

Ordinary Council Meeting

Minutes for Tuesday 27 November 2018

UNCONFIRMED



**city of
kalamunda**

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1. Official Opening

The Presiding Member opened the meeting at 6:31pm and welcomed Councillors, Staff and Members of the Public Gallery.

2. Attendance, Apologies and Leave of Absence Previously Approved

2.1 Attendance

Councillors

South East Ward

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

South West Ward

Lesley Boyd

Allan Morton

North West Ward

David Almond

Sara Lohmeyer

Dylan O'Connor

North Ward

Cameron Blair

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Simon Di Rosso - General Counsel & Executive Advisor

Brett Jackson - Director Asset Services

Gary Ticehurst - Director Corporate Services

Peter Varelis - Director Development Services

Management Team

Doug Bartlett - Manager Asset Planning and Management

Alida Ferreira - Manager Financial Services

Andrew Fowler-Tutt - Manager Approval Services

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Jena Bradley - Service Desk Analyst

Leisha Fair - Governance Officer

Donna McPherson - Executive Research Officer to Chief Executive Officer

Members of the Public

82

Members of the Press

Nil

2.2 Apologies

South West Ward

Cr Brooke O'Donnell

South East Ward

Cr Geoff Stallard

2.3 Leave of Absence Previously Approved

Nil

3. Public Question Time

3.1 Questions Taken on Notice at Previous Meeting (Meeting of 23 October 2018)

3.1.1 Item 3.2.1 - Daren Pedlar of Our Flower Studio and Perth LimoVan, Shop 5/4 Haynes Street, Kalamunda –Impact on Local Businesses due to the Closure of Haynes Street for the Night Markets

Summary of questions from Mr Pedlar:

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

Summary of response from the Manager Customer & Public Relations:

- A1. *The City of Kalamunda has a Memorandum of Understanding with the Kalamunda Chamber of Commerce. The City is a sponsor of the Chamber and as such supports a number of events including the Bickley Harvest Festival, Kalamunda Farmers Market and the Kalamunda Night Market. The City of Kalamunda has delivered a survey directly to all businesses in Haynes Street to further understand the Impact of the Markets.*
- A2. *The City of Kalamunda has had telephone contact with Mr Pedlar and was reviewing the ideas and comments put forward by two Kalamunda Business Owners in the letters. The City has also since met with Mr Pedlar to discuss his concerns.*
- A3. *The Event Applicant was required, as a part of their approval, to correspondence with Business Owners. The City was provided with advice that this had occurred. The City understands the Chamber visited 54 businesses, of which 50 were in support of the Kalamunda Night Market. The City has also since delivered a survey to business owners requesting their feedback directly.*

3.1.2 Item 3.2.2 - Dick Lovegrove of 41 Brentwood Road, Wattle Grove – Item 10.1.1 Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove

Summary of questions from Mr Lovegrove:

Q1. *On the basis of the age of these trees (c 1959), has the Council engaged qualified tree people such as Arborists and tree surgeons to do the work on pruning these trees?*

Summary of response from the Director Asset Services:

A1. *Works on the trees are conducted by qualified and experienced contractors and, where the type of work is necessary, is also supervised by a Level 3 Certified Arborist. The City's experienced tree management staff oversee these works.*

3.2 **Questions taken on Notice at the Public Agenda Briefing Forum of 9 October 2018**

3.2.1 Item 5.1 - Mr Peter Forrest of 36 Panoramic Terrace, Kalamunda

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

Summary of question:

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

Summary of response from the Director Asset Services:

This question was answered in the OCM 23 October 2018 as per below. No further action required from the City.

A1. *Main Roads WA has provided its approval in principle for a painted pedestrian (zebra) crossing to be installed on Canning Road between Haynes Street and Heath Road.*

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

3.3 **Public Question Time (Meeting 27 November 2018)**

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

3.3.1 Ralph Bradstreet of 27 Hummerston Road, Piesse Brook - Item 10.2.1 Hummerston Road - Public Consultation

Summary of questions from Mr Bradstreet:

- Q1. *In relation to consideration of the extension of the road, why is the City considering expending \$2M on that extension when they can't maintain the existing section of Hummerston Road?*
- Q2. *Does the figure include the reclamation of people's property which would be necessary and the cost of moving existing facilities if that road was widened?*
- Q3. *The figures that have been quoted are only the known costs. Do you know if there will be significant further costs if the road is extended?*

Summary of response from the Director Asset Services:

- A1. *The comment that there's \$2M proposed on Hummerston Road is incorrect. If Council decides not to extend the unsealed section of Hummerston Road (the gravel track) and leaves it as is, the City is proposing that \$610,000 would be spent on the existing sections of Hummerston Road in terms of pavement, rehabilitation and widening. If Council adopts the decision to extend Hummerston Road through to Fern Road, on top of that \$610,000 a further \$380,000 is recommended for the extension. That brings the total to just short of \$1M, not \$2M.*
- A2. *The costs in the report at Item 37, do exclude certain figures that aren't known at this time which are related predominantly to design issues. If the extension goes ahead, a detailed design survey would be undertaken which would lead the City to a better understanding of both service relocations and any potential land acquisition costs. It is inappropriate to forecast those costs.*
- A3. *As previously stated, Item 37 of the report notes that there will be other costs. The matter of significance is conjecture as this stage.*

Responding question from Mr Bradstreet:

- Q4. *Can I have further comments about the maintenance of Hummerston Road?*

Summary of response from the Director Asset Services:

A4. *The City will deal with maintenance through our customer request systems and program the works through our maintenance reports.*

3.3.2

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

Summary of questions from Mr Unger:

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

Summary of response from the Director Development Services:

A1. *This question has been taken on notice in order to provide a detailed written response.*

Summary of response from the Presiding Member, Mayor John Giardina:

A1. *I met with Mathew Hughes recently and he is trying to retain that parcel of land and hopefully pass it over to the City of Kalamunda.*

Further questions from Mr Unger:

Q2. *Could the City advise how it is going to engage with the community to see the outcome of a possible transfer or rezone to a Class A Reserve?*

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

Summary of response from the Chief Executive Officer:

A2. *This question has been taken on notice as the City is still awaiting a decision from the State Government.*

A3. *This question has been taken on notice as this is State Government information.*

3.3.3 Shane Cranswick of 13 Farrant Street, Gooseberry Hill – Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill

Summary of question from Mr Cranswick:

Whilst approving a special use amendment is said not to create a precedent, on what grounds could the Council possibly reject other applications if 41 Marion Way was approved?

Summary of response from the Director Development Services:

The subject application was considered in the context of the City's Aged Accommodation Strategy, which provides a strategic basis for consideration of such applications. If other applications were proposed of similar characteristics to the proposed Amendment 97, they would be assessed in the same context.

3.3.4 Colin McGuckin of 8 Farrant Street, Gooseberry Hill - Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill

(Cr O'Connor left at 6:46pm, returned at 6:54pm)

Summary of questions from Mr McGuckin:

- Q1. *Would the City be able to clarify the findings about the bush fire management plan under the provisions of SPP 3.7 which is vulnerable land use, meaning a land use where persons may be less able to respond to a bush fire emergency keeping in mind that Farrant Street is a cul-de-sac and Marion Way loops back on to Farrant Street which puts more pressure on to the evacuation plan?*
- Q2. *If it has dual frontage, which exit is going to be made as a fire exit?*
- Q3. *Can the City confirm if the proposal is for strata title blocks or green title blocks, with a view to understanding the common property area of 298sqm at the northern end of the site plan or added to Lot 4? If a common exit is required because of fire risk, that would surely require a strata title?*
- Q4. *If the City approves special use amendments, should it not be for the right reasons?*

Summary of response from the Director Development Services:

- A1. *A bush fire management plan was prepared in support of Amendment 97 and was referred to the Department of Fire and Emergency Services for comment. There were some matters with regard to asset protection zones and management of vegetation within the verge. There was a resolution found with regard to notifications on title ensuring that verges were maintained to a certain standard.*

With regard to access, the City notes that the property has dual frontage which is not solely reliant on the access road; the subject of the cul-de-sac.

- A2. *That's a detailed matter to be determined at the development application stage should the Scheme Amendment proceed to approval through the Minister for Planning. The access arrangements for those prospective properties and developments would be determined at that phase.*
- A3. *It is the City's understanding, that should the development proceed, it would be a strata title development.*

Summary of response from the Presiding Member, Mayor John Giardina:

- A4. *The Officers have determined the application on its merit and planning grounds. It is now up to Council to make a decision.*

3.3.5 Michael Healey of 22 Marion Way, Gooseberry Hill - Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill

Summary of questions from Mr Healey:

- Q1. *For the purpose of this proposal, it seems Gooseberry Hill is being treated as a different area or suburb to Kalamunda – does this mean that Gooseberry Hill will also be in desperate need of petrol stations, shopping centres and the like; a hotel and a post office perhaps as we have none of those? Why would the proposal for 41 Marion Way be considered taking into consideration local planning Scheme No 3 section 5.16.1 a), b) and c) as well as section 10.2 (i), (j) and (n). Given that the plans we are shown could only benefit 6 to 8 people, why would this block be considered given its narrow nature and location whilst we have vacant land within suitable zoned areas on flat ground, on streets with deep sewerage and suitable footpath access to town?*
- Q2. *With regard to the City looking at another proposal, if those sites were taken under consideration the same way this one is and they are refused by Council, and given that this one will only affect 6 – 8 people, would it be possible that this would be easily over turned in court under State Laws and then bringing those further decisions adding more precedent to those, as the developer would be gaining financially and you would then tell someone else that they may not be able to?*
- Q3. *Surely it has to be considered that there may be further applications?*

Summary of response from the Director Development Services:

- A1. *The subject application was initiated for the purposes of public advertising by the City in response to a proposal from the applicant and their consultant. The City assessed the application in the context of its Aged Accommodation Strategy and the aging demographic in the hills and Gooseberry Hill specifically. The City saw that there was strategic merit in recommending to Council that they initiate the advertising and after assessment and consideration of the submission that there is merit in the proposal moving forward. However, having said that, there is some significant community opposition that has been documented and responded to in the City's report and it is up for Council's consideration this evening.*
- A2. *This question is hypothetical and therefore cannot be answered; there are no other proposals put forward to the City at this time.*
- A3. *The City will assess applications that are brought before it on specific merits having regard to the planning framework at that point in time and the strategic context of the proposal.*

3.3.6 Lisa Shields of 51 Pollock Way, Clarkson – Kalamunda Night Markets

I would respectfully request that the City of Kalamunda revoke this permit immediately, as is within their power given the conditions have not been met, until such time as the Chamber of Commerce can confirm that they can meet all conditions; or alternatively actually consult with affected businesses and potentially relocate the event to a new location or a weekend evening.

The Presiding Member thanked Ms Shields and the Manager Customer & Public Relations provided further comment:

"The City thanks Ms Shields for raising her concerns and will continue to closely monitor the Kalamunda Night Market operations to ensure ongoing adherence to conditions."

This question was answered at the Ordinary Council Meeting of 23 October 2018 as part of the response to Mr Daren Pedlar, as follows:

"Summary of response from the Chief Executive Officer:

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

Summary of response from the Manager Customer & Public Relations:

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

4. Petitions/Deputations

4.1 Petitions

4.1.1 Nil.

4.2 Deputations

4.2.1 A deputation was received from Ian Rintoul of 19 Marion Way, Gooseberry Hill regarding Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr Rintoul spoke against the Officer Recommendation.

4.2.2 A deputation was received from Julie Drago of 70 Clotilde Street, Mount Lawley (representing Hero Pty Ltd & Santavea Nominees Pty Ltd) and Josh Watson of Planning Solutions, 251 St Georges Terrace Perth, regarding Item 10.5.6 Proposed Light Industrial Units – Lot 501 (2) Harrison Road, Forrestfield. Questions from Councillors were clarified. Ms Drago and Mr Watson spoke in favour of the Officer Recommendation.

4.2.3 A deputation was received from Alan Blackburn of 18 Hummerston Road, Piesse Brook regarding Item 10.2.1 Hummerston Road - Public Consultation. Mr Blackburn spoke against the Officer Recommendation.

4.2.4 A deputation was received from Mike Longo of 6 Possum Court, High Wycombe regarding Item 10.2.1 Hummerston Road - Public Consultation. Mr Longo spoke against the Officer Recommendation.

4.2.5 A deputation was received from Don Hawkins of 249 Hummerston Road, Piesse Brook regarding Item 10.2.1 Hummerston Road - Public Consultation. Mr Hawkins spoke in favour of the Officer Recommendation.

4.2.6 A deputation was received from Graeme Young of 12 Lyndhurst Road, Kalamunda regarding Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr Young spoke in favour of the Officer Recommendation.

(Cr Thomas left at 7:47pm, returned at 7:48pm)

(Cr Boyd left at 7:48pm, returned at 7:49pm)

(Cr Lohmeyer left at 7:48pm, returned at 7:49pm)

- 4.2.7 A deputation was received from Lisa Mueller, the property owner of 41 Marion Way, Gooseberry Hill regarding Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Ms Mueller spoke in favour of the Officer Recommendation. Questions from Councillors were clarified.
- 4.2.8 A deputation was received from Chris O’Hora of 361 Paulls Valley Road, Paulls Valley regarding Item 10.2.1 Hummerston Road - Public Consultation. Mr O’Hora spoke against the Officer Recommendation.
- 4.2.9 A deputation was received from Garfield Woods of 13 Alexander Close, Lesmurdie regarding Item 10.1.1 LPS No 3 Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr Woods spoke in favour of the Officer Recommendation.

5. Applications for Leave of Absence

RESOLVED OCM 197/2018

- 5.1 That Cr Sara Lohmeyer be granted leave of absence for the period 10 December to 14 December 2018.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

6. Confirmation of Minutes from Previous Meeting

The Minutes of the Public Briefing Forum held on 9 October 2018 (Item 6.1) were confirmed at the Ordinary Council Meeting of 23 October 2018.

The Minutes of the Public Briefing Forum held on 13 November 2018 were tabled and will be confirmed at the Ordinary Council Meeting of 18 December 2018.

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

Moved:

Seconded:

Vote:

Statement by Presiding Member

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

6.2 **Special Council Meeting 22 October 2018**

RESOLVED OCM 198/2018

That the Minutes of the Special Council Meeting held on 22 October 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 (9/0)**

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 22 October 2018."

6.3 **Ordinary Council Meeting 23 October 2018**

RESOLVED OCM 199/2018

That the Minutes of the Ordinary Council Meeting held on 23 October 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings, subject to the deletion of the details in recommendation 1. of the Amended Officer Recommendation as follows:

"That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (g)
 - 3. Candidate (i)**
 4. Candidate (k)"

and replaced with:

"That Council:

1. APPOINTS the following candidates as members of the Community Safety and Crime Prevention Advisory Committee as follows:
 1. Candidate (b)
 2. Candidate (g)
 - 3. Candidate (I)**
 4. Candidate (k)"

Please note that the correct version of the Amended Officer Recommendation was put and voted on at the Meeting of the Ordinary Council Meeting 23 October 2018, however was incorrectly recorded in the Minutes.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 23 October 2018."

7. Announcements by the Member Presiding Without Discussion

7.1 On behalf of the City of Kalamunda, I would like to thank former Councillor Tracy Destree for her service to the City. Tracy was a Councillor from October 2015 until her resignation in October 2018. Tracy served on several Council Advisory Committees and was the Chair of the Audit & Risk Committee at the time of her resignation. I would like to wish Tracy all the very best in her future endeavours.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.2.4 - Consideration of Tenders for Kostera Sports Ground Flood Lighting Upgrade (RFT 1815) – Attachment 1 Tender Evaluation Report
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

9. Disclosure of Interest

9.1 Disclosure of Financial and Proximity Interests

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

9.2 Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1 Adoption of Development Services Reports

10.1.1 Local Planning Scheme No. 3: Proposed Amendment No. 97 - Lot 7 (41) Marion Way, Gooseberry Hill - Special Use Zone - Aged and Dependent Persons Dwellings

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

Cr Thomas foreshadowed an Alternative Motion to the Officer Recommendation. Questions asked by Councillors were clarified. The Officer Recommendation Lapsed due to want of a mover and the Alternative Motion was put and carried.

Previous Items	OCM 242/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	MR-07/041
Applicant	Site Planning and Design ABN 29 238 853 678
Owner	Lisa and Steven Mueller

Attachments	1. Applicant Report [10.1.1.1]
	2. Proposed Amendment [10.1.1.2]
	3. Concept Plan [10.1.1.3]
	4. Submitters Table [10.1.1.4]
	5. Information Note [10.1.1.5]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of Scheme Amendment 97 (Amendment 97) to Local Planning Scheme No. 3 (Scheme).
2. Amendment 97 proposes to rezone Lot 7 (41) Marion Way, Gooseberry Hill (Site) from Residential R5 to Special Use – Aged and Dependent Person’s Dwellings (over 55’s residences) with an associated residential density of R12.5. The owner of the property has submitted a concept plan that demonstrates how the site could be developed. The site currently has a single house located to the south of the property.
3. The proposal was advertised in accordance with the City of Kalamunda’s (City) Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals and the *Planning and Development (Local Planning Schemes) Regulations 2015*, (Regulations). During the advertising period, a total of thirty nine (39) responses were received, comprising of six (6) non-objections and thirty three (33) objections. Key concerns received related to the development creating traffic issues and the developments suitability within the character of the area.
4. It is recommended that Amendment 97 is adopted by Council for approval subject to a modification to include a condition regarding maintenance of the verge as part of the Bushfire Management Plan (BMP).

BACKGROUND

5. Land Details:

Land Area:	3,499m ²
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

6. The site is irregular in shape and vegetated, with dual frontage to roads and a single residential dwelling and associated structures on site. The site is approximately 500m from a small local centre on Railway Road.
7. The surrounding development consists of predominantly single-storey residential houses.
8. In 2011, an application for a two-lot freehold subdivision was refused by the Western Australian Planning Commission (WAPC) due to land area requirements.
9. In 2013, the City refused an application for four (4) aged person's dwellings (over 55's residences) on the subject site. The reasons for the refusal are as follows:
- a) the proposal did not comply with minimum lot size requirements as specified by the Residential Design Codes (the R Codes); and
 - b) the proposal did not comply with the minimum number of aged person's dwellings as required under the R Codes.
10. The owner of the property entered into discussions with the City in 2016 with the intent of seeking information and possible approval for four aged and dependent person's dwellings (over 55's residences) on the site. Following assessment of the proposal and discussion with the WAPC as to the best way forward, the Applicant decided to progress an amendment to the Scheme to allow for aged and dependent person's dwellings (over 55's residences) to be considered as a Special Use classification on the site.
11. Council, at its OCM of 19 December 2017, resolved to adopt the proposed Scheme Amendment for the purposes of advertising (EN BLOC RESOLUTION OCM 247/2017).

Locality Plan:

12.



DETAILS

13. Amendment 97 incorporates the rezoning of the site from 'Residential-R5' to 'Special Use (Aged and Dependent Persons Dwellings)' and includes the following provisions being inserted into Schedule 4 of the Scheme as additional site specific development conditions:

No.	Description of Land	Special Use	Conditions
<i>SU 21</i>	Lot 7 (41) Marion Way, Gooseberry Hill	Aged and Dependent Persons Dwellings	a) The following uses are not permitted unless specific approval is granted by the Council 'A' – Aged and Dependent Persons Dwellings. b) The residential density of the Aged and Dependent Persons Dwellings is R12.5. All development shall accord with the requirements of the Residential Design Codes for Special Purpose Dwellings. c) Development shall accord with the requirements of the State Government Sewerage Policy in respect to Aged and Dependent Persons Dwellings to the satisfaction of the Health Department of WA.

14. In support of Amendment 97 the Applicant has advised the following:
- a) the proposed amendment will facilitate the creation of more practical and useable lots than the current layout;
 - b) there is a lack of supply of aged and dependent person's dwellings (over 55's residences) in the area, while the population of Gooseberry Hill is aging and in need of varied housing stock; and
 - c) the proposed concept complies with the provisions of State Planning Policy 3.7 – Planning in Bushfire Prone Areas, with a noted BAL Rating of BAL-29.
15. Aged and Dependent Persons Dwellings' (over 55's residences) will be the primary use of the site.
16. A copy of the Amendment 97 documentation, Applicant Report, inclusive of the BMP and Concept Plan are included as Attachments 1 -3 of this report.

STATUTORY AND LEGAL CONSIDERATIONS

17. Should Council resolve to adopt Amendment 97, it will be determined in accordance with the Planning and Development Act 2005 (the Act) and the proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination there is no right of review to the State Administrative Tribunal (appeal), irrespective of the Minister's decision.

Planning and Development (Local Planning Schemes) Regulations 2015

18. In regard to the processing of Scheme amendments, Regulation 34 distinguishes between 'complex', 'standard', and 'basic' types of Scheme amendments.
19. The resolution to prepare or adopt an amendment to a local planning scheme, is contained in clause 35(2) of the Regulations.
20. Under the Regulations the proposal is a standard amendment for the following reasons:
- a) the proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
 - b) the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.

