

Ordinary Council Meeting

Minutes for Tuesday 23 October 2018

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff, Members of the Press and Members of the Public Gallery.

2. Attendance, Apologies and Leave of Absence Previously Approved

2.1 Attendance

Councillors

South East Ward

John Giardina - (Mayor) (Presiding Member) *(left at 6:42pm, returned at 7:49pm)*

Michael Fernie

Geoff Stallard

South West Ward

Lesley Boyd

Allan Morton

Brooke O'Donnell

North West Ward

David Almond

Sara Lohmeyer

Dylan O'Connor

North Ward

Cameron Blair

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Brett Jackson - Director Asset Services

Gary Ticehurst - Director Corporate Services

Peter Varelis - Director Development Services

Management Team

Alida Ferreira - Manager Financial Services

Andrew Fowler-Tutt - Manager Approval Services

Nicole O'Neill - Manager Customer & Public Relations

Jamie Paterson - Manager Information Technology

Administration Support

Leisha Fair - Governance Officer

Darrell Forrest - Governance Advisor

Sarah Griffiths - Acting Executive Research Officer to Chief Executive Officer

Gabriel Porto - IT Coordinator

Members of the Public

34.

Members of the Press

Thirty four.

2.2 Apologies

Nil.

2.3 **Leave of Absence Previously Approved**

Nil.

3. Public Question Time

3.1 Questions Taken on Notice at Previous Meeting (25 September 2018)

3.1.1 Vanessa Mazza of 55 Goderich Street, East Perth

Item 3.2.1 of OCM 25/09/2018 - Protected Banksia Woodlands at 500 Gavour Rd, Wattle Grove, Permits for Clearing of Firebreaks Undertaken on 18 September 2018

Summary of questions:

- Q1. *Did an Environmental Officer physically attend the site?*
- Q2. *Who did they speak to, and when?*
- Q3. *If no one attended the site, why not?*
- Q4. *Is the description of what kind of clearing occurred quote "only low scrub and bush within the firebreak area"?*
- Q5. *Was this from City officers first hand account, or is this the account provided by the owner?*
- Q6. *Given the legal requirement within the City of Kalamunda for firebreaks is only 3 metres wide x 4 metres high, and that the removal of bush may have occurred well beyond these limits, has anyone since been in touch with the owner or has the site been inspected? If not, why not?*
- Q7. *If the clearing was to exceed the City's requirements, would they then need a permit?*
- Q8. *Was the description of being quote "only low scrub and bush" the officers firsthand account or was this account provided by the owner?*
- Q9. *Could someone please measure and assess whether the clearing exceeded the standard allowances for firebreaks?*

Summary of response from the Director Development Services. Please note that Questions 1 through to 6 were answered at the meeting and have been paraphrased below:

- A1. *Two of the City's planning staff attended.*
- A2. *They spoke to a contractor onsite on 18 September 2018.*
- A3. *Refer answer to Question 1.*

- A4. *This description was provided by the contractor.*
- A5. *Refer response to Question 4.*
- A6. *The City of Kalamunda has referred this matter to the State Government for consideration.*
- A7. *The City of Kalamunda has referred this matter to the State Government for consideration.*
- A8. *City officers advised this information was obtained from the Contractor undertaking the works. Photographs were taken, and they appear to be consistent with the information provided.*
- A9. *The City of Kalamunda has referred this matter to the State Government for consideration.*

3.1.2 Vanessa Mazza of 55 Goderich Street, East Perth

Item 3.2.2 of OCM 25/09/2018 - Letter from Minister for the Environment - Environmental Assessment of 500 Gavour Rd, Wattle Grove

Summary of question:

- Q1. *As advised by the Department of Biodiversity and Conservation and Attractions, have the floristic types been identified and a targeted flora ground study conducted?*
- Q2. *If these studies have not been conducted, how will they be undertaken now that they have been trampled or removed and there is effectively no vegetation or floristic types left to assess?*

Summary of response from the Director Development Services:

- A1. *On 3 October 2018, the City was advised by consultants working on behalf of the landowner of Lot 500 Gavour Road that environmental assessments are currently underway and they should be completed by the end of October 2018 at the latest.*
- A2. *The City of Kalamunda has referred this matter to the State Government for consideration.*

3.1.3 Kim Manson of 45 Ridley Road, Wattle Grove

Item 3.2.4 of OCM 25/09/2018 - Protected Banksia Woodlands, 500 Gavour Rd, Wattle Grove, Permits for Firebreaks 18 September 2018

Summary of questions:

- Q2. *Where did they tour, can these details be provided in the photographs taken by the City officers and will they be available to view?*

Summary of response from the Director Development Services:

A2. *There is photographic evidence of where the works on the site were undertaken. Any requests for photographs would need to be requested through a Freedom of Information request.*

3.1.4 Mr Peter Forrest of 36 Panoramic Terrace, Kalamunda

Item 5.1 of PBF 09/10/2018 - Public Safety in Kalamunda; Removal of Crossing Haynes Street / Canning Road (IGA) – From the Public Briefing Forum of 11 September 2018 Item 10.2.1 Roads Asset Management Plan

Summary of question:

Q1. *Have Main Roads taken any action on the crossing, or are they more concerned with traffic flow rather than the safety of the people of Kalamunda?*

Summary of response from the Director Asset Services:

A1. *The City is currently reviewing designs for pedestrian crossings on Canning Road approximate to the Kalamunda Town Centre.*

Main Roads WA has provided its approval in principle for a painted pedestrian (zebra) crossing to be installed on Canning Road between Haynes Street and Heath Road.

The City is currently finalising the concept design for this crossing along with eight (8) other crossing improvements within the Kalamunda Town Centre Area for consultation with adjacent property owners / occupiers. Once consultation has been completed, detailed design will then be undertaken to ensure correct alignment and any potential stormwater drainage issues are designed out at each crossing location. We can then proceed to the implementation phase of the works.

3.1.5 Peter Forrest of 36 Panoramic Terrace, Kalamunda

Asked at Item 10.1.5 of PBF 09/10/2018 - Appointment of DAC Members

Summary of question:

Mr Forrest asked questions regarding the appointment of DAC members and whether they have local knowledge of the City. The Presiding Member informed Mr Forrest that this question related to an earlier Item in the Agenda that was now closed for comment.

Summary of response from the Manager Approval Services:

One member of the Design Advisory Committee currently resides within the City of Kalamunda.

3.2 Public Question Time (Meeting of 23 October 2018)

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

3.1 Daren Pedlar of Our Flower Studio and Perth LimoVan, Shop 5/4 Haynes Street, Kalamunda –Impact on Local Businesses due to the Closure of Haynes Street for the Night Markets

Summary of questions from Mr Pedlar:

- Q1. *Why is the City providing financial and administrative support for events being held by the Kalamunda Chamber of Commerce which support:*
- a) *businesses from outside our community, and*
 - b) *an event that directly impacts the financial viability of local businesses on their busiest days.*
- Q2. *Why has the City not made contact after we delivered a letter addressing our concerns about the Kalamunda Night Markets?*
- Q3. *Why has the City chosen not to engage with any of the businesses in Haynes Street affected by the Kalamunda Night Markets?*

Summary of response from the Chief Executive Officer:

These questions will be taken on notice and the Manager Customer & Public Relations will provide an early comment.

Summary of response from the Manager Customer & Public Relations:

- A1. *In relation to the event approval, I can confirm that the Kalamunda Chamber of Commerce is required to complete an event approval (that they did submit) which has a large number of conditions that are a part of that particular event approval. This was received and includes: notifications by letter to business owners that are impacted; a traffic management plan; all stall holders to have temporary food permits; parking plans; risk management plans and the like. I look forward to working with businesses along Haynes Street to work out the best solution.*
- A2. *Confirmed that discussions have been had with Mr Pedlar with relation to his questions and the City is working through the letter received from him.*
- A3. *There are a number of suggestions put forward in regard to different locations for the Night Markets and the City is looking at undertaking further development with the Chamber of Commerce and the local businesses within Haynes Street in relation to ideas for improvement.*

The City is also undertaking work in the town centre around the Kalamunda Activity Centre Plan and anticipate some improved suggestions as to how the markets work with the Town Centre as a result.

Response from Mr Pedlar:

Without all these approvals, why are they still holding the event? They have all these conditions that they have to conform to, yet they are still holding the event. Where is it written that, without approvals and without meeting your conditions, you can still hold the event?

Summary of response from the Chief Executive Officer:

The Manager Customer & Public Relations has confirmed that the Chamber of Commerce has filled out all event approval forms and does have the approvals to hold the Kalamunda Night Market.

Summary of response from the Manager Customer & Public Relations:

The Manager Customer & Public Relations confirmed the Chamber of Commerce does have conditions they must adhere to and that the City is not aware of any breaches of conditions and, if any City community event was seen to have a breach, the City would follow up accordingly to address those matters.

3.2 Dick Lovegrove of 41 Brentwood Road, Wattle Grove – Item 10.1.1 Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove

As Mr Lovegrove's questions relate to Wattle Grove South and the Mayor has previously declared an Interest Affecting Impartiality on this Item, the Mayor requested the Deputy Mayor preside for this portion of the meeting. The Mayor left the room at 6:42pm.

The Deputy Mayor presided the meeting for the remainder of questions relating to Wattle Grove South.

The Mayor returned at 7:49pm and resumed presiding the meeting.

Summary of questions from Mr Lovegrove:

- Q1. *On the basis of the age of these trees (c 1959), has the Council engaged qualified tree people such as Arborists and tree surgeons to do the work on pruning these trees?*
- Q2. *With regard to the health of these trees and whether there has been a Horticulturist look after them within this period, are the Councillors going to consider this submission? Is the Council looking at reports or claims by the people asking for these trees to be heritage listed and do they have qualifications to justify them being in good health?*

Summary of response from the Director Asset Services:

- A1. *This question has been taken on notice to ascertain who performs the physical work on the trees and who directs the work on the trees.*
- A2. *I don't believe the intention of having the trees heritage listed is because they are in good health; it has more to do with where they are located and their history. The City maintains all trees to be in good condition.*

Summary of response from the Director Development Services:

- A2. *There was an arborist report provided to the St Peter's Jacobite Syrian Orthodox Church (who undertook the assessment of the trees) with regard to the development application of the slip lane on Welshpool Road and, from a visual inspection, the trees look to be in decent health.*

Further questions from Mr Lovegrove:

- Q3. *Was the assessment from a qualified horticulturalist or a tree surgeon?*
- Q4. *Are we privy to the name of the of the arborist?*

Summary of response from the Director Development Services:

- A3. *This was undertaken by my visual assessment and further advise that there was an assessment of the trees undertaken by an independent arborist appointed by the Syrian Orthodox Church as part of the development application for the slip lane.*
- A4. *This name is known on public documentation as part of Councils consideration of the development application.*

Follow up question from Mr Lovegrove:

- Q5. *Why is Council considering heritage listing of these trees, given that they are:*
 - a) *known as "widow makers",*
 - b) *not native to Western Australia, and*
 - c) *classified as weeds in some parts of Australia?*

Would Council consider these questions prior to a decision being made and consider deferring this item until we have more clarification on this issue?

Summary of response from the Presiding Member:

- A5. *Council always has the option of deferring an Item and now have an understanding of your issues and concerns.*

4. Petitions/Deputations

4.2 A deputation was received from Iris Jones of 2 Orangedale Road, Lesmurdie (on behalf of Friends of Aged Care) regarding Item 3.2.1 of OCM 25/09/2018 - Development of Lot 500 Gavour Road, Wattle Grove. Ms Jones spoke in favour of the Officer Recommendation.

4.1 A deputation was received from Mr Ross Leighton of 32 Gavour Road, Wattle Grove regarding Item 3.2.1 of OCM 25/09/2018 - Development of Lot 500 Gavour Road, Wattle Grove. Mr Leighton provided clarity on the issues discussed at the Ordinary Council Meeting of 25 September 2018. Mr Leighton spoke in favour of the Officer Recommendation.

5. Applications for Leave of Absence

RESOLVED OCM 178/2018

That Cr Sara Lohmeyer be granted leave of absence for the period 2 November to 23 November 2018 inclusive.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

6. Confirmation of Minutes from Previous Meeting

6.1 Ordinary Council Meeting 25 September 2018

RESOLVED OCM 179/2018

That the Minutes of the Ordinary Council Meeting held on 25 September 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Michael Fernie**

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 25 September 2018."

6.2 **Public Briefing Forum 9 October 2018**

RESOLVED OCM 180/2018

That the Minutes of the Public Briefing Forum held on 9 October 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 9 October 2018."

7. Announcements by the Member Presiding Without Discussion

7.1 Nil.

8. Matters for Which the Meeting may be Closed

8.1 **Item 10.1.4 - Proposed Two Storey Ancillary Accommodation - Lot 42 (31) Orange Valley Road, Kalamunda – Attachment 1. Submitters List**

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

8.2 **Item 10.1.5 - Proposed Animal Establishment Lot 64 (56) Brook Road, Wattle Grove - Attachment 1. Submitters List**

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

8.3 **Item 10.4.1 – Proposal for Change of Name Reserve 29873 39 Sanderson Road, Lesmurdie - Attachment 1. Submitters List**

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

8.4 **Item 10.5.6 – Nominations: Community Safety and Crime Prevention Advisory Committee – Attachment 1. Assessment of Nominees**

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

9. Disclosure of Interest

9.1 Disclosure of Financial and Proximity Interests

- a) Members must disclose the nature of their interest in matters 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*.)

Nil.

9.2 Disclosure of Interest Affecting Impartiality

- a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.
 - i. Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.1 - Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove as his relatives own property in the area. This disclosure also covered Public Question Time.

Cr Giardina will leave the room for the vote.

- ii. Cr Michael Fernie declared an Interest Affecting Impartiality on Item 10.5.4 - Pickering Brook and Surrounds Sustainability and Tourism Strategy - Councillor Nomination to State Government Working Group as he owns a property within Pickering Brook. Cr Fernie will be staying in the room for the vote.

10. Reports to Council

10.1 Adoption of Development Services Reports

Voting Requirements: Simple Majority

RESOLVED OCM 181/2018

The recommendations of reports 10.1.1 to 10.1.6, with the withdrawal of Items 10.1.1 and 10.1.4, be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.1.1 Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove

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

The Mayor declared an Interest Affecting Impartiality on this Item, as his relatives' own property in the area.

Questions asked by Councillors were clarified. Cr Fernie asked if the Arborist's report could be presented to Council. The Director Development Services will check if this was a public document or if it needs to be tabled as a Confidential Item. The balance of this question has been taken on notice.

Previous Items	OCM 235/2017; OCM 12/2018
Directorate	Development Services
Business Unit	Strategic Planning and Approval Services
File Reference	N/A
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Map of Proposed Heritage Area [10.1.1.1]
	2. Draft Municipal Heritage Inventory Entry - Lemon Scented Gums on Welshpool Road East [10.1.1.2]
	3. Draft Local Planning Policy - Lemon Scented Gums on Welshpool Road East [10.1.1.3]
	4. State Heritage Council Decision [10.1.1.4]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider including an entry into the Municipal Heritage Inventory (MHI) for the Avenue of Lemon Scented Gum Trees (*Corymbia citriodora*) on Welshpool Road East (Trees) and adoption of P-DEV65 for the purposes of public advertising for a period of 28 days.

2. Should Council support the proposed entry to the MHI and the designation of the heritage area and associated Local Planning Policy (LPP), public advertising will be undertaken and the matter will be subsequently returned to Council to consider public submissions and final adoption of these documents.
3. In view of the significant public interest in the protection of the Trees within the heritage area, it is considered that the proposed heritage area designation and associated LPP is a positive and appropriate balance of planning control for the area.
4. It is recommended that Council adopts the entry of the Avenue of Lemon Scented Gum Trees on Welshpool Road East into the Municipal Heritage Inventory and adopts the LPP for the purposes of public advertising.

BACKGROUND

5. **Land Details:**

Land Area:	Approximately 450m on the southern half of Welshpool Road East
Local Planning Scheme Zone:	Nil
Metropolitan Regional Scheme Zone:	Primary Regional Roads

6. **Locality Plan:**



7. The need for consideration of the heritage status and protection of the Trees was highlighted as a result of a development application for a place of worship at Lot 36 (831) Welshpool Road East, Wattle Grove (Lot 36).

