

Public Briefing Forum

Minutes for Tuesday, 13 November 2018

UNCONFIRMED



**city of
kalamunda**

INDEX

1. Official Opening	3
2. Attendance, Apologies and Leave of Absence	3
3. Declarations of Interest	4
4. Announcements by the Member Presiding Without Discussion	4
5. Public Question Time	4
6. Public Statement Time	10
7. Public Submissions Received in Writing	12
8. Petitions Received	12
9. Confidential Items Announced But Not Discussed	13
9.1. Item 10.2.5. Consideration of Tenders for Kostera Sports Ground Flood Lighting Upgrade (RFT 1815) - Attachment 1. Tender Evaluation Report	5
10. Reports to Council	14
10.1. Development Services Reports	14
10.1.1. Local Planning Scheme No. 3: Proposed Amendment No. 97 - Lot 7 (41) Marion Way, Gooseberry Hill - Special Use Zone - Aged and Dependent Persons Dwellings	14
10.2. Asset Services Reports	29
10.2.1. Hummerston Road - Public Consultation	29
10.2.2. Local Environment Strategy (Withdrawn from Agenda)	38
10.2.3. Hale Road / Woolworths Drive Traffic Study - Public Consultation	42
10.2.4. Kalamunda Flood Study	51
10.2.5. Consideration of Tenders for Kostera Sports Ground Flood Lighting Upgrade (RFT 1815)	57
10.2.6. New Path Policy and Selection Criteria	62
10.3. Corporate Services Reports	67
10.3.1. Proposed Permanent Road Closure and Road Dedication - Lot 830 (221) Merrivale Road, Pickering Brook	67
10.4. Office of the CEO Reports	78
10.4.1. Council Meeting Structure and Setting of Meeting Dates for 2019	78
11. Closure	82

1. Official Opening

The Presiding Member opened the meeting at 6:33pm and welcomed Councillors, Staff and Members of the Public Gallery.

2. Attendance, Apologies and Leave of Absence

2.1 Attendance

Councillors

South East Ward

Michael Fernie

John Giardina - (Mayor) (*arrived at 8:20pm*)

Geoff Stallard (*left at 8:12pm returned at 8:32pm*)

South West Ward

Lesley Boyd

Allan Morton

Brooke O'Donnell

North West Ward

Dylan O'Connor (Presiding Member)

North Ward

Cameron Blair

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Brett Jackson - Director Asset Services

Gary Ticehurst - Director Corporate Services

Peter Varelis - Director Development Services

Management Team

Doug Bartlett - Manager Asset Planning & Management

Andrew Fowler-Tutt - Manager Approval Services

Rob Korenhof - Manager Asset Delivery Services

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Jena Bradley - Service Desk Analyst

Leisha Fair - Governance Officer

Darrell Forrest - Governance Advisor

Members of the Public

46

Members of the Press

Nil

2.2 Apologies

North West Ward

Cr David Almond

2.3 Leave of Absence Previously Approved

North West Ward

Cr Sara Lohmeyer

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*.)
 - i. Nil.

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.
 - i. Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.2.1 – Hummerston Road – Public Consultation, as he has family members that reside in the area. Cr Stallard will leave the room when this item is discussed.

4. Announcements by the Member Presiding Without Discussion

The Presiding Member announced that Item 10.2.2 - Local Environment Strategy has been withdrawn.

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.

5.1 Mr Ian Rintoul of 19 Marion Way, Gooseberry Hill

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

Summary of questions:

- Q1. *With regard to the public comment and Executive Summary Agenda of May 2018, could the City explain to what extent they have taken into account the number of objections (33) compared to the six non objections (Agenda Items 3 and 38)?*
- Q2. *Could the City explain the rationale and difference between the unsuccessful rezoning application in 2013, Agenda Item 9, the en bloc resolution 247/2017 to advertise the proposal Agenda Items 10 and 11, and the current supported proposal, Agenda Items 8 to 11?*
- Q3. *Could the City explain the absence of comment regarding the policy of "spot rezoning" and the nature of the assertions, claims and opinions expressed in Agenda items 21 to 28 and 75?*
- Q4. *With regard to the City of Kalamunda's Aged Accommodation Strategy 2016 and Inadequate Services, Agenda Items 30, 45 and 73, could the City confirm the distance from 41 Marion Way to Elizabeth Street, Haynes Street, Kalamunda Central, Mead Street and the City's Administration Office?*
- Q5. *With reference to the LPS Amendment application on behalf of the owners, dated January 2018, is it possible that the minimum lot size for a standard lot of 700m² may be reduced for Aged Persons to 462m² thereby increasing the number of lots to a sum greater than the four presently proposed? Similarly, will average lot sizes for a standard lot of 800m² be reduced to 528m²?*

Summary of response from the Manager Approval Services:

- A1. *All objections and non objections submitted to the City are given due regard through an assessment process. The City reviewed all the comments received and made recommendations accordingly while giving due regard to clause 67 of the Planning Policy and Provisions.*
- A2. *The application being referred to, DA13/0256, was for a Development Application, not a Scheme Amendment, and was refused in May 2013 due to the lot size being too small. Over the past two years the owner has been in discussion with the City and the WA Planning Commission to determine the best possible course of action for their property; the end result being the current Amendment No 97. The current application is different to the planning application as it seeks to amend the Scheme text and maps to allow for the consideration of a land use ie, Aged and Dependent Dwellings.*

- A3. *As noted in the City's information sheet pertaining to Scheme Amendments, the City does not generally support a spot rezoning, unless there has been a strategic analysis undertaken that would support a change to an individual lot. In this instance, the City's Aged Accommodation Strategy and by extension the City's Local Planning Strategy has provided the strategic context necessary for the proposed 'Special Use' zone to be considered by Council. The Aged Accommodation Strategy found there is a need for aged living accommodation to accommodate the City's aging demographic.*
- A4. *The original distance of 1.9km as the crow flies is correct.*
- A5. *Clause 5.1.1 C1.4 (i) of the Residential Design Codes states that lot size variations for Aged and Dependent Persons dwellings may only be applied at the development stage of a proposal. The application at hand is for a Scheme Amendment and the assessment being undertaken is for the suitability of the 'Special Use' zone rather than the built form outcome. Notwithstanding the provisions of the R Codes, a condition of the 'Special Use' zone for Aged and Dependent Dwellings restricts the future development of the site to a density code of R12.5 (min 700m², av 800m²).*

Question by the Presiding Member:

When will the answers to Mr Rintoul be made available?

Summary of response from the Director Development Services:

These can be provided by email to Mr Rintoul and they will also be provided in the Minutes of the Public Agenda Briefing Forum.

5.2 Ms Neta Parker of Paulls Valley

Item 10.2.1 – Hummerston Road – Public Consultation – Paulls Valley Petition and Piesse Brook Petition

Summary of questions:

- Q1. *How much weighting when making decisions that these two petitions refer to is given by Councillors?*
- Q2. *As 47 of the 78 petitions received on the Paulls Valley Petition are not residents from Hummerston Road and all but four of the petitioners on the Piesse Brook Petition are residents of the various roads in the area, how much weighting is given to each petition by Councillors?*

Summary of response from Cr O'Connor:

Councillors are informed once the validity of a petition is checked and they take into account the matters raised and where the petitioners reside. I can't tell you how much every Councillor gives that weighting, but it is a part of everything they consider.