Local Planning Scheme No. 3

21. Under the provisions of the Scheme 'Aged/Dependent Dwellings' is a 'P' (Permitted) use within the Residential zone, which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

22. Aged and Dependent Persons Dwellings (over 55's residences) are dwellings that people live in with some autonomy and carry out their day to day lives. They are primarily residential dwellings with additional constraints placed upon them to ensure that only persons who meet the definitions of the R Codes can live in them.
23. Under Clause 5.3.1 of the Scheme, consideration will be given to applications for aged persons dwellings where less than 5 dwellings are proposed in a single development.
24. Clause 5.16.1 of the Scheme outlines the situations in which the City may consider the creation of a Special Use Zone, as follows:

'The local government shall only make such special provision by the creation of a special use zone when it considers that the special provisions:

- a) Will satisfy a specific need(s) in the locality where the subject land is situated;*
- b) Would enhance the amenity and the interest of the orderly and proper planning of the locality; and*
- c) Would be specifically appropriate or desirable.'*

25. Regarding the above points the following is considered:

Satisfying a Specific Need:

It is considered that the term "locality" should be interpreted as the City-wide area and not specifically the locality of Gooseberry Hill. It is well demonstrated that the City requires housing for its aging population to serve its aging demographic. To this end, the City of Kalamunda Aged Accommodation Strategy 2016 outlines that there is a persistent shift in the age profile of the City, with a percentage increase of 5.7% (4,372 persons) over the age of 55 occurring between 2001 and 2011, which is approximately double the Western Australian average increase in that time. An increase in the number of persons aged over 55 will in turn lead to an increase demand for living styles to reflect the needs of this demographic.

26. **Enhance the amenity and interest of the Orderly and Proper Planning within the Locality:**

The amenity of the area would be enhanced by the prospect of developing aged and dependent dwellings to accommodate the anticipated increase in the aging demographic close to all services and amenities, thus ensuring the proper and orderly planning of the area.

27. **Appropriate or Desirable:**

The adopted Local Planning Strategy, Housing Strategy and Aged Accommodation Strategy referenced the need to plan for the City's aging population. Given this strategic basis, the amendment will address a specific demand for aged and dependent housing (over 55's) and is therefore considered appropriate and desirable.

28. The "Special Use" zone allows for a high degree of specificity in the control of both the use of the land and the standards and requirements for development proposed. In this regard the objectives of the Scheme pertaining to the 'Special Use' zone, in particular clause 5.16.2 (i), (iii) state:
- (i) To make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or a combination of uses where the provisions of the Zoning Table would otherwise allow this;
 - (iii) To allow for the inclusion of specific uses or combination of uses on particular land either with or without a base zoning (from the zoning table) of that land.

City of Kalamunda Aged Accommodation Strategy 2016

29. Demographic assessment has determined that there is a persistent shift in the age profile of the City, with a percentage increase of 5.7% (4,372 persons) over the age of 55 occurring between 2001 and 2011, which is approximately double the Western Australian average increase in that time.
30. An increase in the number of persons aged over 55 will in turn lead to an increase demand for living styles to reflect the needs of this demographic. Whilst the Aged Accommodation Strategy does not recommend that the City undertake any retirement or aged care developments it does recommend that the City prioritises sites close to existing amenities for aged living and encourage such development.

POLICY CONSIDERATIONS

State Planning Policy 3.1 – Residential Design Codes.

31. Under the provisions of the Residential Design Codes (R Codes) Aged and Dependent Persons dwelling (over 55's residences) is defined as follows:
- "Special Purpose Dwelling – Includes ancillary dwelling, aged or dependent persons' dwelling or a single bedroom dwelling".***
'Aged Person' and 'Dependent Person' are defined under the R Codes as follows:
- "Aged Person – A person who is aged 55 years or over".***
- "Dependent Person – A person with a recognised form of disability requiring special accommodation for independent living or special care".***
32. The R Codes also outline specific deemed-to-comply provisions regarding aged and dependent person's dwellings that any future development on the site will be required to meet. These deemed-to-comply provisions relate to plot ratio, visitor bays and outdoor living areas, as well as requirements that are specific to Australian Standard 4299 (Adaptable Housing) such as level entry ways, nib walls, and corridor width.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

33. The subject site is located within a Bushfire Prone Area. Under the provisions of State Planning Policy 3.7 (SPP3.7) the land use of aged and dependent persons dwelling is a 'vulnerable land use', meaning a land use where persons may be less able to respond in a bushfire emergency. Because of this the Applicant was required to submit a Bushfire Management Plan and Emergency Evacuation Plan for the approval of the City and the Department of Fire and Emergency Services (DFES).

State Government Sewerage Policy - Perth Metropolitan Region

34. The proposal is required to meet the all the following provisions of the State Government Sewerage Policy as follows:
- a) the development must meet a community need;
 - b) the proposed lot sizes are 800sqm (R12.5) or more;
 - c) there is no alternative site in the community suitable for the development where sewer is available;
 - d) an identifiable owner or strata body exists to be responsible for the maintenance of the effluent disposal system; and
 - e) the area identified for effluent disposal meets the requirements of Appendix 2 of the sewerage policy.

Should the Applicant be unable to meet the above requirements they are required to seek an exemption from the Department of Health.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

35. Prior to Council initiating the proposed amendment it was referred to all internal departments who returned no objections or concerns to the proposal.
36. The City assessed Amendment 97 from an Assets Services perspective and determined that all access to the site is to be made from Marion Way, both now and in the future.

External Referrals

37. Following Council's resolution to initiate the proposal it was advertised in accordance with the City's *P-DEV 45 – Public Notifications of Planning Proposals* and the requirements of the Regulations, namely:
- a) publishing a notice in the local newspaper for two consecutive weeks;
 - b) providing a copy of the proposal to each public authority likely to be affected;
 - c) publishing a notice of the proposed amendment on the City's social media platforms and website;

- d) ensuring that a copy of the amendment is available for public inspection at the City's administration building;
 - e) erecting a sign on site; and
 - f) advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.
38. During the advertising period a total of thirty nine (39) responses were received, comprising of six Non-objections and thirty three (33) objections.
- Responses were also received from Water Corporation, Department of Mines and Industry, Department of Health, and Main Roads WA, all of whom raised no objection to the proposal.
39. Key concerns raised during the advertising period were as follows:
- a) the proposal was not correctly advertised to the surrounding area;
 - b) development would require the site to be completely cleared, which would reduce the 'hills feel' of the area;
 - c) future development would be out of character with the area;
 - d) additional development would create traffic issues;
 - e) nearby services are not adequate to service the additional properties;
 - f) an Aged Care Facility (over 55's residences) is not appropriate for the area; and
 - g) allowing this development would create a precedent for the area.
40. In response to the key concerns raised by the submitters, the Applicant has submitted as follows:
41. **Incorrect Advertising:** "Signage was erected onsite in accordance with local government requirements."
42. **Clearing of Site:** "The site has already been primarily cleared, with most of the established vegetation located within the road reservation and not impacted by this scheme amendment request. Trees on the site will be retained where possible (and in compliance with bushfire management requirements). On-site vegetation retention will be addressed through the subsequent development approval process."
43. **Future Development Will be Out of Character:** "The provision of diverse housing stock is not considered to be a negative outcome or result in 'out of character' development. Appropriate development and built form controlled through subsequent development approvals process."
44. **Traffic Issues:** "Three (3) additional crossovers upon the 145m Marion Way frontage will have no impact on the function of Marion Way or the immediate road network. Details of crossover locations dealt with through subsequent subdivision and development approvals."

45. **Inadequate Services:** "The local centre would provide for local convenience, medical needs and public transport access. The site is also within proximity to the Kalamunda District Centre."
46. **Aged Care Appropriateness:** "Scheme amendment proposes Aged and Dependent Persons Dwellings not Aged Care Facility."
47. **Establishing a Precedent:** "The 'Special Use' zone acknowledges the appropriateness of a specific site for a specific use or to address a specific issue. The proposed rezoning is not applicable to other sites."
48. A full summary of the submissions received, and Applicant and officer responses to those submissions, is included as Attachment 4 to this report.
49. The BMP submitted in support of Amendment 97 was referred to DFES for their comments. After assessing the proposal and ongoing discussion with the proponent and the City DFES advised the following:
50. "DFES advice has acknowledged that significant modifications may be required to achieve an APZ standard within the road reserves for the scheme amendment to demonstrate compliance with Element 1 and 2 of the Guidelines."
51. "The APZ standard referred to in SCHEDULE 1: STANDARDS FOR ASSET PROTECTION ZONES of the Guidelines states:
- Fences: within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
 - Objects: within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
 - Fine Fuel load: combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
 - Trees (> 5 metres in height): trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.
 - Shrubs (0.5 metres to 5 metres in height): should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.
 - Ground covers (<0.5 metres in height): can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 millimetres in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
 - Grass: should be managed to maintain a height of 100 millimetres or less."

52. "The requirements are quite onerous, and if left unmanaged will increase the bushfire attack level on future development, as Appendix 2 of the BMP acknowledges the current separation distances fall short of the minimum separation distances required to achieve BAL-29."
53. "If the City of Kalamunda (City) is not confident that the required modifications to vegetation within road reserves can be achieved in principle at this stage of the planning (without any spatial demonstration of compliance), and that they can be enforced by an appropriate legal mechanism to ensure management in perpetuity, then our advice remains unchanged."

FINANCIAL CONSIDERATIONS

54. All costs associated with the processing of the Amendment will be met by the Applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

55. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

56. It has been noted by a number of studies (including the City's Aged Accommodation Strategy) that there is a shortfall of aged and dependent person's dwellings within the City. It is considered that the proposed Scheme Amendment will allow for additional aged persons dwellings within the City, thus allowing current residents to more easily 'age-in-place'.

Economic Implications

57. Nil.

Environmental Implications

58. In the event the amendment is ultimately approved by the Minister for Planning, future development and bushfire management as part of the Asset Protection zone will require clearing of the site to accommodate future development as envisaged under the concept plan submitted. The site vegetation is characterised by Marri woodland and grassy understory. The extent of the clearing, and requirement to retain vegetation where practically possible will be determined at the development application stage of the planning process.
59. In the event the amendment is ultimately approved by the Minister for Planning, future development and bushfire management as part of the Asset Protection zone will require that substantial alterations be made to the existing vegetation on the verge.

RISK MANAGEMENT CONSIDERATIONS

60. **Risk:** Adopting the Special Use zoning may cause intensification of the site, which may result in undue amenity impacts.
- | Likelihood | Consequence | Rating |
|---|-------------|--------|
| Unlikely | Moderate | Low |
| Action/Strategy | | |
| Ensure that as part of the amendment process the overall concept and coordination of appropriate land uses are determined, and that any future applications for development are assessed by the City through the development application process. | | |
61. **Risk:** Loss of mature vegetation associate with the future development of the site.
- | Likelihood | Consequence | Rating |
|---|-------------|--------|
| Likely | Significant | High |
| Action/Strategy | | |
| Ensure that as part of the future development application process, the Applicant works with the City to minimise vegetation loss through appropriate design and bushfire management control outcomes. | | |
62. **Risk:** The property owners do not meet the requirements of the Bushfire Management Plan.
- | Likelihood | Consequence | Rating |
|--|-------------|--------|
| Possible | Significant | High |
| Action/Strategy | | |
| Ensure that the City monitors the site for compliance with the conditions of approval. | | |

OFFICER COMMENT

63. It is considered that Amendment 97 will allow for the opportunity to increase the amount of Aged and Dependent Persons' dwellings (over 55's residences) within the City, thus allowing more residents of the City to more easily 'age-in-place' and providing a more diverse housing stock within the area.
64. Through its Aged Accommodation Strategy, a strategic analysis of aged care in the City has been undertaken and found there is a that there is a distinct shift in the age profile of over 55's occurring in the City at a rate which is double the Western Australian average. It is evident the increase in the number of persons aged over 55 will in turn lead to an increase demand for housing this demographic City wide. Noting the strategic context, Scheme amendment 97 will provide for this form of housing in a location close to existing amenities suitable for aged independent living.
65. It should be noted that 'Aged and Dependent Persons' Dwellings' is a 'P' permitted use for the site under the provisions of the Scheme. The amendment is seeking to alter the density coding of the site to allow for an increased number of this type of dwelling within the area.
66. In considering Amendment 97, it is important to make the distinction between the separate land uses of aged and dependent dwellings and aged residential care. The former which applies to Amendment 97 will allow for independent dwellings which allow for aging in place, whereas the latter provides for assisted care as part of an integrated aged care facility.
67. The City has given consideration to the intent of the Special Use zone which allows for a high degree of specificity in the control of both the land use and the standards and requirements for the development proposed. Moreover, Council shall only support the creation of a Special Use zone when it considers the requirements of Clause 5.16.1 of the Scheme which are addressed in point 23 to 26 of the report.
68. Regarding the processing of Scheme amendments, Regulation 35(2)(a) and (b) of the Regulations require that Council distinguish between 'complex', 'standard', and 'basic' types of Scheme amendments when making a determination and includes their justification for their decision be included in their determination.
69. Regarding the key concerns raised during the submission period, the following is considered:
70. **Incorrect Advertising:** All advertising and notification of the proposal was undertaken in accordance with the requirements of the City's P-DEV 45 – Public Notification of Planning Proposals and the Regulations namely:
- a) publishing a notice in the local newspaper for two consecutive weeks;
 - b) providing a copy of the proposal to each public authority likely to be affected;

- c) publishing a notice of the proposed amendment on the City's social media platforms and website;
- d) ensuring that a copy of the amendment is available for public inspection at the City's administration building;
- e) erecting a sign on site; and
- f) advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.

71. **Clearing of Site:** It is acknowledged that some clearing will need to occur on site and within the verge area to allow for future development and establishment and maintenance of Asset Protection Zones in accordance with the requirements of SPP 3.7. It is considered that any clearing will occur as part of future development and will be assessed and controlled at a subdivision or development stage.
72. **Future Development Will be Out of Character:** Any development application for the site will be assessed based on the requirements of the R Codes. The City currently has no mechanism to enforce design requirements beyond this. Future development of the site will present as single level detached grouped dwellings, not distinct from the residential development surrounding the site.
73. **Traffic Issues:** Prior to Council adopting the proposed amendment for advertising it was internally referred to all departments for their comments. From an Asset Services perspective there were no objections to the proposal. Any concerns raised regarding future traffic movements can be assessed as part of future development applications and may be mitigated with the provision of a suitable Traffic Impact Statement.
74. **Inadequate Services:** It is noted that the site is located 1.9 kilometres to the Kalamunda District Shopping Centre for their daily/weekly shopping needs and 300m from the Gooseberry Hill shops on Railway Road. In addition to this, a search of the Trans Perth website indicates that there are seven bus stops within 500m of the subject site. It is considered that there is suitable access to public transport and other services and amenities.
75. **Appropriateness of Aged Care (Over 55's):** The proposal is for a Scheme Amendment to consider a special use of 'Aged and Dependent Persons Dwellings' (over 55's residences) rather than 'Aged Care Facility'. Aged and Dependent Persons Dwellings are for persons who meet specific requirements to live independently and will have a lesser impact on the surrounding area than an Aged Care Facility would. An advice note provided by the City during the advertising period that outlines the differences between the land uses has been included as Attachment 5 to this report.
76. **Establishing a Precedent:** Under Clause 5.16.1 of the Scheme the intent of the Special Use zone is to allow the City to permit provisions for a specific use on land where the provisions of the zoning table are not sufficiently sensitive or comprehensive to achieve the same objective. A special use zone may be established if it is deemed to satisfy a specific need within the locality where the land is situated. In the event a similar application is made to amend the

Scheme to allow for aged and dependent dwellings, the proposal will be considered on its merits having regard to the particular characteristics the site and surrounding area, and the strategic context necessary for Council to consider the proposal.

77. Given the aging demographic of the Kalamunda locality, independent aged living dwellings (over 55's residences) will address a specific demand for this form of housing.
78. It is important to note that the future development of the site will need to accord with the requirements of the draft State Government Sewerage Policy and the Residential Design Codes, which will be included as conditions of the proposed Scheme Amendment.
79. The verge is the property of the City of Kalamunda, and no works are to be undertaken on the verge without approval of the City. In this instance, the City would have to either support ongoing works to the verge or undertake the works themselves. The City's position on this matter is that they do not wish to take responsibility for management of the verge to DFES requirements, however they would support placing the responsibility of the management of the verge adjoining the site in accordance with the BMP verge on the owners of the properties.
80. Noting the comments of DFES with respect to the management of the verge, the Applicant has stated following discussion with their bushfire consultants that the verge could be modified to satisfy Asset Protection Zone requirements. The Applicant further stated that these requirements could be enforced via the placement of a notification on title requiring works at the development stage.
81. It is acknowledged that to reach a managed state within the verge a significant amount of understory would have to be removed by the Applicant. All works undertaken on the verge to satisfy the APZ regulations on behalf of the owner would have to be undertaken by a suitably qualified contractor approved by the City.
82. From an Environmental Services perspective this is considered to be an extension to the verge maintenance notice that is included with the City's Rates Notice, which outlines the following requirements:
- "As a measure to assist in the control of bushfires and pursuant to the powers contained in section 33 of the Bush Fires Act 1954 (as amended),
- You are required to:
- SLASH GRASS: Have all flammable matter except living trees, shrubs and plants under cultivation, slashed, mowed or trimmed down by other means to a height no greater than 50mm
 - REMOVE DFM (Dead Flammable Material): Maintain all dead flammable material below 8 tonnes per hectare. (See definition fuel load)

Fuel Load

This is the leaf litter on the ground inclusive of leaves, twigs (up to 6mm diameter) and bark. A litter depth of 15mm from the top of the layer to the mineral earth beneath is indicative of approximately 8 tonnes per hectare."

83. The inclusion of an additional condition to Amendment 97 which places responsibility for the management of the verge through a notification or similar mechanism being placed on the existing lot and any future lots, represents a pragmatic solution to resolving DFES's concerns with the APZ regulations. This requirement would be enforceable through the Scheme as a condition of any future development application for the site. The Applicant has advised that they support this approach.
84. The use of the Special Use zone has enabled the City and by extension the WA Planning Commission the ability to emphasis as part of the wording of the special use zone and conditions the key objective of the zone and specific requirements to ensure there are appropriate mechanisms to secure the desires outcome for the site which includes the condition for the management of the reserve by the owners in perpetuity.
85. Noting the above, it is recommended that Council grant approval to Amendment 97 subject to a modification to include an additional condition with respect to the management of the verge as part of the BMP.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. CONSIDERS Amendment 97 to Local Planning Scheme No. 3 as a standard amendment under Clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a) the proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
 - b) it is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
2. ADOPTS Amendment 97 to Local Planning Scheme No. 3, with modification pursuant to Part 5 Regulation 50 (3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. AMENDS Amendment 97 to Local Planning Scheme No. 3, to include the following additional provision:

"A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

The verge shall be maintained in perpetuity by the owners of the lot in accordance with Bushfire Management Requirements to ensure that a BAL-29 rating falls across the lot as well as to requirements of the City of Kalamunda in regard to vegetation and tree management."

4. FORWARDS to the Western Australian Planning Commission the summary of submission and responses and all required Amendment documentation pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Lapsed**

Seconded:

Vote:

ALTERNATIVE MOTION

RESOLVED OCM 200/2018

That Council:

1. NOT SUPPORT Amendment 97 to Local Planning Scheme No.3 pursuant to Part 5 Regulation 50(3)(3) and 53(1)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reason:
- a) It is considered that future development of the subject site for four Aged and Dependent Dwellings is likely to have a detrimental impact on the amenity of the area by virtue of the number of dwellings proposed.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **For** **Against**

Cr Michael Fernie	Cr Allan Morton
Cr John Giardina	
Cr Lesley Boyd	CARRIED (8/1)
Cr David Almond	
Cr Sara Lohmeyer	
Cr Dylan O'Connor	
Cr Cameron Blair	
Cr Margaret Thomas	

Reason:

It is considered that future development of the subject site for four Aged and Dependent Dwellings is likely to have a detrimental impact on the amenity of the area by virtue of the number of dwellings proposed.

10.2 Adoption of Asset Services Reports

Voting Requirements: Simple Majority

RESOLVED OCM 201/2018

The recommendations of reports 10.2.1 to 10.2.5, with the exception of Item 10.2.1, inclusive be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.1 Hummerston Road - Public Consultation

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

Cr Fernie foreshadowed an Alternative Motion to the Officer Recommendation. Questions asked by Councillors were clarified. The Officer Recommendation Lapsed due to want of a mover. The Alternative Motion was put and carried.

Previous Items	PS 13/98
Directorate	Asset Services
Business Unit	Asset Services
File Reference	HM-03/GEN
Applicant	Petition
Owner	City of Kalamunda

Attachments	1. Paulls Valley Petition [10.2.1.1]
	2. Piesse Brook Petition [10.2.1.2]
	3. Location Plan [10.2.1.3]
	4. Survey Questionnaire [10.2.1.4]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a recommended set of actions regarding vehicle access around Hummerston Road following petitions received by Council on the matter.
2. Council has received two petitions on matters concerning Hummerston Road, with essentially opposing points of view. The City of Kalamunda (City) has conducted community consultation on the options under consideration with a resulting preference not to upgrade the existing fire access trail for normal vehicle traffic to join Hummerston Road to Fern Road.
3. Reference to improvements to the existing sealed road and how opening of chain gates on the gravel track section for emergency use is managed is also presented for consideration.

4. It is recommended that Council endorses preferred responses to the petitions received and notes works funding proposals in future budget submissions.

BACKGROUND

5. A petition was tabled at the Development and Asset Services Committee meeting in December 2016. For the purposes of this report it can be referred to as the "Paulls Valley Petition" recognising the locale of most of the signatories. The Paulls Valley Petition requested that the gravel track on Hummerston Road East from the end of the existing sealed pavement through to Fern Road be re-gazetted and reopened (currently an unconstructed and partially cleared road reserve containing public utility services) for the following reasons:

- a) traffic loads continue to increase on Mundaring Weir Road citing that the Mundaring Weir Road/Fern Road intersection is dangerous when making a right turn from Fern Road onto Mundaring Weir Road;
- b) in the event of a fast moving wild fire closing Mundaring Weir Road, then Paulls Valley residents are trapped; and
- c) increase in sporting events, power pole replacements and road maintenance together with traffic accidents resulting in closure of Mundaring Weir Road results in significant inconvenience to residents.

Refer to Attachment 1 for a full copy of the Paulls Valley Petition inclusive of signatories.