The following sequence of events summarises this matter:

- a) 10 June 2015 – Minister for Planning approved Scheme Amendment 61 which enabled an additional use of Place of Worship to be considered at Lot 36;
- b) 28 November 2016 – Council approved a place of worship proposal which would have resulted in the removal of up to 13 existing trees on Welshpool Road East;
- c) September 2017 – the City of Kalamunda (City) became aware of a community driven "Save the Trees" campaign in response to the proposed removal of trees for the approved place of worship;
- d) 26 September 2017 – Council requested that the City negotiate with the landowner of Lot 36, and Main Roads to seek an alternative option with a view of retaining and protecting trees;
- e) 17 April 2018 – Council approved an amendment to the Development Approval for the Place of Worship at 831 Welshpool Road East, Wattle Grove, which resulted in at least one (1) tree being removed.

The road modifications to Welshpool Road East have now been substantially completed and have resulted in the removal of one (1) tree, as approved by Council in April 2018. The health of the remaining Trees adjacent to the road modifications are subject to ongoing monitoring.

8. On 28 November 2017, Council resolved (OCM 235/2017) to pass a Notice of Motion as follows:

"That Council:

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

9. Following Council's resolution on 28 November 2017, the State Heritage Council resolved at its meeting on 8 December 2017 that the Trees do not have sufficient cultural heritage significance at the State level to be included in the State Register of Heritage Places. Refer Attachment 4.

10. On 27 February 2018 (OCM 12/2018), Council considered four options to establish heritage status of the Trees, including:
 1. Adding the Trees to the adopted Municipal Heritage Inventory;
 2. Creating a Heritage List and add the Trees;
 3. Creating a Heritage Area and prepare a Local Planning Policy for the Trees;

4. Creating a Special Control Area for the area surrounding the Trees.

Council ultimately resolved to pursue investigations in accordance with options 1 and 3 above.

11. The City engaged Hocking Heritage Studio to prepare a historical entry and statement of heritage significance of the subject Trees for entry into the MHI. Refer to Attachment 2.

DETAILS

12. The documentation required for the consideration of designating a Heritage Area and LPP includes:

- a) a map showing the boundaries of the heritage area;
- b) a statement about the heritage significance of the area; and
- c) a record of places of heritage significance in the heritage area.

Refer to Attachments 1 (map showing heritage area) and 2 (statement of heritage significance and record of places for the heritage area). The Draft LPP is included in Attachment 3.

13. The heritage area is defined by the boundaries identified in Attachment 1 and includes the avenue of Lemon Scented Gum Trees lining the southern (westbound) carriageway of Welshpool Road East for a distance of approximately 450m. The heritage area is generally confined to the area between the junction of Lewis Road and Welshpool Road East, and east to the break in the median strip. The area includes approximately 18 trees in the central median strip and 18 trees along the southern verge.
14. It is noted that there are also approximately 60 smaller trees within the proposed heritage area that are a mixture of other species of Eucalypt and self-seeded Lemon Scented Gum Trees. These other trees have not been included in the previous assessment by the Heritage Council or by the MHI entry prepared by Hocking Heritage Studio as having cultural heritage significance.
15. The draft MHI excerpt notes that the Trees were planted circa 1959 by Main Roads Western Australia (MRWA), when Welshpool Road East was realigned from the current location of Crystal Brook Road to its new location. The policy of MRWA at the time was to actively plant trees in road reserves to better promote road verges. It is reputed that the planting was instigated by Patrick Moran, the Secretary of the Darling Range Road Board (later the Shire/City of Kalamunda), to provide an entry statement into the hills region and provide a refuge for local wildlife. The draft MHI excerpt also notes that the planting was potentially linked to a notable town planner and architect, Margaret Feilman, who is associated with a number of culturally significant urban landscapes in the State. However, research by the State Heritage Office has not been able to substantiate this connection.

16. The LPP includes objectives to:
- a) Conserve and protect the cultural heritage significance of the Welshpool Road East Avenue of Lemon Scented Gums Heritage Area;
 - b) Ensure that any proposed subdivision or development will not adversely affect the area's heritage significance; and
 - c) Provide improved certainty to landowners and community about the planning processes for development within and adjacent to the area.
17. The LPP provides basic provisions which require any development or subdivision to be designed wherever feasible to ensure the retention and protection of Trees within the heritage area. The LPP also includes provision for the City to request a site survey with tree details, heritage impact assessment, arborist assessment and an archival record to assist with the determination of development or subdivision applications.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

18. Part 3 – Clause 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) provides for establishing a heritage area:

“9. Designation of a heritage area

- (1) If, in the opinion of the local government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area to which this Scheme applies, the local government may, by resolution, designate that area as a heritage area.*
- (2) If the local government designates an area as a heritage area the local government must adopt for the area a local planning policy that sets out the following —*
- (a) a map showing the boundaries of the heritage area;*
 - (b) a statement about the heritage significance of the area;*
 - (c) a record of places of heritage significance in the heritage area.”*

19. If Council resolve to proceed with a heritage area for the Trees on Welshpool Road East, the City will initiate advertising and the matter will be subsequently returned to Council to review submissions received and pass a resolution to:
- a) adopt the designation without modification; or
 - b) adopt the designation with modification; or
 - c) not proceed with the designation.
20. If Council ultimately designate a heritage area, the Council must give notice of the designation to the Heritage Council of Western Australia and any landowner affected by the designation.

Heritage of Western Australia Act 1990

21. Section 45 of the *Heritage of Western Australia Act 1990* requires that the City compile, and periodically review, a Municipal Inventory of Heritage Places. Council adopted the City's latest MHI on 22 June 2015. The MHI is required to be reviewed every four (4) years. It is currently anticipated that this review will commence in 2019.

POLICY CONSIDERATIONS

State Planning Policy 3.5 – Historic Heritage Conservation (Western Australian Planning Commission)

22. State Planning Policy 3.5 (SPP 3.5) sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage.
23. In regard to the designation of heritage areas, SPP 3.5 notes that a heritage area should be designated on the basis of a clear statement of significance, and clear identification of the significant physical fabric in the area. The entry into the MHI and an associated LPP contain information to this effect.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. The preparation of the draft entry into the MHI and LPP has been prepared from an Approval Services and Strategic Planning perspective. Detailed technical considerations will occur during the assessment of any future development or subdivision applications which may potentially impact on the heritage area.
25. Should Council resolve to adopt the proposed Heritage Area designation and associated LPP for the purposes of public advertising, the documents will be referred to the Kalamunda Environmental Advisory Committee for comment.

External Referrals

26. Part 3 – Clause 8 and 9 of the Regulations details the process for creating a Heritage Area. This process includes community consultation and engagement. These include:
- a) Notifying in writing each owner of land affected by the proposed designation and provides the owner with a copy of the proposed local planning policy for the heritage area; and
 - b) Advertises the proposed designation by —
 - i. Publishing a notice of the proposed designation in a newspaper circulating in the scheme area; and
 - ii. Erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and

- iii. Publishing a copy of the notice of the proposed designation on the website of the local government; and
- iv. Carry out any other consultation the local government considers appropriate.

FINANCIAL CONSIDERATIONS

27. The preparation of the MHI excerpt was undertaken by Hocking Heritage Studio at a cost of \$1,650. The documentation required for the preparation of the Heritage Area and LPP has been facilitated by the City's staff internally.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.
Strategy 2.1.2 - Support the conservation and enhancement of our biodiversity.

SUSTAINABILITY

Social Implications

29. The Trees form a substantial avenue and create a natural entry statement to the Perth Hills. The place is considered to contribute significantly to the community's sense of place. It is envisaged that a majority of the community will be supportive of the proposed action to protect the Trees.

Economic Implications

30. The Trees add to the appeal of the Perth Hills; by protecting them they will continue to provide an important entry statement to the Perth Hills tourist area.

Environmental Implications

31. Some of the Trees are mature (approximately up to 60 years old) and create a significant tree canopy, providing habitat for a variety of fauna species.

RISK MANAGEMENT CONSIDERATIONS

32.	Risk: The Heritage Area and LPP does not achieve its intended objectives to protect the heritage status of the Trees.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure the draft Heritage Area and LPP is appropriately structured to be enforceable through development and subdivision application processes. During advertising refer the draft documents to the Heritage Council of WA and the Department of Planning, Lands and Heritage for comment.		
33.	Risk: The community oppose the heritage area.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Undertake community consultation and engagement prior to introducing any heritage status or development controls.		

OFFICER COMMENT

- 34. The adoption of the MHI entry is important for creating a record of the place, however this does not result in any statutory protection of the place in the planning framework. The heritage area and associate LPP however will provide a planning instrument that will guide subdivision and development where it impacts on the heritage area.
- 35. Accordingly, in the event that Council does not adopt the heritage area or LPP, it will mean that the City will have less control over the retention and protection of Trees within the area identified on Welshpool Road East.
- 36. It should be noted that an LPP is an instrument that is required to be given due regard in making a determination on a development proposal. Accordingly, Council is not necessarily bound by the provisions of the LPP in making its decision. The provisions of the policy will however need to be considered in the context of the merits of a development proposal.
- 37. Should Council support the proposed entry to the MHI, the designation of the heritage area, and associated LPP, public advertising will be undertaken and the matter will be subsequently returned to Council to consider public submissions and the final adoption of these documents.
- 38. In view of the significant public interest in the protection of the Trees within the heritage area, it is considered that the proposed heritage area designation and associated LPP is a positive and appropriate balance of planning control for the area.

Voting Requirements: Simple Majority

RESOLVED OCM 182/2018

That Council:

1. ADOPTS the draft entry into the Municipal Heritage Inventory for the Avenue of Lemon Scented Gum Trees on Welshpool Road East (Attachment 2) for the purposes of public advertising for a period of 28 days.
2. ADOPTS the designation of a Heritage Area for the Avenue of Lemon Scented Gum Trees on Welshpool Road East (Attachment 1) for the purposes of public advertising for a period of 28 days, pursuant to Schedule 2, Part 3 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
3. ADOPTS the Local Planning Policy for the Heritage Area for the Avenue of Lemon Scented Gum Trees on Welshpool Road East (Attachment 3) for the purposes of public advertising for a period of 28 days, pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

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

10.1.2 Draft Planning Policy P-DEV 20 - Outbuildings and Sea Containers

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

The Mayor returned to the room at 7:49pm and resumed the role of Presiding Member.

Previous Items	OCM 148/2015, OCM 142/2017, OCM 11/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Planning Policy P- Dev 20 - Outbuildings and Sea Containers - Existing [10.1.2.1] 2. Draft Planning Policy P- Dev 20 - Outbuildings and Sea Containers - Modified [10.1.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider minor modifications to the Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers (Policy).
2. Council adopted changes to the Policy in February 2018 (refer to the existing Policy in Attachment 1). The proposed changes to the Policy incorporate current statutory planning requirements in accordance with changes in the State’s planning framework. Further to this, it has been determined that one additional minor modification is required with respect to Table 2 – Materials, Finishes and Outbuildings (refer to modified Policy Attachment 2).
3. Noting the minor nature of the changes proposed, it is recommended that Council adopts the revised Policy without the need for public advertising.

BACKGROUND

4. The City of Kalamunda (City) periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure Council has a clear and defensible position in making planning decisions.
5. The Policy was previously adopted by the Council in November 2015, with changes to the Policy adopted by Council in February 2018 (OCM 11/2018). The following provides a brief summary of the changes to the Policy adopted in February:
 - a) update statutory requirements in accordance with the Planning Regulations (Local Planning Schemes) 2015 and State Planning Policy SPP 3.1 Residential Design Codes (R Codes);
 - b) introduction of an additional Column to Table 1 outlining setback requirements for each zone (where residential zoned, consistent with the R Codes);

- c) separation of zoning to accommodate differing requirements associated with minimum lot sizes as they relate to outbuildings;
- d) R2.5 Residential Bushland zone, increasing the individual outbuilding maximum floor area from 90m² to 120m²;
- e) Special Rural zone, increasing the individual outbuilding maximum floor area from 100m² to 150m²;
- f) Rural Landscape Interest, Rural Agriculture zones, increasing the individual outbuilding maximum floor area from 150m² to 180m²;
- g) introduction of policy references to Planning in Bushfire Prone Areas SPP 3.7 to reflect current State Planning Policy requirements;
- h) introduction of provisions for where tree removal is necessary, such that the applicant will be required to plant established trees in replacement;
- i) specification that street setbacks will not be varied unless an established pattern of setback non-compliance can be demonstrated;
- j) provisions requiring the upgrade of sea containers regardless of where they are placed on site; and
- k) updating of Policy definitions.

DETAILS

- 6. The intent of the Policy is to provide guidance to applicants and the City when preparing and assessing development proposals for outbuildings or sea containers.
- 7. The Policy has been reviewed to correct an irregularity in Table 1 of the Policy to incorporate current statutory planning requirements in accordance with changes in the State's planning legislative framework. The proposal also incorporates a minor change to Table 2 of the Policy. These changes are detailed below:
 - a) updating Column C of Table 1 (Setback Requirements) for properties coded Residential Bushland R2.5, Residential R5 and Residential R10 to read as follows:

"As per the R-Codes (as amended)."
 - b) modifying Table 2 – (Materials and Finishes, Outbuildings) to remove reference to 'Reflective – e.g., Zinalume' under the column heading of 'Discretion Required'.
- 8. The revisions to the Policy are outlined as tracked changes in Attachment 2.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

- 9. Local Planning Policies are created under Clause 3 (1) of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations).

10. Under Clause 5 Part 2 in Schedule 2 of the Regulations the procedure for amending local planning policy states at sub clause (2) that despite the normal requirement for advertising a local planning policy, *'the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.'*

POLICY CONSIDERATIONS

11. The Policy follows the adopted Council templates with some small modifications to improved structure, legibility and clarity as it relates specifically to the Policy.

ENGAGEMENT REQUIREMENTS

Internal Referrals

12. Due to the minor nature of the proposed changes, the Policy was not required to be referred internally in this instance.

External Referrals

13. As the proposed changes are minor, and for the purposes of bringing the Policy in alignment with State planning legislation, it is considered that public advertising of the modifications is not required.

FINANCIAL CONSIDERATIONS

14. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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

16. If the Policy changes are adopted, the City will have greater certainty when it comes to reviewing applications for outbuildings and sea containers or undertaking compliance matters.

17. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.	Risk: The revisions to the Policy are not adopted.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Demonstrate the importance of ensuring planning polices incorporate current statutory planning requirements in accordance with changes in the State Planning legislative framework.		

OFFICER COMMENT

21. The proposed revisions provide further clarity regarding the requirements for Outbuildings and Sea Containers within the City.
22. The Policy has been reviewed to correct an irregularity in Table 1 of the Policy to incorporate current statutory planning requirements in accordance with changes in the State’s planning legislative framework. The Policy also incorporates a minor change to Table 2 by removing reference to the use of Zinalume as a discretionary building material. In this regard, Zinalume is considered a contemporary building material no different to other reflective roofing colours and, as such, no discretion is required when assessing planning applications incorporating this material.
23. As the changes will bring the Policy in line with the Residential Design Codes, there is no requirement to refer the document to the Western Australian Planning Commission.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 181/2018

That Council:

1. ACCEPTS that the proposed minor amendment to Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers are in accordance with Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and do not require advertising.

2. ADOPT Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers, as outlined in Attachment 2, pursuant to Clause 5(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.1.3 Review of Local Planning Policy P-DEV 60 - Design Advisory Committee

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

Previous Items	OCM 125/2017, OCM 120/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A

Attachments 1. P- DE V-60- Design- Advisory- Committee - Final
[10.1.3.1]

EXECUTIVE SUMMARY

1. The purpose of this report is to respond to a Council resolution (OCM 120/2018) to consider appropriate amendments to the Local Planning Policy P-DEV 60 – Design Advisory Committee (Policy) to include the Design Advisory Committee (DAC) minutes in future Joint Development Assessment Panel (JDAP) reports and for the DAC minutes to be tabled at Council meetings.
2. In response, a complete review of the Policy has been undertaken. In addition to the requests of the Council regarding the tabling of minutes, the review has considered the processes around the appointment of DAC members, the role of the Chair, the timing of the lodgement of development proposals, and the documentation requirements for DAC consideration.
3. While the number of changes are numerous, the intent and objectives of the amended Policy have not changed. For this reason, it is believed that the amended Policy can be adopted by the Council without the need for public advertising.

