

Public Briefing Forum

Draft Agenda

Tuesday 4 December 2018



**city of
kalamunda**



Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

- Creativity:** We create and Innovate to Improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.

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INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held in the Function Room of the City of Kalamunda commencing at 6.30pm.**

Agenda Briefing Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

PROCEDURES FOR AGENDA BRIEFING FORUMS

The following procedures will apply to all Agenda Briefing Forums that are conducted by the City:

- a) Agenda Briefing Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b) Dates and times for Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c) The Chief Executive Officer will ensure timely written notice and an agenda for each Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d) Ordinarily, the Mayor is to be the Presiding Member at Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Agenda Briefing Forum from amongst themselves to preside at that Agenda Briefing Forum.
- e) Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Agenda Briefing Forum.
- f) All Elected Members will be given a fair and equal opportunity to participate in the Agenda Briefing Forum.
- g) The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- h) Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Agenda Briefing Forum. When disclosing an interest the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i) Minutes shall be kept of all Agenda Briefing Forums. As no decisions are made at an Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council to review and confirm as being a true and accurate summary of the preceding forum.
- j) At any Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Agenda Briefing Forums.

- a) Questions asked at an Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
- j) take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- k) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at an Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- l) Questions and any responses will be summarised and included in the minutes of the meeting.
- m) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- n) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a) Members of the public are invited to make statements at Briefing Sessions.
- b) Statements made at a Briefing Session must relate to a matter contained on the agenda.
- c) A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d) Public Statement Time will be limited to two (2) minutes per member of the public.
- e) Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f) Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g) Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- h) Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding member who will make a ruling.
- i) A member of the public attending a Briefing Session may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarised and included in the notes of the Briefing Session.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at an Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.

- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Agenda Briefing Forums.

- a) Questions of clarification asked at an Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c) The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d) Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e) The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f) Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.

In case of an emergency follow the instructions given by City Personnel.

We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.

Please remain at the assembly point until advised it is safe to leave.

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1 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*.)

3.2 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.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public question time will be allocated a maximum of 10 minutes and will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.

Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.

For the purposes of Minuting, these questions and answers will be summarised.

6. Public Statement Time

A period of maximum 10 minutes is provided to allow public statements from the gallery on matters relating to a matter contained on the agenda or the functions of Council. Public Statement Time will be limited to two (2) minutes per member of the public.

Public Statement Time is declared closed following the 10 minute allocated time period, or earlier if there are no further statements.

For the purposes of Minuting, these statements will be summarised.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced but Not Discussed

- 9.1 10.1.4 Parking of One Commercial Vehicle - Lot 206 (30) Ind Street, Lesmurdie – Confidential Attachment 1. Submitters List
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*
- 9.2 10.2.1 Consideration of Tenders for Canning Road, Upgrade Civil Construction (RFT 1811) – Confidential Attachment 1. Tender Evaluation Report
Reason for Confidentiality: *Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*
- 9.3 10.4.1 Draft Maida Vale Reserve Master Plan - Results of Public Comment Period – Confidential Attachment 1. Results of Public Comment Period
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) – "the personal affairs of any person".*

10. Reports to Council

10.1 Development Services Reports

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

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

Previous Items	OCM 142/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A

Attachments	1. Draft P-DEV 64: Requirements for Local Planning Scheme Amendments [10.1.1.1]
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EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

6. The primary objectives of the Policy are to:
 - a) provide guidance with respect to the process and level of detail required for a Local Planning Scheme amendment based on whether the amendment is Basic, Standard or Complex as defined by the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations);
 - b) provide a consistent approach on the level of details required when an amendment is submitted;
 - c) ensure applicants provide as much detail as possible up-front, so that the City and Council can understand the likely extent of any proposed development and amenity impacts, and therefore determine whether a Local Planning Scheme amendment is considered appropriate; and
 - d) establish a practical administrative process to assist in the assessment of Local Planning Scheme amendments.
7. The Policy outlines the level of detail required to be submitted up-front, where the amendment seeks to change a land use or apply an additional land use to land.
8. Currently, the City and Council may be faced with a decision whether to support an amendment to Local Planning Scheme No. 3 (Scheme) without knowing what the anticipated built form or amenity outcome for the site may be, or the impact the amendment may have in terms of the surrounding community.
9. To improve the decision-making process, it is proposed, through the Policy, that the City has the discretion to require an applicant to provide a Land Use Scoping report outlining the following key elements:
 - a) Scale and Intensity of Use;
 - b) Streetscape;
 - c) Tree Preservation and Land Clearing;
 - d) Open Space;
 - e) Site Limitations and / or Constraints; and
 - f) Prevailing amenity, relating to noise attenuation, dust and odour, environmental impact, traffic management, safety and security.
10. The applicant will also be required to provide a Concept Master Plan upon lodgement when applying for additional uses or special use zones (or where the City deems appropriate) which requires the following to be provided at the City's discretion:
 - a) an indicative location of proposed buildings;
 - b) incidental and additional uses;
 - c) concept drawings, including any development staging;

- d) traffic assessment;
- e) effluent disposal management statement;
- f) stormwater disposal management plan;
- g) car parking plan / strategy; and
- h) noise impact assessment.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

23. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

ADOPTS Local Planning Policy P-DEV 64 - Requirements for Local Planning Scheme, as outlined in Attachment 1, pursuant to Schedule 2, Clause 4(3)(b)(i) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

17. If the Policy changes are adopted, the City will have greater certainty when it comes to facilitating refunds on development applications that do not require development approval.
18. Additionally, the community will have access to more clarity and transparency regarding the process that the City will take in determining if a refund can be applied, leading to improved outcomes.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

22.

