



Public Agenda Briefing Forum – 9 February 2021

Draft agenda for Ordinary Council Meeting 23
February 2021

Our Vision



Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service We deliver excellent service by actively engaging and listening to each other.

Respect We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.

Diversity We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

Creativity We create and innovate to improve all we do.

Courage We make brave decisions and take calculated risks to lead us to a bold and bright future.

Prosperity We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises.

Harmony We will retain our natural assets in balance with our built environment.

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

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INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

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

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums conducted by the City of Kalamunda:

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

- j) At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

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

- a) Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the *City's Standing Orders*); or

- iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k) Questions and any responses will be summarised and included in the minutes of the meeting.
- l) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

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

agenda, they may bring it to the attention of the Presiding Member who will make a ruling.

- i) A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarising and included in the notes of the Briefing Forum.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.
- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief

Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

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

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.2. Disclosure of Interest Affecting Impartiality

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

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

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

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

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

6. Public Statement Time

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

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

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

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

- 9.1 Item 10.1.1 Local Planning Policy 28 - Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) - Consideration of Submissions and Modifications for Adoption – Confidential Attachment – Submitters List

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

- 9.2 Item 10.2.1 Award of Provision of Plant Hire and Auxiliary Services RFT 2023 – Confidential Attachment - RFT 2023 - Tender Assessment 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 Policy 28 - Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) - Consideration of Submissions and Modifications for Adoption

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

Previous Items	OCM 94/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297 / 4.00010304
Applicant	NA
Owner	NA

Attachments	1. Modified Local Planning Policy 28 Final for Adoption [10.1.1.1 - 8 pages]
	2. Modifications Table [10.1.1.2 - 1 page]
	3. Submission Table [10.1.1.3 - 23 pages]
	4. Community Engagement Report for Council [10.1.1.4 - 20 pages]
	5. Draft Local Planning Policy 28 - Adopted for Advertising [10.1.1.5 - 8 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
 Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the submissions and modifications to draft Local Planning Policy 28 – Delivery of State and Local Strategies through the Preparation of Structure Plans (LPP28) for adoption.
2. The Policy will guide the Council, the City of Kalamunda's (the City) officers and external stakeholders to identify the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the State Government's North East Sub-Regional Framework (the Framework) and other strategic planning initiatives.
3. Council is recommended to adopt LPP28.

BACKGROUND

4. Structure Plans are guiding documents that coordinate the development of areas of varying scale and can be supported by technical studies of varying detail. Structure Plans can be defined as:
 - a) District Structure Plans (DSPs);
 - b) Local Structure Plans (LSPs);
 - c) Activity Centre Plans (ACPs); or
 - d) Precinct Plans.

5. The City's role in the preparation of Structure Plans is usually as the regulator rather than the proponent. That is, a landowner submits a Structure Plan or Structure Plan amendments for the City's assessment.
6. However, it is to be noted that the City, over the past decade, has prepared, or is in the process of preparing, a number of Structure Plans:
 - a) Forrestfield / High Wycombe Industrial Area Stage 1 LSP.
 - b) Forrestfield North DSP.
 - c) Forrestfield North Residential Precinct LSP.
 - d) Forrestfield North Transit Oriented Development LSP.
 - e) Kalamunda ACP.
7. The Structure Plans prepared by the City, to date, have been in response to key strategic initiatives, such as the State Government's investment in the High Wycombe Train Station or regulatory requirements (Activity Centre Plans for District Centres).
8. The decision for the City to undertake the Structure Planning in Forrestfield North was influenced by external factors, such as the announcement of the then named "Forrestfield" Train Station and the change in land use direction for the planning of the area as a result of the approval of the Forrestfield North DSP depicting a residential area. Another reason is the highly fragmented nature of landownership and the resources required to finalise a Structure Plan.
9. In new urban areas, Local Structure Plans (LSPs) are usually prepared by the private sector and are a precursor to the physical subdivision and development process.
10. The Framework establishes a long-term and integrated planning framework for land use and infrastructure provision in Perth's north east sub-region within which the City is located.
11. The Framework provides guidance for:
 - a) The preparation of amendments to the Perth Metropolitan and Peel region schemes, local planning strategies/schemes, district (DSP) and local structure plans (LSP), and activity centre plans (ACP); and
 - b) The staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.
12. The Framework sets out proposals to achieve a more consolidated urban form, meet long term housing needs, strengthen key activity centres and employment nodes amongst many other key objectives. The Framework identifies the following locations within the City:

- a) Wattle Grove South – Urban Expansion / Urban Investigation
- b) Maida Vale South – Urban Expansion
- c) Pickering Brook Town Site – Planning Investigation
- d) Hillview Golf Course – Planning Investigation

13. The City has a Local Planning Strategy, Local Housing Strategy and Industrial Development Strategy that also provides guidance and identifies proposals that require the preparation of more detailed planning documentation.

DETAILS AND ANALYSIS

14. The City and the private sector both have roles to play in delivering the proposals of the Framework and local strategies. The development of DSPs, LSPs, ACPs and Precinct Plans coordinates the future land use changes and delivery of infrastructure in future development areas.

15. The primary objectives of this Policy are to:
- a) Guide the City's implementation of the State Government's North East Sub-regional Framework and the City's Planning Strategies.
 - b) Determine the City's responsibilities for the preparation of District Structure Plans, Local Structure Plans, Activity Centre Plans and Precinct Plans.
 - c) Provide the community, stakeholders and businesses with a clear understanding of the City's responsibilities for the future planning of the City's diverse suburbs, districts, activity centres and neighbourhoods.
 - d) Provide guidance on the information required to be submitted as part of a planning proposal.

16. **District Structure Plans**
DSPs provide a broad planning framework for a development area, identifying key infrastructure items, broad land use groupings and establishes the key development principles and objectives of the area.

17. The City may have a key role to play in the preparation of DSPs if the following criteria is met:
- a) The location of the DSP is either identified within a City Strategy or the Framework.
 - b) There have been sufficient preliminary investigations undertaken exploring the key matters to be considered in the DSP area.
 - c) A Council decision is made, having regard for the preliminary investigations, to support the preparation of the DSP.