BACKGROUND

4. The City of Kalamunda (City) periodically reviews, revokes and adds new policies to provide a level of consistency and transparency in decision making and to ensure Council has a clear and defensible position regarding planning matters.
5. The Policy was adopted by the Council on 24 July 2017. The DAC was established to provide a mechanism for expert design opinion to be considered in the assessment of significant development applications and other selected planning matters. The adopted Policy does not directly refer to the minutes of the DAC being tabled at a Council meeting or linked to a JDAP Responsible Authority Report (RAR).

6. At the Ordinary Council Meeting of 26 June 2018, Council resolved (OCM 120/2018) to:
1. *REQUESTS the Chief Executive Officer to prepare a report for Council giving consideration of appropriate amendments to Planning Policy P-Dev-60 Design Advisory Committee:*
 - a. *To ensure that all development application recommendations of the Design Advisory Committee (DAC) be included in the City of Kalamunda Responsible Authority Report submitted to the Joint Development Assessment Panel (JDAP).*
 - b. *Gives consideration to the minutes of the Design Advisory Committee being tabled at Council meetings.*

DETAILS

7. The key amendments to the Policy include:
- a) Minor changes to clause 5.4 *Membership* to clarify the processes of appointment and termination of DAC members by the CEO. As the DAC is not a committee of the Council, the link with the two year Council election cycle for the renewal of membership has been removed and appointments made for five year periods. To ensure no conflicts of interest, the Policy now states that staff and Councillors cannot be appointed as members of the DAC;
 - b) The role of the Chair of the DAC has been clarified and now includes attending and presenting at Council meetings, the State Administrative Tribunal (SAT), and JDAP as required or requested, rather than all DAC members potentially having that role;
 - c) Clause 6 *Matters to be Referred to the Design Advisory Committee* has been amended to recognise that there is no statutory power to require development proposals to be presented to a DAC prior to formal lodgement of the Development Application. The amendment to the Policy clarifies the separation between development proposals being considered by the DAC prior to formal lodgement of a development application, and those proposals which have been lodged as formal applications;
 - d) Clause 7 *Information to be Provided by the Applicant* has been amended to establish the requirements for documentation to be provided should a prospective applicant agree to putting their proposal to the DAC prior to formal lodgement (Clause 7.1), and the documentation required for presentation to the DAC once a development application has been lodged with the City (Clause 7.2); and
 - e) Clause 10.4 *Agenda and Minutes* has been amended to clearly require that all DAC minutes are to be tabled at a Council meeting and, where the matter is to be determined by the Council, the minutes are to be referenced in the officer's report and included as an attachment. Where the development application is to be determined by the JDAP, the DAC responsible authority report is to reference the DAC minutes and include them as an attachment. It is noted that the DAC minutes may need to be tabled as confidential given they may contain sensitive commercial information.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

8. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
9. Under Schedule 2 Part 2 clause 5(2) of the Regulations the procedure for amending a local planning policy is described as follows:
Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Local Planning Scheme No 3

10. Clause 10.3 of Local Planning Scheme No. 3 (Scheme) details the provisions pertaining to the establishment of the DAC.

POLICY CONSIDERATIONS

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

ENGAGEMENT REQUIREMENTS

Internal Referrals

12. The minor nature of the changes proposed did not warrant the Policy being referred internally in this instance.

External Referrals

13. The minor nature of the changes proposed do not warrant the Policy being advertised.

FINANCIAL CONSIDERATIONS

14. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *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

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.

Risk: The Policy objectives are not achieved.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Demonstrate the importance of having clarity around the role of the DAC and circulation of their advice through Council meetings.		

OFFICER COMMENT

20. Following the resolution of the Council (OCM 120/2018) requesting the CEO consider changes to the Policy in relation to the DAC minutes being tabled at Council meetings and referenced and attached to JDAP reports, the opportunity was also taken to comprehensively review the Policy.

21. The review has considered the processes around the appointment of DAC members, the role of the Chair, the timing of the lodgement of development proposals, and the documentation requirements for the DAC consideration. The amended Policy also requires the minutes of the DAC to be tabled at a Council meeting and, where the matter is to be determined through a JDAP, to be referenced in the responsible authority report and included as an attachment. The majority of the amendments are around clarification of the Policy.

22. It is highly desirable for new development proposals to be considered by the DAC in their formative stages to avoid possible changes and delays to the assessment process once the application is formally lodged with the City. The City has no statutory power to require development proposals to be submitted to the DAC prior to them being formally lodged with the City as a development application. The amendments to the Policy recognise the statutory position and provide for slightly different documentation requirements if the applicant is agreeable to taking a proposal to the DAC before formal lodgement.

23. It should be noted that the details around a development proposal, particularly any commercial or financial information, will need to be maintained as confidential. This may mean that the minutes will need to be tabled as confidential attachments.
24. While there are numerous proposed amendments to the Policy, the intent and the objectives of the Policy have not changed. The recommended changes to the Policy are considered minor in nature and therefore it is recommended that the requirement for advertising the Policy be waived.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 181/2018

That Council:

1. NOTES that the proposed minor amendment to Local Planning Policy P-DEV 60 – Design Advisory Committees are in accordance with Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and therefore do not require advertising.
2. ADOPT Local Planning Policy P-DEV 60 – Design Advisory Committees pursuant to Clause 5(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, in accordance with Attachment 1.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.1.4 Proposed Two Storey Ancillary Accommodation - Lot 42 (31) Orange Valley Road, Kalamunda

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

Questions asked by Councillors were clarified.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	OR-03/031
Applicant	Ryan Adams
Owner	Ryan Adams
Attachments	<ol style="list-style-type: none">1. Site Plan [10.1.4.1]2. Floor Plans [10.1.4.2]3. Elevation [10.1.4.3]4. Overshadowing Diagram [10.1.4.4]5. Submission Table - Lot 42 (31) Orange Valley Road [10.1.4.5]6. Site Photos Demonstrating View from Applicants Property [10.1.4.6]7. Site Photos Demonstrating View From Neighbour's Property [10.1.4.7]
Confidential Attachment	<ol style="list-style-type: none">1. Submitters List <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i></p>

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a Development Application for a two-storey ancillary dwelling at Lot 42 (31) Orange Valley Road, Kalamunda (subject site).
2. The proposal is compliant with the deemed to comply provisions of the Residential Design Codes (R Codes) with the exception of the rear setback, (Attachment 1). The proposal was advertised to adjoining landowners in accordance with the City of Kalamunda's (City's) P-DEV - 45 (Public Notification of Planning Proposals) and the R Codes. During the advertising period, a total of three submissions were received, two of which were objections and one non-objection.
3. It is recommended that Council approve the application, subject to appropriate conditions and advice notes.

BACKGROUND

4. **Land Details:**

Land Area:	1,012sqm
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

5. The subject site contains a centrally located single residence and a swimming pool located to the rear of the site.

6. **Locality Plan:**



DETAILS

7. The Applicant is seeking approval for a two-storey ancillary dwelling comprising the following: (Attachments 2 and 3)
- a) Ground floor – (Attachment 2) garage, workshop, laundry and bathroom;
 - b) Upper Floor – (Attachment 2) bedroom, living room and kitchen; and
 - c) Eastern elevation - (Attachment 3, Elevation 3) has no major openings and the southern elevation (Attachment 3, Elevation 4) has a highlight window.

The overall floor area of the ancillary dwelling is 116.8sqm, however the ancillary dwelling component comprises a plot ratio of 68.6sqm.

8. There is an existing retaining wall and fence along the eastern boundary approximately 2.5m in height. Due to the topography of the land, the natural ground level is at least one metre lower at the rear boundary of the subject site than the natural ground level on the adjoining lots.
9. The proposed location for the ancillary dwelling has been chosen due to the constraints on the lot. The Applicant has an existing swimming pool, which is to be retained, therefore making it hard to find an alternate location for the ancillary dwelling.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

10. The subject site is zoned "Residential" in accordance with Local Planning Scheme No. 3 (Scheme) with a density coding of "R10". Under Clause 4.2.1 the objectives of the residential zone are as follows:

- *To provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the City.*
- *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
- *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
- *To encourage the retention of remnant vegetation.*

Planning and Development (Local Planning Schemes) Regulations 2015

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

- a) the compatibility of the development in its settings;
- b) amenity of locality; and
- c) any relevant submissions received on the application.

12. In the event that Council does not support the proposed development, there is a right of review (Appeal) to the State Administrative Tribunal under Part 14 of the *Planning and Development Act 2005*.

POLICY CONSIDERATIONS

13. State Planning Policy 3.1 – Residential Design Codes (R-Codes)

Should any aspect of a proposal not meet the deemed-to-comply provisions of the R Codes, an assessment of the proposal is made against the 'Design Principles' of the R Codes. In this case clause: 5.1.3 – Lot Boundary Setback.

Assessment Under the R Codes	Deemed to comply Provision	Proposed by the Applicant	Variation to R Codes
Rear setback	6m	1.5m	-4.5m

14. As indicated in the above table, when any aspect of the proposal does not satisfy the deemed to comply provisions of the R Codes, an assessment is made against the Design Principles of the R Codes as described below:

5.1.3 Lot Boundary Setback:

P3.1 Buildings set back from boundaries so as to:

- *Reduce impacts of the building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties."*

15. An Ancillary Dwelling is defined under the R Codes as a 'self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house'.

16. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

The subject site falls within a Bushfire Prone Area, meaning the proposed development is required to comply with State Planning Policy 3.7 (SPP 3.7). The intent of SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas, is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on a property and associated infrastructure.

The Applicant submitted a Bushfire Attack Level Assessment (BAL) which has determined the rating as BAL 12.5, the rating is relatively low and there are no requirements to upgrade the dwelling to meet Australian Standard AS 3959.

17. **P- DEV 50 – Ancillary Dwellings**

The Policy provides guidance when assessing proposals for ancillary dwellings. The proposed development demonstrates full compliance with the provisions of the Policy.

ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The proposal was referred to the relevant disciplines for assessment and comments.

19. From a building perspective, it was noted the upper floor needs to have a minimum ceiling height of 2.4m to comply with the Building Code of Australia and this can be addressed at the building permit stage.

External Referrals

20. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals). As part of this advertising, letters were sent to adjoining property owners inviting comment. During the course of advertising, a total of three responses were received, comprising of two objections and one non-objection.

A summary of the objections are as follows:

a) Privacy:

The respondents are concerned about the potential overlooking and overshadowing implications and the presumption the dwelling will block out natural sun light.

b) Bulk Scale and Height:

The respondents are concerned about the size of the ancillary dwelling due to the close proximity to their boundaries.

c) Noise Pollution:

The respondents have raised concerns about the noise levels that may be generated as a result of people residing in the dwelling close to their boundaries and also the workshop component being converted to a commercial business.

Responses to the above comments are noted in the submission table (Attachment 5).

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *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

23. The proposal addresses one of the objectives of the zone to encourage a wide choice of housing types.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

26.	Risk: The reduced rear setback will result in an undue amenity impact on the rear adjoining lots by virtue of the bulk and scale of the building.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure the assessment appropriately considers the design principles under the R Codes and that Council are aware that the proposal can be taken on its merits if the design principle can be ultimately satisfied.		

OFFICER COMMENT

27. The proposed development meets the deemed-to-comply requirements of the R Codes with the exception of the rear boundary setback.

28. Notwithstanding the reduced rear setback of 1.5m, the rear setback requirement for an outbuilding to comply is 1.5m. The ancillary dwelling aesthetically presents similarly to an outbuilding in terms of the eastern façade (Attachment 3, Elevation 3) being a blank wall with no major openings.

29. It is acknowledged that the proposal is seeking a reduction to the rear lot boundary setback. The extent of the non-compliance aspect however is adequately addressed through the design principles of the R Codes.

30. It is acknowledged that the bulk and scale of the proposal could be considered excessive in the context of the proposed rear boundary setback an impact on the adjoining neighbours outdoor living area (64A Lyndhurst Road). However, in considering the issue, it should be noted that the extent of the upper floor equates to 17% of the neighbours outdoor living area which is not considered to have an undue impact given the overall outdoor living area is approximately 376sqm.

31. The Applicant has sought to address the impacts of the overall bulk scale and height by having a low pitch skillion roof. Taking into consideration the topography of the land and the existing 2.5m high fence on the eastern boundary, the dwelling will appear to be single storey from the adjoining properties (Attachment 4). To assist in reducing the overall impact of the building to the rear neighbour, it is recommended that additional screening be provided along a portion of the rear boundary fence to the satisfaction of the City.

32. The Applicant has indicated on the elevations where the existing fence line is, to show how much of the dwelling will be visible from the neighbour’s property on the eastern boundary (Attachment 3).

33. When applying the design principles of the R Codes, the proposal provides adequate sunlight and ventilation to the building and is compliant with the overshadowing requirements of the R Codes, (Attachment 5). As a consequence, it will not impact on the provisions of daylight to major openings of neighbouring dwellings. In addition, the proposed development is compliant with respect to visual privacy to the side and rear boundaries of the site.
34. With respect to the visual privacy aspect of the R Codes, the eastern elevation (Attachment 3, Elevation 3) has no major openings to mitigate any potential overlooking issues, and the southern elevation (Attachment 3, Elevation 4) proposes a highlight window which is not deemed a major opening under the R Codes. The proposed development is compliant with respect to visual privacy to the side and rear boundaries of the site and therefore meets the design principles of the R Codes. (Attachment 3)
35. With regard to any increase in noise related concerns, as raised by one of the objectors, it is likely that the new building will act as a barrier and that much of the noise would be contained.
36. Noting the above, it is recommended that approval be granted subject to appropriate conditions and advice notes.

Voting Requirements: Simple Majority

RESOLVED OCM 183/2018

That Council:

APPROVES the application for a two-storey ancillary dwelling at Lot 42 (31) Orange Valley Road, Kalamunda, subject to the following conditions:

- a) The development shall be undertaken only in accordance with the terms of the application as approved herein, and approved plan to the satisfaction of City of Kalamunda;
- b) Stormwater shall be disposed of on-site, to the satisfaction of the City of Kalamunda;
- c) The ancillary dwelling shall be constructed of similar and/or sympathetic materials and colours to the existing building(s), to the satisfaction of the City of Kalamunda; and
- d) The Applicant shall provide additional screening measures along a portion of the rear boundary fence to the satisfaction of the City of Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote	For	Against
	Cr O'Connor	Cr Boyd
	Cr Giardina	
	Cr Lohmeyer	
	Cr Stallard	
	Cr O'Donnell	
	Cr Morton	
	Cr Blair	
	Cr Almond	
	Cr Fernie	
	Cr Thomas	

CARRIED (10/1)

10.1.5 Proposed Animal Establishment - Lot 64 (56) Brook Road, Wattle Grove

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	BR-36/044-056
Applicant	Roxanne and Kevin Balchin
Owner	Roxanne and Kevin Balchin
Attachments	<ol style="list-style-type: none"> 1. Plans [10.1.5.1] 2. Environmental Noise Assessment [10.1.5.2] 3. Business Plan 2018 [10.1.5.3] 4. Submitters Table - Proposed Animal Establishment Lot 64 (56) Brook Road, Wattle Grove [10.1.5.4]
Confidential Attachment	<ol style="list-style-type: none"> 1. Submitters List <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i></p>

EXECUTIVE SUMMARY

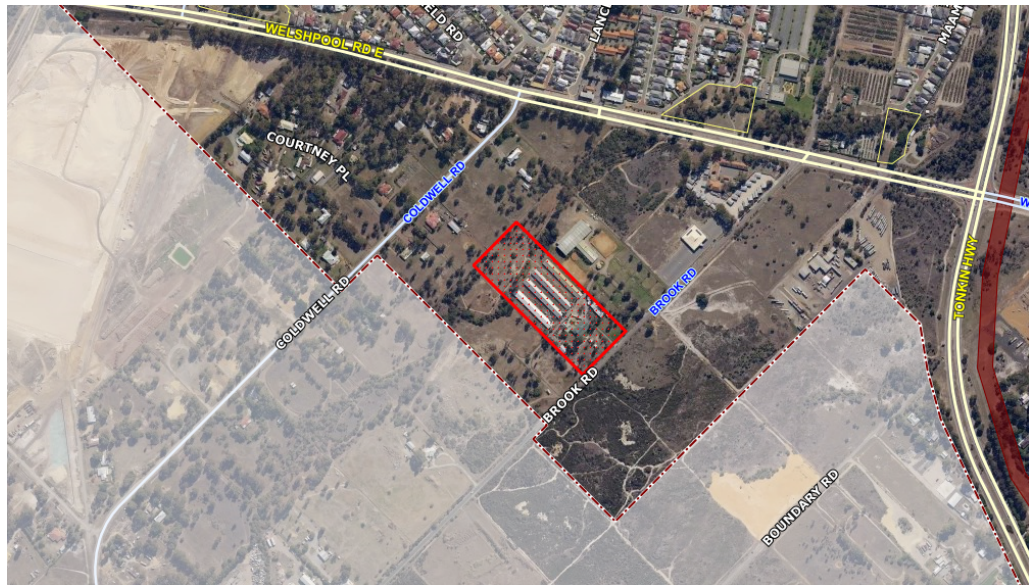
1. The purpose of this report is for Council to consider a Development Application for a proposed 'Animal Establishment' at Lot 64 (56) Brook Road, Wattle Grove (subject site).
2. The subject site has operated as a poultry farm ('Animal Husbandry – Intensive') since the 1970's. The existing land use is an 'X' use within the Special Rural zone under the City of Kalamunda's Local Planning Scheme No. 3 (Scheme) and is therefore not permitted.
3. The proposed land use of 'Animal Establishment' is also an 'X' use within the Special Rural zone and is therefore not permitted under the Scheme. The Applicant therefore seeks to obtain development approval under clause 4.9 Extensions and Changes to a Non-Conforming Use of the Scheme.
4. In accordance with Clause 4.9.3 of the Scheme, it is recommended that Council approve the application for the proposed 'Animal Establishment', subject to conditions.