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

5. **Land Details:**

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

6. **Locality Plan:**



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

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

DETAILS

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

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

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

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

Local Planning Scheme No. 3

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

POLICY CONSIDERATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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

Directions 2031 and Beyond

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

North-East Sub-Regional Planning Framework

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

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

- a) publishing a notice in the local newspaper;
- b) providing a copy of the proposal to each public authority likely to be affected;
- c) erecting a sign on site for the duration of the advertising period;
- d) publishing a notice of the proposed amendment on the City's website;
- e) ensuring that a copy of the amendment is available for public inspection and the City's administration building; and
- f) advertising the proposal in any additional ways that the WAPC deems suitable.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPTS proposed Amendment No. 99 to Local Planning Scheme No. 3 - Lot 50 (98) Lawnbrook Road West, Walliston for the purposes of public advertising subject to the following modification:

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

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

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

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

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	IN-01/030
Applicant	Gregory Funnell
Owner	Gregory & Mary Funnell
Attachments	<ol style="list-style-type: none"> 1. Site Plan [10.1.4.1] 2. Photo of the Commercial Vehicle [10.1.4.2] 3. Street View [10.1.4.3] 4. Submission Table [10.1.4.4]
Confidential Attachment	<ol style="list-style-type: none"> 1. Submitters List <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i></p>

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a retrospective planning application for the parking of one commercial vehicle at Lot 206 (30) Ind Street, Lesmurdie (subject site).
2. A total of six submissions were received on the proposal, comprising of two objections and four non-objections. The concerns raised in the objection were in relation to amenity impacts, noise pollution and an increase in the volume of traffic.
3. It is recommended that Council refuse the application due to non-compliance with the City of Kalamunda’s (City) Local Planning Policy P-DEV 22 Parking of Commercial Vehicles on Private Property (Policy) and the visual amenity impacts of the proposal on the streetscape.

BACKGROUND

4. **Land Details:**

Land Area:	1537sqm
Local Planning Scheme Zone:	Residential R5
Metropolitan Regional Scheme Zone:	Urban

5. The subject property is located at the end of a cul-de-sac and contains an existing single dwelling and outbuilding. The land uses surrounding the area are predominantly residential.

- 6. The City received a complaint alleging the vehicle was being parked on the subject property without any relevant approvals. As a consequence of the complaint, the City advised the landowner to submit a planning application in order to continue parking the commercial vehicle on the subject property.
- 7. The Applicant has been parking the commercial vehicle on the site for many years without the approval of the City.

8. **Locality Plan:**



DETAILS

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

10. Details of the proposed commercial vehicle are outlined below:

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

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

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY CONSIDERATIONS

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

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

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

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Given the nature of the proposal, there was no requirements to refer the applications internally for comment.

External Referrals

20. In accordance with Local Planning Policy P -DEV-45 Public Notification of Planning proposals, the application was advertised to surrounding landowners for a period of 14 days. During the advertising period there were a total of six submission received, comprising two objections and four non-objections.
21. A summary of the objections raised are as follows:
- a) Noise Pollution:**
The respondents are concerned about noise due to the variation being sought to the start-up times and the area being predominantly residential.
 - b) Traffic Increase:**
The respondents are concerned as there are allegedly four trucks operating out of Ind Street.

c) Amenity Impacts:

The area is predominantly a residential area and not industrial.

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

FINANCIAL CONSIDERATIONS

22. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

28. The Applicant is seeking approval to park a commercial vehicle which is not compliant with all of the provisions of the Policy, in particular, the location of the vehicle being forward of the existing dwelling alignment. It is noted that the Applicant has been parking the vehicle forward of the dwelling for many years, with no complaints having been received until this year.
29. With respect to the objection raised to the proposal, the Scheme allows for the parking of commercial vehicles in R5 zoned areas subject to the approval of the City and where appropriate Council. The Policy establishes criteria for which applications for the parking of commercial vehicles will be assessed and ultimately determined against.
30. With respect to operating hours, the Policy limits vehicle movement and start up times to between 7.00am and 7.00pm Monday to Saturday, and 9.00am and 6.00pm Sundays unless otherwise approved. In the event the application is approved by Council, it is recommended that the vehicle movements and start up times outlined in the Policy are adhered to.
31. From a planning perspective, the purpose of the Policy is to provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area. Whilst it could be argued that the location of the subject site on a cul-de-sac and the location of the commercial vehicle parallel with the adjoining dwelling have the potential to lessen the amenity impacts, it is considered that on balance, the location of the commercial vehicle forward of the existing residence in an open streetscape is likely to have an amenity impact contrary to the purpose of the Policy.
32. Notwithstanding the above, Council in considering the application and having regard to Clause 67 of the regulations may consider the planning arguments sufficient to support the proposal. In doing so, Council should be mindful that approval of the commercial vehicle in a location forward of the building alignment may establish a precedent for future similar applications. Notwithstanding, each application will be assessed on its individual circumstances and merits.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

DETAILS

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

9. The research undertaken in preparation of the Plan indicated that the health of the City's residents is better than state averages across most metrics. Unfortunately, whilst the City is doing better than most local government areas, the state averages are poor.
10. The health statistics of the City were used to create actions that target the City's specific needs.
11. The Plan aligns with Federal and State priorities and will meet the City's statutory obligations under the *Public Health Act 2016*.
12. The Plan not only acknowledges activities already undertaken by the City to promote health and wellbeing, it also identifies future projects and actions that can be conducted to further enhance the health and wellbeing of the community.
13. Actions within the Plan have broadly been split into four different sections:
 - a) Health Lifestyles;
 - b) Healthy Communities;
 - c) Healthy and Safe Environment; and
 - d) Healthy Partnerships and economy.
14. The City is implementing a Health Plan before it becomes a statutory obligation under the *Public Health Act 2016*.