5.3 Mr Colin McGuckin of 8 Farrant Street, Gooseberry Hill

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

Summary of questions:

My questions have been withdrawn as one is premature for this Forum and the other regarding the spot zoning has already been asked by another member of the public and answered.

5.4 Mr Martyn Worsley of 41 Girrawheen Drive, Gooseberry Hill

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

Summary of questions:

My questions have already been asked by Mr Rintoul and answered. However, I would like to know whether a response from the questions I submitted in writing would be supplied in due course?

Summary of response from the Chief Executive Officer:

I can confirm that these questions have been received by the City and a response will be provided by email.

5.5 Mr Tony Fowler of 10 Marie Way, Kalamunda

Item 10.2.4. Kalamunda Flood Study

Summary of question:

Q1. *Is it anticipated the Study will help combat the erosion problems that every creek line has?*

Q2. *What is the difference between streams and surface flow paths in Figure A10, because the surface flow paths look very much like creeks? Is there a technical difference that would influence the study?*

Q3. *Could the naming of the creek lines in this Study be improved for the benefit of residents?*

Q4. *Why is there no mention of Kadina Brook, Quenda Creek, and Bee-eater Creek in this Study?*

Summary of response from the Manager Asset Delivery Services:

- A1. *If catchment studies were undertaken, it would deal with how the City could manage those drainage catchments best and, dealing with water and erosion is one of the many issues being considered.*

Summary of response from the Director Asset Services:

- A2. *This question has been taken on notice in order to consult with the consultant.*
- A3. *This question has been taken on notice.*
- A4. *This question has been taken on notice.*

5.6 Ms Ian Granger of 191 Hummerston Road, Kalamunda

Item 10.2.1 – Hummerston Road – Public Consultation

There are a couple of people on the petition who are not residents of Hummerston Road. The residents of Mundaring Weir Road are very concerned about the point of access and egress to Hummerston Road and how the traffic flow would affect their residential situation if there was a lot of traffic making access and egress from Hummerston Road.

Summary of response from the Director Asset Services:

Petitions are received as they are received, it is not Council's role to check names on the petition.

5.7 Ms Bev Dornan of 28 Easterbrook Place, Wattle Grove

Item 10.2.2 – Draft Local Environment Strategy (Withdrawn from Agenda)

Summary of questions:

- Q1. *The page numbering is inconsistent and is clearly part of another document. I'd like to know what document the strategy been lifted from?*
- Q2. *My second question relates to the prose and longevity of the document. The prose is folksy and self congratulatory on the part of the City makes it quite unusual to be described as an overarching strategy document which is meant to remain current for at least 10 years. As this is a draft document, is it possible to give thought to re-drafting the document to make the content more able to stand the test of time and the prose more in keeping with the formal prose generally associated with a local government strategy document?*

Summary of response from the Director Asset Services:

- A1. *The document is a stand alone document and is not part of any other document. I am unsure as to why the page numbering jumps.*

Summary of response from the Chief Executive Officer:

- A1. *The page numbering is from the Agenda and every page has been numbered; the numbering is from the Agenda document.*
- A2. *The Local Environmental Strategy was developed by the Kalamunda Environmental Advisory Committee (KEAC) in conjunction with City staff. KEAC will be doing a final revision of the document and the City will give your comments back to that Advisory Committee for their consumption.*

5.8 Mr Chris O'Hora of 361 Paulls Valley Road, Paulls Valley

Item 10.2.1 – Hummerston Road – Public Consultation

Summary of questions:

- Q1. *Does the City and Council acknowledge that the planned main road bridgeworks to be undertaken on Mundaring Weir Road that there is no suitable temporary or permanent alternative access option to and from the eastern corridor?*
- Q2. *Can the City reassure that the barrier restrictions installed on the gravel track at the end of Hummerston Road in relation to Fern Road have been installed in a safe manner and, as advised in a previous question to Council regarding safety design features installed and the advice that the barriers had panic and crash suitability, has this been tested?*

Summary of response from the Director Asset Services:

- A1. *The City has been working closely with Main Roads WA to make sure Mundaring Weir Road remains open both ways during construction of the works.*
- A2. *These questions have been taken on notice.*

5.9 Ms Cheryl Gole of 8 Landor Road, Gooseberry Hill

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

Summary of questions:

- Q1. *Could the City explain why Lot 7 is a suitable location for aging in place, when it is possible to locate such housing stock in 'hubs' such as the central township of Kalamunda where there are demonstrably more services, particularly retail and other services, than there are in this pocket of Gooseberry Hill?*

- Q2. *Could the City explain why the social impact of the proposed development is not considered to include the loss of amenity to local residents who bought properties in this neighbourhood in good faith that the visual and "cultural amenity" of trees and large blocks would remain intact?*
- Q3. *In relation to the clearing of the road verges adjacent to Lot 7 because of fire risk and the likely clearing on the Marion Way frontage because of the necessity of multiple driveways, could the City please address the future of the permanent loss of mature Marri trees, all of which are habitat for Red Tailed Cockatoos which are listed as vulnerable under State and Federal legislation?*

Summary of response from the Director Development Services:

- A1. *The City processes applications on their merits with having regard for the proximity of the property to townships, local activity centres and public transport. In this regard, these details are outlined in the Council report and have been deemed as appropriate for consideration of this special use zone.*
- A2. *While these issues haven't been specifically addressed under Social Implications of the Sustainability title of this report, the amenity impact has been considered in the assessment of the application and those details are outlined in the report.*
- A3. *This question has been taken on notice.*

Response from the Presiding Member:

When will these answers be available to the questioners?

Response from the Chief Executive Officer:

The questions will be answered and published in the Minutes of the Public Agenda Briefing Forum of 13 November 2018.

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.

- 6.1 Mr Tom Carroll of 198 Stirling Street, Perth
Item 10.1.1 Local Planning Scheme No. 3: Proposed Amendment No. 97 – Lot 7 (41) Marion Way, Gooseberry Hill – Special Use Zone – Aged and Dependent Persons Dwelling
- Mr Carroll of SITE Planning and Design addressed a number of issues with respect to the proposed development and clarified questions from Councillors. Mr Carroll spoke in favour of the Officer Recommendation.*
- 6.2 Mr Ian Rintoul of 19 Marion Way, Gooseberry Hill
Item 10.1.1 Local Planning Scheme No. 3: Proposed Amendment No. 97 – Lot 7 (41) Marion Way, Gooseberry Hill – Special Use Zone – Aged and Dependent Persons Dwelling
- Mr Rintoul provided a statement on Local Planning Scheme No 3: Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr Rintoul spoke against the Officer Recommendation.*
- 6.3 Mr Peter Forrest of 36 Panoramic Terrace, Kalamunda
Item 10.2.6 New Path Policy and Selection Criteria
- Mr Forrest provided a statement in favour of the Officer Recommendation and suggested that City Administration from Engineering, Planning and Environment develop a combined Policy drawing together pedestrian, cycling and vehicular movement volumes concerning future safety and public convenience. Questions from Councillors were clarified.*
- 6.4 Mr Martyn Worsley of 41 Girrawheen Drive, Gooseberry Hill
Item 10.1.1 Local Planning Scheme No. 3: Proposed Amendment No. 97 – Lot 7 (41) Marion Way, Gooseberry Hill – Special Use Zone – Aged and Dependent Persons Dwelling
- Mr Worsley gave a short statement reiterating his written statement and fully endorsed the statement provided by Mr Rintoul. Mr Worsley spoke against the Officer Recommendation.*
- 6.5 Mr Dick Lovegrove of 41 Brentwood Road, Wattle Grove
Item 10.1.1 of the 9 October 2018 Public Briefing Forum Agenda - Proposed Heritage Area and Local Planning Policy - Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove
- Mr Lovegrove provided a written statement, including photographs, with regard to the Avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove. Mr Lovegrove asked whether Consultants had submitted a report on the trees? The Director Development Services advised the arborist report was made publicly available at the Special Council Meeting of April 2018; however, there are a number of other trees in the proposed heritage area that haven't been included as part of the arborist report. The Chief Executive Officer advised that Mr Lovegrove's original question was to clarify whether the arborist report had been made a public document.*