BACKGROUND

5. Land Details:

Land Area:	36,929. m ² 3.69290 ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Industrial

6. **Locality Plan:**



7. The subject site has historically operated an 88,000 head poultry farm ('Animal Husbandry – Intensive') distributed throughout four large sheds (100 metres by 12 metres). The subject site is currently improved by a single house and various ancillary structures.
8. The subject site is bounded by Brook Road to the south and similar zoned properties to all other boundaries. Further afield, the subject site has low to medium residential development to the north (Wattle Grove Cell 9), Tonkin Highway to the east, Roe Highway to the north and the Maddington Kenwick Strategic Employment Area (MKSEA) to the north and west.
9. The subject site forms part of MKSEA; a future light and general industrial area which is predominately within the City of Gosnells, and partly in the City of Kalamunda (City) at the southern end of Wattle Grove.
10. The subject site was rezoned, under the Metropolitan Region Scheme (MRS), from Rural to Industrial in October 2016.
11. Whilst the subject site is currently zoned Special Rural under the Scheme, in accordance with S.124 of the *Planning and Development Act 2005* (Act) the Special Rural zone under the Scheme will need to accord with the Industrial zone under the MRS. It is therefore important to note that the proposed land use of 'Animal Establishment' is a Discretionary land use within all the City's Light and General Industry zones.
12. The timing of the planned rezoning of the subject site to industry under the Scheme has not progressed due to the environmental constraints of the area. In this regard, the City of Gosnells has undertaken environmental investigations for the broader MKSEA, including the subject site, and the City will consider the industrial zoning of the subject site as part of the broader planning for MKSEA and the environmental investigations undertaken.

13. The Council has previously approved Scheme amendments for Additional Uses for 'Animal Establishment' at three sites all zoned Rural:
- a) 95 Palmateer Drive, Bickley – zoned Rural Conservation;
 - b) 714 Welshpool Road, Wattle Grove – zoned Rural Composite; and
 - c) 810 Welshpool Road, Wattle Grove – zoned Rural Composite.

The abovementioned Scheme amendments highlight that Rural zones have previously been considered appropriate locations for 'Animal Establishments' by Council.

DETAILS

14. The Applicant seeks to obtain development approval under Clause 4.9.3 of the Scheme for a change of use from an existing non-conforming use ('Animal Husbandry – Intensive') to another non-conforming use ('Animal Establishment').
15. The Applicant seeks to retrofit existing infrastructure on site, with no material change in the appearance of the property from Brook Road or surrounding properties.
16. The Applicant intends to convert one of the existing poultry sheds with the intention of operating a Doggy Day Care ('Animal Establishment') as follows:
- a) the Doggy Day Care ('Animal Establishment') will comprise a total area of 2,400m²; 1,200m² of which will be an indoor play area to operate out of existing Shed 1, and the balance of 1,200m² outdoor play area to operate in a fenced off area between Shed 1 and 2 (refer to Attachment 1);
 - b) no more than 40 dogs at any one time;
 - c) no more than four staff members at any one time, determined by a ratio of one staff member per 10 dogs;
 - d) hours of operation from 7:00am to 6:00pm, Monday through Friday, with the facility closed weekends and public holidays;
 - e) no dogs will be housed overnight; and
 - f) all waste produced will be removed from the site by a licenced commercial waste management company.
17. In support of the proposal, the Applicant has lodged proposed plans, a Business Plan and Operating Policies (Attachments 1, 3 and 4). The attachments also outline how the facility will operate in accordance with the Pet Industry Association of Australia's (PIAA) Standards and Guidelines for Boarding and Doggy Day Care.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development Act 2005

18. If Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under Part 14 of the Act.

Planning and Development (Local Planning Schemes) Regulations 2015

19. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters, including:
- a) the compatibility of the development within its setting;
 - b) the preservation of amenity in the locality;
 - c) the history of the site where the development is to be located;
 - d) the impact of the development of the community as a whole notwithstanding the impact of the development on particular individuals; and
 - e) any submissions made on the application.

Local Planning Scheme No. 3

20. The subject site is zoned 'Industry' under the MRS and 'Special Rural' under the Scheme.
21. Under Clause 1.9, the Scheme is to be complimentary to the MRS, and the provisions of the MRS is to have effect over the Scheme.
22. Under Clause 4.2.2 of the Scheme, the objectives of the 'Special Rural' are as follows:
- 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.*
23. Under Schedule 1 of the Scheme, the proposed land use of 'Animal Establishment' is defined as follows:
- "animal establishment means a premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre."*
24. With regard to the Scheme definition, it should be noted that the Applicant is proposing a Doggy Day Care only and is not proposing to board or breed the dogs on premises. The recommendation has been appropriately conditioned to ensure the aforementioned operation.
25. In accordance with Table 1 (Zoning Table) of the Scheme, the proposed land use of 'Animal Establishment' is an 'X' (Prohibited) use within the Special Rural zone.
26. The subject site currently operates a Poultry Farm, which is defined under Schedule 1 of the Scheme as follows:

"animal husbandry – intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production) rabbits (for either meat or fur production) and other livestock in feedlots."

27. In accordance with Table 1 (Zoning Table) of the Scheme, the existing land use of 'Animal Husbandry – Intensive' is 'X' (Prohibited) use within the Special Rural zone. The landowner has however operated the activity for over 38 years and consequently, in accordance with Clause 4.10 of the Scheme, has non-conforming land use rights over the subject site.
28. Under Schedule 1 of the Scheme, a non-conforming use is defined as follows:
- "non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme."*
29. Under Clause 4.9.3 of the Scheme, where an application for a change of use from an existing non-conforming use ('Animal Husbandry – Intensive') to another non-conforming use ('Animal Establishment'), the local government can exercise discretion and approve the application if it is considered that the proposed use is less detrimental to the amenity of the locality and is, in the opinion of the local government, closer to the intended purpose of the zone.

ENGAGEMENT REQUIREMENTS

Internal Referrals

30. The proposal was assessed from an Environmental Health and Building perspective. Environmental Health reviewed the supporting Noise Report and Business Plan and concluded that the proposed development would not have an undue impact upon the surrounding landowners and occupiers. No other issues were raised in respect to the proposal.

External Referrals

31. Having regard to Local Planning Policy P-DEV 45 (Public Notification of Planning Proposals), the application was advertised for a period of 14 days to landowners and occupiers within a 300m radius of the subject site.
32. A total of eight submissions were received, five of which were objections with the balance being non-objections.
33. Key concerns raised during the advertising period were as follows:
- a) inconsistent with the future industrial zoning of the subject site and surrounds;
 - b) acoustic impacts; and
 - c) odour impacts.
34. A summary of the concerns raised by the submitters have been included in the attached Submitters Table (Attachment 4). Responses to the submissions have been included in the Officer Comment section of this report.

FINANCIAL CONSIDERATIONS

35. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *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

37. Poultry farms are considered to impact surrounding landowners and occupiers, particularly in respect to odour and dust.
38. Should the Applicant obtain development approval to operate an 'Animal Establishment' on the subject site, the existing use of the site as a poultry farm will discontinue.
39. From a social perspective, it is considered that the proposed 'Animal Establishment' is less detrimental to the amenity of the locality than the existing 'Animal Husbandry – Intensive for the following key reasons:
- a) less likelihood of potential odour impacts;
 - b) less likelihood of breeding fly issues;
 - c) less likelihood of dust issues; and
 - d) the proposal represents a more discrete use, only utilising one of the existing four sheds on the site.

Economic Implications

40. Nil.

Environmental Implications

41. The proposed development has been assessed from an Environmental Health perspective (ie, acoustic impacts and waste management) and is considered appropriate for the subject site and surrounding area.

RISK MANAGEMENT CONSIDERATIONS

42.	Risk: Surrounding residents are affected by loss of amenity.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	It has been demonstrated that the proposed development can be managed subject to appropriate conditions and management measures.		

43.	Risk: The proposal is refused by Council and the proponent reverts back to the use of the site as a poultry farm.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure Council is aware, from a planning and environmental health perspective, the proposed use is considered to be less detrimental to the amenity of the locality than the existing non-conforming use. Furthermore, the proposal is consistent with the strategic and statutory planning framework and may be considered in the envisaged future zone for the area.		

OFFICER COMMENT

44. It is important to note that, whilst the subject site is currently zoned Special Rural, future rezoning under the Scheme to a Light or General Industry zone will proceed at some stage in the future in accordance with the S.124 of the Act. The proposed land use of 'Animal Establishment' is a Discretionary use within the Light and General Industry zone within the Scheme.

45. To address the concerns raised during advertising, the following is noted:

Acoustic Impacts

The Development Application is supported by an Environmental Noise Assessment which concludes that the proposal will be compliant with the Environmental Protection (Noise) Regulations 1997, subject to the following two operational constraints (Attachment 2):

- a) the lower ventilation flaps along each side wall of the shed must be kept shut at all times, however the upper ventilation flaps can be left open; and
- b) the location of the outdoor play pen is to be as per the diagram below:



(Environmental Noise Assessment,
Gabriels Hearne Farrell Pty Ltd, 2018)

The above recommendations have been considered in the recommended conditions.

46. **Odour Impacts**

The Development Application is supported by a Business Plan and suite of operational Policies (i.e. Hygiene, Cleaning and Disinfection Policy) which are considered to mitigate any potential odour impact upon the surrounding area. Nonetheless, any odour emitted by the proposal is considered to be less detrimental to the amenity of the locality than the existing poultry farm.

47. **Inconsistent with the future industrial zoning of the subject site and surrounds.**

The subject site is zoned Industrial under the MRS and Special Rural under the Scheme. The City is required to render the Scheme consistent with the MRS under S.124 of the Act and the subsequent rezoning will occur following a resolution of environmental investigations in relation to the interface of the area with Yule Brook. Whilst the proposed land use of 'Animal Establishment' is currently prohibited in the Special Rural zone, the future rezoning of the site to Light or General Industry will render the proposed land use a Discretionary use under the Scheme.

48. From a planning perspective, the proposed use ('Animal Establishment') is considered to be less detrimental to the amenity of the locality than the existing non-conforming use (poultry farm – 'Animal Husbandry – Intensive') and is closer to the intended purpose of the Special Rural zone. Furthermore, the proposal is consistent with the applicable strategic and statutory planning framework and is therefore considered to be consistent with orderly and property planning of the locality.

49. Having regard to the above, it is recommended that Council approves the application for a proposed 'Animal Establishment' subject to appropriate conditions.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 181/2018

That Council:

1. NOTES that in accordance with Clause 4.9.3 of the Scheme, the proposed 'Animal Establishment' at Lot 64 (56) Brook Road, Wattle Grove is less detrimental to the amenity of the locality and is closer to the intended purpose of the Special Rural zone.
2. APPROVES the Development Application for a proposed 'Animal Establishment' at Lot 64 (56) Brook Road, Wattle Grove as submitted by Roxanne and Kevin Balchin, subject to the following conditions:
 - a) Development must be carried out in accordance with the stamped approved plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, stamped and returned to the Applicant with this decision notice, including any amendments to those plans as shown in red:

Title	Date	Prepared by
Site Plan 1	18 December 2017	Roxanne and Kevin Balchin
Site Plan 2	18 December 2017	Roxanne and Kevin Balchin
Floor Plan	18 December 2017	Roxanne and Kevin Balchin
Environmental Noise Assessment	1 February 2018	Gabriels Hearne Farrell P/L
Foxwood Farm Doggy Day Care Business Plan 2018	N/A	Roxanne and Kevin Balchin
Hygiene, Cleaning and Disinfection Policy	N/A	Roxanne and Kevin Balchin
Record Keeping Policy	N/A	Roxanne and Kevin Balchin
Veterinary Care Policy	N/A	Roxanne and Kevin Balchin
Security and Emergencies Policy	N/A	Roxanne and Kevin Balchin
Staff Responsibilities Policy	N/A	Roxanne and Kevin Balchin
Animal Health Care Policy	N/A	Roxanne and Kevin Balchin
Dog Acceptance Policy	N/A	Roxanne and Kevin Balchin
Access to Clients, Visitors/General Public Policy	N/A	Roxanne and Kevin Balchin
Health and Safety Policy	N/A	Roxanne and Kevin Balchin

- b) Prior to the lodgement of a building permit, the outdoor play pen is to be amended in accordance with the recommendations made in the Environmental Noise Assessment prepared by Gabriels Hearne Farrell Pty Ltd dated 1 February 2018;
- c) This approval relates to the proposed change of use from 'Animal Husbandry – Intensive' to 'Animal Establishment' in the location highlighted on the plan dated 23 October 2018. This approval does not relate to any other development on the subject site;

- d) The poultry farm ('Animal Husbandry – Intensive') must cease operation prior to the commencement of the Doggy Day Care ('Animal Establishment');
- e) The hours of operation for the 'Animal Establishment' shall be limited to within the hours of 7:00am to 6:00pm, Monday through Friday inclusive. The 'Animal Establishment' is not permitted to operate weekends or public holidays;
- f) The 'Animal Establishment' is limited to a maximum of 40 dogs at any one time;
- g) All materials and/or equipment used in relation to the 'Animal Establishment' must be stored within Shed 1 and/or suitably screened from the neighbouring properties for the duration of the development to the satisfaction of the City of Kalamunda; and
- h) Solid waste is to be contained, stored and collected using suitable waste receptacles and removed from the site using a licenced commercial waste contractor, to the satisfaction of the City of Kalamunda.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.1.6 City of Kalamunda - Fire Hazard Assessment Plan: 2018/2019

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Community Safety
File Reference	RA-BFC-002
Applicant	N/A
Owner	N/A

Attachments	1. Management Procedure - Fire Breaks and Notices [10.1.6.1]
	2. Fire Hazard Assessment Plan 2018-19 Season [10.1.6.2]
	3. Governemnt Gazette - Bush Fire Notice 2018/19 [10.1.6.3]

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council of the City's revised approach to fire hazard management through the implementation of the "Fire Hazard Assessment Plan 2018-19 Season" (Plan).
2. The proposed Plan will replace City of Kalamunda (City) procedure "SM-DS01.2 – Enforcement Management Procedure – Fire Breaks and Notices", (Attachment 1) providing a risk based approach to fire hazard assessments, while increasing the City's engagement focus to build a more resilient community.
3. It is recommended that Council:
 - a) Notes the implementation of the "Fire Hazard Assessment Plan 2018/19 Season" plan provided as Attachment 2.

BACKGROUND

4. The City of Kalamunda's "Fire Hazard Reduction Notice 2018/2019" notice was gazetted on 22 June 2018 (Attachment 3).
5. The City's procedure "SM-DS01.2 – Enforcement Management Procedure – Fire Breaks and Notices" (Procedure) (Attachment 1) does not represent Council's current position regarding the balance between community engagement and enforcement of the *Bush Fires Act 1954* (WA). For example, the Procedure establishes the process where the City will issue an infringement notice on the owners of premises other than for matters of minor non-compliance after 1 November. The procedure provides no guidance on what constitutes matters of minor non-compliance.