STATUTORY AND LEGAL CONSIDERATIONS

15. Part V of the *Public Health Act 2016* will come into effect in 2020-2021
16. Part V Section 45 of the *Public Health Act 2016* states the following on Local public health plans:
 - (1) *A local government must prepare a public health plan (a local public health plan) that applies to its local government district.*
 - (2) *A local public health plan must be consistent with the State public health plan.*
 - (3) *A local public health plan may be prepared in conjunction with a plan for the future of the local government district prepared under the Local Government Act 1995 section 5.56.*
 - (4) *A local public health plan must —*
 - (a) *identify the public health needs of the local government district; and*
 - (b) *include an examination of data relating to health status and health determinants in the local government district; and*
 - (c) *establish objectives and policy priorities for —*
 - (i) *the promotion, improvement and protection of public health in the local government district; and*
 - (ii) *the development and delivery of public health services in the local government district; and*

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

POLICY CONSIDERATIONS

17. There are no relevant policies.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 - Facilitate a safe community environment.

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

- 27.
- | | | |
|--|--------------------|---------------|
| Risk: Future compliance risk to the City if it does not have a public health plan. | | |
| Likelihood | Consequence | Rating |
| Rare | Moderate | Low |
| Action/Strategy | | |
| Ensure that a health plan that meets the legislative requirements is prepared and adopted. | | |
- 28.
- | | | |
|--|--------------------|---------------|
| Risk: Reputational risk to the City if the actions of the Plan are not implemented. | | |
| Likelihood | Consequence | Rating |
| Rare | Moderate | Low |
| Action/Strategy | | |
| Regularly review and report on task and milestones, with a summary of outcomes being represented in the annual report. | | |

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

ENDORSES the Community Health and Wellbeing Plan 2018-2022

10.2 Asset Services Reports

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

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

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

Attachment 1. Project Design Overlay

Confidential Attachment 1. Tender Evaluation Report

EXECUTIVE SUMMARY

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

BACKGROUND

4. The intent of the Canning Road upgrade is to widen the sealed surface by 1m either side of the existing lanes, with this involving drainage improvements, installation of crash barrier protection, sections of kerbing and inclusion of solid edge lines between Pomeroy Road and Welshpool Road East.
5. The project was approved by Council as part of the 2017/2018 CAPEX Program as an identified Blackspot project, having been successful in securing State BlackSpot funding for two-thirds of the project estimated cost, with the remaining one-third to be funded by the City.

6. The City does not Tender for the construction works until such time that external risks to the program are mitigated. In this case, the necessary Clearing Permit from the Department of Water and Environmental Regulation took seven months from application and was only granted in May 2018. Consequently, the City sought approval from the Metropolitan Regional Road Group (MRRG) who administer the approval of State BlackSpot projects and associated recoup of funding to carrying forward funding into the 2018/2019 financial year.

DETAILS

7. The City issued RFT 1811 seeking to engage a suitable, experienced and qualified Contractor to undertake the upgrade of Canning Road from Pomeroy Road to Welshpool Road East.
- Tenders were called on 6 June 2018 and closed on 26 June 2018.
8. The Tender assessment was completed in July 2018 by a Panel consisting of:
- a) Project Manager Asset Delivery (Panel Chair);
 - b) Coordinator Project Design; and
 - c) Coordinator Project Delivery.
- The Probity Overview was conducted by the Procurement Finance Officer.
9. Eight tenders were received from and in alphabetical order:
- a) BMD Urban Constructions;
 - b) Civcon Civil Project Management;
 - c) DB Cunningham Pty Ltd t/a Advanteering Civil;
 - d) Densford Civil Pty Ltd;
 - e) DJ MacCormick Contractors Pty Ltd;
 - f) Dowsing Group Pty Ltd;
 - g) Industrial Roadpavers WA Pty Ltd; and
 - h) WCP Civil Pty Ltd.
10. As part of the Tender assessment process, all received tenders were to be considered against predefined Compliance Criteria, with only those tenders that met the Compliance Criteria to be considered further.
- The submission from Advanteering Civil was non compliant.
11. Tenders were then assessed against the Qualitative Criteria to provide the Tender Assessment Panel with information to determine a suitable tender.

12. The Qualitative Criteria set for this Tender was:

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

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

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

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

15. The top four ranked Tenderers achieved the minimum 60% QPM.
16. Once deemed suitably qualified by means of the QPM results, the Tender Price for each submission came under consideration to determine the best value for money offer.

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. Nil.

External Referrals

23. Nil.

FINANCIAL CONSIDERATIONS

24. Funding for the Canning Road Upgrade Civil Construction project was originally allocated against Job No 3406 in the 2017/2018 Capital Works Program at an approved budget of \$394,408 (excluding overheads and GST). The budget included State BlackSpot funding totalling \$262,939 with the balance sourced through Municipal funding.
25. Upon resolution of the construction tender costs, a revised project budget of \$581,838 (including design costs expended, project management and construction contingency) has been determined.

