

# Ordinary Council Meeting

Agenda for Tuesday 28 November 2017



**city of  
kalamunda**

## NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next ordinary meeting of the Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 28 November 2017**.

Rhonda Hardy  
**Chief Executive Officer**  
22 November 2017



### Core Values

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

### Aspirational Values

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

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

[www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au)

city of  
**kalamunda**

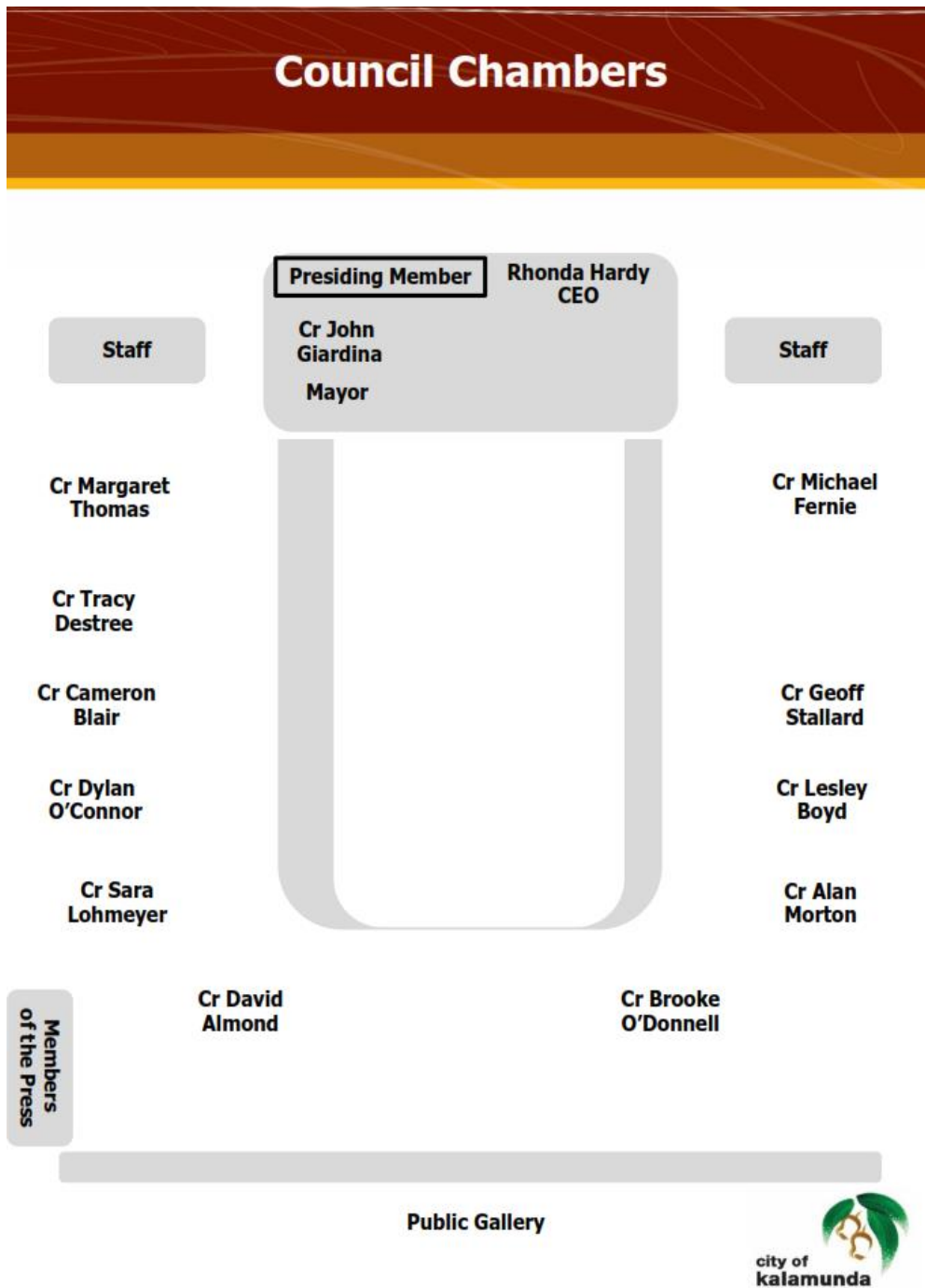


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### Council Chambers – Seating Layout



## **Ordinary Council Meetings – Procedures**

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at an Ordinary Council Meeting during Public Question Time.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

## **Emergency Procedures**

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

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

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

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

## INDEX

<b>1.0</b>	<b>OFFICIAL OPENING.....</b>	<b>3</b>
<b>2.0</b>	<b>ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED .....</b>	<b>3</b>
<b>3.0</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>3</b>
<b>4.0</b>	<b>PETITIONS/DEPUTATIONS.....</b>	<b>4</b>
<b>5.0</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>6.0</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>5</b>
<b>7.0</b>	<b>ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....</b>	<b>6</b>
<b>8.0</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED .....</b>	<b>6</b>
<b>9.0</b>	<b>DISCLOSURE OF INTERESTS .....</b>	<b>7</b>
<b>10.0</b>	<b>REPORTS TO COUNCIL .....</b>	<b>7</b>
<b>10.1</b>	<b>CORPORATE AND COMMUNITY SERVICES REPORT .....</b>	<b>8</b>
<b>10.1.1</b>	<b>QUARTERLY PROGRESS REPORT AGAINST KPIS – JULY-SEPTEMBER 2017 .....</b>	<b>8</b>
<b>10.1.2</b>	<b>KALAMUNDA HISTORY VILLAGE LOCOMOTIVE.....</b>	<b>12</b>
<b>10.1.3.</b>	<b>STIRK PARK MASTER PLAN – PUBLIC COMMENT.....</b>	<b>19</b>
<b>10.1.4</b>	<b>DRAFT ECONOMIC DEVELOPMENT STRATEGY – PUBLIC COMMENT .....</b>	<b>28</b>
<b>10.1.5</b>	<b>STRATEGIC SPORT AND RECREATION COMMUNITY COMMITTEE – PUBLIC COMMENT .....</b>	<b>34</b>
<b>10.1.6</b>	<b>CONFIDENTIAL ITEM – ACQUISITION OF PORTION OF LOT 7 (No. 257) LESMURDIE ROAD, LESMURDIE .....</b>	<b>42</b>
<b>10.2</b>	<b>DEVELOPMENT SERVICES REPORT.....</b>	<b>43</b>
<b>10.2.1</b>	<b>PROPOSED INITIATION OF SCHEME AMENDMENT 95 TO LOCAL PLANNING SCHEME No.3 – ADDITIONAL USE, RECEPTION CENTRE, LOT 601 (782) WELSHPOOL ROAD EAST, WATTLE GROVE .....</b>	<b>43</b>
<b>10.2.2</b>	<b>DRAFT PLANNING POLICY P-DEV 56 – FAMILY DAY CARE AND CHILD CARE PREMISES .....</b>	<b>53</b>
<b>10.2.3</b>	<b>DRAFT PLANNING POLICY P-DEV 54 – DUAL DENSITY DESIGN GUIDELINES.....</b>	<b>58</b>
<b>10.2.4</b>	<b>NOMINATIONS FOR THE CITY OF KALAMUNDA DESIGN ADVISORY COMMITTEE .....</b>	<b>69</b>
<b>10.2.5</b>	<b>PROPOSED HOME BUSINESS (VIBROSAUNA) – LOT 773 (71) PAVETTA CRESCENT, FORRESTFIELD .....</b>	<b>74</b>
<b>10.2.6.</b>	<b>PROPOSED TELECOMMUNICATIONS MONOPOLE AND INFRASTRUCTURE – LOT 22 (120) WITTENOOM ROAD, HIGH WYCOMBE.....</b>	<b>79</b>
<b>10.2.7</b>	<b>PROPOSED RESTAURANT – LOT 44 (101) UNION ROAD, CARMEL .....</b>	<b>88</b>
<b>10.2.8</b>	<b>DRAFT PUBLIC OPEN SPACE STRATEGY – ADOPT FOR THE PURPOSES OF PUBLIC ADVERTISING.....</b>	<b>102</b>
<b>10.2.9</b>	<b>CONFIDENTIAL REPORT: CAMBRIDGE RESERVE COMMUNITY ENHANCEMENT PROJECT .....</b>	<b>110</b>
<b>10.3</b>	<b>ASSET SERVICES REPORT .....</b>	<b>111</b>
<b>10.3.1</b>	<b>CONSIDERATION OF TENDERS FOR THE PROVISION OF CAST IN-SITU CONCRETE FOOTPATHS, DUAL-USE PATHS, CROSSOVERS AND MISCELLANEOUS WORKS (RFT 1716) .....</b>	<b>111</b>
<b>10.3.2</b>	<b>CONSIDERATION OF TENDERS FOR THE CONSTRUCTION OF GRASS HOCKEY FIELDS – HARTFIELD PARK, FORRESTFIELD (RFT 1717).....</b>	<b>118</b>
<b>10.4</b>	<b>OFFICE OF THE CEO .....</b>	<b>126</b>
<b>10.4.1</b>	<b>ADOPTION OF CUSTOMER SERVICE STRATEGY 2017 – 2021 .....</b>	<b>126</b>

<b>10.5</b>	<b>CHIEF EXECUTIVE OFFICER REPORTS.....</b>	<b>132</b>
10.5.1.	RATES DEBTORS REPORT FOR THE PERIOD ENDED 31 OCTOBER 2017 .....	132
10.5.2	DEBTORS AND CREDITORS REPORT FOR THE PERIOD ENDED 31 OCTOBER 2017 .....	136
10.5.3.	DRAFT MONTHLY FINANCIAL STATEMENTS TO 31 OCTOBER 2017 .....	142
10.5.4	APPLICATION FOR LEAVE – CHIEF EXECUTIVE OFFICER.....	149
10.5.5	REVISED PROCEDURE FOR PUBLIC AGENDA BRIEFING FORUMS.....	152
10.5.6	CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER’S PERFORMANCE REVIEW COMMITTEE.....	157
10.5.7	DELEGATION OF REGULATION 15D HEALTH (ASBESTOS) REGULATIONS 1992...158	
10.5.8	CONFIDENTIAL REPORT - LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES .....	162
10.5.9	CONFIDENTIAL REPORT - REVIEW OF COUNCIL’S SEPTEMBER 2017 RESOLUTION TO CONDUCT FURTHER PROBITY AUDITING OF TENDERS DURING 2014 – 2017 AND THE FORMATION OF AN AUDIT AND RISK SUBCOMMITTEE TO DETERMINE TENDERS FOR THE AUDIT.....	163
11.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	164
12.0	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	171
13.0	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	171
14.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION	171
15.0	MEETING CLOSED TO THE PUBLIC .....	171
16.0	CLOSURE .....	171
	TABLED DOCUMENTS.....	172

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## AGENDA

### 1.0 OFFICIAL OPENING

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

### 3.0 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.

#### Questions Taken on Notice OCM 30 October 2017

#### 3.1 Peter Bolden, 55a Snowball Road, Kalamunda

Q. My question relates to the election of members to the various committees that occurred at the Special Council Meeting held on 23 October, when it came to the election of members to the committees it appeared to be extremely disorganised and the lack of knowledge of the local government requirements by the City's senior staff in conducting this election. What are the Key Performance Indicators (KPI) for the Chief Executive Officer? Is there a KPI relating to the efficient and effective running of these special council meetings? If not, can a KPI be included for the next review process?

A. Mr Bolden's perception of the SCM of the 23 October 2017 were misconceived. The election of members to 14 advisory committees was complicated this year because so many councillors nominated resulting in ballots being required for most of the committees. This was unusual in comparison to previous years. Officers are required to perform their duties with diligence and each ballot required to be double counted and checked. Mr Bolden's reference to the Key Performance Indicators of the CEO, and criticism of the CEO should have been ruled out of order for breaching the City's Standing Orders.

#### 3.2 David Downing, 234 Sultana Road East, Forrestfield

Q1. With the construction of the Airport Railway and the associated development of Forrestfield North, it is fair to assume that land prices across High Wycombe and Maida Vale will rise. Currently there is an enquiry of the City of Kalamunda Councillors by the Department of Local Government, is it therefore possible that the landowners of Forrestfield North will not have any of their locally elected members to represent them during discussions, debate and voting on any of the planning decisions?

A1. The City is not in a position to make specific comments about how any particular development may affect land values however the train station and development of Forrestfield North is considered to make a positive contribution to the community. The City is also not in a position to make

comment or speculate about any potential Department of Local Government enquiry.

Q2. We must bear in mind these planning decisions will have a profound effect on the lives of all the landowners of Forrestfield North, however based on the recent history of the Industrial Stage 1, how can the landowners be assured that all of the other Ward Councillors will take sufficient interest in the fine detail of the planning process and Development Contribution matters to make the correct decisions in the interest of the landowners?

A2. This is a matter for Councillors to determine.

3.3 Frank Lindsey, 95 Aldersyde Road, Piesse Brook

Q. While I was previously on Council, the staff were preparing new depreciation schedules for the City's assets based on replacement costs. It was estimated at that time, being 2015, that by early 2016 this work would be completed. Can you advise whether this work has been completed and if not, why not. If so, what is the dollar value of the City's asset gap and how do you propose to reduce the asset gap?

A. The City produces Asset Management Plans for each major asset class. As part of the planning, the long term renewal needs for the assets are valued, and this can be compared to the funding identified in the Long Term Financial Plan. A difference in the funding levels may be attributed to the age profile of the assets or an imbalance between renewal needs in the short term over the long term. The Long Term Financial Plan is reviewed on an annual basis to improve the management of renewals.

During 2017 the City produced asset management plans for Pathways and Parks. These plans identified a shortfall in renewal funding of \$83,000 per year for Pathways assets, and no shortfall in renewal funding for Parks assets. The shortfall is not significant, and has been incorporated into the Long Term Financial Plan.

In 2018 the City will produce asset management plans for Drainage and Roads, with Buildings in 2019. The City will not be able to give a complete picture of renewal funding needs until the plans for all asset classes have been completed.

**4.0 PETITIONS/DEPUTATIONS**

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

5.1 That Cr Margaret Thomas be granted leave of absence for the period 15 December 2017 to 2 January 2018.

Moved:

Seconded:

Vote:



**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- 6.1 That the Minutes of the Ordinary Council Meeting held on 30 October 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 30 October 2017".

- 6.2 That the Minutes of the Special Council Meeting held on 13 November 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 13 November 2017".

- 6.2 That the Minutes of the Public Agenda Briefing Forum held on 14 November 2017, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

**Statement by Presiding Member**

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 14 November 2017".

- 
- 7.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**
- 8.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**
- 8.1 **10.1.5 CONFIDENTIAL REPORT Acquisition of Portion of Lot 7 (No257) Lesmurdie Road Lesmurdie** – Submitters Map - Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c) “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
- 8.2 **10.2.5 CONFIDENTIAL Attachment 5 – Proposed Home Business (Vibrosauna) – Lot 773 (71) Pavetta Crescent Forrestfield** Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.3 **10.2.6 CONFIDENTIAL Attachment 8 – Proposed Telecommunications Monopole and Infrastructure – Lot 22 (120) Wittenoom Road, High Wycombe** - Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.4 **10.2.7 CONFIDENTIAL Attachment 6 – Proposed Restaurant – Lot 44 (101) Union Road, Carmel-** Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.
- 8.5 **10.2.9 CONFIDENTIAL REPORT – Cambridge Reserve Community Enhancement Project-** Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (h), “Such other matters as may be prescribed.”
- 8.6 **10.3.1 CONFIDENTIAL Attachment 1 - Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-Use Paths, Crossovers and Miscellaneous Works (RFT 1716)** - Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
- 8.7 **10.3.1 CONFIDENTIAL Attachment 2 - Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-Use Paths, Crossovers and Miscellaneous Works (RFT 1716) – Tender Evaluation Report** - Provided under separate cover.  
Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (c), “a contract entered into, or which may be entered into, by the local government which relates to ma matter to be discussed at the meeting”.
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- 8.9 **10.3.2 CONFIDENTIAL Attachment 1 - Consideration of Tenders for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717)) – Tender Evaluation Report** - Provided under separate cover.

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

- 8.10 **10.5.6 CONFIDENTIAL ITEM - Chief Executive Officer’s Performance Review Committee** - Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (b), “the personal affairs of any person”.

- 8.11 **10.5.8 CONFIDENTIAL REPORT – Legal Representation for Elected Members and Employees** - Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting.”

- 8.12 **10.5.9 CONFIDENTIAL REPORT - Review of Council’s September 2017 resolution to conduct further probity auditing of tenders during 2014 – 2017 and the formation of an Audit and Risk Subcommittee to determine tenders for the audit**

- Provided under separate cover.

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (d), “legal advice obtained, or which may be obtained, by the local government which relates to a matter to be discussed at the meeting.”

## **9.0 DISCLOSURE OF INTERESTS**

### **9.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 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. (Sections 5.70 of the *Local Government Act 1995*.)

### **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.

## **10.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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

**10.1 Corporate and Community Services Report**

<b>Voting Requirements: Simple Majority</b>
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That recommendations of reports 10.1.1 to 10.1.4 inclusive be adopted by Council en bloc. Item 10.1.5 requires an Absolute Majority vote and will be considered as a separate matter. Confidential Item 10.1.6 will be considered as a separate matter.

Moved:

Seconded:

Vote:

**10.1.1 Quarterly Progress Report Against KPIs – July-September 2017**

Previous Items	N/A
Responsible Officer	Director Corporate & Community Services
Service Area	Corporate Services
File Reference	OR-CMA-009
Applicant	N/A
Owner	N/A

<a href="#">Attachment 1</a>	Quarterly Progress Report Against KPIs – July-September 2017
<a href="#">Attachment 2</a>	KPI Scorecard July-September 2017

**EXECUTIVE SUMMARY**

1. The Quarterly Progress Report provides information on the City's progress towards achieving its strategic goals.
2. It is recommended that Council receive the report.

**BACKGROUND**

3. Council resolved in June 2017 to select a number of key actions to be reported on each quarter to Council –

RESOLVED OCM 104/2017

*That Council:*

1. *Adopts Kalamunda Achieving: Corporate Business Plan 2017 to 2021 shown as Attachment 1.*
2. *Refers the Corporate Business Plan to the Chief Executive Officer's Performance Review Committee for determination and recommendation of key performance actions and projects to be approved by the Council that will be reported to the Community through the Quarterly Progress Report.*

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*As this process has not yet been completed, all 188 actions from the Corporate Business Plan have been reported for this quarter (Attachment 1).*

4. Each action is linked to Council's Strategic Plan, *Kalamunda Advancing 2027*, adopted in June 2017. This ensures that each employee is working towards achieving the strategic direction of the Council.
5. The person responsible for an action or task is required to provide an update each month, giving an indication of how the action is progressing. Key Performance Indicators (KPIs) are also updated. This information is collated to provide an overview of how the organisation is performing.

## **DETAILS**

6. **Priority Actions**  
The Quarterly Progress Report for the period 1 July 2017 to 30 September 2017 is presented in (Attachment 1).
7. The report shows comments indicating the status of all actions and current progress.
8. 181 of the 188 actions are currently at 90% or more of their target progress for the year to date.
9. **Key Performance Indicators**  
Performance against the City's corporate KPIs is shown.
10. Of the nine KPIs, for the period 1 July 2017 - 30 September 2017,
  - Seven are at or exceeding their target;
  - One is within 10% of its target (Subdivision applications referred to the WAPC within Statutory Timeframes); and
  - One is an annual KPI which will not be updated until 1 July 2018.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. Nil.

## **POLICY CONSIDERATIONS**

12. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

13. Managers and Directors have submitted the comments shown on the Quarterly Progress Report. A draft was provided for review and update prior to finalising the report.

## External Referrals

14. The report is presented to keep Council informed of the organisation’s progress. The community is advised of the City’s achievements and progress via the Annual Report.

## FINANCIAL CONSIDERATIONS

15. Financial progress is reported monthly via the Monthly Financial Statements and Management Reports.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

16. *Strategic Community Plan: Kalamunda Advancing 2027*

OBJECTIVE 4.1: To provide leadership through transparent governance.

Strategy 4.1.2 Build an effective and efficient service based organisation.

## SUSTAINABILITY

### Social Implications

17. Nil.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 20.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The City fails to carry out the actions set out in the Corporate Business Plan.                            |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/ Strategy</b>   |                    |               |
| Regular reporting of action progress to CEO, Directors and Council to ensure that performance is monitored and managed. |                    |               |
| <b>Risk:</b> KPIs are not met – standard of customer service declines.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Insignificant      | Low           |
| <b>Action/ Strategy</b>   |                    |               |

Regular reporting of KPI achievement to CEO, Directors and Council to ensure that performance is monitored and managed.

**OFFICER COMMENT**

21. Nil.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. Receives the Quarterly Progress Report Against KPIs for July–September 2017.

Moved:

Seconded:

Vote:

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

**10.1.2 Kalamunda History Village Locomotive**

Previous Items	OCM 57/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	RL-01/056
Applicant	N/A
Owner	City of Kalamunda

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider approving the full remediation of the locomotive located at the Kalamunda History Village and also consider approving Expressions of Interest being invited to undertake the remediation.
2. At Ordinary Council Meeting on 27 April 2017 it was resolved that Council:
  1. *Approves Option 2; the remediation of the G118 Locomotive, the platform and tracks, subject to the submission of a priority application to Lotteries West to secure a significant amount of external funding to offset the total cost of ratepayer funds.*
  2. *Notes once external funding has been confirmed a report will be submitted to Council for consideration.*
3. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of an amount up to \$180,000 which is to be contributed towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive, platform and railway station at Kalamunda History Village.
4. It is recommended that Council approves proceeding with an process of Expressions of Interest seeking submissions from suitably experienced contractors for the full remediation of the locomotive, platform and railway station at Kalamunda History Village.

**BACKGROUND**

5. In 1968, the Shire of Kalamunda (as it was then) purchased the G118 Locomotive (built in 1896) which was then placed on the Railway Reserve.
6. In 1971, the locomotive was moved to the Kalamunda Railway Station site before the Kalamunda and Districts Historical Society's Museum (now Kalamunda History Village) was officially opened in April 1971.
7. The Minister for Railways, the Honourable R.E. Bertram unveiled a plaque on the locomotive which commemorated its service on the Upper Darling Range Railway line.



8. The locomotive has become a historically significant symbol for the Kalamunda History Village, the City of Kalamunda and the Perth Hills.
9. On 24 October 2016 the presence of asbestos was confirmed on and surrounding the locomotive located at the Kalamunda History Village. The History Village was closed to the public with immediate effect.
10. Licensed asbestos contractors effected urgent interim remedial work to make the site safe and the Kalamunda History Village re-opened to the public on 11 November 2016.
11. The locomotive has remained encapsulated in plastic and frequent inspections are carried out to confirm the integrity of the wrapping. A more permanent remediation of the locomotive and surrounds remains a priority and a number of potential options were identified and presented at the Ordinary Council Meeting on 27 April 2017.
12. The City currently has a 10 + 10 year lease arrangement with the Kalamunda and Districts Historical Society and it is responsible for the management and operations of the Kalamunda History Village with the support of the City and its staff.
13. The Kalamunda History Village attracts over 13,000 visitors each year. The majority are coordinated through the very popular school excursion program, which welcomes over 100 schools from throughout the Perth metropolitan region.

