

Ordinary Council Meeting

Agenda for Tuesday 26 November 2019



NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 26 November 2019 at 6.30pm.**

Rhonda Hardy
Chief Executive Officer
21 November 2019



Core Values

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

Aspirational Values

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

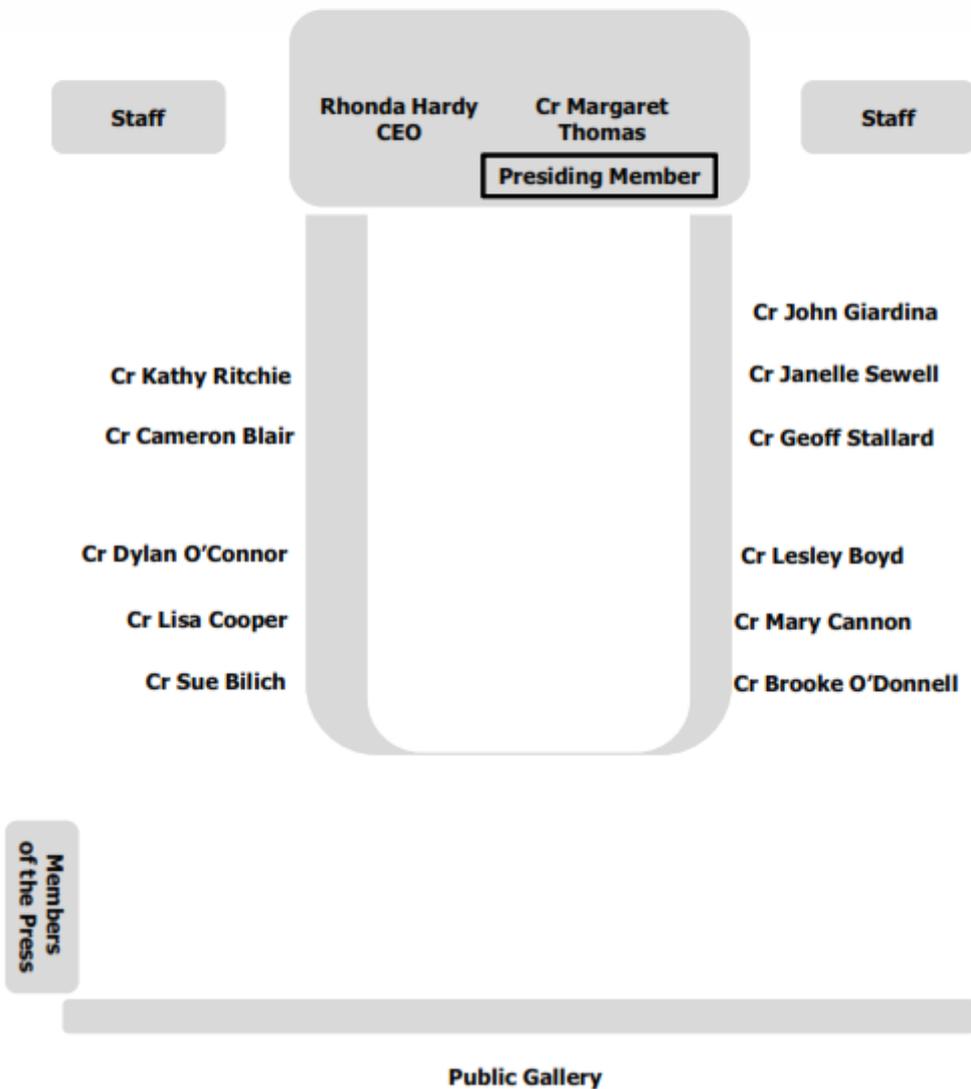
Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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

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

Council Chambers – Seating Layout



Ordinary Council Meetings – Procedures

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

INDEX

1. Official Opening.....	7
2. Attendance, Apologies and Leave of Absence Previously Approved.....	7
3. Public Question Time	7
4. Petitions/Deputations.....	8
5. Applications for Leave of Absence	8
6. Confirmation of Minutes from Previous Meeting	8
7. Announcements by the Member Presiding Without Discussion	9
8. Matters for Which the Meeting may be Closed	9
9. Disclosure of Interest	10
10. Reports to Council.....	11
10.1. Development Services Reports	11
10.1.1. Proposed Amendment No.94 - Lot 112 (280) Holmes Road - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship)	11
10.1.2. Proposed Structure Plan Amendment - Lot 17 (228) Sultana Road East, Forrestfield .22	22
10.1.3. Proposed Amendment No.102 - Lot 4 (51) Canning Road, Kalamunda - Additional Use of Shop (Pharmacy) to Existing Medical Centre.....	38
10.1.4. Proposed Fenced Dog Exercise Parks - Adoption for the Purposes of Public Advertising	47
10.1.5. Draft Local Planning Policy No.26: Public Art Contributions - Consideration of Submissions and Final Adoption	60
10.1.6. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda	71
10.1.7. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment- 420 Canning Road, Carmel (Heidelberg Park)	81
10.2. Asset Services Reports.....	90
10.2.1. Proposed Solar Farm - Pre-Feasibility Investigations	90
10.2.2. Swindells Lane (Railway Road to Burt Street) - Proposed Local Area Traffic Management.....	96
10.3. Office of the CEO Reports	101
10.3.1. Customer Service Strategy Quarterly Report.....	101
10.3.2. Amendment to Delegation From Council to the Chief Executive Officer	111
10.3.3. Corporate Business Plan - Quarterly Update - July to September 2019	114
10.4. Chief Executive Officer Reports	119
10.4.1. Draft Monthly Financial Statements to October 2019.....	119
10.4.2. Debtors and Creditors Report for the Period Ended September 2019.....	126
10.4.3. Debtors and Creditors Report for the Period Ended October 2019	133
10.4.4. Rates Debtors Report for the Period Ended September 2019	140
10.4.5. Rates Debtors Report for the Period Ended October 2019.....	144
10.4.6. Budget Review for Three Months to September 2019.....	148
10.4.7. Renewal of Microsoft Licences 2019 - 2022	154
10.4.8. Forrestfield Airport Link - Proposed Forrestfield Train Station Multi-Storey Car Park - Lot 11 (#10) and Lot 4 (#20) Ibis Place, High Wycombe.....	159
10.4.9. Community Safety and Crime Prevention Advisory Committee - Proposal for Open Youth Consultation Session	168
10.4.10. Community Safety and Crime Prevention Advisory Committee - Proposal to Investigate 40 km/hr Speed Zone	172

10.4.11. Application for Leave – Chief Executive Officer	178
10.4.12. Section 31 Reconsideration - Forrestfield North Residential Precinct Local Structure Plan - Consideration of the Western Australian Planning Commission Proposed Modifications - CONFIDENTIAL REPORT	181
10.4.13. Review of Forrestfield / High Wycombe Stage 1 Industrial Area Development Contributions - CONFIDENTIAL REPORT	182
11. Motions of Which Previous Notice has been Given	183
11.1. Appointment to Strategic Sport and Recreation Committee	183
12. Questions by Members Without Notice.....	184
13. Questions by Members of Which Due Notice has been Given.....	184
14. Urgent Business Approved by the Presiding Member or by Decision	184
15. Meeting Closed to the Public	184
16. Tabled Documents	184
17. Closure	184

1. Official Opening

2. Attendance, Apologies and Leave of Absence Previously Approved

Cr Lesley Boyd - Apology

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1 Kathleen Edmonds, Vulcan Road, Orange Grove

Q1. My questions refer to responses to questions taken on notice at the Ordinary Council Meeting of 24 September 2019. In light of the definition within the Planning Scheme of non-conforming use is it reasonable to assume no planning approvals have been issued by the City of Kalamunda for the property which was subject to my questions of 24 September?

A1. The question relates to the specifics of a private property. The City can only provide information that is publicly available. For information that is not publicly available, a Freedom of Information request will be required.

Q2. Has the City approved any planning applications for special rural zoned property 41 Brentwood Road?

A2. The question relates to the specifics of a private property. The City can only provide information that is publicly available. For information that is not publicly available, a Freedom of Information request will be required.

Q3. Has the City approved any form of truck vehicle parking on the non-conforming use property since the inception of non-conforming use?

A3. The question relates to the specifics of a private property. The City can only provide information that is publicly available. For information that is not publicly available, a Freedom of Information request will be required.

Q4. What action has the City taken against the landowner for non-compliance of non-conforming use?

A4. The question relates to the specifics of a private property. The City can only provide information that is publicly available. For information that is not publicly available, a Freedom of Information request will be required.

Q5. Will the City clarify if the City's response to question 4, asked at the Ordinary Council Meeting of 24 September 2019 is merely a general response or a response specifically relating to the property to which my question related?

A5. The response provided was general in nature.

Q6. Could the answer to Question 5, asked at the Ordinary Council Meeting of 24 September 2019, be clarified to the extent it is possible to give any approvals for development on the property?

A6. The question relates to the specifics of a private property. The City can only provide information that is publicly available. For information that is not publicly available, a Freedom of Information request will be required.

3.2. Public Question Time

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

4. Petitions/Deputations

4.1 A deputation has been approved from Mrs Iris Jones regarding Item 10.1.5. Draft Local Planning Policy No. 26: Public Art Contributions – Consideration of Submissions and Final Adoption.

5. Applications for Leave of Absence

6. Confirmation of Minutes from Previous Meeting

6.1 That the Minutes of the Ordinary Council Meeting held on 15 October 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 15 October 2019."

6.2 That the Minutes of the Special Council Meeting held on 21 October 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 21 October 2019."

- 6.3 That the Minutes of the Special Council Meeting held on 29 October 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 29 October 2019."

- 6.4 That the Minutes of the Public Agenda Briefing Forum held on 12 November 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 12 November 2019."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.2.5 Draft P-DEV 26 Local Planning Policy: Public Art Contributions - Consideration of Submissions and Final Adoption - CONFIDENTIAL ATTACHMENT
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."*

- 8.2 Item 10.2.1 Proposed Solar Farm - Pre-Feasibility Investigations— CONFIDENTIAL ATTACHMENT
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."*
Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

- 8.3 Item 10.4.7 Renewal of Microsoft Licences 2019 – 2022 – CONFIDENTIAL ATTACHMENT –
Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."
- 8.4 Item 10.4.12 Section 31 Reconsideration - Forrestfield North Residential Precinct Local Structure Plan - Consideration of the Western Australian Planning Commission Proposed Modifications – CONFIDENTIAL REPORT
Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."
- 8.5 Item 10.4.13 Review of Forrestfield / High Wycombe Stage 1 Industrial Area Development Contributions - CONFIDENTIAL 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."
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9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1. Development Services Reports

10.1.1. Proposed Amendment No.94 - Lot 112 (280) Holmes Road - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship)

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

Previous Items	OCM 111/2019
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/94
Applicant	Rowe Group
Owner	Greek Orthodox Church

Attachments	1. Applicant Report [10.1.1.1 - 89 pages]
	2. Scoping Statement and Master Plan [10.1.1.2 - 14 pages]
	3. Submission Table [10.1.1.3 - 8 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the final adoption of Amendment 94 (Amendment 94) to Local Planning Scheme No.3 (Scheme).
2. Amendment 94 proposes to rezone Lot 112 (280) Holmes Road and Lot 14 (323) Hawtin Road, Forrestfield (Site) to 'Special Use', and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:
 - a) Land use permissibility shall be in accordance with the provisions of the Special Rural Zone.
 - b) Within this zone the following uses are not permitted unless approval is granted by the Council ('A'):
 - i. 'Ancillary Dwelling';
 - ii. 'Caretakers Dwelling';
 - iii. 'Community Purpose';
 - iv. 'Residential Building'; and
 - v. 'Place of Worship'.
 - c) The term 'Residential Building' shall have the same meaning given to it in the Residential Design Codes, as amended.
3. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the Scheme. Rather than all development applications on the site requiring assessment as a 'non-conforming use' under Clause 4.8 of the Scheme. It is recommended Council adopts Amendment 94 to the Scheme without modification.

BACKGROUND

4. **Land Details:**

Land Area:	56,555m2
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

5. **Locality Plan:**



- 6. The site consists of an existing Greek Orthodox Church which pre-dates the gazettal of the Scheme. As a result, the existing Greek Orthodox Church has established 'non-conforming use' rights under Clause 4.8 of the Scheme.
- 7. There are 10 existing structures across the subject site inclusive of a dwelling, caretakers dwelling, monks residential building, chapel, dining hall, toilet block and four outbuildings. In addition to the above, a domestic orchard and olive grove is maintained on site.
- 8. The subject site is identified on the City's Municipal Heritage Inventory (Place No.85 – Greek Orthodox Church). The City's Municipal Heritage Inventory states that following statement of significance:

'The place has social value for the members of the community who attend the church'.

9. In September 2017, Amendment 94 was to be considered by Council for the purposes of public advertising. However, at the Applicant's request, the matter was withdrawn to enable a subdivision application to be lodged with the Western Australian Planning Commission (WAPC) seeking approval for the amalgamation of Lot 112 and Lot 14.
10. In December 2018, the WAPC issued a conditional approval for the amalgamation of Lot 112 and Lot 14, which has been subsequently cleared by the City in March 2019.

DETAILS

11. Amendment 94 proposes to rezone the site to 'Special Use', and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:

No.	Description of Land	Special Use	Conditions
SU20	Lot 112 (280) Holmes Road, Forrestfield	Place of Worship	<p>a) Land use permissibility shall be in accordance with the provisions of the 'Special Rural' zone.</p> <p>b) Within this zone the following uses are not permitted unless approval is granted by the Council ('A')</p> <ul style="list-style-type: none"> i. Ancillary Dwelling; ii. Caretakers Dwelling; iii. Community Purpose; iv. Residential Building; <p>and</p> <ul style="list-style-type: none"> v. Place of Worship. <p>c) The term 'Residential Building' shall have the same meaning given to it in the Residential Design Codes, as amended.</p>

12. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the Scheme. Rather than all development applications on the site requiring assessment as a 'non-conforming use' under Clause 4.8 of the Scheme.
13. In support of Amendment 94, the applicant has submitted a Scoping Statement and Master Plan (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

14. **Metropolitan Region Scheme**

The subject site is classified 'Rural' under the Metropolitan Region Scheme (MRS).

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

Under the provisions of the Scheme, the subject site is currently zoned Special Rural.

16. The objectives of the 'Special Rural' zone are outlined in Part 4.2.2 (Objectives of the Zones: Rural Zones) of the Scheme as follows:

- a) *To enable smaller lot subdivision to provide for uses compatible with rural development.*
- b) *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

17. The acceptable circumstances for the creation of a 'Special Use' zone are outlined in Part 5.16.1 of the Scheme as follows:

The local government shall only make such special provision by the creation of a special use zone when it considers that the special provisions:

- a) *Will satisfy a specific need(s) in the locality where the subject land is situated;*
- b) *Would enhance the amenity and the interest of the orderly and proper planning of the locality; and*
- c) *Would be specifically appropriate or desirable.*

18. The objectives of the 'Special Use' zone is outlined in part 5.16.2 of the Scheme as follows:

- a) *To make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or combination of uses where the provisions of the Zoning Table would otherwise allow this;*
- b) *To ensure that any use or development of land which is considered to have significant impact, takes place only after the amendment process has been undergone; and*
- c) *To allow for the inclusion of specific uses or combinations of uses on particular land either with or without base zoning (from the Zoning Table) of that land.*

19. Pursuant to Schedule 1 of the Scheme a Place of Worship, Community Purpose and Caretaker's Dwelling are defined as follows:

Place of Worship – means premises used for religious activities such as a church, chapel, mosque, synagogue and temple.”

Community Purpose – means the use of premises designed or adapted primarily for the provision of educational, social or recreation facilities or services by organisations involved in activities for community benefit.”

Caretaker's Dwelling – means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation of plant.

20. Schedule 1 of the Scheme does not define a residential building. Accordingly, the definition of a Residential Building as outlined in section 33 of the report has been included as a condition of the Special Use zone.
21. Pursuant to Table 1 of the Scheme, a 'Place of Worship' is an 'X' (Not Permitted) use within the Special Rural zone. However, the existing Greek Orthodox church operates in accordance with previous approval under a superseded version of the Scheme.
22. Accordingly, the existing church is a non-conforming use, and retains a 'non-conforming use right' under clause 4.8 of the Scheme. This means that the existing Greek Orthodox church is able to continue operating, even though it is a land use which is not permissible under the current Scheme as noted below:

"Except as otherwise provided in this Scheme, no provision of the Scheme is to be taken to prevent –

- a) The continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme; or*
- b) The carrying out of any development on the land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- c) Subject to clause 11.2.1, the continued display of advertisement which were lawfully erected, placed or displayed prior to the gazettal date."*

23. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* (Regulations), requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. The resolution must specify and provide justification for the type of amendment (basic, standard or complex).

24. Pursuant to Regulation 34, the proposed Amendment is considered to be a standard amendment as it:
- a) Is consistent with the objectives identified in the Scheme for the Special Rural zone. The amendment proposes a larger lot and retains an existing combination of uses which are not seen to impact the amenity of the rural landscape;
 - b) Is consistent with the City of Kalamunda Local Planning Strategy for the protection of the natural environment, biodiversity and provision of community facilities;
 - c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;

- d) Is considered to have a minimal impact upon the land within the City of Kalamunda, as the combination of uses pre-dates the gazettal of LPS3; and
- e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

25. **Planning and Development Act 2005**

Pursuant to Sections 81 and 82 of the *Planning and Development Act 2005*, the amendment was referred to the Environmental Protection Authority (EPA) prior to the public advertising of the amendment.

26. Pursuant to section 172 of the *Planning and Development Act 2005* a non-conforming use is defined as follows:

"non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7;"

POLICY CONSIDERATIONS

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

Clause 6.3 of SPP 3.7 sets out the information required to accompany higher order strategic planning documents. Consistent with clause 6.3, a Bushfire Management Plan has been submitted with the proponent's request to amend the Scheme.

28. **State Planning Policy 7.3 – Residential Design Codes – Volume 1**

Appendix 1 of SPP 3.1 defines a Residential Building as:
'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- a) *Temporarily by two or more persons; or*
- b) *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.'*

29. Schedule 1 of the scheme does not define a residential building; accordingly, the proponent has included the Residential Design Codes definition as a Residential Building within the Special Use.

30. **Local Planning Policy P-DEV 55 – Places of Worship**

The City's Local Planning Policy P-DEV 55, gives guidance surrounding the assessment of scheme amendments and development applications for places of worship within the City of Kalamunda.