26. The shortfall between original budget and revised budget is \$187,430. The MRRG has approved top up funding of \$124,953 from State BlackSpot funding, leaving a final shortfall of \$62,477, normally to be funded by the City from Municipal Funds.
27. Coincidentally, the City received a boost to the 2018/2019 Direct Grant scheme from the State of \$158,517.
28. It is proposed that the City's shortfall of \$62,477 required for the Canning Road Upgrade Civil Construction project is funded from the Direct Grant scheme.
29. Dowsing Group Pty Ltd, through its lump sum price of \$519,899.94 (excluding GST) as offered is the lowest price overall in comparison with the other Tenderers that met the required QPM. A review of their Price Schedule indicates they have made allowance for all items within the scope of works and appears to offer the best value for money.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

31. Nil.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

34.	Risk: The Contractor does not undertake the works to the requirements of Cost, Time or Scope.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	a) Warranties, Australian Standard contracts and Professional Project Management in place. b) Clearly defined scope of works and specifications developed. c) Construction to be supervised by the City.		

OFFICER COMMENT

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

Voting Requirements: Simple Majority**RECOMMENDATION**

That Council:

1. APPROVES the revised project budget for the Canning Road Upgrade and Civil Construction from \$394,408 to \$581,838.
2. NOTES receipt of \$124,953 in additional State BlackSpot funding for the Canning Road Upgrade and Civil Construction (Job No 3406).
3. APPROVES the allocation of \$62,477 to the Canning Road Upgrade and Civil Construction (Job No 3406), sourced from the additional 2018/2019 Direct Grant funding received from the State Government.

4. APPROVES the award of the Canning Road Upgrade and Civil Construction (RFT 1811) contract to Dowsing Group Pty Ltd ACN: 617 211 935 for its lump sum price of \$519,899.94 (excluding GST).

10.2.2 Milner Road Traffic Management Options

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

Previous Items	Nil
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	ML-10/GEN, ST-10/GEN, MD03/GEN, 4.00009238
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none">1. Milner Example of Information Sent by Residents to the City [10.2.2.1]2. Milner and Stewart Proposed Treatment Option 2 [10.2.2.2]3. Milner and Stewart Proposed Treatment Option 1 [10.2.2.3]4. Raven [10.2.2.4]

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

DETAILS

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

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

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

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

24. The Milner and Stewart Intersection option has been estimated at \$81,500. This option would reduce traffic speeds on Milner Road adjacent to Stewart Road, however it is expected that this option would have no impact on the number of heavy vehicles on Milner Road.
25. A feasibility concept has been prepared for the closure of Milner Road at Stewart Road, refer Attachment 3. This option is in response to a direct request from the residents. The design is for a cul-de-sac that is expected to be able to fit within the road reserve and thus not require land acquisition. This option is expected to be highly controversial as it closes a significant road connection to the north for the businesses and residences south from Stewart Road. The option also significantly changes the structure plan; however the treatment could be applied as a short term arrangement (up to 5 years) until the structure plan developments trigger the need for the upgrade and reopening of Milner Road.
26. The closure of Milner Road for a period longer than four weeks must be conducted under the *Local Government Act 1995*, Subdivision 5, Section 3.50. The Act requires a period of public notice of at least four weeks, consideration of any submissions, and notification to the Minister of the resulting order. The Minister has the authority to revoke the order.
27. The Milner Road cul-de-sac option has been given a preliminary estimate at \$30,000. This estimate will need to be refined once more detailed design is completed. Although this option will have a dramatic reduction in heavy vehicle access to the north end of Milner Road, it is expected to generate significant controversy from other residences and businesses that must instead travel to the south via Berkshire Road.
28. The Raven Street option to extend to Maida Vale Road is presented in Attachment 4. The opening of Raven Street provides a more direct route for traffic heading north-south between Dundas Road and Milner Road. Turning templates and vehicle dimensions have been applied to the street, indicating the need for widening of the road and also improvements to the intersection with Milner Road. This option also supports the future structure planning, noting that if the road was constructed later under the structure plan, then the funding would come from the developer contribution scheme.
29. The Raven Street Extension option has been given a preliminary estimate at \$190,000. This estimate will need to be refined once more detailed design is completed and there will be some land acquisition costs also (as yet unknown). This option provides a long-term solution that aligns with the structure planning and provides a short term solution of diverting the north-south through traffic from the intersection at Milner and Maida Vale Roads.
30. Milner Road can be closed to certain classes of vehicle under the *Local Government Act 1995*, Subdivision 5, Section 3.50 ('Legislative solution'). The classes of vehicle that could be restricted are the articulated vehicles (classes 6 to 9 as per Austroads' *Vehicle Classification System*). For the closure, the Act requires a period of public notice of at least four weeks, consideration of any submissions and notification to the Minister of the resulting order. The

Minister has the authority to revoke the order. The only site work needed for this option is to install signage to support the restriction, however enforcement via the WA Police will be needed to make this effective. This option is expected to be controversial as it will directly impact businesses, requiring them to travel to the south via Berkshire Road and Dundas Road and thus have a longer journey.

31. Following endorsement of the report's recommendation, the City will undertake consultation with residents and businesses, undertake detailed design and cost estimates and subject to funding and subsequent Council Approval, proceed with the work.
32. Due to the extent of complaints, concerns and correspondence that have been raised regarding the intersection of Milner and Maida Vale Roads, as a matter of urgency the City will be seeking funding for the accepted option as part of the mid-year budget review (which will also seek the implicit approval for the works).