## **DETAILS**

14. The presence of asbestos came to light on 24 October 2016 following preparations for a re-painting of the locomotive.
15. The Kalamunda History Village was immediately closed with environmental consultants engaged to undertake an asbestos risk assessment including:
  - Collection of samples to submit for laboratory analysis
  - Recording, collating and reporting findings verbally and in writing; and
  - Appropriate recommendations to control and remediate the hazard.
16. On 25 October 2016, environmental consultants provided a report confirming the presence of friable asbestos within the submitted samples and recommending the control and remediation of the hazard. Based on the report, licenced asbestos contractors were engaged to apply a PVA (polyvinyl acetate) substance to ensure the site was made temporarily safe.
17. Air sample tests were also conducted throughout that week, which indicated results below the limit of detection.
18. Licensed asbestos contractors were then engaged to make the site safe by:
  - Removing contaminated material within the identified exclusion zone;
  - Environmentally cleaning the station building area; and
  - Fully encapsulating the locomotive in a durable plastic material.

- 
19. Works were undertaken throughout the last week of October and Kalamunda History Village re-opened to the public and schools on 11 November 2016.
20. Consideration of options for a more permanent remediation of the locomotive and immediate affected site were proposed for Council's consideration at the Ordinary Council Meeting on 27 April 2017.
21. **Option 1 – Disposal**  
This option would deliver maximum remediation of the site.
- Option 2 – Asbestos Removal and Restoration**  
This option would deliver maximum remediation of the site.
- Option 3 – Encapsulation in Plastic Sheeting**  
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
- Option 4 – Sealed Viewing Enclosure**  
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
- Option 5 – Sealing with a Protective Coating**  
This option would not deliver a permanent remediation of the locomotive or the site as the asbestos would not be completely removed.
22. At the Ordinary Council Meeting on 27 April 2017 it was resolved that Council:
1. *Approves Option 2; the remediation of the G118 Locomotive, the platform and tracks, subject to the submission of a priority application to Lotteries West to secure a significant amount of external funding to offset the total cost of ratepayer funds.*
  2. *Notes once external funding has been confirmed a report will be submitted to Council for consideration.*
23. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of up to \$180,000 towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive and railway station at Kalamunda History Village.
24. Remediation of the locomotive and surrounding area is an extremely specialised project and it is therefore recommended that Council seek Expressions of Interest from contractors for completing restoration work.

## **STATUTORY AND LEGAL CONSIDERATIONS**

25. The Department of Environment Regulation has served the City with a notice of a classification of a known or suspected contaminated site under section 15 of the *Contaminated Sites Act 2003 (WA)*. This requires a remediation plan for the contaminated site. Until all asbestos is removed, the History Village will remain a contaminated site.

26. The Code of Practice under *Occupational Safety and Health Regulations 1996* indicates at *11.1 Implementing the asbestos management plan*:

*The control measures required for identified and presumed Asbestos Containing Material (ACM) should be determined from the risk assessment and should follow the following principles:*

- *If the ACM are friable and not in a stable condition, and there is a risk to health from exposure, they should be removed by an asbestos removalist as soon as practicable.*
- *If the ACM are friable but are in a stable condition and are accessible, serious consideration should be given to their removal. If removal is not immediately practicable, short-term control measures, such as sealing and enclosure, may be able to be used until removal is possible, although some State and Territory OHS and authorities do not permit sealing or encapsulation of ACM.*

The following excerpt is from the "How to Manage and Control Asbestos in the Workplace – Code of Practice" publication produced by Safe Work Australia in February 2016:

*"If it is not reasonably practicable to remove asbestos, then other control measures must be implemented to ensure people are not exposed to airborne asbestos, including either enclosing or sealing the asbestos".*

## **POLICY CONSIDERATIONS**

27. Policy No.: *ART5 - Stirk Cottage and Kalamunda Museum – Management Agreements.*

Objective: To ensure that any Agreement to manage the facilities takes account of the necessity to preserve and promote the history and heritage of the Kalamunda Districts for the benefit of its residents and for future generations.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

28. Relevant City Departments including Economic & Tourism Development, Public Relations, Procurement, Asset Delivery, Occupational Safety & Health and Environmental Health have been, and continue to be, consulted.

### **External Referrals**

29. Kalamunda and Districts Historical Society, as the key stakeholder, has been informed of developments, remedial works already undertaken and the outcome of the Lotterywest funding application.

Consultation will continue regarding decisions affecting the locomotive's future given the management agreements in place for the Kalamunda History Village.

30. An Environmental Hygienist and Asbestos Removal Contractor were consulted and engaged for the initial remedial works undertaken.
31. State Government agencies, and specifically the Department of Health and Worksafe were consulted, for the relevant approvals of the initial remedial works undertaken in the short-term.

### **FINANCIAL CONSIDERATIONS**

32. Municipal funding of \$236,398.73 has been allocated towards this project in the City of Kalamunda 2017/18 budget.
33. Lotterywest has recently notified the City that it has been successful in its application for funding from the Heritage and Conservation Fund of up to \$180,000 towards a conservation plan update and the remediation, conservation and refurbishment of the locomotive and railway station at Kalamunda History Village.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

34. *Kalamunda Advancing: Strategic Community Plan to 2027*  
  
OBJECTIVE 2.4: To ensure contaminated sites are safe and managed to ultimate use.  
Strategy 2.4.1 Identify, examine and manage risk associated with contaminated sites.

### **SUSTAINABILITY**

#### **Social Implications**

35. The locomotive is regarded by the community as a significant feature of the Kalamunda landscape. Any prospect of permanent loss of the locomotive has the potential to cause considerable concern amongst the community.

#### **Economic Implications**

36. The locomotive has been a major attraction for visitors to the Kalamunda History Village. The current encapsulation has impacted negatively on visitor experiences and may have impacted on revenue generated.

#### **Environmental Implications**

37. The Department of Environment Regulation has served the City with a notice of a classification of a known or suspected contaminated site under section 15 of the Contaminated Sites Act 2003. This requires a remediation plan for the contaminated site which will assist the Kalamunda and Districts Historical Society in their day to day running.

**RISK MANAGEMENT CONSIDERATIONS**

38.

<b>Risk:</b> Insufficient budget to complete the remediation required		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Ensure all proposed methodologies have been fully considered and assessed.		
<b>Risk:</b> Permanent loss of locomotive		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/ Strategy</b>		
Ensure that a solution ensuring full remediation is a feasible option.		
<b>Risk:</b> Exposure to asbestos		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/ Strategy</b>		
Ensure that methodologies deliver best practice compliance and a solution providing full remediation.		

**OFFICER COMMENT**

39. Each of the five potential options presented to Council in April 2017 had advantages and disadvantages in terms of risk, regulation, cost, revenue implications and community impact. However, only Option 1, Disposal, and Option 2, Asbestos Removal and Restoration, are considered to deliver permanent solutions for full remediation.
40. Of the permanent measures, Option 2, Asbestos Removal and Restoration, was at face value likely to be the most expensive. Option 2 has however attracted significant funding from Lotterywest which reduces the City's contribution to a level not dissimilar to that of Option 1, Disposal, which in turn would be the one most likely to attract community and visitor concern.
41. The Kalamunda and District Historical Society is fully supportive of Option 2 to deliver full remediation to the locomotive and contaminated site.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Approves the full remediation of the G118 locomotive, platform and tracks at the Kalamunda History Village.
2. Approves the City proceeding with the Expressions of Interest from suitably qualified contractors to undertake the remediation of the locomotive, platform and tracks at the Kalamunda History Village.

Moved:

Seconded:

Vote:

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

### 10.1.3. Stirk Park Master Plan – Public Comment

Previous Items	OCM 75/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	PR-PLN-005
Applicant	City of Kalamunda
Owner	City of Kalamunda

[Attachment 1](#)  
[Attachment 2](#)

Public Comment Submission Table  
Stirk Park Master Plan

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcomes of the Community Consultation on the draft Stirk Park Master Plan (the Plan).
2. The Planning Group (TPG) & Emerge Associates were engaged in March 2016 to consult with the broader community in a design process to enhance the iconic and historical Stirk Park.
3. Since the Council resolution (OCM 75/2017) of May 2017, the community has been invited to provide final feedback on the Plan over an 80 day public comment period which concluded 15 August 2017. This process included direct email invitation to a subscribed email database of over 400 residents, copies available at City Administration, Libraries, website and social media promotion.
4. It is recommended that Council adopt the final Stirk Park Master Plan and provide support for the commencement of more detailed scoping, consultation and detailed design for the following 1-3 year priorities:
  - Playground upgrade;
  - Youth and Sport Precinct; and
  - Path Network upgrade.

### BACKGROUND

5. In May 2017, Council considered a report on the draft Stirk Park Master Plan and resolved as follows:

***C&C 39 Stirk Park Master Plan***  
***EN BLOC RESOLUTION OCM 75/2017***

*That Council:*

1. *Receives the draft Stirk Park Master Plan*
2. *Advertises the attached draft Stirk Park Master Plan for a period of 80 days, with results then presented to Council, prior to final adoptions of the Plan.*

6. The following is an extract from the City's 2010 Community Facilities Plan, indicating that Stirk Park should be maintained as a District Level Park:

*"While Stirk Park has the capacity to function as a District level park, the standard and quality of the playground space is limited and appears to have been developed on an ad hoc basis, without an overall play concept in mind and is considered more consistent with some of the better equipped local parks in the Shire of Kalamunda.*

*The play space in Stirk Park is around 0.3 hectares in size, while as a District level park, the play space should be in order of one hectare. Continuing to provide a local level park experience at Stirk Park is considered a significant underutilisation of this valuable community asset.*

*As a District level park, Stirk Park should provide a major and unique play space and experience for all ages of children and young people and at this level should be custom designed, themed and well integrated with the other uses and functions required of a District level park. This recognises that a play space is only one element and function of a District level park."*

## **DETAILS**

7. Throughout the stakeholder engagement undertaken by TPG and Emerge Associates, the community connection to Stirk Park has become apparent through the following core message:

*While the park is in need of enhancement, the community has a genuine connection with this green, open, tranquil space that they continually use to relax, play and gather.*

8. Following the final phase of a comprehensive, staged consultation process with the community, TPG and Emerge Associates presented the final, 'draft' design to Council in February 2017, which was then received by Council in May 2017 for a final period of public comment.

9. The final Master Plan has been broken down into three time period stages, with components and associated costs applied to each:

1. Priority Implementation (1-3 years);
2. Secondary Implementation (3-6 years); and
3. Tertiary Implementation (6-10 years).

In addition, a prospective consideration to an upgrade and/or realignment of the Kalamunda Club area, inclusive of Bowling Greens has been noted as 10+ years' option.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. *Local Government Act 1995* (WA) Section 3.18 (3) (c)



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## **POLICY CONSIDERATIONS**

11. *Policy – FAC22 -The Cash-in-lieu Assessment Criteria Policy* provides strategic direction to Council's decision making on proposed cash in lieu projects for which Stirk Park may be eligible, as it is regarded as a district level park.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. City officers from various departments have been consulted throughout various stages of the Stirk Park Master Plan project, particularly with respect to the impacts of significant asset infrastructure projects in the Kalamunda Town Centre area.
13. The stormwater drainage study relative to the Kalamunda Town Centre and Stirk Park, inclusive of design and proposed works is coming to a conclusion.
14. The proposed works relative to this study currently has a budget allocation to enable implementation in the 2018/19 financial year and this will be an integral component of integration into the 1-3 year priority components of the Plan.
15. The roundabout at the corner of Elizabeth Street and Kalamunda Road is also being redesigned and constructed from a traffic management perspective over the 2017/18 and 2018/19 financial years.
16. The timing and associated budget aligned to this roundabout may present an opportunity to link in the entry statement and roundabout upgraded referenced in the 1-3 year priorities of the Plan.
17. Additionally, given the strong redevelopment focus in the initial 1-3 year priorities of the Plan, community feedback and internal discussion has highlighted the need to consider traffic flow and parking along Elizabeth Street.
18. Given the significant playground and youth space enhancements proposed on the Elizabeth Street, frontage adjacent to Stirk Park, and an increase in visitation, future consideration will need to be given to traffic and parking design along Elizabeth Street.

### **External Referrals**

19. TPG and Emerge Associates undertook a significant amount of community consultation in two distinct phases from March 2016 to February 2017, initially enabling the development of two concept designs before the consolidation to a final Master Plan.
20. Thirty eight formal submissions were received during the 80 day public comment period. The Public Comment Submission Table (Attachment 1) reflects the formal submissions and associated staff comment applicable to each.

21. The large majority of submissions received are constructive in nature, 16 of which overtly praised the Plan. Many provided further, more specific suggestions that can be put forth in isolated consultation processes relative to each component part of the Plan when implemented.
22. For example, 19 submissions referenced design specifics relative to the playground and/or youth precinct, some referencing specific parks within the metropolitan region. This level of interest remains consistent with these components being regarded as the highest priority. Detailed designs for these elements will need to be determined through a more specific consultation phase, which has occurred for other playground developments within the City.
23. Aside from the overall constructive nature of formal submissions and a dominant reference to the playground and youth precinct component, the second most prevalent reference (ten submissions) was in respect to themes of parking, traffic and pedestrian implications.
24. Other matters raised generally in a constructive manner related to the lake (including water quality), pathway networks, BBQ facilities, toilets, tree retention, memorial walk, memorial wall, future café, entry statement, lighting, Stirk Cottage, Headingly House, amphitheatre, Kalamunda Club and dog area requests.
25. The comment in relation to not supporting the relocation of the War Memorial on Canning Road is in reference to the Plan showing the opportunity for locating a memorial extending from the Memorial Walk. This opportunity has arisen through consultation with the RSL and is shown in the 6-10 year implementation phase. Further consultation regarding this proposal and location will need to be undertaken at the appropriate time.
26. In relation to comments from the Kalamunda RSL Sub-Branch about the proposed Memorial Wall, the City has supported their request for a further extension of the grant funding until December 2018.

## **FINANCIAL CONSIDERATIONS**

27. Implementation of components of the Plan will continue to be subject to annual budget deliberation processes and competing priorities.
28. An indicative figure of \$1 million over the next three years has been included in the 10 year Long Term Financial Plan towards the implementation of the Master Plan as follows

2017/18	\$100,000
2018/19	\$450,000
2019/20	\$450,000
29. The \$100,000 identified in 2017/18 is for the purpose of developing detailed design and documentation for the initial 1-3 year priority components. This will then be utilised to attract and source external funding.

30. It is intended that the ongoing implementation of the schedule of works be staged in a manner that will ensure maximum opportunity for Council to leverage external funding through such sources as:

- Lotterywest – ‘Community Spaces Outdoor’ Grant
- Department of Planning – Cash in Lieu Funding
- Department of Local Government, Sport, Culture & Industries – Community Sporting & Recreation Facilities Fund (CSRFF)
- Other – State/Federal Government Advocacy, Service Clubs, etc.
- Sponsorship or naming rights for playground

31. The initial 1-3 year priority components as shown in the Plan and estimate of probable costs are as follows:

Path network upgrade	\$251,700
Playground upgrade (includes modular toilet block facilities, excludes sewer works)	\$527,300
Amphitheatre upgrade (excludes car park and drainage infrastructure)	\$296,130
Entry statement	\$35,200
Youth and sport precinct	\$265,800
Roundabout upgrade	\$60,000
<b>Total (excl. GST)</b>	<b>\$1,436,130</b>

**Note:** Detailed design costs are not included in this total

32. Following the latest round of public consultation, it is now proposed to obtain detailed designs for the following priority components:

Playground upgrade (includes modular toilet block facilities, excludes sewer works)	\$527,300
Youth and sport precinct	\$265,800
Path network upgrade	\$251,700
<b>Total (excl. GST)</b>	<b>\$1,044,800</b>

**Note:** Detailed design costs are not included in this total

33. There were a number of comments received in relation to a future café on the site. This has been identified on the plan as part of a proposed redevelopment of “Headingly House” community building on Headingly Road. While the proposal is in the 6-10 year implementation timeframe; the design, location and potential for a future income stream for the City, will need further detailed investigation at the appropriate time.

## Strategic Planning Alignment

### 34. *Kalamunda Advancing: Strategic Community Plan to 2027*

OBJECTIVE 1.9: To provide high quality community facilities to meet the needs of our current and our future community.

Strategy 1.9.1 Support and deliver a long term approach to community facilities planning.

## SUSTAINABILITY

### Social Implications

35. The undertaking of a study to provide strategic direction and guidance in the provision of recreation and social infrastructure at Stirk Park, will greatly assist in a long term approach to servicing the community with a suitable District Level Park.

### Economic Implications

36. The enhancement of Stirk Park to a suitable District Level Park will attract increased usage and visitation locally and beyond, consequently providing spin off benefits to the local economy and businesses, particularly within the Kalamunda Town Centre.

### Environmental Implications

37. Investigations are currently underway and coming to a conclusion with respect to drainage of the Kalamunda Town Centre which then has implications on drainage to and through Stirk Park.
38. Outcomes and recommendations of such drainage studies and investigations will certainly impact components of the Plan, specifically with respect to the drainage channels and the size and design of the lake.

## RISK MANAGEMENT CONSIDERATIONS

- 39.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The Draft Master Plan design and priorities do not meet the needs of the community, including nearby residents.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Significant        | Medium        |
| <b>Action/ Strategy</b>  |                    |               |
| A significant amount of community consultation has already been undertaken with respect to the needs of the community and this will again occur through the detailed design process. |                    |               |

<b>Risk:</b> Project does not receive external funding support.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/ Strategy</b>		
Each of the proposed stage one developments will include staged upgrade options in the event that external funding support is not successful.		

**OFFICER COMMENT**

- 40. The draft Plan design has endeavoured to prioritise and stage components based on the community consultation feedback.
- 41. The main outcomes for the community will be increased opportunities to participate in physical and social activities at an enhanced District Level Park.
- 42. In addition, local tourism and businesses within the Kalamunda Town Centre will benefit from the likely increased visitation to the park from outside of the City as a result of key, priority park enhancements such as the playground development.
- 43. The priority elements identified for implementation in the proposed 1-3 year timeframe were as follows:
  - Path network upgrade
  - Playground upgrade
  - Amphitheatre upgrade
  - Entry statement
  - Youth precinct
  - Roundabout upgrade.
- 44. Of the 38 submissions received, the large majority were constructively supportive, providing further detail relative to specific component parts of the conceptual Plan.
- 45. The most common components referenced were with regard to specifics of the design elements to be included in the playground; youth and sport precinct spaces, highlighting the importance of consultation processes for each of those component parts.
- 46. Parking, traffic flow and pedestrian access considerations were the next most common following that, a wide range of references relative to lighting, BBQs, lake, water quality, vegetation, heritage elements, dog area requests, Kalamunda Club, Headingly House, Stirk Cottage, amphitheatre, future café, memorial walk, memorial wall and toilet facilities were referenced.
- 47. It should be noted that subject to future available budget, external grants and funding aligned to the various component parts, each will have more specific consultation phases with consideration to residents, vegetation, drainage, infrastructure and overall community needs.

48. Component parts such as the playground upgrade, youth and sports precinct will require more specific community consultation phases, inclusive of a defined scope of works to enable design and implementation aligned to budgets. Compliance with all universal access regulations and requirements will be required as each component of the Plan is designed.
49. During the design phase for the youth and sports precinct there is potential to substitute the Pump Track element with a Skate Park. The Kalamunda Skate Park is ageing and will soon be at a stage of needing replacement, therefore this will need to be taken into consideration in accordance with funding parameters.
50. The significant amount of public commentary relative to the playground upgrade and youth and sport precinct reaffirms these two elements as initial, key priorities within the 1-3 year timeframe.
51. Pedestrian access and flow is an integral element in the initial planning and implementation of 1-3 year priorities highlighted in the Plan. This should be encompassed as initial priorities along with the playground and youth and sport precinct.
52. The amphitheatre upgrade has been deferred to stage two, so as to align the works with the proposed Sound Shell improvements. There is also potential to reduce the extent of new pathway developments in stage one if external funding opportunities are not successful.
53. The entry statement and roundabout upgrade however did not attract much attention in the final public comment phase and it is suggested that these elements be postponed.
54. In implementing the Plan, it is therefore recommended that the first stage be to undertake detailed design and scoping with respect to the following elements of the listed 1-3 year priorities, as deemed by the community. Specifically:
  - Playground Upgrade;
  - Youth and Sport Precinct; and
  - Path network upgrade.
55. In summary, it is recommended that Council endorses the draft Stirk Park Master Plan as a conceptual, strategic tool guiding future developments with more detailed scoping, consultation and design to be applied to the implementation of the prioritised component parts.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. Adopts the final Stirk Park Master Plan to be used as a conceptual, strategic tool guiding future developments with more detailed scoping, consultation and design to be applied to the implementation of the prioritised component parts.

2. Supports the commencement of more detailed scoping, consultation and detailed design for the following 1-3 year priorities:
  - Playground Upgrade;
  - Youth and Sport Precinct; and
  - Path network upgrade.
  
3. Notes that the remaining stage two and three development proposals will be subject to sourcing external funding, annual budget deliberations and the competing priorities in the Long Term Financial Plan.

Moved:

Seconded:

Vote:

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

**10.1.4 Draft Economic Development Strategy – Public Comment**

Previous Items	OCM 128/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
<a href="#">Attachment 1</a>	Draft Economic Development Strategy
<a href="#">Attachment 2</a>	Public Comment Table

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider public comments received following a Council resolution to advertise the Draft Strategy for a period of 40 days.
2. In November 2016, AEC Group Ltd was engaged to develop an Economic Development Strategy for the City of Kalamunda.
3. In July 2017, Council received the Draft Economic Development Strategy and requested it be advertised for public comment for a period of 40 days, with results then presented to Council, prior to final adoption of the Strategy.
4. It is recommended that Council adopts the Economic Development Strategy – City of Kalamunda July 2017 (Attachment1).

**BACKGROUND**

5. The City's previous Economic Development Strategy was developed in 2009, with an action plan over a five year period.
6. The previous strategy had lapsed and the need for a contemporary Economic Development Strategy was identified and pursued.

**DETAILS**

7. The City recognises the important role the Draft Strategy plays in supporting and facilitating economic growth.
8. The Draft Strategy was prepared by AEC Group Ltd in consultation with the local businesses and the City of Kalamunda.
9. The Draft Strategy endeavours to provide a realistic, achievable, evidence-based plan of action with consideration to resourcing within the current local economic environment, responsive to challenges and opportunities to foster growth and investment.



10. The development of the Draft Strategy included the following key steps:
  1. Inception meeting, desktop review and establishment of project outputs.
  2. Socio-demographic, economic and tourism profile data gathering.
  3. Situational analysis of economic opportunities, including trends and strategic asset assessment.
  4. Stakeholder engagement through a variety of consultation.
  5. Strategy development, including a vision, goals, framework and five year activity program.
  6. Draft strategy development, presentation to Council and public comment period.
  
11. The Draft Strategy is designed to provide clear direction regarding five identified priorities to be implemented as the basis for a program of activities:
  - Industry expansion and attraction
  - Business capacity building
  - Tourism
  - Strong local identity
  - Create a welcoming environment

### **STATUTORY AND LEGAL CONSIDERATIONS**

12. *Local Government Act 1995 (WA)* Section 5.56 Planning for the future:
  - (1) A local government is to plan for the future of the districts.
  - (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the districts.
  
13. This draft Strategy is an informing document to enable sustainable planning for the future.

### **POLICY CONSIDERATIONS**

14. The proposed program of activities within the Draft Strategy suggests a review of the City's Local Planning Scheme and regulatory approvals processes.
  
15. Council Policy - *Appointment of Community Members to Advisory Committees and Reference Groups*

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

16. In addition to the City's Economic, Land & Property Services, Councillors, the Executive Management Team, Planning Services and Community Development were also consulted.

#### **External Referrals**

17. AEC Group with support from the City has undertaken a significant amount of consultation during the development of the Draft Strategy.