31. P-DEV 55 seeks to ensure that the operation of Place of Worship activities '*do not affect or impinge on the prevailing amenity of the local area*' and to '*facilitate and provide guidance in terms of appropriate locations within the City of Kalamunda for places of worship and associated land uses*'.
32. Consistent with P-DEV 55, the proponent has submitted an overall master plan for the site, a bushfire management plan and proposed a Special Use over the subject site which accommodates all incidental uses associated with the existing Greek Orthodox Church.
33. When considering a site appropriate for a Special Use Amendment, the City is to have due regard for Table 1 of P-DEV 55. Table 1 sets out the recommended separation distances between existing and proposed places of worship. Within the Special Rural zone, a 500m separation distance is outlined and is to be measured from lot boundary to lot boundary.
34. The proposed separation distance from the site to Hillside Church is 353.5m and 201m to Foothills Church of Christ. However, it should be noted that the existing Church and associated uses were approved prior to the adoption of P-DEV 55 and the siting requirements listed in Table One were not a consideration of the initial approval in 1981.
35. It should be noted that P-DEV 55 outlines site development requirements surrounding acceptable built form outcomes of Places of Worship. However, no new built form is proposed as part of this request to amend the local planning scheme. Any future built form outcomes on the subject site will be assessed against the site development requirements of P-DEV 55.
36. **Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments**
- The City's Local Planning Policy P-DEV 64, provides guidance in respect to the process and level of detail required for a Local Planning Scheme Amendment based on whether the amendment is Basic, Standard or Complex.
37. Consistent with P-DEV 64, the proponent has submitted a 'Land Use Scoping Statement and Concept Master Plan'. The submitted statement and master plan outlines the anticipated built form and intended outcomes for the site. Covering the proposed scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints and prevailing amenity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

38. The proposal was assessed from a Building and Engineering Services perspective, no concerns regarding to the proposed amendment were made evident.

External Referrals

39. In accordance with s81 and 82 of the *Planning and Development Act*, Amendment No.94 was referred to the Environmental Protection Authority (EPA) for consideration under section 48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). The City was advised Amendment No. 94 did not require assessment under Part IV Division 3 of the EP Act, enabling the City to advertise Amendment No. 94.
40. Following receipt of comment from the EPA, proposed Amendment No. 94 was advertised in accordance with the LPS Regulations and the City's *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals* for a period of 43 days via the following methods:
- a) Newspaper Advertisement;
 - b) Notice on the City's Website;
 - c) Display of documents at the Administration Centre during business hours;
 - d) Copy of notice to applicable public authorities;
 - e) Letters to landowners and occupiers within 300m of the site; and
 - f) Signage on site.
41. During the advertising period a total of 8 submissions were received from public authorities. All submissions received were either comments or no-objections to Amendment 94. No submissions were received from adjoining landowners or landowners in the locality. For a summary of and a response to all submissions, please refer to Attachment 3.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

43. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

- 44. The existing Greek Orthodox Church currently provides religious services for the surrounding community. Which benefits the residents of the City who attend the subject site for worship.
- 45. It is to be noted that the City has not received any complaints regarding the existing monastery. However, any future impacts upon the amenity of the locality could be managed through conditions of future development approvals.

Economic Implications

- 46. Nil

Environmental Implications

- 47. The proposal does not include any new built form on the subject site, or any clearing of existing vegetation. Accordingly, there are not seen to be any environmental implications resulting from the proposed amendment.

RISK MANAGEMENT CONSIDERATIONS

- 48.

Risk: The Amendment is not adopted for final adoption and proceeds to the WAPC with a recommendation of refusal.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Convey to the Elected Members that the existing Greek Orthodox Church/Monastery operates lawfully under a non-conforming use right. The incorporation of a special use into the Scheme which formalises the existing church is not seen to adversely impact the amenity of the locality.		

- 49.

Risk: Proceeding with Amendment 94 may result in future intensification of the site resulting in undue amenity impacts on the prevailing amenity of the surrounding area.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
The concept plan which outlines the anticipated built form and intended outcomes for the site with respect to the scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints		

and prevailing amenity indicates that no further development is envisaged for the site. Any proposal contrary to this, would require further approval from the City where potential amenity impacts can be further considered.

OFFICER COMMENT

50. Pursuant to Clause 4.8 of the Scheme, the existing church and associated land uses operate under a non-conforming use right. Despite lawful approval under a previous Scheme, all development applications on the site are subject to assessment as a non-conforming use.
51. Amendment 94 has been submitted to facilitate the assessment of future development applications on the subject site. The proposal retains the existing land use permissibility of the Special Rural Zone whilst adding discretion for Council to grant approval ('A' Use) for an Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building and a Place of Worship.
52. Clause 5.16.1 of the Scheme, sets out the instances in which local government should make '*special provision by the creation of a special use zone*'. Clause 5.16.1 (a) states that a special use should only be considered when it will '*satisfy a specific need(s) in the locality where the subject land is situated*'. In this regard the existing Church and associated land uses are seen to provide for community needs through the provision of religious, educational and social services.
53. Clause 5.16.1 (b) states that a special use should only be considered when it '*would enhance the amenity and the interest of the orderly and proper planning of the locality*'. The proposed special use is not seen to impact the existing amenity of the locality, as all additional uses are existing on site. Moreover, it is considered that the amenity would be enhanced by virtue of the religious services offered to the community the church serves.
54. The locality has a prevailing amenity of large rural lots with mature native vegetation. The existing olive grove, fruit orchards, landscaping and mature native vegetative buffer on site are seen to be consistent with the special rural zone and contribute to the attractive rural amenity of the locality.
55. Clause 5.16.1 (c) states that a special use should only be considered when it '*would be specifically appropriate or desirable*'. The Greek Orthodox church was approved under a previous scheme and retains a non-conforming use right under Clause 4.8 of the scheme. Accordingly formalising an existing approved use is considered appropriate.
56. With the exception of an approved chapel and future monastery shop/bookshop, the Greek Orthodox Church has no intentions to expand the existing structures/land uses now or in the future. The existing place of worship generates traffic associated with approximately 50 people visiting the site for weekly worship on a Sunday morning. This is not expected to significantly increase following rezoning of the subject site to Special Use. Furthermore, there are no plans to clear any existing vegetation from the subject site.

57. Amendment 94 is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
58. Amendment 94 will remove an anomaly under the Scheme where an approved use is now a prohibited use in the Special Rural zone. The creation of a Special Use zone will simplify the consideration and assessment of any future development on the site.
59. Having regard to the above, it is recommended that Council adopts Scheme Amendment 94 for final adoption.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT proposed Scheme Amendment 94 to Local Planning Scheme No.3 (Lot 112 (280) Holmes Road, Forrestfield) pursuant to Regulations 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. CONSIDER proposed Scheme Amendment No. 94 to Local Planning Scheme No.3 as a standard amendment under Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The Amendment is consistent with the objectives identified in the Scheme for the Special Rural zone;
 - b) The Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the site, and the applicable strategic planning framework;
 - c) The Amendment is considered to have a minimal impact upon the amenity of the locality within the City of Kalamunda;
 - d) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
 - e) The Amendment is neither complex nor basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. Proposed Structure Plan Amendment - Lot 17 (228) Sultana Road East, Forrestfield

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

Previous Items	NA
Directorate	Development Services
Business Unit	Approval Services
File Reference	SL-07/228
Applicant	Planning Solutions Pty Ltd on behalf of Hillburn Developments
Owner	Jeffrey Michael Glisenti & Moya Olive Glisenti
Attachments	<ol style="list-style-type: none">1. Proposed Structure Plan Amendment [10.1.2.1 - 1 page]2. Road Network Changes [10.1.2.2 - 1 page]3. Initial Proposal [10.1.2.3 - 1 page]4. Forrestfield U7 ODP Areas 23-4 [10.1.2.4 - 1 page]5. Submission Table [10.1.2.5 - 18 pages]6. Applicant Report & Technical Studies [10.1.2.6 - 173 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an amendment to the Forrestfield U7 Structure Plan (Structure Plan), as shown in Attachment 1. The applicant proposes to change the structure plan in the following ways:
 - a) Increasing the density of Lot 17 (228) Sultana Road East, Forrestfield from R12.5 to R20, from R20 to R25 and from R20 to R40;
 - b) Removing a section of proposed road connecting Sultana Road to Mangosteen Drive and Quince Way; and
 - c) Relocating the road to connect Mangosteen Drive and Quince Lane. Refer to Attachment 2.
2. During the consultation period, a total of twenty-seven objections and two non-objections were received regarding the proposal. Subsequent to the advertising period and in response to the submissions, the City of Kalamunda (the City) in discussion with the applicant further modified the Structure Plan Amendment. (See Attachment 3 – initial Structure Plan Amendment in comparison to Attachment 1 – current Structure Plan Amendment).
3. It is recommended Council forward the Forrestfield U7 Structure Plan Amendment to the Western Australian Planning Commission (WAPC) with a recommendation for approval subject to modifications.

BACKGROUND

4. Land Details:

Land Area:	10,001.00 m ² 1.00 ha
Local Planning Scheme Zone:	Urban Development
Structure Plan Zoning:	Residential R12.5 R20
Metropolitan Regional Scheme Zone:	Urban

5. Locality Plan:



6. Zoning Map:



7. On 10 October 1997, Amendment 166 to the then Shire of Kalamunda District Planning Scheme was approved by the Minister for Planning. The amendment rezoned the land bounded by Hawtin Road, Sultana Road East, Roe Highway and Berkshire Road ('known as Planning Unit 7' or 'U7') from 'Special Rural' to 'Urban Development'.
8. An Outline Development Plan was prepared in May 1998, and subsequently adopted by Council on 15 June 1998. Under the *Planning and Development (Local Planning Scheme) Regulations 2015*, Outline Development Plans are now defined as Structure Plans.
9. The most recent amendment to the Structure Plan was approved by the WAPC on 13 February 2013. The current adopted version of the Forrestfield U7 Structure Plan is Attachment 4.

DETAILS

10. The subject site is currently identified as 'Residential' under the Structure Plan, with a designated residential density code of R12.5 adjoining Sultana Road East, and R20 for the remainder of the site.
11. The northern portion of the subject site is currently identified as Residential R12.5 under the Structure Plan and provides an interface to the larger Rural-Residential land parcels to the north of Sultana Road East.
12. The subject site is otherwise surrounded by predominantly Urban, Residential R20 lots.
13. The northern portion of the subject site currently contains a single residential building and an outbuilding. The remaining area of the site is generally vacant, comprising remnant vegetation.
14. Movement Network
The current Structure Plan shows a future public road running through the site along the eastern boundary of the property connecting Sultana Road East with Quince Lane. The future road is shown to connect midway with Mangosteen Drive.
15. The Structure Plan Amendment proposed low to medium density residential development, identifying densities of R20, R25 and R40. The indicative subdivision provided with the proposal shows the density to yield approximately 27 lots ranging in size from 210m² to 450m².
16. The amendment proposes the following changes as shown in Attachment 2:
 - a) Deleting the northern portion of the future public road that connects to Sultana Road East.
 - b) Relocating the southern portion of the future public road 17m to the north-west through the centre of the subject site.
 - c) Creating an indicative common driveway access for 7 strata lots accessible from the future road.

17. To support the proposal the applicant has provided the following technical studies:
- a) Geotechnical Report;
 - b) Infrastructure Servicing Report;
 - c) Traffic Engineering Report;
 - d) Urban Water Management Plan; and
 - e) Bushfire Management Plan (Attachment 6).

STATUTORY AND LEGAL CONSIDERATIONS

Metropolitan Region Scheme

18. Under the provisions of the Metropolitan Region Scheme (MRS) the subject site is zoned Urban. The proposed amendment to the structure plan is consistent with the provisions of the MRS.

Planning and Development (Local Planning Schemes) Regulations 2015

19. Schedule 2 Clause 29 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that
- "A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."*
20. Under clause 22 (1) of the Regulations, on receipt of a report for a structure plan amendment, the WAPC may:
- a) Approve the Structure Plan; or
 - b) Require the City or the applicant to –
 - i. Modify the Structure Plan in the manner specified by the WAPC; and
 - ii. Resubmit the modified Structure Plan for the WAPC for approval; or
 - c) Refuse to approve the Structure Plan.
21. Consistent with Clause 29 (1) of the Regulations, the Forrestfield U7 Structure Plan Amendment has been submitted by Planning Solutions who are the planning consultants acting on behalf of Hilburn Developments and by extension the owners of the land covered by the plan for the proposed Structure Plan amendment.
22. Pursuant to clause 29 (2) of the Regulations, a Structure Plan amendment is to follow the same process for making a structure plan, and the City is required to undertake the following actions:
- a) Determine the level of information required to be provided with the Structure Plan;
 - b) Assess the Structure Plan against appropriate planning principles;
 - c) Advertise the Structure Plan;
 - d) Consider and respond to submissions received during advertising; and

- e) Prepare a report and recommendation on the proposed Structure Plan amendment and forward the City's recommendation to the WAPC for decision.

Local Planning Scheme No.3

23. The site subject to the proposed amendment is currently zoned Urban Development under the provisions of Local Planning Scheme No.3 (the Scheme). Clause 4.2.1 of the Scheme outlines the objectives of the Urban Development zone as follows:
- a) *To provide orderly and proper planning through the preparation and adoption of Structure Plan setting the overall design for the area.*
 - b) *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.*
24. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. The Forrestfield U7 Structure Plan has been in effect since 1998 and is consistent with the objectives of the Urban Development zone.
25. Clause 6.2.7.2 of the Scheme states that:
- If a structure plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes then:
- a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
 - b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.*
26. However, clause 6.2.7.2 of the Scheme no longer has effect and is superseded by Schedule 2 clause 27 (1) of the Regulations which states:
- A decision maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*
27. All future development on the subject site will have due regard to the Forrestfield U7 Structure Plan as amended.

POLICY CONSIDERATIONS

Perth and Peel @ 3.5million – North-East Sub-Regional Planning Framework

28. The North-East Sub-Regional Planning Framework (Sub-Regional Framework) is the strategic planning document that encompasses the area of Forrestfield and sets out proposals to meet future housing, employment and infrastructure needs while protecting environmental and landscape values.
29. The Sub-Regional Framework suggests the development of land zoned Urban and Urban Deferred should occur to accommodate increased urban infill development and higher densities in undeveloped areas already zoned for urban use. The subject site is identified as 'Urban' under the framework and is therefore identified as suitable location for accommodating increased urban development.
30. The Sub-Regional Framework sets out to "*achieve a more consolidated urban form and development*" and "*meet long term housing requirements*". The proposed increase in residential density (R12.5 to R20 and R20 to R25/R40) is consistent with the Sub-Regional Framework aim of "*delivering a more consolidated urban form and achieving a more efficient and cost-effective urban structure that minimises environmental impacts*".

Liveable Neighbourhoods 2009

31. Liveable Neighbourhoods is an operational WAPC policy that guides structure planning and subdivision of large sites. The proposed amendment has been prepared in accordance with the current (January 2009) version of Liveable Neighbourhoods. An updated version of Liveable Neighbourhoods was released by the Department of Planning for the purposes of public review in October 2015.
32. Liveable Neighbourhoods is a performance-based document made up of 8 elements and sub-objectives under each element. These elements include:
- a) Element 1 – Community Design
 - b) Element 2 – Movement Network
 - c) Element 3 – Lot Layout
 - d) Element 4 – Public Parkland
 - e) Element 5 – Urban Water Management
 - f) Element 6 – Utilities
 - g) Element 7 – Activity Centres and Employment
 - h) Element 8 – Schools.
33. The Structure Plan Amendment is consistent with the principals, objectives and requirements of each of the relevant Liveable Neighbourhoods design elements.
34. Liveable Neighbourhoods states that in most new urban areas, urban densities of at least 15 dwellings per urban hectare, and an average of 22 dwellings per site hectare, should be provided. The draft Liveable Neighbourhoods policy document proposes an increase in this target to 26 dwellings per site hectare.

The Structure Plan amendment proposes to increase the potential density of the subject site from approximately 17 dwellings per site hectare, to 27 dwellings per hectare. The proposed structure plan amendment meets the density target outlined in Liveable Neighbourhoods.

Affordable Housing Strategy 2010-2020

- 35. The Affordable Housing Strategy 2010-2020 (Affordable Housing Strategy) is a 10-year strategic document intended to address a lack of affordable housing opportunities for low to moderate income earners in Western Australia.
- 36. The Strategy focuses on allowing a greater diversity in dwelling stock to be made available to the housing market. Further the Affordable Housing Strategy emphasises the importance of facilitating the delivery of dwelling diversity in local areas.
- 37. The Structure Plan amendment offers the opportunity, through increased density, to provide dwelling diversity and affordable housing opportunities in a manner consistent with the Affordable Housing Strategy.

City of Kalamunda Local Housing Strategy 2014

- 38. The City’s Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject site is not specifically addressed in the Local Housing Strategy, the proposed amendment to the Forrestfield U7 Structure Plan is consistent with the objectives of the strategy.

City of Kalamunda Local Planning Strategy 2010

- 39. The City’s Local Planning Strategy sets out key strategies and actions for the strategic planning direction of the City. The strategy is summarised into 11 key statements. Statement 3 outlines a main priority of the strategy being *“the provision of a range of housing types to suit the demographic profile”*.
- 40. The development of new dwelling units is described as a priority for the Forrestfield U7 area which includes the subject site.