Mr Lovegrove spoke about the dangers of heritage listing the Lemon Scented Gums and asked if Council was going to pay for the maintenance of the trees? The Chief Executive Officer responded that Mr Lovegrove's advice would be taken on notice and will look into the matters raised whilst the Policy is out for advertising over the next three to four months.

6.6 Ms Maureen Pinker of 2 Landor Road, Gooseberry Hill

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

Ms Pinker provided a written statement for the Chief Executive Officer to read out. Ms Pinker stated that the Gooseberry Hill Neighbourhood Shops do not meet the daily needs of residents as there is no shop (or delicatessen) which sells general grocery items. Ms Pinker spoke against the Officer Recommendation.

6.7 Mr Colin McGuckin of 8 Farrant Street, Gooseberry Hill

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

Mr McGuckin provided a statement on Local Planning Scheme No 3: Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr McGuckin spoke against the Officer Recommendation.

6.8 Mr Chris O'Hora of 361 Paulls Valley Road, Paulls Valley

Item 10.2.1 – Hummerston Road – Public Consultation

Mr O'Hora provided a statement on Hummerston Road – Public Consultation. Mr O'Hora spoke for and against the Officer Recommendation.

6.9 Mr Michael Healy of 22 Marion Way, Gooseberry Hill

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

Mr Healy provided a statement on Local Planning Scheme No 3: Proposed Amendment No 97 – Lot 7 (41) Marion Way, Gooseberry Hill. Mr Healy spoke against the Officer Recommendation.

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

9. Confidential Items Announced but Not Discussed

9.1 Item 10.2.5 - Consideration of Tenders for Kosteria Sports Ground Flood Lighting Upgrade (RFT 1815) - Attachment 1. Tender Evaluation Report

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

10. Reports to Council

10.1 Development Services Reports

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

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

The Manager Approval Services gave a presentation on this item. Questions asked by members of the public were clarified.

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

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

EXECUTIVE SUMMARY

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

BACKGROUND**5. Land Details:**

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

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

Locality Plan:

12.

**DETAILS**

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

Local Planning Scheme No. 3

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

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

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

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

25. Regarding the above points the following is considered:

Satisfying a Specific Need:

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

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

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

27. **Appropriate or Desirable:**

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

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

City of Kalamunda Aged Accommodation Strategy 2016

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

POLICY CONSIDERATIONS

State Planning Policy 3.1 – Residential Design Codes.

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

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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

State Government Sewerage Policy - Perth Metropolitan Region

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

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

- d) ensuring that a copy of the amendment is available for public inspection at the City's administration building;
 - e) erecting a sign on site; and
 - f) advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.
- 38. During the advertising period a total of 39 responses were received, comprising of six Non-objections and thirty three (33) objections.

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

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

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

55. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

57. Nil.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

63. It is considered that Amendment 97 will allow for the opportunity to increase the amount of Aged and Dependent Persons' dwellings (over 55's residences) within the City, thus allowing more residents of the City to more easily 'age-in-place' and providing a more diverse housing stock within the area.
64. It should be noted that 'Aged and Dependent Persons' Dwellings' is a 'P' permitted use for the site under the provisions of the Scheme. The amendment is seeking to alter the density coding of the site to allow for an increased number of this type of dwelling within the area.
65. In considering Amendment 97, it is important to make the distinction between the separate land uses of aged and dependent dwellings and aged residential care. The former which applies to Amendment 97 will allow for independent dwellings which allow for aging in place, whereas the latter provides for assisted care as part of an integrated aged care facility.
66. The City has given consideration to the intent of the Special Use zone which allows for a high degree of specificity in the control of both the land use and the standards and requirements for the development proposed. Moreover, Council shall only support the creation of a Special Use zone when it considers the requirements of Clause 5.16.1 of the Scheme which are addressed in point 23 to 26 of the report.
67. Regarding the processing of Scheme amendments, Regulation 35(2)(a) and (b) of the Regulations require that Council distinguish between 'complex', 'standard', and 'basic' types of Scheme amendments when making a determination and includes their justification for their decision be included in their determination.
68. Regarding the key concerns raised during the submission period, the following is considered:
69. **Incorrect Advertising:** All advertising and notification of the proposal was undertaken in accordance with the requirements of the City's P-DEV 45 – Public Notification of Planning Proposals and the Regulations namely:
- a) publishing a notice in the local newspaper for two consecutive weeks;
 - b) providing a copy of the proposal to each public authority likely to be affected;
 - c) publishing a notice of the proposed amendment on the City's social media platforms and website;
 - d) ensuring that a copy of the amendment is available for public inspection at the City's administration building;
 - e) erecting a sign on site; and
 - f) advertising the proposal in any additional ways that the Western Australian Planning Commission (WAPC) deems suitable.

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

78. The verge is the property of the City of Kalamunda, and no works are to be undertaken on the verge without approval of the City. In this instance, the City would have to either support ongoing works to the verge or undertake the works themselves. The City's position on this matter is that they do not wish to take responsibility for management of the verge to DFES requirements, however they would support placing the responsibility of the management of the verge adjoining the site in accordance with the BMP verge on the owners of the properties.
79. Noting the comments of DFES with respect to the management of the verge, the Applicant has stated following discussion with their bushfire consultants that the verge could be modified to satisfy Asset Protection Zone requirements. The Applicant further stated that these requirements could be enforced via the placement of a notification on title requiring works at the development stage.
80. It is acknowledged that to reach a managed state within the verge a significant amount of understory would have to be removed by the Applicant. All works undertaken on the verge to satisfy the APZ regulations on behalf of the owner would have to be undertaken by a suitably qualified contractor approved by the City.