6. A report addressing the Paulls Valley Petition was presented to the Development and Asset Services Committee meeting held on 2 October 2017, with the Committee resolving to defer the report to OCM scheduled for November 2017, pending further consultation with representatives from the local community to clarify the petition intent. At the OCM in November 2017 a further deferral to OCM in December 2017 was endorsed.

7. A second petition was presented to the City on 8 December 2017. For the purposes of this report it can be referred to as the "Piesse Brook Petition", again recognising the locale of most of the signatories. The Piesse Brook Petition requests that Hummerston Road East to Fern Road, Piesse Brook, not be re-opened for the following reasons:

- a) traffic load on Mundaring Weir Road may be redirected to Hummerston Road, a quieter, unsuitable residential road, which transfers the problem from one area of Kalamunda to another with limited benefit to the wider community;
- b) potential loss of trees, native flora and fauna as a consequence of any road widening and extension;
- c) impact to National Park as a result of road widening and extension;
- d) impact to all private properties along Hummerston Road as a result of road widening and extension; and

- e) significant fiscal impact to the City of Kalamunda (upwards of \$800,000) where a more conservative approach may suffice including but not limited to the following:
- i. a decrease in speed limit approaching the blind corner at the junction of Mundaring Weir Road and Fern Road;
 - ii. upgrade Mundaring Weir Road and improve blind spots and hazards;
 - iii. refurbish existing Hummerston Road (gravel not pavement) at current width to allow all vehicles 'emergency access only' in the event of fire; and
 - iv. the parties who raised the Piesse Brook Petition to open the road will not have any increase in traffic or modifications to their properties and the re-opening will only benefit a few ratepayers for significant cost.

Refer to Attachment 2 for a full copy of the Piesse Brook Petition inclusive of signatories.

8. With two petitions received, both of opposite positions, the City suspended any decisions on the first petition to allow consideration of the matter.

DETAILS

9. **Status of Hummerston Road (Existing and Unconstructed Sections)**

Hummerston Road is contained within a gazetted public road reserve from Mundaring Weir Road (from just east of the Kalamunda Town Centre) to Fern Road with an overall length of approximately 2.6 km, of which approximately 2.3km is sealed road.

10. The function of Hummerston Road is designated as an Access Road in the City's Road Hierarchy. However, the road carriageway is disconnected from Fern Road by way of a 350m gravel track on unconstructed road reserve. The track is barricaded at each end with locked chain gates to exclude use by unauthorised vehicles.
11. A location plan that identifies the various road linkages in the Hummerston Road/Fern Road/Mundaring Weir Road area is presented as Attachment 3.
12. Western Power infrastructure consisting of overhead power distribution lines, along with underground Telstra infrastructure, are both located on the northern side of the unconstructed Hummerston Road road reserve, with the gravel track primarily acting as maintenance access for the public utility service providers in order to access both above and below ground infrastructure.
13. Appropriate access controls are in place for Western Power and Telstra maintenance/inspection arrangements, with both the City and the Department of Biodiversity, Conservation and Attractions (DBCA) taking responsibility for track maintenance on an as required basis for their respective track alignments.

14. **Extension of Hummerston Road**

To implement the request of the Paulls Valley Petition the following works would need to be undertaken:

- a) pavement rehabilitation from the Hummerston Road/Aldersyde Road intersection for a length of 400m heading east;
- b) upgrade of the existing 4m wide by 350m long section of Hummerston Road to 6m wide;
- c) pavement extension of 350m in length from the end of seal on Hummerston Road through to Fern Road;
- d) potential relocation of utility services;
- e) removal of trees;
- f) modifications to the Fern Road / (unconstructed) Hummerston Road intersection; and
- g) drainage works.

15. It is also noted that if undertaken, this section of road would have a significant grade of approximately 12% which is not conducive to heavy vehicle movements.

16. **Improvements to the existing sealed section of Hummerston Road**

In examining the issues surrounding the extension of Hummerston Road, it became apparent that improvements to the existing sealed section would be required to improve the road geometry and drainage. These improvements are recommended irrespective of whether or not the gravel track section was opened to normal traffic. These works include:

- a) installation of safety barriers adjacent to the culvert near the Hummerston Road/Aldersyde Road intersection; and
- b) installation of relevant roadside signage.

17. Depending on the decision reached regarding the unsealed section of Hummerston Road, further works would be needed to facilitate through traffic or improve the turning facilities at the end of the sealed section of road.

18. **Emergency Access through the Gravel Track**

In addressing emergency access arrangements presented in the Paulls Valley Petition, clarification of the intent of the petition was sought. It was subsequently determined through a meeting with Paulls Valley Petition representatives in October 2017 that the Paulls Valley community was looking for formalised arrangements to be instigated in emergency situations. The proposal promoted was that keys be issued to Community Street Coordinators for the following street groups:

- a) Paulls Valley Road;
- b) Asher Road/Quicke Road;
- c) Fern Road/Furfaro Road; and

d) Brigeta Road.

for the purposes of these Coordinators being able to open the gates at either end in emergency situations.

19. In reflection of the suggested Community Street Coordinator arrangement, it was noted that should this approach be supported there would also be a need to establish the same arrangement for the local "Hummerston Road" community to ensure access arrangements are in place in both directions.
20. The establishment of a Community Street Coordinator arrangement is not supported given the control of access during emergency situations rests with the City and relevant emergency services. Current processes exist that:
- a) gates remain locked with a City padlock, so it does not become a common thoroughfare;
 - b) gates will be unlocked on days that fire dangers are determined to be Very High or above on the Bushfire Rating Scale, or at the City Fire Officer's discretion; and/or
 - c) gates will be unlocked on a day where a Total Fire Ban is declared.
21. On any of the above instances, the City's Fire Officer will unlock the gates during normal business hours, and on weekends the City's Ranger(s) will arrange for gates to be unlocked/locked upon receipt of such direction from the City's Fire Officer.

22. **Traffic Impact Consideration**

Traffic counts were conducted in mid-2017 in the area, which indicated there were approximately 620 vehicles per day each way (Monday to Friday) using Mundaring Weir Road rising to over 1,000 vehicles per day each way on weekends. Hummerston Road consistently had in the order of 170 vehicles per day each way.

23. If Hummerston Road was extended to allow a potential through road, it is anticipated that many of the existing Mundaring Weir Road vehicles could use Hummerston Road as a short cut, avoiding approximately 2km of travel along Mundaring Weir Road.

STATUTORY AND LEGAL CONSIDERATIONS

24. The Hummerston Road road reserve contains native vegetation and as such, consideration as to the requirement for a Clearing Permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* would be required.

POLICY CONSIDERATIONS

25. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

26. Nil.

External Referrals

27. A public survey was undertaken during late July/early August 2018, with a copy of the survey questionnaire presented as Attachment 4.
28. The survey sought community feedback in relation to which option is preferred, then asked the question "Why?" and sought any additional comment the submitter may wish to note. Two Options were presented – Option A being the extension of Hummerston Road (with ancillary improvements to the existing sealed road) and Option B being the retention of the current situation (i.e. no through road) and ancillary improvements to the existing sealed road.
29. The outcome of the survey is presented in high-level summary as follows:
- a) a total of 114 completed surveys were received
 - Support for Option A @ 33%
 - Support for Option B @ 56%
 - None of the Above @ 11%; and
 - b) residential suburb
 - Kalamunda Hills @ 67%
 - Kalamunda Foothills @ 11%
 - Outside of Kalamunda @ 14%
 - Not noted @ 8%.
30. Based on the survey data Option B (i.e.: Improvements to Hummerston Road) is preferred albeit a reasonable percentage of respondents (i.e.: 11%) preferred neither option.
31. Nine formal submissions were also received, of which seven were against the extension and two for, with the majority noting that an emergency access track is available and noting safety concerns, possible attraction of a hoon element, environmental consideration, increased traffic and cost as the main issues of contention.

FINANCIAL CONSIDERATIONS

32. 2018/2028 Long Term Financial Plan

The City's Long Term Financial Plan has the following projects currently listed for future budget consideration by Council:

- a) 2019/2020 - Hummerston Road Pavement Investigation @ \$10,000
- b) 2020/2021 - Hummerston Road Resurfacing @ \$185,000
- c) 2020/2021 - Hummerston Road Widening Construction @ \$200,000

33. It is noted that the pavement investigation and resurfacing allocations relate to a section of road located along Hummerston Road between Mundaring Weir Road and Aldersyde Road. These works are deemed necessary.
34. The widening allocation relates to the last 350m of the sealed section of Hummerston Road which was proposed to be widened from 4m to 6m of sealed carriageway.
35. **Upgrade/Extension of Hummerston Road (Option A)**
A concept design of the proposed extension to Hummerston Road has been developed based on a balanced cut to fill earthworks approach, with design limited to the fact that an average gradient of 12% would be accommodated rather than more substantive earthworks.
36. Budget cost estimates have been prepared for both the extension and the upgrade sections of Hummerston Road, with cost estimates based on a staged progression of works noted as follows:
- a) Stage 1 - Hummerston Road Pavement Rehabilitation (400m section from Aldersyde Road heading east) - \$200,000;
 - b) Stage 2 - Hummerston Road Widening (350m section leading up to end of seal) - \$410,000; and
 - c) Stage 3 - Hummerston Road Extension (Gravel Track to Fern Road) - \$380,000.
37. The above estimates include a 25% contingency but exclude allowances to cover the cost of any required modifications to existing Western Power and Telstra infrastructure, extent of cut/fill encroachment on adjacent properties, construction costs to accommodate a stormwater disposal site and if required, associated land acquisition related costs in each instance.
38. The exclusions noted will be dependent on the outcome of detailed design, with any additional cost incurred to be considered as being additional to the budget cost estimates provided for each stage of works.
39. As such the \$380,000 estimate for the extension of Hummerston Road is likely to be substantially higher once these issues are resolved.
40. **Improvements to Hummerston Road (Option B)**
If Council determines not to extend Hummerston Road to through traffic, a review will be undertaken of the most appropriate treatments for the sealed section of the road closer to the access track which may alter 2020/2021 budget provision for road widening. An alternative of some passing bays rather than full scale carriageway widening is being examined.
41. **Emergency Access**
On a related matter, upgrade of the chain gates and minor works on the gravel track located between the end of seal on Hummerston Road and Fern Road was completed by the City's Infrastructure Maintenance Team during the 2017/2018 financial year.

42. **Fern Road - (Mundaring Weir Road to the Hummerston Road road Reserve)**

It has come to our attention that a section of Fern Road has been constructed outside of the road reserve. Works are underway to implement a corrected road reserve. No Council action is needed at this stage.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

SUSTAINABILITY

Social Implications

44. The Paulls Valley Petition does focus on perceived safety issues for egress during bushfire emergencies. As detailed above, there are existing processes in place to manage the opening of the unsealed section of Hummerston Road in a controlled manner by the proper authorities in such an event.

45. The Piesse Brook Petition on the other hand considers the impacts on the amenity of existing Hummerston Road residents if the City created the ability for greater number of vehicles to use this road.

Economic Implications

46. No quantifiable economic implications are available at this time.

Environmental Implications

47. There will be a loss of trees to facilitate an extension of Hummerston Road to Fern Road.

RISK MANAGEMENT CONSIDERATIONS

48.	Risk: The City adopts a preferred outcome which leads to some community unrest.	
	Likelihood	Consequence
	Possible	Moderate
	Rating	
	Medium	
	Action/Strategy	
	The City meets with disaffected parties outlining its decision.	

OFFICER COMMENT

49. In the context of the varying views expressed in the petition, it is felt there is insufficient justification to open up Hummerston Road for through traffic given the large financial cost and environmental impacts and that the perceived safety issue regarding having the access track available during emergencies is addressed through existing procedures.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACKNOWLEDGES receipt of a petition from residents of Paulls Valley presented to the Development & Asset Services Committee meeting on 12 December 2016 and a petition from residents of Piesse Brook presented to the City on 8 December 2017.
2. DOES NOT SUPPORT the request to set up Community Street Coordinators for the local communities whereby keys are issued to enable unlocking of chain gates in case of emergency on the basis there is an established action plan in place in relation to both unlocking and locking chain gates within the City’s jurisdiction.
3. DETERMINES not to undertake works on the gravel track from the existing end of the sealed section of Hummerston Road to Fern Road to allow through traffic.
4. NOTES further investigations are underway for preferred road treatments in Hummerston Road for updates to the Long Term Financial Plan.

Moved: **Lapsed**

Seconded:

Vote:

ALTERNATIVE MOTION

RESOLVED OCM 202/2018

That Council:

1. ACKNOWLEDGES receipt of a petition from residents of Paulls Valley presented to the Development & Asset Services Committee meeting held on 12 December 2016 and a petition from residents of Piesse Brook presented to the City of Kalamunda on 8 December 2017.
2. SUPPORTS the request to set up Community Street Coordinators for Hummerston Road whereby keys are issued to enable unlocking of chain gates in case of emergency on the basis there is an established action plan in place to the satisfaction of the City, in relation to both unlocking and locking chain gates within the City of Kalamunda's jurisdiction.
3. REQUESTS the Chief Executive Officer ensure suitable procedures are in place such that the City's Chief Fire Officer will instruct the relevant emergency services during emergency situations to unlock/lock the gates, and on weekends the City's Ranger(s) will arrange for gates to be unlocked/locked upon receipt of such direction from the City's Fire Officer.
4. DETERMINES not to undertake works on the gravel track from the existing end of the sealed section of Hummerston Road to Fern Road.
5. NOTES further investigations are underway for preferred road treatments in Hummerston Road for updates to the Long Term Financial Plan.

Moved: **Cr Michael Fernie**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale

The petition to reopen a portion of Hummerston Road is primarily based around both safety and equal rights for access and egress to properties.

Those residents east of Fern Road are often landlocked through sporting events, road works and traffic accidents. These residents should have the same rights that other residents have to travel to Kalamunda whether that be in the case of an emergency, to pick up their kids from school, to go shopping, or see a doctor (as some examples). All too often they have been landlocked through no fault of their own being inconvenienced in day to day activities.

What is of greatest concern is bushfires trapping residents unable to exit should Mundaring Weir Road be blocked in some way. For these reasons there is much justification to opening and completing Hummerston road through to Fern Road, however Hummerston Road is not without its own concerns.

Although the report concentrates on upgrades to a section, east of the Aldersyde Road, little is mentioned of the condition of the road between the intersections of Mundaring Weir Road and Aldersyde road. It is mentioned in public submissions and must be noted that this road is narrow in sections, steep in nature and has many corners with limited vision. There is also, a history of crashes and near misses. It is not what would be now considered Australian standard.

This in turn creates great concern, in increasing levels of traffic should Hummerston Road become a through road to Fern Road. The City is left with a position whereby a level of risk remains whether the Hummerston Road is opened or not.

What is proposed is by way of a compromise to both petitions. Works to the gravel track have been conducted and gates replaced and upgraded. The gravel access track although not as ideal as a permanent road does provide alternative access should Mundaring Weir Road be inaccessible.

The City's Fire Officer will open the gates in emergency situations in particular if there is a threat of fire or if traffic management plans are established for works or events on Mundaring weir road. However, there is still an opportunity to also provide an alternative option through community street coordinators.

This is not mandatory or compulsory as there will be a level of responsibility and the necessary protocols will need to be developed. A limited number of keys should be issued to members of the community both east and west of the gates. It will need to be reviewed to ensure the gates are not opened without justification.

Although the officers will enact with the greatest intent, follow protocol and respond as quickly as possible and in most cases complete the required actions, the risk can be reduced further by issuing keys through street coordinators.

Emergencies happen quickly. Opportunities to react are short. Simply issuing keys provides a secondary solution, reducing risk. A solution preferable to angle grinders or bolt cutters. A solution that can encompass both the City and the residents working in together.

Officer Comment

It is an easy process to have a padlock which has a specific key to unlock it and which can be unlocked by a master key. The specific key could be provided to a person or group without risk of it being used to unlock other areas, while still maintaining a master key for emergency services.

Notwithstanding the above, issues of concern are ones of liability, health and safety and Environmental protection.

Example potential risk scenarios include:

1. the coordinator does not unlock the gate due to being unwell, if they are on holidays or otherwise not available;
2. the City and residents are not aware the gate is still locked and there is a weather event which means the gates need to be unlocked;

3. there is fire emergency during this time and residents lose valuable time when trying to evacuate and are turned around due to a locked gate (Some residents may become trapped in this scenario).

Risk assessments/strategies may be considered as follows –

Risk: Operational risk not achieving a major deliverable if a coordinator is not able to unlock the gate.		
Likelihood	Consequence	Rating
Unlikely	Major	High
Action/Strategy		
The City continues to unlock the gates. A robust process is established with checks and balances to ensure the gate is unlocked when the weather conditions dictate the need. The unlocking of the gate is communicated with Senior Management Group and the residents in the area to ensure it is not missed.		

Risk: Health and safety risk with the potential of a fatality if the gate is not unlocked and residents are trapped due to a fire.		
Likelihood	Consequence	Rating
Rare	Critical	High
Action/Strategy		
The City continues to unlock the gates. A robust process is established with checks and balances to ensure the gate is unlocked when the weather conditions dictate the need. The unlocking of the gate is communicated with Senior Management Group and the residents in the area to ensure it is not missed.		

Risk: Compliance risk, if the coordinator does not unlock the gate and there is loss of life or property, leading to private or public litigation against the City.		
Likelihood	Consequence	Rating
Rare	Critical	High
Action/Strategy		
The City continues to unlock the gates. A robust process is established with checks and balances to ensure the gate is unlocked when the weather conditions dictate the need. The unlocking of the gate is communicated with Senior Management Group and the residents in the area to ensure it is not missed.		

Risk: Environmental risk with increased vehicle movements caused by the Coordinator not locking the gate. The increased vehicle movements on the unsealed road, causing erosion and damage to bushland along the road.

Likelihood	Consequence	Rating
Possible	Significant	High

Action/Strategy

The City continues to unlock the gates. A robust process is established with checks and balances to ensure the gate is unlocked when the weather conditions dictate the need. The unlocking of the gate is communicated with Senior Management Group and the residents in the area to ensure it is not missed.

Risk: Health and Safety risk with increased vehicle movements caused by the Coordinator not locking the gate. Accidental ignition from hot vehicle exhausts from off road enthusiasts entering the reserve. Also, the likelihood of discarded cigarette butts into long grass / weeds and acts of arson are increased, if the gate is left open for all to use.

Likelihood	Consequence	Rating
Possible	Major	Extreme.

Action/Strategy

The City continues to unlock the gates. A robust process is established with checks and balances to ensure the gate is unlocked when the weather conditions dictate the need. The unlocking of the gate is communicated with Senior Management Group and the residents in the area to ensure it is not missed.

10.2.2 Hale Road / Woolworths Drive Traffic Study - Public Consultation

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	EG-RDM-005
Applicant	N/A
Owner	N/A

Attachments	1. Traffic Study Report [10.2.2.1]
	2. Att 2 Nov 18 report - MRWA preferred [10.2.2.2]
	3. Att 3 Nov 18 - mini [10.2.2.3]
	4. Photograph of Tree's [10.2.2.4]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider proposed improvements to the Hale Road / Woolworths Drive intersection considering community response to options available, Main Roads Western Australia (MRWA) feedback, the support from Federal and State politicians and the likely delays to have a preferred solution identified and implemented.
2. The recommended road treatment is viewed as being best able to address the constraints and issues in the area however, MRWA have not agreed at this stage with the preferred proposal. They will approve a treatment that would be very difficult, expensive and time consuming to implement. Council needs to consider the next steps to progress improvements in the area.
3. It is recommended that proposed designs are further refined and the support of State and Federal politicians is requested to seek MRWA approval of a preferred design.

BACKGROUND

4. Woolworths Drive serves as an entry road into the Forrestfield Shopping Centre and is classified as a "private" road, with the City of Kalamunda (City) having no responsibility for the care and control of the road. Woolworths Drive intersects with Hale Road as a T-intersection under Give Way control. Hale Road is a "public" road for which the City has responsibility for care, control and maintenance.
5. Community concern has been raised about accessibility from Woolworths Drive onto Hale Road, including queueing and associated delay, along with road safety issues in relation to access to and egress from Woolworths Drive.

6. Given public concern, the upgrade of the Hale Road / Woolworths Drive intersection was promoted by the Federal Member for Hasluck, with a pledge of \$650,000 promoted through the Federal Government in 2016. The project gained further momentum when the State Government pledged a further \$300,000 in 2017. Both pledges have subsequently been formalised as grants.
7. This report is the first opportunity that Council has had to consider the matter.

DETAILS

8. In this area there were 44 crashes recorded between 2011 and 2016, with two crashes resulting in hospitalisation and a further two requiring medical attention – all crashes involved varying degrees of property damage. There is also anecdotal evidence of motorists using adjacent carparks either side of Woolworths Drive as through roads to enter and exit the Shopping Centre to avoid perceived congestion at the Hale Road / Woolworths Drive intersection, a practice that can contribute to conflict in the car parks.
9. It is noted that the situation would not satisfy benefit-cost ratio criteria for Black Spot funding from the State for road improvements.
10. The City engaged a traffic consultant (Consultant) to examine the situation in the area around Hale Road, Woolworths Drive, Hanover Street and Strelitzia Avenue. They measured matters such as queue lengths, turning movements, a formalised Level of Service assessment as well as noting the high incidence of 'weaving' movements (from Woolworths Drive to Hanover Street and vice versa). They also developed a series of options for road treatments that could improve the situation. The report is included as Attachment 1.
11. The Consultant developed three primary schemes of potential improvements:
 - a) channelisation and median works;
 - b) roundabouts; and
 - c) traffic lights.
12. Each scheme also included sub options to either restrict Hanover Street / Hale Road to left in / left out or retain full access as well as rationalisation of the number of crossovers to the various commercial properties adjacent to Woolworths Drive.
13. The Consultant reviewed these options considering Operational Improvements, Construction Costs and Safety / Social Issues. It found that channelisation was preferred primarily due to its lower construction costs but recognised that a roundabout provided the best traffic Level of Service outcomes.

