

Ordinary Council Meeting

Minutes for Tuesday 27 February 2018

UNCONFIRMED



**city of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

1.1 The Presiding Member opened the meeting at 6.30pm and welcomed Councillors, Staff, Press and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

John Giardina	(Mayor) (Presiding Member)	South East Ward
Michael Fernie		South East Ward
Geoff Stallard		South East Ward
Lesley Boyd		South West Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
David Almond		North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Cameron Blair		North Ward
Tracy Destree		North Ward
Margaret Thomas		North Ward

Members of Staff

Dennis Blair	Acting Chief Executive Officer
Gary Ticehurst	Director Corporate & Community Services
Natalie Martin Goode	Director Development Services
Simon Di Rosso	General Counsel
Kristy Lisle	Executive Research Officer Governance & Legal
Donna McPherson	Executive Research Officer to the CEO
Andrew Fowler-Tutt	Manager Approval Services
Nicole O'Neill	Manager Public Relations
Adam Parker	Service Desk Analyst

Members of the Public 33

Members of the Press 1

2.2 Apologies

Rhonda Hardy Chief Executive Officer

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 10 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 Frank Lindsey, 95 Aldersyde Road, Piesse Brook

Q. In September of last year the Council voted to abolish the Crime Prevention Committee, a few months later the Council determined to reinstate the committee. What was the rationale for the original abolition of the committee and what changed with the intervening months that warranted its reinstatement?

A. The Mayor stated the committee wasn't performing as it should and there was little interest being generated in the community towards that committee. We are in a better suited situation now where we have a Councillor who works for the police department and we hope to generate more interest amongst the community this time around.

4.0 PETITIONS/DEPUTATIONS

4.1 A petition was received from Pachamama Early Education and Childcare.

Voting Requirements: Simple Majority

RESOLVED OCM 01/2018

That Council:

1. Receive the petition presented to Council from Pachamama Early Education and Childcare and refer to the Chief Executive Officer.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Brooke O'Donnell**

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

4.2 A Deputation was received from Mr James Forsyth and Mr Neil Scott regarding item 10.2.4 – Change of Use, Function Centre to Place of Worship, Alterations and Additions to Existing Building, Two Function halls, Creche and Office Space and Signage – Lot 503 (105) Watsonia Road, Maida Vale.

4.3 A Deputation was received from Ms Kaye Smith regarding item 11.1 – Dog Exercise Area, Maida Vale.

4.4 A Deputation was received from Mr Kerry Hoadley regarding item 10.1.4 – Reserve 29041 – Lot 550 (No. 20) Over Avenue, Lesmurdie.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 RESOLVED OCM 02/2018

That Cr Lesley Boyd be granted leave of absence for the period 21 March 2018 to 6 April 2018 inclusive.

Moved: **Cr Allan Morton**

Seconded: **Cr Sara Lohmeyer**

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

5.2 RESOLVED OCM 03/2018

That Cr Sara Lohmeyer be granted leave of absence for the period 3 April 2018 to 27 April 2018 inclusive.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

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

5.3 RESOLVED OCM 04/2018

That Cr Tracy Destree be granted leave of absence for the period 1 March 2018 to 30 April 2018 inclusive.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

5.4 RESOLVED OCM 05/2018

That Cr Cameron Blair be granted leave of absence for the period 28 March 2018 to 4 April 2018 inclusive.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Brooke O'Donnell**

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

5.5 RESOLVED OCM 06/2018

That Cr Cameron Blair be granted leave of absence for the period 20 July 2018 to 30 July 2018 inclusive.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 RESOLVED OCM 07/2018

That the Minutes of the Public Agenda Briefing Forum held on 12 December 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

6.2 RESOLVED OCM 08/2018

That the Minutes of the Ordinary Council Meeting held on 19 December 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

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

6.3 RESOLVED OCM 09/2018

That the Minutes of the Annual General Electors Meeting held on 6 February 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

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

7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

- 7.1 The Presiding Member announced it was the last meeting for Natalie Martin Goode and on behalf of the Council thanked Natalie for her excellent service as the City's Director Development Services and wished her well for her new appointment at Town of Victoria Park.

8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

8.1 **10.1.4 CONFIDENTIAL Attachment 5 – Reserve 29041 – Lot 550 (no. 20 Over Avenue, Lesmurdie**

Written Submissions – provided under separate cover.

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

8.2 **10.2.4 CONFIDENTIAL Attachment 13 – Change of Use, Function Centre to Place of Worship, Alterations and Additions to Existing Building, Two Function Halls, Creche and Office Space and Signage – Lot 502 (105) Watsonia Road, Maida Vale**

Submitters Map – Provided under separate cover.

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

8.3 **10.2.6 CONFIDENTIAL Attachment 4 – Proposed Family Day Care – Lot 758 (89) Sheffield Road, Wattle Grove**

Submitters Map – Provided under separate cover.

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

8.4 **10.2.7 CONFIDENTIAL Attachment 5 – Proposed Home Business (Paint Workshop) – Lot 35 (36) Magnolia Way, Forrestfield**

Map of Respondents – Provided under separate cover.

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

8.5 **10.3.1 CONFIDENTIAL Attachment 1 – Consideration of Tenders for the Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721)**

Tender Evaluation Report – Provided under separate cover.

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

8.6 **10.3.2 CONFIDENTIAL Attachment 1 – Consideration of Tenders for the Woodlupine Brook Living Stream Stage 2 Civil Landscape Works, Wattle Grove (RFT 1722)**

Tender Evaluation Report – Provided under separate cover.

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

9.0 DISCLOSURE OF INTERESTS

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 5.65 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. (Sections 5.70 of the *Local Government Act 1995*.)

9.1.1 Cr Cameron Blair declared an Indirect Financial Interest in relation to 10.3.1 Consideration of Tenders for the Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721) as his company is a tender subcontractor for the works and he is the owner of a subcontractor company.

9.2 Disclosure of Interest Affecting Impartiality

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

9.2.1 Cr John Giardina declared an interest affecting impartiality in relation to 10.2.1 Heritage Status of the Avenue of Lemon Scented Gums along Welshpool Road East, as he has family that lives within the vicinity.

10.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

10.1 Corporate and Community Services Reports

10.1 Adoption of Corporate & Community Report

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 10/2018

That recommendations of report 10.1.1 to 10.1.4 inclusive be adopted by Council en bloc.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

10.1.1 Quarterly Progress Report Against KPIs – October-December 2017

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Information Technology
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Quarterly Progress Report Against KPIs –
October-December 2017

[Attachment 2](#)

KPI Scorecard October-December 2017

EXECUTIVE SUMMARY

1. The purpose of the Quarterly Progress Report is to provide information on the City's progress towards achieving its strategic goals.
2. It is recommended that Council receive the report.

BACKGROUND

3. Council resolved in June 2017 to select a number of key actions to be reported on each quarter to Council –

RESOLVED OCM 104/2017

That Council:

1. Adopts Kalamunda Achieving: Corporate Business Plan 2017 to 2021 shown as Attachment 1.

2. Refers the Corporate Business Plan to the Chief Executive Officer's Performance Review Committee for determination and recommendation of key performance actions and projects to be approved by the Council that will be reported to the Community through the Quarterly Progress Report.

As this process has not yet been completed, all 188 actions from the Corporate Business Plan have been reported for this quarter.

4. Each action is linked to Council's Strategic Plan, *Kalamunda Advancing 2027*, adopted in June 2017. This ensures that each employee is working towards achieving the strategic direction of the Council.
5. The person responsible for an action or task is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collated to provide an overview of how the organisation is performing.

DETAILS

6. **Priority Actions**
The Quarterly Progress Report for the period 1 October 2017 to 31 December 2017 is presented at (Attachment 1).

-
7. The report shows comments indicating the status of all actions and their current progress.
 8. Over 90% of the actions (172 of the 188) are currently at 90% or more of their target progress for the year to date. This is slightly less than last quarter (when 181 actions were on-track).
 9. **Key Performance Indicators**
Performance against the City's corporate KPIs is shown.
 10. Of the nine KPIs, for the period 1 October 2017 - 31 December 2017,
 - a) Seven are at or exceeding their target.
 - b) One is within 10% of its target (Planning Applications Determined within Statutory Timeframe).
 - c) One is an annual KPI which will not be updated until 1 July 2018.

STATUTORY AND LEGAL CONSIDERATIONS

11. Nil.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance.
Strategy 4.1.2 Build an effective and efficient service based organisation.

SUSTAINABILITY

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

21. Nil.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 10/2018

That Council:

1. Receives the Quarterly Progress Report Against KPIs for October-December 2017.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

10.1.2 Lot 888 (No. 20) Bedford Crescent, Forrestfield – Proposed Permanent Road Closure

Previous Items	OCM 102/07; OCM 06/2015; OCM 11/2016
Responsible Officer	Director Corporate Services
Service Area	Economic, Land & Property Services
File Reference	HE-RLW-021; BD-02/020
Applicant	Minorco Pty Ltd
Owner	Brian Stinson

[Attachment 1](#)

Proposed Road Reserve Closure
(Drawing No. 4124-01-01/F)

[Attachment 2](#)

Service Providers Responses

[Attachment 3](#)

Proposed Service Relocations

[Attachment 4](#)

Drawing No. 4124-01-02/E

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a proposal to close the portion of Bedford Crescent road reserve between Webster Road and Roe Highway and a portion of Webster Road road reserve, Forrestfield.
2. This report addresses the outcomes of the community consultation on the proposed closure of the road reserves required by Section 58 of the *Land Administration Act 1997* (WA).
3. It is recommended that Council request the closure of the portion of Bedford Crescent road reserve between Webster Road and Roe Highway and a portion of Webster Road road reserve, Forrestfield, subject to the following conditions:
 - a) The portions of closed road reserve are to be allocated in accordance with Drawing No. 4124-01-01/F (Attachment 1);
 - b) The applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities;
 - c) The applicant must pay all costs of and incidental to any easements and drainage infrastructure relocations required by the City;
 - d) The applicant must pay all survey costs associated with the proposal;
 - e) The applicant must pay all document preparation and lodgement fees associated with the proposal;
 - f) The applicant must pay all costs of and incidental to the removal and making good of the road pavement and kerbing as shown in blue on Drawing No. 4124-01-02/E (Attachment 4);
 - g) The applicant must pay all costs of and incidental to the installation of a boundary fence as shown on Drawing No. 4124-01-02/E (Attachment 4); and
 - h) The applicant must pay all other costs (if any) associated with the proposal.

BACKGROUND

4. At its meeting on 22 February 2016, Council considered a report to close a portion of Bedford Crescent road reserve between Webster Road and Roe Highway and a portion of Webster Road road reserve (OCM 11/2016 refers) and resolved as follows:
1. *Approve the initiation of the process for the proposed closure of the Webster Road and Bedford Crescent road reserves, Forrestfield (as shown on Attachment 1) in accordance with Section 58 of the Land Administration Act 1997 (WA).*
 2. *Notes that a further report will be presented for consideration following completion of the required community consultation in accordance with Section 58 of the Land Administration Act 1997 (WA).*
5. The Location Plan below shows the proposed closure. (Note: the area highlighted in yellow and red to be set aside as a Nature Reserve and vested in the Conservation and Parks Commission and the area highlighted in green to be acquired by the owner of Lot 888 (No. 20) Bedford Crescent, Forrestfield).



6. This request for closure was initiated by Minorco Pty Ltd, the owner of Lot 888 on Deposited Plan 73351 (No. 20 Bedford Crescent, Forrestfield), to enable the portion of road reserve highlighted green above to be amalgamated into their property.
7. As part of this road reserve closure process, it is proposed that the closed portions of road reserve be allocated as shown on City of Kalamunda Drawing No. 4124-01-01/F and summarised below (refer Attachment 1):
- a) Road reserve (outlined green) – amalgamation into Lot 888 on Deposited Plan 73351 (No. 20 Bedford Crescent, Forrestfield).
 - b) Road reserve (outlined red) – Nature Reserve vested in the Conservation and Parks Commission.

DETAILS

8. The initiation of the process for the proposed closure of portions of Bedford Crescent road reserve and Webster Road road reserve, in accordance with Section 58 of the *Land Administration Act 1997* (WA), involved the following processes:
 - a) Advertising of the proposed road reserve closure in a local newspaper to seek community comment and objections. This was advertised in the Echo Newspaper on 12 March 2016.
 - b) Letters were sent on 21 March 2016 to the following public service providers and other agencies confirming their agreement to the proposed closure:
 - (i) Water Corporation
 - (ii) Western Power
 - (iii) Alinta Gas
 - (iv) Telstra
 - (v) Department of Industry and Resources
 - (vi) Dampier to Bunbury Natural Gas Pipeline (DPNGP) Land Access Minister
 - (vii) Department of Lands
 9. A single submission was received, seeking advice as to which party instigated this proposal and the benefit of the proposal to the City. A response was issued advising that the owner of 20 Bedford Crescent initiated the request, noting that the portion of closed road reserve abutting this property would need to be purchased at a price based on a valuation by the Department of Lands to determine the market rate. The benefits to the City would be the reduction in costs to maintain the existing asphalt road and removal of illegally dumped waste.
 10. The responses from the public service providers and other agencies are summarised on Attachment 2.
 11. Telstra advised that there is a requirement to relocate services from the section of road reserve to be amalgamated into Lot 888 (No. 20) Bedford Crescent, to the opposite side of the existing road reserve in the section to be set aside as a Nature Reserve (refer Attachment 3 for sketch plan of proposed service relocations). Telstra provided a quotation of \$94,330.08 (inc. GST) to undertake these works.
 12. Telstra has subsequently confirmed that it has no objection to installing the required P100 conduit wholly in the proposed Nature Reserve (refer Attachment 3) and does not require an easement as all assets are protected under the *Telecommunications Act 1997* (Cth).
 13. The Department of Biodiversity, Conservation and Attractions (formerly Department of Parks and Wildlife) has endorsed the proposal to create the Nature Reserve vested in the Conservation and Parks Commission as outlined red on Attachment 1, inclusive of a standard access easement over the steel water main. This allows Water Corporation to clear vegetation as required to allow free access to the main for any required maintenance.
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STATUTORY AND LEGAL CONSIDERATIONS

14. If this proposal is supported, it must proceed in accordance with Section 58 of the *Land Administration Act 1997* (WA), which relates to permanent road closures.
15. Section 58 (1)–(3) states as follows:
 - (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

16. The City's Asset Management Policy (C-AS-01) states that "As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."
17. A review of the portions of road reserve proposed to be closed indicates that they are surplus to current and future requirements of the road network.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. Approval Services, Parks & Environmental Services, Community Safety Services and Community Development have no objection to the proposal.
19. Strategic Planning have no objection to the proposal and commented that the only benefit of the road is to Lot 888 (No. 20) Bedford Crescent.
20. Asset Maintenance did not provide any comments on the proposal.
21. Asset Management inspected the Bedford Crescent cul-de-sac on 26 September 2017 and advised that drainage infrastructure may need to be relocated. Asset Management further advised it is possible the pit and some pipe will be within the new lot. The options would be to have the boundary realigned around the pit, to have the pit relocated or to provide an easement. A survey would be required by the applicant when doing their designs to ensure the extent of the boundary is confirmed.

External Referrals

22. Community engagement was undertaken in accordance with the requirements of Section 58 of the *Land Administration Act 1997* (WA), and responses outlined in the Details section of this report.

FINANCIAL CONSIDERATIONS

23. Minorco Pty Ltd has accepted responsibility for the costs associated with:
- a) Advertising of the proposed road closure.
 - b) Survey costs associated with the proposal.
 - c) Relocation of Telstra services.
 - d) Document preparation and lodgement fees associated with the proposal.
 - e) Agreed market value of the portion of road reserve to be amalgamated into Lot 888 (No. 20) Bedford Crescent.
 - f) Removal and making good road pavement and kerbing as shown in blue on Drawing No. 4124-01-02/E (Attachment 4).
 - g) Installation of a boundary fence as shown on Drawing No. 4124-01-02/E (Attachment 4).
24. Closure of these portions of Bedford Crescent and Webster Road will eliminate the City's future requirement to maintain the existing section of asphalt/kerbed road adjacent to Lot 888 (No. 20) Bedford Crescent and the ongoing requirement to remove illegally dumped waste.
25. There are no financial implications of vesting the remaining road reserve as Nature Reserve as this is a nil-cost transaction.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

27. The closure of the road reserve is likely to have little impact on the community as the sections of road reserve currently provide constructed road access to one lot only, being Lot 888 (No. 20) Bedford Crescent.

Economic Implications

28. Nil.

Environmental Implications

29. No environmental impacts are envisaged on the proposed portions of road reserve to be closed and amalgamated into Lot 888 (No. 20) Bedford Crescent, as this land is already fully cleared.
30. There will be environmental benefits to the portion of road reserve to be closed and converted to a Nature Reserve as this will allow suitable rehabilitation and weed control to the same standard as the adjoining reserve.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: The proposed permanent road reserve closure does not occur.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Provide detailed rationale for the proposed permanent road reserve closure and the financial and environmental benefits.		
	Risk: The applicant refuses to pay all costs associated with the proposed permanent road reserve closure.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Make the City's request to the Minister for Lands to permanently close the road reserve conditional on the applicant paying all costs associated with the proposal.		

OFFICER COMMENT

32. The portions of road reserve to be closed are surplus to current and future requirements of the road network.
33. The proposed closure, if supported, will also result in the relinquishing by the City of all future maintenance responsibilities for the relevant portions of road reserve, including the clearing of dumped rubbish.
34. A portion of the closed road reserve is to be converted to Nature Reserve and become part of a consolidated Nature Reserve under the care, control and management of the Department of Biodiversity, Conservation and Attractions. This will ensure a uniform standard of control over the vegetation and weed control in this area.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 10/2018

That Council:

1. Requests the Minister for Lands to permanently close those portions of the Bedford Crescent road reserve between Webster Road and Roe Highway and Webster Road road reserve, Forrestfield shown delineated and marked on Drawing No. 4124-01-01/F (Attachment 1), pursuant to s. 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
 - a) The portions of closed road reserve are to be allocated in accordance with Drawing No. 4124-01-01/F (Attachment 1);
 - b) The applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities;
 - c) The applicant must pay all costs of and incidental to any easements and drainage infrastructure relocations required by the City of Kalamunda;
 - d) The applicant must pay all survey costs associated with the proposal;
 - e) The applicant must pay all document preparation and lodgement fees associated with the proposal;
 - f) The applicant must pay all costs of and incidental to the removal and making good of the road pavement and kerbing as shown in blue on Drawing No. 4124-01-02/E (Attachment 4);
 - g) The applicant must pay all costs of and incidental to the installation of a boundary fence as shown on Drawing No. 4124-01-02/E (Attachment 4);
and
 - h) The applicant must pay all other costs (if any) associated with the proposal.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

10.1.3 Road Reserve Boundary Adjustment to Wimbridge Road North of the Woodlupine Brook

Previous Items	OCM 214/2016
Responsible Officer	Director Corporate Services
Service Area	Economic, Land & Property Services
File Reference	PG-DEV-048
Applicant	City of Kalamunda
Owner	State of Western Australia

[Attachment 1](#)

Road Reserve Boundary Adjustment to Wimbridge Road North of the Woodlupine Brook - Road Layout Plan

EXECUTIVE SUMMARY

1. The purpose of this Report is to request Council to support a boundary adjustment to the Wimbridge Road road reserve north of the Woodlupine Brook.
2. In order to adjust the road reserve, the portion of road reserve that is no longer required must be closed and the additional portion of land required as road reserve must be dedicated.
3. A Council resolution is required to proceed with the proposed permanent road closure and road dedication.
4. It is recommended that Council request the Minister for Lands to adjust the boundary for Wimbridge Road road reserve north of the Woodlupine Brook, by closing the unrequired portion of road reserve and dedicating the portion of land required as road reserve.

BACKGROUND

5. At its meeting on 19 December 2016, Council considered tenders for the construction of Wimbridge Road Extension and resolved as follows (OCM 214/2016):

That Council:

1. *Accepts the recommendation of the Tender Evaluation Panel to appoint CQ & JM Dowsing Pty Ltd for the Construction of the Wimbridge Road Extension (eQuote 27-2016) for its tendered lump sum price of \$839,615.62 (excluding GST and allowance for contingency).*

DETAILS

6. Wimbridge Road has now been constructed. This proposal seeks to adjust the boundary of the Wimbridge Road road reserve on the northern side of Woodlupine Brook to match the reserve on the southern side by closing the unrequired portion of road reserve and dedicating the portion of land required as road reserve.

7. The portion of land required to be dedicated as road reserve is part of Lot 3001 on Plan 51030, being part of Reserve 48404. Reserve 48404 is owned by the State of Western Australia and managed by the City of Kalamunda for the purpose of "Public Recreation".
8. It is proposed that the portion of Wimbridge Road road reserve to be permanently closed is amalgamated with Lot 3001 on Plan 51030.

STATUTORY AND LEGAL CONSIDERATIONS

9. The proposal must proceed in accordance with section 56 and section 58 of the *Land Administration Act 1997* (WA).
 10. Section 56 of the *Land Administration Act* relates to the dedication of land as road. Section 56(1)-(2) states as follows:
 - (1) *If in the district of a local government —*
 - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

or

 - (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
 - (2) *If a local government resolves to make a request under subsection (1), it must —*
 - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
11. Section 58 of the *Land Administration Act* relates to permanent road closures. Section 58(1)-(3) states as follows:
 - (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

12. The City's Asset Management Policy C-AS-01 provides "a framework for undertaking long term strategic asset management of the City's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community."
13. This proposal reflects good asset management as it seeks to straighten a road reserve which is misaligned and to ensure that the road reserve matches the road as constructed.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Strategic Planning advised that the Cell 9 Wattle Grove Structure Plan shows Wimbridge Road being straight between Hale Road and The Promenade. In order for cadastral boundaries to align with the Structure Plan, the road reserve must be adjusted. While the road reserve is able to differ slightly from the Structure Plan, it is best practice to ensure consistency. In this case, if the road reserve boundary adjustment is not supported, the Structure Plan would need to be modified to match the cadastre.
15. Asset Management advised that no City assets are affected by the proposal.

External Referrals

16. Porter Engineering, the City's consultant engineering firm for the Wimbridge Road Extension project, has advised that the Wimbridge Road road reserve boundary adjustment is required because:
 - a) It addresses a misalignment of the existing Wimbridge Road road reserve boundary (north of the Woodlupine Brook) to the southern portion of the Wimbridge Road road reserve. Misalignments such as this are not usual practice, and it is generally good practice to address such misalignments where possible;
 - b) It allows for installation of services within Wimbridge Road to conform to standard designs and practices and not addressing this misalignment could be problematic for the installation of future services; and
 - c) A new light pole and cabling immediately to the north of Woodlupine Brook has been designed and positioned based on the boundary adjustment which addresses this misalignment.
17. If the misalignment is not addressed, Porter Engineering is of the opinion that:
 - a) This could be problematic for the installation of future services; and
 - b) A light pole would need to be located within an easement (road reserve widening) of a nominal size 1 metre wide x 2 metres deep.

-
18. The proposal was referred to the service authorities.
19. The Water Corporation requires the City to take into consideration the existing DN150 water reticulation main by complying with one of the following options:
- a) Option 1 – The realigned road reserve boundary would need to commence from the end of the main and the future extension of the main would need to deviate to follow the new road boundary; or
 - b) Option 2 – The existing DN150 water reticulation main would be relocated to match the realigned road reserve boundary to continue the 2.1 metre alignment.

Asset Delivery has confirmed that Wimbridge Road has been constructed along the proposed new alignment and that the City obtained the Water Corporation's approval to the road design.

20. Western Power has no objection to the proposal but requested that it be kept informed on the matter.
21. ATCO Gas advised that it has no objection to the proposal, provided that ATCO Gas' general requirements are met.
22. Telstra has no objection to the proposal, subject to the City complying with the following conditions:
- a) It is the City's responsibility to anticipate and request the nominal location of Telstra plant via the Dial Before You Dig "1100" number in advance of any construction activities in the vicinity of Telstra assets;
 - b) On receipt of plans, notwithstanding the recorded location of Telstra's plant, the City is responsible for obtaining a Telstra accredited Asset Plant Locator to perform cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work;
 - c) Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property; and
 - d) Telstra would appreciate due confirmation in the event that the City contemplates divesting its interest or control of this land so that Telstra may update its cadastre records.

23. The proposed road closure and road dedication was advertised in the Kalamunda Reporter on 9 May 2017 and on the City's website. Comments closed on 14 June 2017. The submission period was not less than 35 days to comply with section 58(3) of the *Land Administration Act*. No submissions were received.