81. From an Environmental Services perspective this is considered to be an extension to the verge maintenance notice that is included with the City's Rates Notice, which outlines the following requirements:

"As a measure to assist in the control of bushfires and pursuant to the powers contained in section 33 of the Bush Fires Act 1954 (as amended),

You are required to:

- SLASH GRASS: Have all flammable matter except living trees, shrubs and plants under cultivation, slashed, mowed or trimmed down by other means to a height no greater than 50mm
- REMOVE DFM (Dead Flammable Material): Maintain all dead flammable material below 8 tonne per hectare. (See definition fuel load)

Fuel Load

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

82. The inclusion of an additional condition to Amendment 97 which places responsibility for the management of the verge through a notification or similar mechanism being placed on the existing lot and any future lots, represents a pragmatic solution to resolving DFES's concerns with the APZ regulations. This requirement would be enforceable through the Scheme as a condition of any future development application for the site. The Applicant has advised that they support this approach.

83. The use of the Special Use zone has enabled the City and by extension the WA Planning Commission the ability to emphasis as part of the wording of the special use zone and conditions the key objective of the zone and specific requirements to ensure there are appropriate mechanisms to secure the desires outcome for the site which includes the condition for the management of the reserve by the owners in perpetuity.
84. Noting the above, it is recommended that Council grant approval to Amendment 97 subject to a modification to include an additional condition with respect to the management of the verge as part of the BMP.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

The verge shall be maintained in perpetuity by the owners of the lot in accordance with Bushfire Management Requirements to ensure that a BAL-29 rating falls across the lot as well as to requirements of the City of Kalamunda in regards to vegetation and tree management."
4. FORWARDS to the Western Australian Planning Commission the summary of submission and responses and all required Amendment documentation pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.2 Asset Services Reports

10.2.1 Hummerston Road - Public Consultation

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

Cr Stallard declared an Interest Affecting Impartiality on this Item as he has relatives that reside in the area. Cr Stallard left the room at 8:12pm and returned at 8:32pm.

The Manager Asset Delivery Services gave a presentation on this Item. Questions asked by Councillors and members of the public were clarified.

Cr Fernie asked why concerns such as traffic accidents had not been addressed in the report. The Manager Asset Delivery Services took this question on notice.

Cr Boyd asked whether the signatures from the survey could be verified? The Director Asset Services responded that this was doable and the remainder of the question has been taken on notice.

Mr O'Hara asked if the gradient at the western end of Hummerston Road had been tested or checked. The Manager Asset Delivery Services took this question on notice.

Previous Items	PS 13/98
Directorate	Asset Services
Business Unit	Asset Services
File Reference	HM-03/GEN
Applicant	Petition
Owner	City of Kalamunda
Attachments	1. Paulls Valley Petition [10.2.1.1] 2. Piesse Brook Petition [10.2.1.2] 3. Location Plan [10.2.1.3] 4. Survey Questionnaire [10.2.1.4]

EXECUTIVE SUMMARY

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

BACKGROUND

5. A petition was tabled at the Development and Asset Services Committee meeting in December 2016. For the purposes of this report it can be referred to as the "Paulls Valley Petition" recognising the locale of most of the signatories. The Paulls Valley Petition requested that the gravel track on Hummerston Road East from the end of the existing sealed pavement through to Fern Road be re-gazetted and reopened (currently an unconstructed and partially cleared road reserve containing public utility services) for the following reasons:
 - a) traffic loads continue to increase on Mundaring Weir Road citing that the Mundaring Weir Road/Fern Road intersection is dangerous when making a right turn from Fern Road onto Mundaring Weir Road;
 - b) in the event of a fast moving wild fire closing Mundaring Weir Road, then Paulls Valley residents are trapped; and
 - c) increase in sporting events, power pole replacements and road maintenance together with traffic accidents resulting in closure of Mundaring Weir Road results in significant inconvenience to residents.Refer to Attachment 1 for a full copy of the Paulls Valley Petition inclusive of signatories.
6. A report addressing the Paulls Valley Petition was presented to the Development and Asset Services Committee meeting held on 2 October 2017, with the Committee resolving to defer the report to OCM scheduled for November 2017, pending further consultation with representatives from the local community to clarify the petition intent. At the OCM in November 2017 a further deferral to OCM in December 2017 was endorsed.
7. A second petition was presented to the City on 8 December 2017. For the purposes of this report it can be referred to as the "Piesse Brook Petition", again recognising the locale of most of the signatories. The Piesse Brook Petition requests that Hummerston Road East to Fern Road, Piesse Brook, not be re-opened for the following reasons:
 - a) traffic load on Mundaring Weir Road may be redirected to Hummerston Road, a quieter, unsuitable residential road, which transfers the problem from one area of Kalamunda to another with limited benefit to the wider community;
 - b) potential loss of trees, native flora and fauna as a consequence of any road widening and extension;
 - c) impact to National Park as a result of road widening and extension;
 - d) impact to all private properties along Hummerston Road as a result of road widening and extension; and
 - e) significant fiscal impact to the City of Kalamunda (upwards of \$800,000) where a more conservative approach may suffice including but not limited to the following:
 - i. a decrease in speed limit approaching the blind corner at the junction of Mundaring Weir Road and Fern Road;

- ii. upgrade Mundaring Weir Road and improve blind spots and hazards;
- iii. refurbish existing Hummerston Road (gravel not pavement) at current width to allow all vehicles 'emergency access only' in the event of fire; and
- iv. the parties who raised the Piesse Brook Petition to open the road will not have any increase in traffic or modifications to their properties and the re-opening will only benefit a few ratepayers for significant cost.

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

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

DETAILS

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

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

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

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

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

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

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

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

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

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

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

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

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

19. In reflection of the suggested Community Street Coordinator arrangement, it was noted that should this approach be supported there would also be a need to establish the same arrangement for the local "Hummerston Road" community to ensure access arrangements are in place in both directions.
20. The establishment of a Community Street Coordinator arrangement is not supported given the control of access during emergency situations rests with the City and relevant emergency services. Current processes exist that:
- a) gates remain locked with a City padlock, so it does not become a common thoroughfare;
 - b) gates will be unlocked on days that fire dangers are determined to be Very High or above on the Bushfire Rating Scale, or at the City Fire Officer's discretion; and/or
 - c) gates will be unlocked on a day where a Total Fire Ban is declared.
21. On any of the above instances, the City's Fire Officer will unlock the gates during normal business hours, and on weekends the City's Ranger(s) will arrange for gates to be unlocked/locked upon receipt of such direction from the City's Fire Officer.
22. **Traffic Impact Consideration**
- Traffic counts were conducted in mid-2017 in the area, which indicated there were approximately 620 vehicles per day each way (Monday to Friday) using Mundaring Weir Road rising to over 1,000 vehicles per day each way on weekends. Hummerston Road consistently had in the order of 170 vehicles per day each way.
23. If Hummerston Road was extended to allow a potential through road, it is anticipated that many of the existing Mundaring Weir Road vehicles could use Hummerston Road as a short cut, avoiding approximately 2km of travel along Mundaring Weir Road.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

25. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

26. Nil.

External Referrals

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

FINANCIAL CONSIDERATIONS

32. **2018/2028 Long Term Financial Plan**
- The City's Long Term Financial Plan has the following projects currently listed for future budget consideration by Council:
- a) 2019/2020 - Hummerston Road Pavement Investigation @ \$10,000
 - b) 2020/2021 - Hummerston Road Resurfacing @ \$185,000
 - c) 2020/2021 - Hummerston Road Widening Construction @ \$200,000
33. It is noted that the pavement investigation and resurfacing allocations relate to a section of road located along Hummerston Road between Mundaring Weir Road and Aldersyde Road. These works are deemed necessary.