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

38. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.3 Corporate Services Reports

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

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	4.00009260
Applicant	Main Roads Western Australia ABN: 50 860 676 021
Owner	City of Kalamunda
Attachments	1. Letter from MRWA dated 30 October 2018 and attachments [10.3.1.1] 2. Revised Letter of Consent for Access [10.3.1.2]

EXECUTIVE SUMMARY

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

BACKGROUND

Lot 726 (15) Edney Road, High Wycombe

4. Historically, the building located on Lot 726 encroached onto the road reserve.
5. On 18 October 1984, the City wrote to MRWA requesting that it transfer a portion of the road reserve to the City, at no cost, to accommodate the existing building.
6. MRWA agreed to the proposal and a portion of the road reserve was transferred to the City and amalgamated with Lot 726 to allow the existing building to remain for community purposes.
7. In 2014, a noise wall was constructed by MRWA. The noise wall was constructed along the current boundary of Lot 726 due to the building at Lot 726 still being utilised for community purposes.

Lot 3 (96) Maida Vale Road, Maida Vale

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

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

15. The purpose of the Asset Management Council Policy (C-AS-01) is to "*provide a framework for undertaking long term strategic asset management of the City's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community.*"

16. The relevant portion of Lot 726 was transferred to the City on the basis that it was required for community purposes, however, it is no longer required for those purposes.
17. The relevant portion of Lot 3 is restricted public open space since it is encumbered by an easement to Western Power for the purpose of high tension power lines. The land will better serve City residents if transferred to MRWA for the purposes of the Roe Highway/Kalamunda Road Interchange Project.
18. The transfer of both parcels of land to MRWA represents good asset management.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

Lot 726 (15) Edney Road, High Wycombe

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

Lot 3 (96) Maida Vale Road, Maida Vale

21. The proposal to transfer a portion of Lot 3 to MRWA has been assessed by the City from an asset management perspective. The land is currently an unreticulated grassed area under transmission lines. There are no infrastructure assets affected.

22. The proposal has been assessed from a strategic planning perspective. This parcel of land is not identified in the City's Public Open Space Strategy 2018, as it is under a power easement. Any public open space that is restricted by a power easement is not included in public open space calculations. Therefore, transferring this portion of land to MRWA will not reduce the City's public open space, as calculated in the Public Open Space Strategy.
23. The proposal has also been assessed from an environmental perspective. The relevant portion of Lot 3 is a local wildlife corridor. Any trees or vegetation removed from the portion of Lot 3 to be transferred to MRWA should be replaced with a suitable species on the opposite side of the road reserve at a ratio of 2:1 (two new trees/plants planted for every tree/plant removed). There is a significant regional corridor located at Poison Gully to the south which could also serve as an area for vegetation offsets.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

SUSTAINABILITY

Social Implications

27. The Principal Shared Path proposed to be located within part of Lot 3 will provide the local community with opportunities for cycling and walking in a safe and enjoyable environment, along with greater connectivity to the local network which is currently not available along Roe Highway. Future sections of the Principal Shared Path along Roe Highway are being planned to provide even better connectivity in the future.

28. The noise wall proposed to be located within part of Lot 3 along Roe Highway will provide surrounding eastern residents with an effective noise barrier from Roe Highway, similar to the one that provides noise protection to the residents on the western side of Roe Highway.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

31.

Risk: Early access is not provided to MRWA at the December 2018 Ordinary Council Meeting, resulting in the Roe Highway/Kalamunda Road Interchange Project being delayed by a year.		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
Ensure that the item is not deferred and a decision is made at the December 2018 Ordinary Council Meeting.		
32.

Risk: The activities of MRWA or its contractors on the relevant land result in loss, damage or injury to person or property.		
Likelihood	Consequence	Rating
Possible	Significant	Medium
Action/Strategy		
The City to provide early access to the relevant parcels of land on the condition that MRWA indemnify the City from any liability as a result of MRWA and/or its appointed contractors' actions on the land.		

OFFICER COMMENT

Roe Highway/Kalamunda Road Interchange Project

33. The proposed land access and transfers are required to facilitate the Roe Highway/Kalamunda Road Interchange Project.
34. The intersection of Roe Highway and Kalamunda Road is one of the last remaining signalised intersections on Roe Highway.
35. It is heavily congested, leading to a higher than average number of crashes and reduced efficiency of Roe Highway as a strategic freight route.

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

Lot 726 (15) Edney Road, High Wycombe

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

Lot 3 (96) Maida Vale Road, Maida Vale

41. The Principal Shared Path proposed to be located within part of Lot 3 will provide the local community with opportunities for cycling and walking in a safe and enjoyable environment, along with greater connectivity to the local network which is currently not available along Roe Highway.
42. The land is restricted public open space since it is encumbered by an easement to Western Power for the purpose of high tension power lines. The land will better serve the needs of the community if transferred to MRWA and used for the purposes of the Principal Shared Path and the southern on-ramp from Kalamunda Road onto Roe Highway.
43. The City received the land (together with other portions of land) for \$10 consideration, so it is recommended that the land be transferred to MRWA for nil consideration for the purposes of the Roe Highway/Kalamunda Road Interchange Project, subject to conditions.