6. The proposed Plan utilises previous non-compliance, complaints and a comprehensive risk assessment to determine the priority of assessments. The purpose is to reduce the overall risk to profile to the City by ensuring all very high and extreme premises are assessed before moving onto lower risk properties.
7. The Plan also utilises a combination of community engagement to support the assessment program which is focused on empowering residents to be fire ready before the 1 November assessment program. The focus of the engagement strategy is to increase fire safe practices, asset preparedness and community resilience, while giving residents information on how to comply with the annual bushfire notice.

DETAILS

8. The engagement program has already commenced with community workshops, social media infomercials, updated City website, static displays, variable message boards, letterbox drops of information booklets and the annual fire notice.
9. The City is using the Department of Fire and Emergency Service's (DFES) 'Bushfire Risk Management System', which is a digital database enabling DFES in collaboration with local government to log bushfire risks throughout Western Australia. The system will allow the City to capture a tenure blind and data specific risk rating for all assets within its district. The assets are divided into four categories, Cultural, Economic, Environmental and Human Settlement. Although the majority of assets will be one or the other, the system provides the ability to rate multiple risks against the one asset. Once all the risk data has been logged into the database, the system will automatically provide the high rating category, which the assessment program is based around.
10. The City Fire Control Officers will drive all fire breaks on the properties they assess. The purpose of driving the fire breaks is to ensure they comply with the 3m wide by 4m high clearance. This is a critical safety requirement to ensure our Volunteer Bush Fire Brigade can safely drive a fire appliance along a fire break in times of an emergency.
11. The City is encouraging residents whose physical characteristics of their property make it impossible to comply with the bushfire notice to submit an application for a variation before 1 November.

STATUTORY AND LEGAL CONSIDERATIONS

12. Section 33 *Bush Fires Act 1954* (WA) **Local government may require occupier of land to plough or clear fire-break.**

- (1) *Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —*
- (a) *to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;*
- (b) *to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,*
and the notice may require the owner or occupier to do so —
- (c) *as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
- (d) *in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.*
- (2) *A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.*
- (2a) *The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the Interpretation Act 1984 (WA).*
- (3) *The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.*

- (4) *Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —*
- (a) *the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and*
 - (b) *the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.*

13. Section 39 *Bush Fires Act 1954* (WA) ***Special powers of bush fire control officers:***

- (1) Subject to the provisions of this Act a bush fire control officer appointed under this Act by a local government may, in the exercise of his functions and the performance of his duties under this Act, do all or any of the following things —
- (a) *exercise any of the appropriate powers of the FES Commissioner under the Fire Brigades Act 1942, in so far as the same may be necessary or expedient, for extinguishing a bush fire or for preventing the spread or extension of the fire; and*
 - (b) *enter any land or building, whether private property or not; and*
 - (c) *pull down, cut, and remove fences on land, whether private property or not, if in his opinion it is necessary or expedient so to do for the purpose of taking effective measures for extinguishing a bush fire, or for preventing the spread or extension of the fire; and*
 - (d) *cause fire-breaks to be ploughed or cleared on land, whether private land or not, and take such other appropriate measures on the land as he may deem necessary for the purpose of controlling or extinguishing a bush fire or for preventing the spread or extension of the fire; and*
 - (e) *take and use water, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, and other fire extinguishing material from any source whatever on land, whether private property or not; and*
 - (f) *any other thing which in his opinion is incidental to the exercise of any of the foregoing powers; and*
 - (g) *employ a person or use the voluntary services of a person to assist him, subject to his directions in the exercise of any of the foregoing powers; and*

- (h) *either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish the fire or prevent it from spreading, but except as arranged with or requested by an officer in charge of a fire brigade under the Fire Brigades Act 1942, this power shall not be exercised in a townsite in an area which has been declared a fire district under that Act or in a townsite in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act.*

POLICY CONSIDERATIONS

14. The Plan complies with the strategic direction provided in the City's Enforcement Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. The Plan was presented at the 30 August 2018 Local Emergency Management Committee meeting.

External Referrals

16. The Department of Fire and Emergency Services was consulted in the preparation of the proposed Plan.

FINANCIAL CONSIDERATIONS

17. Provision for the proposed Plan was costed in the 2018/19 operational budget. No additional funding is being requested as part of this report.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 2: Kalamunda Clean and Green

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

- 19. The proposed Plan empowers the City’s residents, recognising their autonomy to comply with the bushfire notice thereby building a more resilient community. The proposed Plan achieves this by providing residents with the information they need to not only comply with the bush fire notice before 1 November but to ensure they are bushfire ready.

Economic Implications

- 20. Empowering our residents to become more resilient will reduce the economic impact during times of emergency.

Environmental Implications

- 21. Compliance with the bush fire notice reduces the risk of fire spreading and increases the ability to contain and control fire, thereby increasing the level of protection to the local environment.

RISK MANAGEMENT CONSIDERATIONS

22.

Risk: There is a compliance risk if the City does not ensure the community is fire ready by 1 November 2018 and maintain this state of readiness until 31 March 2019.		
Likelihood	Consequence	Rating
Almost Certain	Major	Extreme
Action/Strategy		
The City of Kalamunda’s “Fire Hazard Reduction Notice 2018/2019” notice was gazetted on 22 June 2018. The proposed plan will reduce this risk through increased education and a risk based assessment program.		

23.

Risk: There is a reputational risk, if the City is impacted by a fire event resulting in loss of property and/or life.		
Likelihood	Consequence	Rating
Unlikely	Critical	Extreme
Action/Strategy		
The processes contained in the proposed plan, if followed correctly, will reduce the impact of incidents and will also assist with answering enquiries from external sources.		

24.

Risk: There is a Health and Safety risk if the City is impacted by a fire event resulting in loss of property and/or life.		
Likelihood	Consequence	Rating
Unlikely	Critical	Extreme
Action/Strategy		
The proposed plan will increase community awareness and preparedness through a better approach to engaging with residents. This will assist to mitigate the risk by making residents fire ready and build the overall resilience of the community.		

25.

Risk: There is an environmental risk if the City is impacted by a large fire which damages the local environment and/or asbestos cement clad/roofed buildings or other like structures.		
Likelihood	Consequence	Rating
Unlikely	Critical	Extreme
Action/Strategy		
The proposed plan will reduce the impact of fire on the natural environment. The engagement aspects of the proposed plan will increase community awareness on the role of fire hazard reduction thereby reducing the risk of severe fires.		

OFFICER COMMENT

26. The City Fire Control Officers will attempt to contact the resident before commencing an assessment of a premises. The City is using this as another opportunity to engage with the community and educate residents on how to prepare and protect their properties.
27. The City also recognises that not all residents will be at home when they arrive to undertake an assessment. The City will leave a small fridge magnet advertising the "Are you Ready" Bushfire season message, so residents know we have attended their premise.
28. The City will issue written work orders to home owners who are assessed as non-complaint. The City will only issue infringement notices to home owners after they have been given 14 days to complete the works identified in their respective work order.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 181/2018

That Council:

NOTES the implementation of the "Fire Hazard Reduction Notice 2018/2019" as provided in Attachment 2.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

10.2 Adoption of Asset Services Reports

10.2.1 Roads Asset Management Plan

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

Previous Items	OCM 130/2012, OCM 157/2016, OCM 79/2017, OCM 125/2017, OCM 140/2017, OCM 129/2018
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A

Attachments 1. Roads Asset Management Plan Ver 1 **[10.2.1.1]**

EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has prepared the Roads Asset Management Plan 2018 (Roads AMP). This plan includes an asset register, current condition rating information, current valuation data and treatment selection matrix of the assets related to the City's road system.
2. The Roads AMP includes 617km of roads, 190 bus shelters and 224 car park assets with a replacement cost of \$227 million. The Roads AMP also includes the feedback from community consultation undertaken in February and March 2018.
3. The financial modelling indicated that no increase in funding would be required for most roads assets (surfaces, pavements, and safety barriers), provided that a policy was adopted to replace 'like-for-like' in respect of road surface type. This means that spray seal surfaces would be replaced with spray seals and not asphalt, with asphalt being the higher cost and aesthetically appealing surface. Small increases are proposed for bus shelters and car parks.
4. This report recommends endorsement of the City's Roads Asset Management Plan 2018 and sets the objective of providing an average annual increase in funding over the next ten years of \$30,000 for bus shelters and \$55,000 for car parks.

BACKGROUND

5. The City produced its first asset management plan for roads in 2013. In 2016 the Asset Management Council Policy was revised, and a number of internal processes improved, resulting in a revised Asset Management Strategy, new Pathways and Parks Asset Management Plans (adopted in 2017), new Drainage Asset Management Plan (adopted July 2018), and this proposed new Roads AMP. A Buildings Asset Management Plan is being developed and proposed to be presented to Council in June 2019.

DETAILS

6. The Roads AMP covers the following subjects:
 - a) Current Status of Assets;
 - b) Levels of Service;
 - c) Life Cycle Management;
 - d) Risk Management;
 - e) Future Demand;
 - f) Financial Summary; and
 - g) Improvements, Monitoring and Review.
7. The City manages 617km of roads (58% asphalt sealed, 39% chip sealed, and remainder unsealed or other), 884km of kerbs, 4 road bridges, 190 bus shelters, 273 car parks, and 7.5km of road safety barriers.
8. The average condition rating of roads assets (on a scale of 1 to 5, with 1 being very good) is:
 - a) Roads – Surface (2.0), Pavement (1.1) – the pavement refers to the substructure of the road whereas the surface is the asphalt, chip seal or other driving surface;
 - b) Kerbs (2.0);
 - c) Road Bridges (2.3);
 - d) Bus Shelters (3.0);
 - e) Car Parks – Surface (2.4), Pavement (2.3); and
 - f) Road Safety Barriers (2.0).
9. A condition assessment of the road and kerb assets was undertaken during the first half of 2018 using a specialised test vehicle. The condition inspections of the other roads assets were undertaken using visual condition rating methods.
10. “Levels of Service” is a phrase used in asset management to reflect the service the assets provide to the community. The City conducted community consultation in 2018 to understand the expectations of asset levels of service, with half the respondents disagreeing that the road surfaces in the City are in acceptable condition. There was no preference shown for the surface type when viewing spray seal and asphalt surfaces.
11. The Roads AMP considers the growth in population, developments and the forecast impact of climate change on roads assets. The City will be developing an Integrated Transport Plan which will also inform future Asset Management Plans.

12. The Roads AMP addresses fair value, key performance indicators, current funding levels, funding gap analysis and different funding scenarios. The preferred funding scenarios have been selected and recommended funding increases proposed.
13. The Roads AMP will be reviewed again in three years. During this period the following tasks will inform a revised plan:
- a) update the Infrastructure Asset Management Policy to include a 'like for like' rule for upgrading residential streets, meaning spray seal will be resurfaced with spray seal and asphalt will be resurfaced with asphalt;
 - b) develop a Maintenance Management Plan to include routine defects, inspection intervals, service standards (for example quality and timeliness of repairs) and performance measures;
 - c) investigate the use of Assetic or similar software for improved maintenance management including mobile capability for field crews, and integration with Assetic;
 - d) develop an assessment process for roads assets such that criticality is considered when developing new, renewal and funding needs and priorities;
 - e) continue to progress the Main Roads WA Road Re-classification of Canning Road, Welshpool Road East and Abernethy Road; and
 - f) review the demand factors for roads and quantify the future demand as part of the City's Integrated Transport Plan.

STATUTORY AND LEGAL CONSIDERATIONS

14. The City is required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (WA) and supporting *Local Government (Administration) Regulations 1996* (WA). Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework which are recommended requirements for compliance to the Act and Regulations.

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. The draft Roads AMP was reviewed by the Infrastructure Asset Management Steering Committee prior to finalising this report.

External Referrals

17. Asset Management Plans are informed by “levels of service” which is the result of a community consultation process. Consultation on Levels of Services for roads, drains and pathways was undertaken during February and March 2018.

FINANCIAL CONSIDERATIONS

18. The City’s current Long Term Financial Plan forecasts a total average annual amount of \$3.3 million for capital expenditure on all roads asset renewals.
19. The recommendations of this Asset Management Plan require an average increase of capital expenditure of \$85,000 per year.
20. The Roads AMP also includes three financial ratios, being the Asset Consumption Ratio, the Asset Sustainability Ratio, and the Asset Renewal Funding Ratio.
21. The Asset Consumption Ratio measures the fair value of the assets compared to the replacement cost of the assets. The recommended practice is that a ratio of 0.5 to 0.75 (fair value/replacement cost) is maintained over the long term. Bus shelters are at risk of falling below this measure unless the funding is increased.
22. The Asset Sustainability Ratio measures the renewal or replacement rate against the rate of financial depreciation of the asset. This has an inherent bias as it only includes the next ten years of renewals while the depreciation represents the life of the assets. Except for classes of asset that are brand new, the recommended practice is to maintain this ratio at 0.90 or greater, indicating reasonable financial sustainability. The Asset Management Plan indicates that increased investment in roads and bus shelters may be necessary as these ratios (at current funding levels) are at 0.72 and 0.48 respectively. At this time, no increase in funding for roads (surfaces, pavements and safety barriers) is proposed due to the other ratios being acceptable. The recommended funding increase for bus shelters will raise this ratio to 0.86.
23. The Asset Renewal Funding Ratio measures the ability of the City to fund its asset renewal/replacement program within the Long Term Financial Plan. The measure is the Net Present Value of approved 10-year renewal/replacement funding compared to the Net Present Value of the required renewal and replacement funding (which is informed by the other ratios). The recommended Asset Renewal Funding ratio is between 0.75 and 0.95. The ratios indicate that funding is needed for bus shelters (ratio of 0.56) and car parks (ratio of 0.65).

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

25. Maintaining roads assets at an acceptable level will assist in providing a safe and functional road network to meet community transportation needs.

Economic Implications

26. Maximising grant funding income will be essential for the City to financially support the level of maintenance and renewal expenditure required to maintain its Roads Assets at an acceptable level of service to the community.

Environmental Implications

27. There are no direct environmental implications arising from the Roads AMP.

RISK MANAGEMENT CONSIDERATIONS

28.

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

OFFICER COMMENT

29. The Roads AMP is presented in a format that is consistent with contemporary asset management practices across Australia and New Zealand.

30. The financial modelling identified that the condition rating and funding requirements is considered an 'Intermediate' level practice in terms of asset management maturity.

31. Through the scenario modelling process, the Roads AMP provides 10 year funding options and assists in the development of appropriate roads assets renewal programs.

Voting Requirements: Simple Majority

RESOLVED OCM 184/2018

That Council:

1. ENDORSES the City of Kalamunda's Roads Asset Management Plan 2018.
2. NOTES the recommended funding for inclusion in the Long Term Financial Plan to 2023, in preparation for the 2019/2020 budget deliberations.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

10.3 Adoption of Corporate Services Reports

10.3.1 Proposed Permanent Closure of Portion of William Street/Sheffield Road, Wattle Grove

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

Cr O'Donnell asked for clarification on the clearing and replacement costs for existing vegetation and suggested that a replacement cost of between \$1,000 to \$1,500 would be more appropriate. Cr Boyd asked for clarification on the costs for the replacement of trees. The Director Asset Services took this question on notice.

Cr O'Donnell foreshadowed a motion to defer the Item to the November Ordinary Council Meeting to allow for further clarification on the costs of tree replacement and vegetation.

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	WL-13/GEN; WL-13/002
Applicant	Dennis Hita and Karmen Whitehead
Owner	State of Western Australia
Attachments	1. Amended Plan - Lot 757 (No. 2) William Street, Wattle Grove [10.3.1.1] 2. Proposed Permanent Closure of Portion of William Street - Submissions Table [10.3.1.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request to permanently close a portion of the William Street/Sheffield Road, Wattle Grove road reserve and amalgamate the closed road reserve with Lot 757 (2) William Street, Wattle Grove (Lot 757).
2. A resolution of Council is required to proceed with the proposed permanent road reserve closure.
3. It is recommended that Council support the request to permanently close a portion of the William Street/Sheffield Road, Wattle Grove road reserve, subject to conditions.

