

# Ordinary Council Meeting

Agenda for Tuesday 27 August 2019



**city of  
kalamunda**

## NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 27 August 2019 at 6.30pm.**



Rhonda Hardy  
**Chief Executive Officer**  
22 August 2019



### 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**

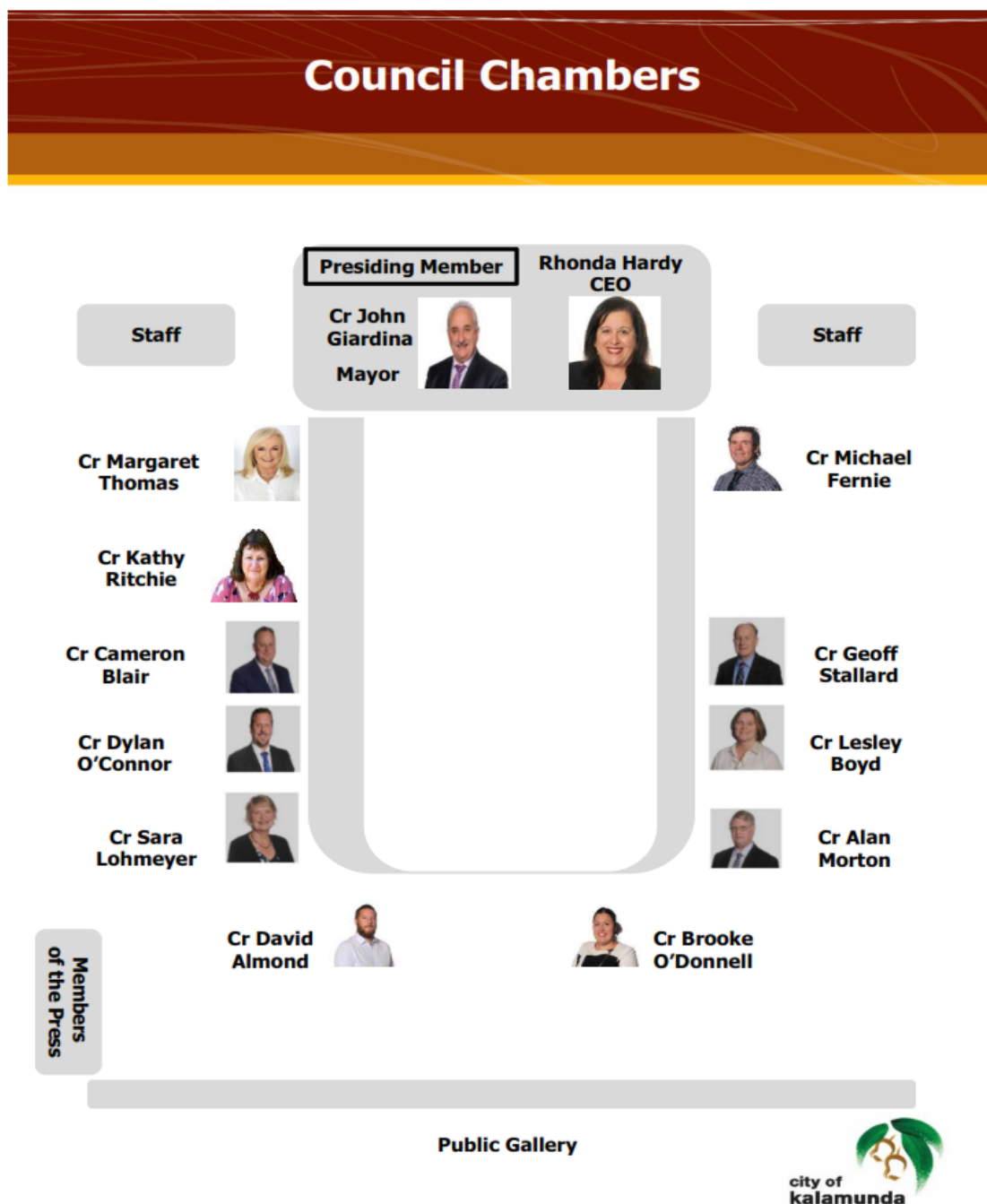


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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.

### **Acknowledgement of Traditional Owners**

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

## **Emergency Procedures**

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

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

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

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



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**1. Official Opening**

**2. Attendance, Apologies and Leave of Absence Previously Approved**

Cr Dylan O'Connor - Leave of Absence

Cr David Almond - Apology

**3. Public Question Time**

**3.1. Questions Taken on Notice at Previous Meeting (23 July 2019)**

3.1.1 Mr Frank Lindsey, 93 Aldersyde Road Piesse Brook

Q2. What were the costs of the two previous Mayoral dinners?

A2. The City advises in 2015 the then Shire of Kalamunda spent \$32,376.86. In 2017 the total cost of the event was \$34,434, with approximately 95 in attendance.

**3.2. 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.*

**4. Petitions/Deputations**

**5. Applications for Leave of Absence**

**6. Confirmation of Minutes from Previous Meeting**

6.1 That the Minutes of the Ordinary Council Meeting held on 23 July 2019, 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 23 July 2019."*

- 6.2 That the Minutes of the Public Agenda Briefing Forum held on 13 August 2019, 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 August 2019."*

**7. Announcements by the Member Presiding Without Discussion**

**8. Matters for Which the Meeting may be Closed**

- 8.1 Item 10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 Design Guidelines - Consideration of Submissions for Final Adoption – **Confidential Attachment**– Submitters list. Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."
- 8.2 Item 10.1.2 Wattle Grove Cell 9 - Development Contributions Plan Annual Review: Consideration of Submissions for Final Adoption – **Confidential Attachment** - Submitters List. Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."
- 8.3 Item 10.1.3 Wattle Grove South Concept Planning and Community Engagement - Appointment of Consultant – **Confidential Attachments** 10.1.3.1 TO 10.1.3.6 - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
- 8.4 CEOPR Item 6.1.1 Chief Executive Officer's Performance Review – **Confidential Attachment** - Submitters List. Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."
- 8.5 A & R Committee Item 9.1.3 Interim Audit Findings for the Year ending 30 June 2019 – **Confidential Attachment** - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"
- 8.6 A & R Committee Item 9.1.4 Internal Audit Report July 2019 – **Confidential Attachment** - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or

*possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*

- 8.7 Item 10.7.6 Ledger Rd Gooseberry Hill - Drainage Issues  
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

## **9. Disclosure of Interest**

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

### **9.2. 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. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 Design Guidelines - Consideration of Submissions for Final Adoption**

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

Previous Items	OCM 105/2012, OCM 80/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Forrestfield High Wycombe Stage 1 Industrial Area Design Guidelines 2019 [ <b>10.1.1.1</b> - 29 pages]
	2. Submission Table [ <b>10.1.1.2</b> - 1 page]
	3. Forrestfield High Wycombe Stage 1 Industrial Area Design Guidelines 2012 [ <b>10.1.1.3</b> - 29 pages]
	4. Forrestfield High Wycombe Stage 1 Industrial Area Draft Design Guidelines 2019 - Advertised [ <b>10.1.1.4</b> - 29 pages]
	5. Forrestfield High Wycombe Stage 1 Industrial Area Structure Plan Map [ <b>10.1.1.5</b> - 1 page]

**EXECUTIVE SUMMARY**

1. The Forrestfield / High Wycombe Industrial Area Stage 1: Design Guidelines (Design Guidelines) (Attachment 1) provide guidance to the City of Kalamunda for the assessment of development within the Forrestfield / High Wycombe Industrial Area.
2. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary policy which aligns with the City's current planning framework.
3. The Design Guidelines were advertised from 3 May 2019 to 10 June 2019. One submission was received during this period (see Attachment 2).
4. It is recommended that Council adopt the Forrestfield / High Wycombe Industrial Area Design Guidelines.

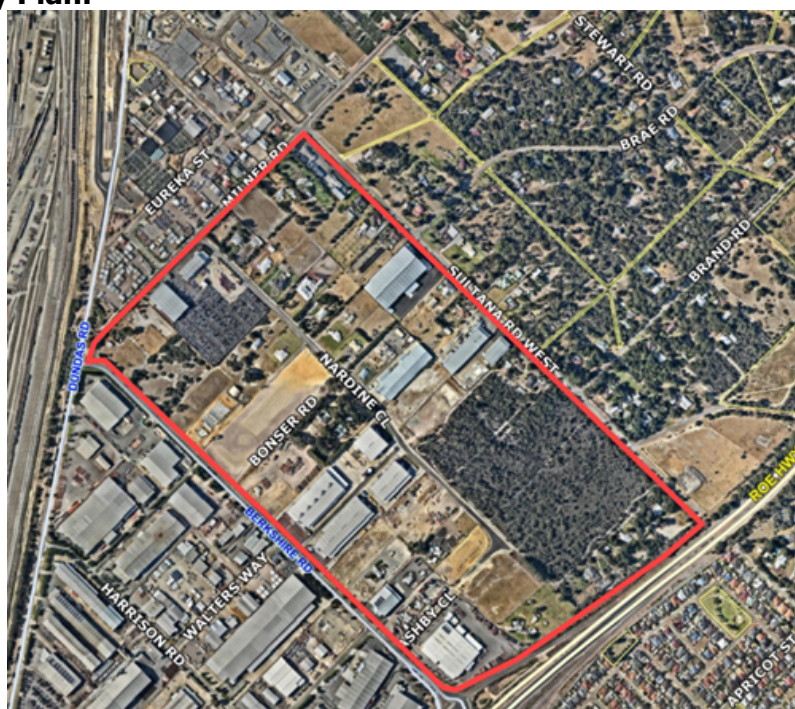


## BACKGROUND

### 5. Land Details:

Land Area:	Approx. 69ha
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

### 6. Locality Plan:



7. The Forrestfield / High Wycombe Industrial Area is partially located in Forrestfield and High Wycombe and is bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West.
8. The Design Guidelines were originally endorsed at the Special Council Meeting held on 27 August 2012 subject to modifications. Those modifications were incorporated into the final Design Guidelines (Attachment 3).
9. The Design Guidelines were prepared to provide guidance for the assessment of development within the Forrestfield / High Wycombe Industrial Area. The Structure Plan for the Forrestfield / High Wycombe Industrial Area (Stage 1) was approved by the Western Australian Planning Commission (WAPC) in 2013.

10. The Design Guideline area originally incorporated land to the north, known as Stages 2 and 3. This area is now commonly referred to as Forrestfield North (Residential Precinct and Transit Oriented Development Precinct). Since the announcement by the State Government in 2014 to deliver a train station in the area, the planning direction for 'Stages 2 and 3' changed to a residential outcome. Due to this change, the review of the Design Guidelines removes this area.
11. On 25 September 2017 Council adopted modifications to the Forrestfield / High Wycombe Industrial Area Structure Plan (Attachment 4).
12. On 4 April 2018, the WAPC requested the City to modify the Structure Plan.
13. The Structure Plan Modifications are summarised below:
  - a) reducing the minimum lot sizes for Lots 3-6 Ashby Close, Lots 50-52 Sultana Road West and Lot 547 Berkshire Road from 1 hectare to 3000m<sup>2</sup>;
  - b) revised road and movement network plans; and
  - c) introducing additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, this was originally requested to be removed by the WAPC, however was later accepted.
14. The Design Guidelines were adopted for the purpose of public advertising on 30 April 2019 and were advertised between 3 May 2019 and 10 June 2019.

## **DETAILS**

15. The Design Guidelines contains principles, guidelines and some mandatory requirements relating to:
  - a) land use;
  - b) site development;
  - c) built form (including signage);
  - d) environmental management;
  - e) landscaping; and
  - f) site amenity.
16. The objectives of the Design Guidelines are to:
  - a) facilitate a pleasant working environment, attractive streetscapes, and contribute to the protection of value in business investment within the area;
  - b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
  - c) encourage industries that are environmentally compatible with surrounding zones and activities;
  - d) encourage the development of high quality, attractive and sustainable landscaped areas and streetscapes;
  - e) encourage greater sustainability through energy and water-efficient building design and site development.
  - f) encourage water conservation through sustainable stormwater management, water-wise landscaping and water efficient reticulation in accordance with the Water Sensitive Urban Design principles.

- g) minimise the impact of new industrial development on the environment and amenity of neighbouring residential properties;
  - h) minimise the impact of new industrial development on identified sensitive areas such as native bushland and waterways;
  - i) minimise unsightly and poorly planned and maintained developments;
  - j) encourage the value of existing and future business investment by insisting upon quality development throughout the Policy Area; and
  - k) encourage improved residential/light industrial interface for Lot 50 Sultana Road West.
- 17. The Design Guidelines are required to be modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.
- 18. The required modifications also provide an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development, and to provide a contemporary planning policy that aligns with the City's current planning framework.
- 19. The modifications incorporated, that introduce additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, are as follows -
  - a) Vehicle access for Lot 50 Sultana Road West shall be permitted via Sultana Road West for residential purposes only, all other land uses shall be from the Nardine Close extension (Road 2A) unless otherwise approved by Council.
  - b) Any fencing forward of the street setback line at Lot 50 Sultana Road West shall be a maximum height of 1.8m above natural ground level and materials shall be consistent with P-DEV 57 Street Fencing and Walls Residential Zoned Land Policy requirements and Table 2 to the satisfaction of the City of Kalamunda.
  - c) Any buildings within 30m of the front boundary for Lot 50 Sultana Road West shall be commensurate with a residential scale. The maximum wall height in this area shall be 6m and the façade shall incorporate glazing and clearly definable entry points to the satisfaction of the City of Kalamunda.
- 20. Additional modifications of the Design Guidelines as a result of a review of the document are as follows -
  - a) Administrative typographical edits, such as changing Shire to City.
  - b) Aligning Vision/Statement of Intent with approved Structure Plan.
  - c) Design Guidelines area amended to only include Stage 1 (bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West). Mapping amended to reflect boundary change.
  - d) Zoning map amended to only include Stage 1 and provide up to date zoning.
  - e) Updated terminology to be consistent throughout the document.
  - f) Removed unnecessary information where the Local Planning Scheme is duplicated.

- g) Requirements for trees in car parking areas amended from one shade tree every six bays to one shade tree every four bays to align with the City's Landscaping Information Sheet.
  - h) The number of access points to a site shall be limited to one access point per 40m lot frontage.
- 21. During the public advertising period one (1) submission was received. The submission expressed support for the Design Guidelines and general comments.
- 22. The Design Guidelines have been allocated the Local Planning Policy number 27.

### **STATUTORY AND LEGAL CONSIDERATIONS**

- 23. The Design Guidelines have been prepared in accordance with Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA) (Regulations).

### **POLICY CONSIDERATIONS**

- 24. The Design Guidelines are a Local Planning Policy prepared and adopted pursuant to Part 2 of the Scheme.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

- 25. The various elements of the Design Guidelines were assessed by the City from the perspective of relevant development-oriented disciplines.

#### **External Referrals**

- 26. The Design Guidelines were sent to landowners within the Forrestfield / High Wycombe Industrial Area for comment.
- 27. The Design Guidelines were referred to the Department of Planning, Lands and Heritage for comment.

### **FINANCIAL CONSIDERATIONS**

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

29. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

#### **Priority 3: Kalamunda Develops**

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

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

## SUSTAINABILITY

### Social Implications

30. Design Guidelines ensure industrial developments are attractive places for people to work.

### Economic Implications

31. Design Guidelines assist to guide and facilitate attractive developments within the industrial area which in turn creates an attractive employment hub within the City.

### Environmental Implications

32. The Design Guidelines have landscaping requirements to reduce the 'heat island' impacts from extensive areas of hard stand, provide shade and increase amenity within the Industrial Area.
33. The Design Guidelines have waste discharge requirements for equipment and vehicle cleaning, servicing etc., (not captured by the wastewater system) which must be cleaned and filtered prior to entry into the stormwater system.
34. The Design Guidelines recommend land owners install external rainwater tanks to irrigate planted areas (and/or provide water for internal domestic use such as toilet flushing). The recycling of grey water will be encouraged.

## RISK MANAGEMENT CONSIDERATIONS

35.	<b>Risk:</b> The provisions of the Design Guidelines are not fully implemented during the assessment of development proposals.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Review the Design Guidelines every year to ensure the provisions are implementable and contemporary.		

## OFFICER COMMENT

36. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary planning policy which aligns with the City's current planning framework.
37. The Design Guidelines have been modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.
38. The required modifications also provided an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development and to provide a contemporary planning policy that aligns with the City's current planning framework.
39. One submission was received during the public advertising period that expressed support for the Design Guidelines. Due to this feedback the only changes proposed to the Design Guidelines adopted by Council for the purpose of public advertising on 30 April 2019 are administrative.

### Voting Requirements: Simple Majority

## RECOMMENDATION

That Council ADOPT the Forrestfield / High Wycombe Industrial Area Design Guidelines as outlined in Attachment 1.



## **10.1.2. Wattle Grove Cell 9 - Development Contributions Plan Annual Review: Consideration of Submissions for Final Adoption**

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

Previous Items	OCM 72/2017, OCM 52/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"><li>1. Cell 9 DCP Report [<b>10.1.2.1</b> - 26 pages]</li><li>2. Submission Table [<b>10.1.2.2</b> - 1 page]</li><li>3. Draft Cell 9 DCP Report - Advertised [<b>10.1.2.3</b> - 23 pages]</li><li>4. Cell 9 Outline Development Plan [<b>10.1.2.4</b> - 1 page]</li></ol>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to adopt a revised rate as outlined in the Wattle Grove Cell 9 – Development Contribution Plan (DCP) Report (Attachment 1) in response to the submissions during public advertising and the review of the DCP Report.
2. Development Scheme provisions for the Wattle Grove Cell 9 Local Structure Plan (LSP) are governed by the Wattle Grove Cell 9 – Development Contribution Plan (DCP) which is generally reconsidered each year in a report prepared for Council adoption.
3. It is recommended Council adopt the proposed Development Contribution Plan Report and new rate.

### **BACKGROUND**

4. The DCP was adopted by Council for the purpose of public advertising on 26 March 2019. One (1) submission was received during the advertising period. The DCP Report was also reviewed during the advertising period.
5. The DCP Report provides a decrease in the contribution rate from \$26,588 (adopted May 2017) per lot to \$24,187 per lot. This is primarily due to reducing the rounded contingency on infrastructure related works (apart from Woodlupine Brook Improvements) from 10% to 5% as a result of further detailed design, a reduction in the estimated cost for Hale Road upgrades and an audit of the predicted lots remaining to be developed due to the reduction in average lots sizes prescribed through State Planning Policy 7.3 – Residential Design Codes.

6. **Land Details:**

Land Area:	Approx. 250ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

7. **Locality Plan:**



# 8. Local Structure Plan:



9. The Wattle Grove Cell 9 area operates as an LSP with administrative provisions and Development Scheme provisions incorporated in Schedule 11 of Local Planning Scheme No. 3 (Scheme). The LSP is included for information (Attachment 2).

10. Following the gazettal of the Development Scheme provisions in October 1997, Council was required to facilitate the development of a cost sharing arrangement for the area. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of LPS 3 but, once adopted by Council, must be reviewed annually.

11. The DCP Report was last reviewed in May 2017. The delay in the review was primarily due to the need to revise the scope and cost estimates for infrastructure items. This included the progression of detailed civil design for key items of infrastructure.

12. The previous reviews of the report resulted in the following contribution rates:

Date Amended	Rate
1/11/2001	\$7,100
1/11/2002	\$8,100
1/11/2003	\$10,000
1/11/2004	\$12,550
19/07/2005	\$13,550
1/03/2006	\$15,500
1/09/2006	\$19,050
1/03/2007	\$22,050

1/03/2008	\$24,650
1/11/2008	\$25,500
1/11/2009	\$25,500
1/06/2011	\$26,450
1/01/2013	\$27,335
25/03/2014	\$27,315
27/08/2015	\$27,816
22/05/2017	\$26,588

13. The Council adopted the DCP Report and DCP rate of \$25,836 for the purpose of public advertising on 26 March 2019 (Attachment 4).
14. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received (Attachment 3).

## DETAILS

15. The proposed DCP Report is a technical document with input from Engineering, Finance and Planning perspectives, the DCP Report is an effective way to simplify and summarise all the different aspects involved with arriving at a contribution rate.
16. At each DCP Report review, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:
  - a) Remaining lot yield;
  - b) Land requiring acquisition;
  - c) Land valuation;
  - d) Cost of works outstanding;
  - e) Administration costs;
  - f) Works priorities; and
  - g) Calculation methodology.
17. *Remaining lot yield*  
The future lot yield is expected to provide the contributions necessary to clear all the remaining DCP costs. As at June 2019, approximately 384 new lots are expected to be created.
18. No new lots have been created since the DCP Report was adopted for the purpose of advertising on 26 March 2019.
19. During advertising, a detailed audit of the remaining lots to be developed was undertaken by the City. The figure of 384 lots remaining to be developed was calculated as part of this review in lieu of the 359 lots that were adopted for public advertising.
20. Reasons for the change in predicted lots remaining are as follows:
  - a) Changes to the State Planning Policy 7.3 (Previously State Planning Policy 3.1) Residential Design Codes (R-Codes) minimum and average lot size for R20 lots over the existence of the Cell 9 DCP have impacted

- the potential lot yield assumptions. Currently, the average lot size for R20 is 450m<sup>2</sup>. Prior to 2013, the average lot size for R20 was 500m<sup>2</sup>.
- b) The typical lot sizes developed earlier in the Cell 9 DCP's existence was typically larger than it has been in recent years, partially due to the changes in R-Codes and due to the nature of the market at the time. Subdivisions occurring pre-2010 typically produced lot sizes between 550m<sup>2</sup> – 650m<sup>2</sup>, whereas subdivisions post-2010 are typically between 450m<sup>2</sup>-550m<sup>2</sup>. These conditions have influenced lot yield assumptions in previous DCP reviews.
  - c) Due to the changes in R-Code provisions and the development market more generally, lot yield assumptions have been updated to reflect current development conditions, aligning with the average lot size provisions in the current R-Codes being, 450m<sup>2</sup> for R20 lots and 300m<sup>2</sup> for R30 lots.
21. Previous DCP reviews have estimated a 4900m<sup>2</sup> block being retained on Lot 42 (No. 12) Bruce Road, Wattle Grove. This estimation is a result of past discussions with the landowner. To confirm this is still the intention of the landowner, the City will engage with the landowner during the next DCP review to ensure lot estimations are accurate.
22. *Land Valuation*  
An independent land valuer assigns value to land required to be acquired for public purposes as outlined by the LSP. The valuation report assigned a land valuation rate of \$165/m<sup>2</sup> to be utilised for determining estimated land acquisition costs for the remaining areas of land acquisition.
23. The DCP takes responsibility for acquiring DCP road reserve land as outlined in Schedule 11 of the Scheme. The DCP is also responsible for acquiring Public Open Space land where it is identified on the LSP. Under the DCP, there is generally no liability for landowners to vest Public Open Space in the Crown free of charge (i.e. 10% POS), this requirement is fulfilled by virtue of fulfilling DCP contribution requirements.
24. The following table brings together the road reserve and Public Open Space acquisitions along with an allowance for miscellaneous land purchase, which may be required through the course of detailed design and construction works:

<b>Item</b>	<b>Area of Remaining Acquisition (m<sup>2</sup>)</b>	<b>Cost of Remaining Acquisition (\$)</b>
Road Reservation	<b>523</b>	<b>86,295.00</b>
Public Open Space	<b>28,040</b>	<b>4,726,600.00</b>
Miscellaneous Land Purchase	<b>---</b>	<b>355,741.92</b>

25. Miscellaneous land acquisition related works are costs which may be required through the course of detailed design work, such as compensation for improvements and remediation work.