Early Access

44. If the City does not provide MRWA with early access at the December 2018 Ordinary Council Meeting, this could delay the Roe Highway/Kalamunda Road Interchange Project by a year. This is because MRWA is only able to access the Water Corporation valve during the Winter Period (usually a 3-day single shutdown period, but as low as 12 hour night-time shutdowns for other pipes). It will also likely result in additional costs to the project, particularly if the contractor is appointed in early 2019 as intended. MRWA has advised that, while it would prefer to work with the City to resolve any access issues, it will need to consider compulsory action if agreement cannot be reached on access and transfer arrangements due to the short and crucial timeframes involved.
45. It is recommended that Council agree to provide MRWA with early access, subject to conditions.
46. The City has revised the letter of consent for access provided by MRWA. It is recommended that Council approve the Revised Letter of Consent for Access (Attachment 2).

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

- b) Main Roads Western Australia must, at its cost, offset any trees or vegetation removed from the land at a 2:1 ratio (two new trees/plants planted for every tree/plant removed). The replacement trees/vegetation must be a suitable species and planted at a suitable location, as determined by the City of Kalamunda.
3. AGREES to provide Main Roads Western Australia with early access to:
- a) that portion of Lot 726 (15) Edney Road, High Wycombe shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1360-210 (Attachment 1); and
 - b) that portion of Lot 3 (96) Maida Vale Road, Maida Vale shown shaded in grey and marked "Land Required for Road Purposes" on Drawing Number 1860-190 (Attachment 1),
- subject to the conditions set out in the Revised Letter of Consent for Access (Attachment 2).

10.3.2 Request for Financial Assistance

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

Previous Items	
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	
Applicant	Kalamunda Club Inc
Owner	City of Kalamunda
Attachments	Nil

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

DETAILS

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

13.

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Not required.

External Referrals

21. Not required.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

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

OFFICER COMMENT

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

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

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

10.4 Office of the CEO Reports

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

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

Previous Items	134/2018
Directorate	Office of the CEO
Business Unit	Recreation Facilities & Services
File Reference	PR-PLN-009
Applicant	City of Kalamunda
Owner	Crown Land
Attachment	1. Final Revised Draft Maida Vale Reserve Master Plan Report
Confidential Attachment	1. Draft Maida Vale Reserve Master Plan – Results of Public Comment Period <i>Reason for confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) – "the personal affairs of any person".</i>

EXECUTIVE SUMMARY

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

BACKGROUND

3. A Balanced View (ABV) Leisure Consultants were engaged in late 2017 to develop the plan which aims to provide a clear framework and objectives to assist the City of Kalamunda (City) in planning, developing and implementing sustainable sport and recreation improvements at Maida Vale Reserve.
4. The plan was presented to Council at the July Council meeting, where the following resolution (134/2018) was carried:

That Council:

1. *Receives the Draft Maida Vale Reserve Master Plan.*
2. *Advertises the Draft Maida Vale Reserve Master Plan for a period of 40 days, with results then presented to Council for final consideration.*
3. *Notes the community engagement process and strategy.*
4. *Requests that all affected user groups and stakeholders receive a copy of the Draft Maida Vale Reserve Master Plan.*

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

DETAILS

6. The community engagement process concluded on 31 August 2018. There was a good response from the community, with 250 visitors to the project's engagement portal, over 70 survey responses and submissions, as well as direct input from the sporting clubs, groups and residents during the comment period.
7. The main issues and concerns raised were:
 - a) the proposed relocation of the tennis club;
 - b) the proposed relocation of the skate park; and
 - c) the expansion of the car park and proposed new car park access road.
8. The proposed relocation of the Maida Vale Tennis Club was not supported through the survey results, with respondents advising that the:
 - a) existing seven clay courts have another 10 years of life and are well maintained;
 - b) five hard courts are the revenue raisers through hiring and coaching; and
 - c) club consider that they already have a high profile from the traffic generated by the other clubs based at the reserve passing by.
9. The proposed relocation of the skate park adjacent to the pavilion and carpark was not supported or seen as a high priority by the survey respondents. The main issues raised were:
 - a) the potential for additional noise impacts on adjoining residents; and
 - b) limited visibility and passive surveillance only by reserve users.
10. The carpark expansion proposal and new car park access road received several negative comments from adjoining residents. The main issues raised were:
 - a) increased noise from vehicles and anti-social behaviour; and
 - b) impact on residents from lighting in carpark.

11. To address the above issues and concerns, a revised plan was prepared which included:
 - a) the retention of the tennis club facilities in their current location;
 - b) the retention of the skate park in its current location, with an upgrade at the end of its useful life; and
 - c) a reduced car park area, additional vegetation screening and tree buffers adjoining properties, and removal of the rear access road to the future car park.
12. To confirm that the revised plan had captured the latest feedback, sporting clubs, nearby residents and the wider community were invited to an additional community workshop on 19 September 2018.
13. Following the presentation and discussions, the feedback indicated that there was strong support from the Maida Vale Tennis Club, Kalamunda United Soccer Club, Kalamunda Rangers, other key user groups and nearby residents for the revised plan.
14. A summary of the public comments received in relation to the revised plan have been included in this report (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

16. Cash-in-lieu Assessment Criteria (FAC22) provides strategic direction to Council's decision-making on proposed cash-in-lieu projects for which Maida Vale Reserve may be eligible.
17. Capital Grants - Clubs and Community Groups (COMR 21) provides strategic direction to Council's decision-making on sport, recreation and community infrastructure by aligning them to key principles, priorities and City strategic objectives. The plan identifies a range of projects that align to this policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