FINANCIAL CONSIDERATIONS

24. If the road reserve boundary for Wimbridge Road north of the Woodlupine Brook is not adjusted, services will need to be relocated so that they are contained within the road reserve. The cost of relocating services impacted will be substantial.
25. If the boundary adjustment does not occur, the new light pole will not be located within the road reserve. The City will need to arrange for an easement to be granted over the portion of land on which the light pole is located and

would incur significant costs in arranging for the grant of an easement, including legal costs, survey costs and document lodgement fees.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.5: To create a desirable and recognisable image for the Shire.
Strategy 4.5.1 Support the creation and ongoing maintenance of quality streetscapes particularly at Shire entry points and along major arterial roads.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

29. No environmental impacts are envisaged, as Wimbridge Road has already been constructed. The proposal merely seeks to amend the road reserve boundary to match what was constructed.

RISK MANAGEMENT CONSIDERATIONS

30.	Risk: The proposed road closure and road dedication do not occur.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
Demonstrate that a failure to adjust the road reserve boundary will mean that the road reserve will not match what was constructed. Demonstrate that substantial costs would be incurred by the City in relocating services to the road reserve.			

OFFICER COMMENT

31. The road reserve for Wimbridge Road north of the Woodlupine Brook as it currently stands is misaligned. It is best practice to address such misalignments where possible. The proposal to amend the road reserve boundary will result in aligned boundaries either side of the Woodlupine Brook. Further, it will result in the road reserve matching what has been constructed.

32. The Cell 9 Wattle Grove Structure Plan shows Wimbridge Road being straight between Hale Road and The Promenade. The proposal will result in the cadastral boundaries of the road reserve matching the road as shown in the Structure Plan.
33. In the event that the proposed road closure and dedication of road does not occur:
- a) the road reserve will be misaligned;
 - b) services will be located outside the road reserve;
 - c) a light pole will not be located within the road reserve and the City will need to arrange for an easement to be granted over the land on which the light pole is located; and
 - d) the Cell 9 Wattle Grove Structure Plan will need to be amended to match the cadastral boundaries of the road reserve.
34. The Wimbridge Road road reserve boundary must be adjusted to ensure correct boundary alignment, and to avoid the substantial costs of relocating services that would be incurred by the City if the road reserve does not match what was constructed. It is recommended that Council support the proposed road closure and dedication of road.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 10/2018

That Council:

1. Request the Minister for Lands to permanently close that portion of the Wimbridge Road, Wattle Grove road reserve shown delineated and marked as "Proposed Road Closure Area" on the plan attached hereto as Attachment 1.
2. Request the Minister for Lands to dedicate as road reserve that portion of Lot 3001 on Plan 51030, being part of Reserve 48404, shown delineated and marked as "Proposed Road Dedication Area" on the plan attached hereto as Attachment 1.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

A Deputation was received from Mr Kerry Hoadley on behalf of the residents of St Ive's Retirement Village and spoke in favour of the Recommendation.

10.1.4 Reserve 29041 - Lot 550 (No. 20) Over Avenue, Lesmurdie

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Economic, Land & Property Services
File Reference	OV-01/020
Applicant	Lesmurdie Baptist Church
Owner	State of Western Australia
Attachment 1	Draft letter from the CEO to the Lesmurdie Baptist Church
Attachment 2	Letter from the Lesmurdie Baptist Church dated 2 August 2017
Attachment 3	Plan – Lot 550 (No. 20) Over Avenue, Lesmurdie
Attachment 4	Plan – Land Tenure
Confidential Attachment 5	Written Submissions
<u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>s. 5.23 (2) (b) – "the personal affairs of any person"</i>	

EXECUTIVE SUMMARY

1. The purpose of this Report is to request that Council support the Chief Executive Officer (CEO) writing to the Lesmurdie Baptist Church (LBC) advising that the City does not agree to surrender its management order over Reserve 29041, being Lot 550 (No. 20) Over Avenue, Lesmurdie (Reserve).
2. The LBC has requested that the City surrender its management of the Reserve to enable it to be vested in the LBC for the purposes of "aged care".
3. It is recommended that Council approve the CEO signing and sending the draft letter to the LBC attached to this Report as Attachment 1.

BACKGROUND

4. On 1 August 2017, the LBC wrote to the City expressing interest in developing the Reserve. The LBC's letter to the City is attached to this Report as Attachment 2.
5. The LBC runs a not-for-profit, over-55s retirement village at 5 Varley Street, Lesmurdie named Clarege Retirement Village (Clarege). The LBC proposes to extend Clarege into the Reserve.
6. In order to proceed with its plans to extend Clarege, the LBC requires the City to surrender its management order over the Reserve and to support the vesting of the Reserve in the LBC for the purposes of "aged care".

DETAILS

7. The Reserve is owned by the State of Western Australia and vested in the City for "Community Purposes".
8. A plan showing the location of the Reserve is attached to this Report as Attachment 3. The Reserve is outlined in red.
9. A plan showing the land tenure of the Reserve and surrounding parcels of land is attached as Attachment 4.

STATUTORY AND LEGAL CONSIDERATIONS

10. Section 50(1)-(2) of the *Land Administration Act 1997* (WA) (LAA) sets out the circumstances in which a management order can be revoked.
11. Section 50(1)-(2) of the LAA reads as follows:

50. Management order, revocation of

- (1) When a management body —
 - (a) agrees that its management order should be revoked; or
 - (b) does not comply with its management order or with a management plan which applies to its managed reserve or does not submit a management plan in compliance with a request made under section 49(2),the Minister may by order revoke that management order.
- (2) If, in the absence of agreement or non-compliance referred to in subsection (1), the Minister considers that it is in the public interest to revoke a management order, the Minister may by order revoke the management order.

POLICY CONSIDERATIONS

12. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

Statutory Planning Requirements

13. Approval Services advises that the Reserve is currently reserved under the Local Planning Scheme No. 3 (Scheme) for Community Purposes. Aged care and accommodation developments are traditionally located on land that is zoned Private Clubs and Institutions in line with the objectives of the Scheme, which are as follows:
 - a) To make provision for privately owned or operated schools, clubs, recreation facilities and similar uses.
 - b) To make provision for privately owned or operated nursing homes, retirement villages, and a range of other residential uses which would be

compatible with the type of non-residential uses referred to above.

- c) To ensure that such uses have due regard and do not adversely impact upon the adjoining land uses.

14. Approval Services further advises that in order to consider a proposal for aged care, it is considered appropriate, and in line with previous practice, to formalise the change in land use and consider a rezoning of the subject land to Private Clubs and Institutions. A rezoning would require a formal submission being made by the applicant and would include supporting technical documents relating to, among other matters, bushfire risk, traffic and access, environmental impacts, and effluent disposal requirements. A development application would also and subsequently be required to be submitted and approved by the City for any development on the subject site.

Environmental Advice

15. Parks & Environmental Services advises that the Reserve has a high biodiversity value, and the vegetation is in good to very good condition with many significant trees providing important habitat. Apart from the environmental values of the Reserve, it provides social and amenity value and serves important functions as wildlife corridors.
16. Following a desktop assessment, Parks & Environmental Services advises the following:
- a) The bushland in question is of a significant size (1.14 ha) and forms a high value stepping stone into the peri-urban environment of Lesmurdie between Ray Owen Reserve and Korung National Park;
 - b) Development of the land in question would approximately halve the local amenity and natural values provided by this bushland, and likely increase the number of weeds in the bushland as a result;
 - c) Within 1500 m of the Reserve, there are records for 9 threatened or priority animals protected under the *Biodiversity Conservation Act 2016* (WA) and the *Conservation and Land Management Act 1984* (WA):
 - Baudin's cockatoo
 - Carnaby's cockatoo
 - Chuditch, western quoll
 - Peregrine falcon
 - Quenda, southern brown bandicoot
 - Southern death adder
 - South-western brush-tailed phascogale
 - Western brush wallaby
 - d) Within 1500 m of the Reserve, there are records for 2 threatened or priority plants protected under the *Biodiversity Conservation Act 2016* and the *Conservation and Land Management Act 1984*:
 - Wavy-leaved Smokebush
 - Star Sun Orchid
17. Further, given the 'Bushfire-prone' declared status of the area, and the need for new developments to consider this in designing new buildings, it would be difficult to see a design where the buildings adjacent to the bushland could be constructed in an area that was not considered rated as FZ (Flame Zone) and hence be at extremely high risk in the event of a bushfire.

18. The bushland had a controlled burn in 2014.
19. A walk-through survey revealed vegetation community comprising of marri, jarrah and sheoak over storey with well represented shrubs, ground covers, herbaceous species and fungi under storey. There are several large trees that provide habitat and foraging opportunities for three species of threatened black cockatoo, all protected under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999* (Cth). Removal and clearing of this vegetation would likely require referral to the Federal Minister of the Environment to assess the need for environmental offsets.
20. The area contains many grass trees with some estimated to be at least 200 years old.
21. There was evidence of black cockatoo foraging and feeding and both marri and jarrah trees with diameter at breast height (DBH) of larger than 50 cm. Many trees were noted to contain hollows providing habitat for birds.
22. The bush was relatively weed free apart from neighbouring properties and showed signs of a controlled burn.
23. The biodiversity value would be considered high and a vegetation condition mapping exercise would show it to be rated good to very good.
24. The bush serves many functions having aesthetic amenity, recreation and providing wildlife corridors to important areas.
25. In summary, given the good condition of the bushland, its high biodiversity value, its role as a natural corridor and the local amenity services it provides to the community, Parks & Environmental Services would not recommend this site for development of any sort. It is recommended that the City retain the management order for the Reserve.

External Referrals

26. The Lands Division of the Department of Planning, Lands & Heritage (Department) advises that if the City wishes to retain management of the Reserve, the Department will support the City.

FINANCIAL CONSIDERATIONS

27. If the City retains management of the Reserve, it will continue to be responsible for the cost of maintaining the Reserve. The community use and value of the Reserve justifies the cost incurred by the City in maintaining the Reserve.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.2: To provide safe and healthy environments for community to enjoy.

Strategy 4.1.1 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

SUSTAINABILITY

Social Implications

29. The Reserve is used by residents for walks, bike rides and general enjoyment. It provides a sense of community to local residents. If the LBC obtained management of the Reserve for the purposes of "aged care", residents would no longer be able to use the Reserve for these recreational and community purposes.

Economic Implications

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

Environmental Implications

31. The Reserve is a piece of bushland that is habitat to a range of flora and fauna. If the LBC obtained management of the Reserve and extended Clarege onto the Reserve, this would result in a loss of bushland and wildlife. A formal environmental assessment is required to fully appreciate the environmental value of the Reserve.

RISK MANAGEMENT CONSIDERATIONS

32.	Risk: Loss of a reserve with significant community use and value.		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/ Strategy		
	The City to retain management of the Reserve.		
	Risk: Community outrage with the removal of trees.		
	Likelihood	Consequence	Rating
	Likely	Significant	High
	Action/ Strategy		
	Environmental Assessment. Community consultation.		

OFFICER COMMENT

33. The City has received written submissions from residents objecting to any proposed development of the Reserve on the grounds of loss of flora and fauna and loss of community use and value. The written submissions are attached to this Report as Confidential Attachment 5.
34. In light of the community use and value of the Reserve and its environmental value, it is recommended that Council does not support the City surrendering its management order over the Reserve.
35. It is further recommended that Council approve the Chief Executive Officer signing and sending the draft letter to the LBC attached to this Report as Attachment 1.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 10/2018

That Council:

1. Refuses the request from the Lesmurdie Baptist Church requesting the City to relinquish its Management Order over Reserve Number 29041.
2. Approve the Chief Executive Officer signing and sending the draft letter to the Lesmurdie Baptist Church refusing their request for the City to relinquish the Management Order attached to this Report as Attachment 1.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

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

10.2 Development Services Report

10.2 Adoption of Development Services Report

Voting Requirements: Simple Majority

RESOLVED OCM 11/2018

That recommendations of reports 10.2.6, 10.2.7, 10.2.9, 10.2.10, 10.2.11 and 10.2.12 inclusive be adopted by Council en bloc. Items 10.2.1, 10.2.2 and 10.2.4 will be dealt with separately.

Items 10.2.3, 10.2.5 and 10.2.8 have been withdrawn by the applicants.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie	Cr Tracy Destree
Cr Geoff Stallard	
Cr Lesley Boyd	CARRIED (11/1)
Cr Allan Morton	
Cr Brooke O'Donnell	
Cr David Almond	
Cr Sara Lohmeyer	
Cr Dylan O'Connor	
Cr Cameron Blair	
Cr Margaret Thomas	
Cr John Giardina	

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

This item was withdrawn for separate consideration as Cr John Giardina declared an interest affecting impartiality as he has family that lives within the vicinity. Cr Giardina left Chambers at 7.29pm and returned at 7.30pm and was not present for the vote. As Deputy Mayor, Cr Dylan O'Connor presided over the vote.

10.2.1 Heritage Status of the Avenue of Lemon Scented Gums Along Welshpool Road East

Previous Items	OCM 235/2017 OCM 184/2016
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	WL-10/831
Applicant	City of Kalamunda
Owner	N/A
Attachment 1	State Heritage Council Decision Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Part 3 Table Summarising Options
Attachment 2	
Attachment 3	

EXECUTIVE SUMMARY

1. The purpose of this report is to inform Council of the options available and cost for the City of Kalamunda (the City) to establish local heritage status of the Avenue of Lemon Scented Gums (the Trees) along Welshpool Road East.
2. In November 2017 a Notice of Motion (NOM) was passed by Council requiring the investigation of the process and costs associated with establishing the heritage status of the trees on Welshpool Road East.
3. It is recommended that Council undertake investigations to:
 - a) Include the Trees on the City's Municipal Heritage Inventory (MHI).
 - b) Include the Trees within a Heritage Area and prepare an accompanying Local Planning Policy (LPP) for the Trees.

BACKGROUND

4. On 10 June 2015, the Minister for Planning approved Scheme Amendment No. 61 which included the additional use of Place of Worship under Schedule 2 of the City's LPS3. The additional use included the requirement that the applicant/owner prepare a traffic management plan for the future development of the site.
5. At 28 November 2016 Ordinary Council Meeting, Council resolved to approve a proposed Place of Worship at Lot 36 (831) Welshpool Road East Wattle Grove.
6. The application was advertised for 28 days to adjoining property owners for comment. During the advertising period nine submissions were received with one non-objection, one comment on the proposal, four objections, and three letters of advice from government agencies.

7. As part of carrying out the approved development, the installation of a turning lane is needed as a requirement of the traffic management plan. The turning lane is required to be installed on Welshpool Road East which will result in the felling of up to 13 of the Trees.
8. There was significant community opposition to the proposed felling of the Trees and as such the City is currently working closely with the applicant and Main Roads WA to reduce the impact to the number of trees requiring removal.
9. As of the date of writing this report the design of the turning lane is still in the process of being reviewed with an aim to reduce the number of trees requiring removal.
10. On the 28 November 2017, Council resolved to pass a NOM which required the following:

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.*
11. Subsequent to the City's NOM, 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 1.
12. Although the State Heritage Council did not list the Trees on the State Register of Heritage Places, the City has options available for providing the Trees local heritage status and protection under the City's LPS3.

DETAILS

13. In response to Part 1 of the Council's NOM, the City has undertaken an analysis of the City's LSP3 and the local statutory planning framework more broadly to ascertain how the City may establish heritage status of the Trees along Welshpool Road East.
14. There are a number of options or combinations of options available for Council to establish heritage status of the Trees. The options explored go further than the requirements of the NOM to also establish statutory development controls to protect the Trees from future felling or development impacts. These options include:
 1. Add the Trees to the adopted Municipal Heritage Inventory.
 2. Create a Heritage List and add the Trees.
 3. Create a Heritage Area and prepare a Local Planning Policy for the Trees.
 4. Create a Special Control Area (SCA) for the area surrounding the Trees.

-
15. **1. Add the Trees to the adopted Municipal Heritage Inventory**
In June 2015, the MHI was presented to Council for adoption. The MHI was adopted with modifications, two places were added and six places were removed from the MHI. The modified MHI was forwarded to the State Heritage Office. The City has since decided not to pursue the development of a formal Heritage List. The Trees were not included as part of the preparation of the MHI.
16. Listing the Trees within the MHI will go part way in acknowledging the local heritage status of the Trees. However, the MHI has no provision to enforce development control and is considered a reference document only.
17. The MHI is considered a precursor to investigating a higher order of local heritage status of the Trees and ultimately providing protection from development through the City's LPS3.
18. **2. Create a Heritage List and add the Trees**
Heritage protection is administered through Part 7 of the City's LPS3. Since the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) Part 7 has since been superseded by Schedule 2 - Part 3 of the Regulations. The City recently adopted Amendment 83 for final approval which will introduce Schedule 2 – Part 3 of the Regulations into the City's LPS3. For the purposes of this appraisal, Part 3 of the Regulations will apply. The provisions of Part 7 of LPS3 and Schedule 2 - Part 3 of the Regulations are relatively similar.
19. Part 3 of the Regulations provides provision for local government to establish local heritage protection through statutory planning controls.
20. Heritage Lists are generally informed by the MHI, not every listing within the MHI will necessarily be listed on the Heritage List.
21. The City's existing provisions relating to heritage provision under Part 7 of LSP3 make reference to the MHI as a precursor to establishing a Heritage List. However, Part 3 - Clause 8 of the Regulations makes no reference to the MHI.
22. Part 3 - Clause 8 of the Regulations states the following in regard to establishing a Heritage List:

"8. Heritage list

(1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

(2) The heritage list —

(a) must set out a description of each place and the reason for its entry in the heritage list; and

(b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and

(c) may be published on the website of the local government.

(3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —

- (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
- (b) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and*
- (c) carries out any other consultation the local government considers appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*

(4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to —

- (a) the Heritage Council of Western Australia; and*
- (b) each owner and occupier of the place.”*

23. Based on the provisions of Part 3 – Clause 8 of the Regulations, items listed within the Heritage List are provided development control or protection under Clause 10.2 of the City’s LPS3 and Schedule 2 – Part 9 – Clause 67 of the Regulations. These sections detail matters to be considered by local government when assessing development applications. Heritage considerations are detailed under a number of the matters consideration.

24. **3. Create a Heritage Area and prepare a Local Planning Policy for the Trees**

Part 3 – Clause 8 of the Regulations provides provision for establishing a Heritage List. It does not provide any specific provision for development control (i.e. protecting the Trees from development that may cause clearing). Development control is provided through the designation of a Heritage Area and preparation of an accompanying Local Planning Policy.

25. Part 3 - Clause 9 of the Regulations states the following in regard to 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.*

- (3) The local government must not designate an area as a heritage area unless the local government —*
- (a) notifies 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*
 - (c) carry out any other consultation the local government considers appropriate.*
- (4) Notice of a proposed designation under subclause (3)(b) must specify —*
- (a) the area that is the subject of the proposed designation; and*
 - (b) where the proposed local planning policy for the proposed heritage area may be inspected; and*
 - (c) to whom, in what form and in what period submissions may be made.*
- (5) The period for making submissions in relation to the designation of an area as a heritage area must not be less than a period of 21 days commencing on the day on which the notice of the proposed designation is published under subclause (3)(b)(i).*
- (6) After the expiry of the period within which submissions may be made, the local government must —*
- (a) review the proposed designation in the light of any submissions made; and*
 - (b) resolve —*
 - (i) to adopt the designation without modification; or*
 - (ii) to adopt the designation with modification; or*
 - (iii) not to proceed with the designation.*
- (7) If the local government designates an area as a heritage area the local government must give notice of the designation to —*
- (a) the Heritage Council of Western Australia; and*
 - (b) each owner of land affected by the designation.*
- (8) The local government may modify or revoke a designation of a heritage area.*
- (9) Subclauses (3) to (7) apply, with any necessary changes, to the amendment to a designation of a heritage area or the revocation of a designation of a heritage area.”*

26. Based on the provisions of Part 3 – Clause 9, items listed within a Heritage Area are provided development control under the Regulations through this designation and the adoption of a corresponding LPP. The corresponding LPP may include specific measures to provide for protection and impacts from adjoining and surrounding development.

27. Liaison with the Department of Heritage indicates that the designation of the Trees on the Heritage List is not required in order to establish a Heritage Area and corresponding LPP. The Trees could be designated directly as a Heritage Area with a corresponding LPP to provide for development control.
28. **4. Create a Special Control Area for the area surrounding the Trees**
Schedule 1 - Part 5 of the Regulations provides provision for the establishment of a SCA. SCAs identify areas which are significant for a particular reason and where special provision in the LPS may need to apply. SCA are established through the preparation and progression of an amendment to LPS3.
29. SCAs are shown on the LPS3 Map as additional to the zones and reserves. If a SCA is shown on the LPS3 Map, special provisions related to the particular issue would apply in addition to the provisions of the zones and reserves. These provisions would set out the purpose and objectives of the SCA, any specific development requirements, the process for referring applications to relevant agencies and matters to be taken into account in determining development proposals.

STATUTORY AND LEGAL CONSIDERATIONS

30. Planning and Development (Local Planning Schemes) Regulations 2015
Heritage protection is administered through Part 7 of the City's LPS3. Since the introduction of the Regulations Part 7 has since been superseded by Schedule 2 - Part 3 of the Regulations. The City recently adopted Amendment 83 for final approval which will introduce Schedule 2 – Part 3 of the Regulations into the City's LPS3. For the purposes of this appraisal, Part 3 of the Regulations will apply.

POLICY CONSIDERATIONS

31. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

32. Subject to the decision of Council, internal referrals will occur as part of the preparation of the Heritage Area and corresponding LPP.

External Referrals

33. Part 3 – Clause 8 and 9 of the Regulations details the process for creating a Heritage List and Heritage Area. Each of these processes 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

- 34. The preparation of the required documentation to facilitate the creation of a Heritage List and Heritage Area (including LPP) can be facilitated by the City's staff internally.
- 35. It is recommended that an independent Heritage Assessment is undertaken by a suitably qualified heritage consultant to support the City's process in establishing heritage status and protection of the Trees. Based on indicative quotations received the cost of preparing a supporting Heritage Assessment is estimated at approx. \$2,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

- 36. *Kalamunda Advancing: Strategic Community Plan to 2027*

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

- 37. The Trees create a natural entry statement to the Perth Hills. It is envisaged the majority of the community will be supportive of any motion regarding the protection of the Trees.

Economic Implications

- 38. 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

- 39. 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

40.	Risk: Community oppose the Heritage Listing		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Undertake community consultation and engagement prior to introducing any heritage status or development controls.		
	Risk: Department of Planning do not approve the SCA		
	Likelihood	Consequence	Rating
	Almost Certain	Moderate	High
	Action/ Strategy		
	It is recommended that Council create a Heritage Area and accompanying LPP in the context of the Department of Planning (DoP) not supporting the introduction of a SCA.		

OFFICER COMMENT

41. Officer comment based on the options presented in this report is provided below.
42. **1. Add the Trees to the adopted Municipal Heritage Inventory**
Listing the Trees within the MHI will go part way in acknowledging the local heritage status of the Trees. However, the MHI has no provision to enforce development control and is considered a reference document only.
43. Given the information brought to the City's attention regarding the historical origins of the Trees, it is considered appropriate to modify the MHI accordingly and include the Trees.
44. The consultants that prepared the City's MHI can be readily contacted to modify the document to include the Trees. It is recommended that Council modify the MHI accordingly.
45. **2. Create a Heritage List and add the Trees**
In June 2015, the MHI was presented to Council for adoption. The City has since decided not to pursue the development of a formal Heritage List. The Trees were not included as part of the MHI.
46. Advice received from the Department of Heritage indicates that the Trees are not required to be listed on a Heritage List to create a Heritage Area.
47. The process for establishing a Heritage List is outlined within Paragraph 21 of this report. It is not recommended to pursue the development of a Heritage List in the context of being able to create a Heritage Area for the Trees.

48. **3. Create a Heritage Area and prepare a Local Planning Policy for the Trees**

The designation of a Heritage Area and corresponding LPP is an option available to Council in order to provide special planning control to protect the Trees and acknowledge their heritage significance.

49. It is understood that Council's primary intention is to acknowledge the heritage significance of the trees but also provide special planning control to prevent any further development impacting the Trees. The establishment of a Heritage Area and accompanying LPP will enable this.

50. The Heritage Area will include the preparation of an LPP which will provide special planning control and will include requirements for the Trees protection from future development.

51. **4. Create a Special Control Area for the area surrounding the Trees**

A SCA could be prepared for the area where the Trees are contained with special development control that provides for their protection and acknowledgement of local heritage significance. The special development controls would be inserted as provisions of LPS3.

52. The SCA would be required to be inserted into LPS3 through a scheme amendment and would ultimately be required to be approved by the Western Australian Planning Commission and Minister for Planning. Advice received by senior officers at the Department of Planning indicates that a SCA is unlikely to be supported in the context of the Regulations having provision for a Heritage List and Heritage Area.

53. Based on the information detailed in this report it is recommended that Council undertake the required investigations to pursue Options 1 and 3.

54. It is important to note that none of the options above can be applied retrospectively. The existing Development Application approved by Council will not be impacted by these options. However, these options will provide additional planning controls to prevent further impacts to the Trees.