18. In formulating the Draft Strategy prior to a final public comment period, the following methods were employed to promote involvement in the community consultation component of the project:
  - Targeted Emails – informative and promotional communication was sent through a number of business network email databases.
  - Traditional Media – informative and promotional communication was provided via website, local newspaper advertisements, media releases and promotional flyers distributed to businesses.
  - Social Media – informative and promotional posts were provided via City and local business network Facebook pages.
19. External engagement activities employed during the consultation phase, forming the considerable basis of the Draft Strategy included:
  - Industry workshops for businesses including tourism providers
  - One-on-One interview with key stakeholders
  - Online Business survey – 40 completed surveys
20. Following the resolution of the Ordinary Council Meeting on July 2017 a 40 day public comment period (concluding 8 September 2017) was promoted to businesses and the broader community.
21. In addition to the same methods initially employed to promote involvement, and in alignment with the above Council resolution, the City promoted the public comment opportunity at two business forums:
  - Business Breakfast Conversations on Wednesday 2 August 2017
  - Kalamunda Chamber of Commerce Business Breakfast on Wednesday 16 August 2017
22. The City also conducted an evening business forum on Tuesday 29 August 2017 to promote the Draft Strategy and encourage comment from the business community.
23. At the evening forum, City Officers provided a summary presentation of the project including stakeholder engagement and the five identified priorities to be implemented as the basis for a program of activities.
24. Since the Council resolution of July 2017, over the 40-day public comment period, a total of four formal comments were received. The attached table reflects the formal submissions and associated staff comment applicable to each (Attachment 2).
25. The majority of submissions received were of a positive and constructive nature.
26. The following amendments have been made to the draft Strategy since it was endorsed for public comment in July 2017.

Paragraph 3.2.3 - an additional sentence has been inserted to read: *'During consultation some tourism operators expressed the desire to ensure that the destination image is retained by preserving the smaller boutique attractions and services that are currently on offer.'*

Paragraph 3.4 – the title has been amended to read: *'The Role of the City'*.

Paragraph 3.2.4 and 4.1 – Local buy has been amended to read: *'Buy local'*.

## **FINANCIAL CONSIDERATIONS**

27. The Draft Strategy should provide a direction for the City's advocacy program and improve the ability to attract external investment.
28. A number of the activities referenced within the Draft Strategy program of activities will be subject to annual budget processes and competing priorities.
29. The successful implementation of the Draft Strategy will be subject to both the availability of operational budget and staffing resources.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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 objective of facilitating, achieving and maintaining a vibrant prosperous community also supports the social outcomes referenced in the Draft Strategy.

### **Economic Implications**

32. The outcomes of this project will provide strategic direction and guidance for economic development that should assist local businesses to flourish and prosper.
33. Additional employment and training opportunities and the enhancement of essential supporting infrastructures, will add to the sustainability of the local and regional economy.

### **Environmental Implications**

34. Land use planning and development assessment criteria, in addition to controls of relevant State Government bodies, are designed to safeguard and provide a balance between growth and protection of the natural environment.

**RISK MANAGEMENT CONSIDERATIONS**

35.

<b>Risk:</b> The Draft Strategy fails to meet the needs of the City and local business community.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action / Strategy</b>		
A significant amount of engagement and consultation has been undertaken with respect to the needs of the community by the Consultants and City Officers to ensure the Strategy is reflective of needs.		

<b>Risk:</b> The Draft Strategy may raise community and local business expectations regarding activities that may not all affordably be resourced.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action / Strategy</b>		
Ensure community and local business is informed as part of communications process that all activities are subject to resourcing.		

**OFFICER COMMENT**

36. The Draft Strategy has been prepared based on broad local stakeholder consultation and feedback, with the program of activities developed to address the key strategic priorities identified.
37. The program of activities sets targets and resourcing for each of the strategic priorities for the life of the Draft Strategy. However, these will need to be reviewed and prioritised on an annual basis to ensure they are relevant and adequately resourced.
38. The program of activities has been developed to address five identified strategic priorities:
- Industry expansion and attraction
    - New investment and jobs
    - Health and aged care
    - Agriculture
  - Business capacity building
    - Events and activities
    - Workforce development
    - Home based business support
  - Tourism
    - Product development
    - Destination marketing
    - Destination management
  - Strong local identity
    - Buy Local program
    - Community pride program
    - Township activation program
  - Create a welcoming environment
    - Provide supportive regulatory framework
    - Develop business application guidelines

- Establish internal decision making framework
39. Following the Council resolution of July 2017 for a 40 day public comment period, promotion has been undertaken with the local business community through a variety of mediums, including a public forum, encouraging review and public comment.
  40. The minimal, yet constructive public comment received from the local business community provides some indication that the engaging community consultation process and consequent Draft Strategy is reflective of needs and providing sound, actionable strategic priorities.
  41. In implementing the Draft Strategy, officers will review and confirm the actions of year one with consideration to prioritisation and resourcing.
  42. In line with the Strategy document regarding 3.6 performance measurement, the progress against the program of activities will be reported back to Council on a biannual basis using the usual Ordinary Council Meeting cycle. The outcomes of these meetings will be communicated back to the business community and the broader community.
  43. It is recommended that Council endorses the Draft Strategy as important strategic tool to guide and leverage economic development within the City of Kalamunda.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Adopts the Economic Development Strategy – City of Kalamunda July 2017.
2. Supports the commencement of prioritised, resourced actions aligned to the program of activities within the Economic Development Strategy – City of Kalamunda July 2017.

Moved:

Seconded:

Vote:

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

**10.1.5 Strategic Sport and Recreation Community Committee – Public Comment**

Previous Items	OCM 163/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Community Development
File Reference	
Applicant	
Owner	
<a href="#">Attachment 1</a>	Amended Terms of Reference
<a href="#">Attachment 2</a>	Public Comment Summary
<a href="#">Attachment 3</a>	Nomination Package

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the outcomes of the community consultation on the draft Terms of Reference for the establishment of a Strategic Sport and Recreation Community Committee (SSRCC) to replace the existing Sport and Recreation Advisory Committees.
2. The opportunity for public comment was promoted widely through advertising on the City's website, in the local newspaper, emailed out to all sporting club contacts and provided via an online feedback form.

Meetings were also held with the Hartfield Park, Kostera Oval and Scott Reserve Advisory Committee along with two Community Forums.

3. It is recommended that Council:
  - receive the public comment
  - adopt the amended Terms of Reference
  - endorse the removal of the word "community" from the title
  - support the establishment of a SSRCC
  - abolish the existing Sport and Recreation Advisory Committees.

**BACKGROUND**

4. At the September OCM 163/2017 it was resolved that Council:
  1. *Support in principle the development of a Strategic Sport and Recreation Community Committee to replace the existing Sport and Recreation Advisory Committees.*
  2. *Request the CEO advertise the draft Terms of Reference for a period of 30 days including consultation with the following Sport and Recreation Advisory Committees:*
    - a. *Hartfield Park Advisory Committee*
    - b. *Scott Reserve Advisory Committee*
    - c. *Kostera Oval Advisory Committee*

*3. Provide Terms of Reference to all clubs and invite representatives from each club to a forum held at Woodlupine Community Centre and City of Kalamunda Administration Centre with the purpose of providing information and assistance to the clubs of the proposed new structure. In addition explain how the capital grants program will work in conjunction with this group.*

5. In accordance with this resolution the draft Terms of Reference were advertised for a period of 30 days closing on 3 November 2017.
6. A summary of the public comments, Advisory Committee and workshop feedback has been included in this report (Attachment 1).

## **DETAILS**

7. Strategic Sport and Recreation Community Committee (SSRCC)  
There has been little change to existing Council's Management and Advisory Committees for a number of years. It is timely to consider a review of the types and structure of the Committees to ensure alignment with Council's strategy and priorities, and to meet community expectations.
8. Some of the issues and perceptions around the existing process for capital funding of sport and recreation groups can be summarised as follows:
  - a. Lack of integration between Community Sporting & Recreation Facilities Fund (CSRFF) and budget processes.
  - b. Expectation that CSRFF projects will be funded prior to budget consideration.
  - c. Perception that funding is not always equitable.
9. The SSRCC is based around the principles of Participatory Budgeting, which is a process of democratic deliberation and decision-making, and a mechanism by which the community determines spending priorities, investment and budget allocation decisions within the City's sport and recreation program.
10. The proposed SSRCC will have two key focus areas:
  1. Provide a forum for independent consideration, assessment and ranking of new Capital Funding applications submitted from sporting and recreational clubs through the City's Capital Grants EOI process.
  2. Provide the City with an independent review and validation of the current sport and recreation projects included in the LTFFP. This will ensure that all future projects remain strongly aligned with the communities' priorities and the City's funding parameters.
11. There was general support from both the Advisory Committees and other sporting clubs regarding the establishment of the SSRCC. Several key themes emerged throughout the public comment and feedback process:
  - The need for balanced representation particularly in relation to locality and sporting code.
  - How the City would select members should more than nine nominations be received.
  - The need for disclosure of interests, impartiality and transparency

- Comments were made with respect to ensuring that all knowledge is not lost after the completion of the proposed two year term with a suggestion that consideration be given to splitting of terms.
- How the City would ensure that the committee remains unbiased in the recommendations made to Council for funding.
- A query was received as to the inclusion of the word *Community* within the title of the proposed committee.

12. Advisory Committees

In regards to the proposed replacement of the current Advisory Committees, the main comments received from committees were:

- Hartfield Park Advisory Committee** – In regards to how operational matters would be dealt with, the user groups were not overly concerned with the proposal to replace the Advisory Committees.  
The groups felt that the current system of liaising with a Recreation Services Officer worked well and would continue to do so.
- Kostera Oval Advisory Committee** – The committee were also not overly concerned with the proposed replacement of the Advisory Committees providing other measures were put into place to ensure that strong channels of communication remain.  
The groups noted that seasonal handover meetings would need to include officers from the Parks and Environment team and would perhaps need to happen twice per season.  
The Kalamunda Senior High School raised concern that perhaps reference was made within the Shared Licence Agreement between the City and the Department of Education, that communications be maintained via the committee.
- Scott Reserve Advisory Committee** – The user groups on this committee were steadfast in wanting to retain the Scott Reserve Advisory Committee as they felt that it was not strategic and the user groups needed the opportunity to discuss operational matters with each other and City officers.

## STATUTORY AND LEGAL CONSIDERATIONS

13. *Local Government Act 1995 (WA)* - Part 5 Subdivision 2 - Committees and their meetings.

## POLICY CONSIDERATIONS

14. COMR 21 - Capital Grants Clubs and Community Groups.

Council Policy - Appointment of Community Members to Advisory Committees and Reference Groups (*All nominations for the Strategic Sport and Recreation Community Committee will be assessed in accordance with this policy and criteria*).



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## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. Draft Terms of Reference were referred to Legal and Governance Services for further development and the following items were adjusted.
- a. 3.5 removed to ensure consistency with the Terms of Reference for other Committees of Council.
  - b. 4.2 amended to read as "The first meeting is to be held following the closure of the Expression of Interest process."

### **External Referrals**

16. The opportunity for public comment was promoted widely through advertising on the City's website, in the local newspaper, emailed out to all sporting club contacts and provided via an online feedback form.
17. Meetings were held with Sport and Recreation Advisory Committees:
- 10 October 2017 - Hartfield Park Advisory Committee.
  - 12 October 2017 - Kostera Oval Advisory Committee.
  - 17 October 2017 - Scott Reserve Advisory Committee.
18. The following workshops were held:
- City of Kalamunda Administration Building - 19 October 2017.
  - Woodlupine Community Centre, Forrestfield – 26 October 2017.

## **FINANCIAL CONSIDERATIONS**

19. Following a recommendation by the SSRCC, Council will consider and prioritise the Expression of Interest projects and endorse them as part of the annual budget and Long Term Financial Plan process.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 1.2 To provide safe and healthy environments for the community to enjoy.

OBJECTIVE 1.3 To support the active participation of local communities.

OBJECTIVE 4.1 To provide leadership through transparent governance.

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

## SUSTAINABILITY

### Social Implications

21. The formation of the SSRCC will provide strategic direction and guidance in regards to the development of facilities and reserve infrastructure in the City of Kalamunda and will greatly assist in a long term approach in regards to the provision of sporting facilities within the region.

### Economic Implications

22. The formation of the SSRCC is expected to provide the community with an improved understanding of the economic costs and benefits associated with our sport and recreation services.

### Environmental Implications

23. The formation of the SSRCC will allow for improved promotion of strategies for reducing energy consumption when considering facility development and upgrades including lighting projects across the City. This could include the potential of installing PV solar panels on the roof any new facilities and consideration of use of LED lighting where appropriate.

## RISK MANAGEMENT CONSIDERATIONS

24.

<b>Risk</b> That a balanced representation is not achieved on the committee in terms of locality and sporting codes.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action / Strategy</b>		
Membership of the SSRCC provides for a wide representation from all sporting clubs across the City. Council will be responsible for appointing the members.		

<b>Risk:</b> Bias or favoritism by committee members when recommending projects to Council for funding.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action / Strategy</b>		
Staff develop a guide/matrix to assist with decision making and ranking of projects.		

<b>Risk:</b> Deterioration of working relationships with clubs following replacement of advisory committees.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action / Strategy</b>		
Recreation Services Officer (Sport and Club Development) and other City Officers will continue to provide support to and maintain a regular and open communication with all sporting and recreation clubs.		

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## OFFICER COMMENT

25. After analysing the feedback received, the key themes and issues that emerged during the consultation period were as follows:

### **SSRCC Membership**

- The need for balanced representation particularly in relation to locality and sporting code
- How would the City select members should more than nine nominations be received
- The need for disclosure of interests, impartiality and transparency
- Comments were made with respect to ensuring that all knowledge is not lost after the completion of the proposed two year term with a suggestion that consideration be given to splitting of terms.
- How would the City ensure that the committee remains unbiased in the recommendations made to Council for funding.
- A query was received as to the inclusion of the word *Community* within the title of the proposed committee.

Officers have provided comment addressing each of these themes below.

26. Nominations will be assessed using a decision making matrix that will be based upon the Sport and Recreation feedback ensuring balanced representation in terms of locality, sporting code and relevant skills and experience the candidate would bring to the committee.
27. All committee members will be required to disclose any financial, proximity or impartiality interests that they may have in any matter to be discussed at the meeting as reflected in the amended Terms of Reference (Attachment 1).
28. Section 5.11 the *Local Government Act of 1995 (WA)* provides for two year terms for members with retiring members able to renominate. This should allow for knowledge to be retained through the process of re-election.
29. A decision-making matrix/guide would be developed to guide and assist members to make unbiased decisions in regards to recommendations to Council for funding.
30. Another element that could be added to the SSRCC deliberation process, to enhance impartially and fairness, would be to have a suitably experienced and independent facilitator that oversees the decision making process.
31. As the focus of the committee is around the sporting and recreational clubs, it is proposed that the word *community* be removed from the title to avoid any confusion that community groups are also part of the membership of the SSRCC.

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### **Advisory Committees**

32. It should be noted that the Scott Reserve Advisory Committee are strongly opposed to the abolition of their Advisory Committee.
33. In the event that the Advisory Committees are replaced, then all maintenance and other reserve or building issues would be reported and handled through the City's Internal Customer Support system and tracked to ensure completion. Any major renewal projects would be referred to the Asset Services team and considered in conjunction with the appropriate Asset Management Plan (e.g. car parks, court re-surfacing, drainage etc).
34. The City's Club and Sport Development Recreation Services Officer and other City officers will continue to provide support and maintain a regular and open communication with all sporting and recreation clubs to ensure there is not a deterioration of the relationships with clubs following the replacement of the existing sporting Advisory Committee structure.
35. A more detailed seasonal handover process for clubs based at reserves will be instigated, involving City officers from Parks and Environment as well as the Recreation Services. Two onsite meetings will be held prior to the seasons start (October & February) and one mid-year, at which matters based around the grounds, bookings, funding and other club matters will be addressed. Property Services Officers will continue to host seasonal changeover meetings for clubs that share a leased facility at the appropriate time.
36. Reserve user groups will still be able to meet on an as needed basis to discuss any operational issues or improvements being proposed. This informal collaboration may also need to include City officers when events or other activities are proposed on a particular reserve.
37. Steering Committees or Working Groups comprising of the various sporting clubs and any other user groups, will need to be established when developing and implementing Master Plans or Major Projects on recreation reserves.
38. The retention of one or two formal Sport and Recreation Advisory Committees at the expense of other sporting clubs that are not included on these committees, may give the perception that these committees will have a stronger voice and greater influence when it comes to Council support for Capital Grant requests.
39. All 39 sporting and recreation clubs will be invited to a meeting in December where the process and objectives of the SSRCC and how they align with the City's new Capital Grants process will be explained. At the meeting nominations from all clubs will be invited.
40. At the September C&C 67/2017 comment was made that more detail and description be included in the Terms of Reference. Details explaining membership nomination, election and membership roles have been expanded on in the amended Terms of Reference (Attachment 1) and in a Nomination Guide (Attachment 3) that will be available to all clubs.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council:

1. Receive the public comment.
2. Endorse the removal of the word "community" from the title of the new committee and amend the Terms of Reference accordingly.
3. In accordance with Section 5.8 of the *Local Government Act 1995 (WA)*, establishes the Strategic Sport and Recreation Community Committee.
4. Adopt the amended draft Terms of Reference for the Strategic Sports and Recreation Community Committee.
5. Abolish the existing Sport and Recreation Advisory Committees effective from 28 November 2017.

Moved:

Seconded:

Vote:

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

**10.1.6 CONFIDENTIAL ITEM – Acquisition of Portion of Lot 7 (No. 257)  
Lesmurdie Road, Lesmurdie**

Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

Previous Items	Nil
Responsible Officer	Director Corporate & Community Services
Service Area	Economic, Land & Property Services
File Reference	LS-03/257
Applicant	Keith Outram
Owner	Keith Outram

Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Letter from Owner of Lot 7 dated 24 March 2017
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Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Plan 4209-01-02/A
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Confidential Attachment 3 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Burgess Rawson Valuation Report for Portion of Lot 7 dated 19 September 2017
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## 10.2 Development Services Report

### Voting Requirements: Simple Majority

That recommendations of reports 10.2.1 to 10.2.8 inclusive be adopted by Council en bloc. Confidential Item 10.2.9 will be considered as a separate matter.

Moved:

Seconded:

Vote:

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

### 10.2.1 Proposed Initiation of Scheme Amendment 95 to Local Planning Scheme No.3 – Additional Use, Reception Centre, Lot 601 (782) Welshpool Road East, Wattle Grove

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PG-LPS-003/097
Applicant	Altus Planning and Appeals
Owner	Rothway Homestays, K E Bennett
<a href="#">Attachment 1</a>	Scheme Amendment Form 2A
<a href="#">Attachment 2</a>	Applicant's Amendment Report
<a href="#">Attachment 3</a>	Traffic Impact Statement Report
<a href="#">Attachment 4</a>	Bushfire Management Plan Report
<a href="#">Attachment 5</a>	Department of Fire and Emergency Services (DFES) Referral Notice.
<a href="#">Attachment 6</a>	Site Photos

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application to amend the City of Kalamunda *Local Planning Scheme No.3 (Scheme)* to include the additional use "Reception Centre" at the above mentioned address.
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).
3. The 'Reception Centre' would cater for small to medium-sized garden weddings with a cut off time of 11:00pm, except on Sunday, where the cut-off time will be 9:00pm.

4. It has been reported by the applicant that the majority of events would attract approximately 50 guests with the provision for the maximum number of guests to be capped at 100.
5. It is recommended that the proposal Scheme amendment be adopted by Council for the purpose of public advertising.

## BACKGROUND

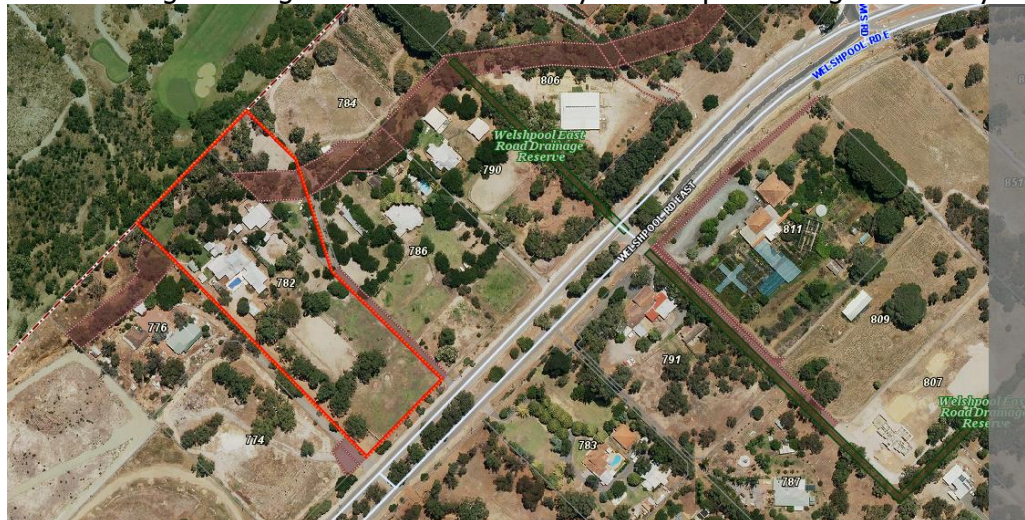
### 6. Land Details:

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

7. 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.
8. 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 little historic significance.

## Locality Plan

9. The existing dwelling is identified in the City's Municipal Heritage Inventory



## DETAILS

10. The applicant is seeking Council approval to initiate Scheme Amendment 95 to Local Planning Scheme No.3 for the purpose of public advertising to allow for an additional use of 'Reception Centre' on the subject site.



11. In support of the request, the applicant has provided the following information:
  - A comprehensive planning report justifying the proposal (Attachment 2).
  - A Traffic Impact Statement Report (Attachment 3).
  - A Bushfire Management Plan Report (Attachment 4).
  
12. Scheme amendment 95 will facilitate the use of reception centre on the site as follows:
  - It is proposed that the 'Reception Centre' would have the ability to operate seven days per week, on an as needed 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.
  - 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 Sunday, when the cut off time will be 9.00am.
  
13. In support of the proposal, the applicant contends 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**

14. Should Council resolve to initiate the amendment, then it will be determined in accordance with the *Planning and Development Act 2005*. The proposal will ultimately be determined by the Minister for Planning. If the proposal proceeds to the Minister's determination there is no Right of Review (appeal) irrespective of the Minister's decision.
  
15. In the event that Council does not adopt the amendment for the purposes of advertising, the process ceases and there is no right of review (appeal) to the State Administrative Tribunal (SAT).

### ***Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)***

16. In relation to the processing of Scheme amendments, 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.

17. Under the Regulations, the proposed Scheme Amendment 95 is considered a 'standard amendment', for the following reasons:
- a) The amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment;
  - b) The amendment is not considered to result in significant environmental, social, economic or governance impacts on land in the Scheme area; and
  - c) The amendment is not considered to meet the definition of a 'complex' or 'basic' amendment under Regulations.

### **Metropolitan Region Scheme**

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

### **Local Planning Scheme No.3**

19. The subject lot is currently zoned Rural Composite under the Scheme, which includes the following objectives under Part 4.2.2 (Rural Zones):
- *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.*
20. The proposed additional uses are defined under the Scheme and Regulations as follows:

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

21. 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.

### **POLICY CONSIDERATIONS**

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

22. 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.

23. 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

24. **Environmental Health:** concerns have been raised regarding the location and potential upgrade of effluent disposals systems. It has been indicated that this can be dealt with by way of appropriate conditions applied to any approval to commence development. In regard to noise associated with the use of the Reception Centre, the applicant will be required to prepare a noise management plan as part of any future development application associated with the reception centre use.

