice received 6 February 2018 [15.1.2.4] 5. Item 10.3.4 City of Kalamunda Report OCM May 2017 [15.1.2.5] 6. SAT Decision 14 December 2017 [15.1.2.6] 7. City of Kalamunda Report SCM April 2018 [15.1.2.7] 8. Written Advice from City of Kalamunda 10 May 2018 [15.1.2.8]

An alternative recommendation was provided to Councillors prior to the meeting and the Presiding Member provided reasoning to Council. The substantive motion was put and as there was no mover it lapsed. Discussions ensued.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Note the ongoing discussions between the City and Pachamama Pty Ltd regarding the conditions imposed by Council in its resolution SCM 66/2018;
2. Endorse the City's appeal of the decision of the State Administrative Tribunal on 14 December 2017 in the matter DR 196/2017, to the Supreme Court of Western

Australia under section 105 of the State Administrative Tribunal Act 2005, as filed in the matter GDA1/2018 on 12 January 2018 (**Appeal**);

3. Agree to continue with the Appeal and at the same time to request the Chief Executive Officer to procure further detailed legal advice on the prospects of the Appeal in circumstances where the Council has now approved retrospective development applications for Lot 19 (36) Marri Crescent, Lesmurdie and Lot 55 (61) Coolinga Road, Lesmurdie, being DA17/0531 and DA17/0532 respectively (**Legal Advice**); and
4. Give further consideration to any continuation of the Appeal upon receipt and assessment of the Legal Advice.

Moved: **LAPSED**

Seconded:

Vote:

Voting Requirements: Simple Majority

RESOLVED OCM 87/2018

That Council:

1. Note the ongoing discussions between the City and Pachamama Pty Ltd regarding the conditions imposed by Council in its resolution SCM 66/2018;
2. Endorse the City's appeal of the decision of the State Administrative Tribunal on 14 December 2017 in the matter DR 196/2017, to the Supreme Court of Western Australia under section 105 of the *State Administrative Tribunal Act* 2005, as filed in the matter GDA1/2018 on 12 January 2018 (**Appeal**).
3. Requests the Chief Executive Officer to immediately withdraw the Appeal from the Supreme Court.
- ~~3. Agree to continue with the Appeal and at the same time to request the Chief Executive Officer to procure further detailed legal advice on the prospects of the Appeal in circumstances where the Council has now approved retrospective development applications for Lot 19 (36) Marri Crescent, Lesmurdie and Lot 55 (61) Coolinga Road, Lesmurdie, being DA17/0531 and DA17/0532 respectively (**Legal Advice**); and~~
- ~~4. Give further consideration to any continuation of the Appeal upon receipt and assessment of the Legal Advice.~~

Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

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

Pursuant to *Local Government (Administration) Regulations 1996 Reg 11(da)* the reason for the alternative motion was given that Council has subsequently approved development approval for increased numbers in children at Lot 19 (30) Marri Crescent and Lot 55 (61) Coolinga Road, it was no longer seen feasible to pursue the appeal.

16. Meeting Open to the Public

- 16.1 That the meeting be reopened to the public following consideration of confidential matters.

RESOLVED OCM 88/2018

Moved: **Cr Tracy Destree**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY 10/0**

The meeting reopened to the public at 9.10pm. No public returned and therefore the Presiding Member disposed with reading the motions passed behind closed doors.

17.0 Tabled Documents

1. BFAC GM Minutes 15 March 2018
2. SSRC Minutes 21 March 2018
3. KEAC Minutes 22 March 2018
4. SSRC Minutes 5 April 2018
5. SSRC Minutes Attachment 1 5 April 2018
6. PBF Minutes 8 May 2018

18. Closure

There being no further business, the Presiding Member declared the Meeting closed at 9.10pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2018.