55. A table summarising considerations and details associated with the various options is contained within Attachment 3.

Voting Requirements: Simple Majority

RESOLVED OCM 12/2018

That Council:

1. Note the information provided in this report relating to the decision of the Heritage Council not to include the avenue of lemon scented gums along Welshpool Road East in the State Register of Heritage Places in response to the Notice of Motion OCM 235/2017.
2. Resolve to pursue investigations in accordance with Options 1 and 3 of this report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

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

This item was withdrawn for separate consideration as an absolute majority is required.

10.2.2 Membership and Terms of Reference for Community Safety and Crime Prevention Advisory Committee for term 2017 to 2019

Previous Items	OCM 167/2017; OCM 199/2017
Responsible Officer	Director Development Services
Service Area	Community Safety
File Reference	N/A
Applicant	N/A
Owner	N/A

[Attachment 1](#) Draft Membership and Terms of Reference for Community Safety and Crime Prevention Advisory Committee for term 2017 to 2019

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the revised Membership and Terms of Reference (TOR) for the Community Safety and Crime Prevention Advisory Committee for term 2017 to 2019.
2. The TOR have been reviewed to include:
 - a) frequency of meetings being a minimum of one in every three months
 - b) four members be made up of community representatives
 - c) standing items be identified by the committee such as hooning, graffiti, youth issues etc.
3. This report recommends Council:
 - a) Adopt the revised Membership and Terms of Reference for the Community Safety and Crime Prevention Advisory Committee for term 2017 to 2019.
 - b) Approve the advertising of four community members to join the Community Safety and Crime Prevention Advisory Committee
 - c) Appoint two Councillors as delegates to the Community Safety and Crime Prevention Advisory Committee.

BACKGROUND

4. Every two years in line with Council elections, the City undertakes a review of the Terms of Reference of all Advisory Committees. This review ensures that the Committees:
 - a) remain relevant;
 - b) are aligned with the direction and requirements of the Council;
 - c) enables a refreshing of Membership; and
 - d) reassesses the need for a committee to continue.
5. Council resolved at its September meeting (OCM 167/2017) to "Abolish the Community Safety and Crime Prevention Advisory Committee".

-
6. Cr Lesley Boyd put forward motion to reinstate the Community Safety and Crime Prevention Advisory Committee (OCM 199/2017).

DETAILS

7. The review of all advisory committees was undertaken by the City of Kalamunda supporting each of the Committees and comment was elicited from the members of the committees where required.
8. The Terms of Reference were aligned to have greater consistency across the operations of all advisory committees.

STATUTORY AND LEGAL CONSIDERATIONS

9. *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

10. The City has a policy entitled "Appointment of Community Members to Advisory Committees and Reference Groups."

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Cr Lesley Boyd and Cr David Almond have been consulted regarding the reestablishment of the Community Safety and Crime Prevention Advisory Committee with the following recommendations being adopted as amendments to the terms of reference:
- a) frequency of meetings being a minimum of one in every 3 months;
 - b) four members be made up of community representatives; and
 - c) standing items be identified by the committee such as hooning, graffiti, youth issues etc.

External Referrals

12. Public consultation is not required for the review of the Management and Terms of Reference of Advisory Committees.
13. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Committee will be sought.

FINANCIAL CONSIDERATIONS

14. The cost to administer an advisory committee is in the order of \$5,000 to \$6000 per year based on four meetings per year. This can vary depending on requirement of the committee.

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

These costs have been calculated using previous meeting statistics and information provided by the City's financial management team.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance.
Strategy 4.1.1 Provide good governance

SUSTAINABILITY

Social Implications

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

Economic Implications

17. Nil

Environmental Implications

18. Nil

RISK MANAGEMENT CONSIDERATIONS

19.	Risk: Advisory Committees become irrelevant and become 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.		
	Risk: Committee goals do not align with City's objectives 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.		
	Risk: The Terms of Reference are not reviewed.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	Clarify that while the Committee can still operate with the existing Terms of Reference, the revised Terms of Reference provide greater clarity for the purpose and operation of the Committee.		

OFFICER COMMENT

20. Upon endorsement by Council of the Terms of Reference and the establishment of Committees, advertisements seeking nominations from the community for appointment to the Committees will be placed in the local newspapers. Following this a report will be brought to Council in to formalise the appointments.

Discussions were held and an amendment was made to Recommendation 1. Nominations were called for Councillors to the Committee.

Cr O'Connor requested clarification on how community representatives will be selected. The Manager Customer and Public Relations advised there is a standard process for nominations to all committees of Council and a Council Policy was adopted for the assessment of the nominations. The nomination form will set out the requirements of what community representatives need to advise that they can undertake the duties of the Committee, for example relevant skills and experience.

Voting Requirements: Absolute Majority

RESOLVED OCM 13/2018

That Council:

1. Approves the Membership and Terms of Reference for Community Safety and Crime Prevention Advisory Committee as outlined in Attachment 1 **with an amendment to Terms of Reference at 3.1 such that two elected members and one deputy will be nominated to the Committee.**
2. Approve the advertising of four community members to join the Community Safety and Crime Prevention Advisory Committee.
3. Appoint the following Councillors as members of the Community Safety and Crime Prevention Advisory Committee:
 1. **Cr Lesley Boyd**
 2. **Cr David Almond**
4. Appoints the following Councillor as a Deputy Member of the Community Safety and Crime Prevention Advisory Committee:
 1. **Cr Geoff Stallard**

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

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

**10.2.3 Approval for Parking of Two Commercial Vehicle - Lot 27 (236)
Holmes Road, Forrestfield**

This item has been withdrawn at the request of the applicant.

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

This item was withdrawn for separate consideration.

Deputations were received from Mr James Forsyth and Mr Neil Scott requesting to defer the application.

10.2.4 Change of Use, Function Centre to Place of Worship, Alterations and Additions to Existing Building, Two Function Halls, Crèche and Office Space and Signage - Lot 503 (105) Watsonia Road, Maida Vale

Previous Items	OCM 11/2016
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	DA17/0449
Applicant	Andre Liebenberg
Owner	Westminster Presbyterian Church Maida Vale Inc.

Attachment 1	Feature Survey Plan
Attachment 2	Existing Floor Plan
Attachment 3	Proposed Floor Plan
Attachment 4	Elevation Plan
Attachment 5	Colour Scheme and Development description
Attachment 6, 6A	Applicant Covering Report & Associated Information
Attachment 7	Landscaping Plan
Attachment 8	Stormwater and Drainage Plan
Attachment 9	Site Parking, Traffic and Signage Plan
Attachment 10	Bushfire Management Plan
Attachment 11	Vegetation Removal Plan
Attachment 12	Submitters Table
Confidential Attachment 13	Confidential Submitters Map

Reason for confidentiality:
*Local Government Act 1995
S5.23 (2)(b) – 'the personal affairs of any person:'*

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a planning application for the redevelopment of Lot 503 (105) Watsonia Road Maida Vale (subject site).
2. The proposal incorporates a Place of Worship auditorium for 325 people, a crèche, Sunday school and outdoor toddlers play area and an illuminated pylon sign. It is indicated that the caretakers dwelling which exists on site will be converted for the purposes of the proposed crèche. This application consists of the development application for the conversion of the previous training centre to a place of worship and associated works.
3. The proposal was advertised in accordance with Council's Policy P-Dev. 45 Public Notification of Planning proposals where the City received 12 submissions comprising of nine non-objections and three objections. The concerns raised were in relation to amenity impacts, including increases in traffic, noise and privacy associated with the proposal.

4. It is recommended that Council approve the current planning application subject to appropriate conditions.

BACKGROUND

5. On 22 February 2016, Council resolved to adopt amendment 79 to Local Planning Scheme No.3 (the Scheme) to allow for a Special Use zone over the site, incorporating a 'Place of Worship' which is considered to be an 'A' use which means the use is not permitted unless the local government has exercised its discretion by granting planning approval following advertising. The amendment also included Reception Centre as a 'D' use and a Care Takers Dwelling as a (D) use which are defined as a use that is not permitted unless the local government has exercised its discretion by granting planning approval. The amendment was approved by the then Minister for Planning on 17 January 2017.
6. The subject property was originally developed in the 1978 as a licensed reception centre and restaurant named the Pinewood Function and Reception Centre which has a licenced capacity for 250 people. In 2006 the Minister for Planning approved an amendment to District Planning Scheme No.2 (Amendment 233) for the purposes of a Special Use for an administration and training centre for people with physical and intellectual disabilities and until 2006 the applicant states that the site was used as an administration and training centre. The meeting and conference room had an approved maximum accommodation permit for 175 people.

As a reception centre the building consisted of two function halls, a caretakers dwelling, a commercial kitchen, toilets, a large outbuilding, two gazebos and a sealed parking area for 112 vehicles. When the site was utilised as a reception centre the applicant states that the function halls were used for group training sessions and the offices for co-ordination purposes. It is considered that the land uses previously approved on site since 1978 have established a level of intensity that reflect the proposed development and land uses currently proposed.

DETAILS

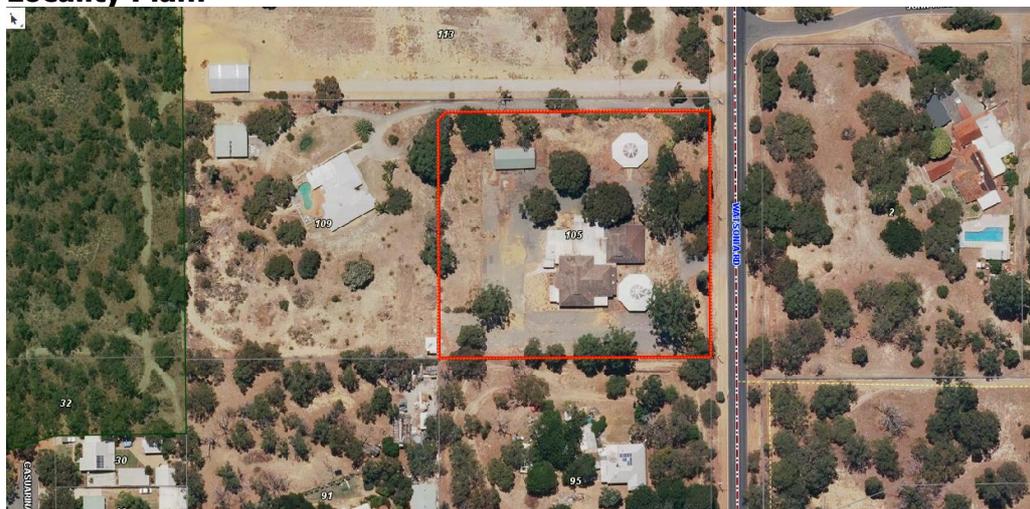
7. **Land Details:**

Land Area:	10016m ²
Local Planning Scheme Zoning:	Special Use (SU7)
Metropolitan Scheme Zoning:	Rural

8. The application consists of the redevelopment of an existing function hall and car park with the construction of an additional auditorium. The proposal also consists of the following alternations and additions (Refer Attachments 1-11):
 - a) Renovation and repurposing of the land use from function hall to Place of Worship (Auditorium) accommodating up to 325 persons and being 393m² in floor space.
 - b) Sunday church services are between the hours of 10am to 12 noon and 6pm to 7.30 pm
 - c) Community purpose use areas such as a crèche, new commercial kitchen, reconfiguration and reconstruction of ablutions.
 - d) Reconfiguration of existing office space to form four separate offices plus

- an open office area.
- e) Three new meeting rooms including a board room.
- f) Relocation of the front entrance to the building.
- g) Resurfacing of the existing car park, reducing the parking bays from 112 to a total of 103 parking bays with 2 ACROD bays for persons requiring universal access.
- h) Creation of pedestrian link around the building. Reticulated lawn area with drainage piped from the roof to underground soak wells and surface run off directed to existing drainage soak wells.
- i) Relocation of existing gazebo from adjacent to the existing building to the northern elevation, setback 9.0 metres from the boundary.
- j) Provision of an overflow car parking area (grassed area) adjacent to the Western lot boundary for 20 vehicles.
- k) Removal of approximately six (6) trees as shown on Attachment 7, Landscaping Plan.
- l) An increase in building floor space from 1253m² to 393m² to form a total of 1646m² to accommodate the auditorium.
- m) An illuminated pylon sign measuring 3.7m in height.

9. **Locality Plan:**



- 10. The existing caretaker's residence will be removed and converted to a crèche which also includes an outdoor toddler play area and also the conversion of the front hall into an activity room for Sunday School and community craft activities.
- 11. To the exterior of the building the applicant seeks to establish a large children's play area to the north of the building. This seeks to incorporate one of the existing gazebos. The works also include paved walkways creating pedestrian links and to also separate traffic from pedestrian movement. It is also proposed to construct a pathway around the entire building.
- 12. The majority of the existing sealed parking area will be retained with a small portion being removed for the pedestrian link and new auditorium.
- 13. The applicant has stated that select trees and shrubs will be removed as per the associated landscaping plan. It is stated that this removal is to mitigate bushfire risks as recommended in the Bushfire Management Plan with the

introduction of managed reticulated landscaping areas. The applicant has stated that they have chosen water wise and native planting selection to compliment local flora and fauna as to attract birds and wildlife.

14. The applicant has stated that their aim is to seamlessly merge the old building with the new building, removing the existing concrete tiled roof and replacing it with 'Woodland Grey' Colorbond for the existing and proposed portions of the building.
15. The proposed building addition has a wall height of 5.0m and a roof ridge height of 7.6 metres.
16. The land use component of the application consists of the following:
 - a) Relocation of existing congregation which currently meets at their existing site at 4 Old Maida Vale Road, Maida Vale. They have outgrown this facility and need a larger building and property. The current capacity for the existing hall is 162 people and 35 people for the Sunday school bringing the total capacity to 197 people.
 - b) To accommodate church administration which includes four full time staff, one part time intern. It is stated that congregants and visitors who intend to visit the church throughout the week will normally report to the offices for attendance via the secondary entry near the offices.
 - c) On 15 February 2018 the applicant provided updated hours of operation as summarised below:

Day	Hours of Operation	Summarised Hours
Sunday	9:00am to 8:30pm	9:00am to 8:30pm
Monday	8:30am to 9:30pm	8:30 am to 9:30pm
Tuesday	8:30am to 9:30pm	
Wednesday	8:30am to 9:30pm	
Thursday	8:30am to 9:30pm	
Friday	8:30am to 9:30pm	
Saturday	9:00am to 8:30pm	9:00am to 8:30pm
It should be noted that Church services will only be held on Sundays and occasional special service days. All other days' attendance will be low, between 5 to 50 people.		

- d) The applicant has provided the following table to outline the congregational activities:

Activity or Ministry	Day Used	Typical Attendance	Hours of Operation	Room / Hall Used
Church service - Morning	Sunday	240-280	10am to 12 noon	New Auditorium
Church service - Evening	Sunday	30-60	6pm to 7.30pm	New Auditorium
Administration	Week days	5	8.30 to 5pm	Offices
Craft Group	Thursday	15-30	9.30am to 12pm	Activity Room
Young Parents Group	Thursday	15-25	9.30am to 12pm	Activity Room

Youth Groups	Friday	30-50	7pm to 9pm	Activity Room
Bible Studies	Monday & Wednesday	10-20	7.30pm to 9.30pm	Activity Room

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No.3

17. The subject site is zoned Special Use in accordance with the City's Scheme. Clause 4.7 (Special Use Zones) of the Scheme states that:
- Special Use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.
 - A person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purposes set out against that land in Schedule 4 with respect to that land.
 - It is noted in the scheme that Special Use Zones apply to special categories of land use which do not comfortably sit within any other zone within the Scheme.
18. Schedule 4, Special Use 7 (SU7) as per Local Planning Scheme Amendment 79, which was gazetted on the 17 January 2017 lists the following:
- Reception Centre (D) use.
 - Caretakers Dwelling (D) use.
 - Place of worship (A) use.
- A 'D' land use is defined in the scheme as "*Means that the use is not permitted unless the council has granted planning approval.*"
 - An 'A' land use is defined in the scheme as "*Means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 9.4 of the Scheme (Advertise)*"
 - It is also stated that the uses of Reception Centre and Caretakers dwelling are not permitted unless approval is granted by the Local Government and;
 - The use of Place of Worship is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 64 (3) of the Deemed Provisions.
 - It is also stated that prior to the determination of planning approval by Council for a 'Place of Worship' on the land, the applicant shall prepare a traffic impact assessment.
19. 'Table 2- Site Requirements' of the Scheme outlines development requirements for proposals within the Special Use zone are '*at the discretion of the local government*'. However, as a guide, given the prevailing zone in the area, the requirements of the 'Special Rural' zone has been applied as a guide only.

LPS 3 Table 2 Requirement (Special Rural)	Requirement	Proposed	Complies Yes/ No
Setback Front (Watsonia Rd)	15m	24.8m	Yes
Setback Side (North)	<i>At the discretion of the local</i>	9.0m to existing gazebo.	Yes

	<i>government'. 10m</i>	29.6m to proposed building.	
Setback Side (South)	<i>At the discretion of the local government'. 10m</i>	20.9m	Yes
Setback Rear (West)	<i>At the discretion of the local government'. 10m</i>	33.61m	Yes
Landscaping Strip	<i>At the discretion of the local government'.</i>	8m width	As existing

20. Table 3- Parking Requirements' of the Scheme outlines parking requirements for proposals considered to be 'Place of Worship' at a ratio of one parking bay per every 5m² of net lettable area.

LPS 3 Table 3 Requirement	Requirement	Proposed	Complies Yes/No
Place of Worship @ 393m²	1 parking bay per 5m ² of NLA 79 parking bays	79 parking bays	Yes
Community Purpose @ 501m² Including Crèche, Activity Hall and Multipurpose Hall	1 bay per 5 persons the facility is designed to accommodate 130 people 26 parking bays	20 parking bays	Yes, 20 additional car parking bays are provided as overflow parking in the event they are required. A cross utilisation of bays is likely between the community purpose uses and the place of worship given the times that activities and services are held.
Offices @ 100m² Including four offices and open office area.	4 bays per 100m ² of NLA 4 parking bays	4 parking bays	Yes

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

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

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

22. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal (SAT). In the event that Council refuses the application, costs to engage an expert witness to assist the City's General Counsel to defend the City's position at a SAT hearing is expected to be in the vicinity of \$20,000 to \$30,000.

POLICY CONSIDERATIONS

23. **State Planning Policy 3.7 Planning for Bushfire Prone Areas**
The subject site has been identified as being within a Bushfire Prone Area, therefore the requirements of SPP 3.7. A Bushfire Management Plan has been submitted.

A place of worship is not considered to be a vulnerable land use and therefore referral to Department of Fire and Emergency Services is not required at this time.

As Asset Protection Zone (APZ) of 20 metres around the existing and future building has been recommended by bushfire planning consultants within the Bushfire Management Plan (BMP). This is to be implemented and maintained within the site. Refer Attachment 10.

The BMP outlines in Section 8.2 a list of developer responsibilities which include:

- a) Construction of an APZ in accordance with Section 6.2 of the BMP report.
- b) Installation of fire breaks and access ways in accordance with Section 6.3 of the BMP.
- c) Supply a copy of The Homeowners Bush Fire Survival Manual, prepare Act Survive (or similar suitable documentation) and the annual Firebreak Notice issued by the City of Kalamunda to the land owners.
- d) Comply with any legal requirements by the City of Kalamunda that may override or exceed the limits of the BMP.
- e) Place a Section 70A notification on the Certificate of Title of the lot, advising landowners of the existence of the submitted BMP.

It is recommended that where applicable, conditions be added to ensure compliance with the recommendations of the BMP for this site.

24. **Local Planning Policy P-Dev. 42- Signage on Private Property**
- a) An illuminated pylon sign is proposed which states the name of the Church "Westminster Presbyterian Church", associated logo, opening times and telephone number. Refer Attachment 9.
 - b) Signage Panel is 1.8m in width by 1.2m in height and is 2.5m clearance height distance from the natural ground level. The total height of the pylon sign is 3.7m in height. The sign structure consists of 38 x 5mm galvanised poles and a 60mm diameter galvanised pole.
 - c) The proposed signage complies with the assessment standards of Clause 3.1 whereby it does not pose any threat to public safety or health.
 - d) The sign clearance from the ground does not comply with Clause 3.9.1 a) which stipulates a height clearance of 2.75m. A condition will be recommended seeking compliance with this requirement.
 - e) As the application indicates that the sign is to be illuminated, the signage

must therefore comply with Clause 3.5 of this Policy which includes the following requirements, namely every illuminated sign shall:

- (i) Have any boxing or casing in which it is enclosed constructed of incombustible material;
- (ii) Have its electrical installation constructed and maintained to the satisfaction of the State Energy Commission or the appropriate electricity supply authority and in accordance with the S.A.A Code 3000 -1976.
- (iii) Be maintained to operate as an illuminated sign; and
- (iv) Not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.
- (v) Signs not be internally or indirectly illuminated, move, flash, rotate or reflect so as to be a distraction to drivers.

25. **City of Kalamunda, Draft Policy P-DEV 55 Places of Worship**

The City has recently drafted a planning policy to provide guidance with respect to the location and application for additional or special land uses for the purposes of development of place of worship. The policy is currently released in draft format for public consultation.

As the policy is in draft format it is currently not an operable policy and therefore has not been applied to the current proposal. The policy seeks to create site location criteria for the purpose of discouraging the conglomeration of places of worship in order to avoid significant impacts on the local amenity of the surrounding area. In this instance if the policy were adopted in its current format, given the Special Rural zoning, a 500m separation distance would be required between one proposal for place of worship and an existing place of worship land use.

The policy also seeks to introduce new control measures to assess items such as:

- a) Scale and intensity of the operation (requiring a site master plan to show various proposed stages of development over time)
- b) Capacity relating to effluent disposal, floor space and occupancy levels.
- c) Intended catchments
- d) Built form.

26. Noting the above draft Policy requirements, a preliminary assessment indicates that with the exception of the requirement for a Master Plan, the proposal satisfies the intent of the draft Policy provisions, in particular the separation distance between existing and proposed places of worship. Importantly, the proposal is replacing a previous function center and training and administration center land on the site which is considered an acceptable land use transition which is unlikely to impact on the amenity of the prevailing area, a key objective of the draft Policy. Please note however that the Policy is still in draft form and therefore cannot be applied to the current proposal. The advertising period for the draft Policy concludes on 14 February, following which the Policy will be referred to council for adoption.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. The application was referred to the City's Asset Services, Environment, and Environmental Health Departments for comment. The comments received are summarised as follows:

Environmental Health

Comments: Septic application is in and currently being prepared for DOH approval. I have advised the applicant that a public building application is required, and they will arrange for this next year.

Conditions:

- a) The applicant must submit floor plans and an application for a Certificate of Approval under the Health (Public Buildings) Regulations 1992 to the City of Kalamunda and receive approval prior to use of the building.
- b) A new effluent disposal system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 must be installed as per pending approval with the Department of Health.

Advice:

- a) The applicant is advised that the food premises must comply with the Food Act 2008 and Food Standards Code. Further advice on these requirements is available from the City's Health Service on 9257 9813.
- b) The applicant is reminded of their obligations to comply with the "Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia", prepared by the Department of Environment & Regulation.

Asset Services (Engineering)

Comments: no objection to the proposal subject to the following conditions.

Conditions:

- a) Vehicle parking, maneuvering and circulation areas to be suitably designed and constructed to the specification and satisfaction of the City.
- b) Crossover shall be designed and constructed to the specification and satisfaction of the City.
- c) Vehicle access ways shall be suitably constructed, sealed and drained to the specifications and satisfaction of the City.
- d) Storm water drainage from roofed and paved areas being disposed of to the specification and satisfaction of the City.
- e) Engineering drawings and landscaping plans are to be submitted and approved by the City and development works undertaken in accordance with the approved plans.

Advice:

- a) In regard to Storm water requirements a geotechnical report is advisable
- b) No stormwater runoff is to enter neighbouring property via overland flow from subject lot unless easement is secured between the neighbouring

properties.

- c) Prior to obtaining approval from the City of Kalamunda, no works relating to clearing of vegetation, trees and earthworks shall be carried out on site and adjacent areas.
- d) The applicant is advised that all drainage is required to utilize and comply with water sensitive urban design principles/guidelines.

Asset Services (Environment)

Conditions:

- a) The highlighted trees are to be retained for amenity and landscape.
- b) The applicant is to engage an arborist to determine how these trees can be protected, retained and incorporated into the development and landscape plan. AS 4970-2009 Protection of trees on development sites applies.
- c) Two native street trees are to be planted in the verge as per the guidelines.