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

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

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

SUSTAINABILITY

Social Implications

44. The Paulls Valley Petition does focus on perceived safety issues for egress during bushfire emergencies. As detailed above, there are existing processes in place to manage the opening of the unsealed section of Hummerston Road in a controlled manner by the proper authorities in such an event.
45. The Piesse Brook Petition on the other hand considers the impacts on the amenity of existing Hummerston Road residents if the City created the ability for greater number of vehicles to use this road.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

48.

Risk: The City adopts a preferred outcome which leads to some community unrest.

Likelihood

Possible

Consequence

Moderate

Rating

Medium

Action/Strategy

The City meets with disaffected parties outlining its decision.

OFFICER COMMENT

49.

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

Voting Requirements: Simple Majority**RECOMMENDATION**

That Council:

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

10.2.2 Local Environment Strategy

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

The Presiding Member announced that this Item had been withdrawn for further consideration and advice by the Kalamunda Environmental Advisory Committee.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EV-EPP-077
Applicant	N/A
Owner	City of Kalamunda

Attachments 1. Draft Local Environment Strategy **[10.2.2.1]**

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of the draft Kalamunda Clean and Green: Local Environment Strategy (LES) for the purposes of community consultation.
2. The draft LES reflects the values the community have for their cultural and natural environment, to be demonstrated through quality environmental stewardship by the City of Kalamunda (City) and envisaged in a series of programs and projects aimed at sustainability and maintaining the integrity of the natural environment.
3. It is recommended that the draft LES is now presented to the community for their feedback on how the City has responded to their views, such that a final LES is then to be adopted by Council.

BACKGROUND

4. Development of the LES is a priority action for 2018/2019 within the City's Corporate Business Plan, endorsed by Council on 25 June 2018.
5. The City worked closely with the Kalamunda Environmental Advisory Committee (KEAC) to draft a project plan and document framework plan for development of this strategy, commencing with a workshop in September 2017.
6. The project plan was implemented and the draft LES document prepared and endorsed by KEAC as suitable for final community review in September 2018.

DETAILS

7. The draft strategy was developed as follows:
 - a) LES framework development by KEAC workshop, September 2017;

- b) development and implementation of Communication and Engagement plan to gather data regarding community values associated with their local environment and what priorities the City should focus on; and
 - c) reviews of draft document and feedback from the community and workshop with KEAC, leading to a final draft LES document in September 2018.
- 8. The community engagement process included surveys, social media, community face to face engagement and public open days.
- 9. The City received 152 responses to the draft LES.
- 10. The clear message from community and officers during the development of the draft LES, was that the City should focus on:
 - a) protecting and better managing natural areas, streetscapes and green spaces;
 - b) conserving our natural resources;
 - c) reducing waste and improving waste management practices; and
 - d) managing impacts from urban development and human activities upon our environment.
- 11. The draft LES responds to these desires through proposals for short and long term strategies and initiatives for our:
 - a) green spaces, water catchments, protecting our unique landscapes and ensuring healthy landscapes;
 - b) increasing recycling and reducing waste to landfill;
 - c) environmental leadership, community education and partnerships; and
 - d) environmental values built into the City's business plans and actions.
- 12. The current draft of the LES is shown as Attachment 1. Subject to final proofing of the document and Council endorsement, it will become the document for the basis of community consultation.
- 13. It is appropriate that the draft LES document is now released to the community to ensure that the City has properly captured the community's aspirations with suitable responses.

STATUTORY AND LEGAL CONSIDERATIONS

- 14. Section 1.3 (3) of the *Local Government Act (1995)*
In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

POLICY CONSIDERATIONS

- 15. Adoption of the LES may lead to review and development of City of Kalamunda policy where appropriate.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. The development of the draft LES was undertaken through workshops and conversations in consultation with other service units, including Asset Services and Planning Business Units.

External Referrals

17. At the commencement of the current term of KEAC in February 2018, the LES project communication and engagement plan was endorsed and launched with a program of multiple workshops, feedback surveys and pop-up conversation booths.
18. No external agencies were consulted during the preparation of the draft LES. Relevant agencies will be asked to comment on this draft LES at the next stage of community engagement during the public comment period.

FINANCIAL CONSIDERATIONS

19. The 2018/2019 adopted budget included \$25,000 for the development of the Local Environment Strategy. This project will be delivered within this budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

SUSTAINABILITY

Social Implications

21. The draft LES has sought to capture community opinion and priorities using feedback collected by open and guided questions, to guide the development of the document.

Economic Implications

22. Nil.

Environmental Implications

23. The draft LES will assist in developing projects and programs aimed at increasing sustainability and protecting the natural values of the environment.

RISK MANAGEMENT CONSIDERATIONS

24.	Risk: The City fails to develop a strategic direction with regard to environmental stewardship, leading to community disappointment.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	The adoption of the LES demonstrates the City's credentials in listening to and responding to the community's aspirations.		

OFFICER COMMENT

25. The draft LES differs from the Environmental Land Use Planning Strategy (ELUPS) in that the latter document focusses on the environmental context for guiding decisions for any changes to zoning, land use classification and development standards. The draft LES is envisaged as a much broader document encapsulating the City's and its community's values for environmental management. The ELUPS is seen as the prevailing document that considers environmental issues within economic development of the City.
26. The current draft document has been prepared using information provided by the City and KEAC. Some editing of the document is still to occur however the document in its current form is still meeting the intent of the draft LES.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

ENDORSES the draft Kalamunda Clean and Green: Local Environment Strategy shown as Attachment 1 to this report (subject to final proofing) for community consultation and report back to Council on a final strategy for adoption.

10.2.3 Hale Road / Woolworths Drive Traffic Study - Public Consultation

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

The Manager Asset Delivery Services gave a presentation on this Item. Questions asked by Councillors were clarified.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	EG-RDM-005
Applicant	N/A
Owner	N/A
Attachments	1. Traffic Study Report [10.2.3.1] 2. Att 2 Nov 18 report - MRWA preferred [10.2.3.2] 3. Att 3 Nov 18 - mini [10.2.3.3] 4. Photograph of Tree's [10.2.3.4]

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

DETAILS

8. In this area there were 44 crashes recorded between 2011 and 2016, with two crashes resulting in hospitalisation and a further two requiring medical attention – all crashes involved varying degrees of property damage. There is also anecdotal evidence of motorists using adjacent carparks either side of Woolworths Drive as through roads to enter and exit the Shopping Centre to avoid perceived congestion at the Hale Road / Woolworths Drive intersection, a practice that can contribute to conflict in the car parks.
9. It is noted that the situation would not satisfy benefit-cost ratio criteria for Black Spot funding from the State for road improvements.
10. The City engaged a traffic consultant (Consultant) to examine the situation in the area around Hale Road, Woolworths Drive, Hanover Street and Strelitzia Avenue. They measured matters such as queue lengths, turning movements, a formalised Level of Service assessment as well as noting the high incidence of 'weaving' movements (from Woolworths Drive to Hanover Street and vice versa). They also developed a series of options for road treatments that could improve the situation. The report is included as Attachment 1.
11. The Consultant developed three primary schemes of potential improvements:
 - a) channelisation and median works;
 - b) roundabouts; and
 - c) traffic lights.
12. Each scheme also included sub options to either restrict Hanover Street / Hale Road to left in / left out or retain full access as well as rationalisation of the number of crossovers to the various commercial properties adjacent to Woolworths Drive.
13. The Consultant reviewed these options considering Operational Improvements, Construction Costs and Safety / Social Issues. It found that channelisation was preferred primarily due to its lower construction costs but recognised that a roundabout provided the best traffic Level of Service outcomes.
14. The City undertook community consultation during February 2018 on these options, with 177 submissions received. The responses showed:

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

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

25. A traffic consultant, independent of the City's designers has undertaken a review of the mini roundabout and the preferred MRWA full roundabout solution to gauge compliance to good road design practice. This review finds that whilst each option (including the MRWA preference) requires further improvements during the detail design phase, the mini roundabout solution is not fundamentally flawed.
26. The City has not yet completed a concept level cost plan for the mini roundabout solution. It will be less than the \$1.176m identified for the large roundabout option, however may exceed the \$950,000 available grant funding provisions. This will be dealt with in subsequent reports to Council.
27. It is now proposed that the Administration seek further review with MRWA of the preferred mini roundabout solution to progress the matter. It is likely that the City will need to develop the mini roundabout design further to address all the audit findings before submission to MRWA.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

29. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

35. The works funded through Federal and State Government grants are recouped through the Metropolitan Regional Road Group Grant process:
- a) 1st 40% Claim at commencement of the project (in this instance, as soon as a decision is made by Council as to the design to be implemented);
 - b) 2nd 40% Claim once the project works are 80% complete; and
 - c) Final Claim following completion of the works once all project costs have been accounted for.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

40.

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

41.

Risk: Removal of two mature trees to incorporate a roundabout treatment may result in negative community feedback.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Implement a community engagement strategy outlining the benefits of the project to the community, albeit the loss of two trees. Include an allowance and project for new additional street trees in Hale Road.		

42.

Risk: MRWA will only approve a design that is in excess of the grant funding received and will require significant land acquisition with probable legal challenge.		
Likelihood	Consequence	Rating
Almost Certain	Major	Extreme
Action/Strategy		
Develop a mini roundabout design that demonstrates compliance to road safety standards and seek MRWA approval of this mini roundabout design.		

OFFICER COMMENT

43.

The community engagement process undertaken by the City was considered successful in terms of the number of responses received, with the City receiving a clear indication of the preferred roundabout solution.

44.

The Consultant's Traffic Study in Attachment 1 that recommends a channelisation outcome is acknowledged. However, the City acknowledges that a roundabout is the community preferred option albeit the costliest, as well as the most complex to implement.

45.

In proposing the preferred option, the following matters are noted:

- a) the reluctance of MRWA to endorse the mini roundabout will require further high-level discussions with MRWA;
- b) the Budget Cost Estimate has the potential to be greater than the Project Budget;

- c) resolution of land acquisition will be crucial to the success of the project;
 - d) major public utility services will have a direct impact on the proposed construction of the roundabout, with the Budget Cost Estimate for service relocation as presented being indicative of cost to be expected. Actual cost will be subject to the outcome of Utility Services organisation's assessment/design/quotation processes once the design impact is fully understood;
 - e) two large trees are located either side to Woolworths Drive in the near vicinity of Hale Road. At least one will need to be removed to accommodate the proposed mini roundabout;
 - f) during construction there will be a direct impact on road users given the constrained site and associated accessibility – partial and/or full road closure may eventuate subject to traffic management assessment from a construction perspective; and
 - g) commercial businesses with access from and egress to Hale Road during the construction phase will be impacted by construction activity.
46. It is noted that whilst the Project if implemented will benefit road safety for users of the Shopping Centre, the owners have not yet been formally approached to contribute to the Project. Council may wish to consider this matter further.
47. A further traffic study may be warranted to determine the impact of implementing left-in / left-out intersection control for Hanover Street at Hale Road for the information of Council and the Community. This study will need to determine the local impact and how best to accommodate local traffic movements within the area serviced by Hanover Street. Council may wish to consider this matter as a pre-requisite of endorsing a preferred design solution or a matter to be addressed at a later stage.
48. The Consultant did recommend that rationalisation of the commercial crossovers between Woolworths Drive and Strelitzia Avenue be undertaken by way of a service road. (MRWA concurs with this). The Administration considers that this is a good technical outcome however recognises the known level of pushback from existing commercial property owners may make this desire an unrealistic goal without mandatory land acquisition from the multiple land owners.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTES the outcomes of the community consultation undertaken for the proposed upgrade of existing Hale Road/Woolworths Drive intersection.

2. NOTES the indication by Main Roads Western Australia that a full roundabout at Hale Road / Woolworths Drive, left in / left out at Hanover Street at Hale Road and rationalisation of commercial property crossovers north of Woolworths Drive is the solution that they would currently endorse.
3. NOTES the alternate proposed mini roundabout solution developed by the City of Kalamunda has been independently reviewed for safety, requiring some design improvements however mitigates many of the constraints contained in the Main Roads Western Australia preferred solution.
4. UNDERTAKES further design development of the options to address the matters raised in the Road Safety Audit.
5. REQUESTS the City of Kalamunda to undertake further negotiations with Main Roads Western Australia with the support of State and Federal Members of Parliament to seek Main Roads Western Australia concurrence to the mini roundabout solution and report back to Council.

10.2.4 Kalamunda Flood Study

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

The Manager Asset Delivery Services gave a presentation on this Item. Questions asked by Councillors and members of the public were clarified.

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

Attachments	1. Detailed Flood Study of the Kalamunda Region [10.2.4.1]
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EXECUTIVE SUMMARY

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

BACKGROUND

5. The City's stormwater catchments are effectively split into five major catchments, namely:
 - a) Kalamunda Hills,

- b) Poison Gully,
- c) Crumpet Creek,
- d) Woodlupine Brook/Whistlepipe Gully, and
- e) Yule Brook.

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

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

DETAILS

10. The main objectives of the Flood Study was to identify areas where stormwater drainage during storm events may result in localised flooding. This would then allow site specific treatment plans to be developed. The Flood Study's outcomes were partially constrained by not having full and accurate data of the City's entire drainage system. This issue was recognised in the Council endorsed (July 2018) Drainage Asset Management Plan with recommendations to continue data collection of existing drainage assets in 2018/2019 and 2019/2020.
11. Flooding issues identified are tabulated in Appendix F of the Flood Study in order to prioritise remediation. The level of risk allocated to each location was dependent on factors such as, depth of water for the 100-year flood event and the number of properties affected.

This list was further modified by City staff based on the following criteria:
 - a) cross referencing the tabulated list in Appendix F against known areas where flooding has occurred;
 - b) assigning higher priority to locations with higher percentage of accurate asset input data, for example; pit and pipe diameters, invert levels, etc.;

- c) on site verification during heavy rainfall events and highlighting locations inundated or nearing maximum capacity; and
- d) City owned land and reserves located in the immediate vicinity of potential flooding inundation areas that are considered suitable for stormwater retention purposes.

