

Ordinary Council Meeting

Minutes for Tuesday 26 June 2018

CONFIRMED



**city of
kalamunda**

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1. OFFICIAL OPENING

The Presiding Member opened the meeting at 6:37pm and welcomed Councillors, Staff and Members of the Public Gallery.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Councillors

South East Ward

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

Geoff Stallard

South West Ward

Lesley Boyd

Allan Morton

Brooke O'Donnell

North West Ward

David Almond

Sara Lohmeyer

Dylan O'Connor

North Ward

Cameron Blair

Tracy Destree

Margaret Thomas

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate & Community Services

Dennis Blair - Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

Management Team

Andrew Fowler-Tutt - Manager Approval Services (*left at 7:51pm*)

Ian Berry - Acting Manager Finance & Risk

Administration Support

Kristy Lisle - Legal & Governance Assistant to General

Donna McPherson - Executive Research Officer to Chief Executive Officer

Ashlin Gardner - Communications Advisor

Dhiwya Mahendran - Service Desk Analyst (*left at 8:12pm*)

Members of the Public 23.

Members of the Press Nil.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. PUBLIC QUESTION TIME

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

3.1 Mr Peter Forrest - 36 Panoramic Terrace, Kalamunda

Q1. Will the Council inform the residents of the City of Kalamunda about the WA Review of the Planning System discussion paper and set up a series of Public Forums and Workshops for discussion and input prior to 20 July 2018?

A1. The Director of Development Services stated that there had been discussions with the development industry and other local authorities and the City is currently working on a submission which is being workshopped in the coming weeks. No community workshops have been scheduled at this time. The question of whether community workshops will occur and when, was taken on notice

The Chief Executive Officer advised that the time allowed is too short to arrange for public discussions, but will publicise to encourage the community to read the green paper put out by the Western Australian Planning Commission.

3.2 Mr David Kelly - 17 Ashby Close, Forrestfield

Q1. Can the City provide stakeholders of the Forrestfield Industrial Stage 1 Trust with a relevant policy?

A1. General Counsel took this question on notice.

3.3 Mr Frank Lindsay - 95 Aldersyde Road, Piesse Brook

Q1. What costs has the City incurred in its appeal to the Supreme Court against the decision of the State Administrative Tribunal in the Pachamama matter.

A1. General Counsel advised that legal costs and legal procedures of the City are legally privileged and invited Mr Lindsay to provide any further questions in writing to the City.

3.4 Mr John Burzens - 307 Hawtin Road, Forrestfield

Q1. In relation to revegetation and clearing of 236 Holmes Road, Forrestfield, how will screening be done, was the infill used tested biologically for asbestos, or any product deemed not safe? Did Council approve all the permits?

A1. The Director Development Services took these questions on notice, however stated that there is a condition proposed for a Landscape Management Plan.

- Q2. Was Council ever approached by the previous owner regarding the clearing of the land and what are the regulations to put fill on the property? Is there a Policy?
- A2. The Director Development Services advised that any significant fill on a property would require Development Approval, however, could not comment on this particular property. The City's Planning Scheme at present does not have specific provisions around small-scale clearing on private lots. The City is exploring the potential for some of these regulatory provisions as part of its Environmental Land Use Strategy.
- Q3. When City officers do inspect the property, could the City please look from the adjoining properties back at the applicant's property.
- A3. The Director Development Services advised that this will be taken into consideration and will request the Officers do a comprehensive site inspection.

4. PETITIONS/DEPUTATIONS

- 4.1 A deputation was received from Mr Peter Fantuz of 82 Merrivale Road and Mr Paul Fantuz of 72 Merrivale Road regarding Item 10.3.4 - Proposed Road Closure and Dedication at Lot 830 Merrivale Road, Pickering Brook.
- 4.2 A deputation was received from Ms Heather O'Neill of 60 Waterloo Crescent, Lesmurdie regarding fox trapping.
- 4.3 A deputation was received from Mr Dick Lovegrove of 41 Brentwood Road, Wattle Grove regarding fox trapping.
- 4.4 A deputation was received from Mr Rob Tieleman of 35 Traylen Road, Kalamunda regarding Item 10.1.3 Parking of Two Commercial Vehicles at 236 Holmes Road, Forrestfield.

5. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLVED OCM 101/2018

That Cr Margaret Thomas be granted Leave of Absence for the period 3 July to 13 July 2018 inclusive.

Moved: **Cr Michael Fernie**

Seconded: **Cr Lesley Boyd**

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

6. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

6.1 **RESOLVED OCM 102/2018**

That the Minutes of the Public Briefing Forum held on 8 May 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 8 May 2018."

6.2 **Confirmation of Minutes from Previous Meeting**

Cr Destree asked a question about the minutes of the Ordinary Council Meeting held on 22 May 2018, which was considered at Item 15.2.

RESOLVED OCM 122/2018

That the Minutes of the Ordinary Council Meeting held on 22 May 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote:	For	Against
	Cr Michael Fernie	Cr Brooke O'Donnell
	Cr John Giardina	Cr Tracy Destree
	Cr Geoff Stallard	
	Cr Lesley Boyd	CARRIED (10/2)
	Cr Allan Morton	
	Cr David Almond	
	Cr Sara Lohmeyer	
	Cr Dylan O'Connor	
	Cr Cameron Blair	
	Cr Margaret Thomas	

Statement by Presiding Member

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

6.3 **RESOLVED OCM 103/2018**

That the Minutes of the Special Council Meeting held on 29 May 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 29 May 2018."

6.4 **RESOLVED OCM 104/2018**

That the Minutes of the Special Council Meeting held on 12 June 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sarah Lohmeyer**

Seconded: **Cr Dylan O'Connor**

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 12 June 2018."

6.5 **RESOLVED OCM 105/2018**

That the Minutes of the Special Council Meeting held on 25 June 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings, subject to the insertion of the following additional Recommendation in:

Item 8.1.2 - Adoption of 2018/2019 Budget:

PART 3A – Municipal Fund Budget For 2018/2019

Voting Requirements: Absolute Majority

That Council:

1. Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and the Part 3 *Local Government [Financial Management] Regulations 1996*, adopt the Municipal Fund Budget as contained in (*Attachment 1*), Statutory Statements and Notes (including supplementary information) for the year ending 30 June 2019.

Moved: Cr Dylan O'Connor

Seconded: Cr Margaret Thomas

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

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 25 June 2018."

7. ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

7.1 Nil.

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.1 **Confidential Attachment 10.1.3 Approval for Parking of Two Commercial Vehicles- Lot 27 (236) Holmes Road, Forrestfield**
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

8.2 **Confidential Attachment 10.2.6 Consideration of Tenders for the Provision of Transporting Waste Streams from Walliston Transfer Station (RFT 1801)**
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."*

8.3 **Confidential Attachment 10.3.4 Proposed Road Closure and Road Dedication – Lot 830 (No. 221) Merrivale Road, Pickering Brook**
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

8.4 **Confidential Attachment 10.4.6 Consideration of Tenders – Provision of General Building Maintenance and Minor Works (RFT1804)**
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

9. DISCLOSURE OF INTEREST

9.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)

b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.1.1 Nil.

9.2. Disclosure of Interest Affecting Impartiality

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

9.2.1 Nil.

10. REPORTS TO COUNCIL

10.1. Development Services Reports

RESOLVED OCM 106/2018

The recommendations of reports 10.1.1 to 10.1.7 inclusive be adopted by Council En Bloc.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.1. Draft Industrial Development Strategy - Adoption for Public Advertising

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-040
Applicant	City of Kalamunda
Owner	N/A

Attachments 1. Draft Industrial Development Strategy [**10.1.1.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to adopt, for the purposes of public advertising, the City of Kalamunda (the City) draft Industrial Development Strategy (the Strategy).
2. The Strategy has been prepared by the City and expands upon the planning implications discussed in the existing Local Planning Strategy 2010. The Strategy also has regard for planning framework and strategic directions in relation to industrial land supply and development. The Strategy is to form a part of the future Local Planning Strategy that will be developed in 2019 and will ultimately provide guidance and rationale for changes to any zoning, land use classification and development standards and will inform the preparation of a new Local Planning Scheme No 4.
3. It is recommended that Council adopt the Strategy for the purposes of public advertising.

BACKGROUND

4. The Strategy will form a component of the City's new Local Planning Strategy, which is currently anticipated to be progressed throughout 2019.
5. At present, there are no existing strategies of its kind endorsed by the City. It is considered important to have a Strategy of this kind to guide future strategic and statutory planning decision making for industrial land use and development.
6. Planning strategies of this nature are recommended to be reviewed every five years.

DETAILS

7. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Local Planning Manual 2010 (the Manual). The Manual forms a guide to the preparation of local planning strategies and schemes in Western Australia. The Strategy incorporates the relevant industrial development considerations from the Manual.
8. The Strategy has the following overarching goal:
The City of Kalamunda will enhance and expand upon our industrial precincts to accommodate growth and diversity in industrial land uses and develop modern, efficient and attractive industrial estates that provide for the local and regional business community.
9. The City currently has a total of approximately 351ha of industrial land, spread across five suburbs; Forrestfield, High Wycombe, Wattle Grove, Kewdale and Walliston. Forrestfield contains the most amount of industrial land with approximately 212ha, equating to 61% of the City's total industrial land supply. Based on current projections, the City is expected to have an additional 36ha of land rezoned for industrial in the future, which takes the total amount of industrial land to 387ha. The Strategy identifies and seeks to address seven industrial areas in the City:
 - a) Forrestfield Marshalling Yards;
 - b) Forrestfield Industrial Area;
 - c) Forrestfield/High Wycombe Industrial Area Stage 1;
 - d) Maddington-Kenwick Strategic Employment Area;
 - e) Wattle Grove South investigation area;
 - f) Walliston Industrial Area; and
 - g) Hatch Court / Stirling Crescent, High Wycombe.
10. This Strategy expands upon the planning implications discussed in the existing Local Planning Strategy 2010 (LPS 2010), which noted:
 - a) Ongoing demand for industrial land due to freight rail facility in High Wycombe.
 - b) The City's location is of strategic importance to transport-oriented industry as it is well located relative to major road, rail and airport systems to and from the Eastern States and intra-state.

- c) Kewdale-Hazelmere Integrated Masterplan (KHIM) and Economic and Employment Lands Strategy (EELS) recommended that existing Rural and Special Rural land to the west of Roe Highway should be rezoned for industrial uses.
- d) Expanded industrial areas should help respond to the demand for truck parking activity throughout the City.
- e) Land located south of Welshpool Road East abutting the City of Gosnells to be rezoned to allow for industrial development as a result of the Maddington-Kenwick Strategic Employment Area.

Since the adoption of the LPS 2010 there have been some key developments in regard to the above planning implications, as summarised below:

- a) Forrestfield/High Wycombe Industrial Area Stage 1 planning framework developed for freight and logistics based light industrial uses. Development is progressing in this precinct as is the delivery of key infrastructure projects.
- b) Wattle Grove South is being investigated for industrial development feasibility.
- c) Maddington-Kenwick Strategic Employment Area (MKSEA) has been rezoned to industrial. Infrastructure upgrades and subdivision/development is currently in the process of occurring.
- d) The State Government's announcement in 2014 confirming the Forrestfield-Airport Link project, resulted in a major shift in the strategic context envisaged by the KHIM and EELS plans for the provision of industrial land in High Wycombe. This resulted in the need to redefine the potential land uses surrounding the future station, focusing on mixed use development incorporating retail, commercial and higher density residential.

11. This Strategy seeks to build upon the strategic directions of the LPS 2010 and deliver a new set of objectives in the context of the latest State planning framework and incorporating updated statistical data. The Strategy will form a key component of the development of a new Local Planning Strategy to be progressed in 2019.

12. The objectives of the Strategy are principally to:

- a) Develop an understanding of the key functions, attributes and needs of the City's industrial areas.
- b) Acknowledge the regional and local influences that determine the opportunities and constraints for the City's industrial areas.
- c) Outline strategies and actions that guide future strategic and statutory planning decision making in regard to industrial land use and development considerations in the City's industrial areas, with particular focus on:
 - i. Attracting high quality industrial operators in strategic locations;
 - ii. Establishing robust industrial areas that can withstand changing market conditions;
 - iii. Improve local employment opportunities in industrial areas; and
 - iv. Facilitate public realm improvements in industrial areas generally and improve the interface between industrial and sensitive land uses.

13. The Strategy takes into consideration current and future population projections, housing and other demographic factors. The key trends and projections influencing the Strategy are:
- a) The City's forecasted population is expected to increase from 60,739 in 2018 to 76,179 people by 2036.
 - b) The suburbs of Forrestfield, High Wycombe and Wattle Grove are anticipated to have the greatest population increases over this period.
 - c) The population increase from these suburbs will be able to increase the local industrial workforce and provide a challenge to cater for increased demand for population driven industrial uses.
 - d) These population increases will likely see greater pressure on the industrial interface in close proximity to residential areas.
14. The Strategy takes into consideration current and future economic and employment projections. The key trends and projections influencing the Strategy are:
- a) The City has a higher percentage of medium income earners than Greater Perth, and lower percentages of low and high income earners than Greater Perth.
 - b) The City's residents' five most common employment sectors are health care and social assistance, construction, retail trade, education and training, and transport, postal and warehousing.
 - c) The City has higher percentages of people than Greater Perth employed in the following industries:
 - i. agriculture, forestry and fishing;
 - ii. mining;
 - iii. manufacturing;
 - iv. electricity, gas, water and waste services;
 - v. construction;
 - vi. wholesale trade; and
 - vii. transport, postal and warehousingThese industries all have association with industrial areas, demonstrating the significant workforce the City has employed in industrial areas.
 - d) The City's residents' three most common occupations of employment are technicians and trade workers, professionals and clerical and administrative workers. Technicians, trade workers and administrative workers in particular are associated with employment in industrial areas.
 - e) Kalamunda has a relatively low rate of employment self-sufficiency (53%). Only the Agriculture Forestry and Fishing, Transport Postal and Warehousing, Education and Training and Accommodation and Food Services sectors have employment self-sufficiency rates at over 70%.
15. The Strategy takes into consideration key factors that influence industrial areas such as transport linkages, proximity to key industrial and freight locations and infrastructure availability.
16. The Wattle Grove South area is approximately 310ha and has been identified for Urban Expansion by the Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework. While industrial expansion/investigation has not been specifically identified within the Wattle

Grove South area, there is an opportunity to identify a portion of this site for industrial land given its proximity to key freight routes, Tonkin Highway and Welshpool Road East. It is unlikely that the entire area will be future industrial, however the final outcome for this area will be depended upon further investigations.

17. Approximately 314ha of the 387ha of industrial land within the City has already been developed. There is approximately 73ha remaining that is yet to be developed. This includes the land expected to be rezoned to industrial in the future, which is within the second stage of MKSEA.
18. The Strategy makes the following key observations:
 - a) There is limited opportunity for further development of industrial areas within the City's boundaries. Future industrial development within the City will occur in the already identified locations of Forrestfield/High Wycombe Industrial Area, MKSEA Wattle Grove and Hatch Court, High Wycombe.
 - b) Wattle Grove South has been identified for urban development by the North-East Sub-Regional Planning Framework, however it is potentially the last remaining area that could be identified for industrial development for the City. The area should be investigated for the potential development of industrial within the area, given its location with close proximity to key industrial links, Tonkin Highway and Welshpool Road East.
 - c) Supporting the local workforce by increasing the local population in close proximity to industrial areas should be maintained.
 - d) Attracting high quality businesses should be supported through effective planning measures such as reasonable developer contribution schemes, promoting quality design through building and site design guidelines and quality public realm improvements, and ensuring transport links are provided to a high standard in line with the particular access needs of industrial areas.
 - e) There is a need for more up-to-date research on industrial demand for the region, with previous research undertaken as part of EELS, Industrial Land Needs Study (ILNS) and KHIM potentially outdated and in need of review.
19. The Strategy sets out strategic directions and actions to improve the quality of industrial areas, interaction with sensitive land uses, their accessibility and distribution. The following are some of the key strategies and actions:
 - a) Develop a Local Planning Policy for all industrial areas to guide design and address modern industrial development standards.
 - b) Maintain a high level of landscaping and road maintenance.
 - c) Investigate public realm improvements where appropriate.
 - d) Keep development contributions relevant and consistent with the principles underlying development contributions in Western Australia. Protect the Forrestfield Marshalling Yards from encroaching urban development and mitigating any noise and vibration issues.
 - e) Investigate new sites for potential industrial development.
 - f) Ensure there are logical transition zones and processes between residential and industrial uses.
 - g) Identify industrial regional demand.
 - h) Increase population of local workforce.

STATUTORY AND LEGAL CONSIDERATIONS

20. **Metropolitan Region Scheme**
The Metropolitan Region Scheme (MRS) is a broad land use planning tool that defines the future use of land in broad zones and reservations. The City's Local Planning Scheme must be consistent with the MRS. Not all industrial land is specifically identified for industrial purposes under the MRS. For example, two of the City's industrial areas are located within the Urban zone; Forrestfield/High Wycombe Industrial Area (Stage 1) and the Hatch Court / Stirling Crescent light industrial area. Both areas would permit light industrial uses which are generally compatible with urban land uses and are therefore able to be considered in the Urban zone.
21. In the event that industrial development is ultimately deemed appropriate in the Wattle Grove South area, an Urban zoning under the MRS could enable a light industrial outcome over an urban zone.
22. **Local Planning Scheme No. 3**
The Strategy is applicable to the areas within the City that are zoned under the Local Planning Scheme No.3 (LPS3) as General Industry, Light Industry and Industrial Development.
23. This Strategy will form a part of the future Local Planning Strategy which will be developed in 2019. This will ultimately provide guidance and rationale for changes to any zoning, land use classification and development standards under the LPS 3 and will inform the preparation of a new Local Planning Scheme No 4.

POLICY CONSIDERATIONS

24. *State Planning Policy 4.1: Industrial Buffers and Draft State Planning Policy 4.1 Industrial Interface*
SPP 4.1 is a guiding document applicable to new industrial areas and industrial uses. Its purpose is to protect industry from encroachment of sensitive land uses and, conversely, to protect sensitive land uses from potentially hazardous industrial activity.
25. *Development Control Policy 4.1: Industrial Subdivision*
DC 4.1 provides guidance for the consideration of industrial subdivision and strategic plans throughout Western Australia. These include matters such as design, shape of industrial lots, road layout, servicing and open space requirements. Lot sizes are not controlled in a strict manner; rather, it is suggested that lot sizes be determined later in the process to allow for a flexible design outcome that suits the function and purpose of each particular industrial area.
26. *Development Control Policy 4.2: Planning for Hazards and Safety*
DC 4.2 Provides for location of industrial developments relative to more sensitive land uses. DC 4.2 also includes some guidance on buffer zones and separation distances similar to SPP 4.1.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. The draft Strategy was referred to internal departments and comments provided have been incorporated into latest version of the draft Strategy.

External Referrals

28. The Strategy was peer reviewed by planning consultants Taylor Burrell Barnett (TBB). TBB provided a review report, maps and tracked changes to the initial draft Strategy.
29. In the context of the Strategy forming a component of the City's Local Planning Strategy it is recommended that the Strategy is advertised in a similar manner to a Local Planning Strategy.
30. If Council decide to adopt the proposed Strategy, it will be advertised for public comment for not less than 28 days. A Communications and Engagement Strategy will be developed to assist with guiding the public advertising process. Consultation will target the City's industrial operators and developers and those properties impacted by the recommendations of the Strategy.
31. It is considered that the advertising of this Strategy will assist in clarifying the key functions, characteristics and needs of each of the City's industrial areas. It will be important to engage directly with landowners in each of the industrial precincts to capture this information.

FINANCIAL CONSIDERATIONS

32. Costs associated with the preparation and public advertising of the document are met through the Development Services annual budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

33. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

34. Expansion of industrial areas and further industrial development within existing industrial areas will provide further employment opportunities for the local community.

35. The Strategy aims to have logical transition zones between residential and industrial uses to prevent land use conflict and reduction in local amenity.

Economic Implications

36. Expansion of industrial areas and further industrial development within existing industrial areas will increase the economic output of the City.
37. Expansion of industrial areas and further industrial development within existing industrial areas will provide further employment opportunities for the local community.
38. The Strategy aims to increase the local workforce for industrial areas.
39. The Strategy aims to attract businesses that make the most of the City’s local skillset and attract industrial businesses of a variety of size.
40. Industrial businesses provide a significant contribution to the City’s rates.

Environmental Implications

41. The Strategy aims to have logical transition zones between residential and industrial uses to prevent land use conflict and reduction in local amenity.
42. The Strategy aims to investigate public realm improvements in industrial areas and to improve the industrial-residential interface.
43. Impacts of any future industrial developments on natural vegetation will be required to be considered and may need to be referred to the relevant State Agencies. Environmental management, protection of vegetation and/or offsets may be required as part of the conditions of development approval.

RISK MANAGEMENT CONSIDERATIONS

44.	Risk: The community disagrees with strategic directions and actions for Industrial development		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Undertake community engagement and appropriately respond to submissions received as part of the finalisation of the Strategy.		

OFFICER COMMENT

45. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Local Planning Manual 2010 (the Manual).

46. It is noted that the draft Strategy will benefit from input from landowners within the City's industrial areas together with the community generally to inform and refine opportunities and constraints for each industrial area based on individual characteristics.
47. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be undertaken to rationalise the recommended actions.
48. It is recommended that Council adopt the Strategy for the purposes of public advertising.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. ADOPT the draft Industrial Development Strategy for the purposes of public advertising for not less than 28 days.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.2. Draft Planning Policy P-DEV 57 - Street Fencing, Walls and Gates

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

Previous Items	OCM 166/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	OR-CMA-A6
Applicant	N/A
Owner	N/A

Attachments	1. Draft Local Planning Policy - P-DEV57 - Street Fencing Walls and Gates [10.1.2.1]
	2. Submitters Table [10.1.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates (the Policy).
2. The Policy has been prepared for the purposes of providing guidance to the community in regard to height, materials, location and aesthetic treatments for street fencing, walls and gates within the City of Kalamunda (the City). During the advertising period a total of two submissions were received, comprising non-objections.
3. It is recommended that Council adopt the Policy.

BACKGROUND

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision-making. The development of Local Planning Policies also ensures Council has a clear and defensible position on specific types of applications and contributes to continual process improvements.
5. Street fencing, walls and gates contribute significantly to the character of an area. The Policy aims to clarify the circumstances when a fence or wall variation can be considered for greater consistency in development applications resulting in higher quality-built form throughout the City.
6. The City also has a Fencing Information Sheet that provides further information to the community about fencing standards, however, the City does not presently have a Local Planning Policy that provides for direction in terms of fencing within the front setback area of properties or fencing along the boundary between private and public land.

7. On 27 June 2016, the City adopted the *Fencing Local Law 2016*, which was published in the Government Gazette on 2 September 2016. The City's Fencing Local Law 2016 sets provisions for 'sufficient' dividing fences (as defined in the local law), for fencing throughout the City in residential, rural, commercial and industrial zones.
8. At the Ordinary Council Meeting of 26 September 2017, the recommendation to adopt the Policy for the purpose of public advertising lapsed, with the Council approving an alternative motion which required the following changes to the Policy being undertaken prior to advertising:
 - a) References to 'Asbestos' being changed to 'Asbestos Containing Material';
 - b) Explanations as to how repair and maintenance of fences will be dealt with; and
 - c) Include the current fencing local law in the public advertising material.

DETAILS

9. The intent of the Policy is to provide development controls and advice to applicants who are applying for a variation for street fencing, walls or gates. Key aspects of the Policy are summarised as follows:
 - a) **Part 5 - Residential zoned land**, includes Table 1 which outlines 'acceptable criteria' detailing heights and minimum visual permeability for street fencing, boundary fencing between two private properties, hedging, fencing between private and public properties, barrier fencing, and fencing to maintain sightlines.
 - b) **Part 5 - Table 1 - Heights of Sufficient Fences and Screening in Residential zoned areas**, outlines the types of fences/walls and gates with the acceptable development criteria for each type with the exception of Residential R2 – R5 zoned areas.
 - c) **Part 5 - Table 2 Acceptable Materials in Residential zoned areas**, outlines minimum standards for materials for street fencing and retaining within the front setback with the exception of Residential R2 – R5 zoned areas.
 - d) **Part 6 - Retaining Walls and Fill**, outlines criteria for where retaining walls are proposed to be over 500mm in height. Includes Fig 1 and Fig 2 to visually demonstrate the performance outcomes.
 - e) **Part 7 - R2 to R10 and Rural zoned land**, includes a cross reference for street fencing to comply with Schedule 3 of the Fencing Local Law.
 - f) **Part 8 - Commercial, District Centre, Activity Centre, Service Station, Private Club and Institutions, and Mixed Use zoned land**, specifies assessment in accordance with Schedule 2 of the Fencing Local Law.
 - g) **Part 9 - Industrial and Industrial Development zoned land**, outlines heights, gates, materials, preferred colours and references Schedule 2 of the Fencing Local Law.
 - h) **Part 10 - Unauthorised fence, wall and gate applications**, outlines the assessment process and modification/remediation options.
 - i) **Part 11 - Maintenance and Appearance** outlines the minimum maintenance standards for existing fencing, walls and gates.
 - j) **Part 12 - Matters to be considered** should be referenced when assessing applications which apply for variations to the Policy criteria.

- k) **Part 13 - Variations to the policy** outlines the circumstances where variations to the policy will be considered justified.
 - l) **Appendix 1 – List of Primary or District Distributor Roads within the City** shows list of primary or district distributor roads where a height variation for a front fence may be justified.
 - m) **Appendix 2 - Indicative Diagram of Fencing** is a visual diagram of fencing to show where different types of fences are located in the context of a typical suburban block.
 - n) **Appendix 3 – Examples of Street Fencing** is a photographic visual guide to show how the policy applies in situ and the impact on the streetscape in residential, rural, commercial and industrial zoned land in the City.
10. Where proposals are compliant with the provisions of the Policy, development approval is not required.
11. The Policy will replace the existing Fencing Information Sheet.

STATUTORY AND LEGAL CONSIDERATIONS

12. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
13. Under clause 3 (5) of the Regulations, in making a determination under the Scheme, the local government must have regard to each relevant local planning policy to the extent the policy is consistent with the Scheme.

POLICY CONSIDERATIONS

14. The proposed Policy will follow the adopted Council templates with some small modifications for structure, legibility and clarity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. No internal comments were received as part of the internal referral process.

External Referrals

16. Under Clause 4 (1) and (2) of the Regulations, the City is required to publish the Policy in a local newspaper and in any other way deemed necessary for a minimum period of 21 days.
17. In accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals, the proposed Policy was advertised for a period of 28 days, which included an advertisement notice being placed in the local newspaper for two consecutive weeks and a notification being placed on the City's social media platform and website.

18. During the advertising period a total of two submissions were received, comprising of non-objections to the provisions of the Policy. Refer Attachment 2 for a summary of submissions and Officer responses.
19. One of the non-objections did request clarification as to how the new Policy would impact upon residents who have existing fencing that do not meet the criteria of the Policy. A response to this question is included as part of the Officer Comment section of this report.

FINANCIAL CONSIDERATIONS

20. All costs associated with the advertising of the adopted Policy will be met through the Approval Services budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

SUSTAINABILITY

Social Implications

22. If the Policy is adopted, the City will have greater certainty when assessing applications for fence and gate applications.
23. The community will be provided with more clarity and transparent process on how the City makes decisions, leading to improved outcomes and reduced timeframes.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT CONSIDERATIONS

26.

Risk: Applications are received contrary to the provisions and principles of the Policy.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure through community education prior to lodgment that applicants are aware of the intent and details of the Policy.		
27.

Risk: A lack of consistency in the development application and decision making process.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Demonstrate how the provisions of the Policy will achieve a consistent approach to appropriate fencing design and built form, and by extension improved streetscape outcomes.		

OFFICER COMMENT

28. Applications for variations on Residential zoned lots are subject to the Design Principles of the Residential Design Codes while rural, commercial and industrial applications default to the *Fencing Local Law 2016*. There is a need to provide guidance to address some uncertainty as to what are considered appropriate materials and design objectives for fences above retaining walls. Furthermore, in situations where applications are received for front fencing with increased heights, guidance needs to be provided for what is considered appropriate and can be justified on planning grounds.
29. The proposed Policy aims to clarify materials, design criteria, heights and objectives for street fences, walls and gates on all zoned land throughout the City to supplement the provisions of the Residential Design Codes and *Fencing Local Law 2016*. All proposals for fencing other than street fencing as indicated in Appendix 2, will be subject to the provisions of the City’s Fencing Local Law.
30. The Policy requirements are supported with diagrams and examples to replace the information sheet and clarify technical aspects. This will aid residents in understanding the design objectives of the Policy, definitions and location of different fences and how the technical provisions will work to enhance the streetscape.

31. In regard to the question raised during the advertising period concerning existing fencing that does not meet the Policy criteria, the following is noted:

Impacts of the Policy on Existing Fences:

The Policy cannot be applied retrospectively, therefore, any fences that are currently erected within the City are not subject to the Policy and the City will not be able to initiate compliance matters in relation to these fences against the provision of the Policy. However, should the owner of such a fence lodge for an extension or alteration to the fence it will be considered to be part of a new application and therefore will be subject to the requirements of the Policy.

32. Clause 7.3.1 of the Residential Design Codes (R Codes) allow Local Planning Policies to contain provisions that amend or replace the deemed to comply provisions of the R Codes. Noting the provisions of the proposed Policy, the City will be required to refer the Policy to the Western Australian Planning Commission for their endorsement.
33. In response to Councils previous determination at the September 2017 OCM, the Policy has been modified so that additional information is provided regarding the maintenance and repair of existing fencing (refer Clause 11), as well as alteration of the provisions relating to Asbestos materials (refer Table 2).
34. It is recommended that Council grant final approval to the Policy.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. PROCEEDS with the adoption of Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates pursuant to Clause 4 (3)(b)(i) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
2. REFER the adopted Local Planning Policy P-DEV 57 – Street Fencing, Walls and Gates to the Western Australian Planning Commission for endorsement.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.3. Development Application: Parking of Two Commercial Vehicles - Lot 27 (236) Holmes Road, Forrestfield

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

A deputation was received from Mr Rob Tieleman of 35 Traylen Road, Kalamunda. Mr Tieleman spoke in favour of the Officer Recommendation.

Previous Items	Public Agenda Briefing Forum 13/02/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	HL-10/0236
Applicant	Haydn Robert Tieleman
Owner	Haydn Robert Tieleman and Amy Lyn Burns

Attachments	1. Site Plan [10.1.3.1] 2. Commercial Vehicle and Site Photos [10.1.3.2] 3. Submitters Table [10.1.3.3]
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Confidential Attachment	1. Submitters Map
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EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider an amended planning application for the parking of two commercial vehicles (trucks with trailers) at Lot 27 (236) Holmes Road (the Site), refer Attachment 1.
- A total of five submissions were received for the amended proposal, comprising three objections and two non-objections with comments. The concerns raised in the objections were in relation to amenity impacts, noise and use of the site for commercial purposes.
- It is recommended that Council approve the application subject to appropriate conditions.

BACKGROUND

4. Land Details:

Land Area:	1.01 ha
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

- The original application was withdrawn by the applicant at the February 2018 Ordinary Council Meeting (OCM) to include an amended site plan, the articulated type of commercial vehicles, screening and a new crossover to address the concerns of nearby landowners.

6. The subject property contains a single dwelling and an existing outbuilding. The property is located in an area characterised by semi-rural lifestyle properties.

7. **Locality Plan:**



DETAILS

8. The applicant is seeking an approval for the parking of two commercial vehicles on the site. The applicant also proposes to install a new vehicle crossover to the site to accommodate parking of the commercial vehicles.