Advice:

- a) This property is not far from Maida Vale Reserve an important bushland area containing rare flora. The follow plants in the booklet 'garden escapees' should not be part of the future landscape plan <http://www.kalamunda.wa.gov.au/Waste-Environment/Managing-Our-Reserves/Weeds> and in addition neither should the following:
 - (i) Feather Grass - *Pennisetum sp.*
 - (ii) Geraldton Wax – *Chamelaucium uncinatum*

External Referrals

28. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 Public Notification of Planning Proposals for a period of 28 days. As part of the advertising, letters were sent to surrounding neighbours to a radius of 500m inviting comment, with a total of 218 properties advertised to. A sign was also erected on site for the duration of the advertising period, as well as notification and plans of the proposal being displayed on the City's website and social media platform.
29. During the advertising period a total of 12 responses were received, comprising of nine non-objections and three objections (Attachment 12). The nature of the objections relates to disruption to current amenity including increase in traffic, privacy and noise.
30. The concerns raised are addressed in Attachment 12 of the report and also in the officer comment section of this report.

FINANCIAL CONSIDERATIONS

31. In the event that Council resolves to refuse the application, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

33. The local Westminster Presbyterian Church community will benefit from a larger premises than their existing worship hall on Old Maida Vale Road. The site will be upgraded and rejuvenated as well as re-activated from its dormant current usage.

Economic Implications

34. Nil.

Environmental Implications

35. The removal of vegetation for this proposal has been kept to a minimum. The zoning supports the proposed land use. The application is sensitive to the environment even though it is noted that the vegetation on the site is predominantly exotic.

RISK MANAGEMENT CONSIDERATIONS

- 36.
- | | | |
|---|--------------------|---------------|
| Risk: The surrounding rural amenity and character is affected by the place or worship proposal. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/ Strategy | | |
| Ensure that the planning, siting and design of the place of worship development is designed so as to minimize undue amenity impacts to surrounding land owners. | | |
| Risk: That the approval of tree removal could damage the reputation of the City of Kalamunda. | | |
| Likelihood | Consequence | Rating |
| Likely | Significant | High |
| Action/ Strategy | | |
| Ensure that the planning, siting and design of the development is designed so as to minimize the removal of trees on site and on any adjacent verge. | | |

OFFICER COMMENT

37. A number of concerns have been raised regarding the location and orientation of the front entrance of the facility. In response to this objection the applicant has provided the following response:

'The design is focused on sensitively blending the new auditorium into the existing building while retaining the existing architecture. The bulk of the parking and the main entrance is on the south eastern side of the building, with the Northern side of the property developed as a child safe green space.

During normal weekday operation of the church the Eastern entrance will exclusively be employed for all activities. On Sunday mornings the Eastern and Western entrances will both be open to allow people to move in and out of the church conveniently to their parking location. So, not all person traffic will enter/exit through the western entrance. Further, the hibiscus hedge and trees along the rear boundary of the property will screen much of the activity on a Sunday morning.'

Given that the building is setback greater than 29 metres from the northern boundary and 33 metres from the western boundary, this greatly exceeds the requirements for the Special Rural Zone which would require the building be setback 10 metres from the boundary. It is also noted that where a Special Use Zone is approved, setbacks are at the City's discretion. In this instance the setback distances more than double the standard for the adjacent zoning and therefore deemed to comply.

38. In regard to tree retention and protection on site, the applicant has indicated that only a minimal number of trees are to be removed as part of this application. The applicant has been liaising with the City's Environment team, and as such the recommended conditions and advice from that team is recommended to form part of the conditions of approval for this application.
39. It is considered that the proposed development is consistent with the Special Use approved by Council for Place of Worship and incidental and complementary uses. The intensity of the proposed use is assessed as an acceptable transition from the previous Pinewood Function Centre and subsequent training and administration centre and therefore should be approved. The scale of the proposed additions are assessed as acceptable and will see an overall improvement to the site.

Questions of clarification were asked by Councillors and answered by the Director Development Services. An amendment to the recommendation was put by the mover.

Cr Cameron Blair foreshadowed a motion to defer the application until the March Ordinary Council Meeting to allow for mediation to take place between the applicant and the neighbours. Council debated the foreshadowed motion.

Cr Margaret Thomas left Chambers at 8.13pm and returned at 8.14pm.

Voting Requirements: Simple Majority

RESOLVED OCM 14/2018

That Council:

1. Approves the development application for a Change of Use, Function Centre to Place of Worship. Alterations and Additions to Existing Building, Two Function Halls and Office Space and Pylon Sign at Lot 503 (105) Watsonia Road, Maida Vale subject to the following conditions:
 - a) The development shall be carried out only in accordance with the terms of this approval herein, and any approved plan.
 - b) Permitted hours of operation for the Place of Worship are limited to 9am-8.30pm Saturday, Sunday and Monday, and 8.30am – 9:00pm Tuesday to Friday.
 - c) A maximum of 325 patrons are permitted to attend the site at any one time.
 - d) Prior to the commencement of the Place of worship use, all parking and vehicle circulation areas shall be designed, constructed and drained to the specifications and satisfaction of the City of Kalamunda, and Australian Standards AS2890
 - e) Vehicle parking associated with the place of worship and associated uses shall be contained wholly within the subject site.
 - f) The Crossover shall be designed and constructed to the specification and satisfaction of the City of Kalamunda.
 - g) Engineering drawings and landscaping plans are to be submitted and approved by the City and development works undertaken in accordance with the approved plans.
 - h) A revised landscape plan is required to be submitted prior to commencement of works on-site outlining current and proposed landscape design for approval to the satisfaction of the City of Kalamunda, including as a minimum
 - (i) Species type(s) (botanical names)
 - (ii) Pot size(s).
 - (iii) Quantities.
 - (iv) The location of proposed landscaping, and if applicable, existing landscaping being retained.
 - (v) The proposed landscaping shall be planted prior to occupancy and maintained thereafter to the satisfaction of the City of Kalamunda.
 - (vi) Arborist report / statement indicating how the trees will be retained and incorporated in the development and landscaping plan.
 - (vii) The location of two native street trees which are to be planted in the verge area to the satisfaction of the City of Kalamunda.
 - i) Stormwater drainage from roofed and paved areas being disposed of to the specification and satisfaction of the City of Kalamunda.
 - j) Protection and retention of Trees and vegetation shall be in accordance with Australian Standards AS 4970-2009 Protection of trees on development sites.
 - k) The proposed illuminated pylon sign shall comply with the provisions of

the City's Local Planning Policy P-Dev 42 Signage on Private Property and shall afford a clearance of 2.75m from natural ground level to the signage panel structure. The sign shall comply with clause 3.5 whereby the illuminated sign shall:

- (i) have any boxing or casing in which it is enclosed constructed of incombustible material;
 - (ii) have its electrical installation constructed and maintained to the satisfaction of the State Energy Commission or the appropriate electricity supply authority and in accordance with the S.A.A. Code3000 - 1976.
 - (iii) be maintained to operate as an illuminated sign; and
 - (iv) not have a light of such intensity or colour as to cause annoyance to the public and not interfere with traffic control lights.
 - (v) Signs must not be internally or indirectly illuminated, move, flash, rotate or reflect so as to be a distraction to drivers.
- l) The applicant shall provide appropriate screening with vegetation and fencing along the rear boundary of the subject site abutting Lot 502 prior to occupation of the Place of Worship to the satisfaction of the City of Kalamunda.

Moved: **Cr Michael Fernie**

Seconded: **Cr Lesley Boyd**

Vote:

For	Against
Cr Michael Fernie	Cr Brooke O'Donnell
Cr Geoff Stallard	Cr Sara Lohmeyer
Cr Lesley Boyd	Cr Cameron Blair
Cr Allan Morton	
Cr David Almond	CARRIED (9/3)
Cr Dylan O'Connor	
Cr Tracy Destree	
Cr Margaret Thomas	
Cr John Giardina	

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

10.2.5 Change of Use, Place of Worship, Single Storey Community Hall Auditorium, Car Park, Culvert Crossing and Community Purpose uses at Lot 213 (28) Lewis Road, Wattle Grove.

This item has been withdrawn at the request of the applicant.

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

10.2.6 Proposed Family Day Care – Lot 758 (89) Sheffield Road, Wattle Grove

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	SH-07/089
Applicant	Pavithra Weerasingha
Owner	Pavithra Weerasingha

Attachment 1	Site Plan
Attachment 2	Floor Plan
Attachment 3	Submission Table
Confidential Attachment 4	Confidential Submitters Map
<u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>s5.23 (2) (b) – "the personal affairs of any person."</i>	
Attachment 5	Site Photos

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a development application for a proposed family day care at Lot 758 (89) Sheffield Road, Wattle Grove.
2. The applicant is seeking approval to operate a Family Day Care Facility Monday to Friday between 7:30am and 5:30pm, with a maximum of seven children inclusive of two children who currently reside at the property.
3. The application was referred to surrounding residents for comment. A total of two submissions were received comprising one objection and one non-objection. The concerns raised in the objection relate to on-street parking and noise.
4. It is recommended that the application be approved subject to appropriate conditions given the application is compliant with the Statement Criteria identified in Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises (the Policy) and is considered low impact by virtue of the number of children and the operating hours.

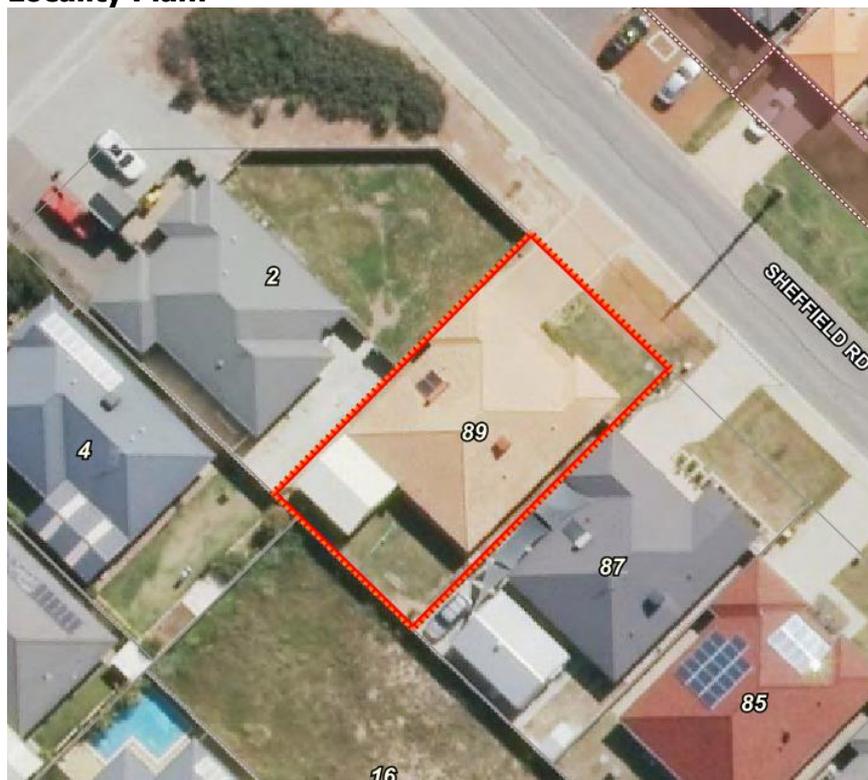
BACKGROUND

5. **Land Details:**

Land Area:	501sqm
Local Planning Scheme Zone	Urban Development
Metropolitan Region Scheme Zone	Urban

6. The proposal is located in a low density residential area with vehicle access to the property via Sheffield Road a local access street.

7. **Locality Plan:**



DETAILS

8. The applicant is seeking approval to operate a family day care from the subject property refer Attachments 1 and 2.
9. The applicant is seeking approval to operate the family day care Monday to Friday between 7:30am and 5:30pm, with a maximum of seven children inclusive of two children who currently reside at the property.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

10. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (the Scheme) stipulates that the objectives of the Residential zone are as follows:
 - a) To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the City.
 - b) To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
 - c) 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.
 - d) To encourage the retention of remnant vegetation.

11. Under the Scheme, a family day care has the same meaning as defined in the *Community Services (Child Care) Regulations 1988*, as follows:

"Family Day Care means a child care service provided to a child in a private dwelling in a family or domestic environment."

12. Family Day Care is a 'D' (Discretionary) use within the Residential zone, which means the use is not permitted unless the City has exercised its discretion by granting planning approval.

Planning and Development (Local Planning Scheme) Regulations 2015

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

POLICY CONSIDERATIONS

P-DEV 56 Family Day Care and Child Care Premises

14. The application complies with the Policy with respect to the following:
- a) **Location Criteria** – The family day care is located in the Cell 9 Wattle Grove Urban Area with access to the Wattle Grove Primary School, Shopping Centre and Public Open Space and has access to Public Transport on Hale Road.
 - b) **Siting Criteria** – the property satisfies the minimum lot size requirement for a family day care of 500sqm and maximum 50% site coverage.
 - c) **Operational criteria** – The proposed hours of operation being Monday to Friday 7:20am to 5:30pm are consistent with the Policy requirements.
 - d) **Design Criteria** – In respect to parking and traffic, the property has sufficient space for a drop off bay on site to allow for vehicles to enter and leave the site in forward gear.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. The development application was referred to internal departments and no objections to the proposed use were raised.

External Referrals

16. The proposal was advertised for a period of 14 days in accordance with P-DEV 45 Public notification of Planning Proposals which involved letters being sent

to 13 surrounding landowners. A total number of two submissions were received comprising of one objection and one non-objection.

17. The following concerns were raised during the advertising period:
 - a) Car parking, cars being parked on the verge and potential traffic congestion.
 - b) Negative impact on the amenity by virtue of potential noise.
18. Refer to Attachment 3 for the submission table for further details and comments.

FINANCIAL CONSIDERATIONS

19. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal (SAT). In the event that Council refuses the application, costs to engage an expert witness to assist the City's General Counsel to defend the City's position at a SAT hearing is expected to be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

21. The proposal will afford local residents to the opportunity of family day care services In the Wattle Grove area.

Economic Implications

22. The proposal will afford the applicant to undertake a business from home, whilst being in the care of her own children.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

24.	Risk: There is an overflow of cars from the site blocking driveways.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure that adequate parking is provided to reduce chances of overflow onto the street and condition the approval to this effect.		
	Risk: More than maximum allowable number of seven children on site.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Ensure that conditions are imposed stipulating no more than seven children, inclusive of the owner's children, are allowed under the approval.		
	Risk: The proposal may impact on the amenity of adjoining landowners.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/ Strategy		
	Ensure that the proposal is compliant with conditions of the approval in respect to hours of operation, number of children and vehicle movements.		

OFFICER COMMENT

25. A Family Day Care is a business intended to be operated from a dwelling within a residential area, on the proviso that the proposal does not significantly adversely impact the amenity of the area and does not have an impact on the localised traffic flow and safety of the area.
26. In response to the concerns raised in the objections to the proposal the following comments are provided:

Amenity and Noise Pollution

The application is considered low impact by virtue of the number of children and hours of operation and therefore is considered unlikely to have a negative impact on the amenity of the residential locality. Notwithstanding, the proposal will need to comply with the *Environmental Protection (Noise) Regulations 1997*.

Parking Congestion

In accordance with the Policy provisions, the applicant is required to contain all parking on site, thus avoiding on street parking occurring and impacting on surrounding residents. To this end the applicant has sufficient space on site to provide a drop-off bay that allows for forward-in, forward-out movement. The bay is for the usage of patrons of the day care and is required to ensure traffic safety for persons entering and leaving the property and people driving by on

the road. The bay is to be constructed to the specifications and satisfaction of the City.

27. Noting the application is compliant with the Policy and can accommodate on-site parking it is recommended that the application for the Family Day Care facility be approved subject to conditions.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 11/2018

That Council:

1. Approves the application for a family day care at Lot 758 (89) Sheffield Road, Wattle Grove subject to conditions below:
- a) The family day care is only to operate Monday to Friday between the hours of 7:30am and 5:30pm.
 - b) A maximum number of seven (7) children inclusive of those already residing at the property between the ages of 0-13 years are permitted.
 - c) All parking associated with the family day care is to be contained on the subject property.
 - d) Prior to commencement of operations at the property a drop-off bay is to be constructed on site to the specifications and satisfaction of the City of Kalamunda.
 - e) Clients are to visit the property via prior appointment only. A running log of appointments is to be kept and made available for inspection by the City of Kalamunda on request.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie	Cr Tracy Destree
Cr Geoff Stallard	
Cr Lesley Boyd	CARRIED (11/1)
Cr Allan Morton	
Cr Brooke O'Donnell	
Cr David Almond	
Cr Sara Lohmeyer	
Cr Dylan O'Connor	
Cr Cameron Blair	
Cr Margaret Thomas	
Cr John Giardina	

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

10.2.7 Proposed Home Business (Paint Workshop) – Lot 35 (36) Magnolia Way, Forrestfield

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	MG-01/036
Applicant	John and Sandra Stallard
Owner	Same as applicant
Attachment 1	Site plan
Attachment 2	Applicant Justification
Attachment 3	Submitters Table
Attachment 4	Site Photo
Confidential Attachment 5	Confidential Item - Map of Respondents
<u>Reason for Confidentiality:</u> <i>Local Government Act 1995</i> <i>s5.23 (2) (b) – "the personal affairs of any person."</i>	

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a development application for a proposed Home Business (Paint Workshop) at Lot 35 (36) Magnolia Way, Forrestfield.
2. The applicant is seeking to establish a paint mixing workshop in the existing outbuilding located to the rear of the dwelling onsite.
3. The proposal was advertised to the surrounding landowners in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). During the advertising period a total of two objections were received. The applicant has provided further justifications for the proposed paint workshop addressing the objectives of the Local Planning Scheme No 3.
4. It is recommended that Council refuse the application, as the nature of the paint mixing material and process has injurious environmental health and amenity effects not consistent with the objectives of a home business in a residential zone.

BACKGROUND

5. **Land Details:**

Land Area	702.000 m ²
Local Planning Scheme Zone	Residential R20
Metropolitan Regional Scheme Zone	Urban

6. **Locality Plan:**



DETAILS

7. The applicant is seeking approval for a Home Business at the subject property with a view to establishing a paint mixing workshop in the existing outbuilding located to the rear of the dwelling onsite. The paint mixing process involves the following:
- a) Decanting of 1L - 4L quantities of vehicle touch-up paint into small (15mL) bottles and mixing via an automated paint stirrer machine.
 - b) Paint may also be decanted into primed aerosol spray cans though it is noted this is not seen as a principal product.
 - c) The machine is intended to be operated up to two times a day for approximately 2 minutes.
 - d) 107 litres of paint, and 20 litres of paint thinner may be stored at the site at any one time.
 - e) A maximum of two vehicles visit the site per day including a courier for deliveries and another employee vehicle should the applicant go on holidays.
 - f) The proposal is for vehicle paint mixing and delivery only, the application of the paint to vehicles is not to be undertaken onsite.
 - g) No onsite signage is proposed, the products are proposed to be purchased via a website with deliveries by a once-daily courier.
8. In support of the proposal, the applicant submits that the home business has been operating at an alternative site in Forrestfield zoned Residential R20 since approval was issued in 2005. Furthermore, the existing outbuilding can be upgraded to incorporate appropriate insulation, ventilation to ensure the storage of combustible materials can be upgraded to meet Environmental Health and Building requirements.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

9. The subject property is zoned "Residential" in accordance with Local Planning Scheme No. 3 (the Scheme) with a density coding of "R5". Under Clause 4.2.1 the objectives of the residential zone are as follows:
- a) *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.*
 - b) *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
 - c) *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.*
 - d) *To encourage the retention of remnant vegetation.*

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY CONSIDERATIONS

11. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

12. The proposal was referred to internal departments for comment on the proposal or request that the proposal be referred to them for formal assessment. As part of this process the City's Environmental Health requested to make comment.

Following the completion of the internal referral the Environmental Health department returned with comments as follows:

The decanting of solvent based paints, particularly those used in the automotive industry may produce noxious fumes which would be hazardous to human health. The requirements imposed on commercial premises which undertake this type of activity, require all associated processes to be conducted in well ventilated areas, normally with some form of extraction and treatment system to reduce the exposure of staff to the fumes. The extraction

of the fumes can cause a nuisance to neighbouring premises if not properly located. The location of paint decanting operations in a residential area may have long term environmental health issues.

External Referrals

13. 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 two responses were received, comprising two objections with comments.

A summary of the objections is as follows:

Health concerns from the paint production process

The respondent raised concerns that high grade extraction fans would be required to remove hazardous fumes and that compounds (such as Isocyanates) within the paint will have long term health consequences such as cancer, asthma or lung problems which may invite risk of liability.

Fumes

Both respondents raised concerns about fumes and smell.

Proposal not compatible with a residential area

Both respondents opined the health effects are not compatible with a residential area and may affect neighbouring residents and children.

Industrial not residential use

The respondent noted the proposal should be located in an industrial area and is not compatible with a residential zone.

Increased Traffic

The respondent raised concerns about the increased traffic and that it would create more smell and fumes.

FINANCIAL CONSIDERATIONS

14. If Council refuses the application or imposes conditions that are unacceptable to the applicant, there is a right of review (appeal) to the State Administrative Tribunal (SAT). In the event that Council refuses the application, costs to engage an expert witness to assist the City's General Counsel to defend the City's position at a SAT hearing is expected to be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

16. The production of vehicle touch-up paint onsite may affect the amenity of the neighbourhood and may have environmental health consequences.

Economic Implications

17. Nil.

Environmental Implications

18. The decanting of solvent based paints, particularly those used in the automotive industry may produce noxious fumes which would be hazardous to human health.

RISK MANAGEMENT CONSIDERATIONS

19.	Risk: Neighbouring residents and owners are affected by smell and fumes which incurs long term health effects.						
	<table border="1"><thead><tr><th>Likelihood</th><th>Consequence</th><th>Rating</th></tr></thead><tbody><tr><td>Possible</td><td>Significant</td><td>High</td></tr></tbody></table>	Likelihood	Consequence	Rating	Possible	Significant	High
Likelihood	Consequence	Rating					
Possible	Significant	High					
	Action/ Strategy						
	Recommend refusal of the application due to the potential amenity impacts arising from the proposal.						

OFFICER COMMENT

20. The proposed Home Business for a paint mixing workshop, incorporates a process, involving the decanting of small quantities of vehicle touch up paint into bottles and mixing via an automated paint stirring machine. The process also involves the decanting into primed aerosol. Whilst it is acknowledged the process is small in scale, the process involved suggests the proposed activity is more akin to a light industrial use and therefore not compliant with the definition of "home business" by virtue of the perceived amenity impacts arising.
21. Regarding the objections raised by the respondents the following comments are made:

Health concerns from the paint production process

It is considered that vehicle paint contains ingredients which are hazardous to human health. While the internal effects of the paint workshop can be managed through appropriate ventilation, the fumes are still being ventilated outside into the adjoining area, which is likely to have an impact on the amenity of those residents.

Fumes

As noted above, fumes and odour may occur. Ventilation and extraction will be

required in accordance with Environmental Health Regulations, which may impact on adjoining residents.

Proposal not compatible with a residential area

It is acknowledged that the fumes associated with the production of vehicle touch-up paint as part of the proposed Home Business may have adverse effect on the health and amenity of the surrounding residents.

Industrial not residential use

The production of vehicle touch-up paint is industrial in nature and therefore not appropriate to a location in a residential area. While the applicant submits the proposal is reasonably small scale, the Environmental Health effects of vehicle touch-up paint are considered inconsistent with a residential area.

Increased Traffic

It is deemed that an increase of two cars per day to the site will not result in traffic difficulties and parking can be contained wholly within the site. Health effects from a proposed increase to two visiting vehicles per day is not considered unduly hazardous.

22. It is considered that the decanting of vehicle touch up paint in the existing outbuilding located to the rear of the property, may produce noxious fumes which would be hazardous to human health and impact on the amenity of adjoining residents. Such an activity is considered industrial in nature, and therefore defined as "Industry" which is not permitted in residential zoned land. On this basis it is recommended that the application be refused.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 11/2018

That Council:

1. Refuses the application for a proposed Home Business (Paint Workshop) at Lot 35 (36) Magnolia Way, Forrestfield for the following reasons:
 - a) The proposed Home Business (Paint Workshop) involves processes which are industrial in nature, and therefore does not comply with clause (b) of the definition of "home business" under Schedule 1 of Local Planning Scheme No.3.
 - b) The fumes and odour associated with the proposed Homes Business (Paint Workshop) is likely to have a detrimental impact on the amenity and health of the surrounding residential area.
 - c) The proposed Homes Business (Paint Workshop) is not consistent with the principles of orderly and proper planning.

Moved: **Cr O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas Cr John Giardina	Cr Tracy Destree CARRIED (11/1)

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

10.2.8 Proposed Outbuilding – Lot 44 (41) Bridle Drive, Maida Vale

This item has been withdrawn at the request of the applicant.