- d) There are enough budget funds made available for the preparation of the DSP.
- e) The cost of the preparation of the DSP, and associated technical studies, may be recouped through a future development contribution plan or other acceptable recuperation method.

18. **Local Structure Plans**

LSPs may be guided by DSPs and are more detailed plans that define the specific land use identifications of the area, public open space network and infrastructure requirements as well as other matters, generally on a lot by lot basis.

19. The City, is generally, not responsible for the preparation of LSPs. The City's role in the preparation of LSPs is usually as the regulator rather than the proponent. LSPs are usually prepared by the private sector and are a precursor to the physical subdivision and development of the land.

20. LSPs are better prepared closer to implementation to ensure their currency as it relates to the density and development proposed and as a direct link between planning and infrastructure delivery.

21. Land development is not a core function of the City and LSPs require an intricate understanding of the implementation of the subject area through to land development to assist with infrastructure delivery including:

- a) Sewer timing and phasing
- b) Reticulated Water
- c) Electricity
- d) Gas
- e) Telecommunications
- f) Roads
- g) Public Open Space development and coordination
- h) Community Facilities
- i) Schools

22. Preparing LSPs by allocating specific land uses over private land can also lead to reputational risk for the City where there is opposition to the proposals and uncertain timeframes.

23. Preparing LSPs requires a significant resource allocation and funding. Although funds can often be recouped through a development contribution scheme, it is a very exhaustive process and requires large upfront costs that may not be recouped for a significant period of time.

24. The City will only prepare LSPs in exceptional circumstances where they are endorsed by Council, or where the City owns freehold land within a Structure Plan area and there is a desire to develop.
25. Where there has been a DSP prepared over the same location, the LSP is to be consistent with the broad land uses, development principles, objectives and requirements set out by the DSP.
26. In a regulatory sense, the City, during the assessment process, is to be responsible for ensuring that LSPs prepared are consistent with the broad land uses, development principles, objectives and requirements set out by a DSP. Where a DSP has not been prepared, the City is to ensure any LSP is consistent with any strategic planning the City has undertaken and measures are put in place to achieve the following:
- a) Environmental values are appropriately assessed;
 - b) Public Open Space requirements are met;
 - c) Community facilities are identified where appropriate to cater for the community's needs;
 - d) Commercial land is identified where appropriate to cater for the community's needs; and
 - e) The Movement Network can cater for any additional traffic and does not adversely affect the broader movement network.
27. **Activity Centre Plans / Precinct Plans**
The City may prepare ACPs / Precinct Plans if the following criteria is met:
- a) The location of the ACP / Precinct Plan is either identified within a City Strategy, is a District Activity Centre or appropriately identified within the Framework.
 - b) A Council decision is made to support the preparation of the ACP / Precinct Plan.
 - c) The City owns freehold land within an ACP / Precinct Plan area.
 - d) There are sufficient budget funds made available for the preparation of the ACP / Precinct Plan.
28. **Information Required / Tasks to be Competed**
The Policy includes a schedule which details the required information to be provided and tasks completed at the various stages of planning to ensure all technical requirements are met when the City assesses a planning proposal.
29. **Modifications**
The following proposed modifications to the draft LPP28 (Attachment 5) are included in the modified LPP28 (Attachment 1) in response to submissions and as refinements to LPP28's content:

- a) Removed specific reference to Framework locations (e.g. Wattle Grove South, Maida Vale South etc).
- b) Replaced Forrestfield Airport Link with Airport Railway Line.
- c) Added the following objective: "Provide guidance on the information required to be submitted as part of a planning proposal."
- d) Added the following information required in Appendix 1 – Schedule of Planning Requirements: 'Yields Analysis (Depending on context – population, dwellings, market)' under Infrastructure Contributions.

APPLICABLE LAW

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

Schedule 2, Part 2 Clause 4(3) - review submissions and resolve to proceed with/without modifications or not proceed with the local planning policy

Schedule 2, Part 2 Clause 4(4) – local government to publish the local planning policy in the local newspaper

Schedule 2, Part 2 Clause 4(5) – the local planning has effect on publication

Schedule 2, Part 2 Clause 4(6) – the City to make a copy of the local planning policy available to the public

APPLICABLE POLICY

31. Nil.

STAKEHOLDER ENGAGEMENT

32. The draft LPP28 was advertised during August and September 2020 and received 20 written submissions and 22 survey forms (total of 42 responses).
33. The written submissions included 17 objections and three general comments (Attachment 3). The key themes of these submissions included:
- a) Concerns the LPP28 will have negative impacts on the future of Wattle Grove South.
 - b) The LPP28 is inconsistent with State Planning Policy.
 - c) The Framework is soon to be reviewed and therefore redundant.
 - d) LPP28 pre-empts the results of community consultation for the Crystal Brook Concept Plan.
 - e) Concerns LPP28 will have negative impacts on Maida Vale South.

34. Regarding the above key submission themes, the following corresponding responses should be noted (Refer Attachment 3 for detailed responses):
- a) The purpose of the Policy is to guide the City on the requirements associated with the preparation of Structure Plans. The Policy does not make any specific proposals for areas.
 - b) It is the City's opinion LPP28 is not inconsistent with State Planning Policy.
 - c) The review of the Framework will not impact on the ability to implement the Policy.
 - d) See response a) above.
 - e) See response a) above.
35. The survey forms included six non-objections, 14 objections and two general comments. The key themes of the survey forms included:
- a) A category for Bush Forever should be included in the LPP28.
 - b) Concern that LPP28 will affect areas and property (Wattle Grove South and Maida Vale South being the areas commonly referred to).
 - c) The LPP28 does not tackle how to address climate change, pollution and congestion.
 - d) LPP28 pre-empts the results of community consultation for the Crystal Brook Concept Plan.
36. Regarding the above key survey themes, the following corresponding responses should be noted:
- a) Addressing Bush Forever is not the role of LPP28.
 - b) The purpose of the Policy is to guide the City on the requirements associated with the preparation of Structure Plans. The Policy does not make any specific proposals for areas.
 - c) Addressing climate change, pollution and congestion is not the role of LPP28.
 - d) See response b) above.