14. The City undertook community consultation during February 2018 on these options, with 177 submissions received. The responses showed:
- a) 37.3% preferring a Roundabout with full access to Hanover Street maintained;
 - b) 29.4% preferring a Roundabout, with left in / left out access to / from Hanover;
 - c) 25.4% preferring installation of Traffic Signals;
 - d) 7.9% preferring modifications to channelisation (ie kerbing, line marking and median islands).
15. As can be inferred, a roundabout has over 67% support from the community. This is also confirmed in communication from the Federal Member for Hasluck who advised the City in February 2018 that a survey his office undertook showed a 58% preference for a roundabout.
16. The City has consulted with MRWA who advised that they would support the Roundabout Option B (for clarity shown as Attachment 2). They would not support the other proposals contained in Attachment 1. Once further investigations commenced on the MRWA preference the following matters came to light:
- a) it would likely be necessary to create Crown Land road reserve for the section of Woolworths Drive and adjoining land to facilitate the approach to the roundabout. There is significant land acquisition to be undertaken from at least three distinct property owners required;
 - b) it reduces customer parking bays for each commercial car park north and south of Woolworths Drive which would be difficult to negotiate with the respective owners (who would argue that the roundabout has little benefit for them);
 - c) it requires the removal of the main entry sign for the shopping centre, of which the owners have indicated that there is not a willingness to allow this;
 - d) it requires a consolidation of Hale Road crossover entry / exits for differing commercial land owners immediately north of Woolworths Drive of which the City is aware of that one landowner will raise an appeal against this and thus likely legal action;
 - e) it removes the full access to and from Hanover Street and Hale Road to reduce weaving movements from cars leaving Woolworths Drive to enter Hanover Street. Whilst this is a safety improvement, it does have a reduction in amenity; and
 - f) it incurs additional costs in services relocations and land acquisition.
17. The estimated cost for the MRWA preferred option is approximately \$1.176 million. Grants pledged \$950,000 therefore a shortfall of \$226,000 exists for this option. To date there has been no commitment of funding from the Hawaiian Group who are the owners of Woolworths Drive and will receive significant benefit from the upgrade of the intersection. This concept cost is an estimate only, subject to change as design progresses.

18. Mindful that the community preference was for a roundabout solution, the City considered whether to recommend minor channelisation works (which the Consultant identified as a preferred scheme) or seek an alternate roundabout design. It chose to proceed with the latter.
19. The City developed an alternate proposal for a 'mini' or 'dog bone roundabout' which was devised to mitigate most of the issues raised in paragraph 13 above. This is shown as Attachment 3.
20. This option mitigates against the following issues around the MRWA preferred option:
 - a) a small land transfer between land owners to pavement construction in Woolworths Drive would be needed. This should be simpler to enact;
 - b) the existing shopping centre sign remains;
 - c) no requirement to rationalise crossovers further north and avoiding property owner challenges, however there is a need for a left in / left out restriction to the crossover located immediately to the north of Woolworths Drive; and
 - d) reduce cost of service relocations.
21. This plan was then provided to MRWA for comment. They have not approved this concept based on:
 - a) insufficient attention given to rationalisation of crossovers;
 - b) no pre-deflection on approaches from Hale Road to the mini roundabouts;
 - c) large semi-trailers will not remain within the road (and will need to mount the roundabout) leaving Woolworths Drive to turn right; and
 - d) large semi-trailers will not be able to make turns into and out of Hanover Street.
22. Paragraph 21, point b) is acknowledged and could be mitigated by further design development.
23. In respect of paragraph 21, point c), the City has been in negotiations with the shopping centre owner regarding the 'design' vehicle that uses Woolworths Drive. The information provided was used to inform the design of the dog bone solution. The Hale Road / Woolworths Drive roundabout can accommodate a 19m semi-trailer which is the largest vehicle currently using Woolworths Drive, albeit the truck will need to mount the annulus of the roundabout. This is seen as a reasonable outcome.
24. In respect of paragraph 21, point d), Hanover Street is not intended for use by large semi-trailers.
25. A traffic consultant, independent of the City's designers has undertaken a review of the mini roundabout and the preferred MRWA full roundabout solution to gauge compliance to good road design practice. This review finds that whilst each option (including the MRWA preference) requires further

improvements during the detail design phase, the mini roundabout solution is not fundamentally flawed.

26. The City has not yet completed a concept level cost plan for the mini roundabout solution. It will be less than the \$1.176m identified for the large roundabout option, however may exceed the \$950,000 available grant funding provisions. This will be dealt with in subsequent reports to Council.
27. It is now proposed that the Administration seek further review with MRWA of the preferred mini roundabout solution to progress the matter. It is likely that the City will need to develop the mini roundabout design further to address all the audit findings before submission to MRWA.

STATUTORY AND LEGAL CONSIDERATIONS

28. Any proposed road improvements will need to be endorsed by MRWA.

POLICY CONSIDERATIONS

29. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

30. Internal referrals were limited to relevant officers with appropriate expertise within the Asset Services Directorate and with the Customer and Public Relations Team in relation to the public consultation process.

External Referrals

31. The project has been referred to MRWA and relevant commercial operators for discussion.

FINANCIAL CONSIDERATIONS

32. The current position in relation to funding is as follows:
- a) funding commitment of \$650,000 from Federal Government;
 - b) funding commitment of \$300,000 from State Government; and
 - c) a sum of \$50,000 from the City as approved in the 2017/2018 CAPEX Budget and has been spent providing the initial options study and works.
33. Therefore, a project budget of \$950,000 is available for any subsequent independent review, detail design and construction work.
34. It is not certain at this stage if additional funding will be needed to implement a preferred solution.
35. The works funded through Federal and State Government grants are recouped through the Metropolitan Regional Road Group Grant process:

- a) 1st 40% Claim at commencement of the project (in this instance, as soon as a decision is made by Council as to the design to be implemented);
- b) 2nd 40% Claim once the project works are 80% complete; and
- c) Final Claim following completion of the works once all project costs have been accounted for.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

37. Improved traffic management within the City's road network through designing out points of potential conflict with the intent to mitigate the possibility of motorist confusion/agitation and any associated vehicle collision/accidents along with any associated physical/mental trauma that may be experienced by road users.

Economic Implications

38. Improved road conditions will result in mitigation of potential collisions / accidents and will save costs associated with a lesser degree of property damage and physical / mental trauma.

Environmental Implications

39. Improved traffic flow and road safety, however, at the potential cost of two large trees that are located on either side of Woolworths Drive, subject to the preferred option and associated extent of land acquisition. The two trees potentially impacted are shown in Attachment 4.

RISK MANAGEMENT CONSIDERATIONS

40.

Risk: Delays in resolution of a MRWA and Council approved design results in the loss of external funding.		
Likelihood	Consequence	Rating
Unlikely	Major	High
Action/Strategy		
The City continues to advocate to local members of Parliament seeking their assistance to expedite the approval from MRWA.		

41.	Risk: Removal of two mature trees to incorporate a roundabout treatment may result in negative community feedback.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Implement a community engagement strategy outlining the benefits of the project to the community, albeit the loss of two trees. Include an allowance and project for new additional street trees in Hale Road.		
42.	Risk: MRWA will only approve a design that is in excess of the grant funding received and will require significant land acquisition with probable legal challenge.		
	Likelihood	Consequence	Rating
	Almost Certain	Major	Extreme
	Action/Strategy		
	Develop a mini roundabout design that demonstrates compliance to road safety standards and seek MRWA approval of this mini roundabout design.		

OFFICER COMMENT

- 43. The community engagement process undertaken by the City was considered successful in terms of the number of responses received, with the City receiving a clear indication of the preferred roundabout solution.
- 44. The Consultant’s Traffic Study in Attachment 1 that recommends a channelisation outcome is acknowledged. However, the City acknowledges that a roundabout is the community preferred option albeit the costliest, as well as the most complex to implement.
- 45. In proposing the preferred option, the following matters are noted:
 - a) the reluctance of MRWA to endorse the mini roundabout will require further high-level discussions with MRWA;
 - b) the Budget Cost Estimate has the potential to be greater than the Project Budget;
 - c) resolution of land acquisition will be crucial to the success of the project;
 - d) major public utility services will have a direct impact on the proposed construction of the roundabout, with the Budget Cost Estimate for service relocation as presented being indicative of cost to be expected. Actual cost will be subject to the outcome of Utility Services organisation’s assessment/design/quotation processes once the design impact is fully understood;
 - e) two large trees are located either side to Woolworths Drive in the near vicinity of Hale Road. At least one will need to be removed to accommodate the proposed mini roundabout;

- f) during construction there will be a direct impact on road users given the constrained site and associated accessibility – partial and/or full road closure may eventuate subject to traffic management assessment from a construction perspective; and
 - g) commercial businesses with access from and egress to Hale Road during the construction phase will be impacted by construction activity.
46. It is noted that whilst the Project if implemented will benefit road safety for users of the Shopping Centre, the owners have not yet been formally approached to contribute to the Project. Council may wish to consider this matter further.
47. A further traffic study may be warranted to determine the impact of implementing left-in / left-out intersection control for Hanover Street at Hale Road for the information of Council and the Community. This study will need to determine the local impact and how best to accommodate local traffic movements within the area serviced by Hanover Street. Council may wish to consider this matter as a pre-requisite of endorsing a preferred design solution or a matter to be addressed at a later stage.
48. The Consultant did recommend that rationalisation of the commercial crossovers between Woolworths Drive and Strelitzia Avenue be undertaken by way of a service road. (MRWA concurs with this). The Administration considers that this is a good technical outcome however recognises the known level of pushback from existing commercial property owners may make this desire an unrealistic goal without mandatory land acquisition from the multiple land owners.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 203/2018

RECOMMENDATION

That Council:

1. NOTES the outcomes of the community consultation undertaken for the proposed upgrade of existing Hale Road/Woolworths Drive intersection.
2. NOTES the indication by Main Roads Western Australia that a full roundabout at Hale Road / Woolworths Drive, left in / left out at Hanover Street at Hale Road and rationalisation of commercial property crossovers north of Woolworths Drive is the solution that they would currently endorse.
3. NOTES the alternate proposed mini roundabout solution developed by the City of Kalamunda has been independently reviewed for safety, requiring some design improvements however mitigates many of the constraints contained in the Main Roads Western Australia preferred solution.
4. REQUESTS further design development of the options to address the matters raised in the Road Safety Audit.

5. REQUESTS the City of Kalamunda to undertake further negotiations with Main Roads Western Australia with the support of State and Federal Members of Parliament to seek Main Roads Western Australia concurrence to the mini roundabout solution and report back to Council.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.3 Kalamunda Flood Study

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	UT-DRN-003
Applicant	N/A
Owner	N/A

Attachments	1. Detailed Flood Study of the Kalamunda Region [10.2.3.1]
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EXECUTIVE SUMMARY

1. The purpose of this report is to receive the Detailed Flood Study of the Kalamunda Region prepared by GHD Pty Ltd (Flood Study) undertaken for the City of Kalamunda (City) regarding flooding concerns with the existing drainage system, note actions underway by the City and approve a subsequent proposal for this issue.
2. The outcomes of the Flood Study are intended to provide the City with strategic direction in relation to potential inundation locations, this then identifying on a prioritised basis where more emphasis needs to be placed on both the need for greater maintenance attention and associated management of these areas during storm events.
3. Whilst the Flood Study identified issues with existing drainage systems and demand, the City does not have an overarching Stormwater Management Strategy which would identify long term actions necessary to provide an adequate management system for the City's development.
4. It is recommended that:
 - a) the Flood Study be received;
 - b) an updated forecast budget for drainage renewal and new drainage projects be developed for consideration in the Long Term Financial Plan during the 2019/2020 budget process; and
 - c) consideration be given to funding on a bi-annual prioritised basis to develop a Stormwater Management Strategy for each of its five major stormwater catchments commencing in 2019/2020.

BACKGROUND

5. The City's stormwater catchments are effectively split into five major catchments, namely:
 - a) Kalamunda Hills,
 - b) Poison Gully,
 - c) Crumpet Creek,

- d) Woodlupine Brook/Whistlepipe Gully, and
- e) Yule Brook.

The four "Hills to Foothills" catchments were the focus of the Flood Study, with the Kalamunda Hills Catchment not analysed.

6. During 2015 GHD Pty Ltd was engaged to undertake a Detailed Flood Study of the Kalamunda Region (Flood Study), with the intent of evaluating the existing stormwater drainage network to identify upgrade works needed. The Flood Study was completed in May 2016 – refer Attachment 1.
7. The Flood Study was then used as a basis by the City for further analysis and identified a series of prioritised projects taking into account matters such as known development changes, known flooding complaints from property owners and potential areas where stormwater detention facilities could be built.
8. The Flood Study in itself is useful for identifying matters of a 'reactive' nature and sets the agenda for a more proactive future strategy for stormwater management as a necessary next step.
9. The City has undertaken significant steps forward in strategic planning for certain aspects of growth in the City however it lacks a "helicopter view" of how the stormwater catchment and drainage system should be developed over time that brings together all of the differing development and growth plans.

DETAILS

10. The main objectives of the Flood Study was to identify areas where stormwater drainage during storm events may result in localised flooding. This would then allow site specific treatment plans to be developed. The Flood Study's outcomes were partially constrained by not having full and accurate data of the City's entire drainage system. This issue was recognised in the Council endorsed (July 2018) Drainage Asset Management Plan with recommendations to continue data collection of existing drainage assets in 2018/2019 and 2019/2020.
11. Flooding issues identified are tabulated in Appendix F of the Flood Study in order to prioritise remediation. The level of risk allocated to each location was dependent on factors such as, depth of water for the 100-year flood event and the number of properties affected.
This list was further modified by City staff based on the following criteria:
 - a) cross referencing the tabulated list in Appendix F against known areas where flooding has occurred;
 - b) assigning higher priority to locations with higher percentage of accurate asset input data, for example; pit and pipe diameters, invert levels, etc.;
 - c) on site verification during heavy rainfall events and highlighting locations inundated or nearing maximum capacity; and

- d) City owned land and reserves located in the immediate vicinity of potential flooding inundation areas that are considered suitable for stormwater retention purposes.

This supplementary data is detailed in Attachment 2, with concept designs and estimates completed for the top six projects identified as a consequence of this assessment and desk top reviews undertaken for the next four projects.

12. It is noted that the Flood Study was promoted in lieu of developing a Stormwater Catchment Management Plan (SCMP) for each major catchment and as a consequence, the output from the Flood Study is considered to be somewhat reactive in nature. Nevertheless, development of SCMPs for each major catchment is considered pertinent to ongoing stormwater management within the City's jurisdiction. As a consequence, development of SCMPs for each of the City's five (5) major catchments should be seriously considered, with the resultant priority order in relation to development assigned on the basis of the risk of flooding in each catchment, with each SCMP scheduled for funding on say a bi-annual basis.
13. In this regard, development of a SCMP is intended to provide the basis for an ongoing process to ensure receiving environments currently impacted by stormwater runoff generated by road infrastructure and land development generally are protected.
14. A SCMP would also draw reference from other land use planning and strategies within the City such as the Environmental Land Use Planning Strategy, Economic Development Strategies, Forrestfield North Precinct and the Kalamunda Activity Centre Plan as examples of forecast future demand upon the stormwater system.
15. It is considered that the City could oversee and manage the delivery of a comprehensive SCMP for all five catchments as one complete project within existing staff resources. This project will require the engagement of specialist consulting advice and could be staggered over a 10 year period, funding a study into the catchment every 2 years. At this stage the anticipated costs are not certain and will be refined prior to next years budget process.
16. The strategic importance of having a comprehensive SCMP cannot be overstated. Piecemeal land development, often with resulting incremental increases in stormwater runoff will eventually overwhelm the drainage system leading to unacceptable increases in localised flooding events of which the City may be liable for any damage to private property.

STATUTORY AND LEGAL CONSIDERATIONS

17. The development of a SCMP would need to take into account relevant legislation relating to Planning, Environment and the *Local Government Act 1995* (WA).

POLICY CONSIDERATIONS

18. A fully developed SCMP would result in the development of appropriate policies for guidance of both City and private developments and their impacts upon stormwater management.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Nil.

External Referrals

20. Nil.

FINANCIAL CONSIDERATIONS

21. It is proposed that the Long Term Financial Plan for the next 10 years is updated to reflect an average \$75,000 per annum for improvements to localised drainage assets to deal with the highest priority outcomes of the Flood Study.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

23. Assessment of drainage networks highlight ongoing issues for residents allowing the City of Kalamunda to manage and mitigate risk of flooding. Assets are created, maintained and renewed to provide services and amenity to the community. The impact on the community is significant if assets are not fit for purpose and rationalised to meet the changing needs of the community.

Economic Implications

24. Asset improvement is to be based on sound economic principles such that whole of life costs are financially viable for the long-term. This report seeks future funding allocation for inclusion of projects into the Long Term Financial Plan to facilitate necessary drainage improvement projects in line with the changing land use across the Kalamunda district.

25. In reference to why a SCMP should be developed, it is noted that this would improve the environmental management of stormwater within the City’s jurisdiction, with such improvements necessary to meet the community’s expectations and values regarding the health and quality of local receiving environments.

Environmental Implications

26. The improvement of the City’s stormwater network will consider alternative treatments such as water sensitive urban design where practicable.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: The lack of localised flood mitigation works lead to increased claims against the City from affected property owners.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	Action/Strategy						
	Undertake localised works regularly on a need to do basis.						

28.	Risk: The lack of a comprehensive Stormwater Management Catchment Plan will result in an uncoordinated approach to Stormwater management and unforeseen increase in localised flooding.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Likely</td> <td>Significant</td> <td>High</td> </tr> </table>	Likelihood	Consequence	Rating	Likely	Significant	High
Likelihood	Consequence	Rating					
Likely	Significant	High					
	Action/Strategy						
	Develop a plan that properly deals with Stormwater impacts from forecast growth and change in land use in a coordinated manner.						

OFFICER COMMENT

29. This report is seen as an adjunct to the Drainage Asset Management Plan (DAMP) adopted by Council in July 2018. The DAMP identified activities to maintain the service of existing drainage assets as well as touching upon the matters surrounding changes required of the drainage system as the City grows and develops.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 204/2018

That Council:

1. RECEIVES the Flood Study shown in Attachment 1.
2. NOTES the recommended allocation of \$75,000 per annum for localised improvement works within the upcoming 10 year Long Term Financial Plan.
3. NOTES the recommendation that Stormwater Catchment Plans are developed and that a proposed funding strategy be developed for the 2019/2020 Budget and 10 year Long Term Financial Plan.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.4 Consideration of Tenders for Kostera Sports Ground Flood Lighting Upgrade (RFT 1815)

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>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."</i>

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a contract for the Kostera Sports Ground Flood Lighting Upgrade (RFT 1815).
2. On 11 August 2018, the City of Kalamunda (City) issued Request for Tender (RFT 1815) seeking to engage a suitable, experienced and qualified Contractor to undertake the upgrade of the Flood Lighting at the Kostera Oval Sporting Precinct (KOSP), Kalamunda.
3. It is recommended that Council appoint Burgess Enterprises Australia Pty Ltd, ABN 23 1598 287 98 trading as Kalamunda Electrics for the Kostera Sports Ground Flood Lighting Upgrade (RFT 1815) for a lump sum price of \$408,795.00 (excluding GST).

BACKGROUND

4. The intent of the KOSP Redevelopment is to create a multi-functional facility for the benefit of all users including the Kalamunda and Districts Junior Football Club, Kalamunda Cricket Club, the Kalamunda Senior High School and other community users. Various works have been undertaken since 2015 to improve the facilities.
5. The last stage of the current Redevelopment Plan is to upgrade the lighting for the main oval and other sports fields, of which this Tender is aimed to complete.

DETAILS

6. The City issued RFT 1815 seeking to engage a suitable, experienced and qualified Contractor to undertake the upgrade of the Flood Lighting at the KOSP. Tenders were called on 11 August 2018 and closed on 11 September 2018. The basic scope of works was to supply, install, commission and warrant new lighting towers and lights in accordance with the City’s specification and design.
7. The Tender assessment was completed on 15 October 2018 by a Panel consisting of:
 - a) Manager Asset Delivery;
 - b) Coordinator of Project Delivery; and
 - c) Coordinator Infrastructure Services.
8. The Probity Overview was conducted by the Procurement & Finance Officer.
9. Eight tenders were received from and in alphabetical order:
 - a) Burgess Enterprises Australia Pty Ltd t/a Kalamunda Electrics;
 - b) Citylights Holdings Pty Ltd t/a Auriemma Electrical Services;
 - c) Future Power WA Pty Ltd;
 - d) Hender Lee Electrical Instrumentation Contractors Pty Ltd;
 - e) Insight Electrical Technology;
 - f) Montini Family Trusts t/a M Power Electrical Contracting;
 - g) Stiles Electrical and Communication Services Pty Ltd; and
 - h) Wired West Electrical Contracting Pty Ltd.
10. As part of the Tender assessment process, all received tenders were to be considered against predefined Compliance Criteria, with only those tenders that met the Compliance Criteria to be considered further. All eight tenders received met the Compliance Criteria.
11. Tenders were then assessed against Qualitative Criteria to provide the Tender Assessment Panel with information to determine a suitable tender.
12. The Qualitative Criteria set for this Tender was:

Qualitative Criteria	Weighting
Relevant Experience	25%
Tenderer’s Resources	10%
Key Personnel Skills & Experience	15%
Demonstrated Understanding of the Requirements	50%

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

14. Panel members completed the Qualitative Evaluation through individual assessment and scoring of the responses by each Tenderer to the Qualitative Criteria. Thereafter the Panel collectively determined consensus scores on a Tender by Tender basis for each of the Qualitative Criteria on Monday, 15 October 2018. The process was progressed in accordance with the City's evaluation process in a fair and equitable manner.