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

10.2.9 Proposed Telecommunications Infrastructure – Lot 57 (10) Television Road, Bickley

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	TL-03/010
Applicant	Evolution Planning
Owner	TX Australia Pty Ltd

Attachment 1	Site Plan
Attachment 2	Elevation Plans
Attachment 3	Site Photo
Attachment 4	Photo Simulation

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a development application for proposed telecommunications infrastructure at Lot 57 (10) Television Road, Bickley.
2. The applicant is proposing to install an 11m high FM radio antenna approximately 60m above the ground on an already existing television tower.
3. The application was advertised in accordance with the City's P-DEV 45 (Public Notification of Planning Proposals). Over the course of the advertising one response was received, being a non-objection to the proposal.
4. It is recommended that Council approve the application for the telecommunications infrastructure, subject to appropriate conditions.

BACKGROUND

5. **Land Details:**

Land Area:	1.71ha
Local Planning Scheme Zone:	Residential Bushland
Metropolitan Regional Scheme Zone:	Urban

6. **Locality Plan:**



7. The subject site is in an area that is zoned as residential bushland and is surrounded by bushland identified as reserved land under the Metropolitan Region Scheme. The nearest residence to the tower is approximately 320m from the existing tower.
8. The site has previously had approval granted in 2008 for a receiving antenna, and the current application proposes to attach an additional antenna to this structure.

DETAILS

9. The applicant is seeking approval to undertake the following works:
- a) Installation of a new 11m high FM antenna;
 - b) Antenna to be approximately 60m above the base of the tower;
10. The existing antenna is located in the south-east corner of the property as indicated on the above locality plan. The existing tower is adjacent to Television Road and will make use of the existing infrastructure on site.

The applicant submits that the antenna is for back-up purposes only to services that are already transmitted from the site. The antenna provides managed transmission services to Channels Seven, Nine and Ten, as well as for Commercial and Community television.

Development plans for the proposal can be seen in Attachments 1, 2 and 3.

11. The applicant states as part of documents included that the system has been assessed as being well within the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) standards in terms of electromagnetic emissions.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

12. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (the Scheme) states that the objectives of the Residential Bushland zone are as follows:
- a) *To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.*
 - b) *To give due consideration to land uses that are compatible with the amenity of surrounding residential development.*
 - c) *Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.*
13. Under the Scheme telecommunications infrastructure is defined as follows:
- "telecommunications infrastructure"*** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network
14. Under the Scheme, 'Telecommunications Infrastructure' is an 'A' use within the Residential Bushland zoning, meaning the use is not permitted by the Scheme unless Council exercises its discretion in approving the application after first giving notice in accordance with Clause 9.4 (Advertising Clause) of the Scheme.
15. 'Table 2 – Site Requirements' of the Scheme outlines that development requirements for proposals within the Residential Bushland zone are as per the Residential Design Codes (R2.5 & R5). While the site is zoned as Residential Bushland there is no associated coding attributed to the site, therefore given the size of the property, a general assessment has been undertaken as if the site has an R2.5 coding as follows:

Residential Design Codes Requirement (R2.5)	Requirement	Proposed	Complies Yes/No
Setback Front (Television Road)	15m	9m to closest point of existing tower	No
Setback Minor Street (Pomeroy Road)	7.5m	154m to nearest point	Yes
Side Setback (South)	7.5m	7.5m	Yes
Setback Rear	7.5m	72m	Yes
Site Coverage	20%	6%	Yes

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY CONSIDERATIONS

State Planning Policy 5.2 – Telecommunications Infrastructure

17. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.
18. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:
“The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.

Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard’s public exposure limits. It concluded that “given the very low levels recorded and the relatively low power of these types of transmitters, it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”.

Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore, it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA’s findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions.”

P-DEV 52 – Telecommunications Infrastructure

19. The objectives of P-DEV 52 are as follows:

"The City recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The Shire also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities and opposes other telecommunications infrastructure that would have a significant adverse visual impact."

20. P-DEV 52 recognises that the City is not in a position to consider the alleged public health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts.
21. In considering an application for development approval, in particular the visual impact of the facility, P-DEV 52 recommends that regard be given to the provisions of the Scheme and SPP 5.2. In this respect, development approval may be refused where the City is of the opinion that the proposed facility would have a significant adverse visual impact.

Alternatively, the City may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The proposal was referred to internal departments who were invited to comment on the proposal or request that the proposal be referred to them for formal assessment. As part of this process no internal departments requested referral.

External Referrals

23. 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 surrounding neighbours to a radius of 500m inviting comment. A sign was also erected on site for the duration of the advertising period, as well as notification and plans of the proposal being displayed on the City's website, within the local newspapers, and on social media platforms.

The applicant was requested to organise a community engagement session, however in this instance the request was declined.

24. During the advertising period one response was received from the public, which was a non-objection with comments. A summary of the comment is provided below.

Potential Future Increase in EMR Levels:

The public comment received stated that while there was no objection to the current proposal and the low EMR levels at this time there is a chance that future installations will cause EMR levels to rise over time and approach the recommended levels as stated by the ARPANSA. The respondent requested that additional modelling be undertaken that specifically outlines the potential impact of their property.

A response to this comment is included in the Officer Comment section of this report.

FINANCIAL CONSIDERATIONS

25. In the event that Council resolves to refuse the application, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

SUSTAINABILITY

Social Implications

27. The installation of the backup antenna will assist the local community by ensuring that television service is not interrupted.
28. The presence of the antenna on the tower may make individuals who believe that they are hazardous to the health of the community uncomfortable with being in the area and may lead to complaints to the City.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: The amenity of the area is unduly affected.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Ensure that the facility is appropriately located and designed so as to minimise undue impacts on visual amenity.		

OFFICER COMMENT

32. The property in question has no official residential coding, which means that the noted variation in the street setback can be applied to either the R5 or R2.5 Code. Noting the size of the lot, the R2.5 coding has been applied as per point 14 of the report. It is considered however that as the variation is in relation to an existing and approved structure on the site and that the proposal in this case only relates to attaching additional infrastructure to the existing tower the setback variation is considered acceptable in this instance.
33. The visual impact of the proposal is considered to comply with the requirements of SPP 5.2 policy measures and the objectives of Local Planning Policy P-DEV 52. With respect to the visual impact, the applicant in support of the application and in accordance with Policy requirements, has provided a photo simulation of the location of the proposed antenna extension to the existing tower, (refer Attachment 4).
34. Regarding the comment received during public advertising the following is considered:

Potential Future Increase in EMR Levels:

The applicant has provided information that states that the current proposal is well within the required EMR levels. It is considered that for the purposes of this application additional studies regarding the possible future EMR levels will be unnecessary as they do not apply to this specific application and there is no way to fully gauge future EMR without having an application to assess that comprises this infrastructure. However, any future applications for infrastructure on the site will be required to adhere to the relevant state and local legislation and policy provisions, and thus it is considered that any deviation from allowable EMR levels will be noted and evaluated at that time.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 11/2018

That Council:

1. Approves the development application for telecommunications infrastructure at Lot 57 (10) Television Road, Bickley, subject to the following conditions:
 - a) The development shall be carried out only in accordance with the terms of this approval, and any approved plan.
 - b) The antenna is to match the colour of the existing infrastructure and tower.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie	Cr Tracy Destree
Cr Geoff Stallard	
Cr Lesley Boyd	CARRIED (11/1)
Cr Allan Morton	
Cr Brooke O'Donnell	
Cr David Almond	
Cr Sara Lohmeyer	
Cr Dylan O'Connor	
Cr Cameron Blair	
Cr Margaret Thomas	
Cr John Giardina	

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

10.2.10 Outcomes of Consultation – Third Party Appeal Rights in Planning

Previous Items	N/A
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-IGR-005
Applicant	N/A
Owner	N/A

[Attachment 1](#) WALGA Outcomes of Discussion Paper

EXECUTIVE SUMMARY

1. The purpose of this report is to:
 - a) advise Council of the outcomes of discussions to the workshops conducted by Western Australian Local Government Association (WALGA) with respect to the introduction of Third Party Appeals in the Western Australian Planning Process; and
 - b) give consideration to the preferred model, being Option 1, and advise WALGA as to whether they support this model of Third Party Appeal.
2. Initially there were four options considered at the workshop, however there was also an opportunity for participants to provide a 'fifth option' if they had a preferred model. The option which received the greatest level of clear support was Option 1: Third Party Appeal Rights for decisions made by Development Assessment Panels.
3. It is recommended that Council support Option 1 as the preferred model for the introduction of Third Party Appeal Rights in the Western Australian Planning process.

BACKGROUND

4. Presently no Third Party Appeal Rights exist in Western Australia under the *Planning and Development Act 2005*. It is understood however, that previously some Local Government planning schemes allowed them. The last Local Government to allow Third Party Appeals was the City of Albany, however with the introduction of the City's new local planning scheme in 2014, which removed Third Party Appeal Rights, there is no longer any Third Party Appeal Rights for planning in Western Australia.
5. The introduction of Third Party Appeal Rights has been considered by local governments on several occasions over the past few decades, however nothing has been progressed further.
6. In December 2016, WALGA resolved to undertake research on third party appeals around Australia and further consult with its members regarding its current policy position. WALGA prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the local government sector for comment and feedback.

7. Feedback was presented to the State Council in September 2017 where the following was resolved:
- a) *State Council notes that there is increased support for the introduction of some form of Third Party Appeal rights.*
 - b) *WALGA undertakes further consultation with members on Third Party Appeal Rights, including Elected Member workshops, discuss the various concerns and suggestions raised in response to the discussion paper, the form and scope of any such appeal right should include the appropriate jurisdiction including JDAPS, SAT and WAPC to determine a preferred model.*
 - c) *The findings to be distributed for comment and the Item then be reconsidered by State Council.*
 - d) *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*
8. In November 2017, two workshops were held attended by representatives from 25 local government areas, including the City of Kalamunda, to review the 4 options and discuss the possible scope and form any such appeal rights should take in order to determine a preferred model for Third Party Appeal Rights in Planning in Western Australia.

DETAILS

9. WALGA are seeking recommendations from local government as to the preferred model for Third Party Appeal Rights as part of the planning process in Western Australia. Whilst initially there were four options considered at the workshop, there was also an opportunity for participants to provide a 'fifth option' if they had an alternative preferred model. The five options are described below:
1. **Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels:** Under this system, third party appeals would be broadly similar to the New South Wales system whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.
 2. **Support the introduction of Third Party Appeal Rights for decisions where *discretion* has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes:** Under this system, third party appeals would be broadly similar to the Tasmanian system whereby third party appeals are limited to development applications where discretion has been exercised. This would include the ability to appeal an amendment to an existing approval.

3. **Support the introduction of Third Party Appeal Right against development approvals:** Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.
 4. **Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval:** Under this system, third party appeals would be broadly similar to the Victorian system whereby the provision of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.
 5. **Other:** As a range of options were provided by members, any alternate versions to the above, or combination of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.
10. It should be noted that any form of Third Party Appeals which could be introduced into the Western Australian planning system would need to include criteria that:
- a) Ensures that appeals are only made on valid planning grounds and are not made for commercial or vexatious reasons.
 - b) Limits Third Party Appeals Rights to those parties which previously made a submission on that development application during the advertising period.
 - c) Require a short window in which to appeal (for example 14 days).
11. During the workshops, there was a general consensus on the benefits that the introduction of Third Party Appeal Rights would provide. These included:
- a) Greater accountability of decision-makers, including Local Government, Development Assessment Panels and the State;
 - b) Greater transparency in the planning decision-making process;
 - c) Improved consultation by applicants;
 - d) Increased community confidence in the planning system and planning decisions; and
 - e) More equity between applicants and appellants.
12. There was also general agreement on areas of concern should some form of Third Party Appeals be introduced. These included:
- a) Increased costs, in terms of both staff resources and financial requirements;
 - b) More time required for a development to receive a planning approval in order to allow for third party appeals;
 - c) Introduction of Third Party Appeal Rights would be counter to current efforts to streamline the planning process;
 - d) Introduction of Third Party Appeal Rights would create uncertainty for the development industry;
 - e) Removal of decision making power from Local Government;

- f) Raises community expectations which may not be met in practice;
- g) Creates an adversarial/litigious environment around planning decisions; and
- h) Introduction of Third Party Appeals does not address most of the underlying concerns regarding the current planning system.

13. It was also clear from the workshop that any system of Third Party Appeals would need to be carefully constructed and provide clear guidance on several issues, including:
- a) When and how a third party can lodge an appeal, and the types of appeals that would be supported;
 - b) Ensuring appeals are only lodged for proper planning grounds, and not for vexatious or competitive purposes;
 - c) Whether 'deemed-to-comply' decisions would be appealable; and
 - d) Would third party appellants be provided some form of 'legal aid' to assist in lodging appeals, to keep the process from being cost prohibitive?
14. The option which received the greatest level of clear support was Option 1 that involves the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels. A summary of the most common remarks, both for and against, is provided below (for a complete list see Attachment 1).
15. A summary of the workshop comments for and against Option 1 is listed below:

For	Against
Local Government would be able to appeal a DAP decision and defend the merits of their policies and enforceability of their conditions.	Will still require increased staff and resources.
Addresses community concerns that decisions are being made 'removed' from the local community, leading to improved community confidence in the system.	Possibility that the minister could remove Elected Members from DAPs if Local Government can appeal anyway. Possible conflict of interest for Elected Member panellists.
More transparent process with more accountable DAP members, in both decision making and condition setting.	Elected Members may be pressured to initiate an appeal, rather than the community initiating an appeal.
Could allow for appeal on conditions that may have been removed from a RAR.	Reduces certainty in the decision making process.
Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden system.	Only applies to DAP determinations, does not include applications for \$2-\$10 million that are determined by Council. If the applicant does not opt in to DAPs then they avoid Third Party Appeal Rights.
A good first stage approach for the introduction of Third Party Appeal Rights - could be expanded later.	Possibility for more than one person to want to appeal - how to manage multiple appeals/appellants, and determine degree of impact?

May rarely be used in rural areas, is almost the status quo.	Could undermine the reason for DAPs being set up originally.
Likely that more applications will be decided by Council.	Adds another layer to an already complex system.

STATUTORY AND LEGAL CONSIDERATIONS

16. Currently there are no Third Party Appeal Rights that exist in planning legislation in Western Australia.

POLICY CONSIDERATIONS

17. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. Nil.

External Referrals

19. Nil.

FINANCIAL CONSIDERATIONS

20. Local Government is likely to incur additional administrative associated with the processing of the State Administrative Tribunal application and additional planning resources to assess the application.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance
Strategy 4.1.1 Provide good governance

SUSTAINABILITY

Social Implications

22. Directly affected members of the local community will have the opportunity to appeal a decision of the JDAP

Economic Implications

23. The introduction of Third Party Appeal Rights would result in additional costs for development industry associated with defending appeals and likely delays in securing a decision from the JDAP.

Environmental Implications

24. Nil.

RISK MANAGEMENT CONSIDERATIONS

25.	Risk: The introduction of Third Party Appeal will increase the processing times for planning applications determined by DAP's.		
	Likelihood	Consequence	Rating
	Likely	Significant	High
	Action/ Strategy		
	Increase staff resources to maintain appropriate reasonable processing times and/or exempt further development applications from requiring planning approval.		
	Risk: The introduction of Third Party Appeal will likely result in increased costs to local government associated with the processing of planning applications.		
	Likelihood	Consequence	Rating
	Likely	Significant	High
	Action/Strategy		
	To address potential increase costs, local government could either absorb the cost, as is currently the case with SAT applications, or advocate local government fees.		

OFFICER COMMENT

26. Western Australia is the only State in Australia which has no Third Party Appeal Rights legislated in the planning process. WALGA previously formed a policy position in 2008 not to introduce Third Party Appeal Rights on the basis that there was no justification for the proposed legislation and there were significant negative implications for local government, the development industry and local community in doing so. However, with the introduction of a number of changes to the planning framework since 2009, WALGA has taken a proactive position in initiating discussion again on the topic.
27. Through its discussion process with local government, it is evident there are a number of views on the merits or otherwise of introducing Third Party Appeals into the planning system in Western Australia, with the interest of all key stakeholders having to be considered. It was also evident from submissions received regarding the discussion paper, that opinions were closely divided between support for a limited form of Third Party Appeal and opposition to its introduction. From a local government perspective the introduction of Third Party Appeals needs to be considered in the context of community expectation and the implications with respect to resourcing, costs and likely delays in the planning decision making process. In respect to resourcing implications, it should be noted that the City in 2017 received three applications that required determination by the DAP.

28. Noting the above comments, the five options canvassed and the resulting choice of Option 1 represents a pragmatic approach to the introduction of Third Party Appeals. Whilst it is acknowledged there are a number of positives and negatives surrounding Option 1 as indicated in paragraph 15 of the report, limiting the scope of Third Party Appeals to decisions made by Development Assessment Panels provides local government with the opportunity to consider the operational implications before deciding whether to expand the scope or potentially not proceed with the introduction of Third Party Appeals in the Planning process.
29. In considering the preferred model of option 1, it should be noted that the appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance which further limits the scope of the appeal process.
30. It is noted that proceeding with Option 1, still requires a lot more work in respect to details as to how this would be implemented through the DAP process. However, as a starting point, Option 1 represents a pragmatic approach where the interests all key stakeholders can be considered and implications arising evaluated before any decision is made to expand the scope of Third Party Appeals further.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 11/2018

That Council:

1. Advises the Western Australian Local Government Association that it supports Option 1 (Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels) for decisions made by Development Assessment Panels as a way forward with the introduction of Third Party Appeals in the Planning Process

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas Cr John Giardina	Cr Tracy Destree CARRIED (11/1)

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

10.2.11 Draft Planning Policy P-DEV 20 – Outbuildings and Sea Containers

Previous Items	OCM 148/2015, OCM 142/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachment 1	Draft Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the final adoption of the amended Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers (the Policy) following advertising.
2. The Policy has been updated to incorporate current statutory planning requirements to accord with changes in the State Planning legislative framework, particularly in relation to planning in Bushfire Prone Areas and compliance with the requirements of the Regulations. The changes also aim to address some of the policy anomalies, including the clearer stipulation of Acceptable Design Outcomes.
3. During the advertising period no submissions were received.
4. It is recommended that Council adopt the revised policy.

BACKGROUND

5. The City periodically reviews, revokes, and adds new policies for ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
6. The Policy was previously adopted by Council on 23 November 2015. Since that time the City has noted how the Policy has been applied to applications and where improvements need to be made to assist with the assessment process. Accordingly, a number of minor changes are proposed to the Policy document.
7. Council resolved in August 2017 (OCM 142/2017) to adopt the Policy for public advertising with minor modifications highlighted in red in Attachment 1, specifically requiring clause 4.6 b) of the Policy pertaining to Sea Containers to be deleted. The advertising period has now closed and the final version of the policy is now ready for consideration for adoption by Council.
8. The proposed revised policy was tabled at December 2017 OCM. However, it was withdrawn prior to consideration following a request for clarification being made by an elected member in respect to Clause 4.6 and 4.7 of the Policy. These points are clarified in point 28 of the report, accordingly the Policy is returned to Council for final adoption.

DETAILS

9. The intent of the policy is to provide guidance to applicants and City officers when both making and assessing development proposals for outbuildings or sea containers within the City.
10. The Policy has been reviewed in part to address community expectations regarding the size of outbuildings on larger urban lots and rural lots more generally in order to accommodate domestic storage needs and to incorporate current statutory planning requirements.
11. The following provides a brief summary of the proposed key changes to the policy:
 - 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.
 - k) Updating of Policy term definitions.

STATUTORY AND LEGAL CONSIDERATIONS

12. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
13. As per the Regulations and the City of Kalamunda Local Planning Scheme No. 3, 9 (the Scheme) planning policies are required to be approved by Council for advertising and adopted by Council at the conclusion of the advertising period.
14. When deciding whether to amend a local planning policy, Clause 4 (3) of the Regulations requires Council to review any submissions made during advertising and resolve to:
 - a) Proceed with the policy without modification; or
 - b) Proceed with the policy with modification; or
 - c) Not to proceed with the policy.

-
15. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and scheme provisions the Regulations and scheme prevail.

POLICY CONSIDERATIONS

16. The proposed draft policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. Prior to the document being submitted to Council for approval to advertise, the Policy was referred to internal departments for comment. No objections to the Policy were received.

External Referrals

18. Following approval by Council, the Policy was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. As part of this process the draft policy was advertised for 28 days, a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City social media portal. At the conclusion of the advertising period no submissions were received.

FINANCIAL CONSIDERATIONS

19. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

21. If the Policy is adopted the City will have greater certainty when it comes to reviewing applications for outbuildings and sea containers or undertaking compliance matters.
22. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

23. Nil.

Environmental Implications

24. Nil.

RISK MANAGEMENT CONSIDERATIONS

25.

Risk: The revisions to the policy are not adopted resulting in assessment of outbuildings and sea containers reverting to the original policy.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/ Strategy		
Demonstrate the importance of having sound and robust planning policies that are up to date and support the Scheme when assessing development applications.		

OFFICER COMMENT

26. The proposed revisions provide further clarity regarding the requirements for Outbuildings and Sea Containers within the City.
27. The Policy has been updated to incorporate current statutory planning requirements to accord with changes in State Planning legislative framework, particularly in relation to planning in Bushfire Prone Areas and compliance with the requirements of the Regulations. The changes also aim to address some of the policy anomalies, including the clearer stipulation of Acceptable Design Outcomes.
28. Clause 4.6 and 4.7 of the Policy has been amended as highlighted in red, to reflect the decision of Council to remove the requirement for a personnel door and permanent ventilation being provided by either openable windows or a roof vent where sea containers are proposed to be placed permanently on site. Further modifications to the wording of the two clauses have been made to include reference to the National Construction Code where a building permit is required.
29. With reference to National Construction Code, it is important to note that sea containers are not required to comply with the following elements:
- a) Disability Access.
 - b) Termite Treatment.
 - c) Footings (there may be some circumstances where they need to be secured).
 - d) Drainage and Stormwater collection (other than ensuring runoff is contained on the property).
 - e) Smoke alarms.
 - f) Water proofing.

30. The recommended changes to the floor area proposed are reflective of noted community desire to have larger outbuildings that meet domestic storage needs.
31. Noting the provisions of Clause 7.3.1 of the R-Codes, the proposed Policy will require referral to the Western Australian Planning Commission for their endorsement.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 11/2018

That Council:

1. Pursuant to Clause 4 (3)(b)(ii) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, proceeds with amending Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers in accordance with Attachment 1.
2. Refer the adopted Local Planning Policy P-DEV 20 – Outbuilding and Sea Containers to the Western Australian Planning Commission for endorsement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas Cr John Giardina	Cr Tracy Destree CARRIED (11/1)

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

10.2.12 Revocation of P-DEV28 – Reflective Material in Cladding or Roofing – Guidelines for Assessment and P-DEV 03 Use and Removal of Asbestos

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	P-DEV28
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Existing P-DEV 28 - Reflective Material in Cladding or Roofing – Guidelines for Assessment

[Attachment 2](#)

Existing P-DEV 03 – Use and Removal of Asbestos

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the revocation of Local Planning Policy P-DEV28 – Reflective Material in Cladding or Roofing – Guidelines for Assessment. (P-DEV28) and P-DEV 03 Use and Removal of Asbestos (P-DEV03).
2. It is considered that the existing P-DEV28 does not meet the expectations of a contemporary local planning policy. Several issues have been identified with P-DEV28, leading to this request for Council to consider revoking the policy. Furthermore, the Policy has been superseded by the provision of *the Building Act 2012* and therefore is not legally enforceable.
3. In regard to P-DEV03, the removal of asbestos is addressed through the *Public Health Act 2016* and the *Occupational Safety and Health Act*, as such there is no requirement for the Policy.
4. Should Council consider that the negative impacts from the use of reflective building materials should be controlled through the planning process, it is recommended that a new policy be developed in the future. At this time however it is recommended that the existing P-DEV28 be revoked and not replaced.
5. It is recommended that Council revoke Local Planning Policy P-DEV28 – Reflective Material in Cladding or Roofing – Guidelines for Assessment. (P-DEV28) and P-DEV 03 Use and Removal of Asbestos (P-DEV03).

BACKGROUND

6. The City periodically reviews, revokes and adds new policies to its register. Local planning policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.
7. Issues have recently been identified with the content of the existing P-DEV28 which has resulted in this request for Council to revoke the policy.

DETAILS

8. The intent of P-DEV28 is to provide guidelines for the assessment of reflective cladding material (aluminium, zincalume, galvanised iron, glass, white coloured steel) relating to development proposals. The policy discourages the use of these materials where it is likely to cause significant glare, particularly in steep sloping or undulating areas.
9. The intent of P-DEV03 is to provide guidelines on the use and removal of asbestos related products.
10. The following issues have been identified in relation to both policies:

P-DEV28:

- a) It is unclear when the policy was first adopted by Council and whether the policy was ever adopted with the intent that it would be used as a planning instrument for the assessment of planning proposals.
- b) There is limited rationale for retaining P-DEV28 as a local planning policy given the infrequency of issues/complaints being raised with the City regarding reflective building materials.
- c) The policy is considered to be inconsistent with the approach of a majority of other comparable local governments in the region.
- d) It is arguable whether P-DEV28 is in line with contemporary planning practice and policy.
- e) The policy refers 'Manager Building Services', a position which no longer exists at the City.
- f) The policy gives the Manager Building Services discretion to make decisions relating to a planning function (whether to advertise or approve without advertising), whereas these decisions are now delegated from the Chief Executive Officer to senior planning staff.
- g) The Policy has been superseded by the provisions of the Building Act 2012.