26. Previous DCP Reports applied a \$200,000 figure for miscellaneous land purchase items. The City has received cost estimates for miscellaneous land acquisition related works for the Hale Road widening and Woodlupine Brook Improvements of \$155,741.92 which has been applied.

27. The \$200,000 figure has been retained to the total cost for future land acquisitions in relation to POS on Bruce Road and St John Road.

28. *Costs of Works Outstanding*

<b>Item</b>	<b>Remaining Cost</b>
Hale Road	\$5,692,517.00
Woodlupine Brook Improvements	\$2,350,350.00
Developer Drainage Works	\$792,000.00
Sheffield Road / Arthur Road Pathway Installation	\$0
Project Management	\$100,000.00
Miscellaneous Land Purchase	\$355,741.92
<b>Subtotal</b>	<b>\$9,290,608.92</b>
<i>Contingency</i>	<i>\$582,000</i>
Education Department Loan	\$3,909,092.00
Land for Roads	\$86,295.00
Land for Public Open Space	\$4,626,600.00
Land Contingency	\$200,000.00
Administrative Items	\$548,800.00
<b>Total</b>	<b>\$19,243,395.92</b>

The above remaining cost estimates are as of 31 June 2019.

29. A contingency has been applied for the Woodlupine Brook Improvements, Hale Road, Developer Drainage Works, Project Management and Miscellaneous Land Acquisition Related Works.

30. A contingency of 10% has been applied to the Woodlupine Brook Improvements and a contingency of 5% has been applied to all other infrastructure related items.

31. Woodlupine Brook contingency of 10% has been applied due to recent advice received in relation to the extent of Acid Sulphate Soils (ASS) located within the base of the existing main drain. Due to this advice it is anticipated that Woodlupine Brook improvements estimated costs will increase. Revised detailed costs will need to be provided in the next DCP Review for the contingency to be reduced for this project.

32. Other infrastructure items have had their contingency reduced to 5% because less work is remaining since the previous review and further detailed designs have been received, a smaller contingency for 5% is considered reasonable to cover these future works.



33. Project Management costs are associated with the City's supervision of the contractors undertaking DCP works. Project management cost estimates were attributed to each individual item in previous reviews, this item has been separated out. The estimated annual figures have been added over the remaining four years
34. *Completed Works*  
Since the last review, the following items have been completed:
1. Sheffield Road; and
  2. Arthur Road / Wimbridge Road Extension;
  3. Sheffield Road / Arthur Road Footpath Installation
35. The associated pathway installation for Sheffield Road / Arthur Road items was included as a separate line item in the advertised version of the DCP Report at a figure of \$90,386.85. These works have since been completed and therefore have been removed from the remaining estimated figures.
36. *Administration Costs*  
Administration costs have been updated to reflect expenditure. The annual figures have been multiplied over the remaining four years of the DCP showing an estimated remaining cost of \$548,800.
37. The administration of the DCP includes, but is not limited to, the following key tasks:
1. Legal/Land acquisition management;
  2. DCP annual review;
  3. Land valuation; and
  4. Planning/project management of the delivery of DCP infrastructure.
  - 5.
38. *Works Priorities*  
Subdivision and development within DCPs are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there are not always enough funds within the DCP to deliver all of the infrastructure included. For this reason, Council need to establish a priority of works schedule for the provision of DCP infrastructure.
39. Clause 4 of the DCP Report contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the City has determined the following items as the current order of priority:
1. Woodlupine Brook Improvements land acquisition, design and construction (Ongoing 2019/2020);
  2. Hale Road land acquisition, design and construction (2019/2020);
  3. Developer drainage works (Ongoing);
  4. Miscellaneous Land Acquisition Costs (Ongoing);
  5. Project Management (Ongoing);
  6. Administration Cost (Ongoing); and
  7. Remaining Land Acquisitions.

40. The City undertook an audit of public open space yet to be developed within Cell 9.

The following reserves were identified by the audit:

- a) Lot 42 Bruce Road;
- b) Lot 312 Sheffield Road;
- c) Lot 26 St John Street; and
- d) Lot 60 Bruce Road.

41. The cost for land acquisition of these reserves has been factored into the DCP (note Lot 312 has already been purchased), however the improvements of the reserves have not been included since inception. The cost to improve these reserves through the DCP would be too significant of a cost burden on the remaining lots to be included, and therefore these costs have been left out of the DCP. Improvements to these reserves will need to be included in the City's annual budgeting processes.

42. The estimated costs associated with the improvements of the reserves is approximately \$2,672,400. It should be noted the timing of these improvements would be contingent on the timing of land acquisition.

43. The identification of priorities will be undertaken as part of the annual cost estimate review and associated DCP Report update.

44. *Calculation Methodology*

Schedule 11 of LPS 3 sets out the Cell Infrastructure Contribution requirement.

The calculation for this requirement is derived as follows:

Net outstanding costs = remaining costs – funds held as money  
 Remaining lot yield = R - Code yield or Commercial zone equivalent

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Using the following figures, the new contribution rate can be calculated.

<b>Remaining costs</b>	<b>\$19,243,395.92</b>
<b>Funds held in bank</b>	<b>\$9,955,670</b>
<b>Remaining lot yield</b>	<b>384 lots or lot equivalent</b>
<b>Contribution Rate</b>	<b>\$24,187 per lot</b>

$$\text{Contribution Rate} = \frac{(\$19,243,395.92 - \$9,955,670)}{384} = \$24,187 \text{ per lot}$$

## **STATUTORY AND LEGAL CONSIDERATIONS**

45. The DCP contributions are administered and determined in accordance with the provisions of Schedule 11 of LPS3.

## **POLICY CONSIDERATIONS**

46. The annual review has been conducted generally in accordance with State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6). Noting that the Cell 9 Wattle Grove DCP pre-dates the establishment of SPP3.6 and is administered in accordance with Schedule 11 of LPS3.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

47. The review of the DCP was completed with cooperation from Engineering, who updated the cost and works schedule. Finance assisted with calculating cash in hand and future administration costs.

### **External Referrals**

48. The review was advertised to landowners who are yet to develop for a period of 35 days.
49. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received.
50. The submission suggested retaining the existing rate adopted in the previous DCP (May 2017) to cover any potential cost blow outs. As the DCP incorporates contingencies, additional costs are covered. All items are carefully costed, and lot yields calculated. Therefore, the new rate in DCP Report is recommended to be adopted.

## **FINANCIAL CONSIDERATIONS**

51. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

52. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

## SUSTAINABILITY

### Social Implications

53. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered along with individuals' expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.

### Economic Implications

54. The implementation of DCPs assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

### Environmental Implications

55. The proposed DCP provides upgrades to Woodlupine Brook, including the purchase of land for the purpose of Public Open Space. Landscaping and water course upgrades will enable the area to be utilised for more active uses by the community and to reduce erosion.
56. Consultation has occurred with the Water Corporation and Department of Water in the development of the designs for water course upgrades.

## RISK MANAGEMENT CONSIDERATIONS

- 57.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> DCP does not generate enough funds to undertake works.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Major              | High Medium   |
| <b>Action/Strategy</b>  |                    |               |
| Ensure annual reviews account for the cost of infrastructure and the remaining development has the capacity to cover these costs. Ensure regular reviews of funding capacity. |                    |               |

## OFFICER COMMENT

58. The review to the DCP Report has resulted in a decrease in the contribution rate from \$26,588 per lot to \$24,187. This is a result of reducing the rounded contingency on infrastructure related works from 10% to 5% (except Woodlupine Brook Improvements) as a result of further detailed design, a reduction in the estimated cost for Hale Road upgrades and an increase in the predicted lots remaining to be developed as a result of a reduction in minimum lot sizes prescribed by the R-Codes.
59. The DCP has a positive cash flow at present, with a cash balance of \$9,955,670. There are a number of infrastructure projects planned in the short term as outlined in the works priorities, which will bring the cash balance down.

60. The DCP was advertised from 8 April 2019 to 13 May 2019. A total of one submission was received. The submission suggested retaining the existing rate adopted in the previous DCP (May 2017) to cover any potential cost increases. As the DCP incorporates contingencies, additional costs are covered. All items are carefully costed, and lot yields calculated. Therefore, the new rate in DCP Report is recommended to be adopted.

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

1. ADOPT the proposed Development Contribution Plan Report (Attachment 1).
2. ADOPT the reviewed rate of \$24,187 (GST free) per dwelling yield, effective immediately.
3. NOTE the affected landowners will be notified of the reviewed rate.

### 10.1.3. Wattle Grove South Concept Planning and Community Engagement - Appointment of Consultant

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

Previous Items	OCM 35/2019, OCM 79/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-MRS-024
Applicant	N/A
Owner	Various
Attachments	1. Scope of Works - Wattle Grove South Concept Planning and Community Engagement [ <b>10.1.3.1</b> - 10 pages]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of the Request for Quotations (RfQ) received for eQuote 2019-05 – Wattle Grove South Concept Planning and Community Engagement, document the results of the assessment of submissions and make recommendations regarding the award of the RfQ.
2. Following consideration of the submissions and in accordance with the selection criteria, all companies generally demonstrated good capacity to undertake the community engagement and prepare the concept plans and documentation, however, the submission received from Company 1 is considered to represent best value to the City and is therefore recommended as the preferred submission.
3. The submission prepared by Company 1 demonstrated that the consultant can deliver a quality level of service and has an appropriate level of experience and demonstrated understanding which was well received by the City.

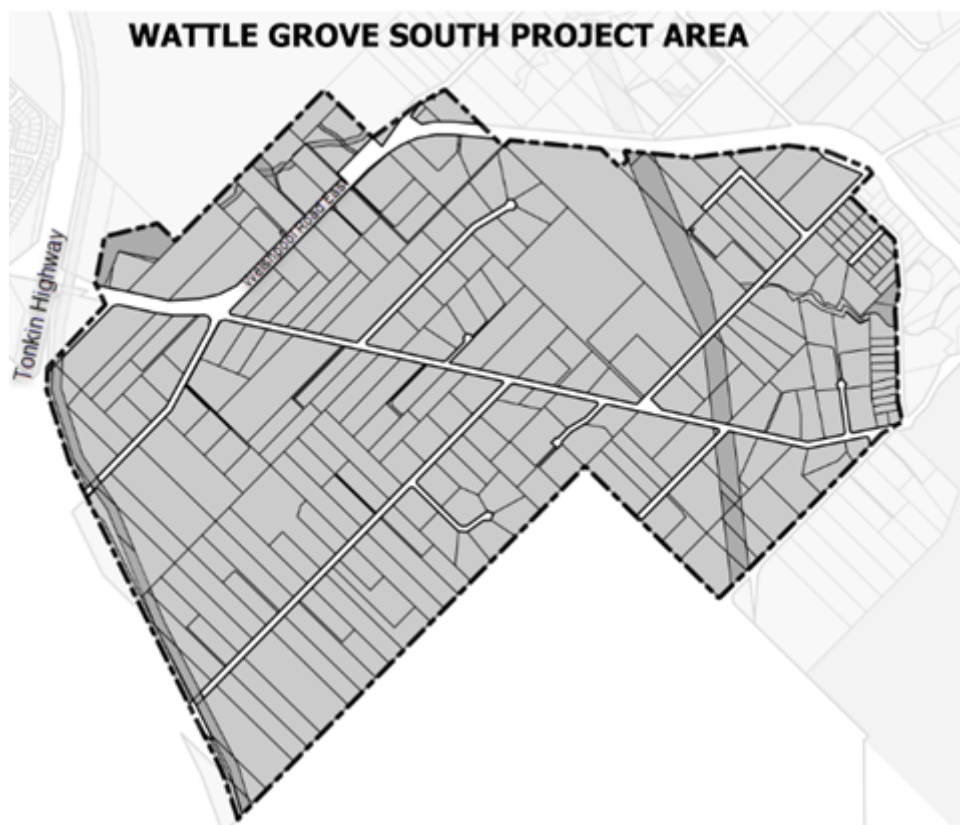
#### BACKGROUND

##### 4. Land Details:

Land Area:	Approx. 400ha
Local Planning Scheme Zone:	Special Rural and Rural Composite
Metropolitan Regional Scheme Zone:	Rural

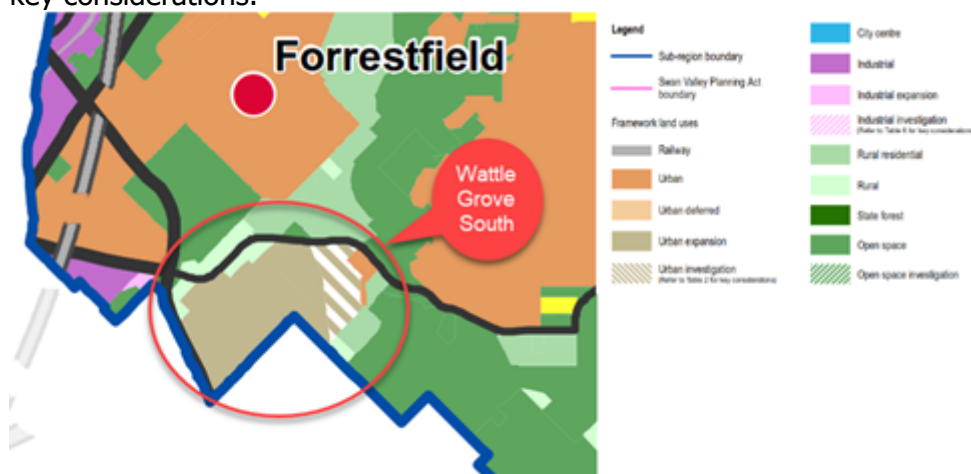


5. **Locality Plan:**



6. The City's Local Planning Strategy 2010 identifies part of Wattle Grove South as an Urban Investigation area.

7. The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework (Framework), adopted in 2018, identifies the majority of Wattle Grove South as an Urban Expansion area. An eastern portion of Wattle Grove South is identified as Urban Investigation subject to key considerations.



8. In September 2017, the City appointed a planning consultant to undertake the Wattle Grove Feasibility Study. The Study was completed in May 2018 and

presented to Council in July 2018 to consider the recommendations of the Study.

9. Council Resolved to:

- a) *NOTE the Wattle Grove South Feasibility Study, as outlined in Attachment 1.*
- b) *SUPPORT continuing with the next phases of planning, subject to community consultation on the land use options as part of the preparation of the draft District Structure Plan.*

10. The community consultation process undertaken during August and September 2018, included two workshops and a survey.

11. The Wattle Grove South project was presented to a Special Council Meeting (SCM) on Monday 22 October 2018 to determine the next phase in the project. The resolution of Council was as follows:

*Alternative Motion 2:*

*That Council:*

- a) *ACCEPTS the community consultation outcomes shown in Attachments 1, 2 and 3.*
- b) *NOTES that community views vary in relation to the potential for commercial / light industry uses south of Crystal Brook Road, with most participants and submitters stating opposition to the proposal.*
- c) *NOTES that some community views support various forms of residential or a mixture of residential and commercial / light industry uses.*
- d) *NOTES the community engagement outcomes in relation to the environmental values of the area.*
- e) *REQUEST the Chief Executive Officer to prepare a report to Council, by May 2019, detailing the process and requirements, including cost, for establishing a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*

12. A Special Electors Meeting (SEM) was called on 3 December 2018. The purpose of the meeting is as listed in the Public Notice of the Special Elector's Meeting published on 13 November 2018, being:

- a) *To consider the following motion in a Petition from Electors of the City of Kalamunda:*

*"The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option".*

A vote from electors was undertaken, with the result being 173 votes in favour of the motion and 17 votes being against the motion.

13. The following motion was put and adopted at the 26 February 2019 Ordinary Meeting of Council:

*That Council:*

- a) *REQUEST the Chief Executive Officer to cease investigations into the establishment of a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*
- b) *REQUEST the Chief Executive Officer to create a partial budget allocation in the 2018/2019 Mid-year Review, to commence the process, and the balance to be allocated in the 2019/2020 annual budget for engaging the services of suitably qualified consultants to conduct a comprehensive community consultation program to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:*
  - i. *Exclude any general or light industrial land uses.*
  - ii. *Reflect and acknowledge existing lifestyle and recreational opportunities of the area.*
  - iii. *A high-quality residential outcome that includes a range of densities.*
  - iv. *Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.*
  - v. *Retain existing vegetation and tree canopy cover where possible.*
  - vi. *Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.*
  - vii. *Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.*
  - viii. *The subject area 'Wattle Grove South' to also include the land to the north of Welshpool Road East bounded by Tonkin Hwy, Lewis Road and Hartfield Golf Course.*

14. The City prepared a scope of works (Attachment 1) in response to the resolution on 26 February 2019. On 30 April 2019 Council resolved as follows:

*That Council:*

- a) *ENDORSES the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*
- b) *REQUEST the Chief Executive Officer to seek quotations in accordance with the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan*

*(1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*

15. On 8 May 2019, the City issued an RfQ via to the Western Australian Local Government Association (WALGA) eQoutes panel, see Attachment 1. The request closed on 31 May 2019. Six WALGA preferred suppliers were invited to provide submissions and four responses were received.

**DETAILS**

16. **Specifications:**  
The outcome of the Consultants responsibilities is the submission of a comprehensive community engagement program with landowners within and bordering the subject area to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:
- a) Exclude any general or light industrial land uses.
  - b) Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
  - c) A high-quality residential outcome that includes a range of densities.
  - d) Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
  - e) Retain existing vegetation and tree canopy cover where possible.
  - f) Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.
  - g) Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.
17. The scope of services includes the preparation of the draft documentation, attendance to any modifications as required as a result of public advertising or reviews of the documentation, and presentation to Council. It can be assumed that that City will undertake all necessary reporting requirements to Council.
18. The outcome and scope of services is to include but is not limited to the following:

**Background Research / Existing Reporting and Studies**

- a) Scope existing conditions and issues.
- b) Engage with stakeholders around issues that can be addressed in the development of Concept Plans.
- c) Identify existing Local, State and Federal Government strategic work and policies that could be used as the basis for managing growth and change. This could include housing, employment, economic, social, recreational, transport or retail projections, strategies or policies.
- d) Considers any relevant existing data in the Feasibility Study (*noting that light industrial options are not to be considered*) and collect additional data where required. Relevant data may include existing conditions and potential opportunities, demographic analysis,

population projections, economic and retail analysis, urban design and built form, transport, services and infrastructure analysis.

19. **Project Management / Coordination**

- a) The project is commissioned and managed by the Strategic Planning department of the City of Kalamunda.
- b) The lead planning consultant will appoint, manage and coordinate all sub- consultants as a consolidated project team.
- c) Coordination of the individual disciplines is the responsibility of the lead planning consultant.
- d) The City reserves the right to liaise directly with sub-consultants as required.
- e) As part of the proposal a detailed MS Project schedule or GANTT chart needs to be submitted detailing key milestones and proposed timeframes for completion.
- f) The scope of services will include preparation of the draft documentation, attendance to any modifications required as a result of public advertising or engagement or reviews of the documentation. It can be assumed that the City will undertake all necessary reporting requirements to Council.

20. **Concept Plans**

Prepare a number of Concept Plans which identify a combination of appropriate zonings and land uses which respond to the opportunities and constraints, strategic planning and the key principles and values of the area.

The Concept Plans should cover matters including but not limited to:

- a) Exclude any general or light industrial land uses.
- b) Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
- c) A high-quality residential outcome that includes a range of densities.
- d) Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
- e) Retain existing vegetation and tree canopy cover where possible.
- f) Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.
- g) Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.

The Concept Plans should be supported by a Technical Report outlining the key principles behind each plan.

21. **Community / Stakeholder Engagement**

The identification of community values and issues related to the Wattle Grove South area and capturing their ideas and input during the preparation of the Concept Plans is important to the City. A detailed communications plan needs to be developed in consultation with the City. The comprehensive community consultation program is to be coordinated and delivered by the successful consultant.

22. The consultation program is to include, but not limited to:

1. Community enquiry by design style workshops / information sessions with landowners within and bordering the subject area;
2. Facilitate inputs from large groups of landowners with varying views and opinions;
3. Undertake surveys and ensure those not actively involved are provided an opportunity to have their say;
4. Conduct various meetings (to be determined by the consultant) with:
  - a) Council at Strategic Briefings (at least four)
  - b) Landowners and community representatives (various TBD)
  - c) City Staff (various)
  - d) Stakeholders and Government Agencies (e.g. Perth Airport, DWER etc.)
5. Based on the community consultation and engagement undertaken, formulate a report of the findings that proposed recommendations to be considered / incorporated into the Concept Plan.

23. **Deliverables**

Concept Plans

- a) Concept Plan Maps and Technical Report

Community / Stakeholder Engagement

- a) Consultation Findings and Outcomes Report

24. Note: The scope of services will include preparation of the draft documentation, attendance to any modifications required as a result of public advertising or reviews of the documentation. It can be assumed that the City will undertake all necessary reporting requirements to Council.

25. **Period of Contract**

The Contract shall be in force until the end of the Consultancy.

However, in the event of the Contractor failing in any manner to carry out the Contract to the Principal's satisfaction, the Principal may determine (terminate) the Contract by written notice to the Contractor.

26. **Submissions**

Company Name	Price	Rank
Company 1	\$79,850.00	1
Company 2	\$190,525.00	2
Company 3	\$224,828.00	3
Company 4	\$238,957.50	4

27. **Evaluations of the proposals**

Evaluation of the proposals was undertaken by a panel comprising the Acting Manager Approval Services, Manager Customer and PR, and Manager Asset Planning. Coordination of the evaluation process was facilitated by the City's Senior Procurement Officer.

28. Evaluation of the proposals in accordance with the advertised assessment criteria produced the following scores:

Company Name	Qualitative Score (100%)	Qualitative Rank
Company 4	73.5%	1
Company 3	64%	2
Company 2	60%	3
Company 1	60%	3

29. Following consideration of the submissions and in accordance with the criteria, all companies generally demonstrated good capacity to prepare the documentation, however, the submission received from Company 1 is considered to represent best value to the City.