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

Tenderer	Rank
Hender Lee Electrical Instrumentation Contractors Pty Ltd	1
Stiles Electrical and Communication Services Pty Ltd	2
Future Power WA Pty Ltd	2
Burgess Enterprises Australia Pty Ltd, t/a Kalamunda Electrics	4
Montini Family Trusts t/a M Power Electrical Contracting	5
Insight Electrical Technology	6
Wired West Electrical Contracting Pty Ltd	7
Citylights Holdings Pty Ltd t/a Auriemma Electrical Services	8

16. The top four ranked Tenderers achieved the minimum 60% QPM whereas the lowest four ranked Tenderers did not.

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

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

Tenderer	Rank
Burgess Enterprises Australia Pty Ltd, t/a Kalamunda Electrics	1
Stiles Electrical and Communication Services Pty Ltd	2
Future Power WA Pty Ltd	3
Hender Lee Electrical Instrumentation Contractors Pty Ltd	4

19. In review of the Qualitative Evaluation results and the Tender Prices the Panel has recommended Burgess Enterprises Australia Pty Ltd, t/a Kalamunda Electrics as the preferred Tenderer for its lump sum price of \$408,795.00 (excluding GST), with this recommendation considered to be value for money given that all four Tenderers who achieve the minimum 60% QPM successfully demonstrated their ability to deliver the works.

20. The Panel was satisfied that Burgess Enterprises Australia Pty Ltd, t/a Kalamunda Electrics has the capability and capacity to undertake the works for the lump sum price offered. The Panel also undertook reference checks of the recommended Tenderer and were satisfied in this regard.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

22. Policy C-PP01 – Purchasing.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Community Development were consulted in relation to confirmation of the scope of this Tender.

External Referrals

24. The Koster Oval Advisory Committee provided feedback throughout the scoping process for the overall site during the conception phase and thereafter.

FINANCIAL CONSIDERATIONS

25. Funding for this work is from Project 4145 as allocated in the 2018/2019 Capital Works budget. The budget allocated for this work exceeds the recommended lump sum price offered by Burgess Enterprises Australia Pty Ltd, t/a Kalamunda Electrics and as such, sufficient funds exist to undertake the award of this contract.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

27. The redevelopment of the site has improved the usage of available spaces within the reserve and adjoining school grounds for both active and passive recreational pursuits.
28. The increased usage and growth of junior sporting clubs within Kalamunda improve for evening activities at the reserve.

Economic Implications

29. Funding has been approved in the 2018/19 budget to implement this project.

Environmental Implications

30. The construction of the lighting will be new to the southern end of the site but remain the same on the main oval. Lighting curfews will be adhered to mitigate lighting pollution.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: The Contractor does not undertake the works to the requirements of Cost, Time or Scope.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Unlikely</td> <td style="padding: 2px;">Moderate</td> <td style="padding: 2px;">Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Unlikely	Moderate	Low
Likelihood	Consequence	Rating					
Unlikely	Moderate	Low					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> a) Warranties, Australian Standard contracts and Professional Project Management to be in place. b) Clearly defined scope of works and specifications developed. c) Electrical componentry and materials clearly specified. d) Installation and construction to be supervised by an independent Electrical Engineer. 						

OFFICER COMMENT

32. This tender will allow the final stage of the KOSP redevelopment to be completed.

33. This final stage of the planned redevelopment will have the benefit of reduced wear of the existing lit spaces by increasing the available training areas for evening usage.

34. Works are to be completed by no later mid-April 2019.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 205/2018

That Council:

APPROVES the appointment of Burgess Enterprises Australia Pty Ltd ABN 23 1598 287 98, trading as Kalamunda Electrics for the Kostera Sports Ground Flood Lighting Upgrade (RFT 1815) for a lump sum price of \$408,795.00 (excluding GST.)

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.2.5 New Path Policy and Selection Criteria

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

Previous Items	OCM 79/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A

Attachments	1. C- A S- NEW Pedestrian Paths Policy [10.2.5.1]
	2. Maps of proposed new paths [10.2.5.2]
	3. Pedestrian Path Scoring Matrix [10.2.5.3]
	4. New Pedestrian Path Decision Process [10.2.5.4]
	5. Example Path Scores Using New Matrix [10.2.5.5]

EXECUTIVE SUMMARY

1. The purpose of this report is to endorse a Pedestrian Paths Policy and note the development of supporting documents; a Pedestrian Paths Scoring Matrix and Decision Process which provide guidance in the assessment of new proposals for pedestrian paths.
2. This policy requires formal addressing of the needs for safety, convenience, user comfort, accessibility and cost for pedestrian paths going forward. The supporting documents provide objective guidance in assessment of a need for a new pedestrian path.
3. The implications of the new policy have been assessed by preparing a list of proposed new paths that could be delivered in line with the policy. Some 368 paths have been identified and mapped, with an estimated construction value of \$12.5 million. The new decision process and scoring matrix will now be used to prioritise paths within funding levels.
4. It is recommended that Council endorse the Pedestrian Paths Policy and note the Pedestrian Path Scoring Matrix and Pedestrian Path Decision Process, and the need to seek funding to support the provision of new paths.

BACKGROUND

5. The Council adopted the Pathways Asset Management Plan in May 2017. As part of the improvement plan, the City of Kalamunda (City) committed to "Analyse Shire's pathway network needs and prepare a forward works program".

DETAILS

6. A new Pedestrian Paths Policy (refer Attachment 1) has been prepared to address a range of management aspects for existing and new pedestrian paths. The policy incorporates a range of concepts that reflect contemporary road design, path provision and sustainable transport.

The areas addressed are:

- a) road safety;
 - b) pedestrian priority in the road verge;
 - c) accessibility;
 - d) the need to consult with the community for new path work;
 - e) factors to consider when selecting path locations;
 - f) design standards;
 - g) pedestrian needs relating to shared paths;
 - h) consideration of path assessment methodologies;
 - i) inspection and maintenance requirements;
 - j) provision of a path network; and
 - k) forward works planning.
7. Item 10 in the policy includes:
- a) a structured assessment process for selecting and prioritising paths; and
 - b) a priority on path connections within 400 to 800 metres of major pedestrian precincts.

These key requirements have been used to plan the expansion to the City's path network. Starting with key precincts across the City, such as the High Wycombe Village, the City has mapped and estimated the cost of providing a precinct-oriented path network.

8. The precinct oriented path network has created a list of 368 proposed new paths with an estimated construction cost of \$12.5 million. These have been mapped and are presented in Attachment 2. The next phase of planning this expansion to the path network is to prioritise them.

9. To prioritise the new paths, a Pedestrian Paths Scoring Matrix was developed (refer Attachment 3). This was based on examples from the industry such as provided by the Institute of Public Works Engineering Australasia's *Practice Note 1: Footpaths and Cycleways*. As a desktop exercise, the scoring matrix includes:

- a) traffic volumes, vehicle speeds, road geometry and sight distance, in relation to pedestrian safety;
- b) mobility and disability access needs in the local area;
- c) verge walkability;
- d) pedestrian generators such as schools and shopping centres; and

- e) path network links, also known as 'missing links'.
10. Paths that are ranked as a high priority for the following financial year are then further scoped, designed and estimated prior to budget submission.
11. To accompany the scoring matrix and to reflect the practicality of providing paths in the difficult terrain of the City, a Pedestrian Path Decision Process was also created (refer Attachment 4). Once endorsed, this process will be used with the scoring matrix to guide the Long Term Financial Plan and future budgets.
12. To test the scoring matrix, a number of paths that have recently been requested from the community have been scored. The details are shown in Attachment 5. The total scores are:
- a) Gala Way, Forrestfield (adjacent Gala Way Reserve) 15;
 - b) Margery Road, High Wycombe 28;
 - c) Pickering Brook Road, Pickering Brook 24;
 - d) Bruce Road, Wattle Grove 16;
 - e) Railway Road, Kalamunda (adjacent Zig Zag Culture Centre) 34;
 - f) Maud Road, Maida Vale 18;
 - g) Cambridge Road, Forrestfield 21;
 - h) Sadlier Drive, Maida Vale 18; and
 - i) Wilkins Road, Walliston 21.

As an indication, items a), d), f) and h) above would be considered low priority for works and items b), c), e), g) and i) above would be considered medium priority for works.

STATUTORY AND LEGAL CONSIDERATIONS

13. Local governments are required to produce a plan for the future under section 5.56 (1) of the *Local Government Act 1995*. The Pedestrian Paths Policy, Pedestrian Paths Scoring Matrix, Pedestrian Path Decision Process and associated planning work together informs the future planning of the City's path network and asset management plans.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. The report and attachments have been referred to the City's Infrastructure Asset Management Steering Committee.

External Referrals

15. The Pedestrian Paths Policy, Pedestrian Paths Scoring Matrix, Pedestrian Path Decision Process and maps of proposed new paths have been reviewed by the Disability and Carers Advisory Committee.

FINANCIAL CONSIDERATIONS

16. The planning work arising from the policy, scoring matrix and decision process has identified 368 proposed new paths with a construction value of \$12.5 million. This is well above current funding levels. The current Long Term Financial Plan average funding for new paths is \$468,000 per year. Funding options will need to be considered as part of the annual budget cycles to deliver the new paths.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.2.1 - Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

18. Pedestrian paths increase activity in the public area, increasing social connection. The provision of paths encourages healthy activity.

Economic Implications

- 19. The provision of more path network connections to retail centres may support increased retail activity.

Environmental Implications

- 20. The provision of paths encourages more walking and less vehicle dependency, thus reducing emissions.

RISK MANAGEMENT CONSIDERATIONS

21.	<p>Risk: The policy, decision process and scoring matrix fails to identify the need and location of necessary new paths in an effective and efficient manner.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </table>	Likelihood	Consequence	Rating	Unlikely	Moderate	Low
Likelihood	Consequence	Rating					
Unlikely	Moderate	Low					
	<p>Action/Strategy</p> <p>The policy, decision process and scoring matrix provide a structured way of responding to this risk. Funding will continue to be sought to provide the desired path network.</p>						

OFFICER COMMENT

- 22. The Pedestrian Paths Policy and associated processes will provide clarity for the future delivery of paths, ensuring a consistent and professional service is provided to the community.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 206/2018

That Council:

- 1. ENDORSES the Pedestrian Paths Policy.
- 2. NOTES the Pedestrian Path Scoring Matrix and Pedestrian Path Decision Process and the need to seek funding to support the provision of new paths.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3 Adoption of Corporate Services Reports

Voting Requirements: Simple Majority

RESOLVED OCM 207/2018

The recommendations of reports 10.3.1 to 10.3.2 inclusive be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

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

Previous Items	OCM 185/2018
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	WL-13/GEN; WL-13/002
Applicant	Dennis Hita and Karmen Whitehead
Owner	State of Western Australia

Attachments	1. Amended Plan - Lot 757 (No. 2) William Street, Wattle Grove [10.3.1.1]
	2. Summary of Submissions Table [10.3.1.2]

EXECUTIVE SUMMARY

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

BACKGROUND

4. Locality Plan:



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

DETAILS

6. On 8 December 2017, Dennis Hita and Karmen Whitehead (Applicant) lodged an application with the City of Kalamunda (City) for the permanent closure of a portion of the William Street/Sheffield Road, Wattle Grove road reserve.
7. On 28 December 2017, the Applicant provided the City with a plan showing the proposed road reserve closure area.
8. The City requested that the Applicant provide an amended plan showing the location of all services. An amended plan was provided to the City on 8 January 2018 (Attachment 1).
9. On 23 October 2018, Council resolved to defer the item to the November Ordinary Council Meeting to allow for further clarification on the costs of tree replacement and vegetation (OCM 185/2018).
10. The vegetation to be excised from Crown Land has been valued at approximately \$500. The City has not yet determined whether street trees can be installed on the corner. Instead the City is considering installing appropriate vegetation.

STATUTORY AND LEGAL CONSIDERATIONS

11. The proposed road reserve closure must proceed in accordance with section 58 of the *Land Administration Act 1997* (WA).

12. Section 58(1)-(3) states as follows:

58. Closing roads

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. The City has no objection to the proposal from a statutory planning perspective and assumes the Applicant is looking to purchase the land in question and re-develop for an additional dwelling.
17. The City has no objection to the proposal from a strategic planning perspective and requires that the standard truncation parameters are put in place. It is noted that the plan for the proposal provides for a truncation.
18. The City has assessed the proposal from an asset management perspective and requires that the following conditions be imposed on any approval:
 - a) the Applicant will need to arrange, at their cost, to relocate Western Power utilities; and
 - b) the Applicant will need to provide a contribution of \$500 (including GST) for the replacement of vegetation.

19. The proposal has been assessed by the City from an environmental health perspective and it is noted that the underground power supply runs through this area, and possible other services, which would require relocating as per the requirements of the respective service authorities.
20. The City does not have any objection to the proposal from an asset maintenance and community development perspective.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *Kalamunda Advancing Strategic Community Plan to 2027*
Priority 3: Kalamunda Develops
Objective 3.1 - To plan for sustainable population growth.
Strategy 3.1.1 - Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.
Priority 3: Kalamunda Develops
Objective 3.2 - To connect community to quality amenities.
Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

30. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 31.
- | | | |
|--|--------------------|---------------|
| Risk: The Applicant is unable to afford the cost of relocating services. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Ensure the Applicant is informed they are responsible for the cost of any service relocations. Ensure the City's approval to the road reserve closure is conditional on the Applicant paying for all costs of any service relocations. | | |
- 32.
- | | | |
|--|--------------------|---------------|
| Risk: The Minister for Lands does not support the proposed permanent road reserve closure. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Ensure the Minister for Lands is advised that the road reserve closure area is surplus to the current and future requirements of the road network. | | |

OFFICER COMMENT

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

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 208/2018

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the William Street/Sheffield Road, Wattle Grove road reserve shown delineated and marked as "Proposed Lot Extension" on the plan attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
 - a) the Applicant must pay the purchase price for the portion of road reserve proposed to be closed and amalgamated into Lot 757 (2) William Street, Wattle Grove;
 - b) the Applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities in order for the proposal to proceed;
 - c) the Applicant must pay all Department of Planning, Lands & Heritage document preparation fees and Landgate fees in respect of the proposal;
 - d) the Applicant must pay all survey costs of the proposal;
 - e) the Applicant must pay any other costs of and incidental to the road closure and amalgamation; and
 - f) the Applicant must provide a contribution of \$500 (including GST) to the City of Kalamunda for the replacement of vegetation.
2. CONFIRMS the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
3. UNDERTAKES to comply with section 58(2) of the *Land Administration Act 1997* (WA).
4. NOTES the following:

ATCO Gas Infrastructure

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

- c) anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.

Water Corporation Infrastructure

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

Telstra Infrastructure

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

Western Power Infrastructure

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.3.2 Proposed Permanent Road Closure and Road Dedication - Lot 830 (221) Merrivale Road, Pickering Brook

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

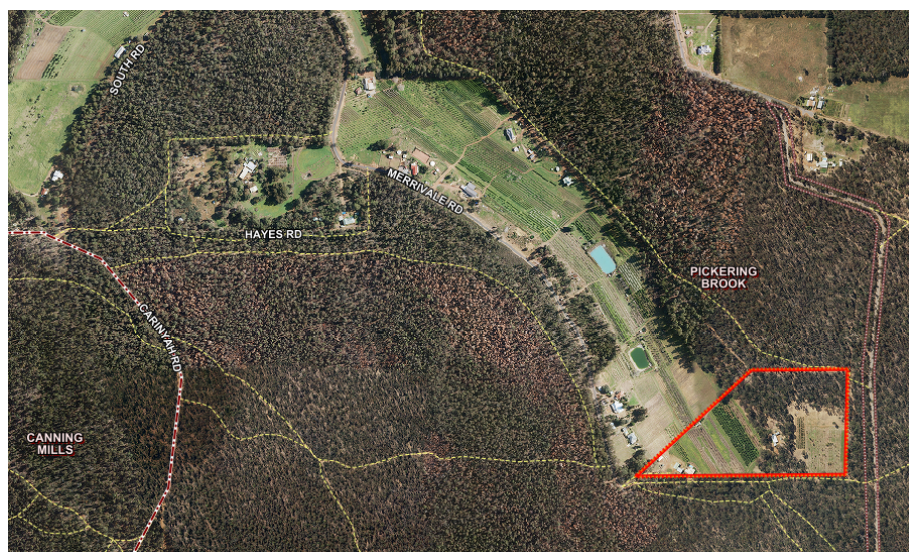
Previous Items	OCM 258/2017; OCM 31/2018; OCM 57/2018; OCM 110/2018
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	MR-15/221; MR-15/GEN
Applicant	Peter and Gillian Fantuz
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none">1. Letter from Applicants dated 11 April 2017 [10.3.2.1]2. Road Rationalisation Plan [10.3.2.2]3. Table C [10.3.2.3]4. Table D [10.3.2.4]5. Summary of Submissions Table [10.3.2.5]6. Minister for Environment's Approval [10.3.2.6]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the utility service provider responses and public submissions received in respect of this proposal.
2. The proposal seeks to provide formal access to Lot 830 (221) Merrivale Road, Pickering Brook (Lot 830) by excising and dedicating as road a portion of Reserve 47881 and permanently closing an unconstructed portion of the Merrivale Road road reserve.
3. It is recommended that Council support the proposal, subject to conditions.

BACKGROUND

4. Locality Plan:



5. At the Ordinary Council Meeting on 19 December 2017, Council resolved (OCM 258/2017):

That Council:

1. *Requests the Chief Executive Officer to bring a report to Council in March 2018 that considers providing formal access to Lot 830 Merrivale Road.*

6. At the Ordinary Council Meeting on 27 March 2018, Council resolved (OCM 31/2018):

That Council:

1. *Defer this item until the April Ordinary Council Meeting.*

7. At the Ordinary Council Meeting on 24 April 2018, Council resolved (OCM 57/2018):

That Council:

1. *Defer this item until the June Ordinary Council Meeting to enable further investigations to be undertaken by the City's administration.*

8. At the Ordinary Council Meeting on 26 June 2018, Council resolved (OCM 110/2018):

That Council:

1. *APPROVES the initiation of the advertising and consultation process for the proposed closure of the portion of Merrivale Road, Pickering Brook delineated and marked as "Proposed Road Reserve Closure" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, in accordance with s. 58 of the Land Administration Act 1997 (WA), subject to paragraph 3 of this resolution.*
2. *APPROVES the initiation of the advertising and consultation process for the proposed excision and dedication as road of the portion of Reserve 47881 delineated and marked as "Proposed New Road Reserve" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, in accordance with s. 56 of the Land Administration Act (WA), subject to paragraph 3 of this resolution.*
3. *MAKES the approvals in paragraphs 1 and 2 of this resolution subject to the Applicants:*
 - a) *paying all costs of and incidental to the proposal up to a maximum of \$6,000. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, flora and fauna surveys, approvals, and documentation preparation and lodgement;*

- ~~b) Agreeing to enter into a deed of agreement with the City that expressly provides that the Applicants consent to the City causing a notification pursuant to section 70A of the Transfer of Land Act 1893 (WA) to be lodged with the Registrar of Landgate against Lot 830 (No 221) Merrivale Road, Pickering Brook to the effect that whilst the City will, subject to paragraphs 1 and 2 above, cause the portion of Reserve 47881 delineated and marked as "Proposed New Road Reserve" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, to be dedicated as a road reserve, the City will not formally construct the road (Notification);~~
- ~~c) acknowledging that the actions set out in paragraphs 1 and 2 of this resolution will not commence prior to:~~
- ~~(i) execution of the deed of agreement referred to above in paragraph 3(b); and~~
 - ~~(ii) acceptance by the Registrar of Landgate of the City's Notification against Lot 830 (No. 221) Merrivale Road, Pickering Brook.~~
4. *NOTES that a further report will be presented to Council for consideration of the utility service provider responses and any submissions received.*

DETAILS

9. On 11 April 2017, Peter and Gillian Fantuz (Applicant) wrote to the City of Kalamunda (City) seeking formal access to their property at Lot 830, as their current method of access is by way of a gravel track running across Korung National Park (Attachment 1).
10. The City drafted a Road Rationalisation Plan (Plan 4253-01-01/0) which delineates and marks the proposed road closure and road dedication areas (Attachment 2).
11. The Plan has been provided to the Applicant for comment and the Applicant has confirmed that the Plan is acceptable.
12. The Department of Planning, Lands & Heritage (DPLH) has also confirmed that the Plan is sufficient to inform the drafting of a Deposited Plan.

STATUTORY AND LEGAL CONSIDERATIONS

13. Section 3.1(1) of the *Local Government Act 1995* (WA) states that the general function of a local government is to provide for the good government of persons in its district.
14. Section 3.18(3)(c) of the *Local Government Act 1995* (WA) requires a local government to satisfy itself that services and facilities it provides are managed efficiently and effectively.

15. The proposed permanent road closure and road dedication must proceed in accordance with section 56 and section 58 of the *Land Administration Act 1997*(WA).
16. Section 56 of the *Land Administration Act 1997* (WA) 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.*
17. Section 58 of the *Land Administration Act 1997* (WA) 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.*
18. DPLH's requirements for permanent road closure and road dedication requests are set out in Table C and Table D (Attachments 3 and 4).

POLICY CONSIDERATIONS

19. Council Policy – Asset Management C-AS-01 states that *"As part of a continuous improvement process, the City 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."*
20. A review of the portion of road reserve proposed to be closed indicates that it is surplus to the current and future requirements of the road network.
21. The portion of land proposed to be dedicated as road is required to provide access to Lot 830.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The City has assessed the proposal from an assets perspective and supports the proposed permanent road closure and road dedication, provided the City is not responsible for the costs of formation of a road, if required. The extent of any formation or construction work will need to be determined at a later stage.