P-DEV03:

- a) The provisions of the policy are covered under separate health legislation, and therefore the policy is not required.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

11. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
12. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and scheme provisions the Regulations and scheme prevail.
13. Clause 6 of the Regulations enables a local planning policy to be revoked in the following circumstances:
 - a) By a subsequent local planning policy that –
 - (i) Is prepared in accordance with the Regulation; and
 - (ii) Expressly revokes the local planning policy.

- b) By a notice of revocation –
 - (i) Prepared by the local government; and
 - (ii) Published in a newspaper circulating in the Scheme area.

POLICY CONSIDERATIONS

- 14. Should Council resolve to revoke P-DEV28 and P-DEV03, the policies will be removed from the Policies and Procedure Register and will no longer be given any regard.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

- 15. Nil.

External Referrals

- 16. If Council resolves to revoke the subject policies, notice of the revocation is required to be published in a local newspaper.

FINANCIAL CONSIDERATIONS

- 17. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

- 18. Kalamunda Advancing: Strategic Community Plan to 2027

OBJECTIVE 3.1 To plan for sustainable population growth.
Strategy 3.3.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

OBJECTIVE 4.1: To provide leadership through transparent governance.
Strategy 4.4.1 Provide good governance.

SUSTAINABILITY

Social Implications

- 19. Highly reflective roof and wall cladding materials may cause glare and discomfort to nearby neighbours.

Economic Implications

- 20. Light coloured building materials (e.g. Zinalume ® and Colorbond ®) are popular building materials for the construction of new dwellings in the City, in particular the suburbs of Kalamunda, Lesmurdie and Gooseberry Hill where older buildings exist, and the roofing material is considered to better reflect age of the dwellings.

Environmental Implications

21. There is increasing recognition that reflective roof materials can be effective in reducing the heat absorbed by dwellings during summer months. The Building Code of Australia encourages the use of light coloured roofing to facilitate improved energy efficiency of dwellings.

RISK MANAGEMENT CONSIDERATIONS

22.	Risk: P-DEV28 is not revoked, resulting in ongoing uncertainty about whether the policy is relevant and in line with contemporary planning practice/policy		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Outline the rationale for revoking P-DEV28 and identify the current operating issues with the policy.		
	Risk: Without P-DEV03 there is an increased possibility of asbestos not being disposed of appropriately.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Clarify that the removal of asbestos is addressed through the <i>Public Health Act 2016</i> and the <i>Occupational Safety and Health Act</i> , as such there is no requirement for the Policy.		

OFFICER COMMENT

23. The impact of a highly reflective building material can vary depending on a number of factors, including:
- Season and time of day;
 - Position and altitude of observer (or windows) relative to the building material and significance and size of the outlook of any opening affected by the reflection;
 - Roof pitch;
 - Age of the roof material;
 - Light levels of the area impacted by the reflection;
 - Extent (surface area) of the material from which the reflection is generated; and
 - Presence of any landscaping or other screening (including fencing, curtains/blinds) between the reflection and observer.
24. While it is acknowledged that reflective building materials can impact on the amenity of adjoining or nearby residents, this needs to be balanced with the desirable attributes of these materials, such as aesthetic appeal of the material, energy efficiency and affordability of construction. It is worth noting that the R Codes makes no reference to the use of reflective building materials in respect to building design.

25. The City does not regularly receive complaints regarding reflective materials, which indicates that intervention is seldom required. A review of number of other local authorities, could find no reference to policy provisions for reflective roofs, these included:
- a) City of Swan
 - b) Shire of Mundaring
 - c) City of Armadale
 - d) City of Gosnells
 - e) City of Canning
 - f) City of Vincent

Some local authorities, have detailed policy provisions for heritage listed buildings, however as indicated above many local governments do not contain such measures.

26. It is considered that development controls relating to the use of reflective materials should be primarily in areas identified as having special character or landscape values, and only where the use of reflective materials will unduly impact those values, rather than to control the impact of the material on visual amenity. In this regard, it is not considered that there are any locations within the City which currently require special development controls relating to reflective building materials.
27. Should Council consider that the negative impacts from the use of reflective building materials, including the lighter colorbond colours, should be controlled through the planning process, it is recommended that a new local planning policy be developed in the future. At this time however it is recommended that the existing P-DEV28 be revoked and not replaced.
28. In respect to P-DEV 03, guidelines around the removal of asbestos is adequately controlled through health related legislation and therefore the policy can be revoked.
29. In summary, it is recommended that existing P-DEV28 and P-DEV03 be revoked for the reasons described above.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 11/2018

That Council:

1. Pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revokes the following:
 - a) Policy P-DEV 28 – Reflective Material in Cladding or Roofing – Guidelines for Assessment.
 - b) Policy P-DEV 03 – Use and Removal of Asbestos

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote:

For	Against
Cr Michael Fernie Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas Cr John Giardina	Cr Tracy Destree CARRIED (11/1)

10.3 Asset Services Report

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

Cr Cameron Blair declared an Indirect Financial Interest in this item as he is the owner of a subcontractor company contracted by a tenderer. Cr Blair left Chambers at 8.15pm and returned at 8.17pm and was not present for the vote.

10.3.1 Consideration of Tenders for the Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721)

Previous Items	OCM15/2017 OCM97/2017 OCM223/2017
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	AD-TEN-00
Applicant	N/A
Owner	N/A
Confidential Attachment 1 <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Tender Evaluation Report

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a contract for the Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721).
2. On 18 November 2017, the City of Kalamunda (the City) issued the Request for Tender (RFT 1721) seeking Tenderers for the construction of a hockey club rooms facility at Hartfield Park, Forrestfield.
3. It is recommended that Council appoint BE Projects Pty Ltd for Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721) for a total Lump Sum Tender Price, incorporating the Option – Supply and Install Security System, of \$1,544,016.16 (excluding GST) and approve budget reallocations to accommodate the full cost of the project.

BACKGROUND

4. On 28 July 2014 the State of Western Australia and the City of Kalamunda entered into a Financial Assistance Agreement for the State to provide a grant amount of \$6.01m (exclusive of GST) for the provision of a number of deliverables as outlined in the Hartfield Park Masterplan 2010 (HPM) and detailed in the Agreement. The current term of the Agreement is 24 June 2014 to 30 June 2018, however, due to the complications and lengthy process involved in the Section 18 Native Title process, approval to extend the

completion date to 31 December 2018 has been requested from the Department of Local Government, Sport and Cultural Industries. The upgrading of the former Darling Range Pony Club Facility (the Project) was one of the deliverables detailed in the Agreement to accommodate a hockey facility.

5. At its meeting on 6 February 2017, Council considered a report on the Hartfield Park Redevelopment Project on Proposed Redevelopment to the Former Darling Range Pony Club Facility and resolved in part as follows:
 1. *Endorses the proposed redevelopment of the former Darling Range Pony Club facility at Hartfield Park in accordance with the Site Location and Hockey Field Layout Plan Drawing No. 14876-G01/A (Attachment 1).*
 2. *Endorses the demolition of the existing Darling Range Pony Club Facility and construction of a new shared use clubroom/change room facility generally in accordance with Option 2 Drawing No. 400-004/B (Attachment 5), for the purpose of further discussions with the Kalamunda Districts Hockey Club, noting that the final design will be undertaken to match the available funds for this facility, with a further report presented to Council for endorsement.*
 4. *Note that a further report will be presented on the outcomes of discussions with other sporting clubs for:*
 - a) *Joint use of the new facility during the summer months;*
and
 - b) *Use of the existing hockey club facilities on Morrison Oval when the Kalamunda United Hockey Club relocates to the new site.*
6. At its meeting on 26 June 2017, Council considered a report on the Hartfield Park Redevelopment Project and resolved in part as follows:

"Endorses the final clubroom facility concept design for the proposed Hockey Facility at Hartfield Park as detailed on Drawing Number 400-004/D, for the purpose of inviting public Tenders upon receiving Western Australian Planning Commission and Department of Aboriginal Affairs approvals."
7. The City issued a Request for Tender RFT 1721 through its e-tendering portal www.tenderlink.com.kalamunda and advertised in the West Australian newspaper on 18 November 2017. Receipt of tender submissions closed at 2.00pm, Tuesday 12 December 2017.
8. The scope of Services for the Contract is defined in RFT 1721 and includes, but not limited to the following:
 - a) Survey set out
 - b) Clearing and grubbing
 - c) Earthworks
 - d) Building Construction Works – Architectural, Mechanical, Structural, Electrical, Hydraulic and Mechanical Engineering
 - e) Provision of "As Constructed" plans for submission to the City

9. The City received Tender submissions from the following 10 organisations who attended the Mandatory Site Inspection and Briefing on 22 November 2017:
- a) Alliance Builders Pty Ltd;
 - b) BE Projects Pty Ltd;
 - c) Bistel Construction Pty Ltd;
 - d) Top End Living Pty Ltd, Trading as Buildon Construction;
 - e) Geared Construction Pty Ltd;
 - f) McCorkell Constructions WA Pty Ltd;
 - g) Pindan Constructions Pty Ltd;
 - h) Solution 4 Building Pty Ltd;
 - i) WBS Commercial Pty Ltd; and
 - j) ZD Construction 93 Pty Ltd

DETAILS

10. The scope of the Tender requires the services of a suitable experienced and qualified Contractor to undertake the Construction of Hockey Club Rooms Facility at Hartfield Park, Forrestfield as outlined in the RFT 1721 specifications and drawings.
11. The Contract shall be in force until the end of the defects liability period. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.
12. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
- a) Coordinator Project Delivery (Panel Chair)
 - b) Project Manager – Project Delivery Team
 - c) Consulting Architect
13. In the lead up to commencement of the Tender Evaluation Process and based on the Qualitative Criteria for RFT 1721 consideration was given to determining what would be an acceptable qualitative score that would indicate the ability of a Tenderer to satisfactorily deliver its services. In this instance, the predetermined Qualitative Pass Mark (QPM) for RFT 1721 was set at 60%.
14. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. The submission from ZD Construction 93 Pty Ltd was assessed as not compliant in accordance with the Tender Compliance Criteria, as the Tenderers Offer Form was not signed. No further assessment was undertaken on the submission.
15. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request for Tender document.
16. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.

17. The Panel undertakes qualitative evaluation of each Tender submission in accordance with the following general direction:
- a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - c) Where clarifications are sought from tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
 - d) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.
18. Panel members completed the Qualitative Evaluation through comparison of individual scores and determination of consensus scores for each of the Qualitative Criteria on Wednesday 3 January 2018, in accordance with the City's evaluation process in a fair and equitable manner.
19. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.

Qualitative Criteria	Weighting
1. Relevant Experience	25%
2. Tenderers Resources	20%
3. Key Personnel Skills and Experience	15%
4. Demonstrated Understanding of Required Works	40%

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

20. The resultant outcomes of the qualitative assessment, in ranked order, are detailed in the table below.

Company Name	Qualitative Total Rank
BE Projects Pty Ltd	1
Solution 4 Building Pty Ltd	2
McCorkell Constructions WA Pty Ltd	3
Pindan Constructions Pty Ltd	4
Bistel Construction Pty Ltd	5
Geared Construction Pty Ltd	6
Alliance Builders Pty Ltd	7
WBS Commercial Pty Ltd	8
Buildon Construction	9

The Actual scores achieved are detailed in the attached Tender Evaluation Report (Confidential Attachment 1), with BE Projects Pty Ltd's score being equivalent to a "Very Good Offer".

21. The following Tenderer's achieved the required QPM of 60%, advancing to the price assessment stage of the Tender evaluation process.
- BE Projects Pty Ltd
 - Solution 4 Building Pty Ltd
 - McCorkell Constructions WA Pty Ltd
 - Pindan Constructions Pty Ltd
 - Bistel Construction Pty Ltd
 - Geared Construction Pty Ltd
22. Tenderers not achieving the required QPM, did not have their prices assessed.
23. Tenderers were required to provide a Lump Sum Price for the extent of works detailed in the Specifications and Drawings and a separate price for the Option – Supply and Install Security System in accordance with specifications and drawings for this option.
24. Tenderers who achieved the QPM were ranked on the combined Lump Sum Prices and Tender Prices for the Option - Supply and Install Security System, as summarised in the table below.

Tenderer	Rank
BE Projects Pty Ltd	1
Solution 4 Building Pty Ltd	2
McCorkell Constructions WA Pty Ltd	3
Geared Construction Pty Ltd	4
Bistel Construction Pty Ltd	5
Pindan Constructions Pty Ltd	6

The price assessment is detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

25. Section 3.57 of *Local Government Act 1995*. Part 4 of the *Local Government (Functions and General) Regulations 1996*.
26. The implementation of the project is in accordance with the terms and conditions of the Financial Assistance Agreement with the State of Western Australia.
27. A Permit to Clear Native Vegetation Under the *Environmental Protection Act 1986* was sought for this project, with the City granted a clearing permit on 22 December 2015 for the proposed development subject to the following condition:
- The Permit Holder must implement and adhere to the document "Vegetation Management Plan – Hartfield Park Hockey Fields Development" Doc No. Ep15-054-001 Revision A, December 2015.*

-
28. Section 18 Notice under the *Aboriginal Heritage Act 1972* was sought for this project, with notice submitted to the Department of Aboriginal Affairs on 30 November 2016. Approval from the Minister of Aboriginal Affairs was granted on 19 May 2017.
29. Western Australian Planning Commission (WAPC) development approval was granted on 18 August 2017.

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. Community Development provided advice and assisted with the Hockey Club liaison on the preparation of the functional brief for the facility.
32. Development Services provided advice on and assisted with the application for WAPC Development Approval.

External Referrals

33. Extensive consultation was undertaken with the Traditional Owners, Department of Aboriginal Affairs, Department of Environment, Department of Parks and Wildlife and the Western Australian Planning Commission.
34. Representatives from the Kalamunda Districts Hockey Club were consulted and involved in site meetings on a regular basis as the scope of works and concept designs were developed on the basis of the Club's functional brief for both the building (works in this regard are not included in the Tender being considered) and the field alignment layout requirements.

FINANCIAL CONSIDERATIONS

35. This project is a key deliverable in the implementation of the Hartfield Park Masterplan and is funded through the Agreement as per page 13, Project Schedule Item 3 Stage 2 – Development of the hockey clubroom and playing fields.
36. Budget provision in 2017/2018 for the development of the hockey playing fields and club room facility at Hartfield Park has been allocated as summarised below:
- | | | |
|-------------|--------------|---|
| Job No 4415 | \$1.2million | Hartfield Park – Develop three new hockey fields and upgrade car park. |
| Job No 4881 | \$1.2million | Hartfield Park – Construction of new Hockey Club Room Facility (based on preliminary cost estimate undertaken on the Concept plan in March 2017). |

-
37. The budget for Job No 4881 will need to be increased to \$1.6m to accommodate the recommended tender price and provide a small contingency amount.
38. Sources of funding for reallocation to Job No 4881 include:
- a) Job No 4415 Hartfield Park – Develop three new hockey fields and upgrade car park. Committed funding for this project is \$941,564.89 (RFT 1717), with a further requirement of approximately \$110,000 for the provision of training sports lights. An amount of \$148,435.11 is therefore available for reallocation.
 - b) The remaining \$251,564.89 can be reallocated from the unexpended State Government Grant determined in the FAA for the provision of deliverables as outlined in the Hartfield Park Master Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.2 - To provide safe and healthy environments for community to enjoy.

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

OBJECTIVE 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of assets.

SUSTAINABILITY

Social Implications

40. This Club Rooms Facility Construction will provide the City of Kalamunda, the community and user groups of Hartfield Park with a unique facility which can be used for hockey and other sports. It will complement the playing fields which are currently under construction at this site.

Economic Implications

41. Nil.

Environmental Implications

42. The conditions of the Permit to Clear Native Vegetation Under the Environmental Protection Act 1986 must be implemented and adhered in accordance with the document "Vegetation Management Plan- Hartfield Park Hockey Fields Development" Doc No Ep15-054—001 Revision A, December 2015.

RISK MANAGEMENT CONSIDERATIONS

43.	Risk: The Contractor does not satisfy the specification.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Warranties, Australian Standard contracts and Professional Project Management in place.		
	Risk: Tender not awarded.		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/ Strategy		
	Tender will require re-advertisement, jeopardising the financial assistance agreement expenditure timeframes, with the potential for the City having to return the funding for this deliverable.		

OFFICER COMMENT

44. All Tenderers were given the opportunity to provide information in accordance with the RFT.
45. The Panel concluded that BE Projects Pty Ltd provided sufficient information as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring in excess of the QPM of 60%.
46. Of the Tenderers which achieved the QPM of 60%, BE Projects Pty Ltd offered the lowest total Lump Sum Price of \$1,544,016.16 (excluding GST), incorporating the price for the Option - Supply and Install Security System,
47. The total Lump Sum Tender Price offered is in excess of the 2017/2018 budget allocation for the project and as such there is a requirement for budget reallocations as outlined in the Financial Considerations section.
48. It is anticipated that the Contract is to commence in March 2018, subject to consideration of Tender Award by Council.

Voting Requirements: Absolute Majority

RESOLVED OCM 15/2018

That Council:

- Approves the appointment of BE Projects Pty Ltd for the Construction of Hockey Club Rooms Facility – Hartfield Park, Forrestfield (RFT 1721) for a total Lump Sum Tender Price, incorporating the Option – Supply and Install Security System, of \$1,544,016.16 (excluding GST).
- Approves a budget reallocation of \$148,435.11 from Job No 4415 - Hartfield Park Project- Develop Three New Hockey Fields and Upgrade Parking - 100% State Government funded, to Job No 4881 - Hartfield Park - Construction of New Club Room Building - 100 % State Government funded (4881).

3. Approves a budget reallocation of \$251,564.89 from the unexpended State Government Grant determined in the Financial Assistance Agreement for the provision of deliverables as outlined in the Hartfield Park Master Plan to Job No 4881 Hartfield Park – Construction of New Hockey Club Room Building.

Moved: **Cr Michael Fernie**

Seconded: **Cr Brooke O'Donnell**

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

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

10.3.2 Consideration of Tenders for the Woodlupine Brook Living Stream Stage 2 Civil and Landscape Works, Wattle Grove (RFT 1722)

Previous Items	OCM 145/2017
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	PG-STU-029
Applicant	N/A
Owner	N/A
Confidential Attachment 1	Tender Evaluation Report

Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a contract for the Woodlupine Brook Living Stream Stage 2 Civil and Landscape Works, Wattle Grove (RFT 1722).
2. On 26 November 2017, the City of Kalamunda (the City) issued a Request for Tender (RFT 1722) seeking Tenderers for the Stage 2 upgrade of the Woodlupine Brook (i.e.: Water Corporation drain) within Wattle Grove into a "Living Stream", Forrestfield, with this work forming part of infrastructure provision that has been committed to in the Wattle Grove Cell 9 Planning Scheme.
3. It is recommended that Council appoint Syrinx Environmental Pty Ltd for the implementation of the Woodlupine Brook Living Stream Stage 2 Civil and Landscape Works, Wattle Grove (RFT 1722) for a lump Sum Tender Price of \$577,835.40 (excluding GST).

BACKGROUND

4. At its meeting held on 28 August 2017, Council considered a report which presented the outcome of public consultation on the Woodlupine Brook "Living Stream" Concept Plan (OCM 145/2017 refers), and resolved as follows:
 - 1) *Notes the public submissions received and City of Kalamunda actions in response to the advertised public consultation period from 20 March 2017 to 29 May 2017.*
 - 2) *Adopts the Woodlupine Living Stream Concept Plan prepared by Syrinx Environmental dated 10 January 2017 (Drawing No. 16046-SK-003 Rev 1) subject to:*
 - a) *Reworking the pathway alignments abutting both sides of Wimbridge Road at the culvert crossing and adjacent to Hardey East Road.*
 - b) *Incorporating a basketball half court and an outdoor fitness equipment pod into the final design.*
 - 3) *Requests the Chief Executive Officer to advise submitters of its decision.*

-
5. In following up on Council Resolution 2), the allowance for the requested adjustments to the Concept Design have been addressed as part of Detailed Design.
- Council Resolution 3) was actioned by way of a letter to all who presented a submission on the "draft" Concept Plan.
6. The detailed design of the Living Stream has however needed to be split into 2 stages given land acquisition had not advanced sufficiently to accommodate tender advertising deadlines.
- Stage 2 works are limited to the upgrade of the drain from the existing developed area undertaken by developers some 10-years or more ago (i.e.: referred to as Stage 1) through to the new Woodlupine Brook Pedestrian Bridge completed late 2017. This stage of works also includes upgrade of the reserve area known as Lot 35 (i.e.: located between Lenihan Corner and the Wattle Grove Commercial Centre).
- Stage 3 and final stage of works extends upstream from the Pedestrian Bridge through to Hardy East Road. This stage is currently under final design review and scheduled for tender advertisement/consideration late 2018, with construction to follow during the first half of 2019.
- As a consequence, the City issued a Request for Tender (RFT 1722) for Stage 2 works through its e-Tendering Portal www.tenderlink.com/kalamunda and by way of an advertisement in the West Australian newspaper on Saturday 25 November 2017. Receipt of Tender submissions closed at 2:00pm AWST on Tuesday 19 December 2017.
7. The scope of Services for the Contract is defined in RFT 1722 and includes, but not limited to the following:
- a) Survey set out
 - b) Clearing and grubbing
 - c) Earthworks
 - d) Contouring of the ground surface to accommodate living stream/landscape requirements
 - e) Stormwater infrastructure upgrade
 - f) Pathway, mowing strips and fencing installation
 - g) Landscape planting (Plants separately procured/delivered to site)
 - h) Planting maintenance (12-months form Practical Completion)
8. A Mandatory On-site Tender Briefing and Inspection was conducted on Wednesday 29 November 2017, with Tenderers required to sign the attendance registration form in accordance with the compliance criteria for this Tender.
9. The City received Tender submissions from the following six organisations:
- a) Environmental Industries Pty Ltd
 - b) Horizon West Landscape Construction
 - c) Sanpoint Pty Ltd T/A LD Total
 - d) Natural Area Holdings Pty Ltd
 - e) The Millennium Trust T/A Le Grove Landscaping
 - f) Syrinx Environmental Pty Ltd
-

DETAILS

10. The scope of the Tender requires the services of a suitable experienced and qualified Contractor to undertake the implementation of the Woodlupine Brook Living Stream Stage 2 Civil and Landscape Works in Wattle Grove as outlined in the RFT 1722 specifications and drawings.
11. The Contract shall be in force until the end of the defects liability period. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.
12. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
 - a) Manager Asset Delivery (Panel Chair)
 - b) Coordinator Project Design
 - c) Coordinator Asset Management
13. The Probity overview was conducted by the Procurement and Finance Officer.
14. In lead up to commencement of the Tender Evaluation Process and based on the Qualitative Criteria for RFT 1722 consideration was given to determining what would be an acceptable qualitative score that would indicate the ability of a Tenderer to satisfactorily deliver its services. In this instance, the predetermined Qualitative Pass Mark (QPM) for RFT 1722 was set at 60%.
15. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. The submission from Sanpoint Pty Ltd T/A LD Total was assessed as not compliant in accordance with the Tender Compliance Criteria, as the Tenderers Offer Form was not signed. No further assessment was undertaken on the submission.
16. As part of the Tender assessment process, all submissions must be assessed against predefined Qualitative Criteria, which are all described in the Request document.
17. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.
18.
 - a) The Panel undertakes assessment of each Tender submission in accordance with the following general direction:
 - b) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - c) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - d) Where clarifications are sought from tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and

- e) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.

19. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.

Qualitative Criteria	Weighting
Relevant Experience	25%
Tenderers Resources	20%
Key Personnel Skills and Experience	15%
Demonstrated Understanding of Required Works	40%

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

20. Panel members completed the Qualitative Evaluation through comparison of individual scores and determination of consensus scores for each of the Qualitative Criteria on Friday 12 January 2018, in accordance with the City's evaluation process in a fair and equitable manner.
21. The outcome of the qualitative assessment in highest to lowest ranked order is detailed in the following table:

Tenderer	Rank
Syrinx Environmental Pty Ltd	1
The Millennium Trust T/A Le Grove Landscaping	2
Natural Area Holdings Pty Ltd	3
Environmental Industries Pty Ltd	4
Horizon West Landscape Constructions	5

Actual scores achieved are detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

22. The following Tenderer's achieved the required QPM of 60%, advancing to the price assessment stage of the Tender evaluation process.
- a) Syrinx Environmental Pty Ltd (61.33%)
 - b) The Millennium Trust T/A Le Grove Landscaping (60.08%)

23. Tenderers not achieving the required QPM, did not have their prices assessed.

24. Tenderers who achieved the QPM were ranked on price as summarised in the table below:

Tenderer	Rank
Syrinx Environmental Pty Ltd	1
The Millennium Trust T/A Le Grove Landscaping	2

The price assessment is detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. Development Services confirmed that the scope of works and associated funding complied with the requirements of the Wattle Grow Cell 9 Scheme Plan.