State Planning Policy 7.3 - Residential Design Codes

- 41. The Residential Design Codes (SPP 7.3) apply to all residential development. The objective of the R-Codes is to ensure appropriate residential built form outcomes and density in line with the Scheme.
- 42. In this regard, any subsequent development of the lot(s) will be assessed against SPP 7.3; and any subsequent subdivision will be required to achieve the minimum and average lot sizes outlined in Table One of SPP 7.3:

R-CODE	DWELLING TYPE	MINIMUM SITE AREA PER DWELLING
R12.5	Single house or grouped dwelling	Min: 700sqm Av: 800sqm

R20	Multiple Dwelling	800sqm
	Single house or grouped dwelling	Min: 350sqm Av: 450sqm
R25	Multiple Dwelling	450sqm
	Single house or grouped dwelling	Min: 300sqm Av: 350sqm
R40	Multiple Dwelling	350sqm
	Single house or grouped dwelling	Min: 180sqm Av: 220sqm

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

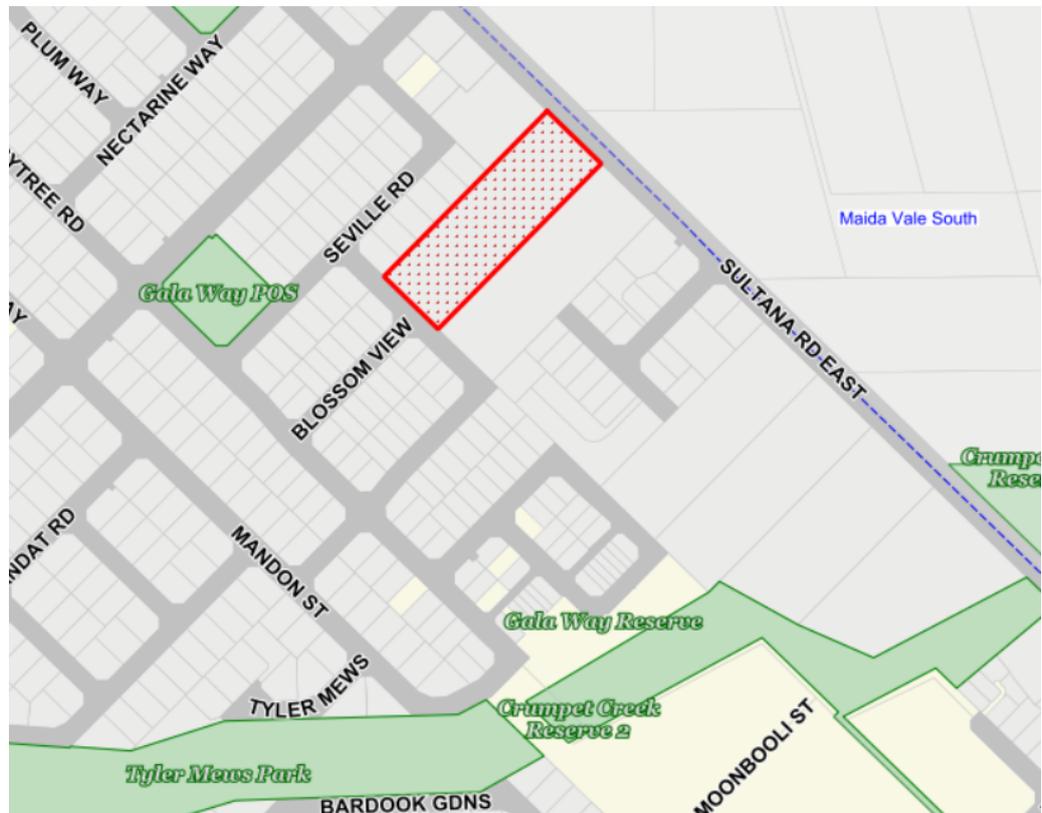
43. The intent of State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals consider bushfire protection requirements through implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
44. Most of the subject site is located within a Bushfire Prone Area. As such, the requirements of SPP 3.7 apply in addition to the provisions or requirements of the Special Controls Area relating to Bushfire Prone Areas under the Scheme.
45. A Bushfire Management Plan has been submitted in accordance with clauses 6.2 & 6.3 of SPP 3.7 which:
- a) Shows the results of a Bushfire Hazard Level (BHL) assessment;
 - b) Was completed by an accredited Bushfire Planning Practitioner;
 - c) Includes a BAL Contour Map displaying the indicative BAL ratings of the subject lot(s);
 - d) Highlights any bushfire hazard issues; and
 - e) Demonstrates compliance with the bushfire protection criteria.
46. The BAL report indicates most of the site is designated as BAL-LOW with portions of the site subject to a BAL-12.5.

WAPC Development Control Policy 2.3 Public Open Space in Residential Areas

47. Development Control Policy 2.3 (DC 2.3) seeks to preserve amenity and contribute to the quality of life in urban areas by recommending any subdivision creating more than five lots is to provide public open space.
48. The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation.
49. Sections 153 to 154 of the *Planning and Development Act 2005* contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for public open space. These circumstances include subdivisions where the land is such that a 10 percent contribution would be too small to be of practical use and there is sufficient public open space already provided in the immediate locality.

50. There are currently four POS reservations within a 400m radius of the proposal. These reservations are as follows:
- a) Gala Way Public Open Space (0.4ha) - Primarily utilised for drainage with a small recreation and play area;
 - b) Gala Way Reserve (0.28ha) Contains recreation and play areas;
 - c) Crumpet Creek Reserve (1.65ha) Primarily a creek with small breakout areas for recreation and a play area on the northern side of the creek; and
 - d) Tyler Mews Park (approximately 1.96ha) Primarily a creek with breakout areas containing formal trails and grassed areas for recreation.

51.



52. Given the relatively small nature of this development (site area of 1ha) and the close proximity (within 400m of the subject site) of approximately 4.3ha of existing public open space, it is likely that cash in lieu will be required at subdivision stage, rather than a portion of the subdividable area.

Internal Referrals

53. The proposed Structure Plan Amendment was assessed from an Asset Services, Building, Strategic Planning and Environmental Health perspective.
54. From an Asset Services perspective, the Traffic Engineering Report (Attachment 6) is acceptable. The City has no issue with the proposed amendment regarding the anticipated change in projected traffic generated by the proposal. The existing and proposed future road network can

accommodate the density increase in terms of the practical capacity and traffic operations of the surrounding road network. The proposed road layout is acceptable. However, details relating to private crossover arrangements associated with the grouped dwelling site will be considered in detail at the subdivision or development approval stage.

55. From an Asset Services perspective, the following issues will need to be addressed at the subdivision phase:
- a) Vehicles may have difficulty reversing out from proposed Lots SL3 and SL7. This could be resolved by extending the T-junction up to the property boundary or alternatively by including a hammerhead/cul-de-sac treatment.
 - b) A truncation is recommended to be provided for the two corners for Lot 6 abutting access way (similar to SL2 and SL1).
 - c) To avoid right turn overlapping, Liveable Neighbourhoods suggests a 20m staggered distance between intersections. As this is not being achieved, a subsequent traffic impact assessment needs to indicate an appropriate intersection treatment.
 - d) The bin collection location for the indicative grouped dwelling site will have to be justified through a turning template of a refuse truck exiting in forward gear from the common property driveway.
56. From an Asset Services perspective, the following investigations would be required with any subsequent proposal for subdivision:
- a) An Urban Water Management Plan (UWMP) provided at the time of subdivision to ensure drainage is contained within the development boundaries. The report submitted with the application does not contain sufficient information to be considered an UWMP.

External Referrals

57. Consistent with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18 of the Regulations, the proposed amendment was advertised for a period of 14 days concluding on the 28 June 2019.
58. In accordance with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18(2) & Clause 18(3) of the Regulations, the advertising period involved the following:
- a) Letters sent to property owners within 100m of the site.
 - b) Publishing a notice of the proposed amendment on the City’s website.
 - c) Publishing a notice in the local newspaper.
59. During advertising, the City received 27 submissions, all of which were objections, and two submissions from public authorities and utility service providers. A summary of all submissions received and responses to submissions are provided in Attachment 5.

60. The major concerns received during the consultation period in response to the Initial Structure Plan Amendment (Attachment 3) were:
- a) The potential for increased in traffic in the locality;
 - b) The potential for increased crime;
 - c) The impact of an increased density on the amenity of the locality;
 - d) The area should remain rural; and
 - e) Changes to the existing built form in the area.

61. In regard to the concerns raised during advertising, the following comments are made:

The potential for increased traffic in the locality

The proposed changes to the residential density code have been amended to reduce the area of R40 and the inclusion of an area of R25 and retention of R20. This has reduced the increase in the number of dwellings from 15 to 10 dwellings per hectare (1/3 reduction). It is expected however that the number of vehicle movements will increase to what was originally considered in the initial Forrestfield U7 Structure Plan. In support of the amendment, a Traffic Engineering Report has been provided with the application. The report states the proposed changes to the Structure Plan will not have any negative impact to the surrounding network. The City has reviewed the report and considers it is acceptable from a traffic engineering perspective. The existing and proposed future road network has capacity to accommodate the density increase.

62. **The potential for increased crime**

Residential developments will be assessed in accordance with the Crime Prevention through Environmental Design (CPTED) Principles outlined in the Residential Design Codes such as passive surveillance, access, and landscaping. Officers are satisfied that the proposed development is unlikely to increase crime if dwellings and developments are designed in accordance with the Residential Design Codes. Any crime as a result of new individuals living the area needs to be reported to the Police.

63. **The impact of increased density on the amenity of the locality**

The proposed Structure Plan Amendment aligns with the City's Local Planning Strategy and various State Government Strategic documents to enable more housing diversity and house throughout suburban areas. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. privacy, overlooking, overshadowing, parking and traffic impacts) have been assessed and further details will be further assessed at the subdivision and development stage.

64. **Increased density being inconsistent with the surrounding area**

It is acknowledged that the surrounding Residential development is predominately coded R20 with pockets of R12.5, R30 and R40. The proposed changes to the residential coding's as outlined in Attachment 1 are in response to the submissions received to the proposal. Moreover, the proposed residential density of R20, R25 and R40 are considered to be in a similar band of density and consistent with the strategic planning framework. The City further acknowledges that there will be a different built form as dwelling density increases, but it will not be to an extent that is inconsistent with the surrounding area.

65. **Changes to the existing built form of the area**

No housing designs have been submitted at this stage for the proposal. For site specific design solutions, the City expects that a Local Development Plan will be required. Local Development Plans typically provide quality built form outcomes through appropriate mechanisms, i.e. mandating two storey development on smaller building envelopes.

66. **The area should remain rural**

The subject site is zoned 'Urban' under the MRS and 'Urban Development' under the City's LPS3. Development in the manner proposed is more consistent with the objectives of the current zoning than rural style development.

67. Referrals to external agencies:

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

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

Accordingly, the proposed amendment was referred to the Department of Fire and Emergency Services, the Water Corporation and Western Power.

68. The Department of Fire and Emergency Services (DFES) provided a response advising the bushfire management plan had adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. (Attachment 5).

69. The Water Corporation provided a response advising they had no objection to the overall water and wastewater servicing strategy outlined in the servicing report and will await a more detailed water and wastewater reticulation plan prepared by the proponent at the subdivision stage. (Attachment 5).

FINANCIAL CONSIDERATIONS

70. In accordance with Regulations 48 and 49 of the Regulations , any costs associated with advertising and assessment of the Structure Plan amendment will be met by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

71. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

72. Supporting the increased density at the subject lot(s) will ultimately lead to greater diversity in housing stock and greater housing affordability.

Economic Implications

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

Environmental Implications

74. The subject lot contains an existing single house and outbuilding. There are a number of mature trees on the lot. Efforts can be made at the time of subdivision to retain vegetation were practical.

RISK MANAGEMENT CONSIDERATIONS

75.

Risk: Adopting the structure plan amendment would increase the likelihood of built form conflict between adjoining landholdings.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
a) Any issues relating to undue impacts upon surrounding landowners (i.e. privacy, overlooking, overshadowing, parking and traffic impacts) have been assessed or will be dealt with at the subdivision and development phase.		

- b) Ensure the compliance of future built form against the design principles of the Residential Design Codes.
- c) Recommend a Local Development Plan should the subject land be subdivided.

76.

Risk: Adopting the amended plan could result in an increase in traffic and amenity impacts through the locality.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
<ul style="list-style-type: none"> a) The Traffic Engineering Report provided in support of the proposal is acceptable to the City. The existing and proposed future road network can accommodate this minor increase with regard to practical capacity and traffic operations. b) Ensure future private crossover locations along the new proposed road network are complaint against the design principles of the Residential Design Codes. c) Recommend a Local Development Plan should the subject lots be subdivided. 		

OFFICER COMMENT

77.

The proposed Structure Plan amendment has been initiated with the overall intent of facilitating subdivision of the lot for residential purposes. The amendment proposes to change the Structure Plan in the following ways:

- a) Increasing the density of Lot 17 (No.228) Sultana Road East, Forrestfield from R12.5 to R20, from R20 to R25, and from R20 to R40.
- b) Removing a section of proposed road connecting Sultana Road to Mangosteen Drive and Quince Way.
- c) Relocating the road to connect Mangosteen Drive and Quince Lane. Refer to Attachment 2.

78.

The City requested several changes to the initial proposal as shown in Attachment 3. The main concern related to the proposed area of R40 coding which would have allowed for the creation of 28 R40 coded lots through the subdivision process. The proposed yield in comparison to neighbouring sites was not justified as there was a lack of context and consistency with surrounding development.

79. In response to the concerns raised regarding the number of R40 coded lots, the applicant has provided a revised Structure Plan amendment (Attachment 1). The revised amendment now incorporates an area of R25 coded lots, reducing the number of proposed R40 lots to sixteen. The R25 coding will provide a transition between the R20 'buffer' zone and the R40 lots to the South.
80. The Structure Plan amendment now nominates a density of R20, R25 and R40 for the 1ha site which has an expected yield of twenty-seven lots ranging in size from 210m² to 450m². This proposed density is consistent with the overarching strategic framework and will allow for the efficient in fill of an existing urban area. It is expected the differing coded areas will allow for a range of residential lot sizes to suit a variety of dwelling and household types.
81. Pursuant to Schedule 2, Part 6, clause 47 of the Regulations, a Local Development Plan (LDP) will be recommended as a condition of any subsequent proposal for subdivision. An LDP is typically prepared and submitted prior to development commencing with the aim of coordinating high quality built form outcomes.
82. An LDP could be implemented over the indicative R25 and R40 coded lots and address the following:
- a) Increased permeability through the implementation of pedestrian paths/ cycle networks.
 - b) Indicative building envelopes; including north boundary setback for solar access and the retention of existing vegetation.
 - c) Vehicle access points and garage locations.
 - d) Design Elements - some differing dwelling typologies e.g. two-story dwellings with smaller building footprints.
 - e) Bin pad locations.
 - f) Landscaping – including the possible retention of existing vegetation and the provision of additional street trees.
83. The Traffic Engineering Report provided by the applicant concludes the proposed changes to the movement network and traffic generated by the proposed Structure Plan Amendment, once developed, will not unduly impact upon the flow, speed or safety of the surrounding road network.
84. An Infrastructure Servicing Report has been provided by the applicant and concludes that the subject site can be readily serviced with power, telecommunications and gas, with essential infrastructure already available in the surrounding area.
85. Approval of the Structure Plan Amendment is recommended subject to the following modification:
- a) The Structure Plan shall be annotated to note a Local Development Plan shall be implemented for the indicative R25 and R40 coded Lots

Voting Requirements: Simple Majority

RECOMMENDATION

That Council Pursuant to Clause 20(1) and (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in respect to the proposed Amendment to the Forrestfield U7 Structure Plan – Lot 17 (No.228) Sultana Road East, Forrestfield, referred to as Attachment 1 FORWARD this report, attachments and recommendations, to the Western Australian Planning Commission for approval subject to the following modification:

- a) The Structure Plan including a notation that a Local Development Plan will be prepared for the indicative R25 and R40 coded Lots.

10.1.3. Proposed Amendment No.102 - Lot 4 (51) Canning Road, Kalamunda - Additional Use of Shop (Pharmacy) to Existing Medical Centre

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

Previous Items	OCM 143/2019
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/102
Applicant	Planning Horizons Development Solutions
Owner	K & J Puttappa Bare Pty Ltd Atf The K & J Puttappa Super Pty Ltd
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Scheme Amendment [10.1.3.1 - 5 pages] 2. Attachment 2 - Scheme Amendment Request & Applicant Report [10.1.3.2 - 14 pages] 3. Attachment 3 - Environmental Protection Authority Response [10.1.3.3 - 1 page] 4. Attachment 4 - Summary of Submissions [10.1.3.4 - 3 pages]

EXECUTIVE SUMMARY

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

BACKGROUND

4. **Land Details:**

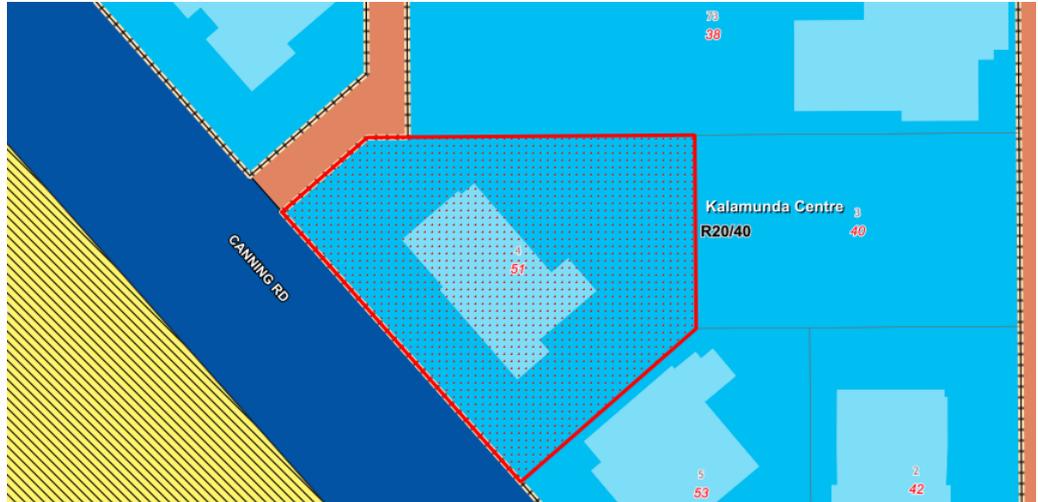
Land Area:	1457.000 m ² 0.14570 ha
Local Planning Scheme Zone:	Mixed Use
Metropolitan Regional Scheme Zone:	Urban

5.

Locality Plan:



6.



7.

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

8.

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

9.

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

Condition 3 states:

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

10. Condition 3 restricts the use of the pharmacy to an incidental use to serve patients / patrons of the medical centre only. Consequently, the pharmacy is currently not available to the general public outside of the medical centre.

DETAILS

11. Amendment 102 has been prepared in response to Condition 3 of the development approval and proposes the additional use of 'Shop', specifically for a pharmacy, to be placed on the subject site (Attachment 1).
12. No structural or layout modifications are proposed for the existing incidental pharmacy. The Applicant has, however, advised that should the amendment be approved, an external access point will be sought for the pharmacy to allow direct access for patrons.
13. The proposed additional use would allow for the restrictions on the pharmacy to be removed. The pharmacy would then be able to be utilised by patrons of the medical centre as well as the general public.
14. Should Council resolve to adopt Amendment 102, it will be determined in accordance with the *Planning and Development Act 2005* and ultimately the WAPC and Minister for Planning.