**Asset Services** no concerns have been raised and any conditions can be applied to any approval to commence development. The following comments have been stated:

- *The proposal has a potential of 50 to 100 patrons of a function, creating 12 to 100 vehicle movements on and off the road network at the start and end of the function, being its 'peak hour'. This identifies the proposal as having a moderate impact.*
- *Normal operations will create a presumed less than 10 vehicle movements per hour, resulting in a low impact.*
- *Welshpool Road East carries high volume vehicle traffic, cycling traffic and in addition serves as a restricted access vehicle network.*
- *The crossover is closely aligned with an opening in the median on Welshpool Road East.*

*The critical aspect will be ensuring that the up to 100 vehicles can safely exit the site and travel to the southwest, during peak hour traffic for the road.*

*This application needs to be assessed as having a Moderate Impact, and a Transport Impact Statement will be required. The Statement should include:*

- 1. Management of traffic flows at the end of a function, to prevent or discourage queuing in the median of Welshpool Road East,*
- 2. Detail of the estimated numbers and types of vehicles for the types of functions proposed, and*
- 3. Evidence of sufficient parking space on the site, and not using the road verge for overflow parking.*

A Traffic Impact Statement (TIS) has been provided and forms part of Attachment 3 to this report. Following receipt of the (TIS) Asset Services had the following additional comments:

*The TIS is acceptable, however they have not addressed how a large number of vehicles exiting at the same time would be managed. Can you therefore see if a condition or advice can be included in the approval, to the effect:*

- a) *The applicant to ensure ongoing management procedures for the safety of exiting traffic at the end of each function, and to prevent or discourage queuing in the median of Welshpool Road East.*
- b) *The applicant to apply a policy on responsible serving of alcohol and driver responsibility.*

In response to whether a slip lane is required to accommodate the proposal, Assets have advised the following:

*'Where we determine that there may be traffic impacts from a development, we request a Traffic Impact Assessment. The TIA Guidelines identify the extent of detail that is needed. In this case due to the low vehicle numbers accessing the site, only a Traffic Impact Statement (TIS) was required. The TIA process includes the assessment of Safety issues. Should a safety issue be identified then we have the option to request a Road Safety Audit or other design improvements to address the safety issue(s).*

*The TIS identified no safety issues, stating "Having regard to matters such as the subject land's direct and full access onto Welshpool Road East, the capacity of the road, the existence of a shared footpath running adjacent to the subject land, the proximity of public transport, and the nature, scale and frequency of the proposed use, it is considered that there are no immediate safety issues surrounding this development."*

*The site access for Number 782 includes a reasonable sized verge, and very good visibility for traffic well in advance of and beyond the crossover, and in this respect the TIS' statement is acceptable.*

*Although a Traffic Impact Statement has been provided, it has not identified a concern regarding the access of vehicles off Welshpool Road East: The entrance to the property needs to be assessed under the Austroads Guide to Road Design Part 4A. This Guide suggests that a short slip lane (auxiliary lane) of approximately 66 metres long will be required for vehicles entering the property. This matter does not need to be addressed with the Scheme amendment, and instead will be applied as a condition of development. The condition will be to ensure that a detailed Traffic Impact Assessment is completed that includes an assessment using the Austroads Guide to Road Design Part 4A.'*

Section 3.6 of the applicant's Traffic Impact Statement notes that the subject land's crossover is a break in the median strip which allows access and egress movements in both directions.

The applicant has advised that in this location, given the minimal increase of vehicle movements into and out of the subject site, there is no road or access modification proposed from Welshpool Road East. Referral to the Department of Planning and Main Roads WA will form part of the assessment process during the advertising period, at which stage final determination on the requirement for a slip lane will be determined.

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## External Referrals

25. The *Planning Regulations (Local Planning Schemes) 2015* Clause 47 establishes the procedures relating to amendments to Local Planning Schemes. Should Council initiate the amendment it will be formally advertised with a consultation 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.
26. 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. A response was provided on the 27 September 2017 (Attachment 4). 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 would 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 or BAL-FZ risk areas.

## FINANCIAL CONSIDERATIONS

27. Any costs associated with the preparation of the amendment document and undertaking public advertising will be met by the applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

28. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 3.1 - To plan for strategic population growth.*
- Strategy 3.3.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet social and changing focus and economic needs.*

## SUSTAINABILITY

### Social Implications

29. 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

30. 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**

- 31. 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*.
- 32. A watercourse and associated easement is located to the rear of the site. All future development or effluent disposal systems will need to ensure appropriate clearances to the water course.

**RISK MANAGEMENT CONSIDERATIONS**

33.

<b>Risk:</b> The amendment may not be granted consent to advertise.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Insignificant	Low
<b>Action/ Strategy</b>		
Ensure that Council is aware that the additional use for Reception Centre is appropriately classified as an 'A' use in the Rural Composite zone under the proposed amendment.		

34.

<b>Risk:</b> The proposed land use may have amenity impact on adjoining properties including traffic related impact.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Ensure that Council is aware that if the proposed Scheme amendment is initiated by Council for advertising and untimely adopted by Council post advertising, and granted final approval by the Minister for Planning, the proposed use of Reception Centre will still require development approval from the City. If approved, the applicant will be required to provide a traffic management plan be prepared by a suitably qualified traffic engineers and that any measures required be implemented prior to the use becoming operational on this site		

**OFFICER COMMENT**

- 35. 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.
- 36. Amending the Scheme to allow Reception Centre as an additional use will enable consideration of the use under a development application only.

37. It is considered that the proposed additional use is consistent with the tourism theme of land use 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.
38. The applicant has provided a Traffic Impact Statement as part of their application. 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.
- a) It is recommended that a Traffic Impact Assessment be completed and any required works be undertaken, with specific emphasis to Austroads Guide to Road Design Part 4A. This will form a recommended condition of the Additional Use Scheme Amendment, with fulfilment of this condition to be undertaken at Development Application stage.
  - b) It is noted that there are no significant trees along the verge adjacent to the subject site. There are however mature trees located in the central median strip of Welshpool Road East. As per advice from the City's Engineers there may be a requirement for a deceleration slip lane, however no significant trees would be compromised. Formal advice will be sought from the Department of Planning and Main Roads WA on this matter, and reported by to Council prior to adoption of the proposed amendment.
  - c) Please note within the applicant's report (Attachment 2) Photos 9-12, pages 5 and 6 which illustrate the existing access which is construction, no significant vegetation and an existing median strip break on Welshpool Road East.

<b>Voting Requirements: Simple Majority</b>
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## RECOMMENDATION

That Council:

1. Pursuant to Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to prepare Amendment No. 95 to Local Planning Scheme No. 3 (Attachment 1).
2. Considers Amendment 95 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 in the Scheme for the Rural Composite zone.
  - b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.

- c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
  - d. The amendment is not considered a complex or basic amendment.
- 3. Pursuant to section 81 of the *Planning and Development Act 2005*, refers the proposed amendment 95 to Local Planning Scheme No.3 to the Environmental Protection Authority.
- 4. Subject to Sections 81 and 82 of the *Planning and Development Act 2005* advertises Amendment 95 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 Notifications of Planning Proposals.

Moved:

Seconded:

Vote:



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

**10.2.2 Draft Planning Policy P-DEV 56 – Family Day Care and Child Care Premises**

Previous Items	OCM 125/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
<a href="#">Attachment 1</a>	Draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises
<a href="#">Attachment 2</a>	Planning Bulletin 72/2009 – Child Care Centres

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 56 – Family Day Care and Child Care Premises (Policy).
2. The Policy has been written for the purpose of providing guidance relating to the location, appropriateness, and scale of Family Day Care and Child Care Premises.
3. The Policy was advertised to the community in line with the requirements of P-DEV 45 (Public Notification of Planning Proposals). No responses were received.
4. It is recommended that Council adopts the Policy.

**BACKGROUND**

5. The City periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
6. Family Day Care and Child Care Premises are business related activities that are typically located in residential areas. This has given rise to community concern regarding the intensification of the use and amenity impacts arising, principally from the number of children attending the premises and resulting traffic numbers impacting on the local road network. The proposed policy seeks to address such concerns through development and operational criteria.
7. The Council resolved on 24 July 2017 (OCM 125/2017) to adopt the Policy for the purposes of public advertising. The advertising period has now closed and the Policy is now ready for consideration for final adoption by Council.

**DETAILS**

8. The primary objectives of the proposed Policy are:
  - a) Specify local provisions which supplement the requirements of Local Planning Scheme No.3;
  - b) Provide for the establishment of Family Day Care and Child Care premises in appropriate locations;

- c) Ensure that the operation of Family Day Care and Child Care premises do not impact on the amenity of the local area; and
  - d) Provide policy guidelines in terms of development standards suitable for the City of Kalamunda for all Family Day Care and Child Care premises development within the local government boundaries.
9. The policy statement introduces the following criteria an applicant will need to address:
- a) **Locational criteria** – specifying requirements for appropriate locations for Family Day Care and Child Care premises.
  - b) **Siting criteria** – identification of sites where for Family Day Care and Child Care premises would not be supported, including minimum distances between existing and proposed new facilities.
  - c) **Design criteria** – specifically built form and streetscape, parking and traffic assessment, landscaping, signage.
  - d) **Operational criteria** – hours of operation, maximum number of children, food preparation and outdoor play areas.
  - e) **Noise management** – As part of the application for a Child Care premises a Noise Management Plan and Acoustic Impact Assessment shall be prepared by a suitably qualified professional, submitted to, and approved by the City of Kalamunda prior to any approval being granted.
  - f) **Bushfire Management** – compliance with SPP 3.7 as both activities are classified as 'Vulnerable Land Use'.

## STATUTORY AND LEGAL CONSIDERATIONS

10. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).
11. As per the Regulations and the City of Kalamunda's Local Planning Scheme No. 3, planning policies are required to be approved for advertising and then adopted by Council at the conclusion of the advertising period.
12. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and Scheme provisions then the Regulations and Scheme prevail.

## POLICY CONSIDERATIONS

13. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.
14. The Policy references aspects of the Western Australian Planning Commission Planning Bulletin 72/2009 (Child Care Centres) (refer Attachment 2) and gives regard to its objectives, as follows:
  - a) Location of the Child Care Centre;
  - b) Minimisation of the impact of the Child Care Centre on the surrounding area (particularly residential areas);
  - c) Minimisation of the impact that the surrounding area may have on the Child Care Centre; and
  - d) Consideration of the health and safety of the children under care.

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## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. Health Services requested as part of the application for a child care premises a Noise Management Plan and Acoustic Impact Assessment which shall be prepared by a suitably qualified professional, submitted to, and approved by the City of Kalamunda prior to any approval being granted. The documents should demonstrate either compliance with the *Environmental Protection (Noise) Regulations 1997* or design/specification measures that will be incorporated to reach compliance. This has been included under clause 8 of the Policy.

### **External Referrals**

16. Following approval by Council the Policy, was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals. As part of this process a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City website and Facebook page.
17. The submission period, as part of the public notification, was 28 days from the date that the notification was first published in the local newspaper. During this time no responses were received.

## **FINANCIAL CONSIDERATIONS**

18. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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**

20. If the Policy is adopted the City will have greater certainty when assessing applications for Child Care premises and Family Day Cares.
21. Additionally, the community will have access to more clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.

### **Economic Implications**

22. Nil.

**Environmental Implications**

23. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

24.	<p><b>Risk:</b> The policy is not adopted resulting in a lack of guidance regarding the applicable development applications for child care premises and family day care facilities.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood:</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </table>	Likelihood:	Consequence	Rating	Unlikely	Moderate	Low
Likelihood:	Consequence	Rating					
Unlikely	Moderate	Low					
	<p><b>Action/ Strategy</b></p> <p>Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development applications.</p>						

<p><b>Risk:</b> The policy does not achieve stated objectives.</p>						
<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood:</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </table>	Likelihood:	Consequence	Rating	Unlikely	Moderate	Low
Likelihood:	Consequence	Rating				
Unlikely	Moderate	Low				
<p><b>Action/ Strategy</b></p> <p>Ensure the policy is drafted with clear objectives, is advertised and public comments are taken into consideration.</p>						

**OFFICER COMMENT**

- 25. The Policy will provide guidance for the establishment and operation of child care premises and family day centres within the City. The Policy will outline correct siting, traffic management, operational hours and additional assessment criteria for both City officers and applicants.
  
- 26. The Policy references the objectives of Planning Bulletin 72/2009 (Child Care Centres) and gives due regard to the requirements of the Western Australian Planning Commission.
  
- 27. In the last few years the City has noted an increase in the number of development applications for both Child Care premises and Family Day Care in residential areas. The Policy will provide guidance relating to the development and locational criteria for both land uses in zones where they can be considered for approval, with an emphasis on ensuring that potential amenity impacts, traffic safety and parking are appropriately managed for the benefit of surrounding residents.

28. A key element of the Policy is the introduction of siting criteria which establishes a minimum separation distance between land uses. For example, Child Care premises in residential areas cannot be located within 300m of an existing centre. The separation distance has been determined having regard to the prevailing lot size in residential zone. Noting that child care premises are a discretionary use in a residential zone, the use of siting criteria to address the cumulative effect of the land use is considered a reasonable approach for the City to take.
  
29. The Policy will require applicants to address specific criteria as identified in point 9 of the report and provide justification for any variations sought. In turn this will provide guidance and certainty to the community in respect to the location, scale and siting of Family Day Care and Child Care premises in context of the proposed location, zoning and the requirements of the Scheme. Importantly, the Policy will assist Council, the City and applicants alike in their assessment of such proposals.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Pursuant to Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt the following Local Planning Policy as detailed in Attachment 1:
  - P-DEV 56 – Family Day Care and Child Care Premises.

Moved:

Seconded:

Vote:

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

**10.2.3 Draft Planning Policy P-DEV 54 – Dual Density Design Guidelines**

Previous Items	OCM 99/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-016
<a href="#">Attachment 1</a>	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Policy Document
<a href="#">Attachment 2</a>	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Explanatory Information
<a href="#">Attachment 3</a>	Draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines, Assessment Matrix
<a href="#">Attachment 4</a>	Community Engagement Survey Feedback
<a href="#">Attachment 5</a>	Community Engagement & Submission Table
<a href="#">Attachment 6</a>	Community Information -Frequently Asked Questions.
<a href="#">Attachment 7</a>	Dual Density Design Guidelines Survey
<a href="#">Attachment 8</a>	Appendix 5 Recommended Plant List
<a href="#">Attachment 9</a>	Scheme Amendment 82, Schedule of Modifications

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider final adoption of draft Local Planning Policy P-DEV 54 – Dual Density Design Guidelines (Policy).
2. The Policy has been written for the purposes of providing guidance relating to the future development and subdivision relating to Dual Density Coded areas which form part of Scheme Amendment 82 to Local Planning Scheme No.3 (Scheme).
3. The Policy was advertised from 12 July 2017 until 22 August 2017 in accordance with the requirements of Council’s Policy P-Dev. 45 Public Notification of Planning Proposals. The Policy and associated community information sessions were advertised in the local newspaper. Guidance signs were used to further notify the community of the location and times of the information sessions, and the public was requested to complete a questionnaire relating to the themes associated with the Dual Density Design Guidelines. At the conclusion of the advertising period, the City received 106 responses.

4. The Recommendation is for Council to adopt the Policy with minor modifications.

## **BACKGROUND**

5. In June 2016, Council resolved to approve Scheme Amendment 82 to the Scheme, to introduce dual density codes to the existing urban areas of Forrestfield, High Wycombe, Maida Vale and Kalamunda. The intent of the dual density code under the amendment is to reward high quality development under criteria with higher amenity outcomes associated with the higher density.
6. Scheme Amendment 82 is currently with the WA Planning Commission (WAPC) and was tabled at the Statutory Planning Committee on 9 September 2017 with a recommendation to approve the amendment and for the WAPC to refer the amendment to the Minister for Planning for final approval. The WAPC originally agreed in consultation with the City to defer consideration of the amendment to the 31 August 2017 to allow for the proposed Policy to be adopted by Council. There is now a sense of urgency for the Policy to be adopted prior to the Ministers final approval of Scheme Amendment 82 to ensure that once it has been finalised there is an appropriate operational local planning policy approved by Council in which applications for subdivision referrals and development applications can be determined by the City.
7. On 19 October 2017 the City received correspondence from the WAPC with notification from the Minister for Planning requesting minor modifications to Scheme Amendment 82. Attachment 1 outlines the schedule of modifications in accordance with the Section 87 (1) of the *Planning and Development Act 2005* (Act)
8. The City periodically reviews, revokes, and adds new policies for the purpose of ensuring consistency and transparency in decision-making and to ensure Council has a clear and defensible position.
9. Council resolved on 26 June 2017 (OCM 99/2017) to adopt the Policy for public advertising. The advertising period has now closed and the draft policy is now ready for consideration by Council for final adoption.

## **DETAILS**

10. The Policy will complement the proposed Scheme Amendment 82 provisions to create dual density coded zones within the City. The Policy outlines the process by which an applicant would apply to be able to develop a property at the higher density code, as well as the conditions that the applicant would have to meet to allow such development to take place.
11. The objectives of the Policy include:
  - a) Providing policy guidelines in terms of development standards suitable for the City of Kalamunda for all residential development within the Scheme area (dual density coded areas).
  - b) Promoting the development of a sustainable community which is environmentally sustainable and utilises best practise measures relating to energy efficiency and water sensitive urban design.

- 
- c) To create functional and liveable neighbourhoods which accommodate a diverse community and range of household types.
- d) To create safe neighbourhoods where anti-social behaviour is discouraged through the use of best practice CPTED (Crime Prevention through Environmental Design) principles.
- e) To encourage new developments to incorporate best practise urban design principles which enhance the built environment and create attractive and functional neighbourhoods.
12. The Policy will address the following key elements:
- Streetscape and Urban Design.
  - Dwelling Diversity.
  - Adjoining Property Applications, Joint Access and Reciprocal Rights of Carriageway.
  - Retention of Dwellings.
  - Dwelling Orientation and Bulk and Scale of Buildings.
  - Stormwater Drainage.
  - Tree Retention, preservation and Landscaping.
  - Utilities and Facilities.
  - Vehicle Access and Parking.
  - Sustainable Design Principles.
  - Street Walls and Front Fencing.
  - Plot Ratio Variance.
  - Additional requirements for R25/60 zoned properties fronting Hale Road, Forrestfield and Kalamunda Road, High Wycombe.
13. The Policy will provide development controls and criteria for applicants who are applying for a development and subdivision approval with the intent to develop property at higher dual density coding. The Policy will allow for consistency in the decision making process while imposing conditions that will ensure that the built form is developed to a standard that is deemed to be appropriate for the City.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
15. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a planning policy is inconsistent with the Regulations and Scheme provisions then the Regulations and Scheme prevail.

## **POLICY CONSIDERATIONS**

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



## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

17. The Policy was previously circulated to the City's Assets, Health, Building and Environment departments for comment. No objections or comments to the proposed draft policy were received.

### External Referrals

18. The Policy was advertised in accordance with the provisions of Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals.

As part of this process a notice was placed in the local newspaper for two consecutive weeks, and a notification was placed on the City website for a period of 28 days.

In addition, the City undertook three Community Engagement sessions:

Venue	Date
KPAC Agricultural Hall	19/07/2017
High Wycombe Recreation Centre	27/07/2017
Woodlupine Community Centre	3/08/2017

The community information sessions were operated by the City's Approval Services staff and were principally 'drop in session' in nature with detailed information boards being displayed around the room. The community was encouraged to ask questions and seek clarification. A Frequently Asked Questions Brochure was distributed to attendees.

19. A survey was distributed at the community information sessions as well as forming part of the online advertising for the Policy (Attachment 7). The City received 106 responses to this survey, including 102 online and 4 hard copy submissions. The detail of the responses have been summarised (Attachments 4 and 5).

The general feedback is summarised as follows:

- Forrestfield residents comprised the highest frequency, with 42% of the residents responding.
- Predominance of respondents (67%) strongly disagree or disagree with the provisions requiring 1,000m<sup>2</sup> minimum lot size.
- More than half of respondents (54%) strongly agree or agree to the dwelling diversity exemption for lots less than 1,000m<sup>2</sup>
- Provisions for reciprocal rights of carriageway and applicants jointly applying to meet the 1,000m<sup>2</sup>, a high degree of respondents were neutral (35%) and 44% either agreed or strongly agreed to this question.
- A strong support was shown for the option to retain and upgrade existing dwellings versus previous provisions to require demolition. 69% of respondents either agreed or strongly agreed to this provision.

- Respondents were predominantly neutral to policy measures regarding dwelling orientation and legibility (46%).
- There was a strong support for provisions regarding the orientation of dwellings, access and dwellings addressing the street and public open space with 62% of respondents either agreeing or strongly agreeing to this provision.
- There was a strong support for provisions regarding the stormwater management with 62% of respondents either agreeing or strongly agreeing to this provision.
- There was relative support for provisions regarding the requirement to retaining trees and provisions for landscaping with 55% of respondents either agreeing or strongly agreeing to this provision.
- There was a strong support for provisions regarding the screening of utilities and facilities with 73% of respondents either agreeing or strongly agreeing to this provision.
- There was some support for provisions regarding the numbers of crossovers and screening of car parking bays with 48% of respondents either agreeing or strongly agreeing to this provision.
- Respondents were predominantly neutral to the provisions regarding the fencing and wall standards proposed with 46% of respondents. 37% of respondents either agreed or strongly agreed to this provision.
- There was some support for provisions regarding sustainable design principles with 46% of respondents either agreeing or strongly agreeing to this provision.
- Respondents were predominantly neutral to the provisions regarding building and design requirements for properties fronting Hale and Kalamunda Road standards proposed with 67% of respondents remaining neutral. This is likely to due to the provisions only affecting a small number of properties in the amendment area.
- Respondents were predominantly neutral to the provisions regarding multiple dwelling requirements with 54% of respondents remaining neutral.
- When asked what respondents' intentions were for the future of their property, more than half 55% stated that they intended to develop their property themselves.

## **FINANCIAL CONSIDERATIONS**

20. All costs associated with the advertising of the proposed Policy are provided for in the Approval Services Budget.
21. The City will receive increased rates from infill subdivision and development occurring as a result of the dual density provisions.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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

- 23. If the Policy is adopted the City and community will have greater certainty when assessing how properties will be developed and subdivided to an acceptable standard.
- 24. Additionally, the community will have access to clarity and transparency in how the City and Council makes decisions, leading to improved outcomes and reduced timeframes.
- 25. Furthermore, if the Policy is adopted, housing diversity and overall achievements of dwelling targets in line with State Planning Policies including *Perth and Peel 3.5 million* will be encouraged. A diversity in housing choices will provide a positive social impact as the policy provisions will facilitate the redevelopment of tired and ageing housing stock.

### Economic Implications

- 26. The adoption of this Policy, once Scheme Amendment 82 has been approved by the Minister for Planning, will facilitate the ability for land owners to develop and subdivide their properties at a higher density code, subject to compliance with the provisions of this Policy. The economic impact for the City will be an increase in development applications, an increase in local employment within the construction industry, and higher levels of population and rateable properties over time.

### Environmental Implications

- 27. The adoption of this Policy will result in an increased amount of development within the housing opportunity areas as identified by the Local Housing Strategy. The introduced provisions for tree preservation, planting of verge trees, provision of water tanks and solar panels associated with the Policy provisions will seek to improve and offset any potential environmental impacts relating to increases in housing density throughout the City.

## RISK MANAGEMENT CONSIDERATIONS

28.	<b>Risk:</b> The policy is not adopted resulting in a lack of guidance regarding the applicable Scheme Amendment 82 provisions.		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b>		
	Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development/subdivision applications.		