FINANCIAL CONSIDERATIONS

37. The preparation of Structure Plans requires significant upfront funding. This can be in excess of \$200,000 for ACPs and \$1million for LSPs based on recent experience and depending on the scale and complexity of issues in a given area.

38. The costs for preparing a Structure Plan may be recouped through a Development Contribution Scheme. These costs however may not be recouped for a number of years thus requiring Municipal Funding or borrowings prior to recoup.

SUSTAINABILITY

Social Implications

39. The preparation of Structure Plans can identify land for community facilities, schools and public open space, catering for the community's needs to leisure, recreation, education and socialisation.
40. The preparation of Structure Plans can cause stress on the community, particularly where the proposal is not desired by a section of the community, the outcome is uncertain, or timeframes are extensive.

Economic Implications

41. The preparation of Structure Plans can identify land for commercial or industrial uses, creating new employment hubs, business opportunities and economic benefits to the area.
42. The development of commercial, industrial and residential areas identified by Structure Plans generates significant job opportunities to the building industry.
43. The preparation of Structure Plans can identify new infrastructure to be delivered such as roads, parks and servicing infrastructure which generates job opportunities for labour and civil industries.

Environmental Implications

44. The preparation of Structure Plans can identify land with significant environmental values as public open space or conservation areas to protect those environmental values in public ownership.

RISK MANAGEMENT

45.

Risk: The City continues to prepare Local Structure Plans resulting in a financial and reputational burden on the City.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt the Policy and carefully consider the circumstances where a Local Structure Plan is prepared.		

46.

Risk: Local Structure Plans are not prepared by the private industry in areas identified for future development by the Framework or a City Strategy		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt Policy and prepare District Structure Plans to provide a guiding framework and guiding principles for Local Structure Plans to be prepared.		

47.

Risk: The private industry prepares Local Structure Plans and produces outcomes that are misaligned with community expectations.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt Policy and prepare District Structure Plans to provide a framework and guiding principles for Local Structure Plans to be prepared and assessed against.		

CONCLUSION

48. The LPP28 will guide Council, the City’s officers and external stakeholders to identify the City’s responsibilities for the preparation of structure plans in order to achieve the implementation of the State Government’s Framework and the City’s strategic land use plans.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the proposed Local Planning Policy 28 (Attachment 1) subject to Schedule 2, Part 2 Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.


10.1.2. Proposed Amendment No. 103 - Lot 613 (4) Varley Street, Lesmurdie - Reclassifying to 'Civic and Community' Local Scheme Reserve

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

Previous Items	OCM 25/2020 & OCM 152/2020
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/103
Applicant	TPI Planning
Owner	State of Western Australia

Attachments	1. Scheme Amendment Applicant Report [10.1.2.1 - 64 pages]
	2. Development Application Report [10.1.2.2 - 67 pages]
	3. Development Application Plans [10.1.2.3 - 7 pages]
	4. Development Application Parking Study [10.1.2.4 - 27 pages]
	5. Submission Table [10.1.2.5 - 7 pages]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
Information	For Council to note
 Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider, following advertising, the final adoption of Local Planning Scheme Amendment No.103 (Amendment 103) to Local Planning Scheme No. 3 (Scheme).
2. Amendment 103 proposes to amend the Scheme by:
 - a) Deleting 'PART 3 –RESERVES' in its entirety and inserting a new 'PART 3 – RESERVES' consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
 - b) Reclassifying Lot 613 Varley Street, Lesmurdie (known as Reserve 29190) from a 'Local Open Space' local scheme reserve to a 'Civic and Community' local scheme reserve as depicted on the Scheme Amendment Map.
 - c) Introducing a new 'Civic and Community' local scheme reserve on the Scheme Map legend.
 - d) Insert new provisions to allow for 'additional uses for local reserves' consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015 and list additional uses for Lot 613 Varley Street, Lesmurdie (known as Reserve 29190).

- e) Re-number Tables and references to Tables throughout the Scheme Text and update the Table of Contents to reflect this amendment.
- 3. Preliminary and formal advertising was undertaken in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11), clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations 2015) and sections 81 and 82 of the *Planning and Development Act 2005* (Act). Five (5) submissions were received during the formal advertising period containing three (3) comments, one (1) no-objection and (1) objection (see Attachment 5).
- 4. It is recommended Council adopt Amendment 103 for final approval, following advertising subject to modifications.

BACKGROUND

- 5. **Locality Plan:**



- 6. **Land Area:** 3701m2
Local Planning Scheme Zone: Local Open Space Metropolitan Region
Scheme Zone: Urban
- 7. The subject site (Lot 613 (4) Varley Street, Lesmurdie) is 3701m2 in area and is bounded by Varley Street, Pax Hill Reserve (Nature Playground), Girl Guides Hall, Sanderson Road Centre and St Ives Retirement Village.
- 8. Under the Scheme, the subject site is currently reserved 'Local Open Space' and is a crown title reserve which was vested to the Lesmurdie Baptist Church on 18 March 1997 for the purpose of 'Church Purposes – Community and Recreational facility'.

9. Lesmurdie Community Care, a related entity to Lesmurdie Baptist Church, has submitted a development application to the City of Kalamunda to construct a multi-purpose community building on the subject site (see Attachments 2 - 4).
10. The multi-purpose community building includes facilities for mentoring/counselling, Mothers Groups, Fathers Groups, Seniors Hub, Food Bank/Practical Crisis assistance, Mental Health First Aid Courses, Meeting space for Clarage Retirement Village Residents, an office for Clarage Retirement Village Manager, an office for a Financial Assistance Manager, café and training room/hall space which can be used for community activities.
11. In addition, the multi-purpose community building is intended to be used for temporary medical and specialist practitioners to provide affordable medical services (particularly for aged persons in the immediate locality). These services would be for short periods of 4-5weeks at a time with a maximum of 2 practitioners at any one time. Services would include podiatry, physiotherapy and dietetics.
12. The development application for the multi-purpose community building is currently being assessed under the current local open space reserve classification, with the intent that the proposed Scheme amendment will formalise the proposed use under the Scheme.