STATUTORY AND LEGAL CONSIDERATIONS

15. **Metropolitan Region Scheme**

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

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

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

17. The objectives of the current zoning of 'Mixed Use' are outlined in Part 4.2.5 (Objectives of the Zones: Other Zones) of the Scheme as follows:

- a) *To provide for business and other commercial uses, but excluding shopping.*
- b) *To provide for and encourage residential uses, but on the basis of recognition that the zone allows for considerably more non-residential activities than does a Residential zone.*
- c) *To provide for professional, civic uses, medical and health related uses.*
- d) *To provide for leisure and entertainment uses on a small scale so as not to unduly impinge on the amenity of the residential component of the zone.*

- e) *To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones, particularly the Residential zones.*

18. Schedule 1 of the scheme defines 'incidental use' as follows:

"incidental use" means a use of premises which is ancillary and subordinate to the predominant or primary use;

19. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

In regard to the processing of Scheme amendments *the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*, distinguishes between 'complex', 'standard', and 'basic' types of Scheme amendments.

(Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations) 2015)

20. The proposed Amendment is a standard amendment as it:

- a) Is consistent with the objectives identified in the Scheme for the Mixed Use zone;
- b) Is consistent with the City of Kalamunda Local Planning Strategy;
- c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
- d) Is considered to have a minimal impact upon the land within the City of Kalamunda; and
- e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

(Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations) 2015)

21. Subject to s81 and 82 of the of the *Planning and Development Act 2005* (the Act), the City is required to prepare a notice for the purpose of public advertising.

(Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations) 2015)

22. The City is required to pass a resolution regarding Amendment 102 within 60 days of the end of the submission period. The resolution must be made to either:

- a) Support the amendment without modification; or
- b) Support the amendment with proposed modifications to address issues raised in the submissions; or
- c) Not support the amendment.

(Regulation 50(3) of the Planning and Development (Local Planning Schemes)

Regulations) 2015)

23. Within 21 days of the resolution being passed, the City is required to provide advertised Amendment No. 102 to the WAPC, unless otherwise approved.

(Regulation 53(1) of the Planning and Development (Local Planning Schemes) Regulations) 2015)

24. The WAPC has 60 days (or within such a longer period as agreed by the Minister) from receiving the documents from the City to consider the documents and make any recommendations to the Minister in respect to Amendment 102 that the WAPC considers appropriate.

(Regulation 55 of the Planning and Development (Local Planning Schemes) Regulations) 2015)

25. Once submitted to the Minister for approval, the *Planning and Development Act 2005* (the Act) states the Minister may either:

- a) Approve Amendment 102;
- b) Require the local government to make modifications to Amendment 102; or
- c) Refuse Amendment 102.

(Section 87(2) of the Planning and Development Act 2005)

POLICY CONSIDERATIONS

26. North-East Sub-regional Planning Framework

In March 2018, the WAPC finalised the draft Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-regional Planning Framework relevant to the subject site. The frameworks aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.

27. To achieve this target the City must facilitate structure plans, strategies and amendments that assist in increasing the potential of infill development. Amendment No.102 is in line with this initiative.

28. City of Kalamunda Local Planning Strategy

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

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

- i. Activity centres will be attractive, economically successful places, accessible and well connected to residents.*

- ii. *Develop centres in accordance with the hierarchy of centres.*
- iii. *Ensure centres are capable of meeting a range of local community needs and are appropriately integrated with local community facilities.*
- iv. *Have regard to the interface between centres and adjoining communities in regard to design, traffic, parking, noise and lighting.*

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

31. **State Planning Policy 3.7 – Planning for Bushfire Prone Areas**

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

33. In accordance with s.81 and s.82 of the *Planning & Development Act 2005 (WA)*, Amendment 102 was referred to the Environmental Protection Authority (EPA) for its consideration under section 48C(1)(a) of the Environmental Protection Act 1986 (EP Act). The City was advised that Amendment 102 did not require assessment under Part IV of the EP Act, enabling the City to advertise Amendment 102 (Attachment 3).

34. Following receipt of the EPA comments, proposed Amendment 102 was advertised in accordance with the Regulations and the City's Local Planning Policy PDEV45 (Public Notification of Planning Proposals) for a period of 56 days via the following methods:

- a) Newspaper advertisement;
- b) Notice on the City's website;
- c) Display of documents at the Administration Centre during business hours;
- d) Copy of the notice to applicable public authorities;
- e) Letters to landowners and occupiers within 100 metres of the subject site; and
- f) Signage on site.

35. During the advertising period a total of 4 submissions were received, 3 of which were comments and 1 non-objection. Please refer to Attachment 4 for a summary of all submissions.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

- 38. The proposed additional use would be of community benefit as it would allow for the pharmacy to be utilised by patrons of the medical centre, as well as the general public.

Economic Implications

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

Environmental Implications

- 40. Nil.

RISK MANAGEMENT CONSIDERATIONS

41.	Risk: Amendment 102 is not supported by the WAPC / Minister for Planning.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	If the amendment does not proceed, use of the pharmacy will remain restricted to patrons of the medical centre only and not for the broader benefit of the community.		

OFFICER COMMENT

42. The purpose of Amendment 102 is to allow for the additional use of 'Shop', specifically for a pharmacy, on the subject site. The existing pharmacy on the site is classified as an 'incidental use' which means its operation is limited to patrons of the medical centre only. The proposed additional use would allow for the restrictions on the existing pharmacy to be removed.
43. It should be noted that incidental uses are considered appropriate when it is clear the incidental use is ancillary and underling to the predominant land use, which in this instance is 'Medical Centre'.
44. The subject site is located outside the Kalamunda Town Centre, but within close proximity (approximately 1km). The land use is therefore appropriately located in context to the District Centre and is not of a scale that would detract from the retail functions of the District Centre.
45. No structural or layout modifications are proposed for the existing incidental pharmacy. The Applicant has however advised that should the amendment be approved, an external access point will be sought for the pharmacy.
46. It is considered the proposed Amendment will have minimal impact upon the amenity within the area, particularly as the pharmacy currently operates on site, albeit with restricted patronage.
47. In order to ensure the additional use of 'Shop' is associated with a pharmacy, the following conditions have been applied to the proposed amendment document:
- a) The land use 'shop' shall specifically relate to the use of a pharmacy.
 - b) No other land uses associated with 'Shop' shall be permitted.
48. The proposed Amendment is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
49. Having regard to the above, it is recommended that Council supports Amendment 102 to Local Planning Scheme No.3 for the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. CONSIDER Amendment 102 to Local Planning Scheme No.3 as a standard amendment under Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:

- a) The Amendment is consistent with the objectives identified in the Scheme for the mixed zone;
- b) The Amendment is consistent with the City of Kalamunda Local Planning Strategy;
- c) The Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the scheme area, and the applicable strategic planning framework;
- d) The Amendment is consistent with The Kalamunda Town Centre Special Control Area;
- e) The Amendment is considered to have a minimal impact upon the land within the City of Kalamunda;
- f) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
- g) The Amendment is neither a complex or basic amendment as defined under Part 5 the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

2. SUPPORT Amendment No.102 to Local Planning Scheme No.3 for the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda pursuant to Part 5 Regulation 50(3)(a) of the *Planning Development (Local Planning Schemes) Regulations 2015* by:

- a) Modifying Schedule 2 – Additional Uses of Local Planning Scheme No.3 as follows:

No.	Description of Land	Additional Use	Conditions
A102	51 CANNING ROAD, KALAMUNDA LOT 4	Shop	<ul style="list-style-type: none"> a) The land use 'shop' shall specifically relate to the use of a pharmacy. b) No other land uses associated with 'shop' shall be permitted.

3. FORWARD to the Western Australian Planning Commission pursuant to Part 5 Regulation 53 of the *Planning Development (Local Planning Schemes) Regulations 2015*:

- a) The Schedule of submission made on the Amendment and the local government response to the submissions (Attachment 9);
- b) A copy of the resolution;
- c) Any relevant maps, plans, specifications and particulars required by the Commission; and
- d) All required amendment documents.

10.1.4. Proposed Fenced Dog Exercise Parks - Adoption for the Purposes of Public Advertising

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

Previous Items	OCM26/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010291
Applicant	City of Kalamunda
Owner	State of Western Australia

Attachments	1. Federation Gardens Landscaping Concept [10.1.4.1 - 1 page]
	2. Federation Gardens Cost Estimate [10.1.4.2 - 1 page]
	3. Elmore Way Park Landscaping Concept [10.1.4.3 - 1 page]
	4. Elmore Way Park Cost Estimate [10.1.4.4 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the opportunity to consider 2 potential locations for fenced dog exercise parks for the purpose of commencing public advertising. The proposed locations are at:
 - a) Federation Gardens, Hartfield Park, Forrestfield; and
 - b) Elmore Way Reserve, High Wycombe.
2. The advertising process will give residents of the City of Kalamunda (City) a formal opportunity to comment on the proposed sites and designs of the fenced dog exercise parks and for the City to provide a response to submissions and consider any modifications.
3. It is recommended that Council adopt the proposed locations and draft concept plans for the fenced dog exercise parks for the purposes of public advertising.

BACKGROUND

4. In 2017/2018, the City undertook a comprehensive consultation process through the development of the City's Public Open Space (POS) Strategy which included a questionnaire regarding the City's existing local recreation facilities. A total of 113 responses were received and during this process, there was feedback from the community regarding dog exercise areas, including:
 - a) Dog walking being ranked fifth of 10 most liked activities within the City's POS areas.
 - b) Dog issues (no fenced areas and owners disobeying reserves rules / restrictions) was seventh of 10 most disliked issues associated with the City's sports reservations.
 - c) Dog exercise areas were ninth of 15 most wanted improvements to the City's POS areas.

5. The following additional general issues have, in recent years, been raised by residents of the City in relation to the need for a fenced dog facility:
 - a) Concerns about larger dogs injuring smaller dogs.
 - b) Lack of dog agility and obstacle course equipment.
 - c) Decreasing lot sizes, limiting private open space areas for dogs.
 - d) Dogs escaping from unfenced areas.
6. In 2017, the Council, by notice of motion (OCM26/2018), requested an investigation into the validity and process associated with a fenced dog exercise park in the City.
7. In May 2018, City presented a report to the Council outlining the process required to complete a feasibility investigation to meet the current and future needs of the City's residents. At this meeting, the Council considered the allocation of funds for progressing feasibility investigations as part of the 2018-19 budget.
8. The City established a working group of technical officers to consider 27 prospective fenced dog park locations having regard to opportunities and constraints, facility need, individual site assessment, and to make recommendations for suitable locations. This process was developed with a view of narrowing down the 27 prospective fenced dog sites to two parks.
9. The final two parks chosen following this feasibility investigation were Federation Gardens, Hartfield Park in Forrestfield and Elmore Way Park in High Wycombe.

10. **Locality Plan – Federation Gardens, Hartfield Park, Forrestfield:**



11.

Locality Plan – Elmore Way Park, High Wycombe:



DETAILS

Federation Gardens, Hartfield Park, Forrestfield

- 12. Hartfield Park is located within the residential district of Forrestfield. Hartfield Park is classified as a regional park in the POS Strategy which means the site may accommodate recreation and organised sport as well as significant conservation and/or environmental features.
- 13. Federation Gardens is approximately 10 hectares within Hartfield Park (159.49 hectares) and was identified during an opportunities and constraints analysis as having the locational and physical characteristics required to support a fenced dog exercise park.
- 14. During the analysis, which took into consideration the Government of South Australia’s report “Unleashed: A Guide to Successful Dog Parks”, Hartfield Park was found to have facilities which support the concept of a fenced dog exercise park including car parking, public toilets, community hall, playgrounds, seating, walking trails and lighting.
- 15. Hartfield Park, as a whole, is home to multiple sporting facilities including soccer and Australian Rules playing fields, tennis courts, a hockey field and a golf course. These are restricted dog exercise areas meaning dogs are not permitted to enter these areas.
- 16. Federation Gardens within Hartfield Park is currently a registered off leash dog exercise area. This has led to confusion among users, and conflicting uses within the entire park about where dogs are, and are not, permitted.

17. Provision of a fenced off leash dog exercise area could potentially help mitigate the risk of dog related incidents by providing a physical barrier and confining the activity to a specific area.
18. Upon analysis, the most appropriate location for a fenced dog exercise park is within Federation Gardens (located within Hartfield Park), which consists of areas of vegetation, grassed areas and a lake.
19. There is a high density of dog ownership to the north east of the site and a medium density of dog ownership surrounding the rest of the site which is important when considering the location of a fenced dog exercise park as it means there is a high concentration of potential users within a walking distance of the site.

Elmore Way Park, High Wycombe

20. Elmore Way is approximately 1.495 hectares in size and is located adjacent to the north-east side of the High Wycombe Neighbourhood shopping centre, making it within walking distance to the facilities provided by the shopping centre.
21. The site is located within the locality of High Wycombe and is bound by Elmore Way and Chipping Drive. The site is currently zoned urban development under Local Planning Scheme No.3 (LPS 3) and is identified as POS under the High Wycombe Cell U2 Structure Plan.
22. Currently, Elmore Way is not classified as an off-leash dog exercise area under the City's Dog Local Law 2010. However, the City has received multiple enquiries regarding the utilisation of Elmore Way as a fenced dog exercise park.
23. Elmore Way is classified as a neighbourhood park under the POS Strategy which means the site should serve as a recreational and social focus of a community, and residents should be attracted by the variety of features, facilities and opportunities to socialise.
24. The site was identified during an opportunities and constraints analysis as having the potential to facilitate a fenced dog exercise park due to its locational and physical characteristics. During the analysis, it was identified as having the facilities that are desired to facilitate a fenced dog park including a playground, seating, lighting and on street parking bays.
25. The location of the site adjacent to the High Wycombe Neighbourhood shopping centre is also an opportunity as it contains CCTV and toilet facilities.
26. Currently, the site is underutilised and would benefit from having a fenced dog exercise park to meet the outcomes of a neighbourhood park outlined under the City's POS Strategy.

27. There is a high density of dog ownership to the north east of the site and a medium density of dog ownership surrounding the rest of the site. This is important when considering the location of a fenced dog exercise park as it means there is a high concentration of potential users within a walking distance of the site.

STATUTORY AND LEGAL CONSIDERATIONS

Dog Act 1976

28. Section 31.1 of the *Dog Act 1976* (Dog Act) states a dog may only be in a public place when it is either:
- a) Held by person capable of controlling it; or
 - b) When it is securely tethered.
29. Under the Dog Act, public notification must be given if the City is changing an area that is currently not a dog exercise area, into a dog exercise area. A local government may specify a public place, or a class of public place, that is under the care, control or management by the local government to be a dog exercise area. The local government must give public notice of at least 28 days before specifying a place to be a dog exercise area.

City of Kalamunda Dogs Local Law 2010

30. The City of Kalamunda Dog's Local Law 2010 is created under the Dog Act and is to be applied throughout the whole district of the City. The purpose of the local law is to extend the controls over dogs that exists under the Dog Act, and to prescribe areas which are prohibited dog exercise areas.
31. Under the City's Dog's Local Law 2010, the installation of a fenced dog park does not change the existing use of reserves by owners and their dogs. This means that there would be no change in in the status of Federation Gardens, and public advertising would not be required under the Dog Act, however the proposed concept will still be advertising for the purposes of transparency and assist with a decision on which Fenced Dog Exercise Park should be implemented first. Elmore Way Park is currently not registered as a Dog Exercise Area under the City's Dogs Local Law 2010, and under the Dog Act would need to undergo public consultation, prior to the City specifying the park as a dog exercise area.

North East Sub-Regional Planning Framework

32. The North East Sub-Regional Planning Framework (the Framework) sets the planning framework as Perth and Peel heads towards a population of 3.5 million. The Framework applies to local government areas located in the north-east regional of metropolitan Perth, which includes the City of Kalamunda.

33. The region itself is expected to double in population from 209,156 people in 2011 to over 450,500 by 2050. The significant rise in population will lead to an increase in density, and therefore a decrease in lot sizes over time within the City.
34. The City has received multiple enquiries regarding facilitation of a fenced dog park in the foothills. Lot sizes in the foothills generally have smaller areas of private open space compared to those located in the hills suburbs. The need for public open space with the provision of a variety of recreation facilities, such as dog exercise areas, is considered to be particularly important in this context.

Metropolitan Region Scheme (MRS) and City of Kalamunda Local Planning Scheme No. 3 (LPS3)

35. Provision of a fenced dog exercise park will not require planning approval under the MRS or the City's LPS3 as the current use of the park for recreation will not change and any works would be subject to an exemption under the *Public Works Act 1902*.

City of Kalamunda Local Planning Strategy (2010) (Strategy)

36. The Strategy outlines a vision statement for open space and recreation within the City which states to provide for a range of active and passive recreation facilities that have regard to the changing needs of the community and ensuring maximum value and usage, subject to environmental sustainability. The Strategy aims to provide for good and well-located community facilities that meets the needs of the community.
37. There has been an increasing demand for the provision of a fenced dog exercise park within the City to provide for a safe area where dog owners can take their dogs to exercise. The provision of a fenced dog exercise park will ensure that a range of facilities are provided within the City and that the needs of the community are met through the delivery of this facility.

City of Kalamunda Public Open Space (POS) Strategy (2018)

38. The POS Strategy aims to ensure that POS is delivered to optimise community benefit by providing direction to guide the future provision, enhancement and management of POS within the City. The POS Strategy aims to ensure that POS is utilised to its maximum potential in order to deliver maximum benefit to the community. In this regard, the POS Strategy also references the community desires to incorporate a fenced dog exercise park within the City, which has now been prioritised for implementation when improving POS throughout the City.
39. The POS Strategy rates Hartfield Park as an 'A' graded reserve which means that it has a scored an average of 4 and above (performed high) in location, usage value, care and maintenance and environmental value. A fenced exercise dog park at the Federation Gardens would enable Hartfield Park to be further enhanced as an 'A' graded reserve.

40. POS Strategy rates Elmore Way as a 'B' graded reserve which means that it scored an average score of between 3 and 4 in relation to location, usage, care and maintenance and environmental value. A fenced exercise dog park at Elmore Way would increase the functionality and usability of the reserve which may elevate the reserve to be an 'A' graded reserve.
41. Action 2.6.2 of the POS Strategy states that as funding and resources allow, the City should aim to enhance three reserves per annum. Funds raised from the transfer of POS and cash-in-lieu are to be utilised to fund the improvement of POS reserves. The establishment of a fenced exercise dog park will assist with achieving this action.