External Referrals

28. Extensive consultation has been undertaken with the Department of Water and the Water Corporation regarding both the intended upgrade and the detailed design in relation to upgrading the “drain” to a “living stream”. Subsequent advice, direction and approvals have been received. The Water Corporation’s approval is however subject to the following conditions:
- a) The nomination of the contractor and contract price, including all connection and engineering fees to be provided on the Final Submission Cover Sheet (Appendix B of the Development Manual).
Status: Details to be forwarded to the Water Corporation subject to the outcome of Tender Award consideration by Council (ie: this report).
 - b) A copy of the Signed Design Plans.
Status: Currently being actioned, with Signed Design Plans to be forwarded to the Water Corporation.
 - c) WCX Compliant Drawings (CAD files)
Status: To be provided to the Water Corporation with Signed Design Plans.
 - d) Signed Maintenance Agreement
Status: Currently under review, with the finalised version to be presented to the Water Corporation prior to commencement of work on site.
 - e) Signed CFWA (Close-Out Report)
Status: Subject to Council Tender Award consideration, to be actioned on completion of the works and forwarded to the Water Corporation thereafter.
29. Public consultation has been undertaken in relation to the “Draft” Woodlupine Brook “Living Stream” Concept Plan was undertaken, with the outcome reported to Council at its meeting held on 28 August 2017 (OCM 145/2017 refers).

FINANCIAL CONSIDERATIONS

30. This project is one of a number of deliverables associated with infrastructure provision related to the Wattle Grove Cell 9 Planning Scheme for which development contributions are collected on a per lot developed basis. This funding source is utilised to implement the agreed infrastructure requirements for the Scheme.

31. A pre-tender construction estimate based on the design drawings for Stage 2 was completed on 23 November 2017 by the City's Design Consultant, and is summarised as follows:

1.	Preliminaries	\$53,804.70
2.	Site Preparation	\$28,863.45
3.	Earthworks	\$25,239.20
4.	Soil Erosion Control	\$100,723.00
5.	Hydraulics	\$39,100.00
6.	Hardworks	\$147,534.00
7.	Planting Works	\$138,303.40
8.	Maintenance	\$58,283.90
	Total Pre-Tender Construction Cost Estimate	\$591,851.65 (ex GST)

32. There is sufficient funding available in the Wattle Grove Cell 9 Planning Scheme Trust Account to accommodate the cost of the works arising from RFT 1722, with the budget allowance for the project within the Trust Account accommodated in Job No. C9S1.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.2 - To provide safe and healthy environments for community to enjoy.

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

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

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

Strategy 2.1.1 Enhance out bushland, natural areas, waterways and reserves.

Strategy 2.1.3 Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

34. The upgrade of the Woodlupine Brook (i.e. Water Corporation Drain) and associated Public Open Space will provide the Wattle Grove community with a unique environment and will provide a passive recreational facility to the community (i.e. picnicking, walking, running, cycling, etc.).
- Stage 2 (the focus of this report) will set the scene regarding expectations, with the intention that Stage 3 is to follow within the next 12-months. However, the latter is subject to outstanding land acquisition being finalised within the next 6 to 8-months and should this not eventuate then Stage 3 will need to be split into two parts.

Economic Implications

35. Nil.

Environmental Implications

36. The landscape treatment to the Woodlupine Brook Living Stream will improve water quality of stormwater entering the drain through bio-filtration Water Sensitive Urban Design solutions, as well as improvement and extension of landscape corridors and networks that support biodiversity in nature flora and fauna within the Wattle Grove area.

RISK MANAGEMENT CONSIDERATIONS

- 37.
- | | | |
|---|--------------------|---------------|
| Risk: Tender not awarded. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | High |
| Action/ Strategy | | |
| Tender will require re-advertisement towards the end of 2018 to accommodate low flow period within the Woodlupine Brook. Furthermore, should the Tender Award not be supported, there will be a need to manage a potential loss of the City's reputation within the Wattle Grove community. | | |
| Risk: The Contractor does not satisfy the specification. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/ Strategy | | |
| Warranties, Australian Standard contracts and Professional Project Management in place. | | |

OFFICER COMMENT

38. All Tenderers were given the opportunity to provide information in accordance with the requirements of RFT 1722, this supplemented by a Mandatory On-Site Tender Briefing and Inspection held on Wednesday 29 November 2017.
39. The Panel concluded that Syrinx Environmental Pty Ltd provided sufficient information in response to the Qualitative Criteria to support its ability to carry out the prescribed works.
40. Syrinx Environmental Pty Ltd also offered the lowest Lump Sum Tender Price of \$577,835.40 (Excluding GST).
41. The Lump Sum Tender Price offered is able to be funded from funds accumulated with the Wattle Grove Cell 9 Planning Scheme Trust Account.
42. It is anticipated that the Contract is to commence in March 2018, subject to the outcome of Tender Award consideration by Council.

Voting Requirements: Simple Majority

RESOLVED OCM 16/2018

That Council:

1. Approves the appointment of Syrinx Environmental Pty Ltd for implementation of the Woodlupine Brook Living Stream Stage 2 Civil and Landscape Works, Wattle Grove (RFT 1722) for a Lump Sum Tender Price of \$577,835.40 (Excluding GST).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.4 OFFICE OF THE CEO

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

10.4.1 Appointments to Strategic Sport and Recreation Committee

Previous Items	C&C 67/2017, OCM 163/2017
Responsible Officer	Office of the CEO
Service Area	Community Development
File Reference	
Applicant	N/A
Owner	N/A

EXECUTIVE SUMMARY

1. The purpose of this report is to consider nominations and appointment of community representatives to the Strategic Sport and Recreation Committee (SSRC).
2. A comprehensive consultation process including direct emails to 39 Sport and Recreation clubs, advertising through the "Engage Kalamunda" web page and an information session detailing the role of the SSRC and nomination process has resulted in 15 nominations being received.
3. It is recommended that Council appoints the following nominees as representatives on the Strategic Sport and Recreation Committee:
 - a) Paul Curtis – Kalamunda Sporting Precinct – AFL/Cricket
 - b) Doug Harvey – Maida Vale Reserve - Archery
 - c) Allan Mappin – Stirk Park Kalamunda - Bowls
 - d) Buster Aamot – Ray Owen Reserve - Cricket
 - e) Terry Rolfe – Ray Owen Sports Centre – Basketball
 - f) Phil Barker – Hartfield Park - Soccer
 - g) Darryl Downing – High Wycombe - Tennis
 - h) Annaliese Arndt – Maida Vale Reserve – Baseball/Tee Ball
 - i) Frank Scardifield– Scott Reserve

BACKGROUND

4. The SSRC is a new Committee of Council. The SSRC is based around the principles of Participatory Budgeting, which is a process of democratic deliberation and decision-making, and a mechanism by which the community determines spending priorities, investment and budget allocation decisions within the City's sport and recreation program.
5. In regard to the SSRC, at the 28 November 2017 OCM (218/2017) it was resolved that Council:
 1. *Receive the public comment.*
 2. *Endorse the removal of the word "community" from the title of the new committee and amend the Terms of Reference accordingly.*
 3. *In accordance with Section 5.8 of the Local Government Act 1995*

(WA), establishes the Strategic Sport and Recreation Community Committee.

4. *Adopt the amended draft Terms of Reference for the Strategic Sports and Recreation Community Committee.*
 5. *Abolish the existing Sport and Recreation Advisory Committees effective from 28 November 2017.*
 6. *Request the Chief Executive Officer continue to implement informal meetings with Scott Reserve and Kostera Oval stakeholders to deal with issues and operational matters on a as needs basis as required by the sporting clubs.*
6. All 39 Sport and Recreation groups were invited to attend an information session on the Nomination Process, held on 13 December 2017.
 7. These same groups were emailed the nomination package and the nominations were advertised online via the City's "Engage Kalamunda" web page. Nominations remained open until the 19 January 2018.
 8. The City is committed to engaging with its community in a collaborative manner to solve issues and achieve goals.
 9. Community led Advisory Committees and Reference groups assist in dealing with specific service areas or issues.
 10. This level of engagement provides participants with a high degree of influence over the outcomes, although the final decision remains with Council.

DETAILS

11. 15 Nominations were received from representatives of the Sport and Recreation community;
 - a) Paul Curtis – Kalamunda Sporting Precinct – AFL/Cricket
 - b) Doug Harvey – Maida Vale Reserve - Archery
 - c) Allan Mappin – Stirk Park Kalamunda - Bowls
 - d) Buster Aamot – Ray Owen Reserve - Cricket
 - e) Terry Rolfe – Ray Owen Sports Centre – Basketball
 - f) Phil Barker – Hartfield Park - Soccer
 - g) Darryl Downing – High Wycombe - Tennis
 - h) Annaliese Arndt – Maida Vale Reserve – Baseball/Tee Ball
 - i) Floyd Sullivan – Scott Reserve – AFL
 - j) Trevor Cook – Hartfield Park – Rugby Union
 - k) Patricia Lovell – Hartfield Park – Hockey
 - l) David Armstrong – Kalamunda Sporting Precinct – Cricket
 - m) Graham England – Hartfield Park – Rugby Union
 - n) Frank Scardifield – Scott Reserve – Cricket
 - o) Stephen Mills – Hartfield Park – Rugby League
12. The Terms of Reference state that "*A total membership of up to nine members will be appointed by Council following a nomination process that is open to all sporting and recreation clubs*".

13. The Chief Executive Officer appointed a panel of five staff members to undertake the assessment of all applications received by the City.
14. The assessment panel undertook a review of the nominations and assessed the competencies of the nominees in line with the City of Kalamunda policy guidelines for appointments to Advisory Committees and Reference Groups. A ranked list of nominees was developed based on this assessment process.
15. The list of nominees was assessed as a whole, in order to identify a good balance of representatives to meet the objectives of the Terms of Reference.

STATUTORY AND LEGAL CONSIDERATIONS

16. *Local Government Act 1995* -Part 5 Subdivision 2- Committees and their meetings.

Section 5.10 Prescribes that all person appointed to any Committee be by Absolute majority.

Section 5.11 (2)(d) of the Local Government Act 1995 – Tenure of Committee Membership

POLICY CONSIDERATIONS

17. COMR 21 - Capital Grants Clubs and Community Groups
18. All applications have been assessed in accordance with the City Policy – Appointment of Community Members to Advisory Committees and Reference Groups, adopted in October 2017.
19. The formation of the Advisory Committees, and the process of recruiting members to the committees is in accordance with the City of Kalamunda Engagement Strategy 2017.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. An assessment panel established by the Chief Executive Officer was formed to evaluate all applications against a set matrix to determine the most suitable representatives.

External Referrals

21. A comprehensive consultation process including direct emails to 39 Sport and Recreation clubs, advertising through the "Engage Kalamunda web page and an information session detailing the role of the SSRC and nomination process has resulted in 15 nominations being received.

FINANCIAL CONSIDERATIONS

22. The ongoing costs of the SSRC can be accommodated from the Operating Budget as outlined below:

- a) Administrative support.
- b) Any advertising for nominations to the group through local media.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 1.3 To support the active participation of local communities.
Strategy 1.3.1 Support local communities to connect, grow and shape the future of Kalamunda.

OBJECTIVE 4.1 To provide leadership through transparent governance.
Strategy 4.1.1 Provide good governance.

OBJECTIVE 4.2 To proactively engage and partner for the benefit of the community.
Strategy 4.2.1 Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

24. The formation of the SSRC will provide strategic direction and guidance in regard to the development of facilities and reserve infrastructure in the City of Kalamunda and will assist in a long-term approach in regards to the provision of sporting facilities within the region.

Economic Implications

25. The formation of the SSRC is expected to provide the community with an improved understanding of the economic costs and benefits associated with our sport and recreation services.

Environmental Implications

26. The formation of the SSRC will allow for improved promotion of strategies for reducing energy consumption when considering facility development, upgrades and other projects across the City. This could include the potential of installing PV solar panels on the roof of any new facilities and consideration of the use of energy efficient designs and technology where appropriate.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk That a balanced representation is not achieved on the committee in terms of locality and sporting codes.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action / Strategy		
	Membership of the SSRC provides for a wide representation from all sporting clubs across the City. One of the assessment criteria addresses the need for ensuring a broad community representation.		
	Risk: That a quorum is not present at the meeting preventing the members from voting on matters		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	Meeting days and time will be endorsed by the SSRC to ensure maximum participation by the members.		
	Risk: Unsuccessful SSRC nominees may feel disengaged.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action / Strategy		
	Communicate the selection process to all 39 sport and recreation clubs.		
	Risk: Loss of local knowledge and advice if appointments are not made		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action / Strategy		
	Ensure assessment and recommendation of members aligns with Council's selection criteria procedure.		

OFFICER COMMENT

28. The Chief Executive Officer appointed a panel of 5 staff members to undertake the assessment of all applications received by the City.
29. All applications were assessed against a multi-criteria selection matrix, namely:
- a) Knowledge and experience of the topics the Committee 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.
 - d) Whether the application addresses a knowledge/skills gap on the Committee, with consideration given to the balance of the Committee (ensuring broad community representation).

30. Selection of the recommended representatives was undertaken on the strength of the application submitted and in accordance with Council Policy for assessment of nominees to Advisory Committees.
31. There was a number of high quality applications submitted and the recommended representatives will provide the Committee with a broad combination of knowledge relevant to the development of Capital projects that will be assessed.

Voting Requirements: Absolute Majority

RESOLVED OCM 17/2018

That Council:

1. Appoints the following nominees as representatives to the Strategic Sport and Recreation Committee.
 - a) Paul Curtis – Kalamunda Sporting Precinct – AFL/Cricket
 - b) Doug Harvey – Maida Vale Reserve - Archery
 - c) Allan Mappin –Stirk Park Kalamunda - Bowls
 - d) Buster Aamot – Ray Owen Reserve - Cricket
 - e) Terry Rolfe – Ray Owen Sports Centre – Basketball
 - f) Phil Barker – Hartfield Park - Soccer
 - g) Darryl Downing – High Wycombe - Tennis
 - h) Annaliese Arndt – Maida Vale Reserve – Baseball/Tee Ball
 - i) Frank Scardifield – Scott Reserve
2. Endorses the Chief Executive Officer writing to all nominees thanking them for their nominations and advising of the appointed Community Representatives.
3. Notes that the initial meeting of the Strategic Sport and Recreation Committee will be held in March 2018 to appoint the Presiding Person and determine further suitable meeting times and dates.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Lesley Boyd**

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

10.5 CHIEF EXECUTIVE OFFICER REPORTS

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

10.5.1 Rates Debtors Report for the Period Ended 31 December 2017

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Summary of Outstanding Rates for the period ended 31 December 2017

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. It is recommended that Council receive the Rates Debtors report for the month of December 2017 (Attachment 1).
3. The City has collected \$28.6 million (78.76%) in rates as at 31 December 2017.

BACKGROUND

4. Rates notices were issued on 11 July 2017 with the following payment options: -

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

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$36,905,205. As at 31 December 2017, a total of \$28,678,317 has been collected. This represents a collection rate of 78.76% which is on par with the 78.75% at the same time in the 2016/2017 Financial Year. The collection rate is expected to increase following final notices being issued.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/2018 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.

-
7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 744 ratepayers signed up. This is significantly higher than the 483 at the same time last year. It is expected that this will further increase once demand letters are issued for ratepayers who are in default.
 - b) eRates – there are 2,188 properties signed up for email delivery, compared to 1,907 in the previous year. This represents a 15% increase in this service and 9% of the rates database;
 - c) BPay View – approximately 802 ratepayers have signed up for this service. Last year a total of 638 had signed up, representing a 19% increase in this service.
 8. Interim Rating processing commenced in October 2017 and is continuing. While mostly focused on processing changes made to values last financial year, over \$76,000 has been raised in new charges. Training additional staff to raise interim rates during January will accelerate the processing of interim rates.
 9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in targeted training. Throughout the month of December 2017, the Rates department handled 942 calls with a total call time of approximately 45 hours.

DETAILS

10. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and special attention will be taken with these accounts in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation or already pending legal action.
11. The City began debt collection in November 2017 with final notices sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Final Notices were due for payment no later than 08 December 2017.
12. In January 2018, the City will undertake a review of all accounts that have been sent a Final Notice. Those accounts that remain outstanding without a Direct Debit in place will be sent a Letter of Demand by the City's Debt Collection Firm.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

17. The early raising of rates in July 2017 allows the City's operations to commence without delays by increasing cashflow, in addition to earning additional interest income.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance. To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 4.1.1 Provide good governance.

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 accounts 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, as a system of payment, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT CONSIDERATIONS

23.

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

OFFICER COMMENT

24. The City's debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/17 financial year. The 2017/18 year to date collection rate is on par with the same time last year.

Voting Requirements: Simple Majority

RESOLVED OCM 18/2018

That Council:

1. Receives the rates debtors report for the period ended 31 December 2017 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

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

10.5.2 Rates Debtors Report for the Period Ended 31 January 2018

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Summary of Outstanding Rates for the period ended 31 January 2018

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. It is recommended that Council receive the Rates Debtors report for the month of January 2018 (Attachment 1).
3. The City has collected \$29.9 million (82.24%) in rates as at 31 January 2018.

BACKGROUND

4. Rates notices were issued on 11 July 2017 with the following payment options: -

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

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$36,909,452. As at 31 January 2018, a total of \$29,944,843 has been collected. This represents a collection rate of 82.24% which is only slightly below the 83.05% at the same time in the 2016/2017 Financial Year. The collection rate is expected to increase following final notices being issued.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/2018 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.
7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 738 ratepayers signed up. This is significantly higher than the 545 at the same time last year. It is

expected that this will further increase once demand letters are issued for ratepayers who are in default.

- b) eRates – there are 2,193 properties signed up for email delivery, compared to 1,930 in the previous year. This represents a 15% increase in this service and 9% of the rates database;
 - c) BPay View – approximately 835 ratepayers have signed up for this service. Last year a total of 638 had signed up, representing a 19% increase in this service.
8. Interim Rating processing commenced in October 2017 and is continuing. While mostly focused on processing changes made to values last financial year, over \$80,000 has been raised in new charges. Training additional staff to raise interim rates during this year will accelerate the processing of interim rates.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in targeted training. Throughout the month of January 2018, the Rates department handled 904 calls with a total call time of approximately 43 hours.

DETAILS

10. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and special attention will be taken with these accounts in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation or already pending legal action.
11. The City began debt collection in November 2017 with final notices sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Final Notices were due for payment no later than 08 December 2017 with an extension given until 15 January 2018 for arrangements and payment delays.
12. In Early February 2018, the City will undertake a review of all accounts that have been sent a Final Notice. Those accounts that remain outstanding without a Direct Debit in place will be sent a Letter of Demand by the City's Debt Collection Firm.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

17. The early raising of rates in July 2017 allows the City's operations to commence without delays by increasing cashflow, in addition to earning additional interest income.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1: To provide leadership through transparent governance.
To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 4.1.1 Provide good governance.

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 accounts 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, as a system of payment, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT CONSIDERATIONS

23.

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

OFFICER COMMENT

24. The City's debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/17 financial year. The 2017/18 year to date collection rate is on par with the same time last year.

Voting Requirements: Simple Majority

RESOVLED OCM 19/2018

That Council:

1. Receives the rates debtors report for the period ended 31 January 2018 (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

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

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

10.5.3 Debtors and Creditors Report for the Period Ended 31 December 2017

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1	Creditors Payments for the month of December 2017
Attachment 2	Summary of Debtors for the month of December 2017
Attachment 3	Summary of Creditors for the month of December 2017

EXECUTIVE SUMMARY

1. To receive the list of payments made from the Municipal Accounts in December 2017 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. To receive the list of payments made from the Trust Accounts in December 2017 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. To receive the outstanding debtors and creditors reports for the month of December 2017.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of December 2017 there were no abnormal overdue debtors that demanded special attention.
5. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on outstanding debtors and creditors must occur monthly.

DETAILS

Debtors

6. Sundry debtors as of 31 December 2017 were \$220,973 of which \$44,202 was made up of current debts and \$5,435 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$142,304, debts of significance are:
 - a) Co-Operative Bulk Handling, \$112,349, Rates – Cash in Lieu;
 - b) Forrestfield United Soccer Club, \$11,073, Reserve Hire / Electricity;
 - c) Zig Zag Gymnastics, \$8,594, Hall Hire;
 - d) Kalamunda Cricket Club, \$3,907, Reserve Hire / Utilities;
 - e) Forrestfield Cricket Club, \$2,998, Reserve Hire / Utilities; and
 - f) John Milton, \$1,072, Private Works – Traffic Survey

8. Invoices over 60 days total \$12,063, debts of significance are:
- N Tota & C Rosca, \$4,400, Replacement of Verge Trees;
 - Illuminations Dance Company, \$1,845, Hall Hire; and
 - Midland Sisdac, \$1,056, Hall Hire
9. Invoices over 90 days total \$27,840, debts of significance are:
- Kalamunda Club, \$12,312, Loan 219;
 - Zig Zag Gymnastics, \$8,076, Hall Hire;
 - Evolution Cheer and Dance, \$1,772, Hall Hire;
 - Kalamunda & District Rugby, \$1,899, Utilities; and
 - Keith Mortimer, \$1,133, Replacement Street Tree

Creditors

10. Payments totalling \$6,427,319.33 were made during the month December 2017. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
11. Significant Municipal payments (GST inclusive) made in the month were:

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency services levy 2017/2018 – 2 nd quarter payment	1,885,064.42
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	405,689.13
Australian Tax Office	PAYG payments	384,598.52
Cleanaway	Waste / recycling services and bulk bin disposal services	276,713.84
Beaver Tree Services	Under power line pruning for various locations	256,765.30
Libero Quaresimin*	Land & POS land acquisition – Lot 32, Hale Road, Wattle Grove	219,467.09
Dowsing Group Pty Ltd*	Installation of footpaths and pedestrian bridges on various locations	188,239.61
WA Local Government Superannuation Plan	Superannuation contributions	184,255.08
Tennant Australia Pty Ltd	Purchase of a footpath sweeper	155,055.92
Western Australian Electoral Commission	Local government election expenses – October 2017	140,647.05
Synergy	Power charges – various locations	130,163.55
The Planning Group WA Pty Ltd (TPG Town Planning Urban Design & Heritage)	Professional planning services for Forrestfield North Structure Plan	106,364.15
Kalamunda Toyota	Purchase of new vehicles	100,329.13
Kennedys' tree services	Tree removal / pruning for various locations	94,284.03
Curnow Group Hire Pty Ltd**	Progress claim 6A – for works completed at Nardine Close separable portion B	62,363.81
Mark One Visual	Christmas decorations supply, install, dismantle and storage of Christmas decorations	57,618.00

Woodlands Distributors Agencies	Supply & installation of new pedestrian bridge at Nagana Way, Kalamunda & 2B Barbigal Place, Lesmurdie.	55,636.90
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These payments total \$ 4,703,255.53 and represent 73.17% of all payments for the month.

* The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during December 2017.

** The amounts paid for land acquisitions & infrastructure works for Forrestfield Industrial area scheme stage 1 were reimbursed drawing against the reserve set aside for it.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,164,310.91 was paid in net salaries for the month December 2017.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City relate to the following types:
 - a) CELL 9 Trust
 - b) POS Trust
 - c) BCITF Levy
 - d) Building Services (Licence) Levy
 - e) Unclaimed Monies
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of December 2017.

BCITF Levy		Amount (\$)
Date	Description	
12/12/2017	Building and Construction Industry Training fund levy November 2017	22,376.32
CELL 9		Amount (\$)
Date	Description	
21/12/2017	Dowsing Group Pty Ltd - Installation of footpaths and pedestrian bridges on various locations	171,126.92
21/12/2017	Libero Quaresimin - Land & POS land acquisition – Lot 32, Hale Road, Wattle Grove	219,467.09
21/12/2017	Market force Pty Ltd - Advertising for the Woodlupine Brook Living Steam Tender 1722	671.17
21/12/2017	Brook & Marsh Pty Ltd - POS and Road reservation survey subdivision	3,800.00
21/12/2017	Sercul - Review services for Woodlupine Brook Living Stream project detailed design	300.00
21/12/2017	SYRINX Environmental Pty Ltd - Woodlupine Living Stream - Concept Design and Construction Works	15,396.60

21/12/2017	Landmark Operations Ltd – Permanent dome top bollard	283.85
21/12/2017	McLeods Barristers & Solicitors - Legal expenses for acquisition Lot 32 (326) Hale Road Wattle Grove	611.86
21/12/2017	McLeods Barristers & Solicitors - Legal expenses for compulsory taking Lot 33 (332) Hale Road Wattle Grove	768.67
Un claimed monies		Amount (\$)
Date	Description	
20/12/2017	K Lambert – BPAY error	365.00

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 otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2017, Council resolved to adopt the City’s current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**). The previous review of the register was completed 25 May 2015.
18. Delegation FMR1 – *‘Payments from Municipal and Trust Funds’* of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- a) the payee’s name; and
- b) the amount of the payment; and
- c) the date of the payment; and
- d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.8 - To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4

Provide effective financial services to support the City's operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

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

Creditors

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

OFFICER COMMENT

31. Creditor payments for December 2017 are above trend expenditure due to quarterly payments for Department of Fire and Emergency Services.