DETAILS AND ANALYSIS

13. In light of the proposed multi-purpose community building and the designated purpose of the reserve being for 'Church Purposes – Community and Recreational Facility', the existing Local Open Space Reserve is no longer consistent with the designation and use of the site. Accordingly, Amendment 103 has been submitted to amend the zoning to 'Civic and Community Reserve' and render the reserves portion of the scheme consistent with the 'Model Provisions for Local Planning Schemes' (Model Provisions) in LPS Regulations 2015.
14. The City is currently in the process of preparing a new Local Planning Strategy and, subsequently, a new Local Planning Scheme No.4 (LPS4). Amendment 103 proposed to include other administrative modifications to the Scheme to align it with the Model Provisions noting that the Scheme was prepared before the establishment of the Model Provisions in 2015.

15. The preparation of LPS4 is currently underway and as such, making significant modifications to the existing Scheme to align it with the Model Provisions at this time may create unintended inconsistencies and incompatibilities within the Scheme. During the preparation of LPS4, the Scheme will be comprehensively reviewed in its totality and prepared in accordance with the Model Provisions contained within the LPS Regulations 2015. It is not considered appropriate to make significant administrative amendments to the existing Scheme to align it with the Model Provisions in the context of the comprehensive review underway as part of LPS4.

16. In accordance with Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments (LPP18), all applications for scheme amendments must be accompanied by a Land Use Scoping Statement and Master Plan. These documents must be submitted to provide the City with some comfort surrounding the future use of the site, when considering applications for a change in zoning or land use permissibility.

17. In this instance, a development application has been submitted concurrent with the application to amend the zoning of the site to ‘Civic and Community’. The documentation provided with the development application (see Attachments 2 – 4), addresses the requirements of LPP18 and satisfies all elements required to be addressed by the Land Use Scoping Statement and Master Plan as follows:

18.	LPP 18 – Elements to be Addressed	Submitted Development Application
	Scale and Intensity of Use – types of proposed activities, hours of operation and number of people likely to occupy the development.	As listed in the applicant's report (Attachment 2) the estimated number of visitors is 114 including staff and the hours of operation vary for each community group using the facility.
	Streetscape – Impact on the streetscape/immediate area.	The proposed community centre is setback in excess of 9.0m from the street and is consistent with the existing streetscape of the Lesmurdie Baptist Church.
	Tree Preservation – extent subsequent future development will impact existing vegetation. Where trees are to be removed, details to be annotated on site plan.	The submitted plans are overlaid over the existing vegetation and trees being retained have been annotated on the submitted floor plans. To facilitate the built construction two native trees will need to be removed.

Open Space – extent of site to be maintained as open space.	The proposed community centre is not subject to an open space requirement under the scheme.
Site Limitation/Constraints – Outline any limitations on the development of the land.	Noting that some vegetation will be removed to facilitate the multi-purpose community building, the design has enabled the retention of an existing significant tree within the proposed ‘fenced play area’ at the rear of the development.
Prevailing Amenity – amenity impacts that could arise from approval of the application including traffic, parking or noise.	The City has not requested a noise impact assessment as part of the development assessment process as there is not seen to be a land use conflict. A traffic/parking assessment has been requested by the City’s engineers which has since been received (attachment 4).
Location of Building - Indicative location of proposed buildings.	See Attachment 3 for a copy of the proposed community centre plans
Incidental and Additional Uses - Likely additional uses	As listed in the applicant’s report (Attachment 2), the intended incidental uses to community purpose include, consulting rooms and café/restaurant.
Concept Drawings - conceptual drawing of the property including staging	See Attachment 3 for a copy of the proposed community centre including proposed staging and future development.
Traffic Assessment - preliminary traffic impact assessment to be provided	A traffic/parking assessment was requested by the City’s engineers as part of the development assessment process, this assessment has since been received (Attachment 4).
Effluent Disposal - Effluent Management Statement to be submitted if not connected to sewer	The proposal has been assessed by the City’s Environmental Health Officers as part of the development assessment process, and relevant conditions have been recommended.
Stormwater Disposal - statement/plan to be submitted	The City’s engineers have recommended a condition on the development application to ensure stormwater is disposed of appropriately.

<p>Car Parking - preliminary statement/plan to be submitted</p>	<p>A carparking assessment has been requested by the City's engineers as part of the development assessment process, which has since been received (Attachment 4).</p>
<p>Bushfire Management - Dependant on the anticipated outcomes, a Bushfire Attack Level Assessment or Bushfire Management Plan may be required</p>	<p>A bushfire management plan (BMP) has been submitted with the development application for a community centre. This BMP has been assessed by DFES during the scheme amendment referral period and is considered sufficient by DFES for the scheme amendment stage of the planning process (Attachment 5).</p>
<p>Noise Management - May be required where the City deems a proposed land use may conflict with the surrounding land uses.</p>	<p>The City has not requested a noise management assessment, as there is not considered to be a land use conflict.</p>

19. Noting the above assessment, the City has not requested a formal Land Use Scoping Statement or Master Plan, as the future development of the site has been clearly demonstrated through the submitted development application that the requirements of LPP 18 have been addressed.

APPLICABLE LAW

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

Regulation 34 – terms used to describe a Basic, Standard or Complex amendment.

Regulation 35 cl (1) – requires a resolution of the local government adopt or refuse to adopt to amend a local planning scheme.

Regulation 35 cl (2)(a) – the resolution must specify whether the amendment is a basic, standard or complex.

Regulation 35 cl (2)(b) – need to include an explanation as to why the amendment is classified either a basic, standard or complex.

Regulation 37 – Resolution to proceed to advertise complex amendment.

Regulation 47 – Resolution to proceed to advertise standard amendment.

21. **Planning and Development Act 2005**

Section 81 and 82 – the amendment must be referred to the Environmental Protection Authority for their comments prior to advertising.