BACKGROUND

4. Locality Plan:



5. Lot 757 is outlined in red on the locality plan above.

DETAILS

6. On 8 December 2017, Dennis Hita and Karmen Whitehead (Applicant) lodged an application with the City of Kalamunda (City) for the permanent closure of a portion of the William Street/Sheffield Road, Wattle Grove road reserve.
7. On 28 December 2017, the Applicant provided the City with a plan showing the proposed road reserve closure area.
8. The City requested that the Applicant provide an amended plan showing the location of all services. An amended plan was provided to the City on 8 January 2018 (Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

9. The proposed road reserve closure must proceed in accordance with section 58 of the *Land Administration Act 1997* (WA).
10. Section 58(1)-(3) states as follows:

58. Closing roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

POLICY CONSIDERATIONS

11. The City's Asset Management Policy C-AS-01 (Policy) provides *"a framework for undertaking long term strategic asset management of the Shire's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community."*
12. The Policy states that *"As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*
13. A review of the portion of road reserve proposed to be closed indicates that it is surplus to the current and future requirements of the road network.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. The City has no objection to the proposal from a statutory planning perspective and assumes the Applicant is looking to purchase the land in question and re-develop for an additional dwelling.
15. On the basis of the above, the City's strategic planning requirement is that the standard truncation parameters are put in place. It is noted that the plan for the proposal provides for a truncation.
16. The City has assessed the proposal from an asset management perspective and requires that the following conditions be imposed on any approval:
- a) the Applicant will need to arrange, at their cost, to relocate Western Power utilities; and
 - b) the Applicant will need to provide a contribution of \$500 (including GST) for the replacement of vegetation. The City will arrange replacement by providing street trees.
17. The proposal has been assessed by the City from an environmental health perspective and it is noted that the underground power supply runs through this area, and possible other services, which would require relocating as per the requirements of the respective service authorities.
18. The City does not have any objection to the proposal from an asset maintenance and community development perspective.

External Referrals

19. The proposal was advertised in the Kalamunda Reporter on Tuesday 8 May 2018 and on the City's website. Comments closed at 5:00pm on Wednesday 13 June 2018.
20. The proposal was also referred to the service authorities for comment.
21. The submissions received by the City are summarised in the Summary of Submissions Table (Attachment 2).

FINANCIAL CONSIDERATIONS

22. The costs of the proposal are as follows:
 - a) purchase price for portion of road reserve to be closed and amalgamated into Lot 757;
 - b) easements and service relocations;
 - c) Department of Planning, Lands & Heritage document preparation fees;
 - d) Landgate fees; and
 - e) survey costs.
23. The amount of each of these costs will be determined by the Department of Planning, Lands & Heritage, Landgate, the service authorities and any consultants engaged by the Department.
24. The proposal benefits the Applicant as it increases the area of their property. It is proposed that the Applicant be required to pay all costs of the proposal.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

28. The City will arrange replacement of vegetation impacted by the proposal by providing street trees.

RISK MANAGEMENT CONSIDERATIONS

29.

Risk: The Applicant is unable to afford the cost of relocating services.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure the Applicant is informed they are responsible for the cost of any service relocations. Ensure the City’s approval to the road reserve closure is conditional on the Applicant paying for all costs of any service relocations.		

30.

Risk: The Minister for Lands does not support the proposed permanent road reserve closure.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure the Minister for Lands is advised that the road reserve closure area is surplus to the current and future requirements of the road network.		

OFFICER COMMENT

- 31. The truncation at the site is far more onerous than the truncations at nearby properties at 1A, 3 and 5 William Street, Wattle Grove.
- 32. The plan for the proposal provides for a more ‘standard’ truncation. A standard truncation will still provide for adequate sight lines.
- 33. Provided that the Applicant pays for all costs of the proposal, there is no reason for the City to object to the proposal.
- 34. It is recommended that Council support the request to permanently close a portion of the William Street/Sheffield Road, Wattle Grove road reserve, subject to conditions.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the William Street/Sheffield Road, Wattle Grove road reserve shown delineated and marked as "Proposed Lot Extension" on the plan attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
 - a) the Applicant must pay the purchase price for the portion of road reserve proposed to be closed and amalgamated into Lot 757 (No. 2) William Street, Wattle Grove;
 - b) the Applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities in order for the proposal to proceed;
 - c) the Applicant must pay all Department of Planning, Lands & Heritage document preparation fees and Landgate fees in respect of the proposal;
 - d) the Applicant must pay all survey costs of the proposal;
 - e) the Applicant must pay any other costs of and incidental to the road closure and amalgamation; and
 - f) the Applicant must provide a contribution of \$500 (including GST) to the City for the replacement of vegetation.
2. CONFIRMS the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
3. UNDERTAKES to comply with section 58(2) of the *Land Administration Act 1997* (WA).
4. NOTES the following:

ATCO Gas Infrastructure

- a) ATCO Gas Australia has High Pressure gas mains (Pipeline 41) within the immediately adjacent road reserve of William Street. ATCO Gas **must** be notified of any works within 15 metres of High Pressure gas infrastructure before those works begin;
- b) construction, excavation and other activities are restricted in this zone. No pavements (including crossovers) are to be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The Applicant is advised to contact ATCO on 9499 5272 in this regard and comply with the requirements of the ATCO Gas document NCN-WI008-RF01 Additional Information for Working Around Gas Infrastructure; and
- c) anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.

Water Corporation Infrastructure

- a) there is an existing dn150mm cast iron water main that will be impacted by this proposed road reserve closure; and
- b) the Water Corporation requires that the main be relocated to the standard 2.1 metre alignment off the proposed boundary prior to the proposed land transfer. The Applicant will need to have a design submission done and lodged with the Water Corporation for the new main.

Telstra Infrastructure

- a) Telstra's plant records indicate that there are Telstra assets within the area of the proposal; and
- b) at this stage, Telstra has determined that the existing Telstra infrastructure in the existing road reserve will have to be relocated to the new road reserve.

Western Power Infrastructure

- a) Western Power infrastructure may need to be removed or relocated.

Moved:

Seconded:

Vote:

Voting Requirements: Simple Majority

MOTION TO DEFER

RESOLVED OCM 185/2018

That Council:

Defer this item until the November Ordinary Council Meeting.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Dylan O'Connor**

Vote:

For	Against
Cr O'Connor	Cr Fernie
Cr Boyd	Cr Thomas
Cr Giardina	
Cr Lohmeyer	
Cr Stallard	
Cr O'Donnell	
Cr Morton	
Cr Blair	
Cr Almond	

CARRIED (9/2)

10.4 Adoption of Office of the CEO Reports

10.4.1 Proposal for Change of Name - Reserve 29873 - 39 Sanderson Road, Lesmurdie - Result of Public Consultation

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

Questions asked by Councillors were clarified.

Previous Items	OCM 109/2013; OCM 80/2018
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	SN-01/039
Applicant	N/A
Owner	N/A

Attachments	1. Barrie Oldfield Community Contribution History [10.4.1.1]
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Confidential Attachments	1. Submitters List
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EXECUTIVE SUMMARY

1. The purpose of this report is 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 May 2018 (OCM 80/2018) the Council requested the Chief Executive Officer 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.
3. It is recommended to support and initiate the renaming process for a portion of Reserve 29673 in accordance with Landgate's *Polices and Standards for Geographical Naming in Western Australia*.

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. The reserve has 85 species of native plants that have been photographed and published in a book by Barrie Oldfield.
5. In August 2013 the City of Kalamunda (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. A change of name was initially instigated by the Lesmurdie Residents Association. Barrie Oldfield was a long-time resident of the City of Kalamunda and was an active member of the Lesmurdie Residents Association.
7. To change the name of a portion of the Reserve from Willoughby Park to Barrie Oldfield Park, the name change must be forwarded to Landgate.
8. For the purposes of the Policies and Standards for Geographical Standards for Geographical Naming, a local park and recreational reserve is a uniquely and clearly defined administrative geographical extent. It may be freehold or crown land parcels which have been established for public purpose, such as recreational use and/or for the protection of local habitat areas. They may include public gardens, infrastructure such as shelters, ablutions, playground equipment, barbeques or other features such as ponds, lakes, bushland and walking trails.
9. As per the provisions in the *Land Administration Act 1997*, the Minister for Lands (Minister) has the authority for officially naming and un-naming all local parks and recreational reserves in Western Australia.
10. Selection of a local park or recreational reserve name must take into consideration the impact the name will have on the wider community.
11. There is no minimum or maximum size requirement for a named local park or recreational reserve.
12. Official local park or recreational reserve names are expected to be enduring. Landgate discourages any changes to official names without good reason, however such proposals will be considered on an individual basis, and the merits of each case will be carefully evaluated.

Reasons that may be considered in support of a name change are:
 - a) changes made to bring official usage into agreement with well-established local usage;
 - b) proposals to eliminate naming issues such as derogatory names, duplication or those previously approved on the basis of incorrect information;
 - c) proposals previously made at the request of persons or organisations (public or private); and
 - d) for commemorative or other reasons important to the proposer.
13. Where a change to the name of a local park or recreational reserve is proposed, clear justification outlining sufficient reasons for consideration is required.

14. All local parks or recreational reserves within private, residential or commercial subdivisions must be named in accordance with Section 1: General policies and standards of the Policies and Standards for Geographical Standards for Geographical Naming. Support for the name is required for Landgate to consider the proposal.
15. The City had undertaken a district wide public consultation on the change of name. This consultation has resulted in the majority of respondents supporting the proposed name change.

STATUTORY AND LEGAL CONSIDERATIONS

16. The name must adhere to the requirements of *Policies and Standards for Geographical Standards for Geographical Naming* in Western Australia.
17. *Land Administration Act 1997.*

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Not required.

External Referrals

20. The City has undertaken public consultation to gauge the community's support of a name change.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

SUSTAINABILITY

Social Implications

23. Nil.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

26.	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.		

OFFICER COMMENT

27. Barrie Oldfield moved to Lesmurdie in 1964 and is recognised for his direct involvement in a number of projects such as the building of the Lesmurdie Community Hall and the restoration of Falls Farm.

28. In addition, he was an extremely active member of the community and received numerous awards and acknowledgements:

- a) Councillor from 1978 – 1981;
- b) Awarded the title of Honorary Freeman of the Municipality in 1998;
- c) Founding Member and Past President of Men of the Trees;
- d) Past President of the Lesmurdie Progress Association and member for 51 years;
- e) Awarded the Order of Australia Medal;
- f) Awarded a Centenary medal;
- g) Awarded the John Tonkin Greening WA Award;
- h) Environmentalist, Community Builder, Film Maker and Author.

29. The City undertook Public Consultation for a period from 28 May to 2 July 2018. During this period 26 submissions were received. Of the submissions received, 20 were in favour and six were not.

30. One submission provided a comprehensive history of Barrie Oldfield's contribution to Willoughby Park and the community. This will be provided to Landgate as evidence of the signification contribution and is provided as Attachment 1.
31. The family of Barrie Oldfield have been consulted and are honoured and supportive of the City initiating the process to change the name of Willoughby Park to Barrie Oldfield Park.

Voting Requirements: Simple Majority

RESOLVED OCM 186/2018

That Council:

REQUEST the Chief Executive Officer to initiate the process to change a portion of Reserve 29673 at 39 Sanderson Road, Lesmurdie, currently named "Willoughby Park", to Barrie Oldfield Park in accordance with Landgate's *Polices and Standards for Geographical Naming in Western Australia*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

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

10.5 Adoption of Chief Executive Officer Reports

10.5.1 Debtors and Creditors Report for the Period Ended September 2018

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

Cr O'Connor asked for clarification on Creditor payments. The Director Corporate Services took this question on notice and a response will be provided in the 27 November 2018 Ordinary Council Meeting Agenda.

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none">1. Creditor Payments for the Period Ended 30 September 2018 [10.5.1.1]2. Summary of Debtors for month of September 2018 [10.5.1.2]3. Summary of Creditors for month of September 2018 [10.5.1.3]

EXECUTIVE SUMMARY

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of September 2018 there were no abnormal overdue debtors that demanded special attention.

5. In accordance with the *Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS

Debtors

6. Sundry debtors as of 30 September 2018 were \$556,100 of which \$484,904 was made up of current debts and \$9,886 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$50,973; debts of significance are:
- a) Kalamunda Club, \$17,220, Loan instalment;
 - b) Zig Zag Gymnastics, \$2,923, Lease; and
 - c) Drom's Delight, \$1,124, Health Service fee.
8. Invoices over 60 days total \$374, no debts of significance.
9. Invoices over 90 days total \$29,734, debts of significance are:
- a) Kalamunda Club, \$11,263, Loan Instalment – request received for deferral from the Club; a report will be brought to the November Ordinary Council Meeting to consider the Club's repayment plan;
 - b) Zig Zag Gymnastics Pty Ltd, \$7,609, Hall Hire; Instalment arrangement in place;
 - c) Evolution Cheer & Dance, \$4,143, Hall Hire - making regular payments and debt is reducing; and
 - d) Kalamunda Chamber of Commerce, \$2,570, Membership Fees / Utility Expenses.

Creditors

10. Payments totalling \$6,644,740. were made during the month of September 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency services levy 2018/19 – quarter 1	2,151,018.53
Marsh Pty Ltd	Insurance renewal fees for the period – 30/6/2018 to 30/6/2019 - \$639,184.03 Workers compensation insurance renewal fees for the period – 30/6/2018 to 30/6/2019 - \$109,147.50	748,331.53
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	407,430.31
Australian Tax Office	PAYG payments	395,009.78
Cleanaway	Waste/recycling and bulk bin disposal fees	227,568.66
WA Local Government Superannuation Plan	Superannuation contributions	194,781.66
Western Australian Treasury Corporation	Loan instalment repayment – loan 224, loan 227	176,535.78
West Tip Waste Control Pty Ltd	Drainage clean – removal & processing building rubble, gully educting, sweepings	131,658.19
Synergy	Power Charges – various locations	116,942.60
Menzies Civil Australia Pty Ltd	Booligal Street, Lesmurdie – drainage upgrade – Progress claim	75,122.81
BE Projects (WA) Pty Ltd	Construction of hockey club rooms facility – Hartfield Park – Forrestfield – Progress payment	64,756.11

These payments total \$4,689,155.96 and represent 70.57% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,209,026 was paid in net salaries for the month September 2018.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City relate to the following types:
- a) CELL 9 Trust;

- b) POS Trust;
- c) BCITF Levy;
- d) Building Services (Licence) Levy; and
- e) Unclaimed Monies.

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

BRB Levy		Amount (\$)
Date	Description	
5/9/2018	Building Services Levy – August 2018	8,730.49
CELL 9		Amount (\$)
Date	Description	
27/9/2018	Brook & Mash Pty Ltd – road widening – lot 35, Hale Road, Wattle Grove	500.00
27/9/2018	Lycopodium Infrastructure Pty Ltd - Detail design & documentation for Hale Road widening & enhancement	18,440.50
27/9/2018	Torbay Tree farmers – Supply & delivery of 8 Chinese pistachio trees	730.91
27/9/2018	McLeods Barristers & Solicitors – Legal expenses, lot 32 (No 326), Hale Road, Wattle Grove	558.00

STATUTORY AND LEGAL CONSIDERATIONS

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

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

POLICY CONSIDERATIONS

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

CONSULTATION / COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

29.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.						
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Insignificant	Low
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.						
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Insignificant	Low
Likelihood	Consequence	Rating					
Possible	Insignificant	Low					
	Action / Strategy						
	Ensure all disputes are resolved in a timely manner.						

OFFICER COMMENT

31. Creditor payments for September 2018 is above the normal range due to Emergency Services Levy payment made.

Voting Requirements: Simple Majority

RESOLVED OCM 187/2018

That Council:

1. RECEIVES the list of payments made from the Municipal Accounts in September 2018 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVES the list of payments made from the Trust Fund Accounts in September 2018 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

3. RECEIVES the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of September 2018.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

10.5.2 Monthly Financial Statements to September 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

Attachments	1. Statement of Financial Activity 30 September 2018 [10.5.2.1]
	2. Statement of Net Current Funding Position 30 September 2018 [10.5.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 September 2018.
2. The Statutory Financial Statements report on the Financial activity of the City of Kalamunda (City) with comparison of the period's performance against the statutory budget adopted by the Council on 25 June 2018 for 2018/19 financial year.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the period ended to 30 September 2018, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 30 September 2018;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2018; and
 - c) Net Current Funding Position, note to financial report as of 30 September 2018.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2017/18.
6. The opening surplus position is un-audited and subject to change as the Infrastructure revaluation entries are pending subject to our External Auditors' review.