<b>Risk:</b> The policy is not adopted prior to the adoption of Scheme Amendment 82. Applicants may then be able to apply for subdivision to the WAPC and development to the City without an adopted policy to provide guidance or control for application determinations		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/ Strategy</b>		
Demonstrate the importance of having sound and robust planning policies to support the Scheme when assessing development/subdivision applications.		

**OFFICER COMMENT**

- 29. The proposed policy recommends development standards that are well above the requirements of many other local governments. Without detailed design guidelines there is a risk that infill development within the City will result in poor quality built form outcomes which result in adverse amenity impacts.
  
- 30. The policy will support the proposed Scheme Amendment 82 provisions and provide guidance for future development within dual density coded areas of the City. Having such guidance will assist both the City’s officers responsible for assessing development and subdivision applications as well as provide detailed guidance and provisions for residents of the City who wish to apply to develop in these areas. This follows the ongoing discussions with the WAPC in regards to Scheme Amendment 82 which is currently before the Minister for Planning for final determination.
  
- 31. The City received correspondence from the WAPC on the 19 October 2017 notifying the City that the Minister for Planning has requested minor modifications to Scheme Amendment 82 which is in accordance with section 87 (2) (b) of the *Planning and Development Act 2005* and that the amendment be resubmitted under section 87(1) of the Act. The modifications are minor in nature and modifications to the Scheme amendment are reflected within the Dual Density Design Guidelines. The Minister has also requested three exclusions and requested that the maps be amended by;
  - a) Deleting the areas south-west of Walbeck Road (proposed to be recoded to R20)
  - b) Deleting the area bounded by Williams Street and Dixon Road Kalamunda (proposed to be recoded R30/40); and
  - c) Replacing the proposed R20 coded areas in Kalamunda with dual density code R10/20.

Although no explanation has been given to the requested modifications it is assumed that the properties in the two mentioned areas were of a higher bushfire prone risk and therefore deemed not to be appropriate for a higher density.

The Minister has also requested that the Dual Density Code be applied to the proposed R20 Coded area to the west of the Kalamunda Town Centre. The impact of this is that the Dual Density Guidelines will therefore be applicable to those properties, whereas previously proposed to be assessed solely as Residential R20 properties.

32. Through consultation with the City, the WAPC have modified Scheme Amendment 82 from its original format as approved by Council in June 2016. The modifications are described below:

- The removal of a number of criteria that development and subdivision must satisfy when the higher density code is applied for,
- The existing building to be demolished;
- Stormwater drainage demonstrating compliance with the R Codes;
- At least half of the buildings assessed at R40 being multi-storey;
- Dwelling design to be orientated to address the public street;
- Landscaping elements to enhance the development and streetscape;
- Limiting vehicle access to the site, including the number of crossovers;
- Provision of on-street parking; and
- The removal of the requirement for development to be constructed to plate height for the purpose of subdivision applications at the higher density code.

The rewording and inclusion of criteria the development must satisfy when considering development applications for dual coded areas. In such cases the lower density code will apply unless:

- The parent lot is at least 1000m<sup>2</sup> in areas; or
- The parent lot is has two or more frontages to a public road; or
- The parent lot is the only lot between two lots with two or more frontages to a public road; or
- The parent lot is the only lot between two lots where one or both of the adjoining lots have been developed at the higher dual density code; or
- The development is designed to accommodate a mixture of dwelling types and shall include two or more types of dwelling as defined by the R-Codes and at least one dwelling in the development is two storeys; and
- The development is designed with the due regard for any relevant Local Planning Policy or Design Guidelines for dual coded areas; and
- The development can be serviced by reticulated sewerage in accordance with the Government Sewerage Policy.

The inclusion of new wording specifically for subdivision applications that the City will recommend the lower density be applied unless:

- The parent lot is at least 1000m<sup>2</sup> in areas; or
- The parent lot has two or more frontages to a public road; or
- The parent lot is the only lot between two lots with two or more frontages to a public road; or
- The parent lot is the only lot between two lots where one or both of the adjoining lots have been developed at the higher dual density code; or

- The development is designed to accommodate a mixture of dwelling types and shall include two or more types of dwelling as defined by the R-Codes and at least one dwelling in the development is two storeys; and
- The development is designed with the due regard for any relevant Local Planning Policy or Design Guidelines for dual coded areas; and
- The development can be serviced by reticulated sewerage in accordance with the Government Sewerage Policy.

In relation to aged and dependent persons dwellings or single bedroom dwellings in accordance with the R-Codes within the dual density coded areas depicted on the Scheme Map, the additional density bonus under the R-Codes shall not be permitted at the higher density code unless the higher of the dual coding is R60.

The inclusion of the modified wording into the Scheme Amendment has been reflected in the proposed policy.

The City has included a clause within the Dual Density Design Guidelines which will recommend to the WAPC as part of subdivision referral for subdivision at the higher dual density coding, that a restrictive covenant be placed on title, requiring that any subsequent development on those lots comply with the requirements of the Dual Density Design Guidelines.

33. The community feedback provided during the public advertising period was generally positive with general support to the principles relating to the Dual Density Guidelines. It is acknowledged that the majority of respondents disagreed with the minimum 1,000m<sup>2</sup> lot size requirement for development. However, it should be noted that exemptions to this requirement have been introduced where the minimum lot size cannot be achieved. The community sought feedback regarding the status of Scheme Amendment 82, in which this Policy has been formulated to accord with the final provisions as specified by the WAPC. Following this feedback the City's officers have sought to develop a robust Policy which provides clarity and guidance whilst ensuring that the built form outcomes which will result from the Scheme Amendment 82 will accord with the City's strategic values as well as providing both social and environmental benefits to the community.
34. Following feedback from the community, only minor modifications to the Policy have been sought from the draft policy document which was previously endorsed by Council for public advertising in June 2017 (OCM 99/2017). Minor editing has been undertaken as well as the following changes:

**Clause 8.2 Dwelling Diversity**

Grouped Dwellings have been divided into two storey grouped dwellings and single storey grouped dwellings.

The reason for this change is to provide for the opportunity for R20/R30 dual coded properties to develop or subdivide their properties at less than 1,000m<sup>2</sup>, subject to compliance with the Dwelling Diversity Clause whereby at least one dwelling is required to be two storey and a mixture of housing types.

The advertised version of the Policy did not classify single storey and two storey grouped dwellings separately. The impact of which could have had the impact of restricting options for those who wish to retain an existing dwelling and build only one dwelling beside or behind that dwelling. This revision now rectifies this anomaly whereby a two storey and single storey grouped dwelling will be classified as different dwelling types and can satisfy the requirement for dwelling diversity.

35. **Clause 14.0 Sustainable Design Principles.**

This is a requirement for 3000ltr water tanks for lots 300m<sup>2</sup> or greater. A further provision has now been added to require a water tank to also be provided in multiple dwelling development scenarios at a ratio of 1 tank per 4 multiple dwellings.

The reason for the change is to accommodate the need for water tanks for buildings with more than one dwelling (multiple dwellings) whereby this scenario was not considered in the draft Policy.

36. **Clause 16.0 Multiple dwellings.**

This section of the policy has been modified following advice provided by the WAPC that they did not support the restriction on plot ratio provisions to 400m from activity centres. The WAPC stated the requirement would be overly restrictive and recommend its removal from this section of Scheme Amendment 82.

Due to this recommended modification to Scheme Amendment 82, the Policy has also been modified to reflect the deletion of this requirement. Clause 16 relates to a plot ratio method of calculating density as well as a plot ratio variance provision, which will allow incentive based development outcomes, subject to the provision of additional on-site amenities and full compliance with the requirements of the Policy and the deemed to comply provisions of the R-Codes.

37. Appendix 10 of the Policy has been removed as it replicates the same information contained in the adopted Planning Policy P-Dev-61, Retention and Upgrade of Grouped Dwellings, where it references the Dual Density Guidelines in the Policy document's appendices.

38. Noting the provision of Clause 7.3.1 of the R-Codes, the Policy will be referred to the WAPC for final approval.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Pursuant to Clause 4 (3) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, adopt the following policy with minor modification:  
P-DEV 54 – Dual Density Design Guidelines

2. Refers the adopted policy to the Western Australian Planning Commission for endorsement.

Moved:

Seconded:

Vote:



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

**10.2.4 Nominations for the City of Kalamunda Design Advisory Committee**

Previous Items	OCM 60/2017 OCM 46/2017
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	OR-CMA-16
<a href="#">Attachment 1</a>	Local Planning Policy P-DEV 60 – Design Advisory Committee's

**EXECUTIVE SUMMARY**

1. The purpose of this report is to advise Council for their information and noting of the proposed nominations to the Design Advisory Committee (DAC) and adopt an hourly fee for members.
2. During the expression of interest period, a total of seventeen nominations were received by the City of Kalamunda for membership of the DAC.
3. A total of seven members have been nominated to make up the membership of the DAC, which comprises five sitting members, and two alternate members. All seven members are considered to have an appropriate level of expertise and experience.
4. It is recommended that Council note the seven DAC members and adopt an hourly rate of \$200 (ex GST) per hour for each DAC members.

**BACKGROUND**

5. In November 2016, Council resolved (OCM 60/2016) to approve Scheme Amendment 84 to Local Planning Scheme No.3 (Scheme) to introduce provisions with the aim to establish DAC's.
6. In July 2017, Council resolved (OCM 46/2017) to adopt Local Planning Policy P-DEV 60 Design Advisory Committees. The intent of the policy is to compliment the adopted Scheme Amendment 84 provisions to create DACs, in order to guide the types of applications and matters to be considered by the DAC in more detail. The policy outlines the process for advertising, recruiting and operating the DAC, as well as stating expectations of the DAC itself.

**DETAILS**

7. The DAC panel will be established comprising a total of seven members, five of which are appointed to sit on the DAC, and two deputy members have been selected as standby members in the event that any of the five sitting members are unavailable. Each of the DAC panel members are community representatives and/or technical experts. From the panel a Chair, Deputy Chair will be appointed.

8. A total of seventeen nominations to the DAC were received by the City. Each of the nominee's applications were reviewed and assessed against the nominated selection criteria. From the section process the following nominees have been selected:

**Sitting Members:**

**Chris Melsom**

- 30 years' experience in planning, architecture and urban design in Western Australia and internationally.
- Qualified and registered Town Planner and Architect.
- Demonstrated experience in contemporary architectural design and urban design.
- Demonstrated expertise in design review, design critique and the provision of advice on design quality issues.

**Carmel Van Ruth**

- 20 years' experience as a qualified Architect.
- Currently working as a Senior Architect for the Office of the Government Architect.
- Past Chair and current member of the City of Vincent Design Advisory Committee.
- Extensive experience in the development and review of design review documents, i.e. Design WA suite of policies.

**David Barr**

- 14 years' experience in Architecture and Planning.
- Qualified and registered Architect,
- Extensive experience in the development and review of design documents, i.e. Design WA.
- Contemporary experience in large residential development.

**Jurg Hunziker**

- 30 years' experience in Architecture both local and international.
- Qualified and registered Architect.
- Extensive experience in design reviews and membership of design review committees.
- Contemporary experience in numerous complex design and construction projects.

**Ross Montgomery**

- 25 years' experience as Town Planner in a variety of government and non-government organisations.
- Qualified and certified Town Planner and Landscape Architect.
- Past member of the City of Perth Design Advisory Committee.
- Contemporary experience in urban design planning projects.

**The following two (2) alternate members have been selected:**

**Patrick Beale**

- 40 years' experience in architecture and urban design, both locally and internationally.

- Extensive experience in research and academia, more recently at University of Western Australia.
- Specialises in timber design and construction.

**Ian Molyneux**

- Architectural qualifications, Registered Architect (non-practising).
- Extensive past experience dating back to 1965.
- Variety of positions of employment and fields of expertise, exposure to diverse range of residential, commercial and industrial projects.
- Extensive experience in heritage conservation.

**STATUTORY AND LEGAL CONSIDERATIONS**

9. Clause 10.3 – Advisory Committees of the Scheme details provisions pertaining to the establishment of DAC’s.

**POLICY CONSIDERATIONS**

10. Local Planning Policy P-DEV 60 establishes provisions pertaining DAC’s as follows:
- Appointment and Termination of Membership and selection criteria requirements;
  - Operational Funding and Remuneration;
  - Code of Conduct; and
  - Attendance and Quorum.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

11. Nil

**External Referrals**

12. Nil

**FINANCIAL CONSIDERATIONS**

13. In regard to recommended remuneration for sitting members, the City’s Officers sought advice from the Office of the Government Architect, who provided information on other existing Local Government DAC sitting fees, and recommended a range of \$200 to \$250 per hour (ex. GST). Based on the information received, it is recommended that the City establishes a sitting fee of \$200 plus GST (totalling \$220), which represents an average of the sitting fees of other Local Government DACs.
14. Costs associated with the operation of the DAC will be allocated through the quarterly budget process. It is anticipated that each DAC will operate for a maximum of three hours. The DAC is proposed to meet on an adhoc basis, with a maximum meeting of one per month. The sitting fee will be reviewed in conjunction with the annual review of the City’s schedule of fees and charges.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

16. The appointment of suitably qualified and experienced committee members will enable the appropriate level of design advice and review to development proposal of significance to the City and community.

### Economic Implications

17. The appointment of suitably qualified and experienced committee members will give greater certainty to developers, City staff and the elected members that proposals are of a high design quality.

### Environmental Implications

18. The nominated committee members have a wide range of skill sets that can be applied to both the built form design in terms of sustainability, and also from a landscape perspective.

## RISK MANAGEMENT CONSIDERATIONS

19. 

<b>Risk:</b> The nominated committee members do not have necessary technical skills and experience to be an effective member of the DAC.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Major	High
<b>Action/ Strategy</b>		
The selection criteria applied will ensure members appointed will have the necessary credentials to ensure the DAC is an effective committee.		

- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Council does not support the DAC   |                    |               |
| <b>Likelihood:</b>  | <b>Consequence</b> | <b>Rating</b> |
| Rare  | Major              | High          |
| <b>Action/ Strategy</b>   |                    |               |
| Ensure Council is aware, that Scheme amendment 84 and Local Planning Policy P- DEV 60 were adopted by Council to establish and guide how DAC's would operate. |                    |               |

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**OFFICER COMMENT**

20. The nominated seven members to the DAC, have demonstrated they have the relevant contemporary experience and expertise in Architecture and Planning to give fair, reasoned and non-biased advice on all matters referred to the DAC.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Notes that the following nominees are appointed to the City of Kalamunda Design Advisory Committee:

Sitting Members:

- Chris Melsom
- Carmel Van Ruth
- David Barr
- Jurg Hunziker
- Ross Montgomery

Alternate Members:

- Patrick Beale
- Ian Molyneux

2. Adopts the sitting fee of \$200 (ex GST) per hour for Design Advisory Committee members.

Moved:

Seconded:

Vote:

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

**10.2.5 Proposed Home Business (Vibrosauna) – Lot 773 (71) Pavetta Crescent, Forrestfield**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	PV-01/071
Applicant	Susan Dawn Thomas
Owner	Susan Dawn Thomas

<a href="#">Attachment 1</a>	Initial Applicant Submission
<a href="#">Attachment 2</a>	Site Plan
<a href="#">Attachment 3</a>	Floor Plan
<a href="#">Attachment 4</a>	Submitters Table
Attachment 5	Confidential Submitters Map
	<i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (b) – "the Personal Affairs of any person."</i>

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed Home Business (Vibration Sauna Bed) at Lot 773 (71) Pavetta Crescent, Forrestfield.
2. The applicant is anticipating a maximum of one person at any given time, six persons per day on weekdays and four persons per day on a Saturday.
3. The application was advertised in accordance with the City's P-DEV 45 Public Notification of Planning Proposals. Over the course of the advertising a total of one objection and six non-objections to the proposal were received. The single objection raised concerns regarding noise and security related issues.
4. It is recommended to approve the application of the home business, subject to appropriate conditions.

**BACKGROUND**

5. Land Details:

Land Area:	716m2
Local Planning Scheme Zone:	R20
Metropolitan Region Scheme Zone:	Urban



## DETAILS

6. The applicant is seeking approval to operate a home business from the subject property. As part of the home business the applicant intends to provide the vibrating massage and dry heat bed "vibrosauna" to clients. The purpose of the vibrosauna is to relieve pain and lose weight simultaneously. The machine is operated by the client (refer to Attachment 1 for further details).
7. The home business is proposed to operate from Monday to Saturday, between the hours of 10am-7pm (weekdays) and 9am-1pm (Saturday). A maximum of six persons per day on weekdays and four persons per day on a Saturday.
8. The home business will be conducted from a bedroom inside the existing dwelling where the machine will be located. The room is approximately 12 square metres in size (refer to Attachments 2 and 3 for plans).

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

9. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No.9 (Scheme) states that the objectives of the Residential zone are as follows:
  - To provide primarily for single residential development whilst allowing for a range of 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.

10. Under the Scheme, a home business is defined as follows:

**“home business”** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which-

- a) Does not employ more than 2 people not members of the occupier’s household;
- b) Will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) Does not occupy an area greater than 50 square metres;
- d) Does not involve the retail sale, display or hire of goods of any nature;
- e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, and
- f) Does not involve the use of an essential service of greater capacity than normally required in the zone.”

11. Under the Scheme, ‘Home Business’ is an ‘A’ use, meaning 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 of the Scheme.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

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

### **POLICY CONSIDERATIONS**

13. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

14. The proposal was referred to the City’s Environmental Health department for their assessment and comment. The Environmental Health department reviewed the proposal and determined that they had no concerns regarding the proposal and therefore no conditions are required.



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## **External Referrals**

15. The proposal was advertised for a period of 14 days in accordance with the City's P-DEV 45 - Public Notification of Planning Proposals. As part of the advertising letters were sent to surrounding neighbours inviting comment. Over the course of the advertising a total of one objection and six non-objections to the proposal were received. (Attachment 4).
16. The following concerns were raised as part of the objection:
  - Noise; and
  - Security
17. The concerns raised are addressed in the officer comment section of this report.

## **FINANCIAL CONSIDERATIONS**

18. Nil

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

19. Kalamunda Advancing: Strategic Community Plan to 2027  
  
OBJECTIVE 3.1: To plan for sustainable population growth.  
Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## **SUSTAINABILITY**

### **Social Implications**

20. An increase in the number of persons visiting the site may have an impact upon the amenity of the surrounding properties.
21. The proposed vibrosauna provides an opportunity for people in the community to relieve ongoing muscular pain and improve their physical health.

### **Economic Implications**

22. Nil.

### **Environmental Implications**

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.

<b>Risk:</b> The amenity of the area is unduly affected.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Ensure that conditions are imposed stipulating maximum number of patrons to attend the site at any one time and that all parking is to be contained on site.		

## OFFICER COMMENT

25. The proposal is compliant with the requirements of a Home Business under the Scheme. The very nature of this type of land use activity, being of a small scale, and maximum one patron at any given time and maximum six persons per day, and also the activity being relatively benign, suggests that amenity impacts to the surrounding residential areas from people and vehicles attending the site are unlikely.
26. Concerns raised regarding noise and security are noted. However given that the machine itself makes very little to no noise and only one person will be attending site at any given time, these concerns are addressed.

<b>Voting Requirements: Simple Majority</b>
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## RECOMMENDATION

That Council:

1. Approves the application for a Home Business (Vibrosauna) at Lot 773 (71) Pavetta Crescent, Forrestfield subject to the following conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) The activity is to comply with the Council's definition of a Home Business as set out under Local Planning Scheme No.3.
  - c) Patrons are to attend the site by appointment only.
  - d) Approved hours of operation are to be Monday to Friday between 10am and 6pm, and between 9am and 1pm on Saturday.
  - e) A maximum of six (6) persons per day on weekdays and four (4) persons per day on Saturday shall attend the site.
  - f) All parking is to be contained to the existing driveway on the property.

Moved:

Seconded:

Vote:

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

**10.2.6. Proposed Telecommunications Monopole and Infrastructure – Lot 22 (120) Wittenoom Road, High Wycombe**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	WT-05/120
Applicant	Servicestream
Owner	High Wycombe Land Pty Ltd

<a href="#">Attachment 1</a>	Site Plan
<a href="#">Attachment 2</a>	Elevation Plan
<a href="#">Attachment 3</a>	Site Photos
<a href="#">Attachment 4</a>	Summary of Drop in Session
<a href="#">Attachment 5</a>	Submitters Table
<a href="#">Attachment 6</a>	Coverage Gap Map
<a href="#">Attachment 7</a>	Alternative Locations Considered
Attachment 8	Confidential Submitters Map

*Reason for Confidentiality:  
Local Government Act  
1995 S5.23 (2) (b) – "the  
personal affairs of any  
person."*

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a development application for a proposed telecommunications monopole and associated infrastructure at Lot 22 (120) Wittenoom Road, High Wycombe (Site).
2. The applicant is proposing to replace an existing 10m high light pole with a new 25m high light pole with aerial attachments and associated infrastructure. The location of the proposed telecommunications infrastructure comprises part of the Wittenoom Road Shopping Centre.
3. The application was advertised in accordance with the City's P-DEV 45 - Public Notification of Planning Proposals. Over the course of the advertising a total of two objections and five non-objection to the proposal were received. Perth Airport was also contacted to provide comment and raised no objection to the proposal.
4. It is recommended to approve the application for the telecommunications infrastructure, subject to appropriate conditions.

## BACKGROUND

### 5. Land Details:

Land Area:	2.07ha
Local Planning Scheme Zone:	Commercial
Metropolitan Regional Scheme Zone:	Urban



## DETAILS

6. The applicant is seeking approval to replace an existing 10m high light pole at the Lot 22 (120) Wittenoom Road, High Wycombe with the following development (Attachments 1 and 2):
  - One new 25m high monopole with attached telecommunications infrastructure, including three panel antennas within a turret; and
  - Associated ground based support infrastructure.
7. The monopole will be located at the northern portion of the lot, as indicated on the above locality plan. The site currently comprises an existing shopping centre and associated parking located on the Site. The surrounding area to the north and west is predominantly industrial/commercial, with residential development located to the south-east, (Attachment 3). A child care centre is located adjacent to the Site at 130 Wittenoom Road.
8. The applicant states as part of documents included that the telecommunications monopole is required to comply with the *Industry Code on the Deployment of Mobile Telephone Network Infrastructure* (the Codes), and that the company that would operate the telecommunications tower has chosen the proposed Site

in accordance with the Codes, and the design of the structure is in line with the Codes.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

9. Under the Scheme telecommunications infrastructure is defined as follows:

***"telecommunications infrastructure"*** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, on or in connection with a telecommunications network"

10. Under the provisions of the Local Planning Scheme No. 3 (Scheme) the subject site is zoned 'Commercial'. 'Telecommunications Infrastructure' is a 'D' use, meaning the use is not permitted unless the local government has exercised its discretion by granting planning approval.

11. Clause 4.2.3 (Objectives of the Zones – Commercial) of the Scheme No. 3 (the Scheme) states that the objectives of the Commercial zone are as follows:

- *To serve the needs of a localised area in providing for local shopping facilities, businesses, 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.*

12. 'Table 2 – Site Requirements' of the Scheme outlines development requirements for proposals within the Commercial zone as follows:

<b>LPS3 Table 2 Requirement (Commercial Zone)</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies Yes/No</b>
Setback Front (Wittenoom Road)	15m	120m (minimum)	Yes
Setback Minor Street (Dundas Road)	3m	30m to nearest point	Yes
Side Setback (East)	0m	N/A (Covered by Minor Street)	Yes
Side Setback (West)	0m	N/A	Yes
Setback Rear	0m	N/A	Yes

Site Coverage	60%	<60%	Yes
Plot Ratio	0.6	N/A	N/A
Landscaping Strip	3m	Existing Strip Remains	Yes

### Planning and Development (Local Planning Schemes) Regulations 2015

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

### POLICY CONSIDERATIONS

#### State Planning Policy 5.2 – Telecommunications Infrastructure

14. State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2) aims to balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas. Using a set of land use planning policy measures, the policy intends to provide clear guidance pertaining to the siting, location and design of telecommunications infrastructure.