22. **City of Kalamunda Local Planning Scheme No.3**

Under the provisions of the Scheme the site is currently zoned reserve – public open space. Under clause 3.4 of the Scheme:

'a person must not -

- a) Use a Local Reserve; or*
- b) Commence or carry out development on a Local Reserve. Without first having obtained planning approval under Part 9 of the Scheme'.*

APPLICABLE POLICY

23. **State Planning Policy 3.7 - Planning in Bushfire Prone Areas**

Clause 6.3 of SPP 3.7 sets out the information required to accompany higher order strategic planning documents. Consistent with clause 6.3, a Bushfire Management Plan has been submitted with the proponent's request to amend the Scheme.

24. **Local Planning Policy 18 - Requirements of Local Planning Scheme Amendments**

LPP18 requires a 'Land Use Scoping Statement' and 'Master Plan' be submitted with a scheme amendment. These documents are intended to provide the City with a level of background information addressing land use planning and to provide Council with a greater level of detail regarding intended outcomes. In this instance the submitted development application for a multi-purpose community building satisfies the policy requirements of LPP18 as discussed in details and analysis above.

STAKEHOLDER ENGAGEMENT

25. **Internal Referrals**

The proposed scheme amendment was referred to all internal departments, and no concerns from the perspective of Assets, Health and Building to the amendment were raised.

26. **Formal Advertising**

Community consultation was undertaken in accordance with LPP11 and clause 47 of the LPS Regulations 2015 and sections 81 and 82 of the Act. Five (5) submissions were received during the formal advertising period three (3) comments, one (1) no-objection and (1) objection (see attachment 5).

27. The concerns raised in the formal advertising period can be summarised as follows:

- a) Potential noise impacts from the 'future shed', 'future half basketball court', potential evening events and movement on the firebreaks in proximity to the St Ives units;
- b) Potential light spill impacts from 'future half basketball court';
- c) Potential increased traffic & vehicle parking in the area;
- d) Potential security concern for units which are in proximity to the fire break between St Ives and the subject lot;
- e) Potential disruption to the current quiet living environment enjoyed by residents and residents of surrounding aged care facilities;
- f) Potential impact to the existing café at Sanderson Road shops if another cafe was to open in the area; and
- g) General concerns over some of the support services proposed.

28. Whilst acknowledging the concerns raised in the single objection to the proposal, it is considered that the concerns can be addressed through the development application process where noise impacts, traffic impacts, built form impacts and land use impacts are considered, and appropriate measures are put in place through conditions to mitigate any potential adverse impact on the amenity of the locality. Specific comments however are provided to the following concerns:

Potential noise impacts

The 'future proposed shed' has been removed from the proposal and the future half basketball court will be part of a separate development application process in the future where affected landowners will have the opportunity to comment on this specific element.

Potential Light Spillage

All lighting associated with the future development of the site will need to be contained onsite and will be addressed as part of the development application process.

Traffic Concerns

The applicant has submitted a traffic and parking analysis as part of the future Multi-purpose community building. The findings of the report will be considered in detail at the more appropriate development application

stage of the planning process, where changes, if required, can be addressed.

29. **External Referrals**

In accordance with sections 81 and 82 of the Act Amendment No.103 was referred to the Environmental Protection Authority (EPA) for consideration under section 48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). After a review of the proposal, the EPA determined not to assess amendment 103 under Part IV Division 3 of the EP Act.

30. During the formal advertising period, amendment 103 was sent to all relevant public authorities for assessment. Comments were received from Department Planning Lands and Heritage, Department Biodiversity Conservation and Attractions, Department Water Environmental Regulation and Department Fire and Emergency Services. All responses were comments or no-objections (see attachment 5).

FINANCIAL CONSIDERATIONS

31. All costs associated with the assessment and advertising of Amendment 103 are borne by the applicant.

SUSTAINABILITY

32. **Social Implications**

Amendment 103 facilitates the development of a community centre at 4 Varley Street, Lesmurdie. This community centre will provide benefits and support to the community of Lesmurdie.

33. **Economic Implications**

Nil

34. **Environmental Implications**

There will be some impacts to vegetation as a result of the built construction with two trees to be removed. However, the recommendations of the Bushfire Management Plan will require additional clearing of predominantly non-native vegetation within the Asset Protection Zone. Lesmurdie Community Cares has liaised with Friends of Pax Hill to ensure noteworthy vegetation is retained. This includes a significant tree being retained in the proposed fenced play area. As part of consideration of the future development approval, the City will require a landscaping plan to be prepared which will illustrate proposed re-planting.

RISK MANAGEMENT

35. **Risk:** Amendment 103 is not adopted for final adoption and proceeds to the WAPC with a recommendation of refusal.
- | Consequence | Likelihood | Rating |
|--------------------|-------------------|---------------|
| Significant | Possible | High |
- Action/Strategy**
- Convey to Council that Reserve 29190 is subject to a vesting order for the purpose of 'Church Purposes Community and Recreational Facility' in favour of the Lesmurdie Baptist Church. Accordingly, Amendment 103 seeks to better align the Scheme with the vesting order over the reserve, and facilitate the development planned over the site.
36. **Risk:** The concerns of residents are not fully addressed through Amendment 103.
- | Consequence | Likelihood | Rating |
|--------------------|-------------------|---------------|
| Significant | Unlikely | Medium |
- Action/Strategy**
- Convey to Council that there are no fundamental flaws with respect to the proposed land uses. Therefore, concerns raised with respect to potential noise impacts, traffic impacts, built form impacts and land use impacts can be addressed, and where appropriate measures put in place the development assessment process to mitigate adverse impacts on the amenity of the locality.