POLICY CONSIDERATIONS

42. N/A

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

43. The rationale for establishing the potential locations of the proposed dog exercise parks was undertaken by a working group established by the City including members from Community Safety, Parks and Environment, GIS and Strategic Planning.

External Referrals

44. Under the Dog Act, public notification must be given if the City is changing an area that is currently not a dog exercise area into a dog exercise area. The consultation period will be for a minimum of 60 days over the Christmas period.
45. The following consultation methods which have been considered from a Public Relations perspective will be undertaken:
- a) Newspaper advertisement.
 - b) Letters to landowners and occupiers within a 400m radius of the proposed sites.
 - c) Website / Social Media / Engage Kalamunda information.
 - d) Placing signage on the proposed sites.
46. Through the engagement process, the City will ensure that communications note that the funding of the proposed parks are subject to funding approval.
47. Given the Indigenous cultural significance of Hartfield Park, the City will engage with the Wadjuk Working Party as part of advertising to ensure that the cultural significance of the site is appropriately considered.

FINANCIAL CONSIDERATIONS

48. An allocation of \$15,000 was included in the 2018/19 Budget for the purposes of undertaking background research and to prepare the landscaping concepts (Attachments 1 and 3) with Opinion of Probable Costs (OPC) for the two candidate sites (Attachments 2 and 4).
49. The OPC outlines an amount for each of the two sites which can be used for the purposes of informing future budget deliberations on the matter. It is considered that, in addition to the amount included in the OPC, a 10% allowance be added for community consultation, detailed design and project contingency.
50. The OPC for Federation Gardens, at attachment 2, is estimated at a total cost (excl GST) of approximately \$400,000 to \$450,000 depending on the final fence height (1.8m, 1.5m and 1.2m) with higher fencing resulting in a greater overall cost.
51. The OPC for Elmore Way Park, at attachment 4, is estimated at a total cost (excl GST) of approximately \$290,000 to \$300,000 depending on the final fence height (1.8m, 1.5m and 1.2m) with higher fencing resulting in a greater overall cost.

52. Cash in Lieu of Public Open Space

The WAPC has adopted a longstanding requirement that 10 per cent of the gross subdivisible area be given up free of cost in a subdivision and vested in the Crown for the purposes of POS. However under the provisions of Section 153 of the *Planning and Development Act 2005* payment can be made by a subdivider in lieu of all or part of a POS contribution, referred to commonly as 'cash-in-lieu' of POS. Cash in lieu may be appropriate for small subdivisions, where the resultant POS would be too small, unusable or irregular in shape, or where sufficient POS is already available or previously provided in the locality.

53. It is noted that POS cash-in-lieu funds are available; \$446,764 for Forrestfield and \$767,987 for High Wycombe. The City is currently investigating the appropriate expenditure of these funds in accordance with the City's POS Strategy.
54. Expenditure of cash-in-lieu funds must be directly related to the use, or development, of land for POS purposes and must be for recreation purposes with unrestricted public access.
55. The proposed fenced dog exercise parks could potentially be partially or wholly funded through POS cash-in-lieu funds. While there are sufficient funds available, the expenditure of POS cash-in-lieu funds may be more appropriately allocated towards, or shared with, other high priority projects in the respective localities (eg. Woodlupine Brook Improvements, Forrestfield). Having regard to the availability of funds, the City's POS Strategy and other potential POS improvement projects, it is currently considered that there is greater capacity for the POS cash-in-lieu funds in High Wycombe to fund the fenced exercise dog park at Elmore Way Park.

56. In order to use cash in lieu to fund POS improvements, a request is required to be submitted to the Minister for Transport; Planning for approval, through the Western Australian Planning Commission, accompanied by a map and schedule showing:
- a) The location and WAPC reference number from the subdivision from which the funds were obtained.
 - b) The dollar value of the funds obtained.
 - c) The location of the proposed reserve where the funds are proposed to be expended.
 - d) The nature of the proposed expenditure.
 - e) The program for the expenditure.
 - f)
57. The objectives of cash in lieu for POS is to ensure that all residential development in the State is complemented by adequate, well-located areas of public open space that will enhance the amenity of the development and provide for the recreational needs of local residents. Development Control Policy 2.3 – Public Open Space in Residential Areas outlines that the acceptable expenditure for cash in lieu funds may be for clearing, seating, earthworks, spectator cover, grass planting, toilets, landscaping, change rooms, reticulation, lighting, play equipment, pathways, fencing, walk trails, car parking, and signs relating to recreation pursuits.
58. The provision of a fenced dog exercise park meets the criterial for the acceptable expenditure for cash-in-lieu funds. There is therefore a high likelihood of receiving approval to utilise these funds. The City is in the process of formally applying for access to the funds and the community engagement will form part of the formal application.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

59. *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.

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

60. Hartfield Park is of Indigenous cultural significance and contains within its bounds a scar tree site. The park was also formerly used as an Aboriginal camping site at the turn of the last century. As noted above in the External Referrals section of this report, the City will engage with the Wadjuk Working Party as part of advertising to ensure that the cultural significance of the site is appropriately considered.
61. The implementation of a fenced dog exercise park will provide a more diverse range of opportunities for recreation within the City.
62. Fenced dog exercise parks create a space for exercising and socialising dogs in a safe and controlled environment for the benefit of both the dogs and their owners.
63. The implementation of a fenced dog park will create a safe space and encourage users to exercise and socialise their dogs at an early age which can reduce aggressive behaviour with dogs and excessive barking.
64. Providing a fenced dog exercise park within Federation Gardens will reduce the risk of conflicting uses with sporting ovals within the entire Hartfield Park precinct, creating a specific enclosed area for dog socialisation.

Economic Implications

65. The provision of a fenced dog exercise park, particularly at Elmore Way Park, will introduce more users to the site and potentially increase the number of customers to the various commercial uses in the adjoining neighbourhood shopping centre.

Environmental Implications

66. The concept plans attached at Attachment 1 and 2 propose to introduce new trees to provide for shading and other associated benefits.
67. Federation Gardens consists of dense areas of native vegetation, environmentally sensitive areas and Threatened Ecological Communities (TEC) surrounding the body of water to the centre of Federation Gardens. The concept design at Attachment 1 demonstrates that the proposed area for the fenced dog exercise park is to stay clear of TEC and does not involve the removal of any vegetation in the area.

RISK MANAGEMENT CONSIDERATIONS

68.

Risk: That a fenced dog exercise park will not attract the expected number of users and therefore demonstrate a lack of value for money for the facility.		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
a)	Both locations have been proposed within the foothill localities of the City due to the general characteristics of smaller lot sizes/backyards, to maximise access to residents, and the need for an area within the foothills where dog owners can exercise their dogs safely.	
b)	Ensure that the analysis that has informed the selection of Federation Gardens and Elmore Way Park as the final two candidate sites, is based on sound research.	
c)	Through community engagement ensure that there is a clear community benefit in developing a fenced dog exercise park.	
d)	Ensure that the design of the facility meets the needs of a wide range of dog owners and is conveniently located.	
e)	Ensure that there is an appropriate awareness program and marketing strategy to encourage users to capitalise on the investment of a fenced dog exercise park.	

69.

Risk: A fenced exercise dog park at Federation Gardens would attract additional dogs and dog owners, increasing the risks of dog attacks and dog faeces on sporting fields.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
One of the reasons Federation Gardens has been chosen as a suitable location is to mitigate associated risks with dog owners getting confused about which areas are registered off leash areas and which areas are not. The provision of a fenced dog exercise park will confine the dogs to a certain area which will help clear the confusion and reduce the health risks associated with dogs utilising sporting ovals.		

70.

Risk: Insufficient car parking being available at the fenced dog exercise park.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Proximity to public parking has been an important consideration. While Elmore Way Park only has five street parking bays, there is potential to construct additional parking bays on a future road reserve to the north-west of the park. Both sites analysed are located within walkable areas.		

OFFICER COMMENT

71. The current strategic planning framework within the City supports the provision of fenced dog exercise parks within the City.
72. The proposed dog park at Federation Gardens is much larger than that at Elmore Way and offers a larger range of opportunities, however, there is an additional cost associated with the larger facility and there is no currently identified funding source for the construction of this dog park as cash-in-lieu funds are identified, subject to Council consideration, to be used elsewhere in Forrestfield (i.e. Woodlupine Brook Improvements). It is also noted that a privately funded dog park is proposed in the Satterley 'the Hales' development, located under the high voltage power lines in Forrestfield, anticipated to be completed in Q2/Q3 2020. Having regard for these matters, the need for a fenced exercise dog park is therefore considered to be lower given the development of another dog park in the locality.
73. Given that there is cash-in-lieu funding available and that the need for such a facility is higher in High Wycombe, the Council may wish to give priority to the construction of the Elmore Way fenced dog park.
74. Having regard to the above, Council may consider future funding for the Federation Gardens fenced dog park through the budget process, should the concepts receive favourable feedback from community consultation. This is a matter for Council to consider after receiving feedback from the community through the engagement process.
75. It is recommended that Council adopts the proposed locations and draft concept plans for the fenced dog exercise parks for the purposes of public advertising.
76. Since the November 2019 Public Agenda Briefing, the following refinements have been made to the report:
1. Clarification on the envisaged priority between the two parks, subject to community engagement.
 2. Clarification that through the engagement process, the City will ensure the community are aware that the parks are subject to funding approval processes.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT the proposed location and concept plan for fenced dog exercise parks at Elmore Way Park, High Wycombe, and Federation Gardens, Hartfield Park, Forrestfield, for the purposes of public advertising.
2. NOTE that should the proposals receive favourable community feedback, the proposed Elmore Way fenced dog exercise park will form the basis of a Public Open Space cash-in-lieu request and the Federation Gardens fenced dog exercise park would be considered for funding in future budget deliberations.

10.1.5. Draft Local Planning Policy No.26: Public Art Contributions - Consideration of Submissions and Final Adoption

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

Previous Items	OCM 31/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010173
Applicant	N/A
Owner	N/A
Attachments	1. Advertised Version [10.1.5.1 - 7 pages] 2. Modified Version [10.1.5.2 - 6 pages] 3. Submission Table [10.1.5.3 - 7 pages]
Confidential Attachment	1. CONFIDENTIAL – Submitters List

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider submissions and the adoption of the Draft Local Planning Policy No.26 - Public Art Contributions Local Planning Policy (Policy). The Policy has been prepared to facilitate contributions towards public art through development proposals and provides guidance on the format of public art contributions within the City of Kalamunda (City).
2. The Policy was adopted by Council for the purposes of public advertising at the August 2019 Ordinary Council Meeting (OCM) with a contribution threshold of \$500,000 and the option to review the threshold at the first Policy review. The Policy was advertised from 5 September 2019 to 30 September 2019, with 20 submissions being received, comprising 6 objections, 11 non-objections and 3 comments.
3. It is recommended that Council adopts the Policy subject to modifications.

BACKGROUND

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure the Council has a clear and defensible position in making planning decisions.
5. The State Government encourages the inclusion of art in the built environment through the Percent for Art Scheme. Local governments have adopted this Scheme as a model of best practice for the inclusion of public art.
6. On 26 February 2019, Council received a draft Public Art Policy and endorsed the request for public advertising for a period of 30 days. The advertised Policy was initially drafted by the Kalamunda Arts Advisory Committee (KAAC) and finalised for advertising by the City. The KAAC provides advice to the City for the purpose of decision making in relation to the arts.

7. The KAAC drafted Public Art Policy provided a basis for the City to consider the collection of contributions towards public art. Given contributions will be sought from future development, a Local Planning Policy is required to be prepared because contributions to public art through development applications can only be levied through conditions of planning approval. The development of a Local Planning Policy in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015* will provide a statutory basis for the imposition of public art contributions from development. This is not achievable through the KAAC drafted Public Art Policy released for public advertising on 26 February 2019. The relevant sections of the Draft Public Art policy have been integrated into the Policy the subject of this report.

8. A summary policy comparison is shown below:

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

9. Numerous local government authorities have adopted Public Art Contribution Policies including, but not limited to, City of Bayswater, City of Armadale, Town of Bassendean, City of Cockburn, Town of East Fremantle, City of Fremantle, City of Gosnells and City of Kwinana.

10. The draft Policy was presented to the 11 June 2019 Ordinary Council Meeting, however this item was deferred to allow time for the KAAC to make further recommendations in relation to the Policy.

11. A meeting of KAAC was held in July 2019 at which further recommendations regarding the Policy were made. The recommendations were reviewed by the City and officer comments were made regarding whether the suggestions were appropriate for inclusion.

12. The KAAC's recommendations during the drafting of the Policy included:

- a) A contribution to Public Art should be no less than 1% of all private developments, including extensions and upgrades over the total project cost of \$500,000.
- b) A 2% contribution for City projects including project contingencies.

13. The City's officers are not supportive of these recommendations as precedence suggests a 1% contribution for development estimated above one million dollars is a consistent threshold implemented across most metropolitan local governments.
14. The updated Policy was presented to the Council's Ordinary Meeting on 27 August 2019, with a recommendation to retain 1% contribution for development estimated above one million dollars. The Policy was adopted by Council for the purposes of public advertising subject to the following modifications (summarised):
 - a) Changing the threshold to \$500,000 excl GST from \$1,000,000.
 - b) Exclude building upgrades, and heritage development works from the public art contribution requirements.
 - c) Adding a notation on the cover page which states that Council at the time of consideration the Policy foreshadowed that the thresholds for contributions towards public art are to be reviewed as part of the next scheduled policy review date.

DETAILS

15. The intent of the Policy is to guide the provision of public art for development proposals to improve the quality of the City's built environment and enhance amenity for both residents and visitors and provide opportunities for local artists within the City.
16. The Policy provides two options for public art contributions including coordinating the public art project with a professional artist or paying a cash in lieu contribution to the City for public art. The Policy states contributions of less than \$30,000 (developments with a value between \$1m and \$3m) are to be paid as cash-in-lieu to the City to contribute towards implementation of the future Public Art Master Plan.
17. The Public Art Master Plan will be a strategic document that identifies key locations throughout the City for the provision of public art. The Public Art Master Plan will also identify the themes and envisaged outcomes for public art in strategic and key locations throughout the City. The development of the Public Art Master Plan is a key action of the City's adopted Arts Strategy.
18. The primary objectives of the Policy are to:
 - a) Facilitate the provision of public art through development proposals.
 - b) Develop and promote community identity.
 - c) Improve the quality of the City's built environment.
 - d) Inform the procurement, siting, commissioning and installation of art into public places.
 - e) Include elements of design that reflect unique aspects of the area (history, natural environment).
 - f) Enhance the amenity and activity options available to local residents and visitors.
 - g) Enhance the provision of public art for the enjoyment of residents and visitors.
 - h) Provide opportunities for local artists.

19. It is noted that the Council adopted the draft Policy with contributions being required for any development with a value over \$500,000 ex. GST, with the exception of a single house, grouped dwellings, ancillary dwelling, building upgrades, heritage development works or any ancillary structures. However, in line with the City's officers previous recommendations on the matter, and in response to submissions received, the Policy that is being presented for final adoption has been modified to apply to applications for development approval where the estimated cost of development exceeds one million dollars, with the same exceptions listed above. This would also apply to City projects such as community buildings or streetscape enhancements (which may not require Development Approval).

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

Local Government Area	Policy Name	Development Subject to the Public Art Contribution
City of Armadale	<i>Percent of Public Art</i>	1% of total development cost on developments between \$1 million and \$2 million. \$2 million and greater contribute 1% and provide public artwork to the value of 1% of the total development cost and maintain the artwork. Excludes single residential developments.
Town of Bassendean	<i>LPP No. 15: Percent for Art Policy</i>	<i>Developments over \$1 million must contribute to public art funding. Developments within the Bassendean Town Centre requires a public realm contribution of 2% of the construction value. Excludes single residential developments.</i>
City of Bayswater	<i>Percent for Public Art Policy</i>	No less than 1% of the development cost on developments with a construction value of \$1 million or greater. Excludes any residential development and development on public property.
City of Canning	<i>Developer Funded Public Art</i>	1% of the development cost on developments exceeding \$4 million with a maximum contribution of \$250,000. Excludes any residential development.

City of Cockburn	<i>Percent for Art Policy</i>	1% of the development cost on developments exceeding \$1 million with a maximum contribution of \$250,000. Excludes industrial uses and single residential developments.
Town of East Fremantle	<i>Local Planning Policy 3.1.9 – Percent for Public Art</i>	1% of the development cost on developments exceeding \$3 million. The contribution cost depreciates to 0.75% once the total cost of development reaches \$100 million. Excludes demolition, single residential developments, grouped dwelling developments, multiple dwellings less than 15 dwellings, State and Federal projects where an equivalent public art contribution is applied and heritage works.
City of Fremantle	<i>Local Planning Policy 2.19: Contributions for Public Art and/or Heritage Works</i>	Development within subject site areas must provide 1% of the development cost on developments \$1 million or over. Excludes single and grouped dwellings, industrial class uses, developments with a GLA less than 1000sqm and refurbishments or change of use of existing buildings larger than 100sqm.
City of Gosnells	<i>Local Planning Policy 6.0: Public Art Policy</i>	1% of the development cost on developments exceeding \$2 million with a maximum contribution of \$250,000. Excludes industrial developments.
City of Kwinana	<i>Local Planning Policy No. 5: Development Contribution Towards Public Art</i>	1% recommended of total development cost over \$1 million. Excludes developments within general industry zones, refurbishments, or upgrades of existing infrastructure.
City of Melville	<i>Provision of Public Art in Development Proposals</i>	1% of the development cost with a project cost exceeding \$1 million. Excludes non-residential developments.
Shire of Serpentine-Jarrahdale	<i>Local Planning Policy No. 59: Public Art Policy for Major Developments</i>	1% of the development cost on developments between \$1 million and \$50 million. Developments with a construction cost greater than \$50 million must contribute \$500,000. Excludes development applications

		relating to site preparation such as bulk earthworks or landscaping.
City of South Perth	<i>Policy P101: Public Art</i>	2% of the City's development project cost where the cost is greater than \$2 million.
City of South Perth	<i>Policy P316: Developer Contribution for Public Art and Public Art Spaces</i>	1% of the development cost with a project cost of \$4 million or greater.
City of Swan	<i>POL-LP-1.10 Provision of Public Art</i>	1% of the development cost with a project cost of \$2 million or greater with a maximum contribution of \$500,000. Excludes site works, infrastructure works, single dwelling or less than 10 grouped or multiple dwellings.
City of Vincent	<i>Percent for Art</i>	1% of the development cost for developments over the Threshold Value determined by the City's Council. Excludes residential developments zoned below R60, comprising less than 10 dwellings and have a height below 3 storeys.