9. Details of the proposed commercial vehicles are outlined below.

Commercial Vehicle Details:

	Truck 1	Attached Trailer 1	Truck 2	Attached Trailer 2
Make / Year	DAF/2008	2017	ISUZU/2008	2010
Type	Flatbed	Trailer	Flatbed	Trailer
Length	7 Metres	10.5 Metres	9 Metres	7.2 Metres
Height	3.5 Metres		4.2 Metres	
Tare Weight	10 tonne	6.75 tonne	8 tonne	4.5 tonne
Aggregate weight	18 tonne	29 tonne	14 tonne	21 tonne
Combined Length	17.5 metres		16.2 metres	

10. The applicant has identified vehicle parking areas between the outbuilding and dwelling, to the western and eastern side of the outbuilding and to the front of the outbuilding as shown in Attachment 1. The applicant is also proposing a new crossover and driveway for the trucks and screening at the rear boundary to minimise the effect of parking to nearby residents. The vehicles are proposed to be parked on the property only one week in a month or during the Christmas period. For the balance of the time the vehicles will be parked or utilised off-site.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

11. In accordance with the Zoning Table of Local Planning Scheme No.3 (the Scheme) the proposed land use of 'Commercial Vehicle Parking' is identified as a "D" use under the Special Rural zone which means that the use is not permitted unless Council has exercised its discretion by granting development approval. A maximum of two commercial vehicles may be permitted on any Rural zoned land.

12. In accordance with Schedule 1 of the Scheme, Commercial Vehicle and Commercial Vehicle Parking is defined as:

"commercial vehicle means a vehicle as defined in the Road Traffic Act 1974, whether licensed or not which has a gross vehicle mass greater than 1.5 tonnes and which is used, designed or intended for use in the course of any business or trade, and is limited to the following vehicles-

- a) Any prime mover, truck, bus or earth moving equipment and any wheeled attachment to any of them or any wheeled article designed to be attached to any of them; and*
- b) A loaded combination, such as bob cat, forklift or any other vehicle, loaded on a truck, trailer or other attachment is to be regarded as one commercial vehicle."*

"commercial vehicle parking" means the parking of a commercial vehicle(s) for any period which is longer than necessary to load and unload or to complete a service being rendered to the property.

13. With regard to the definition of 'commercial vehicle', it is noted that other commercial vehicles, i.e. bob cat or forklift, where loaded onto a truck or trailer, shall still be regarded as one commercial vehicle. The definition makes no reference as to whether the vehicles can be off loaded from the truck or trailer.

14. Clause 5.19 of the Scheme establishes a number of provisions relating to Commercial Vehicle Parking, these include:

'5.19.6 Approval for parking a commercial vehicle may only be granted where an occupier of the lot on which the commercial vehicle is to be parked is also:

- a) the owner of;*
- b) the driver of; or*

- c) *the proprietor of a business which owns or operates the commercial vehicle in respect of which the approval is sought.*

5.19.7 *An approval for the parking of a commercial vehicle is –*

- a) *personal to the applicant for approval; and*
- b) *specific to the commercial vehicle which is the subject of the application for approval.*

5.19.8 *Council may revoke any approval granted for parking of a commercial vehicle(s) if there is failure to comply with any condition of approval.'*

Planning and Development (Local Planning Schemes) Regulations 2015

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

POLICY CONSIDERATIONS

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

- 16. The objective of Local Planning Policy P-DEV 22 – Parking of Commercial Vehicles on Private Property (the Policy) is to provide opportunities for the parking of commercial vehicles in a manner that does not detrimentally impact on the amenity of the surrounding area.
- 17. The parking of the proposed two Commercial Vehicles is assessed against the Policy as follows:

Policy requirements	Proposal	Compliant with policy
Maximum length 17.5m and 4.3m in height for articulated type commercial vehicles.	The total combined length of the vehicles will be 16.2m and 17.5m respectively. The total height of the commercial vehicles is 4.2m and 3.5m respectively.	Yes

<p>The vehicles shall only be started and manoeuvred on the lot in accordance with times and a manner approved by Council. Standard start and manoeuvring times are 7.00am to 7.00pm Monday to Saturday and 9.00am to 6.00pm Sundays, unless otherwise approved by Council.</p>	<p>The applicant has no specific movement times at this point. If approved, this will be included as a condition.</p>	<p>Yes</p>
<p>Vehicle is to be parked behind the front alignment of the dwelling and preferably behind the rear alignment of the dwelling. Where the vehicle is parked alongside the dwelling, then gates or fencing to a height of 1.8m should be erected to satisfactorily screen the vehicle.</p>	<p>The vehicles are proposed to be parked behind the dwelling, and is screened from the public realm with vegetation in the front and side of the site. The applicant is proposing additional screening at the rear end of the property.</p>	<p>Yes</p>
<p>The vehicle must be parked on the lot so that it does not interfere with access and egress of other vehicles. Where possible, vehicles should be parked such that they do not need to be reversed out.</p>	<p>The vehicles are parked on the rear end of the site and as such will not interfere with other vehicles on the site. The vehicles are able to leave the site in forward gear.</p>	<p>Yes</p>
<p>Spray painting, panel beating and major servicing of the vehicle will not be permitted on the lot.</p>	<p>If approved, this will be included as a condition.</p>	<p>Yes</p>
<p>Washing of the vehicle on the lot is limited to the use of water and mild detergent and excludes the use of solvents, degreasers and steam cleaning.</p>	<p>If approved, this will be included as a condition.</p>	<p>Yes</p>
<p>Idling and cooling down shall be restricted to 5 minutes per day.</p>	<p>The idling of vehicles is proposed as maximum of 5 minutes in the morning.</p>	<p>Yes</p>
<p>The cleaning and maintenance of the vehicle is restricted to the hours of 8.00am to 7.00pm Monday to Saturday and 9.00am and 6pm Sunday, unless otherwise approved by Council.</p>	<p>If approved cleaning and maintenance times can be included as a condition.</p>	<p>Yes</p>

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. The City has investigated the proposal from an Assets Services perspective and assessed the proposal for the design of the new crossover, traffic safety and sight lines, and raised no objections or concerns. The proposal for the second crossover will be designed, drained and constructed to the City's requirements.

External Referrals

19. In accordance with Scheme requirements, the amended proposal was advertised to nearby and affected land owners for a 14 day submission period. At the end of the submission period five submissions had been received, consisting of three objections and two non-objections with comments on the proposal.
20. The main issues raised in the submissions were:
- a) Preservation of the amenity of the Special Rural Zone.
 - b) The parking of commercial vehicles will devalue the neighboring properties.
 - c) The subject property will be used for commercial purposes.
 - d) The subject property is zoned Special Rural and should not be allowed for parking of commercial vehicles of the length specified in the proposal.
 - e) The proposal to park the trucks at the proposed location will have a negative impact on the amenity of the area. The vegetation screening is not enough, there should be a solid fence for screening.
 - f) The proposal of the new crossover is over possible sewer line.
 - g) Approving parking of commercial vehicles on this property will set a precedence for other land owners on the area and negatively impact the rural amenity.
21. The above concerns raised by the local community are addressed in the Officer comment section of this report.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

24. The location of the vehicles on site may impact the amenity of the neighbouring property. This is proposed to be mitigated through locational requirements and the provision of vegetative screening.

Economic Implications

25. The parking of the commercial vehicles on the property will assist the applicant with the operation of their business.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: The applicant may not comply with conditions of the planning approval.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Initiate appropriate compliance action to ensure the applicant complies with the conditions of planning approval.		

OFFICER COMMENT

28. The proposal is compliant with the City's Policy on the parking of commercial vehicles on private property.

29. In respect to the main concerns raised through public advertising, the following comments are provided:

30. **Amenity impacts resulting from the parking of the truck**
It is noted that the proposed location of the truck parking area is approximately 16.5m from the western (side) boundary of the adjacent neighbour, however, due to the topography of the site the truck is not visible from the neighbouring property. A truck parking area is also proposed to the front of the outbuilding approximately 15m from the rear lot boundary, refer Attachment 2. Existing vegetation and proposed screen planting of additional vegetation will assist in reducing the visual impact of the parking area to properties to the south west of the site. The applicant proposes that the vehicles will be parked on the property only one week in a month or during the Christmas period. For the balance of the time the vehicles will be parked or utilised off-site.
31. **The parking of two commercial vehicles is not compatible with the Special Rural Character of the area**
Under the provisions of the Scheme and Policy, a maximum of two commercial vehicles can, with development approval, be parked in Rural zoned areas. In this regard the proposal is compliant with Scheme and Policy requirements for the parking of the two commercial vehicles. Under the City's Scheme definition, an articulated type of vehicle, i.e. a vehicle with a trailer, and loaded combination such as a bobcat, forklift or any other vehicle loaded on a truck or trailer is regarded as one commercial vehicle.
32. **New crossover design and necessary clearances from services**
The City assessed the proposal from an Asset Services perspective and no objections in respect to the location of the proposed vehicle crossover was raised. If approved, the crossover's specifications will be approved, and works undertaken in accordance with the approved engineering drawings and specifications for the construction of crossover and access way.
33. With regard to concerns raised regarding the number of commercial vehicles permitted on site, it is noted that the definition of 'commercial vehicle' does allow for loaded combinations i.e. a bob cat or forklift on a truck or trailer to be brought onto the site as one commercial vehicle. However, the Scheme and Policy is silent as to whether a loaded combination can be taken off the commercial vehicle and used on the site.
34. From a planning perspective, the intent of the Policy is to ensure the parking of a commercial vehicle does not have an adverse impact on the amenity of the surrounding area and the use is restricted to the parking of the commercial vehicle only. To this end, the ability of an applicant to off load a bob cat or forklift for commercial use or storage is considered contrary to the intent of the Policy and therefore is not permitted.
35. If however, the bob cat or forklift have been brought onto the site for domestic use, i.e. landscaping works, then the City has no objection to these vehicles being off loaded. To address community concerns in this regard, a condition has been included in the recommendation of approval.
36. The Scheme and Policy does not permit a commercial vehicle to off load any commercial products associated with a business on site for storage purposes. A condition to the approval has also been included to address this matter.

37. In the context of the application complying with the City's Policy requirements and the mitigating measures proposed to ameliorate the concerns raised (i.e. vegetative screening), it is recommended that Council approve the modified application subject to appropriate conditions.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. APPROVE two commercial vehicles at Lot 27 (236) Holmes Road, Forrestfield subject to the following conditions:
 - a) The vehicles must, at all times, be parked in the location shown on the site plan.
 - b) Maintenance of a minor nature such as wheel changing and cleaning of the commercial vehicle is only permitted between 8.00am and 6.00pm Monday to Saturday. No panel beating, external spray painting, external welding or the removal of major body or engine parts is permitted.
 - c) The idling time for the start-up and cool down of the vehicle being a maximum of five minutes per day.
 - d) A landscape plan for the proposed vegetation screening is to be submitted to the City of Kalamunda within 30 days of the date of the approval.
 - e) All landscape screening is to be planted in accordance with the approved landscape plan within 60 days of the date of the plan be approved by the City of Kalamunda.
 - f) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications for the construction of the crossover and access way and demonstrating that stormwater is contained on-site or appropriately treated and connected to the existing drainage system.
 - g) Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
 - h) Movement and start-up times of the vehicle being restricted to 7.00am and 7.00pm Monday to Saturday and 9.00am to 6.00pm Sunday.
 - i) Vehicles brought onto the site as part of a loaded combination shall not be off-loaded onto the site and used for commercial related activity or storage purposes.
 - j) The off-loading and storage of any other commercial products on site associated with the parking of the commercial vehicle on site is not permitted.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.4. Proposed Amendment No. 98 to Local Planning Scheme No. 3 - Lot 36 (655) Welshpool Road East and Lot 810 (31) Brook Road, Wattle Grove - Industrial Development to Light Industry

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

Previous Items OCM 142/2012
 Directorate Development Services
 Business Unit Approval Services
 File Reference PG-LPS-003/098
 Applicant Planning Solutions c/- Evangelos Litis Nominees Pty Ltd
 Owner E & D Litis Pty Ltd

Attachments 1. Applicant Scheme Amendment Request [**10.1.4.1**]
 2. Scheme Amendment [**10.1.4.2**]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of Local Planning Scheme Amendment No.98 to Local Planning Scheme No.3 (the Scheme) for the purposes of public advertising.
2. Amendment No. 98 proposes to:
 - a) Rezone Lot 36 (655) Welshpool Road East and Lot 810 (31) Brook Road, Wattle Grove (subject site) under the Scheme from 'Industrial Development' to 'Light Industry';
 - b) Amend the boundary of Special Control Area 4 (Poultry Buffer) to exclude the subject site; and
 - c) Introduce a Special Control Area 7 (SCA) to the Scheme to introduce the Brook Road Light Industrial Precinct with associated development/subdivision provisions.
3. It is recommended that Council adopt Scheme Amendment 98 for the purposes of public advertising.

BACKGROUND

4. **Land Details:**

Land Area:	4.2586 hectares
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. The subject site previously formed part of a larger Lot 32, which included the land immediately south of the site, now referred to as Lot 811 (37) Brook Road.
7. The subject site is currently vacant comprising an area of approximately 4.2 hectares and is generally bound by Welshpool Road East to the north, Brook Road to the east, Bush Forever (site 387) to the south and a heavy vehicle transport depot / logistics centre to the west. More specifically, the following land uses directly adjoin the subject site:
 - a) 639 Welshpool Road East at the opposite corner of Brook Road and Welshpool Road East previously contained the Wattle Grove Primary School and is now a construction site containing a number of transportable structures;
 - b) 665 Welshpool Road East, abutting the site to the south-east contains a heavy vehicle transport depot / logistics centre;
 - c) 30 Brook Road opposite the site to the west contains the Abruzzo & Molise Sporting Club WA;
 - d) 44 & 56 Brook Road further west contain the Foxwood Farm Equestrian Centre.
8. Further afield, the subject site is surrounded by a mix of zones and land uses, being predominately low to medium residential development to the north (Wattle Grove Cell 9), Tonkin Highway to the east and the Maddington Kenwick Strategic Employment Area (MKSEA) to the south and west.
9. Wattle Grove Urban Cell 9 is located to the north of Welshpool Road East and comprises a range of low to medium density residential development, public open space, community and commercial/mixed use development.
10. The surrounding land to the west and further south forms part of the MKSEA area, a future industrial area which is predominately within the City of Gosnells, and partly in the City of Kalamunda at the southern end of Wattle Grove.
11. In May 2013, the then Minister for Planning approved a concurrent Metropolitan Region Scheme (MRS) and Local Planning Scheme No.3 Amendment (1235/57) to rezone the subject site as follows:

- a) Under the MRS from 'Parks and Recreation' to 'Urban'; and
 - b) Under the LPS3 from 'Parks and Recreation' to 'Industrial Development'.
12. In April 2018, the applicant lodged an amendment request (refer Attachment 1) with the intent of diversifying the land use permissibility on the subject site.
13. In April 2012, the Western Australian Planning Commission (WAPC) entered into a Deed of Agreement with the owner of former Lot 32 and Lot 36 to ensure that the portion of Lot 32 which contains the Conservation Category Wetland (CCW) (including a 25m buffer) would be ceded to the Crown free of cost for conservation purposes. An additional 25m buffer (to form a 50m buffer) was purchased by the WAPC for conservation purposes.
14. The transfer of a portion of Bush Forever Site 387 (Greater Brixton Street Wetlands) formally under private ownership to the Crown ensures the environmentally sensitive area remains in public ownership for conservation purposes.
15. In 2012 the WAPC initiated an amendment to the MRS (1235/57) to facilitate the redevelopment of the balance of unencumbered land (the subject site) as follows:
- a) Rezoning the subject site from 'Parks and Recreation' to 'Urban' to facilitate to the development of the land for commercial and/or light industrial purposes; and
 - b) Remove the Bush Forever Area notification over the subject site.
16. The MRS Amendment excluded the CCW area and a 50m buffer from the wetland. This area remains in the Parks and Recreation reservation under the MRS and Bush Forever site 387 (Greater Brixton Street Wetlands).
17. Council considered MRS Amendment 1235/57 at its Ordinary Meeting held on 19 November 2012 (OCM 142/2012), where it resolved to request that pursuant to section 126(3) of the *Planning and Development Act 2005* that the WAPC concurrently rezones the LPS3 zoning of the subject site, from 'Parks and Recreation' to 'Industrial Development'.
18. MRS Amendment 1235/57 was approved by the Minister and gazetted on 17 May 2013. The MRS Amendment rezoned the subject site as follows:
- a) Under the MRS from 'Parks and Recreation' to 'Urban';
 - b) Under the LPS3 from 'Parks and Recreation' to 'Industrial Development'; and
 - c) The removal of the Bush Forever Area notification over the subject site.

DETAILS

19. The applicant is seeking Council approval to advertise Amendment 98 which proposes the following:
- a) Rezone Lot 36 (655) Welshpool Road East and Lot 810 (31) Brook Road, Wattle Grove (subject site) under the Scheme from 'Industrial Development' to 'Light Industry';

- b) Amend the boundary of Special Control Area 4 (Poultry Buffer) to exclude the subject site; and
 - c) Introduce a Special Control Area 7 (SCA) to the Scheme to introduce the Brook Road Light Industrial Precinct with associated development/subdivision provisions.
20. The intent of rezoning the subject site from 'Industrial Development' to 'Light Industry' is to diversify the permissibility of land uses which will allow the landowner to develop for light industrial and mixed commercial purposes and remove the requirement for a Structure Plan (which is no longer a statutory document) to be prepared for the subject site.
21. In relation to SCA4 (Poultry Buffer), the subject site is proposed to be zoned 'Light Industry' whereby sensitive land uses are not permitted and therefore it is considered that the Poultry Buffer is no longer required to include the subject site.
22. To ensure the development of the site occurs in accordance with the Light Industry zoning and does not conflict with the principles of orderly and proper planning, the Scheme Amendment proposes to introduce a new SCA which will guide subdivision and development through the preparation of technical reports and associated design guidelines.
23. The SCA for the subject site is proposed to be included as a new clause 6.9 under the Scheme, referred to as the 'Brook Road Light Industrial Precinct'. It is proposed that new clause 6.9.1 be included in the SCA to ensure that environmental matters and design considerations within the precinct are addressed as a component of future subdivision or development applications. Clause 6.9.1 is proposed to state the following:
- 6.9.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:*
- a) A BAL assessment or Contour Map, prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the City of Kalamunda.*
 - b) A Local Water Management Strategy, prepare in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to the satisfaction of the Department of Water.*
 - c) A Local Development Plan approved by the City of Kalamunda under Part 6 of the Deemed Provisions for development of land directly fronting Welshpool Road East.*
 - d) Design guidelines adopted as a Local Planning Policy by the local government under part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.*
24. Proposed Clause 6.9.1, Part a) and b) are included to ensure environmental matters are assessed (bushfire assessment and a local water management strategy) and will ensure that the City and the WAPC have the necessary information required for the assessment of applications.

25. Proposed Clause 6.9.1, Part c) and d) are included to ensure that the City's intended design outcomes are clearly articulated and landowners are required to meet minimum design standards. This will also assist with ensuring development is compatible with existing residential development in Wattle Grove Cell 9.
26. In recognition of the residential area to the north and that the adjoining MKSEA precinct will undergo a staged development, it is considered appropriate to limit the permissibility of the potentially higher impact land uses within the subject site.
27. It is proposed to alter the permissibility of the land uses of 'Motor Vehicle Wrecking', 'Salvage Yard' and 'Storage' to a 'X' (not permitted) within the SCA through the inclusion of new clause 6.9.2 to the Scheme as follows:
- 6.9.2 Notwithstanding Table 1, the permissibility of the following use classes within the 'Light Industry' zone within the Special Control Area is to be in accordance with the designation listed below for the purpose of clause 4.3:*
- *Motor Vehicle Wrecking – 'X' Use*
 - *Salvage Yard – 'X' Use*
 - *Storage – 'X' Use*
28. This is consistent with recently approved Scheme Amendments that have facilitated subdivision and development within the MKSEA that is adjacent to Hale Road and Wattle Grove Cell 9.
29. Concept plans included as part of Appendix 3 of the supporting Amendment documentation indicates that the land is proposed to include a petrol station and two fast food outlets adjacent to Welshpool Road East and series of small lot light industrial factory units to near. Detailed consideration can be given to these proposals at subsequent stages of the planning process and through the consideration of future development applications.

STATUTORY AND LEGAL CONSIDERATIONS

30. **City of Kalamunda Local Planning Scheme No. 3**
Under the provisions of the Scheme, the subject site is currently zoned Industrial Development and located within two Special Control Areas: Bushfire Prone Areas (BPA) and SCA4 (Poultry Buffer). The provisions of the BPA and SCA4 apply to the subject site in addition to the provisions applying under the zone.
31. The objectives of the current zoning of 'Industrial Development' are outlined in Part 4.2.4 (Objectives of the Zones: Industrial Zones) of LPS3 as follows:
- a) To provide for orderly and proper planning through the preparation and adoption of a Structure Plan establishing the overall design principals of the area.
 - b) To permit the development of the land for Industrial purposes and for commercial and other uses normally associated with industrial development.

32. The objectives of the proposed zoning of 'Light Industry' are outlined in Part 4.2.4 (Objectives of the Zones: Industrial Zones) of LPS3 as follows:
- a) To provide for predominately light industry located in proximity to residential areas.
 - b) To ensure that industries are environmentally compatible with surrounding zones and activities.
 - c) To ensure that the movement of goods and services in and out of the zone cause minimal impact on residential land in the vicinity.
33. **Planning and Development (Local Planning Schemes) Regulations 2015**
Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to adopt or refuse to adopt a Local Planning Scheme Amendment as well as a justification for the type of amendment (basic, standard or complex).
34. Pursuant to Regulation 34 of the Regulations the proposed Amendment is considered to be a standard amendment as it:
- a) The Amendment is consistent with the objectives identified in the Scheme for the Light Industry zone.
 - b) The Amendment is consistent with the City of Kalamunda Local Planning Strategy.
 - c) The Amendment is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework.
 - d) The Amendment is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy and Local Development Plan to guide subsequent assessment of development applications.
 - e) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.
35. The Amendment seeks to introduce a SCA over the subject site, pursuant to Schedule 1, Part 5 (Special Control Areas) of the Regulations.
36. Pursuant to Schedule 1, Part 5, Clause 36 of the Regulations if the Amendment is approved by Council the SCA is to be marked on the Scheme Map and the purpose, objectives and additional provisions are to be included in proposed new clause 6.9.1 of the Scheme.

POLICY CONSIDERATIONS

37. **Directions 2031 and Beyond**
Directions 2031 and beyond is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.
38. The Amendment will facilitate the development of the subject site for mixed commercial and light industrial purposes, adding to the employment opportunities and improving employment self-sufficiency within the Wattle Grove locality.

39. **North-East Sub-Regional Planning Framework**
In March 2018, the WAPC finalised the draft Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-Regional Planning Framework relevant to the subject site. The frameworks aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
40. The document provides guidance on where development should occur to ensure sustainable urban growth, protecting the environment and heritage, and making the most effective use of existing infrastructure. The framework identifies the subject area as 'Industrial Expansion'.
41. The proposed Amendment will enable employment-generating industrial and commercial land uses which will assist in achieving the objectives of the framework and provide employment opportunities for existing and future residents in the surrounding residential areas.
42. **City of Kalamunda Local Planning Strategy**
The City's Local Planning Strategy (LPS) was adopted by Council on 3 October 2011 and endorsed by the WAPC in February 2013. The purpose of the LPS is to enable Council to determine the vision and strategic planning direction for the City of Kalamunda for the next 20 years, to coincide with Directions 2031.
43. A key action of the LPS is to encourage the expansion of new urban and industrial areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment. This includes the development of industrial land associated with MKSEA and the site.
44. **State Planning Policy 3.7 (Planning in Bushfire Prone Area)**
State Planning Policy 3.7 (SPP 3.7) applies to all sites located in bushfire prone areas and aims to ensure that all planning proposals take into account bushfire protection requirements through implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
45. The entire subject site is located in a Bushfire Prone Area and as such, the requirements of SPP 3.7 apply in addition to the provisions or requirements of the City of Kalamunda's Special Control Area relating to Bushfire Prone Areas.
46. In accordance with Part 6.3 of SPP 3.7 a Bushfire Management Plan (BMP) for the subject site has been prepared to act as a technical supporting document to inform planning assessment of the scheme amendment, and to provide guidance on how to plan for and manage the bushfire risk to the subject site through implementation of a range of bushfire management measures in accordance with the Guidelines. The BMP which can be found at Appendix 7 of Attachment 1 concludes that the proposal is consistent with the aims and objectives of SPP3.7 and associated guidelines.

47. **State Planning Policy 4.1 (State Industrial Buffer)**
The purpose of State Planning Policy 4.1 – State Industrial Buffer (SPP 4.1) is to provide a consistent State-wide approach for the protection and long-term security of industrial zones, transport terminals (including ports) and other utilities and special uses.
48. Any subsequent development application of subdivision on the subject site would be required to ensure any potential impacts are able to be adequately mitigated through appropriate site design and layout in accordance with the requirements of SPP4.1

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

49. Preliminary assessment was undertaken from a Health, Engineering and Environmental Service perspective in respect to the proposed amendment, no issues were advised.

External Referrals

50. If Council should resolve to adopt this Amendment for the purposes of advertising, it will be submitted to the Environmental Protection Authority for their comment and then advertised for public comment for a minimum period of 42 days as per the requirements of Regulation 47 of the Regulations and the City's Local Planning Policy PDEV45 - Public Notification of Planning Proposals.
51. The advertising processes will include but not be limited to:
- a) Issuing letters to landowners affected by the Amendment and those within a 300 meter radius of the subject site;
 - b) A notice on the City's media platform;
 - c) A notice in the local newspaper;
 - d) Display of the Amendment at the City's Administrative Centre;
 - e) Letters to relevant public and service authorities; and
 - f) Signage on site.

FINANCIAL CONSIDERATIONS

52. All costs associated with advertising and assessment of the Scheme Amendment is to be borne by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

53. *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.

SUSTAINABILITY

Social Implications

54. Amenity impacts to the existing residential community are proposed to be mitigated through modified land use permissibility and area specific design guidelines that will address the manner in which development interfaces with Welshpool Road East and appropriate site design and layout in accordance with the requirements of SPP 4.1.

Economic Implications

55. The proposed Amendment will facilitate the development of industrial and commercial land uses which will in turn provide employment opportunities for local residents, creates diversity and competition in local businesses, and takes advantage of the connection to Roe, Tonkin and Leach Highways.

Environmental Implications

56. Environmental studies have been undertaken over the subject site, indicating that it is not considered to possess any specific environmental features worthy of retention. Please refer Attachment 1 for further information in this regard.

57. Former Lot 32 was reserved Parks and Recreation under the MRS and was located within Bush Forever Site 387 (Greater Brixton Street Wetlands) and formed part of a Conservation Category Wetland (CCW) due to the presence of remnant vegetation.

58. The south-west portion of the subject site is encumbered by Special Control Area 4 (Poultry Buffer) of LPS3. The SCA4 identifies land within a 300 metre radius of a former poultry farm operating on Lot 64 Brook Road and is intended to be read in the context of State Planning Policy 4.3 (Poultry Farms) which seeks restrict or limit sensitive land uses within the buffer area.

RISK MANAGEMENT CONSIDERATIONS

59.	Risk: Surrounding residents are affected by loss of amenity		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Land use permissibility, separation distances and design guidelines will all help to mitigate any impact on the existing amenity of sensitive land uses. However, the Environmental Protection Authority’s Guidance for the Assessment of Environment Factors: Separation Distances between Industrial and Sensitive Land Uses protects sensitive land uses from hazardous or noxious land uses at the time of planning approval. Council will have the ability to assess and determine individual applications against these policy requirements.		

60.	Risk: The Amendment is not adopted by Council for the purposes of public advertising		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	The intent of this amendment is to diversify the permissibility of land uses which will allow the landowner to develop for light industrial and mixed commercial purposes. If the amendment does not proceed the subject site will remain restricted from a land use perspective and will not enable the landowners to develop as intended thereby potentially leaving the site undeveloped.		

OFFICER COMMENT

- 61. The purpose of the Amendment is to rezone the subject site from ‘Industrial Development’ to ‘Light Industry’ with the intent of diversifying the permissibility of land uses on the subject site.
- 62. The introduction of a SCA over the subject site will enable matters which would have previously required resolution through a Structure Plan, required under the current Industrial Development zone, to be appropriately addressed with the future subdivision and/or development of the subject site.
- 63. Dissimilar to Structure Plans, Special Control Areas have a statutory weight, with decision makers required to satisfy the provisions of the SCA in addition to the provisions of the zone when making a determination.
- 64. The provisions of a SCA have the ability to set the purpose and objectives, any specific development requirements, the process for referring development applications to relevant agencies and matters to be taken into account in determining development applications.

65. The SCA is therefore proposed to ensure any subsequent development of the subject site is in accordance with the Light Industry zoning and does not conflict with the principals of orderly and proper planning. In this case, the specific provisions include the requirement for further environmental studies (bushfire assessment and a local water management strategy), design guidelines and land use permissibility changes.
66. It is noted that the environmental studies and design guidelines could be prepared and approved by the City prior to rezoning; however, the technical studies will likely result in lot-specific mitigation and management measures, rather than changes to zoning. As such these can be addressed at the conclusion of the Scheme Amendment process and as part of future applications for subdivision and development.
67. The Light Industry zone is considered to be appropriate in its proposed location to assimilate with the surrounding industrial precinct known as MKSEA.
68. From a planning perspective, the proposed amendments are consistent with the applicable strategic and statutory planning framework and will facilitate the development of the subject site for a high quality mixed commercial and light industrial land uses through appropriate provisions included as part of the SCA. Advertising the Amendment will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process when the Amendment is brought back to Council for final approval.
69. Having regard to the above, it is recommended that Council adopts Scheme Amendment 98 for the purpose of public advertising.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. ADOPTS for the purpose of public advertising Amendment 98 to Local Planning Scheme No. 3 in accordance with Attachment 2 pursuant to Section 75 of the *Planning and Development Act 2005*
2. CONSIDERS Amendment 98 to Local Planning Scheme No. 3 as a standard amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The Amendment is consistent with the objectives identified in the Scheme for the Light Industry zone.
 - b) The Amendment is consistent with the City of Kalamunda Local Planning Strategy.
 - c) The Amendment is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework.

- d) The Amendment is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy and Local Development Plan to guide subsequent assessment of development applications.
 - e) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.
3. REFERS the proposed Amendment 98 to Local Planning Scheme No.3 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*.
4. ADVERTISES Amendment 98 to Local Planning Scheme No.3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals subject to Sections 81 and 82 of the *Planning and Development Act 2005*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.5. Proposed Amendment No. 81 to Local Planning Scheme No. 3 - Amending the Permissibility of Consulting Rooms in the Residential Zone

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

Previous Items	OCM 41/2015
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/081
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Excerpt of Table 1 Zoning Table of LP S 3 Existing v Proposed [10.1.5.1]
	2. Amendment Document [10.1.5.2]
	3. Submitters Table [10.1.5.3]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider whether to adopt for final approval Local Planning Scheme Amendment No. 81 (the Amendment) to Local Planning Scheme No. 3 (the Scheme).
2. The Amendment seeks to modify Table 1 (Zoning Table) of the Scheme by amending the permissibility of 'Consulting Rooms' within the Residential zone, from an 'X' (not permitted) use to an 'A' (advertise) use. The Amendment was advertised for public comment with a total of three submissions received, one of which was an objection and the balance non-objections.
3. It is recommended that Council support Amendment No. 81 without modification and forward its decision to the Western Australian Planning Commission (WAPC) for its consideration.

BACKGROUND

4. The City often receives enquiries regarding the possibility of 'Consulting Rooms' within the Residential zone. 'Consulting Rooms' are currently identified in Table 1 (Zoning Table) of the Scheme as an 'X' (not permitted) use. This means that even if the use may be considered appropriate from a planning perspective, there is no ability to formally consider the use under the Scheme in the Residential zone.
5. Where an applicant wishes to proceed in having the use considered, a scheme amendment is required and this can take approximately 12 to 15 months to process and ultimately requires Ministerial approval before a planning application can be lodged with the City for consideration.