CONCLUSION

37. Amendment 103 is consistent with the applicable strategic and statutory planning framework and will ensure the change in the designation of the reserve to 'Civic and Community' is consistent with the current vesting order for the reserve of 'Church Purposes Community and Recreational Facility'.
38. The City is supportive of progressing the proposed amendment subject to the removal of parts 1, 4 and 5 from Amendment 103. The retention of parts 2 & 3 will enable the designated use of the reserve to be rendered consistent with the zoning of the land and will facilitate the future development in accordance with the development application for the multi-purpose community centre currently with the City for assessment.
39. Having regard to the above, it is recommended that Council formally adopts Scheme Amendment 103 for final approval subject to modifications.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT proposed Local Planning Scheme Amendment 103 to Local Planning Scheme No.3 (Lot 613 (4) Varley Street, Lesmurdie) pursuant to Regulations 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following modification:

Removing the following parts from Amendment 103:

(1) Deleting 'PART 3 – Reserves' in its entirety and inserting a new 'PART 3 – RESERVES' consistent with the 'Model Provisions' for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

(4) Insert new provisions to allow for 'additional uses for local reserves' consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015 and list additional uses for Lot 613 Varley Street, Lesmurdie (known as Reserve 29190).

(5) Re-number Tables and references to Tables throughout the Scheme Text and update the Table of Contents to reflect this amendment.
2. CONSIDER proposed Local Planning Scheme Amendment 103 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 amendment will have minimal impact on the land in the scheme areas that is not the subject of the amendment;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area; and
 - c) The amendment is neither complex or basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.2. Asset Services Reports

10.2.1. Award of Provision of Plant Hire and Auxiliary Services RFT 2023


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

Previous Items	OCM 95/2012; OCM 251/2017
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments Nil

Confidential Attachment	<p>1. RFT 2023 - Tender Assessment Report</p> <p><u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u></p> <p><i>“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></p>
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TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

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.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a tender RFT 2023 to provide wet and dry hire plant and auxiliaries.
2. It is recommended that the Council accept the tender from McKay Earthmoving Pty Ltd, ACN 009 153 244 as per the Schedule of Rates set out in the confidential attachment to this report. The estimated expenditure within this contract is \$600,000 (ex GST) per annum.

BACKGROUND

3. The City undertakes a variety of civil maintenance and minor construction works within its roads and drainage systems. Many tasks require the use of specialist plant such as excavators, tip trucks, loaders, multi roller and self-propelled drum rollers. The nature of the volume of works necessitating the plant does not warrant the City having these items of plant 'in house'.
4. The City of Kalamunda is seeking to engage a suitable Contractor to supply various dry and wet plant and auxiliary hire services to the City.

DETAILS AND ANALYSIS

5. The City issued RFT 2023 through its E-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 21 October 2020. Tenders closed on Thursday 19 November 2020.
6. Tender submissions were received from (in alphabetical order):
 - a) Allwest Plant Hire Australia Pty Ltd;
 - b) Brooks Hire Services Pty Ltd;
 - c) CHIVAS Enterprises Pty Ltd T/AS Mayday Earthmoving;
 - d) Coates Hire Operations Pty Ltd;
 - e) Dowsing Group Pty Ltd
 - f) Egan Civil Pty Ltd;
 - g) JEK Pty Ltd T/AS HAS Earthmoving;
 - h) McKay Earthmoving Pty Ltd;
 - i) MEADESTAR Pty Ltd T/AS A Bobcat Services;
 - j) Sherrin Rentals Pty Ltd; and
 - k) Tutt Bryant Hire Pty Ltd.
7. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.

8. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again, these were set out in the tender invitation).

9. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	30%
Key Personnel Skills & Experience	30%
Tenderer’s Resources	35%
Local Benefits	5%

10. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.

11. The eleven tender submissions were ranked as follows regarding the qualitative criteria:

Company Name	Qualitative Total Score (Weighted @ 100%)	Rank
McKay Earthmoving Pty Ltd	74%	1
JEK Pty Ltd T/AS HAS Earthmoving	71%	2
CHIVAS Enterprises T/AS Mayday Earthmoving	64.5%	3
Egan Civil Pty Ltd	59%	4
Sherrin Rental Pty Ltd	56.5%	5
Dowsing Group Pty Ltd	53%	6
Brooks Hire Services Pty Ltd	51%	7
Allwest Plant Hire Australia Pty Ltd	49%	8
Tutt Bryant Hire Pty Ltd	41%	9
Coates Hire Operations Pty Ltd	33.5%	10
MEADESTER Pty Ltd T/AS A Bobcat Services	24%	11

12. The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.

13. Of the eleven tender submissions, only three met the required QPM of 60%, McKay Earthmoving Pty Ltd, JEK Pty Ltd T/AS HAS Earthmoving and CHIVAS Enterprises T/AS Mayday Earthmoving.

14. A price assessment was then undertaken to determine the best value for money outcome for the City.
15. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
16. The recommended tenderer submission best satisfied the City's requirements by:
 - a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to provide the required plants, auxiliaries, and experienced operators;
 - c) have the skills and experience carry out wet hire work; and
 - d) providing the best value for money outcome
17. Of the three qualifying and compliant qualitative tender responses, McKay Earthmoving Pty Ltd provided the lowest total value for the 14 most frequently used plant items.
18. The Tender Assessment Panel has recommended that the contract for RFT 2023 Provision of Plant Hire and Auxiliary Services be awarded to McKay Earthmoving Pty Ltd.
19. The Contract will be for an initial three-year term with two x 12 month extensions at the sole discretion of the City.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

22. The use of plant and services under this contract will form part of approved annual budgets in various civil areas of the City (roads, paths, drainage and the like).

SUSTAINABILITY

Social Implications

- 23. This Contract will also provide the City with resources that could be utilised in urgent / emergency circumstances to restore facilities for the community thus providing a good level of customer service.

RISK MANAGEMENT

24.

Risk: The Contractor fails to provide skilled and experienced operators to fulfil the requirements of the contract (in terms of scope, time or quality) leading to increased costs to the City due to rework and not timely attendance or delays in completion of the work.		
Consequence	Likelihood	Rating
Unlikely	Moderate	Low
Action/Strategy		
<ul style="list-style-type: none"> a) clearly defined specifications have been developed; b) prior to the start of work ensure, the contractor is aware of the scope of work; c) monitor operator’s performance and quality of work. If required contact the contractor and ask for a new experienced operator; d) organise a meeting with the contractor and discuss the issue if it reappears more than twice; and e) itemised price schedule and quantities within the tender has been used and checked. 		