19. The following engagement strategy and process was undertaken to promote the plan and seek public comment:
 - a) notices on the City's website and other social media channels including Facebook;

- b) community survey on *Engage Kalamunda*;
 - c) contact with people who participated in the consultation process and all users of Maida Vale Reserve;
 - d) a copy of the plan was located at key City of Kalamunda locations and events;
 - e) a media release and advertisement were placed in the local newspaper;
 - f) the City held two informal community 'Pop Up' stalls at the reserve, which coincided with user groups training. This session provided the user groups with an opportunity to inform and discuss the plan with Administration;
 - g) the City held two informal community Drop-In sessions with the consultant at the Reserve. This session provided the community and user groups with an opportunity to meet in person with the consultant and Administration in a casual setting to inform the plan;
 - h) the City held a community workshop with the consultant at the Reserve. This session provided the community and user groups with an opportunity to meet in person with the consultant and Administration in a structured workshop setting to inform the plan; and
 - i) a meeting with the Maida Vale Tennis Club to explain the issues and rationale for the proposed future relocation of the tennis facilities.
20. Following the completion of the public comment period, invitations to a community workshop on 19 September 2018 were sent to all sporting clubs and adjacent residents as well as being advertised on social media, flyers at City's key locations and a media release sent to local newspapers. Following this a Councillor Briefing Session was held on 16 October 2018.

FINANCIAL CONSIDERATIONS

21. The overall cost of implementing the recommendations outlined within the plan is estimated at \$14.95 million. It should be noted that at this stage these figures are high level indicative costs only. Detailed capital and whole of life costings will be developed prior to the implementation of each stage of the Master Plan.
22. Implementation of components of the plan will be considered as part of Council's future advocacy campaigns, the Long Term Financial Plan and will be subject to annual budget deliberation processes and competing priorities.
23. The proposed implementation has been separated into three stages. The initial priority projects and their estimated costs are as follows:

Stage One - Priority Projects

- a) upgrade power to site - \$338,800;
- b) connect site to sewer system - \$718,256;
- c) pedestrian crossing across the car park and fencing - \$48,869;
- d) formalise parking (off Ridgehill Road) - \$40,656;

- e) archery improvements (Entry and Car Park) - \$81,312;
 - f) upgrade to Norm Sadler Pavilion - \$2,573,187;
 - g) upgrade of oval lighting and permanent diamonds - \$1,761,760;
 - h) relocate baseball diamond two - \$135,520;
 - i) install baseball practice pitching nets, batting nets and backing nets to diamonds (for fly balls) - \$420,030;
 - j) remove existing concrete cricket pitch - \$18,837;
 - k) demolish existing toilet block - \$8,131;
 - l) signage to precinct (entrances and environmental) - \$33,880; and
 - m) water fountains - \$30,492.
24. It is reasonable to expect that a timeframe of up to 20 years may be required to complete the implementation of the plan, with the schedule of works being staged in such a manner that will ensure maximum opportunity for Council to leverage external funding through sources such as:
- a) Department of Local Government, Sport and Cultural Industries – Community Sporting and Recreation Facilities Fund;
 - b) Lotterywest – ‘Community Spaces Outdoor’, ‘Community and Workplace Buildings’ and ‘Furniture and Equipment’ grants;
 - c) Department of Planning, Lands and Heritage – Cash in Lieu Funding; and
 - d) Other – State/Federal Government Advocacy, potential contribution from user groups of the reserve.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.2.1 - Facilitate a safe community environment.

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

26. The undertaking of a study to provide strategic direction and guidance in the provision of sport and recreation infrastructure at Maida Vale Reserve, will greatly assist in a long-term approach to the sustainable provision of sporting facilities within the region.
27. Investment in Maida Vale Reserve with updated sport and recreation facilities increases the value of the City's assets, provides benefits to the local community, and enhances the clubs and players experiences who use the Reserve for their competitions.

Economic Implications

28. Implementation of components of the plan will be considered as part of Council's Long Term Financial Plan and will continue to be subject to annual budget deliberation processes and competing priorities. Where practical, external grant funding will be sought to reduce the financial impact on the City.

Environmental Implications

29. A portion of Maida Vale Reserve is a "Bush Forever" site and there are significant environmental, both flora and fauna, issues that must be considered in the preparation of a Master Plan and any further developments.
30. The reserve is home to Smokebush "Conospermum", which is a plant species that have been declared rare by the Department of Biodiversity, Conversation and Attractions. There is also known areas of Dieback infestation on the reserve.
31. Any new car parking upgrades/expansion will need to ensure that any significant trees are retained and protected.
32. The current septic system at Norm Sadler Pavilion does not meet current demand and will not be able to support additional change rooms. The plan recommends that the pavilion be connected to the sewerage system, which will allow for the construction of additional change rooms.
33. The revised plan proposes increased tree buffers and additional vegetation screening on the boundary adjoining residential properties on Bugendore Street.