6. Given 'Consulting Rooms' is a relatively low intensity use which does not incorporate more than two consultants, it is considered that it is not always inconsistent within a Residential zone. In this respect, it is considered that Consulting Rooms can be appropriately considered within a development application process, rather than requiring a Scheme amendment in all cases.
7. Under the current Scheme, Council has previously considered the initiation of three Scheme amendments proposing Consulting Rooms as an additional use in the Residential zone, these are detailed as follows:
 - a) Amendment 39 – 484 Kalamunda Road, High Wycombe. Council initiated the amendment on 15 November 2010, however the amendment did not proceed to advertising or final adoption.
 - b) Amendment 70 – 18 Collins Road, Kalamunda which was approved by the Minister for Planning on 1 March 2016.
 - c) Amendment 77 – 182 Canning Road, Kalamunda which was approved by the Minister for Planning on 16 November 2016.
8. Following the gazettal of the abovementioned amendments, the two former sites have obtained development approval and are currently still under operation. The City has no record of any complaints associated with the operation of these uses on the surrounding residential areas.

DETAILS

9. The land use of 'Consulting Rooms' is defined under Schedule 1 (Dictionary of Defined Words and Expressions), Part 2 (Land Use Definitions) as follows:
"means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general care."
10. Table 1 (Zoning Table) of the Scheme stipulates that the land use of 'Consulting Rooms' is an 'X' (not permitted) use in the Residential zone. Refer Attachment 1.
11. This amendment seeks to modify Table 1 (Zoning Table) of the Scheme by amending the permissibility of 'Consulting Rooms' within the Residential zone, from an 'X' (not permitted) use to an 'A' (advertise) use, meaning that the use would not be permitted unless the City has granted planning approval after advertising the proposal pursuant to the Scheme, refer Attachment 2.
12. To ensure any subsequent change of use applications for a 'Consulting Room' resulting from this Scheme Amendment are appropriately assessed in accordance with the Residential zoning and do not conflict with the principles of orderly and proper planning, the Amendment proposes a Local Planning Policy (Consulting Rooms in the Residential zone) be prepared and adopted by Council under Clause 2.4 of the Scheme.

STATUTORY AND LEGAL CONSIDERATIONS

13. **City of Kalamunda Local Planning Scheme No. 3**
The objectives of the Residential zone are outlined in Part 4.2.1 (Residential Zones) of the Scheme as follows:
- *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.*
 - *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.*
 - *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
 - *To encourage the retention of remnant vegetation.*
14. Part 4.3 (Zoning Table) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of land uses is determined through cross referencing the list of land use classes on the left hand column of the table against the list of zones in the first row of the table to establish the land uses classification in the zone.
15. The role of Part 4.3 (Zoning Table) of the Scheme is to outline the permissibility of land uses in a particular zone and should closely align with the overall objectives of each zone. This is achieved through designating each land use class into one of the following categories.
- a) 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme;
 - b) 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
 - c) 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (Advertising of Applications).
 - d) 'X' means a use that is not permitted by the Scheme.
16. **Planning and Development (Local Planning Schemes) Regulations 2015**
Pursuant to Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) this Amendment is considered to be a standard amendment as it:
- a) Is consistent with the objectives identified in the Scheme for the Residential zone.
 - b) Is consistent with the City of Kalamunda Local Planning Strategy.
 - c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework.
 - d) Is considered to have a minimal impact upon the land within the City of Kalamunda, particularly through the provision of a proposed Local Planning Policy to guide subsequent assessment of development applications.

- e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.
17. In September 2015 (OCM 114/2015), pursuant to Regulation 35 of the Regulations the City of Kalamunda resolved to adopt this Amendment as a standard amendment for the purposes of public advertising.
18. Pursuant to Regulation 47 of the Regulations and Section 81 and 82 of the PD Act, the Amendment was advertised for a period of 45 days. For further details regarding the advertising please refer to the Submitters List as at Attachment 3.
19. Pursuant to Regulation 50 of the Regulations, the City is required to pass a resolution regarding the Amendment within 60 days of the end of the submission period. The resolution must be made to either:
- a) support the amendment without modification; or
 - b) support the amendment with proposed modifications to address issues raised in the submissions; or
 - c) not support the amendment.

POLICY CONSIDERATIONS

20. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. The proposed Amendment was referred internally with all internal departments. No comments were received.

External Referrals

22. Prior to public advertising, the City referred the Amendment to the Environmental Protection Authority for their comment in accordance with Section 81 of the *Planning and Development Act 2005*.
23. In March 2017 the EPA provided written advice that the proposed amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act).
24. Following receipt of the EPA comments, the proposed Amendment was advertised for a period of 45 days via the following methods:
- a) A notice in the local newspaper;
 - b) Displayed at the City's Administration building;
 - c) A written notice to relevant public and service authorities; and
 - d) A publication on the City's online media platform.
25. During the advertising period a total of three (3) submissions were received, one (1) of which was an objection and the remaining non-objections. Please refer to Attachment 3 for a summary of and response to all objections.

26. The principal reasons for support raised by submitters during the advertising period included the following:
- a) Land use of 'Consulting Rooms' is considered appropriate for the residential zone where assessed on a case-by-case basis considering location, traffic impacts, etc;
 - b) Will have a positive influence upon the local economy through increasing employment opportunities;
 - c) Will provide essential services within the local area;
 - d) Will reduce the need for travel.
27. The main concerns raised by the objector during the advertising period included the following:
- a) Land use of 'Consulting Rooms' is not considered appropriate for the residential zone;
 - b) Traffic and car parking concerns.

FINANCIAL CONSIDERATIONS

28. Any costs associated with the preparation of the amendment document and undertaking public advertising have been met through the Approval Services Budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *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 1.3 - 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.

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

- 30. Through providing the ability to consider 'Consulting Rooms' in the Residential zone, the amendment could facilitate additional health related and medical consulting services in appropriate locations throughout the City. This may ultimately expand on consulting services available to the community, particularly given these services will be in high demand with an aging population.

Economic Implications

- 31. If Consulting Rooms are approved in appropriate locations, this may facilitate employment opportunities and services to the locality.

Environmental Implications

- 32. Detailed considerations of proposals for Consulting rooms would be considered at the development application stage should the amendment be approved. In regard to noise, activities conducted in residential areas would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

RISK MANAGEMENT CONSIDERATIONS

33.	Risk: The Amendment is not supported by Council for adoption.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Medium
	Action/Strategy		
	Demonstrate that by revising the permissibility of Consulting Rooms within the Residential zone this will incentivise practitioners to establish their business practices within the City. This will stimulate investment and employment opportunities within the City. Should Council resolve to support the proposed Amendment, a Local Planning Policy will be prepared with specific planning controls with the intent of protecting the surrounding residential amenity.		

OFFICER COMMENT

- 34. Although 'Consulting Rooms' is a non-residential land use, often the intensity and design of this land use is compatible with a residential area. Accordingly, it is considered appropriate to enable the City the ability to consider the use and development of Consulting Rooms based on the merits of a planning application.

35. Amending the Scheme to classify Consulting Rooms as an 'A' use will remove lengthy statutory processes involved with Scheme amendments and enable consideration of the use under a development application only. The amendment has been proposed and progressed in the interests of reducing regulatory requirements where appropriate and ensuring the City continuously seeks to improve and streamline processes where possible.
36. The City has undertaken a review of Local Planning Schemes of other Local Governments around the metropolitan area which indicates that Consulting Rooms are predominantly considered an 'A' (advertising) or a 'D' (discretionary) use in the Residential zone. While it is appropriate for Council to consider the permissibility of uses in the City based on local characteristics, it is also important that there is a consistent approach to statutory planning under Schemes from a State and local government perspective more broadly.
37. Classifying 'Consulting Rooms' as an 'A' use within the Residential zone allows decision makers to consider any potential amenity impacts upon surrounding landowners and exercise discretion through considering proposals on a merit and case by case basis.
38. The delay in advertising Amendment 81 from when it was adopted by Council for the purpose of advertising was due to Approval Services prioritising its City initiated Scheme amendments and policies, notably Amendment 82 – Dual Density, which were brought forward ahead of Amendment 81.
39. With regard to the objection received to the proposed amendment, it is acknowledged that potential amenity impacts arising from consulting rooms operating in residential areas is a legitimate planning consideration. Should therefore the Minister for Planning Lands and Heritage ultimately approve this amendment, a local planning policy will be prepared to complement the amendment. The Policy which is currently being prepared will guide the assessment of planning applications for consulting rooms in residential areas, with the expressed intent to ensure the activity does not compromise the prevailing residential amenity of the area. To this end, the Policy will include specific requirements regarding the location, car parking, site requirements (setbacks and open space), building design, landscaping and hours of operation. Importantly all applications will be advertised to surrounding residents, thereby provided affected residents with the opportunity to comment on the proposal.
40. Over the past two years, two Scheme Amendments allowing for the consideration of Consulting Rooms in Residential areas have been approved in the City with both sites obtaining subsequent development approval. The City has no record of any complaints having been received concerning the operation of these uses on the surrounding residential areas.
41. Having regard to the above, it is recommended Council adopt Amendment 81 for final approval.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. SUPPORTS Amendment No. 81 to Local Planning Scheme No. 3 without modifications pursuant to Part 5 Regulation 50(3)(a) of the *Planning Development (Local Planning Schemes) Regulations 2015*.
2. FORWARDS to the Western Australian Planning Commission pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a) The Schedule of submission made on the Amendment; and
 - b) All required amendment documents.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.6. Proposed Amendment No. 95 to Local Planning Scheme No.3 - Additional Use, Reception Centre, Lot 601 (782) Welshpool Road East, Wattle Grove

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

Previous Items	OCM 219/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/095
Applicant	Altus Planning and Appeals
Owner	Rothway Homestays, K E Bennett

Attachments	<ol style="list-style-type: none">1. Applicants Submission Report [10.1.6.1]2. Transport Impact Statement [10.1.6.2]3. Sight Line Assessment Report [10.1.6.3]4. Bushfire Management Plan [10.1.6.4]5. Department of Planning Response [10.1.6.5]6. Department of Planning - Response - Follow Up [10.1.6.6]7. Main Roads WA - Response [10.1.6.7]8. Department of Fire Emergency Services - Response [10.1.6.8]9. Scheme Amendment 95 Report - Form 2A [10.1.6.9]10. Submission Referral Table [10.1.6.10]11. EPA Determination [10.1.6.11]12. Median Photo 1 looking North East [10.1.6.12]13. Median Photo 2 looking North East [10.1.6.13]14. Median Photo 3 looking South West [10.1.6.14]15. Median Photo 4 looking South West [10.1.6.15]
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EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting for final approval Local Planning Scheme Amendment 95 for the purposes of amending the City of Kalamunda (the City) Local Planning Scheme No.3 (the Scheme) to include the additional use "Reception Centre" on Lot 601 (782) Welshpool Road East, Wattle Grove (The subject site).
2. The application is accompanied by a Transport Impact Statement (TIS) in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment (TIA) Guidelines 2016 as well as a Bushfire Management Plan (BMP). Initial comments from the Department of Planning Lands and Heritage (DPLH) and the Department of Transport (DOT) raised concerns for traffic safety entering the site via median in Welshpool Road East from the east, it was suggested that a deceleration pocket lane be built in the median. Subsequently the applicant prepared a sight lines assessment which concluded that alternative measures be applied which negate the need for the deceleration pocket lane. This was referred back to DPLH and DOT who have raised no objections to the alternative traffic management measures. No comments were received from the community relating to Amendment 95.

3. It is recommended that Amendment 95 be adopted by Council for final approval.

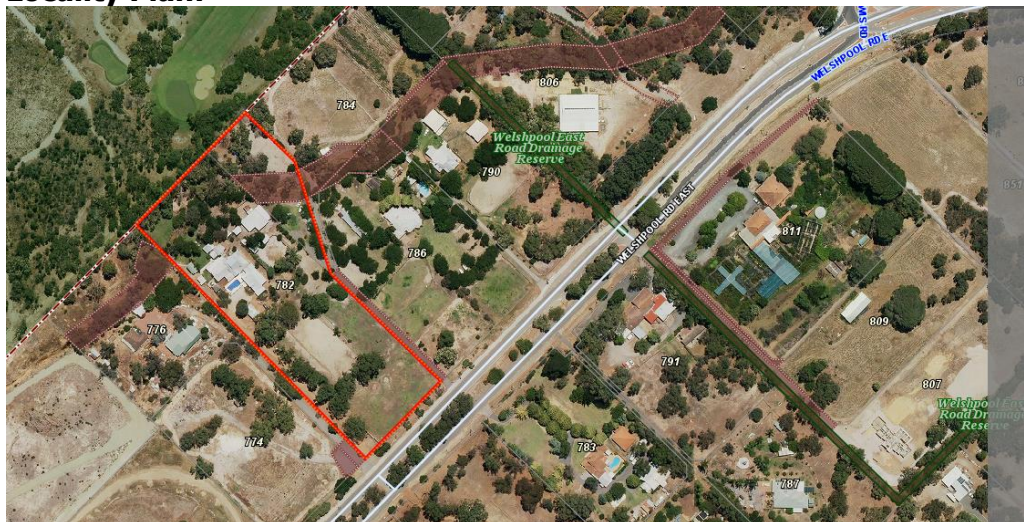
BACKGROUND

4. **Land Details:**

Land Area:	2.0057ha
Local Planning Scheme Zone:	Rural Composite
Metropolitan Regional Scheme Zone:	Rural

5. On the 20 August 2015, the City granted the land owner(s) with planning approval to operate a Bed and Breakfast at the subject site for a maximum of six guests, in addition to any persons currently residing at the residence.
6. The existing dwelling is identified in the City’s Municipal Heritage Inventory 2015, as Place No 183 – formerly Taylors Home. The residence and surrounding property were built for Fred Taylor and his family around 1927 who made a significant contribution to the local community. The building is listed as having a Management Category Level 4, which is the lowest conservation level category with minimal historic significance.
7. On the 28 November 2017, Council adopted Amendment 95 for the purpose of public advertising. Amendment 95 proposed to include an Additional Use (Reception Centre) on the subject site.

8. **Locality Plan:**



DETAILS

9. The applicant is seeking final approval for Amendment 95 to allow for an additional use of 'Reception Centre' on the subject site.

10. In support of the request, the applicant has provided the following information:
- a) A comprehensive planning report justifying the proposal, refer Attachment 1;
 - b) A TIS Report, refer Attachment 2;
 - c) A Traffic Sightlines Report, refer Attachment 3;
 - d) A Bushfire Management Plan Report, refer Attachment 4.
11. Scheme Amendment 95 will facilitate the use of a reception centre on the site as follows:
- a) It is proposed that the 'Reception Centre' would have the ability to operate seven days per week, on an as needs basis and that it would be seasonal, i.e. during the warmer, dryer months of the year, with approximately 15 events per year. At all other times it is proposed to continue to operate in accordance with its present approval for a Bed and Breakfast.
 - b) It is proposed that the 'Reception Centre' would cater for small to medium sized garden weddings, attracting approximately 50 guests with a maximum capacity of 100 guests. All events will have a cut off time of 11.00pm, except on Sundays when the cut off time will be 9.00pm.
12. In support of the proposal, the applicant has provided the following:
- "The subject land would be an ideal location for and could accommodate a Reception Centre given the size and the layout of the land well as its direct (and full) access to Welshpool Road East. Furthermore, the nature, scale and frequency of the events are such that it will not have any adverse impacts on the surrounding area and in fact, the amendment would provide an incentive for the landowner to maintain his well-manicured and established garden setting, as well as the heritage listed dwelling, all of which is considered to have a positive impact on the amenity of the locality."*

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

13. In relation to the processing of Scheme amendments, Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) distinguish 'complex', 'standard' and 'basic' types of amendments with procedural requirements for each to streamline and simplify the amendment process, particularly in relation to advertising and processing timeframes.
- In this instance the application has been determined as a 'standard amendment'.
14. Section 50 (3) of the Regulations states that:
- 'Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution –*
- a) To support the amendment without modification; or*
 - b) To support the amendment with proposed modifications to address issues raised in the submission; or*
 - c) Not to support the amendment.'*

Metropolitan Region Scheme

15. The site is zoned Rural under the Metropolitan Region Scheme.

Local Planning Scheme No. 3

16. The subject lot is currently zoned Rural Composite under the Scheme, which includes the following objectives under Part 4.2.2 (Rural Zones):

a) To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.

17. The proposed additional uses are defined under the Scheme and Regulations as follows:

Use	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Definition	Local Planning Scheme No. 3 Definition
Reception Centre	Means premises used for hosted functions on formal or ceremonial occasions.	Means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes.

18. This Scheme amendment proposes to enable the City to consider the use 'Reception Centre' as an 'A' use in the Rural Composite zone as an additional use for this specific property. This would mean that the use is not permitted unless the City has granted planning approval after advertising the proposal pursuant to the Scheme.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (Western Australian Planning Commission)

19. The intent of State Planning Policy 3.7 (SPP 3.7) is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

20. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to bushfire prone areas under the Scheme.

21. The requirements under SPP 3.7 apply in addition to the provisions or requirements of the Special Control Area relating to bushfire prone areas under the Scheme.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The Sightline Assessment (Attachment 3) was assessed by the City from an Asset Services perspective. The sightline assessment report was considered and no objections were identified from a traffic perspective.

The City made comment to the condition of the existing trees within the medium strip which given their size would provide foraging for the black cockatoo species. Concern was raised regarding the possible loss of the trees as a result of the original request for a deceleration lane.

Subsequent to this, the applicant submitted a Sightline Assessment which concluded that no trees would be required to be removed from the median strip and the City's Environmental assets would not be compromised.

The City raised concerns relating to the location and potential upgrade of effluent disposal systems as well as the requirement to manage noise from the proposed use. It was indicated that both of these issues can be dealt with by way of appropriate conditions to be applied to any subsequent development application to commence development following approval of the Scheme Amendment. The applicant will have the opportunity to provide further detailed information including a Noise Management Plan and effluent capacity analysis based on the current system and new demands as a result in the intensification of land use proposed.

External Referrals

23. The amendment was advertised in accordance with the requirements of the Regulations for a standard amendment and the City's Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals as follows:

- a) Letters to surrounding landowners/occupiers;
- b) Letters to relevant public authorities and servicing authorities;
- c) Consultation for a period of 42 days in a local newspaper for two consecutive weeks, a sign placed on the site and notices placed on the City's website and social media pages.

24. No submissions to the amendment were received from the community.

25. The following comments were received from public authorities and government agencies:

Department of Lands Planning and Heritage (DPLH)

Please see Attachment 5

'The Department recommends that the City consider the installation of a right turning pocket within the median for reasons for safety and efficiency in order to separate turning vehicles from those travelling along Welshpool Road East and avoid rear end collisions for right turning vehicles.'

Upon receipt of the Sightlines Report, the City referred this additional information back to the DPLH, who advised as follows:

Please see Attachment 6

'The above report, prepared by ML Traffic Engineers dated April 2018 includes a traffic assessment in response to safety concerns, particularly right turning movements. A safety audit including: Sight distances, crash data, existing road layout and turning facilities have been assessed, and the Department is satisfied with the findings and supports the recommendations within Section 6 of the report.'

The DPLH has stated that it has no objection to the proposal on regional transport planning grounds subject to the recommendations of the Sightlines Report by ML Traffic Engineers.

Department of Transport (DoT)

'The DoT has no objection to this proposal, as it is unlikely to cause significant impact on Welshpool Rd East.'

'However, due to the extent of vegetation in the central median, a visibility assessment is recommended for access and egress movements from the venue.'

Further to this and the DPLH comments the question of sightlines and safety was put back to the applicant to prepare further information. They submitted a sightlines report from their traffic engineers which was then referred back to DoT to revisit their comments and provide revised advice to the City.

The City received further comments from the DoT which followed referral of the Sightlines Assessment Report from ML Traffic Engineers being forwarded to them for additional comment.

'Generally, it would be Main Roads WA's role to provide assistance with respect to warrants for intersection upgrade requirements.'

*'However, I will provide the following comments:
Personally, I would suggest that the modelling criteria used are pretty optimistic (100pax guests generating only 25 vehicle trips during the generator's peak hour is lower than I would expect).
However, there may be arguments for its occasional use not representing sufficient need for channelization; at the discretion of the Shire.'*

'Based on my professional experience, I think that the sightline assessment is adequate for the purpose.'

Main Roads Western Australia (MRWA)

Please see Attachment 7

'Main Roads has now had the opportunity to review the documentation and attached plans. Welshpool Road East is a designated blue road "Other Regional Road" within the Metropolitan Region Scheme (MRS), under the control of the Department of Planning, Lands and Heritage. Main Roads do not provide comment on these roads (within the exception of a few). At this Scheme Amendment is not adjacent to any roads under Main Roads control, Main Roads has no comment or objection to the proposal.'

Department of Fire and Emergency Services (DFES)

Please see Attachment 8

In accordance with SPP 3.7 the Bushfire Management Plan (BMP) was referred to the Department of Fire and Emergency Services (DFES) as the proposed land use is classified as a vulnerable land use. DFES advise that the Bushfire Management Plan (BMP) has adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved for the scheme amendment. It is anticipated that any proposed bushfire management requirements are to be addressed as a condition of the additional use approval and would apply to any subsequent application to commence development. DFES advise that further assessment will be required at subsequent stages (development approval) to ensure that no new structures are located in the BAL-40 of BAL-FZ risk areas, refer Attachment 4.

Department of Health

Water Supply and Wastewater Disposal:

'The amendment is to condition that any developments are required to connect to Scheme water and reticulated sewerage (if available) as required by the Government Sewerage Policy – Perth Metropolitan Region.'

'Should reticulated sewerage not be available then approval is required for any on-site waste water treatment process with such proposals being in accordance with DoH publications which may be reference and downloaded from the Departments website.'

Food Act Requirements:

'The reception centre is to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines. Details can be downloaded from the Department's website.'

Health (Miscellaneous Provisions) Act Requirements.

'All public access areas (reception centre etc.) to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911 in particular Part IV- Public Buildings, related regulations and guidelines. Sufficient sanitary facilities are to be provided for the maximum number of patrons.'

FINANCIAL CONSIDERATIONS

26. All costs associated with the preparation and advertising of the amendment have been born by the landowner/applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Strategy 3.4.2 - Advocate and facilitate diversification options for the rural properties to flourish.

SUSTAINABILITY

Social Implications

28. By providing the ability to consider an Additional Use for 'Reception Centre' in the Rural Composite zone, the amendment may facilitate an additional gathering place for weddings and functions within the City, accessible to a wider community.

Economic Implications

29. The proposed Scheme amendment would allow the applicant to expand an existing tourism based use for which the City can consider in the Rural Composite zone. If an additional use for Reception Centre is approved in, this will facilitate additional employment opportunities and services to the locality.

Environmental Implications

30. Detailed considerations of proposals for the Reception Centre would be considered at the development application stage if the amendment is approved. In regard to noise, activities conducted in residential areas would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: The proposed land use may have an amenity impact on adjoining properties including traffic related impacts.		
	Likelihood	Consequence	Rating
	Possible	Significant	Medium
	Action/Strategy		
	Ensure that Council is aware if the proposed Scheme amendment is adopted by Council and granted final approval by the Minister for Planning Lands and Heritage, the proposed use of Reception Centre will still require development approval from the City. If approved, the applicant will be required to adhere to a traffic management plan and the requirements of the sightlines report recommendations being implemented prior to the use becoming operational on the site.		

OFFICER COMMENT

- 32. Although 'Reception Centre' is a prohibited land use in the Rural Composite zone, it is considered the intensity and design of this land use is compatible with the zone. Accordingly, it is considered appropriate to enable the City the ability to consider the use and development of a Reception Centre based on the merits of a planning application.
- 33. Amending the Scheme to allow Reception Centre as an additional use will enable consideration of the use under a development application only.
- 34. It is assessed that the proposed use fits within the objectives for the Rural Composite Zoning in that it is a low scale commercial land use that is proposed to be delivered in a manner that will not adversely affect the landscape and environmental qualities of the land and are appropriate to the area.
- 35. If the amendment is approved, it will still be the City's prerogative to impose conditions on the future development application to impose conditions for the 'Reception Centre' where the development/use may result in an impact on the amenity of the surrounding area. This may include specific requirements regarding the location, car parking, and site requirements (setbacks and open space), building design, landscaping and hours of operation.
- 36. It is considered that the proposed additional use is consistent with the tourism theme of land uses currently being undertaken on this site. The permission to allow approximately 15 weddings per year, with a maximum of 100 patrons is not considered to be a significant deviation from the existing Bed and Breakfast use approved on site.
- 37. The applicant has provided a Traffic Impact Statement as part of their application as well as an additional Sight Line Assessment by their consultant to demonstrate that in this instance no deceleration lane is necessary. In this regard, Welshpool Road East is classified as an 'Other Regional Road' (ORR) pursuant to the Metropolitan Region Scheme (MRS).

In accordance with the Main Roads Western Australia (MRWA) road information mapping system, Welshpool Road East is classified and a 'Distributor A' east of the Tonkin Highway intersection. As stated by the applicant, the proposed land use for receptions, with likely 15 events per year with a cap of 100 people per event, it is considered that Welshpool Road East can sufficiently accommodate this proposal, and that no road or access modifications will be required. Moreover, the following is noted:

- a) There are no significant trees along the verge adjacent to the subject site.
- b) There are however mature trees located in the central median strip of Welshpool Road East in the location in which DPLH originally recommended to install a deceleration pocket lane.
- c) Following receipt of the Sight Line Assessment it was determined by DPLH and confirmed through agreement with DOT that there are no anticipated requirements at this time for additional access and that measures (recommendations) forming Part 6 of the report are to be included in the recommendation and implemented at development application stage subject to compliance with local laws for signage.
- d) Given the infrequency of the proposed events associated with the 'Reception Centre' proposed additional use it is assessed that the intensity of the proposed addition use is acceptable in this location. Formal advice has been sought from the DPLH and DOT on this matter with support given for the measures contained in the Sightline Assessment report will form part of the measures to manage site safety for vehicles entering and exiting the site.

38. Having regard to the above, it is recommended that Council adopt Local Planning Scheme Amendment 95 for final approval.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. SUPPORTS Amendment 95 to Local Planning Scheme No.3 without modification pursuant to Part 5 Regulation 50(3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. FORWARDS to the Western Australian Planning Commission the Summary of Submission and Responses and all required Amendment documentation pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.1.7. Proposed Amendment No. 96 to Local Planning Scheme No. 3 - Modifying the Use Class Permissibility in the District Centre, Commercial and Residential Zones

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

Previous Items	OCM161/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/096
Applicant	City of Kalamunda
Owner	

Attachments	1. Justification for Proposed Changes to Permissibility [10.1.7.1]
	2. Submitter's Table [10.1.7.2]
	3. Amendment Document [10.1.7.3]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting for final approval Local Planning Scheme Amendment 96 to Local Planning Scheme No.3 (the Scheme) to revise the permissibility of land uses within the City through modifying Table 1 (Zoning Table) of the Scheme in relation to the District Centre, Commercial and Residential zones.
2. The City commenced an investigation into the use permissibility in the District Centre and Commercial zones following recommendations from the 2017 Strategic Service Delivery Review. During this investigation it was considered that there was merit in modifying some use class permissibility to bring the City's Scheme in line with contemporary planning objectives and community expectations. The Amendment was advertised for public comment with a total of four submissions received, one of which was an objection and the balance non-objections.
3. It is recommended that Council adopts Amendment 96 without modification.

BACKGROUND

4. The City has two (2) District Centres (Forrestfield and Kalamunda) and scattered areas of Commercial zoned land located within the Scheme area. These centres are important activity nodes for the community, providing for a range of shopping, business, professional, civic and cultural, and entertainment based services.
5. In August 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) introduced deemed provisions that exempted development from requiring planning approval that is classified as 'P' (permitted) and:
 - a) The development has no works component; or

- b) Development approval is not required for the works component of the development.
6. This means that where a site changes use and the new use is classified as 'P' (Permitted), it will not require planning approval unless there are external modifications to the building. In a District Centre and Commercial zoned environment, it is important to facilitate the types of uses that are desirable, however this should be balanced with an appropriate level of development control.
7. One of the recommendations of Council's Strategic Service Delivery Review in 2017 was to investigate exemptions in the Kalamunda and Forrestfield District Centres with a view of facilitating desirable land uses. This was intended to apply to the 'Shop', 'Office', 'Small Bar', 'Restaurant' and 'Consulting Room' land uses. During this investigation, it was noted that all of these uses are already 'P' (Permitted) land uses, however it was considered that there is merit in reviewing the remainder of uses in these zones to ensure that the City's Scheme is in line with contemporary planning objectives and community expectations.

DETAILS

8. This amendment proposes to modify the permissibility of some uses to ensure that a development application is required prior to the commencement of the use, to ensure that appropriate development standards and processes are applied through the development application process.
9. Attachments 1 and 2 contains a list of the proposed changes to Table 1 (Zoning Table) of the Scheme including rationale behind each of the proposed changes. In summary however, the following table highlights the changes to use permissibility proposed:

	District Centre		Commercial		Residential	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Aged Residential Care	D	A	D	A		
Amusement Parlour	P	D	P	D		
Ancillary Dwelling	D	X	D	X		
Art Gallery	P	D	P	D		
Betting Agency	P	D	P	D		
Bulky Goods Showroom	P	D	P	D		
Caretakers Dwelling	P	D	P	D		
Car Park	P	D	P	D		
Child Care Premises	P	D	P	D		
Cinema/Theatre	P	D	P	D		

Civic Use	D	P	D	P		
Club Premises	P	D	P	D		
Community Purpose	P	D	P	D		
Family Day Care	P	D	P	D		
Fast Food Outlet	P	D	P	D		
Garden Centre	P	D	P	D		
Health/Fitness Centre	P	D	P	D		
Home Business	P	D	P	D		
Home Occupation	P	D	P	D	P	D
Home Office	Nil.	P	Nil.	P		
Home Store	P	D	P	D		
Hospital	D	A	D	A		
Hotel	D	A	D	A		
Industry – Service	D	X	D	X		
Motor Vehicle, Boat or Caravan Sales	P	X	P	D		
Motor Vehicle Repairs	P	X	P	X		
Place of Worship	D	A	D	A		
Reception Centre	P	A	P	A		
Service Station	P	A	P	A		
Single Bedroom Dwelling	D	X	D	X		
Single House	D	X	D	X		
Small Bar	Nil.	P	Nil.	P		
Tavern	D	A	D	A		
Trade Display	D	X	D	X		
Veterinary Centre	P	D	P	D		
Warehouse/Storage	D	X	D	X		

10. Table 1 has been rearranged in accordance with the table proposed through Amendment 83 (initiated by Council on 24 April 2017) to the Scheme, which will bring the Scheme into alignment with the model and deemed provisions under the Planning and Development (Local Planning Schemes) Regulations 2015. Differences between the current Scheme Table 1 and the proposed table include:

- a) Addition of the following use classes:
 - i. Bulky Goods Showroom
 - ii. Home Office
- b) Replace 'Restaurant' with 'Restaurant/Café';
- c) Replace 'Rural Pursuit' with 'Rural Pursuit/Hobby Farm'
- d) Reordering of some of the uses into alphabetical order.
- e) Delete the Showroom use class.
- f) Delete the Stable use class.
- g) Combine the Warehouse and Storage use classes – 'Warehouse/Storage'.

11. In addition to the above, this amendment also seeks to
- a) Correct an error in Table 1 relating to the Home Occupation use in a Residential Zone, by changing it from a 'P' (permitted) use to a 'D' (Discretionary) use. This is consistent with the approach taken by other local governments and will ensure that an appropriate level of development control is applied to home occupation proposals. The City will also investigate the preparation of a local planning policy for home occupations to provide a transparent and consistent decision making framework for these types of proposals.
 - b) Introduce the 'Small Bar' use class into Table 1 and the definition of a Small Bar into the Land Use Definitions Schedule of the Scheme, as follows:

"Means premises the subject of a small bar licence granted under the Liquor Control Act 1988".
12. Should Council resolve to adopt the amendment, it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning heritage and Lands.

STATUTORY AND LEGAL CONSIDERATIONS

13. **Planning and Development (Local Planning Schemes) Regulations 2015**
Pursuant to Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) this Amendment is considered to be a standard amendment as it:
- a) Is consistent with the objectives identified in the Scheme for the applicable zones;
 - b) Is consistent with the City of Kalamunda Local Planning Strategy;
 - c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
 - d) Is considered to have a minimal impact upon the land within the City of Kalamunda; and
 - e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.
14. In September 2017 (OCM 161/2017), pursuant to Regulation 35 of the Regulations the City of Kalamunda resolved to adopt this Amendment as a standard amendment for the purposes of public advertising.