21. Other LGAs including the Shire of Peppermint Grove, City of Nedlands and Town of Cottesloe were also audited, but currently do not have a Public Art Policy.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

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

If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevails.

POLICY CONSIDERATIONS

25. The Policy which was advertised is generally consistent with the version presented to Council on 27 August 2019 noting that Council amended and adopted the draft Policy with a \$500,000 threshold in lieu of the \$1,000,000 proposed by the officer recommendation. The final version for public advertising can be viewed in Attachment 1.
26. The only modification recommended to the advertised Policy is to change the minimum thresholds from \$500,000 to \$1,000,000 for both private sector and City led projects.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

27. The Policy has been prepared with input from relevant internal planning and economic development disciplines.
28. The KAAC has been involved in the early drafting of the Policy. A detailed summary of the KAAC recommendations and how this informed the preparation of the Policy was provided in the Council Report on 27 August 2019.

External Referrals

29. The Regulations require that a local government must advertise the proposed Policy as follows:
 - a) Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of the subject and nature of the proposed policy, the objectives of the policy and to whom, what form and during what period, submissions in relation to the proposed policy may be made.
 - b) If the opinion of the local government is that the policy is inconsistent with any state planning policy must give notice of the proposed policy to the commission.
 - c) Give notice of the proposed policy in any other way and carry out any other consultation that the local government deems appropriate.
30. The proposed Policy was advertised in accordance with the requirements set out in the Regulations and the City's Local Planning Policy – Public Notification of Planning Proposals.
31. The Policy was also referred to relevant advisory Committees of the Council.
32. A total of 20 submissions were received including 11 non-objections, 6 objections, and 3 comments to the Policy. Submissions and responses to submissions are located at Attachment 3.

33. One submission received from the Housing Industry Association (HIA) objected to the \$500,000 threshold on the basis that it will capture a large number of small developments that have minimal impact on the public realm, unduly increasing the cost of delivery for smaller projects, and given the inconsistency with the threshold of other authorities. It is noted that the Policy has residential development exemptions contained within the Policy provisions.
34. Other feedback received included:
- a) support for the Policy and its intended initiatives.
 - b) a desire for artwork to be sympathetic to Kalamunda and the natural environment;
 - c) the Policy should incorporate temporary or ephemeral artworks;
 - d) concern with the impact of additional contributions on residential development. This indicated a general misunderstanding regarding the general objectives and exemptions for single house, grouped dwelling, and ancillary dwelling development in the Policy; and
 - e) a request to exempt industrial developments from the requirements of the Policy, as they are, in the view of the submitter, rarely seen by the general public, and will increase the cost to developers.

Further discussion regarding these matters is contained in the Officer Comment section of this report.

FINANCIAL CONSIDERATIONS

35. All costs incurred during the advertising of the Policy were met through the Development Services annual budget.
36. KAAC recommended that the minimum threshold for public art contributions be set at \$500,000 as opposed to \$1,000,000. One reason for the recommendation was that a significant area of the City is made up of National Park, forest and public open space, thereby limiting development opportunities and the extent of development areas within the City. While this is noted, other factors are required to be considered when establishing a minimum threshold, which are explored in the Officer Comment section of this report.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

37. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

- 40. Public art can encourage economic activity by providing a focal point and enhancing the way in which residents, employers and investors engage with a place.
- 41. The implementation of the Policy will have financial impacts to developments over \$500,000 or one million dollars depending on the determination of Council.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

- 43.

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

- 44.

Risk: The Policy introduces unacceptable levels of increased costs to developers		
Likelihood	Consequence	Rating
Unlikely	Significant	Medium
Action/Strategy		
The recommended threshold, which is in line with other Local Government areas (developments over \$1,000,000) targets larger developments. It will be important to ensure developers are aware of the benefits of public art including that it can increase the value of a development, balancing the level of increased costs to developers.		

OFFICER COMMENT

45. The proposed modifications to the Policy, which are in line with local government practices, will ensure future developments over \$1,000,000 will provide a public art contribution of 1% of the total development cost, with a maximum capped contribution of \$250,000.
46. An applicant/owner may choose to make a public art contribution by coordinating the public art project with a professional artist or paying a cash-in-lieu contribution to the City for public art. The Policy states contributions less than \$30,000 are to be paid as cash-in-lieu for the delivery of key projects identified in the Public Art Masterplan.
47. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developments over one million dollars, it is recommended the City follows this practice, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000 and the fact that Council adopted the draft Policy at the \$500,000 threshold. Notwithstanding the officer recommendation, the threshold is open for Council to amend through final consideration of the Policy.
48. The imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. This matter was raised in a submission from the HIA, raising concern that it will capture a large number of small developments that have a minimal impact on the public realm, unduly increasing the cost of delivery for smaller projects, and given the inconsistency with the threshold of other authorities. It is noted that the Policy has residential development exemptions contained within the Policy provisions.
49. The Policy excludes temporary and ephemeral artworks such as performance art, music, dance or exhibitions which result in short-term impact, as the intent of the Policy is to ensure that public art is available at all times to all residents and visitors of the City. The intention of the Policy is to also ensure that there are no costs or ongoing curation and maintenance borne by the City, and to ensure this, ephemeral artworks have been excluded. It is considered appropriate that funding for ephemeral artworks be separately considered by the City in the context of planning for future events and place making.
50. The objectives of the Policy strive to improve the quality of the City's built environment and to include elements of design that reflect the unique aspects of the area (history, natural environment) and public art can be implemented in small-scale ways such as murals, tiles, mosaics, bas-relief covering walls, floors and walkways and does not have to be large sculptures which may appear to be bulky.
51. With regard to the submission requesting exemptions for industrial development, the Policy does not currently, and is not proposed to, exclude industrial development from public art contributions. Whilst some metropolitan local governments have excluded industrial development from similar policies,

a number of other local governments have included industrial developments. The City has noted the importance of increasing the amenity in industrial areas and the potential value that public art could bring to these areas. In this regard, it is not considered appropriate to differentiate this type of development from other commercial development.

52. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications.
53. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.
54. Since the November 2019 Public Agenda Briefing, the following refinements have been made to the report:
 1. Clarification on the fact that Council adopted the Policy at the August 2019 OCM, for the purposes of public advertising, with a \$500,000 threshold in lieu of the \$1,000,000 recommended.
 2. Additional clarification with the submission from the HIA noting that the Policy includes residential exemptions.
 3. Clarification on the KAAC reasoning for the \$500,000 threshold noting that a significant area of the City is made up of National Park, forest and public open space, thereby limiting development opportunities and the extent of development areas within the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during advertising of Local Planning Policy No.26 - Public Art Contributions.
2. ADOPT Local Planning Policy 26 - Public Art Contributions, as set out in Attachment 2, pursuant to Schedule 2, Part 2, Clause 4(3)(b)(ii) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA).

10.1.6. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	SC-3/30, SC-3/34, SC-3/38, MN-7/2, RL-1/22
Applicant	City of Kalamunda
Owner	Western Australian Planning Commission / City of Kalamunda
Attachments	1. Existing MRS [10.1.6.1 - 1 page] 2. Proposed MRS [10.1.6.2 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road and the Old Railway Reserve (portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road) from an Urban zone to a Parks and Recreation reservation.
2. Once the land is reserved as Parks and Recreation under the MRS, the land at 30, 34 and 38 Schmitt Road will no longer have any subdivision / development potential for residential purposes and will formally be brought into the Old Railway Reserve reservation. A land management order will be put in place for the City to take over the management of these land parcels.
3. By rezoning the portion of Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to the Parks and Recreation reserve, it will be consistent with the entire Old Railway Reserve which extends from Gooseberry Hill to Walliston.
4. The recommendations seeks Council endorsement to request the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

BACKGROUND

5.

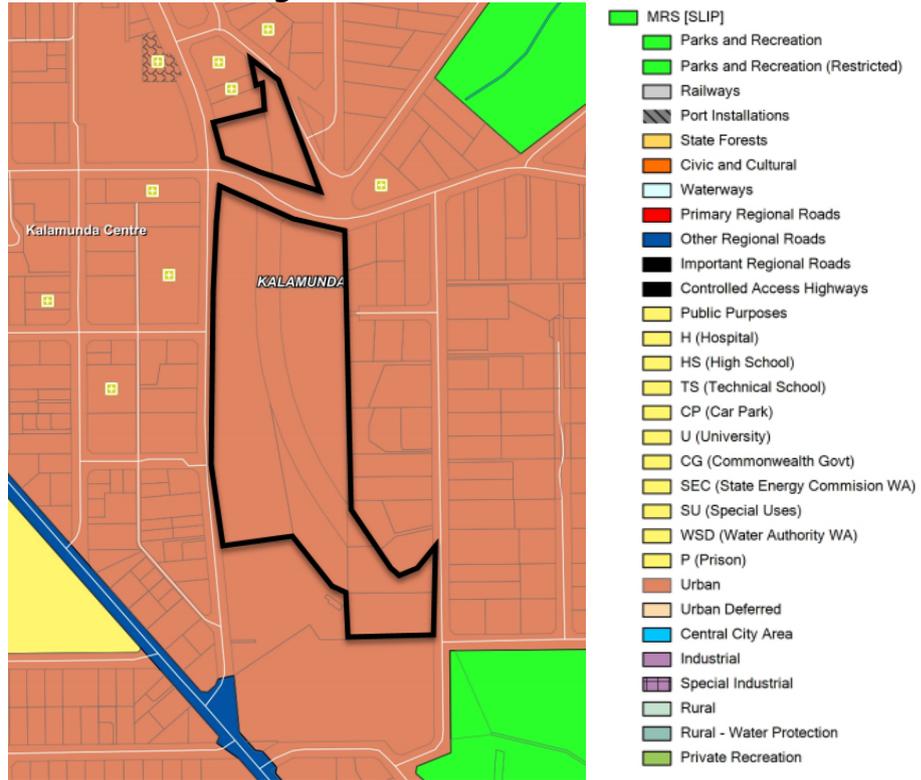
Land Details:

Lot / Property	Land Area	Local Planning Scheme Zone:	Metropolitan Region Scheme Zone
Old Railway Reserve			
60 Dixon Road	5014.16m ²	Local Open Space	Urban
Lot 443 Railway Road	3893.60m ²	Local Open Space	Urban
22 Railway Road	28,722.64m ²	Local Open Space	Urban
2A Mundaring Weir Road	21,784.60m ²	Local Open Space	Urban
Lot 372	6662.17m ²	Local Open Space	Urban
Decommissioned road reserve (within Old Railway Reserve) Referred to as 'Old Road Reserve' in below locality plan	12,792m ²	Local Open Space	Urban
WAPC Owned Land			
30 Schmitt Road	992m ²	Residential R5	Urban
34 Schmitt Road	4379m ²	Residential R5	Urban
38 Schmitt Road	6094.95m ²	Residential R5	Urban
Total	90,335.12m²		

6. **Locality Plan:**



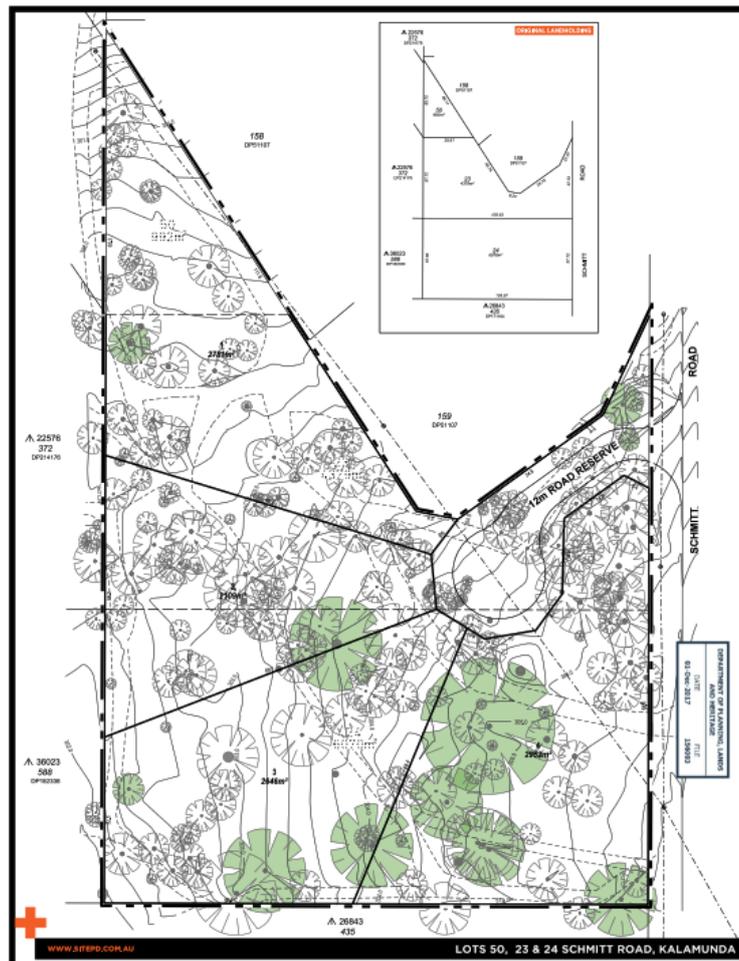
7. **Current MRS Zoning Plan**



8. **Current Local Planning Scheme Zoning Plan**



9. The properties at 30, 34 and 38 Schmitt Road are currently owned in freehold by the Western Australian Planning Commission (WAPC). The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is Local Open Space (Crown Land) and is vested to the City of Kalamunda for management.
10. The properties at 30, 34 and 38 Schmitt Road are vacant lots through which the Old Railway trail informally traverses.
11. On 6 December 2017, a four-lot subdivision (156002 and 156003) was referred to the City at 30, 34 and 38 Schmitt Road Kalamunda.



12. On 16 March 2018 the four-lot subdivision was approved by the WAPC.
13. As a result of the approved subdivision and prospective sale of the land for residential development, a significant contingent of the community strongly voiced their opposition and sought support from the City and the WAPC to retain the lots as part of the Old Railway Reserve.
14. The City and the Department of Planning, Lands and Heritage (DPLH) held a meeting in January 2019 and again in October 2019 and agreed in principle to rezone 30, 34 and 38 Schmitt Road as well as the portion of the Old Railway Reserve, between the Bibbulmun Track Terminus on the corner of Railway

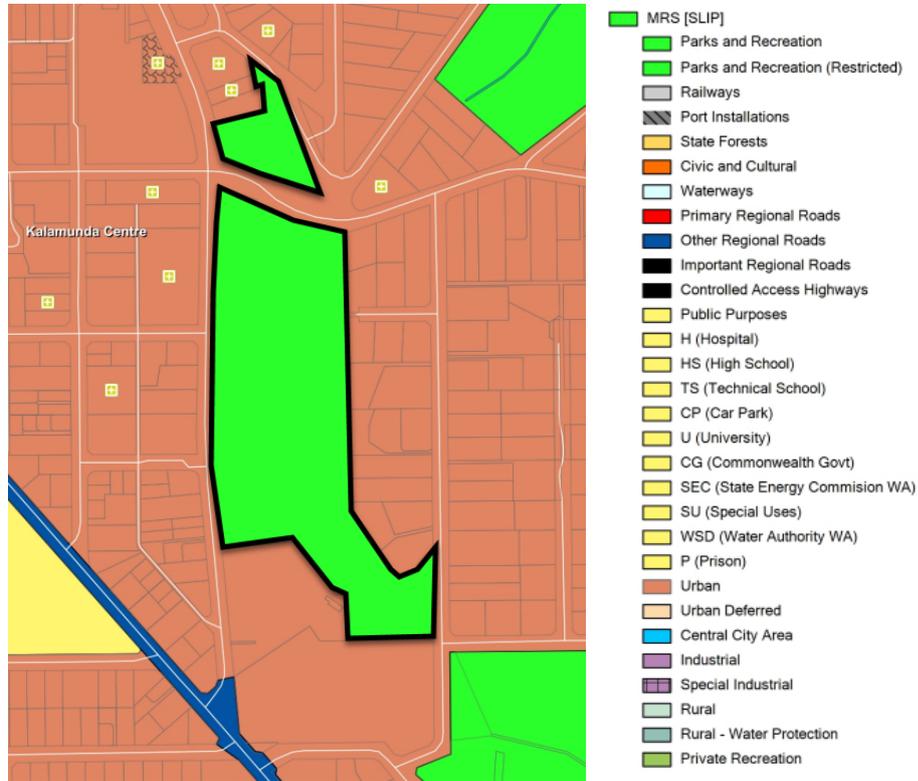
Road and Mundaring Weir Road to Schmitt Road, from Urban to Parks and Recreation.

DETAILS

15. The land at 30, 34 and 38 Schmitt Road, and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is located on the periphery of the Kalamunda Town Centre.
16. The properties at 30, 34 and 38 Schmitt Road are zoned Urban under the MRS (refer Attachment 1) and Residential R5 under the City's Local Planning Scheme No. 3 (LPS3). The Old Railway trail informally traverses through these parcels.
17. The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is zoned Urban under the MRS (refer Attachment 1) and Local Open Space under the City's LPS3.
18. The other portions of the Old Railway Reserve are zoned Parks and Recreation under the MRS and have no zoning under the City's LPS3. The Old Railway Reserve extends from Gooseberry Hill to Walliston, and includes an unsealed trail which is popular amongst locals and visitors for recreating. It also includes stretches of dense native vegetation typical of the Darling Scarp.
19. As a result of the approved 4 lot subdivision over 30, 34 and 38 Schmitt Road, the community strongly voiced their opposition to any residential development on these parcels due to the importance of the Old Railway Reserve trail traversing those parcels.
20. In view of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation (refer Attachment 2).
21. It is also agreed, in-principle, that the portion of the Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road be rezoned from Urban to Parks and Recreation to be consistent with the entire Old Railway Reserve (Refer Attachment 2) and reflect its recreational function.
22. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road. The City currently manages the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road.
23. The rezoning will also provide an opportunity for the property cadastres to be adjusted by amalgamating all lots into two consolidated parcels, with the Mundaring Weir Road / Railway Road intersection separating the two consolidated lots.

24. In summary, the City seeks Council’s endorsement to request the WAPC to initiate an MRS Amendment for 30, 34, 38 Schmitt Road and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation.