RISK MANAGEMENT CONSIDERATIONS

34. **Risk:** Without the Master Planning process, the City's approach to Reserve upgrades would be adhoc and it would be difficult to advocate effectively for external funding.
- | Likelihood | Consequence | Rating |
|---|--------------------|---------------|
| Possible | Moderate | Medium |
| Action/Strategy | | |
| To progress the Maida Vale Reserve Master Plan to ensure upgrades are planned effectively and advocacy opportunities are maximised. | | |
35. **Risk:** The plan may raise community expectations for improvements that may not be affordable in the near future.
- | Likelihood | Consequence | Rating |
|---|--------------------|---------------|
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Ensure community is informed as part of the communications process that improvements are subject to external funding, budget availability and will be implemented through a staged process over a timeframe up to 20 years. | | |

OFFICER COMMENT

36. The plan is a strategic planning tool that can be integrated with Council's other related plans and documents, providing clear direction for future developments on the reserve.
37. The plan has been developed in a manner that endeavours to prioritise and stage components of any future developments.
38. The main outcomes for the community will be increased opportunities to participate in recreational activities and improved provision of community facilities and services.
39. A summary of the key changes to the revised plan in response to the community feedback are outlined below:
- a) retain the tennis facilities in their current location with the following alterations:
 - i. at the end of their useful life the northern five hard courts will be relocated to the previously decommissioned southern hard court area;
 - ii. the northern five hard court area will then be available for a future additional playing field and realignment of Acacia Road which will improve access to the car park. This removes the need for a rear access road to the car park as per the first draft master plan; and

- iii. as the tennis facilities are remaining in their current location, and the existing netball courts are proposed to be multipurpose courts, there is no need for the City to access the two netball courts at Maida Vale Primary School, therefore the revised plan does not propose the City financially contributing to their renewal as per the first draft master plan;
 - b) retain the skatepark in its current location with an upgrade at the end of its useful life:
 - i. the current location allows for better passive surveillance across the day and night;
 - c) increase the tree buffer between the carpark and neighbouring residents and remove the proposed access road adjacent to the residential properties:
 - i. the revised carpark layout still provides for additional parking bays and will include traffic calming measures as well as increased tree buffers and additional vegetation screening on the boundary adjoining residential properties on Bugendore Street;
 - d) relocation of baseball batting cages and pitching practice nets adjacent to diamond one, near Norm Sadler Pavilion;
 - i. the revised location will reduce the impact on neighbouring residents and likely increase their use due to being centrally located adjacent to diamond one and Norm Sadler Pavilion; and
 - e) increased club storage at Norm Sadler Pavilion.
40. It is further noted that the following studies may also be required as part of the plan's implementation:
- a) a detailed car park and traffic management study. This will be required in an effort to maximise car parking available and reduce the impact on neighbouring residents; and
 - b) an assessment on the condition of the playing field surfaces, including soil quality, drainage, irrigation and ground conditions. This will ensure quality playing surfaces are provided for the user groups and may reduce the level of ongoing maintenance required by the City.
41. In summary, considering the strong support received for the revised plan, it is recommended that Council receives the public comment and adopts the final revised Draft Maida Vale Reserve Master Plan.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVES the public comment on the Draft Maida Vale Reserve Master Plan.
2. ADOPTS the revised Maida Vale Reserve Master Plan.

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

10.4.2 Council Authorisation - Administration of Caravan Parks and Camping Grounds

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

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

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

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

BACKGROUND

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

DETAILS

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

15. Nil.

Economic Implications

16. Nil.

Environmental Implications

17. Nil.

RISK MANAGEMENT CONSIDERATIONS

18.	Risk: Loss of efficiency in processing administrative approvals.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Insignificant	Low
Likelihood	Consequence	Rating					
Possible	Insignificant	Low					
	Action/Strategy						
	Introduce processes that would assist Council with the additional decision workload.						

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

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

1. The purpose of this report is for Council to note the progress on the City of Kalamunda's (City) achievement against the "Kalamunda Achieving: Corporate Business Plan 2018-2022" for the period July to September 2018.
2. At an aggregate level, the Corporate Business Plan is 27.6% complete (against a target of 25%) as at 30 September 2018. This is on track and is a pleasing result.
3. Additionally, the 2018/19 Works Program has seen completion of 22 projects and has another 113 projects in progress. This represents activity against 70% of planned projects.
4. It is recommended that Council notes this progress report.

BACKGROUND

5. Kalamunda Achieving: Corporate Business Plan 2018-2022 (CBP) was endorsed by Council on 25 June 2018.
6. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
7. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
8. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in the 2018/19 year.

DETAILS

9. The CBP is comprised of four priority areas, referred to as 'goals' in this report, being -
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
10. There are 74 individual initiatives within the CBP.
11. The relevant Director and Manager is responsible for preparing a schedule of work for each of these 74 initiatives. This report reflects the progress report against the relevant work schedule, as at 30 September 2018.
12. The "%COMP" for each initiative reflects the percentage completion of that initiative for the 2018/19 year. Some initiatives will be scheduled for completion earlier in the year, and some later in the year, so it is expected that percentage completion will vary within this report.
13. At an aggregate level, the CBP is 27.6% complete as at 30 September 2018. This is on track and is a pleasing result.
14. The CBP initiative of a rolling 10 year Capital Works Program (Strategy 3.2.1) has resulted in the City having 193 individual capital works projects provided in the 2018/2019 Budget, with delivery by the Asset Services Directorate.

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

17. None

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

- 22. Nil.

Economic Implications

- 23. Nil.

Environmental Implications

- 24. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

NOTES the quarterly progress report for the Kalamunda Achieving: Corporate Business Plan 2018-2022 for the period July to September 2018.

11. Meeting Closed to the Public

12. Meeting Opened to the Public

13. Closure