30. The Company 1 submission provided acceptable responses to all elements of the tender. The Company 1 submission was the most affordable submission.

31. During evaluation of the Price Submissions it was noted and that Company 1 had a lower offer than the other submissions.

32. The Panel considered the price difference most likely due to two differences to the higher costed submissions:
- a) The majority of expertise exists in-house (i.e. within Company 1); and
  - b) The costs of external experts from the Curtin University Sustainability Policy Institute are provided at no cost, which accounts for three members of the project team.
33. A technical review was conducted against all submissions to benchmark the deliverables, it was noted that there was nothing significantly variable in Company 1 submission against the other submissions.
34. The Probity Officer recommended to the Evaluation Panel that Company 1 be approached for a meeting with the City's Project Team for clarification and to go through the submission and confirm that the technical requirements and outcomes against the specifications can be met.
35. A meeting was requested by the Probity Officer for Company 1 to attend the City of Kalamunda Offices to discuss technical details of their submission. On the 17 July 2019 at 12.00pm a meeting was held with the Panel Evaluation Team and project experts to review Company 1 submission and to clarify the requirements by both parties.
36. The key areas the City sought to address at the meeting are that Company 1 could undertake and meet the expectations of the comprehensive community engagement requirements, understand the context of the engagement that has already occurred and be able to deliver the work required (community engagement, concept plans, research, other documentation etc.) at a high-quality level within the budget provided.
37. Clarifications provided by Company 1 at the meeting were appropriate. Company 1 propose a variety of engagement methods including online engagement, workshops and focus groups to capture the feedback of all community members. These delivery methods will also be comprehensively discussed with the City, prior to delivery, to ensure all requirements are delivered. Company 1 also demonstrated that they will be able to deliver the concept plans at an acceptable level with community feedback and technical information well considered. It was agreed that Company 1 is capable of meeting the project brief in line with the scope and submission.
38. The tender panel recommended that Company 1 be awarded the Project for Wattle Grove Consultancy for a total cost of \$79,850 plus GST.

## **STATUTORY AND LEGAL CONSIDERATIONS**

39. In accordance with the *Local Government Act 1995* Section 3.57 (2) and *Local Government (Functions and General) Regulations 1996* (the Regulations), Part 4, Division 2, Regulation 11 (2), the supply of goods and services have been sought through the WALGA Preferred Supplier Program.



## **POLICY CONSIDERATIONS**

40. The City's Purchasing Policy (C-PP01) was considered to apply to this proposal due to the potential for tenders to exceed \$150,000. The Policy states that for goods and services over \$150,000 public tenders are required. However, an exemption to publicly invite tenders may apply when the supply of goods and services have been sought through the WALGA Preferred Supplier Program. The Regulations allow for an exemption from tendering requirements where a supplier is listed on the WALGA Preferred Supplier Panel. The proposals were sought through the WALGA Preferred Supplier Panel.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

41. The scope of works was referred to the City's relevant service teams for review, comment and input. The relevant service teams provided input and this was incorporated into the RfQ before it was released on the WALGA panel.

### **External Referrals**

42. The Scope of Works was presented to the 9 April 2019 Public Agenda Briefing and the 30 April 2019 Ordinary Council Meeting where the public was able to view the scope and make deputations. Community feedback was incorporated as part of the scope.

## **FINANCIAL CONSIDERATIONS**

43. Within the RfQ, the City did not allocate a maximum budget for the project. This was to ensure submissions accounted for the cost for providing services that represent best practice for the full scope of works to complete a project of this size and scale. An amount of \$100,000 has been allocated for the project in the 2019/20 Strategic Planning budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

44. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

### **Priority 2: Kalamunda Clean and Green**

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

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

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

### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

### **Priority 3: Kalamunda Develops**

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

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

## **SUSTAINABILITY**

### **Social Implications**

45. The population of the area is expected to increase over time, resulting in an increased demand for community facilities and infrastructure. An appropriate hierarchy of community facilities and infrastructure will be considered during concept planning and explored in greater detail during the structure planning phase to ensure that all demographic groups are accommodated.

### **Economic Implications**

46. An increased population to the area will see demand for retail and commercial uses and provided a greater population catchment for existing businesses in the area.

### **Environmental Implications**

47. Flora and fauna surveys will be undertaken during the spring 2019 to determine the environmental values of the area. The results of these surveys will be taken into consideration during concept planning and the structure planning process to protect significant environmental values.

## RISK MANAGEMENT CONSIDERATIONS

48.

<b>Risk:</b> The community is not receptive to the community engagement program.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
In coordination with the City’s communication team and the consultant, ensure that the consultation program is comprehensive and inclusive.		

49.

<b>Risk:</b> The City ceases progressing planning for the area leaving the planning process open to the development industry or the State Government to progress.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Progress with on-going consultation and education on land use options with an aim of seeking general agreement amongst the community.		

## OFFICER COMMENT

50. Following consideration of the submissions and in accordance with the criteria, all companies generally demonstrated good capacity to prepare the documentation, however, the submission received from Company 1 is considered to represent best value to the City.
51. The Company 1 submission provided acceptable responses to all elements of the tender. The Company 1 submission was the most affordable submission.
52. The submission prepared by Company 1 demonstrated that the consultant can deliver a quality level of service and has an appropriate level of experience and demonstrated understanding which was well received by the City.
53. The tender panel recommended that Company 1 be awarded the Project for Wattle Grove Consultancy for a total cost of \$79,850 plus GST pa.

### Voting Requirements: Simple Majority

## RECOMMENDATION

That Council ACCEPT the proposal submitted by Roberts Day for Tender (eQuote) 2019-05 Wattle Grove South Concept Planning and Community Engagement in accordance with the proposal documentation for the lump sum value of \$79,850 (excl GST).

#### **10.1.4. Proposed Amendment to Karingal Green Outline Development Plan (Local Structure Plan)**

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

Previous Items	OCM 165/2015
Directorate	Development Services
Business Unit	Approval Services
File Reference	IN18/710COD16
Applicant	Creative Design & Planning
Owner	Activ Foundation Inc
Attachments	<ol style="list-style-type: none"><li>1. Applicant Report [<b>10.1.4.1</b> - 90 pages]</li><li>2. Endorsed ODP [<b>10.1.4.2</b> - 1 page]</li><li>3. Initial ODP [<b>10.1.4.3</b> - 1 page]</li><li>4. Amended ODP [<b>10.1.4.4</b> - 1 page]</li><li>5. Recommended ODP [<b>10.1.4.5</b> - 1 page]</li><li>6. Transport Impact Assessment [<b>10.1.4.6</b> - 28 pages]</li><li>7. Amended Transport Impact Assessment [<b>10.1.4.7</b> - 28 pages]</li><li>8. Distances to High Frequency Bus Routes [<b>10.1.4.8</b> - 1 page]</li><li>9. Submission Table - Initial Consultation - Closure 14 December 2018 [<b>10.1.4.9</b> - 9 pages]</li><li>10. Submission Table - Second Consultation - Closure 10 June 2019 [<b>10.1.4.10</b> - 10 pages]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an amendment to the Karingal Green Outline Development Plan (ODP), as shown in Attachment 3.
2. The proposed amendment seeks to increase the residential density of Lot 320, 321 and 312-315 Buttercup Crescent; Lot 316 and 319 Catspaw Way and Lot 265 Calophylla Way, High Wycombe from Residential R30 and Residential R20 to Residential R60.
3. During the initial consultation period, 9 objections were received regarding the proposal. Subsequent to the advertising period, the City of Kalamunda (the City), in discussion with the applicant, further modified the ODP (refer Attachment 4) and advertised the modifications to affected residents. In response to the modified plan, the City received 5 objections. Key concerns raised related to the potential height and density of future development, as well as the potential for increased traffic in light of the aged care facility currently under construction at Lot 500 (No.8) Hybanthus Avenue, High Wycombe.
4. It is recommended that Council forward the Karingal Green ODP to the Western Australian Planning Commission (WAPC) with a recommendation for approval subject to modifications.

## BACKGROUND

### 5. Land Details:

Land Area:	9,713m2
Local Planning Scheme Zone:	Urban Development
ODP Designation	'Activ Housing' and 'R30 Grouped Dwellings'
Metropolitan Regional Scheme Zone:	Urban

### 6. Locality Plan:



## 7. Zoning Map:



8. The ODP (Attachment 2) was originally endorsed by the Western Australian Planning Commission (WAPC) in 2003. The majority of the ODP area is designated Residential R20, which has been subdivided and developed accordingly.
9. The ODP area was originally owned by Activ Foundation, which provides services and support to people with disabilities. Activ Foundation retains ownership of some land in the area, including the land subject to this application. Activ Foundation also continues to operate residential facilities in the ODP area.
10. Several portions of land within the ODP area are currently identified for 'Grouped Dwellings R30'. Further portions are identified 'Private Clubs and Institutions', 'Retirement Village', 'Nursing Home' and 'Activ Housing'.
11. On 24 May 2016, the WAPC endorsed an amendment to the Karingal Green ODP to increase the residential density of Lot 426 (1) Pipe Lily Drive, High Wycombe from R30 to R60.
12. The City recommended the amendment at 1 Pipe Lily Drive be refused and forwarded to the WAPC for determination. This resolution was carried unanimously at Ordinary Council Meeting 21 December 2015 (OCM 165/2015).
13. As the WAPC's recommendation for approval was contrary to the City's recommendation for refusal, the amendment was referred to the Statutory Planning Committee (SPC) on 24 May 2016 for determination. The SPC resolved to approve the amendment.



14. **Initial Plan**

On 7 November 2018, the City received an application to amend the Karingal Green ODP to increase the density code of Lot 321 Buttercup Crescent, Lot 316 Catspaw Way and Lot 265 Calophylla Way, High Wycombe as shown below and in Attachment 3.

15.



16. Consistent with Schedule 2 Part 4 Cl 18 (1) of *LPS Regulations 2015* and Table One of *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals*, the application was advertised for a period of 14 days. During the initial consultation period, 9 objections from landowners were received (See Attachment 9).

17. In light of the concerns received during the initial advertising period, the City undertook an assessment of the proposed amendment and concluded that further information, inclusive of an amended ODP and transport impact assessment was required.

18. **Amended Plan**

An amended plan which increased the residential density of the 6 most affected properties from R20 to R60 was requested by the City with the intent to reduce the potential built form conflicts between R20 and R60 density code as shown below and in Attachment 4. This plan was subsequently advertised consistent with Schedule 2 Part 4 Cl 18 (1) of *LPS Regulations 2015* and Table One of *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals*. During the second consultation period, 5 objections from land owners and 2 comments from state agencies were received (See Attachment 10).

19.



## DETAILS

20. In support of the initial proposal the applicant has provided indicative built form outcomes (Attachment 1) and the following justification:

- a) The proposed increased density is consistent with the State Government's urban consolidation and infill directives;
- b) The proposal is in accordance with the objectives of the City's Local Housing Strategy which support a greater variety of lot sizes and housing typologies;
- c) The proposed density is compatible with the nearby nursing home and consistent with the intent of the ODP;
- d) The increased density will cater for family members or carers wishing to remain in close proximity to those who require the use of such facilities;
- e) The closest bus stops are within the 800m walkable catchment as defined by Liveable Neighbourhoods;
- f) The subject lots are in close proximity to Public Open Space and Shopping Centres as shown on the context plan (See Figure 3 of Attachment 1);
- g) The traffic reporting concludes that the transport network has sufficient capacity to accommodate the increase in dwellings. This traffic reporting took into account the upgrade to the Roe Highway and Kalamunda Road intersection;
- h) Matters such as traffic impacts, vehicular access, design and amenity impacts will be addressed through the development application process; and
- i) Visitor car parking, including any need for on-street parking will be detailed as a part of a development application.



21. Following a final assessment of the proposal it has been recognised that the existing housing stock located on the 6 most impacted properties is approximately 10 years old. As dwellings can have a life span of 30 to 50 years, the amended plan is unlikely to achieve the intended outcome of reducing built form conflicts between the R20 and R60 density code in the near future.
22. Accordingly, it is recommended that the modified ODP be approved subject to further changes as outlined in ODP below and in Attachment 5 which proposes a density code designation of R60 for Lot 265 (23) Calophylla Way and Lot 321 (73) Buttercup Crescent, High Wycombe and a designation of R40 for Lot 316 (15) Catspaw Way, High Wycombe.



## STATUTORY AND LEGAL CONSIDERATIONS

24. **Planning and Development (Local Planning Schemes) Regulations 2015**
- Schedule 2 Clause 29 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that "A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."
25. Consistent with Clause 29 (1) of the Regulations, the Karingal Green ODP has been submitted by the owner of the land covered by the plan for amendment at the approval of the WAPC.

26. Pursuant to clause 29 (2) of the Regulations, a Structure Plan amendment is to follow the same process for making a Structure plan, and the City is required to undertake the following actions:
- a) Determine the level of information required to be provided with the Structure Plan;
  - b) Assess the Structure Plan against appropriate planning principles;
  - c) Advertise the Structure Plan;
  - d) Consider and respond to submissions received during advertising; and
  - e) Prepare a report and recommendation on the proposed Structure Plan amendment and forward the City's recommendation to the WAPC for decision.
27. Under clause 22 (1) of the Regulation, on receipt of a report for a structure plan amendment, the WAPC may:
- a) *Approve the Structure Plan; or*
  - b) *Require the City or the applicant to –*
    - i. *Modify the Structure Plan in the manner specified by the WAPC; and*
    - ii. *Resubmit the modified Structure Plan for the WAPC for approval; or*
  - c) *Refuse to approve the Structure Plan.*
28. **Local Planning Scheme No.3**
- The lot(s) subject to the proposed amendment are currently zoned Urban Development under the scheme. Clause 4.2.1 of the scheme outlines the objectives of the Urban development zone as follows:
- *To provide orderly and proper planning through the preparation and adoption of Structure Plan setting the overall design for the area.*
  - *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.*
28. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. The Karingal Green ODP has been in effect since 2003.
29. Clause 6.2.7.2 of the Scheme states that:
- If a structure plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes then:*
- (a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
  - (b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.*

30. However, clause 6.2.7.2 of the scheme no longer has effect and is superseded by Schedule 2 clause 27 (1) of the Regulations which states:

*A decision maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*

31. Accordingly, all future development on subject site(s) will have due regard to the Karingal Green ODP as amended.

## **POLICY CONSIDERATIONS**

### **32. North-East Sub-Regional Planning Framework**

The *North-East Sub-Regional Planning Framework* (NESRPF) sets out to "achieve a more consolidated urban form and development" and "meet long-term housing requirements". The proposed increase in density code to R60 and R40 is consistent with the NESRPF aim of "delivering a more consolidated urban form and achieving a more efficient and cost-effective urban structure that minimises environmental impacts".

### **33. Liveable Neighbourhoods 2009**

*'Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision, for new urban (predominately residential) areas in the metropolitan area and country centres, on greenfield and large urban infill sites'.*

34. Liveable Neighbourhoods is a performance-based document made up of 8 elements and sub-objectives under each element. These elements include:

- Element 1 – Community Design
- Element 2 – Movement Network
- Element 3 – Lot Layout
- Element 4 – Public Parkland
- Element 5 – Urban Water Management
- Element 6 – Utilities
- Element 7 – Activity Centres and Employment
- Element 8 – Schools.

35. The proposal is an amendment to an existing structure plan which has been previously endorsed and assessed against the elements of Liveable Neighbourhoods. As the subject lot(s) are not a new urban area or a 'large urban infill site' a full detailed assessment against all elements of Liveable Neighbourhoods is not applicable.

36. The subject lot(s) are of a substantial size, and the increase in density substantial. Accordingly, an assessment against the relevant elements and objectives of Liveable Neighbourhoods has been undertaken.

37. Element 1 – Community Design

Objective O1 (O1) of Element 1 states that structure plans should *'facilitate a sustainable approach to urban development by minimising non-renewable energy use and car dependence, encouraging greater local self-containment of neighbourhoods and towns, and protecting key natural and cultural assets'*.

38. Consistent with objective O1 the proposed amendment will provide an increased density of dwellings within 800m of a high frequency bus route, directly adjacent to a large conservation bushland area, 150m from Public Open Space and within 750m of a local centre. The proposed amendment will encourage greater local self-containment in the High Wycombe neighbourhood.

39. Element 3 – Lot Layout

Objective O1 of Element 3 states that structure plans should *'provide a range of residential lot sizes to suit the variety of dwelling and household types in Western Australia with area and dimensions that meet user requirements'*.

40. The Karingal Green ODP area is currently predominantly R20 with three properties designated 'Grouped Dwellings – R30' and one lot designated R60. Consistent with O1 the proposed increase in density to R60 and R40 provides for a greater variety of dwelling and household types in the locality.

41. Objective O5 (O5) of Element 3 states that structure plans should *'produce lot layouts that accommodate the landform, views, prevailing breezes and environmental features, and take account of constraints, but wherever possible optimise orientation to suit energy efficient housing'*.

42. In accordance with O5 the subject lots are located with views over the existing conservation bushland area and all vacant lots have a north/south orientation, an optimal orientation to construct energy efficient housing.

43. Objective O7 (O7) of Element 3 states that structure plans should *'provide for smaller lots and lots capable of supporting higher density development in and around town and neighbourhood centres and public transport stops, and adjacent to higher amenity areas such as parks'*.

44. Consistent with O7 the proposed amendment will facilitate higher density development and the future subdivision of smaller lots. The proposed increased density has been proposed directly adjacent to a large conservation bushland and in proximity to both public open space and high frequency bus stops on Kalamunda Road.

45. **Affordable Housing Strategy 2010-2020**

The *Affordable Housing Strategy 2010-2020* (Affordable Housing Strategy) is a 10-year strategic document intended to address a lack of affordable housing opportunities for low to moderate income earners in Western Australia.

46. The Strategy focuses on allowing a greater diversity in dwelling stock to be made available to the housing market. Further the *Affordable Housing Strategy* emphasises the importance of facilitating the delivery of dwelling diversity in local areas.

47. Consistent with the *Affordable Housing Strategy* the proposed amendment seeks to deliver dwelling diversity to a locality which largely comprises of housing stock with four bedrooms and two bathrooms (Australian Bureau of Statistics, 2016).

48. **City of Kalamunda Local Housing Strategy 2014**

The City's Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject site(s) are not specifically addressed in the Local Housing Strategy, the proposed amendment to the Karingal Green ODP is consistent with the following objectives:

- a) *To ensure new residential development and infill residential development is based on good design principles which protect amenity, and ensures that growth in the City occurs in an orderly, sustainable and desirable manner;*
- b) *To provide for a greater variety of lot sizes and housing types that will cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services, while at the same time meeting the social and economic needs of the City's changing demographics;*
- c) *To identify suitable area for greater housing choice which are strategically located, i.e., close to, or well connected to, existing and future services (for example, employment centres, main transport routes/hubs, community facilities, shopping centres, and most importantly, the two District Centres within the City – Kalamunda and Forrestfield;*
- d) *To encourage cost-effective and resource-efficient development with the aim of promoting affordable housing;*
- e) *To provide the means whereby residential streetscape are enhanced in regard to the quality of edging development forms and street tree plantings; and*
- f) *To contribute appropriately to the urban infill aspirations of Directions 2031 and The Outer Metropolitan Perth and Peel Sub-Regional Strategy.*

49. Consistent with the objectives of the Local Housing Strategy;

- a) the recommended modification protects the amenity of the locality by proposing an R40 density code at Lot 316 (15) Catspaw Way. Lot 316 directly interfaces with the established R20 streetscape of Catspaw Way. Accordingly, an increase in density to R60 would propose infill which does not protect the amenity of the locality.
- b) the increased density provides a variety of housing typologies and lot sizes within an area which is largely R20. It should be noted that the City has an overabundance of 4-bedroom 2-bathroom dwellings which

- are generally occupied by two or three persons (Australian Bureau of Statistics, 2016);
- c) the increased density is located within 800m of a high frequency bus route, directly adjacent to a large conservation bushland area, 150m from Public Open Space and within 750m of a local centre;
  - d) The proposal to increase density within an existing urban area is cost effective as it utilises existing infrastructure and services, which assists in the provision of affordable housing;
  - e) Should the proposed increased density be supported, any future development will be assessed through a development application process in which quality streetscape and built form outcomes will be achieved; and
  - f) The proposed increased density is consistent with the key objectives of Directions 2031 and is located within High Wycombe where Directions 2031 notes a significant potential for increased residential development.

50. **City of Kalamunda Local Planning Strategy 2010**

The City's Local Planning Strategy sets out key strategies and actions for the strategic planning direction of the City. The strategy is summarised into 11 key statements. Statement 3 states that a main priority of the strategy is *"the provision of a range of housing types to suit the demographic profile"*.

51. The strategy outlines housing development as a key strategic issue, with the predicted population growth and current demand for housing expected to continue as land in the foothills is relatively affordable. Consistent with the *City's Local Housing Strategy*, the proposed increased density will facilitate the provision of affordable and diverse housing stock.

52. **State Planning Policy 7.3 - Residential Design Codes**

The Residential Design Codes (R-Codes) apply to all residential development and is supported by specific density codes. The objective of the R-Codes is to ensure appropriate residential built form outcomes and density in line with the Scheme.

53. In this regard, any subsequent development of the lot(s) will be assessed against *State Planning Policy 7.3*, and any subsequent subdivision will be required to achieve the minimum and average lot sizes outlined in Table One of SPP 7.3.

54. It should be noted that as of 24 May 2019, the Residential Design Codes Volume 2 has been gazetted to replace Part 6 of *State Planning Policy 3.1 - Residential Design Codes*. Accordingly, should the subject lot(s) be developed as multiple dwellings they will be assessed against the element objectives of *SPP 7.3 Volume 2 - Apartments*.

**55. State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

Consistent with clause 6.2 & 6.3 of SPP 3.7, a bushfire management plan has been submitted with the proposal which:

- a) Shows the results of a Bushfire Hazard Level (BHL) assessment;
- b) Was completed by an accredited Bushfire Planning Practitioner;
- c) Includes a BAL Contour Map displaying the indicative BAL ratings of the subject lot(s);
- d) Highlights any bushfire hazard issues; and
- e) Demonstrates compliance with the bushfire protection criteria.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

56. The proposed amendment was tabled at the City's internal development control meeting and referred to Asset Services for comment.
57. The proposed ODP amendment and Traffic Impact Assessment (TIA) (Attachment 7) were subsequently referred to the City's Asset Services for review. The City has raised concern with the standard of information provided in the TIA, however the TIA is able to be modified to address the City's concerns as a condition of approval.

**External Referrals**

**58. Community Consultation**

Consistent with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18 of the LPS Regulations, the proposed amendment was initially advertised for a period of 14 days concluding on 14<sup>th</sup> December 2019.

59. The advertising period involved the following:
- a) Letters sent to property owners within 100m of the site;
  - b) Publishing a notice of the proposed amendment on the City's website;
  - c) Signage placed on site;
  - d) Publishing a notice in the local newspaper; and
  - e) A community drop in and learn session held on 12 December 2019.
60. The major concerns received during the initial consultation in response to the ODP as shown in Attachment 3 were:
- a) The potential for increased traffic in the locality,
  - b) The potential for insufficient on-site parking;
  - c) The impact of an increased density on the amenity of the locality;
  - d) Inconsistency with the existing R20 streetscape;
  - e) The distance to high frequency bus routes;
  - f) The distance to existing services;
  - g) Whether other property owners will have the ability to subdivide;
  - h) The potential for increased crime; and
  - i) The potential damage to existing dwellings during construction.

The applicant and officer responses to the concerns raised in the submissions , are provided in Attachment 9.

61. Following the receipt of the concerns above and an initial assessment of the proposed amendment, an amended plan as shown in Attachment 4 was proposed which was subsequently advertised for a period of 14 days concluding on 10<sup>th</sup> June 2019.

62. During the secondary advertising period the City received a total of five submissions from land owners and two from state agencies which comprised of 5 objections and 2 comments (See Attachment 10). The key concerns raised through the secondary advertising period included the following:

- a) The impact of increased density on the amenity of the locality;
- b) Concerns that the increased density is forcing landowners to sell;
- c) The potential for insufficient on-site parking;
- d) The potential for increased traffic in the locality;
- e) Whether the existing services can handle the increased demand;
- f) That Gladys Newton Park needs enhancing;
- g) The potential for increased number of driveways/crossovers;
- h) That the traffic impact assessment does not take into consideration future visitors to the aged care facility which is under construction;
- i) Distance to existing commercial services;
- j) Distance to existing bus stops on Kalamunda Road; and
- k) The potential for increased crime in the area.

63. Referrals to State Agencies

Consistent with Regulation 18 (1) (b) of the LPS Regulations the City is required to:

*'seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate'.*

Accordingly, the proposed amendment was referred to the Department of Fire and Emergency Services and the Department of Biodiversity, Conservation and Attractions for comment (See Attachment 10).

64. The Department of Biodiversity, Conservation and Attractions (DBCA) provided comment that the proposed amendment directly opposite a DBCA managed reserve (Hawkevale Nature Reserve) that there was not seen to be any impact to the reserve from the proposed ODP amendment.

65. The Department of Fire and Emergency Services (DFES) provided comment which requested further information from the proponent's bushfire consultant surrounding the classification of the vegetation within 100m of the proposed development and its effect on the indicative Bushfire Attack Level (BAL) ratings provided in Appendix 2 of the applicant's report (see Attachment 1). Without this additional information DFES were unable to provide a letter of no-objection to the proposed amendment.



66. This further information has been submitted to DFES for review and is pending final comment from DFES. It should be noted that the subject lot(s) are zoned urban and any concerns surrounding the indicative BAL ratings of the subject lot(s) can be addressed through future development stages (development applications and subdivision applications). During these processes detailed BAL assessments and Bushfire Management Plans are required specific to each individual development.

## **FINANCIAL CONSIDERATIONS**

67. In accordance with Regulations 48 and 49 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, any costs associated with advertising and assessment of the Karingal Green ODP amendment will be met by the applicant.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

68. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

## **SUSTAINABILITY**

### **Social Implications**

69. Supporting the increased density at the subject lot(s) will ultimately lead to greater housing stock diversity and greater housing affordability.
70. Any amenity or social impacts to adjoining properties can be addressed as part of future development applications. The final set of modifications considered acceptable by the City has regard to density impacts and a revised density allocation has been considered for the property fronting and adjoining residents on Catspaw Way.

### **Economic Implications**

71. Should the proposed amendment for increased density be supported, there would be an increased number of dwellings and population in the locality. The increased population in the locality could positively impact the local economy with an increased number of dwellings making up the resident population.

### **Environmental Implications**

72. The subject lot(s) are vacant or contain an existing single house. Accordingly, there are no environmental implications from the proposed amendment.

## RISK MANAGEMENT CONSIDERATIONS

73.

<b>Risk:</b> Adopting the amended plan could result in an increase in traffic at the Hawkevale Road and Kalamunda Road intersection at the AM Peak.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Ensure thorough traffic impact assessments are undertaken as a condition of approval of the ODP and request individual traffic assessments are submitted for the lots with increased density.		

74.

<b>Risk:</b> Adopting the initial plan subject to modification would increase the likelihood of built form conflict between adjoining landholdings.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Request modifications reducing the density on Catspaw Way and ensure the compliance of future built form against the design principles of the Residential Design Codes. Recommend Local Development Plans should the subject lots be subdivided.		

## OFFICER COMMENT

75. The key concerns raised through the consultation periods include:
76. a) The impact of increased density on the amenity of the locality:
- The City acknowledges that the recommended R60 and R40 medium density coding as outlined in Attachment 5 is higher than the prevailing residential density within the locality. However, when considered in the context of the aged care facility under construction and their selected locations, the proposed density is compatible. Furthermore, potential amenity impacts can be mitigated through appropriate built form outcomes and modifications recommended as part of approval of the ODP.
77. While the amended ODP as outlined in Attachment 4, resulted in a potential to reduce built form conflicts to adjoining properties by providing development potential, the age of the existing housing stock would prevent the mitigation of those conflicts occurring in the short-medium term. Accordingly, the City has recommended to designate Lot 316 (15) Catspaw Way as R40 (Attachment 5). The lower density of R40 is considered an appropriate interface at this location for the following key reasons:
- Maintain the established streetscape on Catspaw Way.
  - Limited capacity for on street parking at future development application phase on Catspaw Way.
  - Appropriate interface with Catspaw Way and those properties along it in the context of the "tighter" streetscape provided through the enclosed street design being a "Way".

78.



79. With regard to the proposed R60 coding over Lot 265 (23) Calophylla Way, the lot is bound to the north by Calophylla Way, the east by a developed 'private clubs and institutions' site, the south by Hybanthus Avenue and the West by Lambertia Crescent. As the property is not directly adjacent to an existing residential property and in the context of the relatively open road design in this location (i.e. three road and two intersections), an increase in density to R60 is considered consistent with the prevailing amenity and fitting within its context in this particular location.

80.





81. With regard to the proposed R60 coding on Lot 321 (73) Buttercup Crescent, the lot is orientated toward a large natural bushland reserve providing high levels of outlook and amenity. As the primary orientation of any future development on Lot 321 will front the reserve, an increase in density to R60 is not seen have an adverse impact to the existing streetscape. The road reserves in this part also have the capacity to accommodate on-street parking.

82.



83. b) The potential for increased traffic in the locality:

Resulting from the community consultation period, a traffic impact assessment (see Attachment 6) was submitted to the City. This assessment considered the Roe Highway and Kalamunda Road intersection upgrades and the traffic impacts of both the initial plan and the amended plan. The traffic impact assessment concluded that the predicted traffic volume is expected to have a minor impact on the existing road network.

84. The City raised concerns from an assets perspective with the level of information provided in the Transport Impact Assessment (TIA) and subsequently requested an amended TIA (Attachment 7). The City still has concerns surrounding TIA and its impact to existing infrastructure and intersection on Kalamunda Road. As such, it has been recommended that the ODP amendment be approved subject to modification, inclusive of a TIA to the satisfaction of the City. The concerns raised are not considered significant enough to warrant refusal and can be addressed as a condition of approval.

85. c) Distance to existing commercial services and bus stops

Consistent with the metropolitan Perth strategic planning framework, the proposed medium density is sited within walking distance of community facilities. The subject lot(s) are located within the immediate vicinity of public open space, an aged care facility; within 600-900m of three local centres (shopping centres) and 800m of a high frequency bus route. While not all

community facilities are located strictly within a 400m and 800m walkable catchment as defined by *Liveable Neighbourhoods*, the additional distances are not considered to render the distance to facilities 'unwalkable' (Attachment 8).

86. d) The potential for insufficient on-site parking and an increased number of crossovers/driveways:

All future development on the subject lot(s) will be assessed at a development application and subdivision stage in which all residual concerns surrounding, building bulk, scale, onsite parking and street parking can be mitigated. The surrounding road reserves have some capacity to contain on-street parking which can be considered at the development application phase.

87. e) Classification of Vegetation within 100m of the subject lot(s)

The Department of Fire and Emergency Services provided comment on the proposal which requested further information surrounding the classification of vegetation within 100m of the subject lot(s). Without this information DFES were unable to provide a comment with no-objection to the proposal. This further information has been submitted to DFES for review and final comment.

88. It should be noted that the bushfire information provided with the proposed ODP amendment and the additional information provided by the proponent's bushfire consultant is sufficient for council to consider this amendment to the Karingal Green ODP. Any outstanding concerns surrounding the future BAL ratings of the subject lot(s) can be addressed through subsequent planning stages including both subdivision and development application processes.

89. In summary, the concerns raised to the proposed modifications to the ODP from affected are noted and have been addressed through further modifications identified in Attachment 5. On balance, the modified ODP is considered consistent with the local planning framework, strategic planning initiatives of the State Government and therefore, is recommended for approval subject to modification.

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

That Council:

1. APPROVE the proposed modifications as outlined in Attachment 4 to the Karingal Green Outline Development Plan subject to the following modifications:
  - a) Designating Lots 320 (77), 312 (63), 313 (61), 314 (59), 315 (57) Buttercup Crescent, and Lot 319 (3) Catspaw Way as Residential R20.
  - b) Designating Lot 316 (15) Catspaw Way, High Wycombe as Residential R40.
  - c) A revised Traffic Impact Assessment being submitted to the satisfaction of the City of Kalamunda.
2. FORWARD the Outline Development Plan to the Western Australian Planning Commission for endorsement.

### **10.1.5. City of Kalamunda - Draft Local Planning Policy: Public Art Contributions - Adoption for the Purposes of Public Advertising**

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

Previous Items	OCM 31/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010173
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"><li>1. Draft Public Art Contributions Policy - As Presented 11 June 2019 Public Agenda Briefing [<b>10.1.5.1</b> - 6 pages]</li><li>2. Draft Public Art Contributions Policy with Tracked Changes Since 11 June 2019 Public Agenda Briefing [<b>10.1.5.2</b> - 7 pages]</li><li>3. Draft Public Art Contributions Policy Incorporating Accepted Edits (For Public Advertising) [<b>10.1.5.3</b> - 7 pages]</li><li>4. Public Art Contributions Policy - Kalamunda Arts Advisory Committee Comments and City Responses [<b>10.1.5.4</b> - 5 pages]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider adoption of the Public Art Contributions Local Planning Policy (Policy) for the purpose of public advertising.
2. The Policy has been prepared to facilitate contributions towards public art through development proposals and provides guidance on the format of public art contributions within the City of Kalamunda (City).
3. It is recommended that Council adopts the Policy for the purposes of public advertising.

#### **BACKGROUND**

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure Council has a clear and defensible position in making planning decisions.
5. The State Government encourages the inclusion of art in the built environment through the Percent for Art Scheme. Local governments have adopted this Scheme as a model of best practice for the inclusion of public art.
6. The Policy has been prepared in the context of the State Government's Percent for Art Scheme, which encourages art in the built environment through a percent of a development's overall budget to commission public artworks.

7. On 26 February 2019, Council adopted a draft Public Art Policy for the purpose of public advertising. This Policy was prepared by the Kalamunda Arts Advisory Committee (KAAC). The KAAC provides advice to the City for the purpose of decision making in relation to the arts.
8. The KAAC draft Public Art Policy provided a basis for the City to consider the collection of contributions towards public art. Given contributions will be sought from future development, a Local Planning Policy is required to be prepared because contributions to public art through development applications can only be levied through conditions of planning approval. The development of a Local Planning Policy in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015* will provide a statutory basis for the imposition of public art contributions from development approvals. This is not achievable through the KAAC draft Public Art Policy adopted on 26 February 2019. Therefore, the relevant sections of the Council policy were integrated into the Policy.
9. A summary policy comparison is shown below:

<b>Draft Public Art Policy</b>	<b>Local Planning Policy Public Art Contributions Policy</b>
KAAC Policy	Local Planning Policy
Prepared under the <i>Local Government Act 1995</i>	Prepared in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
Provides guidance on how contributions are expended	Identifies the contribution threshold
Identifies the process for identifying locations and allocating funds to art projects	Identifies the process for receiving and processing funds
Implemented in conjunction with the Public Art Strategy	Implemented in conjunction with the Public Art Strategy and Public Art Master Plan

10. A number of local government authorities have adopted Public Art Contribution Policies including, but not limited to, City of Bayswater, City of Armadale, Town of Bassendean, City of Cockburn, Town of East Fremantle, City of Fremantle, City of Gosnells and City of Kwinana.
11. A draft Policy was presented to the 11 June 2019 Public Agenda Briefing, refer Attachment 1. Advertising of the Policy was subsequently deferred to allow time for KAAC to suggest further comments and refinements in relation to the Policy.

12. A meeting of KAAC was held in July 2019 at which further recommendations regarding the Policy were made. The recommendations were reviewed by the City and officer comments were made regarding whether the suggestions were appropriate for inclusion. A summary of KAAC recommendations and officer comments can be viewed in Attachment 4.

## **DETAILS**

13. The intent of the Policy is to guide the provision of public art for development proposals to improve the quality of the City's built environment and enhance amenity for both residents and visitors and provide opportunities for local artists within the City.
14. The Policy provides two options for public art contributions including coordinating the public art project with a professional artist, or paying a cash in lieu contribution to the City for public art. Currently the Policy states contributions of less than \$30,000 are to be paid as cash-in-lieu to the City to contribute towards to implementation of the future Public Art Master Plan.
15. The Public Art Master Plan will be a strategic document that identifies key locations throughout the City for the provision of public art. The Public Art Master Plan will also identify the themes and envisaged outcomes for public art in strategic and key locations throughout the City. The development of the Public Art Master Plan is a key action of the City's adopted Arts Strategy.
16. The primary objectives of the Policy are to:
- a) Facilitate the provision of public art through development proposals.
  - b) Develop and promote community identity.
  - c) Improve the quality of the City's built environment.
  - d) Inform the procurement, siting, commissioning and installation of art into public places.
  - e) Include elements of design that reflect unique aspects of the area (history, natural environment).
  - f) Enhance the amenity and activity options available to local residents and visitors.
  - g) Enhance the provision of public art for the enjoyment of residents and visitors.
  - h) Provide opportunities for local artists.
17. The Policy applies to all applications for development approval where the estimated cost of development exceeds one million dollars, with the exception of a single house, grouped dwelling, ancillary dwelling or any ancillary structures. It also covers City projects such as community buildings or streetscape enhancements (which may not require Development Approval).
18. KAAC recommended that a contribution to Public Art should be no less than 1% of all private developments, including extensions and upgrades over the total project cost of \$500,000. KAAC also proposed a 2% contribution for City projects including project contingencies. The City is not supportive of these recommendations as precedence suggests a 1% contribution for development estimated above one million dollars is a consistent threshold implemented across the majority of metropolitan local governments.



19. An audit of other Local Government Public Art Policies was undertaken which identified that this type of Policy generally applies to all developments over the total project cost of \$1,000,000 as opposed to \$500,000 proposed in the KAAC recommendations. The table below outlines the public art contribution requirements of other Local Government Policies:

<b>Local Government Area</b>	<b>Policy Name</b>	<b>Development Subject to the Public Art Contribution</b>
City of Armadale	<i>Percent of Public Art</i>	1% of total development cost on developments between \$1 million and \$2 million. \$2 million and greater contribute 1% and provide public artwork to the value of 1% of the total development cost and maintain the artwork. Excludes single residential developments.
Town of Bassendean	<i>LPP No. 15: Percent for Art Policy</i>	Developments over \$1 million must contribute to public art funding. Developments within the Bassendean Town Centre requires a public realm contribution of 2% of the construction value. Excludes single residential developments.
City of Bayswater	<i>Percent for Public Art Policy</i>	No less than 1% of the development cost on developments with a construction value of \$1 million or greater. Excludes any residential development and development on public property.
City of Canning	<i>Developer Funded Public Art</i>	1% of the development cost on developments exceeding \$4 million with a maximum contribution of \$250,000. Excludes any residential development.
City of Cockburn	<i>Percent for Art Policy</i>	1% of the development cost on developments exceeding \$1 million with a maximum contribution of \$250,000. Excludes industrial uses and single residential developments.
Town of East Fremantle	<i>Local Planning Policy 3.1.9 – Percent for Public Art.</i>	1% of the development cost on developments exceeding \$3 million. The contribution cost depreciates to 0.75% once the total cost of development reaches \$100 million. Excludes demolition, single residential developments, grouped dwelling developments, multiple dwellings less than 15 dwellings, State and Federal projects where an equivalent public art

		contribution is applies and heritage works.
City of Fremantle	<i>Local Planning Policy 2.19: Contributions for Public Art and/or Heritage Works</i>	Development within subject site areas must provide 1% of the development cost on developments \$1 million or over. Excludes single and grouped dwellings, industrial class uses, developments with a GLA less than 1000sqm and refurbishments or change of use of existing buildings larger than 100sqm.
City of Gosnells	<i>Local Planning Policy 6.0: Public Art Policy</i>	1% of the development cost on developments exceeding \$2 million with a maximum contribution of \$250,000. Excludes industrial developments.
City of Kwinana	<i>Local Planning Policy No. 5: Development Contribution Towards Public Art</i>	1% recommended of total development cost over \$1 million. Excludes developments within general industry zones, refurbishments, or upgrades of existing infrastructure.
City of Melville	<i>Provision of Public Art in Development Proposals</i>	1% of the development cost with a project cost exceeding \$1 million. Excludes non-residential developments.
Shire of Serpentine-Jarrahdale	<i>Local Planning Policy No. 59: Public Art Policy for Major Developments</i>	1% of the development cost on developments between \$1 million and \$50 million. Developments with a construction cost greater than \$50 million must contribute \$500,000. Excludes development applications relating to site preparation such as bulk earthworks or landscaping.
City of South Perth	<i>Policy P101: Public Art</i>	2% of the City's development project cost where the cost is greater than \$2 million.
City of South Perth	<i>Policy P316: Developer Contribution for Public Art and Public Art Spaces</i>	1% of the development cost with a project cost of \$4 million or greater.
City of Swan	<i>POL-LP-1.10 Provision of Public Art</i>	1% of the development cost with a project cost of \$2 million or greater with a maximum contribution of \$500,000. Excludes site works, infrastructure works, single dwelling or less than 10 grouped or multiple dwellings.
City of Vincent	<i>Percent for Art</i>	1% of the development cost for developments over the Threshold

		Value determined by the City's Council. Excludes residential developments zoned below R60, comprising of less than 10 dwellings and have a height below 3 storeys.
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20. Other LGAs including the Shire of Peppermint Grove, City of Nedlands and Town of Cottesloe were also audited, but currently do not have a Public Art Policy.

## STATUTORY AND LEGAL CONSIDERATIONS

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

21. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*.
22. Under Schedule 2 Clause 3(1) of the Regulations states '*the local government may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.*'
23. Under Schedule 2 Clause 4(1) of the Regulations the City's Local Planning Scheme No.3 (Scheme) and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period have regard to any submissions received.
24. Under Schedule 2 Clause 5 of the Regulations a Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevails.

## POLICY CONSIDERATIONS

25. The Policy is generally consistent with the version presented to Council on 11 June 2019 with some modifications as a result of KAAC recommendations. A copy of the 11 June 2019 Public Agenda Briefing version can be viewed in Attachment 1. A version of the draft Policy showing tracked changes with those suggested recommendations from KAAC that the City considered acceptable can be viewed in Attachment 2. The final version for public advertising incorporating tracked changes can be viewed in Attachment 3.
26. In summary, the main modifications include:
- Reference to City projects in the Application of the Policy section;
  - Minor grammatical and title changes;
  - Introduction of a new section for Cash-in-Lieu and new section for the Public Art Strategy and Masterplan;
  - Inclusion of two additional points relating to the visibility of proposed artworks and integration into the development;
  - Removal of references to building features as artwork these are considered architectural treatments and not public art; and
  - A new section for Copyright and Maintenance.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

27. The Policy has been prepared by the City with the recommendation to prepare the Policy coming through the KAAC and as an action of the, now adopted, Arts Strategy.
28. The Policy has been prepared with input from relevant internal planning and economic development disciplines. Further input will be required from these disciplines as part of advertising and finalisation process.
29. Prior to presentation at the 11 June 2019 Public Agenda Briefing, the City's officers met with representatives of the KAAC with a view of ensuring consistency between the Arts Strategy and the Policy. The following table summarises the key recommendations from representatives of the KAAC and officer comment on the recommendations that have been adopted or not adopted:

Policy Section	KAAC Recommendation	Officer Recommendation
5.1 Public Art Contribution (b)	Contribution required for all public work undertaken by the City of Kalamunda at a rate of 2% of the estimated cost of development (including costs for contingencies)	Relates to significant community facility or streetscape improvement projects with approved budget exceeding one million dollars (excl GST & City overheads). The contribution is 1% with a maximum contribution cap of \$250,000.
5.1 Public Art Contribution (c)	Remove the 10% discount incentive for a developer making a cash-in-lieu contribution in lieu of coordinating the public art project.	Modification accepted.
5.1 The Artwork (b)	Include a requirement for an attribution plaque to recognise the developer's contribution.	Made reference to a "plaque or similar item installed on or nearby the public art..." for this purpose.
5.3 Types of Public Art (a) (xi)	Removal of reference to "lighting" and "signage" in an infrastructure or capital works project, as a type of public art that may be considered.	Modification accepted.

5.5 Kalamunda Art Advisory Committee	Include reference to Public Art Master Plan.	Modification accepted.
6.2 Estimated Cost of Development	Include 'budgeted project and contingency costs'.	Modification accepted.
6.6 Public Art Fund	Include reference to the Public Arts Master Plan guiding selection, review and delivery process for use of the accumulated funds.	Modification accepted.

30. Further to the comments provided above and subsequent to the Policy being presented to the 11 June 2019 Public Agenda Briefing, the KAAC undertook a secondary review of the Policy. A summary of comments provided from the secondary review with officer comments on those revisions are outlined in Attachment 4.
31. Noting not every recommendation was accepted, the KAAC will have further opportunity to provide advice on the proposed Policy during the formal advertising period and Council will be afforded another opportunity to consider modifications after the advertising period and when the Policy is presented for final approval.

### External Referrals

32. The Regulations require that a local government must advertise the proposed Policy as follows:
- a) Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of the subject and nature of the proposed policy, the objectives of the policy and to whom, what form and during what period, submissions in relation to the proposed policy may be made.
  - b) If the opinion of the local government is that the policy is inconsistent with any state planning policy must give notice of the proposed policy to the commission.
  - c) Give notice of the proposed policy in any other way and carry out any other consultation that the local government deems appropriate.
33. In the context of the proposed Policy having an impact on development proposals, the City will refer the Policy to other relevant advisory Committees of Council (i.e. Aged Care and Environmental).

### FINANCIAL CONSIDERATIONS

34. All costs incurred during the advertising of the Policy will be met through the Approval Services or Strategic Planning annual budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

35. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

**Strategy 1.1.3** - Facilitate opportunity to pursue learning.

#### Priority 3: Kalamunda Develops

**Objective 3.1** - To plan for sustainable population growth.

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

## SUSTAINABILITY

### Social Implications

36. If the Policy is adopted, the City and Council will be provided with guidance in the provision of public art in development proposals.
37. Local artists may have greater opportunity to showcase their artwork through development proposals to the community.

### Economic Implications

38. Public art can encourage economic activity by providing a focal point and enhancing the way in which residents, employers and investors engage with a place.
39. The implementation of the Policy will have financial impacts to developments over one million dollars.

### Environmental Implications

40. Public art can decorate and enhance the natural environment of a public space.

## RISK MANAGEMENT CONSIDERATIONS

41.	<b>Risk:</b> The Policy is not adopted resulting in the City not having a formal process or approach to the provision of public art for developments.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	The Policy has been formed in line with best practice industry standards which encourages the provision of public art for developments over \$1,000,000.		

- 42.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> The Policy does not meet the objectives stated.   |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Significant  | Possible          | High          |
| <b>Action/Strategy</b>   |                   |               |
| The thresholds applied for public art contributions are in line with other relevant Local Government Authorities. However, the Public Art Strategy to facilitate developments which meet the threshold for public art contributions within the City will be progressed in line with the City's Strategic Community Plan. |                   |               |
- 43.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> The policy introduces unacceptable levels of increased costs to developers.  |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Significant   | Unlikely          | Medium        |
| <b>Action/Strategy</b>  |                   |               |
| The threshold, which is in line with other Local Government areas (developments over \$1,000,000) targets larger developments. The 1% contribution for these developments is unlikely to result in undue impacts to project feasibility. It will be important to ensure developers are aware of the benefits of public art including that it can increase the value of a development, balancing the level of increased costs to developers. |                   |               |

## OFFICER COMMENT

44. The proposed Policy, which is in line with local government practices, will ensure future developments over one million dollars will provide a public art contribution of 1% of the total development cost, with a maximum capped contribution of \$250,000.
45. An applicant/owner may choose to make a public art contribution by coordinating the public art project with a professional artist or paying a cash-in-lieu contribution to the City for public art. Currently the Policy states contributions less than \$30,000 are to be paid as cash-in-lieu for the delivery of key projects identified in the Public Art Masterplan.
46. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developments over one million dollars, it is recommended the City follows this practice, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000. While not a direct planning consideration, the imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. It could also capture small development applications, building upgrades or heritage development works and is inconsistent with other metropolitan local governments.

- 47. The KAAC also proposed a 2% contribution for City projects including contingencies. The City is not supportive of this increase as community facilities and streetscape enhancement projects are already considered to provide community benefit, and additional contributions may reduce resources required for other priorities. A 1% contribution consistent with contributions from private development is considered fair and reasonable.
- 48. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications. The City will develop a procedure to guide the public art contributions processes, roles and responsibilities.
- 49. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.

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

That Council ADOPT the draft Public Art Contributions Local Planning Policy for the purposes of advertising for a period of 21 days, pursuant to Clause 4 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as outlined in Attachment 3.



### **10.1.6. Local Planning Policy No.25: Interim Development Contributions - Adoption for Public Advertising**

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments	1. Local Planning Policy No.25 - Interim Development Contribution Arrangements [ <b>10.1.6.1</b> - 5 pages]
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the adoption of draft Local Planning Policy 25 – Interim Development Contribution Arrangements (Policy) for the purpose of public advertising (Attachment 1).
2. The Policy seeks to guide the preparation of Interim Development Contribution Arrangements (IDCA) within the City of Kalamunda.
3. It is recommended Council adopt the Policy for the purpose of public advertising for not less than 21 days.

#### **BACKGROUND**

4. The Policy applies to all areas identified to be within a proposed Development Contribution Area (DCA) Special Control Area (SCA) under the City's Local Planning Scheme No. 3 (Scheme) which is yet to be formally gazetted but has been advertised.
5. The City currently has two existing DCAs; being Cell 9 in Wattle Grove and the Forrestfield/High Wycombe Stage 1 Industrial Area.
6. The City is also in the process of considering a draft DCA for the Kalamunda Wedge of the Maddington Kenwick Strategic Employment Area (MKSEA) which has been progressed as Scheme Amendment No.101 (Amendment 101).
7. Amendment 101 proposes to include within Schedule 12 of the Scheme the DCA for the MKSEA area. Amendment 101 was adopted by Council for the purpose of public advertising in December 2018. It is anticipated that Amendment 101 will be finalised towards the end of 2019 and subsequently issued to the Western Australian Planning Commission (WAPC) and Minister for Planning for consideration.

## **DETAILS**

8. This Policy is a Local Planning Policy prepared and adopted pursuant to Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development Regulations 2015* (Regulations). The Policy augments, and is to be read in conjunction with, the provisions of the Deemed Provisions relating to DCAs. If there is a conflict between this Policy and the Deemed Provisions, then the Deemed Provisions prevail.
9. Development contributions are generally calculated and applied by way of conditions of a subdivision, strata subdivision or development, with the timing for payment determined by the decision maker in accordance with the provisions of the Scheme. This usually occurs at the subdivision or building license phase.
10. IDCAs are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to the finalisation of a DCA.
11. IDCAs are the legal mechanism by which the City can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who develop before DCAs are finalised.
12. The Policy will establish a concise and documented procedure for the establishment of IDCAs to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
13. The primary objectives of the Policy are to:
  - a) Clearly outline the City of Kalamunda's (the City) expectation in regard to satisfactory arrangements being established for contributions prior to formal gazettal of a Development Contribution Area (DCA).
  - b) Identify the City's position with regard to interim development contribution arrangements prior to the formal gazettal of a DCA.
  - c) Identify the City's position with regard to the provision of infrastructure and land prior to the finalisation of a DCA and the potential for development contributions offsets accordingly.
  - d) Ensure that developers acknowledge the risks of entering into interim development contribution arrangements prior to finalisation of a DCA.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. This Policy has been prepared under and in accordance with Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development Regulations 2015* (Deemed Provisions).
15. Clause 6.5 of the Scheme outlines the statutory provisions for DCAs within the City.

16. It is noted that Regulation 73(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that a local government, when determining development applications, must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(3) that a local government must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
17. Similarly Regulation 73(2) states that when considering subdivision proposals, the Commission must not levy a contribution for the provision of infrastructure unless there is a DCA for the area. Conversely, the Regulations also state under Regulation 73(4) that the Commission must not refuse to grant development approval on the grounds that a DCA is being prepared, unless the DCA has already been advertised.
18. The inference is that the City may contemplate refusal of the proposal where an advertised DCA has not yet been finalised through a Scheme Amendment and in situations where the payment of contributions have not been determined.
19. Deemed Clause 69(1) has the effect of precluding a local government from refusing an application for development approval solely on the basis that a DCP is not in place in relation to the development.
20. Deemed Clause 69(2) precludes a local government from granting development approval subject to a condition a Development Contribution under a DCP may be required, in circumstances where the relevant DCP has not been incorporated in the Scheme at the time of the determination of the development application.
21. In the interests of progressing development, the Policy provides a framework for permitting development within the area, subject to a condition of approval, requiring an IDCA being established between the parties (i.e. developer/landowner and the City) to address the matter of the contribution requirement.
22. It is envisaged that such arrangements would include an agreement with the City, which provides clarity for the applicant as to their obligations to the DCA and security for the City that any contribution payment applicable to the subject site will be received upon finalisation.
23. The City has considered the legal parameters with regard to the preparation and implementation of the Policy and can see no reason why the City should not prepare such a Policy.

## **POLICY CONSIDERATIONS**

24. State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provisions of infrastructure in new and established DCAs.

25. This Policy is a Local Planning Policy prepared and adopted pursuant to the Deemed Provisions.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **External Referrals**

26. Should Council decide to adopt this Policy for the purposes of public advertising, it would be required to be advertised for a minimum period of 21 days via the following methods:
- a) Notice on the City's website and social media platform;
  - b) Local newspaper advertisement;
  - c) A notice sent to landowners within the Draft DCA for MKSEA; and
  - d) Display of documents at the Administration Centre.

(Table 1, City of Kalamunda Local Planning Policy P-DEV45)

## **FINANCIAL CONSIDERATIONS**

27. IDCAs are intended to protect the financial and community interests of the City and all landowners within a DCA, through providing a legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation.
28. IDCAs require resources to establish and administer and do not completely eliminate financial risk to stakeholders. However, the benefits of having interim arrangements generally outweigh the negative aspects.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

29. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

## **SUSTAINABILITY**

### **Social Implications**

30. This Policy will provide a transparent and equitable procedure for the establishment of IDCAs to provide for the consistent management by the City.

## Economic Implications

31. IDCAs do not offer any direct economic benefits to an area. The implementation of IDCAs however, can assist in the timely, efficient and equitable provision of infrastructure through a DCA that may in turn facilitate economic growth and employment creation.

## Environmental Implications

32. Nil

## RISK MANAGEMENT CONSIDERATIONS

- 33.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The Policy is not adopted for the purpose of public advertising and does not proceed.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Major              | Medium        |
| <b>Action/Strategy</b>   |                    |               |
| <p>Ensure that Council is aware of the importance and intent of the Policy to provide transparency of the process with IDCAs. If no mechanism was put into place to ensure finalised contributions were paid, a number of outcomes may result, including but not limited to:</p> <ul style="list-style-type: none"> <li>- Infrastructure not being provided, either in a timely manner or at all;</li> <li>- A significant financial burden on the City, which may need to be addressed through the allocation of municipal funds;</li> <li>- A financial burden on future landowners, through adjusted higher contributions to make up the shortfall, payable at the time of subdivision and/or development.</li> </ul> |                    |               |
- 34.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Not having a Policy results in a lack of transparency of the process and possible inefficiencies. |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Major              | High          |
| <b>Action/Strategy</b>   |                    |               |
| <p>Adopt the Policy for the purpose of public advertising.<br/>Policy will provide transparency</p>            |                    |               |

## OFFICER COMMENT

35. It is necessary for the City to establish a formal position in regards to IDCAs to ensure that Council can carry out its role as administrator of the DCA in a fair, reasonable, consistent and transparent manner that minimises the financial risk to Council and the broader community.
36. The Policy will provide a well documented and transparent procedure to guide the establishment and operation of IDCAs.

37. The Policy provides recommended conditions requiring the applicant to enter into an IDCA with the City. The recommended condition requiring an IDCA does not require the applicant to make a development cost contribution, but rather requires the applicant to enter into a legally binding agreement with the local government to contribution towards the costs of providing certain identified common service and community facilities when the DCA is finally approved.
38. The provisions of the Policy do not bind Council to this approach, and other arrangements may be considered on their merits should they arise or circumstances change over time.
39. Advertising the Policy will provide the community an opportunity to outline their concerns and for these concerns to be addressed through the planning process when the Policy is considered by Council for final approval.
40. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with orderly and proper planning.
41. Since the August 2019 Public Agenda Briefing, the City has reviewed Section 2.4 – Required Content of Legal Agreement of the Policy in relation to security requirements. LINC Property Group, the major developer within the Maddington Kenwick Strategic Employment Area, had their planning consultant contact the City to provide recommended changes to the security requirements proposed in the draft Policy.
42. The recommendations related to:
- a) The percentage of security required by the City for the payment of interim contributions.
  - b) Providing flexibility within the Policy so that each case can be assessed on its merits having regard for the risks associated with the particular case.
  - c) Providing the City with flexibility as to the type of security that may be provided.
43. The matters raised were considered valid by the City and suitable for inclusion in the draft Policy to ensure stakeholders have the opportunity to comment on the recommendations.
44. Having regard to the above, it is recommended that Council adopts the Policy for the purpose of public advertising.

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

That Council ADOPT draft Local Planning Policy 25 – Interim Development Contribution Arrangements for the purpose of public advertising for a period not less than 21 days via the following methods:

- a) Notice on the City's website and social media platform;
- b) Local newspaper advertisement;
- c) A notice sent to landowners within the draft DCA for MKSEA; and
- d) Display of documents at the Administration Centre.

## **10.2. Asset Services Reports**

### **10.2.1. Response to Petition on Plover Road Speeding**

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009251; KK-01/GEN; PL-07/GEN
Applicant	Petition
Owner	City of Kalamunda

Attachments 1. Plover Rd Speeding Petition [**10.2.1.1** - 3 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to address a petition submitted to Council (Attachment 1) highlighting concerns relating to vehicle speeds and vehicle movements on Plover Road, Kookaburra Crescent and surrounding streets in High Wycombe.
2. The concerns were addressed by following the City of Kalamunda's (the City) Traffic Treatments Assessment Policy and Procedure. This provides an objective and transparent framework to assess the need and priority for the implementation of traffic treatments to address traffic volumes and speed, road safety and amenity issues on local roads under the care and control of the City. The assessment determined that no treatments are recommended as an action of the City.
3. It is recommended that Council note this assessment.

#### **BACKGROUND**

4. The City received several requests to investigate vehicle speeding and hooning issues on Plover Road and Kookaburra Crescent, High Wycombe in March 2019.
5. The City then undertook a data collection exercise in relation to traffic volumes and speeds over a two-week period in April 2019. A Traffic Treatment Assessment (TTA), as per the City's endorsed policy and procedure, was then undertaken. The residents who raised the request for the investigations were advised of the outcomes of the TTA.
6. A petition with 40 signatures was submitted to the City on 7 May 2019 by Mr Edward Pewsey, a resident of Plover Road. The petition requested permanent traffic calming measures to be installed on Plover Road, Kookaburra Crescent and adjacent local roads. The petition was presented at the 28 May 2019 Ordinary Council Meeting.



## DETAILS

7. The City regularly addresses concerns regarding speeding and hooning by undertaking a TTA. The assessment produces a score after considering: the 85<sup>th</sup> percentile speed, traffic volumes, crash history, road geometry, activity generators and the proportion of heavy vehicles using the road. The 85<sup>th</sup> percentile speed limit is used as it is an accepted industry-standard metric endorsed by the traffic engineering community to guide decisions relating to speed, safety and to minimise risk.
8. The assessment process recommends a level of treatment based on different thresholds. Scores above 50 identify the priority need for physical traffic treatments, scores ranging between 35 and 50 trigger only low-cost solutions, and scores below 35 do not warrant prioritised action by the City.
9. This process is a useful tool for prioritising traffic treatments, especially where resources are not unlimited.
10. It should be noted that the City typically continues to monitor traffic operations to ensure that operating conditions do not deteriorate in the future. If the recorded 85<sup>th</sup> percentile speed is greater than 10 km/hr over the posted speed limit, the Western Australian Police are notified as per the WALGA Local Government Speed Enforcement Program.
11. The results of the TTA for both Plover Road and Kookaburra Crescent resulted in scores of 20 and 23 which, in accordance with the City's policy, do not warrant any prioritised action to be taken by the City. The following is a summary of the results of the assessment:
  - a) Plover Road: The 85<sup>th</sup> percentile speed is 56.5km/hr which means that 85% of vehicles are travelling at or below this speed. The existing daily traffic volumes range between 1,000 and 1,200 vehicles per day (VPD) which is well within the existing practical capacity of 3,000 VPD for an Access Road; and
  - b) Kookaburra Crescent: The 85<sup>th</sup> percentile speed is 55.4km/hr which means that 85% of vehicles are travelling at or below 55.4 km/hr. The existing daily traffic volumes are in the order of 225 VPD.
12. It has also been noted that there is congestion for right-turning traffic exiting the Roe Highway off-ramp onto Maida Vale Road. To avoid the congestion, a number of existing drivers are electing to turn left onto Maida Vale Road, then turn into Plover Road, undertake a U-turn, then turn left onto Maida Vale Road in order to travel east across the Roe Highway bridge.
13. There are works under design for the intersection of the Roe Highway off ramp and Maida Vale Road. A roundabout is being designed and constructed with black spot funding due to a poor crash history at this intersection. The construction will commence in early 2020 and will reduce the congestion and number of vehicles attempting to access Plover Road.
14. In other locations in the City, the TTA have produced high scores, resulting in requirements for traffic calming treatments being implemented at several sites.

## STATUTORY AND LEGAL CONSIDERATIONS

15.           a)     *Local Government Act (1995);*  
              b)     *Main Roads Act (1930); and*  
              c)     *Road Traffic Code (2000).*

## POLICY CONSIDERATIONS

16.           ENG13 Traffic Calming Programme – Setting of Priorities.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

17.           Nil.

### External Referrals

18.           Nil.

## FINANCIAL CONSIDERATIONS

19.           Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

20.           *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to quality amenities.

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

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

21.           Nil.

## Economic Implications

22. Nil.

## Environmental Implications

23. Nil.

## RISK MANAGEMENT CONSIDERATIONS

24.	<b>Risk:</b> The City may be subject to reputational damage due to perceived failing to address the concerns of the constituent signatories to the petition in relation to traffic concerns along Plover Road and Kookaburra Crescent.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Insignificant	Low
	<b>Action/Strategy</b>		
	Advise residents the result of the objective assessment and the need for prioritisation of works.		

## OFFICER COMMENT

25. The City is sympathetic to the concerns raised by the community however need to advise Council of the objective priority of this matter, especially where the City's resources are limited.

## Voting Requirements: Simple Majority

## RECOMMENDATION

That Council NOTE the results of the Traffic Treatments Assessment undertaken for both Plover Road and Kookaburra Crescent which concluded that development of traffic treatments are not warranted on these roads.

### **10.3. Corporate Services Reports**

#### **10.3.1. Kalamunda Arts Advisory Committee Comments on Draft Public Art Contributions Policy**

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

Previous Items	
Directorate	Corporate Services
Business Unit	Economic and Tourism Development Coordination
File Reference	
Applicant	Kalamunda Arts Advisory Committee
Owner	
Attachments	1. KAAC Minutes [ <b>10.3.1.1</b> - 7 pages] 2. Public Art Contributions Policy Comment Form - Strategic Edits [ <b>10.3.1.2</b> - 7 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the recommendations of the Kalamunda Arts Advisory Committee (KAAC) in relation to the Draft P-DEV 65 Public Art Contributions Policy.
2. At the meeting of KAAC on Thursday 11 July 2019, members discussed the draft Kalamunda Public Art Contributions Policy and passed two motions which are now presented to Council for consideration.
3. This report recommends:
  - a) That Council does not support the KAAC recommendation to reduce the threshold at which contributions apply from \$1,000,000 to \$500,000.
  - b) That Council does not support the KAAC proposed 2% contribution for City projects including project contingencies.
  - c) That Council supports the remainder of revisions requested by KAAC to the Public Art Contributions Policy.

#### **BACKGROUND**

4. The Kalamunda Arts Advisory Committee has been established as an Advisory Committee in accordance with Part 5, Div 2, Subdivision 2 of the *Local Government Act 1995*. Its purpose is to provide information and advice about current and emerging arts related matters to City of Kalamunda (City) for the purpose of decision-making and planning.

#### **DETAILS**

5. The City recently adopted the Arts Strategy (Strategy) at the June 2019 Ordinary Council Meeting.
6. The Strategy is focused around three key themes:
  - a) Place-making and identity
  - b) Community Enrichment, Creativity and Pride
  - c) The Kalamunda City Economy

7. A key action outlined within the Strategy was to create a Public Art Policy.
8. Public art is an important part of the City built and natural environment. Public art supports local identity and pride of a public place or space. It can also attract people to live, work or recreate in a place, thereby encouraging associated cultural and economic activity.
9. The City's Strategic Planning Business Unit has drafted a Draft P-DEV 65 Public Art Contributions Policy for the purpose of advertising. The KAAC have been consulted during the drafting process.
10. KAAC were consulted and provided input into the City's Public Art Contributions Policy.

*The resolution of the KAAC Meeting of 11 July was to:*

- a) *Recommend to Council that the threshold for the Public Arts Contributions to be applied under the draft Policy be reduced from \$1,000,000 to \$500,000.*
- b) *Include for further additions to the Public Art Contributions Policy provided by Mr Johannes (Harry) Pannekoek be circulated for comment and then provided to the City's Statutory Planning Business Unit for consideration.*

*Moved: Johannes (Harry) Pannekoek*

*Seconded: Clare Eden*

*Vote: Unanimous*

The Minutes of the KAAC Meeting held Thursday 11 July 2019 are attached.

11. Subsequent to the KAAC meeting City staff met with KAAC members to discuss their concerns with regard to the percentage applied to City capital projects. KAAC members advised that they recommended that a 2% contribution be applied to all City capital projects.
12. In reaching this resolution, KAAC provided that the reduction of the threshold be considered on the basis that:
  - a) The threshold of \$500,000 is supported as it was considered to be commensurate with the nature and types of development undertaken within the City as shown by the research into development applications over the preceding 5 years.
  - b) It reflects the commitment of the City to arts as articulated in the Strategy.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. Sections 5.8, 5.9 and 5.10 of the *Local Government Act 1995*.

## POLICY CONSIDERATIONS

14. The Public Art Contributions Policy has been prepared under, and in accordance with, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.
15. The Policy has been prepared by the City with the recommendation to prepare the Policy coming through the KAAC and as an action of the, now adopted Arts Strategy.
16. The Policy has been prepared with input from relevant internal planning and economic development disciplines. Further input will be required from these disciplines as part of advertising and finalisation processes.
17. Prior to presentation at the 11 June 2019 Public Agenda Briefing, the City met with representatives of the KAAC with a view of ensuring consistency between the Arts Strategy and the Policy. The following table summarises the key recommendations from representatives of the KAAC and officer comment on the recommendations that have been considered.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

18. The Policy has been prepared by the City, with input from relevant planning and economic development disciplines.
19. The City's officers have met with representatives from KAAC and tabled the Policy for consideration of KAAC.

Policy Section	KAAC Recommendation	Officer Recommendation
5.1 Public Art Contribution (b)	Contribution required for all public work undertaken by the City of Kalamunda at a rate of 2% of the estimated cost of development (including costs for contingencies)	Relates to significant community facility or streetscape improvement projects with approved budget exceeding one million dollars (excl GST & City overheads). The contribution is 1% with a maximum contribution cap of \$250,000.
5.1 Public Art Contribution (c)	Remove the 10% discount incentive for a developer making a cash-in-lieu contribution in lieu of coordinating the public art project.	Modification accepted.

5.1 The Artwork (b)	Include a requirement for an attribution plaque to recognise the developer's contribution.	Made reference to a "plaque or similar item installed on or nearby the public art..." for this purpose.
5.3 Types of Public Art (a) (xi)	Removal of reference to "lighting" and "signage" in an infrastructure or capital works project, as a type of public art that may be considered.	Modification accepted.
5.5 Kalamunda Art Advisory Committee	Include reference to Public Art Master Plan.	Modification accepted.
6.2 Estimated Cost of Development	Include 'budgeted project and contingency costs'.	Modification accepted.
6.6 Public Art Fund	Include reference to the Public Arts Master Plan guiding selection, review and delivery process for use of the accumulated funds.	Modification accepted.

20. Further to the comments provided above and subsequent to the Policy being presented to the 11 June 2019 Public Agenda Briefing, the KAAC undertook a secondary review of the Policy. A summary of comments provided from the secondary review with officer responses on those revisions are outlined in Attachment 2.

21. Noting not every recommendation was accepted, the KAAC will have further opportunity to provide advice on the proposed policy during the formal advertising period and Council will be afforded another opportunity to consider modifications after the advertising period and when the Policy is presented for final approval.

### External Referrals

22. Nil.

### FINANCIAL CONSIDERATIONS

23. The lowering of the threshold for contributions from \$1,000,000 to \$500,000 may result in the collection of smaller sums of money from minor developments which may not be sufficiently viable to underpin a public art installation in themselves. However, when collected into a public art fund, may eventually accumulate into a sufficient amount to fund an artwork identified in the Public Art Master Plan.

24. All costs associated with the administration of this Policy will be met within current resources.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

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

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

#### Priority 3: Kalamunda Develops

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

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

## SUSTAINABILITY

### Social Implications

26. Application of a lower threshold for contributions may increase the amount of funds available to support public art installations, thereby increasing the level of amenity and enjoyment to visitors and residents.

### Economic Implications

27. Application of a lower threshold for contributions may attract criticism from small developers.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 29.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Lowering the threshold for public art contributions below the norm in local government may disenfranchise or dissuade smaller developers from developing within the City of Kalamunda or alternatively delay developments whilst appeals are made tying up Council resources and creating the potential for adverse media attention. |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Possible  | Moderate          | Medium        |
| <b>Action/Strategy</b>  |                   |               |
| Ensure that Council and KAAC are informed of issues around lowering the threshold for public art contributions.   |                   |               |



## **OFFICER COMMENT**

30. The City undertook research across fifteen local governments and it was found that the thresholds were typically set at a rate of at least \$1 Million, with thresholds ranging from \$1M - \$4M.
31. The Directors of Corporate and Development Services have met with KAAC and the KAAC meeting resolved to recommend to Council that the threshold for the Public Arts Contributions to be applied under the draft Policy be reduced from \$1,000,000 to \$500,000
32. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developers over one million dollars, it is recommended that the City follows this process, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000. The imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. It could also capture small development applications, building upgrades or heritage development works and is inconsistent with other metropolitan local governments.
33. The KAAC also proposed a 2% contribution for City projects including contingencies. The City is not supportive of this increase as community facilities and streetscape enhancement projects are already considered to provide community benefit, and additional contributions may reduce resources required for other priorities. A 1% contribution consistent with contributions from private development is considered fair and reasonable.
34. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications. The City will develop a procedure to guide the public art contributions processes, roles and responsibilities.
35. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.

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

That Council:

1. DOES NOT SUPPORT the Kalamunda Arts Advisory Committee recommendation to reduce the threshold at which contributions apply from \$1,000,000 to \$500,000.
2. DOES NOT SUPPORT the Kalamunda Arts Advisory Committee's proposed 2% contribution for City of Kalamunda projects including project contingencies.

3. SUPPORT the remainder of revisions requested by Kalamunda Arts Advisory Committee to the Public Art Contributions Policy.

<b>Policy Section</b>	<b>Recommendation</b>
5.1 The Artwork (b)	Include a requirement for an attribution plaque to recognise the developer's contribution.
5.3 Types of Public Art (a) (xi)	Removal of reference to "lighting" and "signage" in an infrastructure or capital works project, as a type of public art that may be considered.
5.5 Kalamunda Art Advisory Committee	Include reference to Public Art Master Plan.
6.2 Estimated Cost of Development	Include 'budgeted project and contingency costs'.
6.6 Public Art Fund	Include reference to the Public Arts Master Plan guiding selection, review and delivery process for use of the accumulated funds.

## **10.4. Office of the CEO Reports**

### **10.4.1. City of Kalamunda - Repeal of Local Law**

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

Previous Items	OCM 118/2019
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Repeal Local Law 2019 - Pest Plants [ <b>10.4.1.1</b> - 1 page]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider making a new Local Law which will repeal an obsolete local law with respect to Pest Plants.
2. The statutory process commenced at the Ordinary Council Meeting (OCM) of 28 May 2019 when Council resolved to give State-wide Public Notice of its intention to make the new Local Law and seeking public submissions on the proposal.
3. It is recommended Council make the Local Law.

#### **BACKGROUND**

4. Section 3.16 (1) of the *Local Government Act 1995* (the Act) requires a local government to review a local law within a period of eight years. The last formal review was undertaken in 2007, however the proposed minor amendments were not proceeded with
5. This local law was adopted in 1979 and has remained unchanged since. Its provisions are now out of date and are covered in other legislation, specifically the *Biosecurity and Agriculture Management Act 2007* (BAM Act) which provides greater control and enforcement powers with respect to pest plant matters and therefore renders the need for a local law obsolete.

#### **DETAILS**

6. At the Ordinary Council Meeting on 28 May 2019, Council resolved to commence the process to repeal the local law
7. State-wide Public Notice of the proposed local law seeking submissions was published on 6 June 2019. Submissions closed on 18 July 2019, with one submission received.

8. The submission indicated that the pest plants identified are still a perennial problem in several reserves within the City.
- Nevertheless, the City considers that BAM Act is still the most appropriate option for legislative control.
9. As the existing local law was adopted 40 years ago and has not been updated, it is considered it is now obsolete and should be repealed.

### **STATUTORY AND LEGAL CONSIDERATIONS**

10. Section 3.12 (4), (5), (6) and (7) of the Act provides for the statutory procedure that the City must follow in the making of a new local law.
- a) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.
  - b) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
  - c) After the local law has been published in the *Gazette* the local government is to give local public notice :
    - i. stating the title of the local law; and
    - ii. summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
    - iii. advising that copies of the local law may be inspected or obtained from the local government's office.
  - d) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

### **POLICY CONSIDERATIONS**

11. Nil

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

12. The Directorate responsible for the local law supports the repeal of the obsolete local law.

#### **External Referrals**

13. Community consultation occurred through the statutory 42 day submission period required in making a local law. During the submission period one comment was received.

## FINANCIAL CONSIDERATIONS

14. Publishing and advertising costs will be met from the current budget allocation

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

## SUSTAINABILITY

### Social Implications

16. Nil

### Economic Implications

17. Nil

### Environmental Implications

18. The repeal of the current Local law is not considered to have any impact as the *Biosecurity and Agriculture Management Act 2007* provides greater control and enforcement powers with respect to pest plants.

## RISK MANAGEMENT CONSIDERATIONS

- 19.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Maintaining obsolete local laws gives rise to conflicts with legislation.          |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Unlikely  | Insignificant     | Low           |
| <b>Action/Strategy</b>  |                   |               |
| Assure the community other legislative provisions provide coverage for the repealed provisions. |                   |               |

## OFFICER COMMENT

20. It is considered that there will be no impact to the City of Kalamunda or its community as a consequence of repealing the current local law.

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

That Council MAKES, the *City of Kalamunda Repeal Local Law 2019* (Attachment 1)

### 10.4.2. Blue Tree Project Proposal

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	
Owner	
Attachments	Nil

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request from the Community to paint trees blue as a part of the Australian Wide Blue Tree Project.
2. The Blue Tree Project is focused on raising awareness around mental well being.
3. The recommendation is to approve the painting of trees at two sites in Ray Owen Reserve and Lions Lookout in Lesmurdie, subject to conditions.

#### BACKGROUND

4. The Blue Tree Project is a grass roots awareness movement that encourages people to start difficult conversations and open up if they are suffering from depression and/or anxiety, is spreading its important message by giving dead trees a 'blue' lease on life.
5. The movement was inspired by a story told at Jayden Whyte's funeral after he tragically took his own life in November last year. The story of the blue tree was shared by Tjarda Tiedeken, who joined him in painting the now well-known tree in 2014.
6. One night on his family farm in Mukinbudin, Western Australia, Jayden and Tjarda snuck off, with blue paint in hand, to paint a tree. The pair wondered just how long it would be before anyone noticed the striking tree on the horizon. What a shock it would be when his dad came across the tree – standing proud and blue – in the middle of the paddock, Jayden had thought.
7. After Jayden's passing, his father, Grant Whyte, suggested painting a tree blue in memory of Jayden and to serve as a visual cue for others to check in with their loved ones. With this, the project was born.
8. Jayden's sister, Kendall Whyte, one of the project's coordinators said; "The first tree was painted out of love, mischief and friendship. The blue tree now holds a new meaning. We aim to spread a message of hope by having people paint a tree in need of a 'blue' lease on life."

9. By spreading the paint and spreading the message that it's OK to not be OK, we can help break down the stigma that's still largely attached to mental health and to inform people that we all have blue days, but there will always be someone who you can talk to and someone who will listen.
10. The cause is supported by Beyond Blue and Lifeline.
11. According to the World Health Organisation, mental health is "a state of well-being in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community."
12. According to Beyond Blue, "Research shows that high levels of mental health are associated with increased learning, creativity and productivity, more pro-social behaviour and positive social relationships, and with improved physical health and life expectancy. In contrast, mental health conditions can cause distress, impact on day-to-day functioning and relationships, and are associated with poor physical health and premature death from suicide."
13. The Blue Tree Project has developed a series of Guidelines for those who wish to be part of the cause and paint a blue tree.
14. Importantly the cause describes the purpose as follows, "We have chosen to paint dead trees in alignment with the story behind the original blue tree and not as a symbol of those lost."

## **DETAILS**

15. The City of Kalamunda received a request from a community member to allow painting of Blue Trees at two City of Kalamunda locations on the 11 May 2019.
16. The request is from a family member of the Original Blue Tree in Mukinbudin.
17. One location proposed is Ray Owen Reserve, Gladys Rd, Lesmurdie.
18. The second location is Lions Lookout, off Welshpool Road East, Lesmurdie.
19. The focus is in accordance with the Blue Tree Project, to raise awareness and encourage conversation in relation to mental wellbeing.
20. The family has advised there are currently 200 blue trees around Australia and blue trees in the United Kingdom.

## **STATUTORY AND LEGAL CONSIDERATIONS**

21. *Local Government Act 1995*

## **POLICY CONSIDERATIONS**

22. Not applicable



## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

23. The City of Kalamunda Parks and Environmental Services and Community Development Business Units have been consulted and are supportive of the proposal.

### External Referrals

24. Consultation has taken place with key stakeholders to ensure user groups at Ray Owen Reserve were supportive.

Groups included:

- Kalamunda & Districts Basketball Association
- Kalamunda & Districts Basketball Association
- Hills BMX Club
- Kalamunda & Districts Netball Association
- Lesmurdie Mazenod Cricket Club
- Kalamunda & Districts Football Club
- Lesmurdie Mazenod Junior Cricket Club
- Mazenod Junior Football Club

All Clubs supported the proposal strongly, noting it also aligned with many of their objectives and overall focus on being mentally healthy.

## FINANCIAL CONSIDERATIONS

25. There is no financial cost to the City of Kalamunda.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

#### **Priority 1: Kalamunda Cares and Interacts**

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

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

**Priority 4: Kalamunda Leads**

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

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

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

**SUSTAINABILITY**

**Social Implications**

27. Increased awareness of the importance of being mentally healthy within the Community.

**Economic Implications**

28. Not applicable

**Environmental Implications**

29. Trees have been confirmed to be nonliving and suitable for the proposed purpose.

**RISK MANAGEMENT CONSIDERATIONS**

30.	<b>Risk:</b> Community members do not understand why a tree has been painted blue and are concerned		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure community education takes place regarding what the Blue Tree Project is about including how the tree is painted.		

**OFFICER COMMENT**

31. The project aligns with Kalamunda Connected, our Active Citizen Strategy, empowering residents to raise the profile of mental health in our region.
32. The Community led project is not seeking any funding from the City of Kalamunda.
33. Sporting groups at Ray Owen Reserve have all provided strong support for the project.

34. The Blue Tree Message, and the idea 'We are stronger than we believe, braver than we think and loved more than we know,' is a powerful message in the community and important in a time with an increased focus on mental wellbeing.

<b>Voting Requirements: Simple Majority</b>
---

### **RECOMMENDATION**

That Council APPROVE the community painting of trees as a part of the Blue Tree Project at two sites Ray Owen Reserve, Gladys Road Lesmurdie and Lions Lookout Welshpool Road East, with the following conditions:

- a) Painting to take place in accordance with the Blue Tree Project Guidelines.
- b) Nontoxic paint to be utilised.
- c) Organisers to ensure all safety measures and precautions are taken.
- d) The project must commence within one year of approval.

### **10.4.3. Review of Advisory Committees of Council**

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Office of the CEO
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	1. 2019-2021 Membership and Terms of Reference for Advisory and Management Committees [ <b>10.4.3.1</b> - 54 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to review the Terms of Reference of Advisory and Management Committees.
2. Council has the ability under the *Local Government Act 1995* to establish Advisory Committees to assist in the provision of advice on various matters. It is good practice to review the Terms of Reference to ensure advisory committees are relevant before Council is required to nominate elected members to the committees.
3. The City has undertaken a full review of all its existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
4. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory and Management Committees for the period November 2019 to October 2021 and to establish the Kalamunda Tourism Advisory Committee.

#### **BACKGROUND**

5. Every two years, in line with local government election cycle, the City undertakes a review of the Terms of Reference of all Advisory Committees.

This review ensures the Committees:

- a) remain relevant,
- b) are aligned with the direction and requirements of the Council,
- c) enables a refreshing of Membership; and
- d) Reassesses the need for a committee to continue.

#### **DETAILS**

6. The review of all advisory committees was undertaken by the City of Kalamunda supporting each of the committees and comment was elicited from the members of the committees where required.

7. All Terms of Reference were aligned to have greater consistency across the operations of all advisory committees.
8. Council adopted its Tourism Development Strategy in June 2019 which provides an action to establish a Tourism Advisory Committee.
9. The Terms of Reference for the Kalamunda Tourism Advisory Committee are outline in Attachment 1.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

11. The Council does not have a policy position for advisory committees.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. The review of the terms of reference for advisory committees was undertaken by the City's administration.

### **External Referrals**

13. Public consultation is not required for the review of the Management and Terms of Reference of Advisory Committees.
14. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Committee will be sought through a public advertising process.

## **FINANCIAL CONSIDERATIONS**

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

Meeting agenda preparation	2 hours/meeting	\$ 400.00
Briefing Papers prepared and research	8 hours/meeting	\$ 1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$ 1,200.00
Minutes	2 hours/meeting	\$ 400.00
Senior Officers review and signoff	3 hours/meeting	\$ 900.00
Ongoing Liaison	2 hours/meeting	\$ 400.00

Reporting to council

4 hours/meeting \$ 800.00

**Total estimate \$ 5,700.00**

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

## SUSTAINABILITY

### Social Implications

17. Advisory committees provide a focussed pathway for engaging community leaders on specific topics to provide greater transparency and broader community views.

### Economic Implications

18. Nil.

### Environmental Implications

19. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 20.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Advisory Committees become irrelevant and become a cost to the City rather than a benefit.                               |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/Strategy</b>  |                    |               |
| By regularly reviewing the terms of reference and the efficacy of advisory committees the City will not incur a cost without benefit. |                    |               |
- 21.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Committee goals do not align with City's objectives and strategies.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference. |                    |               |

22.

<b>Risk:</b> Council may not approve the establishment of a Committee.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Without Advisory Committees Council will lack a valuable process for community empowerment so ensure the value of community input is understood.		

## OFFICER COMMENT

23. Over the past two years the advisory committees have provided significant value to the decision making of Council. The relationship between the committees and staff have strengthened trust and understanding with committee members becoming strong advocates for the City as they learn about the complexity of local government systems and processes.
24. This report provides for the establishment on one new committee being the Kalamunda Tourism Advisory Committee.
25. Upon endorsement by Council of all the Terms of Reference and the establishment of all Committees, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers and other medians. Following the advertising process, a report will be brought to Council to formalise the appointments.

## Voting Requirements: Absolute Majority

## RECOMMENDATION

That Council:

1. ESTABLISH the Kalamunda Tourism Advisory Committee.
2. ENDORSE the revised Membership and Terms of Reference for all City of Kalamunda Advisory and Management Committees for the period November 2019 to October 2021 as shown as Attachment 1.
3. REQUEST the Chief Executive Officer to commence the process of advertising and recruiting advisory committee members.

**10.5. Chief Executive Officer's Performance Review**

**10.5.1 6.1.1.Chief Executive Officer's Key Performance Indicators for 2019/2020 - CONFIDENTIAL REPORT**

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. APPROVE the Chief Executive Officer's Key Performance Indicators for 2019/2020 as outlined in Attachment 1.
2. NEGOTIATE with the Chief Executive Officer and seek agreement to any variations to the Key Performance Indicators for 2019/2020.
3. APPOINT Minter Ellison to assist Council in conducting the Chief Executive Officer's Performance Review for 2018/2019, in accordance with the terms detailed within the Request for Quotation, as outlined in Attachment 2.



**10.6. Audit & Risk Committee**

**10.6.1 Audit & Risk Committee Recommendations**

That Council ADOPT the recommendations from the Audit & Risk Committee of 6 August 2019 en bloc.

**10.6.2 9.1.1. City of Kalamunda Risk Profile**

<b>Voting Requirements: Simple Majority</b>
---

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. ENDORSE the Risk Profile (Attachment 1).
2. NOTES the Strategic Risk Register (Attachment 2).
3. ENDORSE the Risk Appetite Statement (Attachment 3).

**10.6.3 9.1.2. Fraud and Corruption Control Plan**

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. ADOPT the Draft Fraud and Corruption Control Plan (Attachment 1).
2. ADOPT the Draft Fraud and Corruption Control Policy (Attachment 2).

**10.6.4 9.1.3. Interim Audit Findings for the year ending 30 June 2019**

<b>Voting Requirements: Simple Majority</b>
---

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council ACCEPTS the Interim Audit findings for the Annual Financial Report audit for the financial year ending 30 June 2019 (Confidential Attachment 2).

**10.6.5            9.1.4. Internal Audit Report July 2019**

<b>Voting Requirements: Simple Majority</b>
---

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1.                RECEIVES the Internal Audit Report.
2.                NOTES that internal audit reports identifying recommendations and management responses will be brought back to the Audit & Risk Committee.

**10.6.6.            9.2.1. City of Kalamunda Council Policy Review 2019**

<b>Voting Requirements: Simple Majority</b>
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**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1.                WITHDRAW all policies identified in Attachment 1.
2.                ENDORSE all Council Policies as outlined in Attachment 2.

## **10.7. Chief Executive Officer Reports**

### **10.7.1. Draft Monthly Financial Statements to July 2019**

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"><li>1. Statement of Financial Activity 31 July 2019 [<b>10.7.1.1</b> - 2 pages]</li><li>2. Statement of Net Current Funding Position 31 July 2019 [<b>10.7.1.2</b> - 1 page]</li></ol>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 July 2019.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the month's performance against the budget adopted by the Council on 24 June 2019 for the 2019/20 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month ended 31 July 2019, which comprise:
  - a) Statement of Financial Activity (Nature or Type);
  - b) Statement of Financial Activity (Statutory Reporting Program);
  - c) Net Current Funding Position, note to financial report.

#### **BACKGROUND**

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2018/19.

#### **DETAILS**

6. The *Local Government Act 1995* (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

7. The opening surplus position is un-audited and subject to change as:
- a) Plant and machinery revaluation entries are pending subject to our External Auditors' review;
  - b) Capital projects are at a point of finalisation which can impact on asset categories and depreciation;
  - c) Write off of fixed assets fair value under \$5,000 as prescribed regulation 17(a) of the Local Government (Financial Management) Regulations 1996.
  - d) Provisions for staff leave entitlements have not been finalised;
  - e) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
  - f) June 2019 Overhead allocations have not been finalised and under/over recoveries on allocation accounts are yet to be finalised;
  - g) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
  - h) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

## **FINANCIAL COMMENTARY**

### Draft Statement of Financial Activity by Nature and Type for the month ended 31 July 2019

8. This Statement reveals a net result surplus of \$48,949,476 compared to budget for the same period of \$48,979,291.

## **Operating Revenue**

9. Total Revenue excluding rates is over budget by \$65,603. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are under budget by \$130,708. This variance is mainly attributable to the financial assistance and general roads grant is under budget by \$111,740. In June 2019, the City received the first quarter payment of \$1,257,560 related to 2019/20 financial year. The City recognised the income in 2018/19 financial year as per the Australian Accounting Standards.
  - b) Fees and Charges are over budget by \$75,626. This is an aggregate result of minor variances in individual fee categories and considered to be a timing issue.
  - c) Interest Income is under budget by \$9,512. This is the result of a timing matter.
  - d) Other Revenue is under budget by \$1,009. This is mainly due to the lower than projected revenue from fines and enforcements.

## **Operating Expenditure**

10. Total expenses are under budget by \$461,793. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$20,847, which is mainly made up of uniforms, protective clothing and corporate training. The variance is within the reporting threshold;
  - b) Materials and Contracts are under budget by \$257,636.
    - i. Waste costs are under budget by \$158,577 mostly from putrescible waste charges and verge collection costs; and
    - ii. Verge maintenance, various sites, \$74,571.These are considered to be a timing variance;
  - c) Utilities are under budget by \$10,997, which mainly relates to street lighting costs which is lower than projected;
  - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$115,669. The actual depreciation for July 2019 is an estimate based on the 2018/19 depreciation, which is subject to year end adjustments;
  - e) Insurance expense is under budget by \$28,831. The variance will be monitored in the coming months;
  - f) Other expenditure is under budget by \$29,244. The variance is due to the timing difference of planned donations and contributions to various community groups.

## **Investing Activities**

### **Non-operating Grants and Contributions**

11. The non-operating grants and contributions are over budget by \$5,304. The variance is within the reporting threshold.

### **Capital Expenditures**

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$83,705. This is considered to be a timing issue.
13. Capital works-in-progress monies spend of \$251,522 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

## **Financing Activities**

14. The amounts attributable to financing activities shows a variance of \$50,552 which is mainly due to the reserve movements and developer contributions.

## Rates Revenues

15. Rates generation is under budget with a variance of \$510. The variance is within the reporting threshold.

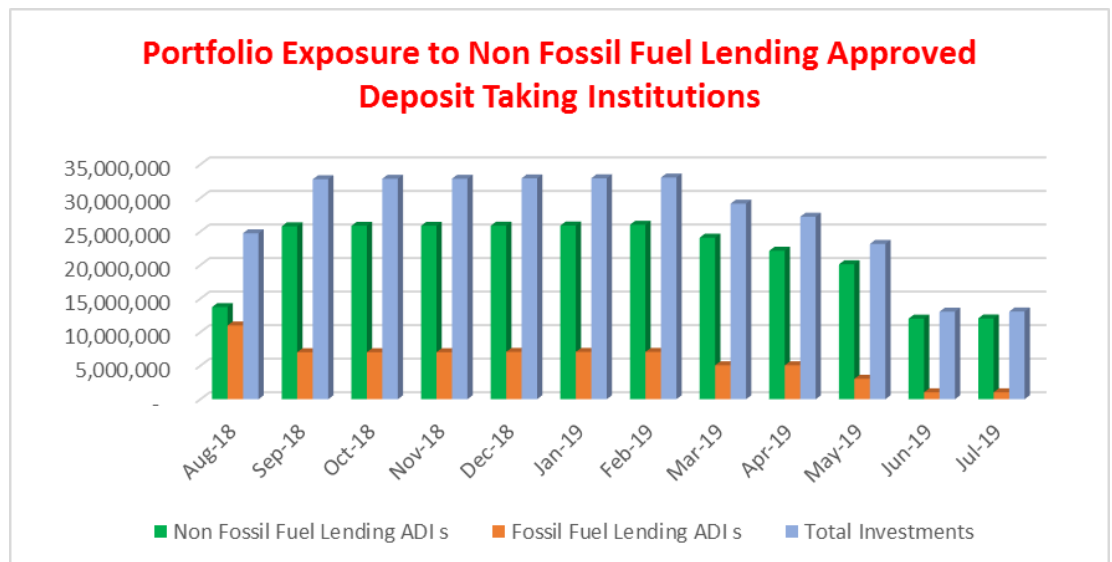
### Statement of Financial Activity by Program for the period ended 31 July 2019

16. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture' and 'Other Property Services'. Major variances have been reported by Nature and Type under points 8 to 15 above.

### Statement of Net Current Funding Position as at 31 July 2019

17. The commentary on the net current funding position is based on comparison of the July 2018 to the July 2019 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$63 million. The restricted cash position is \$17.1 million which is lower than the previous year's balance of \$18.1 million. This is mainly attributed to the Forrestfield Industrial Area Scheme Stage 1 reserve with commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements
19. Unrestricted cash has decreased by \$0.7 million mainly as a result of higher receivables.
20. The following table indicates the financial institutions where the City has investments as of 31 July 2019;
- 21.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	2,801,037	21%
	Bendigo	3,926,072	30%
	Suncorp	5,315,143	41%
<b>Subtotal - Investments in Financial Institutions without having Investments in Fossil Fuel Industry</b>		<b>12,042,252</b>	<b>92%</b>
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	1,026,348	8%
<b>Total Investments - including Restricted Funds</b>		<b>13,068,600</b>	<b>100%</b>



22. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$34.7 million.
23. Sundry debtors have decreased from \$581,079 to \$549,643, of which \$248,765 consists of current debt due within 30 days. An amount of \$170,100 from the total sundry debtors are related to invoices raised for developer contributions from Forrestfield Industrial Area Scheme Stage 1.
24. Receivables Other represents \$17.2 million including:
  - a) Emergency Service Levy receivables \$6.4 million; and
  - b) Receivables sanitation \$9.6 million.
25. Provisions for annual and long service leave have decreased by \$85,559 to \$3.1 million when compared to the previous year. The final provision adjustments related to 2018/19 is pending.

## STATUTORY AND LEGAL CONSIDERATIONS

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

## POLICY CONSIDERATIONS

27. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

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

## External Referrals

29. As noted in point 26 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

32. Nil.

### Economic Implications

33. Nil.

### Environmental Implications

34. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 35.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Over-spending the budget.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Moderate           | Medium        |
| <b>Action/Strategy</b>   |                    |               |
| Monthly management reports are reviewed by the City and Council.<br>Procurement compliance is centrally controlled via the Finance Department. |                    |               |



36.

<b>Risk: Non-compliance with Financial Regulations</b>		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action / Strategy</b>		
The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations.		

## OFFICER COMMENT

37. The City's Financial Statements as at 31 July 2019 reflects the un-audited surplus carried forward from 2018/19.

## Voting Requirements: Simple Majority

## RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 July 2019 which comprises:

- a) Statement of Financial Activity (Nature or Type).
- b) Statement of Financial Activity (Statutory Reporting Program).
- c) Net Current Funding Position, note to financial report.

## **10.7.2. Debtors and Creditors Report for the Period Ended July 2019**

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

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

Attachments	1. Creditor Payments for the Period Ended 31 July 2019 [ <b>10.7.2.1</b> - 33 pages]
	2. Summary of Debtors for the month of July 2019 [ <b>10.7.2.2</b> - 2 pages]
	3. Summary of Creditors for the month of July 2019 [ <b>10.7.2.3</b> - 1 page]

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in July 2019, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996 (Regulation 13)*.
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of July 2019.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in July 2019 in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13); and
  - b) receive the outstanding debtors and creditors report for the month of July 2019.

### **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of July 2019, there were no abnormal overdue debtors that demanded special attention.
5. In accordance with the *Local Government (Financial Management) Regulations 1996 (Regulation 13)* reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

## **DETAILS**

### **Debtors**

6. Sundry debtors as of 31 July 2019 were \$549,643 of which \$248,765 was made up of current debts and \$4,503 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$60,586; debts of significance:
  - a) Kalamunda & District Netball, \$6,759, Hall Hire / Utilities;
  - b) GIO Workers Compensation, \$6,000, Workers Compensation;
  - c) City of Nedlands, \$5,156, Long Service Leave Reimbursement;
  - d) Department of Education, \$5,466, Utility Expenses;
  - e) Fount of Life Ministries, \$3,130, Hall Hire;
  - f) Zig Zag Gymnastics, \$3,013, Lease Fees;
  - g) Hills District Callisthenics, \$2,891, Hall Hire;
  - h) Kalamunda Senior High School, \$2,488, Hall Hire;
  - i) Fortuity Pty Ltd, \$2,359, Hall Hire and
  - j) Katherine Rogers, \$2,254, Hall Hire
8. Invoices over 60 days total \$21,788; debts of significance are:
  - a) Vodafone Hutchinson Australia, \$9,897, Lease;
  - b) Department of Education, \$5,035, Utility Expenses and
  - c) Zig Zag Gymnastics, \$4,667, Lease – paid \$5,700 in July 2019.
9. Invoices over 90 days total \$223,008, debts of significance are:
  - a) PJ Dujmovic, \$170,100, Developer Contribution – Council paper to be presented to the August Ordinary Council Meeting;
  - b) Berkshire Hathaway, \$30,716, Insurance – Employee claim – pursuing legal advice;
  - c) Kalamunda Club, \$10,170, Loan 219 – club settled the amount in August 2019
  - d) Evolution Cheer & Dance, \$3,947, Hall Hire - making regular payments and debt is reducing;
  - e) Forrestfield Sisdac, \$3,122, Hall Hire; and
  - f) Private Citizen, \$1,500, Contribution to removal of verge tree.

## Creditors

10. Payments totaling \$6,219,774.58 were made during the month of July 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Cleanaway	Waste, recycling, and bulk bin disposal service fees	489,584.75
Dowsing Group Pty Ltd	Supply and lay concrete paths at various locations	394,025.93
Main Roads (WA)	Design and delivery of the timber bridge - Mundaring Weir Road	392,333.70
Australian Tax Office	PAYG payments	391,435.85
Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim	347,043.92
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	325,441.60
R J Vincent & Co *	Forrestfield Industrial area – road 2A stage 1 construction	229,367.40
WA Local Government Superannuation Plan	Superannuation contributions	197,056.16
Belgravia Health and Leisure Group Pty Ltd	Kalamunda water park – operational deficit July to March 2019	148,997.75
LGIS Liability Scheme	Liability insurance – 30/6/2019 to 30/6/2020	144,568.05
LGIS Work care Scheme	Work care insurance – 30/6/2019 to 30/6/2020	141,267.00
New Ground Water Services Pty Ltd	Supply an installation of new heritage storage tank, pipe works at various locations	132,370.48
LGIS Property	Insurance fees 30/6/2019 – 30/6/2020	125,955.20
Synergy	Power Charges – various locations	114,751.45
West Tip Waste Control Pty Ltd	Removal and processing of building rubble, gully educting, sweeping	114,578.07
IT Vision Australia Pty Ltd	Annual subscription fees – Synergysoft	106,664.80
LGIS Insurance Broking services	Insurances – various	102,799.27
Western Australian Treasury Corporation	Loan instalment payment – loan 222	96,590.44

Contraflow	Traffic management for various locations	65,342.96
Boolig Design Group	Architectural services – Kalamunda Community Centre – progress claim	52,327.00
Nintex Pty Ltd	Annual License fees – Process mapping software	50,820.00
Beaver Tree Services	General tree services, under power line pruning	50,402.00
WA Local Government Association	Association membership – 2019/20	50,265.91

These payments total \$4,263,989.69 and represent 68.55% of all payments for the month.

\* The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve set aside for it net of GST.

## Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,178,264.22 was paid in net salaries for the month of July 2019.

13. Details are provided in (Attachment 1) after the creditor's payment listing.

## Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:

- a) CELL 9 Trust;
- b) POS Trust;
- c) BCITF Levy;
- d) Building Services (Licence) Levy;
- e) Unclaimed Monies;

15. The following payments (GST exclusive) were made from the Trust Accounts in the month of July 2019.

BRB Levy		Amount (\$)
Date	Description	
3/4/2019	Building Services Levy – March 2019	17,977.17
CELL 9		Amount (\$)
Date	Description	
29/7/2019	Syrinx Environmental Pty Ltd – Woodlupine living stream stage 3 – design additional soil investigations	8,505.40
29/7/2019	Mcleods Barristers & Solicitors – Acquisition of portion of Lot 28 (No 296) Hale Road, Wattle Grove	617.60

29/7/2019	Mcleods Barristers & Solicitors – Road land acquisition Lot 21 (No 326) Hale Road, Wattle Grove	731.05
29/7/2019	Mcleods Barristers & Solicitors – Road land acquisition Lot 2 (No 268) Hale Road, Wattle Grove	1,391.78
29/7/2019	Mcleods Barristers & Solicitors – Road land acquisition Lot 2 (No 268) Hale Road, Wattle Grove	1,098.70
29/7/2019	Mcleods Barristers & Solicitors – Road land acquisition Lot 2 (No 268) Hale Road, Wattle Grove	414.65
BCITF Levy		Amount (\$)
Date	Description	
1/7/2019	Building and Construction Industry Training fund levy – May 2019	7,132.02
19/7/2019	Building and Construction Industry Training fund levy – June 2019	7,697.12
16/7/2019	Home Group WA Pty Ltd - Refund of BCITF Levy Paid Twice	490.23
16/7/2019	Home Group WA Pty Ltd - Refund of BCITF Levy Paid Twice	391.00
BRB Levy		Amount (\$)
Date	Description	
4/7/2019	Building Services Levy – June 2019	11,769.83
4/7/2019	Hilary Goode – Building application fee refund	61.65
4/7/2019	Redink Homes Pty Ltd – Building application fee refund	286.66
Unclaimed Monies		Amount (\$)
Date	Description	
29/7/2019	Rating assessment A149183 – BPAY transaction allocation mismatch located and applied	598.90

## STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), payment may only be made from the municipal fund or the trust fund:
- if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - otherwise, if the payment is authorised in advance by a resolution of the Council.

17. On 26 June 2018, Council resolved to adopt the City's current Delegation Register (ref OCM 113/2018), which was accordingly updated and came into effect on 27 June 2018 (**26 June 2018 Register of Delegations**). The previous review of the register was completed 26 June 2017.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2018 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
  - a) the payee's name;
  - b) the amount of the payment;
  - c) the date of the payment; and
  - d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

## **POLICY CONSIDERATIONS**

21. Debt Collection Policy S-FIN02.

## **CONSULTATION / COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

23. Debt collection matters are referred to the City's appointed debt collection agency when required.

## **FINANCIAL CONSIDERATIONS**

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

#### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

26. Nil.

### Economic Implications

27. Nil.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

### Debtors

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

### Creditors

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

## OFFICER COMMENT

31. Creditor payments for July 2019 are within the normal tend range.



<b>Voting Requirements: Simple Majority</b>
---

**RECOMMENDATION**

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in July 2019 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from the Trust Fund Accounts in July 2019 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of July 2019.

### 10.7.3. Rates Debtors Report for the Period Ended July 2019

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

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

Attachments 1. Rates Report July 19 [**10.7.3.1** - 1 page]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for the 2019/2020 on 1 July 2019 totalling of \$37,459,034, and as at 31 July \$4,554,849 has been collected for current rates and rates outstanding as at 30 June 2019.
3. It is recommended that Council receive the Rates Debtors Report for the month of July 2019 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issued on 12 July 2019 with the following payment options available:

Options	Payment Dates			
Full Payment	16 August 2019			
Two Instalments	16 August 2019	14 December 2019		
Four Instalments	16 August 2019	15 October 2019	14 December 2019	12 February 2020

5. A total of 20,128 Rate Notices, 934 BPAY View and 2116 eRates were issued on 12 July 2019. Rates Levied and Collectable for the 2019/20 Financial Year currently total \$37,459,034. As at 31 July 2019, a total of \$4,554,849 has been collected since Rate Notices were released. This represents a collection rate of 11.84%.

6. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
  - a) A Smarter Way to Pay – with approximately 947 ratepayers signed up. It is expected that this will further increase as the first date for payments gets closer.
  - b) eRates – there are a total 2,116 properties signed up for email delivery, compared to 2,472 in the previous year.
  - c) BPay View – approximately 934 ratepayers have signed up for this service.
7. It is expected that eRates registrations will increase throughout the year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
8. No Interim Rating is carried out for the last two months of the Financial Year as per standard procedure to ensure the rates modelling balances with rates levied for 2019/2020. It will recommence in August 2019.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 July 2019 to 31 July 2019 a total of 678 incoming calls and 211 outgoing calls, equating to 49 hrs of call time.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

13. The higher-level debt collection actions are undertaken by the City's Debt Collection firm Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

## **FINANCIAL CONSIDERATIONS**

14. The early raising of rates in July allows the City's operations to commence without delays improving cashflow, in addition to earning additional interest income.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

16. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
17. The City has introduced “a smarter way to pay” to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A “Smarter Way to Pay” allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, for a period of no less than 2 years whereby helping to reduce the financial burden.

### Economic Implications

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

### Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

20.	<b>Risk:</b> Failure to collect outstanding rates and charges.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure debt collections are rigorously maintained.		

## OFFICER COMMENT

21. The City’s debt collection strategy remains effective with the 2018/19 collection as at the end of June 2019 at 96.24%.

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

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

That Council RECEIVE the Rates Debtors Report for the Period Ended 31 July 2019 (Attachment 1).

#### **10.7.4. Appointment to Kalamunda Arts Advisory Committee**

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

Previous Items	OCM 167/2017; OCM 192/2017; OCM 260/2017
Directorate	Corporate Services
Business Unit	Office of the CEO
File Reference	Advisory Committees
Applicant	N/A
Owner	N/A
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. To consider nominations to the City of Kalamunda Arts Advisory Committee.
2. There have been two resignations for the City of Kalamunda Arts Advisory Committee.
3. This report recommends the nomination of Annette Eassie to the City of Kalamunda Arts Advisory Committee be accepted and that she be appointed by Council.

#### **BACKGROUND**

4. The City is committed to engaging with its community in a collaborative manner to solve issues and achieve goals.
5. Community-led Advisory Committees and Reference Groups assist in dealing with specific service areas or issues.
6. Local government is the most effective tier of government for engaging with the community. We have existing networks and relationships which enable the City to engage with the people directly affected.
7. Advisory Committees provide a forum for the City to effectively collaborate with Community.
8. This level of engagement provides participants with a high degree of influence over the outcomes, although the final decision remains with the Council.
9. The use of Advisory Committees allows the City to look to the community for advice and innovation in formulating solutions and to incorporate their advice and recommendations into the decision to the maximum extent possible.
10. Kalamunda Arts Advisory Committee is a committee developed to provide a structure to engage with the local arts community and to advise Council on matters regarding policy, strategic planning, integration and implementation of City initiatives.

## **DETAILS**

11. At the KAAC Meeting on the 11 July 2019 the Presiding Officer advised members that Amberley Bradley and Tammy Lai had communicated with him their wish to resign from the Committee.
12. Following an approach to Annette Eassie by KAAC it was recommended that Annette be appointed to one of the vacant positions for the period up until October 2019.
13. This will enable the important works associated with the Arts Strategy to continue to be progressed.
14. Membership of all Advisory Committees is reviewed every two years aligned with the Local Government Election cycle. Nominations for the Community Appointment to KAAC will be sought with final appointment to be endorsed by Council in November 2019.
15. Nominations have been received by the following people for the Kalamunda Arts Advisory Committee and the Committee passed a motion to seek Council's approval for their nomination:
  - a) Annette Eassie

## **STATUTORY AND LEGAL CONSIDERATIONS**

16. The Local Government Act section 5.8 provides for the establishment of advisory committees to be created.

Section 5.10 Prescribes that all person appointed to any Committee be by Absolute majority.

Section 5.11 (2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

## **POLICY CONSIDERATIONS**

17. Nil.
18. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

19. The Kalamunda Arts Advisory Committee discussed the qualifications of the nominated candidate during the Kalamunda Arts Advisory Committee meeting on 11 July 2019.

### **External Referrals**

20. Nil.

## FINANCIAL CONSIDERATIONS

21. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

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

#### Priority 4: Kalamunda Leads

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

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

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

## SUSTAINABILITY

### Social Implications

23. Advisory Committee's strengthen capacity of a local government by providing local expertise and advice.

### Economic Implications

24. Nil.

### Environmental Implications

25. Nil.

## RISK MANAGEMENT CONSIDERATIONS

26.	<b>Risk:</b> The City is criticised in relation to the selection appointment of KAAC members.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Ensure assessment and recommendation of members aligns with Council's selection criteria procedure.		



## **OFFICER COMMENT**

- 27. Due to the substantial level of contribution made by the nominated member to the public consultation process for the draft Arts Strategy the Kalamunda Arts Advisory Committee expressed the view that her nomination should be accepted.
- 28. The acceptance of Annette Eassie's nomination will bring additional experience to the Kalamunda Arts Advisory Committee.
- 29. Further filling one of the vacant positions will assist KAAC in progressing important work as part of the Arts Strategy.

<b>Voting Requirements: Absolute Majority</b>
---

## **RECOMMENDATION**

That Council ACCEPTS the nominations for the Management and Advisory Committees as follows:

- 1. Kalamunda Arts Advisory Committee:
  - a) Annette Eassie.
- 2. Request the Chief Executive Officer to write to the member advising their appointment and dates of the advisory committee meetings up until 17 October 2019.

### **10.7.5. Eastern Metropolitan Regional Council - Progress Update**

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

Previous Items	OCM 67/2011; OCM20/2013; OCM146/2019
Directorate	Asset Services
Business Unit	Asset Services
File Reference	EG-RLW-006; OR-IGR-035; 3.010172
Applicant	N/A
Owner	N/A
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to advise Council of proposed initiatives to be undertaken by the Eastern Metropolitan Regional Council (EMRC) in the waste management field.
2. These two initiatives relate to the feasibility of EMRC providing a suitable Food Organics Garden Organics (FOGO) processing plant which will be needed once/if EMRC member councils proceed to the three-bin waste system as well as facilitation of the implementation of Container Deposit Scheme (CDS) processes in each District within the EMRC.
3. It is recommended that Council note the progress on FOGO and resolve to commit to EMRC taking the lead on behalf of members for the CDS facilitation.

#### **BACKGROUND**

4. At the June 2019 OCM, Council endorsed the City's Project Plan for the Waste Plan Project (OCM 146/2019). The report detailed two issues of interest, being FOGO processing and the impending CDS.
5. At the 8 August 2019 meeting of the Waste Advisory Committee (WAC) of EMRC, these matters were discussed, and a decision of member Councils is needed for the CDS issue.

#### **DETAILS**

6. Two member Councils of EMRC (Town of Bassendean and City of Bayswater) have committed to adoption of three bin systems within their Districts and thus the collection of FOGO aligned to the State's Waste Strategy. EMRC have considered how to address the needs of these two Councils in the short term and all member Councils in the longer term in regard to processing of the FOGO collected.
7. WAC members (comprising Councillors and Officers from member Councils) were provided a presentation from EMRC as to their current thinking on how a permanent FOGO processing facility could be delivered by March 2022. This date aligns with current known State Government funding for provision of the third bin under the next round of the Better Bins scheme.

8. EMRC propose to seek tenders to implement a FOGO processing plant at the EMRC facility at Red Hill. At this early stage, the project has not resolved what sort of technology will be used, costs and construction delivery methodology that will be deployed. This work is underway.
9. EMRC have indicated that at an appropriate time, member Councils may need to undertake Participant's Agreements in any FOGO processing plant. (This is a similar concept used for the Waste to Energy project underway). At this time member Councils are not being asked to sign such agreements. This is provided for information only.
10. The State Government has made several announcements regarding CDS (Scheme):
  - a) Scheme to commence on 2 June 2020;
  - b) Scheme to be branded 'Containers for Change';
  - c) a consortia of companies have formed an entity named WA Return Recycle Renew Limited (WARRRL) which has been appointed as the Scheme Coordinator; and
  - d) opened up registration of interest from commercial, not for profit, local and regional government entities regarding the Scheme.
11. The Scheme has set out expectations that eligible containers will be delivered by the public to refund points (or donation centres), from which the containers would then be delivered to aggregation centres for recycling processing.
12. The Scheme has also set out expectations that refund points will be located after consideration of suitable catchment sizes (notionally 5km radius) within the urban area.
13. The WARRRL has invited submissions of expressions of interest to operate these locations (yet to be determined) with submissions to close 29 September 2019.
14. The EMRC has considered this issue on a regional basis and considers that efficiencies exist for member Councils if the EMRC takes the lead in coordinating submissions. They propose to:
  - a) work with member Councils in engaging potential operators within each District;
  - b) map the proposed Catchments and align these to potential operators;
  - c) prepare draft costing models;
  - d) prepare the draft proposals, seeking member Council comment; and
  - e) submit the application by 27 September 2019.
15. The EMRC, prior to resolving to proceed to this initiative require member Councils to endorse this plan.
16. Whilst City officers have had initial discussions with some potential operators, it is viewed that the assistance of the EMRC on this topic would be beneficial.

## **STATUTORY AND LEGAL CONSIDERATIONS**

17. Nil.

## **POLICY CONSIDERATIONS**

18. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

19. Not required.

### **External Referrals**

20. Engagement with potential operators as well as an overall community messaging initiative will be undertaken.

## **FINANCIAL CONSIDERATIONS**

21. No impact upon City budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

22. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 2: Kalamunda Clean and Green**

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

**Strategy 2.3.1** - Identify and implement strategies to reduce waste.

## **SUSTAINABILITY**

### **Social Implications**

23. Ongoing benefits of efficient waste management.

### **Economic Implications**

24. Potential revenue streams for business and not for profit groups within the City from providing CDS refund points.

### **Environmental Implications**

25. Reduced landfill, reduced roadside litter and increased recycling recovery.

## RISK MANAGEMENT CONSIDERATIONS

26.	<b>Risk:</b> That there is a mismatch (excess or lack of) between the number of necessary refund points and potential operators making the CDS scheme less efficient.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b> Using EMRC resources to efficiently map and engage potential operators should result in a suitable outcome.		

## OFFICER COMMENT

27. It is anticipated that 'fine tuning' of the Scheme will occur as it is rolled out which may require further coordination with the Community.

### Voting Requirements: Simple Majority

## RECOMMENDATION

That Council:

1. NOTE this update report.
2. SUPPORT the proposal that the Eastern Metropolitan Regional Council take the lead on behalf of member Councils to coordinate the preparation of a regional Container Deposit Scheme Refund Point application for submitting to the WA Return Recycle Renew Ltd.

### **10.7.6. Ledger Rd Gooseberry Hill - Drainage Issues – Confidential Report**

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	LD-01/061
Applicant	City of Kalamunda
Owner	JL & SM Blair
Attachments	Nil

**Provided under Separate cover.**

### **10.7.7. Bush Fire Advisory Committee - July 2019 Annual General Meeting**

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

Previous Items	SCM 01/2019
Directorate	Development Services
Business Unit	Environmental Health and Community Safety
File Reference	RA-BFC-019
Applicant	N/A
Owner	N/A
Attachments	1. Minutes BFAC AGM July 2019 [ <b>10.7.7.1</b> - 15 pages] 2. BFAC Terms of Reference 2019 [ <b>10.7.7.2</b> - 4 pages]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the matters raised for Council consideration by the Bush Fire Advisory Committee (BFAC) at its meeting on 18 July 2019.
2. The meeting minutes are provided as Attachment 1. Importantly, the meeting recommended the following:
  - a) A new process allowing volunteer Fire Control Officers to issue permits.
  - b) Updates to the BFAC Terms of Reference.
  - c) New positions were created in the Kalamunda Volunteer Bush Fire Brigade
  - d) The Brigades and SES Unit provided statistics for the previous year as part of the BFAC Annual General Meeting.
3. It is recommended that Council supports the recommendations of BFAC. Along with the City formally acknowledging the efforts of the volunteers for this past financial year.

#### **BACKGROUND**

4. Council established BFAC under Section 67 of the *Bush Fires Act 1954* and under section 5.8 under the *Local Government Act 1995* including its ToR. BFAC formulates, for Council's consideration, recommendations on policy and matters relating to bush fire prevention, control and extinguishment and matters associated with the SES.

#### **DETAILS**

5. The following matters discussed at the 18 July 2019 BFAC meeting are brought to Council's attention:
  - a) Following the BFAC meeting on 15 November 2018, a lengthy consultation process between the Volunteer Fire and Rescue Service, the Bush Fire Brigade, and the Chief Bush Fire Control Officer, has resulted in the implementation of a new streamlined process. This process is to allow volunteer Fire Control Officers to create permits to burn for the purpose of mitigation burns, undertaken by the volunteer brigades when the Chief is unavailable to issue these permits.

- b) The Terms of Reference have been updated and were endorsed by all members (Attachment 2).
- c) The new officers and office bearers of the Bush Fire Brigade were announced (Attachment 1).
- d) The volunteer organisations presented their statistics for the previous 12 months as part of the Annual General Meeting as follows:
  - i. The Kalamunda Bush Fire Brigade have committed 14,807 hours of volunteer time in 2018-2019
  - ii. The Kalamunda Volunteer Fire and Rescue Service have attended 146 incidents in 2018-2019
  - iii. The State Emergency Service have committed 7,612 hours of volunteer time in 2018-2019.

## **STATUTORY AND LEGAL CONSIDERATIONS**

- 6. Section 67 of the *Bush Fires Act 1954* states:  
*A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of firebreaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, ensuring the cooperation and coordination of bush fire brigades in their efforts and activities, and any other matters relating to bush fire control whether of the same kind, as or a different kind from, those specified in this subsection.*
- 7. Section 5.8 of the *Local Government Act 1995* states:  
*A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to those committees.*

## **POLICY CONSIDERATIONS**

- 8. Register of Delegations from Council  
*BFA3 – Appointment of Bush Fire Control Officers*

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

- 9. Nil.

### **External Referrals**

- 10. Nil.

## **FINANCIAL CONSIDERATIONS**

- 11. Nil.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

12. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### Priority 4: Kalamunda Leads

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

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

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

## SUSTAINABILITY

### Social Implications

13. The service that the volunteer organisations provide for the broader community is an important component of the City's social fabric.

### Economic Implications

14. Nil.

### Environmental Implications

15. Many of the services provided by the volunteer organisations assists with the safe and responsible management of the City's vast areas of environmental assets.

## RISK MANAGEMENT CONSIDERATIONS

- 16.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The terms of reference to do not adequately define the purpose of the BFAC meeting. |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Moderate           | Low           |
| <b>Action / Strategy</b>   |                    |               |
| Terms of reference are reviewed as part of BFAC meetings and amended accordingly.                |                    |               |

## OFFICER COMMENT

17. Historically, only City employed Fire Control Officers could issue permits to ensure all permits are recorded on the City's records management system. The Chief Bush Fire Control Officer would be the only person to issue permits to the volunteer fire brigades for the purpose of hazard mitigation burning. To ensure that volunteers are empowered to be able to carry out their duty of

protecting the community without burden or delay, a provision in the process has been made for volunteer Fire Control Officers to issue permits to burn in specific circumstances where the Chief is not available and only for the purpose of undertaking hazard mitigation burning.

18. The terms of reference has been updated to follow the proforma provided by the City, with minor alterations to suit requirements under Section 67 of the *Bush Fires Act 1954*.
19. The officers and office bearers of the Bush Fire Brigade have had minor changes following the Annual General Meeting of the Kalamunda Volunteer Bush Fire Brigade. Only office bearer positions have changed, noting two new positions created by the Brigade to modernise responsibilities for safety and increased reliance on Information and Communications Technology.
20. It is recommended that Council supports the recommendations of BFAC. Along with the City formally acknowledging the efforts of the Brigades and Unit for this past year.

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

That Council:

1. ENDORSE the new Terms of Reference for the Bush Fire Advisory Committee.
2. NOTES the new process allowing volunteer Fire Control Officers to issue permits for the purpose of hazard mitigation burns performed by the volunteer fire brigades.
3. NOTES the new officers of the Kalamunda Volunteer Bush Fire Brigade.
4. NOTES the hours of commitment by the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service.
5. REQUESTS the Chief Executive Officer to write to the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service acknowledging their efforts, service and commitment to the City of Kalamunda community.

### **10.7.8. Bush Fire Advisory Committee - Recommendations to Council - Disposal of Incident Control Vehicle and Donation to the Kalamunda Bushfire Brigade**

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

Previous Items	SCM01/2019
Directorate	Development Services
Business Unit	Environmental Health and Community Safety
File Reference	RA-BFC-019
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to reconsider financial matters that will arise from the sale of the Incident Control Vehicle (ICV) that was originally noted by Council following the Bush Fire Advisory Committee (BFAC) meeting on 15 November 2018.
2. One of the five recommendations carried by Council was to NOTE the proposed disposal of the existing ICV, however the intent of the recommendation was also for the proceeds of the disposal to be donated to the Kalamunda Volunteer Bush Fire Brigade.

#### **BACKGROUND**

3. Council established BFAC under section 67 of the Bush Fires Act 1954 and under section 5.8 of the Local Government Act 1995 including its Terms of Reference. BFAC formulates, for Council's consideration, recommendations on policy relating to bush fire prevention, control and extinguishment and matters relating to the Bush Fire Brigade.
4. At the 22 January 2019 Special Council Meeting, Item 8.1.2 of the agenda contained a number of recommendations to Council. The Bush Fire Brigade (BFB) requested the City sell the Incident Control Vehicle (ICV) and donate funds from the sale of the BFB for the purchase of a fit for purpose command pod for its Fire Support Vehicle (FSV).
5. The Resolution carried by Council noted the disposal of the existing BFB ICV but did not provide the necessary authority to action the proceeds as a donation to the BFB. The City's Chief Executive Officer's (CEO) donation authority is limited and as such a resolution of Council is required.

#### **DETAILS**

6. The purpose of this report is for Council to consider donating the proceeds of the sale of the ICV to the BFB.

## STATUTORY AND LEGAL CONSIDERATIONS

7. Section 67 of the Bush Fires Act 1954 states:

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

## POLICY CONSIDERATIONS

8. Register of Delegations from Council
- a) LGA4 – Disposal of Surplus Property and Materials
  - b) MISC2 – Donations, Grants and Contributions

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

9. Nil

### External Referrals

10. Nil

## FINANCIAL CONSIDERATIONS

11. Further to the register of delegations from Council, MISC2 – Donations, Grants and Contributions, the CEO has a delegation of up to \$1,000 to grant donations. Any increases to this need to be considered by Council.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

12. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 4: Kalamunda Leads**

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

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

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

## **SUSTAINABILITY**

### **Social Implications**

13. Nil.

### **Economic Implications**

14. The proceeds of the sale of the ICV will go towards improved facilities for the BFB.

### **Environmental Implications**

15. Nil.

## **RISK MANAGEMENT CONSIDERATIONS**

16.

<b>Risk:</b> Financial loss due to the depreciation in the market value of the ICV.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Almost Certain	Insignificant	High
<b>Action/Strategy</b>		
The City sell the ICV at the earliest opportunity		

## **OFFICER COMMENT**

17. It is recommended that Council notes the disposal of the ICV, with the full proceeds be donated to the Kalamunda Volunteer Bush Fire Brigade

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

That Council:

1. NOTES the disposal of the existing Incident Control Vehicle.
2. APPROVES delegation to the Chief Executive Officer to donate an amount equivalent to the sale of the Incident Control Vehicle to the Kalamunda Volunteer Bush Fire Brigade.

## **10.7.9. Submission to the Select Committee into Local Government**

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	
Owner	

Attachments	1. Submission LG Select Committee [ <b>10.7.9.1</b> - 20 pages]
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider and endorse a submission to the Inquiry into local government being conducted by the Legislative Council Select Committee (Select Committee) into Local Government (Inquiry).
2. Upon establishment of the Select Committee, its Chairman stated: -  
  
*"Local governments play an important role in the lives of all Western Australians, so the Select Committee is gathering information about what the community expects. We would like to hear what local government does well, along with identifying issues of concern and receiving suggestions for how the system might be improve".*
3. It is recommended that Council endorse the submission to the Select Committee and lodge with the Committee by 13 September 2019.

### **BACKGROUND**

4. The Select Committee was established on 26 June 2019, with the following terms of Reference: -
  - a) Whether the *Local Government Act 1995* (WA) and related legislation is generally suitable in scope, construction and application;
  - b) The scope of activities of local governments;
  - c) The role of the department of state administering the *Local Government Act 1995* (WA) and related legislation;
  - d) The role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;
  - e) The funding and financial management of local governments; and
  - f) Any other related matters the select committee identifies as worthy of examination and report.

5. Membership of the Select Committee comprises: -

Chairman - Hon. Simon O'Brien MLC

Deputy Chairman - Hon. Laurie William Graham MLC

Members - Hon. Diane Marie Evers MLC, Hon. Martin Aldridge MLC, and Hon. Charles Leonard Smith MLC.

6. Submissions can be made to the Select Committee by interested persons and organisations by Friday 13 September 2019.

## **DETAILS**

7. The City's Submission can be viewed at Attachment 1.

The City's submission supports the ongoing breath of services being delivered to the community and advocates for all Local Governments to remain self-determining in the services their communities want delivered.

The City's submission also highlights issues local government experiences due to legislative requirements and "*red tape*" associated with State Government agencies, inevitably resulting in time delays for local government in processing applications and projects.

8. WALGA president Lynne Craigie in her response to the media's "*cut the red tape*" campaign, said local governments had to continually step into spaces where State and Federal levels did not.

*"While it's fine to tell us to stay home and do our knitting and just focus on rates, roads and rubbish ... that is not what our communities are demanding,"* she said.

*"Local governments are getting hammered over too much red tape, the reality is local governments are bound by legislation which inflict red tape on local government from State and Federal bodies".*

9. The debate on the role of local government will continue between detractors and supporters of local government and notwithstanding the debate, the City of Kalamunda has demonstrated through its annual financial reports and audit processes that it is a sustainable and transparent local government. The City has met its financial obligations and has also provided services that the community have requested through ongoing and extensive community engagement and consultation.

In 2018, the City undertook 96 community engagements on a broad range of topics. A full detailed report on community engagement can be found on the City's website in the April 2019 agenda.

The City applies a diverse range of media and communication tools to promote, inform, engage and help to activate our community. This is to assist the City reach, inform, and involve our residents in community events, policy development and decisions that affect their lives.

In 2018 this included:

- City of Kalamunda Website;
- Engage Kalamunda Website (Engage HQ);
- City of Kalamunda Facebook Pages;
- Monthly e-news;
- LinkedIn;
- Local Events;
- City of Kalamunda personnel in pop up venues;
- You Tube;
- Community networks, services and partners;
- Promotional Flyers; k) Direct Mail; and
- Newspaper / Digital Newspaper Promotions.

In 2018, 27,600 visitors accessed the City's engagement portal.

The most frequent source of traffic to the engagement portal was by social media, closely followed by those accessing the site direct, with each campaign supported by traditional advertising promoting the engagement portal via advertisements, direct mail and face to face interaction.

The City has primarily used the engagement portal as a source for residents to provide feedback via surveys.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. *Local Government Act 1995 (WA).*

## **POLICY CONSIDERATIONS**

11. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. All Directorates have provided input into the submission.

### **External Referrals**

13. The proposed submission by the City has not been referred for community comment or input. Members of the community can make submissions direct to the Select Committee.

## **FINANCIAL CONSIDERATIONS**

14. Nil from this report

## **STRATEGIC COMMUNITY PLAN**



## Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 4: Kalamunda Leads

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

## SUSTAINABILITY

### Social Implications

16. Nil.

### Economic Implications

17. Nil.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

19.	<b>Risk:</b> The absence of a submission may not bring balance to the views and findings of the Committee.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Minor	Possible	Low
	<b>Action/Strategy</b>		
	Ensure the City submission highlights the benefits provided by the City to its community and clearly identifies issues.		

## OFFICER COMMENT

20. Local government is based upon the notion of providing "*good local governance*" to communities. It is at its best in countries which are governed by a democratic system. It is now generally believed that all public problems are best administered by a properly organized system of local bodies that self-determine the needs of the local community through ongoing and effective communication and engagement.

Local government is essentially a system of public education of how to handle problems and how to solve them for the greater common good of a community. Local government is an instrument which helps shoulder the responsibilities of local communities for shared needs and thus lightens their burdens.

Managing and appropriating for shared needs is a very complex and often divisive process. The decision-making process is often based on rules and regulations that do not always satisfy all members of a community.

Managing this complexity is the greatest challenge that all local governments now face. Competing interests, lobby groups, activism, social media and growing community expectation in an environment where community trust is eroding, will require local government to do its business differently in the future. It will require adaptive and creative thinking, as well as resilience and patience to bring people together toward a common goal.

The experience and knowledge gained through local governments can best be utilised to cultivate a sense of civic duties and responsibilities. Building community pride and creating active citizens will be an essential building block for the future sustainability of local government. Using community human assets to support projects and initiatives by allowing the decision making to devolve to the community and sharing the power will be a challenge for a traditional institution that is local government.

It is a well-known fact that whoever learns to be public spirited and active in the affairs of a community, has learnt the first lesson of duty which is incumbent upon a citizen of a great community.

A local government must actively stimulate political awareness and consciousness which in turn instils a true sense of citizenship and participation in public affairs.

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

That Council:

1. ENDORSE the City of Kalamunda Submission - Inquiry into Local Government as shown in Attachment 1.
2. REQUEST the Chief Executive Officer lodge the Submission with the Select Committee by 13th September 2019.

**11. Motions of Which Previous Notice has been Given**

**11.1. Understanding Social Inclusion in the City of Kalamunda**

**MOTION**

<b>Voting Requirements: Simple Majority</b>
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That Council REQUEST the Chief Executive Officer to:

1. Investigate and prepare a report on social inclusion within the City of Kalamunda.
2. Undertake a review of other Local Governments and how they are addressing social inclusion.
3. Identify any gaps in services being provided to ensure the City is achieving its vision for a connected community and is fostering inclusiveness, diversity, tolerance, safety, access and opportunity for all.
4. Make recommendations on the City of Kalamunda's role to address the identified social inclusion gaps.
5. That subject to resourcing, the report and findings will be presented to Council within a 12-month period.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Brooke O'Donnell**

Vote:

**Councillor's Rationale:**

The City of Kalamunda has made a concerted effort to improve its service delivery in order to achieve its vision of connected communities, caring for nature and creating the future together.

The City has, and is implementing a number of significant plans that are aimed at achieving the Vision outlined in Kalamunda Advancing – Strategic Community Plan and these plans include:

- Kalamunda Connected - Creating Active Citizens
- Kalamunda Community Health Plan
- Kalamunda Youth Plan
- Kalamunda Aged Accommodation Strategy
- Kalamunda Age Friendly Framework
- Kalamunda Disability Inclusion Access Plan
- Kalamunda Crime and Prevention Plan
- Kalamunda Reconciliation Action Plan

Whilst these plans assist in targeting specific areas of social inclusion, it is obvious that many people of all ages and demographic backgrounds are falling through the cracks of our society.

The City of Kalamunda has done preliminary investigations to indicate how our community is faring in terms of these issues, but given many other local governments are experiencing these issues and are looking at ways to address them, it is timely the City shows proactivity and seeks to better understand the extent of issues within our community.

The impact of societal pressures is creating increasing disadvantage within communities and unless all levels of government work together to monitor and report upon the gaps it is likely the gap may widen and will be a detrimental burden to the broader population.

Social exclusion occurs when disadvantages experienced by individuals, families and communities make it difficult for them to participate in community life – these can include unemployment, low income, intergenerational poverty, addiction, low literacy or numeracy, lack of access to services, homelessness, disability, poor health, mental health issues, discrimination and/or locational disadvantage.

Youth suicide and depression is rising, people from culturally linguistic backgrounds are isolated, families are suffering from domestic violence and an increase in homelessness is now a significant issue for all of Australia.

Some of the issues that can be attributed to the problems include:

- Social isolation
- Lack of information
- Crime and discrimination based on race, sexuality or gender
- Lack of accessibility
- Housing stress (especially for renters)
- Inadequate public transport
- Community safety
- Alcohol and other drugs
- Lack of employment opportunities
- Lack of service integration
- Intergenerational poverty
- Poor literacy and numeracy skills
- Increasingly sedentary and overweight population

At its optimum, social inclusion is about having access to opportunities and choices in life and having the resources and appropriate supports as well as the personal capacity, self-confidence and individual resilience to make the most of them.

For an organisation, being socially inclusive is about the deliberate actions taken by that organisation to remove or reduce barriers to inclusion and to create opportunities that facilitate and encourage full participation.

This motion seeks to shine a light on the situation and plight of people who are disadvantaged within the City of Kalamunda.

If we as leaders of this community do not know or understand what is happening in the day to day lives of all the people we are representing in our community, then we are not fully embracing our roles.

I put this motion to council and seek your support.

### **Officer Comments**

The City has recently taken up a partnership with Inclusion Solutions and the work they will be undertaking will complement the further investigations being requested in this motion. An extensive analysis to better understand the full extent of social disadvantage and isolation occurring in the City is desirable for many reasons.

This approach being requested is proactive given the rising trend in social exclusion and will require community effort to address this rapidly emerging need in the community.

Therefore the motion is supported by the City.

## **12. Questions by Members Without Notice**

## **13. Questions by Members of Which Due Notice has been Given (Taken on Notice 23 July 2019)**

### **13.1 Works in High Wycombe – Cr O'Connor**

Q. Why was plant mobilised at the intersection of Berkshire & Milner Road?

A. The plant is mobilised as part of the next construction activity in the area being the upgrade of three intersections (Berkshire/Milner/Dundas; Berkshire/Ashby & Milner/Nardine) to RAV7 vehicle turning standards. In the same area, Western Power contractors are also installing cabling as part of the Forrestfield rail project.

### **13.2 Jacaranda Springs Lake – Cr Lohmeyer**

Q. The lake at Jacaranda Springs has become extremely low can an explanation be provided?

A. The lake is normally topped up with water from an underground bore, which as part of our Water Licence conditions has to be turned off in winter. This is normal seasonal change in water levels. It is pointed out that the Lake is not fed from other stormwater systems hence reliance on bore water.

13.3      Alan Anderson Reserve Update – Michael Fernie

Q.          Can I have an update on Alan Anderson Reserve and the total cost of the temporary fencing?

A.          The total cost of the temporary fencing at Alan Anderson Reserve to date has been \$49,056. It was first in place in July 2015 and the monthly cost is \$1,044 per month (Ex GST). The fencing consists of around 170 panels covering over 400 metres.

**14.          Urgent Business Approved by the Presiding Member or by Decision**

**15.          Meeting Closed to the Public**

**16.          Tabled Documents**

16.1        Kalamunda Environmental Advisory Committee – Minutes 1 August 2019

16.2        Community Safety and Crime Prevention Advisory Committee – Minutes 7 August 2019

**17.          Closure**