15. In respect to Electromagnetic Emissions (EME), SPP 5.2 states as follows:

*"The use of mobile telephones has raised public concern about possible health issues associated with exposure to electromagnetic emissions. However, telecommunications carriers must comply with the Australian Communications and Media Authority (ACMA) Radio communications Licence Conditions (Apparatus Licence) Determination 2003. These licence conditions make mandatory the limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) Radiofrequency (RF) Standard which sets limits for human exposure to RF electromagnetic fields from all sources, including telecommunications infrastructure. ARPANSA is the primary Commonwealth agency responsible for protecting the health and safety of people and the environment from the harmful effects of radiation.*

*Measurement surveys undertaken by ARPANSA demonstrate that environmental radiofrequency levels near base stations for the mobile telephone network are extremely low. The ARPANSA surveys reported that typical exposures to radiofrequency fields were well below one per cent of the Standard's public exposure limits. It concluded that "given the very low levels recorded and the relatively low power of these types of transmitters, it is*

*unlikely that the radiofrequency radiation from base stations would cause any adverse health effects, based on current medical research”.*

*Standards set by ARPANSA incorporate substantial safety margins to address human health and safety matters; therefore it is not within the scope of this Policy to address health and safety matters. Based on ARPANSA’s findings, setback distances for telecommunications infrastructure are not to be set out in local planning schemes or local planning policies to address health or safety standards for human exposure to electromagnetic emissions.”*

16. In reference to the visual impact and siting of the telecommunications infrastructure, SSP 5.2 contains several planning principles to be considered, which are detailed as follows:
- Located where the facility will not be prominently visible from significant viewing locations, such as scenic routes, lookouts, and recreation centres;
  - Located so as to avoid detracting from a significant view of a landmark, streetscape, vista or panorama, whether viewed from public or private land;
  - Not be located on sites where environmental, cultural heritage, social and visual landscape values may be compromised;
  - Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;
  - Located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and
  - Facilities should be co-located whenever possible.

### **Local Planning Policy P-DEV 52 – Telecommunications Infrastructure**

17. The objectives of P-DEV 52 are as follows:

*“The City recognises the importance of telecommunications infrastructure to provide an appropriate level of telecommunication coverage for the local community. The City also recognises that some telecommunications infrastructure, particularly mobile telephone towers, can be visually obtrusive. This policy supports low-impact facilities, and opposes other telecommunications infrastructure that would have a significant adverse visual impact.”*

18. P-DEV 52 recognises that the City is not in a position to consider the alleged public health impacts of telecommunications infrastructure when determining an application for development approval. National and international health authorities have determined that these facilities do not have major health impacts.
19. In considering an application for development approval, in particular the visual impact of the facility, P-DEV-52 recommends that regard be given to the provisions of the Scheme and SPP 5.2. In this respect, development approval may be refused where the City is of the opinion that the proposed facility would have a significant adverse visual impact.

Alternatively, the City may grant development approval conditional upon appropriate modifications to minimise the adverse visual impact.

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## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

20. The proposal was referred to internal departments who were invited to comment on the proposal or request that the proposal be referred to them for formal assessment. No concerns were raised by the City's Building, Health, Environment or Assets departments, and so the application was not formally referred internally.

### **External Referrals**

21. The proposal was advertised in accordance with the City's Local Planning Policy P-DEV 45 Public Notification of Planning Proposals for a period of 28 days. As part of the advertising, letters were sent to surrounding neighbours to a radius of 800m inviting comment, with a total of 1058 properties advertised to. A sign was also erected on site for the duration of the advertising period, as well as notification and plans of the proposal being displayed on the City's website and social media platforms.

The applicant also organised a community drop-in session as part of the proposal, where members of the public were invited to attend and ask questions or comment on the proposal. A summary of the evening has been provided as Attachment 4.

22. In addition to this, and due to the proximity of the airport, the City referred the proposal to Perth Airport for their assessment and comment. Perth Airport returned no objection to the proposal.
23. During the advertising period a total of seven responses were received, comprising of five (5) non-objections and two objections, (Attachment 5).
24. The following key concerns were raised as part of the objection:
- a) The proposal is too close to housing and schools in the area and would be better suited in an industrial area.
  - b) The phone tower will release carcinogens and is not safe to live near.
  - c) The phone tower should be closer to the airport.
25. The concerns raised are addressed in the officer comment section of this report.

## **FINANCIAL CONSIDERATIONS**

26. In the event that Council resolves to refuse the application, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal. Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

## SUSTAINABILITY

### Social Implications

28. An increase in mobile phone coverage within the area will assist the local community in this regard.

29. The presence of the mobile phone tower may make individuals who believe that they are hazardous to the health of the community uncomfortable with being in the area, and may lead to complaints to the City.

### Economic Implications

30. The proposal would facilitate improved wireless network coverage to the High Wycombe area and surrounds, which will support business, emergency services and the community generally. Refer Attachment 6 regarding current gaps in the network coverage of the area.

### Environmental Implications

31. Nil.

## RISK MANAGEMENT CONSIDERATIONS

32.	<b>Risk:</b> The visual amenity of the area is unduly affected.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/ Strategy</b> Ensure that the facility is appropriately located and designed so as to minimise undue impacts on visual amenity.		

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## OFFICER COMMENT

33. In regard to the concerns raised during the advertising period, the following is noted:

**Potential health issues resulting in exposure to EME:**

As noted above, the City of Kalamunda is not technically able to consider the alleged health impacts of the telecommunications infrastructure when determining an application for development approval.

**Other locations would be more appropriate:**

As part of the site selection process a number of different locations were assessed by the applicant. These alternate locations and the reasons that they were not selected for the monopole can be noted in Attachment 7.

**Proximity of the telecommunication infrastructure to Schools and Housing:**

The telecommunication infrastructure is located in the north west portion of the site, approximately 722m to the south west of the Matthew Gibney School in High Wycombe, approximately 150m to the west of residential houses situated on Wittenoom Road and approximately 143m to the existing child care premises on Wittenoom Road. The positioning of the telecommunications infrastructure has been chosen to maximise continuous network coverage for the local community, and to provide maximum separation to the aforementioned land uses.

34. From a planning perspective, the proposal is considered to be compliant with the provisions of the Scheme and associated P-DEV-52 and SSP 5.2. With respect to the potential visual amenity impact of the proposal, the proposed monopole replaces an existing 10m high light pole and will be located in an area of the commercial centre adjacent to an existing industrial/commercial development well removed from residential development on Wittenoom Road. Moreover, the proposed monopole has been designed to blend in with existing light poles in the commercial area. The visual impact of the proposal is considered to comply with SPP 5.2 policy measures and the objectives of P-DEV-52.

<b>Voting Requirements: Simple Majority</b>
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## RECOMMENDATION

That Council:

1. Approves the development application for a Telecommunications Monopole and associated Infrastructure at Lot 22 (120) Wittenoom Road, High Wycombe, subject to the following conditions:
  - a. The development shall be carried out only in accordance with the terms of this approval, and any approved plan.
  - b. The building materials shall be of a colour that matches with the surrounding and existing light poles.
  - c. No building materials, rubbish or any other matter shall remain on the site after construction of the development is completed to the satisfaction of the City of Kalamunda.

Moved:

Seconded:

Vote:

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

**10.2.7 Proposed Restaurant – Lot 44 (101) Union Road, Carmel**

Previous Items	Nil.
Responsible Officer	Director Development Services
Service Area	Approval Services
File Reference	UN-01/101 & DA16/0060
Applicant	Anthony Sclanders
Owner	Rodney Sclanders, Maxinne Sclanders and Anthony Sclanders
<a href="#">Attachment 1</a>	Development Plans
<a href="#">Attachment 2</a>	Site Photographs
<a href="#">Attachment 3</a>	Applicant's Water Management Plan
<a href="#">Attachment 4</a>	Applicant's Bushfire Management and Evacuation Plan
<a href="#">Attachment 5</a>	Submission Table
Attachment 6	Confidential Attachment – Submitters Map
	<i>Reason for confidentiality:</i>
	<i>Local Government Act 1995 S5.23 (2) (b) – "the personal affairs of any person;"</i>

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a planning application for alterations to, and the use of, the existing building in the south-east portion of Lot 44 (101) Union Road, Carmel, for use as a restaurant with a maximum seating capacity of 50 people.
2. During advertising of the proposal, the City received three non-objections, one comment, and six objections to the proposal. The objections raised the following key planning concerns:
  - a) Increases of traffic down Union Road;
  - b) Noise impacts from the proposal; and
  - c) Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site.

A full summary of submissions is provided in Attachment 5.
3. In summary, the proposal is considered to be a positive initiative to facilitate additional tourism activity in the area and represents a relatively small scale restaurant use that is unlikely to significantly affect the amenity of the area and surrounding properties.
4. Issues surrounding bushfire risk and impacts on the environmental values of the area are considered to be addressed by the applicant, and through recommended conditions of planning approval.
5. It is recommended that the application be approved subject to appropriate conditions.

## BACKGROUND

### 6. Land Details:

Land Area:	8.81 hectares (88,127m <sup>2</sup> )
Local Planning Scheme Zone:	Rural Agriculture
Metropolitan Regional Scheme Zone:	Rural

### 7. Locality Plan



8. The subject site is approximately 8.8 hectares in size and contains a dwelling, caretakers dwelling and outbuildings, including the building the subject of this report in the south east portion of the site adjacent to Union Road.
9. The frontage to Union Road is approximately 200m wide with the building that is the subject of this application located in a central location of the frontage. Approximately half of the site (the south-eastern half) is used for a vineyard and open paddocks, the north eastern half comprises bushland.
10. This site is located on a minor tributary of the Piesse Gully with a single creek line/drain traversing the site. The surrounding area is characterised as a mixture of larger rural landholdings varying in size, and smaller residential lots of approximately 2,000m<sup>2</sup>. The adjoining site to the south at 60 Carmel Road East is currently used as a winery and cellar door.
11. In March 1991, planning approval was granted to clear two hectares of orchards to establish a winery at the Site, which allowed for wine tasting and sale of wine for off site consumption. The City's records indicate that wine tastings have historically been carried out from the existing stone winery building in the south-east portion of the site (Attachment 2), which is the

same building that is proposed to be converted into a restaurant as part of this application.

## DETAILS

12. The following summarises the key aspects of the proposal:
- Alterations to, and the use of, an existing 142.6m<sup>2</sup> building in the south-east portion of the site, which has previously been used for cellar door tasting and sales;
  - The proposed restaurant would incorporate a maximum of five employees and a seating capacity of 50 people at any given time;
  - The restaurant is proposed to serve tea/coffee, cakes and light snacks, in addition to the existing cellar door activities occurring on site;
  - Hours of operation are proposed to be 9:00am to 5:00pm, Friday to Sunday (including public holidays); and
  - Upgrades to the site including a commercial kitchen, car parking and toilet facilities.

13. In support of the proposal, the applicant submitted the following justification (in part):

*"My intention is to only be open during the day and operate as a tearoom serving tea, cakes, coffee and light snacks. We have an internationally recognised chef on board and intend to make everything onsite and bring something different and of the highest quality to the area."*

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No. 3

14. Under the Scheme, the proposal is considered to fall within the Restaurant use class, which is defined as follows:

*"**Restaurant** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons and the term shall include a licensed restaurant."*

15. Restaurant is classified as an 'A' (advertise) use in the Rural Agriculture zone, which means that the use is not permitted unless planning approval is granted after advertising the proposal.

16. Clause 4.2.2 Objectives of the Zones – Rural of the Scheme states that the objectives of the Rural Agriculture zone are:

- To protect and maintain the hills horticultural industry.
- To ensure the conservation of soil and water resources important to the wellbeing of the horticulture industry.
- Ensure that land uses, activities and land management practices are consistent with natural resources conservation and are compatible with public water supply objectives.
- To limit the amount of subdivision supported to that which complies with the subdivisional land use and development requirements of the zone.
- To conserve the physical and visual environment of the area.

- Encourage the reduction of bush fire hazard.

### **Planning and Development (Local Planning Schemes) Regulations 2015**

17. In considering an application for development approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires that Council give due regard to a number of matters, including:
- a) Any approved State planning policy;
  - b) Any local planning policy for the Scheme area;
  - c) the compatibility of the development within its setting;
  - d) amenity of the locality;
  - e) The likely effect of the development on the natural environment or water resources;
  - f) The suitability of the land for the development taking into account the possible risk of bushfire;
  - g) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
  - h) The history of the site where the development is to be located;
  - i) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
  - j) Any submissions received on the application;
  - k) The comments or submissions received from any authority consulted; and
  - l) Any other planning considerations.
18. If Council refuses the development application, or imposes conditions that are not acceptable to the applicant, there is a Right of Review (appeal) to the State Administrative Tribunal.

### **POLICY CONSIDERATIONS**

#### **State Planning Policy 2.7 – Public Drinking Water Source Policy (Western Australian Planning Commission)**

19. The key objective of State Planning Policy 2.7 (SPP 2.7) is to ensure that land use and development within the Public Drinking Water Source Area (PDWSA) is compatible with the protection and long-term management of water resources for public drinking water supply.
20. Under SPP 2.7, the subject site is located within a Priority 2 PDWSA, which is declared over land where low-risk development already exists. This classification is defined to ensure that there is no increased risk of pollution to the water source as a result of land use or development.

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**Water Quality Protection Note – Land Use Compatibility in Public Drinking Water Source Areas (Department of Water and Environmental Regulation)**

21. The Department of Water's (now known as the Department of Water and Environmental Regulation) Water Quality Protection Note – Land Use Compatibility in PDWSA provides advice on the acceptability of land uses and activities within PDWSA areas.
22. This policy stipulates that a Priority 2 PDWSA is managed to ensure that there is no increased risk of water source contamination, and that these areas are to include low risk land development.
23. Restaurants are listed as incompatible within P2 PDWSA areas. However, an exception has been made for the Middle Helena Catchment in the acknowledgement of the City's objective to promote tourism in the area. The exception is subject to limitations on the scale of proposed developments and the implementation of best management practices, particularly with respect to on-site wastewater disposal system, use of grease traps and appropriate stormwater management.
24. Given the additional requirements that apply within a PDWSA, the applicant lodged a water management plan to support the proposal (Attachment 3).
25. The City referred the application to the Department of Water during assessment, a full summary of the response is provided below in the External Referral section of the report.

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

26. The subject site falls within a Bushfire Prone Area, which means the proposed development is required to comply with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7). The intent of SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas, is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
27. The application was referred to the Department of Fire and Emergency Services on the 17 July 2017 because the proposed restaurant was initially deemed a 'vulnerable land use'. However, in August 2017 the Department of Planning released version 1.2 of the Guidelines for Planning in Bushfire Prone Areas, which clarifies the definition of vulnerable land uses. Using the current definition, the proposed restaurant would not be a 'vulnerable land use'. As such, DFES's comments are no longer required to make a decision on the subject development. The ultimate decision regarding compliance with SPP 3.7 in this instance now rests with the City. Notwithstanding the changes to SPP 3.7, in this instance, given the timing of the changes, comments were still received from DFES to the proposal.



28. As per the requirements of SPP 3.7, the applicant lodged a Bushfire Management and Evacuation Plan (Attachment 4). With the exception of A3.1 two access routes, the proposal is, or with the implementation of the Bushfire Management Plan is capable of, being compliant with the bushfire protection criteria. Clause A3.1 requires the provision of two different vehicular access routes, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions. The established interpretation of the Guidelines is that a proposal should not allow a subdivision or development to include a dead-end road that is greater than 200m from an intersection that provides two access routes.

29. In regard to the two access routes requirement, the applicant's consultant submitted as follows in the Bushfire Management Plan:

*"The subject portion of Union Road is a cul-de-sac. The distance to the proposed development from a place of 2 way access and egress directions is approximately 280 metres. However, its design is a legacy issue, being created prior to the enacting of the bushfire provisions.*

*The time to travel 280 metres at 40 km/hr is approximately 25 seconds along a relatively flat road with one 30 degree bend.*

*The greater portion of the route is either managed gardens and vineyards or Grassland areas where the residence time of a bushfire would be short. There are some small areas of Woodland along the route where the residence time of a bushfire would be 3-5 minutes. The bushfire hazard level along this route would be considered low to moderate.*

*The outcome is that the level of personal safety risk that exists from the cul-de-sac as part of the proposed access/egress route to two different destinations is low to moderate and therefore acceptable and able to meet the intent of this element."*

30. In order to satisfy the requirements of Clause A3.1 of SPP 3.7 subsequent to further discussions with the City, the applicant has indicated a willingness to construct an emergency access way parallel to Union Road in the south-east corner of the site, to achieve an access point that is within 200m of the corner of Union Road and Carmel Road East.

#### **Local Planning Policy P-DEV 47 – Effluent Disposal from Agri-tourist Development in the Middle Helena Catchment Area (City of Kalamunda)**

31. P-DEV 47 provides requirements relating to effluent disposal systems for restaurant land uses in the Middle Helena Catchment Area.

32. The general provisions of P-DEV 47 requires that a waste water system shall not be located within 100m of a waterway or other water body including dams and wetlands, however this may be reduced through a secondary treatment system (such as an Aerobic Treatment Unit) with proven nutrient retention performance. With a view of meeting the objectives of P-DEV 47, the applicant proposes to install conventional septic tanks and leach drains, however pump effluent to the disposal area which will be located on the western portion of the site over 100m away from the creek line and dam.

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## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

33. The application was referred to the City's Assets and Environmental Health teams for comment. The comments received are detailed below:
34. Assets  
Assets advised they had no objection to the proposal subject to appropriate conditions in respect to vehicle parking, crossovers and the requirement for a Transport Impact Assessment being undertaken by the applicant.
35. Environmental Health  
Environmental Health advised they had no objection to the proposal subject to appropriate conditions in respect to effluent disposal and food business registration.

### External Referrals

#### Department of Water

36. The DoW provided the following comments in regard to the proposal:
- "The DoW is generally satisfied with the Management Plan for the site. However, the DoW notes that two options for wastewater treatment has been discussed in the plan. At this stage of the planning approval, the DoW requires clarification on the preferred wastewater treatment system for the proposed development. Please also note the DoW strongly recommends the use of ATUs in Public Drinking Water Source Area Catchments.*
- In addition to this, the existing waterway on the site is highly degraded. Proposed rehabilitation works should therefore be included as part of the Water Management Plan to reduce erosion and maintain and/or improve water quality."*
37. In respect to existing waterway traversing the property, it is not considered that the proposed use will significantly increase flow levels and result in further degradation to the creek. Therefore, conditions requiring rehabilitation are not considered to reasonably relate to the application under consideration and should not be included as conditions.
38. Regarding the recommendation from the DoW to install an Aerobic Treatment Unit, as mentioned above, the applicant proposes to install conventional septic tanks and leach drains, however pump effluent to the disposal area which will be located on the western portion of the site over 100m away from the creek line and dam.

Department of Fire and Emergency Services

39. The Department of Fire and Emergency Services provided the following general comments:

*"It is noted that the City of Kalamunda (City) have referred this proposal to DFES given the proposed development is for a restaurant, which the City has considered to be a vulnerable land use. In August 2017, the Guidelines Version 1.2 was published which provides clearer definitions of what constitutes a vulnerable land use that the City may like to consider.*

*It is stated within the BMP that the development does not comply with the acceptable solution for Element 3: Vehicle Access. It should be noted that to demonstrate compliance to a performance principle, the performance principle based solution(s) must provide substantiated evidence and be referred to DFES to provide formal, technical fire-related advice used to help guide decision-making.*

*This evidence should clearly demonstrate/document how the proposal, product, design or material can meet or exceed the intent and performance principle of the element, and more broadly, the objectives of the SPP.*

*The following submission requirements apply for all performance principle based solution(s):*

- *A statement of the extent to which the proposed principle based solution(s) conforms with, or deviates from the acceptable solution(s);*
- *Evidence including calculations and diagrams to support how the use of a material, form of construction or design achieves the performance principle(s);*
- *Verification methods such as a test, inspection, calculation or other method that determines whether a principle based solution(s) complies with the relevant performance principle(s). All verification methods must be acceptable to DFES.*

*It is acknowledged that the building already exists at this location and the application is for a change of land use. Consequently, there is little influence DFES can advocate in relation to the application of the bushfire protection criteria for the existing development. The below assessment of compliance to SPP 3.7 is provided to aid decision making.*

<i>Element of Bushfire Protection Criteria</i>	<i>Assessment</i>
<i>Vehicular access</i>	<i>Union Road is a dead end road and the proposed development is situated approximately 300 metres from the intersection with Carmel Road East. Cul-de-sacs and dead end roads are to be avoided in bushfire prone areas and the maximum allowable length is 200 metres.</i>
	<i>DFES does not accept the performance principle based solution meets the intent of Element 3: Vehicular Access. Section 7.4 states that "the</i>

	<p><i>greater portion of the route is either managed gardens and vineyards or Grassland areas where the residence time of a bushfire would be short. There are some small areas of Woodland along the route where the residence time of a bushfire will be approximately 3-5 minutes. The bushfire hazard level along this route would be considered low to moderate.”</i></p> <p>The performance principle based solution within the submitted BMP assesses the vegetation along the access route as being a low to moderate risk. Substantiated evidence (such a peer-reviewed studies/reports) has not been provided to justify or support this conclusion. Furthermore, the proposal does not address the impact of smoke, flame and radiant heat on life and property, which will be present under this scenario.</p>
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*It is acknowledged that this site has been developed prior to the introduction of the bushfire policy framework. Should the decision maker be of a mind to approve the proposal the above assessment of compliance with the bushfire protection criteria is provided to aid decision making.”*

#### Community Consultation

40. The application was initially advertised to nine nearby property owners by letter in February 2016 for a period of 14 days, and further advertising was undertaken to six additional property owners by letter in May 2017 to extend the notification distance from the subject site.
41. During the advertising period, the City received three non-objections, one comment, and six objections to the proposal.
42. The key planning concerns raised during advertising are summarised as follows:
  - a) Increases of traffic down Union Road;
  - b) Noise impacts from the proposal; and
  - c) Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site.

The above concerns are discussed in the officer comment section of the report and in Attachment 5.

#### **FINANCIAL CONSIDERATIONS**

43. In the event that Council resolves to refuse the application, or impose conditions that are not acceptable to the applicant, it is anticipated that the proponent will appeal the decision to the State Administrative Tribunal (SAT). Notwithstanding Council has its own legal counsel, there may be costs incurred in the City engaging expert planning witnesses, which could be in the vicinity of \$20,000.

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## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

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.

OBJECTIVE 3.1: To plan for sustainable population growth.

Strategy 3.1.1 Plan for diverse housing, facilities and industry to meet changing social and economic needs.

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**

45. Consideration should be given to whether the proposed restaurant is acceptable having regard to the potential amenity impacts of the restaurant on the immediate locality.

### **Economic Implications**

46. The Hill Rural Study (2014) was prepared to identify and address future requirements relating to land use, horticulture/agriculture, and environmental, economic and social issues in the study area. The proposal is consistent with the objectives of the study in facilitating new revenue opportunities and diversification of land uses, including tourism based ventures.
47. *Kalamunda Advancing 2027: Strategic Community Plan* included developing and marketing the City as a tourist destination as a valuable strategy in for generating economic activity. An important part of this strategy is to support rural land owners to diversify to attract tourism.