15. Pursuant to Regulation 50 of the Regulations, the City is required to pass a resolution regarding the Amendment within 60 days of the end of the submission period. The resolution must be made to either:
- a) support the amendment without modification; or
 - b) support the amendment with proposed modifications to address issues raised in the submissions; or
 - c) not support the amendment.
16. **City of Kalamunda Local Planning Scheme No. 3**
Part 4.3 (Zoning Table) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of land uses is determined through cross referencing the list of land use classes on the left hand column of the table against the list of zones in the first row of the table to establish the land uses classification in the zone.
17. The role of Part 4.3 (zoning Table) of the Scheme is to outline the permissibility of land uses in a particular zone and should closely align with the overall objectives of each zone. This is achieved through designating each land use class into one of the following categories.
- a) 'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme;
 - b) 'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;
 - c) 'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 (Advertising of Applications).
 - d) 'X' means a use that is not permitted by the Scheme.
18. The key objective of this amendment is to review and where appropriate change use permissibility within the District Centre and Commercial zones, which would require modifications to the Zoning Table under the Scheme.
19. The District Centre zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:
- To promote, facilitate and strengthen the District Centres as the major foci of activity, particularly for shopping, business, professional, civic, cultural, entertainment facilities and related employment opportunities.
 - Provide for medical and other health related services.
 - Allow for the establishment of uses which would co-exist with the District Centre's activities whilst recognising a limited level of residential activities in the District Centre.
 - Achieve safety and efficiency in traffic and pedestrian circulation.
 - Ensure that the scale, size, design and location of buildings are compatible with the existing development in the District Centre.

20. The Commercial zone includes the following objectives under Part 4.2.3 (Commercial Zones) of the Scheme:
- To service the needs of a localised area in providing for local shopping facilities, business, professional, civic, cultural, medical and other health related services.
 - To ensure that development is designed to be compatible with nearby uses and zones particularly residential zones.

POLICY CONSIDERATIONS

21. **Kalamunda Town Centre Planning and Urban Design Guidelines**
The Kalamunda Town Centre Planning and Urban Design Guidelines provide guidance on the design of new buildings and spaces within the Kalamunda town centre, to achieve an enhanced urban environment, improve the experience for pedestrians and to reinforce and build upon Kalamunda's established character.
22. Importantly, the purpose and intent of the proposed amendment is to designate appropriate land use for the District Centre and Commercial zones, and does not modify the design and development criteria prescribed in the Kalamunda Town Centre Design Guidelines.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. The proposed Amendment was referred internally with all internal departments declaring a non-objection to the Amendment.

External Referrals

24. Following adoption and prior to public advertising, the City referred the Amendment to the EPA for their comment in accordance with Section 81 of the PD Act.
25. Following receipt of the EPA comments, the proposed Amendment was advertised in accordance with the Regulations and the City's Local Planning Policy PDEV45 (Public Notification of Planning Proposals) for a period of 45 days via the following methods:
- a) A notice in the local newspaper;
 - b) Displayed at the City's Administration building;
 - c) A written notice to relevant public and service authorities; and
 - d) A publication on the City's online media platform.
26. During the advertising period a total of four submissions were received, one of which was an objection and the balance non-objections. Please refer to Attachment 3 for a summary of and response to all objections.

27. The principal reasons for support raised by submitters during the advertising period included the following:
- a) Appreciate the precautionary approach;
 - b) The inclusion of a 'small bar' land use and its associated permissibility proposed through the Amendment is supported.
28. The principal concerns raised by submitters during the advertising period included the following:
- a) The Amendment counteracts the intent of planning reform imposed with the inclusion of Clause 61(2) (b) of the Regulations;
 - b) It is not considered orderly or proper planning for the permissibility of uses to be made more restrictive and onerous;
 - c) It is respectfully requested that the City reconsider the proposed changes to the existing permitted uses within the District Centre Zone and allow for these uses to remain permitted, being exempt from the need to require approval where they are consistent with the City's planning framework and require no works component as allowed for under the regulations.

FINANCIAL CONSIDERATIONS

29. Any costs associated with the preparation of the amendment document and undertaking public advertising have been met through the Approval Services Budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

30. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

31. The City's urban centre and commercial areas are considered to be central to perceived community character and identification, also functioning as an important gathering place for social, community and cultural purposes. It is therefore important to coordinate appropriate land uses and development standards in a way that is consistent with community expectations and strategic planning priorities.

Economic Implications

- 32. The City’s urban centre and commercial areas provide for a range of shopping, business, professional and entertainment based services. It is essential that an appropriate balance is reached between facilitating economic and business conditions, land use coordination and controlling development standards under the Scheme.

Environmental Implications

- 33. Nil.

RISK MANAGEMENT CONSIDERATIONS

34.	Risk: Not undertaking this amendment could result in undesirable land uses in the District Centre and Commercial zones.		
	Likelihood	Consequence	Rating
	Likely	Moderate	High
	Action/Strategy		
	Ensure that Council is aware that the proposed amendment brings Table 1 of the Scheme into alignment with contemporary planning approaches and is considered to strike an appropriate balance between facilitating development/appropriate uses and controlling development in the District Centre and Commercial zones.		

OFFICER COMMENT

- 35. A review of the Zoning table against the objectives of the District Centre and Commercial zones under the Scheme has resulted in several recommended changes to Table 1 as at Attachment 2.
- 36. The intent behind a majority of changes is to restrict undesirable land uses from operating within the District Centre and Commercial zones. However, it is proposed that a new ‘Small Bar’ use class be introduced and be classified as ‘P’ (Permitted) within the District Centre and Commercial zones.
- 37. During the submission period one (1) objection was made with the submitter stating that the Amendment is contrary to the intent of Clause 61(2)(b) of the Regulations. While it is noted that the intent of this clause of the Regulations is to facilitate permissible uses in appropriately zoned areas, i.e. District Centre and Commercial zoned land, from the City’s perspective however, it is important to that this approach be balanced with an appropriate level of development control.
- 38. The introduction of the deemed provisions in August 2015, removed the City’s discretion through development control whereby a proposal complied with Clause 61(2)(b) of the Regulations. This created several concerns for the City, namely the ability to control the provision of parking for a change of use application.

For example a change of use from one permitted use to another (eg. Office to Restaurant) without any external works would potentially result in greater parking demand, however not require a development application. This means that the City would be unable to require the provision of necessary additional parking or cash in lieu of parking, and would be unable to refuse an application that does not provide appropriate car parking.

39. As an example, the following table highlights the differing car parking standards for common permitted uses found in the District Centre Zone:

Use	Car Parking Standards
Consulting Rooms	4 bays per practitioner and 1 bay per employee
Fast Food Outlet	10 bays per 100m ² of net lettable area. Minimum of 6 bays (excluding drive through)
Medical Centre	6 bays per practitioner and 1 per staff
Office	4 bays per 100m ² of net lettable area
Restaurant	1 bay for every 4 persons to be accommodated
Shop	5 bays per 100m ² of net lettable area

While this amendment does not incorporate any changes to the parking requirements under the Scheme, it is considered that a review of the parking standards should be undertaken as part of a future Activity Centre Plan and Scheme review to determine appropriate levels of parking and allocation of funds received through cash in lieu of parking.

40. In summary, the proposed amendment will modify Table 1 (Zoning Table) to bring it into line with contemporary planning objectives and community expectations. It is recommended that Council resolve to support this amendment, and by doing so, progress the statutory process to advance the changes proposed.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 106/2018

That Council:

1. SUPPORTS Amendment No.96 to Local Planning Scheme No.3 without modification pursuant to Part 5 Regulation 50(3)(b) of the *Planning Development (Local Planning Schemes) Regulations 2015*
2. FORWARDS to the Western Australian Planning Commission pursuant to Part 5 Regulation 53 of the *Planning Development (Local Planning Schemes) Regulations 2015*:
 - a) The Schedule of submission made on the Amendment (Attachment 3); and
 - b) All required amendment documents.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

10.2. Asset Services Reports

RESOLVED OCM 107/2018

The recommendations of reports 10.2.1 to 10.2.6 inclusive, except withdrawn Item 10.2.3, be adopted by Council En Bloc.

Item 10.2.3 has been withdrawn for separate consideration as an Absolute Majority is required.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.2.1. City of Kalamunda - Bicycle Plan 2017

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

Previous Items	OCM 251/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	EG-CMP-033
Applicant	N/A
Owner	N/A

Attachments	1. Bicycle Plan 2017 Summary Report - Final 2018-04-13 [10.2.1.1]
	2. Bicycle Plan 2017 Technical Report - Final 2018-04-13 [10.2.1.2]
	3. Community Engagement Summary Report - Bicycle Report [10.2.1.3]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of the community engagement process for the draft City of Kalamunda Bicycle Plan 2017 (the Bicycle Plan).
2. The Bicycle Plan was presented to Council in December 2017 and was subsequently advertised for public comment. A total of 78 submissions were received. Many of the submissions addressed specific projects, and these responses will be considered as the respective projects commence. Feedback on the training routes and affected areas has prompted the need to provide more information and priority to the training routes for safety and shared use.

3. It is recommended that Council adopts the City of Kalamunda Bicycle Plan 2017 Technical Report and the City of Kalamunda Bicycle Plan 2017 Summary Report for implementation and endorses a funding level of \$500,000 per year of Municipal funds for consideration in the Long Term Financial Plan and respective Capital Budgets.

BACKGROUND

4. At its meeting on 19 December 2017 (OCM 251/2017) Council considered a report on the Bicycle Plan and resolved as follows:
 1. *Receives Draft City of Kalamunda Bicycle Plan 2017 Technical Report and Draft City of Kalamunda Bicycle Plan 2017 Summary Report.*
 2. *Advertises the attached Draft City of Kalamunda Bicycle Plan 2017 Technical Report and Draft City of Kalamunda Bicycle Plan 2017 Summary Report for a period of 60 days, with results then presented to Council, prior to final adoption of the Bicycle Plan.*

DETAILS

5. The community engagement process included promotion of the comment period via media releases and advertisements, hard copies of the plans in public facilities, promotion through social media, and online submissions on the Engage Kalamunda portal. Several additional engagement opportunities occurred including pop ups held at Forrestfield Forum, Hartfield Park and a conversation café at 42 On Haynes.
6. The Bicycle Plan was advertised from 12 February to 13 April 2018. Seventy-eight (78) submissions were received and are presented in Attachment 10.3.1.3.
7. Comments were sought for main sections of the plan, covering:
 - a) Section 5.1 Principal Routes;
 - b) Section 5.2 Strategic Routes;
 - c) Section 5.3 Local Routes;
 - d) Section 5.4 Safe Active Streets;
 - e) Section 5.5 Other Shared Paths;
 - f) Section 5.6 Training Routes;
 - g) Section 6 Action Plan; and
 - h) A final comment section.
8. In respect of comments on any specific project or area, it is important to note that the Bicycle Plan presents the intention to make an improvement across the City. Any project or area presented in the Bicycle Plan will be subject to more detailed consultation and design in future years. For example, the City intends to commence community consultation on the options for the improvement of the Zig Zag Scenic Drive in 2018/2019. Any changes will only be implemented following the project specific consultation and design.

9. The following list represents the types of subjects which received numerous submissions and the number of respondents in brackets:
- a) Against 30 km/hr speed limits [5];
 - b) Suggestions on designs [12];
 - c) Concerns with cycling and driver behaviour [12];
 - d) Concerns with cycling safety for Mundaring Weir Road [10], Canning Road [8], Kalamunda Road [8], Welshpool Road East [7];
 - e) Zig Zag Scenic Drive support for either keeping as is (open to traffic) [14], or closing it [23];
 - f) Need for better promotion and education [6]; and
 - g) Positive support overall for the plan [10].
10. As the City progresses through the related actions, comments raised by the community on specific projects will be a key consideration.
11. During the advertising period, there was a high level of concern raised for the safety of cyclists and the function of the roads in the training routes area. This has prompted an update to the Bicycle Plan, with the inclusion of the following projects:
- a) Canning Road – Road safety assessment (Pomeroy Road to City Boundary) to identify the level of risk and assist the City to obtain funding.
 - b) Mundaring Weir Road – same scope as above.
 - c) Canning Road – Two projects of \$475,000 for minor widening works at specific locations, with assumed government funding.
 - d) Mundaring Weir Rd – Two projects of \$465,000 similar to Canning Road.
 - e) Passing Laws – Investigate the range of issues and seek solutions to the changing driver and cyclist behaviours. Any physical works would need to be scoped and estimated.

STATUTORY AND LEGAL CONSIDERATIONS

12. Some works will be delivered to comply with and support Structure Plans, Liveable Neighbourhoods and the *Planning and Development Act 2005*.
13. The *Road Traffic Code 2000* applies to any works proposed in the road reserve.

POLICY CONSIDERATIONS

14. There are no Council policies that directly relate to this subject.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

15. The project of preparing and delivering the Bicycle Plan 2017 has been monitored by the Bike Plan Steering Group, consisting of internal staff and a representative from the Department of Transport.

External Referrals

16. The Bicycle Plan was presented for public comment as outlined in the "Details" section above.
17. Prior to the public comment period, community consultation was undertaken to inform the Bicycle Plan, including public surveys and community workshops. Over 200 survey responses were received with 64% being residents of the hills area, and 20% residing outside the City area.
18. The Bicycle Plan was also presented at the Institute of Public Works Engineering Australasia's state conference on 22 March 2018 and feedback sought from the attendees.
19. The Department of Transport is involved in the Bike Plan Steering Group and provided comments on the original draft plan.

FINANCIAL CONSIDERATIONS

20. The Bicycle Plan was prepared using part funding from the Department of Transport's Western Australian Bike Network Program.
21. The Bicycle Plan has identified 107 infrastructure projects with an estimated cost of \$49.4 million to implement. A key action to deliver the Bicycle Plan will be to source external funding through grants, with at least \$24.8 million of projects potentially being funded in whole or in part through federal and state funding. The potential municipal funding is \$24.5 million over more than 20 years. In order to manage the impact to municipal funds, the Bicycle Plan includes two funding scenarios in the Schedules of Works: Municipal funding at \$500,000 per year, and Municipal funding at \$1 million per year.
22. A decision will be required to determine the level of funding the City is prepared to commit, with consideration of the following two options:
 - a) The Schedule of Works with funding at \$500,000 per year in municipal funding will enable the City deliver 24 projects in five years, subject also to some external funding. Note this list includes several projects that are delivered through the Department of Transport or Main Roads WA.
 - b) The Schedule of Works with funding at \$1 million per year in municipal funding will enable the City to deliver 33 projects in five years, subject also to external funding.
23. The draft Long Term Financial Plan 2018-2028 has been updated to reflect the proposed works for the Bicycle Plan, using the \$500,000 funding level for consideration by Council.
24. Other financial implications include:
 - a) Funding may be available through the Department of Transport grant programs, including Principal Shared Paths, the WA Bicycle Network, and Safe Active Streets.
 - b) Funding may also be available through the State and National Black Spot Programs.

- c) The education and awareness programs will require a small operating budget and staff resource time.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *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 - 1.2.3 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.

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.

Priority 3: Kalamunda Develops

Objective 3.4 - To be recognised as a preferred tourism destination.

Strategy 3.4.1 - Facilitate, support and promote, activities and places to visit.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

26. Expanding the cycling infrastructure and upgrading existing facilities in the City will support the activity of cycling, which has the following social benefits:
- a) Cycling for daily commuting to school, work, shops and so on incorporates exercise into the day,
 - b) Improve aerobic fitness and reduce stress levels,
 - c) Ability for social interaction with others while riding,
 - d) Passive surveillance of the street, increasing neighbourhood security,
 - e) Reduce emissions and congestion on the road, thus enabling more social activities,
 - f) Reduce various costs to individuals, this enabling more economic benefits.
27. The investigations and designs for improved cycling infrastructure will also enable improvements in safety for cyclists and other road users.

Economic Implications

28. Implications include the effect of the project funding, cycle related tourism activities, alternative transport mode considerations and development opportunities.

Environmental Implications

29. The key environmental implications include reduction in fossil fuel use, congestion, noise, and emissions.

RISK MANAGEMENT CONSIDERATIONS

30.	<p>Risk: That the Bicycle Plan does not meet the needs of the community, resulting in resource and funding commitments that do not provide expected benefits.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Significant</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Unlikely	Significant	Medium
Likelihood	Consequence	Rating					
Unlikely	Significant	Medium					
	<p>Action/Strategy A significant amount of community consultation has been undertaken to ensure the plan reflects the needs of the community. Further consultation will be undertaken for individual projects to establish detailed needs.</p>						
	<p>Risk: That the Bicycle Plan may raise community expectations for improvements that may not be affordable or deliverable in the near future.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<p>Action/Strategy The progress of implementing actions from the Bicycle Plan will be communicated regularly to the community via individual projects, and the annual report.</p>						
	<p>Risk: That the community consultation to identify cycling options for the Zig Zag Scenic Drive may result in this route not being available for cycling access as proposed in the Bicycle Plan.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<p>Action/Strategy The Secondary Route for cycling that includes the Zig Zag Scenic Drive will need to be revised and anew route chosen, as part of the proposed review of the Bicycle Plan in approximately five years.</p>						

OFFICER COMMENT

31. Cycling is proving to be very popular within the City of Kalamunda, with improvements and education required to ensure safety of all road users.
32. The option to close the Zig Zag Scenic Drive was commented on by 37 people during the public advertisement of the Bicycle Plan. This "Option A" was selected in the Plan in order to give a project value for the long term forecast. It is important to emphasise that the adoption of the Bicycle Plan does not limit the City (or community) options with the future of the Zig Zag Scenic Drive. The option is not locked in and a separate community consultation process will be undertaken to consider the options for cycling access through the Zig Zag Scenic Drive. A report on the proposed community engagement program will be presented to Council for endorsement to proceed.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 107/2018

That Council:

1. ADOPTS the City of Kalamunda Bicycle Plan 2017 Technical Report and City of Kalamunda Bicycle Plan 2017 Summary Report for implementation.
2. ENDORSES a funding level of up to \$500,000 per year in municipal funds for consideration in the Long Term Financial Plan and respective capital budgets.
3. NOTES that a report on a community engagement program to consider options for pedestrian, cycling and vehicle access through the Zig Zag Scenic Drive will be presented to Council for consideration before proceeding with this program.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.2.2. Asset Levels of Service 2017/2018 Communications and Engagement Results

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

Previous Items	OCM 252/2017
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	OR-CIM-018
Applicant	N/A
Owner	N/A
Attachments	1. Asset Levels of Service Survey [10.2.2.1] 2. Consultation and Engagement Results [10.2.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the results of community consultation on asset Levels of Service (LOS) for inclusion in future asset management plans.
2. The community was engaged on its view of the City's roads, drainage and footpaths through a process of online and hard copy questionnaires, two community workshops and several pop up information stalls in local shopping centres. A total of 50 submissions were received, identifying a range of different views from the community.
3. Significant responses included negative reaction to any road defects, the need to improve repairs and extent of paths, the need for improved lighting, need for further consultation on trees and verge landscaping, and a concern with drainage function and mosquitoes.
4. It is recommended that Council accepts the results of the 2017/2018 Asset Levels of Service Communication and Engagement Plan, noting that the feedback will be used to inform the upcoming Roads Asset Management Plan, Drainage Asset Management Plan and Pathways Expansion Plan.

BACKGROUND

5. The City of Kalamunda's (the City) Asset Management Strategy 2017-2021 has informed the Corporate Business Plan 2017-2021 which includes the action to "Undertake community engagement processes to establish appropriate levels of service for all asset management plans". For 2017/2018, the community engagement was undertaken for roads, drainage and pathways.
6. The Council endorsed the Asset Levels of Service 2017/2018 Communications and Engagement Plan at its meeting on 19 December 2017 (OCM 252/2017).

DETAILS

7. The LOS consultation process opened on 8 February and closed 23 March 2018. Key elements of the Community Engagement campaign promotion include a video encouraging residents to have their say, social media, public relations, face to face discussions at community locations, hard copy surveys at City locations (refer Attachment 10.3.2.1 for a copy of the survey), use of the Community Engagement Portal with electronic submission and two workshops. The key question asked was "Do you think the assets are in an acceptable condition, and do they provide the right functions and capacity?".
8. Fifty (50) responses were received in total. Of the responses 82% were residents, 54% were female and 60% were based in the hills area. A report on the results is provided as Attachment 10.3.2.2.
9. Two workshops were held, with a total of ten attendees. The City had expected low numbers as the subject matter is covering the whole City rather than specific local issues. Feedback during the workshop forms part of the submissions received.
10. The questionnaire was grouped into questions about roads, pathways, drainage and budget expenditure. The key responses that will be utilised in the asset management plans are on the questions relating to the condition of roads and paths, and the drainage function. Other questions were asked to isolate issues. For example a specific question was asked "I experience traffic delays in the City of Kalamunda", this enabled the City to isolate traffic issues from the condition of roads.
11. A broad question was asked about road condition with five example pictures presented within the questionnaire. The strongest response was for a picture showing a road with a number of potholes. All but one respondent found this picture to be *not* acceptable. The results of this section indicate that the community is very aware of visual road defects such as potholes and patches, and consider their presence unacceptable.
12. Five negative comments were received on the condition of Canning Road within the town centre and seven other comments on the need for improved road maintenance.
13. A question on the condition of bridges resulted that most respondents were unsure, while 46% accepted their condition.
14. The pictures of different types of road surface gave results indicating that the community is accepting of all seal types. Unsealed roads are accepted by half of the respondents, depending on their location.
15. Separate questions were asked about street trees, lighting, and verges. The responses indicated concern with the number and quality of street trees and verge landscaping. It was generally indicated that there is a need for more and improved street lighting.

16. Separate questions were asked about traffic, speeding, sight lines, and traffic treatments. A significant number of responses indicated problems with sight lines, street lighting, speed limits and speed of traffic. The responses on speed limits requested slowing or increasing speed limits. In regard to traffic delays, a high number (24%) of respondents indicate they are not able to get to their destination in the time they expect to. More investigation will be needed to identify the locations that have issues with sight lines, speed limit concerns and street lighting.
17. To assess community views on the condition of paths, a question was asked on path condition with five example pictures of paths presented in different conditions. The results indicated that paths showing any kind of damage are *not* acceptable. This suggests more effort is required to repair or replace even smaller cracked or uneven sections. The City's Pathways Asset Management Plan supports this view, identifying additional funding of \$80,000 per year for pathway repairs.
18. Other aspects of paths addressed falling hazards, widths, lighting, and crossings. The responses indicated a desire for more paths, more attention to the removal of tripping and falling hazards, higher priority for widening paths, more lighting of paths, and a need for more and improved pedestrian crossings.
19. Comments regarding paths reinforced the need for improved path maintenance (six requests received) and vegetation trimming beside paths (five comments). A significant number of comments were received (22) regarding the need for more, improved paths and crossings.
20. Drainage appears to be an issue for some of the respondents, with 26% responding that drainage infrastructure and flows are not acceptable. Only one specific example was provided in the comments. Responses for water quality suggest that the community is not aware of water quality issues (if there are any). Mosquitoes appear to be a problem for some respondents (44%) and not for others (50%).
21. The last question in the questionnaire asked people to allocate a budget across the five asset classes of roads, footpaths, parks and reserves, drainage, and buildings. The average value as a percentage of maintenance, renewal and upgrade budget from the respondents is shown below, with the City's actual percentage for 2017/2018 in brackets:
 - a) Roads 28.9% (32.4%)
 - b) Footpaths 20.4% (4.0%)
 - c) Drainage 14.9% (11.9%)
 - d) Parks and Reserves 20.9% (38.9%)
 - e) Buildings 16.0% (12.8)

22. In conclusion, the consultation was successful in providing indications of community acceptance for roads, drains and pathways. Areas for improvement have been identified, being:
- a) Operational changes, such as improving response and quality of repairs for roads and paths;
 - b) Future plans such as for improving lighting, traffic congestion, street trees and path networks; and
 - c) Specific consultation such as for traffic treatments and road sight line problems.

STATUTORY AND LEGAL CONSIDERATIONS

23. All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework.
24. LOS inform the Asset Management Plans, and the terminology and objectives are compliant with international standards.

POLICY CONSIDERATIONS

25. The LOS consultation and engagement was undertaken in accordance with the Asset Management Council Policy C-AS-01, and the City's Community Engagement Strategy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

26. The Engagement Plan was reviewed and endorsed by the Asset Management Steering Committee.

External Referrals

27. The community consultation is the subject of this report.

FINANCIAL CONSIDERATIONS

28. Future Budgets will take into account the types of treatments and levels of service expectation for community when looking at infrastructure renewal.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

29. *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 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.
- Priority 3: Kalamunda Develops**
Objective 3.2 - To connect community to quality amenities.
Strategy 3.2.1 - Optimal management of all assets.
- Priority 4: Kalamunda Leads**
Objective 4.2 - To proactively engage and partner for the benefit of community.
Strategy 4.2.1 - Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

30. The community has been engaged in what they would like to see in regards LOS and by the City listening and implementing changes there will be a social benefit with community expectation being addressed in relation to future works planned and a stronger sense of community ownership created.

Economic Implications

31. The community was asked to indicate its preference for funding the maintenance and renewals of asset classes as explained previously. This has not provided a significant change to the forward planning of the City's expenditure.

Environmental Implications

32. No direct environmental implications have arisen from the consultation.

RISK MANAGEMENT CONSIDERATIONS

- 33.
- | | | |
|---|--------------------|---------------|
| Risk:
That the consultation results do not adequately reflect the needs of the community, either because the feedback is too broad or that important responses were not received. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Improve the method of consultation, and undertake further consultation in future years to improve the quality of the results. | | |

Risk: That the consultation results are too varied and are not able to be used to inform the asset management plans.		
Likelihood	Consequence	Rating
Possible	Insignificant	Low
Action/Strategy		
Results will be used where they provide a clear direction. Where a clear direction is not provided, the current method of using internal judgement to set levels of service will continue.		

OFFICER COMMENT

34. Asset management is the collection of activities involved in managing infrastructure assets in a sustainable way for current and future generations. One of the activities is the creation of Asset Management Plans, which document how the assets will be managed. The Asset Management Plans cover the following subjects:
- a) Status of Assets
 - b) Levels of Service
 - c) Life Cycle Management
 - d) Risk Management
 - e) Future Demand
 - f) Financial Summary
 - g) Improvements, Monitoring and Review
35. "Levels of Service" (LOS) is a phrase used in asset management to reflect the service the assets provide to the community. For example a road provides a safer way to get from one place to another in a vehicle.
36. The City is working towards a "Core" level of asset management maturity by 2021. The Institute of Public Works Engineers Australasia's publication International Infrastructure Management Manual explains a Core maturity for LOS as meaning:
- a) LOS and performance measures in place covering a range of attributes;
 - b) Annual reporting against performance targets;
 - c) Customer group needs analysed; and
 - d) LOS and cost relationship understood.
37. This is the first City-wide consultation for asset management LOS, which will progress the City on its journey to sustainable asset management.
38. The asset management plans focus on existing assets and how they will be managed in the future, including predicted future growth. Typically, the asset management plans are informed by 'expansion' plans. These expansion plans identify what is needed and when, such as the Bicycle Plan. The City is currently working on a Pathways Expansion Plan to determine how paths will be prioritised and extended through the City. The Pathways Expansion Plan will be informed by the results of this community consultation.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 107/2018

That Council:

1. ADOPTS the Asset Levels of Service 2017/2018 Communications and Engagement Results.
2. NOTES that the results will be utilised in the Drainage Asset Management Plan, Roads Asset Management Plan and Pathways Expansion Plan to be presented in 2018 for Council endorsement.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.2.3. Kalamunda Community Centre - Community Reference Group - Recommendations

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

This item was withdrawn for separate consideration as an Absolute Majority is required.

Previous Items	SCM 08/2017; SCM 872017; OCM 28/2016, OCM 209/2016; OCM 129/2017; OCM 189/2017
Directorate	Asset Services
Business Unit	Asset Services
File Reference	SP-03/020
Applicant	N/A
Owner	N/A
Attachments	1. KCCCRG Minutes 06.12.17 Final [10.2.3.1] 2. KCCCRG Minutes 09.05.18 Draft [10.2.3.2] 3. KCCCRG Terms of Reference Revised [10.2.3.3]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the recommendations of the Kalamunda Community Centre – Community Reference Group (KCCCRG).
2. The KCCCRG had formal meetings on 6 December 2017 and 9 May 2018 and a number of recommendations were made regarding amendments to the Terms of Reference to incorporate Deputy Community Representatives, appointment of nominees for the Deputy Community Representatives and the location of the new Kalamunda Community Centre.
3. It is recommended that recommendations from the KCCCRG be accepted by Council.

BACKGROUND

4. The Council has approved the establishment pursuant to the provisions of section 5.8 of the *Local Government Act 1995* (the Act) of the KCCCRG, including its Terms of Reference.
5. At its meeting on 24 July 2017, Council approved the formation of the KCCCRG, the associated Terms of Reference, advertising for community representatives and the process for seeking nominations from the Kalamunda Community Learning Centre, Friends of Jorgensen Park and a representative from adjoining neighbours to Jorgensen Park.
6. The formation of the KCCCRG was endorsed on the basis that it would provide valuable community and stakeholder input into the final location and design of the proposed Kalamunda Community Centre.
7. At its meeting on 16 October 2017, Council appointed the community representatives to the KCCCRG.

8. Meetings of the KCCCRG were subsequently held on 6 December 2017 and 9 May 2018 with the minutes attached (Attachments 10.3.3.1 and 10.3.3.2 respectively).

DETAILS

9. At the meeting on 6 December the KCCCRG reviewed the approved Terms of Reference and requested Council to consider amendments with the following motions endorsed unanimously:

Motion 1: Kalamunda Community Centre - Community Reference Group recommends to Council that the Terms of Reference be amended to include Deputy Community Representatives from each of the following stakeholders:

- a) Kalamunda Community Learning Centre
- b) Friends of Jorgensen Park
- c) Adjoining Neighbours to Jorgensen Park

Motion 2: Kalamunda Community Centre - Community Reference Group recommends to Council that it appoints the following nominees as Deputy Community Representatives to the Kalamunda Community Centre - Community Reference Group:

- a) Kalamunda Community Learning Centre Deputy – David Storer
- b) Friends of Jorgensen Park – Joy McGilvray
- c) Adjoining Neighbours to Jorgensen Park – Jim Sharpe

10. At this meeting, detailed presentations were provided on the current status of the project, with particular discussion on the siting of the new Kalamunda Community Centre. The following motion was unanimously endorsed for consideration by Council.

Motion 3: Kalamunda Community Centre - Community Reference Group recommends to Council that the location for the new Kalamunda Community Centre be on the site of the existing Kalamunda Community Learning Centre (KCLC) building.

11. At its meeting on 9 May 2018, the KCCCRG received an update on the Funding of the Project and it was agreed that pending the outcome of the State budget announcement, the Reference Group would seek a meeting with the Member for Kalamunda, Matthew Hughes regarding the outstanding election pledge funding committed by the State Government. This meeting will not proceed at this time as verbal advice has been received from Matthew Hughes that the \$3m funding will be considered by the Expenditure Review Committee on 11 June 2018.

STATUTORY AND LEGAL CONSIDERATIONS

12. Sections 5.8, 5.9, 5.10 and 5.11A of the *Local Government Act 1995*.

POLICY CONSIDERATIONS

13. City Policy – Appointment of Community Members to Advisory Committees and Reference Groups (OCM 192/2017 - 30 October 2017).

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Nil.

External Referrals

15. Nil

FINANCIAL CONSIDERATIONS

16. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

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 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

SUSTAINABILITY

Social Implications

18. It is not expected that there will be any negative social impacts from the proposed recommendations from the KCCCRG.

Economic Implications

19. Nil.

Environmental Implications

- 20. Careful consideration of the siting of the building is required to minimise impact on significant trees, Carnaby cockatoo habitat and water catchment/stormwater drainage impacts.