DETAILS

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

FINANCIAL COMMENTARY

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

8. This Statement reveals a net result surplus of \$40,731,319 compared to budget for the same period of \$39,954,352.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$512,323. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$410,034, the variance is mainly attributable to, \$556,962 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust;
 - b) Fees and Charges are over budget by \$47,486. This is mainly due to the receipt of health surveillance fees ahead of budget phasing;
 - c) Interest Income is under budget by \$51,166. Bulk of the investments are placed on a 6 months' tenure which currently gives the highest return. This is considered to be a timing issue;
 - d) Other Revenue is under budget by \$12,118. This is mainly due to the lower than projected revenue from fines and enforcements; and
 - e) Profit/loss on asset disposals is subject to change since 2017/18 End of the Year asset register rollover is yet to be finalised in the Financial Information Management System.

Operating Expenditure

10. Total expenses are under budget by \$618,123. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$23,015, the variance is within the reporting threshold;
 - b) Materials and Contracts is under budget by \$351,998. This is mainly attributed to:
 - i. Fire mitigation programmes – fire breaks - \$108,657; and
 - ii. Verge maintenance, various sites, \$135,208.These are considered to be a timing variance;
 - c) Utilities are under budget by \$31,325 which mainly relates to phasing;

- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$149,578. The infrastructure assets revaluation entries for 2017/18 are incomplete due to the impending external audit;
- e) Interest expense is under budget by \$897. 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 \$20,086. The variance is within the reporting threshold; and
- g) Other expenditure is under budget by \$116,317. The variance is due to a timing difference of planned donations and contributions to various community groups.

INVESTING ACTIVITIES

Non-operating Grants and Contributions

- 11. The non-operating grants and contributions are over budget by \$299,271. The variance was due to the receipt of 10% of the State Government grant for the Kalamunda Community Centre upon signing of the funding agreement.

Capital Expenditures

- 12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$302,460. This is considered to be a timing issue.
- 13. Capital work-in-progress monies spend of \$807,585, 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 \$139,529 which is mainly reserve movements.

Rates Revenues

- 15. Rates generation is under budget with a variance of \$597,191. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

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

- 16. Generally, each Program is within the accepted budget except for 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 9 to 15 above.

Statement of Net Current Funding Position as at 30 September 2018

17. The commentary on the net current funding position is based on comparison of the September 2018 to the September 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$55.5 million. The restricted cash position is \$17.9 million which is higher than the previous period's balance of \$13.5 million. This is mainly attributed to the timing of release of funds from the unexpended capital works and specific purpose grant reserve towards current years' capital works programme.
19. Unrestricted cash has decreased by \$4.9 million when compared with the balance at September 2017. The decrease was mainly due to the timing of reserve funds release from the unexpended capital works and specific purpose grant reserve.
20. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

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

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

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	6,730,509	21%
	Bankwest	6,000,000	18%
	Bendigo	5,859,761	18%
	Suncorp	7,177,757	22%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry			79%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	7,013,036	21%
Total Investments - including Restricted Funds		32,781,062	100%

21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$18.69 million. The rates receivable balance increased by \$0.9 million from last year which reflects increases in rates generation and more ratepayers choosing to pay by either instalment options or direct debit payment arrangements.
22. Sundry debtors have increased from \$124,143 to \$556,100, of which \$484,904 consists of current debt due within 30 days.
- Current debts have increased from \$72,561 in September 2017 to \$484,904, the increase is mainly due an invoice raised in September 2018 for grant contribution related to Kalamunda Community Centre.
- Debtors over 30 days increased from \$57,929 in September 2017 to \$81,082.
23. Receivables Other represents \$5.9 million including:
- a) Emergency Service Levy receivables \$3 million; and
 - b) Receivables sanitation \$2.2 million.
24. Provisions for annual and long service leave have decreased by \$80,272 to \$3.2 million when compared to the previous year.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

26. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

28. As noted in point 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.		

35.

Risk: Non-compliance with Financial Regulations		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action / Strategy		
The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations.		

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RESOLVED OCM 188/2018

That Council:

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

- a) Statement of Financial Activity (Nature and Type) for the period ended 30 September 2018;
- b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2018; and
- c) Net Current Funding Position, note to financial report as of 30 September 2018.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.5.3 Rates Debtors Report for the Period Ended September 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 September 2018 [**10.5.3.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) has collected \$20.33 million (53.21%) in rates as at 30 September 2018.
3. It is recommended that Council receive the Rates Debtors Report for the month of September 2018 (Attachment 1).

BACKGROUND

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

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

5. A total of 23,106 Rate Notices were sent on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$38,801,256. As at 30 September 2018, a total of \$20,336,307 has been collected since Rate Notices were released. This represents a collection rate of 53.21% which is slightly higher than the 52.92% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. As at 30 September 2018, 9,019 properties are on the instalment options. Of these, 1,698 have taken up the option to pay by two instalments and 7,321 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 808 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase once the final demand letters are issued for ratepayers who are in default;
 - b) eRates – there are 2,401 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
 - c) BPay View – approximately 956 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout this financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. Interim Rating continued throughout September with great progress being made in clearing the backlog. As at 30 September almost \$420,000 has been raised in new charges and approximately 70 new properties created in the system. Work will continue through October which should bring the City up to date with outstanding interims.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for the purpose of training and process improvements. Throughout the month of September 2018, the Rates Department handled 773 calls with a total call time of over 37 hours.

DETAILS

11. For the 2017/18 financial year, legal action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from properties served and further action will be taken on individual accounts where it is deemed necessary. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.
12. The City has sent data to the printers for Final Notices to be generated for properties who have not paid or taken up an Instalment or Direct Debit option for the 2018/19 Rates. These will be sent out on 10 October 2018 and allow ratepayers to either pay in full or adopt a Direct Debit arrangement.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RESOLVED OCM 189/2018

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

10.5.4 Pickering Brook and Surrounds Sustainability and Tourism Strategy - Councillor Nomination to State Government Working Group

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

Cr Michael Fernie declared an Interest Affecting Impartiality on this Item as he owns a property within Pickering Brook. The Chief Executive Officer confirmed that advice had been received from the Department of Planning, Lands and Heritage stating there was no conflict of interest with Cr Fernie being put forward as the Elected Representative to this Group. Cr Fernie will be staying in the room for the vote.

Cr Boyd foreshadowed an Amendment to the Officer Recommendation. The Amended Recommendation was voted on and carried.

Previous Items	N/A
Directorate	Development Services Directorate
Business Unit	Strategic Planning
File Reference	3.001408
Applicant	N/A
Owner	N/A
Attachments	1. Pickering Brook and Surrounds Sustainability and Tourism Strategy [10.5.4.1]

EXECUTIVE SUMMARY

1. To appoint an elected representative to be part of the Pickering Brook Surrounds Sustainability and Tourism Strategy Working Group.
2. The Department of Planning, Lands and Heritage (DPLH), in conjunction with relevant State and Local Government representatives, will undertake the development of a sustainability and tourism strategy for Pickering Brook and Surrounds. As part of this the DPLH have requested an elected representative to be part of the Working Group.
3. It is recommended that Council appoint an elected representative to the Pickering Brook and Surrounds Sustainability and Tourism Strategy Working Group.

BACKGROUND

4. The State Government has announced that a Taskforce is to be established to create a new Planning and Tourism Strategy (Strategy) for the Perth Hills.
5. The Department of Planning, Lands and Heritage (DPLH), in conjunction with relevant State and Local Government representatives, will undertake the development of the Strategy for Pickering Brook and Surrounds.
6. The purpose of the project is to investigate planning and tourism related opportunities and constraints including the possible growth of the Pickering Brook townsite and utilise the findings to make related recommendations for consideration by Government.

7. The Working Group will be established for the duration of the project which is expected to be a period of approximately 12-18 months and is envisaged that approximately 6 – 10 meetings of the working group will be required. However, subsequent or additional can be scheduled as required.

DETAILS

8. A Working Group will be established to support and report to the Taskforce.
9. The Working Group will meet on a regular basis, approximately bi-monthly or as required over the course of the project. However, subsequent or additional meetings can be scheduled as required. The meeting will be no longer than 2 months apart and held for the duration of 1.5 hours.
10. The Project Working Group will provide a forum for discussion between, and input from, key government stakeholders to inform the development of a strategy to address possible expansion of the Pickering Brook townsite and the growth of tourism activities in the surrounding rural areas.
11. The two streams of work being:
- a) Investigate the possible expansion of the Pickering Brook townsite.
 - b) Develop a strategy for economic development initiatives including growth of tourism activities in the hills rural areas.
12. Address the following Key considerations:
- a) Townsite Sustainability/Community Services.
 - b) 'Perth Hills' Based Tourism/ Economic Diversity.
 - c) Priority Agricultural Land.
 - d) Bushfire Risk/Management.
 - e) Drinking Water Catchments.
 - f) Water and Waste Water Service Infrastructure.
13. The working group must:
- a) Ensure that project investigations included a review of all relevant previous work undertaken for Pickering Brook and Surrounds
 - b) Provide technical expertise to inform the development of the strategy.
 - c) Identify and discuss matters relevant to development of the strategy including considerations of all relevant issues, opportunities and constrains.
 - d) Ensure the development of the strategy has due regard to landowners and community views and expectations through appropriate consultation.
 - e) Make strategic recommendations for consideration by the Government.

14. The Department of Planning has attached terms of references. The provisions for the Working group:
- a) Meeting Code of Conduct
The Working Group meetings are intended to be constructive forums for open, two-way communication between working group members. Any confidential information or discussion at the meeting must remain information privy only to working group members.
 - b) Confidentiality
Working Group members will be privy to information that is in preliminary or draft form and is not yet approved for public release. Therefore, members are always to keep such information confidential
 - c) Meeting Agenda and papers will be circulated at least one week prior to meetings.
 - d) Media Communication
All proactive media and responses to media queries and requests to working group members should be directed through DPLD Communications for review and approval prior to release.

STATUTORY AND LEGAL CONSIDERATIONS

15. Nil.

POLICY CONSIDERATIONS

16. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. Provided to councillors on 9 October 2018 by presentation and followed up via email on 10 October 2018.

External Referrals

18. Key outcomes and recommendations from the Working Group and Taskforce will be presented to the community for comment through consideration of the Strategy and implementation through the City's local planning frameworks (i.e. future Local Planning Strategy).

FINANCIAL CONSIDERATIONS

19. Councillor and staff time will be accounted for through the annual budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

21. The Taskforce and Working Group will investigate opportunities to increase land use flexibility and in turn provide opportunities for a diverse demographic of people to live and work in Pickering Brook and surrounds.

Economic Implications

22. The Taskforce and Working Group will investigate opportunities to enhance tourism within the region. This has the potential to increase jobs in the tourism industry within the region.

Environmental Implications

23. The region has significant areas of State Forest and Regional Parks which are of environmental significance. It will be important during the process to ensure these environmental assets are protected.

24. Given the significant environmental values in the region, there is opportunities to investigate eco-tourism.

25. Given the significant areas of State Forest and Regional Parks the region is subject to significant bushfire risk. Being able to mitigate the bushfire risk to an acceptable level has been a challenge for tourism developments in the past. Investigating ways to mitigate bushfire risk and still allow for land use flexibility and tourism opportunities will need to be investigated by the Taskforce and Working Group.

RISK MANAGEMENT CONSIDERATIONS

26.	Risk: Outcomes from the Working Group that are presented to the Taskforce are not accepted.		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
Ensure outcomes are appropriately aligned to key local and state strategic objectives.			

27.

Risk: Outcomes from the Working Group and Taskforce do not align with community expectations.		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
Ensure outcomes are advertised and community feedback is sought as part of the consideration of the City's future local planning framework (i.e. Local Planning Strategy).		

OFFICER COMMENT

28. The City is in the process of developing a Rural Strategy for the area the subject of the Task Force. The Rural Strategy will inform the key strategies and actions relating to land use and development in the City's rural areas. The Rural Strategy will form a key component of the City's new Local Planning Strategy 2019. The Rural Strategy will respond to the outcomes and recommendations of the Hills Rural Study 2014.
29. The City will continue to progress the Rural Strategy through 2018 and early 2019. The Rural Strategy will also respond to the work undertaken and outputs by the Taskforce and Working Group. The Rural Strategy will be progressed in parallel with this process.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

APPOINT Cr _____ as an elected representative to the Pickering Brook and Surrounds Sustainability and Tourism Strategy Working Group.

Moved:

Seconded:

Vote:

Cr Boyd proposed an amendment to the Officer Recommendation as detailed below.

Voting Requirements: Simple Majority

RESOLVED OCM 190/2018

That Council:

1. APPOINT **Cr Fernie** as an elected representative to the Pickering Brook and Surrounds Sustainability and Tourism Strategy Working Group.
2. **APPOINT Cr Stallard to act as a proxy should the nominated representative not be available.**

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

10.5.5 Appointment of Councillors to Various Advisory Committees

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

An Amendment to the Officer Recommendation was foreshadowed. The Amended Recommendation was voted on and carried.

Previous Items	SCM 180/2017
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. To consider the appointment of councillors to a number of Advisory Committees as a consequence of the resignation of Cr Tracy Destree.
2. Appointments are required to be made to the following:
 - a) The Arts Advisory Committee;
 - b) The Bush Fire Advisory Committee; and
 - c) The History Village Advisory Committee.
3. It is recommended that Council appoints councillors as replacement members to the above Advisory Committees.

BACKGROUND

4. Council has established a number of Advisory Committees with councillor representatives as part of the appointed membership.
5. Current practice is that the appointment of Councillors to the various committees is undertaken as soon as practicable after each Local Government Election, resulting in a two year term of appointment.

DETAILS

6. With the resignation of Cr Destree effective 5 October 2018, her appointments to various Advisory Committees also cease.
7. In order to ensure Council is still adequately represented on these committees, replacements should be appointed to the following committees:
 - a) The Arts Advisory Committee;
 - b) The Bush Fire Advisory Committee; and
 - c) The History Village Advisory Committee.

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.10 (1) of the *Local Government Act 1995* provides for the appointment of councillors to of committees.

POLICY CONSIDERATIONS

9. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Not applicable.

External Referrals

11. Not required for this report.

FINANCIAL CONSIDERATIONS

12. No additional expenditure will be incurred from this report.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *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

14. Nil.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.	<p>Risk: Council representation on the Advisory Committees is reduced if new appointments are not made.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Low</td> <td>Moderate</td> </tr> </table>	Likelihood	Consequence	Rating	Unlikely	Low	Moderate
Likelihood	Consequence	Rating					
Unlikely	Low	Moderate					
	<p>Action/Strategy</p> <p>Ensure Council is aware of the need to have adequate representation on the Advisory Committees.</p>						

OFFICER COMMENT

- 18. The appointment of replacement members as a consequence of Cr Destree’s resignation will ensure Council maintains adequate representation on the Advisory Committees.

Voting Requirements: Absolute Majority

RESOLVED OCM 191/2018

THAT Council, pursuant to section 5.10 (1) of the *Local Government Act 1995* makes the following appointments as a member of:

a) The Arts Advisory Committee
Councillor _____

b) The Bush Fire Advisory Committee
 Councillor **John Giardina**

c) The History Village Advisory Committee
 Councillor **John Giardina**

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

Vote	For	Against
	Cr O'Connor	Cr Lohmeyer
	Cr Boyd	
	Cr Giardina	
	Cr Stallard	
	Cr O'Donnell	
	Cr Morton	
	Cr Blair	
	Cr Almond	
	Cr Fernie	
	Cr Thomas	

CARRIED (10/1)

10.5.6 Nominations: Community Safety and Crime Prevention Advisory Committee

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

Cr Boyd requested this Item be considered in the Confidential part of the Agenda. This Report was considered at Item 15.5 of the Agenda. Questions asked by Councillors were clarified. An Amendment to the Officer Recommendation lapsed and the Alternative Motion foreshadowed by Cr Boyd was voted on and carried.

Previous Items	OCM 167/2017; OCM 200/2017; OCM 13/2018; 115/2018; 139/2018
Directorate	Development Services
Business Unit	Community Safety Services
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	Assessment of Nominees

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider nominations to the City of Kalamunda's (City's) Community Safety and Crime Prevention Advisory Committee.
2. Council resolved at its June 2018 meeting to defer the decision on the appointment of members to the Community Safety and Crime Prevention Advisory Committee and for the Chief Executive Officer to undertake a review of the terms of reference and the processes for the selection of members to the committee (OCM 115/2018).
3. This report recommends Council appoint four community members to Community Safety and Crime Prevention Advisory Committee.