### **Environmental Implications**

48. As noted above, the subject site is located within a Priority 2 PDWSA, which is declared over land where low-risk development already exists. This classification is defined to ensure that there is no increased risk of pollution to the water source as a result of land use or development.

**RISK MANAGEMENT CONSIDERATIONS**

49.

<b>Risk:</b> The proposed restaurant will unduly impact on the amenity of the area.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Include appropriate conditions in any development approval to ensure that the proposal will operate with minimal undue impacts on surrounding landowners.		

**OFFICER COMMENT**

50. While it is understood that there has been significant community interest in this part of Union Road in light of a separate Joint Development Assessment Panel application that is currently being considered for a distillery, restaurant and tourist accommodation at 116 Union Road, Carmel, it is important to note that the subject application is considered to be a far smaller proposal in comparison and will be undertaken from an existing building that is, or has previously been, used for wine tasting activities.

51. It is noted that the applicant’s intentions are to operate in a café style environment, however even if the use were to be a restaurant that served full meals, it would not be considered a substantial intensification of land use.

52. In regard to the concerns raised during advertising, the following is noted:

- **Increases of traffic on Union Road**

The amount of traffic likely to be generated by the proposal is not considered to be significant or discernible to a majority of land owners on Union Road. Furthermore, the applicant proposes to accommodate all parking within the subject site. The concerns raised regarding access for larger passenger vehicles are noted; it is considered that there is sufficient room for vehicles to manoeuvre through the site without the need to stop on Union Road to deliver customers.

- **Noise impacts from the proposal**

The likely noise generated from the proposed use would be from vehicles (engine, car door opening/closing), people talking, and music. It is considered that vehicle noise and noise from people talking would not be excessive, however a condition should be applied to the use to prevent any outdoor music from being emitted as part of the restaurant operation, and an advice note included advising of the requirements of the proposal to comply with the *Environmental Protection Noise Regulations 1997*.

- **Environmental impacts on Helena Pipehead resulting from increases in effluent disposal at the site**

The applicant has submitted a Water Management Plan which concludes that the risk of contamination to nearby waterways and to the P2 PDWSA is minimal and the on-site effluent treatment and disposal system will adequately protect the drinking water source area.

53. Having regard to the objectives of the Rural Conservation zone, the proposed use is not considered to unduly impact on soil or water resources or impact on the physical and visual environment of the area, particularly given the use would be operated out of an existing building.
54. It is noted that a winery and cellar door exists to the south of the site at 60 Carmel Road East, and a Bed and Breakfast operates opposite the Site at 84 Union Road, Carmel. The building is located approximately 80m from the nearest dwelling to the north-east and south-east, however the building orientation faces the opposite direction, comprising the balcony and entry to the building, towards the valley. It is considered that the use would not detract from, but rather compliment, the existing tourism based uses in the area.
55. In regard to parking, the application currently proposes a total of 24 parking bays for customers and employees, which exceeds the minimum number of 13 car parking bay required under the Scheme. However, it is noted that there is significant area on-site for overflow parking, or for manoeuvring for larger vehicles, for example buses for tour groups or delivery vehicles.
56. While the proposal is considered to be acceptable in regard to the impacts on the amenity of the area, the issue regarding bushfire risk associated with distance from the site from two separate access routes remains. In this regard, the following justification is considered to satisfy this issue:
- The fact that Union Road is a cul de sac is a result of historical decisions that is beyond the scope and control of this development application, this is referred to as a 'legacy issue'. SPP 3.7 requires that applicants demonstrate compliance with the bushfire protection criteria within the boundary of the development site. In this regard, it is arguable that the application of this requirement through SPP 3.7 should be less essential to development applications where this legacy issue exists in established areas, but rather the creation of new roads through subdivision of new areas.
  - DFES has acknowledged in relation to this application that the building already exists at this location, that the application is for a change of use, and that the site has been developed prior to the introduction of the bushfire policy framework. In this regard, there is little influence DFES can advocate in relation to the application of the bushfire protection criteria for the existing development.
  - The definition of a 'vulnerable land use' has been clarified in the latest version of the WAPC Guidelines for Planning in Bushfire Prone Areas, meaning that a restaurant is no longer considered to fall within this definition.

- The distance from the main crossover entry of the site to the Carmel Road East / Union Road intersection is approximately 280m, which is a relatively minor variation to the maximum 200m guideline under the WAPC bushfire protection criteria. Eighty metres (80m) is considered to add minimal travel time in the event of an emergency.
- The applicant has indicated a willingness to construct an emergency access way parallel to Union Road in the south-east corner of the site, to achieve an access point that is within 200m of the corner of Union Road and Carmel Road East. This can form a condition in the event that approval is granted to the application.
- The building where the proposed restaurant is to be located has historically been used for commercial purposes (wine tasting). While anecdotal evidence suggests the winery activities have diminished in recent years, and a restaurant is minor intensification of the use, there is a pre-existing commercial activity occurring at the Site.
- A Bushfire Evacuation Plan has been prepared for the subject use which details preparation for, and responses to, a bushfire event. This is a requirement that would ordinarily only apply to a vulnerable land use and exceeds, the requirements needed for this application.

57. In view of the above, the proposed development to be considered represents a relatively small scale restaurant use that is unlikely to unduly affect the amenity of the area and surrounding properties. Accordingly, it is recommended that the application be approved subject to appropriate conditions.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. Approves the application for a proposed restaurant at Lot 44 (101) Union Road, Carmel, subject to the following planning conditions:
  - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
  - b) Permitted hours of operation are limited to 9:00am to 5:00pm, Friday to Sunday (including public holidays).
  - c) A maximum of 50 customers are permitted to attend the site in association with the restaurant at any given time.
  - d) Prior to the commencement of the restaurant use, all parking and vehicle circulation areas, shall be designed, constructed, line marked and drained to the specifications and satisfaction of the City of Kalamunda, and Australian Standards AS 2890.
  - e) Prior to the commencement of any site works, a Transport Impact Assessment is required in accordance with the WAPC Transport Impact Assessment Guidelines, and the recommendations of the



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assessment are to be incorporated into the design, to the satisfaction of the City of Kalamunda.

- f) Prior to the commencement of the restaurant use, crossover(s) shall be designed and constructed to the specifications and satisfaction of the City of Kalamunda.
- g) Prior to the commencement of the restaurant use, access way(s) shall be designed, constructed, sealed, and drained to the specifications and satisfaction of the City of Kalamunda.
- h) Vehicle parking associated with the restaurant use shall be contained wholly within the subject site.
- i) Prior to the commencement of the restaurant use, redundant vehicle crossover(s) and associated infrastructure is to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the specifications and satisfaction of the City of Kalamunda.
- j) Prior to the commencement of the restaurant use, an Aerobic Treatment Unit or Nutrient Retentive effluent disposal system that complies with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974* must be installed to the City's satisfaction.
- k) Prior to the commencement of the restaurant use, information is to be provided to the City of Kalamunda to demonstrate that the measures contained in the bushfire management plan (Prepared by Bushfire Prone Planning, Version v1.0, dated 12 July 2017) that address the Bushfire Protection Criteria under the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas (Version 1.2), have been implemented during development works, to the satisfaction of the City of Kalamunda.
- l) Prior to the commencement of the restaurant use, an emergency access shall be constructed to enable a vehicular and pedestrian access/egress point that is within 200m of the intersection of Union Road and Carmel Road East, , to the satisfaction of the City of Kalamunda. The emergency access way shall be constructed in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas (Version 1.2).
- m) Outdoor music or other amplified devices shall not be used in association with the restaurant use.

Moved:

Seconded:

Vote:

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

**10.2.8 Draft Public Open Space Strategy – Adopt for the Purposes of Public Advertising**

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	PG-STU-037
Applicant	City of Kalamunda
Owner	N/A

Attachment 1                      Draft Public Open Space Strategy Report

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to adopt, for public advertising, the City of Kalamunda’s draft Public Open Space Strategy (Strategy).
2. The purpose of the Strategy is to meet the sporting, recreation and conservation needs of the City’s community and environment. The Strategy provides direction to ensure that Public Open Space (POS) is managed, enhanced and delivered to optimise community benefit.
3. It is recommended that Council adopt the Strategy for public advertising for not less than 42 days.

**BACKGROUND**

4. The Strategy will form a component of the City’s new Local Planning Strategy 2018. The Local Planning Strategy will also include components of Industrial Development, Infrastructure and Servicing, Housing, Activity Centres, and Environmental Planning. These components will be progressed and adopted as individual strategies before being incorporated into the overarching Local Planning Strategy.
5. The Local Public Open Space Strategy 1996 is the current guiding document and will be superseded upon adoption of the Strategy.

**DETAILS**

6. The Strategy has been prepared in accordance with the Western Australian Planning Commission’s (WAPC) Liveable Neighbourhoods Operational Policy: Element 4 – Public Parkland, and Department of Sport and Recreation (DSR) Public Parkland Planning & Design Guide.
7. The purpose of the Strategy is to meet the sporting, recreation and conservation needs of the City’s community and environment. The Strategy provides direction to ensure that POS is managed, enhanced and delivered to optimise community benefit.

8. The vision of the Strategy is to provide the City with a network of fit for purpose parkland that protects our natural resources and meets community need.
9. The objectives of the Strategy are to:
  - a. Protect environmentally significant areas from encroaching development.
  - b. Optimise the use of the City's resources to achieve effective and efficient POS outcomes.
  - c. Ensure POS is safe for all members of the community.
  - d. Provide high levels of access both within and to POS.
  - e. Provide the community with health, recreational, organised sport and social opportunities.
10. These objectives conform to the principles of Liveable Neighbourhoods and are compliant with the WAPC's requirements.
11. The Strategy accounts for current and future population projections, housing and other demographic factors that impact upon the future demand for the amount of POS required and the way it is utilised.
12. The Strategy identifies suburbs that are below and above the 10% POS provision as per Liveable Neighbourhoods' calculations. It also identifies suburbs/districts/regions that are below sports space requirements in accordance with calculation methodologies developed by Curtin University's Centre for Sports and Recreation Research.
13. Curtin University's sports space calculation methodology recommends 6.5sqm of sports space per resident to be provided within a suburb or district, or 1.4% of subdivisible area for organised sport in new suburbs, plus an allowance of double the sports space for supporting infrastructure such as clubrooms, spectator areas, parking etc. See Appendix 5 of the Strategy for a suburb breakdown of sports space provided and future provision requirements. These figures relating to sport space are guidelines only and are not a statutory require of the WAPC.
14. A summary of the key findings and results is detailed below:

POS allocation (Liveable Neighbourhoods Methodology):

  - Bickley – 6.33%
  - Forrestfield – 11.12%
  - Gooseberry Hill – 2.39%
  - High Wycombe – 8.68%
  - Kalamunda – 5.80%
  - Lesmurdie – 6.07%
  - Maida Vale – 9.08%
  - Walliston – 4.31%
  - Wattle Grove – 17.43%
  - City of Kalamunda overall – 7.65%

Sports Space allocation (Curtin University Methodology):

  - Foothills – 76.98ha provided, 100.53ha (additional 23.55ha) required by 2036
  - Hills – 25.59ha provided, 49.89ha (additional 24.3ha) required by 2036

15. In addition to an assessment of the provision of POS, the City conducted a detailed rating and evaluation of all individual POS sites. The aim of the process was to evaluate and rate each site in relation to the level of infrastructure and maintenance standard, functionality, usability, environmental value and accessibility. A copy of the POS Assessment Matrix is provided in Appendix 11 of the Strategy.

16. The Assessment Matrix is divided into the following categories:

- Location
- Usage Value
- Care and Maintenance
- Environmental Value

17. Each category has features which a reserve is assessed against allocating scores of 1-5. Each reserve is given an average score which in turn gives it a rating. The reserves deemed as Biodiversity Assets are not assessed against the assessment matrix as the matrix is not applicable and instead those reserves are flagged for future environmental assessment to determine their value.

18. The rating distribution is identified as follows:

Average Score	Rating
4+	A
3 – <4	B
2 – <3	C
1 – <2	D

19. A summary of the key findings and results from the rating process is detailed below:

<b>Locality / Rating</b>	<b>D</b>	<b>C</b>	<b>B</b>	<b>A</b>
<b>Forrestfield</b>	6	14	9	1
<b>Gooseberry Hill</b>	4	1	1	-
<b>High Wycombe</b>	5	11	10	2
<b>Kalamunda</b>	8	4	-	2
<b>Lesmurdie</b>	4	6	4	1
<b>Maida Vale</b>	1	4	4	-
<b>Rural East-Walliston</b>	1	2	1	-
<b>Wattle Grove</b>	2	4	5	-

20. The Strategy sets out strategic directions and actions to improve the provision and quality of POS in the City. The following are some of the actions:

- a. Identification of reserves that can be rehabilitated/revegetated through offset plans.
- b. Transfer POS for development purposes where the POS serves limited benefit to the community.

- c. Funds raised from the transfer of POS and cash-in-lieu funds to be used for the improvement and acquisition of POS.
- d. Identify sites for acquisition for the use of POS. Areas for sports space to be of particular preference.
- e. Commence a Local Planning Policy for POS.
- f. Phased installation of low level solar powered lighting at key POS reserves.
- g. Disability access and improved pedestrian access through POS.
- h. Improved pedestrian and cycling access to POS.
- i. Development of master plans for strategically significant POS.

A detailed explanation of the strategies and actions is provided in Part 5 of the Strategy.

21. The City may, with the prior approval of the Minister for Lands and Department of Planning, transfer identified POS into freehold land and apply the proceeds from rezoning, development and sale to capital improvements for other POS in the general locality.
22. The Strategy identifies POS sites that have low ratings and limited recreational benefits, which should be transferred to other uses. Funds from improvements and value-adding through the transfer process will contribute towards the improvement of POS that has significant community benefit and the acquisition of sites for POS where deficiencies are identified. The Strategy acts as a guide and does not mean that the City will transfer all the sites identified in the Strategy. Project specific briefs and detailed investigations will be required to undertake the transfer of POS sites, similar to what has occurred for Cambridge Reserve in Forrestfield.

### **STATUTORY AND LEGAL CONSIDERATIONS**

23. *Local Planning Scheme No.3*  
The Strategy is applicable to the land within the City that is reserved under the Local Planning Scheme No.3 (LPS 3) as Local Open Space, in addition to land serving multiple functions identified by the Metropolitan Region Scheme (MRS) reserved as Parks & Recreation.

### **POLICY CONSIDERATIONS**

24. The Strategy has been prepared generally in accordance with the requirements detailed by the state's relevant guiding policy framework relevant to POS. These frameworks are briefly discussed below.
25. *State Planning Policy No. DC 2.3: Public Open Space in Residential Areas*  
Sets out the policy framework requirements for public open space within a residential development.
26. *State Planning Policy No. DC 5.3: Use of Land Reserved for Parks and Recreation and Open Space*  
Sets out the circumstances under which the Western Australian Planning Commission may approve the use and development of land reserved for Parks and Recreation and Regional Open Space for different purposes.

27. *State Planning Policy 3.6 – Development Contributions for Infrastructure*  
This policy sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established development areas.
28. *WAPC Liveable Neighbourhoods Operational Policy*  
Sets out the planning framework for achieving liveable communities. Of particular relevance is Element 4: Public Parkland which sets out the framework for achieving functional and well provisioned POS.
29. *Department of Sport & Recreation Public Parkland Planning & Design Guide*  
Directs the general design and classification of POS.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

30. The Strategy was referred to the following internal departments:
  - Parks and Environment
  - Assets
  - Community Development
  - Approval Services
  - Environmental Health
  - Economic, Land and Property Services

Each department was provided with the draft report and a review document to provide comments and recommended changes.

31. A meeting was convened between Strategic Planning, Parks and Environment and Assets Services to discuss the comments and recommended changes as part of the internal review process.
32. The Strategy incorporates the comments and modifications received from internal service teams.

### **External Referrals**

33. The Strategy was peer reviewed by CCS Strategic. CCS Strategic provided a review report and tracked changes of the Strategy.
34. 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.
35. If Council decide to adopt the proposed Strategy, it will be advertised for public comment for not less than 42 days.
36. Further to the consultation detailed in Part 1.7.1 of the Strategy, a comprehensive community engagement plan is in the process of being prepared and will include but not limited to:
  - Community briefing / consultation sessions.
  - Targeted consultation with sporting groups.

- Surveys to assist with guiding and obtaining valuable community input and engagement.

## **FINANCIAL CONSIDERATIONS**

37. Costs associated with the preparation of the document were met through the Development Services annual budget.
38. Costs associated with public consultation/advertising will be met through the Development Services annual budget.
39. The development, acquisition and maintenance of POS throughout the City will be funded through a range of sources. Any areas within a Structure Plan will be developed through development contribution funds and/or through conditions of subdivision approval. Subdivision of land will provide cash-in-lieu funds for the improvement and acquisition of POS where appropriate.
40. The transfer of any POS reserves will fund the improvement and acquisition of other POS reserves. Any maintenance of POS will continue to be funded through the Assets Services budget. The Assets Services budget and City funds may assist with the acquisition and improvement of POS where funding and resources allow, and if deemed appropriate through the City's Long Term Financial Plan.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

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

OBJECTIVE 2.3: To encourage and facilitate healthy lifestyles through regular participation in recreational and leisure oriented activities.

Strategy 2.3.2 Undertake effective public open space planning to ensure an appropriate balance exists between active and passive recreation space provision.

## **SUSTAINABILITY**

### **Social Implications**

42. Any transfer sites will need to be rezoned to an appropriate zoning to complement the land use immediately surrounding the reserve. Any subsequent development on that land will need to be appropriately designed to also complement surrounding development.
43. Some reserves identified for transfer may have some limited existing use by members of the community. As part of the transfer process, the City will investigate the impact on those community members and provide them with an alternative solution.

44. The Strategy has strategic directions and actions, which are aimed at improving the quality and functionality of POS and providing high quality, multi-functional reserves, which will have greater benefits for the community.

**Economic Implications**

45. The Strategy identifies reserves for transfer, which will provide funds for the City to use for the acquisition and improvement of POS generally.
46. The Strategy identifies reserves for improvement, which will require funding from a variety of sources including the annual budget.
47. The Strategy identifies a need to identify acquisition sites for POS, which will require funding from a variety of sources including the annual budget.
48. Any new reserves acquired will be required to form part of the Asset Services budget for periodic maintenance.
49. The transfer of reserves is aimed to transfer any reserves that do not provide any community benefit and therefore are considered an inefficient use of Council funds. Council funds can therefore be more appropriately distributed to reserves that generate significant community benefit.

**Environmental Implications**

50. The Strategy identifies strategic directions and actions relating to the preservation and enhancement of environmental value of POS.
51. Identified transfer sites may have some native vegetation and will require a detailed environmental assessment before transfer is formally processed.
52. POS reserves identified as being Biodiversity Assets have been identified for further assessment to determine their value. Biodiversity Assets of low quality will be required to undergo improvement.

**RISK MANAGEMENT CONSIDERATIONS**

53.	<b>Risk:</b> The community disagrees with the POS assessment ratings		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/ Strategy</b>		
	The Strategy will be advertised to the community for comment and consultation.		
	<b>Risk:</b> The community disagrees with strategic directions and actions for POS.		
	<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/ Strategy</b>		
	The Strategy will be advertised to the community for comment and consultation.		



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**OFFICER COMMENT**

54. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Liveable Neighbourhoods Operational Policy: Element 4 – Public Parkland and Department of Sport and Recreation (DSR) Public Parkland Planning & Design Guide.
55. The Strategy seeks to improve the quality, functionality and provision of POS throughout the City by taking into account the current provision, future requirements, assessment of POS, demographic analysis, and state and local policy and strategic frameworks.
56. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be undertaken to rationalise the recommended actions.
57. In light of the above, it is recommended that Council adopt the Strategy for public advertising.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Adopt the draft Public Open Space Strategy for the purposes of public advertising for a period of not less than 42 days.

Moved:

Seconded:

Vote:

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

**10.2.9 CONFIDENTIAL REPORT: Cambridge Reserve Community Enhancement Project**

*Reason for Confidentiality: Local Government Act 1995 Clause 5.23(2)(h): Such other matters as may be prescribed. Information contained in this report may impact the outcome of future community engagement.*

Previous Items	Nil
Responsible Officer	Director Development Services
Service Area	Strategic Planning
File Reference	CM-01/012(RESERVE)
Applicant	N/A
Owner	State of Western Australia
Attachment 1	Cambridge Reserve – Previous Studies and Reports
Attachment 2	Cambridge Reserve – Revised Vision and Principles Document
Attachment 3	Cambridge Reserve – Draft Revised Concept Designs

**Provided Under Separate Cover**

### 10.3 Asset Services Report

<b>Voting Requirements: Simple Majority</b>
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That recommendations of reports 10.3.1 to 10.3.2 be adopted by Council en bloc.

Moved:

Seconded:

Vote:

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

#### 10.3.1 Consideration of Tenders for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous Works (RFT 1716)

Previous Items	OCM 95/2012
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A

Confidential Attachment 1 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Tender Evaluation Report
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Confidential Attachment 2 <u>Reason for Confidentiality</u> <i>Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>	Price Schedule
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#### EXECUTIVE SUMMARY

1. To consider the award of a contract for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths and Crossovers subsequent to due consideration of all compliant Tenders submitted to the City in response to Request for Tender 1716 (RFT 1716) for two (2) years with an option, at the sole discretion of the City to extend the resultant Contract by a further two (2) x 12 month periods.

2. The current services are provided under Contract 1204 which commenced on 20 August 2012 and expired on 20 August 2017.
3. It is recommended that Council appoint Dowsing Group Pty Ltd for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous Works.

## **BACKGROUND**

4. The Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous was undertaken under Contract 1204, which commenced on 20 August 2012 and expired on 20 August 2017.
5. The City issued a Request for Tender (RFT 1716) through its website and an advertisement in the West Australian newspaper on 15 September 2017. Receipt of Tender submissions closed at 2.00pm, Tuesday 3 October 2017.
6. The Scope of Services for the Contract is defined in RFT 1716 and includes the removal of existing structures and the construction of cast in-situ paths, vehicle and pedestrian crossovers, dual-use paths and minor traffic treatments composed of cement concrete, all constructed on a sub grade prepared in accordance with the RFT 1716 specification and drawings or as directed by the Superintendent.
7. The City received Tender submissions from the following nine (9) organisations:
  - a) JJ Concrete & Civil Pty Ltd (JJ Civil);
  - b) PH Concrete (WA) Pty Ltd (PH Concrete);
  - c) Vera Group (Vera);
  - d) G&G Di Martino Concrete (G&G);
  - e) Axiis Contracting Pty Ltd (Axiis);
  - f) Remote Civils Australia Pty Ltd (RCA);
  - g) WCP Civil Pty Ltd (WCP);
  - h) Super Civil Pty Ltd (Super Civil); and
  - i) Dowsing Group Pty Ltd (Dowsing)

## **DETAILS**

8. The scope of the Tender requires the services of a suitably qualified and experienced concreting contractor for the provision of works as outlined in the RFT 1716 specifications and drawings.
9. The Contract shall be in force for a period of two (2) years, with an option, at the sole discretion of the City, to extend the Contract by a further 2 x 12 month periods. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.

10. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
  - Coordinator Project Delivery (Panel Chair)
  - Coordinator Project Design
  - Project Manager – Project Delivery Team
11. The Probity overview was conducted by the Procurement and Finance Officer.
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 being 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 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 a qualitative assessment 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. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the Tenderer to satisfactorily deliver its services. The predetermined Qualitative Pass Mark (QPM) was set at 60%.
17. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.

18.