Referring to paragraph 8 Cr Brooke O'Donnell sought clarification on the number of verge trees replaced for \$4400. The Director Corporate & Community Services took this question on notice.

Voting Requirements: Simple Majority

RESOLVED OCM 20/2018

That Council:

1. Receives the list of payments made from the Municipal Accounts in December 2017 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. Receives the list of payments made from the Trust Accounts in December 2017 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. Receives the outstanding debtors and creditors reports (Attachments 2 & 3) for the month of December 2017.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Dylan O'Connor**

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

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

10.5.4 Debtors and Creditors Report for the Period Ended 31 January 2018

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachment 1	Creditors Payments for the month of January 2018
Attachment 2	Summary of Debtors for the month of January 2018
Attachment 3	Summary of Creditors for the month of January 2018

EXECUTIVE SUMMARY

1. To receive the list of payments made from the Municipal Accounts in January 2018 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. To receive the list of payments made from the Trust Accounts in January 2018 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
3. To receive the outstanding debtors and creditors reports for the month of January 2018.

BACKGROUND

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

DETAILS

Debtors

6. Sundry debtors as of 31 January 2018 were \$143,163 of which \$82,815 was made up of current debts and \$5,102 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$22,323, debts of significance are:
 - a) Forrestfield United Soccer Club, \$4,776, Electricity;
 - b) Kanyana, \$8,348, Buildings Insurance;
 - c) Titan Taekwon-Do, \$1,144, Hall Hire; and
 - d) Zig Zag Gymnastics, \$2,923, Hall Hire.

8. Invoices over 60 days total \$10,603, debts of significance are:
a) Zig Zag Gymnastics, \$8,594, Hall Hire.
9. Invoices over 90 days total \$32,525, debts of significance are:
a) Kalamunda Club, \$12,312, Loan 219 – Club treasurer intend to make a request to the CEO to defer the payments due to cash flow issues;
b) Zig Zag Gymnastics, \$7,076, Hall Hire – City is in discussion with the lessee on how best to reduce the debt;
c) N Tota & C Rosca, \$4,400, Replacement of Verge Trees;
d) Evolution Cheer and Dance, \$2,308, Hall Hire;
e) Illuminations Dance Company, \$1,931, Hall Hire; and
f) Keith Mortimer, \$1,133, Replacement Street Tree.

Creditors

10. Payments totalling \$3,034,896.29 were made during the month January 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
11. Significant Municipal payments (GST inclusive) made in the month were:

Supplier	Purpose	\$
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	407,029.70
Australian Tax Office	PAYG payments	398,228.02
Asphaltech Pty Ltd	Road materials for various locations	246,967.00
WA Local Government Superannuation Plan	Superannuation contributions	183,609.02
Western Australian Treasury Corporation	Loan instalment repayment – Loan 222 & 226	139,616.88
Beaver Tree Services	Tree removal / pruning for various locations	112,808.22
Synergy	Power charges – various locations and street lighting	108,908.00
Brajkovich Demolition & Salvage (WA) Pty Ltd	Disposal of contaminated material from Kalamunda BMX track	81,378.02
Dowsing Group Pty Ltd	Supply and installation of concrete footpath at Wandoo Road, Forrestfield	80,170.19
IT Vision Australia Pty Ltd	ACDC project – year 1 – January - March 2018 City contribution & confluence user licenses	57,827.00

These payments total \$ 1,816,542.05 and represent 59.85% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,259,307.64 was paid in net salaries for the month January 2018.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City relate to the following types:
- a) CELL 9 Trust
 - b) POS Trust
 - c) BCITF Levy
 - d) Building Services (Licence) Levy
 - e) Unclaimed Monies
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of January 2018.

BCITF Levy		Amount (\$)
Date	Description	
9/1/2018	Building and Construction Industry Training fund levy December 2017	9,853.45
CELL 9		Amount (\$)
Date	Description	
18/1/2018	A Proud Land Mark Pty Ltd – Hale & Wimbridge Road roundabout landscape works	24,012.00
18/1/2018	City of Kalamunda – Transfer of funds to reimburse costs incurred for CELL 9 project manager – July 2017- November 2017	30,575.00
BRB Levy		Amount (\$)
Date	Description	
18/1/2018	Building Services (Licenses) Levy – December 2017	18,686.42
31/1/2018	Building Services (Licenses) Levy – January 2018	9,822.10

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 —
- (b) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2017, Council resolved to adopt the City's current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**). The previous review of the register was completed 25 May 2015.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.

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

POLICY CONSIDERATIONS

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

CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 6.8 - To ensure financial sustainability through the implementation of effective financial management, systems and plans.

Strategy 6.8.4 Provide effective financial services to support the City's operations and to meet sustainability planning, reporting and accountability requirements.

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

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

Creditors

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

OFFICER COMMENT

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

Cr O'Connor asked for further clarification on EFT61170 for Repeat Plastics (WA) for \$3357.97. The Director Corporate & Community Services took this question on notice.

Cr O'Connor asked for further clarification on EFT61294 fir Flashbay Pty Ltd for \$7556.45. The Manager Customer and Public Relations advised the New Resident Kits were previously supplied in a paper format and was a bulk mailout with roughly 200 packs sent each month. It was becoming a very large expense for the City, so the purchase of the USB flash drive pens allows the City to send out the same documents in electronic form.

Voting Requirements: Simple Majority

RESOLVED OCM 21/2018

That Council:

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

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

10.5.5 Monthly Financial Statements to 31 January 2018

Previous Items	N/A
Responsible Officer	Director Corporate Services
Service Area	Finance
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A

[Attachment 1](#)

Statements of Financial Activity for the period ended January 2018 incorporating the following:

- Statement of Financial Activity (Nature and Type) for the period ended 31 January 2018
- Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2018
- Net Current Funding Position, note to financial report as of 31 January 2018
- Statement of Financial Activity (Nature and Type) for the period ended 31 December 2017
- Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2017
- Net Current Funding Position, note to financial report as of 31 December 2017

EXECUTIVE SUMMARY

- The purpose of this report is to provide Council with the Statutory Financial Statements for the period to January 2018 covering two months of reporting, being December 2017 and January 2018, with commentary based on the January 2018 Financial Results.
- The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the budget adopted by the Council on 30 October 2017 subsequent to the first-term budget review.
- The City's Financial Statements as at 31 January 2018 demonstrate the City has managed its budget and financial resources effectively.
- It is recommended that Council receives the Monthly Statutory Financial Statements for the period to 31 January 2018, which comprise:
 - Statement of Financial Activity (Nature or Type) for the period ended 31 January 2018;
 - Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2018; and
 - Net Current Funding Position, note to financial report as of 31 January 2018.
 - Statement of Financial Activity (Nature and Type) for the period ended 31 December 2017
 - Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2017

- f) Net Current Funding Position, note to financial report as of 31 December 2017

BACKGROUND

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

DETAILS

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

Financial Commentary

Statement of Financial Activity by Nature and Type for the seven months ended 31 January 2018

8. This Statement reveals a net result surplus of \$29,039,454 compared to budget for the same period of \$22,648,704. The majority of the final variance of \$6,390,749 comprises \$4,154,384 from Investing activities.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$799,574. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$630,684 the variance is mainly attributable to \$513,147 received from CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$230,920. This is mainly attributable to a variance of \$220,689 in waste fees as part of the yearly fees raised in line with rates.
 - c) Interest Income is under budget by \$34,629. The variance is mainly due to the timing of maturity of term deposits.
 - d) Other Revenue is under budget by \$27,627. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

10. Total expenses are under budget by \$710,470. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$674,199 which is primarily due to vacant positions not filled and timing of training programmes scheduled for the period.
 - b) Materials and Contracts is under budget by \$526,832. This is mainly attributed to:
 - i) Waste costs are under budget by \$201,099 mainly from lower putrescible waste charges and verge collection costs.
 - ii) Drainage maintenance costs are under budget by \$151,158 which is a timing issue.
 - c) Utilities are under budget by \$177,844 of which; \$100,081 relates to street lighting which is lower than projected.
 - d) Depreciation, although a non-cash cost, is tracking over budget, reporting a variance of \$1,072,289. During the 2016/17-year end audit review it was observed that the depreciation rates applied for infrastructure assets were lower than the actual consumption rate. For 2017/18 the actual depreciation is estimated based on the 2016/17 end of the year depreciation. The effect of the depreciation rates change will be adjusted in the mid-year review.
 - e) Interest expense is under budget by \$738. 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 \$4,426. The variance is within the reporting threshold.
 - g) Other expenditure is under budget by \$617,477 of which \$527,172 relates to Forrestfield Industrial Area Scheme Stage 1 operational expenditure. This is considered a timing matter.
 - h) Loss on disposal of Assets is over budget by \$209,905. This relates to the disposal of fixed assets allocated to HACC after the discontinued operations of the HACC business unit.

Investing Activities

Non-operating Grants and Contributions

11. The non-operating grants and contributions are over budget by \$2,049,986. This is mainly attributable to:
- a) Reimbursements received \$616,249 from CELL 9 trust to cover the expenditure incurred on capital development projects.
 - b) Black spot grant funding received from MRWA is over budget by \$739,239. This is considered as a timing issue.
 - c) Grants received from regional road group is over budget by \$203,657 which is considered as a timing issue.

Capital Expenditures

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets is under budget by \$2,296,462. This is considered to be a timing issue.

-
13. Capital work-in-progress of \$1,104,025, 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 \$155,547 which is mainly reserve movements. More details of the reserve movements are given under note 24 of this report.

Rates revenues

15. Rates generation is under budget with a variance of \$475,490. The variance is mainly attributable to interim rates. The City commenced its interim rates generation process during end October 2017.

Statement of Financial Activity by Program for the period ended 31 January 2018

16. The overall result comments are as above and generally each Program is within the accepted budget except for Other Property and Services, Recreation and 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 31 January 2018

17. The commentary on the net current funding position is based on comparison of the actual to January 2018 to the January 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) amount to \$39.3 million. The restricted cash position is \$13.3 million which is slightly higher than the previous period's balance of \$12.7 million. This is mainly attributed to the transfers to reserves in the nominated employee leave reserve and the unexpended capital works reserve.
19. Un-restricted cash has decreased by \$1.9 million when compared with the balance at January 2017 mainly as a result of the increased capital expenditure and higher receivables.
20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$6.7 million.
- The rates balance increased by \$0.9 million from last year which reflects increases in rates generation.
21. Sundry debtors have decreased from \$384,439 to \$143,163, of which \$82,815 consists of current debt due within 30 days.

-
22. Receivables Other represents \$1.7 million comprising:
- a) Emergency Service Levy receivables \$1 million
 - b) Receivables sanitation \$0.7 million
23. Provisions for annual and long service leave have increased by \$248,997 to \$3 million when compared to the previous year. The large variance is coming from the 2016/17-year end adjustment with long service leave liability increasing by \$198,518 as more employees came under the criteria for calculation of the liability.
24. Restricted Reserves have increased from \$12.7 million to \$13.3 million when compared to January 2017. The increase is due to the following:
- a) Unexpended capital works reserve increased by \$0.8 million
 - b) Nominated employee leave provision increased by \$0.6 million.
 - c) Asset enhancement reserve increased by \$0.4 million
 - d) Waste management reserve has increased by \$0.5 million
 - e) EDP IT Equipment reserve has increased by \$0.3 million
 - f) Forrestfield Industrial Area Scheme Stage 1 has decreased by \$2.1 million. With commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

26. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

28. As noted in point 25 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

OBJECTIVE 4.1 – To provide leadership through transparent governance.
Strategy 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

31. Nil.

Economic Implications

32. Nil.

Environmental Implications

33. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

35. The City's Financial Statements as at 31 January 2018 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 22/2018

That Council:

1. Receives the Monthly Statutory Financial Statements for the period to 31 January 2018, which comprises:
 - a) Statement of Financial Activity (Nature and Type) for the period ended 31 January 2018
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2018
 - c) Net Current Funding Position, note to financial report as of 31 January 2018
 - d) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2017
 - e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2017
 - f) Net Current Funding Position, note to financial report as of 31 December 2017

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

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

10.5.6 Kalamunda Aged Care Advisory Committee - Recommendations

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the recommendations of the Kalamunda Aged Care Advisory Committee (KACAC).
2. To appoint a community member who is a carer of seniors or people with senior's interests to the Kalamunda Aged Care Advisory Committee.
3. To appoint a Council representative and deputy representative to the Kalamunda Aged Care Advisory Committee.
4. It is proposed the recommendations from the Kalamunda Aged Care Advisory Committee be accepted by Council.

BACKGROUND

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

DETAILS

6. At the meeting of the KACAC held on 7 February 2018 the Committee requested Council give consideration to expressing disappointment to the Satterley Group at its decision to not include provision for aged care accommodation within the Hales Satterley Development in Forrestfield.

Motion

That the Kalamunda Aged Care Advisory Committee request Council to express its bitter disappointment to the Satterly group re the groups decision to ignore a request for an aged care component in their proposal and that the group be asked to please reconsider and include such a component in terms of the clearly demonstrated needs

Moved: Ray Maher

Seconded: Ian Tarling

Vote: Carried Unanimously

7. The KACAC supported the appointment of Ms Beverley Guimelli to the Committee as a community member who is a carer of seniors or people with senior's interest under the adopted Terms of Reference

8. At a Special Meeting held on 23 October 2017 Council appointed members and deputy members to the KACAC in accordance with the adopted Terms of Reference. The Committee supported a change in representation being as follows:

Date of Appointment	Council Representative	Deputy Council Representative
23 October 2017	Cr Michael Fernie	Cr Lesley Boyd
27 February 2018	Cr Lesley Boyd	Cr Michael Fernie

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

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

FINANCIAL CONSIDERATIONS

12. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

SUSTAINABILITY

Social Implications

14. It is not expected that there will any negative social impacts from the proposed committee changes.

Economic Implications

15. Nil.

Environmental Implications

16. Nil.

RISK MANAGEMENT CONSIDERATIONS

17.	Risk: No provision for aged care accommodation will be provided within the Satterly development.		
	Likelihood	Consequence	Rating
	Almost certain	Moderate	High
	Action/ Strategy		
	Pursue an aged care development outcome through advocacy.		
	Risk: The Committee quorums are not achieved.		
	Likelihood	Consequence	Rating
	Unlikely	Insignificant	Low
	Action/ Strategy		
	The appointment reduces the likelihood of quorums not being achieved.		

OFFICER COMMENT

18. The KACAC received a presentation from the Satterley Group at its meeting held on 27 April 2016. There was no indication at this time regarding plans to include provisions for aged care development within the development site.
19. The opportunity existed for the City to request provision be included throughout the Structure Planning process.

Voting Requirements: Absolute Majority

RESOLVED OCM 23/2018

That Council:

1. Request the Chief Executive Officer make representation to the Satterley Group expressing regret there has been no provision made within the development structure plan, to date, for aged care accommodation.
2. Appoint Ms Beverley Guimelli to the Kalamunda Aged Care Advisory Committee as a community member who is a carer of seniors or people with senior's interest under the adopted Terms of Reference
3. Appoint Cr Lesley Boyd as council representative to the Kalamunda Aged Care Advisory Committee and Cr Michael Fernie as deputy council representative to the Kalamunda Aged Care Advisory Committee.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

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

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

10.5.7 2016/2017 Annual General Meeting of Electors Report

Previous Items	Nil
Responsible Officer	Chief Executive Officer
Service Area	Office of CEO
File Reference	
Applicant	N/A
Owner	N/A

[Attachment 1](#) Minutes of the Annual General Meeting of Electors

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of the 2016/2017 Annual General Meeting of Electors (AGM).
2. The purpose of the AGM is to receive the City of Kalamunda Annual Report and consider any other General Business which might be raised by those attending the meeting.
3. The Annual Report was received without dissent. A number of questions were asked with respect to various other issues.

BACKGROUND

4. As required by section 5.27 of the *Local Government Act 1995* (the Act), the 2016/2017 AGM was held on Tuesday 6 February 2018 in the Council Chambers, City of Kalamunda, 2 Railway Road Kalamunda.

DETAILS

5. Section 5.33 of the Act requires all decisions made at the AGM to be considered at the next available Ordinary Council Meeting. In addition, the reasons for a decision made at a Council Meeting in response to a decision made at an AGM are to be recorded in the minutes of the Council Meeting.
6. One decision was made at the AGM:
 1. *That the 2016/2017 Annual Report of the City of Kalamunda be received.*
7. A motion from the floor was put to the meeting and carried unanimously.

Motion AGM 02/2018

That the City of Kalamunda undertake a review of the Stirk Park Master Plan in relation to the portion of the plan covering the Kalamunda Club lease area and undertake a feasibility study, taking into account the long term viability of the existing Club premises and give consideration to developing a shared use community facility incorporating the Kalamunda Club and other community services or purposes.

- Moved:** Allan Mappin
Seconded: Roy Walker
Vote: **CARRIED UNANIMOUSLY (33/0)**

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.27 of the Act requires that an AGM be held not more than 56 days after the local government accepts the Annual Report. The Annual Report was accepted at the Ordinary Council meeting of 19 December 2017.
9. Section 5.33 of the Act requires consideration of decisions made at the AGM.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Not required for this report.

External Referrals

12. Community engagement and consultation occurred as part of the AGM. There will be additional community engagement as part of the implementation of the resolution passed at the AGM.

FINANCIAL CONSIDERATIONS

13. Consultancy costs toward the development of a Feasibility study for the Kalamunda Club would be likely to cost up to \$50,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 6.3: To lead, motivate and advance the City of Kalamunda.

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: The resolution passed at the AGM is not endorsed.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/ Strategy		
	Sufficient information is provided to Council to ensure there is compliance with the requirements of the legislation with respect to resolutions passed at the AGM.		

OFFICER COMMENT

19. Answers have been provided by the Administration to the questions taken on notice at the AGM.
20. In response to the Motion carried at the AGM relative to the Kalamunda Club, it is proposed a further report is represented to Council outlining a way forward, inclusive of a methodology and anticipated cost associated with undertaking a Feasibility Study for the Kalamunda Club.

Voting Requirements: Simple Majority

RESOLVED OCM 24/2018

That Council:

1. Endorses Resolution AGM 01/2018 passed at the Annual General Meeting of Electors held on 6 February 2018 as contained in the Minutes of the Meeting at Attachment 1.
2. Request the Chief Executive Officer to provide a further report outlining a way forward, inclusive of a proposed methodology and anticipated cost associated with undertaking a Feasibility Study for the Kalamunda Club.

Moved: **Cr Tracy Destree**

Seconded: **Cr Margaret Thomas**

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

10.6 AUDIT & RISK COMMITTEE REPORT

10.6.1 Adoption of Audit & Risk Committee Reports

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 25/2018

That recommendations of reports A&R 10 to A&R 13 inclusive, be adopted by Council en bloc.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Cameron Blair**

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

10.6.2 A&R 10 Internal Audit Report November 2017

EN BLOC RESOLUTION 25/2018

That Council:

1. Receives the Internal Audit Report.
2. Notes the recommendations contained within the Audit Report (Attachments 1 to 7).

10.6.3 A&R 11 Adoption of Annual Financial Report 2016/2017

EN BLOC RESOLUTION 25/2018

That Council:

1. Pursuant to Section 6.4 of the *Local Government Act 1995*, accepts the 2016/2017 Annual Financial Report (Attachment 1).

10.6.4 A&R 12 City of Kalamunda Risk Profile

EN BLOC RESOLUTION 25/2018

That Council:

1. Endorse the Risk Profile.
2. Notes the Strategic Risk Register.
3. Adopts the updated City of Kalamunda Integrated Risk Management Plan.
4. Notes that the Risk Profile will be brought to subsequent Audit and Risk Committee Meetings.

10.6.5 A&R 13 Review of Governance and Policy Framework

EN BLOC RESOLUTION 25/2018

That Council:

1. Adopts the City of Kalamunda Governance and Policy Framework shown as Attachment 1 subject to Amendment to paragraph 9.7 on page 41 to be aligned with the Risk Management Plan definition.

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Dog Exercise Area, Maida Vale – Cr O'Connor

A Deputation was received from Ms Kaye Smith regarding this motion and spoke in favour of the recommendation.

Discussions were held amongst Councillors.

RESOLVED OCM 26/2018

Voting Requirements: Simple Majority

That Council:

1. Request the CEO to investigate the viability and process associated with a fenced dog exercise area including but not limited to in the vicinity of the David Street easement in Maida Vale.
2. Request the CEO to bring a report back to Council regarding point 1 above, no later than the May 2018 round of meetings.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

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

Rationale:

In recent months, I have been contacted by several community members who have complained that there is no appropriate dog exercise area in the foothills. The current locations for dog exercise are not fenced off and they don't offer any of the features that are found in other well-utilised dog exercise parks in Perth.

In my discussions with members of the community, they explain that the open style dog walking areas such as Federation Gardens and Jorgensen Park are not suitable for all dogs or owners. What they would like to see is fenced off areas such as a small dog area, single dog only area, along with training and play equipment designed to get the dogs, the owners and family members involved in the exercising of their pet. There are examples of dog exercise parks that feature tunnels, hoops, ramps, splash pad, rubberised walk ways, training areas, agility courses and equipment and dog wash stations. Users are able to sit on benches in the shade if they choose to take a break. I believe it's a great opportunity for owners and their dog to enjoy nature and get some exercise at the same time.

Responsible dog owners know that they need to exercise their dog regularly. This dog park would provide an area that is relatively safer than non-fenced areas and that contains appropriate areas and equipment for the purpose. Currently, there are many dogs that don't receive enough exercise and are often confined, alone and inactive, for most of the day.

This lack of quality and regular exercise leaves dogs no outlet for their naturally active tendencies (physical and mental) and it contributes to the development of behavioural problems.

The location being suggested has had preliminary investigations by staff and is felt to be a suitable location.

I ask that council support the investigation by the officers and consideration of the report at a later date.

Officer Comments

Staff are happy to investigate the viability and process associated with fenced dog exercise areas and bring a report back to Council in May 2018

12.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Pachamama Application – Cr John Giardina – answers provided by Director Development Services.

Q1. How many children and what hours of operations are Pachamama allowed at each of their sites based on the current planning approvals?

A1. There are two existing approved sites. One at 36 Marri Crescent, they received planning approval in 2003 for 47 children. The other site at 61 Coolinga Road, received planning approval in 2013 for 10 children.

Q2. Can you please clarify the difference in the numbers of children and hours of operation for Pachamama based on their current planning approvals compared to the licence they've got from the State Education and Care Regulatory Unit?

A2. For 36 Marri Crescent, the increase in the numbers that are received from the state government went from the approved 47 to 69 children, so that's an additional 22 children. For 61 Coolinga Road they went from a planning approval of 10 to a state approval of 43, so that's an additional 33 children.

Q3. Didn't Pachamama have to tell the State what numbers they were allowed in their planning approval?

A3. Yes, there is a requirement under State regulations that when they made their application to that State agency that they provided a copy the planning approval.

Do we know if that has happened?

We don't, we've tried to get that information from State Government agencies and they wouldn't provide us that information.

Q4. Isn't it a breach of Pachamama's planning approvals for the numbers of children and operating hours to be exceeded?

A4. Yes, that is correct, it is a breach of the planning approvals.

Q5. What option does the City have when a planning approval is breached?

A5. There are several options on a scale, the higher scale would be prosecution to the lower scale is them seeking retrospective planning approval. Something in the middle would be the issue of fines. Generally speaking, from a planning perspective, if it is something that could be capable, legally of approval, we will go down the track of seeing if they can get retrospective planning approval. It is certainly possible to do prosecution as well, but we generally leave that as last resort, but certainly it is a possibility.

13.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Nil.

14.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 Member for Forrestfield

The Mayor acknowledged the presence at the meeting of the Member for Forrestfield Mr Stephen Price.

15.0 MEETING CLOSED TO THE PUBLIC

15.1 Nil.

16.0 CLOSURE

16.1 There being no further business, the Presiding Member declared the meeting closed at 8:43pm.

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

Tabled Documents

[1.0 Minutes – Kalamunda Aged Care Advisory Committee Minutes – 7 February 2018](#)

[2.0 Minutes – Public Agenda Briefing Forum - 13 February 2018](#)

3.0 Minutes – Kalamunda Environmental Advisory Committee – 8 February 2018