25. **Proposed MRS Zoning**



STATUTORY AND LEGAL CONSIDERATIONS

26. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
27. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
28. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.
29. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

30. Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. N/A

External Referrals

32. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
33. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

34. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the inclusion of 30, 34 and 38 Schmitt Road to the Old Railway Reserve will be taken on by the City as part of its existing management costs for Old Railway Reserve.
35. It is considered that the inclusion of 1.1ha of land (the Schmitt Road properties) to the City's overall bushland reserves under care would not require a substantive increase in maintenance funding beyond the current \$1.7m pa for all of the City's Bushland Reserves.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *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.

Priority 2: Kalamunda Clean and Green

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

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

- 37. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes which provides the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.

Economic Implications

- 38. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent the WAPC from making profit on the land through land sale. Profits to the WAPC are incorporated into the State budget which funds public infrastructure and benefits including investment in the City of Kalamunda.

Environmental Implications

- 39. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent substantial clearing of native vegetation as a result of development. This will provide a positive conservation outcome for the protection of native flora and fauna.

RISK MANAGEMENT CONSIDERATIONS

- 40.

Risk: Council does not endorse the request for the MRS Amendment, and the areas remain zoned urban, with the possibility of the WAPC then acting on their subdivision and selling for residential development with resultant community opposition. (Note the WAPC may still initiate the MRS Amendment without the City’s Request)		
Likelihood	Consequence	Rating
Possible	Significant	High
Action/Strategy		
Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination.		

- 41.

Risk: The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment resulting in delays to the conclusion of this matter.		
Likelihood	Consequence	Rating
Unlikely	Significant	Medium
Action/Strategy		

Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination. City officers continue dialogue with the WAPC to ensure the MRS Amendment is initiated and approved.

OFFICER COMMENT

- 42. As a result of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation.
- 43. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will provide a positive conservation outcome for the protection of native flora and fauna.
- 44. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes, thereby providing the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.
- 45. By rezoning the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation, the Old Railway Reserve will be consistent with the entire stretch of the Old Railway Reserve from Gooseberry Hill to Walliston.
- 46. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

10.1.7. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment- 420 Canning Road, Carmel (Heidelberg Park)

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

Previous Items	OCM 99/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CN-01/420 and 3.009580
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Existing MRS [10.1.7.1 - 1 page] 2. Proposed MRS [10.1.7.2 - 1 page] 3. Preliminary Concept Plan [10.1.7.3 - 1 page] 4. Heidelberg Park - Engagement Summary [10.1.7.4 - 20 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from a Parks and Recreation reservation to an Urban zone. A portion of Heidelberg Park is to be retained as Parks and Recreation where environmental values exist.
2. Amending the MRS from Parks and Recreation to Urban will allow a portion of the site to be developed for aged care and residential purposes, with the balance to be retained as public open space.
3. Community engagement on the visions and values for the site was undertaken during June - July 2019 and indicated a strong desire for aged care development and improved public open space at the site.
4. The recommendation seeks Council endorsement to request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

BACKGROUND

5. **Land Details:**

Land Area:	13.5608ha
Local Planning Scheme Zone:	Not zoned within Local Planning Scheme No. 3
Metropolitan Regional Scheme Zone:	Parks and Recreation

6.

Locality Plan:



7.

Current MRS Zoning Plan



8.

In undertaking the MRS amendment process, the Western Australian Planning Commission (WAPC) may resolve to prepare a regional planning scheme amendment in accordance with Part 4, Division 1, s. 36 of the *Planning and Development Act 2005*. The proposed MRS amendment must comply with the following processes set out in Division 2, 3 and 4:

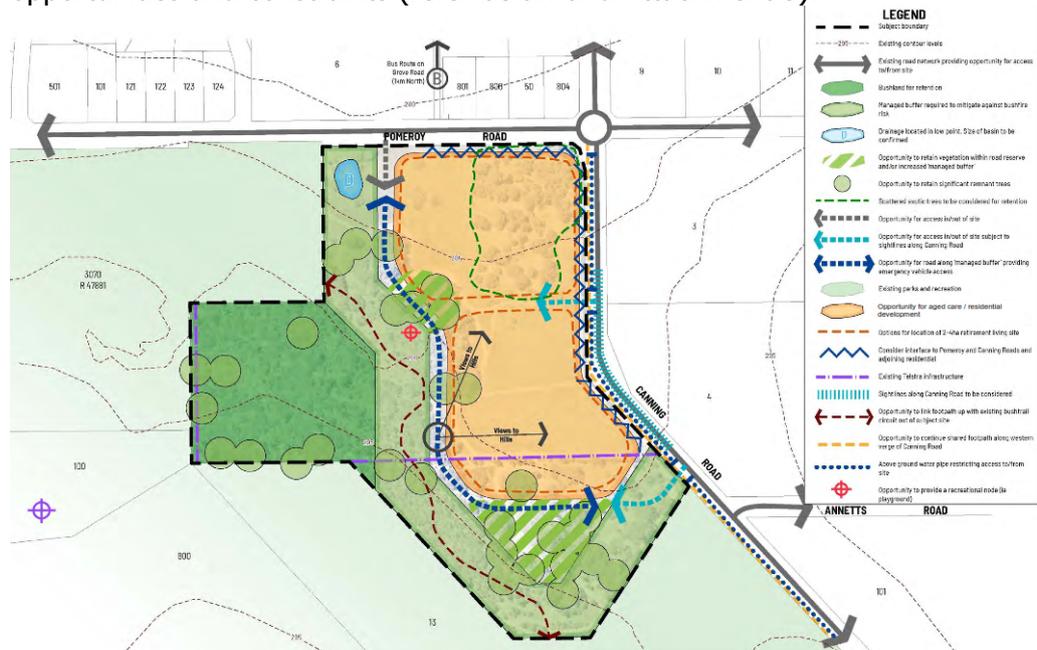
- a) Referral to the EPA in accordance section 48A of the Environmental Protection Act.
- b) Minister consents to public advertising for no less than three months.
- c) Commission provides a report and recommendation to the Minister.
- d) The Minister provides a report and recommendation to the Governor.

- e) The Governor may approve the MRS Amendment with or without modification and gazette the resolution.
 - f) A copy of the amendment is to be laid before both Houses of Parliament for at least 12 sitting days.
9. In 2016, the Council adopted an Aged Accommodation Strategy which has a series of key recommendations, including (in part):
- a) The City not directly undertaking any retirement or aged care developments; and
 - b) Utilising underutilised government assets to encourage retirement living and aged care developments that are near amenities and public transport.
10. During the Council's consideration of the Aged Accommodation Strategy, the document was referred to the City's Aged Care Advisory Committee (the Committee) and the following relevant comments were provided for the Council's consideration:
- a) The City should provide land at minimal cost to appropriate developers to encourage retirement and aged care developments; and
 - b) The City has a role in monitoring and stimulating service providers to develop in the City. The City should look to remove barriers to entry and eliminate red tape wherever possible.
11. In response to this strategic direction and comments received from the Committee and further to the preparation and adoption of the City's Public Open Space Strategy 2018, the City has identified Heidelberg Park as a potential opportunity for an aged care development.
12. The findings of various technical reports (environmental, geotechnical and infrastructure and servicing) indicated that the north-eastern portion of the site may be suitable for urban development.
13. Community engagement was undertaken during June – July 2019 on the vision and values for Heidelberg Park. During the consultation there was a strong desire expressed by the community for aged care and improved public open space at the site. A summary of the engagement outcomes is provided in Attachment 4.
14. In October 2019, the City's officers met with senior representatives of the Department of Planning, Lands and Heritage (DPLH), resulting in an in-principle agreement to progress with the MRS amendment to rezone the site from Parks and Recreation to Urban to allow for the development of aged care.
15. The City currently manages the site. A change to the management order will be required as part from the MRS amendment process.

DETAILS

16. Heidelberg Park is located at the intersection of Pomeroy Road and Canning Road in Carmel. The south and west of the site is reserved as Parks and Recreation. To the north of the site are rural residential lots, typically 2000m², and to the east of the site are Rural Landscape Interest lots, typically 2-8ha.
17. Heidelberg Park is zoned Parks and Recreation under the MRS (refer Attachment 1) and has no zoning under the City's Local Planning Scheme No. 3 (LPS3).
18. To determine the feasibility of development on the site, technical investigations were undertaken including the following key studies:
 - a) Environmental Assessment Report (including flora and fauna studies).
 - b) Geotechnical Report (including ground testing for wastewater).
19. The Environmental Assessment Report investigated flora and fauna including black cockatoo and other threatened or protected ecological communities. The report concluded that ecological linkages should be retained and that the surrounding bushland be protected from edge effects through appropriate design considerations.
20. The Geotechnical Report prepared in November 2018, found the site was suitable for development, and is capable of wastewater disposal with no special requirements.
21. Community engagement undertaken during June – July 2019 included a drop-in workshop on site, a community survey and written submissions. The purpose of the community engagement was for the community to express their vision for the future of Heidelberg Park. Approximately 150 community members attended the workshop and participated in the activities.
22. Participants at the workshop were asked to indicate their most preferred outcomes for Heidelberg Park. The most popular votes were natural paths (20 votes), aged care facility (17 votes), traditional playground (16 votes) and nature play (9 votes). The other activities at the workshop included ideas mapping, co-design and positive ideas which yielded similar results with participants expressing the need for intergenerational living, integrated aged care, natural bushland protection and enhanced public open space.
23. A total of 393 surveys were completed, of the potential uses for the site, the most popular response was 'Home for aged care' with 247 votes. 'Home for over 55s' was the second most popular vote (147 votes), followed by a nature area (140 votes).
24. The City received six written submissions. Four submissions suggested the site be used as an aged care facility. The remaining two submissions suggested the site be used for other purposes, like a peace park or enhanced community park.

25. As a result of community engagement, the City seeks the Council's endorsement to request the WAPC to initiate an MRS amendment for 420 Canning Road, Carmel (Heidelberg Park) from Parks and Recreation to Urban (Attachment 2). The rezoning of the site from Parks and Recreation to Urban will allow for the site to be developed for aged care and improved public open space. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.
26. A Preliminary Concept Plan has been prepared which addresses site opportunities and constraints (refer below and Attachment 3).



27. **Proposed MRS Amendment**



STATUTORY AND LEGAL CONSIDERATIONS

28. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
29. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
30. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.
31. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

32. **State Planning Policy 2.0 Environment and Natural Resources**

State Planning Policy 2.0 (SPP 2.0) defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters.

SPP 2.0 objectives are to:

- a) Integrate environment and natural resource management with broader land use planning and decision making;
- b) Protect, conserve and enhance the natural environment; and
- c) Promote and assist in the wise and sustainable use and management of natural resources.

The proposed Heidelberg Park project incorporates these objectives by ensuring development occurs only on degraded land and that surrounding bushland is protected and managed to retain the existing ecological value.

33. **State Planning Policy 3.7 Planning in Bushfire Prone Areas**

This policy directs how land use planning should address bushfire risk management in Western Australia. The bushfire risk at Heidelberg Park originates from the bushland to the west and south-west. The managed parkland POS surrounding the proposed development area, identified in the concept feasibility plan, is designed to act concurrently as a recreation space and Asset Protection Zone buffer to meet the requirements of this policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

34. The project has been prepared having regard for all built form and developed oriented disciplines.

External Referrals

35. The City undertook preliminary community consultation during June – July 2019 on the vision for the site. The community expressed a desire for aged care, improved public open space and protection of bushland on the site. A summary of the engagement outcomes is provided in Attachment 4.
36. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
37. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

38. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the balance of public open space and Parks and Recreation land will continue to be undertaken by the City.
39. Given the public open space portion will be enhanced, there will likely be an increase to the City's maintenance funding to maintain the improvements.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

40. *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 2: Kalamunda Clean and Green

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

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

- 41. The City is investigating opportunities to redevelop underutilised land to provide aged persons accommodation as a priority further to adoption of the Aged Accommodation Strategy in 2016. In this way, the City can assist in providing a choice of suitable accommodation for an ageing demographic which will help residents to remain close to friends, family and within the community as they age.

Economic Implications

- 42. Development of underutilised land for aged persons accommodation and a community park will increase community use of public assets.
- 43. Increasing the amount of aged person accommodation will mean residents seeking to downsize have the opportunity to move nearby, which may provide opportunities for other residents to move into existing properties.

Environmental Implications

- 44. The property was previously used for orcharding activity in the 1960's and, therefore, a large proportion of the bushland is revegetation. Most of the native vegetation on the western part of the site is considered to be in very good or excellent condition. In the southern area the vegetation ranges from good and very good to completely degraded. Any development is proposed to be located in the north-eastern aspect of the site in areas that are completely degraded to mitigate clearing of any high value vegetation.
- 45. The preliminary plan shows that some vegetation to the fringe of the development area may be affected as it is proposed to become managed parkland as a bushfire asset protection zone to the proposed development area. This will be further considered through more detailed design processes for this public open space area.
- 46. In relation to the cockatoo habitat, there are some significant trees that are present on the site and these have been surveyed. All the potential black cockatoo breeding habitat trees are likely to be retained. As it is anticipated that the affected area is likely to be less than 1 ha, referral under the

Environmental Protection and Biodiversity Conservation Act is unlikely to be required. This can be confirmed during later detailed design phases.

RISK MANAGEMENT CONSIDERATIONS

47.	Risk: The City / DPLH does not secure an aged care provider or sufficient landowners for development of the project.		
	Likelihood	Consequence	Rating
	Unlikely	Major	High
	Action/Strategy		
	Discuss the project with existing aged care providers during the MRS amendment advertising phase and through an appropriate registration of interest process.		
48.	Risk: The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Endorse the request for the MRS amendment and refer the proposal to the WAPC to initiate the process. City officers continue dialogue with the WAPC to ensure the MRS amendment if formalised and ultimately approved.		

OFFICER COMMENT

- 49. Results from the community engagement exercise indicated strong support for the development of aged care on the site, improved public open space and retaining high quality bushland.
- 50. Undertaking an MRS amendment to rezone the site from a Parks and Recreation reservation to Urban will allow the site to be developed for aged care and improved public open space. A condition for any aged care provider will be to retain approximately 3ha for public open space, consistent with the concept plan and to achieve bushfire requirements.
- 51. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

10.2. Asset Services Reports

10.2.1. Proposed Solar Farm - Pre-Feasibility Investigations

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Corporate Services
File Reference	3.009592; DW-02/120
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	Nil
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Confidential Attachments	1. Solar Farm Pe-feasibility Report – March 2019
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EXECUTIVE SUMMARY

1. The purpose of this report is to consider the findings from a pre-feasibility report into the potential of developing a solar farm.
2. The pre-feasibility report (Confidential Attachment 1) indicates there is merit based on the core assumptions to explore the possibility of developing a solar farm in the City of Kalamunda. The pre-feasibility report represents a due diligence report identifying the relevant issues that need to be addressed to allow a project of this nature to proceed.
3. It is recommended that Council accept the pre-feasibility report and that work commences on a full feasibility study, including undertaking community consultation in regard to any potential location.

BACKGROUND

4. The federal government has set a nationwide Renewable Energy Target (RET) of 23.5% of electricity generation from renewable energy by 2020. As at June 2018, the national total of renewable energy was 17% with Western Australia at 14%. With the large amount of recent investment in new renewable projects, under construction and with firm commitments, it is predicted this target will be achieved. There is currently no federal target beyond 2020, however the worldwide trend is to see future power generation through renewables (solar, wind and hydroelectricity). Hydroelectricity and wind currently make up a third each of renewable energy in Australia, whilst solar is 25% and other renewables the balance.
5. Investment in renewable energy projects in Australia has expanded rapidly in recent years, and specifically utility scale solar (greater than 5 MW). In 2012, the Greenough Solar Farm (WA) was the largest solar farm in Australia. There are now 38 solar farms installed and operating at 10 MW or greater with many large developments operating up to 189 MW (NSW). There are two projects currently in development at 220 MW (SA) and 349 MW (NSW). The largest

development in Western Australia is 132 MW in Merredin which is under construction. Very large-scale solar farms are built in regional locations.

6. In addition to utility scale solar development, there has been a proliferation in rooftop solar in recent years and the Perth metropolitan area has 28% of houses with solar panels installed. City of Kalamunda property owners are performing very well in this regard with one in three houses with solar panels (7,736 houses – 32.8%).

DETAILS

7. This report outlines the results of the pre-feasibility study with recommendations to proceed to the next level of planning and investigation if the Council supports further examination of developing a solar farm within the City.
8. As part of this pre-feasibility, three options have been analysed in relation to the scale of the solar farms based on the level needed to offset the City of Kalamunda electricity greenhouse gas emissions (approximately 3,400 tonnes CO₂-e per annum) based on:
 - a) City facilities that have contestable power only (1 MW);
 - b) all City facilities (contestable and non-contestable) and including streetlighting (3 MW); and
 - c) all consumption plus excess capacity to sell electricity for revenue generation (5 MW).
9. The sizing also relates to site constraints and capacity for the City to fund larger scale plants (a 100 MW solar farm for instance costs approximately \$150 million to develop).
10. The project should not proceed to development until such time that Council is satisfied the financial risks of proceeding with the project are at an acceptable level, based on potential or firm commitments for the purchase of electricity.
11. Governance models for developing and operating the solar farm have been considered. Local governments are not in the core business of utility infrastructure provision. If the project proceeds, it is recommended that an outsourcing model is used so that the City is still a participant through financing and owning the project but outsources the technical and industry specific licencing functions. Council could also consider a joint venture arrangement to assist with technical expertise and offset some of the financial risk.

STATUTORY AND LEGAL CONSIDERATIONS

12. In terms of consideration of this report, there are no relevant Statutory or Legal considerations pertaining to a decision to proceed to feasibility study.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Advice has been obtained from Development Services concerning the planning and building approval process. Asset Services is familiar with the solar farm concept and have provided technical support through the research and drafting of the pre-feasibility study.

External Referrals

15. Liaison has occurred with several organisations as part of the research for this pre-feasibility as follows:
- a) energy related organisations such as Western Power, Synergy and Alinta. Discussions have been on an informal basis to obtain information to assist with developing the feasibility and business case for the solar farm;
 - b) liaison has occurred with WA Treasury Corporation concerning funding; and
 - c) two other WA local governments are at various stages of solar developments at this time and discussions have occurred with City of Fremantle (and their proposed solar developer) and City of Busselton;
16. During the feasibility phase it will be necessary to liaise with a range of other organisations such as:
- a) Economic Regulation Authority (ERA);
 - b) Western Power;
 - c) Electricity retailers (Synergy, Alinta, Kleenheat etc.);
 - d) Australian Energy Market Operator (AEMO);
 - e) Clean Energy Regulator;
 - f) Department of Water and Environmental Regulation;
 - g) Clean Energy Council; and
 - h) potential customers including local governments and WALGA.
17. A stakeholder engagement plan will be prepared to enable the information needs of interested parties to be provided.
18. One of the core considerations within a feasibility study will be to identify a site or sites suitable for a solar farm. As part of identification of suitability, the views of nearby residents of any potential site would be sought as part of the stakeholder engagement plan.
19. The City recently completed a community consultation exercise to gauge the community's views on sustainability. One question sought the community's views on "green power" which is relevant to the Solar Farm project. 346 responses were received with 240 (70%) supporting the need for Green Power, 19 (5%) not supportive with the remaining 87 responses (25%) unsure.