RISK MANAGEMENT CONSIDERATIONS

21.	Risk: Without ongoing engagement with the KCCCRG the project may not be supported by the community.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure meetings of the KCCCRG are held on a regular basis and the agendas provide opportunity for the members to input to the planning and design of the building.		
	Encourage members to communicate with and seek feedback from the community.		

OFFICER COMMENT

- 22. The proposed amendment to the Terms of Reference to include Deputy Community Representatives for the Kalamunda Community Learning Centre, Friends of Jorgensen Park and adjoining neighbours to Jorgensen Park, will ensure that these three key stakeholders will be fully represented at meetings of the KCCCRG.
- 23. A number of briefings have been given to Council about the proposed location of the Kalamunda Community Centre in Jorgensen Park and while the site of the existing Kalamunda Community Learning Centre building was indicated as the preferred site, there has been no formal adoption of the location by Council. This recommendation from the KCCCRG is supported as it will give Council the opportunity to finalise the site of the proposed Kalamunda Community Centre.

Voting Requirements: Absolute Majority

RESOLVED OCM 108/2018

That Council:

- 1. AMENDS the Terms of Reference for the Kalamunda Community Centre – Community Reference Group with Membership to include Deputy Community Representatives from each of the following stakeholders:
 - a) Kalamunda Community Learning Centre
 - b) Friends of Jorgensen Park
 - c) Adjoining Neighbours to Jorgensen Park

2. APPROVES the amended Terms of Reference for the Kalamunda Community Centre – Community Reference Group as shown on Attachment 10.3.3.3.
3. APPOINTS the following nominees as Deputy Community Representatives to the Kalamunda Community Centre – Community Reference Group pursuant to Section 5.11A of the *Local Government Act 1995*:
 - a) Kalamunda Community Learning Centre - David Storer
 - b) Friends of Jorgensen Park – Joy McGilvray
 - c) Neighbours – Jim Sharpe
4. APPROVES the location of the new Kalamunda Community Centre on the site of the existing Kalamunda Learning Centre, recognising that this will require demolition of the existing building and relocation of the Learning Centre activities during construction.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Michael Fernie**

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

10.2.4. Review of Asset Protection Bond for 2018/2019

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

Previous Items	OCM 217/2016
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	FI-NRI-002
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a change to the way the City addresses the protection of its assets from adjoining property development.
2. An analysis of the Asset Protection Bonds has identified that of 282 bond refund requests received in 2017, only ten required repairs to City assets. As the work was either undertaken by the applicant or cost recovered by the City, there was zero net cost to the City for all of these bonds.
3. The requirement to repair or pay the cost of damage to assets, caused by building and development activities, can be recovered under the *Local Government (Uniform Local Provisions) Regulations 1996*.
4. It is recommended that Council notes the proposed deletion of the Asset Protection Bond from the 2018/2019 Schedule of Fees and Charges and further notes that all existing Asset Protection Bonds will be refunded subject to each applicant applying for the refund and no damage being evident to relevant assets.

BACKGROUND

5. In 2015/2016 the Asset Protection Bond, retitled from the Infrastructure Bond, was set at \$1,550 for a single frontage property, and \$2,100 for two or more frontages.
6. At that time, the then Shire experienced estimated costs of \$65,000 in direct costs of repair to damaged infrastructure arising under the bonded assets. As a result of the financial risk the Shire appointed an Asset Protection Bonds Officer and increased the bond amounts in 2016/2017 to \$5,000 for a single frontage and \$8,500 for two or more frontages.
7. Following complaints from building applicants due to the high value of the bond, Council considered a report on this matter at its meeting on 19 December 2016 (OCM 217/2016) and resolved to reduce the bond amount to \$2,500 for a single frontage property and \$4,000 for two or more frontages. This rate remains unchanged at the time of this report.

8. Asset Protection Bonds are designed to secure a funding source such that if assets in the road reserve are damaged by an adjoining property development, the City can withhold the bond until the applicant repairs the damage, or use the bond money to repair the damage.
9. In other local government authorities this type of bond is called a Kerb Bond or Kerb Deposit, and functions in a similar way.
10. Asset Protection Bonds are applied for any building application with a value of \$20,000 or more inclusive of the installation or removal of a swimming pool and the demolition of buildings. Asset Protection Bonds are also applied to development applications where physical work is expected to impact the road reserve.
11. Bond money received by the City is held in trust until the condition under which the bond was applied has been met.
12. Bank guarantees are accepted in lieu of direct deposit, however most applicants elect to make a deposit.
13. The amount of the Asset Protection Bonds and inspection fees are recorded in the Fees and Charges. For 2018/2019 the Fees and Charges schedule has proposed the same level as 2017/2018, subject to the outcome of this report. The amounts in the draft 2018/2019 Fees and Charges are:
 - a) Asset Protection Bond of \$2,500 for single frontages;
 - b) Asset Protection Bond of \$4,000 for two or more road frontages;
 - c) Asset Protection Bond administration fee of \$118.50 (which includes an initial inspection); and
 - d) Subsequent inspection fee of \$105.50.

DETAILS

14. A number of issues have become apparent in the current financial year, prompting the need for a review of both the amount of the Asset Protection Bond and how the process is applied:
 - a) Continuing complaints on the amount of the bond and for the bond to be waived;
 - b) Effective management of the process thus ensuring applicants are protecting assets and undertaking repairs in most situations;
 - c) Minimal need for asset repairs;
 - d) Very high numbers and value of bonds being held by the City; and
 - e) Increase in the number and gross value of bonds being held.
15. The City continues to receive complaints on the amount of the bond, and the need for it to be applied. The average single frontage is nine metres wide and has been estimated to have a potential of \$3,900 in value of City assets that could be damaged, not including vegetation. There are a number of situations where the work is not expected to impact City assets (including vegetation), such as:
 - a) Pool installations where a sufficient crossover and driveway are present;

- b) Rural and semi-rural properties where there may be no assets in the road reserve, and where vegetation can be avoided; and
 - c) Strata unit construction where there is a common frontage and a prior bond already exists, or where there is access only through a formed common access way.
16. As of 31 March 2018 the City holds 1,223 Asset Protection Bonds with a value of \$1.76 Million. Within this amount are 827 bonds over two years old with a value of \$768,000.
17. The term of two years represents a period of time when the relevant building application or development is expected to have been completed and cleared. The bonds over two years old should have been refunded, however the applicants have not applied for a refund.
18. The City receives approximately 30 applications per month which currently require a bond, and although the City is making a concerted effort to refund all bonds, the total value of bonds under two years old is increasing.
19. In April 2018, the City conducted an analysis of the bonds refunded in 2017:
- a) 282 bond refund requests were received;
 - b) 44 of the refund requests failed an inspection by the City;
 - c) Eight of the 44 failures required work;
 - d) Three of these eight required work that exceeded the value of the bond; and
 - e) Of the eight sites that required work, the builder or owner has completed the work for six sites, while the City has undertaken the repair work for the other two sites with money fully reimbursed.
20. The current process is effective in having a zero net financial cost to the City. However, the process is considered to be not effective due to the large number and value of private funds being held in bonds (1,223 bonds valued at \$1.76 million as stated previously). The proposal is to change the amount of the bond while retaining the management process such that the City continues to be protected from cost arising from damaged infrastructure, while not administering large amounts of bond money.
21. The Asset Protection Bond process is actioned by a staff member whom also monitors and delivers related services such as checking on utility service providers' reinstatement of assets, crossover applications, and other development related impacts on public infrastructure.
22. The process for the Asset Protection Bond currently consists of:
- a) An administration fee being paid at the time of building application or specified development application;
 - b) The Asset Protection Bond being paid at the time of the application;
 - c) A site inspection being undertaken with photo records;
 - d) When the refund is requested there is a completion inspection;
 - e) Follow up inspections and a subsequent inspection fee is applied if required, where the applicant has failed to ensure the relevant assets have been protected or repaired; followed by
 - f) Refund of the bond or net amount remaining.

23. It is proposed to remove the requirement for the bond, but retain the remainder of the process. The new process will be referred to as the Asset Protection Process, consisting of:
- a) An Asset Protection Fee being paid at the time of building application or specified development application;
 - b) A site inspection being undertaken with photo records;
 - c) When the work is completed and notified for clearance, there is a completion inspection of the affected assets; and
 - d) Follow-up inspections and subsequent inspection fees are applied if required, where the applicant has failed to ensure the relevant assets have been protected or repaired.
24. In the event of the applicant not willing to repair the damaged assets, the City will be able to refer to evidence from inspections and can then proceed to undertake work and recover cost under the relevant legislation (*Local Government (Uniform Local Provisions) Regulations 1996, Section 17(5)(a)*).
25. Under the current arrangement (with a bond being applied), it is possible that the cost of repair will exceed the bond amount and that this additional amount cannot be recovered from the applicant. This represents an existing risk to the City. It is also possible that in removing the bond amount, the City may not be able to recover the cost of repair to damage, resulting in a slightly higher risk to the City than current practice provides.
26. There are other circumstances whereby bonds are held by the City which will not be affected by the change to the Asset Protection Bonds, such as:
- a) Outstanding works bonds for subdivisions and developments, where the developer is seeking early clearance prior to satisfying a condition for which the cost can be evaluated and bonded;
 - b) Maintenance Bonds for subdivisions and developments where the developer is providing public assets that need to be maintained for a period of time by the developer before being handed over to the City to manage; and
 - c) Other conditions of development and subdivision approvals that are from time to time able to be bonded to protect the City's financial risk.
27. In the event that there is a significant risk to an asset or assets including vegetation and trees, the City is able to require bonds for the protection of assets as provided by the *Local Government (Uniform Local Provisions) Regulations 1996, Section 17(5)(b)*. Therefore the removal of the default bond amount will not prevent the City from protecting assets when required.
28. With 1,223 existing asset protection bonds in place, valued at \$1.76 million, there is likely to be immediate requests from the applicants to have existing bonds refunded if Council resolves to delete the bond from the 2018/2019 Schedule of Fees and Charges. Given that the existing Asset Protection Bonds complied with the process at the time, the applicant will be required to complete a refund request as per the existing process. The affected assets will be inspected and refund processed at that time based on the presence of damage caused by the works.

If the work is still in progress, then the new Asset Protection Process will then be applied to the application at the date of the refund inspection. There may be a need for additional resource assistance in the short term to process the refund applications.

29. It is proposed to provide advice on the City's website regarding the process for requesting refunds of Asset Protection Bonds to facilitate the management of this process.
30. The Asset Protection Process will be reviewed in two years time, or sooner if circumstances require it.

STATUTORY AND LEGAL CONSIDERATIONS

31. Asset Protection Bonds are applied under the *Local Government (Uniform Local Provisions) Regulations 1996*, Section 17(5)(b).
32. The formal initiation of work by an applicant includes any of:
 - a) Building application under the *Building Act 2011*, which includes swimming pools and demolitions.
 - b) Development application under the *Planning and Development Act 2005*.
 - c) Application to remove or modify an asset in the road verge, which is administered by the local government under the *Local Government (Uniform Local Provisions) Regulations 1996*, Section 17(5)(b).
 - d) Application to replace or construct a crossover, which is administered by the local government under the *Local Government (Uniform Local Provisions) Regulations 1996*, Section 12.

POLICY CONSIDERATIONS

33. There are no policies relevant to the Asset Protection Bonds.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

34. This proposal has been circulated with Asset Services, Finance Services, and Approval Services.

External Referrals

35. The proposal has not been referred externally.

FINANCIAL CONSIDERATIONS

36. Asset Protection Bonds are held in trust in accordance with the *Local Government Act 1995*, Sections 6.6 and 6.9.

37. Fees are collected as per the Schedule of Fees and Charges for:
- a) Asset Protection Bond administration fee of \$118.50 (which includes an initial inspection); and
 - b) Subsequent inspection fee of \$105.50.
38. Income is recorded and budgeted to account 417612.425 with a proposed budget in 2018/2019 of \$30,000 revenue. This will remain unchanged as a result of this proposal.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

39. *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.

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.

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

SUSTAINABILITY

Social Implications

40. There are no direct social implications.

Economic Implications

41. The removal of the Asset Protection Bond will relieve building applicants and developers from an additional cashflow impost.

Environmental Implications

42. There are no direct environmental implications, however the Asset Protection Process includes the protection of vegetation and trees.

RISK MANAGEMENT CONSIDERATIONS

43.	<p>Risk: That damage or injury occurs to the public as a result of damage to public assets from a building or development application.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Major</td> <td>High</td> </tr> </tbody> </table> <p>Action/Strategy Apply the Asset Protection process diligently to ensure damaged assets are repaired. A process of periodic inspections will be undertaken to monitor the condition of assets while work is in progress.</p>	Likelihood	Consequence	Rating	Unlikely	Major	High
Likelihood	Consequence	Rating					
Unlikely	Major	High					
	<p>Risk: That the City is unable to recover the cost of repairing damaged assets caused by a building or development application.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </tbody> </table> <p>Action/Strategy a) Apply the Asset Protection process diligently to ensure assets are recorded before and after the application. b) Apply the relevant legislation to recover costs. c) Ensure applicants are well informed of their obligations to protect public assets including vegetation.</p>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					

OFFICER COMMENT

44. This proposed revision to the Asset Protection Process has arisen as a result of an analysis of the data relating to the asset protection bonds. It follows the principle that the City should only be applying bonds where there is significant risk to the City or the community. Where the risk is able to be managed effectively, the need for bonds is reduced.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 107/2018

That Council:

1. NOTES that it is proposed the Asset Protection Bond will be deleted from the 2018/2019 Schedule of Fees and Charges.
2. NOTES all existing Asset Protection Bonds will be refunded subject to each applicant applying for the refund and no damage being evident to relevant assets.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.2.5. Kalamunda/Chipping/Newburn Road Black Spot Funding Project - Public Consultation

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

Previous Items	OCM 251/2017
Directorate	Asset Services
Business Unit	Asset Services
File Reference	EG-RDM-004
Applicant	N/A
Owner	N/A

Attachments	1. Public Consultation Comments [10.2.5.1]
	2. Public Consultation Survey [10.2.5.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of public consultation undertaken in relation to the proposed Kalamunda Road/Newburn Road/Chipping Drive Black Spot project.
2. The community engagement process was considered successful in terms of responses received, with the community eager for the earliest commencement of construction.
3. It is recommended that the Kalamunda Road/Newburn Road/Chipping Drive intersection upgrade Concept Plan as shown on Drawing Number 4086-001-001/A be endorsed to progress detailed design and construction.

BACKGROUND

4. At its meeting held on 19 December 2017, Council considered a report on the proposed modifications to the roundabout at Kalamunda Road/Newburn Road/Chipping Drive with regard to Black Spot funding for 2017/2018 (OCM 251/2017), and resolved as follows:
 - 1) *Notes that feedback will be sought on the proposed modifications to the roundabout at the Kalamunda Road/Newburn Road/Chipping Drive intersection in accordance with the approved National Black Spot project details from residents and businesses within a 400 metre radius of the roundabout and from motorists who use this roundabout.*
 - 2) *Notes that a report will be presented to Council on the outcomes of these processes outlined in 1.*
 - 3) *Notes that Main Roads WA has agreed to the National Black Spot Funding to be allocated over two financial years as follows:*
 - (a) *2017/2018 - Community consultation, report to Council, detailed design, documentation and approvals. 40% Grant Funds (\$72,648)*
 - (b) *2018/2019 – Construction of the roundabout modification. 60% of Grant Funds (\$108,972)*

- 4) *Approves an amendment to the 2017/2018 Budget to reflect a decrease of \$108,972 in Grant Funding Income and corresponding decrease in budget allocated to Job No. 3405 Kalamunda Road/Newburn Road/Chipping Drive Roundabout Upgrade Project.*

DETAILS

5. In following up on Resolution 1 arising from Council's meeting held on 19 December 2017. The original drawing (4086-001-001/A) as submitted for Black Spot funding consideration was revised through inclusion of additional notes in preparation for public consultation (Attachment 10.3.5.1).
6. Community and motorist feedback on the proposed modifications to the roundabout in accordance with the City's approved Black Spot submission was sought through:
 - a) "Have You Say - Proposed Roundabout Modifications" signs in Kalamunda Road, Newburn Road and Chipping Drive with referral to the City's web page to enable completion of an electronic feedback form;
 - b) "Have Your Say" section on the City's website allowing for electronic feedback forms;
 - c) Information letters with hard copy feedback forms with reference to the City's website was distributed and to the residents and businesses within a 400 metre radius of the roundabout.
7. A Public Consultation Survey (Attachment 10.3.5.2) was issued as the basis for public consideration on 13 March 2018, and concluded on 27 March 2018.
8. The public consultation process resulted in 120 responses, with 65% of those who responded acknowledging support for the proposed reconstruction of the roundabout to single lane entry/exit on all approaches along with proposed improvement to pre-deflection. Obviously, 35% of those who responded disagreed with the proposal.
9. More females submitted responses than males, with the predominant age group submitting response across both genders being received from those aged 46 to 55 years old, and the least being both the 16 to 25 and 75+ age groups.
10. In reviewing the comments received in support of the proposed modifications to the roundabout approximately a third of the "Yes" responses received provided no comment. However, the remaining two thirds provided general comment in relation to personal experiences supported by suggestions. Of interest were the comments relating to perceived speed of traffic and heavy vehicles, and converting the roundabout intersection to one controlled by traffic signals. The latter being suggested as a better option by approximately 10% of those supporting the proposed modifications, with a similar level of response suggesting that the existing entry/exits to the Shopping Centre and other commercial properties accessing Hale Road and Chipping Drive need to be reviewed to ensure appropriate controls are in place given perceived road safety concerns experienced.

11. In reviewing the comments received against the proposed modifications to the roundabout most provided some form of response, with approximately third of the "No" responses received suggesting traffic signals should be installed. Other responses also focused on the speed of traffic along with the need to address the entry/exits to the Shopping Centre and other commercial properties accessing Hale Road and Chipping Drive for the same reason as those who made comment on this matter but answered in agreeance to the proposal.
12. In general, responses to the comments provided by both those in support of the proposed modifications and those against it is advised that traffic signals at this time are not supported by Main Roads WA, with speed to some extent controlled by the proposed modifications as the opportunist element will no longer be able to drive at speed (with some crossing lanes) through the existing dual lane approach/departure section of the roundabout.
13. A small number of responses expressed concern about the number of heavy vehicles (and associated speed concerns) being experienced along Kalamunda Road. It is noted that the likes of semi-trailers have as-of-right access across the State's road network, with some that fall outside of the length and axle load restrictions able to apply for permits through Main Roads WA and where issued, these are generally conditioned. In terms of control, the City collects traffic data through it Traffic Classifier Program however, this data only provides a snapshot of actual activity. The data collected provides not only the number and speed of vehicles, but also classifies the vehicles, so it is possible to determine whether vehicles that passed over the data collection point are as-of-right vehicles or not.
14. Of interest were the comments made by approximately 5% of all responses received (i.e.: both "Yes" and "No") that Kalamunda Road needs to be upgraded to accommodate the increase in traffic being experienced.

In response to this it is noted that a budget allocation of \$80,000 has been listed for consideration in the draft 2018/2019 Research and Development Budget that will shortly be considered by Council for a Traffic Study to be undertaken for Kalamunda Road between the Roe Highway and Abernethy Road. This Traffic Study will take into account observed traffic volume increases, impact of the proposed upgrade of the Roe Highway and Kalamunda Road intersection currently being progressed by Main Roads WA, and infrastructure planning work currently being undertaken by the City to address the future upgrade of the single lane section of Abernethy Road.
15. It is proposed that comments relating to entry/exits to the Shopping Centre and other commercial properties accessing Hale Road and Chipping Drive as provide by both those in support of the proposed modifications and those against be summarised and included as part of the overall scope of the proposed Traffic Study. However and as noted above, progression of this study is subject to forthcoming budget consideration by Council.

It is noted that assessment of the entries/exits would need to involve relevant stakeholders/property owners to agree suitable outcomes and support any proposed changes to entry/exits arising from the assessment.

STATUTORY AND LEGAL CONSIDERATIONS

16. Nil.

POLICY CONSIDERATIONS

17. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. Internal referrals with the Asset Management Team was undertaken as part of the preparation of the Black Spot Program submission.

External Referrals

19. The extent of external referrals is outlined in the "Details" section above.

FINANCIAL CONSIDERATIONS

20. The Kalamunda Road/Newburn Road/Chipping Drive Blackspot project received 100% funding through the 2017/2018 National Blackspot Program totalling \$181,620, with the first 40% claim entitlement amounting to \$72,648 already recouped by the City (i.e.: Stage 1). The balance of funding will be recouped as the project proceeds into its construction phase in 2018/2019, with the second 40% claim made on completion of 40% of the works and the final claim actioned once all costs have been accounted for.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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

22. Improved traffic management within the City's road network through designing out Black Spot locations will reduce the severity of crashes that may arise and associated trauma that may be experienced by road users.

Economic Implications

- 23. Funding approval of the Kalamunda Road/Newburn Road/Chipping Drive Blackspot project through the 2017/2018 National Black Spot program has removed the need for municipal funding to address the crash impacts at this location in the City’s road network.

Environmental Implications

- 24. Nil.

RISK MANAGEMENT CONSIDERATIONS

25.	Risk: Loss of funding as approved in 2017/2018 National Blackspot Program and continuation of significant rear end crashes.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	The need to provide future municipal funding to undertake roundabout improvements in order to mitigate ongoing crashes.		

OFFICER COMMENT

- 26. MRWA agreed to split the project into two stages and fund over two financial years, namely:
 - a) Stage 1 (2017/2018) - Community consultation, report back to Council and thereafter to undertake detailed design subject to the outcome of Council’s subsequent decision, with project funding allocated at 40% of the approved grant (i.e.: being funds already recouped by City); and
 - b) Stage 2 (2018/2019) – Undertake detailed design and construction subject to the outcome of Council’s consideration of this report, with project funding allocated at 60% of the approved grant (i.e.: funds still to be claimed/recouped by the City).
- 27. The community engagement process was considered successful in terms of the number of responses received, with positive feedback provided in relation to the Kalamunda Road/Newburn Road/Chipping Drive Concept Plan as presented in survey.
- 28. In addressing comments received, it was noted that there were a number of issues of concern that will need to be followed up as part of the detailed design process associated with the proposed modifications to the roundabout. Furthermore, should funding for the Traffic Study as proposed in the draft 2018/2019 Research and Development Budget be supported by Council then entry/exit assessment would then be able to be addressed.

29. The City's Traffic Classifier Program will be reviewed to determine the availability of traffic classifiers to enable further collection of traffic data to be obtained – this will also assist the proposed Traffic Study for Kalamunda Road between the Roe Highway and Abernethy Road pending confirmation of the outcome of Council's consideration of the draft 2018/2019 Budget.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 107/2018

That Council:

1. NOTES the outcomes of the community consultation undertaken for the proposed traffic treatment of the existing Kalamunda Road/Newburn Road/Chipping Drive roundabout which indicated 65% in favour of incorporating pre-deflection nibs to slow approach speeds and the removal of the right turn dedicated lane on the Kalamunda Road approach heading east.
2. ENDORSES the Concept Plan as shown on Drawing No 4086-001-001/A – Kalamunda Road/ Newburn Road/Chipping Drive Intersection Upgrade for detailed design and construction in the 2018/19 financial year being Stage 2 of the approved National Black Spot project (MRWA Ref: 21113363/City Ref: Job No 3405).
3. NOTES that a proposal to undertake a Traffic Study of Kalamunda Road between the Roe Highway and Abernethy Road at an estimated cost of \$80,000 is listed for Council consideration in the draft 2018/2019 Research and Development Budget.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.2.6. Consideration of Tenders for the Provision of Transporting of Waste Streams from Walliston Transfer Station (RFT 1801)

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset & Waste Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of contract services for the Provision of Transportation of Waste Stream Materials from Walliston Transfer Station and for the disposal of these materials to the contractors nominated sites on behalf of the City of Kalamunda (RFT 1801).
2. On the 7 March 2018, the City of Kalamunda (the City) issued the Request for Tender (RFT 1801) seeking Tenderers for the Provision of Transportation of Waste Streams from Walliston Transfer Station and for the disposal of these materials to the contractor's nominated sites
3. It is recommended that Council appoint West Tip Waste for the Provision of Transportation of Waste Streams from Walliston Transfer Station and for the disposal of these materials to the contractors nominated sites on behalf of the City of Kalamunda (RFT 1801), for a period of three (3) years with an option, at the sole discretion of the City, to extend by a further two (2) x 12 month period.

BACKGROUND

4. The City's Walliston Transfer Station located at 155 Lawnbrook Road Walliston, accumulates several classes of mixed waste materials from the transfer station and various City maintenance operations. As a result, these materials necessitate transportation off site to be disposed in accordance with all obligatory legislative requirements.
5. The waste material to be transported and disposed includes class 1, 2 and 3 contaminated mixed waste, Road and Footpath Sweepings and Gully Educting. Annual estimated tonnages for each respective waste stream include:
 - a) 7,000 Tonnes per year of Mixed Waste;
 - b) 2,500 Tonnes per year of Road and Footpath Sweepings;
 - c) 2,500 Tonnes per year of Gully Educting Waste.
6. The annual value for the transportation and disposal of the materials is estimated at \$700,000.00.

DETAILS

7. The scope of works includes the transportation of the following waste materials from the Walliston Transfer Station located at 155 Lawnbrook Road, Walliston.
 - a) **Class I - Mixed Waste:** Includes but is not limited to; bricks, building rubble, bitumen, concrete, cement bags, strapping, plaster board, tiles, ceramics, rebar, porcelain, wood and plastics.
 - b) **Class II - Road and Footpath Sweeping Waste:** Includes but is not limited to; can be mixed, dried and wet materials including leaves, green waste, grit litter, glass, oils and plastics.
 - c) **Class III - Gully Educting Waste:** Includes but is not limited to mixed, dried and wet materials including leaves, green waste, sand, soil and sod, grit litter, glass, oils and plastic.
8. The successful Tenderers will be responsible for the loading of the trucks, and transportation during standard hours of work Monday to Wednesday (ONLY) - 6:30am to 4:00pm.
9. All waste streams are to be transported via semi-trailer or truck and dog combination from the Transfer Station on a regular pre-determined schedule.
10. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
 - a) Supervisor Resource Recovery (Panel Chair)
 - b) Coordinator Waste and Fleet Services
 - c) Team Leader Walliston Transfer Station
11. In the lead up to the commencement of the Tender Evaluation Process and based on the Qualitative Criteria for RFT 1801, consideration was given to determining what would be an acceptable qualitative score that would indicate the ability of a Tenderer to satisfactorily deliver its services. In this instance, the predetermined Qualitative Pass Mark (QPM) for RFT 1801 was set at 60%.
12. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. All submissions were assessed as compliant with the Tender Compliance Criteria.
13. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request for Tender document.
14. The purpose of the Qualitative Criteria is to ensure that Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.

15. The Panel undertakes qualitative evaluation of each Tender submission in accordance with the following general direction:
- a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - c) Where clarifications are sought from tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
 - d) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.
16. Panel members completed the Qualitative Evaluation through comparison of individual scores and determination of consensus scores for each of the Qualitative Criteria on Tuesday 8 May 2018, in accordance with the City's evaluation process in a fair and equitable manner.
17. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below:

Qualitative Criteria	Weighting
1. Relevant Experience	30%
2. Key Personnel Skills and Experience	15%
3. Tenderer's Resources	15%
4. Demonstrated Understanding	40%

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

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

Company Name	Qualitative Total Rank
West Tip Waste	1
Cleanaway	2
All Earth Group	3
Perth Bin Hire	4
Community Greenwaste	5
Instant Waste Management	6

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

19. The following Tenderers achieved the required QPM of 60%, advancing to the price assessment stage of the Tender evaluation process:
- a) West Tip Waste,
 - b) Cleanaway,
 - c) All Earth Group,

- d) Perth Bin Hire,
- e) Community Greenwaste.

20. The Tenderer not achieving the required QPM, did not have its prices assessed.
21. Tenderers were required to provide a Price Schedule to undertake the services as specified in the request for tender completed, for all City locations and scenarios stipulated in Qualitative Criteria under (d) *Demonstrated Understanding*. The Panel assessed the price for an anticipated schedule of works for the period of the contract and no guarantee of the final quantity of works allocated under the contract was given.
22. Tenderers who achieved the QPM were assessed on the pricing for the nominated "scheduled work" as per the request document and ranked as summarised in the table below:

Tenderer	Rank
West Tip Waste	1
Perth Bin Hire	2
Cleanaway	3
All Earth Group	4
Community Greenwaste	5

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

25. Nil.

External Referrals

26. Nil.

FINANCIAL CONSIDERATIONS

- 27. The funding for this service is through individual operational cost codes Funding for services estimated at \$700,000.

Sufficient funds have been allocated in these accounts for 2018/2019.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 2: Kalamunda Clean and Green

Objective 2.3 - To reduce the amount of waste produced and increase the amount of reuse and recycling of waste.

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

SUSTAINABILITY

Social Implications

- 29. Removal of waste materials from the site in a timely manner provides for safer and more efficient use of the Transfer Station.

Economic Implications

- 30. Scheduled removal of waste streams from the Walliston Transfer Station ensures that costs are managed more efficiently.

Environmental Implications

- 31. The removal of the waste streams in a timely manner minimises the possibility of leaching of contaminants into the soil and stock piles encroaching onto surrounding bushland areas and natural environment.

RISK MANAGEMENT CONSIDERATIONS

- 32.

Risk: Tender not awarded will result in stockpiling of materials at the Walliston Transfer Station		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Responsiveness compromised along with increased costs for unscheduled actions and administrative time required to rectify. Purchasing Policy non-compliance for period of the contract.		

Risk: The Contractor does not satisfy the specification.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Industry standard measures applied, contract management and 6 monthly review in place.		

Risk: The storage of materials not being in accordance with Department of Water and Environment Resources (DWER) conditions.		
Likelihood	Consequence	Rating
Unlikely	Major	High
Action/Strategy		
The City to ensure that waste streams accumulated at the Walliston Transfer Station are in accordance with DWER conditions.		

OFFICER COMMENT

- 33. All Tenderers were given the opportunity to provide information in accordance with the Request for Tender.
- 34. The Panel concluded that West Tip Waste provided sufficient information as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring in excess of the QPM of 60%.
- 35. It is anticipated that the Contract is to commence on 1 July 2018, subject to consideration of Tender Award by Council.

Voting Requirements: Simple Majority

EN BLOC RESOLUTION OCM 107/2018

That Council:

- 1. APPROVES the appointment of West Tip Waste for the Provision of Transportation of Waste Stream Materials from Walliston Transfer Station and for the disposal of these materials to the contractor’s nominated sites on behalf of the City of Kalamunda (RFT 1801), for a period of three years commencing on 1 July 2018 with an option, at the sole discretion of the City, to extend by a further two x 12 month period in accordance with the Price Schedule in Confidential Attachment 2.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.3. Corporate Services Reports

RESOLVED OCM 109/2018

The recommendations of reports 10.3.1 to 10.3.3 inclusive be adopted by Council En Bloc.

10.3.4 has been withdrawn for separate consideration.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

10.3.1. Rates Debtors Report for the Period Ended May 2018

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

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

Attachments 1. Rates Report May 2018 [**10.3.1.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. It is recommended that Council receive the Rates Debtors report for the month of May 2018 (Attachment 1).
3. The City has collected \$34.54 million (94.45%) in rates as at 31 May 2018.

BACKGROUND

4. Rate Notices were issues on 11 July 2017 with the following payment options available:

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

5. A total of 24,466 Rate Notices were sent on 11 July 2017. Rates Levied and Collectable for the 2017/18 Financial Year currently total \$37,076,673. As at 31 May, a total of \$34,545,515 has been collected. This represents a collection rate of 94.45% which is slightly lower than the 96.32% collected at the same time in the 2016/2017 Financial Year. The collection rate is expected to increase with the continuation of Debt Recovery.
6. A total of 9,242 ratepayers took up an instalment option last year. As of the 2017/2018 cut-off date 9,099 properties are on the instalment options. Of these, 1,703 took up the option to pay by two instalments and 7,396 have chosen to pay by four instalments.
7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
- a) A Smarter Way to Pay – with approximately 765 ratepayers signed up. This represents a 32% increase from the previous year. It is expected that this will remain largely static for the remainder of the financial year.
 - b) eRates – there are 2,228 properties signed up for email delivery, compared to 1,953 in the previous year. This represents a 15% increase in this service and 9% of the rates database;
 - c) BPay View – approximately 864 ratepayers have signed up for this service. Last year at total of 638 had signed up, representing a 19% increase in this service.
8. Interim Rating processing commenced in October 2017 and has been concluded in May 2018. While mostly focused on processing changes made to values last financial year or making changes to values from the revaluation, almost \$250,000 has been raised in new charges.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows review of calls which results in training and process improvements. Throughout the month of May 2018, the Rates department handled 898 calls with a total call time of almost 40 hours.