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

19. Nil.

External Referrals

20. Nil.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

27. **Risk:** The lack of localised flood mitigation works lead to increased claims against the City from affected property owners.
- | Likelihood | Consequence | Rating |
|--|-------------|--------|
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Undertake localised works regularly on a need to do basis. | | |
28. **Risk:** The lack of a comprehensive Stormwater Management Catchment Plan will result in an uncoordinated approach to Stormwater management and unforeseen increase in localised flooding.
- | Likelihood | Consequence | Rating |
|---|-------------|--------|
| Likely | Significant | High |
| Action/Strategy | | |
| Develop a plan that properly deals with Stormwater impacts from forecast growth and change in land use in a coordinated manner. | | |

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

The Manager Asset Delivery Services gave a presentation on this Item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

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

13. It was determined prior to calling Tenders that Tenderers would need to achieve a Qualitative Pass Mark (QPM) of 60% or higher to be considered further.
14. Panel members completed the Qualitative Evaluation through individual assessment and scoring of the responses by each Tenderer to the Qualitative Criteria. Thereafter the Panel collectively determined consensus scores on a Tender by Tender basis for each of the Qualitative Criteria on Monday, 15 October 2018. The process was progressed in accordance with the City's evaluation process in a fair and equitable manner.

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

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

16. The top four ranked Tenderers achieved the minimum 60% QPM whereas the lowest four ranked Tenderers did not.
17. Once deemed suitably qualified by means of the QPM results, Tender Price came under consideration to determine the best value for money offer.
18. The following table ranks the lump sum price offered by each Tenderer:

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

22. Policy C-PP01 – Purchasing.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: The Contractor does not undertake the works to the requirements of Cost, Time or Scope.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	a) Warranties, Australian Standard contracts and Professional Project Management to be in place.		
	b) Clearly defined scope of works and specifications developed.		
	c) Electrical componentry and materials clearly specified.		
	d) Installation and construction to be supervised by an independent Electrical Engineer.		

OFFICER COMMENT

32. This tender will allow the final stage of the KOSP redevelopment to be completed.
33. This final stage of the planned redevelopment will have the benefit of reduced wear of the existing lit spaces by increasing the available training areas for evening usage.
34. Works are to be completed by no later mid-April 2019.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.2.6 New Path Policy and Selection Criteria

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

The Manager Asset Planning & Management gave a presentation on this item. Questions asked by Councillors and members of the public were clarified.

Previous Items	OCM 79/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none">1. C- A S- NEW Pedestrian Paths Policy [10.2.6.1]2. Maps of proposed new paths [10.2.6.2]3. Pedestrian Path Scoring Matrix [10.2.6.3]4. New Pedestrian Path Decision Process [10.2.6.4]5. Example Path Scores Using New Matrix [10.2.6.5]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

The areas addressed are:

- a) road safety;
- b) pedestrian priority in the road verge;
- c) accessibility;
- d) the need to consult with the community for new path work;
- e) factors to consider when selecting path locations;
- f) design standards;
- g) pedestrian needs relating to shared paths;
- h) consideration of path assessment methodologies;
- i) inspection and maintenance requirements;
- j) provision of a path network; and
- k) forward works planning.

7. Item 10 in the policy includes:

- a) a structured assessment process for selecting and prioritising paths; and
- b) a priority on path connections within 400 to 800 metres of major pedestrian precincts.

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

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

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

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.2.1 - Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

21.	Risk: The policy, decision process and scoring matrix fails to identify the need and location of necessary new paths in an effective and efficient manner.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	The policy, decision process and scoring matrix provide a structured way of responding to this risk. Funding will continue to be sought to provide the desired path network.		

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.3 Corporate Services Reports

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

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

The Director Corporate Services gave a presentation on this Item. Questions asked by Councillors were clarified.

Previous Items	OCM 258/2017; OCM 31/2018; OCM 57/2018; OCM 110/2018
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	MR-15/221; MR-15/GEN
Applicant	Peter and Gillian Fantuz
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none">1. Letter from Applicants dated 11 April 2017 [10.3.1.1]2. Road Rationalisation Plan [10.3.1.2]3. Table C [10.3.1.3]4. Table D [10.3.1.4]5. Summary of Submissions Table [10.3.1.5]6. Minister for Environment's Approval [10.3.1.6]

EXECUTIVE SUMMARY

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

BACKGROUND

4. Locality Plan:



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

That Council:

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

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

That Council:

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

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

That Council:

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

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

That Council:

1. *APPROVES the initiation of the advertising and consultation process for the proposed closure of the portion of Merrivale Road, Pickering Brook delineated and marked as "Proposed Road Reserve Closure" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, in accordance with s. 58 of the Land Administration Act 1997 (WA), subject to paragraph 3 of this resolution.*
2. *APPROVES the initiation of the advertising and consultation process for the proposed excision and dedication as road of the portion of Reserve 47881 delineated and marked as "Proposed New Road Reserve" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, in accordance with s. 56 of the Land Administration Act (WA), subject to paragraph 3 of this resolution.*
3. *MAKES the approvals in paragraphs 1 and 2 of this resolution subject to the Applicants:*
 - a) *paying all costs of and incidental to the proposal up to a maximum of \$6,000. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, flora and fauna surveys, approvals, and documentation preparation and lodgement;*
 - b) ~~*Agreeing to enter into a deed of agreement with the City that expressly provides that the Applicants consent to the City causing a notification pursuant to section 70A of the Transfer of Land Act 1893 (WA) to be lodged with the Registrar of Landgate against Lot 830 (No 221) Merrivale Road, Pickering Brook to the effect that whilst the City will, subject to paragraphs 1 and 2 above, cause the portion of Reserve 47881 delineated and marked as "Proposed New Road Reserve" on Plan 4253-01-01/0 annexed to this Report as Attachment 2, to be dedicated as a road reserve, the City will not formally construct the road (Notification);*~~
 - c) *acknowledging that the actions set out in paragraphs 1 and 2 of this resolution will not commence prior to:*
 - (i) ~~*execution of the deed of agreement referred to above in paragraph 3(b); and*~~
 - (ii) ~~*acceptance by the Registrar of Landgate of the City's Notification against Lot 830 (No. 221) Merrivale Road, Pickering Brook.*~~
4. *NOTES that a further report will be presented to Council for consideration of the utility service provider responses and any submissions received.*

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

13. Section 3.1(1) of the *Local Government Act 1995* (WA) states that the general function of a local government is to provide for the good government of persons in its district.
14. Section 3.18(3)(c) of the *Local Government Act 1995* (WA) requires a local government to satisfy itself that services and facilities it provides are managed efficiently and effectively.
15. The proposed permanent road closure and road dedication must proceed in accordance with section 56 and section 58 of the *Land Administration Act 1997* (WA).
16. Section 56 of the *Land Administration Act 1997* (WA) relates to the dedication of land as road. Section 56(1)-(2) states as follows:
 - (1) *If in the district of a local government —*
 - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

or

 - (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.