CONCLUSION

- 25. The delivery of Tender RFT 2023 Provision of Plant Hire and Auxiliary Services will allow the City to maintain the drainage and other systems throughout the City to an acceptable level. The City is satisfied that the recommended tenderer has the capability, capacity, along with experienced operators to provide the required plant and auxiliary items and undertake the work to the required standard.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council ACCEPT the Tender RFT 2023 Provision of Plant Hire and Auxiliary Services to provide wet and dry hire plants from McKay Earthmoving Pty Ltd, ACN 009 153 244, for the itemised price for the initial three-year contract with two times twelve month extensions at the sole discretion of the City of Kalamunda as per the Schedule of Rates set out in the Confidential Attachment 1.

10.2.2. Milner Road Traffic Calming Proposal

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

Previous Items	OCM 113/2019, OCM 248/2018
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	ML-10/GEN, 4.00009238
Applicant	N/A
Owner	N/A
Attachments	1. Milner Road Chicane Design 4284-04 [10.2.2.1 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

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.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a traffic calming treatment on Milner Road, High Wycombe to resolve community concerns regarding heavy vehicles in the vicinity of the intersection of Milner Road and Maida Vale Road.
2. This proposal replaces a previous Council approval (OCM 113/2019) to install guardrails at the intersection, and to investigate the extension of Raven Street. The guardrail option has been found to be not effective and the Raven Street extension will take some time due to environmental and aboriginal heritage approvals.
3. The Council is requested to approve a chicane-style traffic calming treatment on Milner Road in lieu of the two previous recommendations.

BACKGROUND

4. Following a long period of complaints from the residents in the vicinity of the Maida Vale Road and Milner Road intersection regarding heavy vehicles utilising the intersection, the City investigated options and recommended these to Council in December 2018 (OCM 248/2018).
5. Following community consultation on the options, the Council considered a further report on the matter at the May 2019 OCM and determined (OCM 113/2019)

That Council:

1. *NOTE the outcome of the community consultation.*
2. *ENDORSE the inclusion of \$25,000 as part of the draft 2019/2020 budget for necessary investigations into extending Raven Street to Maida Vale Road.*
3. *ENDORSE the inclusion of \$25,000 as part of the draft 2019/2020 budget for the design and installation of vehicle guardrails to prevent heavy and large vehicles from leaving the roadway in order to navigate the intersection of Milner Road and Maida Vale Road.*

DETAILS AND ANALYSIS

6. While awaiting the budget approval and design to be completed for the guardrails at the intersection of Maida Vale Road and Milner Road (the Intersection), the City of Kalamunda (City) placed orange plastic barriers along the intended alignment of the guardrail.

7. It quickly became evident that the orange barriers were having no effect, as the same size and scale of heavy vehicles continued to use the intersection. Drivers would make the turn early or swing wider to avoid the barriers, thus increasing the conflict with other vehicles through the intersection. Given this result, the City does not recommend proceeding with the permanent guardrails.
8. Detail design of the guardrails also identified significant issues with underground services including gas and telecommunications which, to avoid prohibitive costs of relocation, resulted in a revised design estimate for the guardrails exceeding \$120,000.
9. It is therefore recommended that the City does not proceed with the guardrail installation. Local residents most concerned by the intersection issue concur with this view.
10. The City commenced investigations into the extension of Raven Street to Maida Vale Road. This extension has been identified as a possible project arising from the High Wycombe Development Area (formerly known as the Forrestfield North Transit Oriented Development area) (the TOD). The TOD is a structure plan being prepared by the City with Development WA being the determining planning authority. This structure plan has not yet been completed to allow further consideration of Raven St.
11. The north-western end of Raven Street is adjacent to an area of aboriginal heritage interest (Poison Gully) and has very high-quality bush within the road reserve, neighbouring a property registered as a bush forever site. Although approvals may be sought, the approval process would take potentially six to twelve months with specialist assessments.
12. In July 2020, the City was requested to revisit a prior traffic calming proposal on Milner Road. A single lane restriction had been proposed on Milner Road in a 2018 study however the City had modified this option provide a calming treatment for the Stewart Road intersection.
13. A single lane restriction, known as a chicane, was designed as provided in Attachment 1. The chicane will cost an estimated \$15,000 and will need to be listed for consideration in the 2021/22 budget.
14. The chicane requires drivers from the south to give way to vehicles approaching from the north, which along with the turning manoeuvre will cause a reduction in operating speeds. The width of the chicane has been designed to accommodate a vehicle up to 12.5 metres only. The maximum length of vehicle permitted on the road is 19.0 metres, therefore drivers of these larger vehicles will have difficulty in negotiating the chicane and may be discouraged from driving through. Alternatively,

they will drive through and mount the chicane with long term occurrences eventually causing failure of the chicane.

15. The community was surveyed on the proposed chicane, with letters sent to 286 residents and businesses in the Milner Road area, ranging from Maida Vale Road to Berkshire Road, and including the area around Bluebell Avenue.
16. The City received 28 submissions to the survey with 12 objecting, and 16 supporting or not objecting.
17. The key comments in objecting were:
 - a) need to use the route for trucks;
 - b) inconvenience or dangerous;
 - c) waste of money; and
 - d) previous consultation and that the Council has already endorsed a different course of action.
18. The key comments in supporting the proposal were:
 - a) reduce noise;
 - b) reduce trucks; and
 - c) reduce speeding.
19. The balance of responses for and against the proposal are similar to the consultation undertaken in early 2019 (OCM 113/2019). There is not a clear community desire for or against further traffic treatments on Milner Road.
20. In addition to the proposed chicane treatment, the City also considered modifying the Intersection by realigning Milner Road so that it met Maida Vale Road square (at 90 degrees). As identified through previous investigations, this will be very expensive due to the need to relocate power poles and so has not been pursued.
21. The crash history from 2015 to 2019 shows two crashes at the Intersection of Milner Road and Stewart Road, both involving light vehicles and no injury. One crash involving a single light vehicle occurred near the Poison Gully crossing of Milner Road in 2015. It is noted that the 2020 crash data will not be released by Main Roads WA until May 2021.
22. During the intervening period between the Council reports and this proposal, the City has on several occasions contacted local businesses and sought cooperation to limit the number and size of vehicles using the intersection. This has had limited effect, noting that most of the heavy vehicles are within the legal size limits for the road.