DETAILS

10. There were 87 properties with outstanding balances from previous years; the majority of these accounts have a balance owing (including current charges) of over \$5,000 and these accounts have been the focus in the 2017/2018 debt collection process. Some of these accounts have circumstances that are preventing debt collection such as bankruptcy, seizure of land by another organisation, estates in probate or already pending legal action.
11. The City began debt collection in November 2017 with final notices sent to all accounts with a balance owing of more than \$50 who are not on an Instalment or Direct Debit plan with the City. Final Notices were due for payment no later than 08 December 2017 with an extension given until 15 January 2018 for arrangements and payment delays.
12. In February 2018, the City undertook a review of all accounts that have been sent a Final Notice. Those accounts that remain outstanding without a Direct Debit in place were sent a Letter of Demand by the City's Debt Collection Firm. The letters of Demand were issued by Milton Graham Lawyers (now Commercial Litigation and Insolvency Lawyers) in mid-March 2018 and allowed two weeks for payment to be finalised or an arrangement to be entered into.
13. A review of the remaining properties was undertaken in May 2018 and Legal Action ordered on properties where it has been deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties have been sent to the City's Debt Collection Firm for a General Procedure Claim (GPC) to be issued through the Courts. Overdue balances total \$740,577 and individual balances range from \$2,000 to \$24,000.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

17. The higher-level debt collection actions are undertaken by the City's Debt Collection Firm Dun & Bradstreet with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

25. The City's debt collection strategy has proven to be very effective with a 97.23% collection rate in the 2016/2017 financial year.

The 2017/18 year to date collection rate is slightly behind the rate at the same time last year however ongoing legal action is expected to equalise this before the end of the financial year.

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

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 109/2018

That Council:

1. RECEIVES the rates debtors report for the period ended 31 May 2018 (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

Vote:	For Cr Michael Fernie Cr John Giardina Cr Allan Morton Cr Geoff Stallard Cr Lesley Boyd Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas	Against Cr Tracy Destree CARRIED (11/1)
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10.3.2. Monthly Financial Statement to May 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	1. Statement of Financial Activity 31 May 2018 [10.3.2.1]
	2. Statement of Net Current Funding Position 31 May 2018 [10.3.2.2]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period to May 2018.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the budget adopted by the Council on 27 March 2018 after the mid-year budget review.
3. The City's Financial Statements as at 31 May 2018 demonstrate the City has managed its budget and financial resources effectively.
4. It is recommended that Council receives the Monthly Statutory Financial Statements for the period to 31 May 2018, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 May 2018;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 May 2018; and
 - c) Net Current Funding Position, note to financial report as of 31 May 2018.

BACKGROUND

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

DETAILS

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

FINANCIAL COMMENTARY

Statement of Financial Activity by Nature and Type for the eleven months ended 30 May 2018

8. This Statement reveals a net result surplus of \$13,284,558 compared to budget for the same period of \$10,765,860. The majority of the final variance of \$2,518,697 is resulting from operating activities.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$1,299,923. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$873,252 the variance is mainly attributable to \$874,069 received from the CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by 486,497, which is due to recovery of incorrect skip bin charges incurred in 2016/2017.
 - c) Interest Income is under budget by \$149,761. The variance is due to the timing of the maturity of fixed deposits. Majority of the deposits are maturing during June 2018.
 - d) Other Revenue is under budget by \$13,825. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

10. Total expenses are under budget by \$2,248,173. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$410,363 which is primarily due to vacant positions not filled, timing of training programmes scheduled for the period, pending year end provisioning for annual and long service leave and final adjustment invoice for worker's compensation from LGIS. It is expected that these adjustments will line up with the budget.
 - b) Materials and Contracts is under budget by \$1,218,413. This is mainly attributed to:
 - i. Consultancy costs being under budget by \$1,032,769 related to non-recurrent projects including the Forrestfield North Project & revaluation of infrastructure assets for 2017/2018.
 - ii. Fire mitigation programmes costs are under budget by \$258,171. This is again a timing matter and significant works are being planned for the winter season.
 - c) Utilities are under budget by \$134,101 of which; \$69,486 relates to street lighting which is lower than projected.

- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$451,897. During the 2016/17-year end audit review it was observed that the depreciation rates applied for infrastructure assets were lower than the actual consumption rate. For 2017/18 the actual depreciation is estimated based on the 2016/17 end of the year depreciation. The effect of the depreciation rates was adjusted during the mid-year review and the variance is due to a timing issue and will be resolved with yearend movements.
- e) Interest expense is under budget by \$9,666. This is a result of a timing difference between amounts accrued and the budget which is based on the debenture payments schedules.
- f) Insurance expense is over budget by \$23,257. The variance is within the reporting threshold.
- g) Other expenditure is under budget by \$32,420. The variance is within the reporting threshold.
- h) Loss on disposal of Assets is under budget by \$14,570. The loss on disposal of fixed assets has been lower than the projected loss.

INVESTING ACTIVITIES

Non-operating Grants and Contributions

- 11. The non-operating grants and contributions are over budget by \$397,215. This is mainly attributable to reimbursements received \$616,249 from CELL 9 trust to cover the expenditure incurred on capital development projects.

Capital Expenditures

- 12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work In Progress) is over budget by \$106,742. This is deemed to be mainly a timing matter.
- 13. Capital work-in-progress monies spent of \$1,622,219, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 14. The amounts attributable to financing activities shows a variance of \$54,097 which is mainly reserve movements. More details of the reserve movements are given under note 24 of this report.

Rates Revenues

- 15. Rates generation is under budget with a variance of \$1,233,348. The variance is mainly attributable to interim rates and year end prepaid rates adjustment. The City commenced its interim rates generation process during end October 2017 and is working through the backlog.

It should be noted that due to the misalignment of the valuations provided by Landgate (valuations as of 1 August 2015 which were applied by the City for its 2017/18 rates generation), many property owners have successfully objected to the valuations and as a result of that, the interim rates revenue projected at \$334,950 will most likely not be met. As of May, \$189,217 has been billed so far. The impact on 2018/19 rates yield has been factored in when reviewing the rates scenarios and budgeting for the following financial year.

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

16. Generally, each Program is within the accepted budget except for 'Other Property and Services', 'Community Amenities', 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 9 to 15 above.

Statement of Net Current Funding Position as at 31 May 2018

17. The commentary on the net current funding position is based on comparison of the actual to May 2018 to the May 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total to \$22.7 million. The restricted cash position is \$12.5 million which is higher than the previous period's balance of \$11.1 million. This is mainly attributed to the transfers to reserves in the nominated employee leave reserve and the unexpended capital works reserve.
19. Unrestricted cash has decreased by \$5.4 million when compared with the balance at May 2017 mainly as a result of the increased capital expenditure and higher receivables.
20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.4 million. The City has commenced legal action on default rates amount due in June 2018.

The rates balance increased by \$0.7 million from last year which reflects increases in rates generation.
21. Sundry debtors have decreased from \$409,020 to \$252,292, of which \$165,727 consists of current debt due within 30 days.
22. Receivables Other represents \$1.6 million comprising:
 - a) Emergency Service Levy receivables \$0.4 million
 - b) Receivables sanitation \$0.5 million
 - c) GST purchases \$0.4 million
23. Provisions for annual and long service leave have increased by \$339,681 to \$3.1 million when compared to the previous year. The large variance is coming from the 2016/17-year end adjustment with long service leave liability increasing by \$198,518 as more employees came under the criteria for calculation of the liability.

24. Restricted Reserves have increased from \$11.1 million to \$12.5 million when compared to May 2017. The increase is due to the following:
- a) Unexpended capital works reserve increased by \$0.8 million
 - b) Nominated employee leave provision increased by \$0.6 million.
 - c) Asset enhancement reserve increased by \$0.4 million
 - d) Waste management reserve has increased by \$0.5 million
 - e) EDP IT Equipment reserve has decreased by \$0.3 million
 - f) Forrestfield Industrial Area Scheme Stage 1 reserve has decreased by \$0.6 million. With commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

26. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

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

31. Nil.

Economic Implications

32. Nil.

Environmental Implications

33. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 109/2018

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

10.3.3. Debtors and Creditors Report for the Period Ended May 2018

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A

Attachments	1. Creditors payment for the month ending 31 May 2018 [10.3.3.1]
	2. Summary of Debtors for the month of May 2018 [10.3.3.2]
	3. Summary of Creditors for month of May 2018 [10.3.3.3]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

Debtors

6. Sundry debtors as of 31 May 2018 were \$252,292 of which \$165,727 was made up of current debts and \$4,553 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$46,892, debts of significance are:
 - a) Department of Local Government, Sport & Cultural Industries, \$18,173, Kid sport Reimbursement;
 - b) Kalamunda Community Learning Centre, \$4,973, Hall Hire;
 - c) Department of Education, \$4,878, KPAC - Maintenance Expenses;
 - d) Zig Zag Gymnastics, \$2,923, Hall Hire;
 - e) Kalamunda District Rugby Union Club \$2,368, Utility Expenses;
 - f) Foothills Information and Referral Service, \$1,456, Utility Expenses;
 - g) Forrestfield Sisdac, \$1,445, Hall Hire;
 - h) Dome Coffees Australia \$1,365, Lease / Utility Expenses;
 - i) Early Bird Learning, \$1,340, Hall Hire;
 - j) Forrestfield Cricket Club, \$1,047, Electricity Expenses; and
 - k) Kalamunda Cricket Club, \$1,045, Hall Hire.
8. Invoices over 60 days total \$15,815, debts of significance are:
 - a) Evolution Cheer & Dance, \$3,173, Hall Hire;
 - b) Hills District Callisthenics, \$2,951, Hall Hire;
 - c) Zig Zag Gymnastics, \$2,923, Hall Hire;
 - d) Gregory Case, \$2,031, Fire Breaks;
 - e) Upper Swan Primary School, \$1,206, History Village Entry;
 - f) Kalamunda Cricket Club, \$1,139, Loan 207; and
 - g) Titan Taekwon-Do Enterprises, \$1,092, Hall Hire.
9. Invoices over 90 days total \$28,412, debts of significance are:
 - a) Kalamunda Club, \$17,263, Loan instalment – request received for deferral from the Club;
 - b) Zig Zag Gymnastics, \$6,939, Hall Hire; management of debt – discussions and reviews underway;
 - c) Illuminations Dance Company, \$1,315, Hall Hire; reported to debt collectors - \$200 being paid weekly;
 - d) Keith Mortimer, \$1,133, Replacement Street Tree – reported to debt collectors – unable to locate – consider write off.

Creditors

10. Payments totalling \$5,988,483.93 were made during the month May 2018. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	583,728.76
Cleanaway	Waste, recycling and bulk bin disposal service fees	460,845.49
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	375,566.25
BE Projects (WA) Pty Ltd	Construction of hockey club room facilities – Hartfield Park, Forrestfield – progress payment	306,187.89
WA Local Government Superannuation Plan	Superannuation contributions	293,187.76
Synergy	Power Charges – various locations	214,077.15
Asphaltech Pty Ltd	Road materials – various locations	162,747.86
Perth Auto Alliance T/A Titan Ford	Supply of four new vehicles	152,568.78
Dowsing Group Pty Ltd	Supply and installation of pathways at various locations	149,279.86
Vo Land Holdings Pty Ltd *	Lot 8, Hale Road – drainage development – reimbursement of costs incurred	139,789.12
Electricity Networks Corp T/A Western Power	Upgrade of Wittenoom Road street lights	127,186.00
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations – \$60,566.28 Plant equipment and operator hire for Lot 7, 31 & 32 Hale Road Wattle Grove – \$62,944.20*	123,510.48
Syrinx Environmental P/L *	Woodlupine living stream upgrade – civil works and landscaping.	135,618.91
Kennedys Tree Services	Tree removal / pruning at various locations	93,745.20
Le Grove Landscaping	Landscaping works for the development of grass hockey fields – Hartfield Park – progress claim	89,729.63
All Earth Group Pty Ltd	Disposal of road sweepings, gully education soils & mixed waste materials	86,031.18
Green Planet Grass	Conversion of one turf grassed bowling green to sand filed synthetic bowling green – Forrestfield Bowls Club – Progress payment	79,002.00
Safeway Building and renovations Pty Ltd	Pickering Brook Sports Club – roofing renewal	73,062.00
Telstra Corporation	Telephone Expenses	58,904.62
Hill Top Group Pty Ltd	Building maintenance for various locations	58,085.12

These payments total \$ 3,762,854.06 and represent 62.83% of all payments for the month.

* - The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during May 2018.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,782,555.40 was paid in net salaries for the month May 2018.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

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

BCITF Levy		Amount (\$)
Date	Description	
15/05/2018	Building and Construction Industry Training fund levy April 2018.	8,062.46
CELL 9		Amount (\$)
Date	Description	
31/05/2018	Vo Land Holdings Pty Ltd	127,081.02
31/05/2018	Syrinx Environmental Pty Ltd - Woodlupine Brook Living Stream Upgrade, Stage 2 Civil and Landscape works	123,289.91
31/05/2018	McKay Earthmoving Pty Ltd - Plant equipment and operator hire for Lot 7, 31 & 32 Hale Road Wattle Grove	57,222.05
31/05/2018	Focus Consulting WA Pty Ltd – Sheffield Road & John Road street lighting improvements	4,660.00
31/05/2018	Hydro Geo Enviro Pty Ltd – Woodlupine Brook Stage 1 Preliminary Assessment	2,960.00
31/05/2018	A Proud Landmark Pty Ltd – Truck watering at Hale Road / Wimbridge Road roundabout	1,200.00
31/05/2018	DMI Signs - Supply 2 signs with artwork	735.00
31/05/2018	Ellenby Tree Farm - 35lt White Iron Bark Tree	475.00

STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), a payment may only be made from the municipal fund or the trust fund:
- a) if the local government has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from those funds — by the CEO; or
 - b) otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2017, Council resolved to adopt the City's current Delegation Register (ref OCM 102/2017), which was accordingly updated and came into effect on 27 June 2017 (**27 June 2017 Register of Delegations**). The previous review of the register was completed 25 May 2015.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2017 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
- a) the payee's name;
 - b) the amount of the payment;
 - c) the date of the payment; and
 - d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

POLICY CONSIDERATIONS

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

CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

- 26. Nil.

Economic Implications

- 27. Nil.

Environmental Implications

- 28. Nil.

RISK MANAGEMENT CONSIDERATIONS

Debtors

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

Creditors

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

EN BLOC RESOLUTION 109/2018

That Council:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

<p>Vote: For</p> <p>Cr Michael Fernie Cr John Giardina Cr Allan Morton Cr Geoff Stallard Cr Lesley Boyd Cr Brooke O'Donnell Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas</p>	<p>Against</p> <p>Cr Tracy Destree</p> <p>CARRIED (11/1)</p>
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10.3.4. Proposed Road Closure and Road Dedication – Lot 830 (No. 221) Merrivale Road, Pickering Brook

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

This report was circulated to Councillors on 26 June 2018 and therefore replaces the report that was in the published Agenda on the website. This report was considered and voted on at the meeting with an amendment.

Deputations were received from Mr Peter Fantuz of 82 Merrivale Road, Pickering Brook and Mr Paul Fantuz of 72 Merrivale Road, Pickering Brook. Both spoke against the Officer Recommendation.

Previous Items	OCM 258/2017; OCM 31/2018; OCM 57/2018
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	MR-15/221
Applicant	Peter & Gillian Fantuz
Owner	State of Western Australia
Attachments	1. Letter from owners 11.04.2017 [10.3.1.1] 2. Merrivale Road - Road Rationalisation Plan [10.3.1.2] 3. Table C [10.3.1.3] 4. Table D [10.3.1.4]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the provision of formal access to Lot 830 (No. 221) Merrivale Road, Pickering Brook (Lot 830).
2. It is proposed that formal access be provided to Lot 830 by realigning Merrivale Road. To realign Merrivale Road, it is necessary to excise a portion of land from Reserve 47881 and dedicate it as a road, and to permanently close the redundant (unconstructed) portion of Merrivale Road road reserve.
3. It is recommended that Council support the initiation of the advertising and consultation process for the proposed road closure and road dedication.

BACKGROUND

4. At its Ordinary Council Meeting on 19 December 2017, Council resolved as follows (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.*

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

That Council:

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

6. At the April 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.*

DETAILS

7. On 11 April 2017, Peter and Gillian Fantuz (Applicants) wrote to the 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. The Applicants' letter is attached to this Report as Attachment 1.
8. The Department of Lands (now the Department of Planning, Lands & Heritage) had previously been contacted by the Applicants and had identified the following two options:
 1. Department of Lands grant a non-exclusive section 91 licence for access purposes (Option 1).
 2. Excise a portion of land from Reserve 47881 and dedicate it as a road (Option 2).
9. Both options require the approval of the Conservation and Parks Commission and the City of Kalamunda.
10. The Applicants have advised that they are not satisfied with Option 1 due to the temporary nature of a licence. The Applicants have requested that the City support Option 2.
11. It is proposed that a portion of land be excised from Reserve 47881 and dedicated as a road, and that the redundant (unconstructed) portion of Merrivale Road road reserve be permanently closed.
12. Asset Services have drafted a Road Rationalisation Plan (Plan 4253-01-01/0) which delineates and marks the proposed road closure and road dedication areas. The Plan has been provided to the Applicants for comment and the Applicants have confirmed that the Plan is acceptable.
13. The Department of Planning, Lands & Heritage has also confirmed that the Plan is sufficient to inform the drafting of a Deposited Plan. Plan 4253-01-01/0 is attached to this Report as Attachment 2.
14. Following the deferral of the March 2018 Council Report, the City considered a third option, being to provide a battle axe freehold access to Lot 830. The Applicants have advised that they are not satisfied with this option because purchasing a battle axe leg cannot occur until native title issues have been resolved. Further, this option would require the Applicants to purchase the battle axe leg at the current unimproved market value for the land. The Applicants have again requested that the City support Option 2.

15. The Applicants have since written to the City advising of their requirements in relation to this matter and this is outlined in Confidential Attachment 1.
16. The construction of the road is not in the wider public interest as it benefits only one landowner. Further, the subdivision was created without the provision of any formal road access well before the current owners purchased Lot 830.
17. Given that the road construction costs are in the vicinity of \$250,000, it is important that the City is not left with a future liability for road construction when road access to Lot 830 should have been dedicated and constructed at the time of subdivision.
18. It is important to provide a mechanism that protects the City's future interests. In acknowledging that the road is unconstructed and that the City has no obligation to construct the road.
19. The protection of the City's future interests may be achieved in two ways. The first is through a caveat which would provide written evidence of the Applicant's acknowledgement that the road is unconstructed and that the City has no obligation to construct it and nor does it intend to do so. Moreover, to ensure that future owners of the Land are not able to presume that because the City agreed to provide formal access to the Land, it would then arguably follow that the City must then construct the road as well.
20. A second option whilst not as protective as a caveat, is a notification on the land. Notification', which is a mechanism in Section 70A of the *Transfer of Land Act 1893* (WA) (**TLA**) that could potentially achieve Council's goals without being in any way as onerous to the Applicant's. A Notification is a document that is lodged against a certificate of title to give notice of factors that affect the use and enjoyment of land. Notifications are shown in the *Limitations, Interests, Encumbrances and Notifications* panel of the Land's title and are not encumbrances because they do not fall within the definition of an encumbrance under section 4 of the TLA. Accordingly, notifications will not prevent a mortgagee sale occurring and will not be required to be removed before the power of sale transfer is registered, or prevent the registration of any other instrument.
21. In the event that Council wishes to prevent the applicant and subsequent owner of Lot 830 Merrivale Road from making an application to the Council to consider constructing the road, a caveat will achieve this objective.
22. If Council merely wishes to notify the public at large that for the present point in time, both the City and the Applicants agree that the Applicant will not require the road to be built and that any third party considering subsequent purchase of the land be advised of the same, a Notification will achieve this outcome.
23. In the circumstances, this report recommends that Council adopts a notification process rather than a caveat.

STATUTORY AND LEGAL CONSIDERATIONS

24. 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.
25. Section 3.18(3)(c) of the *Local Government Act* requires a local government to satisfy itself that services and facilities it provides are managed efficiently and effectively.
26. The proposed road closure and road dedication must proceed in accordance with s. 56 and s. 58 of the *Land Administration Act 1997* (WA).
27. Section 56 of the *Land Administration Act* relates to the dedication of land as road. Section 56(1)-(2) states as follows:
- (1) *If in the district of a local government —*
- (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
 - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*
- or*
- (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*
- and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
- (2) *If a local government resolves to make a request under subsection (1), it must —*
- (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

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

POLICY CONSIDERATIONS

30. The City's Asset Management Policy (C-AS-01) states that *"As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*
31. 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.
32. The portion of land proposed to be dedicated as road is required to provide access to Lot 830.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

33. The City's Asset Services directorate has reviewed the matter and supports the proposed road closure and road dedication. Asset Services notes the costs of formation of a road, if required, would need to be the responsibility of the land owner. The extent of any formation or construction work will need to be determined later.

External Referrals

Department of Biodiversity, Conservation and Attractions

34. The Department of Biodiversity, Conservation and Attractions (DBCA) referred the proposal to the Conservation and Parks Commission.

35. 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.
36. 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.
37. DBCA requested that it be advised once Council has approved the proposal. Once DBCA receives confirmation that Council has approved the proposal, the approval of the Hon. Minister for Environment will be sought by the Commission.

Department of Planning, Lands & Heritage

38. The Lands Division of the Department of Planning, Lands & Heritage (Lands) provided an overview of the requirements to progress the proposed realignment of Merrivale Road. The overview is set out below.
39. 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.
 - d) City to liaise with landowners regarding survey costs.
40. Council resolution for section 56 road dedication and section 58 road closure, Land Administration Act 1997:
 - a) Council can resolve in the one resolution to undertake the s. 56 and s. 58 processes.
 - b) Section 56 road dedication requirements as per Table D.
 - c) Section 58 road closure requirements as per Table C.
41. Deposited Plan:
 - a) Draft Deposited Plan depicting road closure and dedication actions as well as Reserve amendments (excision/addition).
 - b) Deposited Plan to also include a s. 24KA of the Native Title Act 1993 (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).
42. Before Lands proceeds with submission to Parliament for Major A Class Reserve Amendment:
 - a) City to provide Council Resolution – s. 56/s. 58 LAA 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).
 - e) Lands to undertake internal referral to Planning division.

43. 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.
 - h) If disallowances passed by Parliament, seek to amend, renegotiate and resubmit proposal.
44. Once the above is complete, the proposal will be forwarded to Lands' Delivery Team to finalise the lodgement of documents.
45. 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 s. 24KA NTA process will not be required and may reduce the overall timeframe.
46. Public advertising will be required by the City and the Department of Lands.

FINANCIAL CONSIDERATIONS

47. Following further consultation with the Applicant, it is now proposed that the Applicants be responsible for all 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, flora and fauna surveys, approvals, and documentation preparation and lodgement.
48. It is reasonable that the Applicants be required to pay all costs of the proposal up to a maximum of \$6,000, given that the proposal only serves to benefit their property, being Lot 830, and the City contribute the balance in order to establish an approved road reserve.
49. The estimated costs of the proposal are as follows:
- a) Land Surveys: \$6,000-\$12,000.
 - b) Advertising by the City: \$900-\$1,300.
 - 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 City would be required to fund the following costs:

- a) Flora and Fauna Survey: \$7,000-\$10,000. Only required if road construction proceeds.
- b) Road construction: \$250,000 approximately, in the event that there was a requirement to construct the road.

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

For the sake of completeness, if Council was to choose to require the lodgement of a caveat over the property, although this is not the recommendation of this report, the estimated costs would be:

- a) Legal agreement and caveat: \$3,000+. The Applicants will be required to enter into a legal agreement with the City (supported by a caveat).

If Council resolves to require the lodgement of a notification on the title the estimated costs would be:

- a) Registration fee \$171 plus any legal costs.

50. 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

51. *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

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

Economic Implications

53. Nil.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

55. **Risk:** The Applicants do not have the resources to fund the 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 road closure and road dedication to be conditional on the Applicants paying all costs of and incidental to the proposal up to a maximum of \$6,000. The Applicant has supported this agreement. | | |
56. **Risk:** A future landowner requests the City to construct the road at a cost of \$250,000.
- | Likelihood | Consequence | Rating |
|---|-------------|--------|
| Possible | Significant | High |
| Action/Strategy | | |
| The City requires the Applicants to enter into a legal agreement on the form of a Notification that will simply notify the public at large, that the Applicant will not require the road to be built. | | |

OFFICER COMMENT

57. The Applicants purchased the property in December 2015 with the knowledge that the property contained no formal road access. The City has been working closely with the Applicants and State Government Departments in order to gain a suitable outcome.

58. It is proposed that the Applicants will be required to pay all costs of the proposal up to a maximum of \$6,000, given that the proposal only serves to benefit their property, being Lot 830.
59. Section 58(3) of the *Land Administration Act* requires that a proposed road closure be advertised in a local paper for a minimum of 35 days.
60. The *Land Administration Act* does not prescribe the manner in which a proposed road dedication must be advertised. However, the Department of Planning, Land & Heritage's Table D provides that a local government must undertake a consultation process in respect of a road dedication.
61. It is recommended that Council support the initiation of the advertising and consultation process for the proposed road closure and road dedication.
62. As the construction of the road is not in the wider public interest and will only benefit one landholder, and the subdivision was created without any formal road access, it is not considered to be in the ratepayers' interest to incur a future financial liability for road construction.
63. The Notification as recommended in this report, is a mechanism of Section 70A of the *Transfer of Land Act 1893* (WA) (**TLA**) that could potentially achieve Council's goals without being in any way as onerous to the Applicant.
64. The Applicants have raised the possibility of dedicating a smaller area of land to reduce road construction costs. It is noted that DBCA's preference is for the dedicated road to run along the whole southern boundary of Lot 830 for firebreak purposes.

Cr Fernie asked the applicants if they were aware of the new recommendation. Mr Peter Fantuz responded that they are aware the City is considering alternative advice. The Officer recommendation with the deletion of Item 3 b) and c) was considered and voted on.

Voting Requirements: Simple Majority

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 all d 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.

Moved: **Cr Michael Fernie**

Seconded: **Cr Tracy Destree**

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

10.4. Chief Executive Officer Reports

10.4.1. Kalamunda Bush Fire Advisory Committee - Recommendations

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Community Safety Services
File Reference	RA-BFC-019
Applicant	N/A
Owner	N/A

Attachments 1. Kalamunda BFAC Minutes 15 March 2018 [**10.4.1.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the recommendations of the Bush Fire Advisory Committee (BFAC) from the 15 March 2018 meeting (Attachment 1).
2. BFAC made one recommendation to Council regarding concerns raised about the potential exposure of volunteer Bush Fire Brigade members to per- and poly-fluoroalkyl substances, also known as "PFAS/PFOS" compounds contained in aqueous firefighting foam (AFFF).
3. It is recommended that Council request the CEO to investigate the legal and insurance responsibilities relating to Bush Fire Brigade members potential exposure to per- and poly-fluoroalkyl substances through their involvement as volunteers.

BACKGROUND

4. Council established BFAC under S67 of the *Bush Fires Act 1954* including its Terms of Reference (TOR) to formulate for Council's consideration, recommendations on policy and matters relating to bush fire prevention, control and extinguishment.
5. Item 2.5 of BFAC's TOR requires BFAC to refer its recommendations to Council.
6. In accordance with Item 2.10 of BFAC's TOR, the committee submitted a copy of its minutes to Council via Council's May 2018 Minute Bulletin (Attachment 1).
7. BFAC membership comprises two elected representatives appointed by Council and seven other members comprising as follows:
 - a) The Chief Bush Fire Control Officer,
 - b) Deputy Chief Bush Fire Control Officer(s),
 - c) Two representatives from the Bush Fire Brigade,

- d) Two Officers from the Kalamunda Volunteer Fire and Rescue Service (FRS),
- e) State Emergency Service (Kalamunda).

8. Three City Officers support the administration of BFAC.

DETAILS

9. At its meeting of 15 March 2018, BFAC discussed the potential exposure of volunteer members of the Bush Fire Brigade to PFAS/PFOS within Aqueous Fire Fighting Foam (AFFF).

10. PFAS/PFOS are members of a group of man-made chemicals that have been used in a range of common household products and specialty applications, including in the manufacture of non-stick cookware; fabric, furniture and carpet stain protection applications; food packaging; some industrial processes; and in some types of fire-fighting foam.

These chemicals are very stable and do not break down in the environment. They can persist for a long time both in the environment and in humans.

11. Most people are exposed to these chemicals from their drinking water, however once in the body, these compounds persist for a long time. So, these compounds have the potential to reach levels which can affect human health. Consequently, the use of these compounds started to be phased out in 2000.

12. While hard evidence of the relationship of PFAS/PFOS to significant human disease is elusive, there is presumptive evidence that PFAS/PFOS could have health effects at high concentrations.

(Source: NSW Government, Health Department; DFES; ABC Four Corners)

13. At the BFAC meeting the following points were made and are of interest to Council:

1. City representatives held a meeting with the Department of Fire and Emergency Services (DFES) Commissioner to discuss support for volunteers exposed to aqueous firefighting foam. The outcomes of that discussion were:
 - i. focus should be on prevention of exposure, and reflects preventative measures currently in place;
 - ii. biological testing was not considered necessary unless there is known exposure and presentation of health effects; and
 - iii. it is important and advisable to establish a register of potentially exposed volunteer firefighters to ensure there is a record of the exposure risk should any future health issues be established.
2. When the volunteer bushfire brigade took possession of the aqueous firefighting foam, there were approximately 50 to 60 members potentially exposed. Most of these members have moved on from their duties. Out of the current membership, there are eight individuals who have potentially been exposed with two members expressing concern.

14. At its meeting on 15 March 2018, BFAC made the following recommendation for consideration by Council:

Council supports the investigation, creation and maintenance of a register of volunteers exposed to AFFF.

Moved: David Carroll
Seconded: Duncan Reynolds
Vote: Carried Unanimously

STATUTORY AND LEGAL CONSIDERATIONS

15. Section 67 of the *Bush Fires Act 1954* states:

"A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of cooperation and coordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection."

16. Although volunteers are not paid and are not normally classified as employees for the purpose of employment and taxation laws, the City of Kalamunda still owes its volunteers a general duty of care in relation to the work they perform under the instructions of the City and its Officers.

There are additional legal obligations imposed under the *Occupational Safety and Health Act 1984 for the City* to provide a safe work environment and safe systems of work.

POLICY CONSIDERATIONS

17. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

18. Community Safety Services has consulted People Services regarding services available to support volunteers exposed to PFAS/PFOS.

People Services advises that volunteers who are experiencing emotional distress regarding potential exposure can access support through the City Employee Assistance Program (EAP), at no incremental cost to the City.

External Referrals

19. The City has met with the DFES on this matter. DFES gave a presentation on the potential risks to health and the environment caused by PFAS/PFOS.

FINANCIAL CONSIDERATIONS

20. The creation of a register will become a reportable item with the City's insurers. There may be financial implications for the City relating to its insurance which the City will need to assess and consider.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

21. *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.

SUSTAINABILITY

Social Implications

22. Creating and advertising a register will heighten awareness of volunteers of their potential exposure to the PFAS/PFOS, requiring the City to provide additional support for individuals and groups who may raise concerns.
23. Negative publicity surrounding the use of PFAS/PFOS may adversely affect future volunteer numbers within our Bush Fire Brigade Services, although this is a retrospective risk to members and can be managed.