External Referrals

Advertising

23. The proposal was advertised in the Hills Gazette on 27 July 2018, the Echo Newspaper on 28 July 2018, the Kalamunda Reporter on 31 July 2018 and on the City's website. Comments closed at 5:00pm on 3 September 2018.
24. No public submissions were received.
25. The proposal was also referred to the service authorities for comment.
26. The submissions received from the service authorities are summarised in the Summary of Submissions Table (Attachment 5).

Department of Biodiversity, Conservation and Attractions

27. The Department of Biodiversity, Conservation and Attractions (DBCA) referred the proposal to the Conservation and Parks Commission and the Minister for Environment.
28. DBCA advised that the closure of the unconstructed road reserve and its addition to the adjacent Reserve 47881 together with the excision of the new road reserve from Reserve 47881, including all surveys, approvals and documentation must be carried out at no cost to the Commission.
29. A further condition of the Commission's support is that the City is requested to carry out a flora and fauna survey prior to the construction of the new road.

30. The Minister for Environment has approved the excision of the road dedication area from Korung National Park, and the addition of the road reserve closure area to Korung National Park (Attachment 6).

Department of Planning, Lands & Heritage

31. The Lands Division of DPLH (Lands) provided an overview of the requirements to progress the proposed realignment of Merrivale Road. The overview is set out below.
32. City to provide a plan to inform Lands' survey instructions:
- a) provide plan to identify the final extent of Merrivale Road to be surveyed;
 - b) plan to be dimensioned and include firm estimates of areas of road to be closed and dedicated;
 - c) Lands' survey coordination team will prepare instructions to be used by the landowners and/or the City's nominated surveyor; and
 - d) City to liaise with landowners regarding survey costs.
33. Council resolution for section 56 road dedication and section 58 road closure, *Land Administration Act 1997* (WA):
- a) Council can resolve in the one resolution to undertake the section 56 and section 58 processes;
 - b) section 56 road dedication requirements as per Table D; and
 - c) section 58 road closure requirements as per Table C.
34. Deposited Plan:
- a) draft Deposited Plan depicting road closure and dedication actions as well as Reserve amendments (excision/addition); and
 - b) Deposited Plan to also include a section 24KA of the *Native Title Act 1993* (Cth) (NTA) notification, to suppress Native Title rights and interests for the road dedication (a public work under the NTA) (Lands to formally notify Native Title claimant group).
35. Before Lands proceeds with submission to Parliament for Major A Class Reserve Amendment:
- a) City to provide Council Resolution – section 56/section 58 *Land Administration Act 1997* (WA) road dedication/closure requirements;
 - b) draft Deposited Plan;
 - c) Minister for Environment's and Conservation and Parks Commission's (Branch of DBCA) consent to the proposal;
 - d) Department of Mines and Petroleum clearance (Lands to obtain); and
 - e) Lands to undertake internal referral to Planning division.

36. Major A Class Reserve Amendment to be undertaken by Lands:
- a) Lands to provide briefing note to Lands Director General to advertise proposal;
 - b) arrange for advertisement to be placed in newspaper;
 - c) letters to local Member/s of Parliament;
 - d) prepare submission to Minister including both Houses of Parliament;
 - e) enter submissions to Parliament Register;
 - f) check website for disallowances in both Houses of Parliament (14 actual sitting days – spread over an undetermined period);
 - g) if no disallowances, final submission to Parliament Register/preparation of necessary documents to close/dedicate road and amend reserve and lodge at Landgate; and
 - h) if disallowances passed by Parliament, seek to amend, renegotiate and resubmit proposal.
37. Once the above is complete, the proposal will be forwarded to Lands' Delivery Team to finalise the lodgement of documents.
38. Lands anticipates that this process will take between 12-18 months or longer. Due to the timeframe that this proposal will take to complete, the processes/procedures may be subject to change. For example, the South West Settlement Indigenous Land Use Agreement is currently being negotiated. Should this agreement be determined, then the Native Title interests over the subject land would be extinguished and the section 24KA NTA process will not be required and may reduce the overall timeframe.

FINANCIAL CONSIDERATIONS

39. Following consultation with the Applicant, it is proposed that the Applicant be responsible for the costs of the proposal up to an agreed maximum of \$6,000. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement.
40. It is reasonable that the Applicant be required to pay for costs up to a maximum of \$6,000, given that the proposal is solely for the purpose of providing formal access to their property, Lot 830. The City will contribute the balance of the costs.
41. The estimated costs of the proposal are as follows:
- a) land surveys: \$6,000-\$12,000;
 - b) advertising by the City: \$1,134.18 (advertising completed and paid for by the City);
 - c) advertising by Lands: Costs associated with the advertising by Lands are not yet known. As an estimate based on previous advertisements placed for similar proposals, this may be in the order of \$800+;

- d) service relocation and easements: Likely to be nil as Lot 830 is already serviced and no relocations are likely required. Subject to confirmation with the service authorities;

	Min	Max
Land Surveys	\$6,000	\$12,000
Advertising by City	\$900	\$1,000
Advertising by Lands	\$800	\$800+
Total estimated costs	\$7,700	\$13,800+

In the event that Council decided to construct the road in the future, the costs of construction are estimated to be as follows:

- e) flora and fauna survey: \$7,000-\$10,000; and
 f) road construction: \$250,000.

Total estimated costs for road construction = \$260,000.

42. Due to the timeframe that this proposal will take to complete, the relevant processes/procedures are subject to change, which may impact on the indicative costs provided.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

44. The proposal will not have social or lifestyle implications for other residents, as the road dedication only benefits the Applicant and the portion of road reserve proposed to be closed is unconstructed.

Economic Implications

45. The economic lives of other residents will not be impacted by this proposal.

Environmental Implications

- 46. DBCA requires the completion of a flora and fauna survey to determine the environmental impact of the proposal, if the road is constructed.
- 47. The proposal will enable the Applicant to access their property at Lot 830 without traversing on National Park.

RISK MANAGEMENT CONSIDERATIONS

- 48.

Risk: The Applicant does not have the resources to fund the permanent road closure and road dedication process (up to the agreed maximum contribution of \$6,000).		
Likelihood	Consequence	Rating
Possible	Insignificant	Low
Action/Strategy		
The City's support for the proposed permanent road closure and road dedication to be conditional on the Applicant paying all costs of and incidental to the proposal up to a maximum of \$6,000. The Applicant has supported this agreement.		

- 49.

Risk: A future landowner requests the City to construct the road at a cost of approximately \$260,000.		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
The City will reject the request referring to this Council resolution.		

OFFICER COMMENT

- 50. At the June 2018 Ordinary Council Meeting, Council resolved (OCM 110/2018) to proceed with advertising the proposal.
- 51. The proposal was advertised in three local newspapers and on the City's website. No public submissions were received.
- 52. The proposal was also referred to the service authorities for comment. None of the service authorities objected to the proposal.
- 53. As no submissions were received objecting to the proposal, it is recommended that Council support the proposal, subject to conditions.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 209/2018

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the Merrivale Road, Pickering Brook road reserve shown delineated and marked as "Proposed Road Reserve Closure" on the plan attached to this report as Attachment 2, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to paragraph 3 of this resolution.
2. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 47881 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 2, pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to paragraph 3 of this resolution.
3. MAKES the requests in paragraphs 1 and 2 of this resolution subject to the Applicant paying all costs of and incidental to the proposal up to a maximum of \$6,000. The City of Kalamunda will bear any costs above the \$6,000 maximum. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement.
4. CONFIRMS the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
5. UNDERTAKES to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997* (WA).
6. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve that portion of Reserve 47881 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 2, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).
7. RESOLVES not to undertake the formation or construction of a permanent road in the immediate future.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.4 Office of the CEO Reports

10.4.1 Council Meeting Structure and Setting of Meeting Dates for 2019

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

An Amendment to the Officer Recommendation was foreshadowed by Councillor Morton. Questions from Councillors were clarified.

Previous Items	OCM 101/2017 and OCM 163/2017
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	
Owner	

Attachments	1. Schedule of Council meeting dates 2018-19 [10.4.1.1]
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EXECUTIVE SUMMARY

1. To consider the appropriateness of the current meeting structure, possible changes and setting meeting dates until 31 December 2019.
2. In June 2017 (OCM 101/2017) Council abolished two of its Standing Committees (retaining the Audit & Risk Committee) and introduced a Public Agenda Briefing Forum (PABF) meeting to be held two weeks prior to the Ordinary Council Meeting (OCM). The new meeting structure commenced in November 2017.
3. It is recommended Council retain the current meeting structure and set the dates for meetings of the PABF and OCM as detailed in the Schedule (Attachment 1).

BACKGROUND

4. Prior to the introduction of the current meeting structure, Council maintained a standard meeting structure of two main Standing Committees meeting in weeks one and two of the month with the OCM in the fourth week. A number of minor changes had been made to the Standing Committee structure and meeting times.

DETAILS

5. The current meeting structure has now been in operation for 11 months and it is appropriate to consider if its continuation meets the operational and strategic direction of Council and the needs of the Community.
6. Initial indications are the current meeting structure and meeting schedule has been generally accepted with no major issues for either Council or the community.

7. Should Council wish to change to meeting structure the following options could be considered:
 - a) abolish the PABF and have an OCM only;
 - b) revert to the previous meeting structure with two Standing Committees and an OCM;
 - c) establish one Standing Committee with an OCM;
 - d) either option a) or b) with some delegations of powers and duties of the Council which would reduce the number of decisions required at an OCM.
8. It is also open to Council to amend the scheduled meeting night to one other than Tuesday. When Council last changed the meeting night from Monday, it was on the basis of synchronising with other local governments in the region.
9. A schedule of proposed meeting dates for the period December 2018 until 31 December 2019 has been prepared on the basis of no change. (Attachment 1). Meetings in December are brought forward one week.

STATUTORY AND LEGAL CONSIDERATIONS

10. Section 5.4 (b) of the *Local Government Act 1995* (the Act) provides for the Council to call Ordinary Council Meetings.
11. Sections 5.8, 5.9 and 5.10 of the Act provides for the establishment of committees, determination of the type and appointment of members of committees.
12. Section 5.17 of the Act provides that Council can delegate some of its powers and duties to certain types of committees.
13. Section 5.25 (1) (g) of the Act and Regulation 12 of the Local Government (Administration) Regulations 1996 requires at least once every year a local government is to give public notice of the dates, time and place for Ordinary Council Meetings and Committee meetings required to be open to the public.

POLICY CONSIDERATIONS

14. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. The Executive Management Team have considered the current meeting structure and support its retention.

External Referrals

16. As this report recommends no change to current meeting structure, no community consultation has been undertaken.

FINANCIAL CONSIDERATIONS

17. Acceptance of the recommendation will not result in any additional expenditure being incurred to that already included in the current or 2019/20 budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

19. Nil.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

RISK MANAGEMENT CONSIDERATIONS

- 22.
- | | | |
|---|--------------------|---------------|
| Risk: Retention of the current meeting structure and schedule does not align with the Council or community requirements and expectations | | |
| Likelihood | Consequence | Rating |
| Unlikely | Medium | Significant |
| Action/Strategy | | |
| Develop a meeting structure and schedule that is acceptable. | | |

OFFICER COMMENT

23. As no major issues have been identified with the current meeting structure and schedule it is recommended that it be retained.

24. A proposed schedule of meetings for the PABF and OCM has been prepared for adoption by Council to ensure compliance with the requirements of the Act and Regulations. Dates for December 2018 have been included as they were inadvertently omitted from the previous schedule adopted by Council in September 2017. As is customary, the meetings for December have been brought forward by one week.

Voting Requirements: Simple Majority

RESOLVED OCM 210/2018

That Council:

1. RETAINS the current meeting structure of a Public Agenda Briefing Forum meeting on the second Tuesday of each month (except January) and Ordinary Council Meeting on the fourth Tuesday of each month (except January).
2. ADOPTS the schedule of meeting dates for the Public Agenda Briefing Forum meetings and Ordinary Council meetings as detailed in Attachment 1, **subject to the October Ordinary Council Meeting being moved to Tuesday, 15 October 2019.**

Moved: **Cr Allan Morton**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5 Adoption of the Chief Executive Officer Reports

10.5.1 Rates Debtors Report for the Period Ended October 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A

Attachments 1. Rates Report October 2018 [**10.5.1.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) has collected \$20.39 million (53.28%) in rates as at 31 October 2018.
3. It is recommended that Council receive the Rates Debtors Report for the month of October 2018 (Attachment 1).

BACKGROUND

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

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

5. A total of 23,106 Rate Notices were sent on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$38,859,875. As at 31 October 2018, a total of \$20,394,925 has been collected since Rate Notices were released. This represents a collection rate of 53.28% which is slightly higher than the 52.92% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. In the current financial year 9,019 properties are on instalment options. Of these, 1,698 have taken up the option to pay by two instalments and 7,321 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 808 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase once the final demand letters are issued in November 2018 for ratepayers who are in default;
 - b) eRates – there are 2,401 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
 - c) BPay View – approximately 956 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout this financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. Interim Rating continued throughout October 2018 and are now up to date. As at 31 October \$579,915 has been raised in new charges and 74 new properties created in the system.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. Throughout the month of October 2018, the Rates Department handled 1,079 calls with a total call time of over 61 hours.

DETAILS

11. For the 2017/18 financial year, legal action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from properties served and further action will be taken on individual accounts where appropriate. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.
12. Final Notices were due on 26 October 2018 of the 1,753 properties to receive a Final notice 452 have paid in full, 106 have taken up a direct debit and 1,194 still have outstanding Rates. The next step would be to send Letters of Demand.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RESOLVED OCM 211/2018

That Council:

RECEIVES the Rates Debtors Report for the Period Ended 31 October 2018 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5.2 Debtors and Creditors Report for the Period Ended October 2018

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

Questions from Councillors were clarified.

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	1. Creditor Payments for the Period Ended 31October 2018 [10.5.2.1]
	2. Summary of Debtors for month of October 2018 [10.5.2.2]
	3. Summary of Creditors for month of October 2018 [10.5.2.3]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

Debtors

6. Sundry debtors as of 31 October 2018 were \$274,030 of which \$81,167 was made up of current debts and \$8,855 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$142,548; debts of significance are:
 - a) Co-Operative Bulk Handling, \$123,789, Rates in Lieu;
 - b) GIO Workers Compensation, \$3,539, workers compensation claim;
 - c) Hills District Callisthenics, \$3,410, Hall Hire;
 - d) Zig Zag Gymnastics, \$2,923, Lease;
 - e) Dept of LG Sport & Cultural Industries, \$2,651, Kidsport Funding;
 - f) Evolution Cheer & Dance, \$1,434, Hall Hire; and
 - g) Adele Standeven, \$1,000, Reserve Bond.
8. Invoices over 60 days total \$37,150; debts of significance are:
 - a) Kalamunda Club, \$17,220, Loan instalment; request received for deferral from the Club; a report will be brought to the December Ordinary Council Meeting to consider the Club's repayment plan;
 - b) Zig Zag Gymnastics, \$2,923, Lease; and
 - c) Drom's Delight, \$1,124, Health Service fee
9. Invoices over 90 days total \$22,021, debts of significance are:
 - a) Kalamunda Club, \$11,263, Loan instalment; request received for deferral from the Club; a report will be brought to the December Ordinary Council Meeting to consider the Club's repayment plan;
 - b) Evolution Cheer & Dance, \$3,943, Hall Hire - making regular payments and debt is reducing;
 - c) Zig Zag Gymnastics Pty Ltd, \$3,109, Hall Hire; Instalment arrangement in place.

Creditors

10. Payments totalling \$3,798,436.83. were made during the month of October 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	395,820.77
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	367,610.45
Environmental Industries Pty Ltd	Earth works and geo technical works at Alan Anderson Park, Walliston	324,938.17
Beaver Tree Services	Tree removal and pruning - various locations	284,042.56
Cleanaway	Waste/recycling and bulk bin disposal fees	243,895.59
BE Projects (WA) Pty Ltd	Construction of hockey club rooms facility – Hartfield Park – Forrestfield – Progress payment	169,993.88
Synergy	Power Charges – various locations	123,910.80
Marsh Pty Ltd	Insurance – GC worker’s compensation – 30/09/2018 – 31/12/2018	109,147.50
WA Local Government Superannuation Plan	Superannuation contributions	98,243.53
Kennedy’s Tree Services	Tree removal / pruning - various locations	83,877.05
Kalamunda Electrics	Electrical repairs and maintenance – various locations	69,119.03
West Tip Waste Control Pty Ltd	Drainage clean – removal & processing building rubble, gully educting, sweepings	51,953.91

These payments total \$2,322,553.24 and represent 61.15% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,801,700.20 was paid in net salaries for the month October 2018.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

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

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

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

BRB Levy		Amount (\$)
Date	Description	
3/10/2018	Building Services Levy – September 2018	9,632.39
CELL 9		Amount (\$)
Date	Description	
25/10/2018	Lycopodium Infrastructure Pty Ltd - Detail design & documentation for Hale Road widening & enhancement	900.00
25/10/2018	Syrinx Environmental Pty Ltd – Woodlupine living stream upgrade – stage 3, civil & landscape works	3,737.60
25/10/2018	Western power – Sheffield Road, Wattle Grove, variation fee – design revision	500.00
25/10/2018	McLeods Barristers & Solicitors – Legal expenses, lot 500 (No 9), Arthur Road, Wattle Grove (Ace Group Enterprises Pty Ltd)	565.70

STATUTORY AND LEGAL CONSIDERATIONS

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

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

POLICY CONSIDERATIONS

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

CONSULTATION / COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

26. Nil.

Economic Implications

27. Nil.

Environmental Implications

28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

29.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
	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 October 2018 are in the normal range in line with trend expenditure.

Voting Requirements: Simple Majority

RESOLVED OCM 212/2018

That Council:

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

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5.3 Monthly Financial Statements to October 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	1. Statement of Financial Activity 31 October 2018 [10.5.3.1]
	2. Statement of Net Current Funding Position 31 October 2018 [10.5.3.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 October 2018.
2. The Statutory Financial Statements report on the Financial activity of the City of Kalamunda (City) with comparison of the period's performance against the statutory budget adopted by the Council on 25 June 2018 for the 2018/19 financial year.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the period ended to 31 October 2018, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program); and
 - c) Net Current Funding Position note to the financial report.

BACKGROUND

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

DETAILS

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

FINANCIAL COMMENTARY

Statement of Financial Activity by Nature and Type for the period ended 31 October 2018

7. This Statement reveals a net result surplus of \$35,855,011 compared to budget for the same period of \$34,874,862.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$398,005. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$324,062, the variance is mainly attributable to, \$562,665 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust;
 - b) Fees and Charges are over budget by \$52,151. This is mainly due to the \$121,845 in waste fees, as part of the yearly fees raised in line with rates.
 - c) Interest Income is under budget by \$71,858. The bulk of the investments are placed on a 6 months' tenure which currently gives the highest return. This is a timing issue;
 - d) Other Revenue is under budget by \$16,048. This is mainly due to the lower than projected revenue from fines and enforcements; and
 - e) Profit/loss on asset disposals is subject to change since 2017/18 End of the Year asset register rollover is yet to be finalised in the Financial Information Management System.

Operating Expenditure

9. Total expenses are under budget by \$1,001,226. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$637,067, which is primarily due to vacant positions not filled and pending cost allocation of insurance expense paid for worker's compensation.
 - b) Materials and Contracts is under budget by \$74,931. This is mainly attributed to; fire mitigation programmes – fire breaks \$144,876. Variance is considered to be a timing issue.
 - c) Utilities are under budget by \$35,611 which mainly relates to phasing;
 - f) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$199,438. The infrastructure assets revaluation entries for 2017/18 yet to be finalised in the Financial Information Management System.
 - d) Insurance expense is over budget by \$27,123. The variance is within the reporting threshold; and
 - e) Other expenditure is under budget by \$79,835. The variance is due to a timing difference in planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$272,468. The variance was due to the receipt of 10% of the State Government grant for the Kalamunda Community Centre upon signing of the funding agreement.

Capital Expenditures

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$255,697. This is considered to be a timing issue.
12. Capital work-in-progress monies spend of \$851,385, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities shows a variance of \$98,684 which is mainly reserve movements.

Rates Revenues

14. Rates generation is under budget with a variance of \$460,400. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

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

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

Statement of Net Current Funding Position as at 31 October 2018

16. The commentary on the net current funding position is based on comparison of the October 2018 to the October 2017 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$50.6 million. The restricted cash position is \$18.0 million which is higher than the previous period's balance of \$13.4 million. This is mainly attributed to the timing of release of funds from the unexpended capital works and specific purpose grant reserve towards current years' capital works programme.
18. Unrestricted cash has decreased by \$4.7 million when compared with the balance at October 2017. The decrease was mainly due to the timing of reserve funds release from the unexpended capital works and specific purpose grant reserve.

19. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

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

The following table indicates the financial institutions where City has investments as of 31 October 2018.

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

20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$14.9 million. The rates receivable balance increased by \$0.1 million from last year which reflects increases in rates generation and more ratepayers choosing to pay by either instalment options or direct debit payment arrangements.

21. Sundry debtors have increased from \$228,132 to \$274,030, of which \$72,312 consists of current debt due within 30 days.

Debtors over 30 days increased from \$50,570 in October 2017 to \$201,718. The increase was mainly due to an invoice raised for a Co-operative Bulk Handling for ex-gratia rates 2018/19.

22. Receivables Other represents \$4.2 million including:
- Emergency Service Levy receivables \$2.3 million; and
 - Receivables sanitation \$1.1 million.

23. Provisions for annual and long service leave have decreased by \$80,171 to \$3.2 million when compared to the previous year.

