

# Ordinary Council Meeting

Minutes for Tuesday 25 June 2019

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

The Presiding Member opened the meeting at 6.34pm and welcomed Councillors, Staff and Members of the Public Gallery.

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

**Councillors**

**South East Ward**

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

Geoff Stallard

**South West Ward**

Lesley Boyd

Allan Morton

Brooke O'Donnell

**North West Ward**

Sara Lohmeyer

Dylan O'Connor

**North Ward**

Cameron Blair

Kathy Ritchie

Margaret Thomas

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

**Management Team**

Alida Ferriera - Manager Financial Services

Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant

**Members of the Public 17**

**Members of the Press 1**

**Apologies**

Simon Di Rosso - General Counsel & Executive Advisor

**Leave of Absence Previously Approved**

Cr David Almond – Leave of Absence

### **3. Public Question Time**

#### **3.1. Questions Taken on Notice at Previous Meeting**

##### **3.1.1 Mr Peter Bolden 55A Snowball Road, Kalamunda**

Q. What effect will the 2018 revised population growth in Kalamunda have on planning and consultation processes relating to the Proposed Kalamunda Activity Centre Plan given there is a sizable reduction in projected growth over to 2026?

A1. The Director Development Services advised the Activity Centre Plan proposed for Public Advertising has regard for those revised projections. The Planning Framework is robust enough to account for changes in the those revised projections and the Framework itself is generally responsive to market conditions. The consultation process, irrespective of those projections, is structured in such a way to receive community feedback on a draft plan and assimilate that feedback as part of the finalisation process with Council.

Q2. What was the fee paid to the consultant?

A2. Approximately \$240,000 (excluding GST) was paid in consultant fees for the preparation of the Activity Centre Plan.

##### **3.1.2 Peter Sewell 25 John Street Gooseberry Hill**

Q1. Will the Council publish what it is paying to the Western Australian Local Government Association and the benefits to the City?

A1. The Western Australian Local Government Association's (WALGA) key focus is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector with a focus on policy and advocacy work on behalf of the Local Government sector. WALGA additionally offers services to assist Local Governments to perform their duties.

WALGA also provides procurement services to Local Government, offering the following advantages:

- Independence – no vested interest in any Local Government's procurement outcomes.
- Expertise – specialist procurement expertise in all aspects of the process.
- Capacity Building – improve Local Government's procurement capability through education, advice, resources, and support.
- Confidentiality – all Procurement Service's work is strictly confidential.
- Transparency - Local Governments can demonstrate transparency in procurement decision making.
- Capacity - Local Governments can free up internal resources for other tasks.

- Many additional services are available such as Tender Management Services and Procurement Improvement information.
- Access to online resources
- Elected Member Training

WALGA payments in 2018/2019 total \$65,445.67.

Q2. What does the City pay to the Eastern Metropolitan Regional Council and what are the benefits to ratepayers?

A2: The Eastern Metropolitan Regional Council (EMRC) provides a broad range of services across the region including waste management and education, resource recovery, environmental management, and regional development. Working in partnership with the member Councils and other stakeholders, the EMRC delivers local and regional scale projects across each of these areas for the benefit of the region. EMRC payments in 2018/2019 total \$3,855,377.69.

### 3.1.3 Iris Jones Orangedale Road Lesmurdie

Q1. Is Council aware that the Kalamunda & Districts Historical Society is currently doing an inventory update of significant trees across the City?"

A1. The City has been made aware and is awaiting receipt of the information.

Q2. There is a report on the net which states that the Lemon Scented gum tree is invasive and self-seeding and that it is destroying Tuart and Banksia forest habitats between Perth and Busselton. It has been declared a weed in this respect. Given that we have native Banksia across the City, has Council's KEAC group provided any kind of a report to Council on the Lemon Scented gum tree and its invasive nature. If not, can this please be requested?"

A2. Council can make a decision to request the Kalamunda Environmental Advisory Committee (KEAC) to undertake a review of this matter, noting that any investigations may require funding which has not yet been listed on the Council budget

## 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.*

### 3.2.1 Peter Forrest 36 Panoramic Terrace Kalamunda

Q1. Whose decision was it to call it the Kalamunda Community Centre?

Q2. When was the decision taken and by whom?

- Q3. Will the effect of that location not further weaken the already declining viability of businesses in Kalamunda by drawing away incidental custom?
- Q4. Why was the apparently known effect of that, not included in the Kalamunda Activity Centre Plan that recently cost the rate-paying community \$124,000 to produce?
- Q5. Substantial community funds were sought from both State and Federal Government to assist funding of the new building (Total Cost \$6.65 million) audibly and in press statements referred to as a Community Hub, which by location and design it clearly is not. It is in reality still to be an out-of-town Adult Learning Centre. So has this local authority been complicit in misleading both funding sources and other citizens of Kalamunda?

A. Taken on Notice.

#### **4. Petitions/Deputations**

- 4.1 A deputation was received from Mr David Downing in relation to Nardine/Ashby link road.
- 4.2 A deputation was received from Ms Lyn De Reggi in relation to Item 10.5.9 Response to Proposed Amendment to the Metropolitan Redevelopment Authority Regulations 2011 regarding Forrestfield North.

#### **5. Applications for Leave of Absence**

- 5.1 Nil.

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

- 6.1 RESOLVED OCM 139/2019

That the Minutes of the Ordinary Council Meeting held on 28 May 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings with the inclusion of the following at Item 4:

***Cr Margaret Thomas – left the Chambers at 7.54 and returned at 7.56pm.***

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.2 RESOLVED OCM 140/2019

That the Minutes of the Special Council Meeting held on 4 June 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.3 RESOLVED OCM 141/2019

That the Minutes of the Public Agenda Briefing Forum held on 11 June 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

7.1 Nil.

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

8.1 Item 10.1.5 – CONFIDENTIAL - Removal of Personal Information from Published Documents - Ordinary Council Meeting 27 June 2016 - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

8.2 Item 10.5.10 – CONFIDENTIAL - Asset Services: Review of Parks and Environmental Services - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (a) - "matter affecting an employee or employees."

8.3 Item 10.2.2 - Consideration of Tenders for Kalamunda Road Drainage and Pavement Rehabilitation (RFT 1903) – CONFIDENTIAL ATTACHMENT – Tender Evaluation Report - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

8.4 Item 10.2.3 - Consideration of Tenders for the Road Rehabilitation of two sites within the City of Kalamunda – CONFIDENTIAL ATTACHMENT – Tender Evaluation Report - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

8.5 Item 10.5.7 - CONFIDENTIAL - Nominations for Freeman - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

**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*.)

9.1.1 Nil.

**9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. City of Kalamunda - Revocation to Local Planning Policy P-DEV 23 - Pergolas**

*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	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Local Planning Policy P- DEV 23 - Pergolas <b>[10.1.1.1 - 1 page]</b>

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the revocation of Local Planning Policy P-DEV 23 – Pergolas (Policy).
2. This Policy has been superseded given it does not meet the requirements of a contemporary local planning policy. Furthermore, the intent and purpose of the Policy have been superseded by the provisions of the *Building Regulations 2012*, and therefore is not legally enforceable. On this basis it is recommended that Council revoke the Policy.

**BACKGROUND**

3. The City periodically reviews, revokes and adds new policies to its register. Local building policies are used to ensure consistency and transparency in decision making as well as adding clarity to and intent to existing legislation.

**DETAILS**

4. The Policy was written as a guide to the definition of a pergola and what would exempt them from building approval. As the Policy reiterates the requirements of the *Building Regulations 2012*, there is no need for such a policy.

**STATUTORY AND LEGAL CONSIDERATIONS**

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

5. Under Schedule 2, Part 2, Clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the local government may prepare a Local Planning Policy in respect to any matter related to the planning and development of the City.

6. Under Schedule 2, Part 3, Clause 6(b)(i)(ii) of the Regulations, a local planning policy may be revoked through a notice prepared by the local government; and published in a newspaper circulating in the area.

### **POLICY CONSIDERATIONS**

7. Should Council resolve to revoke the Policy, the Policy will be removed from the Policies and Procedures Register and will no longer be given any regard.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

8. Given the technical planning nature of the proposal, there was no requirement to seek comment from internal service areas.

#### **External Referrals**

9. If Council resolves to revoke the Policy, notice of revocation is required to be published in a local newspaper.

### **FINANCIAL CONSIDERATIONS**

10. Nil.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

11. *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**

12. Nil.

#### **Economic Implications**

13. Nil.

#### **Environmental Implications**

14. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

15.	<b>Risk:</b> The Policy is not revoked, creating uncertainty about whether the Policy is relevant and in line with contemporary planning practice/policy.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Moderate</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Unlikely	Moderate	Low
Likelihood	Consequence	Rating					
Unlikely	Moderate	Low					
	<b>Action/Strategy</b>						
	Outline the rationale for revoking the Policy and identify the current operating issues with the Policy.						

**OFFICER COMMENT**

16. The Policy is adequately controlled by the provisions of the *Building Regulations 2011* and therefore the Policy can be revoked.

**Voting Requirements: Simple Majority**

RESOLVED OCM 142/2019

That Council REVOKE Local Planning Policy P-DEV 23 - Pergolas, Pursuant to Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

**10.1.2. Proposed Amendment No.102 - Lot 4 (51) Canning Road, Kalamunda - Additional Use of Shop (Pharmacy) to Existing Medical Centre - For the Purposes of 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	Statutory Planning
File Reference	PG-LPS-003/102
Applicant	Planning Horizons Development Solutions
Owner	K & J Puttappa Bare Pty Ltd Atf The K & J Puttappa Super Pty Ltd
Attachments	<ol style="list-style-type: none"> <li>1. Scheme Amendment Request &amp; Applicant Report <b>[10.1.2.1 - 14 pages]</b></li> <li>2. Scheme Amendment <b>[10.1.2.2 - 5 pages]</b></li> </ol>

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the adoption of Local Planning Scheme Amendment No.102 (Amendment No.102) to Local Planning Scheme No.3 (Scheme) for the purposes of public advertising.
2. Amendment No.102 proposes the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda (site).
3. It is recommended that Council adopt Amendment No.102 for the purposes of public advertising.

**BACKGROUND**

4. **Land Details:**

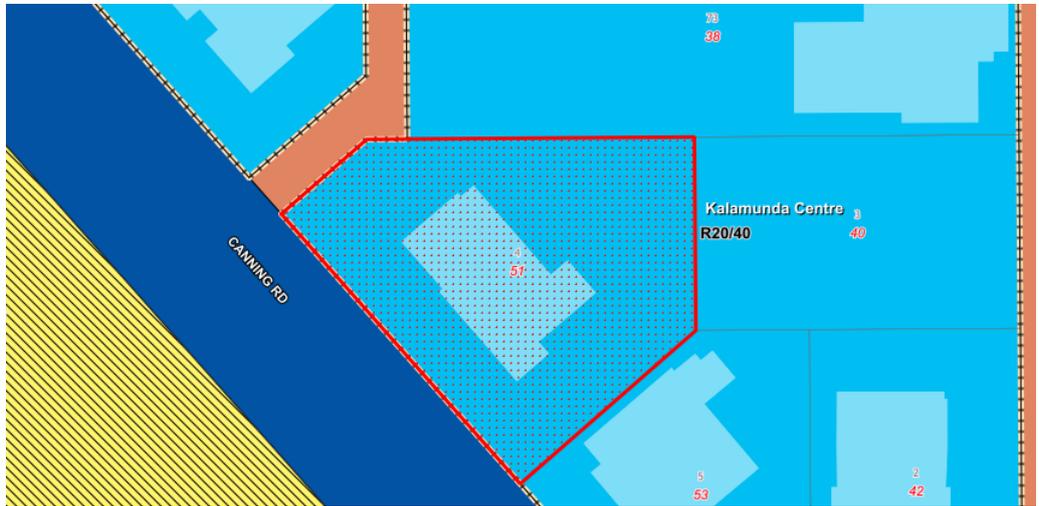
Land Area:	1457.000 m <sup>2</sup>   0.14570 ha
Local Planning Scheme Zone:	Mixed Use
Metropolitan Regional Scheme Zone:	Urban

5.

**Locality Plan:**



6.



7.

The site is located approximately 1 kilometre from the Kalamunda Town Centre. The site fronts Canning Road, with the land immediately surrounding the site being predominantly coded 'Mixed Use' with an applicable R-code of R20/40.

8.

The site currently contains and operates as a Medical Centre with an incidental Pharmacy which was approved by the City of Kalamunda (City) in December 2017. As part of the development application, a pharmacy was proposed within the medical centre development. The pharmacy was approved as an incidental use with restrictions.

9.

The following condition on the original development approval is pertinent to this amendment:

**Condition No. 3** which states:

*'The incidental pharmacy is to be utilised by the patrons of the Medical Centre only. Entrance to the pharmacy shall be maintained via a common foyer area only.'*

10. The above condition restricts the use of the pharmacy to an incidental use to serve patients/ patrons of the medical centre only. As a consequence, the pharmacy is currently not available to the general public outside of the medical centre.

### **DETAILS**

11. The Applicant is seeking Council approval to adopt Amendment No.102 for the purpose of public advertising. The amendment proposes the additional use of 'Shop', specifically for a pharmacy, to be placed on the subject site (Attachment 1).
12. No structural or layout modifications are proposed for the existing incidental pharmacy at this point in time. The Applicant has, however, advised that should the amendment be approved, an external access point will be sought for the pharmacy to allow direct access to patrons.
13. The proposed additional use would allow for the restrictions on the pharmacy to be removed. The pharmacy would then be able to be utilised by patrons of the medical centre as well as the general public.
14. The Applicant's justification in support of the proposed Amendment No.102, includes the following summarised points:
- a) the pharmacy will appeal primarily to those patrons visiting the medical centre, however it will also attract patrons passing by, which is unlikely to generate a notable increase in traffic along Canning Road;
  - b) there will be no detrimental impact on existing pharmacies in the locality, with the closest pharmacy being located approximately 1.2 kilometres from the medical centre;
  - c) there is no change to the existing built form and car parking proposed as part of the amendment;
  - d) the amendment will allow the pharmacy to be open to the broader community benefitting the significant elderly members of the community with accessibility issues and disabilities; and
  - e) the amendment will have no detrimental impact on the amenity of the locality.

### **STATUTORY AND LEGAL CONSIDERATIONS**

15. **Metropolitan Region Scheme**

The subject site is classified 'Urban' under the Metropolitan Region Scheme (MRS). The proposal is therefore consistent with the zoning classification under the MRS.

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

Under the provisions of the Scheme, the subject site is currently zoned Mixed Use. Under Table 1 – Zoning Table of the Scheme, Pharmacy ('Shop') is a 'X-prohibited use' in the Mixed Use Zone.

17. The objectives of the current zoning of 'Mixed Use' are outlined in Part 4.2.5 (Objectives of the Zones: Other Zones) of the Scheme as follows:
1. *To provide for business and other commercial uses, but excluding shopping.*
  2. *To provide for and encourage residential uses, but on the basis of recognition that the zone allows for considerably more non-residential activities than does a Residential zone.*
  3. *To provide for professional, civic uses, medical and health related uses.*
  4. *To provide for leisure and entertainment uses on a small scale so as not to unduly impinge on the amenity of the residential component of the zone.*
  5. *To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones, particularly the Residential zones.*
18. Schedule 1 of the scheme defines 'shop' as follows:
- "shop" means premises other than a bulky goods showroom, a liquor store – large or a liquor store –small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services; AMD 85 GG 25/08/17.*
19. Schedule 1 of the scheme defines 'incidental use' as follows:
- "incidental use" means a use of premises which is ancillary and subordinate to the predominant or primary use;*
20. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**
- Regulation 35 cl(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* (Regulations), requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. Regulation 35 cl (2)(a)(b) requires the resolution to specify and provide justification for the type of amendment (basic, standard or complex) proposed.
21. Pursuant to Regulation 34 of the Regulations, the proposed Amendment is considered to be a standard amendment as it:
- a) is consistent with the objectives identified in the Scheme for the Mixed Use zone;
  - b) is consistent with the City of Kalamunda Local Planning Strategy;
  - c) is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
  - d) is considered to have a minimal impact upon the land within the City of Kalamunda; and

- e) will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

## **POLICY CONSIDERATIONS**

### **22. City of Kalamunda Local Planning Strategy**

The City's Local Planning Strategy (Strategy) was adopted by Council in October 2011 and endorsed by the Western Australian Planning Commission in February 2013. The purpose of the Strategy is to enable Council to determine the vision and strategic planning direction for the City for the next 20 years, to coincide with Directions 2031.

23. Clause 2.4.5. Retail and Commerce (outside of Kalamunda Town Centre) of the Local Planning Strategy states the following vision statements:

- *Activity centres will be attractive, economically successful places, accessible and well connected to residents.*
- *Develop centres in accordance with the hierarchy of centres.*
- *Ensure centres are capable of meeting a range of local community needs and are appropriately integrated with local community facilities.*
- *Have regard to the interface between centres and adjoining communities in regard to design, traffic, parking, noise and lighting.*

24. The proposed Amendment is consistent with the intent of the Strategy.

### **25. State Planning Policy 3.7 – Planning for Bushfire Prone Areas**

Given that no changes to the site have occurred since the original BAL assessment was prepared and the development on site complies with the bushfire requirements, no further bushfire mitigation measures are required at this time.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

26. The proposed amendment involves a technical planning matter, with no development aspect proposed. Consequently, the proposal was only assessed from a planning perspective.

### **External Referrals**

27. In accordance with Regulation 47 of the Regulations and Local Planning Policy P-DEV 45 – Public Notifications of Planning Proposals the advertising processes will include but not be limited to:
- a) issuing letters to landowners affected by the Amendment and those within a 100-metre radius of the subject site;
  - b) a notice on the City's media platform;
  - c) a notice in the local newspaper;

- d) display of the Amendment at the City's Administrative Centre;
- e) letters to relevant public and service authorities; and
- f) signage on site.

## **FINANCIAL CONSIDERATIONS**

28. All costs associated with advertising and assessment of the Scheme Amendment are to be borne by the Applicant.

## **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. The proposed additional use would be of community benefit in allowing for the pharmacy to be utilised by patrons of the medical centre as well as the general public.

### **Economic Implications**

31. The incidental land use classification does not allow for passer-by trade to the pharmacy. The additional use of 'shop' would allow for greater economic viability.

### **Environmental Implications**

32. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

33.	<b>Risk:</b> The Amendment is not adopted for the purposes of public advertising and does not proceed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	If the amendment does not proceed, use of the pharmacy will remain restricted to patrons of the medical centre only and not for the broader benefit of the community.		

**OFFICER COMMENT**

- 34. The purpose of the amendment is to allow for the additional use of 'Shop', specifically for a pharmacy, to be placed on the subject site. The existing pharmacy on the site is classified as an 'incidental use' which means its operation is limited to patrons of the medical centre only. The proposed additional use would allow for the restrictions on the existing pharmacy to be removed.
  
- 35. It should be noted that incidental uses are considered appropriate when it is clear the incidental use is ancillary and subordinate to the predominant land use, which in this instance was 'Medical Centre'.
  
- 36. The subject site is located outside the Kalamunda Town Centre, but within close proximity (approximately 1km). The land use is therefore appropriately located in context to the Activity Centre and is not of a scale that would detract from the retail functions of the Activity Centre.
  
- 37. No structural or layout modifications are proposed for the existing incidental pharmacy at this point in time. The Applicant has however advised that should the amendment be approved; an external access point will be sought for the pharmacy. In accordance with Condition No.3 of the original DA approval, the pharmacy is currently accessed via the common foyer area within the medical centre.
  
- 38. The original DA proposal incorporated an excess number of parking bays. The proposed amendment, additional use of Shop (pharmacy) would be compliant with regard to the parking requirements outlined within Table 3 of the Scheme.
  
- 39. It is considered the proposed Amendment will have a minimal impact upon the amenity within the area, particularly as the pharmacy currently operates on site, albeit with restricted patronage.

40. In order to ensure the additional use of 'shop' is associated with a pharmacy, the following conditions have been applied to the proposed amendment document:
- a) The land use 'shop' shall specifically relate to the use of a pharmacy.
  - b) No other land uses associated with 'shop' shall be permitted.
41. With regard to the provisions of Local Planning P-DEV 64 – Requirements for Local Planning Scheme Amendments, the applicant was not required to provide a Land Use Scoping Statement and Concept Master Plan on the basis the proposed amendment did not propose any new built form and was considered unlikely to impact on the amenity of the surrounding area.
42. The proposed Amendment is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
43. Having regard to the above, it is recommended that Council adopts Scheme Amendment No. 102 for the purpose of public advertising.

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

RESOLVED OCM 143/2019

That Council:

1. ADOPT, proposed Scheme Amendment No.102 to Local Planning Scheme No.3 for Lot 4 (51) Canning Road, Kalamunda in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005*.
2. CONSIDER Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 as a Standard Amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
  - a) the Amendment is consistent with the objectives identified in the Scheme for the mixed zone;
  - b) the Amendment is consistent with the City of Kalamunda Local Planning Strategy;
  - c) the Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the scheme area, and the applicable strategic planning framework;
  - d) the Amendment is consistent with The Kalamunda Town Centre Special Control Area;
  - e) the Amendment is considered to have a minimal impact upon the land within the City of Kalamunda;

- f) the Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
  - g) the Amendment is neither a complex or basic amendment as defined under Part 5 the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.
3. FORWARD proposed Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 to the Environmental Protection Authority pursuant to sec 81 of the *Planning and Development Act 2005*.
4. ADVERTISE Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 for a period of 42 days in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy P-DEV 45 - Public Notification of Planning Proposals, subject to Sections 81 and 82 of the *Planning and Development Act 2005*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

### **10.1.3. Changes to City of Kalamunda - Local Planning Policy Numbering**

*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	3.00927
Applicant	N/A
Owner	N/A

Attachments 1. Matrix of Modifications [**10.1.3.1 - 1 page**]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider amending the titling and numbering conventions applied to the City of Kalamunda (City) Local Planning Policies.
2. The existing and proposed Planning Policies will be re-numbered chronologically; and re-titled from "P-DEV..." to "Local Planning Policy...".
3. The proposed re-titling is an update which reflects the titling conventions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **BACKGROUND**

4. The City's current Planning Policy convention reflect the nature of the policies as being for planning and development purposes, which is where "P-DEV" originates.

#### **DETAILS**

5. The City's Planning Policies will be re-numbered to reflect original adoption dates.
6. The draft re-numbering hierarchy is Attachment 1 to this report.
7. The names of policies will be amended, with all Planning Policies referred to as a Local Planning Policy, then the number, then its topic.
8. For example, the current consultation policy is referred to as
  - Local Planning Policy P-DEV 45 - Public Notification of Planning Proposals, abbreviated to P-DEV 45Under the proposed titling system, the same policy would be:
  - Local Planning Policy 1 – Public Notification of Planning Proposals, abbreviated to LPP1.
  -

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. The local government may prepare a Local Planning Policy with regard to any matter related to the planning and development of the Scheme area.

(Schedule 2 Clause 3(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)

10. The local government may amend or repeal a local planning policy.

(Schedule 2 Clause 3(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*).

## **POLICY CONSIDERATIONS**

11. The policies are not proposed to be amended in any manner other than re-numbering and re-titling. Re-numbering will ensure policies are re-ordered to provide a descending hierarchy. This will make it easier for readers of the City's planning policies.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. Nil.

### **External Referrals**

13. A local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

(Schedule 2, Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)

14. As the proposed changes to the planning policies are of an administrative nature, rather than altering the objectives or content of the policies, the amendments are considered to be minor amendments.

## **FINANCIAL CONSIDERATIONS**

15. All costs incurred by publishing a notice advising of the updated policies will be met through the Approval Services budget.

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

**SUSTAINABILITY**

**Social Implications**

17. Nil.

**Economic Implications**

18. Nil.

**Environmental Implications**

19. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

20.	<b>Risk:</b> The proposed re-numbering, re-ordering and re-titling of policies is not supported.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Rare</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Rare	Insignificant	Low
Likelihood	Consequence	Rating					
Rare	Insignificant	Low					
	<b>Action/Strategy</b>						
	Ensure that Council is aware of the benefits of updating the City’s planning policy titling conventions to reflect contemporary practices.						

**OFFICER COMMENT**

21. Amending the numbering of planning policies is likely to have multiple benefits to staff and members of the public accessing and referencing the City’s planning policies.

22. Re-numbering and re-titling will make referencing planning policies more efficient, succinct, and consistent with terminology used by local governments.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 144/2019

That Council ADOPTS the proposed administrative changes to the suite of Local Planning Policies as outlined in Attachment 1, pursuant to Schedule 2, Clause 5(2) and Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

### **10.1.4. City of Kalamunda: Draft Local Planning Policy 23 - Retaining Walls and Filling of Land - For the Purpose of 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	3.00927
Applicant	N/A
Owner	N/A

Attachments	1. Draft Local Planning Policy 23 - Retaining Walls and Filling of Land <b>[10.1.4.1 - 4 pages]</b>
	2. Local Planning Policy P-DEV 14 - Earthworks <b>[10.1.4.2 - 2 pages]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the following:
  - the revocation of Local Planning Policy P-DEV 14 - Earthworks (P-DEV 14); and
  - the adoption of draft Local Planning Policy 23 – Retaining and Fill (Policy) for the purpose of public advertising.
2. The Policy has been prepared to provide an objective-based framework to streamline the assessment of development applications for retaining walls and filling of land. The Policy will replace the existing P-DEV 14.
3. The Policy will ensure retaining walls and filling of land occurs in a manner that maintains the amenity and character of the area while providing an opportunity for landowners to change the ground level and topography of their property.
4. P-DEV 14 has been superseded given it does not meet the requirements of a contemporary local planning policy, as such P-DEV 14 will be replaced by the proposed Policy.
5. It is recommended Council adopt the Policy for public advertising and revoke P-DEV 14 (Attachments 1 and 2).

#### **BACKGROUND**

6. The City periodically reviews, revokes, and adds new policies to provide a level of consistency and transparency in decision-making and to ensure Council has a clear policy position regarding various planning matters.

## DETAILS

7. The primary objectives of the Policy are to:
  - a) To ensure Retaining Walls and Filling of Land maintains the amenity and character of the areas where they are proposed;
  - b) Minimise the impacts of retaining walls and fill on the natural environment and landscape; and
  - c) To streamline the development approval and assessment process for Retaining Walls and Filling of Land.
  
8. The Policy states the following matters should be given due regard when considering retaining walls and filling of land:
  - a) Existing amenity;
  - b) Wall heights;
  - c) Landscaping; and
  - d) Fill.

## STATUTORY AND LEGAL CONSIDERATIONS

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

9. The local government may prepare a Local Planning Policy with regard to any matter related to the planning and development of the Scheme area.  
  
*(Schedule 2, Part 2, Clause 3(1) of the Planning and Development (Local Planning Schemes) Regulations 2015)*
  
10. The City's Scheme and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period having regard to any submissions received.  
  
*(Schedule 2 Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015)*
  
11. Under Schedule 2, Part 3, Clause 6(b)(i)(ii) of the Regulations, a local planning policy may be revoked through a notice prepared by the local government; and published in a newspaper circulating in the area.
  
12. 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, the then Regulations and the Scheme prevail.

## POLICY CONSIDERATIONS

13. The Policy follows the adopted Council templates with some small modifications for improved structure, legibility and clarity.
  
14. Should Council resolve to revoke Local Planning Policy P-DEV 14 – Earthworks, the Policy will be removed from the Policies and Procedures Register and will no longer be given any regard.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

15. As the Policy specifically relates to statutory planning, the Policy was not required to be assessed from other disciplines. However, development applications will be required to be referred on a case by case basis.

### External Referrals

16. Should Council resolve to adopt the Policy for the purposes of public advertising, the Policy will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 21 days, which is consistent with the period specified in Schedule 2, Part 2 Clause 4 (2) of the Regulations.
17. If Council resolves to revoke Local Planning Policy P-DEV 14 – Earthworks, notice of revocation is required to be published in a local newspaper.

## FINANCIAL CONSIDERATIONS

18. All costs incurred during the advertising of the Policy will be met through the Approval Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *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

20. If the Policy is adopted, the City and Council will be provided with guidance in the assessment and determination of retaining wall and filling of land proposals to ensure the amenity and character of the areas are maintained.

### Economic Implications

21. Nil.

**Environmental Implications**

22. The Policy facilitates good planning outcomes, and the opportunity for landowners to retain vegetation and offset vegetation removal.

**RISK MANAGEMENT CONSIDERATIONS**

23.

<b>Risk:</b> The Policy is not adopted resulting in inconsistent application of planning advice and decisions.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Ensure Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications.		

24.

<b>Risk:</b> The Policy is not adopted resulting in a lack of guidance to assist Council in determining the merit of proposed retaining wall and filling of land applications.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Ensure Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications.		

25.

<b>Risk:</b> The policy does not achieve its stated objectives.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Consider reviewing the Policy and/or undertaking education programs to assist the community and applicants to better understand the stated objectives.		

26.

<b>Risk:</b> The current Policy is not revoked, creating uncertainty about whether the Policy is relevant and in line with contemporary planning practice/policy.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Consider reviewing the Policy and/or undertaking education programs to assist the community and applicants to better understand the stated objectives.		

## OFFICER COMMENT

27. P-DEV 14 has been superseded given it does not meet the requirements of a contemporary local planning policy with its focus on guiding the building permit process. Consequently P-DEV 14 is proposed to be revoked and replaced by the proposed Policy.
28. Developers typically seek to maximise the development potential of a lot and reduce costs by constructing high retaining walls on lot boundaries which can impact on the amenity of adjoining landowners. The proposed Policy establishes appropriate criteria to ensure the amenity of residential areas is maintained and not adversely impacted by retaining walls and the filling of land.
29. The natural topography of the City, in particular the hills localities, present a number of challenges to land owners and developers. In order to create level sites, fill and retaining are a perquisite to development. The proposed Policy will assist in guiding appropriate development outcomes which minimise the impact on the natural environment and landscape.
30. As the proposed Policy will ensure future development is consistent with the provisions of the Residential Design Codes, there is no requirement to refer the document to the Western Australian Planning Commission.

<b>Voting Requirements: Simple Majority</b>
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### RESOLVED OCM 145/2019

That Council

1. ADOPT draft Local Planning Policy 23 Retaining Walls and Filling of Land, for the purposes of advertising for a period of 21 days, pursuant to Schedule 2, Part Clause 4 (1) of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
2. REVOKE Local Planning Policy P-DEV 14 Earthworks, Pursuant to Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

**10.1.5. CONFIDENTIAL - Removal of Personal Information from Published Documents - Ordinary Council Meeting 27 June 2016**

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

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	
Owner	
Attachments	Nil

**RESOLVED OCM 161/2019**

That Council AUTHORISE the Chief Executive Officer to remove the name and address of the resident identified in this report, from Attachment 2 of the report to Council associated with Item 10.3.3 of the minutes of the 27 June 2016 Ordinary Council Meeting and replace those details with "*Name and Address supplied*".

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## 10.2. Asset Services Reports

### 10.2.1. City of Kalamunda Waste Avoidance and Resource Recovery Strategy 2030 - Project Plan

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

Previous Items	OCM 67/2011; OCM 20/2013
Directorate	Asset Services
Business Unit	Asset and Waste Operations
File Reference	EG-RLW-006
Applicant	N/A
Owner	N/A

Attachments 1. Waste Plan - Project Plan [**10.2.1.1 - 41 pages**]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of a project plan for the development of a City of Kalamunda Waste Plan 2030 (Waste Plan).
2. Development of such a Plan will align with the State Government's Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy). It is necessary to plan for the immediate long term needs of the City and the aspirations of the State in this regard.
3. It is recommended Council endorse the Project Plan (Attachment 1) that will allow the City to properly develop its Waste Plan in an orderly fashion, cognisant of the multiple issues that need to be identified and dealt with in developing such a Waste Plan.

#### BACKGROUND

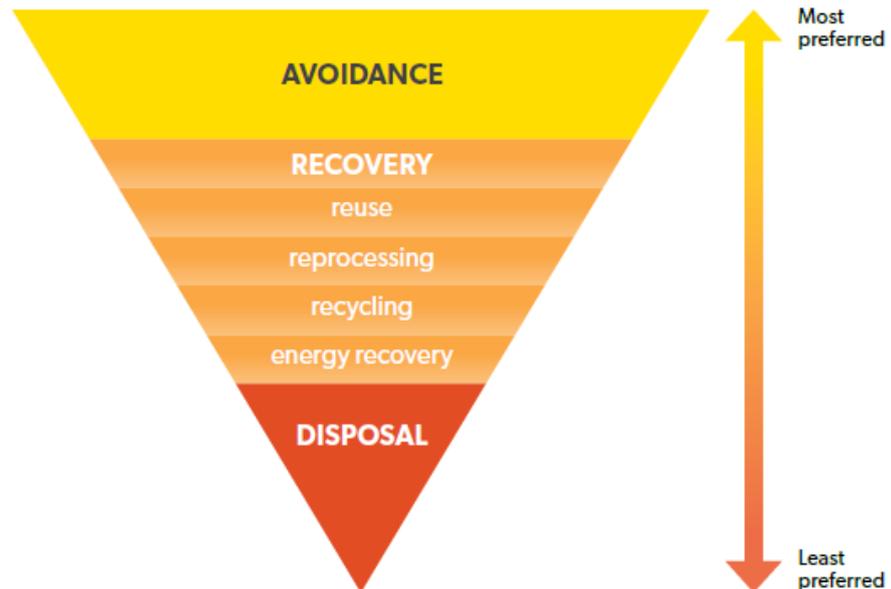
4. Within the *Western Australian Waste Avoidance and Resource Recovery Act 2007* (WARR Act), provisions are made for the creation of the Waste Authority and for the development of a waste strategy.
5. The State Government released in late February 2019 its WARR Strategy which will necessitate fundamental changes to how the City is involved, impacted and impacts others on waste.
6. Underpinning the WARR Strategy is the State Government's Waste Avoidance and Resource Recovery Strategy Action Plan (Action Plan) which sets out the blueprint for how the State views the rollout of the WARR Strategy to occur.
7. The new Waste Strategy aims to make Western Australia (WA) a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.

8. The Action Plan focuses on eight key elements of the WARR Strategy:
- a) state wide consistent communications and messaging;
  - b) a consistent three-bin kerbside collection system in the Perth and Peel region by 2025;
  - c) implement sustainable procurement practices within State Government;
  - d) implement local government waste plans aligned to the WARR Strategy;
  - e) review of the waste levy to meet the objectives of the WARR Strategy;
  - f) a strategic review of WA's waste infrastructure (including landfill);
  - g) data collection systems to allow timely assessment of performance; and
  - h) funding support for resource recovery.
9. Whilst the headline item is the roll out by 2025 of three-bin systems (which includes the introduction of a Food Organic, Garden Organic ('FOGO' bin)) for kerbside collection, there are many other factors to be considered and dealt with. It is necessary to develop and implement a project plan such that the City has in place its waste strategy and action plans that are consistent with the WARR Act as well as the City's Strategic Community Plan.

#### **DETAILS**

10. A key deliverable of the WARR Strategy is for each local government to prepare a 'Waste Plan' in accordance with section 40 of the WARR Act and regulation 20 of the *Waste Avoidance and Resource Recovery Regulations 2008* (WARR Regulations).
11. This section and regulations prescribe the matters that may be included in Waste Plans.
12. The Department of Water and Environmental Regulation (DWER) has oversight over this legalisation and the requirements of Waste Plans prepared by local governments. DWER will be providing pre-populated template documents for local governments to use, however they will not be available until later this year.
13. The matters listed in the WARR Act and WARR Regulations are a useful guide and the basic approach for the content of Waste Plans is:
- a) what is the current waste generation/recovery rate for all services and the City's activities;
  - b) what is the Target in the Strategy that needs to be achieved; and
  - c) what is the pathway/key actions to move from current performance to achieving the Targets.

14. A Project Plan (as detailed in Attachment 1) has been prepared to outline the requirements for developing a Waste Plan for the City of Kalamunda in accordance with the requirements of the WARR Strategy and WARR Act. It is proposed that Council endorse the attached Project Plan to allow the City to properly develop its Waste Plan in an orderly fashion, cognisant of the multiple issues that need to be identified and dealt with in developing the Waste Plan.
15. The WARR Strategy sets out a clear hierarchy of preferences in dealing with waste. These objectives are demonstrated diagrammatically in the following chart:



16. The City’s Waste Plan will need to comply with this hierarchy.
17. There are two key approaches within Local Government that will need to be taken in achieving the outcomes of the WARR Strategy:
- a) resident behaviours will need to change in generating less waste (‘Avoidance’); and
  - b) the City will need to change the processes used in disposing of waste to maximise the ‘Recovery’ aspects shown above.
18. The objectives of the WARR Strategy are:

Objectives		Target 2025	Target 2030	
1.	<b>Avoid</b>	Generate less waste	<b>10%</b> reduction per capita	<b>20%</b> reduction per capita
2.	<b>Recover</b>	Recover more value and resources from waste*	<b>70%</b> material recovery	<b>75%</b> material recovery
3.	<b>Protect</b>	Protect the environment by managing waste responsibly		No more than 15% landfilled

\* A further specific target relating to Waste to Energy projects is that from 2020 energy is recovered only from residual waste.

19. It is noted that residents within the City of Kalamunda generate about 480 kg of waste per annum per resident, which is the seventh highest within the 32 Councils<sup>1</sup> that make up the Perth and Peel region. Of this 480 kg, only 22% of it is diverted from landfill. Measures to reduce the amount of waste per resident will go a long way to make significant environmental improvements for the City.

20. A key component of the WARR Strategy is the concept of a 'Circular Economy'. This is an alternative approach to a traditional linear economy (make, use, dispose) in which we keep resources in use as long as possible – extracting the maximum value from them while in use, then recovering and reusing products and materials.

Three core principles underpin a circular economy:

- a) design out waste and pollution;
- b) keep products and materials in use, and
- c) regenerate natural systems.

21. This concept is illustrated in the following diagram.



22. The WARR Strategy has 50 strategies and will be reviewed on a five-year basis. To enable the strategies to be implemented, an Action Plan has been prepared prioritising the actions to achieve the strategy. The Action Plan will be reviewed annually and will be a key reference document to monitor the progress of the Waste Strategy.

23. Local Government is a significant participant in relation to achieving the strategies and each of these mentioned above impact on local government to varying degrees. The City's Waste Plan will address the relevant strategies.

<sup>1</sup> The amount of waste per resident ranges from 500 kg to 288 kg within these 30 Councils

24. The City presently has a two-bin system with general waste being disposed of by landfill at Red Hill managed by the Eastern Metropolitan Regional Council (EMRC) and the material from the recycling bin being processed and managed by Cleanaway. In both cases, Cleanaway manages the kerbside bin collection and disposal process.
25. The City has agreed to be a participant, together with Belmont, Mundaring and Swan through the EMRC and deliver all its 'Processable' waste to a Resource Recovery Facility (RRF) Waste to Energy plant to be built at Rockingham with a contract period of 20 years plus two five-year options.
26. As shown in the waste hierarchy, energy recovery is the lowest preferred level of the recovery options before disposal, so only materials that cannot be processed by other means are sent to the Waste to Energy plant. The contractual arrangements with the Waste to Energy Contractor contemplates the introduction of the three-bin system and the resultant reduction in tonnages that the Waste to Energy plant would be processing.
27. The three-bin system promoted within the WARR Strategy comprises:
- a) a yellow lidded bin for recycling materials (as exists in the City at present);
  - b) a lime green lidded bin for FOGO materials which can be processed into mulch and/or compost; and
  - c) a red lidded bin for other waste (normally sent to landfill, however can be processed at the Waste to Energy plant as a better alternative).
28. One of the uncertainties at this time is the capacity within the Perth and Peel region for the processing of all FOGO waste from every Local Government District within the target timeframes of the State. The City is working with EMRC to develop a suitable plan to have FOGO processing plant in place that meets both acceptable disposal costs and processing capacity.
29. It is to be noted that upon full implementation of this system (FOGO and Waste to Energy), the City will achieve more than 90% diversion of kerbside collection waste from landfill.
30. Key objectives for the development of the City's Waste Plan are:
- a) aligns with the State WARR Strategy and WARR Act and WARR Regulations;
  - b) identifies the actions required under the State WARR Strategy;
  - c) itemises and plans for the City's various waste process;
  - d) prepare a timeline for delivering the adopted strategies;
  - e) identifying the resourcing and financial commitments with a funding strategy (including fee structure);
  - f) adopt the Better Bins program and make a funding application; and
  - g) development of a community engagement strategy and education program.

31. The Administration commented on the draft WARR Strategy during the public consultation period in late 2018. One matter of concern was that the intent of having a universal three-bin kerbside system in all Perth and Peel Councils by 2025 may not be appropriate for Councils with large rural areas (such as Kalamunda) where a third bin for FOGO may not achieve cost effective outcomes where some rural residents could reuse food and garden organics on their properties. In discussions with the Waste Authority, this matter has been acknowledged and the City may be able to progress a partial roll out of the third bin in the short term. However, in progressing the financial model it is believed that the costs between a full roll out and a partial roll out are materially the same and there is no financial consideration in selecting one option over another.
32. One of the early works to be endorsed is that Council submits an application under the State's Better Bins Funding program. This program requires applications to be submitted by 30 June 2019. This program can provide up to \$30 per residence towards the provision of the three-bin system, which would help defray City costs in the setting up of the new system. It is proposed that the City lodges its application (to have it in the State Government system) with a condition of the application is that a subsequent Council decision is needed to change to whichever Bin system is decided at the appropriate time.
33. An emerging allied issue is the State's plans to implement a Container Deposit Scheme in early 2020, in which 10¢ refunds will be provided for each eligible container returned to a collection point. The Scheme will have some impacts upon the waste undertaking however it is too early to predict the outcome. This matter will be the subject of a separate report to Council once more information comes to hand.
34. It is important to note that this report is not seeking to have any Waste Strategy or Waste Plan adopted for immediate implementation, rather it is a project plan for actions the City will need to undertake to develop and then subsequently seek Council endorsement of a Waste Plan. Key to the success of any Waste Plan to be adopted will be engagement with the Community.

### **STATUTORY AND LEGAL CONSIDERATIONS**

35. The City's Waste Plan is to be prepared in accordance with section 40 of the WARR Act and regulation 20 of the WARR Regulations.

### **POLICY CONSIDERATIONS**

36. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

37. Nil.

## External Referrals

38. The proposed engagement level is to initially 'Inform' the community of the drivers for changing the waste service and then 'Involve' the community in the decision making of the future waste process as the project plan is rolled out. This will start soon after this report is considered by Council.

## FINANCIAL CONSIDERATIONS

39. Funding for works necessary to complete this project will be funded from the Waste Reserve. An allocation of \$50,000 is proposed.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

40. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 2.1.3** - Community engagement and education in environmental management.

#### **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.

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

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

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

## SUSTAINABILITY

### Social Implications

41. No immediate implications are foreseen.

### Economic Implications

42. One of the outcomes of this project will be forecast changes to the costs to manage waste in the City and is yet to be forecast.

### Environmental Implications

43. This project has key objectives to improve the environment.

**RISK MANAGEMENT CONSIDERATIONS**

44.	<p><b>Risk:</b> The project plan does not deliver the outcomes needed to effectively inform actions for the future, resulting in inefficient operations, increased costs and loss of reputation.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Significant</td> <td>High</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Significant	High
Likelihood	Consequence	Rating					
Possible	Significant	High					
	<p><b>Action/Strategy</b></p> <p>Formation of a Project Control Group to oversee quality of specifications and task briefs. Regular status reports on tasks.</p>						

**OFFICER COMMENT**

45. A Project Plan has been prepared to allow the City to develop its Waste Plan as required under the WARR Act in a measured and appropriate fashion. This plan may take six to twelve months to complete before Council will be requested to deliberate on the matter further.

**Voting Requirements: Simple Majority**

RESOLVED OCM 146/2019

That Council:

1. ENDORSE the Project Plan for the Waste Plan Project (Attachment 1).
2. AUTHORISE the Chief Executive Offices to submit a Better Bins Application to the Department of Water and Environmental Regulation to implement a three-bin system noting that any contractual agreement will be subject to a further Council deliberation.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## 10.2.2. Consideration of Tenders for Kalamunda Road Drainage and Pavement Rehabilitation (RFT 1903)

*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 Delivery
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <i>Reason for Confidentiality: Local Government Act 1995 (S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a tender for the drainage and pavement rehabilitation of three sections of Kalamunda Road, Gooseberry Hill.
2. The City of Kalamunda (City) issued the Request for Tender inviting tenders for Kalamunda Road Drainage and Pavement Rehabilitation (RFT 1903). Tenders were received and assessed.
3. It is recommended Council accepts the tender from Asphaltech Pty Ltd for the works for a lump sum price of \$833,178.15 (excluding GST).

### BACKGROUND

4. The project involves drainage and pavement rehabilitation for three sections of Kalamunda Road, Gooseberry Hill as follows:
  - a) Gray Road to Hillside Crescent;
  - b) Hillside Crescent to Zamia Road; and
  - c) Zamia Road to Faye Crescent.
5. The works could be completed as discrete separate works tenders or undertaken as one works package. The tender invitation gave the City the flexibility to award one, two or the three sections of works.

### DETAILS

6. The City issued RFT 1903 seeking to engage a contractor to undertake drainage and pavement rehabilitation of three sections of Kalamunda Road. Tenders closed on 19 March 2019. Nine tenders were received by the closing date.

7. Tenders received by the closing date were from the following companies (in alphabetical order):
- a) Asphaltech Pty Ltd;
  - b) Civcon Civil & Project Management Pty Ltd;
  - c) DJ MacCormick Contractors;
  - d) Dowsing Group Pty Ltd;
  - e) Drainflow Services Pty Ltd;
  - f) Egan Civil Pty Ltd t/a Castle Civil;
  - g) Roads 2000 Pty Ltd;
  - h) Tracc Civil; and
  - i) West Coast Profilers Pty Ltd.
8. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.
9. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience	20%
Tenderer's Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	40%

10. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
11. All nine tenders received met the compliance criteria.
12. The nine tenders were ranked as follows regarding the Qualitative Criteria:

<b>Tenderer</b>	<b>Score</b>	<b>Rank</b>
Tracc Civil	68%	1
Asphaltech Pty Ltd	67%	2
Dowsing Group Pty Ltd	66%	3
Civcon Civil & Project Management Pty Ltd	65%	4
West Coast Profilers Pty Ltd	63%	5
DJ MacCormick Contractors	58%	6
Egan Civil Pty Ltd t/a Castle Civil	57%	7
Drainflow Services Pty Ltd	50%	8
Roads 2000 Pty Ltd	48%	9

13. The following five tenders achieved the required minimum of 60% as a Qualitative Pass Mark:
  - a) Tracc Civil;
  - b) Asphaltech Pty Ltd;
  - c) Dowsing Group Pty Ltd;
  - d) Civcon Civil & Project Management Pty Ltd; and
  - e) West Coast Profilers Pty Ltd.
14. A price assessment was then undertaken for these five tenders to determine the best value for money outcome for the City. It is noted that as part of this assessment an Alternative Tender was provided by Asphaltech Pty Ltd with this tender offering an alternate construction method, resulting in quicker project delivery, less project risk and savings in the overall budget.
15. The Request for Tender invitation recognised the potential that alternative offers could be made and set out the criteria by which an alternate tender could be considered. This criteria and process was followed in this case.
16. The tender assessment report is provided as Confidential Attachment 1 to this report.
17. The recommended tender best satisfied the City's requirements in terms of:
  - a) meeting or exceeding the qualitative assessment benchmark;
  - b) proven capacity and capability to the undertake the work;
  - c) satisfying reference checks from previous clients;
  - d) satisfying independent financial reference checks of the proposed contractor; and
  - e) providing the best value for money outcome.
18. The Evaluation Panel, following clarification of the alternative methodology, recommended Asphaltech Pty Ltd as the preferred Tenderer for its alternative lump sum price of \$833,178.15 (excluding GST) to undertake sections one, two and three of the works.
19. This project was originally planned for sections one and two to be undertaken within the 2018/2019 approved budget and section three to be undertaken (notionally) as part of consideration of the draft 2019/2020 budget; dependent on the outcomes of tender bids.
20. The timing of tender actions and conclusion of the draft 2019/2020 budget has led the Administration to consider an alternate proposal for Council.
21. It is proposed that the unexpended balance of the approved budget of \$705,000 is carried forward to the 2019/2020 financial year and that a further \$185,000 of funds are released from the Asset Enhancement Reserve to provide a total project budget of \$890,000.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

24. Nil.

### **External Referrals**

25. Nil.

## **FINANCIAL CONSIDERATIONS**

26. The recommended tender is 11.3% below the pre-tender estimate. As such, the revised overall project budget is proposed to be \$890,000 comprising \$705,000 of approved 2018/2019 funding with the unexpended portion to be carried forward into the 2019/2020 financial year and \$185,000 of funding from the Asset Enhancement Reserve for a revised project budget of \$890,000.
27. This revised budget of \$890,000 will meet the proposed ~\$834,000 contract sum plus design costs, and contingency provisions.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

28. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 3.2.1** - Optimal management of all assets.

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

## **SUSTAINABILITY**

### **Social Implications**

29. Nil.

### **Economic Implications**

30. Nil.

**Environmental Implications**

31. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

32.	<b>Risk:</b> The Contractor fails to fulfil the requirements of the contractor (in terms of scope, time or quality) leading to increased costs to the City or delays in project completion.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	a) clearly defined scope of works and specifications have been developed; b) construction to be supervised by the City to validate quality; and c) the contract to be entered into provides for claims against the contractor for remedial action if needed.		

**OFFICER COMMENT**

33. This project allows for drainage and pavement rehabilitation of three sections of Kalamunda Road, Gooseberry Hill. The City is satisfied that the recommended tenderer has the capability and capacity to undertake the works to the required scale of scope, time and cost.

**Voting Requirements: Simple Majority**

RESOLVED OCM 147/2019

That Council

1. ACCEPT the alternative tender for Kalamunda Road Drainage and Pavement Rehabilitation, Gooseberry Hill (RFT 1903) from Asphaltech Pty Ltd for its lump sum price of \$833,178.15 (plus GST).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Recommendation changed from the published Agenda due to the adoption of the City's Municipal Budget (SCM 130/2019) at a Special Council Meeting on Monday 24 June 2019.

### **10.2.3. Consideration of Tenders for the Road Rehabilitation of two sites within the City of Kalamunda**

*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 Delivery
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	1. Tender Evaluation Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 (S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the acceptance of a tender for the road rehabilitation of two sites within the City of Kalamunda at the Kalamunda/Abernethy Road intersection in High Wycombe and on Canning Road in Canning Mills.
2. The City of Kalamunda (City) issued a Request for Tender seeking to engage a contractor for Road Rehabilitation of Two Sites within the City of Kalamunda: Kalamunda/Abernethy Road Intersection & Canning Road (RFT 1904).
3. It is recommended Council accept the tender from Downer EDI Works Pty Ltd for the works for a lump sum price of \$1,309,915.95 (excluding GST).

#### **BACKGROUND**

4. The project involves the rehabilitation of pavement sections at the following locations:
  - a) Kalamunda/Abernethy Road intersection; and
  - b) Canning Road in the immediate vicinity of Munday Creek (SLK 12.20 to SLK 12.63).

Works include insitu foamed bitumen stabilisation of existing pavements incorporating supplementary binders of cement at the nominated rates of addition and depth of stabilisation, as well as associated infrastructure improvements.

5. This project is  $\frac{2}{3}$  funded from grant funding via the Metropolitan Regional Road Group (Kalamunda/Abernethy Road Intersection through the Road Rehabilitation Program and Canning Road through the Commodity Route Supplementary Program), with the remaining  $\frac{1}{3}$  made up from Municipal funding.

**DETAILS**

6. The City issued RFT 1904 seeking to engage a contractor to undertake road rehabilitation of two sites within the City. Tenders closed on 9 April 2019, with four tenders received by the closing date.
7. Tenders received by the closing date were from the following companies (in alphabetical order):
  - a) DeGrey Civil Pty Ltd;
  - b) Downer EDI Works Pty Ltd;
  - c) RCA Civil Group; and
  - d) Stabilised Pavements of Australia Pty Ltd.
8. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.
9. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Relevant Experience	30%
Tenderer’s Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	30%

10. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
11. All four tenders received met the compliance criteria.
12. The four tenders were ranked as follows regarding the Qualitative Criteria:

<b>Tenderer</b>	<b>Score</b>	<b>Rank</b>
Downer EDI Works Pty Ltd	73%	1
RCA Civil Group	61%	2
Stabilised Pavements of Australia Pty Ltd	61%	3
DeGrey Civil Pty Ltd	57%	4

13. The following three tenders achieved the required minimum of 60% as a Qualitative Pass Mark:
  - a) Downer EDI Works Pty Ltd;
  - b) RCA Civil Group; and
  - c) Stabilised Pavements of Australia Pty Ltd.

14. A price assessment was then undertaken for these three tenders to determine the best value for money outcome for the City.
15. The tender assessment report is provided as Confidential Attachment 1 to this report.
16. The recommended tender best satisfied the City's requirements in terms of:
  - a) meeting or exceeding the qualitative assessment benchmark;
  - b) proven capacity and capability to undertake the work;
  - c) satisfying reference checks from previous clients;
  - d) satisfying independent financial reference checks of the proposed contractor; and
  - e) providing the best value for money outcome.
17. The Evaluation Panel recommended Downer EDI Works Pty Ltd as the preferred Tenderer for its lump sum price of \$1,309,915.95 (plus GST).

### **STATUTORY AND LEGAL CONSIDERATIONS**

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

### **POLICY CONSIDERATIONS**

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

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

20. Nil.

#### **External Referrals**

21. Nil.

### **FINANCIAL CONSIDERATIONS**

22. The overall approved project budget for these works is \$1,450,000. The pre-tender estimate for this construction contract was \$1,445,578. The recommended tender price of \$1,309,915.95 is 9.4% below the pre-tender estimate, which should result in savings to the overall project.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

23. *Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 3: Kalamunda Develops**

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

**Strategy 3.2.1** - Optimal management of all assets.

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

**SUSTAINABILITY**

**Social Implications**

24. Nil.

**Economic Implications**

25. Nil.

**Environmental Implications**

26. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

27.	<p><b>Risk:</b> The Contractor fails to fulfil the requirements of the contractor (in terms of scope, time or quality) leading to increased costs to the City or delays in project completion.</p> <table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table> <p><b>Action/Strategy</b></p> <ul style="list-style-type: none"> <li>a) clearly defined scope of works and specifications have been developed;</li> <li>b) construction to be supervised by the City to validate quality; and</li> <li>c) the contract to be entered into provides for claims against the contractor for remedial action if needed.</li> </ul>	Likelihood	Consequence	Rating	Moderate	Unlikely	Low
Likelihood	Consequence	Rating					
Moderate	Unlikely	Low					

**OFFICER COMMENT**

28. This project allows for road rehabilitation of two sites within the City’s jurisdiction at the Kalamunda/Abernethy Road intersection in High Wycombe and on Canning Road (SLK 12.20 to SLK 12.63) in Canning Mills in the immediate vicinity of Munday Creek. The City is satisfied that the recommended tenderer has the capability and capacity to undertake the works to the required scale of scope, time and cost.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 148/2019

That Council ACCEPTS the tender for road rehabilitation of two sites within the City of Kalamunda for Kalamunda/Abernethy Road Intersection, High Wycombe and Canning Road, Canning Mills (RFT 1904) from Downer EDI Works for its lump sum price of \$1,309,915.95 (plus GST).

Moved: **Cr Michael Fernie**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

#### **10.3.1. City of Kalamunda: Draft Arts Strategy - Consideration of Submission and Modifications - For final Adoption**

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

Previous Items	OCM 31/2019
Directorate	Corporate Services
Business Unit	Economic Development
File Reference	
Applicant	
Owner	

Attachments	1. City of Kalamunda Creative Communities - An Arts Strategy 2019 [ <b>10.3.1.1 - 14 pages</b> ]
	2. Art Strategy Public Comments Report for June OCM [ <b>10.3.1.2 - 12 pages</b> ]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to adopt the Draft Arts Strategy.
2. In 2018, the City of Kalamunda Arts Advisory Committee (KAAC) was established by Council. Two of the key objectives were to:
  - Develop an Arts Vision for the City to provide a cohesive direction and consistent theme for all planning and development initiatives.
  - Provide advice to Council to guide the development and implementation of a City Art Strategy.
3. A report was put to Council at the February 2019 Ordinary Council requesting the CEO to release the document for 30 days of community consultation from February to March 29, 2019.
4. It is recommended Council endorse the draft Arts Strategy.

#### **BACKGROUND**

5. As a priority action to encourage and promote the active participation of the community in social and cultural events, Council approved the establishment of an Arts Advisory Committee to develop an Arts Strategy and to undertake operational effectiveness reviews of KPAC and Zig Zag Gallery.

#### **DETAILS**

6. The City recognises the important role that The Art Strategy will play in activating our cultural facilities, encouraging more participation in the arts, diversifying the economy and improving the visual appeal of public places

7. The Draft Strategy has the following high-level objectives:
  - a) Diversify the economy of the City by ensuring that the contribution by the arts is well recognised for its value and so that this part of the economy continues to grow
  - b) Increase engagement by residents to become more involved in the many disciplines of the arts as creators, audience and the source of ideas
  - c) Increase arts investment to the City from diverse external sources
  - d) Improve the visual appeal of communities and public places across the City so that they are used and valued by residents and so that visitors want to return to explore the City some more.
8. Overtime, achieving these objectives will add to the attractiveness and value of Kalamunda as a place to live, visit and where there is a strong community spirit.
9. The vision of the Arts Strategy is to nurture and grow involvement by the community as spectators, motivators and creators of uplifting and transforming activities through arts events and experiences. To place creative practise at the heart of the City of Kalamunda's communities and neighbourhoods. Each of these will add to the City's visual appeal, strengthen sense-of-place, diversify the economy and elevate arts practice that is accessible, challenging and engaging.
10. The Draft Strategy is designed to provide clear direction regarding three key focus areas:
  - a) Place-making and Identity: Urban and Commercial Developments and Renewal
  - b) Community Enrichment, Creativity and Pride: Shared experiences created by and for local residents and visitors to Kalamunda City.
  - c) The Kalamunda City Economy: The Arts Growing, Diversifying and Recognised as a Valued Part of Local Life

## **STATUTORY AND LEGAL CONSIDERATIONS**

11.
  - a) Local Government Act 1995 Section 5.56 Planning for the future.
  - b) A local government is to plan for the future of the districts.
  - c) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the districts.
12. This Strategy is an informing document to enable sustainable Arts and Public Art planning for the future.

## **POLICY CONSIDERATIONS**

13. The City will be preparing a Local Planning Policy: Public Art Contributions for consideration.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

14. In addition to the City's Economic and Tourism Team; Councillors, the Executive Management Team and Planning Services were consulted. In respect to the parallel process of reviewing the operations of the Zig Zag Art Gallery and Kalamunda Performing Arts Centre and the development of the Draft Arts Strategy, staff associated with the operations, marketing and promotion of those venues have been consulted.

### External Referrals

15. To promote involvement in the community consultation component, targeted emails were distributed to known members of the Arts community, community associations and any organisations with involvement in artistic pursuits or support of the Arts were invited to a Community Arts Forum which was held on Thursday 23 January 2019 and was very well attended (60 persons). The facilitated session provided ample opportunity for the local arts community to input into the draft Art Strategy.

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *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 1.3.2** - 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.

**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**

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

**Economic Implications**

- 21. Additional employment and training opportunities in the Arts arena and the enhancement of essential supporting infrastructures, will add to the sustainability of the local and regional economy.

**Environmental Implications**

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

**RISK MANAGEMENT CONSIDERATIONS**

- 23.
 

<b>Risk:</b> The Draft Arts Strategy may raise community expectations regarding activities that may not be resourced.		
<b>Likelihood:</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action / Strategy</b>		
Ensure community and local business are informed as part of communications process that all activities are subject to resourcing.		
  
- 24.
 

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

**OFFICER COMMENT**

- 25. This Strategy has been prepared with the input and guidance of the Arts Advisory Committee and included broad stakeholder engagement with the local Arts community.

26. The recommended strategies will need to be reviewed and prioritised on an annual basis to ensure they are relevant and adequately resourced.
27. The program of actions has been developed to address four identified strategic priorities:
1. Diversify the economy of the City by ensuring that the contribution by the arts is well recognised for its value and so that this part of the economy continues to grow;
  2. Increase engagement by residents to become more involved in the many disciplines of the arts as creators, audience and the source of ideas;
  3. Increase arts investment to the City from diverse external sources; and
  4. Improve the visual appeal of communities and public places across the City so that they are used and valued by residents and so that visitors want to return to explore the City some more.
28. In order to ensure that the Strategy meets the needs of the tourism businesses and broader community, the Strategy was released for a 30 day period of public comment.
29. The public consultation opportunity for the Strategy was promoted via local newspaper, Engage Kalamunda and a copy made available on the City's website. In addition, key local stakeholders and community members who attended workshops were made aware of the draft Strategy for review and encouraged to comment should they wish.
30. At the end of the consultation period, the collated public feedback (See attached Appendix 2) was provided to the Arts Advisory Committee for consideration. At the meeting of the Kalamunda Arts Advisory Committee dated April 4, 2019, members discussed the community feedback and directed a subcommittee to revise the Art strategy taking the community feedback into consideration.
31. The revised Art Strategy was then forwarded back to the City of Kalamunda in mid-April for finalisation.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 149/2019

That Council ENDORSE the draft Arts Strategy City of Kalamunda 2019.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

### **10.3.2. City of Kalamunda: Draft Tourism Development Strategy - Consideration of Submission and Modifications for Final Adoption**

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

Previous Items	
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	
Applicant	City of Kalamunda
Owner	N/A
Attachments	1. Draft Tourism Development Strategy June 2019 <b>[10.3.2.1 - 73 pages]</b>
	2. Public Comment for Draft Tourism Development Strategy <b>[10.3.2.2 - 10 pages]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the public comments received following a Council Resolution to advertise the Draft Tourism Development Strategy.
2. The purpose of the Draft Tourism Development Strategy is to position the City to achieve its full tourism potential by promoting investment and growth and providing a unique tourism offering.
3. It is recommended Council endorses the City of Kalamunda Tourism Development Strategy.
4. It is recommended that a report be prepared for Council addressing the formation of a Tourism Advisory Committee following adoption of the Draft Tourism Development Strategy.

#### **BACKGROUND**

5. The Draft Tourism Development Strategy (Attachment 1) is designed to guide the City of Kalamunda by providing a community-led framework for tourism planning, destination and product marketing over the next six financial years (2019-2025).
6. In May 2018 the City held a Tourism Visioning Workshop at which around 50 community members and key stakeholders attended. This was to set a direction for developing the first Tourism Strategy for the City of Kalamunda.
7. Following the Tourism Visioning Workshop, a Tourism Community Reference Group was formed in June 2018 to engage interested community members and tourism operators to steer the direction of the Tourism Development Strategy.

8. The development of the Draft Tourism Development Strategy with input and guidance of the Tourism Community Reference Group included the following key steps:
- a) Development of a methodology to engage with the broader community, key target markets and stakeholders.
  - b) Community workshops over the six key topic areas identified:
    - i. Agri-Tourism, Retail, Food & Wine, Accommodation
    - ii. Active Adventures, Cycling and Sport
    - iii. Special Events
    - iv. Aboriginal Tourism
    - v. Tourism Support Services, Infrastructure, Marketing & Planning
    - vi. Heritage Arts & Culture
  - c) Analysis of Raw Data.
  - d) Production of a draft Tourism Strategy for Reference Group review.
  - e) Development of a Mission and Vision for Tourism within the City of Kalamunda.
  - f) Development of a programme of activities.
  - g) Production of a draft Tourism Strategy for presentation to Council.
  - h) Draft Tourism Strategy advertised for 30 days for Community Consultation.
  - i) Community feedback analysed and incorporated where appropriate in to the Draft Tourism Development Strategy.
  - j) Final Draft Tourism Development Strategy prepared for June Ordinary Council Meeting
9. Following the resolution of Council at the 26 February 2019 Ordinary Council Meeting the Draft Tourism Development Strategy was advertised for a period of thirty (30) days. Fourteen formal comments were received (Attachment 2).
10. As a strategic priority under the Economic Development Strategy, the requirement for a contemporary Tourism Development Strategy has been acknowledged and pursued.

*"The Economic Development Strategy is designed to provide Kalamunda City with clear direction regarding priorities to be implemented that will assist in delivering the vision. There are five strategic priorities under which the action plan will be developed, which include:*

- a) Industry expansion and attraction*
- b) Business capacity building*
- c) Tourism*
- d) Strong local identity*
- e) Create a welcoming environment"*

## **DETAILS**

11. A community-led approach was adopted by the City in production of the Draft Tourism Development Strategy, key steps in the process include:
- a) Kalamunda Tourism Visioning Workshop to identify key themes and community stakeholders

- b) Tourism Community Reference Group established
- c) Community Engagement Workshops to obtain detailed feedback on key strengths, opportunities and constraints for developing tourism products in Kalamunda
- d) Data Review and Collation by City staff to transcribe and summarise community feedback
- e) Draft Tourist Development Strategy authored by City of Kalamunda and Chair of Tourism Community Reference Group
- f) Summary Workshops to enable the Tourism Community Reference Group to review key strategies and provide comment
- g) Council Review to seek approval for release for public comment
- h) Public Review period to allow comment on the draft Strategy
- i) Draft Tourism Development Strategy amended based on public comment collated by City staff
- j) Tourism Development Strategy listed in June Ordinary Council Meeting for adoption by Council and implementation by the City of Kalamunda.

12. The Draft Tourism Development Strategy seeks to align with existing City of Kalamunda strategies that set the broader planning context for tourism development in the region, including:

- Kalamunda Clean and Green (2019)
- Industrial Development Strategy (2018)
- Public Open Space Strategy (2018)
- Economic Development Strategy (2017)
- Kalamunda Advancing - Strategic Community Plan: 2017-2027 (2017)
- Kalamunda Bicycle Plan (2017)
- Hills Rural Study 2014 (2015)
- Local Planning Strategy (2010)
- Community Development Plan
- Annual Business Plan & Budget

13. The Draft Tourism Development Strategy also seeks alignment with developing (in-progress) City of Kalamunda strategies that will directly impact tourism development, including:

- Local Planning Strategy amendment
- Kalamunda Activity Centre
- Arts and Cultural Policy/ Art in Public Places
- Environmental Land Use Planning Strategy
- Rural Planning Strategy
- Forrestfield North Residential Precinct Local Structure Plan –
- Forrestfield North Transit Orientated Development Precinct Local Structure
- Local Commercial and Activity Centres Strategy

14. Over the last five years, Kalamunda has averaged 295,000 visitors a year (source: Tourism Research Australia). Approximately 75% are “day visitors”, whilst the remainder are “domestic overnight visitors” (22%) with only 3% comprising international visitors.
- Domestic overnight visitors are most likely to come from Perth or regional WA, day visitors are most likely to come from the eastern regions of Perth, international visitors tend to come from the UK.
- Strategic opportunities exist to “convert” day visitors to overnight visitors and increase interstate and international visitor numbers, whilst retaining spend from local visitors.
- Average growth in visitor numbers to Kalamunda is around 8.7% each year, with the largest increases reported in domestic overnight visitors (+ 26%) and international visitors (+17%). The over 55 demographic is the main visitor group, making up 36% of all visitors, although Kalamunda is experiencing increasing visitor numbers in the 20-29 age group.
- “Visiting Friends and Family” was the major reason for visiting Kalamunda with this accounting for approximately 40% of visitors over the last five years.
15. The value of tourism to the Kalamunda economy is \$112.4 million (source: Remplan) with an estimated 523 jobs created across industry sectors such as retail, accommodation, cafes/restaurants, and cultural and recreational services.
16. While the Kalamunda economy is not dominated by tourism, it holds huge potential. Kalamunda’s rich diversity of tourism products, if properly developed, invested and managed, can offer a significant boost to the economy through visitor expenditure. As identified in the City’s 2017 Economic Development Strategy: *“With the right mix of proactive product development, destination marketing and destination management activities, Kalamunda can reach its tourism potential.”*
17. The City recognises the important role a Tourism Development Strategy plays in supporting and facilitating direct and indirect economic benefits through the level of expenditure and the number of jobs created in the local area.
18. The City has capacity to provide the most effective support to their local tourism operators by contributing to region-wide marketing, information, planning, research and product development initiatives.
19. The Draft Tourism Development Strategy specifies how the City can best allocate its resources to support greater tourism opportunities, fostering further investment and growth.
20. The Draft Tourism Development Strategy aims to provide an achievable, community endorsed plan for the future whilst responding to the challenges and opportunities presented by the current tourism economy in Western Australia.

21. The Draft Tourism Development Strategy was predominantly prepared through community consultation with local tourism operators and the greater community.
22. The Draft Tourism Development Strategy is designed to provide clear direction regarding the five key identified priority areas:
1. Create and maintain welcoming, inclusive and accessible facilities for visitors to enjoy the natural and built environment.
  2. Leverage Kalamunda's natural beauty and award-winning attractions to grow destination appeal and recognition.
  3. Develop arts, heritage and culture opportunities that engage creative investment, participation and community pride.
  4. Further develop the Kalamunda tourism brand and destination marketing to raise awareness and inspire visitor interest.
  5. Encourage an innovative and collaborative tourism industry that supports local business and drives economic growth.

### **STATUTORY AND LEGAL CONSIDERATIONS**

23. *Local Government Act 1995 Section 5.56 Planning for the future:*
- (1) *A local government is to plan for the future of the district.*
  - (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*
24. The Draft Tourism Development Strategy is an informing document to enable sustainable tourism planning for the future.

### **POLICY CONSIDERATIONS**

25. The programme of activities within the Draft Tourism Development Strategy suggests the need to consider and engage key stakeholders including The City of Kalamunda with regards to regulatory approvals processes.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

26. In addition to the City's Economic and Tourism team, Councillors, the Executive Management and Planning Services team were consulted.
27. Through the initial consultation phase workshops were attended by representatives from Community Development, Planning Services, Public Relations, Information Technology, Asset Services, Parks and Environmental Services.

## External Referrals

28. A significant amount of consultation with the Community was undertaken via the six community workshops.
29. The following methods were employed to promote involvement in the community consultation component:
  - a) Targeted emails – informative and promotional communication was sent through to tourism operators, members of local sporting clubs and community organisations.
  - b) Traditional Media – informative and promotional communication via website, local newspaper advertisements, promotional flyers and the Engage Kalamunda portal.
  - c) Social Media – information and promotional posts were provided via City and local tourism operator networks.
30. The Tourism Community Reference Group Chair – Francesca Flynn provided a presentation for Public Briefing prior to the Ordinary Council Meeting in February 2019.
31. Following the resolution of the Ordinary Council Meeting on 26 February 2019 a 30 day public comment period concluding on 31 March 2019 was promoted to the community. Individual emails were sent out to workshop participants to encourage further input.
32. Since the Council Resolution of 26 February 2019, a total of fourteen formal comments were received. The majority of which were extremely positive.

## FINANCIAL CONSIDERATIONS

33. A number of activities referenced within the Draft Tourism Development Strategy's programme of activities will be subject to annual budget processes and will be considered in the context of the City's strategic priorities.
34. Successful implementation of the Draft Tourism Development Strategy will be subject to both the availability of operational budget and staffing resources.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

35. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

**Priority 3: Kalamunda Develops**

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

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

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

**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**

- 36. The objective of facilitating, achieving and maintaining a vibrant, prosperous community also supports the social outcomes referenced in the Strategic Plan.

**Economic Implications**

- 37. The development of this Draft Tourism Development Strategy is designed to establish the City as a major tourist destination with a vibrant and sustainable future that will assist local tourism operators in the development of tourism products that enhance visitation to the region.
- 38. Additional training opportunities for the enhancement of tourism and the intention of increased employment through tourism will add to the sustainability of the local and regional economy.

**Environmental Implications**

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

**RISK MANAGEMENT CONSIDERATIONS**

40.	<b>Risk:</b> Tourism Development Strategy fails to meet the needs of The City, local tourism operators and community.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/Strategy</b>		
	A significant amount of consultation has been undertaken with respect to the needs of the community through the detailed consultation process. Through adoption of the Tourism Community Reference Group, ongoing community engagement has taken place with both tourism operators and the wider community.		

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

**OFFICER COMMENT**

42. The programme of activities has been developed to address five identified strategic priorities:
- a) Create and maintain welcoming, inclusive and accessible facilities for visitors to enjoy the natural and built environment.
  - b) Leverage Kalamunda’s natural beauty and award-winning attractions to grow destination appeal and recognition.
  - c) Develop arts, heritage and culture opportunities that engage creative investment, participation and community pride.
  - d) Further develop the Kalamunda tourism brand and destination marketing to raise awareness and inspire visitor interest.
  - e) Encourage an innovative and collaborative tourism industry that supports local business and drives economic growth.
43. The Draft Tourism Development Strategy has been written with substantial direct input by the Tourism Community Reference Group, with broad stakeholder engagement at local tourism operator and wider community level.
44. The programme of activities will set targets for each of the identified priorities, these will need to be reviewed at regular intervals to refine and ensure they are relevant and resourced.
45. The Draft Tourism Development Strategy has been widely publicised with social and print media, together with targeted emails for the 30-day period of community consultation.
46. The constructive public comment with regards the Draft Tourism Development Strategy provides an indication that the engaging community consultation process and consequent draft of the Strategy is reflective of needs and provides sound, actionable strategic priorities.
47. The progress of the program of activities will be reported back to Council using the usual Council Meeting Cycle, with a frequency to be determined by Council. The outcome of these meetings will be communicated back to the tourism business community and the broader community.
48. It is recommended that a report be prepared for Council addressing the formation of a Tourism Advisory Committee following adoption of the Draft Tourism Development Strategy.

49. It is recommended that Council endorses the Draft Tourism Development Strategy as an important strategic tool to guide and leverage tourism and economic development within the City of Kalamunda.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 150/2019

That Council:

1. ENDORSES the Draft Tourism Development Strategy (Attachment 1).
2. REQUESTS the Chief Executive Officer to submit a report to Council for the formation of a Tourism Advisory Committee.

Moved: **Cr Michael Fernie**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## 10.4. Office of the CEO Reports

### 10.4.1. Review of Delegations for 2019

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

Previous Items	OCM 113/2018
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	LE-ACT006
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Draft Register of Delegations from Council [ <b>10.4.1.1 - 66 pages</b> ]
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#### EXECUTIVE SUMMARY

1. To consider the annual review of delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. Whilst the review has concluded that the current delegations are effective and provide for administrative efficiencies, a minor amendment/addition is proposed for one delegation with respect to Building matters.
3. It is recommended Council notes the review and adopts the delegations detailed in the draft Delegation Register (Attachment 1)

#### BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. Section 5.46 of the *Local Government Act 1995* (the Act) requires each Council to review its delegations at least once every financial year.
6. Council last reviewed its delegations on 26 June 2018. The current delegations must therefore be reviewed by 30 June 2019.

#### DETAILS

7. Whilst the review has concluded that the current delegations are effective and provide for administrative efficiencies, a minor amendment/addition is proposed to Delegation BLD 3 - Building Matters.
8. It is proposed to:
  - a) amend the title of the delegation
  - b) change the delegation to the CEO only
  - c) add the provision for the issue of Infringement Notices for certain offences.

9. The addition of providing for the issue of Infringement Notices is as the result of the approval of the *Commerce Regulations Amendment (Infringement Notices) Regulations 2019* and consequential amendment to the *Building Regulations 2011* – effective from 26 April 2019.
10. The Amendment Regulations will allow for Infringement Notices (modified penalties) to be issued for certain non-indictable offences under the building services legislation. These include:

<b>Section/Regulations</b>	<b>Offence</b>	<b>Modified penalty</b>
s.33(1)	Failure to give notice of completion (BA7)	\$500
s.34(3)	Failure to give notice of cessation	\$250
s.42	Failure to display or bring attention to occupancy permit details	\$250
s.76(1)	Encroachment beyond boundaries without consent, court order or other authority	\$2,500
s.80(1)	Removal of fence, gate or other barrier to land without consent, court order or other authority	\$1,000
s.80(3)	Failure to erect adequate temporary barrier	\$1,000
r.50(1)	Failure to install barrier around private swimming pool	\$1,000
r.56(1)	Failure to ensure smoke alarms compliant prior to transfer of dwelling	\$1,000
r.58	Failure to ensure smoke alarms compliant prior to tenancy	\$1,000

### **STATUTORY AND LEGAL CONSIDERATIONS**

11. Section 5.42 of the *Local Government Act 1995* states that:
- “A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43.” (Absolute Majority required).
- Limits on delegations to CEOs – S.5.43.
- Requirement for review – S.5.46
12. There are also similar delegation provisions in the *Building Act 2011*, *Local Planning Scheme No 3*, *Health Act 1911*, *Dog Act 1976*, *Cat Act 2011* and *Graffiti Vandalism Act 2016*.

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

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

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

17. *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**

18. Nil

### **Economic Implications**

19. Nil

### **Environmental Implications**

20. Nil

**RISK MANAGEMENT CONSIDERATIONS**

21.	<b>Risk:</b> Delegated authority is not provided to the CEO and other staff		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	High	Medium
	<b>Action/Strategy</b>		
	Introduce processes that would assist Council with the additional decision workload.		

**OFFICER COMMENT**

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

**Voting Requirements: Absolute Majority**

RESOLVED OCM 151/2019

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft Delegations Register (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY/ ABSOLUTE MAJORITY (11/0)**

## 10.5. Chief Executive Officer Reports

### 10.5.1. Monthly Financial Statements to May 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	1. Statement of Financial Activity 31 May 2019 [ <b>10.5.1.1 - 2 pages</b> ]
	2. Statement of Net Current Funding Position 31 May 2019 [ <b>10.5.1.2 - 1 page</b> ]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 May 2019.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the period's performance against the budget adopted by the Council on 26 March 2019 subsequent to the mid-term budget review.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the period ending to 31 May 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 audited surplus carried forward from 2017/18.

#### 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.

## **FINANCIAL COMMENTARY**

### Statement of Financial Activity by Nature and Type for the period ended 31 May 2019

7. This Statement reveals a net result surplus of \$12,485,555 compared to budget for the same period of \$8,465,118.

#### **Operating Revenue**

8. Total Revenue excluding rates is under budget by \$573,160. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are under budget by \$100,976, the variance is mainly attributable to; Reimbursements for the CELL 9 project managers' employee cost which was lower than the budget by \$188,631.
  - b) Fees and Charges are under budget by \$271,306. This is mainly due to variance of \$86,868 in Fees from fines and enforcements.
  - c) Interest Income is under budget by \$204,432. The bulk of the investments are placed on a 6 months' tenure which currently gives the highest return. Interest income is also impacted by more ratepayers choosing to pay by either instalment options or direct debit payment arrangements. The effect of this is that the cash inflow will be drawn out over a longer period rather than the majority of income being received in the first two months of the financial year.
  - d) Other Revenue is under budget by \$16,773. This is mainly due to the lower than projected revenue from fines and enforcements.

#### **Operating Expenditure**

9. Total expenses are under budget by \$1,573,922. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$168,924. which is primarily due to casual / contract staff used in various areas to provide temporary cover.
  - b) Materials and Contracts are under budget by \$461,411. This is mainly due to variance in consultancy expenditure by \$267,781 attached to various projects and due to timing issues.
  - c) Utilities are under budget by \$38,652 which mainly a timing issue.
  - e) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$1,176,323. Budgeted depreciation rates have been adjusted at the mid-term review to reflect the additional depreciation resulting from the larger revaluation surplus reported after the infrastructure revaluation in 2017/18; variance is a timing issue.
  - d) Insurance expense is over budget by \$9,452. The variance is within the reporting threshold; and
  - e) Other expenditure is under budget by \$59,208. The variance is due to a timing difference in planned donations and contributions to various community groups.

## **Investing Activities**

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

10. The non-operating grants and contributions are under budget by \$263,603. The variance was due to:
  - a) The Capital grants income for infrastructure projects from various external funding agencies is lower than the budget by \$517,330.

### **Capital Expenditures**

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$5,924,649.
12. Capital works-in-progress monies spend of \$1,697,710 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**

13. The amounts attributable to financing activities shows a variance of \$1,484,029 which is mainly due to the reserve movements and developer contributions.

### **Rates Revenues**

14. Rates generation is under budget with a variance of \$1,170,783. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

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

15. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture' 'Transport' and 'Other Property Services'. Major variances have been reported by Nature and Type under points 7 to 14 above.

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

16. The commentary on the net current funding position is based on comparison of the May 2018 to the May 2019 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$21.3 million. The restricted cash position is \$11.8 million which is lower than the previous period's balance of \$12.6 million. This is mainly attributed to the timing and value of funds released from the Unexpended Capital Works and Specific Purpose Grants reserve towards the capital projects.

18. Unrestricted cash has decreased by \$2.4 million when compared with the balance at May 2018. The City has transferred all its bond monies maintained under the Municipal funds to a trust account in compliance with the industries' best practice. In line with the above \$2.5 million funds has been transferred to the corresponding bank account attached to the bonds trust account.

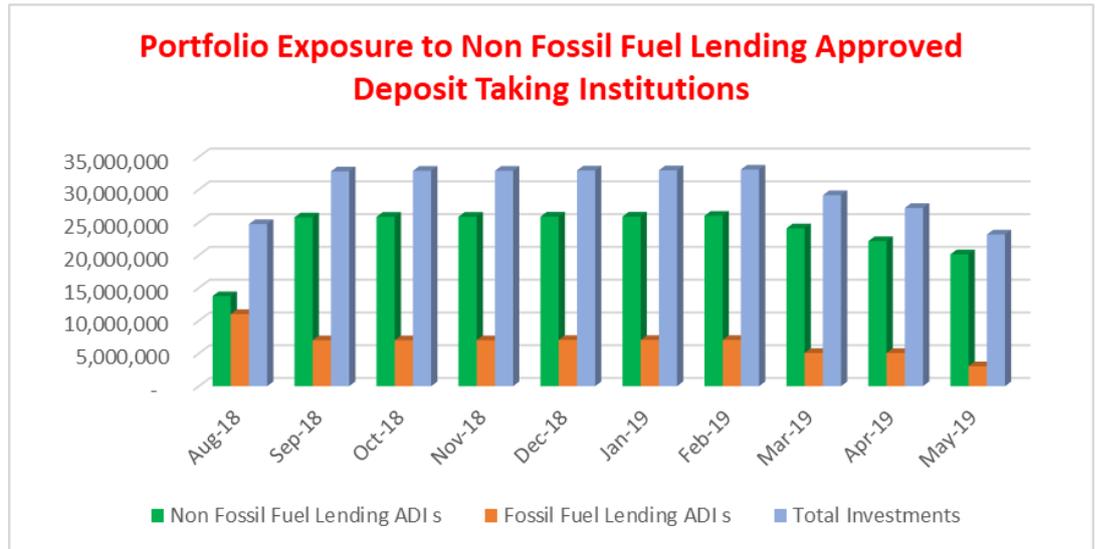
19. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

It was recommended that when investing the City's Surplus funds, preference is to be given to financial institutions which do not invest in or finance the fossil fuel industry. The Council also requested that monthly financial statements and reports provide information regarding the divestment from fossil fuels.

The following table indicates the financial institutions where the City has investments as of 31 May 2019.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	6,854,593	30%
	Bankwest	4,054,251	18%
	Bendigo	3,909,485	17%
	Suncorp	5,289,758	23%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry		20,108,087	88%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	3,043,929	12%
<b>Total Investments - including Restricted Funds</b>		<b>23,152,017</b>	<b>100%</b>

20.



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.4 million.

22. Sundry debtors have increased from \$252,292 to \$450,166, of which \$44,022 consists of current debt due within 30 days.  
An amount of \$325,997 from the total sundry debtors are related to invoices raised for developer contributions from Forrestfield Industrial Area Scheme Stage 1.

23. Receivables Other represents \$1.2 million including:  
a) Emergency Service Levy receivables \$0.4 million; and  
b) Receivables sanitation \$0.5 million.

24. Provisions for annual and long service leave have decreased by \$67,891 to \$3.1 million when compared to the previous year.

**STATUTORY AND LEGAL CONSIDERATIONS**

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

**POLICY CONSIDERATIONS**

26. Nil.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

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

**External Referrals**

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

**FINANCIAL CONSIDERATIONS**

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

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

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

**Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

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

**SUSTAINABILITY**

**Social Implications**

31. Nil.

**Economic Implications**

32. Nil.

**Environmental Implications**

33. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

34.

<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. Procurement compliance is centrally controlled via the Finance Department.		

35.	<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**

36. The City’s Financial Statements as at 31 May 2019 demonstrate the City has managed its budget and financial resources effectively.

**Voting Requirements: Simple Majority**

RESOLVED OCM 152/2019

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 31 May 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;

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## **10.5.2. Debtors and Creditors Report for the Period Ended May 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 May 2019 <b>[10.5.2.1 - 43 pages]</b>
	2. Summary of Debtors for the month of May 2019 <b>[10.5.2.2 - 2 pages]</b>
	3. Summary of Creditors for the month of May 2019 <b>[10.5.2.3 - 1 page]</b>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in May 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 May 2019.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in May 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 May 2019.

### **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of May 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 May 2019 were \$450,166 of which \$44,082 was made up of current debts and \$8,935 unallocated credits (excess or overpayments).
- 7. Invoices over 30 days total \$35,401; debts of significance are:
  - a) Department of Education, \$10,351, Utility Expenses;
  - b) MKSEA Pty Ltd, \$5,000, Amendment fee – Planning;
  - c) The Way Christian Church, \$4,148, Hall Hire;
  - d) Zig Zag Gymnastics, \$3,014, Lease;
  - e) Forrestfield Sisdac, \$1,985, Hall Hire;
  - f) Hills District Callisthenics, \$1,834, Hall Hire; and
  - g) Gooseberry Hill Playgroup, \$1,066, Hall Hire.
  - h)
- 8. Invoices over 60 days total \$19,462; debts of significance are:
  - a) Berkshire Hathaway, \$16,259, Insurance – Employee claim; and
  - b) Zig Zag Gymnastics, \$1,326, Lease.
- 9. Invoices over 90 days total \$360,216, debts of significance are:
  - a) PJ Dujmovic, \$170,100, Developer Contribution;
  - b) Cruskall SP & RM, \$155,897, Developer Contribution;
  - c) Berkshire Hathaway, \$14,456, Insurance – Employee claim
  - d) Kalamunda Club, \$10,170, Loan 219
  - e) Evolution Cheer & Dance, \$4,247, Hall Hire - making regular payments and debt is reducing;
  - f) Private Citizen, \$1,500, Contribution to removal of verge tree; and
  - g) Forrestfield Sisdac, \$1,137, Hall Hire.

**Creditors**

- 10. Payments totaling \$5,494,797.90 were made during the month of May 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	592,520.27
Cleanaway	Waste, recycling, and bulk bin disposal service fees	476,383.12
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	372,251.41
Dowsing Group Pty Ltd	Supply and lay concrete paths at various locations	217,722.08

WA Local Government Superannuation Plan	Superannuation contributions	191,733.73
Mckay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	171,270.98
Kalamunda Toyota	Purchase of two Land cruisers for parks and environment business unit	170,032.38
Geared construction Pty Ltd	Construction of the Forrestfield skate park toilet block facilities – progress claim 1	123,068.69
Synergy	Power Charges – various locations	118,691.65
Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim 1	110,413.50
Contraflow	Traffic management for various locations	107,795.44
Industrial Road Pavers (WA) Pty Ltd	Upgrade of Patterson Road – progress claim 3	93,253.05
Telstra Corporation	Telephone expenses	85,647.05
Kalamunda Electrics	Electrical maintenance repairs – various locations	66,859.68
Tom Stoddart Pty Ltd	Supply and install a single esplanade shelter on Berkshire Road	53,680.00
Market Creations	Marketing and technology fees and monthly cloud hosting fees	50,729.63

These payments total \$3,002,052.66 and represent 67.83% of all payments for the month.

### Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,788,377.29 was paid in net salaries for the month of April 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;
  - f) Bonds

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

BRB Levy		Amount (\$)
Date	Description	
3/4/2019	Building Services Levy – March 2019	17,977.17
CELL 9		Amount (\$)
Date	Description	
30/5/2019	Western Power - Hale Road Wattle Grove - Feasibility Study	2,272.73
30/5/2019	Strategen Environmental Consultants - Investigation of acid sulphate soils at Woodlupine Brook Living Steam Stage 3	17,990.00
30/5/2019	Echo newspaper - Advertise Cell 9 DCP review	550.00
30/5/2019	Brook & Marsh Pty Ltd - Identification surveys for Lot 2 & Lot 28 Hale Road, Wattle Grove	2,400.00
30/5/2019	Glaister Ross Partnership - Revised quantity survey costings for Lot 28 Hale Road, Wattle Grove	200.00
BCITF Levy		Amount (\$)
Date	Description	
1/4/2019	Building and Construction Industry Training fund levy – April 2019	7,611.10
14/5/2019	J Corp T/A Perception Homes - Refund of BCITF Levy Paid Twice	1,836.54
BRB Levy		Amount (\$)
Date	Description	
2/5/2019	Building Services Levy – April 2019	6,828.13
Bonds		Amount (\$)
Date	Description	
30/5/2019	The City of Kalamunda – reimbursement of funds for the bonds releases during April 2019	62,107.57

## 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:
- a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - b) otherwise, if the payment is authorised in advance by a resolution of the Council.

17. On 26 June 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.						
	<table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Insignificant	Low
Likelihood	Consequence	Rating					
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.						
	<table border="1"> <thead> <tr> <th>Likelihood</th> <th>Consequence</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Insignificant	Low
Likelihood	Consequence	Rating					
Possible	Insignificant	Low					
	<b>Action / Strategy</b>						
	Ensure all disputes are resolved in a timely manner.						

## OFFICER COMMENT

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

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

RESOLVED OCM 153/2019

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in May 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 May 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 May 2019.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

### 10.5.3. Rates Debtors Report for the Period Ended May 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 May 19 [**10.5.3.1 - 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) has collected \$36.8 million (95.62%) in rates as at 31 May 2019.
3. It is recommended that Council receive the Rates Debtors Report for the month of May 2019 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issued on 13 July 2018 with the following payment options available:

Options	Payment Dates			
Full Payment	17 August 2018			
Two Instalments	17 August 2018	17 December 2018		
Four Instalments	17 August 2018	17 October 2018	17 December 2018	18 February 2019

5. A total of 23,106 Rate Notices were issued on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$39,204,673. As at 31 May 2019, a total of \$36,854,075 has been collected since Rate Notices were released. This represents a collection rate of 95.62% which is slightly higher than the 94.45% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. In the current financial year 9,019 properties are on instalment options. Of these, 1,698 have taken up the option to pay by two instalments and 7,321 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
  - a) A Smarter Way to Pay – with approximately 808 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase as ratepayers respond to the final demand letters to be issued in March 2018.
  - b) eRates – there are 2,472 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
  - c) BPay View – approximately 998 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout this financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. No Interim Rating is carried out from 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.
10. 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 May 2019 to 31 May 2019 a total of 221 incoming calls and 163 outgoing calls, equating to 16.22 hrs of call time.

#### **DETAILS**

11. For the 2017/18 financial year, legal action was ordered where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 accounts were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from those served and further action will be taken on individual accounts where appropriate. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

12. 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**

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

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

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

### External Referrals

15. 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

16. 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

17. *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

18. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
19. 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

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

**Environmental Implications**

- 21. 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**

22.	<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**

- 23. The City’s debt collection strategy has proven to be very effective with a collection rate of 95.99% at the end of the 2017/18 year.

The City’s debt collection strategy remains effective with the 2018/19 collection as at the end of May 2019 at 95.62%.

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

**Voting Requirements: Simple Majority**

RESOLVED OCM 154/2019

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

- Moved: **Cr Geoff Stallard**
- Seconded: **Cr Lesley Boyd**
- Vote: **CARRIED UNANIMOUSLY (11/0)**

## **10.5.4. Kalamunda Community Centre Building: Adoption of Final Design**

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

Previous Items	SCM 08/2017; 87/2017; 75/2019 OCM 28/2016; 209/2016; 129/2017; 189/2017; 108/2018
Directorate	Asset Services
Business Unit	Asset Services
File Reference	SP-03/020
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"><li>1. Kalamunda Community Centre Final Design [<b>10.5.4.1 - 8 pages</b>]</li><li>2. Kalamunda Community Centre Environmental Assessment Report [<b>10.5.4.2 - 100 pages</b>]</li><li>3. Kalamunda Community Centre Mitigation Plan Report [<b>10.5.4.3 - 22 pages</b>]</li></ol>

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek endorsement of the final design for the new Kalamunda Community Centre Building (Building) and associated works to allow tender documentation to be finalised and tenders sought for construction.
2. This design has been endorsed by the Kalamunda Community Centre – Community Reference Group (KCCCRG) at their meeting of 6 June 2019.
3. It is recommended that Council now endorse this design such that tenders can be called for construction.

### **BACKGROUND**

4. The KCCCRG endorsed the concept design of the Building at their meeting of 27 March 2019.
5. Council endorsed the concept design for the Building at Special Council Meeting held on 9 April 2019 - SCM 75/2019 refers.

### **DETAILS**

6. The concept design has progressed to final design through resolution of the following matters:
  - a) final layout & room arrangement;
  - b) finishes and fixtures;
  - c) structural, civil, electrical, mechanical and hydraulic services; and
  - d) car parking and servicing

7. This design along with technical specifications and working drawings will now form the basis of a tender package to seek suitable Contractors to undertake construction. The design is provided as Attachment 1 to this report.

8. The program for this project is as follows:

- a) finalisation of tender documents – mid August 2019;
- b) City review and approval – end August 2019;
- c) tender period – end September 2019;
- d) tender review & award – mid November 2019;
- e) works start on site – December 2019; and
- f) practical completion – December 2020.

This program includes allowance for float in construction.

9. The anticipated cost plan for the project is as follows:

<b>Element</b>	<b>Cost (ex GST)</b>
Building	\$ 3,926,000
Siteworks, Roads, Footpaths, Car Parking	\$ 1,169,000
External power, water, sewer, drainage, fire	\$ 555,000
<b>Sub Total – Construction</b>	<b>\$ 5,650,000</b>
Environmental Impact Mitigation	\$ 200,000
Loose Furniture	\$ 100,000
Public Art & Memory Gathering	\$ 70,000
Fees & Management Costs	\$ 630,000
<b>Sub Total – Other Costs</b>	<b>\$ 1,000,000</b>
<b>Total Project Budget</b>	<b>\$ 6,650,000</b>

\* It is to be noted that the construction budget includes some contingency.

10. As part of the design works and investigations, the building has been finally located to minimise the impact upon existing significant trees and wildlife. The environmental assessment has shown that it is prudent to refer the project to the Commonwealth Department of the Environment and Energy (DEE) who administer the *Environment Protection and Biodiversity Conservation Act 1999*.

11. Our environment assessment has identified that the most significant issue is that increased human activity in the area (due to the new building and its use) may have a small impact on the propensity for Carnaby's Cockatoos to forage at night in the existing trees. It is important to note that the site is not a Carnaby's Cockatoo nesting site, which has far greater environmental significance. The proposed mitigation works should meet the needs of DEE without any significant issue or delay in approval.

12. The environmental assessment and mitigation plan reports form Attachments 2 and 3 to this report.

### **STATUTORY AND LEGAL CONSIDERATIONS**

13. *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

### **POLICY CONSIDERATIONS**

14. Purchasing Policy C-PP01.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

15. Nil.

#### **External Referrals**

16. The KCCCRG and the Kalamunda Community Learning Centre (KCLC) has been consulted on this project.

### **FINANCIAL CONSIDERATIONS**

17. The proposed \$6.65m budget is funded by a combination of State and Commonwealth funding along with a contribution by the KCLC.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

18. *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.

### **SUSTAINABILITY**

#### **Social Implications**

19. The Building will create a facility that will be of benefit to user groups and the community at large.

#### **Economic Implications**

20. The construction phase of the project will result in some stimulus to the construction industry.

**Environmental Implications**

21. The environmental impact and mitigation is discussed above.

**RISK MANAGEMENT CONSIDERATIONS**

22.	<b>Risk:</b> Environmental approval takes longer than anticipated resulting in a delay to construction commencing		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	A robust mitigation plan has been developed which should not cause undue delays in the assessment phase.		

**OFFICER COMMENT**

23. As noted in the April SCM, the involvement of the KCCCRG in this process is appreciated and noted.

**Voting Requirements: Simple Majority**

RESOLVED OCM 155/2019

That Council ENDORSE the final design for the new Kalamunda Community Centre project.

Moved: **Cr Michael Fernie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## 10.5.5. Customer Service Strategy Implementation Report

*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
1. Attachment 1 Customer service strategy Implementation Plan 2018-2019 progress update **[10.5.5.1 - 13 pages]**
  2. Attachment 2 List of Complaints Received in the City July 2018 May 2019 **[10.5.5.2 - 1 page]**
  3. Attachment 3 List of Compliments Received in the City July 2018 May 2019 **[10.5.5.3 - 4 pages]**

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide an update on the Customer Service Strategy Implementation for 2018/2019.
2. The Customer Service Strategy 2017/2021 is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces.
3. The Customer Service strategy outlines the key principles, strategies, actions, and performance measures for improved customer service standards.

### BACKGROUND

4. Council adopted the Customer Service Strategy in November 2017.
5. The key objectives of the Customer Service Strategy are to:
  - a) Strive to achieve a new customer service ethos and deliver on the customer service promise and principles
  - b) To culturally optimise the organisation to achieve best practice customer service outcomes
  - c) To support and train staff to feel empowered, be proactive and work collaboratively toward business objectives and customer service excellence
  - d) To effectively communicate with our customers, internally and externally
6. The Customer Service Ethos is: We will focus on a combination of concepts including; cultural change, technological and process improvement, and a centralised service model - with increased self-service options and improvements based on customer feedback.

Our customers are the 'key influencers' in the development, improvement and delivering of our services.

7. The Customer Service Promise is, "Supported by innovative technology solutions and regular best practice training, staff will be proactive, focus on future planning to meet business objectives and work collaboratively, with the customer experience always in mind."

"All City interactions with customers will be timely and meaningful."

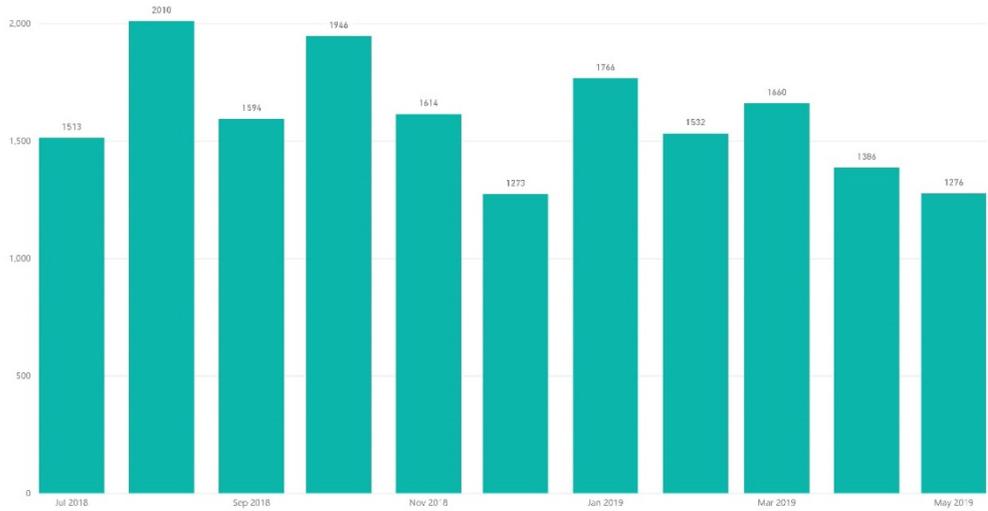
8. The adopted City of Kalamunda principles of Customer Service are as follows:

1.	<b>Customers will receive timely responses</b>	<ul style="list-style-type: none"> <li>a) We will always provide an estimation of timeframe for response at each interaction</li> <li>b) We will update customers on the status of their enquiry at regular intervals</li> <li>c) Customers referrals across business units will be as minimal as possible</li> <li>d) We monitor the timeliness of our correspondence</li> </ul>
2.	<b>Customer interactions will be meaningful</b>	<ul style="list-style-type: none"> <li>a) We aim to handle enquiries at first point of contact</li> <li>b) All staff will have access to accurate and up-to-date information</li> <li>c) Staff will seek to understand enquiries to the deepest possible level before responding</li> <li>d) All responses to customers will be personalised and professional</li> <li>e) Even when we may need to say 'we can't' we will offer options for things we 'can do'.</li> </ul>
3.	<b>Each customer will be made to feel like the only customer</b>	<ul style="list-style-type: none"> <li>a) We will ask our customers how they like to receive information and deliver it accordingly</li> <li>b) We recognise 'one-size does not fit all' and we will be flexible in our service offerings</li> <li>c) We will always do more to exceed expectations</li> <li>d) Complex requests and complaints will be handled with priority</li> </ul>
4.	<b>We will help our customers to help themselves</b>	<ul style="list-style-type: none"> <li>a) We offer and promote integrated self-service options</li> <li>b) We explore and use innovative technology solutions that makes accessing information easy</li> <li>c) Online information will be available 24/7 and enabled for mobile devices</li> <li>d) As many transactions as possible will be automated</li> <li>e) Develop simple guides and instructions to help customers understand our processes</li> </ul>
5.	<b>Our customers are informed and will help inform our services</b>	<ul style="list-style-type: none"> <li>a) We will consider the customer's perspective and actively seek feedback often, in different ways</li> <li>b) We will admit when we get it wrong, reviewing and improving our processes each time</li> <li>c) We will communicate on any new service (or fee) or expected change in levels of service as early as possible</li> <li>d) Our people and our customers will be our best advocates</li> </ul>

**DETAILS**

- 9. The Implementation Progress Report (Attachment 1) demonstrates the successful implementation of the strategy to date.
- 10. One of the highlights has been the successful implementation of a monitoring system that tracks the customer experience across the organisation, utilising results to identify areas for improvement and identify areas of strength.
- 11. Results are as follows:

Customer Requests Received 2018-19



- 12.

Top 10 Customer Requests



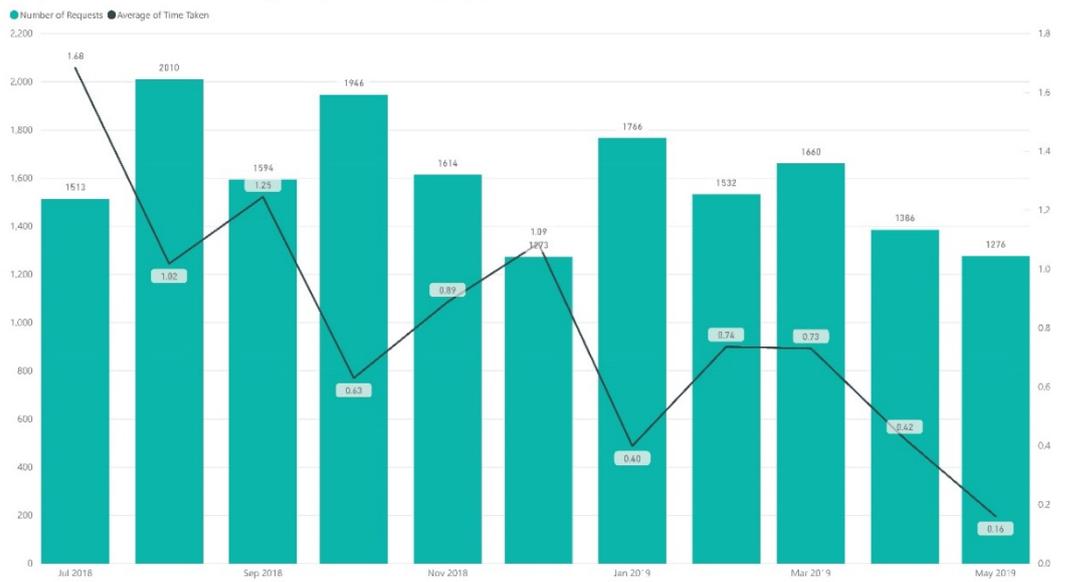
13.

Customer Requests Received 2018-19

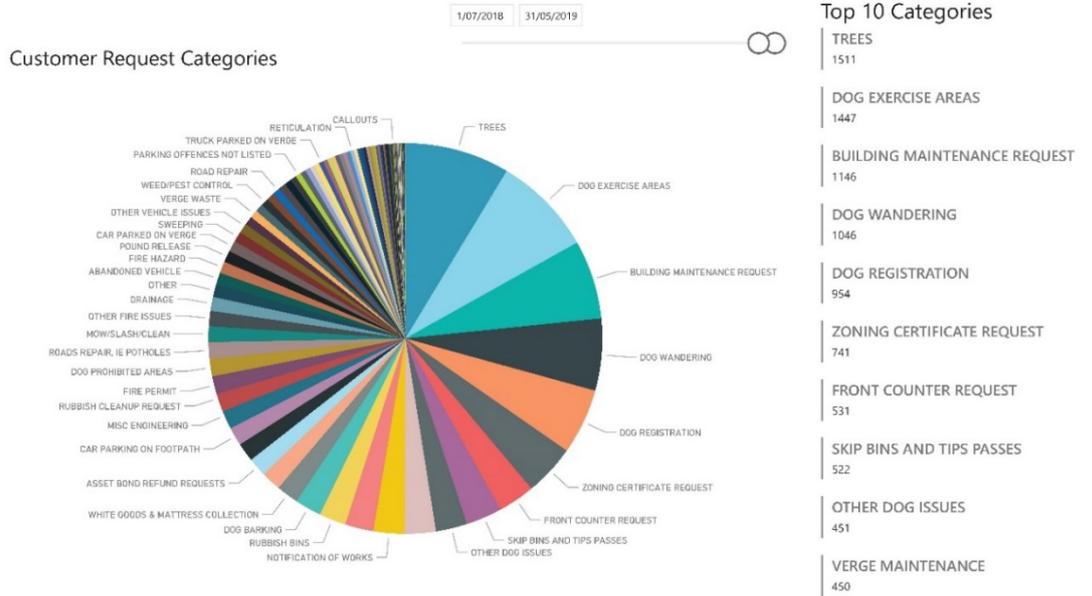


14.

Requests Received & Average Response Time (days)

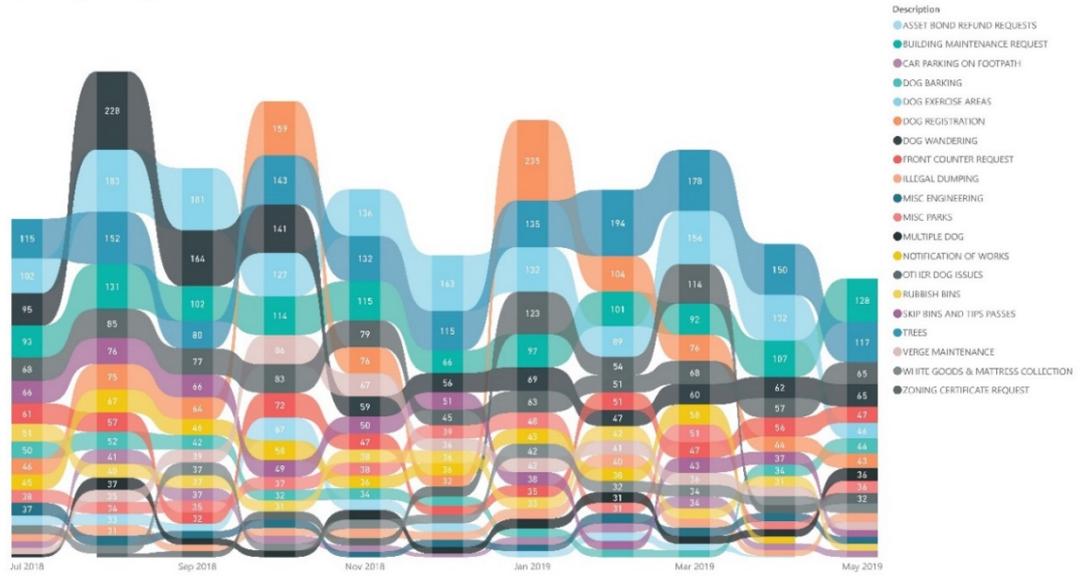


15.



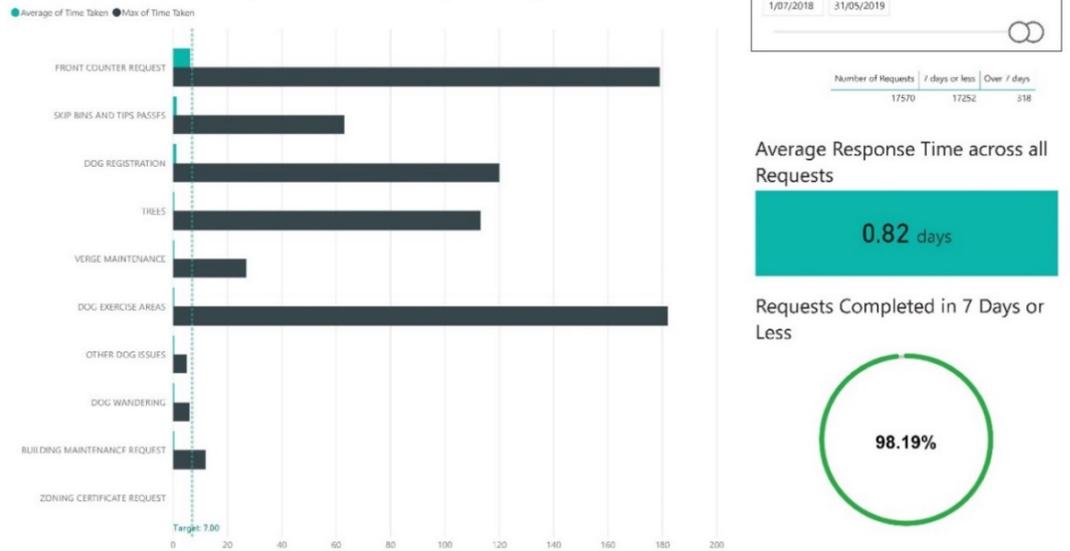
16.

Top Categories by Month



17.

Average and Maximum Response Times for the Top 10 Categories

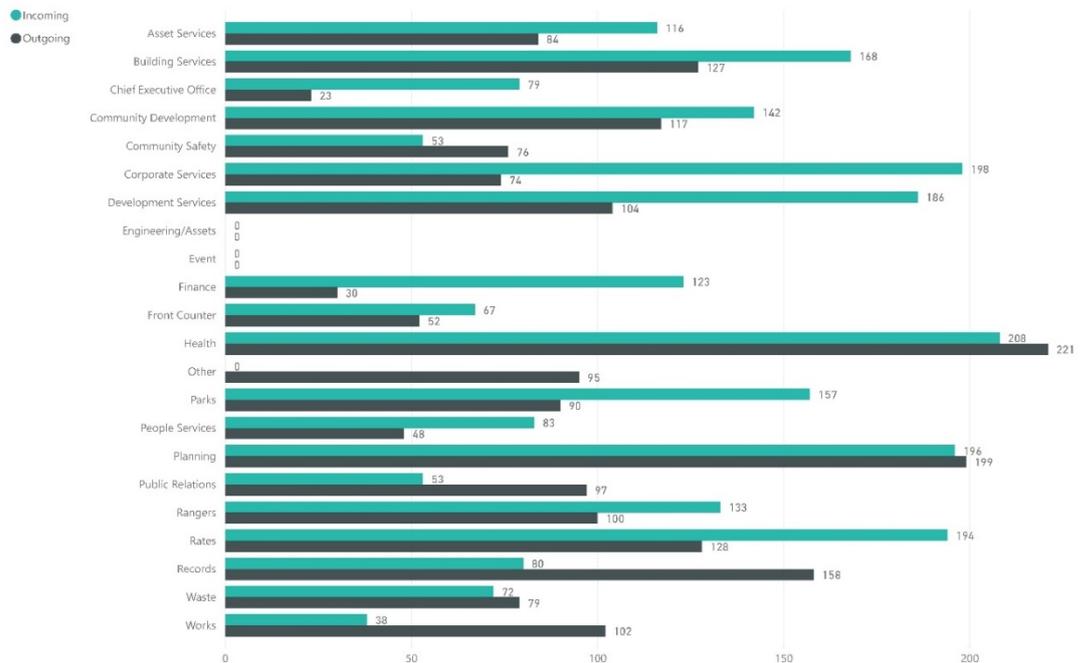


18.

CallN Call recording software has been successfully implemented to assist with monitoring Calls. The software was launched in February 2019, with reporting commencing on 1 March 2019. To date we have had to 21,170 incoming and outgoing calls.

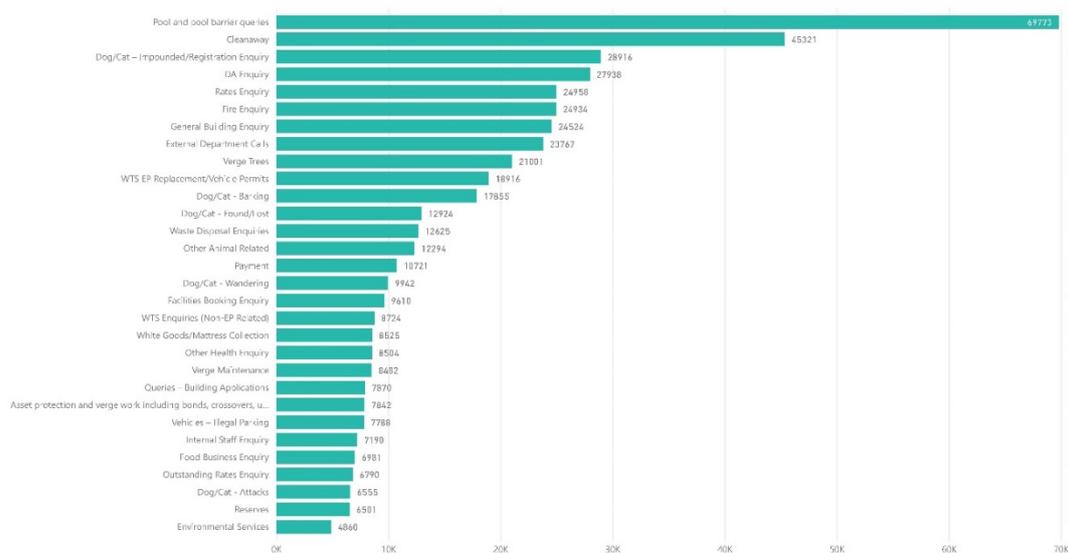
Results are as follows:

Average Call Length (Seconds)



19.

Total Duration of Calls by Tag (seconds)



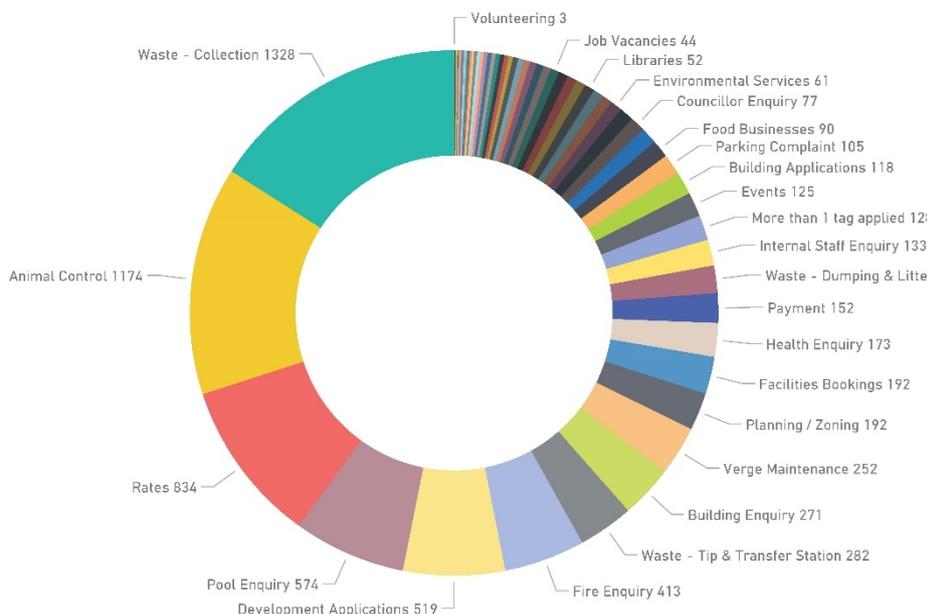
20.

Number of Calls by Tag

Tags	Direction	Count of Tags
Cleanaway	Incoming	959
Rates Enquiry	Incoming	586
DA Enquiry	Incoming	475
Fire Enquiry	Incoming	366
Pool and pool barrier queries	Outgoing	323
External Department Calls	Incoming	318
Pool and pool barrier queries	Incoming	251
Dog/Cat - Impounded/Registration Enquiry	Incoming	238
General Building Enquiry	Incoming	226
Dog/Cat - Found/Lost	Incoming	219
Other Animal Related	Incoming	200
Facilities Booking Enquiry	Incoming	164
Verge Trees	Incoming	157
Cleanaway	Outgoing	140
WTS EP Replacement/Vehicle Permits	Incoming	136
Internal Staff Enquiry	Incoming	126
Waste Disposal Enquiries	Incoming	117
Other Health Enquiry	Incoming	108
Outstanding Rates Enquiry	Incoming	106
Dog/Cat - Impounded/Registration Enquiry	Outgoing	103
Dog/Cat - Barking	Incoming	99
WTS Enquiries (Non-EP Related)	Incoming	97
Dog/Cat - Barking	Outgoing	84
Dog/Cat - Wandering	Incoming	83
Vehicles - Illegal Parking	Incoming	83
Asset protection and verge work including bonds, crossovers, utility works	Incoming	73
Queries - Building Applications	Incoming	70
Zoning	Incoming	68
Food Business Enquiry	Incoming	64
Subdivision Enquiry	Incoming	64
White Goods/Mattress Collection	Incoming	56
Environmental Services	Incoming	55
Septic/ATU Enquiry	Incoming	54
Councillor Enquiry	Incoming	52
Payment	Incoming	52
Recreation	Incoming	50
<b>Total</b>		<b>8918</b>

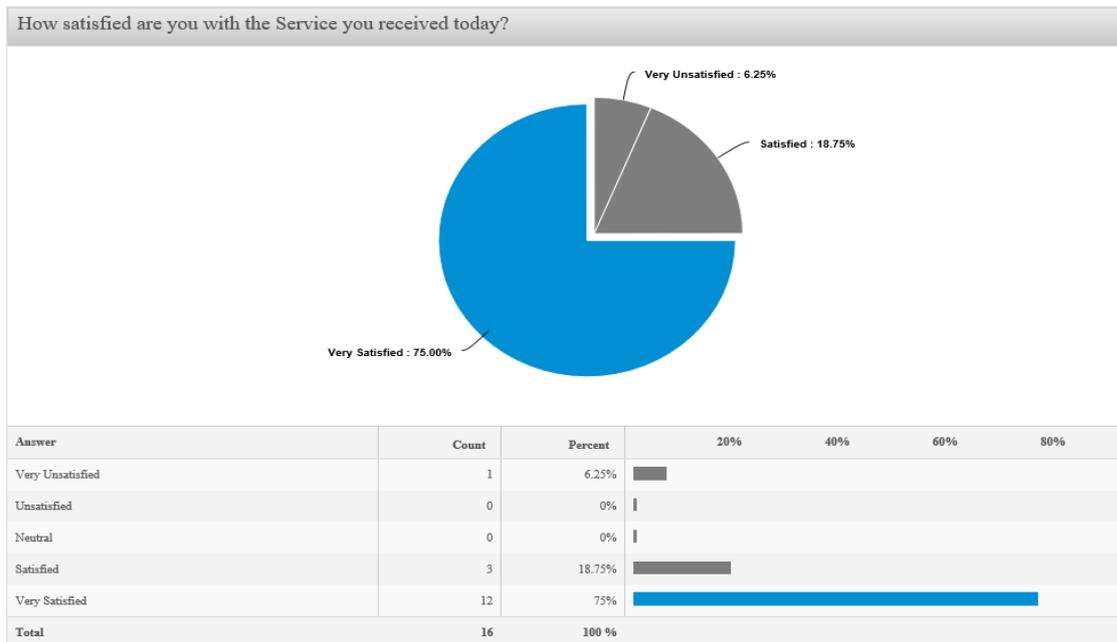
21.

Number of Calls by Category of Tag



22.

A Customer Satisfaction Scorecard, utilising the net promoter score, was successfully implemented at the City of Kalamunda Administration for those who visit the City in Person, with results to date as follows:



23. Collectively these new introductions mean that all types of interactions with the City are now being monitored to track and assess Customer Experience across the organisation. Areas of strength and areas of improvement can be quickly identified across Customer Interactions with the organisation, and the work is being supported by further cultural developments and customer service training. This has included the formation of a Customer Service Champions working group in December 2018, which has been meeting monthly to ensure there is consistency and best practice across all parts of the organisation.
24. Between 1 July 2018 and 30 May 2019 the City received 12 registered complaints. These ranged from residents who had concerns re another property building on council land, concerns about works, a complaint re a controlled burn, a complaint in relation to a perception Council was wasting money, concerns re damage to native shrubs on a verge, a complaint in relation to the 0.46% surcharge applied to credit cards, the need for a car park to be swept and Thursday library hours. All matters were resolved in accordance with the Complaints policy and procedure. Please see Attachment 2.
25. Between 1 July 2018 and 30 May 2019 the City received 90 registered compliments. Compliments were to thank the City across a range of service areas and activities. Some wished to thank the City for events and activities they had attended, for prompt service, for assistance in resolving matters that had been reported, for work done by the verge crews, the Walliston Transfer Centre, Christmas Lights, graffiti removal, rangers assistance and more. Please see Attachment 3 for a full list of compliments recorded.

## **STATUTORY AND LEGAL CONSIDERATIONS**

26. Nil

## **POLICY CONSIDERATIONS**

27. Complaint Handling Policy and Procedure

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

28. Nil

### **External Referrals**

29. Nil

## **FINANCIAL CONSIDERATIONS**

30. The Customer Service Strategy Annual Implementation Plan is undertaken within the current budget parameters.

**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.

**Priority 4: Kalamunda Leads**

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

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

**SUSTAINABILITY**

**Social Implications**

32. Nil.

**Economic Implications**

33. Nil.

**Environmental Implications**

34. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

35.	<b>Risk:</b> Customer Service Strategy is not implemented by the due date		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieves. This is tracked monthly.		

**OFFICER COMMENT**

36. The success of the Customer Service Strategy Implementation to date is a credit to the entire organisation. There is a strong customer centric focus and culture that is continuing to strengthen.

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

RESOLVED OCM 156/2019

That Council ACCEPT the Customer Service Implementation Report for 2018/2019.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

## **10.5.6. Kalamunda Environmental Advisory Committee: Review of draft Environmental Land Use Planning Strategy**

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

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

Attachments 1. Minutes KEAC 4 April 2019 [**10.5.6.1 - 5 pages**]

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to note the resolution of the Kalamunda Environmental Advisory Committee (KEAC) that Council endorses the Environmental Landuse Planning Strategy (ELUPS) for Council decision.
2. KEAC also provides several recommendations in the resolution for Council to consider.
3. It is recommended that Council notes the endorsement of the draft ELUPS and recommendations made by KEAC.

### **BACKGROUND**

4. KEAC is an advisory committee of Council with the main roles of making recommendations to Council regarding environmental policy and practice as well as assisting the City in raising awareness of environmental matters within the community.
5. The City sought community feedback to the draft ELUPS with consultation closing on 28 February 2019.
6. A meeting of KEAC was held on 4 April 2019 at which resolutions and recommendations regarding the ELUPS were made. As a statutory committee of Council, these resolutions and recommendations are thus presented to Council. The minutes of this meeting are provided as Attachment 1 to this report.

### **DETAILS**

7. The resolution of the KEAC Meeting of 4 April 2019 in consideration of the draft ELUPS was:

*That KEAC endorses the ELUPS for Council decision. KEAC notes the feedback from the community and stakeholders that stressed the importance of the protection of trees and biodiversity in the City, as was the case with the Local*

*Environment Strategy, and therefore strongly supports those elements in ELUPS. Specifically, the Committee:*

- a) supports 8.2.4, with the preference that it be part of a Scheme Amendment, or a Local Planning Policy;*
- b) supports 8.2.5 as currently proposed;*
- c) supports 8.3.1 as currently proposed;*
- d) supports 8.3.2, as part of the consideration of how vegetation is protected and recommends expansion of the Local Biodiversity Strategy to include private properties. Mapping of vegetation is required to ensure effectiveness;*
- e) recommends an additional action, to investigate how the three separate areas identified in Section 3.1, are zoned into planning policy such as the Housing Strategy and Rural Strategy;*
- f) recommends that an environmental layer on the City of Kalamunda's Online Mapping Module be developed from the maps appended to ELUPS, and from the ecological reassessment of the reserves through the Local Biodiversity Strategy, and that the public version be made more user friendly; and*
- g) that Action 3.1.1 of ELUPS be split into two actions. 1. To promote and provide incentives for eco-friendly built forms and energy micro-grids, 2. To manage the impact of renewable energy developments.*

**Moved:**                **Cr Sara Lohmeyer**  
**Seconded:**        **Alison McGilvray**  
**Vote:**                 **Unanimous**

- 8. In reaching their resolution KEAC noted the feedback from the community and stakeholders that stressed the importance of the protection of trees and biodiversity in the City and strongly supports those elements in ELUPS.
- 9. The draft ELUPS recommended that a local planning policy be prepared to address clearing of significant trees on private property. It is to be noted that KEAC has resolved a preference for a Scheme Amendment to address this issue. KEAC also recognises the key role the Local Biodiversity Strategy in this issue. This is the main point of difference between the draft ELUPS and KEAC's preferences.
- 10. KEAC has raised other recommendations which can be dealt with during the finalisation of the ELUPS and its roll out.
- 11. Council will be soon asked to consider adoption of the ELUPS which will take into consideration general community feedback as well as the KEAC resolution of 4 April 2019.

## **STATUTORY AND LEGAL CONSIDERATIONS**

- 12. Nil.

## **POLICY CONSIDERATIONS**

- 13. Nil.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

14. Nil.

### External Referrals

15. Nil.

## FINANCIAL CONSIDERATIONS

16. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

**Strategy 2.1.3** - Community engagement and education in environmental management.

## SUSTAINABILITY

### Social Implications

18. Nil.

### Economic Implications

19. Nil.

### Environmental Implications

20. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

21.	<b>Risk:</b> The City suffers reputational impacts if it adopts a final ELUPS contrary to the KEAC endorsed draft.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	The final ELUPS to be considered by Council will take into account all community feedback received as well as consider the important role that KEAC plays within the City.		

**OFFICER COMMENT**

22. It is pleasing to receive the endorsement of the draft ELUPS from KEAC and believes that the recommendations also made by KEAC are worthy of further consideration.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council NOTES the endorsement of the draft Environmental Land Use Planning Strategy by the Kalamunda Environmental Advisory Committee and their recommendations made at their meeting of 4 April 2019.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote:

Debate and consideration of this report was adjourned at the Ordinary Council Meeting of 28 May 2019 (Item 10.2.2). Cr Giardina proposed a second point be included in the recommendation. This was accepted by the seconder. Council debated the motion before it was put to a vote.

RESOLVED OCM 157/2019

That Council:

1. NOTES the endorsement of the draft Environmental Land Use Planning Strategy by the Kalamunda Environmental Advisory Committee and their recommendations at their meeting of 4 April 2019.
2. DOES NOT support including a recommended action in the Environmental Land Use Planning Strategy to regulate the clearing of vegetation on private land through a Scheme Amendment to the City of Kalamunda’s Local Planning Scheme No. 3.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote:	<u>For</u>	<u>Against</u>
	<b>Cr Fernie</b>	<b>Cr Lohmeyer</b>
	<b>Cr Stallard</b>	<b>Cr Ritchie</b>
	<b>Cr Boyd</b>	<b>Cr O'Donnell</b>
	<b>Cr Morton</b>	<b>Cr Blair</b>
	<b>Cr O'Connor</b>	
	<b>Cr Thomas</b>	
	<b>Cr Giardina</b>	

**CARRIED (7/4)**

### **10.5.7. CONFIDENTIAL - Nominations for Freeman**

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

***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

RESOLVED OCM 162/2019

That Council:

1. ENDORSE Nomination A – J inclusive as Freeman of the City.
2. NOTE the presentation of all Freeman will be made at the City of Kalamunda Mayor's Dinner on the 20 July 2019.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY**

## **10.5.8. 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 23/2019
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 - Old Refrigerators and Cabinets - Final <b>[10.5.8.1 - 1 page]</b>

### **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 (Attachment 1).
2. The statutory process commenced at the Ordinary Council Meeting (OCM) of 26 February 2019 when Council resolved to give Statewide 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 2004, however the proposed minor amendments were not proceeded with.
5. This local law was adopted in 1963 and has remained unchanged since. Its provisions are now out of date and are covered in other legislation.

### **DETAILS**

6. At the Ordinary Council Meeting on 26 February 2019, Council resolved to commence the process to repeal the local law.
7. Statewide Public Notice of the proposed local law seeking submissions was published on 30 March 2019. Submissions closed on 17 May 2019, with no comments received.
8. As the existing local law was adopted 55 years ago and has not been updated, it is considered it is now obsolete and should be repealed.

In addition, its provisions are now covered in other legislation such as the *Local Government Act 1995* and the *Litter Act 1979*

9. In view of this the existing local law 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.

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. No comments were received during the submission period.

## **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. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

19.	<b>Risk:</b> Maintaining obsolete local laws gives rise to conflicts with legislation.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Unlikely	Insignificant	Low
Consequence	Likelihood	Rating					
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.

**Voting Requirements: Absolute Majority**

RESOLVED OCM 158/2019

That Council MAKE the *City of Kalamunda Repeal Local Law* (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

### **10.5.9. Response to Proposed Amendment to the Metropolitan Redevelopment Authority Regulations 2011 Regarding Forrestfield North**

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

Previous Items OCM 14/2015, SCM 05/2015, SCM 07/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018, SCM 232/2018

Directorate Development Services  
Business Unit Strategic Planning  
File Reference PG-STU-035  
Applicant Minister for Transport; Planning  
Owner Various

- Attachments
1. Letter from Minister for Transport; Planning to the Chief Executive Officer dated 31 May 2019 [**10.5.9.1 - 3 pages**]
  2. Draft Forrestfield Station Precinct Redevelopment Area as Proposed by the Minister for Transport; Planning [**10.5.9.2 - 1 page**]
  3. Letter from the Mayor to Minister Saffioti dated 31 May 2019 [**10.5.9.3 - 2 pages**]
  4. Landowner Information Session and Voting Results received before 5pm 19 June 2019 [**10.5.9.4 - 31 pages**]

#### **EXECUTIVE SUMMARY**

1. The Minister for Transport; Planning (Minister) advised the City of Kalamunda (City) in a letter dated 31 May 2019 (Attachment 1), that work has commenced to incorporate the new Bayswater and Forrestfield project areas into the existing Midland Redevelopment Area. The extended area is referred to by the Minister as 'METRONET East'. A plan identifying the Minister's proposed 'Forrestfield project area' is provided in Attachment 2.
2. The Minister has requested the City's written recommendations on the proposed redevelopment area within 30 days of the City receiving the letter, which is on or before 30 June 2019. The final area chosen by the Minister will ultimately result in the Metropolitan Redevelopment Authority (MRA) taking planning control for the area.
3. This report outlines four options and the associated opportunities and constraints regarding the boundary of a prospective redevelopment area in Forrestfield North for the Council's consideration, prior to providing a recommendation to the Minister. The options are summarised as follows:  
  
Option 1 – As proposed by the Minister  
Option 2 – Including the proposed Activity Centre land south-east of Milner Road and Bush Forever sites to the north  
Option 3 – State land holding area only  
Option 4 – The Residential and Transit Oriented Development Precincts

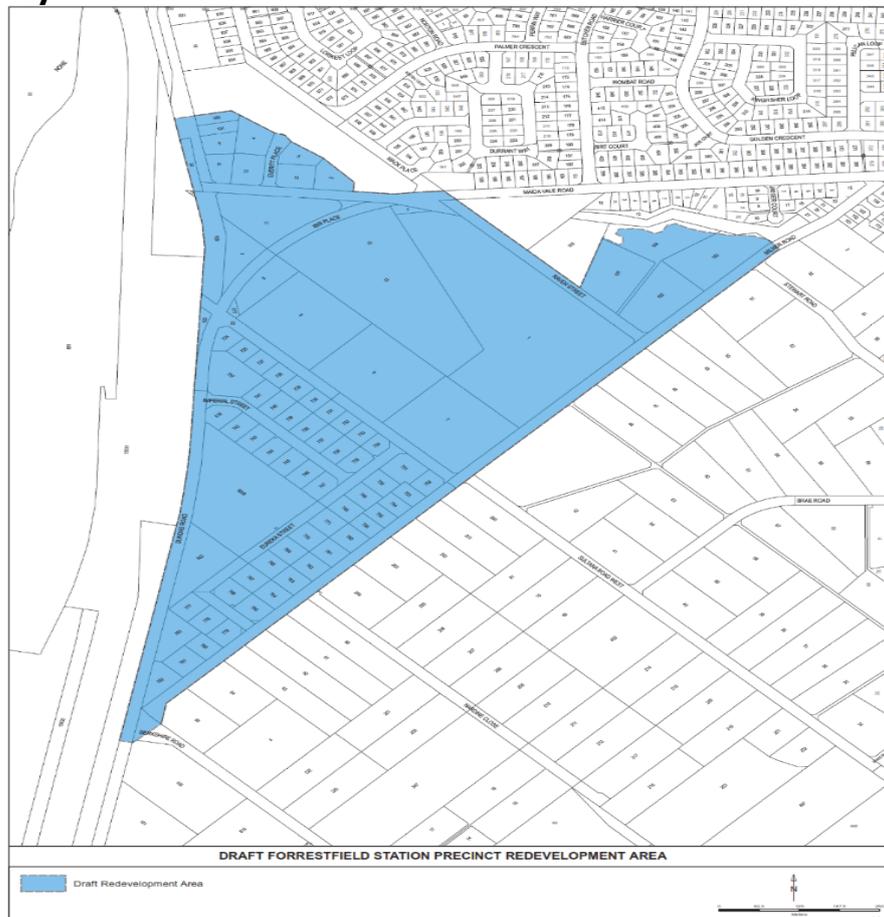
4. On 17 June 2019, the City invited landowners within the Residential and Station Precincts of the Forrestfield North area to an information session regarding the Minister’s announcement and sought feedback on the preferred option. The presentation and results from this consultation is provided in Attachment 4.
5. In summary, the outcome of the engagement indicated a marginal preference for Option 2 over Option 4 noting that votes were not received from every landowner. Council is recommended to request the CEO to provide a response to the Minister accordingly.

**BACKGROUND**

6. **Land Details:**

Land Area:	The Minister’s redevelopment area is approximately 55 hectares
Local Planning Scheme Zone:	Urban Development Light Industry
Metropolitan Regional Scheme Zone:	Urban

7. **Locality Plan:**



8. The following timeline summarises the progress of the preparation and approval of the District Structure Plan (DSP) which incorporates the area that is now proposed to be placed under the control of the MRA.
9. 2014 – The State Government decided to proceed with the Forrestfield Airport Link (FAL) project. The City was instructed by the State Government to prepare a DSP.
10. 2015 – The DSP area was amended from Rural to Urban under the Metropolitan Region Scheme (MRS).
11. 2016 – The City prepared Amendment 75 to the Local Planning Scheme No. 3 to rezone the DSP area from various zones (Light Industry, Industrial Development, Special Rural) to Urban Development, which facilitated the preparation of local structure plans over the area.
12. 2015-16 – Element (a consultant engaged by the City) prepared the Forrestfield North DSP. The DSP provides a broad structure, vision and planning objectives for urban development in the DSP area. The DSP required further detailed investigations to articulate the vision and objectives of the DSP, through the preparation of Local Structure Plans.
13. Late 2016 – The Forrestfield North DSP was approved by the Western Australian Planning Commission (WAPC).
14. Since February 2017, the City, Element and their subconsultants have been preparing detailed planning for the precincts. This was initially planned to be divided into 3 precincts (TOD, Activity Centre, and Residential). However, this was reduced to 2 precincts (TOD and Residential precincts – see below diagram).



15. 3 December 2018 – The Residential Precinct LSP was adopted by Council. The LSP was subsequently referred to the WAPC for approval.
16. 3 December 2018 – Council resolved to request that the WAPC amend the MRS, to rezone areas identified as Environmental Conservation in the draft Forrestfield North Residential Precinct LSP, from Urban to Parks and Recreation Reserve.
17. 28 May 2019 - The Statutory Planning Committee (SPC) of the WAPC deferred consideration of the LSP (until 31 October 2019), as it was considered by the SPC to be unclear how vegetation with regional importance will be adequately protected and managed. The City is currently preparing an application to the State Administrative Tribunal (SAT) given the WAPC has exceeded the 120-day consideration period and is therefore deemed to have refused the LSP under the *Planning and Development (Local Planning Schemes) Regulations 2015*, and with a view of resolving or narrowing any outstanding issues preventing the adoption of the LSP.

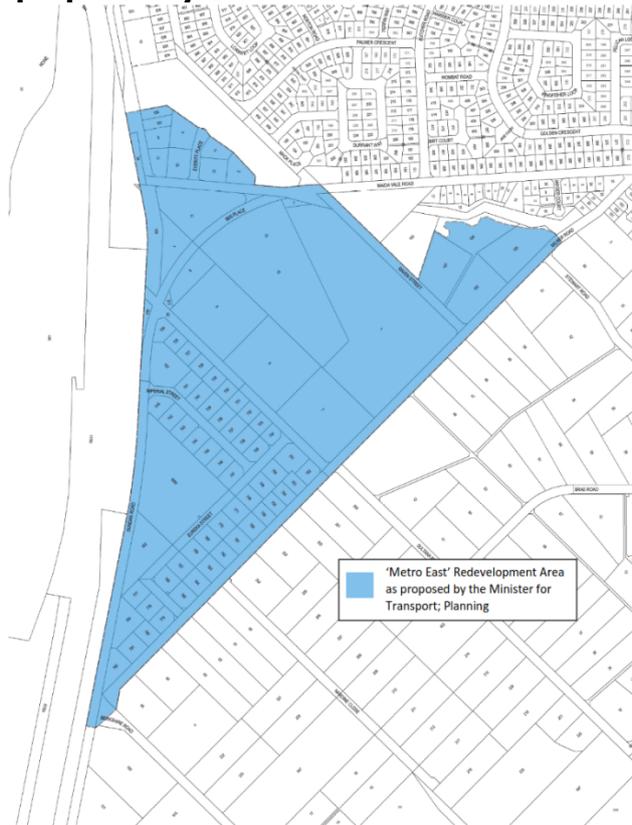
## **DETAILS**

18. The Minister has advised the City, via a letter dated 31 May 2019 (Attachment 1), that the commencement of an amendment to the *Metropolitan Redevelopment Authority Regulations 2011* (Regulations) to incorporate the new Bayswater and what is referred to as the 'Forrestfield project area' (Located in High Wycombe) into the existing Midland Redevelopment Area. The extended area is referred to by the Minister as 'METRONET East'. A plan identifying the Minister's proposed Forrestfield project area is provided in Attachment 2.
19. The incorporation of the Forrestfield project area into a redevelopment area will mean that all future planning, subdivision and development of land within this area will be determined by the MRA, albeit in consultation with the City who will operate as a referral agency to provide advice and recommendations on planning proposals.
20. The Forrestfield project area that is proposed to be incorporated into a redevelopment area includes land identified within the Forrestfield North Transit Oriented Development (TOD) Precinct, however the proposed area excludes a square portion of land south-east of Milner Road, which has been identified as part of the future activity centre, and Bush Forever areas along the northern boundary. The proposed redevelopment area is adjacent to the north-west boundary of the Forrestfield North Residential Precinct LSP area, currently the subject of consideration by the WAPC and an impending application for appeal/review to the SAT.
21. The Minister has requested the City's written recommendations on the proposed amendment to the MRA Regulations within 30 days of the City receiving the letter, which is on or before 30 June 2019.

22. It is considered inevitable at this stage that a redevelopment area will be declared by the Minister over the Forrestfield project area in some form. Therefore, the options that are presented below relate to four different boundary options of the redevelopment area.

23. The below options are provided with broad analysis utilising the information currently available to the City regarding the opportunities and constraints of applying a redevelopment area, for the Council's consideration prior to providing a recommendation to the Minister.

24. **Option 1 – As proposed by the Minister**



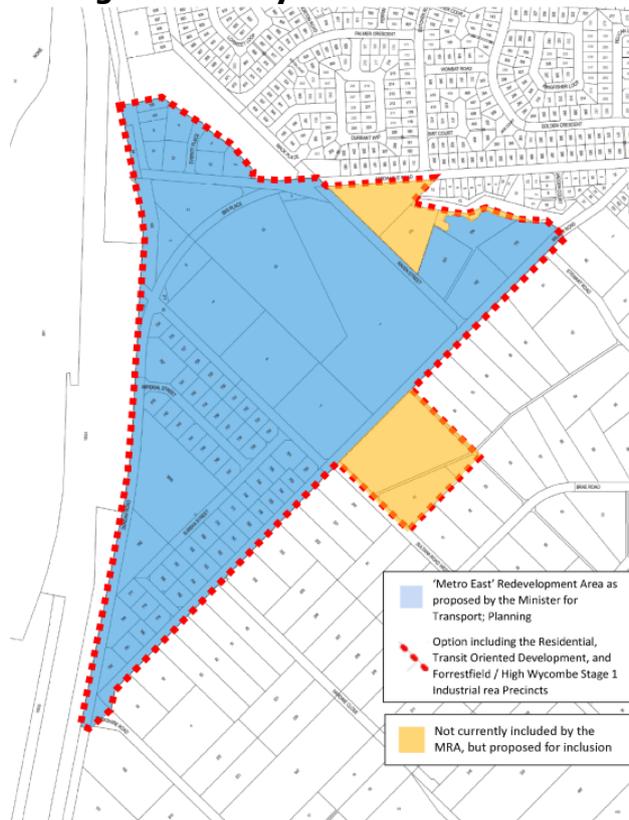
25. This option is the version being presented by the Minister seeking the City's recommendations. The area included in this option represents a variation to the boundary of the TOD precinct in that it excludes the following land:

- a) A portion of land south-east of Milner Road, 85 Milner Road, 71 Sultana Road East, a portion of 16 Brae Road, and a portion of Bridle Trail, which has been left out of the Residential Precinct LSP; and
- b) The Bushforever land along the northern boundary, comprising a portion of 231 Maida Vale Road, 15 Raven Street, 7 Raven Street, and 30 Milner Road.

26. This option appears to identify land that is relatively easy for the MRA to plan for and promote for development, leaving the more constrained elements (Bush Forever) outside of the redevelopment area. This omission of constrained land is not considered to represent an appropriate outcome for the affected landowners, who would be excluded from the area. The City will also be required to manage land use planning in these areas.

27. While there is some merit in the proposed boundary for the MRA’s general purposes to promote and coordinate the development of land, it clearly does not comprise an area that will address the balance of land that requires a comprehensive planning framework, having regard to the Residential Precinct LSP that has been substantially progressed and is pending the WAPC’s decision.
28. In summary, some positive aspects in relation to this proposal include:
- a) Conforms with the Minister’s proposal.
  - b) The MRA have significant resources to progress the planning for this area.
  - c) The MRA have the ability to coordinate State Government agencies.
29. In summary, some negative aspects in relation this proposal include:
- a) Excludes the Residential Precinct LSP area and possible activity centre land.
  - b) Complicates the operation of future planning instruments such as the Development Contribution Plan as it would have to operate across two planning authorities utilising different planning instruments.
  - c) Provides a disconnect between the Residential and TOD Precincts.
  - d) Excludes existing Bush Forever sites located to the north of the area.
  - e) Timeframes associated with the MRA progressing the planning for this area are unknown.

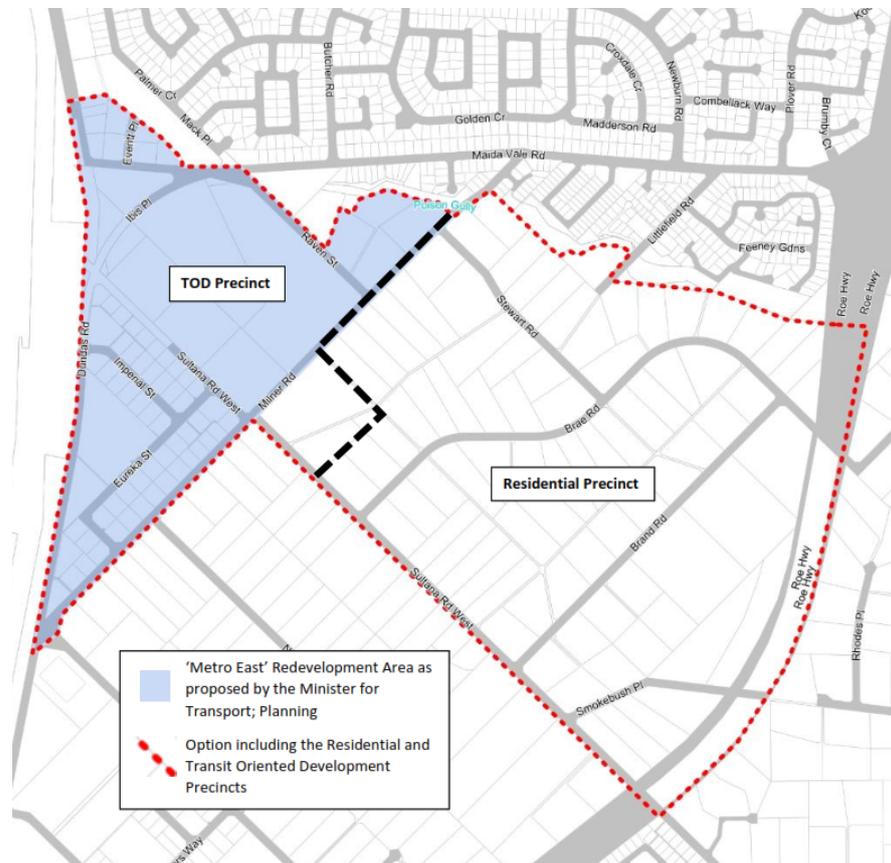
30. **Option 2 – Including the Activity Centre Land east of Milner Road**



31. This option would include the Minister's proposed 'Metro East' redevelopment area and include the portion of land south-east of Milner Road, 85 Milner Road, 71 Sultana Road East, a portion of 16 Brae Road, and a portion of Bridle Trail, which has been left out of the Residential Precinct LSP and is ultimately intended to form part of the TOD Precinct LSP. This land was omitted from the boundary of the Residential Precinct LSP given its potential suitability as an activity centre, which would be more appropriately considered in the context of, and included in, the TOD Precinct LSP.
32. This option is not significantly dissimilar to the Minister's proposed 'Metro East' redevelopment area, which could result in a more efficient and timely establishment of a redevelopment area and scheme.
33. If this land is not included in the proposed redevelopment area, the City will need to consider expanding the boundary of the Residential Precinct LSP, which will potentially require further analysis of LSP documents and various technical reports, and readvertising of the LSP, which could delay its approval.
34. In the event that the City recommends this option to the Minister, further discussion will be required with the MRA regarding how a development contribution scheme will be established over the entire area for shared infrastructure such as roads and Public Open Space that relate and are required across both the TOD and Residential Precincts.
35. It will also mean that the redevelopment area and a redevelopment scheme will establish the planning framework for all outstanding urban development areas of Forrestfield North, providing the Residential Precinct LSP is ultimately approved by the WAPC.
36. In summary, some positive aspects in relation to this proposal:
  1. Includes what the City envisaged to be the TOD Precinct.
  2. The MRA have significant resources to progress the planning for this area.
  3. The MRA have the ability to coordinate State Government agencies.
37. In summary, some negative aspects in relation this proposal include:
  1. Alternative to the Minister's proposal.
  2. Excludes the Residential Precinct.
  3. Complicated the operation of future planning instruments such as the Development Contribution Plan as it would have to operate across two planning authorities.
  4. Provides a disconnect between the Residential and TOD Precincts.
  5. Timeframes associated with the MRA progressing the planning for this area are unknown.
38. It is noted the outcome of the landowner/resident information session on 17 June 2019 identified this as the preferred option among participants.



42. Given the above, this option would result in challenges and would not result in a coordinated planning framework for land surrounding the Forrestfield Train Station.
43. In summary, some positive aspects in relation to this proposal include:
1. Includes State owned land in what the City envisaged to be the TOD Precinct.
  2. The MRA have significant resources to progress the planning for this area.
  3. The MRA have the ability to coordinate State Government agencies.
44. In summary, some negative aspects in relation this proposal include:
- a) Alternative to the Minister’s proposal.
  - b) Excludes the Residential Precinct.
  - c) Complicated the operation of future planning instruments such as the Development Contribution Plan as it would have to operate over two planning authorities.
  - d) Provides for a disconnect between the Residential and TOD Precincts.
  - e) Timeframes associated with the MRA progressing the planning for this area are unknown.
45. It is noted the outcome of the landowner/resident information session on 17 June 2019 identified this as the least preferred option among participants.
46. **Option 4 – Entire Forrestfield North Precinct (Residential and TOD Precincts)**



47. This option would comprise a much larger area (approximately three times larger) than that proposed by the Minister, comprising both the Residential and TOD Precincts.
48. While it is acknowledged the area covers a much larger area than is currently proposed by the Minister, larger redevelopment areas are not unprecedented; for example, the Armadale redevelopment area extends over a larger area than the Forrestfield North Residential and TOD Precincts combined and incorporates a variety of commercial and residential land use outcomes on government and private owned land.
49. This option would appropriately recognise the potential to provide land suitable for both commercial and residential purposes in a highly connected and strategic location close to public transport, delivering on the vision identified in the Forrestfield North DSP.
50. Importantly, this option would facilitate coordination between the Residential and TOD Precincts, simplifying the operation of planning instruments, namely a DCS or other cost contribution mechanism under the redevelopment scheme to be created to facilitate the delivery of shared infrastructure.
51. In the context of the ongoing WAPC deliberations on the Residential Precinct LSP, the inclusion of the Residential Precinct in the redevelopment area would mean that the MRA would need to take control and coordinate state government agencies to finalise the LSP and resolve the mechanism to protect and manage environmental conservation areas. The MRA would be well positioned and resourced to see out this process.
52. In summary, some positive aspects in relation to this proposal include:
- Allows for coordination between the Residential and TOD Precinct.
  - Will allow for the coordination of planning instruments (i.e. DCP).
  - The MRA have significant resources to progress the planning for this area.
  - The MRA have the ability to coordinate State Government agencies and be a single State Government contact point to resolve major issues constraining development.
53. In summary, some positive aspects in relation to this proposal include:
- a) Potential for a loss in accessibility for the community to engage directly with the MRA.
  - b) Alternative to the Minister's proposal.
  - c) There is currently no indication of priorities regarding Bayswater, Midland, Forrestfield).
  - d) Timeframes associated with the MRA progressing the planning for this area are unknown.
54. While this option is considered appropriate from a procedural and technical perspective, it is also noted that the outcome of the landowner/resident information session marginally identified this as the second preferred option among participants.

## **STATUTORY AND LEGAL CONSIDERATIONS**

### **55. Matters for the Minister to consider before declaring a redevelopment area**

Section 29 of the *Metropolitan Redevelopment Authority Act 2011* enables the Minister to make recommendations to declare a redevelopment area.

However, before making this recommendation, the Minister must:

- a) Have regard to whether including the land in a redevelopment area will facilitate –
  - i) The regeneration of the area; or
  - ii) The provision of land suitable for commercial or residential purposes close to public transport; or
  - iii) The establishment of new industries.
- b) Have regard to –
  - i) The likely effect of including the land in a redevelopment area on the efficiency, effectiveness and integrity of the land use planning system provided for under the Planning and Development Act 2005;
  - ii) Whether including the land in a redevelopment area is consistent with orderly and proper planning across the State.
- c) Advise the WAPC and each relevant local government of the proposed content of the regulations; and
- d) Allow the WAPC and the City 30 days to make written recommendations on the proposed content of the regulations.

### **56. Functions of the Metropolitan Redevelopment Authority**

Part 2 of the *Metropolitan Redevelopment Authority Act 2011* identifies the following functions of the MRA in redevelopment areas:

- a) To plan, undertake, and promote and coordinate the development of land in redevelopment areas in the metropolitan region; and
- b) For that purpose –
  - i) To prepare and keep under review strategic and policy documents in relation to the development of land in redevelopment areas; and
  - ii) Under Part 5, to prepare and keep under review a redevelopment scheme for each redevelopment area; and
  - iii) Under Part 6, to control development in each redevelopment area.

57. The MRA's functions can include acting alone or in conjunction with any person or public authority or any department, agency or instrumentality of the commonwealth. The general powers of the MRA are to:

- a) Acquire, develop, dispose of, and otherwise deal with property;
- b) Participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement;
- c) Sell advertising opportunities and enter into arrangements for sponsorship;
- d) Develop and turn to account any technology, software, resource or intellectual property and, for that purpose, apply for, hold, receive, exploit and dispose of any intellectual property; and

- e) Use its expertise and resources to provide consultancy, advisory or other services for profit.

58. **Requirement for a redevelopment scheme and the effect on a Local Planning Scheme No. 3**

The MRA will need to prepare a redevelopment scheme, or potentially more than one redevelopment scheme for the land declared as a redevelopment area, in consultation with the City and the WAPC. The redevelopment scheme can apply to all or part of the redevelopment area and should include provisions that the MRA considers will promote the orderly and proper planning, development and management of a redevelopment area.

59. Once a redevelopment scheme comes into operation, the existing Local Planning Scheme No. 3 (LPS 3) ceases to apply for the area covered by the redevelopment scheme. The Minister may also amend the LPS 3 to ensure that it is consistent with an approved redevelopment scheme.

**POLICY CONSIDERATIONS**

60. As noted above, the MRA would be responsible for the preparation and ongoing review of strategic and policy documents for the land included in redevelopment area.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

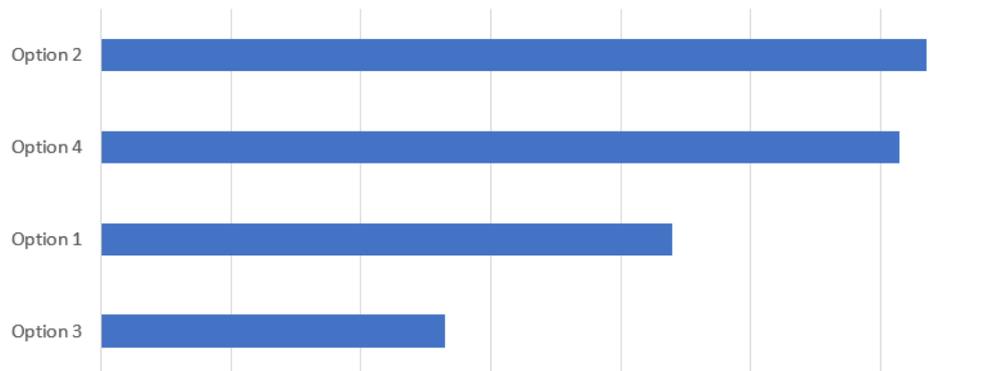
61. When the redevelopment area is ultimately declared, the City's relevant internal service areas will be involved in providing technical expertise, advice and information to the MRA to ensure that this is captured through any future redevelopment scheme, strategy, policy, and ultimately subdivision and development proposals.

**External Referrals**

62. The City has sought clarification from senior officers at the MRA regarding the anticipated process to establish a redevelopment area and scheme. The advice was utilised to assist with preparing this report.
63. It is also noted that a Land Redevelopment Committee (LRC), comprising five members, should be established by the Minister within 28 days of a redevelopment area being gazetted. It is considered appropriate that the City is represented on any future LRC.
64. **Community Consultation**  
It is important to note that the City was given a very short period of time from the Minister to provide the community with information and seek feedback on the proposed redevelopment area and options being considered.

65. The City held a landowner and resident information session at Scott Reserve, Maida Vale on 17 June 2019. At this information session, live feedback/voting was sought from attendees regarding the four redevelopment area boundary options presented in this report.
66. The full presentation from the information session, including the comments and voting outcomes are provided in Attachment 4. The following is noted in regard to the outcomes included in Attachment 4 and this report:
- a) Voting devices (smart phones and tablets) can only vote once in the program based on the digital identification of the device. If a landowner had multiple devices (i.e. two or more devices between one couple/landowner), multiple votes theoretically could have been provided.
  - b) 10 emails were received following the information session that in some cases contained votes on behalf of more than one person (co-signed). These votes have been included as separate votes (ie. one email with two signatures equals two votes). The City has not verified with each individual that co-signed the emails.
  - c) Since exporting the voting data, the ranking table has changed slightly from that shown in Attachment 4 to reflect votes received via email. This has resulted in Option 2 being the preferred option marginally over Option 4, followed by Option 1 and Option 3 respectively (refer to final graph below).

Final Outcomes of Voting - Order of Preferred Options



67. An invitation to the information session was sent to all properties (approx. 117) within the Residential and TOD Precincts. In summary, there were approximately 85 attendees at the information session (these included partners or family members). There were 52 responses provided in regards to voting for a preferred option. The following table summarises the outcomes of this process:

	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>	<b>4<sup>th</sup> Choice</b>
<b>Option 1</b>	6	17	6	1
<b>Option 2</b>	25	5	6	0
<b>Option 3</b>	0	3	17	10
<b>Option 4</b>	21	7	0	18

68. Based on the number of attendees, it is estimated that approx. 30 – 40% of the land parcels within the Residential and TOD Precinct participated in the consultation process. Therefore, the information provided does not represent the view of every landowner in the Residential and TOD Precinct.

## **FINANCIAL CONSIDERATIONS**

69. The financial implications on the City of establishing a redevelopment area are not yet fully known. These details will be explored further as the proposal progresses.
70. Rates revenue will still be collected and retained by the City and general services such as waste collection will still be undertaken by the City.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

71. *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 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

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

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

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

## **SUSTAINABILITY**

### **Social Implications**

72. The redevelopment area will facilitate the development of a greater diversity of lot sizes and housing typologies which in turn will provide greater housing choice, affordability and a potentially broad and diverse demographic for the City.

### **Economic Implications**

73. The MRA have an important role in land development in redevelopment areas, particularly on State owned land. The Forrestfield North area presents significant development opportunities within the City. Increased levels of development as a consequence of the LSP will result in more jobs for within the building and construction industry.

**Environmental Implications**

74. An important consideration will be to ensure that any future redevelopment area facilitates the retention and management of regionally significant vegetation. Notwithstanding what the Minister finally determines to be the boundary of the redevelopment area, a coordinated approach is critical from relevant State Government agencies to have a plan to ultimately bring conservation areas into public ownership and management. At this early stage, it is reasonable to consider that the MRA are in a more influential and proper position than the City to coordinate environmental issues throughout the entire TOD and Residential Precinct.

**RISK MANAGEMENT CONSIDERATIONS**

75.

<b>Risk:</b> The Minister does not support the.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Major	Possible	High
<b>Action/Strategy</b>		
To impress upon the Minister the consequences of this and the real potential for the land around the Metronet station to be planned and developed in an adhoc manner if all impacted land is not appropriately considered.		

76.

<b>Risk:</b> On the basis of the area as proposed by the Minister, the City will be left with residual areas (Bush Forever and Activity Centre) to plan for and implement.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Major	Possible	High
<b>Action/Strategy</b>		
To impress upon the Minister the severe consequences of this and the real potential for the land around the Metronet station to be planned and developed in an adhoc manner if all impacted land not considered.		

77.

<b>Risk:</b> Planning will be slowed down while the redevelopment area is being formed.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Major	Likely	Extreme
<b>Action/Strategy</b>		
Advise the Minister that the City is prepared to continue the planning process for the TOD and Residential Precincts until the MRA takes over planning control of the final redevelopment area.		

**OFFICER COMMENT**

78. Having regard to the above and feedback received from the community engagement, Option 2 is marginally the preferred option. While Option 4 received significant support and would appear to be an appropriate boundary of the redevelopment area to ensure an efficient and effective land use planning framework is established over the broader precinct, it is substantially different to the proposal of the Minister.

79. It is recommended Council support the CEO responding to the Minister requesting the redevelopment area comprise the land identified in Option 2 of this report.

## **RECOMMENDATION**

That Council:

1. NOTE the outcomes of the landowner/resident information session on 17 June 2019 and subsequent feedback received.
2. RESPOND to the Minister for Transport; Planning advising of the process of consultation with landowners and respectfully request the redevelopment area comprise the land identified in Option 2 of this report.

Moved:

Seconded:

Vote: **LAPSED**

Cr O'Connor foreshadowed an alternative recommendation. At the request of the meeting Cr O'Connor provided the rationale for the alternative recommendation. The alternative received a seconder before being put to a vote.

***Pursuant to r11(da) of the Local Government (Administration) Regulations 1996, the reason for the Council decision is it agreed with the rationale as provided by the Councillor proposing the alternate motion and as detailed below.***

Rationale:

1. The decision of the Minister to incorporate part or all of this area into the Midland Redevelopment Area (MRA) presents some opportunities but also some risks for residents and landowners.
2. For the Council to endorse the inclusion of part or all of High Wycombe South (Forrestfield North) into the MRA, we would need to understand the intention of the Minister and the State Government and the extent they wish to adhere to and deliver on the stated goals and objectives as set out in the Metropolitan Redevelopment Authority Regulations 2011 under part 14. The objectives of each redevelopment area are as follows –
  - a) To build a sense of place by supporting high-quality urban design, heritage protection, public art and cultural activities that respond to Perth's environment, climate and lifestyle;
  - b) To promote economic wellbeing by supporting, where appropriate, development that facilitates investment and provides opportunity for local businesses and emerging industries to satisfy market demand;
  - c) To promote urban efficiency through infrastructure and buildings, the mix of land use and facilitating a critical mass of population and employment;

- d) To enhance connectivity and reduce the need to travel by supporting development aimed at well-designed places that support walking, cycling and public transit;
  - e) To promote social inclusion by encouraging, where appropriate, a diverse range of housing and by supporting community infrastructure and activities and opportunities for visitors and residents to socialise;
  - f) To enhance environmental integrity by encouraging ecologically sustainable design, resource efficiency, recycling, renewable energy and protection of the local ecology.
3. Without knowing the specific objectives that the Minister is targeting in her decision, it is difficult for this council to make a recommendation and support a specific boundary.
  4. The City of Kalamunda (City) is not a landowner in High Wycombe South and has maintained both a statutory planning and local government role coordinating inputs and facilitating the process leading to this point in time.
  5. It is my view that the fact that the City doesn't own land in this area should prevent the council from taking a position that preferences one option or boundary over another. The implications of doing so could advantage some residents and disadvantage others. This is not the role of council.
  6. Although there was a short time frame, the City consulted with the affected community and the results were analysed.
  7. It is considered that approximately 30% - 40% of residents attended and took part in the consultation.
  8. Based on a preferential voting system, Options 2 and 4 were fairly equally supported, however, option 1 wasn't too far behind and option 3 was least supported.
  9. It is felt that the Minister should review the results of the consultation and consider all of the objectives of the Regulations 2011 when making her decision on the boundary.
  10. It is considered that given the consistent view expressed by residents over a lack of certainty and clear direction towards development, environmental land acquisition or even a Development Contribution Plan (DCP), the request for the Minister to attend a public meeting is appropriate and will assist residents as they seek to understand the Minister's short and medium term vision for the High Wycombe South development area.
  11. The residents have expressed in no uncertain terms that they are seeking certainty in, timely decision-making, the DCP that will detail costs and assist residents to make market based decisions about their land and the commencement of development.
  12. I ask council to support this alternate motion as we as a council, continue to advocate and represent the broad views of the community of affected landowners in the High Wycombe South area.

RESOLVED OCM 159/2019

That Council:

1. NOTES the outcomes of the landowner and resident feedback information session on 17 June 2019 and subsequent feedback received.
2. RESPOND to the Minister for Transport; Planning advising of the process of consultation with landowners and residents.
3. INFORM the Minister for Transport; Planning that, of the options detailed in the officer's report, the landowners and residents supported the following outcome:

	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>	<b>4<sup>th</sup> Choice</b>
<b>Option 1</b>	6	17	6	1
<b>Option 2</b>	25	5	6	0
<b>Option 3</b>	0	3	17	10
<b>Option 4</b>	21	7	0	18

4. REQUEST the Mayor to write to the Minister for Transport; Planning inviting her to attend a public meeting in July 2019 to allow residents to ask questions on her vision for the future planning of the High Wycombe South (Forrestfield North) development area.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY (11/0)**

### **10.5.10. CONFIDENTIAL - Review of Parks and Environmental Services**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) – "matter affecting an employee or employees."*

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

Previous Items	OCM 224/2018
Directorate	Asset Services
Business Unit	Asset Services
File Reference	EG-CMP-020
Applicant	N/A
Owner	N/A
Attachments	Nil

RESOLVED OCM 163/2019

That Council

1. RECEIVE the Chief Executive Officer report into the 2019 review of the Parks and Environmental Services Team and the management initiatives proposed.
2. ENDORSE the proposed service standards for verge management for the purposes of community consultation.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

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

11.1 Nil.

**12. Questions by Members Without Notice**

12.1 Nadine/Ashby Timeframe - Cr Dylan O'Connor

Q. Can a timeframe be provided as to when the road will be sealed?

A. Taken on Notice.

**13. Questions by Members of Which Due Notice has been Given**

13.1 Nil.

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

14.1 Nil.

**15. Meeting Closed to the Public**

15.1 RESOLVED OCM 160/2019

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting closed to the public at 7.27pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 164/2019

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting reopened to the public at 7.41pm. The press returned to the Meeting. The Chief Executive Officer read the resolutions to the Meeting.

**16. Tabled Documents**

16.1 Kalamunda Aged Care Advisory Committee – Minutes – 22 May 2019

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 7.44pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019.