BACKGROUND

4. Council resolved at its September 2017 meeting (OCM 167/2017) to "Abolish the Community Safety and Crime Prevention Advisory Committee".
5. Council resolved at its October 2017 to reinstate the Community Safety and Crime Prevention Advisory Committee (OCM 200/2017).
6. Council resolved at its February 2018 to amend the Terms of Reference for the Community Safety and Crime Prevention Advisory Committee and advertise to fill four vacancies on the committee (OCM 13/2018).

7. Council resolved at its June 2018 to defer the decision on the appointment of members to the Community Safety and Crime Prevention Advisory Committee and for the Chief Executive Officer to undertake a review of the Terms of Reference and the processes for the selection of members to the committee (OCM 115/2018).
8. Council resolved at its July 2018 (OCM 139/2018) to:
 - a) Adopt the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee for term 2018 to 2020 with an amendment that there be a minimum of two and a maximum of four Councillors;
 - b) Approve ceasing the current membership application process for the Community Safety and Crime Prevention Advisory Committee and request the Chief Executive Officer to advise all applicants accordingly; and
 - c) Request the Chief Executive Officer to implement the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee and advertise to fill the four community member vacancies.
9. The City is committed to engaging with the community in a collaborative manner to resolve crime and safety issues and achieve community goals.
10. Community led Advisory Committees and Reference Groups assist in dealing with specific service areas or issues.
11. Local government is the most effective tier of government for engaging with the community. The City has existing networks and relationships, which enable us to engage directly with the community and relevant organisations (i.e., WA Police).
12. Advisory Committees provide an effective collaborative forum between the City and the community.
13. This level of engagement provides participants with a high degree of influence over outcomes, although the final decision will always remain with the Council.
14. It allows the City to look to the community for advice and innovation in formulating solutions and to incorporate their advice and recommendations into decisions to maximum extent possible.
15. The objectives of the Community Safety and Crime Prevention Advisory Committee are to:
 - a) consider issues relevant to the implementation of the Community Safety Prevention Plan (CSCP);
 - b) provide advice and recommendations to Council, based on local community safety and crime prevention needs;
 - c) liaise and consult with relevant agencies, individuals and community groups that will assist in the implementation of the CSCP Plan; and

- d) monitor and review the strategies and actions adopted as part of the CSCP Plan.

DETAILS

- 16. A total of 11 nominations for appointment to Community Safety and Crime Prevention Advisory Committee have been received. Full details of each nominations are provided in Confidential Attachment 1

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

- 18. The City assessed all applications in accordance with the CEO Instruction – Appointment of Community Members to Advisory Committees and Reference Groups adopted in July 2018.
- 19. The formation of the Advisory Committee and the process of recruiting members to the committee is in accordance with the City of Kalamunda Engagement Strategy 2017.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

- 20. Community Safety Services and Customer and Public Relations collaborated on the advertising of the vacancies.

External Referrals

- 21. The City sought nominations for the Community Safety and Crime Prevention Advisory Committees via advertising in the local newspapers, on the City’s website and via direct email to organisations and existing members.

FINANCIAL CONSIDERATIONS

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

Meeting agenda preparation	2 hours/meeting	\$	400.00
Briefing Papers prepared and research	8 hours/meeting	\$	1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$	1,200.00
Minutes	2 hours/meeting	\$	400.00

Senior Officers review and signoff	3 hours/meeting	\$	900.00
Ongoing Liaison	2 hours/meeting	\$	400.00
Reporting to council	4 hours/meeting	\$	800.00
	Total estimate	\$	5,700.00

The administration costs were calculated by using committee meeting statistics and information supplied by the City's financial management team.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

Priority 4: Kalamunda Leads

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

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

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

SUSTAINABILITY

Social Implications

24. Reduction of antisocial behaviour through the introduction of new initiatives coming from the activities of the Advisory Committee.

Economic Implications

25. Reduction of vandalism and damage to private property caused by antisocial behaviour through the introduction of new initiatives coming from the activities of the Advisory Committee.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.

Risk: Financial risk of the Committee becoming irrelevant and a cost to the City rather than a benefit.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
By regularly reviewing the Terms of Reference and the efficacy of advisory committees, the City will not incur a cost without benefit.		
28.

Risk: Reputational risk where the Committee’s goals do not align with the City’s objective and strategies.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Provide guidance to the Chair and, at the first meeting, communicate the City’s strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

OFFICER COMMENT

29. The Chief Executive Officer authorised the appointment of a panel containing five staff members to undertake the assessment of all applications received by the City.
30. All applications were assessed against a multi-criteria selection matrix, namely:
- a) knowledge and experience of the topics the Committee/Group will be required to provide advice on;
 - b) previous experience in participating on other committees, working groups or boards;
 - c) the ability to allocate the necessary time to attend meetings and read documentation prior to the meeting; and
 - d) whether the application addresses a knowledge/skills gap on the Committee/Group, with consideration given to the balance of the Committee/Group (ensuring broad community representation).
31. All nominations received complied with the application procedures. The City did not exclude any nominations from the assessment process.
32. The Community Safety and Crime Prevention Advisory Committee will commence meeting in July 2018. The committee will meet every three months thereafter.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (g)
 3. Candidate (i)
 4. Candidate (k)
2. REQUESTS the Chief Executive Officer to write to each member advising them of their appointments and the dates the advisory committee will meet in 2018.

Moved: **Lapsed**

Seconded:

Vote:

AMENDED OFFICER RECOMMENDATION

That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (g)
 3. Candidate (i)
 4. Candidate (k)
2. REQUESTS the Chief Executive Officer to write to each member advising them of their appointments and the dates the advisory committee will meet in 2018.
3. **APPOINT the following Councillors as members of the Community Safety and Crime Prevention Advisory Committee:**
 1. Cr _____
 2. Cr _____
 3. Cr _____
 4. Cr _____

4. APPOINTS the following Councillor as a Deputy Member of the Community Safety and Crime Prevention Advisory Committee:

1. Cr _____

Moved: **Lapsed**

Seconded:

Vote:

RESOLVED OCM 195/2018

ALTERNATIVE MOTION

That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (d)
 3. Candidate (h)
 4. Candidate (i)
2. REQUESTS the Chief Executive Officer to write to each member advising them of their appointments and the dates the advisory committee will meet in 2018.
3. APPOINT the following Councillors as members of the Community Safety and Crime Prevention Advisory Committee:
 1. Cr Thomas (North Ward)
 2. Cr Almond (North West Ward)
 3. Cr Boyd (South West Ward)
 4. Cr Stallard (South East Ward)
4. APPOINTS the following Councillor as a Deputy Member of the Community Safety and Crime Prevention Advisory Committee:
 1. Cr O'Connor

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

Vote: **For** **Against**
Cr Michael Fernie Cr Sara Lohmeyer
Cr John Giardina Cr Brooke O'Donnell
Cr Geoff Stallard
Cr Lesley Boyd
Cr Allan Morton
Cr David Almond
Cr Dylan O'Connor
Cr Cameron Blair
Cr Margaret Thomas

CARRIED (9/2)

11. Motions of Which Previous Notice has been Given

Nil.

12. Questions by Members Without Notice

12.1 Questions from the Ordinary Council Meeting held 23 October 2018

12.1.1 Cr Fernie – Draft Industrial Strategy

Summary of question:

When do the Officers expect the Draft Industrial Strategy report will be presented to Council?

Summary of response from the Director Development Services:

This question has been taken on notice.

12.1.2 Cr Stallard – Presentation by Daren Pedlar – Kalamunda Night Markets

Summary of question:

What time does the City close the street and at what time is it perceived that disruption occurs for the local shop keepers? Also, what can be done if we are not following the rules in notifying people about the closures?

Summary of response from the Manager Customer & Public Relations:

It is not the City of Kalamunda that closes the road, it is an approved traffic management plan that is controlled by a traffic management company. The current closure is at 4:00pm.

12.1.3 Cr O'Donnell – Councillor Destree

Summary of question:

Could we please note in this Agenda to thank Councillor Destree for her service to the City?

Summary of response from the Presiding Member:

This will be included in the Announcements by the Presiding Member in the Agenda for the Ordinary Council Meeting 27 November 2018.

12.1.4 Cr Thomas – Kalamunda History Village Train

Summary of question:

Could I have an update on the train at the Kalamunda History Village?

Summary of response from the Director Corporate Services:

The tender had gone out and is in the process of being awarded to the new company. The City is now looking at the scoping and timing of works, with a site meeting scheduled for later this week with the tenderer. The remainder of this question has been taken on notice.

12.1.5 Cr Lohmeyer – Loss of Financial Data

Summary of question:

I believe it would be appropriate to debunk some of the myths that are associated with what has been written on social media, newspapers and the radio and would like to know if it is possible to provide some comments on what the City has done in terms of bringing in external investigations into this process?

Summary of response from the Director Corporate Services:

The statement released from the City is still current in that nothing has changed in that context. The City has written to those affected ratepayers and is working through enquiries that come through. The City references that it has engaged the services of an independent consultant. We don't have the final report at this stage, but it would be expected to be finalised by the end of this week.

12.1.6 Cr Almond – Sinkhole on Dundas Road

Summary of question:

Has the City had any updates about the sinkhole on Dundas Road?

Summary of question from the Director Asset Services:

The City understands from the joint venture group that they are fairly confident they have identified the appropriate solution and expect that they might start handing the road back to the City in approximately two weeks.

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

Summary of question:

Do City Rangers receive or undergo customer service training and, if they do, how often is it refreshed – yearly or two yearly?

Summary of response from the Director Development Services:

This question has been taken on notice.

12.1.8 Cr Giardina – Road Verge Crews

Summary of question:

What is the status with the road verge crews? The City had an addition to the road verge crews a few years ago. I understand that there has been a lot of rain of late, but would like to know if we still have the additional crews that were employed and are we still using Contractors? I am getting complaints in that area and would like to know what is happening?

Summary of response from the Director Asset Services

The rainfall has contributed significantly to the growth of road verge vegetation. Looking at the stats, last month we had 115 customer requests for verge mowing – with about 80 outstanding items at the present time. I have asked my team to prepare a report on the status and programme of verge mowing and slashing, which will be discussed with the Chief Executive Officer.

12.2 **Questions from the Ordinary Council Meeting held 25 September 2018**

12.2.1 Item 12.1.1 of OCM 25 September 2018 - Cr O'Connor – Nardine / Ashby Link

Summary of questions:

Q1. *Could the City please provide an update on the Ashby / Nardine Link and when the roadworks will be completed?*

Q2. *When will the new connection between Nardine Close and Ashby Close be opened to traffic?*

Summary of response from the Director Asset Services:

A1. *The works have been delayed pending the Water Corporation completing their works (which cannot be done by the City's contractor). They have now just finished, and the City's contractor is back on site this week. The remaining works are scheduled to be completed and the works handed over to the City by mid November 2018.*

A2. *The roads can be opened to traffic as soon as the City receives handover from the Contractor (as per Question 1).*

12.2.2 Item 12.1.2 of OCM 25 September 2018 - Cr Destree - Question 12.1.1 from the Public Briefing Forum - Lighting within the Road Reserve on Welshpool Road East

Summary of question:

Will the question asked at the Public Briefing Forum of 11 September 2018 be answered in the Minutes when the answer is available from MRWA?

Summary of response from Director Asset Services:

The initial response from MRWA is that the intersections of Roe/Welshpool and Hale/Welshpool, when built, will be installed to the relevant Australian Standards and agree that there is no standard of lighting installed on their section of Welshpool Road East that they are in care and management. They have no plans to install lighting on that section of the road at this point in time, subject to the Council or the City putting in a request to Main Roads. This has now been taken on as an action item without further direction from Council.

Update from the Director Asset Services at OCM 23 October 2018

The City contacted Main Roads WA and requested they provide details of street lighting between Roe Highway and Tonkin Highway. MRWA confirmed there was no street lighting. The City has requested they start a programme to implement street lighting and are currently awaiting a response, as it is their responsibility.

12.2.3 Item 12.1.3 of OCM 25 September 2018 - Cr Boyd – Special Council Meeting April 2018 SCM 67/2018 – Development Application Communication Tower 119 Hale Road, Forrestfield

Summary of question:

Has there been any further communication for the City?

Summary of response from Director Development Services:

The latest advice from the applicant is that the planning application process for the telecommunications facility has stalled due to ongoing discussions between the proponent and the State Government regarding the matter of land tenure and how best to expedite the process through Parliament. As a consequence, no building permit for the telecommunication facility has been received by the City of Kalamunda.

Further questions from Councillor Boyd at OCM 23 October 2018

There was a two part question regarding the City releasing a media statement, which appears to be missing?

This question was answered in the Minutes of 25 September 2018 as follows:

“Cr Boyd – Status Update for Woolworths Drive/Hale Road, Forrestfield Upgrade

Summary of questions:

Q1. *Could the City provide an update on this?*

Q2. Could the City put out a media release with regard to the upgrade?

Summary of response from Director Asset Services:

A1. A design has been progressed for a mini roundabout for Woolworths Drive/Hale Road. This has been referred to MRWA for approval and City is hopeful an endorsed design will be available at the November OCM.

A2. This will be discussed to determine appropriate means to update the community on the progress of the project."

Summary of response from the Chief Executive Officer:

The Woolworths Drive report will be presented to Council at the November OCM. The City hasn't released a media statement as the report highlights that the matter is still unresolvable with Main Roads WA and will require some political intervention. Therefore, prior to receiving advice from the State and Federal Government, a media release would not be appropriate at this point in time.

12.3 Questions from the Public Briefing Forum held 9 October 2018

12.3.1 Item 12.2.1 of PBF 9 October 2018 - Cr Boyd – Item 10.1.5 Proposed Animal Establishment – Lot 64 (56) Brook Road, Wattle Grove

Summary of question:

How many of the submissions received were from residents within the 300 metre radius, as detailed in paragraphs 31 and 32 of this report?

Summary of response from Manager Approval Services:

All eight submissions received to the proposal were from residents located within a 300m radius of the subject site.

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

Nil.

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

Nil.

15. Meeting Closed to the Public

15.1 The Presiding Member asked all members of the public and press to leave in order for Council to discuss Confidential Items. All elected members and staff remained.

15.2 The Meeting closed to the public at 8:06pm.

RESOLVED OCM 192/2018

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

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

15.3 **Suspension of Standing Orders**

Voting Requirements: Simple Majority

RESOLVED OCM 193/2018

That, in accordance with Clause 17.1 of the Standing Orders, all clauses in the Standing Orders be suspended.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Dylan O'Connor**

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

Standing Orders were suspended at 8:14pm.

15.4 **Resumption of Standing Orders**

Voting Requirements: Simple Majority

RESOLVED OCM 194/2018

That, in accordance with Clause 17.1 of the Standing Orders, all clauses in the Standing Orders be resumed.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

Standing Orders resumed at 8:31pm.

15.5 **Item 10.5.6 Nominations: Community Safety and Crime Prevention Advisory Committee**

Voting Requirements: Absolute Majority

RESOLVED OCM 195/2018

ALTERNATIVE MOTION

That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (d)
 3. Candidate (h)
 4. Candidate (i)

2. REQUESTS the Chief Executive Officer to write to each member advising them of their appointments and the dates the advisory committee will meet in 2018.

3. APPOINT the following Councillors as members of the Community Safety and Crime Prevention Advisory Committee:
 1. Cr Thomas (North Ward)
 2. Cr Almond (North West Ward)
 3. Cr Boyd (South West Ward)
 4. Cr Stallard (South East Ward)

4. APPOINTS the following Councillor as a Deputy Member of the Community Safety and Crime Prevention Advisory Committee:
 1. Cr O'Connor

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

Vote:	For	Against
	Cr Michael Fernie	Cr Sara Lohmeyer
	Cr John Giardina	Cr Brooke O'Donnell
	Cr Geoff Stallard	
	Cr Lesley Boyd	
	Cr Allan Morton	
	Cr David Almond	
	Cr Dylan O'Connor	
	Cr Cameron Blair	
	Cr Margaret Thomas	

CARRIED (9/2)

- 15.6 That the Meeting be reopened to the public after consideration of confidential items.

RESOLVED OCM 196//2018

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

The Meeting reopened to the public at 8:36pm. Ten members of the public gallery returned to the Meeting. The Presiding Member read the resolutions passed behind closed doors.

16. Tabled Documents

- 16.1 Kalamunda Environmental Advisory Committee – Minutes of Special Meeting held 4 October 2018.
- 16.2 Disability and Carers Advisory Committee – Minutes of Meeting held 8 October 2018.

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:39pm.

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.