STATUTORY AND LEGAL CONSIDERATIONS

24. 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

25. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

28. 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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

30. Nil.

Economic Implications

31. Nil.

Environmental Implications

32. Nil.

RISK MANAGEMENT CONSIDERATIONS

33.	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.			

34.	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 October 2018 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 213/2018

That Council:

RECEIVES the Monthly Statutory Financial Statements for the period ended 31 October 2018, which comprises:

1. Statement of Financial Activity (Nature and Type);
2. Statement of Financial Activity (Statutory Reporting Program); and
3. Net Current Funding Position note to the financial report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5.4 Application for Leave - Chief Executive Officer

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

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

EXECUTIVE SUMMARY

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period of Monday 24 December to Monday 14 January 2019 and an Acting Chief Executive Officer be appointed.

BACKGROUND

4. Nil.

DETAILS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Monday 24 December to Monday 14 January 2019.
6. The Chief Executive Officer has accrued significant leave entitlements to date and is required to reduce this liability in accordance with staff leave management policy.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

9. Nil required.

External Referrals

10. Nil required.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

12. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

SUSTAINABILITY

Social Implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

17. The Director Asset Services, Brett Jackson, will be appointed as Acting Chief Executive Officer to act on behalf of the Chief Executive Officer during the period Wednesday 2 January 2019 to Monday 14 January 2019.

Voting Requirements: Simple Majority

RESOLVED OCM 214/2018

That Council:

1. APPROVES the Chief Executive Officer to have annual leave for the period Monday 24 December 2018 to Monday 14 January 2019.
2. NOTES the Director Asset Services as Acting Chief Executive Officer during the period Monday 24 December 2018 to Monday 14 January 2019.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5.5 Budget Review for Three Months to September 2018

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

Previous Items

Directorate Corporate Services

Business Unit Finance Services

File Reference

Applicant N/A

Owner N/A

- Attachments
1. Amended Financial Activity Statement by Nature and Type **[10.5.5.1]**
 2. Amended Financial Activity Statement by Program **[10.5.5.2]**
 3. Composition of Net Current Assets **[10.5.5.3]**
 4. Cash Backed Reserves **[10.5.5.4]**
 5. Summary of Variances Budget Review September 2018 **[10.5.5.5]**

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the results of the first term budget review for the three months to 30 September 2018.
2. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 January and 31 March.
3. In pursuit of improved fiscal management and accountability, the City of Kalamunda undertakes an additional budget review for the first three months of the financial year 2018/19.
4. It is recommended that Council:
 - a) Notes the 2018/19 September Budget Review Explanation and Summary (Attachment 5).
 - b) Amends the 2018/2019 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.

BACKGROUND

5. The primary objective of regular budget reviews is to ensure that the City is closely monitoring its revenue and expenditure to mitigate the risk of the City posting a deficit at the end of this financial year. It also incorporates any changes to carry forward estimates against incomplete capital works projects as at 30 June 2018. It also provides the City with the opportunity to monitor and implement strategies to ensure that the City's Current Ratio and Untied Cash to Unpaid Trade Creditors Ratio will be further improved upon for the year ending 30 June 2019.

DETAILS

6. The City has analysed the three months actual results to 30 September 2018 for noteworthy changes required to the annual budget 2018/19 as adopted. Operating and Capital requirements were reviewed as part of this process. This additional budget review provides the basis for the detailed and legislative budget review process to occur in the middle part of the financial year. Overall results show an increase in Closing Surplus Position to \$3,218,651 with a summary of the movements as follows:

7. **Closing Surplus position (Attachment 1)**

Summary of Movements from the Amended Financial Activity Statement			
Description	Original Budget \$	Proposed Revised Budget \$	Variance \$
Opening Surplus Position	3,581,226	4,090,347	509,121
Operating Revenue Excluding Rates	21,366,042	21,631,850	265,808
Operating Expenditure	(61,653,872)	(61,936,393)	(282,522)
Non-Cash Movements	9,945,723	9,945,723	0
Investing Activities	(24,408,970)	(24,418,536)	(9,566)
Financing Activities	17,477,812	17,348,743	(129,069)
Rates Revenue	36,556,916	36,556,916	0
Closing Surplus Position	2,864,875	3,218,651	353,776

8. A brief synopsis of the budget variances above are as follows:
- a) Opening Surplus Position:
 The opening surplus position has been adjusted to reflect the audited position for the financial year 2017/18 which has been finalised. The increase in closing funds over the estimate of \$3.6 million includes:
- i. Receipts in advance for Financial Assistance Grants of \$1.2 million;
 - ii. Net inflows from Cell 9 of \$504K;
 - iii. Outflow for movement in deferred rates and employee provisions of \$1.3 million;
 - iv. Lower non-operating grants and contribution income than estimated for infrastructure (roads) and community assets of \$591K;
 - v. Delay in obtaining new loans of \$450K; and
 - vi. Capital Developer contributions (FFIS1) receipts of \$1.3 million;

- b) Operating Revenue:
Operating Revenue excluding rates has increased by \$266K mainly due to higher allocation for Financial Assistance Grants 2018/19;
 - c) Operating Expenditure:
Operating Expenditures are higher than budget by \$283K. Areas of significant changes are as follows:
 - i. Increase in budget for workers compensation by \$121K to align to insurance renewal received for 2018/19;
 - ii. Delay in operational requirements for consultancy on the Activity Centre Plan resulted in unspent consultancy from the previous financial year to be incurred in this financial year of \$122K; and
 - iii. Increase in budget for reserve maintenance for spring garden and park renovations of \$70K;
 - d) Investing activities:
Investing activities increased slightly due to:
 - i. Purchase of equipment for Hartfield Park Recreation Centre – Mezzanine \$9K; and
 - ii. Reallocation of budgets between infrastructure and community assets while maintaining the total budget at same level as originally budgeted; and
 - e) Financing activities:
Financing activities reflect the change in reserves mainly due to the change in opening balance of the Forrestfield Industrial Area Scheme Stage 1 reserve and the impact thereof on the 2017/18 movement of that reserve.
9. The projected year end revised closing surplus position as at 30 September 2018 is \$3,218,651. The new position will ensure that the City continues to maintain a strong year end cash position.
10. The City will still need to keep tight control over income and expenditure to ensure a surplus is in place at 30 June 2019 to strengthen the City's financial capacity and reserves.
11. In light of this Budget Review all future monthly financial reports presented to Council for approval will include the adjustments to the current budget.

STATUTORY AND LEGAL CONSIDERATIONS

12. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Senior staff and Managers commenced work on the Budget Review in early September and with the final input of directors completed the Review for Council consideration in mid-October. During this period the integrity of budget projections were validated.

External Referrals

15. Nil.

FINANCIAL CONSIDERATIONS

16. The Amended Financial Activity Statement shows the City is projected to be in a surplus position at the end of the financial year.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

18. Nil.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

21.	<p>Risk: Expenditure exceeds budgeted allocation resulting in negative impact on closing funds position.</p>						
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> • Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters. • Introduction of budget KPIs for all managers, which are strictly monitored • Introduction of scalable reports which are scrutinised by Executive on a monthly basis. • Increased reporting detail from July 2018 in line with changes in materiality threshold. • Budget reviews and forecasting of expenditures against potential revenues are monitored closely. 						

22.	<p>Risk: Funds spent without a budget allocation.</p>						
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Significant</td> <td>Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Unlikely	Significant	Medium
Likelihood	Consequence	Rating					
Unlikely	Significant	Medium					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> • Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available. • Increased segregation of duties between purchasing business unit with responsibility for issue of purchasing orders now with Finance basically centralizing compliance aspect of purchasing. 						

OFFICER COMMENT

- 23. The amended Financial Activity Statement following the September budget review (2018/19 Proposed Budget Review Attachment 1) reveals a balanced budget estimate for 30 June 2019.
- 24. It needs to be noted that the Reserves overall are still maintained at a high level with an amount of \$7,528,491 as shown in (Attachment 4).
- 25. The key to addressing the City’s ongoing liquidity will be to diversify its revenue streams and continuing to monitor closely revenues and expenditure against allocated budgets. The City will also continue to monitor service delivery to align resources with strategic priorities.
- 26. It is critical that Council is committed to this strategy in order to meet service level and management requirements in a financially sustainable manner.

27. The City is focussed on ensuring that it returns a positive surplus and is constantly looking at improving its financial sustainability in line with the new ratios introduced.

Voting Requirements: Absolute Majority

RESOLVED OCM 215/2018

That Council:

1. NOTES the 2018/19 September Budget Review Explanation and Summary (Attachment 5).
2. AMENDS the 2018/2019 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.5.6 Proposed Light Industrial Units - Lot 501 (2) Harrison Road, Forrestfield

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Approval Services
File Reference	HR-07/002
Applicant	Julie Drago
Owner	Hero Pty Ltd & Santavea Nominees Pty Ltd

Attachments	1.	Landscaping Plan [10.5.6.1]
	2.	Site Development Plan [10.5.6.2]
	3.	Elevations [10.5.6.3]
	4.	Transport Impact Statement [10.5.6.4]
	5.	Transport Impact Statement Appendix 1 [10.5.6.5]
	6.	Transport Impact Statement Appendix 2 [10.5.6.6]
	7.	Turning Templates [10.5.6.7]

EXECUTIVE SUMMARY

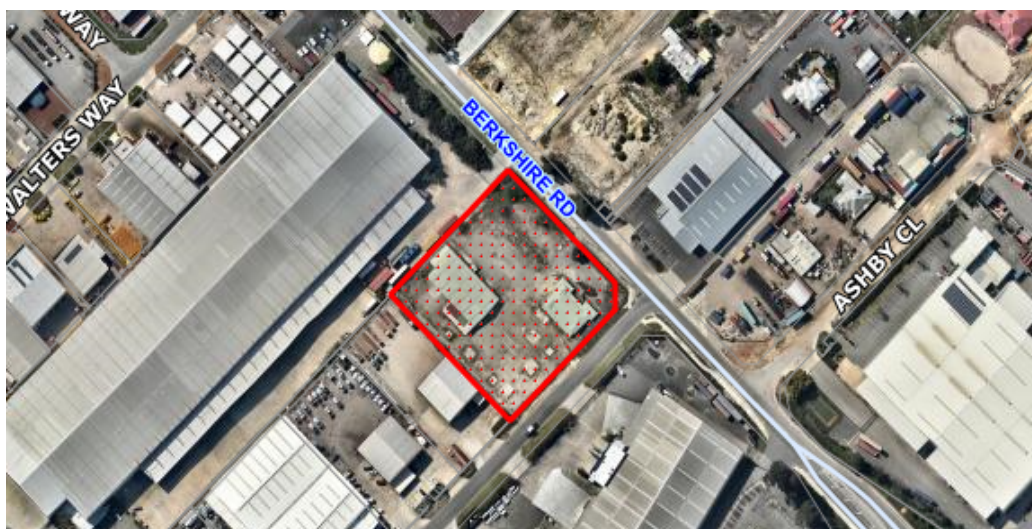
1. The purpose of this report is for the Council to consider a Development Application proposing a Light Industrial Development (7 light industrial units, incidental office and lunch bar) at Lot 501 (2) Harrison Road, Forrestfield (the subject site).
2. The proposal seeks approval for a dispensation of twenty eight (28) car parking bays for the Light Industrial land use on the subject site.
3. It is recommended that the Council approve the application for the proposed development, subject to appropriate conditions.

BACKGROUND

4. Land Details:

Land Area:	8925.000 m ² 0.89250 ha
Local Planning Scheme Zone:	Light Industry
Metropolitan Regional Scheme Zone:	Industrial

5. **Locality Plan:**



- 6. The subject site currently contains a single caretaker’s dwelling and storage shed. All structures are proposed to be removed prior to development.
- 7. The subject site is located in the in the older section of the Forrestfield Industrial area which is characterised by a mixture of light and general industrial uses, most notably freight and logistics type activities. Immediately to the north of the subject site is the Forrestfield Stage 1 industrial area.

DETAILS

- 8. The applicant seeks approval for seven light industrial units, an incidental office, lunch bar, associated parking, access and landscaping on the subject site. The units vary in size between 103sqm and 1,819sqm. A total of eight units have been proposed with Unit 3 proposed to operate as a lunch bar. The largest unit, Unit 1 has an associated incidental office space. The applicant has advised the units will be leased or sold to third party logistics, freight forwarders and general warehouse operators, along with service industry style operators, (Attachments 1-3).
- 9. The proposed light industrial component of the development requires a total of 83 parking bays. The proposed lunch bar requires a total of 6 parking bays. This equates to a total parking requirement of 89 parking bays. A total of 61 parking bays is proposed resulting in a shortfall of 28 parking bays.
- 10. The applicant has advised the proposed development will be strata subdivided with each unit allocated a predetermined amount of car bays. The applicant has proposed to allocate the car bays based on floor size, as follows:

Unit	Bays
Unit 1 – 1,819sqm	22 bays
Unit 2 - 380sqm	5 bays
Unit 3 (lunch bar) - 103sqm	6 bays
Unit 4 - 362sqm	4 bays
Unit 5 - 362sqm	4 bays

Unit 6 - 362sqm	4 bays
Unit 7 - 362sqm	4 bays
Unit 8 - 487sqm	5 bays
Visitor including 2 accessible parking bays	7 bays

11. The allocation of parking bays to specific units will ensure prospective tenants/ owners are aware of the capacity of each of the units for staffing and clientele. This will act as a deterrent for businesses that generate high numbers of staff and clientele.
12. In support of the proposal the applicant has commissioned a Traffic Impact Statement (TIS), (Attachment 4-6). The TIS has confirmed that the proponent has adequately considered the transport aspects of the development and that it will not have any adverse impacts on the surrounding area.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

13. Clause 4.2.4 (Objectives of the Zones – Industrial Zones: Light Industry) of *Local Planning Scheme No. 3* (the scheme) stipulates that the objectives for areas zoned Light Industry are as follows:
 - *To provide for predominantly light industry located in proximity to residential areas.*
 - *To ensure that industries are environmentally compatible with surrounding zones and activities.*
 - *To ensure that the movement of goods and services in and out of the zone cause minimal impact on residential land in the vicinity.*
14. Under the scheme, the proposed land use of light industry is defined as follows:

"industry – light" means an industry –

(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;

(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;"

Under the scheme, the proposed land use of lunch bar is defined as follows:

"lunch bar" means a building or part of a building used for sale of takeaway goods within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a fast food outlet;"

Under the scheme, the proposed land use of office is defined as follows:

"office" means premises used for administration, clerical, technical, professional or other like business activities;"

15. In accordance with Table 1 (Zoning Table) of the Scheme, the proposed land use of Light Industry is a 'P' (permitted) use within the Light Industrial zone.
16. With respect to the provision of parking, Table 3 of the Scheme outlines car parking standards determined by the proposed use. In summary, the applicant is seeking a total shortfall of 28 parking bays.

Use	Car Parking Standards	Deemed to Comply Provision	Provided	Shortfall
Light Industrial Units	2 bays per 100m ² of industrial area, or 1 bay per employee plus 2 visitor bays, whichever is greater.	(4,134m ²) proposed = 83 bays Proposed Staff- 38 staff members= 40 parking bays *provision for industrial area is greater.	61 parking bays (including two ACROD bays and 5 visitor bays).	28 parking bays
Unit 3- lunch bar	6 bays per 100m ² of NLA.	(103m ²) proposed =6 bays		

17. Under Table 3 D3.5 of the Building Code of Australia (BCA), a Class 8 building (light industrial unit) requires the provision of one ACROD space for every 100 carparking spaces. A class 6 building (lunch bar) would require the provision of one bay per 50 car parking spaces. Based on the number of car parking bays proposed (61), the applicant has met the requirements of the BCA with the provision of two ACROD bays on site.
18. Under Table C2.6 of the Austroads Guide to Traffic Management Part 11: Parking, a light industrial land use requires the provision of 1 bicycle bay per 1000sqm of ground floor area. A lunch bar land use requires the provision of 1 bicycle bay per 100sqm of public area. This equates to a total requirement of 7 bicycle bays. The proposal includes the provision of 8 bicycle racks which exceed the requirements of the Austroad document.
19. Clause 5.7.2 (car parking requirements) of the scheme stipulates:

"The local government may apply at its discretion, a greater or lesser requirement for car parking than that stipulated as the minimum requirement in Table 3, if in its opinion the proposed use is likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended use or uses."

20. Clause 5.7.3 (Reciprocal Parking) of the Scheme stipulates:

"Local government may vary the parking requirements as specified in Table 3 for any zone when it is considered reasonable to do so by the recognition of reciprocal arrangements for parking or access or circulation. In making its decision on application for such recognition, the local government shall take into consideration the following matters:

- i. The nature of the proposed development in relation to the existing or future development of any land within the immediate vicinity of the subject land;*
- ii. The hours of normal operation of the intended use and abutting land uses;*
- iii. Any such matters as the local government considers relevant, including any legal agreements between affected landowners."*

21. Clause 5.7.4 (Cash in Lieu of Parking) of the scheme stipulates the applicant may, if the local government so agrees, propose to provide cash in lieu of car parking.

22. For the Council to accept cash in lieu funds for the purpose of providing public car parking, it pre-supposes that the Council has adopted a plan which establishes how and where the funds are to be expected to be used. At present no plan has been adopted for the Forrestfield industrial area.

Planning and Development (Local Planning Schemes) Regulations 2015

23. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) (Matters to be Considered by Local Government) requires Council to have due regard to:

- i. The compatibility of the development within its setting;
- ii. The preservation of amenity in the locality; and
- iii. Any local planning policy adopted by the local government.

24. If the Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under Part 14 of the *Planning and Development Act (2005)*.

POLICY CONSIDERATIONS

City of Kalamunda Local Planning Policy DEV 41 – Framework for Assessing Requests for Variation to the Number of Car Parking Bays

25. City of Kalamunda *Local Planning policy P-DEV41 – Framework for Assessing Requests for Variation to the Number of Car Parking Bays* stipulates that a reduction in parking will only be considered by the Council and not under delegation.

ENGAGEMENT REQUIREMENTS

Internal Referrals

26. The application was referred to the applicable departments of the City and no concerns or issues were raised.

External Referrals

27. Having regard to the Cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's PDEV- 45- *Public Advertising of Planning Proposals* it was considered that the nature of the shortfall located in an industrial area did not warrant the dispensation for parking being advertised in this instance.

FINANCIAL CONSIDERATIONS

28. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

30. The proposed lunch bar land use would add amenity to the area with the provision of an eatery for employees of the surrounding Forrestfield Industrial Area.

Economic Implications

31. The light industrial land use, together with the lunch bar will provide an economic stimulus to the Forrestfield Industrial Area through new patrons visiting the area and through increased opportunities for local employment.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

33.	Risk: Refusal of the application may cause economic loss to the Forrestfield Industrial Precinct.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Ensure the planning rationale and merit of the proposal is properly explained and justified.		

34.	Risk: Allowing dispensation for parking may result in off-site parking within the road reserve.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	The proposed strata subdivision of the site will potentially mitigate the shortfall through the allocation of a specified number of bays to each unit. This will allow the proprietor to subsequently lease or sell each unit with prospective tenants or owners aware of the capacity for each unit for staffing and customers. This requirement can be included as a condition of the subdivision approval.		

OFFICER COMMENT

- 35. The Applicant is seeking approval for a proposed Light Industrial development (seven light industrial units, incidental office and lunch bar), associated parking, access and landscaping on the subject site. The units vary in size between 103sqm and 1,819sqm. A total of eight units have been proposed with Unit 3 proposed to operate as a lunch bar. The largest unit, Unit 8 is proposed to have an associated incidental office space.

- 36. In support of the proposal the applicant has commissioned a Traffic Impact Statement (TIS). The TIS has confirmed that the proponent has adequately considered the transport aspects of the development and that it will not have any adverse impacts on the surrounding area.

- 37. The proposal is compliant with regard to setback, site cover and plot ratio requirements. A landscaping strip of 3m is proposed. Whilst this is a variation to the landscaping requirements of the scheme, with a 20m landscaping strip applicable to all properties fronting Berkshire Road, a number of industrial developments have been approved with the standard 3m landscaping requirement. The proposal is in keeping with the objective of the Light Industrial Zone of the scheme, located within the Forrestfield Industrial Area. Approval is sought for a dispensation of 28 parking bays.

38. The request for parking dispensation needs to be considered in the context of the proposed configuration of the site. As previously mentioned, the applicant has advised the subject site will be subsequently strata subdivided with each unit being allocated a predetermined number of car parking bays. This will in turn allow the proprietor to appropriately lease or sell each unit with prospective tenants or owners aware of the capacity for each unit for staffing and customers. This will act as a deterrent for businesses that generate high numbers of staff and clientele. Notwithstanding, in the event that the Council supports the proposal, a condition requiring all parking associated with the operation of the industrial units to be contained on site can be included.
39. With regard to the parking associated with the Unit 1, the largest unit, the applicant has advised they have secured a lease with a business operating with approximately 15 to 20 staff. Whilst there is a large floor area (1,819sqm), the applicant has advised the majority of activities proposed to be carried out on site are automated reducing the requirement for labour. Accordingly, the large floor space does not equate to demand for car parking bays. The Scheme stipulates a requirement based on floor area of 37 car parking bays for Unit 1. The applicant has proposed 22 bays for Unit 1 based on staffing requirements, 1 bay per employee plus 2 visitor bays. Unit 3 is proposed to be utilised as a lunch bar. The scheme requirement for 6 bays has been met, with 6 bays proposed accordingly.
40. The remaining light industrial units are proposed to be utilised by small, independent owner operators with approximately 2-3 staff each. The applicant has proposed a total of 26 bays to be allocated to Units 2, 4-8 with an additional seven bays for visitor and accessible parking. The Scheme requirement based on the number of staff would equate to 30 car parking bays for these remaining units.
41. Whilst the car parking requirement for the proposed development is based on the floor area (89 parking bays), it would be reasonable to consider the alternate parking rate provided for in the Scheme based on staff numbers which would equate to a requirement of 40 parking bays. On balance this is considered the more appropriate guide for the following reasons:
- a) The applicant has advised that businesses that purchase or lease the units will be aware of the number of car parking bays available to them. This will act as a deterrent for businesses that generate high numbers of staff and clientele.
 - b) It is anticipated that due to the location of the subject site, in close proximity to road and rail connections (future Forrestfield Airport Link), the units will be sold or leased to third party logistic, freight forwarders and general warehouse operators which typically do not operate with high staff numbers.
 - c) As a light industrial land use, the nature of the development is such that it is likely that the predominant demand for parking will be from the employees and not clients or customers.
 - d) The subject site is within reasonable walking distance of the new Forrestfield north rail station.