<b>Qualitative Criteria</b>	<b>Weighting</b>
1. Relevant Experience	25%
2. Key Personnel and Sub Contractor Skills and Experience	10%
3. Tenderers Resources	25%
4. Demonstrated Understanding	40%

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

19. Panel members completed the qualitative assessment on 6 October 2017 in accordance with the City's evaluation process in a fair and equitable manner.

20. The resultant outcomes of the qualitative assessment determined that the following Tenderers exceeded the required QPM, advancing to the price assessment stage of the Tender evaluation process.

- Axiis
- RCA
- Dowsing

Tenderers not achieving the required QPM, did not have their prices assessed. Actual scores achieved are detailed in the Tender Evaluation Report (Confidential Attachment 1).

21. The Tender is based on a Schedule of Rates against which works to be undertaken are measured and paid for on a unit rate basis. The price assessment methodology is based on assessing the Tenderers Schedule of Rates against the approved Capital and Maintenance Pathways Program for the 2017-18 financial year.

22. This assessment included all the relevant items in the price schedule to undertake the work with the exception of traffic management. The Panel excluded this item from the price assessment as it is dictated exclusively by each Tenderer's chosen methodology to undertake the prescribe work.

The Panel determined that given the hourly rates offered for the most typical type of traffic management (i.e. the use of two (2) accredited traffic controllers), that this represents a very small variance from highest to lowest, with the impact on the overall price assessment considered minor.

23. The Panel, supported by Asset Services staff, undertook a detailed estimate of the quantities and scope of works required for approved projects identified in the 2017-18 financial year Capital and Maintenance programmes, with this assessment along with associate costs arising provided in the attached Tender Evaluation Report (Confidential Attachment 1).

24. The resultant ranking arising from the combined pricing assessment based on Schedule of Rates from the Tenderer's who achieve the QPM are shown in the following table.

<b>Tenderer</b>	<b>Rank</b>
Dowsing	1
Axiss	2
RCA	3

### **STATUTORY AND LEGAL CONSIDERATIONS**

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

### **POLICY CONSIDERATIONS**

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

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

27. Asset Planning and Management for the purpose of determining the proposed pathway programmes heading forward (i.e. the majority of the work to be covered by this RFT 1716).
28. Asset Operations and Waste Services for the purpose of determining the annual estimated area for footpath repairs.

#### **External Referrals**

29. Prior to any works being undertaken the successful Contractor is required to inform any affected residents and/or stakeholders in writing.

### **FINANCIAL CONSIDERATIONS**

30. The services supplied under the Contract are used for both Capital and Maintenance related works.
31. The annual amounts varied depending on the number of projects in the approved Capital Program, the extent of maintenance arising from Maintenance Program and the cost of traffic management for the safe implementation of the works.
32. Funding for this service is annually secured through individual Capital and Maintenance cost codes attributed to the relevant project or maintenance activity.

33. The cost of services provided will be determined in accordance with Section 1.22 Price Basis of the request documentation, with details in this regard identified in the attached Tender Evaluation Report (Confidential Attachment 1).

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

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

OBJECTIVE 3.2: To connect community to quality amenities.  
 Strategy 3.2.1 Optimal management of assets.

**SUSTAINABILITY**

**Social Implications**

35. Nil.

**Economic Implications**

36. Nil.

**Environmental Implications**

37. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

38.

<b>Risk:</b> Tender not awarded.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/ Strategy</b>		
Responsiveness compromised along with increased administrative time required to seek project by project quotations.		

<b>Risk:</b> The Contractor does not satisfy the specification.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Warranties, Australian Standard contracts and Professional Project Management in place.		

**OFFICER COMMENT**

39. All Tenderers were given the opportunity to provide information in accordance with the RFT.



40. The Panel concluded that Dowsing Group Pty Ltd provided the documentation as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring well in excess of the QPM of 60%. Furthermore, the pricing assessment based on Dowsing's Schedule of Rates resulted in it being ranked highest due to its lowest overall combined total price. As a consequence, the Panel recommends that Dowsing Group Pty Ltd be promoted for Tender award consideration.
41. It is anticipated that the Contract is to commence in December 2017, subject to the outcome of consideration of Tender Award by Council.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. Approves the appointment of Dowsing Group Pty Ltd for the Provision of Cast In-situ Concrete Footpaths, Dual-use Paths, Crossovers and Miscellaneous works (RFT 1716) for a period of two (2) years with an option, at the sole discretion of the City, to extend the Contract by a further two (2) x 12 month period in accordance with the Price Schedule in Confidential Attachment 2.

Moved:

Seconded:

Vote:

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

### 10.3.2 Consideration of Tenders for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717)

Previous Items	OCM15/2017- OCM97/2017
Responsible Officer	Director Asset Services
Service Area	Asset Services
File Reference	AD-TEN-00
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Tender Evaluation Report  
Reason for Confidentiality *Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

#### EXECUTIVE SUMMARY

1. To consider the award of a contract for the Construction of Grass Hockey Fields –Hartfield Park, Forrestfield (RFT 1717).
2. On 24 September 2017, the City of Kalamunda (the City) issued Request for Tender (RFT 1717) seeking Tenderer's for the construction of grass hockey fields at Hartfield Park, Forrestfield.
3. It is recommended that Council appoint Le Grove Landscaping for Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT 1717).

#### BACKGROUND

4. On the 28 July 2014 the State of Western Australia and the City of Kalamunda entered into a Financial Assistance Agreement for the State to provide a grant amount of \$6.01m (exclusive of GST) for the provision of a number of deliverables as outlined in the Hartfield Park Masterplan 2010 (HPM) and detailed in the Agreement. The term of the Agreement is 24 June 2014 to 31 December 2017. The upgrading of the former Darling Range Pony Club Facility (the Project) was one of the deliverables detailed in the Agreement to accommodate a hockey facility.
5. At its meeting on 6 February 2017, Council considered a report on the Hartfield Park Redevelopment Project on Proposed Redevelopment to the Former Darling Range Pony Club Facility and resolved in part as follows:
  1. *Endorses the proposed redevelopment of the former Darling Range Pony Club facility at Hartfield Park in accordance with the Site Location and Hockey Field Layout Plan Drawing No. 14876-G01/A (Attachment 1).*

2. *Endorses the demolition of the existing Darling Range Pony Club Facility and construction of a new shared use clubroom/change room facility generally in accordance with Option 2 Drawing No. 400-004/B (Attachment 5), for the purpose of further discussions with the Kalamunda Districts Hockey Club, noting that the final design will be undertaken to match the available funds for this facility, with a further report presented to Council for endorsement.*
6. *Note that a further report will be presented on the outcomes of discussions with other sporting clubs for:*
  - a) *Joint use of the new facility during the summer months; and*
  - b) *Use of the existing hockey club facilities on Morrison Oval when the Kalamunda United Hockey Club relocates to the new site.*
7. At its meeting on 26 June 2017, Council considered a report on the Hartfield Park Redevelopment Project and resolved in part as follows:

*Endorses the final clubroom facility concept design for the proposed Hockey Facility at Hartfield Park as detailed on Drawing Number 400-004/D, for the purpose of inviting public Tenders upon receiving Western Australian Planning Commission and Department of Aboriginal Affairs approvals.*
8. The City issued for public advertisement RFT 1717 through its website and advertisement in the West Australian newspaper on 24 September 2017. Receipt of tender submissions closed at 2.00pm, Tuesday 10 October 2017.
9. The scope of Services for the Contract is defined in RFT 1717 and includes survey set out, clearing and grubbing, earthworks, gravel car park, electrical conduits and pits, irrigation and roll on turf, prepared in accordance with the specifications and in conformity with the, grades, thickness and cross-sections shown on the plans and/or as directed by the Superintendent.
10. The City received Tender submissions from the following nine (9) organisations:
  - a. BCL Group Pty Ltd;
  - b. Environmental Industries Pty Ltd;
  - c. Vera Group;
  - d. GMF Civil Pty Ltd;
  - e. Le Grove Landscaping;
  - f. Remote Civils Australia Pty Ltd;
  - g. Menchetti Consolidated Pty Ltd;
  - h. Tracc Civil Pty Ltd; and
  - i. Turfcare WA Pty Ltd.

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## DETAILS

11. The scope of the Tender requires the services of a suitable experienced and qualified Contractor to undertake the Construction of Grass Hockey Fields at Hartfield Park, Forrestfield as outlined in the RFT 1717 specifications and drawings.
12. The Contract shall be in force until the end of the defects liability period. However, in the event of the Contractor failing in any manner to carry out the Contract to the City's satisfaction, the City may determine (terminate) the Contract by written notice to the Contractor.
13. The following Panel members were duly appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
  - Coordinator Project Delivery (Panel Chair)
  - Project Manager – Project Delivery Team (x2)
14. The Probity overview was conducted by the Procurement and Finance Officer.
15. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by the Procurement and Finance Officer. All submissions were assessed as complaint with the Tender Compliance Criteria.
16. As part of the Tender assessment process, all submissions must be considered against predefined Qualitative Criteria, which are all described in the Request document.
17. 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.
18. 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.

19. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the Tenderer to satisfactorily deliver its services. The predetermined Qualitative Pass Mark (QPM) was set at 60%.
20. Panel members completed the qualitative assessment on 12 October 2017, in accordance with the City's evaluation process in a fair and equitable manner.
21. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below.

Qualitative Criteria	Weighting
1. Relevant Experience	25%
2. Tenderers Resources	20%
3. Key Personnel Skills and Experience	15%
4. Demonstrated Understanding of Required Works	40%

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

22. The resultant outcomes of the qualitative assessment determined that the following Tenderer's achieved the required QPM of 60%, advancing to the price assessment stage of the Tender evaluation process.
  - Le Grove Landscaping
  - Environmental Industries Pty Ltd
  - BCL Group Pty Ltd
  - Remote Civils Australia Pty Ltd

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

23. Tenderers not achieving the required QPM, did not have their prices assessed.
24. Tenderers who achieved the QPM were ranked on price as summarised in the table below.

Tenderer	Rank
Le Grove Landscaping	1
Remote Civils Australia Pty Ltd	2
BCL Group Pty Ltd	3
Environmental Industries Pty Ltd	4

## STATUTORY AND LEGAL CONSIDERATIONS

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

26. The implementation of the project is in accordance with the terms and conditions of the Financial Assistance Agreement with the State of Western Australia. The term of the Agreement is 24 June 2014 to 31 December 2017. However, due to the complications and lengthy process involving the Section 18 process, the Department of Sport and Recreation has agreed to an extension of the term until 30 June 2018. This is subject to the acquittal process for the funding being completed in the 2017/2018 financial year. It is confirmed that this condition is achievable.
27. Permit to Clear Native Vegetation Under the Environmental Protection Act 1986 was sought for this project, with the City granted a clearing permit on 22 December 2015 for the proposed development subject to the following condition:
  1. *The Permit Holder must implement and adhere to the document "Vegetation Management Plan – Hartfield Park Hockey Fields Development" Doc No. Ep15-054-001 Revision A, December 2015.*
28. Section 18 Notice under the Aboriginal Heritage Act 1972 was sought for this project, with notice submitted to the Department of Aboriginal Affairs on 30 November 2016. Approval from the Minister of Aboriginal Affairs was granted on 19 May 2017.
29. Western Australian Planning Commission (WAPC) development approval granted on 18 August 2017.

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

31. Community Development for sporting club liaison.
32. Development Services for planning and development advice.

### **External Referrals**

33. Extensive consultation has been undertaken with Traditional Owners/Department of Aboriginal Affairs, Department of Environment, Department of Parks and Wildlife and the Western Australian Planning Commission.
34. Representatives from the Kalamunda Districts Hockey Club have been consulted and involved in site meetings on a regular basis as the scope of works and concept designs have been developed on the basis of the Club's functional brief for both the building (works in this regards are not included in the Tender being considered) and the field alignment layout requirements.

## FINANCIAL CONSIDERATIONS

35. This project is a key deliverable in the implementation of the Hartfield Park Masterplan and is funded through the Agreement as per page 13, Project Schedule Item 3 Stage 2 – Development of the hockey clubroom and playing fields.

36. The estimated cost of the playing field construction is summarised below:

Bulk Earthworks	\$400,000
Vegetation Clearing	\$30,000
Turfing and Irrigation	\$450,000
Fencing	\$30,000
Training Lighting	\$200,000
Gravel Sheet Carpark	\$40,000
Contingency	\$50,000
<b>Total</b>	<b>\$1,200,000 (ex GST)</b>

37. A budget allocation of \$1.2 million (excluding overheads) has been approved in the 2017/2018 Capital Works budget under title: *Hartfield Park Project- Develop three new hockey fields, hockey clubrooms and parking - 100 % State Govt funded (4415)*.

38. The cost of services provided will be in accordance with Section 1.23 Price Basis of the Request documentation, with details in this regard identified in the attached Tender Evaluation Report included as Confidential Attachment 1.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

OBJECTIVE 1.2 To provide safe and health environments for community to enjoy.

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

OBJECTIVE 3.2: To connect community to quality amenities.

Strategy 3.2.1 Optimal management of assets.

## SUSTAINABILITY

### Social Implications

40. This redevelopment project will provide the City of Kalamunda, the community and user groups of Hartfield Park with a unique facility. The available playing space at Hartfield Park will be increased by this development enabling sustainable sporting club growth and reduction of the wear and tear on the current playing surfaces.

**Economic Implications**

41. Nil.

**Environmental Implications**

42. The conditions of the Permit to Clear Native Vegetation Under the Environmental Protection Act 1986 must be implemented and adhered in accordance with the document "Vegetation Management Plan- Hartfield Park Hockey Fields Development" Doc No Ep15-054—001 Revision A, December 2015.

**RISK MANAGEMENT CONSIDERATIONS**

43.

<b>Risk:</b> Tender not awarded.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Major	High
<b>Action/ Strategy</b>		
Tender will require re-advertisement, jeopardising the financial assistance agreement expenditure timeframes, with the potential for the City having to return the funding for this deliverable.		

<b>Risk:</b> The Contractor does not satisfy the specification.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/ Strategy</b>		
Warranties, Australian Standard contracts and Professional Project Management in place.		

**OFFICER COMMENT**

44. All Tenderers were given the opportunity to provide information in accordance with the RFT.
45. The Panel concluded that Le Grove Landscaping 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%.
46. Le Grove Landscaping offered the lowest lump sum Tender Price of \$941,564.89 (Excluding GST).
47. It is anticipated that the Contract is to commence in December 2017, subject to consideration of Tender Award by Council.



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<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Approves the appointment of Le Grove Landscaping for the Construction of Grass Hockey Fields – Hartfield Park, Forrestfield (RFT1717) for a total lump sum Tender Price of \$941,564.89 (Excluding GST).

Moved:

Seconded:

Vote:

## 10.4 OFFICE OF THE CEO

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

### 10.4.1 Adoption of Customer Service Strategy 2017 – 2021

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	City of Kalamunda
<a href="#">Attachment 1</a>	Public Consultation Feedback
<a href="#">Attachment 2</a>	Customer Service Strategy 2017 – 2021
<a href="#">Attachment 3</a>	Customer Charter

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to adopt the Customer Service Strategy 2017-2021.
2. The Customer Service Strategy 2017 – 2021 (the Strategy) is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces.
3. The Strategy outlines the key principles, strategies, actions, and performance measures for improved customer service standards over the next four years at the City of Kalamunda.
4. The Strategy was advertised for a period of 30 working days closing on 8 September 2017. Public comment was widely sought from the community via adverts in local newspapers, an online survey linked from the City of Kalamunda's website, social media platforms and digital advertising, and notifications at the City of Kalamunda Administration, libraries and other facilities.

### BACKGROUND

5. The City does not currently have a Customer Service Strategy to guide standards and initiatives toward achieving optimal customer service outcomes. The current Customer Charter was last adopted in 2010 and is also due for review.
6. Under a new business unit: 'Customer and Public Relations' formed in July 2016 the organisation began a journey toward consolidating its customer service operations and put in place a team to lead and monitor customer satisfaction with responsibility for delivering better customer service outcomes more holistically.

7. To achieve this a new Customer Service Strategy has been developed, which outlines strategic initiatives to meet emerging customer needs. The Customer Service Strategy 2017 – 2021 is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces.
8. This Strategy was developed over the 2016/17 year following the organisational restructure, by collating data from internal working groups and external research of other Local Government customer strategies, consultation and revision of a range of our own strategies and plans relating to customer service, communication and community engagement.
9. The City of Kalamunda strives to be recognised as a welcoming, responsive Local Government and as such we need to work with internal teams and customers in a more proactive manner, with the aim of making all and any interaction between the City and customers '*easier, friendlier and faster*'.
10. Key informing documents and strategies in the development of the Strategy have included but is not limited to:
  - Catalyse Perception Scorecard
  - Strategic Community Plan
  - Community Engagement Strategy
  - Workforce Plan
  - Information Technology Strategy
11. The Customer Service Strategy will constitute another informing strategy within the City's planning framework. Actions will be incorporated into the Corporate Business Plan and funded annually through the annual budgeting process. Progress will be reported quarterly to Council.
12. Currently all staff are to use the SynergySoft system to document official business. Business records and customer enquiries are to be responded to within five working days, and overdue records are reported monthly to Executive Directors and the CEO.
13. Customer requests can be received via several channels (in person at front counter, to any staff member in the field or at an event, to a Councillor, via email, post or phone calls during office hours and after hours) and should be responded to within five days, as per our charter standard.

## **DETAILS**

14. To create the service ethos we desire we will need to focus on a combination of concepts including; cultural change, technological and process improvement and a centralised service model - with increased self-service options and improvements based on customer feedback.
15. The objectives of The Customer Service Strategy 2017 – 2021 are to:
  - Strive to achieve a new customer service ethos and deliver on the

- 
- customer service promise and principles
    - To culturally optimise the organisation to achieve best practice customer service outcomes
    - To support and train staff to feel empowered, be proactive and work collaboratively toward business objectives and customer service excellence
    - To effectively communicate with our customers, internally and externally.
16. The strategy responds to consistent feedback themes from internal and external customer bases around:
- Customer service standards
  - Timely and effective communication
  - Consistently reviewing enquiry handling processes
  - Respect, honesty and professionalism
  - Self-service options and accessibility through technology enablement
  - Automated transactions
  - Less referrals across the organisation
  - Offering options and customised services
17. The Strategy addresses these under five key principles and outlines, objectives, actions and measures within three focus areas.
- 1. Service Standards:** Methods for setting standards and working together better.
  - 2. Communication & Culture:** Staff engagement, motivation and skill development.
  - 3. Technology:** Systems, tools and processes to support customer service delivery.
18. It is proposed this Strategy be reviewed by a cross-functional team which includes customer service officers from all business units across the organisation and a reference group of customers. The Strategy is due for review in 2021.
19. To provide a high standard of customer service to our community, it is crucial for internal relationships to be strong and that we service each other's internal requests for support and assistance in a proactive manner, to achieve the end goal more efficiently for customers. Due to the diversity and complexity of many of our services, several areas can be involved in delivering an optimal outcome to a single customer request. Collaboration across Business Units will be integral to the success of this strategy.

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## **STATUTORY AND LEGAL IMPLICATIONS**

20. Projects and initiatives developed from the Strategy will be implemented in parallel with other dependent strategies following the appropriate budgetary allocations and all Statutory and Legal requirements.

## **POLICY IMPLICATIONS**

21. A City Communication and Engagement Policy has also been drafted to align internal and external communication and engagement activity with customer service outcomes to be achieved. Other relevant policies and documents to be reviewed and updated as part of implementing the Strategy include the Complaint Handling Council Policy and Management Procedure, and the Customer Charter.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

22. In developing this strategy, some actions proposed align with our Community Engagement Strategy: Kalamunda Engages, which adopts the International Association of Public Participation (iap2) model. The City follows the endorsed spectrum of engagement which helps determine the need for communication and consultation, regularity of information sharing, and role in seeking community feedback. It also defines the public's role in any public participation and decision making process. This helps to make well informed decisions based on input from the community – which in turns supports the proposed customer service vision of seeing our customers as the 'key influencers' in the development and delivery of services. This strategy was reviewed and updated in May, and adopted by Council in June 2017.
23. While developing the Customer Service Strategy throughout 2016 the City asked staff and customers for feedback on what they wanted the City's customer service ethos to be and how customers should feel at each and any interaction.
24. Results from the Community Perception Catalyse Scorecard and recommendations from an external Communication Plan Review have also been incorporated.
25. The Customer Service Strategy 2017-2021 was advertised and available for a period of 30 working days or 6 weeks closing on 8 September 2017.
26. Public comment was widely sought from the community via adverts in local newspapers, an online survey linked from the City of Kalamunda's website, social media platforms and digital advertising, and notifications at all City libraries and other facilities.
27. 27 online surveys were completed and one email comment was submitted. See Public Consultation Feedback Attachment 1.

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28. In summary, feedback demonstrated a collective community feeling of the need for improvement in responsiveness, transparency, consistency and technology based self-service solutions. There was positive feedback in relation to the document itself.
29. As a result, minor amendments have been made to the Strategy as shown in Attachment 2.
30. A Draft Customer Charter (Attachment 3) has also been developed in accordance with the objectives outlined in the Strategy and feedback received.

### **FINANCIAL CONSIDERATIONS**

31. The cost to undertake initial actions within the Strategy have already been considered in 2017/18 Budget and will continue to be budgeted for accordingly over each financial year.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

32. *Kalamunda Advancing: Strategic Community Plan to 2027*
- OBJECTIVE 4.1: To provide leadership through transparent governance
- Strategy 4.1.2: Build an effective and efficient service based organisation

### **SUSTAINABILITY**

#### **Social Implications**

33. Exceptional customer service can lead to positive social and community outcomes. The Strategy will assist to improve the customer experience.
34. In May 2016, population forecasts were predicting by 2036, the total population would reach 77,130 people. The City needs to prepare and grow its organisational capability to deliver optimal customer service outcomes to many more residents over the coming years.

#### **Economic Implications**

35. Dissatisfaction amongst customers has a significant and measurable impact on financial outcomes for all organisations. For government authorities and public sector organisations, poor service can significantly impact efficiency and increase costs. By prioritising our investment in service areas we can establish a financial framework for customer-driven value creation.

#### **Environmental Implications**

36. Nil

**RISK MANAGEMENT CONSIDERATIONS**

37.

<b>Risk:</b> The absence of a Customer Service Strategy will result in ad hoc and inconsistent service standards and customer interactions, damaging brand and reputation.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Significant	High
<b>Action/ Strategy</b>		
Implement the Strategy and consistently review and report against actions and measures.		
<b>Risk:</b> Without a Customer Service Strategy the City cannot meet customer expectations and service delivery standards, or enhance its reputation		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Almost certain	Moderate	High
<b>Action/ Strategy</b>		
Develop and implement a Customer Service Strategy.		

**OFFICER COMMENT**

38. The Customer Service Strategy 2017\2021 will be a significant informing strategy to key Business Plans and outputs. It contains a number of objectives and actions that align with the Kalamunda Advancing 2017\2027: Strategic Community Plan. It further prescribes a set of clear objectives and measurable outcomes under three focus areas to vastly improve customer service standards over the next four years at the City of Kalamunda.
39. The Strategy is designed to align with other strategies and plans already being implemented, such as the ICT Strategy and Workforce Plan, and will support improvement of the City’s culture, communication and customer service outcomes across the whole organisation. It will also enable Council to align itself to deliver better overarching community engagement and continuously improve and refine its whole service delivery.

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<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. Adopt the Draft Customer Service Strategy 2017 to 2021 (Attachment 2).
2. Note the Community feedback as provided in Attachment 1.
3. Note the Customer Charter as provided in Attachment 3.

Moved:

Seconded:

Vote: