

# Ordinary Council Meeting

Minutes for Tuesday 30 April 2019

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

The Presiding Member opened the meeting at 6.32pm and welcomed Councillors, Staff and members of the public.

The Presiding Member advised the meeting he would be declaring an interest affecting impartiality in relation to items on the agenda and would be absent when these items were considered by Council. This would require a change in the Order of Business.

**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

Brooke O'Donnell

**North West Ward**

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

Simon Di Rosso - General Counsel

**Management Team**

Andrew Fowler - Tutt - Manager Approval Services

Nicole O'Neill - Manager Customer & Public Relations

Virginia Miltrup - Manager People Services

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant

**Members of the Public 14**

**Members of the Press Nil.**

**Apologies**

Cr David Almond

Cr Allan Morton

### **Leave of Absence Previously Approved**

Cr Sara Lohmeyer

*Disclosures of Interest were presented to the meeting at this point. The Mayor declared interest affecting impartiality and left the meeting at 6.35pm. The Deputy Mayor presided over the meeting during the Mayor's absence. The Mayor returned to the meeting at 6:46pm.*

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

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

3.1 Charles Dornan 28 Easter Brook Place Wattle Grove representing EcoVision Wattle Grove

Q. Can the Foothills Structure Plan 1992 be added to the list of proposed references at Point 2.1 in the Concept Brief for Item 10.1.5 Wattle Grove South Concept Planning and Consultation – Scope of Works – Support to Request Quotations?

A. The Director Development Services confirmed the Foothills Structure Plan 1992 can be considered as a back-ground document in the Scope of Works for the concept planning and consultation for Wattle Grove South.

3.2 Peter Sewell 23 John Street Gooseberry Hill

Q.1 Does this Council have comment on elected members losing its power to staff under the Local Government Act?

Q.2 Could this Council be proactive in providing open and accountable government to the ratepayers they represent?

A.1 & A.2 The Presiding Members suggested Mr Sewell email his thoughts and concerns on the matters he raised to allow Councillors to provide considered responses to the various points as it is not possible to make comment at this time.

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

4.1 Rejection of Location of Telstra Tower

A petition of 46 signatures was received and tabled requesting Council:

*'Rejects the proposed location for the Telstra Tower (REF DA18/0454) that has been submitted to go up on property Lot 61(195) Forrest Road Pickering Brook 6076. We believe a more suitable location can be found ie:*

- 1. The Pickering Brook Sports club*
- 2. Perth Observatory*

3. *Potential co-location with existing NBN Tower (less towers in the area)*

*These sights [sic] will finically benefit the Community as monies earned from leasing will go back into the community. It will be less visually intrusive on the Community. Both locations are happy to have the tower at their premises. We believe these locations will service a wider area of Pickering Brook Communities (black spots).*

4.2 A deputation was received from Matt Davey regarding Item 10.4.11 Drainage Investigations - Carob Tree Place. Mr Davey spoke in support of the recommendation.

4.3 A deputation was received from Peter Forrest regarding Item 10.4.10 Kalamunda Town Centre Pedestrian Crossing Facilities. Mr Forrest spoke in support of the development of further pedestrian accesses within the City.

4.4 A deputation was received from Ally Clarke regarding Confidential Item 10.4.14 '*Request for reimbursement of Cell 9 contributions - Lot 900 William Street - Alice Clarke*'. Ms Clarke spoke in relation to the circumstances which had led to her request for the reimbursement from the City of Kalamunda.

4.5 A deputation was received from Georgia Holt regarding Item 11.1 '*Keep Wattle Grove Clear*'. Ms Holt spoke in support of the recommendation.

**5. Applications for Leave of Absence**

5.1 Nil.

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

*Cr John Giardina declared an Interest Affecting Impartiality on Item 6.1 Confirmation of Previous Minutes 26 March 2019. Cr Giardina has family in the subject area of Wattle Grove South and has previously declared an interest in this matter and left the meeting at 7.21pm, returning at 7.28pm.*

6.1 RESOLVED OCM 76/2019

That the Minutes of the Ordinary Council Meeting held on 26 March 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings, subject to an amendment being made to correct an administrative error, such that the Council Resolution for Item 10.1.1. '*Proposed Local Development Plan - Lot 500 (32) Gavour Road, Wattle Grove*' include subclause 3(b)(iii) in the form as bolded below, which was included in the wording of the Alternative Motion tabled by Councillor Margaret Thomas at the Ordinary Council Meeting of 26 March 2019, and voted upon and passed by Council, becoming OCM 50/2019, but inadvertently omitted in the published and circulated minutes -

**Item 10.1.1. Proposed Local Development Plan - Lot 500 (32) Gavour Road, Wattle Grove**

3. *REQUESTS, pursuant to clause 52(1)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Local Development Plan (as updated 7 February 2019) (Attachment 3) be modified as follows and resubmitted to the City for approval:*
- a) *A 10 metres setback is to be applied to the Welshpool Road East frontage of the Local Development Plan and the proposed built form along that boundary.*
  - b) *The following notations placed on the Local Development Plan:*
    - i. *an independent Road Safety Audit of the entry point at Welshpool Road East is to be conducted and any resultant road design adjustments made to the median and slip lane based on the recommendations of the Road Safety Audit prior to the lodgement of the Stage 1 development application. Any proposed works in relation to this will need to be undertaken at the time of implementation of Stage 1 of the development and at the Applicant's cost.*
    - ii. *the requirements of the Department of Fire and Emergency Services shall be addressed at Stage 1 of the development application process.*
    - iii. ***The 'future possible public road' identified on the Local Development Plan is subject to further investigation as part of any future Structure Planning for the area and surrounding land as required by Table 7: Implementation actions of the North East Subregional Planning Framework (2018) of the Western Australian Planning Commission.***

All other points of the recommendation remain as minuted.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (8/0)**

6.2 RESOLVED OCM 77/2019

That the Minutes of the Public Agenda Briefing Forum held on 9 April 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (8/0)**

6.3 RESOLVED OCM 78/2019

That the Minutes of the Special Council Meeting held on 9 April 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (8/0)**

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

7.1 Nil.

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

8.1 Item 10.1.6 Heidelberg Park Community Enhancement Project  
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (h) - "such other matters as may be prescribed."*

8.3 Item 10.1.8 Forrestfield North Local Structure Plan – Consideration by the Western Australian Planning Commission

8.4 Item 10.4.10 Chief Executive Officer's KPIs for 2018/2019 – Interim Report  
*Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

8.5 Item 10.4.7 Consideration of Tenders for Forrestfield / High Wycombe Industrial Area Stage 1 Development Contribution Plan:  
Dundas/Milner/Berkshire, Ashby/Berkshire & Nardine/Milner Intersection Upgrades RFT 1902 – **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."*



## **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 Rhonda Hardy declared a Direct Financial Interest on Item 10.4.12 '*Chief Executive Officer's Performance Review Committed*', as the matter relates to her employment contract.

9.1.2 Rhonda Hardy declared a Direct Financial Interest on Item 10.4.13 '*Chief Executive Officer's KPIs for 2018/19 - Interim Report*' as the matter relates to her employment contract.

### **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 Cr John Giardina declared an Interest Affecting Impartiality on Item 6.1 '*Confirmation of Previous Minutes 26 March 2019*'. Cr Giardina has family in the subject area of Wattle Grove South and has previously declared an interest in this matter.

9.2.2 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.5 '*Wattle Grove South Concept Planning and Consultation - Scope of Works- Support to Request Quotations*'. Cr Giardina has family in the subject area of Wattle Grove South and has previously declared an interest in this matter.

*The Order of Business changed by approval of the Presiding Member. The meeting dealt with Item 10.1.5 Wattle Grove South Concept Planning and Consultation - Scope of Works- Support to Request Quotations first in the absence of the Mayor.*

*Cr Giardina declared an Interest Affecting Impartiality on Item 10.1.5 'Wattle Grove South Concept Planning and Consultation - Scope of Works- Support to Request Quotations'. Cr Giardina has family in the subject area of Wattle Grove South and has previously declared an interest in this matter and left the meeting at 7.21pm and return at 7.28pm. Cr Giardina resumed the Chair upon his return to the meeting.*

## 10. Reports to Council

### 10.1. Development Services Reports

#### 10.1.1. **Forrestfield / High Wycombe Industrial Area Stage 1 - Design Guidelines - Draft for the Purposes of Public Advertising**

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

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

Attachments	1.	Forrestfield / High Wycombe Stage 1 Industrial Area: Draft Design Guidelines 2019 <b>[10.1.1.1]</b>
	2.	F F- HW Stage 1 Industrial Area Structure Plan Map <b>[10.1.1.2]</b>
	3.	Forrestfield / High Wycombe Stage 1 Industrial Area: Design Guidelines 2012 <b>[10.1.1.3]</b>

### EXECUTIVE SUMMARY

1. The Forrestfield / High Wycombe Industrial Area Stage 1: Design Guidelines (Design Guidelines) provide guidance to the City of Kalamunda for the assessment of development within the Forrestfield / High Wycombe Industrial Area.
2. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary planning policy which aligns with the City's current planning framework.
3. It is recommended Council adopts the Design Guidelines for the purpose of public advertising for a period of not less than 28 days.

### BACKGROUND

#### 4. **Land Details:**

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

5. **Locality Plan:**



6. The Forrestfield / High Wycombe Industrial Area is partially located in Forrestfield and High Wycombe and is bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West.
7. The Design Guidelines were originally endorsed at the Special Council Meeting held on 27 August 2012 subject to modifications. Those modifications were incorporated into the final Design Guidelines (Attachment 3).
8. The Design Guidelines were prepared to provide guidance for the assessment of development within the Forrestfield / High Wycombe Industrial Area. The Structure Plan for the Forrestfield / High Wycombe Industrial Area (Stage 1) was approved by the Western Australian Planning Commission (WAPC) in 2013.
9. The Design Guidelines area originally incorporated land to the north, known as Stages 2 and 3. This area is now commonly referred to as Forrestfield North (Residential Precinct and Transit Oriented Development Precinct). Since the announcement by the State Government in 2014 to deliver a train station in the area, the direction for 'Stages 2 and 3' changed to a residential outcome. Due to this change, the review of the Design Guidelines removes this area.
10. On 25 September 2017 Council adopted modifications to the Forrestfield / High Wycombe Industrial Area Structure Plan (Attachment 2).

11. On 4 April 2018, the WAPC requested the City modify the Structure Plan. The City is currently in the process of finalising the modifications.
12. The Structure Plan Modifications are summarised below:
- a) reducing the minimum lot sizes for Lots 3-6 Ashby Close, Lots 50-52 Sultana Road West and Lot 547 Berkshire Road from 1 hectare to 3000m<sup>2</sup>;
  - b) revised road and movement network plans; and
  - c) introducing additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, this was originally requested to be removed by the WAPC, however was later accepted.

## **DETAILS**

13. The Design Guidelines contains principles, guidelines and some mandatory requirements relating to:
- a) land use;
  - b) site development;
  - c) built form (including signage);
  - d) environmental management;
  - e) landscaping; and
  - f) site amenity.
14. The objectives of the Design Guidelines are to:
- a) facilitate a pleasant working environment, attractive streetscapes, and contribute to the protection of value in business investment within the area;
  - b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
  - c) encourage industries that are environmentally compatible with surrounding zones and activities;
  - d) encourage the development of high quality, attractive and sustainable landscaped areas and streetscapes;
  - e) encourage greater sustainability through energy and water-efficient building design and site development.
  - f) encourage water conservation through sustainable stormwater management, water-wise landscaping and water efficient reticulation in accordance with the Water Sensitive Urban Design principles.
  - g) minimise the impact of new industrial development on the environment and amenity of neighbouring residential properties;
  - h) minimise the impact of new industrial development on identified sensitive areas such as native bushland and waterways;
  - i) minimise unsightly and poorly planned and maintained developments;
  - j) encourage the value of existing and future business investment by insisting upon quality development throughout the Policy Area; and
  - k) encourage improved residential/light industrial interface for Lot 50 Sultana Road West.
15. The Design Guidelines are required to be modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.

16. The required modifications also provide an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development, and to provide a contemporary planning policy that aligns with the City's current planning framework.
17. The modifications incorporated, that introduce additional development standards to support composite residential/land uses on Lot 50 Sultana Road West, are as follows -
  - a) Vehicle access for Lot 50 Sultana Road West shall be permitted via Sultana Road West for residential purposes only, all other land uses shall be from the Nardine Close extension (Road 2A) unless otherwise approved by Council.
  - b) Any fencing forward of the street setback line at Lot 50 Sultana Road West shall be a maximum height of 1.8m above natural ground level and materials shall be consistent with P-DEV 57 Street Fencing and Walls Residential Zoned Land Policy requirements and Table 2 to the satisfaction of the City of Kalamunda.
  - c) Any buildings within 30m of the front boundary for Lot 50 Sultana Road West shall be commensurate with a residential scale. The maximum wall height in this area shall be 6m and the façade shall incorporate glazing and clearly definable entry points to the satisfaction of the City of Kalamunda.
18. Additional modifications of the Design Guidelines as a result of a review of the document are as follows -
  - a) Administrative typographical edits, such as changing Shire to City.
  - b) Aligning Vision/Statement of Intent with approved Structure Plan.
  - c) Design Guidelines area amended to only include Stage 1 (bounded by Roe Highway, Berkshire Road, Milner Road and Sultana Road West). Mapping amended to reflect boundary change.
  - d) Zoning map amended to only include Stage 1 and provide up to date zoning.
  - e) Updated terminology to be consistent throughout the document.
  - f) Removed unnecessary information where the Local Planning Scheme is duplicated.
  - g) Requirements for trees in car parking areas amended from one shade tree every six bays to one shade tree every four bays to align with the City's Landscaping Information Sheet.
  - h) The number of access points to a site shall be limited to one access point per 40m lot frontage.

## **STATUTORY AND LEGAL CONSIDERATIONS**

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

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

22. Should Council adopt the Design Guidelines for the purpose of public advertising, the City will ensure the Design Guidelines are sent to landowners within the Forrestfield / High Wycombe Industrial Area for comment.
23. It is recommended the Design Guidelines are advertised for a period of not less than 28 days.

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

25. *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**

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

### **Economic Implications**

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

## Environmental Implications

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

## RISK MANAGEMENT CONSIDERATIONS

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

## OFFICER COMMENT

32. The Design Guidelines have been reviewed to incorporate the relevant changes to the adopted Forrestfield / High Wycombe Industrial Area Structure Plan as modified and to provide a contemporary planning policy which aligns with the City's current planning framework.
33. The Design Guidelines have been modified to incorporate the additional development standards to support the composite uses on Lot 50 Sultana Road West.
34. The required modifications also provided an opportunity to review the Design Guidelines in their entirety to improve the effectiveness during the assessment of development and to provide a contemporary planning policy that aligns with the City's current planning framework.
35. It is recommended Council adopts the Forrestfield / High Wycombe Industrial Area Design Guidelines for the purpose of public advertising for not less than 28 days.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 80/2019

That Council ADOPT the Forrestfield / High Wycombe Industrial Area Design Guidelines for the purposes of public advertising for not less than 28 days.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**



### **10.1.2. Local Planning Policy P-DEV 63 - Consulting Rooms in Residential Areas: Adoption 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	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. P DEV 63 Consulting Rooms in Residential Areas Draft for Advertising <b>[10.1.2.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the adoption of draft Local Planning Policy P-DEV 63 – Consulting Rooms in Residential Areas (Policy) for the purposes of public advertising.
2. The Policy has been prepared to ensure Consulting Rooms in areas zoned Residential and designated Residential under a Structure Plan maintain the amenity and character of the area while providing an opportunity for the development of small businesses which service local communities within the City of Kalamunda (City).
3. It is recommended Council adopt the Policy for the purposes of public advertising.

#### **BACKGROUND**

4. 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.
5. This Policy has been prepared in response to Amendment 81 of the City's Local Planning Scheme No.3 (Scheme). Amendment 81 involved the modification of Table 1 (Zoning Table) and the change of the land use 'Consulting Rooms' from an 'X' to an 'A' use in Residential zoned land.
6. Under clause 4.3.2 of the Scheme, an 'X' use means a use that is not permitted and an 'A' use, means the use is not permitted unless the local government has exercised its discretion by granting planning approval after first having the proposal advertised to the public.

## DETAILS

7. The primary objectives of the Policy are to:
  - a) ensure consulting rooms maintain the amenity and character of the areas in which they are proposed;
  - b) streamline the assessment process for minor consulting room proposals; and
  - c) guide the decision-making process for determining such applications.
8. The Policy states the following matters should be given regard when considering consulting rooms in residential areas:
  - a) traffic impact;
  - b) noise attenuation;
  - c) visual privacy;
  - d) overshadowing; and
  - e) streetscape and urban design

## 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 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. 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.

(Schedule 2 Clause 4(5) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)
12. Under the Regulations and the Scheme, the land use of Consulting Rooms is defined as follows:

**"Consulting rooms** means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care."

## **POLICY CONSIDERATIONS**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

14. 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**

15. 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.

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

17. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

## **SUSTAINABILITY**

### **Social Implications**

18. If the Policy is adopted, the City and Council will be provided with guidance in the assessment and determination of consulting room proposals in residential areas to ensure the amenity and character of the areas are maintained.
19. The community may have greater access to local services within Residential areas.

### **Economic Implications**

20. The Policy facilitates good planning outcomes, and the opportunity for small businesses to be established within the local communities they service.

## Environmental Implications

21. Nil.

## RISK MANAGEMENT CONSIDERATIONS

22.

<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.		

23.

<b>Risk:</b> The Policy is not adopted resulting in a lack of guidance to assist Council in determining the merit of proposed consulting room 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.		

24.

<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.		

## OFFICER COMMENT

25. The proposed Policy will ensure the amenity of residential areas is maintained and not adversely impacted by Consulting Rooms.
26. 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 81/2019

That Council ADOPTS draft Local Planning Policy P-DEV 63 – Consulting Rooms in Residential Areas, for the purposes of advertising for a period of 21 days, pursuant to Clause 4 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.1.3. Proposed Outbuilding - Lot 34 (194) Gooseberry Hill Road, Maida Vale

*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	GS-01/194
Applicant	Andras (Andrew) Szombathy
Owner	Andras (Andrew) Szombathy
Attachments	<ol style="list-style-type: none"> <li>1. Annotated Site Plan <b>[10.1.3.1]</b></li> <li>2. Annotated Elevation Plan <b>[10.1.3.2]</b></li> <li>3. submission table <b>[10.1.3.3]</b></li> </ol>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application for an Outbuilding (Shed) at Lot 34 (194) Gooseberry Hill Road, Maida Vale (Site).
2. The Applicant is seeking variations to the required side setback distance as stated within State Planning Policy 3.1 - Residential Design Codes (R Codes), as well as a pitched roof height and floor area variations to the City's Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers (Policy).
3. A total of four submissions were received to the proposal, comprising one non-objection and three objections. The concerns raised in the objections were principally in relation to the bulk and scale of the proposal and its impact on the visual amenity, and the potential use of the outbuilding for commercial purposes.
4. While the comments received are valid planning considerations, the application was assessed based on its merits having regard to the design principles of the R Codes and the Policy. With the exception of the aggregate floor area, it is considered the proposal is unlikely to have an impact the on the amenity of adjoining landowners and occupiers.
5. It is recommended Council approve the application, subject to appropriate conditions.

#### BACKGROUND

##### 6. Land Details:

Land Area:	1161.000 m <sup>2</sup>
Local Planning Scheme Zone:	Residential R10
Metropolitan Regional Scheme Zone:	Urban

7. **Locality Plan:**



8. The Site currently contains a single residence and its associated structures (existing outbuilding and fencing).

**DETAILS**

9. The Applicant is seeking approval for an Outbuilding comprising the following:
- a) floor area of 115.38sqm;
  - b) proposed wall height of 3m;
  - c) proposed height to pitch of 4.435m;
  - d) side boundary setback of 1.2m; and
  - e) rear boundary setback of 1.2m.

Plans of the development are included as Attachment 1 and 2

10. In support of the proposal, the Applicant has stated that the outbuilding will not be used for commercial or industrial purposes. The outbuilding will however be used to restore old vehicles, tinker with machinery and for personal storage associated with a residential land use. The applicant intends to level the land in order to dispose of stormwater run-off on site.

## STATUTORY AND LEGAL CONSIDERATIONS

### Local Planning Scheme No.3

11. Clause 4.2.1 (Objectives of the Zones – Residential) of Local Planning Scheme No. 3 (Scheme) stipulates that the objectives of the Residential zone are as follows:
- a) *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the shire;*
  - b) *To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment;*
  - c) *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities; and*
  - d) *To encourage the retention of remnant vegetation.*

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

12. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires the Council to have due regard to a number of matters, including:
- a) *the compatibility of the development within its settings;*
  - b) *amenity in the locality; and*
  - c) *any relevant submissions received on the application.*
13. In the event Council does not support the proposed development, there is a right of review (appeal) to the State Administrative Tribunal under part 14 of the *Planning and Development Act (2005)*.

## POLICY CONSIDERATIONS

### State Planning Policy 3.1 – Residential Design Codes

14. The following table outlines the variations that are being sought to the Residential Design Codes:

Aspect of Proposal	Deemed-To-Comply Provision	Proposed by Applicant	Variation to R-Codes
Side Setback	1.5m	1.2m	0.3m (20%)

15. As indicated in the above table, where any aspect of a proposal does not satisfy the Deemed to Comply provisions of the R-Codes, an assessment of the proposal is made against the Design Principles.



The Design Principles are described below:

*5.1.3 Lot Boundary Setback*

*P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:*

- a) reduce impacts of building bulk on adjoining properties;*
- b) provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- c) minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

16. In addition to the above design principle, the following clause of the R-Codes applies specifically to Outbuildings:

*5.4.3 Outbuildings*

*P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

**Local Planning Policy P-DEV 20 – Outbuildings and Sea Containers**

17. Section 1.3 (Objectives) of the Policy stipulates that the objectives of the Policy are as follows:

- a) ensure the amenity of the locality and streetscape is preserved through orderly planning of any development of outbuildings, detached garages including sheds, rainwater tanks and sea containers within the City of Kalamunda;
- b) to ensure that outbuildings are of an appropriate scale and form in the context of the size of the lot, location of the outbuilding, environmental characteristics of the area, and existing buildings on the site;
- c) facilitate the intended use of the outbuilding while not creating an adverse impact to the surrounding landowners;
- d) to give due consideration for proposals incorporating outbuildings, detached garages and sea containers where there are legitimate constraints on the subject lot; and
- e) to establish clear guidelines for the placement, streetscape consideration and aesthetics of sea containers.

18. Under the Policy, an outbuilding has the same meaning as defined in the Residential Design Codes, as follows:

***"Outbuilding*** – *An enclosed non-habitable structure that is detached from any dwelling."*

19. Assessment against the Policy has determined the following variations. It should be noted that where the proposal does not meet the deemed to comply requirements of the Policy, an assessment must be made against the relevant design principles of the Policy.

<b>Aspect of Proposal</b>	<b>Deemed-To-Comply Provision</b>	<b>Proposed by Applicant</b>	<b>Variation to P-DEV 20</b>
Pitched Roof Height	4.2m	4.435m	0.235m (5.6%)
Floor Area of Outbuilding	90m <sup>2</sup>	115.38m <sup>2</sup>	25.38m <sup>2</sup> (28.2%)
Maximum Aggregated Floor Area of All Outbuildings	90m <sup>2</sup>	157.763m <sup>2</sup>	67.763m <sup>2</sup> (75.29%)

Assessment against the design principles of the Policy:

<b>Acceptable Design Outcome</b>	<b>Proposed by Applicant</b>	<b>Compliant with Policy (Y/N)</b>
Compliant with R-Code Setback requirements.	Rear: 1m Side: 1.5m	Yes No
Meet the construction requirements of AS3959-2009 Construction of Buildings (Where located in a Bushfire Prone Area).	Will require compliance in order to satisfy a building permit for an outbuilding in a bushfire prone area.	Yes
Will not reduce areas of open space below the deemed-to-comply requirements of the R-Codes.	71.9%	Yes
Outbuilding(s) located behind the main dwelling alignment and not directly visible from a street or public space.	Rear of property, hidden behind dwelling on site	Yes
Are not located within an area where there is historical evidence of flood waters reaching high levels	Not located in such an area	Yes
Does not result in the excessive or unnecessary removal of vegetation. Where tree removal is required, the applicant will be required to plant established trees in replacement at the discretion of the City's Environmental Services Department.	No vegetation near the proposed location of outbuilding	Yes
Will not unduly impact on the amenity of an adjoining property owner/occupier	Objections received from surrounding residents.	No
Where side and/or rear setback variations are sought the	Side setback variation proposed of 1.2m in lieu of	No

applicant shall demonstrate that there will not be a visual impact on adjoining properties, this may be mitigated via vegetative screening.	1.5m is considered minor and no objections from neighbours west of the proposed outbuilding were received.	
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## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

20. The City assessed the proposal and received comments from an Environmental Health perspective which noted that the leach drains were found to be an acceptable distance away from the proposal. No other comments to the proposal were received.

### External Referrals

21. The proposal was advertised to adjoining landowners in accordance with the City's P-DEV 45 – Public Notification of Planning Proposals. During the advertising period four responses were received, comprising three objections, two of which were from the one landowner, and one non-objection.
22. The key concerns raised by both objectors are as follows:
1. the height and dimensions of the outbuilding are of an inappropriate scale for a residential area;
  2. the excessive floor area and height will cause a significant visual impact to surrounding neighbours;
  3. it does not conform with different requirements of both the Residential Design Codes and the City's P-DEV 20 – Outbuildings and Sea Containers;
  4. the intended use of the outbuilding is questionable due to the applicant's business operations; and
  5. there are pre-existing noise concerns due to using an outbuilding for works and this will be exacerbated by allowing the shed to be approved.
23. The Applicant was contacted regarding the objections raised and requested to provide revised plans showing a design more in-line with the R Codes and the Policy provisions. It was requested that the wall height and pitched height be reduced to the maximum permissible heights of 3m and 4.2m. The floor area of the outbuilding was also requested to be reduced to a maximum of 90m<sup>2</sup>. In this instance, the Applicant only agreed to reduce the wall height to be compliant with the Policy.
24. A summary of the concerns raised by the objectors have been included in the submitters table (Attachment 3). Responses to the concerns raised have been included as part of the Officer Comment section of this report.

## FINANCIAL CONSIDERATIONS

25. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *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

27. The aggregate floor has the potential to impact on the amenity of surrounding landowners.

### Economic Implications

28. Nil.

### Environmental Implications

29. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 30.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The outbuilding may adversely impact the visual amenity experienced by neighboring properties.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Ensure the cumulative impact of the increased floor area is addressed through conditions of the planning approval with the removal and/or modification to the existing outbuilding on site. |                    |               |

## OFFICER COMMENT

31. Although the proposed outbuilding does not comply with the ridge height, setback and floor area requirements of the relevant policies, Council can still exercise its discretion by approving the outbuilding where the proposal has satisfied the design principles of the R Codes and the Policy.
32. Having regard to the design principles of the above-mentioned policies and the concerns raised by the objectors, Officers have considered concerns regarding potential business activities, as well as the setbacks, pitched roof height and floor area.

33. **Potential Business Activities**

The City is aware of previous complaints concerning an alleged commercial business being operated from the Site. However, investigation by the City could find no evidence to substantiate the alleged claims. It is noted the Applicant is proposing to use the outbuilding to “tinker” with machinery and vehicles for domestic use only.

34. Noting the advice of the proponent, the City cannot refuse a proposal without sufficient evidence of an intended use or a sufficient breach of design or deemed-to-comply requirements. It is important to note Council is obligated to determine the application based on the information submitted against the existing statutory planning framework; past, current or possible future compliance-related issues are not relevant in the determination of the application. In this instance, the benefit of the doubt would need to be given to the applicant. The proposal can be adequately conditioned to enforce an intended type of use at the approval stage.

35. **Side Setback, Pitched Roof Height and Floor Area**

A setback distance of 1.5m is proposed for the proposed outbuilding along the western side boundary in lieu of the proposed 1.2m, due to the length of the building being greater than 9m. The outbuilding is setback 6m to the eastern side boundary to adjoining residents fronting Acacia Road. The applicant is seeking a variation to this setback in order to mimic the compliant rear setback distance. The reduced setback may attribute to a greater impact of the building bulk towards the adjoining properties along Bugendore Street as opposed to adjoining residents on Acacia Road. However, the proposed variation of 300mm is considered minor and therefore unlikely to cause a detrimental impact on the adjoining land owners. It is noted that none of the adjoining landowners on Bugendore Street provided comment to the proposal which may suggest an indifference to the reduced setback.

36. Similar to the reduced side boundary setback, the proposed variation to the roof pitch height of 235mm is considered minor and unlikely to impact on the amenity of the adjoining residents.
37. With respect to the increased floor area and aggregate area, it is noted that the latter represents a significant increase of 67.763m<sup>2</sup> (75.29%) on the area of 90sqm permitted under the Policy. Whilst each application needs to be considered on its merits having regard to the particular characteristics of the site, notably its size (1160m<sup>2</sup>) and the location of the existing and proposed shed to the rear of the site, it is considered that the cumulative impact of the combined floor areas is likely to impact on the visual amenity of the surrounding area. It is therefore recommended the existing shed be removed to ensure the aggregate is reduced to an acceptable level or modified to not be classified as an outbuilding.

38. In conclusion, the proposed variations to the R Codes and Policy, with respect to the side setback, pitched roof height, floor area and aggregated floor area, are considered appropriate in the context of the site, the nature of the subject lot and impact on residents. On this basis it is recommended approval is to be granted subject to appropriate conditions.

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

That Council APPROVES the application from Andras (Andrew) Szombathy received on 3 January 2019 for a proposed Outbuilding (Shed) at Lot 34 (194) Gooseberry Hill Road, Maida Vale, subject to the following conditions:

- a) The development shall only be carried out in accordance with the stamped approved plan(s), drawing(s) and document(s) including any recommendations made, stamped and returned to the Applicant with this decision notice, including any amendments to those plans as shown in red;
- b) Stormwater must be disposed of on site to the satisfaction of the City of Kalamunda;
- c) The existing outbuilding located on the subject property shall be removed and/or modified such that the building is not classified as an outbuilding within 30 days of the completion of the proposed outbuilding, to the satisfaction of the City of Kalamunda;
- d) The Applicant must provide a schedule of colours and materials to the satisfaction of the City of Kalamunda prior to the issue of a building permit; and
- e) The Outbuilding shall not be used for commercial, industrial, or habitable purposes and can only be used for purposes directly related to the use of the land for residential purposes.

Moved:

Seconded:

Vote:

Cr Fernie foreshadowed an addition to the recommendation to include provisions for landscape screening along the eastern side boundary within 30 days of the date of the approval to the satisfaction of the City of Kalamunda and the setback of the Outbuilding to the western side and northern rear lot. This received a seconder and was presented as the substantive motion and put to the vote.

RESOLVED OCM 82/2019

That Council APPROVES the application from Andras (Andrew) Szombathy received on 3 January 2019 for a proposed Outbuilding (Shed) at Lot 34 (194) Gooseberry Hill Road, Maida Vale, subject to the following conditions:

- a) The development shall only be carried out in accordance with the stamped approved plan(s), drawing(s) and documents(s) including any recommendations made, stamped and returned to the Applicant with this decision notice, including any amendments to those plans shown in red;
- b) Stormwater shall be disposed of on site to the satisfaction of the City of Kalamunda;
- c) The applicant shall provide semi mature landscape screening (minimum 90 litre pot size) along the eastern side boundary from the centre dividing fence to the rear boundary fence within 30 days of the date of the approval to the satisfaction of the City of Kalamunda.
- d) The setback of the Outbuilding to the western side and northern rear lot boundaries shall be a minimum 1.5 metres.
- e) The existing outbuilding located on the subject property shall be removed and/or modified such that the building is not classified as an outbuilding within 30 days of the completion of the proposed outbuilding, to the satisfaction of the City of Kalamunda;
- f) The Applicant shall provide a schedule of colours and materials to the satisfaction of the City of Kalamunda prior to the issue of the building permit; and
- g) The Outbuilding shall not be used for commercial, industrial, or habitable purposes and can only be used for purposes directly related to the use of the land for residential purposes.

Moved: Cr Michael Fernie

Seconded: Cr Margaret Thomas

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **10.1.4. City of Kalamunda: Closed Circuit Television Strategy**

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Community Safety Services
File Reference	CO-CCS-075
Applicant	N/A
Owner	N/A

Attachments	1. City of Kalamunda Closed Circuit Television Strategy <b>[10.1.4.1]</b>
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to adopt the Closed-Circuit Television (CCTV) Strategy.
2. The City of Kalamunda (City) has installed CCTV to protect community safety and public assets at a number of sites within the City. The number, type and cost of the CCTV network has grown over time. Recognising the importance of CCTV and the cost to the community to both install and maintain the network, the City has commissioned the development of a CCTV Strategy (Strategy).
3. The Strategy provides direction to the City on how to determine the type, location and function of CCTV within its district. The Strategy does this through a risk-based priority of specific strategies focused across three areas being operations, expanding and funding. The CCTV Strategy also provides assessment criteria which allows the City to prioritise the locations for its CCTV installation and maintenance program.
4. It is recommended that Council adopt the Strategy.

#### **BACKGROUND**

5. The City installed CCTV systems as a tool to improve community confidence and to support the protection of City facilities and assets.
6. The City operates approximately 100 cameras for community safety in public spaces and on buildings.
7. Current daily use extends to local police using CCTV for review and investigation purposes, however with greater insight, City operations will benefit further in support of ranger services, tackling illegal dumping and emergency detection, monitoring and management.
8. Federal and State Government funding continues to be made available and installations continue to be rolled out on the back of government funding.



9. The City is consolidating its existing CCTV network by verifying camera requirements, identification of future needs and determining short, medium and long term maintenance requirements to manage the network expansion and control costs.
10. The City's CCTV Strategy sets out to capture existing technical and functional requirements to ensure CCTV is applied consistently within the City's Strategic Planning Framework. To achieve this, the strategy focuses on three strategic areas:
  - a) operations;
  - b) expanding the network; and
  - c) funding the CCTV Network.

## DETAILS

11. The Strategy established three key principles for guiding the operations and establishment of CCTV within the City as follows:
  - a) Operations
  - b) Expanding
  - c) Funding
12. Strategy One (Operations), establishes the important day to day roles and responsibilities, allocation of resources, managing cost and measuring performance.
13. Strategy Two (Expanding), sets out how the City will achieve CCTV system requirements and expand the CCTV network into the future.
14. Strategy Three (Funding) establishes the funding arrangements for the CCTV network and system expansion.
15. A detailed breakdown of the objectives and actions within the strategies are outlined within the Strategy.

## STATUTORY AND LEGAL CONSIDERATIONS

16. *Surveillance Devices Act 1998*

Relevantly, provides that, with some exceptions not relevant to this report, a "private activity", as defined in section 3 (as below) cannot be freely observed or recorded.

***"private activity means any activity carried on in circumstances that may reasonably be taken to indicate that any of the parties to the activity desires it to be observed only by themselves, but does not include an activity carried on in any circumstances in which the parties to the activity ought reasonably to expect that the activity may be observed"***

If however, a person is in a place that has public access without means of screening out observers, it would be reasonable to expect any activity in this place to not be considered as private and may accordingly be recorded via CCTV.

17. Section 27 *Surveillance Devices Act 1998* states:

***Use of optical surveillance devices in the public interest***

- (1) A person who is a party to a private activity may use an optical surveillance device to record visually the private activity if a principal party to the private activity consents expressly or impliedly to that use and there are reasonable grounds for believing that the use of the optical surveillance device is in the public interest.*
- (2) A person who is acting on behalf of a party to a private activity may use an optical surveillance device to record visually or observe the private activity if a principal party to the private activity consents expressly or impliedly to that use and there are reasonable grounds for believing that the use of the optical surveillance device is in the public interest.*
- (3) A person who has under his or her care, supervision or authority a child or a protected person who is a principal party to a private activity may, on behalf of the child or protected person, use an optical surveillance device to record visually or observe the private activity if there are reasonable grounds for believing that the use of the listening device —*
  - (a) will contribute towards the protection of the best interests of the child or protected person; and*
  - (b) is in the public interest.*
- (4) In this section —*  
***protected person*** *means a person who by reason of mental impairment is unable to consent in accordance with subsection (1) or (2) to the use of an optical surveillance device.*

**POLICY CONSIDERATIONS**

- 18. The Strategy complies with Council Policy S-IT04 – IT Security, recognising the need for all new and existing installations to comply with ICT policy and procedures.
- 19. The Strategy ensures the City complies with Council Policy C-AS-01 Asset Management, through the introduction of systematic and cyclical reviews of all CCTV. Thereby, ensuring the assets are well managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards allowing for effective and informed decision making.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

20. The City ensured the Strategy was developed having regard for the following related disciplines:
- a) Community Safety Services;
  - b) Asset & Waste Operations;
  - c) Asset Planning and Management; and
  - d) Information Technology.
21. The City's General Counsel has reviewed the Strategy and Annexures.

### External Referrals

22. The City contracted consultants to undertake a study of the City's CCTV network and develop the Strategy in consultation with the working group.
23. The City has consulted with the WA Police in the development of the Strategy. Comments provided during working group meetings were incorporated into the document.
24. The Strategy was presented to the Community Safety and Crime Prevention Advisory Committee (Committee). Feedback from the Committee was incorporated into the Strategy.

## FINANCIAL CONSIDERATIONS

25. The installation and maintenance of CCTV will have financial implication for the City. The City received grant funding for the installation of CCTV and the on-going maintenance is now captured as part of the City's Asset Management registers.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

**Strategy 4.1.1** - Provide good governance.

## SUSTAINABILITY

### Social Implications

27. CCTV cameras have the potential of creating unintended effects, good and bad. The "halo effect" refers to the potential for greater security in areas outside the view of cameras; this could be offset by the "displacement effect," which pushes antisocial activity to other parts of the city. Cameras could also promote a false sense of security and lead citizens to take fewer precautions, or they could also cause more crimes to be reported, and therefore lead to a perceived increase in crime.
28. The Strategy will assist in mitigating some of these risks of the "halo effect" and "displacement effect", through the introduction of assessment criteria for camera locations.

### Economic Implications

29. The Strategy will minimise the cost of both acquiring and maintaining the City's CCTV network by ensuring a consistent approach. The Strategy establishes assessment criteria which ensures cameras are both maintained and acquired where they are needed the most.

### Environmental Implications

30. The Strategy addresses the issue of CCTV camera towers becoming unsightly, through the introduction of Crime Prevention Through Environmental Design (CPTED) principles for all new CCTV installations. The use of CPTED principles will not only minimise the number of towers required but use nature land features to minimise crime, thereby enhancing the visual landscape.

## RISK MANAGEMENT CONSIDERATIONS

- 31.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The City is ineffective in installing CCTV in the correct locations.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Significant        | High          |
| <b>Action/Strategy</b>  |                    |               |
| Implementation of the Strategy will ensure cameras are placed in areas of highest need and that CPTED principles are used to minimise the number and maintenance cost to the network. |                    |               |
- 32.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Unlawful and antisocial behaviour is undetected due to ineffective CCTV installation program. |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Significant        | High          |
| <b>Action/Strategy</b>   |                    |               |
| Implementation of the Strategy will ensure cameras are placed in areas of highest need.                    |                    |               |

33.

<b>Risk:</b> Lack of policy regarding the recording of private activities.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Significant	High
<b>Action/Strategy</b>		
Implementation of the CCTV Strategy will ensure cameras are placed at locations and only film activities which are permitted under the <i>Surveillance Devices Act 1998</i> .		

#### OFFICER COMMENT

34. The City is a contributor to the broader State CCTV Strategy, providing access to live footage of public space CCTV to the WA Police Force at the Forrestfield Police Station. The CCTV strategy aligns with the arrangements established to assist the WA Police Force and has received their endorsement.
35. The Strategy and its associated policy and procedures appoints the Manager Community Safety Services as an authorised person, CCTV Manager and custodian of the Strategy.
36. It is recommended that Council adopt the Closed Circuit Television Strategy as outlined in Attachment 1.

#### Voting Requirements: Simple Majority

#### RESOLVED OCM 83/2019

That Council ADOPTS the Closed-Circuit Television Strategy as outlined in Attachment 1.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.1.5. Wattle Grove South Concept Planning and Consultation – Scope of Works - Support to Request Quotations

*Cr Giardina declared an Interest Affecting Impartiality on Item 10.1.5 'Wattle Grove South Concept Planning and Consultation - Scope of Works- Support to Request Quotations'. Cr Giardina has family in the subject area of Wattle Grove South and has previously declared an interest in this matter. Councillor Giardina was not present in the Chamber for this item and did not vote.*

Previous Items	OCM 35/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-MRS-024
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Wattle Grove South Concept Planning and Consultation Program Scope of Works [ HKN H] <b>[10.1.5.1]</b>
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#### EXECUTIVE SUMMARY

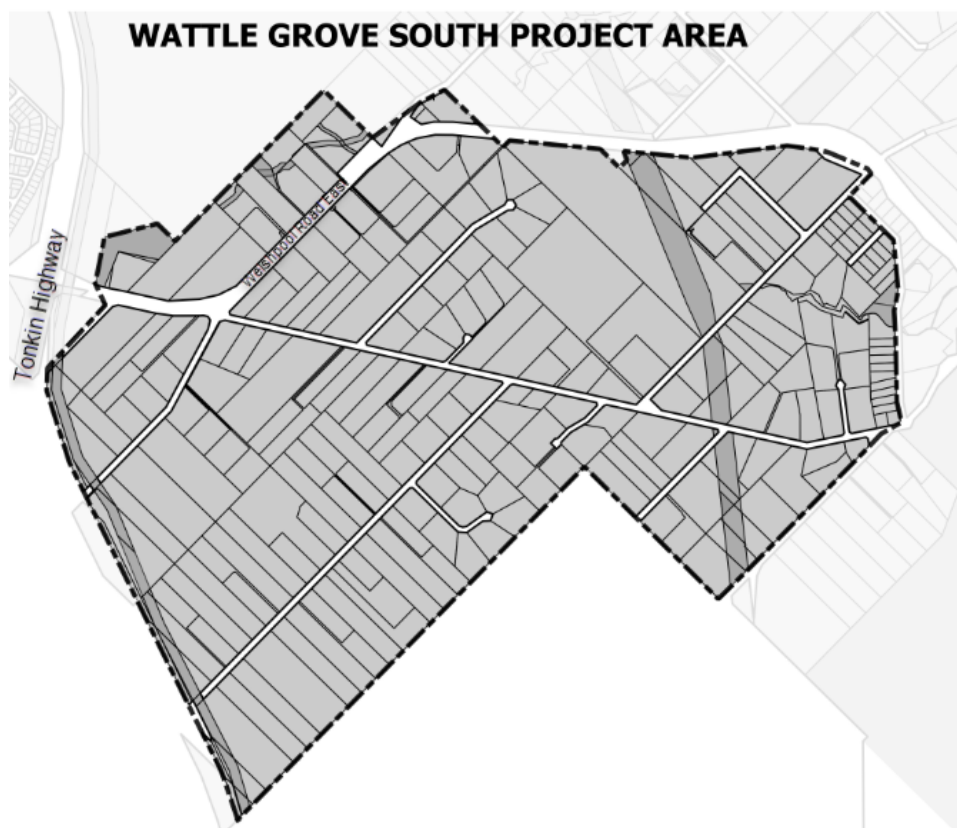
1. The City of Kalamunda is seeking to appoint a suitably qualified and experienced consultancy team to engage with the landowners in the subject area known as Wattle Grove South to develop an outstanding and creative land use plan for the area. The vision for the area is one that embraces sustainability principles, allows for creative input and ideas from the community and produces a vision that will be recognised as innovative and unique.
2. The consultants appointed will be required to prepare concept plans and a comprehensive community engagement program, with supporting documentation for Wattle Grove South in response to the resolution of Council at the 26 February 2019 Ordinary Council Meeting. The consultant is to identify community values and issues related to the Wattle Grove South area and capture their ideas and input during the preparation of the Concept Plans.
3. It is recommended the Council endorse the scope of works as outlined in Attachment 1 and request the Chief Executive Officer to seek quotations.

#### BACKGROUND

##### 4. Land Details:

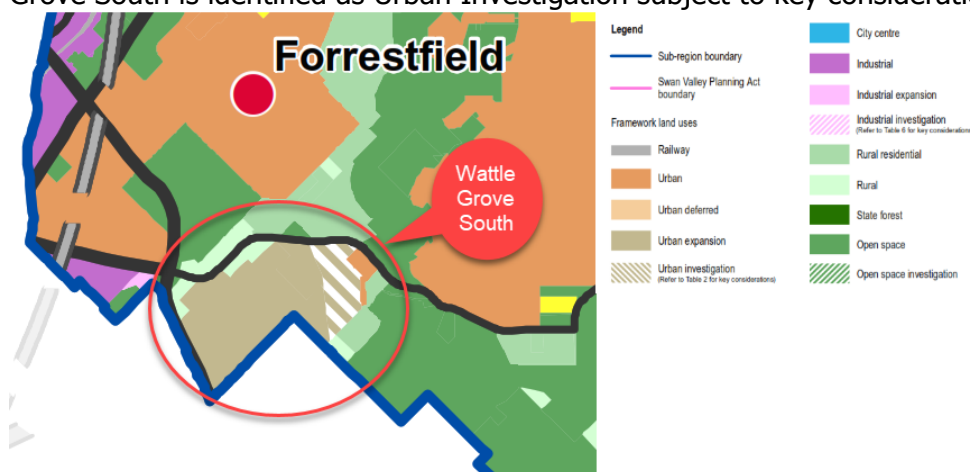
Land Area:	Approx. 400ha
Local Planning Scheme Zone:	Special Rural and Rural Composite
Metropolitan Regional Scheme Zone:	Rural

5. **Locality Plan:**



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

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



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

9. Council Resolved to:

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

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

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

*Alternative Motion 2:*

*That Council:*

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

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

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

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

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



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

*That Council:*

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

## **DETAILS**

14. The Scope of Works (Attachment 1) is to address the requirements set out in the motion adopted by Council on 26 February 2019.

15. **Scope of Service**

The outcome of the consultant's responsibilities is the submission of a comprehensive community engagement/consultation program with landowners within and bordering the subject area to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:

- 1. Exclude any general or light industrial land uses.
- 2. Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
- 3. A high-quality residential outcome that includes a range of densities.

4. Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
  5. Retain existing vegetation and tree canopy cover where possible.
  6. Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.
  7. Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.
16. The scope of services will include the preparation of the draft documentation, attendance to any modifications required as a result of public advertising / consultation or reviews of the documentation, and presentation to Council. It can be assumed the City will undertake all necessary reporting requirements to Council.
17. **Background Research / Existing Reports and Studies**  
The consultant is to gather relevant background data and research to:
  1. Scope existing conditions and issues.
  2. Engage with stakeholders around issues that can be addressed in the development of Concept Plans.
  3. Identify existing Local, State and Federal Government strategic work and policies that could be used as the basis for managing growth and change. This could include housing, employment, economic, social, recreational, transport or retail projections, strategies or policies.
  4. Considers any relevant existing data in the Feasibility Study (*noting that light industrial options are not to be considered*) and collect additional data where required. Relevant data may include existing conditions and potential opportunities, demographic analysis, population projections, economic and retail analysis, urban design and built form, transport, services and infrastructure analysis.
18. **Concept Plans**  
The consultant is to prepare a number of Concept Plans which identify a combination of appropriate zonings and land uses which respond to the opportunities and constraints, strategic planning direction and the key principles and values of the area.
19. The Concept Plans are to cover matters including but not limited to:
  1. Exclude any general or light industrial land uses.
  2. Reflect and acknowledge existing lifestyle and recreational opportunities of the area.
  3. A high-quality residential outcome that includes a range of densities.
  4. Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
  5. Retain existing vegetation and tree canopy cover where possible.
  6. Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.
  7. Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.

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

21. **Community / Stakeholder Engagement**

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

22. The engagement/consultation program is to include, but not limited to:
- a) Community enquiry by design style workshops / information sessions with landowners within and bordering the subject area;
  - b) Facilitate inputs from large groups of landowners with varying views and opinions;
  - c) Undertake surveys and ensure those not actively involved are provided an opportunity to have their say;
  - d) Conduct various meetings (to be determined by the consultant) with:
    - i. Council at Strategic Briefings (at least four)
    - ii. Landowners and community representatives (various TBD)
    - iii. City Staff (various)
  - e) Based on the consultation, formulate a report on the findings that proposes recommendations to be considered / incorporated into the Concept Plan based on consultation.

23. **Deliverables**

1. Concept Plans
  - a. Concept Plan Maps and Technical Report
2. Community / Stakeholder Engagement
  - a. Consultation Findings and Outcomes Report

24. **Changes made to the Scope of Works post Public Agenda Briefing 9 April 2019**

1. Added the following note to the Background Section:
2. 'Please note: No publications mentioned in this timeline of events or background section need to constrain the plan preparation process in any way. The City is seeking an innovative planning direction for the subject area in consultation with a highly motivated and engaged community. Past history and documentation need not constrain the envisaged interactive process.'
3. Background section reformatted to have key events listed in date order and dates highlighted.
4. Included the 2015 draft North-East Sub-Regional Planning Framework to the background section.
5. Timeline graphic added to the scope in the background section.
6. Following note added below deliverables:
7. 'Note: This scope document is an outline only and the complete scope will be included within the City's standard Request for Quotations template with appropriate supporting clauses and procurement requirements.'

## STATUTORY AND LEGAL CONSIDERATIONS

25. Should Council proceed with the planning for Wattle Grove South, the *Planning and Development Act 2005* (the Act) establishes procedures relating to the amendments to the MRS. If the WAPC initiates the proposed amendment(s), then ultimately the amendment(s) will be determined by the Minister for Planning and the State's Governor.
26. The Act allows for amendments to the MRS to be processed as either 'minor' or 'major' depending on whether they are considered to constitute a substantial alteration to the MRS or not. Whether to lodge the amendment(s) as minor or major will be determined during the preparation of the MRS amendment(s) documentation and in consultation with the Department of Planning, Lands and Heritage (DPLH).
27. Should Council proceed with the planning for Wattle Grove South, the *Planning and Development Act (Local Planning Schemes) Regulations 2015* (the Regulations) establishes procedures relating to the amendments to Local Planning Scheme No. 3. If the City initiates the amendment(s), then ultimately the amendment(s) will need to be approved by Council and then determined by the Minister for Planning.
28. The Concept Plans when developed would not constitute a Structure Plan for the purposes of the Regulations but will inform subsequent stages of the formal planning process.

## POLICY CONSIDERATIONS

29. **Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework**  
In March 2018, the WAPC released the final Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks. These documents identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.
30. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form and places a greater emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as 'Urban Expansion' and 'Urban Investigation'.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

31. Nil.

## External Referrals

- 32. Community consultation on Wattle Grove South was undertaken in August – September 2018 and included two workshops and a survey.
- 33. The scope includes the requirement for the consultant to develop a comprehensive consultation program which is to include and not be limited to workshops, information sessions and surveys.

## FINANCIAL CONSIDERATIONS

- 34. Costs associated with the delivery of the scope will be met through the City's Development Services budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

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

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

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

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

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

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

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

## SUSTAINABILITY

### Social Implications

- 36. The concept planning identified in the scope is to reflect and acknowledge existing lifestyle and recreational opportunities of the area.

### Economic Implications

- 37. The scope for delivering the concept plans is to consider a high-quality residential outcome that includes a range of densities.
- 38. The scope for delivering the concept plans is to consider an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.
- 39. The scope for delivering the concept plans is to consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.

40. Should the area be developed at some stage in the future it would represent a significant development opportunity within the City.
41. Increased levels of development as a consequence of further detailed planning will result in more jobs within the building and construction industry.

### Environmental Implications

42. The community consultation undertaken in August – September 2018 highlighted the importance and high value placed upon the environment in Wattle Grove. The environmental values of the area have not been assessed in detail through site specific flora and fauna studies. Until this work is undertaken the environmental values have not been scientifically mapped.
43. The scope for delivering concept plans is to retain existing vegetation and tree canopy cover where possible.
44. The scope for delivering concept plans is to provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.

### RISK MANAGEMENT CONSIDERATIONS

45. **Risk:** The community is not receptive the community engagement program.
- | Consequence  | Likelihood | Rating |
|--|------------|--------|
| Significant  | Possible   | High   |
| <b>Action/Strategy</b>   |            |        |
| In coordination with the City's communications team ensure that the consultation program is comprehensive and inclusive. |            |        |
46. **Risk:** The fee proposals are significantly beyond the City's estimated budget
- | Consequence   | Likelihood | Rating |
|---|------------|--------|
| Significant   | Possible   | High   |
| <b>Action/Strategy</b>  |            |        |
| Request quotations for numerous consultants to ensure a range of fees and proposals are received. |            |        |

47.	<b>Risk:</b> The City ceases progressing planning for the area leaving the planning process open to the development industry or the State Government to progress.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	The City continues to undertake technical investigations (i.e. environmental studies) and concept planning into the future development of Wattle Grove South.		

48.	<b>Risk:</b> Progressing with certain land use outcomes identified within the concept plans will result in issues for those who hold alternative views.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Likely	Significant	High
	<b>Action/Strategy</b>		
	Progress with on-going consultation and education on land use options with an aim of seeking general agreement amongst the community.		

## OFFICER COMMENT

49. The scope of works has been prepared in response to Council's resolution at the 26 February 2019 Ordinary Council Meeting which resolved to seek the services of suitably qualified consultant to conduct a comprehensive community consultation program to determine the level of community support for a variety of land use concept plans.
50. The Concept Plans prepared by the consultant are to incorporate a number of key principles including protecting environmental values, high quality residential outcomes and reflect existing lifestyles and recreational opportunities.
51. The consultant is to identify community values and issues related to the Wattle Grove South area and capture their ideas and input during the preparation of the Concept Plans. A detailed communications plan needs to be developed in consultation with the City. The comprehensive community consultation program is to be coordinated and delivered by the successful consultant.

## Voting Requirements: Simple Majority

## RECOMMENDATION

That Council:

1. ENDORSES the scope of works as outlined in Attachment 1.
2. REQUEST the Chief Executive Officer to seek quotations in accordance with the scope of works as outlined in Attachment 1.

Cr O'Connor foreshadowed an addition to the recommendation to include reference to the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies. This received a seconder and was presented as the substantive motion and put to the vote.

RESOLVED OCM 79/2019

That Council:

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (8/0)**



## **10.2. Asset Services Reports**

### **10.2.1. Woodlupine Creek Landscape Management Plan**

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

Previous Items	OCM 29/2012
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EG-CMP-018
Applicant	N/A
Owner	N/A
Attachments	1. Woodlupine Creek MP Report FINAL <b>[10.2.1.1]</b> 2. Woodlupine Hydrology report <b>[10.2.1.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek endorsement of the Woodlupine Creek Forrestfield District Centre Landscape Management Plan, December 2014 (LMP).
2. The LMP was a priority action of the Forrestfield District Centre Structure Plan (2012), in conjunction with the Woodlupine Creek Hydrology Study (Essential Environmental 2014), for guiding development of the creek line public open space between Strelitzia Avenue and Dawson Avenue, Forrestfield.
3. Endorsement of the LMP will guide detailed erosion control, landscape upgrade designs, consultation and other works to be undertaken for this location, as resourcing permits.

#### **BACKGROUND**

4. Since the adoption of the Forrestfield District Centre Structure Plan in 2012 and the completion of the priority actions to produce the LMP (2014) – shown as Attachment 1 and Hydrology Study (2014) shown as Attachment 2, there has been limited activity to implement the LMP. Council's endorsement of the LMP will allow for planning, budgeting and community feedback on the implementation of the recommendations and actions.
5. In early 2017, the Water Corporation initiated a project to address erosion in Woodlupine Brook, a drain under their control and care. The Plans were however considered inappropriate by the Friends of Woodlupine Brook (FoWB), a City endorsed community group operating within the Woodlupine Brook reserve.
6. The FoWB sought to employ 'softer' treatments that emulated the natural water course. They consulted the South East Region Centre for Urban Landcare (SERCUL) a sub-regional Natural Resource Management organisation, requesting support for their alternative views to the Water Corporation's plans.

7. Since this time the City has been working collaboratively with the FoWB and key stakeholders to develop a project scope appropriate for treatment of the site.
8. The objective for any work in this area is to implement erosion control measures:
  - a) informed by the data from the Hydrology study;
  - b) meeting the needs of Water Corporation from their drainage responsibility perspectives; and
  - c) that upgrades the amenity of the adjacent public open space in keeping with community expectations.

## **DETAILS**

9. *The Forrestfield District Centre Structure Plan* (adopted 16 April 2012), set the goals of the LMP and Hydrology Study (2014) to achieve the outcome of *"Woodlupine Brook to become a significant high amenity focal point for the community"*.
10. A number of priority actions were adopted for the Forrestfield District Centre Structure Plan, including to *"Prepare and adopt a management plan for Woodlupine Creek and allocate funds to address pressing issues of erosion and public access"*. The goals of the LMP were to:
  - a) address the issues of stormwater management in public and private lots, decreased water quality, loss of stream ecosystem function, decreased amenity value;
  - b) integrate waterway improvements with adjacent developments to develop a coordinated approach to ongoing management;
  - c) increase community appreciation of the brook; and
  - d) improve pedestrian access, cycling access and safety along the creek line.
11. The Hydrology Study data and analysis has been endorsed by the Water Corporation for use for erosion design, which will require approval from Water Corporation and Department of Water and Environmental Regulation.
12. By approving the LMP, the detailed design for the erosion control works and associated reserve improvements can be undertaken and progressed for community engagement, funding and implementation.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. The City of Kalamunda is responsible for the management of the public open space with some shared responsibility with the Water Corporation for the creek and its infrastructure. The City is currently working with Water Corporation to properly delineate the respective areas of responsibility.
14. There are no registered heritage sites, or sites listed on the City's Municipal Inventory within the study area. However, consultation with regard to Aboriginal and local cultural heritage is viewed as an essential element of the project engagement plan.

15. There are no known constraints with respect to native plants and animals, given the degraded nature of the creek and little to no native vegetation requiring clearing.
16. A permit to interfere with bed and banks of a gazetted stream may be required from Department of Water and Environmental Regulation.

### **POLICY CONSIDERATIONS**

17. Environment Policy ENV4-Flood and Stream Management.
18. Environment Policy ENV7-Protection of the Environment.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

19. The City will refer to the endorsed LMP and other planning and management strategies, to review alignment of the design proposals for each stage of the Woodlupine Brook erosion and landscape development.

#### **External Referrals**

20. The resulting erosion control proposal and associated landscape improvement concept will be reviewed by key agencies and stakeholders including community, prior to detailed design completion.

### **FINANCIAL CONSIDERATIONS**

21. The City has allocated \$50,000 in the 2018/2019 budget to progress the concept development and detailed design for erosion control and reserve landscaping for the first stage between Strelitzia to Dawson Avenues.
22. Implementation of the detailed proposals will be a consideration by Council for inclusion in forthcoming capital works programs. The Water Corporation have committed to erosion control works within the water course. It is anticipated that municipal funding is required for the reserve improvements associated with these works.
23. The City has also initiated advocacy for funding of the project to the Federal Government. However, no commitment has been received to date.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 1: Kalamunda Cares and Interacts**

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

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

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

**Priority 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

25. Although degraded, Woodlupine Brook was recognised in the *Forrestfield District Centre Forrestfield District Centre Structure Plan (2012)* as having a high amenity, social and environmental value. The site offers potential to be a major asset to the local community.

### Economic Implications

26. The Forrestfield District Centre Forrestfield District Centre Structure Plan (2012) included Woodlupine Brook and the surrounding reserves as a key function of the economic potential for the location. It has the potential to be an attractant for commercial activity and centre visitors.

### Environmental Implications

27. The LMP has identified a broad concept for the overall improvement in environmental values of the site and as a biodiversity corridor linking surrounding parkland and water bodies.

## RISK MANAGEMENT CONSIDERATIONS

28.	<b>Risk:</b> The City undertakes improvement works in an uncoordinated fashion lacking strategic purpose.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Adoption and eventual implementation of a LMP.		
29.	<b>Risk:</b> Not progressing the improvements to Woodlupine Brook in this location, will increase community dissatisfaction.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	High
	<b>Action/Strategy</b>		
	Implement an approved LMP to allow progress of design and consultation.		

## OFFICER COMMENT

30. Officers have been supporting a community working group, the Forrestfield Woodlupine Brook Living Stream Project Working Group formed early 2017 by local community members and including key management agencies and the Forrestfield Forum shopping centre owners. The community members have been advocating for local, state and federal support to progress the project. City officers have assumed project management responsibility to scope the objectives, design requirements and coordinate meetings and approvals.
31. The Woodlupine Creek Forrestfield District Centre Landscape Management Plan (2014) requires endorsement by Council to enable the project to progress through design, consultation and costing for implementation of erosion and amenity improvements.

### Voting Requirements: Simple Majority

#### RESOLVES OCM 84/2019

That Council ENDORSES the City of Kalamunda's Woodlupine Creek Forrestfield District Centre Landscape Management Plan, December 2014 shown as Attachment 1 as the basis of future strategic and operational planning in the area.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

#### **10.3.1. Community Engagement Campaigns 2018 - Review**

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

Previous Items	Nil.
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	
Attachments	1. Community Engagement Report - 2018 - R 6 <b>[10.3.1.1]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the City of Kalamunda Community Engagement Campaigns 2018 Review report (Report).
2. The Report has been prepared to showcase the results of community engagement campaigns undertaken in 2018.
3. The City of Kalamunda (City) engaged on community engagement projects with more than 27,000 stakeholders in 2018, showcasing strong community interest in City projects and activities. The recommendation is for Council to receive the report.

#### **BACKGROUND**

4. Local government is the most effective tier of government for engaging with the community by having existing networks and relationships which enable engagement with the people directly affected. The smaller population size within a local government area means a much higher percentage of the population can be consulted than in other tiers of government.
5. The City developed its first Community Engagement Strategy in 2013, the Strategy was a four-year plan.
6. The City adopted its revised Community Engagement Strategy in 2017 to support Council to deliver quality community engagement and provide a process giving transparency to the Community on how the City will engage with them.
7. "Kalamunda Engages – Community Engagement Strategy 2017" provides direction, definition and critical information for staff and the community to use when determining how to engage on the many and various topics that confront the City of Kalamunda.

8. The City uses the iap2 Spectrum to assist and guide in the communication and engagement process. The model identifies five levels where communication and interactive opportunities are selected, depending on project purpose, audience and the expected influence of each. Each project or issue being managed may have varying resource implications and various levels of potential influence within one activity, with a need to move up and down the engagement spectrum.

Inform	Consult	Involve	Collaborate	Empower
<b>Public Participation objective</b>				
To provide the public with balanced and objective information to assist in understanding the problems, alternatives, opportunities and/or solution.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
<b>Obligations to the Public</b>				
The City will keep the community informed.	The City will keep the community informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. The City will seek community feedback on drafts and proposals.	The City will work with the community to ensure that concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	The City will work together with the community to formulate solutions and incorporate advice and recommendations into the decisions to the maximum extent possible.	The City will implement what the community decide.

9. The City is committed to clear, consistent and timely communications, providing stakeholders with opportunities to be informed, participate, engage and contribute to the decisions made by Council on issues that affect them.
10. The City utilises the engagement portal '*EngageHQ*' to raise awareness, inform and engage community members in discussion and gain feedback on issues affecting the City.
11. *EngageHQ* defines users as Aware, Informed and Engaged based on their level of interaction. A user who is classed as Aware will have visited at least one page. A user who is classed as informed will have visited multiple pages, read frequently asked questions and/or looked at key dates. A user who is defined as engaged will have actively participated in Surveys, polls or told stories using the site.
12. The City also utilises a number of special events, community workshops, information sessions and pop up displays at local shopping centres and other public places to raise awareness and engage with the Community on a variety of different subjects on an ongoing basis.

## **DETAILS**

13. A diverse range of media and communication tools were utilised to promote, inform, engage and help to activate our community. This is to assist the City reach, inform, and involve our residents in community events, policy development and decisions that affect their lives.
14. In 2018 this included:
  - a) City of Kalamunda Website;
  - b) Engage Kalamunda Website (Engage HQ);
  - c) City of Kalamunda Facebook Pages;
  - d) Monthly e-news;
  - e) LinkedIn;
  - f) Local Events;
  - g) City of Kalamunda personnel;
  - h) You Tube;
  - i) Community networks, services and partners;
  - j) Promotional Flyers;
  - k) Direct Mail; and
  - l) Newspaper / Digital Newspaper Promotions.
15. In 2018, 27,600 visitors accessed the City's engagement portal.
16. The most frequent source of traffic to the engagement portal was by social media, closely followed by those accessing the site direct, with each campaign supported by traditional advertising promoting the engagement portal via advertisements, direct mail and face to face interaction.
17. The City has primarily used the engagement portal as a source for residents to provide feedback via surveys.



18. The City asked the community for formal feedback, via a survey or submission on 96 different projects, with 2510 submissions made online (Attachment 1).

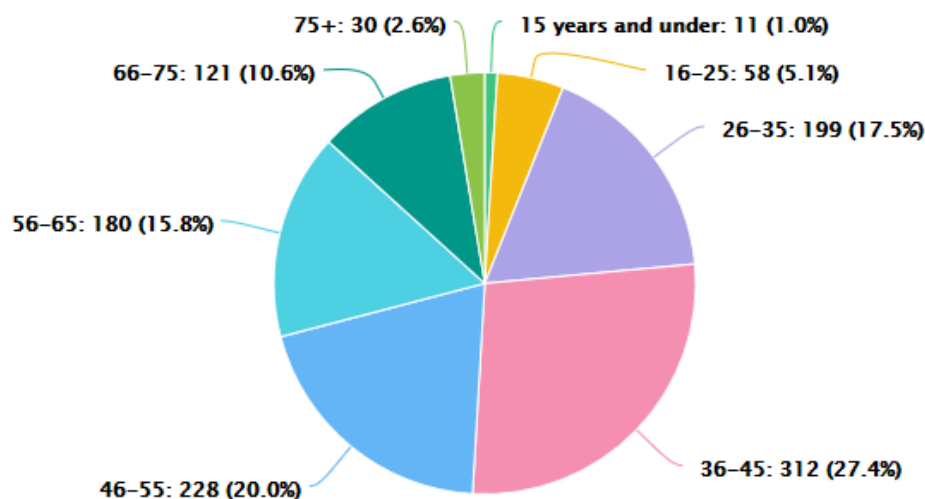
19. The six projects with the highest number of contributions are as follows:

- a) Hale Road/Woolworths Survey
- b) Name that Suburb Competition Survey
- c) Kalamunda Skate Park Survey
- d) Kalamunda Road/ Newburn/ Chipping Upgrades Survey
- e) Wattle Grove South Visioning and Values Survey
- f) Bicycle Plan Survey

20. The age bracket of Community Survey participants was:

1%	15 years and under
5.1%	16 – 25 years
<b>17.5%</b>	<b>26 - 35 years</b>
<b>27.4%</b>	<b>36 – 45 years</b>
<b>20.0%</b>	<b>46 – 55 years</b>
15.8%	56 – 65 years
10.6%	66 – 75 years
2.6%	75 + years

This is shown in the graph below:



21. The City introduced the process for commenting on development applications to the engagement platform in late 2017.

22. In 2018 there were 6,200 visits to the engagement portal to view information relating to development applications.

23. The three development application projects with the highest level of community interest were:
- a) Clearing of vegetation and establishment of educational facility: Lesmurdie Road, Lesmurdie;
  - b) Place of Worship, Community Hall and Culvert Crossing: Lewis Road, Wattle Grove; and
  - c) Proposed Local Development Plan: Gavour Road, Wattle Grove.
24. It was common practice for development applications and related planning projects to have informal drop in sessions, supporting community members desire to find out more and be informed to assist in making a submission on an application should they wish to.
25. For all projects seeking comment the City has encouraged both hard copy and online submissions. In the case of surveys being lodged in hard copy, site administrators have entered the results into the City's engagement portal.
26. The top three key dates for specific projects, based on the number of views by the community were:
- a) Draft Industrial Development;
  - b) Wattle Grove South – Visioning and Values; and
  - c) Local Structure Plan – Forrestfield North
- In a direct correlation, these projects had some of the highest number of attendees at workshops and drop in sessions.
27. The top three documents based on downloads from the community were:
- a) 2017 Bicycle Plan – Summary Report (Released 2018);
  - b) Cambridge Reserve – Concept Design; and
  - c) Local Structure Plan – Forrestfield North.
28. The top three FAQ'S based on views by the community were:
- a) Hale Road / Woolworths;
  - b) Local Structure Plan – Forrestfield North; and
  - c) Maida Vale Reserve Master Plan.
29. The City has also continued to embrace and expand on the use of advisory committees and reference groups in the City, which sits in the Empower spectrum of the Community Engagement Strategy.
- a) The Kalamunda Arts Advisory Committee met for the first time and assisted to undertake the creation of the draft Arts Strategy and develop a draft Public Art Policy.
  - b) Kalamunda Environmental Advisory Committee continued to provide strategic advice on several key projects and assisted to develop the draft Local Environment Strategy.
  - c) The Disability and Carers Advisory Committee continued to oversee the implementation of the Disability Access and Inclusion Plan, also setting up the All Abilities Online forum.

- d) The Kalamunda Aged Care Advisory Committee continued to strongly advocate for Aged Care in the region, and hosted a Retirement Living Forum.
- e) Community Safety and Crime Prevention Committee was re-established in 2018 and have been working on the City's CCTV strategy and commenced a review of the Community Safety and Crime Prevention Plan.
- f) The Bushfire Advisory Committee have continued to focus on Bushfire mitigation within the City, providing advice on the City's Fire Hazard Assessment Plan.
- g) In 2018 a Tourism Reference Group was formed to assist with the development of the new Tourism Development Strategy.
- h) Youth Action Kalamunda, the Youth Advisory Committee, continued to work in partnership with the City on the implementation of the Youth Plan.
- i) The Kalamunda Community Centre Reference Group formed in late 2017 and have been assisting with the planning, location and design of the new Centre in consultation with the wider community.

## **STATUTORY AND LEGAL CONSIDERATIONS**

30. Nil.

## **POLICY CONSIDERATIONS**

31. City of Kalamunda Community Engagement Policy

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

32. None required.

### **External Referrals**

33. None required.

## **FINANCIAL CONSIDERATIONS**

34. All works have been carried out within approved budget parameters.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

35. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

#### Priority 4: Kalamunda Leads

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

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

### SUSTAINABILITY

#### Social Implications

36. Empowering communities is the most challenging approach to community engagement however offers the greatest rewards in building capacity. There is a commitment by the initiators of the engagement to participate as a stakeholder and to share power in decision-making to achieve collaborative action.

#### Economic Implications

37. Nil.

#### Environmental Implications

38. Nil.

### RISK MANAGEMENT CONSIDERATIONS

39.	<b>Risk:</b> The lack of authentic community engagement causes community outrage.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Significant	High
	<b>Action/Strategy</b>		
	Ensure a clear and transparent rationale for community engagement requirements are developed and implemented that build trust and support from the community. further embed community engagement in the culture of the organisation.		

	<b>Risk:</b> A lack of effective training and awareness will create community dissatisfaction with consultative processes.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Significant	High
	<b>Action/Strategy</b>		
	Further embed community engagement through training and raising knowledge, skills and awareness within the culture of the organisation.		

## **OFFICER COMMENT**

40. The importance and value of engaging with the community, seeking to act in a participatory manner, can never be underestimated. The City has maintained strong ties with the environmental community, cultural community and demographic specific groups and believe being in close contact with the pulse of the community leads to good governance and effective decision making.
41. The City's engagement platform has enabled community members to stay informed in regard to projects, as well as having one 'source of truth' for finding out what projects are currently listed for community engagement.
42. Engagement ranged from surveys seeking the opinions of the community in relation to preparing for natural hazards; traffic treatments; urban, industrial and park designs; collaborative development of community strategy to name a few.
43. The marketing and communication process for each of the campaigns undertaken was similar in nature, encompassing traditional advertising, social media and face-to-face interactions.
44. Analysis of the results of each project indicate that planning matters, those of a more controversial nature, or where community opinion was diverse, attracted the largest number of submissions and were also the area of highest risk for activism to occur.
45. A key observation taken from the planning matters that became controversial is a need in future for the City to ensure there is a high level of trust conferred in the community, before any significant work is undertaken on a project.
- Pre-consultation to ascertain the various views of the community members will be initiated prior to any major projects being commenced will be a prerequisite within the City's community engagement framework.
46. The most obvious examples of where this would have been beneficial was the community engagement campaigns for both Wattle Grove South and the City of Kalamunda Industrial Strategy, which included the Wattle Grove South landholding.
47. In the example of Wattle Grove South, community engagement commenced after a technical feasibility study had been undertaken. This resulted in a lack of trust, with many community members believing the City had adopted a preferred position. Lobby groups quickly formed and this was showcased in the results of the initial consultation undertaken. The community was highly engaged, with record numbers at community meetings and a significant number of submissions made. Relationships between landowners and the City were negatively impacted. Officers believe ongoing work in this area and the recent motion of Council will provide adequate parameters for the discussion regarding land use planning to continue more effectively in 2019.

48. With the Industrial Strategy, a similar result occurred, due to the timing and the inclusion of a portion of Wattle Grove land for further investigation. Pre-consultation with impacted landowners, before the development of the strategy, would have showcased community views on the matter. In the end, this consultation process was effective, with the City listening to the community and following the community consultation process Wattle Grove South was removed from the Industrial Development Strategy.
49. The use of the engagement portal provides improved reporting of community engagement activities undertaken across the City.
50. The City is committed to best practice and is focused on continual improvement in the community engagement space.
51. Training and education continue to be undertaken across the City to further educate staff on the importance of community engagement.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 85/2019

That Council:

1. RECIEVES the City of Kalamunda Community Engagement Campaigns 2018 Review report.
2. REQUESTS the City of Kalamunda to undertake community engagement prior to any technical feasibility studies, to ensure the views of the community inform any proposal for a new project or service is considered.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## **10.4. Chief Executive Officer Reports**

### **10.4.1. Monthly Financial Statements to February 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 March 2019 <b>[10.4.1.1]</b> 2. Statement of Net Current Funding Position 31 March 2019 <b>[10.4.1.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 March 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 March 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 March 2019

7. This Statement reveals a net result surplus of \$21,083,050 compared to budget for the same period of \$20,204,599.

#### **Operating Revenue**

8. Total Revenue excluding rates is under budget by \$534,578. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are under budget by \$237,362, the variance is mainly attributable to; Reimbursements for the CELL 9 project managers' employee cost which was lower than the budget by \$150,207.
  - b) Fees and Charges are under budget by \$162,773. This is mainly due to variance of \$71,072 in Fees from fines and enforcements.
  - c) Interest Income is under budget by \$113,264. 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 \$11,334. This is mainly due to the lower than projected revenue from fines and enforcements.

#### **Operating Expenditure**

9. Total expenses are under budget by \$721,377. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$1,491. The variance is within the reporting threshold.
  - b) Materials and Contracts are over budget by \$201,569. This is mainly attributed to maintenance verges which is over budget by \$393,626 which is primarily a timing issue.
  - c) Utilities are under budget by \$55,490 which mainly a timing issue.
  - e) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$799,984. 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 \$3,881. The variance is within the reporting threshold; and
  - e) Other expenditure is under budget by \$65,623. 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 \$764,032. The variance was due to:
  - a) The Capital grants income for infrastructure projects from various external funding agencies is under budget by \$994,791 and variance is related to a timing variance only.

### **Capital Expenditures**

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$2,297,715. This is considered to be a timing issue.
12. Capital works-in-progress monies spend of \$1,502,194, 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 \$1,551,619 which is mainly due to the developer contributions. Developer contributions are under budget by \$2,942,079.

## **Rates Revenues**

14. Rates generation is under budget with a variance of \$58,068. 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 March 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 March 2019

16. The commentary on the net current funding position is based on comparison of the March 2018 to the March 2019 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$31.0 million. The restricted cash position is \$12.9 million which is lower than the previous period's balance of \$13.2 million. This is mainly attributed to the timing of release of funds from the Forrestfield Industrial Area Scheme Stage 1 reserve towards its' capital works programme.

18. Unrestricted cash has decreased by \$4.2 million when compared with the balance at March 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.

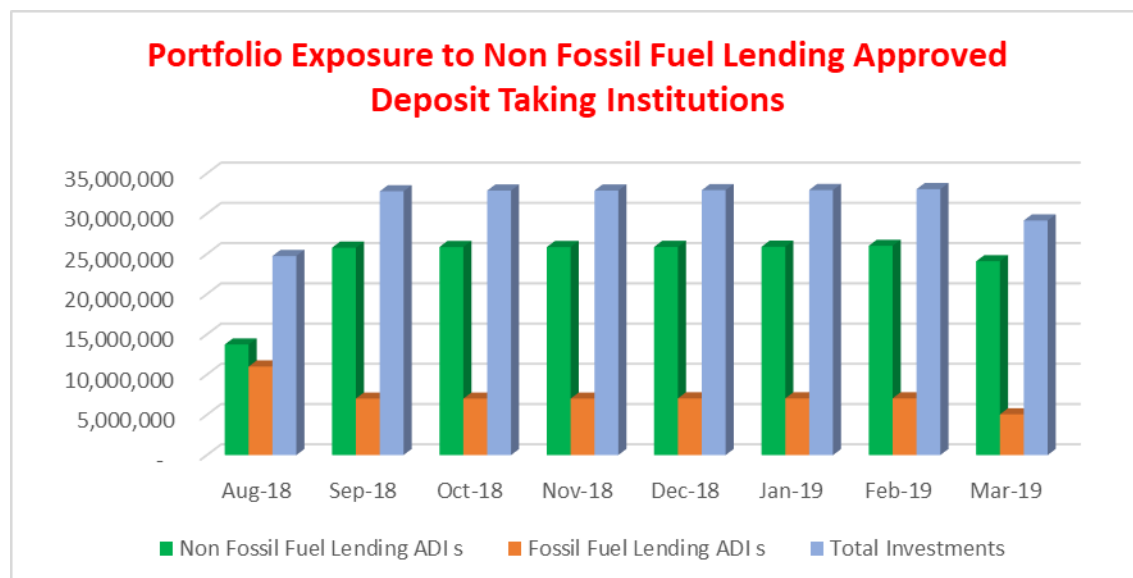
19. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

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 March 2019.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
Financial Institutions without Investments in Fossil Fuel Industry	IMB	6,819,938	23%
	Bankwest	6,081,376	21%
	Bendigo	5,935,477	20%
	Suncorp	5,247,543	19%
<b>Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry</b>		24,084,335	83%
<b>Financial Institutions with Investments in Fossil Fuel Industry</b>	National Australia Bank (NAB)	5,061,511	17%
<b>Total Investments - including Restricted Funds</b>		29,145,846	100%

20.



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$3.1 million.
22. Sundry debtors have increased from \$93,021 to \$584,151, of which \$173,289 consists of current debt due within 30 days. \$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 \$1.3 million including:
- a) Emergency Service Levy receivables \$0.5 million; and
  - b) Receivables sanitation \$0.6 million.
24. Provisions for annual and long service leave have decreased by \$71,966 to \$3.0 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.<br>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 March 2019 demonstrate the City has managed its budget and financial resources effectively.

## Voting Requirements: Simple Majority

### RESOLVED OCM 86/2019

That Council RECEIVES the Monthly Statutory Financial Statements for the period ended 31 March 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 Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## **10.4.2. Debtors and Creditors Report for the Period Ended March 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	<ol style="list-style-type: none"><li>1. Creditor Payments for the period Ended March 2019 <b>[10.4.2.1]</b></li><li>2. Summary of Debtors for the month of March 2019 <b>[10.4.2.2]</b></li><li>3. Summary of Creditors for the month of March 2019 <b>[10.4.2.3]</b></li></ol>

### **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 March 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 March 2019.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in March 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 March 2019.

### **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of March 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 March 2019 were \$584,151 of which \$49,212 was made up of current debts and \$6,280 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$173,289; debts of significance are:
  - a) Kalamunda Community Learning Centre, \$150,195, Contribution – the Club has informed that they will pay their contribution towards the end of the project as their contribution is expected to cover the fit out expenses of the project.
  - b) Kalamunda Club, \$17,170, Loan 219;
  - c) Zig Zag Gymnastics, \$3,014, Lease; and
  - d) Mid-Week Munchies, \$1,876, Trading in Thoroughfares.
8. Invoices over 60 days total \$169,449; debts of significance are:
  - a) Cruskall SP & RM, \$155,897, Developer Contribution;
  - b) Forrestfield Cricket Club, \$3,150, Players Fees;
  - c) Zig Zag Gymnastics, \$2,184, Lease.
  - d) Forrestfield Sisdac, \$1,930, Hall Hire;
  - e) Early Bird Learning, \$1,528, Hall Hire; and
  - f) Titan Taekwon-Do Enterprise, \$1,002, Hall Hire.
9. Invoices over 90 days total \$198,481, debts of significance are:
  - a) PJ Dujmovic, \$170,100, Developer Contribution;
  - b) Berkshire Hathaway, \$14,456, Insurance – Employee claim
  - c) Evolution Cheer & Dance, \$4,127, Hall Hire - making regular payments and debt is reducing;
  - d) Private Citizen, \$2,500, Contribution to removal of verge tree; and
  - e) Zig Zag Gymnastics, \$2,184, Lease Fees

### **Creditors**

10. Payments totalling \$6,553,425.34 were made during the month of March 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency services levy – 2018/19 – 3 <sup>rd</sup> quarter payment	2,079,984.71
Electricity Networks Corp T/A Western Power	Supporting design drawing for undergrounding of existing overhead power infrastructure at the Dundas/Berkshire/Milner intersection in Forrestfield - \$430,717* Lighting upgrades to Reid oval 199, Hale Road, Forrestfield - \$3,337	434,054.00
Australian Tax Office	PAYG payments	383,896.77
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	356,593.64
Thuroona Services Pty Ltd	Remediation and restoration of the steam locomotive, platform and land at the Kalamunda History Village	327,941.78
Kalamunda Electrics	Electrical maintenance repairs – various locations, Kostera Oval, Reid Oval lighting upgrade – progress payments	288,443.59
WA Local Government Superannuation Plan	Superannuation contributions	191,688.14
Western Australian Treasury Corporation	Loan instalments repayment – Loan 224 & Loan 227	176,535.78
Synergy	Power Charges – various locations	120,060.80
Marsh Pty Ltd	General Claims – workers compensation – 31 March 2019 to 30 June 2019	109,147.50
Dowsing Group Pty Ltd	Supply and lay concrete paths at various locations	86,622.63
Amiad Water Systems	Kalamunda Mar Project (stage 2), Hartfield Park - undertake implementation of Alternative water supply project	54,300.40

These payments total \$4,609,269.74 and represent 70% of all payments for the month.

\*- The amounts paid for infrastructure works for Forrestfield Industrial area scheme stage 1 were reimbursed drawing against the reserve set aside for it.



## Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,163,938.68 was paid in net salaries for the month March 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; and
  - e) Unclaimed Monies.
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of March 2019.

BRB Levy		Amount (\$)
Date	Description	
6/2/2019	Building Services Levy – February 2019	23,298.66
CELL 9		Amount (\$)
Date	Description	
27/3/2019	Lycopodium Infrastructure Pty Ltd - Detail design & documentation for Hale Road widening & enhancement	1,580.00
BCITF Levy		Amount (\$)
Date	Description	
7/3/2019	Building and Construction Industry Training fund levy – February 2019	5,180.01
Unclaimed Monies		Amount (\$)
Date	Description	
23/3/2019	Correction of BPAY error on 16/10/2018	568.60

## STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), a payment may only be made from the municipal fund or the trust fund:
  - a) if the local government has delegated to the 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.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Insignificant	Low
	<b>Action/Strategy</b>		
	Ensure debt collections are rigorously managed.		

### Creditors

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

## OFFICER COMMENT

31. Creditor payments for March 2019 is above the normal range due to the Emergency Services Levy payment made.

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

RESOLVED OCM 87/2019

That Council:

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

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.4.3. Rates Debtors Report for the Period Ended March 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 Mar 19 [**10.4.3.1**]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) has collected \$35.9 million (94.08%) in rates as at 31 March 2019.
3. It is recommended that Council receive the Rates Debtors Report for the month of March 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 \$38,847,817. As at 31 March 2019, a total of \$35,923,186 has been collected since Rate Notices were released. This represents a collection rate of 94.08% which is slightly higher than the 93.44% 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. Interim Rating continued throughout March 2019 and as at 31 March \$665,395 has been raised in new charges and 78 new properties created in the system.
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 March 2019 to 31 March 2019 a total of 433 incoming calls and 156 outgoing calls, equating to 26.53 hrs of call time.

## **DETAILS**

11. For the 2017/18 financial year, legal action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties 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 properties 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.
12. Final Notices were issued on 13 March 2019 and were due on 23 March 2019, of these 339 who elected to pay by either two (2) or four (4) instalment have not honoured this option and the balance outstanding on these properties will be bought forward as arrears on the 2019/2020. The balance of the properties (713) have made no attempt to pay the rates outstanding and a letter of demand will be sent in April 2019.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. 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**

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

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

### **External Referrals**

16. 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**

17. 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**

18. *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**

19. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
20. 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.

### **Economic Implications**

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

## Environmental Implications

22. 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

23.	<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

24. The City's debt collection strategy has proven to be very effective with a collection rate of 95.99% for the 2017/18 year.

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

## Voting Requirements: Simple Majority

### RESOLVED OCM 88/2019

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**



#### **10.4.4. Corporate Business Plan - Quarterly Update - October to December 2018**

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

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

Attachments 1. Corporate Plan Report December 2018 **[10.4.4.1]**

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to note the progress on the City of Kalamunda's (**City**) achievement against the "Kalamunda Achieving: Corporate Business Plan 2018-2022" for the period October to December 2018.
2. At an aggregate level, the Corporate Business Plan is 44% complete as at 31 December 2018. There are a number of significant projects to commence during the January to June quarters which will ensure the Corporate Business Plan is on track for completion by 30 June 2019.
3. This report recommends that Council receives the quarterly progress report for October 2018- December 2019.

#### **BACKGROUND**

4. Kalamunda Achieving: Corporate Business Plan 2018-2022 (**CBP**) was endorsed by Council on 25 June 2018.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in the 2018/19.

#### **DETAILS**

8. The CBP is comprised of 4 priority areas, referred to as 'goals in this report, being:
  1. Kalamunda Cares and Interacts
  2. Kalamunda Clean and Green
  3. Kalamunda Develops
  4. Kalamunda Leads

9. The report reflects the management progress report against the work schedule for each of the individual initiatives, as at 31 December 2018.
10. At an aggregate level, the CBP is 44% complete and is on track for completion by 30 June 2019.

There are 74 individual initiatives set out within the CBP.

Of the 74 initiatives:

40 are on track.

34 are below the 50% progress point due to a range of reasons mainly being work that is scheduled in the future quarters.

Details of each action can be found in the Attachment to this report.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. All local governments are required, by legislation, to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995 (WA)*, which is effectively the City's 'plan for the future'.
12. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

## **POLICY CONSIDERATIONS**

13. None.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

14. This report reflects input from Directors and Managers throughout the City.

### **External Referrals**

15. Various external stakeholders and community members have been involved in the achievement of the CBP.

## **FINANCIAL CONSIDERATIONS**

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

## 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.

## SUSTAINABILITY

### Social Implications

18. None.

### Economic Implications

19. None.

### Environmental Implications

20. None.

## RISK MANAGEMENT CONSIDERATIONS

21.	<b>Risk:</b> The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Quarterly reports are provided to Council of progress against the CBP.		

## OFFICER COMMENT

22. In this financial year we have strengthened the alignment of the CBP to the achievement of management performance objectives.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 89/2019

That Council RECIEVES the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2018-2022 for the period July to September 2018.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## 10.4.5. Forreestfield North Local Structure Plan - Consideration by the Western Australian Planning Commission

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

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. Letter from WAPC - 28 March 2019 <b>[10.4.5.1]</b></li> <li>2. Letter - Response to WAPC - 12 April 2019 <b>[10.4.5.2]</b></li> <li>3. Letter to Forreestfield North Landowners - 16 April 2019 <b>[10.4.5.3]</b></li> <li>4. Forreestfield North Residential Precinct Draft Local Structure Plan <b>[10.4.5.4]</b></li> </ol>
Confidential Attachment 1	Advice from General Counsel - 10 April 2019 - City right of appeal to the SAT against WAPC decision

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

### EXECUTIVE SUMMARY

1. The Council, at a Special Meeting on 3 December 2018, endorsed the Forreestfield North Residential Precinct Local Structure Plan (LSP) (Attachment 4) and referred the LSP to the Western Australian Planning Commission (WAPC) for final approval. The progression of the LSP is a critical step in finalising the planning framework to facilitate future development and provide certainty to landowners in the area around future land use and infrastructure requirements. The City lodged the LSP and all supporting technical information to the WAPC on 11 December 2018.
2. The WAPC subsequently wrote to the City by letter dated 28 March 2019 (WAPC letter). The WAPC letter states that the Department of Planning, Lands and Heritage (DPLH) has completed its preliminary assessment of the LSP and notes that the City's report on the LSP does not contain sufficient information for the WAPC to make a decision.
3. The WAPC letter sought 'information to consider the LSP' purportedly pursuant to Schedule 2, Clause 23 of the Regulations. The WAPC letter also refers to the LSP being in a 'Stop Clock' status and an 18-month timeframe has been provided for this purpose.

4. According to the Regulations, the WAPC has 120 days in which to determine the LSP. That timeframe has now been exceeded. It is believed that a right of review (appeal) to the State Administrative Tribunal (SAT) now exists refer to the Confidential Attachment.
5. The City replied to the WAPC letter with a response to the matters raised and advised that it believed there was no provision in the Regulations for a "Stop Clock" and that a right of review now exists. The letter also sought an urgent meeting with the WAPC before the Ordinary Council Meeting (OCM) on 30 April. A meeting has now been scheduled for the 29 April 2019.
6. Depending on the nature of the meeting with the WAPC, the Council has the option of further engaging with the WAPC to progress the determination of the LSP within an agreed timeframe and/or seeking a review through SAT.

## BACKGROUND

7. **Locality Plan:**





8. The Council, at a Special Meeting on 3 December 2018, endorsed the LSP for the Forrestfield North Residential Precinct, and that it be referred to the WAPC for final approval. The City lodged the LSP and all supporting technical information to the WAPC on 11 December 2018. The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) state that the WAPC have 120 days to make a determination excluding any period the WAPC requests modifications to the LSP or where a longer period is agreed in writing between the WAPC and the applicant (the City).
9. The LSP is one of two key components that make up the Forrestfield North urban area; the Transit Oriented Development Precinct and the Residential Precinct. The purpose of the LSP being prepared is to guide development around the new Forrestfield Train Station, currently under construction as part of the Forrestfield Airport Link project. The progression of the LSPs are a critical step in finalising the planning framework to facilitate future development and provide certainty to landowners in the area around future land use and infrastructure requirements.

## DETAILS

10. The City received a letter from the WAPC dated 28 March 2019 (Attachment 1). The WAPC letter states that the DPLH has completed its preliminary assessment of the LSP and notes that, according to the WAPC, the City's report on the LSP does not contain sufficient information for the WAPC to make a decision. The WAPC letter makes reference to Schedule 2, Clause 23 of the Regulations, which enables the WAPC to direct the City to "*... give to the Commission technical advice and assistance or further information in writing...*".
11. The letter further states that the Commission seeks further information pursuant to Schedule 2, Clause 23 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) to consider the LSP, specifically:
  1. *"The local government's preference is that the designated environmental conservation areas be reserved as Parks and Recreation in the Metropolitan Region Scheme (MRS). Such MRS amendment has been lodged which is to be separately considered by the WAPC (yet to be initiated). Until such time as the MRS amendment has been determined, the draft LSP cannot progress.*
  2. *The mechanism to manage and protect the regionally significant vegetation and areas with environmental values has not been determined.*
  3. *Advice from the Environment Protection Authority as required by Schedule 11 Part 2(ii) of the City of Kalamunda Local Planning Scheme No. 3 is yet to be obtained.*
  4. *Confirmation that a drainage basin is required at Lot 34 Brand Road, approval of the draft Local Water Management Strategy by the Department of Water and Environment Regulation including any further refinement of public open space areas."*

A timeframe of 18 months is also cited '*...to ensure that the draft LSP can be considered*'; and

The draft LSP '*...now is on "Stop Clock" status*' .

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. **Schedule 1, Part 4 of the Regulations.**  
Attached is a copy of the confidential legal opinion and advice of General Counsel.
13. The process for preparing and determining a LSP is set out in the Regulations. In essence Clause 22 sets out how the WAPC is to determine the proposed LSP, providing a 120 day period for the WAPC to make a determination otherwise it could be considered a deemed refusal, and Clause 23 enables the WAPC to seek further services or information from the local government.
14. Clause 25 of the Regulations provides the opportunity for the proponent of the LSP to apply to the SAT for a review (appeal) of a decision by the WAPC on the LSP.

## **POLICY CONSIDERATIONS**

15. N/A

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. General Legal Counsel – see attached confidential advice.

### **External Referrals**

17. While not an external referral, a letter has been sent to all landowners in the area on 16 April 2019 (Attachment 3) advising generally of the current situation and that the matter would be considered by the Council at the 30 April 2019 OCM to determine the way forward.
18. The landowners were further advised that further consultation would be conducted with them following the Council's consideration.

## **FINANCIAL CONSIDERATIONS**

19. The progress of the LSP has a direct impact on the landowners in the area. Without the certainty of the LSP, the extent and cost of infrastructure required cannot be determined and the Development Contribution Plan (DCP) cannot be progressed. Without progressing a DCP, the City is unable to provide landowners with information around the likelihood and timing of infrastructure requirements, and corresponding priority of land acquisition.



## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

20. *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

21. The timely progression of the LSP has a direct impact on the future of the landowners in the area. Many of the landowners are at retirement age and wish to move from the area through the realisation of the monetary value of their land asset. The family of the owner of Lot 34 Brand Road (Mr Rowton) are looking for the funds from the sale of their land to deal with the situation of their aging relative. Delays in the approval of the LSP and the consequential Development Contribution Plan will have an impact on this being achieved in a timely manner.

### Economic Implications

22. As referred to above, the delay in the approval of the LSP will have considerable economic implications for the landowners within the precinct.

### Environmental Implications

23. The LSP establishes areas for conservation and protection. As reported to the Council OCM 3 December 2018, the green link is proposed to connect the existing Bush Forever site on Sultana Road West with Poison Gully Creek to the north of the LSP area. The 'green link' is designed to incorporate areas of active parkland, conservation (including the wavy-leaved smoke bush), significant stands of vegetation and existing Bush Forever areas. These POS areas will provide the community with active and passive recreation opportunities, high levels of amenity while also achieving and balancing environmental conservation. The green link also provides opportunities for fauna to co-exist within the urban environment and biodiversity to propagate and be rehabilitated where possible. These protections cannot be put in place until the LSP is endorsed by the WAPC.

## RISK MANAGEMENT CONSIDERATIONS

- 24.
- |  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> The review at SAT, if pursued, is not successful.       |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Possible   | Moderate           | Medium        |
| <b>Action/Strategy</b>   |                    |               |
| Further engage with the WAPC to progress the LSP in a timely manner. |                    |               |
- 25.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The approval of the LSP is delayed for 18 months pending consideration of the MRS amendment for Environmental Conservation areas.  |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Likely  | Moderate           | High          |
| <b>Action/Strategy</b>  |                    |               |
| Further engage with the WAPC to progress the LSP independent of the MRS amendment and seek landowner support. Should this fail, seek to progress the matter in the timeliest manner possible through the SAT. |                    |               |

## OFFICER COMMENT

26. The City replied to the WAPC letter on 12 April 2019 (Attachment 3) providing a comprehensive response to each of the four matters raised. In general, the City does not believe that, apart from point 4, the requests made by the WAPC are in accordance with the Regulations and that the WAPC has the power within the Regulations to 'stop the clock'. Despite point 4 being a relevant request this information was provided to the WAPC on 12 April 2019.
27. The City is also of the view that the proposed MRS Amendment request for the Environmental Conservation areas identified on the LSP is a separate statutory process to consideration of the LSP and one need not hold up the other.
28. The LSP has been with the WAPC for more than 120 days (as of 10 April 2019) and therefore, in accordance with the Regulations, the LSP submitted by the City could be deemed to have been refused, providing the City with the option to seek a review at SAT. Seeking a review through the SAT will bring the issues into a formal environment with each party provided timeframes to provide information and progress matters.
29. While maintaining its right to seek a review at SAT, the City has sought an urgent meeting with the WAPC to see how the LSP can be progressed. A meeting has subsequently been scheduled for 29 April 2019. The City sought to meet at the earliest available opportunity.
30. The City will be seeking a clear understanding from the WAPC that it will proceed with the determination of the LSP and that this will be undertaken within an agreed timeframe otherwise the City may pursue the matter through a SAT review.

31. The following options are considered to be available to the Council:

**Option 1**

Consider the proposition presented by the WAPC at the meeting with the CEO on 29 April 2019 to progress the LSP and that a determination would be made by a specified date without forfeiting the City's rights of review through the SAT. Details of the outcome of this meeting will be discussed during the April OCM; or

- 32.

**Option 2**

Should the WAPC not agree to progress the LSP within an agreed and acceptable timeframe, or that the agreed timeframe is exceeded, the CEO is authorised to pursue a review of the WAPC's deemed refusal of the LSP through the SAT.

The Officer Recommendation published in the agenda was replaced prior to the meeting following information provided by the WAPC.

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

RESOLVED OCM 90/2019

That Council:

1. NOTES the correspondence from the Western Australian Planning Commission dated 26 April 2019, received on 29 April 2019 (Attachment 5).
2. REQUESTS the Chief Executive Office to notify landowners of the correspondence received from the Western Australian Planning Commission.
3. REQUESTS the Chief Executive Officer to provide a deputation to the Statutory Planning Committee of the Western Australian Planning Commission on the Forrestfield North Residential Precinct: Local Structure Plan.
4. RESERVES the City of Kalamunda's right to appeal any decision of the Statutory Planning Committee of the Western Australian Planning Commission in relation to the Forrestfield North Residential Precinct: Local Structure Plan.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **10.4.6. Response to the Department of Planning, Lands and Heritage - Draft Position Statement: Tourism land uses in bushfire prone areas**

***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	
Applicant	Nil
Owner	Nil
Attachments	1. Draft Position Statement - Tourism land uses within bushfire prone areas December 2018 <b>[10.4.6.1]</b> 2. City of Kalamunda - Submission - Comment on draft Position Statement <b>[10.4.6.2]</b>

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the City of Kalamunda's (City) submission on the Department of Planning, Lands and Heritage's (DPLH) Draft Position Statement: Tourism land uses within bushfire prone areas (Position Statement)
2. The Position Statement provides the policy position for short stay tourism land uses and tourism land uses limited to day/night use with no overnight stay, located within bushfire prone areas (Attachment 1).
3. The City's submission identifies area where the DPLH can clarify the assessment process and the requirements for specific land uses.

#### **BACKGROUND**

4. Planning assessments for properties which are identified as bushfire prone are undertaken in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and has due regard to State Planning Policy 3.7 (SPP3.7), as well as comments received from agencies such as the Department of Fire and Emergency Services (DFES). SPP3.7 does not provide a Policy position and therefore guidance with respect to tourism land uses in bushfire prone areas.
5. On 16 April, Council was briefed by the City on the Position Statement and provided with response options to the DPLH, as follows:
  - a. Option 1 – Provide no submission to the DPLH.
  - b. Option 2 – Note the Position Statement and comment on State Government agency positions on the Position Statement.
  - c. Option 3 – Provide a submission of objection to Bushfire Refuges.
  - d. Option 4 – Provide comments on the Position Statement.

6. The Council requested the City to proceed with Options 2 and 4.

### **DETAILS**

7. The Position Statement provides the policy position for short stay tourism land uses and tourism land uses limited to day/night use with no overnight stay, located within bushfire prone areas (Attachment 1).
8. The Position Statement includes Policy Objectives and Policy Measures, with the latter establishing contingency measures aimed at providing a performance based solution through the use of refuge buildings to manage bushfire risk.

### **STATUTORY AND LEGAL CONSIDERATIONS**

9. Nil.

### **POLICY CONSIDERATIONS**

10. The Position Statement will supplement State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
11. The City will be required to given due regard to the Position Statement once it is finalised as part of its assessment of development applications.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

12. Comments have been sought from internal departments, and those comments have been incorporated into the draft response.

#### **External Referrals**

13. The DPLH is seeking comments for all interested parties and has publicly advertised the draft statement. Submissions are required by 12 April 2019, however the DPLH has agreed to an extension of time for the City's response to be considered by Council.

### **FINANCIAL CONSIDERATIONS**

14. Nil

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

15. *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

16. The social importance of tourism to Western Australia is understood by all tiers of government and consequently recognised in Federal, State and Local Government strategic planning documents.

### Economic Implications

17. The economic importance of tourism to Western Australia is significant generating 104,000 jobs and injecting \$11.8 billion into the Western Australian economy.

### Environmental Implications

18. Nil.

## RISK MANAGEMENT CONSIDERATIONS

19.	<b>Risk:</b> The proposed position statement does not proceed.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/Strategy</b>		
	Ensure support for the policy intent particularly in relation to proposed contingency measures, is fully conveyed in the City's submission to the DPLH.		

## OFFICER COMMENT

20. The City acknowledges the importance of the Position Statement in providing additional clarity for local governments and State Government agencies which will assist in the application of State Planning Policy 3.7 for development applications for tourism activities in bushfire prone areas. The City however notes that for the key elements of the Position Statement to be fully realised, there needs to be clear consensus between key State Government agencies to avoid conflicting advice in respect to planning applications, particularly in regard to the use of refuge buildings as a contingency measure.

21. The City's comments to the Position Statement is outlined in Attachment 2.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 91/2019

That Council ENDORSE the City of Kalamunda submission on the Department of Planning, Lands and Heritage Draft Position Statement – Tourism land uses within bushfire prone areas as provided in Attachment 2.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **10.4.7. Heidelberg Park Community Enhancement Project**

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

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CN-01/420 & 3.009580
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	Nil

#### **RESOLVED OCM 99/2019**

That Council:

1. NOTES the finding and information contained in the confidential report: Heidelberg Park Community Enhancement Project.
2. SUPPORTS progress further technical investigations for the Heidelberg Park Community Enhancement Project.
3. SUPPORTS progressing community consultation on the Heidelberg Park Community Enhancement Project.
4. NOTES the findings and recommendations contained in Attachment 7.

Moved: **Cr Michael Fernie**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**



## **10.4.8. Metropolitan Regional Roads Group Program - 2020/2021**

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

Previous Items	OCM 85/2016, OCM 60/2018
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009663
Applicant	N/A
Owner	N/A

Attachments	1. Metropolitan Regional Roads Group Program 2020 2021 Summary of Projects <b>[10.4.8.1]</b>
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek endorsement of submissions for funding as part of the 2020/2021 Metropolitan Regional Roads Group (MRRG) Road Rehabilitation Projects Program.
2. The MRRG program provides the opportunity for local governments to seek a grant from the State Government of  $\frac{2}{3}$  of the cost of specific projects (up to a total annual cap of \$750,000 per Local Government) for road rehabilitation projects. Specific projects are assessed for benefits against criteria set out by the State. Each project bid is ranked against all other bids from Local Governments, hence the competitive nature of the process.
3. A list of 14 projects have been prepared for endorsement and submission by the City of Kalamunda (City) which, as assessment processes are completed, should result in an approved list of projects which would be close to the \$750,000 funding cap.

### **BACKGROUND**

4. Each year, Main Roads WA (Main Roads) invites project submissions for funding consideration as part of the MRRG Program.
5. The project types are separated into two categories as outlined below:

#### Road Improvement Projects

Improvement projects are those which would involve the upgrading of an existing road to a higher standard than currently exists, i.e. dual carriage way construction, pavement widening, new overtaking lanes, traffic control measures, major intersection upgrades etc.

A multi-criteria analysis (taking into consideration road capacity, geometry, accidents, benefits and costs) is used to prioritise road improvement projects on urban arterial roads within the metropolitan area. This analysis is an integral part of the guidelines for the MRRG Program and must be followed for submissions to be considered for funding.

### Road Rehabilitation Projects

Road Rehabilitation Projects are those proposed for existing roads where a failed road section is to be brought back to pre-existing physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning.

A number of conditions have to be met for a project to be considered in the program. Projects qualify only if the road has a classification of a local distributor road or higher and its Average Annual Daily Traffic (AADT) exceeds 2,000 vehicles per day or the design traffic exceeds  $1 \times 10^6$  Equivalent Standard Axle (a measurement that is related to the commercial vehicle content). Another qualifying criterion requires the points scored for the criterion relating to road condition to be greater than 700 points.

6. Project submissions are forwarded to Main Roads and checked for omissions and errors in computations. The Main Roads Pavement Branch audits submissions relating to Road Rehabilitation Projects and an independent auditor appointed by Main Roads audits the Road Improvement Projects Submission.
7. Final audited projects are then collated by Main Roads and a priority listing based on the audited points score is developed and distributed to all local governments for review.
8. The Sub Groups of the MRRG each have technical meetings to discuss and approve projects with recommendations from the Groups forwarded to the MRRG. The Cities of Kalamunda, Swan and Bayswater, Shire of Mundaring and Town of Bassendean form the Eastern Sub Group.
9. The MRRG considers funding submissions in accordance with the guidelines and makes recommendations to the State Road Funds to the Local Government Advisory Committee. The Minister for Transport ultimately approves the funding for the projects.
10. Funding for specific projects is on the basis of  $\frac{2}{3}$  from the State and  $\frac{1}{3}$  from the City.

### **DETAILS**

#### 11. Road Improvement Projects

There are currently no proposed submissions under this category as there are no projects considered to be at a stage to comply with the project implementation and funding recoup criteria.

Road projects will be reviewed over the next year to determine any other suitable projects for submission as part of the 2021/2022 funding round.

12. Road Rehabilitation Projects

A list of the fourteen road rehabilitation projects which have been prepared for submission to Main Roads before the 26 April 2019 deadline are shown in Attachment 1.

13. Council's endorsement of these proposed projects is required to support the submissions for funding consideration.

14. Main Roads advice to local governments is expected early in 2020 of the successful projects for the 2020/2021 financial year to enable inclusion in the annual Capital Works Budget.

15. It is to be noted that the City received very recent advice from the MRRG that the annual cap for projects in 2019/2020 has been lifted from \$750,000 to \$850,000. It is uncertain if this is an ongoing change or a 'one off'. The City has been afforded the opportunity to include a new Hale Road project in the draft 2019/2020 Capital Works budget yet to be considered by Council.

**STATUTORY AND LEGAL CONSIDERATIONS**

16. Nil.

**POLICY CONSIDERATIONS**

17. Nil.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

18. Nil.

**External Referrals**

19. Nil.

**FINANCIAL CONSIDERATIONS**

20. The list of Road Rehabilitation Projects for 2020/2021 outlined in Attachment 1 indicates a total estimated MRRG contribution of \$2,189,467 to undertake all projects. This exceeds the \$750,000 cap. However, the MRRG grant process requires further assessments and outcomes which result in the submissions being prioritised to fall within the \$750,000 cap.

21. Should the City be successful in achieving grant funding totalling in the order of \$750,000 as part of the 2020/2021 program, then it will need to contribute in the order of \$375,000 from municipal funding.

22. The 2020/2021 year of the City's Draft Long Term Financial Plan has an allocation which accommodates the maximum grant of \$750,000 and the City's contribution of \$375,000.

## 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.

## SUSTAINABILITY

### Social Implications

24. Nil.

### Economic Implications

25. The receipt of State Government funds as part of the MRRG program will reduce the requirement for municipal funding to rehabilitate the City's road network. The works also stimulate the construction industry.

### Environmental Implications

26. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 27.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The City fails to take the opportunity to receive significant grant funding towards road work projects, thus placing further pressure on municipal funds or allowing roads to deteriorate. |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Major              | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| The City continues to plan in a timely fashion for submissions for grant funding under the MRRG program.  |                    |               |

## OFFICER COMMENT

28. The overall funding for all WA local governments for Rehabilitation Road Projects in 2019/2020 was \$14.72m (and has recently been lifted to \$15.87m) however, the funding allocation 2020/2021 has not been set by the State Government.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 92/2019

That Council ENDORSE the City's submission of Road Rehabilitation projects, as set out in Attachment 1, to Main Roads Western Australia for grant funding consideration as part of the 2020/2021 Metropolitan Regional Roads Group – Rehabilitation Projects Program.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Michael Fernie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **10.4.9. Consideration of Tenders for Forrestfield / High Wycombe Industrial Area Stage 1 Development Contribution Plan: Dundas/Milner/Berkshire, Ashby/Berkshire & Nardine/Milner Intersection Upgrades RFT 1902**

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

Previous Items	SCM 05/2016
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	PG-STU-028
Applicant	N/A
Owner	Various
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 tender for the upgrade of three intersections within the Forrestfield Industrial Area Planning Scheme.
2. The City of Kalamunda (City) issued the Request for Tender seeking to engage a contractor for the Dundas/Milner/Berkshire, Ashby/Berkshire and Nardine/Milner Intersection Upgrades, Forrestfield Industrial Area (RFT 1902).
3. It is recommended that Council accepts the tender from JEK Pty Ltd trading as HAS Earthmoving (HAS Earthmoving) for the works for a lump sum price of \$1,029,767.83 (excluding GST).

#### **BACKGROUND**

4. The project involves the upgrade of three intersections located in the Forrestfield Industrial Area as follows:
  - a) Dundas Road/Milner Road/Berkshire Road;
  - b) Ashby Close/Berkshire Road; and
  - c) Nardine Close/Milner Road

Works include widening of the intersections for road train movements, as well as associated infrastructure improvements.
5. The project is to be funded under the Forrestfield Industrial Area Planning Scheme Development Contribution Plan.

## DETAILS

6. The City issued RFT 1902 seeking to engage a contractor to undertake three intersection upgrades within the Forrestfield Industrial Area. Tenders closed on 12 March 2019. Seven tenders were received by the closing date.
7. Tenders that received by the closing date were from the following companies (in alphabetical order):
  - a) Advantesting Civil Engineers;
  - b) BMD Urban;
  - c) DJ MacCormick Contractors;
  - d) HAS Earthmoving;
  - e) Industrial Roadpavers (WA) Pty Ltd;
  - f) TRACC Civil; and
  - g) WCP Civil Pty Ltd
8. A panel was convened of suitably qualified City officers to assess the Tenders.
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 was as follows:
 

Qualitative Criteria	Weighting
Relevant Experience	25%
Tenderer's Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	35%
10. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
11. All seven tenders received met the compliance criteria.
12. The seven tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Advantesting Civil Engineers	70%	1
HAS Earthmoving	67%	2
WCP Civil Pty Ltd	61%	3
Industrial Roadpavers (WA) Pty Ltd	60.5%	4
DJ MacCormick Contractors	57%	5
BMD Urban	52.5%	6
TRACC Civil	49.5%	7

13. The following four tenders achieved the required minimum of 60% as a Qualitative Pass Mark:
- a) Industrial Roadpavers (WA) Pty Ltd;
  - b) HAS Earthmoving;
  - c) WCP Civil Pty Ltd; and
  - d) Advantesting Civil Engineers
14. A price assessment was then undertaken for these 4 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 Panel recommends HAS Earthmoving be the preferred Tenderer for its lump sum price of \$1,029,767.83 (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 project budget for this work, inclusive of design, construction, external headworks, project management and contingency is \$1,157,671. The pre-tender estimate for this contract was \$1,091,053. It is noted the recommended tender is 5.6% below the pre-tender estimate, which will provide 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.
- |   |                   |               |
|---|-------------------|---------------|
| <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>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Moderate  | Unlikely          | Low           |
| <b>Action/Strategy</b>  |                   |               |
| a) clearly defined scope of works and specifications have been developed;<br>b) construction to be supervised by the City to validate quality; and<br>c) contract provides for claims against the contractor for remedial action if needed. |                   |               |

## OFFICER COMMENT

28. This project allows for intersection upgrades within the Forrestfield Industrial Area Planning Scheme for Dundas/Milner/Berkshire, Ashby/Berkshire and Nardine/Milner as part of the development of the Forrestfield Industrial Area. 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 93/2019

That Council ACCEPTS the tender for Dundas/Milner/Berkshire, Ashby/Berkshire and Nardine/Milner Intersection Upgrades, Forrestfield Industrial Area (RFT 1902) in the Forrestfield Industrial Area from JEK Pty Ltd ABN 39008942783 trading as HAS Earthmoving for its lump sum price of \$1,029,767.83 (plus GST).

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## 10.4.10. Kalamunda Town Centre - Pedestrian Crossing Facilities

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009239; 4.00009616
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Signalised and Non- Signalised Pedestrian Crossing Warrants and Guideline... <b>[10.4.10.1]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council agreement for the Mayor and Chief Executive Officer to advocate and negotiate with the State Government on behalf of the City for improved safety for pedestrian crossing points where approval for same fall under the jurisdiction of Main Roads Western Australia (Main Roads).
2. The current Main Roads policies for the types of pedestrian crossing designs give limited scope for the City to secure an upgrade in the designs to improve safety for the elderly, visually impaired and hearing impaired members of the community.
3. The recommendation that Council through the Mayor and Chief Executive Officer undertakes advocacy for these issues is seen as the most practical way to achieve the desired outcomes.

### BACKGROUND

4. The City has received ongoing complaints from parts of the community (especially the elderly, hearing impaired and visually impaired) that crossing Canning Road near Heath Road is problematic and potentially a risk to users. Following a review of key pedestrian crossing locations within the Kalamunda Town Centre, the City was able to demonstrate to Main Roads that a formalised crossing point should be endorsed. A 'zebra' crossing point was subsequently approved, and works are to commence in May 2019.
5. Consultation with the community has strongly indicated that a signalised pelican/puffin crossing should be the preferred installation. Main Roads have not approved this type of crossing
6. Two other potential key pedestrian crossings are located on Railway Road at the eastern end of Haynes Street, near the library building and on Mead Street, east of Canning Road near the ALDI development and the Kalamunda Bus Station. Neither of these locations meet Main Roads criteria for a zebra crossing. Engagement and negotiation to support the upgrades of these two other key crossing locations to full zebra crossings is also required.

7. The City is also developing its streetscape designs for the Kalamunda Town Centre inclusive of pedestrian and traffic movement issues.

## **DETAILS**

8. Main Roads has developed a series of technical pedestrian crossing warrants which outline the criteria by which crossings can be approved for installation and to which format or standard these are constructed. Attachment 1 to this report provides a detailed description of the types of crossings and warrants applicable.
9. Main Roads will not approve 'as of right' any crossing proposals from Local Governments that do not meet their warrants.
10. Past experience has shown that where an upgraded crossing treatment does not meet the technical traffic or pedestrian movement thresholds set out in the warrants, advocacy in the political arena can result in positive outcomes and endorsement of these proposals.
11. The City has been able to demonstrate that a zebra crossing at Canning Road, between Heath Road and Haynes Street, satisfactorily meets the warrants for an uncontrolled zebra crossing, however, the technical combination warrant for a fully controlled (signalised) pelican/puffin crossing has not been satisfied.
12. Engagement with the community has resulted in significant feedback outlining valid concerns regarding the potential safety hazards of an uncontrolled zebra crossing catering to the elderly and visually impaired members of the community. This feedback included:
- a) visually impaired persons may not have enhanced perception of oncoming vehicular traffic and will therefore be hesitant to simply walk onto the crossing on the assumption that vehicles will stop;
  - b) similarly, hearing impaired persons often may be unsure of the roadway conditions especially with the increase in cyclists and quieter electric vehicles using Canning Road; and
  - c) having a fully controlled (signalised) crossing point (with audible and tactile feedback) will provide more assurance and comfort for the elderly and impaired that a safe crossing can be achieved.
13. Two other locations identified as potential key pedestrian crossing locations are located on Railway Road at the eastern end of Haynes Street, near the library building and on Mead Street, east of Canning Road near the ALDI development and the Kalamunda Bus Station. Neither of these locations meet the minimum combination warrant thresholds for a zebra crossing, however, permeability and accessibility between the commercial centre oriented along Haynes Street and the public use buildings on the east side of Railway Road/Mundaring Weir Road and between the commercial uses to the west of the ALDI and the Kalamunda Bus Station is a priority for pedestrians within the area.

14. The zebra crossing on Canning Road is due for construction in May 2019. It is recommended that these works continue as planned in consideration that any 'advocated' decision to change to a puffin/pelican crossing will take some time and incur further design and budget processes. It is preferred that this zebra crossing be installed as a first step in improving safety for pedestrians crossing Canning Road.
15. The estimated cost for a fully controlled (signalised) pelican/puffin crossing is in the order of \$100,000 for Canning Road. The current approved allocation for the zebra crossing is in the order of \$20,000.
16. The estimated costs associated with the installation of uncontrolled zebra crossings on Railway Road, north of Haynes Street and on Mead Street, east of Canning Road are in the order of \$20,000 each.
17. The City is also planning to develop a series of streetscape designs within the Kalamunda Town Centre and is cognisant that pedestrian safety is high on the community issues in this regard and the promotion of sustainable transport and accessibility for all users is a key tenet of the City's Strategic Community Plan.
18. In consideration of the restrictions within existing Main Roads warrants that do not meet the needs of the Community, this proposed advocacy should seek as a secondary aim that Local Governments be given a greater say in determining the appropriate pedestrian measures within their Districts rather than acquiesce to a mandated decision reached by Main Roads.

## **STATUTORY AND LEGAL CONSIDERATIONS**

19. All final pedestrian crossing point designs currently will need to be approved by Main Roads and subject to Main Roads standards and guidelines.

## **POLICY CONSIDERATIONS**

20. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

21. Nil.

### **External Referrals**

22. Nil.

## FINANCIAL CONSIDERATIONS

23. Depending on success of this advocacy, it would be expected that the City fully fund the upgrade to a pelican crossing. This would include signalised traffic lights, roadworks, lines and signage. The existing allocation in the City's budget for the approved zebra crossing on Canning Road is approximately \$20,000. The estimated cost for a fully controlled (signalised) pelican/puffin crossing is in the order of \$100,000. Depending on the success of any advocacy, Council would need to consider approval of unbudgeted funding in 2019/2020 to undertake the upgrade.
24. The estimated costs associated with the installation of uncontrolled zebra crossing on Railway Road, north of Haynes Street and on Mead Street, east of Canning Road are in the order of \$20,000 each.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

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

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

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

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

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

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

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

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

## SUSTAINABILITY

### Social Implications

26. The City is demonstrating that it is responding to the needs of the community.

## Economic Implications

27. Nil.

## Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

29.	<b>Risk:</b> The City may be subject to reputational damage due to failing to advocate with the State to seek better outcomes for the community.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Likely	High
	<b>Action/Strategy</b>		
	Recognising that current Main Roads policies limit the ability to demand upgraded solutions that the City proceeds to seek political intervention.		

## OFFICER COMMENT

30. Officers are sympathetic to the concerns raised by the community and believe that pursuing the matter on technical grounds will not provide the outcome desired, hence this recommendation.

## Voting Requirements: Simple Majority

### RESOLVED OCM 94/2019

That Council:

1. APPROVES that the Mayor and Chief Executive Officer advocates on behalf of the City of Kalamunda with Main Roads Western Australia, the State Government and Local Members to seek Main Roads Western Australia approval to allow the upgrading of designated crossing points to higher levels of control where the City considers there are public safety issues that are not satisfactorily addressed in existing Main Roads Western Australia approvals policies.
2. NOTES that urgent advocacy is required for the proposed pedestrian crossing at Canning Road near Heath Road noting that works are due to commence.
3. NOTES that upcoming streetscape design proposals within the Kalamunda Town Centre will include overt consideration of pedestrian safety.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

#### **10.4.11. Drainage Investigations - Carob Tree Place**

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.004047; CR-07/029; CR-07/031; OR-ELM-008
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek unbudgeted funding of \$25,000 to undertake a study into localised flooding issues impacting properties in and around Carob Tree Place Lesmurdie.
2. Residents in this area are seeking that Council determine and implement works to mitigate the impacts of groundwater and surface water localised flooding issues. This problem should have been mitigated during the subdivision process, however was not and as such impacts parts of the community.
3. It is recommended that Council undertake the necessary investigations into the matter and proposed solutions (including costs) such that consideration can be given at a later stage as to implementation of a solution and what, if any, Council contribution is made to the rectification works.

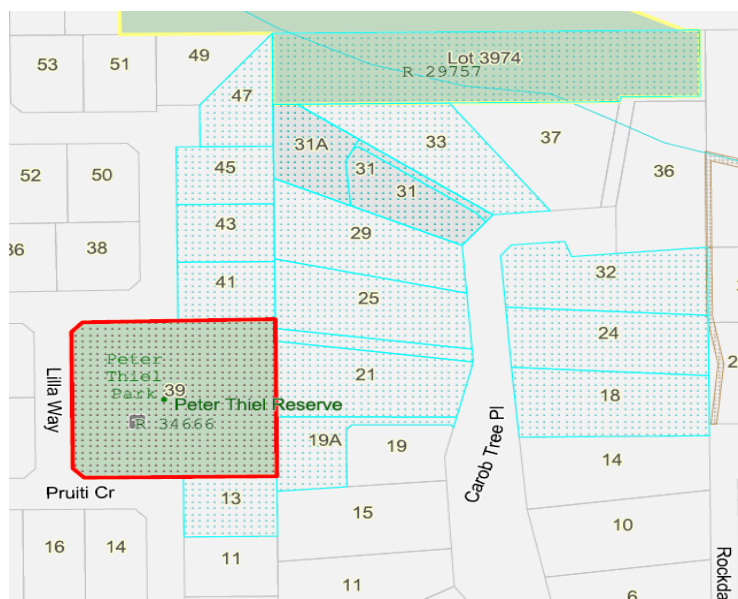
#### **BACKGROUND**

4. This area of Lesmurdie is traditionally rural in nature with urbanised subdivision for residences occurring, (it is believed), between 1985 to 1995. There was a natural watercourse that flowed towards Flora Terrace Reserve in this area.
5. In recent years the City has received complaints from residents in Carob Tree Place (primarily No 31) regarding localised flooding occurring on the property.
6. Ward Councillors have met with residents and officers of the City to understand the situation and are seeking Council support on the issue.



## DETAILS

7. The properties in question are generally within Carob Tree Place and Kathleen Road as shown in the following image:



8. It is understood that there was a natural watercourse that ran in a north south direction through Nos 25, 29, 31 and 31A Carob Tree Place towards the Flora Terrace Reserve to the north.
9. It is further understood when subdivision of the land was undertaken to create these properties the approved plans noted this watercourse and that surface and groundwater would need to be properly dealt with. Apparently, this has not occurred leading to localised flooding issues in No 31 especially.
10. The City has investigated the issue and has advised the owner that the situation is not of the City's responsibility to remediate. The natural watercourses in properties in this rural part of the City are a matter for landowners to manage (subject to standard conditions for detention and discharge of groundwater and surface water). Again, the subdivision process should have dealt with this issue.
11. Ward Councillors facilitated discussions between officers and residents. It was agreed that the City's officers would develop a technical scope of services for consultants to undertake a study into the matter and determine options (with costs) for solutions.
12. Quotations for the consultancy services were sought. The recommended consultancy provides a fee proposal of \$25,000 (approximately) to investigate and determine options (with a subsequent fee proposal of approximately \$20,000 if a decision was made to continue to design and documentation of the works).

13. The City has not budgeted for this work. In consideration of a timely resolution of the matter, it is recommended that if Council were disposed to fund the study, that it be undertaken as soon as possible via approval of unbudgeted funding from the 2018/2019 budget from the Land and Property Enhancement and Maintenance Reserve.
14. Whilst the City is technically not responsible for mitigation of this situation, it may be viewed that the absence of a solution during the subdivision process by the original developer is not the fault of the current property owners and perhaps the City needs to consider the needs of current residents in this regard. Conversely the precedent that this may set needs to be also considered.
15. Once the study is complete, a subsequent report for Council will be provided which will include the probable costs to undertake mitigation works. Council will then be able to determine what, if any, contribution it is prepared to make to the works. It is noted that this could not be ready for consideration before the adoption of the 2019/2020 financial year budget. If a decision was made to continue the project with Council funding, then further unbudgeted funding approvals would need to be sought.

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

16. Section 6.8 of the *Local Government Act 1995* provides for the approval of expenditure that has not been included in an adopted budget (i.e. unbudgeted works).

#### **POLICY CONSIDERATIONS**

17. Purchasing policy provisions apply.

#### **COMMUNITY ENGAGEMENT REQUIREMENTS**

##### **Internal Referrals**

18. Nil.

##### **External Referrals**

19. Nil.

#### **FINANCIAL CONSIDERATIONS**

20. The proposed funding for the study would come from City Reserves.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

21. *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

22. The proposal begins to address a situation that is distressing to affected property owners.

### Economic Implications

23. Nil.

### Environmental Implications

24. Nil.

## RISK MANAGEMENT CONSIDERATIONS

- 25.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> That the City creates a precedent for addressing (as yet unknown) similar issues for other property owners and as such incurs significant funding requirements. |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Major  | Possible          | High          |
| <b>Action/Strategy</b>   |                   |               |
| The City accepts the precedent and deals with any future matters on a case by case basis.  |                   |               |
- 26.
- |  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> That adverse community response is received to what is perceived as a lack of action by the City. |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Moderate   | Possible          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| The City outlines its reasoning why it would not be funding the works.   |                   |               |

## OFFICER COMMENT

27. Whilst this funding proposal is not seen as a responsibility of the City from a drainage management perspective, it is recognised that assisting the community is a function of local government.

<b>Voting Requirements: Absolute Majority</b>
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### RESOLVED OCM 95/2019

That Council:

1. AUTHORISES the undertaking of a study into and recommend options for mitigating the impacts of surface water run-off in and around properties in Carob Tree Place, Lesmurdie.
2. APPROVES in accordance with Section 6.8 (1)(b) of the *Local Government Act 1995* an amendment to the 2018/19 Budget:
  - (a) An amount of \$25,000 expenditure from the Director of Assets – Assets Consultants Budget.
  - (b) The transfer of \$25,000 from the Land and Property Enhancement and Maintenance Reserve to the Director of Assets – Assets Consultants Budget.
3. NOTES that a subsequent report to Council will be provided detailing the outcome of this study for consideration of next steps.

Moved: **Cr Michael Fernie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)**

#### **10.4.12. Chief Executive Officer's Performance Review Committee**

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

Previous Items	OCM 195/2017
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	Nil

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an amendment to the constitution of the City of Kalamunda to the Chief Executive Officer's (CEO) Performance Review Committee (CEOPRC) and to update the Chief Executive Officer Performance Review process accordingly.
2. The current membership of the CEOPRC consists of the Mayor and a nominated councillor from each ward.
3. It is recommended all elected members be appointed to the Chief Executive Officer's Performance Review Committee.

#### **BACKGROUND**

4. In October 2017 the (OCM 195/2017) Council resolved to re-establish the committee and the membership would consist of Mayor and one Councillor to be nominated from each Ward.

#### **DETAILS**

5. Section 5.38 of the *Local Government Act 1995* (WA) provides that all permanent employees including the CEO must have his or her performance reviewed annually.
6. The annual review of performance considers the CEO's performance against priorities for the preceding 12 months and measures and priorities for following 12 months are reviewed and adjusted as necessary.
7. In recognition of the importance of the CEO's position and the need for an effective performance review, amendments to the *Local Government Act 1995* are currently before the Parliament to require the introduction of minimum standards for performance reviews.
8. In view of the proposed amendments and to provide a balance and objective committee it is recommended the membership be changed to have all elected member being appointed to the CEO Performance Review Committee.

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. Section 5.38 of the *Local Government Act 1995* and Regulation 18D of the *Local Government (Administration) Regulations 1996*.

## **POLICY CONSIDERATIONS**

10. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

11. Community engagement not required for this purpose.

## **FINANCIAL CONSIDERATIONS**

12. Employee costs are linked in the Long Term Financial Plan.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

13. *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**

14. Nil

### **Economic Implications**

15. Nil

### **Environmental Implications**

16. Nil

## RISK MANAGEMENT CONSIDERATIONS

17.	<b>Risk:</b> An objective and effective annual review of the CEO's performance is not undertaken in accordance with legislative and contractual requirement.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Significant	High
	<b>Action/Strategy</b>		
	The performance review needs to be robust and in accordance with legislative and contractual requirements.		

## OFFICER COMMENT

18. Participation from all Elected members will ensure a more robust and equitable review is undertaken, with all Elected Members having greater opportunity to provide input into future key performance indicators and CEO feedback processes. It will provide for a more efficient process to emerge and timeframes will likely be easier to manage.
19. It is considered the recommended change to the membership of the (CEOPRC) provides for a more objective and effective framework for the annual CEO performance review process.

### Voting Requirements: Simple Majority

#### RESOLVED OCM 96/2019

That Council:

1. APPROVE an amendment to the membership of the Chief Executive Officer's Performance Review Committee to include the appointment of all twelve elected members to the Committee.
2. REQUEST the Chief Executive Officer to update the Chief Executive Officer Performance Review process accordingly.

Moved: **Cr John Giardina**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **10.4.13. Chief Executive Officer's KPIs for 2018/19 - Interim Report**

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

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

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

#### **RESOLVED OCM 101/2019**

That Council RECEIVES the Chief Executive Officer' interim report of progress toward the 2018/2019 key performance indicators.

MOVED: **Cr John Giardina**

SECONDED: **Cr Margaret Thomas**

VOTE: **CARRIED UNANIMOUSLY (9/0)**



#### **10.4.14. Request for reimbursement of Cell 9 contributions - Lot 900 William Street - Alice Clarke**

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

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	N/A
Applicant	Ms Alice Clarke, 20 William Street, Wattle Grove, Western Australia
Owner	As above
Attachments	Nil

#### **RESOLVED OCM 100/2019**

That Council DECLINE the request of Ms Alice Clarke, 20 William Street, Wattle Grove, Western Australia, for an ex gratia reimbursement of Cell 9 contributions, relating to the subdivision of Lot 900, William Street, Wattle Grove and further declines any waiver of contributions required at further subdivision of the same, if and when applicable.

**MOVED: Cr Margaret Thomas**

**SECONDER: Cr Cameron Blair**

**VOTE: CARRIED UNANIMOUSLY (9/0)**

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

### **11.1 Keep Wattle Grove Clean**

RESOLVED OCM 97/2019

<b>Voting Requirements: Simple Majority</b>
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That Council:

1. REQUEST the Chief Executive Officer to initiate the provision of additional recycling and general waste bins in the vicinity of the Wattle Grove shopping precinct.
2. REQUEST the Chief Executive Officer to investigate initiating the Keep Australia Beautiful Council (WA) Adopt-a-Spot program in Wattle Grove.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### **Rationale**

The pedestrian bridge spanning Woodlupine Brook between the Promenade (@Thorogood) and the Wattle Grove Shopping precinct is a major thoroughfare; and has become increasingly busy as new businesses have established themselves in both centres. Many of these businesses naturally offer disposable/takeaway items.

Accordingly, there has been a noticeable increase in discarded waste in the creek and its surrounds – and the area around the pedestrian bridge is a particular focal point. It seems to be simply too tempting for rubbish to be dropped there on the way back from the shopping centres. Weekly rubbish pick-ups in the area by local residents can easily fill an entire garbage bag, if not more.

To help mitigate this, permanent bins (ideally both landfill and recycling) need to be installed around this pedestrian bridge.

### **Officer Comments**

Both requests can be accommodated.

**12. Questions by Members Without Notice**

12.1 Nil.

**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 98/2019

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

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting closed to the public at 7:47pm. All members of the public gallery left the Meeting and all elected members, the Manager Peoples Services and the Executive Assistant to the CEO remained.

15.2 RESOLVED OCM 102/2019

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

Moved: **Cr Geoff Stallard**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting reopened to the public at 8:05pm. As no members of the public returned to the meeting the Presiding Member did not read the resolutions a loud.

**16. Tabled Documents**

16.1 **Strategic Sports & Recreation Committee**

Minutes 11 February 2019

16.2 **Kalamunda Environmental Advisory Committee**

Minutes 4 April 2019

16.3 **Local Emergency Management Committee**

Minutes 28 February 2019

16.4            **Strategic Sports & Recreation Committee**  
Minutes 25 February 2019

**17.            Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:07pm.

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.