42. Noting the above, it is recommended that the Council approve the application for a proposed Light Industrial development comprising seven industrial units, incidental office and lunch bar, subject to appropriate conditions.

Voting Requirements: Simple Majority

RESOLVED OCM 216/2018

That Council:

1. APPROVES the Light Industrial Development at Lot 501 (2) Harrison Road, Forrestfield as requested by Hero Pty Ltd and Santavea Nominees Pty Ltd on the 7th of September 2018 subject to the following conditions:
 - a) the development shall be carried out only in accordance with the stamped approved plan(s)/ drawings(s) and document(s) (including any recommendations made) listed below, stamped and returned to the Applicant with this decision notice, including any amendments to those plans as shown in red:

Plan/ Document No.	Rev.	Title	Date	Prepared by
A.01(o)		Site Development Plan	13/08/2018	Optim Pty Ltd
A.02(m)		Elevations	13/08/2018	Optim Pty Ltd
A.03(a)		Signage Elevations	13/08/2018	Optim Pty Ltd
A.04(a)		Landscaping Plan	31/07/2018	Optim Pty Ltd
	Rev A	Transport Impact Statement	7/11/2018	Kctt
		Appendix 1 – Layout of Proposed Development	7/11/2018	Kctt
		Appendix 2 – Transport Planning and Traffic Plans	7/11/2018	Kctt
T18.216.sk01 - T18.216.sk23		Turning templates		Transcore

- b) crossovers shall be designed and constructed to the specification of the City of Kalamunda;
- c) prior to applying for a Building Permit, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted and approved to the satisfaction of the City of Kalamunda. The following details are to be included:
 - i. trees to be provided in car parking areas with at least one tree provided for every 6 bays;
 - ii. existing street trees and vegetation to be retained;
 - iii. landscape treatments such as lawn, mulch areas, paving and bin collection areas;
 - iv. the location, species, quantity and pot size of proposed trees and shrubs;
 - v. areas to be irrigated;
 - vi. the vacant area of the site must be grassed and reticulated; and

- vii. a plan for the ongoing management and maintenance of the landscaped areas;
- d) the Landscape Plan must be implemented prior to occupation of the development and maintained for the life of the development to the satisfaction of the City of Kalamunda;
- e) prior to commencement of works, a detailed Stormwater Plan must be submitted to and approved by the City of Kalamunda. The approved Stormwater Plan shall be implemented and maintained thereafter;
- f) prior to the commencement of works, a Construction Management Plan must be submitted to and approved by the City of Kalamunda. The Construction Management Plan shall include but not be limited to the following information:
 - i. Dust management; and
 - ii. Traffic management;

These approved plans must be implemented and maintained throughout the construction of the development;

- g) prior to applying for a Building Permit, a schedule of the colour and texture of the building materials shall be provided to the satisfaction of the City of Kalamunda;
- h) prior to occupation of the development, redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the City of Kalamunda;
- i) the carparking area and landscaping located in the front and side setback areas is not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by products or wastes of manufacture, in accordance with Local Planning Scheme No.3, for the duration of the development;
- j) all septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The Applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the City of Kalamunda;
- k) the development shall be connected to reticulated sewer;
- l) prior to the lodgement of a Building Permit application, a geotechnical report is to be submitted with detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage;
- m) vehicle parking, manoeuvring and circulation areas to be suitably designed and constructed complying AS2890.1:2004, AS2890.1:2002, AustRoad Guideline and MRWA's Route Assessment Guidelines and to the specification and satisfaction of the City;

n) all parking associated with this development shall be contained on site.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

10.6 Adoption of Audit & Risk Committee Reports

10.6.1 Adoption of Audit & Risk Committee Reports

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 217/2018

That recommendations of reports A&R 9.1.1 to 9.2.1 and A&R 14.1.1 to 14.1.2 inclusive, be adopted by Council en bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (9/0)**

<p>A&R 9.1.1 Internal Audit Report October 2018</p>
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<p><u>EN BLOC RESOLUTION OCM 218/2018</u></p>

<p>That Council:</p>

- | |
|--|
| <ol style="list-style-type: none">1. RECEIVES the Internal Audit Report.2. NOTES that internal audit reports identifying recommendations and management responses will be brought back to the Audit & Risk Committee. |
|--|

<p>Moved: Cr Dylan O'Connor</p>
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<p>Seconded: Cr John Giardina</p>
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<p>Vote: CARRIED UNANIMOUSLY (10/0)</p>
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A&R 9.1.2 City of Kalamunda Risk Profile

OFFICER RECOMMENDATION

That Council:

1. ENDORSE the Risk Profile (Attachment 1).
2. NOTES the Strategic Risk Register (Attachment 3).
3. NOTES that the Risk Profile will be brought to subsequent Audit & Risk Committee Meetings.

Moved: **Lapsed**

Seconded:

Vote:

EN BLOC RESOLUTION OCM 219/2018

1. ENDORSE the Risk Profile (Attachment 1).
2. NOTES the Strategic Risk Register (Attachment 3), **subject to the addition of the following mitigating actions:**

Risk 2. Degradation of City's biodiversity profile through the development.

- **Add action 6. – Write to the Minister advocating for the protection of the Railway Heritage Reserve.**

Risk 5. Ineffective Information Security Protocols

- **Add action 7 – Develop strict security protocols for the use of external devices to protect sensitive data.**

3. NOTES that the Risk Profile will be brought to subsequent Audit & Risk Committee Meetings.
4. **REQUEST the Mayor write to the Minister for Lands, Planning and Heritage requesting the Schmidt Road land be rezoned for Parks and Recreation to ensure the heritage railway reserve track continues to serve as an important and valued community asset.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

A&R 9.1.3 Audit & Risk Committee - Appointment of External Member

EN BLOC RESOLUTION OCM 220/2018

That Council:

1. NOTES that there were no nominations received for the appointment of an external member to the City's Audit & Risk Committee.
2. SUSPENDS any action to appoint a community representative to the Audit and Risk Committee.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

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

A&R 9.2.1 Adoption of Annual Financial Report 2017/2018

EN BLOC RESOLUTION OCM 221/2018

That Council:

ACCEPTS the 2017/2018 Annual Financial Report (Attachment 1) according to Section 6.4 of the *Local Government Act 1995*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**

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

A&R 14.1.1 Status Report – Nadine/Ashby Close Tender and Procurement Process

EN BLOC RESOLUTION OCM 222/2018

That Council:

1. NOTES the update with regards to the status of recommendations – Nadine/Ashby Close Tender Process.
2. NOTES the Council policy of high level expectations for contract and procurement management.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

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

A&R 14.1.2 Procurement Audit Status Report

EN BLOC RESOLUTION OCM 223/2018

That Council:

1. NOTES the status of implementation of the Progress Report on Deloitte Procurement recommendations (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

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

11. Motions of Which Previous Notice has been Given

11.1 Services and Service Levels – Verges and Other Local Government Property

RESOLVED OCM 224/2018

Voting Requirements: Simple Majority

That Council:

1. REQUEST the Chief Executive Officer to undertake a comprehensive review of the services and service levels being provided by the City's Parks and Environment Services in relation to management of verges, public open space, parks and reserves, and City-managed firebreaks.
2. REQUEST the Chief Executive Officer present the review results at Council's internal Strategic Workshops in February 2019 **March 2019 Ordinary Council Meeting.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale

1. For many years, the Council has come under fire for the substandard condition of the verges. In the past, steps were taken to address the level of maintenance, but it is evident that the current management program does not meet community or Council expectations.
2. Understanding that we have had significant late rains this year that have caused a spike in the growth of common weeds, the response time to addressing the unsightly verges throughout High Wycombe, Forrestfield, Wattle Grove and the hills has raised community concern.
3. A review should consider the ability of the Parks and Environment staff to deliver a higher level of service in verge management.
4. Community concern has been raised around the maintenance of public open spaces, parks and reserves and City managed firebreaks.
5. Resourcing should also be addressed as part of the review. The intent of this motion is not to push or stretch current resources while seeking to achieve much higher, possibly unattainable levels of service without changes or additions to resourcing.
6. What I am seeking is a comprehensive program detailing how the City will routinely maintain all verges while being able to deal with issues on an 'as needed' basis. This issue is not a new one, yet continues to fail to meet the expectations of the community and Council.

Officer Comments

The Administration is supportive of such a measure and will be able to deliver a service review to Council at its Strategic Workshop in February 2019.

11.2 Dundas Road Sinkholes

RESOLVED OCM 225/2018

Voting Requirements: Simple Majority

That Council:

Requests the Mayor to meet with and write to the Minister for Transport to:

1. Express the Council's disappointment in the delay to reinstating the City's asset, Dundas Road, as a result of the sinkhole.
2. Make the Minister aware of the negative financial impact the sinkhole issue has had on local small businesses.
3. Request that the Minister intervenes to expedite the reinstatement of Dundas Road prior to the Christmas holidays.
4. Request that the Minister directs that temporary works are undertaken to allow one lane of Dundas Road to be used for traffic, under traffic control to allow alternate directions of traffic flow during the construction activity close down over the Christmas Holiday period.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale:

1. The sinkhole on Dundas Road has had a significant and detrimental impact on the small businesses who rely on the through traffic that Dundas Road usually provides.
2. These small businesses employ young, local people and at the moment, the impact of this sinkhole is affecting businesses and putting the jobs at risk.
3. The sinkhole has taken a City asset in Dundas Road offline. The sinkhole issue needs to be resolved as a matter of urgency with the City and the road users in mind and not as a matter of financial convenience to the contractor.
4. It is feasible that temporary works can be undertaken to allow restricted use of Dundas during the period when construction activity is on the Christmas Holiday shutdown thus providing some relief.

Officer Comments

The City has a meeting scheduled with the Minister for Transport, Rita Saffioti on the 30 November 2018 and this matter can be raised.

12. Questions by Members Without Notice

12.1 Questions from the Ordinary Council Meeting held 23 October 2018

12.1.1 Cr Fernie – Draft Industrial Strategy

Summary of question:

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

Summary of response from the Director Development Services:

The draft Industrial Development Strategy is scheduled to be presented to Council at a Special Council Meeting on 3 December 2018.

12.1.4 Cr Thomas – Kalamunda History Village Train

Summary of question:

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

Summary of response from the Director Corporate Services:

The Tender for the remediation and restoration of the locomotive at the Kalamunda History Village has been awarded. The company and members of the City's project delivery team are in discussions with regards to the timing of the works, it is currently likely that the works will commence in January.

Follow up question from Councillor Blair (OCM 27 November 2018):

Q1. *The last time we heard from the Director with regard to the train, there was going to be a site meeting with a sub contractor and I would like to know what the outcome of that meeting was and when something is going to happen?*

Q2. *Can we have an indication on how long the works would take?*

Response from the Director Corporate Services:

A1. *This was discussed in the Minutes of 23 October 2018 Ordinary Council Meeting in the response to Councillor Thomas. The contract has been awarded and works are scheduled to commence in January 2019. Our team had a meeting with the History Village late last week to confirm those dates and I will need to come back to you. At this stage, the tender has been awarded, the approvals are substantively in place and they're seeking to commence the works in January 2019.*

A2. *I'll come back to that by way of supplementation. I believe four to six weeks.*

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

Summary of question:

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

Summary of response from the Director Development Services:

Rangers have completed a variety of formal programs focussing on skills to deal with the public. These include:

- *Customer Service and Beyond - AIMWA*
- *Verbal Judo - Verbal Judo Australia*
- *Dealing with the Difficult - David Deane Spread*
- *Negotiation Skills (Building Relationships) – AIM WA*
- *Dealing with Aggressive /Difficult Behaviour (scheduled March 19) - Wizard Training Solutions*

The training approach for Rangers within the City is mix of formal training programs, continuous review and on the job coaching & development.

The approach to learning and development for City employees is closely aligned to the 70-20-10 Model for Learning and Development. It holds that individuals obtain 70 percent of their knowledge from job-related experiences, 20 percent from interactions with others, and 10 percent from formal educational events.

Follow up question from Councillor O'Connor (OCM 27 November 2018):

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

Response from the Director Development Services:

This question has been taken notice.

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

13.1 Questions taken on Notice at Ordinary Council Meeting 23 October 2018

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

Summary of question:

Could the Arborist's report be presented to Council?

Summary of Response from the Director Development Services:

The arborist report is publicly available from the 17 April 2018 Special Council Meeting agenda available at the following URL:

<http://www.kalamunda.wa.gov.au/Agenda-Minutes/2018/SCM-17-April-2018>

13.1.2 Cr Boyd – Item 10.3.1 Proposed Permanent Closure of Portion of William Street/Sheffield Road, Wattle Grove

Summary of question:

Could Council be provided clarification on the costs for the replacement of trees?

Summary of response from the Director Asset Services:

The value of \$500 for the vegetation that becomes part of the private lot has been assessed and deemed accurate.

13.1.3 Cr O'Connor – Item 10.5.1 Debtors and Creditors Report for the Period Ended September 2018

Summary of question:

Could Council be provided clarification on Creditor payments as per the following EFT payments?

Q1. *EFT 65185 - Landgate – Valuations - \$1,372.05.*

Q2. *EFT 65380 - Noise & Vibration Measurements Systems Pty Ltd (NVMS) - \$1644.50.*

Q3. *EFT 65395 - Perry Environmental Contracting - \$3,300.00.*

Q4. *EFT 65471 - Curnow Group Hire Pty Ltd - \$43,098.06.*

Summary of response from the Director Corporate Services:

Please find below the information provided on Creditor Payments as requested:

- A1. *Gross Rental Valuation Fees for various locations – Landgate Valuations Provided 2018/2019 (Interim Rating). These valuations are used in the calculation of Interim Rates and are given to the City on a fortnightly basis.*
- A2. *Software for sound level meter for Health Services. Post Processing Module 5 year subscription for one Instrument.*
- A3. *Weed Control – Spot spray weeds in open areas and planting zones at Jorgensen Park.*
- A4. *Nardine Close Widening – Separable portion A&B Claim 11 – The amount of \$43,098.06 incl GST relates to the assessed and certified Nardine/Ashby Contract August 2018 Progress Claim made up as follows:*
 - *Portion A Works (Claim # 11) – Cost of works relating to installation of Footpaths along Nardine Close totalling \$33,745.02 incl GST*
 - *Portion B Works (Claim #10) - Cost of works associated with Roadworks totalling \$7,725.25 incl GST and the Ashby Close Watermain totalling \$1,627.70 incl GST.*

13.2 Questions taken on Notice and Tabled at the Ordinary Council Meeting 27 November 2018

13.2.1 Cr O'Connor – Item 10.5.2 Debtors and Creditors Report for the Period Ended October 2018

Summary of question:

Could Council be provided clarification on Creditor payments as per the following EFT payments?

- Q1. *EFT 65773 – BE Projects Hockey Club - \$169,993.88
Can I please have a progress report on this building? Are we on track?*
- Q2. *EFT 65818 – Amlec House Pty Ltd - \$13,068.00
Can I please have more info?*
- Q3. *EFT 65925 – Kalamunda Chamber - \$1,000
Can I please have more info? How long have we been sponsoring this? Is this in addition to our usual sponsorship? What value is our usual sponsorship?*

- Q4. *EFT 65927 Zig Zag Festival - \$35,145.00
Can I please have more info?*
- Q5. *EFT 66003 – Freedom Fairies - \$10,000
Can I please have more info?*
- Q6. *EFT 66080 – Environmental Industries Pty Ltd- \$82,699.07
More info please? Also, I asked about the VMB that is situated
outside the reserve. How long has it been there explaining to
residents that the reserve is being worked on?*
- Q7. *EFT 66142 – Curnowe Group - \$33,0254.12
How is this related to the previous payment of \$43k in September for
the same description?*
- Q8. *EFT 65158 JBS & G Australia Pty Ltd - Brand Road Audit - \$4,108.50
Can I please have more info and in particular, results of the audit?*

Summary of response from the Director Corporate Services:

- A1. *Works in relation to the construction of the Clubrooms are on-track,
with Practical Completion scheduled to occur in lead up to Christmas
2018. The Contractor is currently focused on completion of internal
building works.*

*Additional works being undertaken in parallel with the construction of
the Clubrooms include:*

- *Storage Shed – quotations received, Planning/Building
approvals in the final stages of approval, with construction
scheduled to commence in Jan-2019.*
- *Field Lighting – quotations pending, with works scheduled to be
undertaken in Feb/Mar-2019.*
- *Carpark Upgrade – design in hand with the intent to undertake
these works following completion of building/storage shed
construction works and subsequent site clean-up.*

- A2. *This the first payment made for the work undertaken in the
development of the CCTV strategy. The Strategy will be presented to
the Community Safety Advisory Committee on 10 December 2018 for
their consideration.*

- A3. *The funds will assist with the delivery of the Kalamunda Christmas
Lights Competition organised by Chamber Member, The Clip Joint.
The Donation is conditional upon a number of conditions being
fulfilled, including the City of Kalamunda Supported by Logo being
used on all publications, social media and print advertising.*

*Additionally, the City of Kalamunda has an MOU with the Kalamunda
Chamber of Commerce. The City of Kalamunda has been sponsoring
the Kalamunda Christmas Lights since 2015, this is in addition to the
usual sponsorship of \$12,151.00.*

- A4. *This is the City of Kalamunda's sponsorship of the Zig Zag Festival, as per the approved Budget 2018/2019. The Act Belong Commit Zig Zag Festival was hosted by the City of Kalamunda. The traditional Stirk Park based Festival was held from 11am to 5pm feature all the popular attractions including 2 stages of entertainment, craft and food stalls, free children's and youth activities and of course the wonderful tree filled atmosphere of the park.*

Haynes Street was activated from 3pm to 8pm with entertainment, Craft and food stalls. There were three stages along Haynes Street, one at Barber Street, another near central Mall and at the top of the hill the main stage will host the finale of the Parade and the final headline acts. The 5:00pm Festival Parade finished at the Main Town Stage on Railway Road, and later in the evening 'Odette Mercy and her Soul Atomics' took to the stage for the finale performance.

Zig Zag Community Arts undertook all necessary requirements in acknowledging their funding.

- A5. *This is a Community Events Sponsorship of the Freedom Fairies Annual Fairy Picnic, which went to Council in October 2018. The Freedom Fairies undertook all necessary requirements in acknowledging their funding, which was assessed at the level of 'Silver' in accordance with the Event Sponsorship and Donations Policy.*
- A6. *This payment is the last progress claim for the earthworks at Alan Anderson. In respect to the VMB it is a City owned board that has been onsite prior to the commencement of works April 2018.*
- A7. *Contract payment for work certified on a claim by claim basis and summarised as follows:*

Payment certified in Sep-2018 for work claimed to 29-Aug-2018 accounted for the following:

- *Portion A/Progress Payment No 11 certified at a value of \$33,745.02 inc GST*
- *Portion B/Progress Payment No 10 certified at a value of \$9,363.05 inc GST*
- *TOTAL payment certified equal to \$43,108.07 inc GST.*

The Payment certified in Oct-2018 for work claimed to 01-Oct-2018 accounted for the following:

- *Portion A/Progress Payment No 12 certified at a value of \$3,787.77 inc GST*
- *Portion B/Progress Payment No 11 certified at a value of \$29,236.35 inc GST*
- *TOTAL payment certified equal to \$33,024.12 inc GST.*

- A8. *This is a payment to the Contaminated Sites Auditor who is reviewing the Detailed site assessment for Brand Road. Having an auditor means the process of getting matters approved by the Department of Water and Environment can be streamlined. Part I of the Detailed Site Assessment is complete. Part II is now commencing. Results of the Audit to follow.*

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

14.1 Appointment of Deputy Committee Members to Chief Executive Officer Performance Review Committee

RESOLVED OCM 226/2018

Voting Requirements: Absolute Majority

That Council:

1. Appoint Cr Blair and Cr Boyd as Deputy committee members of the Chief Executive Officer Performance Review Committee pursuant to section 5.11A of the *Local Government Act 1995 (WA)*, effective immediately.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Rationale

The Committee has made numerous attempts to hold meetings, but due to the fact that there have been Councillors missing, meetings have not been able to go ahead.

The introduction of deputies will allow this to happen and to move this process along.

Officer Comments

Section 5.11A of the *Local Government Act 1995 (WA)* provides Council with the legislative power to appoint a person to be a deputy of a member of a committee and the power to terminate such an appointment at any time.

A deputy member of a committee may perform the functions of the committee member when the member is unable to do so by reason of illness, absence, or other cause.

A deputy of a member of a committee, while acting as a member, has all the functions of and protection given to a member.

15. Meeting Closed to the Public

15.1 The meeting closed to the public at 9:01pm.

16. Tabled Documents

16.1 Strategic Sport and Recreation of 25 October 2018.

16.2 KEAC Minutes of 8 November 2018.

16.3 Petition from Bev and Charles Dornan requesting for a Special Meeting of Electors (received 5 November 2018).

16.4 Minutes of the Public Agenda Briefing Forum 13 November 2018.

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 9:03pm.

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.