23. In the next few months, the residents of Maida Vale Road and Milner Road will see dramatic changes to vehicle numbers arising from the many large road projects underway:
- a) The Roe Kalamunda Interchange project has resulted in the closure of the Roe Highway northbound off ramp (the old Roe Highway traffic lights) from January to the end of March. Vehicles wishing to travel to High Wycombe from the south will have to exit at Maida Vale Road and detour through Newburn Road. Some drivers will opt to leave via Berkshire Road and may end up using Milner Road.
 - b) The High Wycombe Train Station project has resulted in the closure of Dundas Road at the Maida Vale Road end from January to the end of February. Vehicles will be detoured via Newburn Road and Milner Road. It is expected that a large portion of industrial traffic will choose to take the wider road network (Roe Highway and Abernethy Road) rather than travel through the High Wycombe residential area.
 - c) The City will commence work on a roundabout at the Roe Highway off ramp onto Maida Vale Road from April. This will not start until the Roe Highway off ramp has been reopened for the interchange. This project will require the closure of the off ramp to Maida Vale Road and westbound traffic will be detoured through Berkshire Road and Milner Road, although some drivers will elect to use Dundas Road.
24. All of the above projects are due to be completed by June 2021, at which time, notably, the roads for the High Wycombe Train Station should be completed. This provides a new road connection that will be called Enterprise Boulevard. Enterprise Boulevard will continue Sultana Road West to the northwest into the forecourt of the train station, and then curve to the north and connect to Ibis Place and Maida Vale Road.
25. The construction of the Enterprise Boulevard link is expected to attract a significant portion of the heavy vehicle traffic to and from the Forrestfield Industrial area in the vicinity of Milner Road. This is due to the new road providing a much shorter distance to travel to Dundas Road and the anticipated low volume of local traffic when the train station opens. In the long term, the train station traffic is expected to significantly increase and will probably deter this industrial traffic.
26. Given the above change to the road network in 2021, and alternative routes being available for heavy vehicles, the chicane treatment may not be required. This can be determined in due course in the 2021/22 financial year.

APPLICABLE LAW

27. Management and provision of traffic calming on local government roads is delivered under the *Main Roads Act 1930*.

APPLICABLE POLICY

28. There are no policies directly associated with this report.

STAKEHOLDER ENGAGEMENT

29. The community was surveyed as outlined previously, with 286 letters being sent to residents and businesses on the chicane proposal.

FINANCIAL CONSIDERATIONS

30. The proposal to construct a chicane traffic treatment on Milner Road will cost an estimated \$15,000.

SUSTAINABILITY

31. The proposal may provide a social benefit to residences by slowing traffic and limiting heavy vehicle access to the north end of Milner Road.

32. The proposal may have a negative impact to businesses north of approximately Imperial Street as their heavy vehicle traffic may need to travel to the south on Milner Road to access Dundas Road travelling north. This would be a longer trip. Business traffic south of Imperial Street already would have less distance to travel if heading south on Milner Road to access Dundas Road to the north.

33. There is no significant benefit or negative impact to the environmental arising from this proposal.

RISK MANAGEMENT

34.	Risk: That the City receives criticism from the business community for implementing a traffic calming treatment that does not support heavy vehicles that have as of right access.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Given the changing road network around the train station, alternative routes will become available.		

Risk: That the City does nothing and continues to receive criticism from a limited number of residents regarding heavy vehicle movements on Milner Rd.		
Consequence	Likelihood	Rating
Insignificant	Likely	Low
Action/Strategy		
The City details its consideration that the broader road network needs resolution prior to any further works on Milner Road.		

CONCLUSION

- 35. This option has been proposed to attempt to reduce the impact of heavy vehicles on residences in the vicinity of the Maida Vale Road and Milner Road intersection. The City has limited ability to influence the choice of routes and is reliant on the wider road network to provide alternatives.

- 36. The proposal for a chicane treatment on Milner Road will provide a low cost solution with limited effectiveness (from a technical perspective). However, this may reduce the numbers of heavy vehicles and thus provide a better living environment for the residents.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council DOES NOT CONSIDER funding and construction of a chicane on Milner Road near Stewart Road until such time more information is known on changed traffic circumstances in the area.

10.3. Corporate Services Reports

No reports presented.

10.4. Office of the CEO Reports

10.4.1. Corporate Business Plan - Quarterly Update - October-December 2020


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

Previous
Items

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

Attachments	1. Quarterly Corporate Plan Report October- December 2020 [10.4.1.1 - 59 pages]
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TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
 Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

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.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2020-2024" for the period October to December 2020.
2. On average, actions from the Corporate Business Plan are 57.6% complete at the end of the second quarter, 31 December 2020.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period October to December 2020.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2020-2024 (CBP) was endorsed by Council on 30 June 2020. The Plan is reviewed every year.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2020/21.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 119 individual actions set out within the CBP for the 2020/21 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 December 2020.

- 11. On average, the actions contained in the CBP are 57.6% complete. For most actions, the target at the end of the second quarter is 50%.
- 12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%. The average achievement of target across the actions is 114%.

APPLICABLE LAW

- 13. Section 5.56 of the *Local Government Act 1995 (WA)*.

APPLICABLE POLICY

- 14. Nil.

STAKEHOLDER ENGAGEMENT

- 15. This report reflects input from Directors and Managers throughout the City.
- 16. Various external stakeholders and community members have been involved in the achievement of the CBP.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

- 18. Nil.

RISK MANAGEMENT

19.	Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Quarterly reports are provided to Council of progress against the CBP and are publicly available.		

CONCLUSION

20. On average, actions from the Corporate Business Plan are 57.6% complete.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2020-2024 for the period October to December 2020.

11. Closure