Economic Implications

24. None identified.

Environmental Implications

25. The reporting of PFAS/PFOS exposure may identify contaminated land associated with the use of the AFFF. Land contaminated by PFAS/PFOS through training activities is reportable under the *Contaminated Sites Act (WA) 2003*. In contrast, land contaminated by PFAS/PFOS through emergency operations is exempt from the reporting requirements identified by the *Contaminated Sites Act (WA) 2003*.

RISK MANAGEMENT CONSIDERATIONS

26.	Risk: Financial and legal risks associated with Bush Fire Brigade volunteers seeking compensation and/or damages due to health effects resulting from possible PFAS/PFOS exposure.		
	Likelihood	Consequence	Rating
	Possible	Major	Extreme
	Action/Strategy		
	The City undertakes a thorough investigation of the legal and insurance liabilities of creating a register.		

OFFICER COMMENT

27. A full understanding of the legal liability and insurance implications associated with the creation and maintenance of a register of volunteers potentially exposed to AFFF is prudent before the City can recommend the creation and maintenance of a register to Council.

Councillors discussed minor amendments to the Officer recommendation and proposed amendments to Item 1 a) and b), as outlined below.

Voting Requirements: Simple Majority

RESOLVED OCM 111/2018

That Council:

1. APPROVES the Chief Executive Officer to:
 - a) Investigate the legal and insurance implications **of developing a register for the,** as relates to Bush Fire Brigade volunteers that may have exposure to PFAS/PFOS chemicals in the course of their volunteer duties; and
 - b) Report the findings and recommendations **by mid-July to BFAC and then** to Council.

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

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

10.4.2. Special Electors Meeting Report - 28 May 2018

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

Previous Items	SEM 1/2018
Directorate	Office of the CEO
Business Unit	Asset Services
File Reference	WL-10/831
Applicant	Vanessa Mazza
Owner	St Peters Jacobite Syrian Church Perth Inc.

Attachments 1. SEM Minutes 28 May 2018 [**10.4.2.1**]

EXECUTIVE SUMMARY

1. The purpose of the report is for Council to consider the outcomes of the Special Electors Meeting (SEM) held on 28 May 2018.
2. A petition was tabled at the Ordinary Council Meeting on 24 April 2018 to discuss options for the preservation of the avenue of Lemon Scented Gums on Welshpool Road East, Wattle Grove and the outcome of the Council's 17 April 2018 Special Council Meeting on Item 8.1.1 Application to Amend Development Approval – Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove.
3. It is recommended that Council receives the Minutes of the SEM and endorses the Motion from this meeting on 28 May 2018.

BACKGROUND

4. Pursuant to section 5.28 of the *Local Government Act 1995* (the Act), the City of Kalamunda was presented with a valid petition at its Ordinary Council Meeting on 24 April 2018 requesting that a Special Meeting of Electors be held to consider a number of issues with respect to the decision of Council at the Special Council Meeting on 17 April 2018 regarding the Application to Amend Development Approval – Place of Worship – Lot 36 (831) Welshpool Road East, Wattle Grove.
5. In accordance with the provisions of section 5.28 (4) of the Act the Special Electors Meeting (SEM) was held on 28 May 2018. (Refer Attachment 1 for a copy of the Minutes of this meeting).

DETAILS

6. Section 5.33 of the Act requires all decisions made at an Electors meeting to be considered at the next available Ordinary Council Meeting. In addition, the reasons for a decision made at a Council Meeting in response to a decision made at an Electors Meeting are to be recorded in the minutes of the Council Meeting.

7. The main item of business at the SEM was the protection of the Lemon Scented Gums on Welshpool Road East, Wattle Grove adjoining the road works involving the construction of a right turn facility in the median for traffic heading east and a left turn lane into the development at Lot 36 (831) Welshpool Road East, incorporating a new bus stop facility.
8. While a number of motions were discussed, the only motion which was moved and carried by the Electors is as follows:

SEM 1/2018

That:

1. Immediate action to protect the trees from further damage be taken which shall include:
 - a) All those entering the site for construction purposes, in any capacity be fully briefed (by the arborist and the City) as to the sensitive nature of site and goal of preservation of each and every Lemon Scented Gum
 - b) The arborist be called immediately to assess and report on the damage and that this damage and any and all damage is to be recorded and made a matter of public record
 - c) The arborist is to assess the site in advance and dictate tree sparing protocols – be they guidelines, tree guards etc.
 - d) That any measures undertaken are recorded and are made public as a matter of public record

Moved: Vanessa Mazza
Seconded: Harry Mazza
Vote: CARRIED

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 5.33 of the Act requires the Council give consideration to decisions made at an Electors meeting.

POLICY CONSIDERATIONS

10. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

11. Nil.

External Referrals

12. Community engagement and consultation occurred as part of the SEM.

FINANCIAL CONSIDERATIONS

13. The roadworks in Welshpool Road East and the associated protection of the trees is the responsibility of the developer of Lot 36 (831) Welshpool Road East, in accordance with the conditions of the Development Approval.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

14. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

15. The community has demonstrated clearly that the Lemon Scented Gums are valued as a community asset. This will be addressed through listing the avenue of trees in the City's Municipal Heritage Inventory and ultimately in the Scheme Heritage List.

Economic Implications

16. Nil.

Environmental Implications

17. In respect to vegetation on Welshpool Road East, the approved road modifications which commenced on 14 May 2018 resulted in the removal of one tree in the median island and the removal of a branch from a tree in the southern verge. With regards the other trees, conditions have been included in the Development Approval to require the applicant to engage a suitably qualified Arborist to identify/assess the impact on the tree root zone during road and ancillary works excavation phase to determine whether the health and/or structural stability of the trees will be compromised, in liaison with the City.
18. The early construction works and depth probing in the verge to locate tree roots, in the presence of the Arborist, indicate that there is unlikely to be any impact on the health and/or structural stability of the trees.

RISK MANAGEMENT CONSIDERATIONS

19.	Risk: The Lemon Scented Gums are damaged during the construction process despite the conditions of the Development Approval.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Significant</td> <td>Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Unlikely	Significant	Medium
Likelihood	Consequence	Rating					
Unlikely	Significant	Medium					
	Action/Strategy						
	<ul style="list-style-type: none"> a) Placement of orange safety fencing around the trees in the median island and adjoining the trees in the southern verge abutting the roadwork. b) The contractor to be instructed to undertake due care with works in close proximity of the trees. c) Daily site inspections by City staff to ensure compliance with development conditions. d) The arborist to be involved in any works likely to impact on the health and structural stability of the trees. 						

OFFICER COMMENT

- 20. Daily inspections and compilation of photographic records are being undertaken for the duration of the works, noting that the works are programmed for completion by 20 June 2018, subject to weather conditions.
- 21. An arborist was engaged by the developer in the early stages of the works to confirm depth of tree roots and any likely impact on the trees.
- 22. Orange safety fencing was installed on 31 May 2018 to delineate and help protect trees during construction works.

Voting Requirements: Simple Majority

RESOLVED OCM 112/2018

That Council:

- 1. RECEIVES the Minutes of the Special Electors Meeting of 28 May 2018 (Attachment 1).
- 2. ENDORSES the following Motion from the Special Electors Meeting of 28 May 2018:

SEM 1/2018

Immediate action to protect the trees from further damage be taken which shall include:

- a) All those entering the site for construction purposes, in any capacity be fully briefed (by the arborist and the City) as to the sensitive nature of site and goal of preservation of each and every Lemon Scented Gum

- b) The arborist be called immediately to assess and report on the damage and that this damage and any and all damage is to be recorded and made a matter of public record
- c) The arborist is to assess the site in advance and dictate tree sparing protocols – be they guidelines, tree guards etc.
- d) That any measures undertaken are recorded and are made public as a matter of public record

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**

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

Reason for this decision of Council in accordance with section 5.33 (2) of the Local Government Act 1995 is as follows:

Councillors having enquired with the Director Asset Services during the course of the Electors Meeting on this matter and were advised that all aspects of this resolution were achievable. All requirements of the resolution have now been achieved.

10.4.3. Review of Delegation for 2018

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

Previous Items

Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	LE-ACT-006
Applicant	N/A
Owner	N/A

Attachments	1. Attachment 1 - Draft Delegation to CEO - Tender Matters Vrs 2 [10.4.3.1]
	2. Attachment 2 - Draft Delegations to CEO - Graffiti Vandalism [10.4.3.2]
	3. Attachment 3 - Register of Delegations from Council [10.4.3.3]

EXECUTIVE SUMMARY

1. To consider the annual review of delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. As a consequence of the review a number of new delegations, as well as amendments to current delegations provided to the CEO, are considered necessary.
3. It is recommended, Council notes the review and adopts the delegations detailed in the draft Delegation Register (Attachment 3).

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. Section 5.46 of the *Local Government Act 1995* (the Act) requires each Council to review its Delegations at least once every financial year.
6. Council last reviewed its delegations on 26 June 2017. The current delegations must therefore be reviewed by 30 June 2018.

DETAILS

7. As a consequence of the review undertaken of the current Delegations and to continue to achieve the objectives of delegating Council functions to the CEO, it is considered a number of new delegations as well as amendments to current delegations should be made.

8. The following amendments and additional delegations are proposed:

(i) *Local Government Act 1995 - Tender Matters*
Some additional functions and greater detail included to provide certainty for the Administration.
The current delegations are –

1. *Publicly call Tenders for goods and services where provision has been made in the Annual Budget for those goods and services.*
2. *Determine in writing the criteria for deciding which Tender should be accepted.*
3. *Seek Expressions of Interest for the supply of goods and services before entering into the Tender Process.*
4. *Determine which of the Expressions of Interest received would be an acceptable Tenderer.*
5. *Accept any Tender for the provision of goods or services that do not exceed a total contract price of \$350,000 subject to the following condition:*

Condition:

A tender is not to be accepted where the tendered amount is greater than the estimated budget allocated for the goods or service.

Details of the proposed expanded delegations are provided in (Attachment 1).

(ii) *Graffiti Vandalism Act 2016*
As this recently enacted legislation, no delegations have previously been provided to the CEO. New delegations are proposed to compliment the City's current operations and Policies ADM 20 & 23.

The details are provided in (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

9. Section 5.42 of the *Local Government Act 1995* states that:

"A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43." (Absolute Majority required).

Limits on delegations to CEOs – S.5.43.

Requirement for review – S.5.46

10. There are also similar delegation provisions in the *Building Act 2011*, Local Planning Scheme No 3, *Health Act 1911*, *Dog Act 1976*, *Cat Act 2011* and *Graffiti Vandalism Act 2016*.

POLICY CONSIDERATIONS

11. Where appropriate, Policies will reflect the principles and conditions included in any delegation.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

12. All Directors have been consulted on the appropriateness and adequacy of the current delegations. No requests for changes were sought.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy – 4.1.1 Provide good governance.

SUSTAINABILITY

Social Implications

16. Nil.

Economic Implications

17. Nil.

Environmental Implications

18. Nil.

RISK MANAGEMENT CONSIDERATIONS

19.	Risk: Delegated authority is not provided to the Chief Executive Officer and other staff		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/Strategy		
	Introduce processes that would assist Council with the additional decision making workload.		

OFFICER COMMENT

20. The Officer recommendations reflect the outcome of the review of current delegations, and as such will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

Cr O'Connor proposed minor amendment to Item 2 and the deletion of Item 3. Cr Destree proposed the addition of Item 5 to the Officer recommendation, as outlined below.

Voting Requirements: Absolute Majority

RESOLVED OCM 113/2018

RECOMMENDATION

That Council:

1. NOTES the review of the delegations.
2. ADOPTS the proposed delegation LGA 2 as detailed in (Attachment 1 **as amended**).
3. ~~ADOPTS the proposed delegations GVA 1, GVA 2, GVA 3 and GVA 4, as detailed in (Attachment 2).~~
4. ADOPTS the delegations as detailed in the draft Delegations Register, (Attachment 3).
5. **REQUEST Chief Executive Officer to provide briefing on all delegations with benchmarking against five other Local Governments.**

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

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

10.4.4. Kalamunda Environmental Advisory Committee - Recommendations

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

Previous Items	OCM 260/2017
Directorate	Asset Services
Business Unit	Asset Services
File Reference	4.00009119
Applicant	N/A
Owner	N/A

Attachments 1. Minutes KEAC 7 June 2018 [**10.4.4.1**]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the recommendations of the Kalamunda Environmental Advisory Committee (KEAC) from the 7 June 2018 meeting (Attachment 1).
2. A number of recommendations were made to Council from KEAC regarding the future development at Forrestfield North and the City's fox trapping program.
3. Council is recommended to endorse a number of recommendations and actions from KEAC.

BACKGROUND

4. Council has approved the establishment, pursuant to the provisions of Section 5.8 of the *Local Government Act 1995* (the Act), of the KEAC including its Terms of Reference (TOR).
5. As part of its TOR, KEAC:
 - a) Makes recommendations to Council on matters pertaining to environmental policy and practice;
 - b) Provides feedback on community engagement matters related to the environment;
 - c) Assists the City to increase awareness of matters regarding the environment; and
 - d) Highlights projects where Officers can engage with community representatives.
6. The term of the current KEAC is from February 2018 to September 2019.
7. Membership is made up from two elected members appointed by Council and six community members. This committee is supported by three Officers.
8. At the first meeting on 8 February 2018 a schedule of matters to be considered at each of the seven general meetings was prepared. This schedule is to be reviewed at each meeting to ensure that priority items are addressed and any new relevant matters are included in future agendas.

It was resolved that the following items are worthy of consideration for advice to Council:

- a) Significant tree protection,
- b) Public Open Space Strategy,
- c) Local Environment Strategy,
- d) Local Biodiversity Strategy,
- e) North Forrestfield Structure Plan,
- f) Maida Vale Master Plan,
- g) Local Environment and Land Use Planning Strategy,
- h) Waste Management Strategy,
- i) State Government's Green Growth Plan.

9. To manage the "work load" and meet reporting timeframes for Council, KEAC members have agreed to attend additional meetings and to form smaller working groups as required.

DETAILS

10. At its meeting on 7 June 2018, KEAC made the following recommendations for consideration by Council:

a) Forrestfield North Structure Plan

1. Approve KEAC to provide input into the City's submission for the Perth Airport new runway proposal public consultation process, with particular emphasis on achieving environmental offsets for the Forrestfield North Structure Plan.
2. Approve KEAC to assist the City in educating the community about the natural values and benefits in the area covered by Forrestfield North Structure Plan.
3. Approve KEAC to develop a business case for the protection of Smokebush (*Conospermum undulatum*) for use in an advocacy campaign if required.

Moved: Alison McGilvray

Seconded: Victoria Laurie

Vote: Carried Unanimously

(One member abstained from the vote due to a Proximity Interest).

b) Fox Trapping in the City of Kalamunda

1. Note that the Fox Trapping has been paused for two weeks and is scheduled to resume on 29 June 2018 for two weeks.
2. Receives KEAC's advice that the control of foxes is vital for the protection of native and domestic animals. The control program is two years old and is a part of a far longer history of fox control in the metropolitan area, and that fox control needs to continue.

3. Request the CEO to form a working group comprising KEAC members and City Officers to undertake research to determine a best practice approach to fox management that balances effectiveness of control method with humaneness, including minimising the risk to other animals, and to prepare a report for Council that clarifies the future direction of the program.
4. Issue information to the community advising as to why the fox control program needs to progress during the month of July 2018.

Moved: Victoria Laurie
Seconded: Rupert Duckworth
Vote: Carried Unanimously

STATUTORY AND LEGAL CONSIDERATIONS

11. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*
Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.
Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

POLICY CONSIDERATIONS

12. City Policy - Appointment of Community Members to Advisory Committees and Reference Groups. (OCM 192/2017 – 30 October 2017).

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

13. Nil.

External Referrals

14. Nil.

FINANCIAL CONSIDERATIONS

15. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *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

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.	Risk: Requests for actions from advisory committee are not aligned to City objectives		
	Likelihood	Consequence	Rating
	Unlikely	Minor	Low
	Action/Strategy		
	Actions are guided and reviewed by the administration to ensure they can be implemented and support the achievement of city objectives.		

OFFICER COMMENT

21. Fox Control Program

Control of foxes and feral cats is important for the protection of biodiversity of the City of Kalamunda. Foxes have a severe impact on native wildlife such as bandicoots, woylies and possums and are one of the species which has contributed to the extinction of around 11% of Australia's mammal species.

22. The fox trapping program for 2018 is being conducted within five key reserves being, Maida Vale Reserve, Ledger Road Reserve, Panoramic Terrace, Ray Owen Reserve and Hartfield Park. In 2017, six adult foxes were caught – 4 females and 2 males. All areas in the reserves where the traps are set are signposted with warning signs either at the entry points to the reserve and/or within close proximity to the trapping area. It is important that the public adhere to these signs, or they may be putting their pets at risk.

23. The City of Kalamunda fox control program has been operating for two years and is in the early stages of implementation compared to the long term programs that have been operating in the Perth Metropolitan Area.
24. The use of rubber-jawed foot hold traps is considered the most effective method of trapping foxes in the urban environment and there are rigid controls in place for the use of these traps. Permits are required to trap any declared pest animals such as foxes in built up areas or special rural zones using any trap other than cage traps. These permits are issued under Regulation 45 (2) of the *Biosecurity and Agriculture Management Regulations 2013*.
25. In addition, a licence as a pest control operator issued by the Health Department and endorsed for 'feral vertebrates' can only be issued to a person who has completed 13 national units of competency which are included in the Certificate III in Vertebrate Pest Management.
26. The Contractor is required to provide a report on completion of the trapping program, inclusive of date of capture, sex, weight, stomach contents, observations about condition/breeding status and any other useful information.
27. The City's Contractor, Mr Mike Butcher (Animal Pest Management Services) gave a presentation to KEAC on the program and statistics associated with the Perth Metropolitan Area programs operated by his company over many years and answered questions from the members.
28. Forrestfield North Structure Plan
Recommendation 1
The City is currently in the process of reviewing the New Runway Project Major Development Plan being advertised by Perth Airport. A submission will be prepared with a particular focus on the environmental impacts of the proposal and potential for environmental offsets to be provided as part of the Forrestfield North Residential Precinct Local Structure Plan (the LSP).
29. The LSP has identified approx. 10ha of land to be reserved and managed for conservation purposes. The need to retain the conservation areas has stemmed from the requirements of the Environmental Protection Authority (EPA) and the fact that many of the species being conserved are protected under State and Federal legislation.
30. The majority of conservation areas, which protect vegetation that are of State and Federal significance, are within private landownership. The future development of the LSP area and Forrestfield North more broadly does not require the conservation of these areas through offsets (i.e. there is no extensive clearing of this vegetation type proposed as part of the development).

31. There is no clear 'need and nexus' between the development of Forrestfield North and the conservation of key environmental values required by the EPA. The need for the conservation of these environmental values is driven by State and Federal environmental protection requirements and as such it would not be fair or equitable to include the acquisition of these parcels within a future Development Contribution Plan (DCP) for Forrestfield North.
32. In the context of the requirement for the conservation areas being driven by State and Federal environmental protection requirements, the City is of the view that the funding for these areas should be established through State and/or Federal Government funding sources.
33. Any future or current areas of Bush Forever that have not yet been acquired should be purchased through the Metropolitan Region Improvement Fund (MRIF). The MRIF has previously been used to purchase Swan River foreshores, to protect the face of the Darling scarp, to implement the Bush Forever program and has enabled the WAPC to create the existing system of regional open space which is emblematic of Perth.
34. Another funding source may be that the areas are purchased through a third party acquisition (i.e. for an environmental offset requirement). There are known major developments in the locality including the future development of Perth Airport and the New Runway Project that may require offsets of this specific environmental type. The City will continue to explore the potential for these developments to acquire parts of the conservation areas as offsets and work collaboratively with KEAC in making submissions to Perth Airport to secure these areas of environmental significance.
35. **Recommendation 2**
A significant component of the consultation workshops and information sessions for the LSP have been completed. However, there are still opportunities for KEAC to be involved with educating the broader community about the environmental values in Forrestfield North more broadly. The City will continue to liaise with KEAC as these opportunities arise.
36. Through preparation of the Transit Oriented Development Precinct Local Structure Plan (TOD LSP) there will still be a requirement for community consultation, information sessions and workshops. Community education around the environmental values of Forrestfield North more broadly can also be conducted at this time. The City will continue to liaise with KEAC as these opportunities arise through the consultation process of the TOD LSP.
37. **Recommendation 3**
A key component of any proposed business case for the acquisition of land with environmental values within the LSP area will be gathering a detailed understanding of the environmental impacts from the proposed New Runway Project.

38. The City will work closely with KEAC in determining the environmental impacts from the proposed New Runway Project and utilise this information in developing a business case and advocacy material to secure the values through appropriate acquisitions mechanisms. While environmental information and expertise is a key component of the business case this should be led by the City with key environmental inputs from KEAC and in close liaison with State and Federal Government agencies.

The Officer recommendation lapsed due to the want of a mover and seconder.

Cr O'Connor proposed a minor amendment to Item 2 and the addition of Item 4, as outlined below.

Cr Destree proposed a minor amendment to Item 7, as outlined below.

The Director Corporate Services left chambers at 8:27pm and returned at 8:29pm.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

Forrestfield North Structure Plan

1. APPROVES the Kalamunda Environmental Advisory Committee's input into a submission on the Perth Airport New Runway Project.
2. APPROVES the Kalamunda Environmental Advisory Committee's input in assisting the City of Kalamunda with consultation and information sessions regarding Forrestfield North and the preservation and protection of environmental values within the project area.
3. APPROVES the Kalamunda Environmental Advisory Committee's input and assistance in the preparation of a business case and advocacy material associated with securing the environmental values within Forrestfield North project area.

Fox Trapping Program

4. RECEIVES the Kalamunda Environmental Advisory Committee's advice that the control of foxes is vital for the protection of native and domestic animals, recognising that the City's fox control program is two years old and needs to be continued as it is part of a far longer history of fox control in the metropolitan area.
5. SUPPORTS the City of Kalamunda's fox trapping program resuming on 29 June 2018 for a period of two weeks.
6. REQUESTS the Chief Executive Officer to form a working group comprising of Kalamunda Environmental Advisory Committee members and the City of Kalamunda to undertake research to determine a best practice approach to fox management that balances effectiveness of control method with humaneness, including minimising the risk to other animals, and to prepare a report for Council that clarifies the future direction of the program.
7. ISSUES information to the community advising as to why the fox control program needs to progress during the month of July 2018.

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 114/2018

AMENDED RECOMMENDATION

That Council:

Forrestfield North Structure Plan

1. APPROVES the Kalamunda Environmental Advisory Committee's input into a submission on the Perth Airport New Runway Project.
2. APPROVES the Kalamunda Environmental Advisory Committee's input in assisting the City of Kalamunda with **to design the** consultation and information sessions regarding Forrestfield North and the preservation and protection of environmental values within the project area.
3. APPROVES the Kalamunda Environmental Advisory Committee's input and assistance in the preparation of a business case and advocacy material associated with securing the environmental values within Forrestfield North project area.
4. **REQUESTS the Chief Executive Officer to provide Council with the information session outline and the advocacy plan for endorsement.**

Fox Trapping Program

5. RECEIVES the Kalamunda Environmental Advisory Committee's advice that the control of foxes is vital for the protection of native and domestic animals, recognising that the City's fox control program is two years old and needs to be continued as it is part of a far longer history of fox control in the metropolitan area.
6. SUPPORTS the City of Kalamunda's fox trapping program resuming on 29 June 2018 for a period of two weeks.
7. REQUESTS the Chief Executive Officer to form a working group comprising of Kalamunda Environmental Advisory Committee members and the City of Kalamunda to undertake research to determine a best practice approach to fox management that balances effectiveness of control method with humaneness **considers appropriate sites for placement**, including minimising the risk to other animals, and to prepare a report for Council that clarifies the future direction of the program.
8. ISSUES information to the community advising as to why the fox control program needs to progress during the month of July 2018.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Tracy Destree**

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

10.4.5. Nominations Community Safety and Crime Prevention Advisory Committee

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

Previous Items	OCM 167/2017; OCM 199/2017; OCM 13/2018
Directorate	Development Services
Business Unit	Community Safety Services
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider nominations to the City of Kalamunda's (the City's) Community Safety and Crime Prevention Advisory Committee.
2. The City advertised for community members to nominate to the Community Safety and Crime Prevention Advisory Committee in April 2018 for a two year term. The City only received two applications, therefore vacancies were advertised in May 2018, receiving a further six applications.
3. This report recommends Council appoint four community members to Community Safety and Crime Prevention Advisory Committee.

BACKGROUND

4. Council resolved at its September meeting (OCM 167/2017) to "Abolish the Community Safety and Crime Prevention Advisory Committee".
5. Council resolved to reinstate the Community Safety and Crime Prevention Advisory Committee (OCM 199/2017).
6. The City is committed to engaging with the community in a collaborative manner to resolve crime and safety issues and achieve community goals.
7. Community-led Advisory Committees and Reference Groups assist in dealing with specific service areas or issues.
8. Local government is the most effective tier of government for engaging with the community. The City has existing networks and relationships, which enable us to engage directly with the community and relevant organisations (i.e. WA Police).
9. Advisory Committees provide an effective collaborative forum between the City and the Community.
10. This level of engagement provides participants with a high degree of influence over outcomes, although the final decision will always remain with the Council.

11. It allows the City to look to the community for advice and innovation in formulating solutions and to incorporate their advice and recommendations into decisions to maximum extent possible.
12. The objectives of the Community Safety and Crime Prevention Advisory Committee are:
 - a) To consider issues relevant to the implementation of the Community Safety Prevention Plan (CSCP);
 - b) To provide advice and recommendations to Council, based on local community safety and crime prevention needs;
 - c) To liaise and consult with relevant agencies, individuals and community groups that will assist in the implementation of the CSCP Plan; and
 - d) To monitor and review the strategies and actions adopted as part of the CSCP Plan.

DETAILS

13. Nominations have been received by the following people for the Community Safety and Crime Prevention Advisory Committee:
 - a) Dr Shirlee-Ann Knight,
 - b) Ken O'Reilly,
 - c) Nat Coppin,
 - d) Ray Thompson,
 - e) Scott Hobbs,
 - f) Caroline Babbage,
 - g) Patricia McQuade,
 - h) Sue Bilich.

STATUTORY AND LEGAL CONSIDERATIONS

14. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*
Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.
Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

POLICY CONSIDERATIONS

15. The City assessed all application in accordance with the City Policy – Appointment of Community Members to Advisory Committees and Reference Groups, adopted in October 2017.
16. The formation of the Advisory Committee and the process of recruiting members to the committee is in accordance with the City of Kalamunda Engagement Strategy 2017.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

17. Community Safety Services, and Customer and Public Relations collaborated on the recommendations to Council.

External Referrals

18. The City sought nominations for the Community Safety and Crime Prevention Advisory Committees via advertising in the local newspapers, on the City's website and via direct email to organisations and existing members.

FINANCIAL CONSIDERATIONS

19. The cost to administer an advisory committee is in the order of \$5,000 to \$6,000 per year based on four meetings per year. This can vary depending on requirement of the committee.

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

These costings provided where determines from previous meeting statistics and information provided by the City's financial management team.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *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.

Priority 4: Kalamunda Leads

Objective 4.2 - To proactively engage and partner for the benefit of community.

Strategy 4.2.1 - Actively engage with the community in innovative ways.

Strategy 4.2.2 - Increase advocacy activities and develop partnerships to support growth and reputation.

SUSTAINABILITY

Social Implications

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

Economic Implications

- 22. Reduction of vandalism and damage to private property caused by antisocial behaviour through the introduction of new initiatives coming from the activities of the Advisory Committee.

Environmental Implications

- 23. Nil

RISK MANAGEMENT CONSIDERATIONS

24.

Risk: Financial risk of the committee becoming irrelevant and become a cost to the City rather than a benefit.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
By regularly reviewing the terms of reference and the efficacy of advisory committees the City will not incur a cost without benefit.		

25.

Risk: Reputational risk where the committee’s goals do not align with the City’s objective and strategies.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Provide guidance to the Chair and at the first meeting communicate the City’s strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

OFFICER COMMENT

- 26. The Chief Executive Officer authorised the appointment of a panel containing five staff members to undertake the assessment of all applications received by the City.
- 27. All applications were assessed against a multi-criteria selection matrix, namely:
 - a) Knowledge and experience of the topics the Committee/Group will be required to provide advice on;

- b) Previous experience in participating on other committees, working groups or boards;
 - c) The ability to allocate the necessary time to attend meetings and read documentation prior to the meeting;
 - d) Whether the application addresses a knowledge/skills gap on the Committee/Group, with consideration given to the balance of the Committee/Group (ensuring broad community representation).
28. All nominations received complied with the application procedures. The City did not exclude any nominations from the assessment process.
29. The Community Safety and Crime Prevention Advisory Committee will commence meeting in July 2018. The committee will meet every three months thereafter.

*The Officer Recommendation Lapsed due to the want of a mover and seconder.
Cr Boyd foreshadowed an alternative recommendation, as detailed below.*

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. ACCEPTS the nominations for the Community Safety and Crime Prevention Advisory Committee as follows:
 - a. Dr Shirlee-Ann Knight
 - b. Ray Thompson
 - c. Patricia McQuade
 - d. Sue Bilich
2. REQUESTS the Chief Executive Office to write to each member advising them of their appointments and the dates the advisory committee will meet in 2018.

Moved: **LAPSED**

Seconded:

Vote:

RESOLVED OCM 115/2018

ALTERNATIVE RECOMMENDATION

That Council:

1. DEFER item 10.4.5 **to July OCM** and request the Chief Executive Officer to undertake a review of the terms of reference and processes for selection of member to the Committee.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Brooke O'Donnell**

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

Rationale:

I wish to defer because I don't think we have our process and our terms of reference right and I would like the time to discuss options the Officers.

10.4.6. Consideration of Tenders - Provision of General Building Maintenance and Minor Works (RFT1804)

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset & Waste Operations
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Confidential Attachment	1. Tender Evaluation Report 2. Price Schedule

Provided Under Separate Cover

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of contracts for the Provision of General Building Maintenance and Minor Works (RFT 1804) for a period of three (3) years, with an option, at the sole discretion of the City, to extend by a further two (2) x 12 month periods.
2. On the 28 March 2018 the City of Kalamunda (the City) issued a request for Tender (RFT1804) seeking Tenderers for general building maintenance to the City's facilities and assets.
3. It is recommended that Council appoint the following contractors to the four building maintenance categories:
 - a) General Building Maintenance - Hill Top Group Pty Ltd
 - b) Roofing – Protek 24/7 Building and Maintenance Services Pty Ltd
 - c) Glazing – Action Glass Pty Ltd
 - d) Pest Control – Maxwell Robinson and Phelps

BACKGROUND

4. The City has in place planned maintenance schedules for Pest Control and Gutter Cleaning. The intention of the schedules is to ensure that potential structural failures to building/ facilities, caused by pests like white ants, are avoided and gutters are kept clear of blockages to minimise overflowing into the City's buildings/facilities.
5. The City's facilities also require constant maintenance and repairs of aging infrastructure, vandalism and unexpected failure.
6. The estimated value of these annual maintenance services for the three (3) year duration of the contract is \$2.4 million.

DETAILS

7. The scope of works is based on required annual maintenance requirements to all the City's facilities.
8. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
 - a) Coordinator Building Maintenance
 - b) Supervisor Asset Maintenance
 - c) Customer Relations Officer
9. In the lead up to the commencement of the Tender Evaluation Process and based on the Qualitative Criteria for RFT 1804, consideration was given to determining what would be an acceptable qualitative score that would indicate the ability of a Tenderer to satisfactorily deliver its service. In this instance, the predetermined Qualitative Pass Mark (QPM) for RFT 1804 was set at 60%.
10. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. One (1) of the 19 submissions was found to be non-compliant.
11. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request for Tender document.
12. The purpose of the Qualitative Criteria is to ensure that the Tenderers easily understand what is required of them in the context of the future contract that may be entered into and in providing that understanding, ensures that Tenderers have the opportunity to properly demonstrate their ability and experience, amongst other things, in answer to each of the Qualitative Criteria required.
13. The Panel undertakes qualitative evaluation of each Tender submission in accordance with the following general direction:
 - a) Panel members read each response and evaluate answers to the Qualitative Criteria on an individual basis;
 - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
 - c) Where clarifications are sought from the tenderers, all responses are logged in a Clarification Register and duly considered by the Panel; and
 - d) The evaluation process is observed by the Procurement and Finance Officer to ensure correct processes are followed.
14. Panel members completed the Qualitative Criteria Evaluation through comparison of individual scores and determination of consensus scores for each of the Qualitative Criteria on Tuesday 30 January 2018, in accordance with the City's evaluation process in a fair and equitable manner.