- (2) *If a local government resolves to make a request under subsection (1), it must —*
- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

17. Section 58 of the *Land Administration Act 1997* (WA) relates to permanent road closures. Section 58(1)-(3) states as follows:
- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
 - (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
 - (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
18. DPLH's requirements for permanent road closure and road dedication requests are set out in Table C and Table D (Attachments 3 and 4).

POLICY CONSIDERATIONS

19. Council Policy – Asset Management C-AS-01 states that *"As part of a continuous improvement process, the City of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*
20. A review of the portion of road reserve proposed to be closed indicates that it is surplus to the current and future requirements of the road network.
21. The portion of land proposed to be dedicated as road is required to provide access to Lot 830.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

Advertising

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

Department of Biodiversity, Conservation and Attractions

27. The Department of Biodiversity, Conservation and Attractions (DBCA) referred the proposal to the Conservation and Parks Commission and the Minister for Environment.
28. DBCA advised that the closure of the unconstructed road reserve and its addition to the adjacent Reserve 47881 together with the excision of the new road reserve from Reserve 47881, including all surveys, approvals and documentation must be carried out at no cost to the Commission.
29. A further condition of the Commission's support is that the City is requested to carry out a flora and fauna survey prior to the construction of the new road.
30. The Minister for Environment has approved the excision of the road dedication area from Korung National Park, and the addition of the road reserve closure area to Korung National Park (Attachment 6).

Department of Planning, Lands & Heritage

31. The Lands Division of DPLH (Lands) provided an overview of the requirements to progress the proposed realignment of Merrivale Road. The overview is set out below.
32. City to provide a plan to inform Lands' survey instructions:
 - a) provide plan to identify the final extent of Merrivale Road to be surveyed;
 - b) plan to be dimensioned and include firm estimates of areas of road to be closed and dedicated;
 - c) Lands' survey coordination team will prepare instructions to be used by the landowners and/or the City's nominated surveyor; and
 - d) City to liaise with landowners regarding survey costs.
33. Council resolution for section 56 road dedication and section 58 road closure, *Land Administration Act 1997* (WA):

- a) Council can resolve in the one resolution to undertake the section 56 and section 58 processes;
 - b) section 56 road dedication requirements as per Table D; and
 - c) section 58 road closure requirements as per Table C.
34. Deposited Plan:
- a) draft Deposited Plan depicting road closure and dedication actions as well as Reserve amendments (excision/addition); and
 - b) Deposited Plan to also include a section 24KA of the *Native Title Act 1993* (Cth) (NTA) notification, to suppress Native Title rights and interests for the road dedication (a public work under the NTA) (Lands to formally notify Native Title claimant group).
35. Before Lands proceeds with submission to Parliament for Major A Class Reserve Amendment:
- a) City to provide Council Resolution – section 56/section 58 *Land Administration Act 1997* (WA) road dedication/closure requirements;
 - b) draft Deposited Plan;
 - c) Minister for Environment's and Conservation and Parks Commission's (Branch of DBCA) consent to the proposal;
 - d) Department of Mines and Petroleum clearance (Lands to obtain); and
 - e) Lands to undertake internal referral to Planning division.
36. Major A Class Reserve Amendment to be undertaken by Lands:
- a) Lands to provide briefing note to Lands Director General to advertise proposal;
 - b) arrange for advertisement to be placed in newspaper;
 - c) letters to local Member/s of Parliament;
 - d) prepare submission to Minister including both Houses of Parliament;
 - e) enter submissions to Parliament Register;
 - f) check website for disallowances in both Houses of Parliament (14 actual sitting days – spread over an undetermined period);
 - g) if no disallowances, final submission to Parliament Register/preparation of necessary documents to close/dedicate road and amend reserve and lodge at Landgate; and
 - h) if disallowances passed by Parliament, seek to amend, renegotiate and resubmit proposal.
37. Once the above is complete, the proposal will be forwarded to Lands' Delivery Team to finalise the lodgement of documents.

38. Lands anticipates that this process will take between 12-18 months or longer. Due to the timeframe that this proposal will take to complete, the processes/procedures may be subject to change. For example, the South West Settlement Indigenous Land Use Agreement is currently being negotiated. Should this agreement be determined, then the Native Title interests over the subject land would be extinguished and the section 24KA NTA process will not be required and may reduce the overall timeframe.

FINANCIAL CONSIDERATIONS

39. Following consultation with the Applicant, it is proposed that the Applicant be responsible for the costs of the proposal up to an agreed maximum of \$6,000. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement.
40. It is reasonable that the Applicant be required to pay for costs up to a maximum of \$6,000, given that the proposal is solely for the purpose of providing formal access to their property, Lot 830. The City will contribute the balance of the costs.
41. The estimated costs of the proposal are as follows:
- a) land surveys: \$6,000-\$12,000;
 - b) advertising by the City: \$1,134.18 (advertising completed and paid for by the City);
 - c) advertising by Lands: Costs associated with the advertising by Lands are not yet known. As an estimate based on previous advertisements placed for similar proposals, this may be in the order of \$800+;
 - d) service relocation and easements: Likely to be nil as Lot 830 is already serviced and no relocations are likely required. Subject to confirmation with the service authorities;

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

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

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

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

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

- 48.
- | | | |
|--|--------------------|---------------|
| Risk: The Applicant does not have the resources to fund the permanent road closure and road dedication process (up to the agreed maximum contribution of \$6,000). | | |
| Likelihood | Consequence | Rating |
| Possible | Insignificant | Low |
| Action/Strategy | | |
| The City's support for the proposed permanent road closure and road dedication to be conditional on the Applicant paying all costs of and incidental to the proposal up to a maximum of \$6,000. The Applicant has supported this agreement. | | |

49.

Risk: A future landowner requests the City to construct the road at a cost of approximately \$260,000.

Likelihood

Possible

Consequence

Significant

Rating

High

Action/Strategy

The City will reject the request referring to this Council resolution.

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the Merrivale Road, Pickering Brook road reserve shown delineated and marked as "Proposed Road Reserve Closure" on the plan attached to this report as Attachment 2, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to paragraph 3 of this resolution.
2. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 47881 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 2, pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to paragraph 3 of this resolution.
3. MAKES the requests in paragraphs 1 and 2 of this resolution subject to the Applicant paying all costs of and incidental to the proposal up to a maximum of \$6,000. The City of Kalamunda will bear any costs above the \$6,000 maximum. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement.
4. CONFIRMS the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).

5. UNDERTAKES to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997* (WA).
6. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve that portion of Reserve 47881 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 2, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).
7. RESOLVES not to undertake the formation or construction of a permanent road in the immediate future.

10.4 Office of the CEO Reports

10.4.1 Council Meeting Structure and Setting of Meeting Dates for 2019

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

The Chief Executive Officer gave a presentation on this Item. Questions asked by Councillors and members of the public were clarified.

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

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

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

BACKGROUND

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

DETAILS

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

14. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN**Strategic Planning Alignment**

18. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY**Social Implications**

19. Nil.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

11. Closure

11.1 At the conclusion of the business listed in the Agenda, the Presiding Member closed the meeting to members of the public.

11.2 The meeting closed to the public at 9:10pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2018.