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

Qualitative Criteria	Weighting
1. Demonstrated Experience	30%
2. Key Personnel Skills and Experience	15%
3. Tenderer's Resources	15%
4. Demonstrated Understanding	40%

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

16. The resultant outcomes of the qualitative assessment, in ranked order, are summarised in the table below:

Building Maintenance

Company Name	Qualitative Total Rank
Hill Top Group Pty Ltd	1
Devco Holdings Pty Ltd	2
M Construction (WA) Pty Ltd	3
Protek 24/7 Building and Maintenance Services Pty Ltd	4
Enviro Infrastructure Pty Ltd	5
Oban Group Pty Ltd	6
Woodcourt Pty Ltd	7
Mathiou Services Pty Ltd	8
Wattle Facility Group	9
HS Hyde & Son	10
Integral Facilities Maintenance Pty Ltd	11
Grimes Contracting Pty Ltd	12

Roofing & Gutter Services

Company Name	Qualitative Total Rank
Protek 24/7 Building and Maintenance Services Pty Ltd	1
M Construction (WA) Pty Ltd	2
Woodcourt Pty Ltd	3
Wattle Facility Group	4
HS Hyde & Son	5
Mathiou Services Pty Ltd	6
Oban Group Pty Ltd	7
Integral Facilities Maintenance Pty Ltd	8

Pest Control

Company Name	Qualitative Total Rank
Maxwell Robinson & Phelps	1
Bug Busters Pty Ltd	2
A1 Trojan Pest Control	3
Stella Pest Management WA Pty Ltd	4
Protek 24/7 Building Maintenance Services Pty Ltd	5

Glazing

Company Name	Qualitative Total Rank
Kalamunda Glass	1
Action Glass Pty Ltd	2
Protek 24/7 Building Maintenance Services Pty Ltd	3
Wattle Group Facility	4

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

17. Tenderers were required to provide Price Schedules to undertake the services for all City's locations as specified in the request for tender documentation. The Panel assessed the prices for an anticipated schedule of works for the period of the contract and no guarantee of the final quantity of works allocated under the contract was given.
18. Tenderers who achieved the QPM were ranked on the Pricing Schedules as per the request document as summarised in the following tables:

Building Maintenance

Company Name	Qualitative Total Rank
Hill Top Group Pty Ltd	1
Devco Holdings Pty Ltd	2
M Construction (WA) Pty Ltd	3
Protek 24/7 Building Maintenance Services Pty Ltd	4

Roofing and Gutter Services

Company Name	Qualitative Total Rank
Protek 24/7 Building Maintenance Services Pty Ltd	1

Pest Control

Company Name	Qualitative Total Rank
Maxwell Robinson & Phelps	1
A1 Trojan Pest Control	2
Bug Busters Pty Ltd	3

Glazing

Company Name	Qualitative Total Rank
Action Glass Pty Ltd	1
Kalamunda Glass	2

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. Nil.

External Referrals

22. Nil.

FINANCIAL CONSIDERATIONS

23. The funding for this service is through individual operational cost codes attributed to the relevant building maintenance activities, as per the adopted operating budget. Sufficient funds have been allocated in these accounts for 2018/2019.
24. Funding to accommodate the works for the balance of the contract will be allocated in future operating budgets.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *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

26. Failure to attend to building maintenance can cause significant reputational risk as building can become structurally unsafe to occupy and visually become unsightly.

Economic Implications

27. Programmed maintenance can minimise cost implications to reinstate or replace failed structural components.

28. Programmed maintenance can minimise any loss of income from facilities not able to be occupied by tenants for safety reasons.

Environmental Implications

29. Nil.

RISK MANAGEMENT CONSIDERATIONS

30.	Risk: Tender not awarded.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Responsiveness compromised along with increased costs for unscheduled actions and administrative time required to rectify.		
	Risk: The Contractor does not satisfy the specification.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Industry standard measures applied, contract management and 6 monthly review in place.		

OFFICER COMMENT

31. All Tenderers were given the opportunity to provide information in accordance with the RFT.
32. It is anticipated that the Contract is to commence in July 2018, subject to consideration of Tender Award by Council.

Voting Requirements: Simple Majority

RESOLVED OCM 116/2018

That Council:

1. APPROVES the appointment of the following Contractors to the building maintenance disciplines as listed below for the Provision of General Building Maintenance and Minor Works within the City of Kalamunda for a period of three years commencing from 1 July 2018 with an option, at the sole discretion of the City, to extend by a further two x 12 month period in accordance with the Price Schedules in Confidential Attachment 2:
 - a) General Building Maintenance and Minor Works - Hill Top Group Pty Ltd
 - b) Roofing and Gutter Services - Protek 24/7 Building Maintenance Services Pty Ltd
 - c) General Pest Control Services - Maxwell Robinson & Phelps
 - d) General Glazing Services – Action Glass Pty Ltd

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

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

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1. Councillor Media Communications

NOTICE OF MOTION – Councillor Media Communications

Cr Thomas left chambers at 8:47pm and returned at 8:48pm.

Cr Boyd left chambers at 8:51pm and returned at 8:53pm.

Cr Stallard foreshadowed that the City's alternative recommendation as detailed in the Officers' comment be the alternative recommendation, as detailed below.

Voting Requirements: Simple Majority

RESOLVED OCM 117/2018

That Council:

1. Provides for Council to give *in-principle* support for Councillors being able to openly discuss community issues and matters of Council business through public forums, social media and through the media so long as the communications do not conflict with the provisions of the *Local Government Act 1995* other relevant laws or Council decisions.
2. Requests the Chief Executive Officer prepare a Report for Council by August 2018, with respect to Councillor media communications addressing options for amendments to the Code of Conduct (Elected Members) and the Code of Conduct (Employees) to achieve the above whilst also:
 - a) Ensuring Alignment with the Local Government Act 1995.
 - b) Remove any potential ambiguity regarding Councillor Communication through social media, media or other public means on matters related to local community interest and issues of Council business.

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

Vote:	For Cr Brooke O'Donnell Cr Tracy Destree	Against Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas
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LOST (2/10)

Rationale:

The recent public discussions regarding fox trapping has highlighted some internal conflict of the interpretation and application of the Code of Conduct (Elected Members). Specifically, the City is applying a rigid interpretation that Code of Conduct by stating "that speaking to the media is not the role" of a Councillor.

I don't support this position, and I don't believe that is what is contained in the Act or in the Code.

Regarding the *Local Government Act*, the Mayor is the appointed spokesperson on behalf of the local government. This authority does not extend to being the sole voice of all matter of community interest.

Indeed, there have been many examples of Councillors appearing before the media and in newspaper articles on such local issues, some even criticising decisions of other local government Councils.

The provisions of the Code allow for Councillors to communicate to the media where:

- **Unless** otherwise authorised to do so, Elected Members [or Employees] who make public statements express them **as opinions only**, which do not necessarily represent the Shire's position.
- Consequently, Elected Members [and Employees] should not speak publicly about Council business without authorisation to do so.

It is important to note that these constraints apply to all media, which includes:

- All traditional forms of media,
- Dealings with reporters from newspaper, television and radio; and
- Contributions made to social media sites such as Facebook, Twitter etc.

If this is the case, it could be a fair assumption that many City of Kalamunda Councillors may already be in breach on the last item related to contributions to Social Media, as a number have their own self-managed pages.

While it is clear that Councillors should support Council decisions once that decision is taken, in the interests of engaging in public discourse about issues of community concern on matters either in the public realm or only known once they appear in agenda papers and that are yet to be discussed at Council, then Councillors action to speak up should be encouraged. I believe this is completely in accordance with the Role of the Councillor as defined under the *Act*. The current culture however is to effectively prohibit Councillors from participating in any discussion.

This should not be taken as working against the local government administration, or other Councillors, but as a means of facilitating open and transparent discussion and improving Council decision making.

I fear that the level of control over media discussions is in some part hindering confidence in Council decisions, as the community is not aware of the range of issues considered. This may be improved through more open communication, dialogue and discussion – and use of media (in whatever form) is the vehicle for delivering this message to a broader audience.

Council and the City administration is responsible for protecting its reputation and managing issues effectively, as it is accountable to ensuring the community and the Council stakeholders are appropriately informed.

Elected members should not have their ability to represent the community constrained by the perception of what should or should not be discussed with the Community. That is the Elected Members' responsibility, and the laws and the code of conduct that support this.

It is my view that the current interpretation (real or perceived) of the *Act* and the Code is not facilitating reasonable, open discussion with the community and is worthy of a review.

Officer Comments:

The motion presented by Cr Destree does not meet current protocol/practice, in so much as it does not include point 1 in the Report Process. Point 1 would likely require specific legal advice as whether it is able to be done – this would require funding to be allocated for this purpose.

Cr Destree's motion is requesting in principle support for a matter that has not had any officers advice through a report presented to Council assessing the feasibility and ramifications of the motion.

An officers report would enable a proper assessment of all statutory and legal requirements surrounding this request as well as a risk assessment in order that Council can make a considered and decision.

It is not good governance to give in principle support to a matter that has little or no information provided about risks and consequences.

It is recommended that Council **NOT** support the motion as it stands or move an alternative motion as follows:

CITY ALTERNATIVE RECOMMENDATION

Cr Stallard requested the City Alternative Recommendation as published in the agenda be given due consideration and moved the City Recommendation accordingly.

Cr Fernie requested a workshop be provided to Councillors on this matter and accordingly requested an amendment to the City Alternative Recommendation by adding in a new point 2 as included in bold below.

The proposed amendment was accepted by the mover and seconder and therefore became part of the resolution as put and voted upon.

RESOLVED OCM 118/2018

That Council:

1. REQUESTS the Chief Executive Officer prepare a Report for Council consideration with respect to councillor media communications addressing the following issues:
 - a) Options that may provide for Council to give *in-principle* support for Councillors being able to openly discuss community issues and matters of Council business through public forums, social media and through the media - consistent with the Australian principles of free speech and transparent governance - so long as the communications do not conflict with the provisions of the *Local Government Act 1995* other relevant laws or Council decisions.
 - b) Options for amendments to the Code of Conduct (Elected Members) and the Code of Conduct (Employees) to achieve the above whilst also:
 - i. Ensuring alignment with the *Local Government Act 1995*.
 - ii. Remove any potential ambiguity regarding Councillor communication through social media, media or other public means on matters related to local community interest and issues of Council business.
2. **REQUESTS the Chief Executive Officer conduct a workshop with Councillors prior to the report being presented to Council.**

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sara Lohmeyer**

Vote: **For**
Cr John Giardina
Cr Michael Fernie
Cr Geoff Stallard
Cr Lesley Boyd
Cr Allan Morton
Cr Brooke O'Donnell
Cr David Almond
Cr Sara Lohmeyer
Cr Dylan O'Connor
Cr Cameron Blair
Cr Tracy Destree

Against
Cr Margaret Thomas

CARRIED (11/1)

11.2. Publishing Council Minutes Audio File

NOTICE OF MOTION – Publishing Council Minutes Audio Files

Cr Destree withdrew her recommendation and offered Officers' alternative motion be accepted, as detailed in the Officers' comment.

Voting Requirements: Simple Majority

That Council:

1. Supports transparency and encourages inclusive access to Council meeting discussions and request the Chief Executive Officer arrange the publishing of the audio file of Council meetings, excluding those parts recorded in confidence, on the City of Kalamunda website with the minutes.

Moved: **WITHDRAWN**

Seconded:

Vote:

Rationale:

In December 2017 Council rejected a proposal to investigate live streaming of Council meetings. The potential cost and exposure of Councillors and City staff to increased level of scrutiny were cited by some as reasons to not support live streaming, or indeed an investigation into whether it was viable.

All Council meetings are recorded, and the audio file is readily available to Councillors on a USB on request. This access was provided in the interests of transparency.

However, the audio files are not readily accessible to the general public and I am advised, require a FOI application and fee for each application (i.e. an application per meeting).

While the minutes may be recorded in accordance with the Local Government Act, only summaries of discussions or questions are required. In essence, unless you attend a meeting there is much missed by reading the minutes alone.

By complimenting the minutes with the audio file, residents and stakeholders would have improved access to this information – all of which is open the public, but at this point in time only accessible to those who attend in person.

This does not an inclusive process, with many who are unable to attend Council meetings remaining isolated to this information.

The audio file of the meeting's recording is readily available, at no cost. The cost of uploading this file to the website when the draft minutes are published is negligible.

This solution provides a cost-effective alternative to live streaming.

It will provide the community with access Council discussions and debates, and I am confident it will benefit in providing residents and stakeholders with a better understanding of the reasons behind Council decisions.

In the interests of being more inclusive, consistent with our *Disability Inclusion Plan*, I urge the City and Councillors to support this motion and thereby improving access for all.

Officer Comments:

The administration does **NOT** support Cr Destree's motion in its current form.

The Motion does not meet current protocol / practice of requesting a Report and is more a directive on an operational matter. Additionally, there is no timeframe / parameters – eg., would there be a requirement to go back and upload for all minutes on the website.

Council should request a report is prepared outlining benefits, risk, and freedom of information requirements, disclosure requirements, benchmarking, technology compatibility, security processes regarding, confidential items and personal information, as well as the potential for new technology solutions and any other matters that need to be considered in order for Council to make a fully informed decision.

There are a number of things that will need to be considered.

Currently the files, once compacted, are between 50MB and 250MB, and are in WAV format. This is too large to download in one lot, and to achieve the intent of this motion may require the City exploring options that utilise a new technology to allow streaming rather than needing to be downloaded.

From an accessibility perspective it is also recommended a transcript file is produced, (i.e. a PDF of the recording itself.) The City is aware there is software available that can do this automatically, however there are costs involved. At present both the agenda and minutes can be listened to online, as a part of the current accessibility features.

Given there are many issues to investigate and costs to be incurred it would be prudent and appropriate for Council to seek a report from the administration before supporting the motion as it is currently.

CITY ALTERNATIVE RECOMMENDATION

Cr Fernie enquired as to where and when the report would be presented and accordingly moved an amendment to the recommendation as shown in bold below.

RESOLVED OCM 119/2018

That Council

1. Request the Chief Executive Officer prepare a report **to Council** on the feasibility of publishing audio recordings of Council meetings, excluding those parts recorded in confidence, on the City of Kalamunda's website with the minutes **by August 2018**.

Moved: **Cr Tracy Destree**

Seconded: **Cr Brooke O'Donnell**

Vote:

For

Cr Michael Fernie
Cr John Giardina
Cr Geoff Stallard
Cr Lesley Boyd
Cr Allan Morton
Cr Brooke O'Donnell
Cr David Almond
Cr Sara Lohmeyer
Cr Dylan O'Connor
Cr Cameron Blair
Cr Tracy Destree

Against

Cr Margaret Thomas

CARRIED (11/1)

11.3. Fox Trapping

NOTICE OF MOTION – Fox Trapping

Cr Destree withdrew this Notice of Motion due to it being considered at 10.4.4.

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer provides a report to the next Audit and Risk Committee on the outcomes of the investigation to the recent incident of a pet being caught in a fox trap, and the effectiveness and costs of the City's fox control program.
2. Request the Chief Executive Officer provide a Report for Council with consideration to:
 - a) Options for fox management that addresses risks to foxes, other animals and people and reduces the risk of exposure to harm to the public and domestic animals to an acceptable level.
 - b) A community engagement program that provides rationale and information for residents regarding the City's fox control program.
 - c) Providing assurance to Council that the contract management processes meets the City and community expectations regarding safety and health.

Moved: **WITHDRAWN**

Seconded:

Vote:

Rationale:

The recent incident of a resident's pet being caught by a metal trap set at Ray Owen Reserve has highlighted a significant risk to people and their pets which is clearly unacceptable to the community, and also to me.

As I understand the City has engaged a contractor to set the traps to manage fox penetration. However, the setting of traps at highly utilised locations, including parks and reserves, raises questions that the setting locations do not necessarily reflect fox population profiles.

Given the severity of the event, and the understandable community outrage, it is prudent that we review the decision taken that led to the event, the scope of contract and that Council provide direction to the City administration of its expectations and the acceptable level of safety and health exposure.

As the work was completed by a Contractor, it is prudent of Council to seek assurance that the contractor management system is achieving safety and health expectations.

Officer Comments

The City engaged a certified, licenced and experienced contractor to set traps and signs in nominated reserves on the evening of Monday 30 May. The incident occurred on the same evening. Arrangements were made for the Contractor to remove traps and advisory signage in all reserves, which was reported as completed 3pm Wednesday 30 May. This was undertaken to allow review of the fox control program and investigation into the incident.

The fox trapping matter was referred to the Kalamunda Environmental Advisory Committee (KEAC) for advice regarding options for fox management and considerations of risks and this advice has been captured in the meeting minutes and recommendations to Council submitted to this ordinary council meeting.

KEAC have nominated a working group to prepare an advice to the KEAC meeting of 2 August. It is anticipated at this meeting, a recommendation to the OCM of August will address this Notice of Motion item 2 above.

The City has reviewed the current fox trapping program community engagement plan and are developing a fact sheet for public advice. Information published at the time of the incident provided the City would commence the program from 29 June 2018. The engagement strategy and information developed for this two-week program will commence from that date.

With regard to the recommendation from KEAC regarding a review of the program, a revised engagement plan will be provided. This revision will address a comprehensive understanding of proposed changes to the program, and risks associated with any gaps in communications. The Chief Executive Officer (CEO) authorises the engagement plan developed in collaboration with the operational, public relations and regulatory teams.

The City has commenced an investigation in relation to the incident, which is managed confidentially in the interests of both the City and the pet's owner. Providing an incident report into the City's investigations is not supported, as all incident reports are of a confidential nature.

In light of the above the City does **NOT** support Cr Destree's motion and supports the recommendations put by KEAC.

Should Council consider, irrespective of the above, to support a variation of this Motion, the City recommends amendment to the wording in order to:

1. remove ambiguity
2. remove the requirement to report on a matter (the current incident) that, by its nature and sensitivity would require confidentiality
3. provide a means to measure the 'assurance' that is requested
4. provide achievable timeframes for the report; and
5. clarify whether the report requested will be provided to the Council's Audit and Risk Committee, or the full Council at an Ordinary Council Meeting.

Accordingly, whilst re-stating this NOM is **NOT** supported by the City, should Council wish to support a variation of it, it is recommended that the Motion be amended to the following wording –

That Council:

1. REQUEST the Chief Executive Officer provide a report to the next Audit and Risk Committee on:
 - a) options for fox management that addresses risks to foxes, other animals and people and exposure to the public and domestic animals to any harm from fox management;
 - b) a community engagement programme that provides rationale and information for residents regarding the City's fox control program; and
 - c) a means to providing assurance to Council that the contract management processes meets the City's and community's expectations regarding safety and health.

CITY ALTERNATIVE RECOMMENDATION

Officers' alternative recommendation would be:

That Council:

1. REQUEST the Chief Executive Officer provide a report to the next Audit and Risk Committee on:
 - a) options for fox management that addresses risks to foxes, other animals and people and exposure to the public and domestic animals to any harm from fox management;
 - b) a community engagement programme that provides rationale and information for residents regarding the City's fox control program; and
 - c) a means to providing assurance to Council that the contract management processes meets the City's and community's expectations regarding safety and health.

Moved:

Seconded:

Vote:

11.4. Design Review Committee Recommendations

NOTICE OF MOTION – Design Review Committee Recommendations

Cr Destree foreshadowed the City's alternative recommendation, as detailed below.

Voting Requirements: Simple Majority

That Council:

1. Requests the Chief Executive Officer to prepare a Report for Council giving consideration of appropriate amendments to Planning Policy P-Dev-60 Design Advisory Committee:
 - a) To ensure all development application recommendations of the Design Advisory Committee (DAC) be included in the City's Responsible Authority Report submitted to Joint Development Assessment Panel (JDAP).
 - b) To ensure the minutes of the Design Advisory Committee are tabled at Council meetings.

Moved: **WITHDRAWN**

Seconded:

Vote:

Rationale:

On the 15 June 2018, the Joint Development Assessment Panel (JDAP) met to consider two development applications for the City of Kalamunda. One of these applications related to Lot 7 (24) Valencia Road, Carmel.

JDAP unanimously recommended the development application be rejected, contrary to the City's planning recommendation. A number of factors were cited by the Panel members including the "size and scale" of the development in a rural environment.

JDAP members noted the City's has a Design Advisory Committee (DAC) but that there was no reference to recommendations of DAC for this development in the City's Responsible Authority Report (RAR). On questioning, the planning officer confirmed that the DAC had lengthy discussion regarding the size and scale of the development. Further, it was stated that the minutes of the DAC are not made public.

[Planning Policy P-DEV 60 - Design Advisory Committees](#) (the Policy), which includes the Committee's Terms of Reference, was adopted by Council on 24 July 2017. The Policy statement outlines the participation and attendance at its meetings. Councillors, unless appointed to the Committee, are not part of the discussion process and the policy does not provide for the minutes of the meeting to be tabled at Council, nor made public.

The DAC was established by Council to introduce a mechanism for expert design opinion to be considered in the assessment of development applications; there has also been strong community support for its creation. As a ratepayer funded and Council approved Advisory Committee, the lack of disclosure of its recommendations is concerning.

The Policy states that recommendations for DAC are for the planning officers' consideration only, and the final decision shall be rest with the City. This is reasonable and appropriate, however whether the City's final decision is to support or dismiss the DAC recommendation, the advice should be transparent to facilitate planning decision oversight, whether that oversight is by Council, JDAP, the community, stakeholders or other interested parties.

While the DAC is not an established advisory committee under the *Local Government Act*, it has been established under the Planning regulatory framework (according to the Policy), this should not exclude it from appropriate review and oversight. As such, the minutes and recommendations of DAC should be available for review, and as a minimum, its recommendations disclosed to any decision-making body, including Council and JDAP.

Officer Comments

Clause 10.3 of Local Planning Scheme No.3 (the Scheme) details provisions pertaining to the establishment of a Design Advisory Committee (DAC). The City has an adopted Local Planning Policy P-DEV 60 – Design Advisory Committees (the Policy) which provides guidance relating to the implementation of DAC's in the City of Kalamunda.

Clause 10.3.4 of the Scheme, requires Council to have due regard to the recommendations of the DAC when dealing with a development approval or any other matter involving a development proposal.

Under the Terms of Reference and Policy, the role of the Design Advisory Committee (DAC) is to provide professional advice and recommendations to the City and Councillors on significant planning proposals as referred to the DAC by the Director Development Services or authorised officer.

Under Clause 6.4 of the Policy, the minutes along with a summary of whether the application has addressed the relevant issues or matters raised by the DAC are required to be reported to Council prior to making a determination/recommendation on the application.

Both the Scheme and the Policy requires the City to provide to Council the minutes and recommendations of the DAC meeting to assist in the decision-making process.

To date, the only development application considered by the DAC has been the Residential Aged Care proposal on Valencia Road. It should be noted that the Responsible Authority Report included the recommendations of the DAC which was determined by the JDAP.

Page 8 under the Background Section within the Responsible Authority Report states the following:

'The application was tabled at the City's Design Advisory Committee on the 19th December 2017 who provided the following recommendation:

1. *Prior to the issue of a Building Permit, the applicant shall submit the following information to the satisfaction of the City of Kalamunda having regard to advice from the Design Advisory Committee:
 - a) *additional detail relating to colour, texture and material arrangement for final façade finishes.**
2. *The development hereby permitted shall be finished and maintained in accordance with the approved colour, texture and material arrangement for final façade finishes as required by the condition above to the satisfaction of the City of Kalamunda.'*

The City understands the intent of the NOM, however the current Scheme and Policy provision already address aspects relating to Council reporting requirements.

The only improvement to the current planning policy would be to include the wording for JDAP to receive the minutes when the RAR is submitted to JDAP in a similar manner to Council.

It is recommended that the NOM is amended to request a report on seeking modifications to P-DEV 60 – Design Advisory Committees to include the same reporting requirements for JDAP applications on DAC recommendations as applies to Council reports and decisions. The modified NOM includes giving consideration to the tabling of DAC meeting minutes at Council meetings.

CITY ALTERNATIVE RECOMMENDATION

That Council:

1. REQUESTS the Chief Executive Officer to prepare a Report for Council giving consideration of appropriate amendments to Planning Policy P-Dev-60 Design Advisory Committee:
 - a. To ensure all development application recommendations of the Design Advisory Committee (DAC) be included in the City of Kalamunda Responsible Authority Report submitted to Joint Development Assessment Panel (JDAP).
 - b. Gives consideration to the minutes of the Design Advisory Committee being tabled at Council meetings.

For the reasons outlined above the administration does not support Cr Destree's motion in its current form. Cr Destree's recommendation is a directive or prescribes what is required to be placed into Policy without first undertaking an assessment of the risks and benefits. This would thus constitute policy making without due diligence which is not good governance practice.

CITY ALTERNATIVE RECOMMENDATION

RESOLVED OCM 120/2018

That Council:

1. REQUESTS the Chief Executive Officer to prepare a Report for Council giving consideration of appropriate amendments to Planning Policy P-Dev-60 Design Advisory Committee:
 - a. To ensure all development application recommendations of the Design Advisory Committee (DAC) be included in the City of Kalamunda Responsible Authority Report submitted to Joint Development Assessment Panel (JDAP).
 - b. Gives consideration to the minutes of the Design Advisory Committee being tabled at Council meetings.

Moved: **Cr Tracy Destree**

Seconded: **Cr John Giardina**

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

12. QUESTIONS BY MEMBERS WITHOUT NOTICE

12.1 Naming of Forrestfield Train Station - Cr O'Connor

- Q. Could the Chief Executive Officer please provide an update of the naming of the High Wycombe South and Train Station process?
- A. The Director Development Services responded that the City was still working on community engagement and that a Communication Engagement Strategy report would be started on next week and should take eight weeks for completion.

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13.1 Questions taken on notice at the previous meeting

13.1.1 Debtors and Creditors Report for the Period Ended April 2018 – Cr O'Connor

- Q. Can I have more information on EFT62529 for Kalamunda Toyota?
- A. This was for the purchase of a Landcruiser 70 T/D S/C/C WorkMate for the Senior Fire Mitigation Officer.

13.1.2 Reserve 27154 - Lot 622 (No. 42) Ledger Road, Gooseberry Hill - Proposed Excision and Easements - Telecommunications Tower – Cr Destree

- Q. What work has been undertaken under the Asbestos Management Plan since March 2016?
- A. Since March 2016 the City has undertaken the following works at Ledger Road Reserve:
1. In June 2016, earth works to increase the depth of capping material were halted to facilitate a review the reserve's asbestos management plan and undertake a preliminary site investigation.
 2. In June 2016 a temporary fence was erected access points into the reserve with warning signs placed at the main entrance advising the public of the reserve's closure.
 3. In June 2016, contracted ER Consulting to review the asbestos management plan and undertake a preliminary site assessment for the reserve.
 4. In June 2016, contracted ER Consulting to undertake an emu pick of the reserve to remove asbestos cement material from the surface.
 5. In June 2016, contracted ER Consulting to undertake air monitoring and water sampling of the dam at Ledger Road Reserve.
 6. In May 2017, contracted 360 Environmental to undertake an emu pick of the entire reserve.

7. In May 2017, contracted 360 Environmental to pick up asbestos cement material unearthed due fire break expansion works throughout the reserve.
8. In May 2017, contracted 360 Environmental to undertake additional test pitting and soil sampling and update the preliminary site assessment.
9. In September 2017, contracted 360 Environmental to undertake an emu pick of the entire reserve.
10. In October 2017, contracted 360 Environmental to undertake a pre-fire hazard reduction burn and post fire hazard reduction burn emu pick.
11. In October 2017, undertook a fire hazard reduction burn in a small area behind the Bridge Club.
12. In December 2017, contracted 360 Environmental to undertake a review and update the asbestos management for the reserve.
13. In January 2018, contracted 360 Environmental to pick up asbestos cement material unearthed due to a weather event.
14. In April 2018, contracted McKay Earthmoving to provide 1700m³ die back free 20mm gravel and commence earth works to cover the former landfill areas to a depth of 500mm
15. In May 2018, contracted McKay Earthmoving to relocate 450m³ of die back free mulch to Ledger Reserve and spread the material to a depth of 150mm over the top of the area which is being covered.
16. In June 2018, contracted 360 Environmental to undertake a pre-fire hazard reduction burn and post fire hazard reduction burn emu pick on the area to the SW corner of the reserve.
17. In June 2018, undertook a fire hazard reduction burn on the area to the SW corner of the reserve.
18. In June 2018, contracted ER Consulting to undertake an emu pick of the reserve to remove asbestos cement material from the surface.
19. Throughout this time the twice-yearly water sampling of the Ledger Road Reserve dam has continued.

Note: McKay Earthmoving will continue to spread the gravel in the reserve over the coming weeks.

13.1.3 Local Planning Scheme No. 3: Amendment 35 - Change of Density from R2.5 to R5 – Lot 31 (16) and Lot 32 (20) Halleendale Road and Lot 33 (10) Dan Close, Walliston – Cr Destree

- Q. Can I please have clarification on comments made from state agencies regarding the potential exposure from the products on the facility and an intention to extend the redevelopment of further properties in the area and changing it from the current zoning? Is there is any indication on the timing and can the City take the initiative to do this?
- A. The land subject to Scheme Amendment 35 is identified as 'Urban' under the Metropolitan Region Scheme (MRS), the adjacent land in question remains 'Rural' under the MRS and has not been identified as future urban expansion under the Western Australian Planning Commission's most recent Perth and Peel @ 3.5 Million. However, the

City has flagged through its future Housing Strategy an action to investigate the opportunities for future urban development over the land adjoining Scheme Amendment 35. It is anticipated that the draft Housing Strategy will be presented to Council for discussion prior to the release of the document for public comment in the second half of 2018.

13.2 Questions at this meeting

13.2.1 Council Resolution Database on City Website – Cr Destree

- Q. Does the City maintain a register of all Council resolutions? If it does, given the difficulty in searching resolutions through the minutes and/or the website, could this register be published on the City's website once resolutions are confirmed by Council?
- A. All Council resolutions are publicly available via the City's website. It is recommended that should Council wish for a separate public resolutions database to be provided in addition to this, that a motion be put such that the Chief Executive Officer (CEO) be requested to provide Council with a report as to how this could be achieved. The CEO would then report on the technology required to provide the additional database and the associated costs.

14. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

14.1 Nil.

15. MEETING CLOSED TO THE PUBLIC

RESOLVED OCM 121/2018

15.1 That the Meeting go behind closed doors to consider Confidential Item.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

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

The Meeting closed to the public at 9:04pm. All members of the public gallery left the Meeting and all elected members and staff remained in Chambers.

15.2 **6.2 Confirmation of Minutes**

RESOLVED OCM 122/2018

That the Minutes of the Ordinary Council Meeting held on 22 May 2018, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote:	For	Against
	Cr Michael Fernie Cr John Giardina Cr Geoff Stallard Cr Lesley Boyd Cr Allan Morton Cr David Almond Cr Sara Lohmeyer Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas	Cr Brooke O'Donnell Cr Tracy Destree

CARRIED (10/2)

Statement by Presiding Member

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

15.3 Meeting Opened to the Public

RESOLVED OCM 123/2018

That the meeting re-opened to the public.

Moved: **Cr Michael Fernie**

Seconded: **Cr Lesley Boyd**

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

The meeting re-opened to the public at 9:19 pm after considering the Confidential Item. No members of the public returned to the meeting and as a consequence, the Presiding Member dispensed with reading the recommendation passed behind closed doors.

16. TABLED DOCUMENTS

16.1 Public Briefing Forum Minutes – 12 June 2018

16.2 KEAC Minutes – 7 June 2018

17. Closure

There being no further business, the Presiding Member declared the meeting closed at 9:19pm.

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.