FINANCIAL CONSIDERATIONS

20. The pre-feasibility report includes financial modelling which details several commercially sensitive matters. As such, the pre-feasibility report is Confidential as it contains matters subject to legal advice and affairs of other parties.
21. Grant funding has been considered for the project costs, however, the project is not likely to receive support from current renewable grant programs. Funds are now allocated to projects that are innovative and can assist in facilitating the industry with knowledge that can reduce cost and increase efficiency of renewable projects. Solar farm development has matured, and the project being proposed by the City will not involve innovative aspects in terms of solar development. Although, if it proceeds, it will be an innovative project for the City and one of the first undertaken by a Western Australian local government.
22. Renewable projects are eligible for Large-scale Generation Certificates (LGCs) that are created for every megawatt hour (MWh) of power generated. The City will be eligible for the certificates. However, the LGCs are losing value as the price is market driven and the Renewable Energy Target is close to being achieved. The LGCs are currently trading at \$40/MWh and will reduce over time towards 2030. The cost of renewable energy developments has decreased, and these projects are considered to be viable without the support of incentives.
23. Funding of \$25,000 has been provided in the 2019/20 Budget to initiate the feasibility study using external support.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

Objective 2.2 - To achieve environmental sustainability through effective natural resource management.

Strategy 2.2.1 - Facilitate the appropriate use of water and energy supplies for the City.

Strategy 2.2.2 - Use technology to produce innovative solutions to reduce power and water usage.

Priority 2: Kalamunda Clean and Green

Objective 2.4 - To ensure contaminated sites are safe and managed to ultimate use.

Strategy 2.4.1 - Identify, examine and manage risk associated with contaminated sites.

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

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

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

SUSTAINABILITY

Social Implications

25. It is possible that by undertaking this project, the City will create greater awareness amongst its community about the effects of climate change and influence personal behaviour. The City already has a proactive community with one in three houses with solar panels. Therefore, it is believed that most community members would be supportive of the City's initiative in this regard.
26. It is acknowledged that nearby residents to any site proposed may have objections to the project, which will be ascertained during the targeted community engagement process if the feasibility study is commenced.

Economic Implications

27. The project will create an economic opportunity through the capital costs of the project ranging from approximately \$2 million to \$9 million depending on which option is selected. Further, the solar plant will require staffing for operations and whilst this will be low, it has the potential to provide several new jobs in a new and emerging renewable energy sector.

Environmental Implications

28. The City's Local Environmental Strategy 2019-2029 (LES) contains an aim for the City to be seen as leaders in sustainable practices. A strategy within the LES is to become a carbon neutral city with actions including the investigation of renewable power supplies for the City.

RISK MANAGEMENT CONSIDERATIONS

29. Risks associated with this project are related to the possibility of not being able to achieve the **objective of developing and operating the solar farm** due to commercial viability, regulatory approvals, stakeholder management or other reasons.
30. The development of a solar farm is a complex project and has a range of risks that need to be considered. A total of 17 risks have been identified within eight risk areas as detailed in the pre-feasibility report. The risk management consideration in relation to this Council report refers to the assessment of major assumptions in the feasibility study as part of the next phase.

- 31. At this stage the Council is only considering a pre-feasibility and is not committing to the project and should not do so until there is more certainty on the unknown variables. More certainty around these risks and the Council's risk tolerance will be determined in the feasibility phase, if the project proceeds past pre-feasibility.
- 32. At this point the risks identified should not present a hurdle for the Council to proceed to the feasibility phase.

33.

Risk: The feasibility study is undertaken and identifies fatal flaws in the project which causes its cancellation and wasted expenditure.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
The pre-feasibility study has 'stress tested' the major assumptions and believes that there is sufficient justification to continue.		

OFFICER COMMENT

- 34. The pre-feasibility report demonstrates that there is a business case based on the core assumptions to explore the possibility of developing a solar farm on City land. The pre-feasibility study represents a due diligence report identifying the relevant issues that need to be addressed to allow a project of this nature to proceed.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ACCEPT the Solar Farm Pre-feasibility Assessment report (Confidential Attachment 1) as a reference document for the potential development of a solar farm.
- 2. PROCEED to a feasibility phase, undertaking community engagement to determine community support.
- 3. ADVOCATE for the State Government to introduce regulatory change to allow for (in descending order of preference):
 - a) the full contestability of electricity permitting all customers to choose their electricity retailer, or
 - b) customers with multiple sites to aggregate consumption rather than each site being assessed independently for contestability purposes; or
 - c) customers that generate electricity through renewable energy projects be permitted to consume that electricity over the grid without contestable restrictions.

10.2.2. Swindells Lane (Railway Road to Burt Street) - Proposed Local Area Traffic Management

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
File Reference	3.00684; 3.009505
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. Swindells Lane Improvements Preferred Concept [10.2.2.1 - 1 page]
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EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council on the outcomes of community consultation regarding proposals to undertake alterations to Swindells Lane in Kalamunda such that consideration can be given to adoption of a preferred concept.
2. Swindells Lane, between Railway Road and Burt Street, currently has issues relating to vehicles blocking the existing narrow carriageway in some locations, vehicular conflict, restricted sightlines and lack of seal in some locations. Following consultation with local landowners, the City proposes to upgrade Swindells Lane including sealing the north and southern portion of the road between Railway Road and Burt Street, improve signage and line marking and designate the existing narrow sections of carriageway between Burt Street and Secrett Lane at the northern end and the section immediately north of Railway Road as one-way northbound only.
3. Council is requested to endorse the proposal to upgrade Swindells Lane between Railway Road and Burt Street and for the project to be listed in the City's Draft 2020/21 Capital Works program.

BACKGROUND

4. The City has received a number of requests to resolve problems along Swindells Lane including vehicles blocking the narrow lane, vehicles coming into conflict and the road not being sealed.

DETAILS

5. The existing road reserve is between 5.0 and 6.0 metres with a maximum carriageway width of approximately 4.5 metres. The existing carriageway width immediately north of Railway Road and between Burt Street and Secrett Lane is around 2.5 metres which is insufficient to safely accommodate two-way traffic.
6. A number of residential properties that have direct access to Swindells Lane have no other road frontage, so Swindells Lane is their sole access point.

7. Two-way vehicle movements are currently constrained along Swindells Lane with its existing narrow carriageway and compromised sightlines at certain points along the road which has resulted in a perception of reduced safety and access opportunities.
8. The City engaged a consultant to undertake a review of the existing traffic operations on the road and undertake a detailed traffic engineering review.
9. Swindells Lane, Kalamunda, is classified as an Access Road under the Main Roads WA Functional Road Hierarchy. It is managed and maintained by the City of Kalamunda and has a 50 km/hr speed zone. Traffic data sourced from 2017 surveys indicates that the daily traffic along Swindells Lane between Railway Road and Burt Street is in the range of 10 to 25 vehicles per day. The 85th percentile speed is in the order of 17 km/hr which is considered appropriate for the road in the context of the existing road geometry, local access and reduced sightlines.
10. The results of the Traffic Engineering Review indicated that whilst no vehicles were travelling at a speed above 50kph, the substandard sightlines currently in place give rise to potential conflict along this section of road.
11. Whilst the City's Traffic Treatments Assessment system did not rate the issue as sufficient for priority works, the presence of restricted sightlines coupled with the narrow carriageway and lack of seal on some sections of the road indicates that there is a potential safety risk to drivers, cyclists and pedestrians.
12. Based upon consideration of these factors, the user profile associated with the road and community feedback, it was considered appropriate to develop a series of concept plans to address the safety issues and to improve the road user environment.
13. Several design options were prepared with the design including the following elements:
 - a) make the road one-way only heading northwards from the corner of 63B Canning Road (which backs onto Swindells Lane), through to Burt Street;
 - b) the section of road between Railway Road and 63B Canning Road would remain two-way as it was thought that this was needed for property access;
 - c) new line marking and signage were proposed, reinforcing the one-way system and controlling other vehicle movements; and
 - d) sealing of Swindells Lane between Railway Road and Burt Street, which will also require the installation of drainage pipes.
14. Upon review of the options in discussion with North Ward Councillors, a recommended design was used for the purposes of community consultation.
15. Each resident and landowner within Swindells Lane was provided with this design and feedback sought during August 2019.

16. The City received 28 responses to the proposal with the majority of respondents supporting the proposed changes. The most common feedback related to support for the one-way system and improved signage along the road.
17. A few respondents residing in Swindells Lane close to Secrett Lane indicated concern or did not support the design due to the one-way treatment would require them to drive around the larger block to access their homes, rather than coming in via Secrett Lane.
18. Following the feedback, the design was modified such that:
 - a) Swindells Lane is one way heading north from Railway Road to the corner at number 5B Railway Road;
 - b) Swindells Lane remains two-way between 5B Railway Road and Secrett Lane;
 - c) Secrett Lane remains as is (it is a two-way road with a median which means the north side carries east-bound traffic and the south side carries west-bound traffic); and
 - d) Swindells Lane is one-way heading north from Secrett Lane to number 1 Burt Street, where a small section at the north also enables two-way access for the large property at 1 Burt Street.
19. The modified proposed concept design is shown in Attachment 1. These works are estimated to cost in the order of \$110,000.
20. Subject to endorsement and budget, following the installation of the traffic treatment, the City will monitor traffic operations on Swindells Lane to ascertain the effectiveness of the works.

STATUTORY AND LEGAL CONSIDERATIONS

21. The *Main Roads Act 1930* covers the provision of roads and the delegated authority to Local Government. This provides the City with the authority to implement treatments as required subject to appropriate design and some constraints as noted below.
22. Main Roads WA is the sole authority for the provision of speed zoning, line marking and signage in Western Australia. The City must prepare designs that meet Main Roads WA standards for their approval, in relation to any of these aspects. In the proposed design, the signs for keep left, one-way and no entry, and the marking for one-way are under Main Roads WA's authority.

POLICY CONSIDERATIONS

23. The assessment was conducted with the Traffic Treatments Policy and accepted traffic engineering standards.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. Asset Services and Community Relations.

External Referrals

25. The proposal was sent to 71 landowners and other stakeholders.

FINANCIAL CONSIDERATIONS

26. The proposal will cost approximately \$110,000 funded from the Capital Works budget. This is proposed to be listed in the draft Capital Works Program for 2020/21.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *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 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

28. The proposal will improve road safety by improving sightlines, manoeuvring, wayfinding and access for all users.

Economic Implications

29. There are no direct economic implications.

Environmental Implications

30. There are no direct environmental implications.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: That the City is subject to increasing negative community feedback regarding the lack of attention to a road safety matter.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	The City determines and implements improvements to road safety in this area.		

OFFICER COMMENT

32. Although the Traffic Treatments Assessment of Swindells Lane in this location did not trigger the need for an infrastructure solution, it is recognised that the existing narrow carriageway, lack of seal in some locations between Burt Street and Railway Road and restricted sightlines gives rise to potential safety issues for drivers, pedestrians and cyclists. Thus, improvements to the existing road environment along this section of road will result in positive outcomes for all users along the road.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the concept plan for Swindells Lane between Railway Road and Burt Street.
2. NOTE that the project will be listed in the Draft Capital Works Program for funding in 2020/21.

10.3. Office of the CEO Reports

10.3.1. Customer Service Strategy Quarterly Report

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide an update on the Customer Service Quarterly Results for July – September 2019, as a part of our Customer Service Strategy.
2. The Customer Service Strategy 2017/2021 is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces and outlines the key principles, strategies, actions, and performance measures for improved customer service standards.
3. The recommendation is to note the results of the first quarter for 2019/2020.

BACKGROUND

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

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

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

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

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

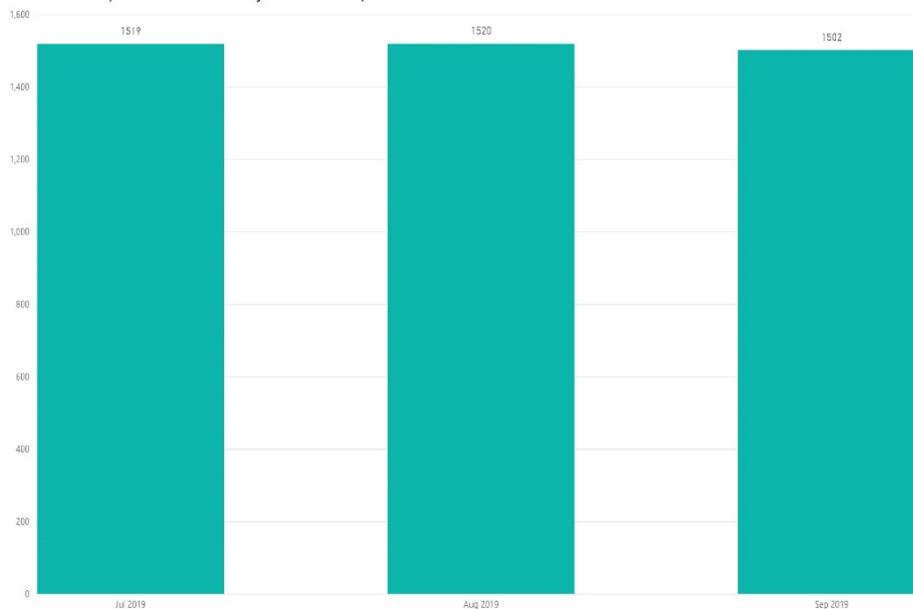
1.	Customers will receive timely responses	<ul style="list-style-type: none"> a) We will always provide an estimation of timeframe for response at each interaction b) We will update customers on the status of their enquiry at regular intervals c) Customers referrals across business units will be as minimal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

DETAILS

9. One of the highlights has been the successful implementation of a monitoring system that tracks the customer experience across the organisation, utilising results to identify areas for improvement and identify areas of strength.

10. Results are as follows:

Customer Requests Received 1 July 2019 - 30 September 2019



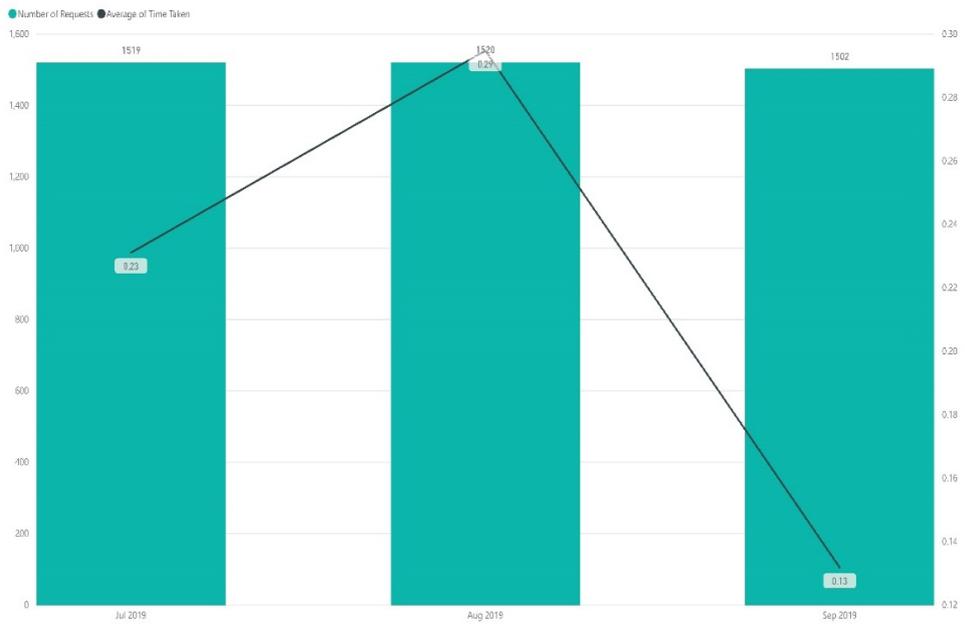
11.

Top 10 Customer Requests

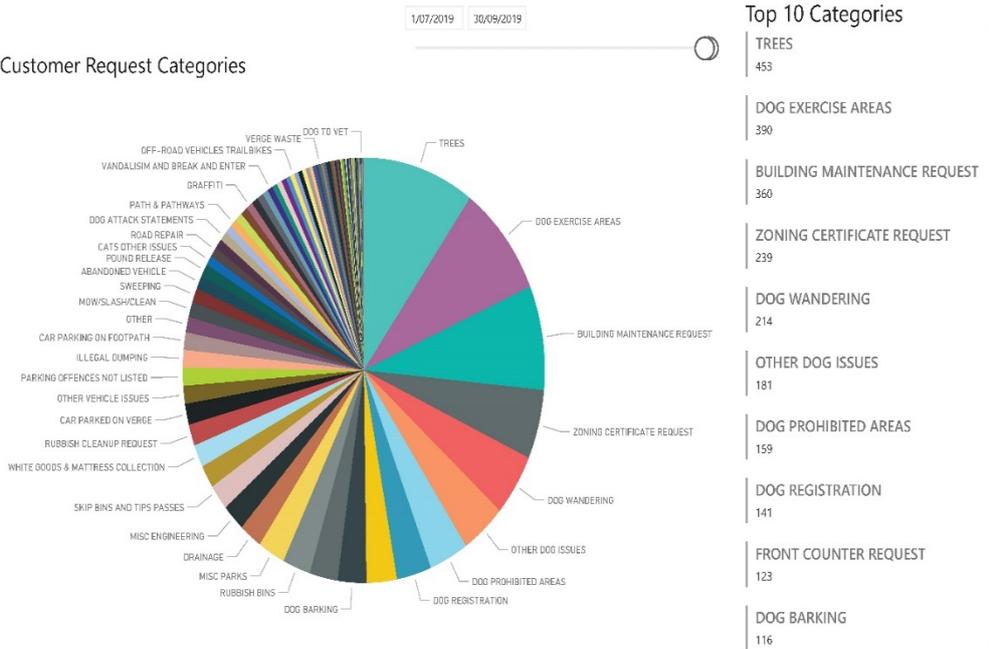


12.

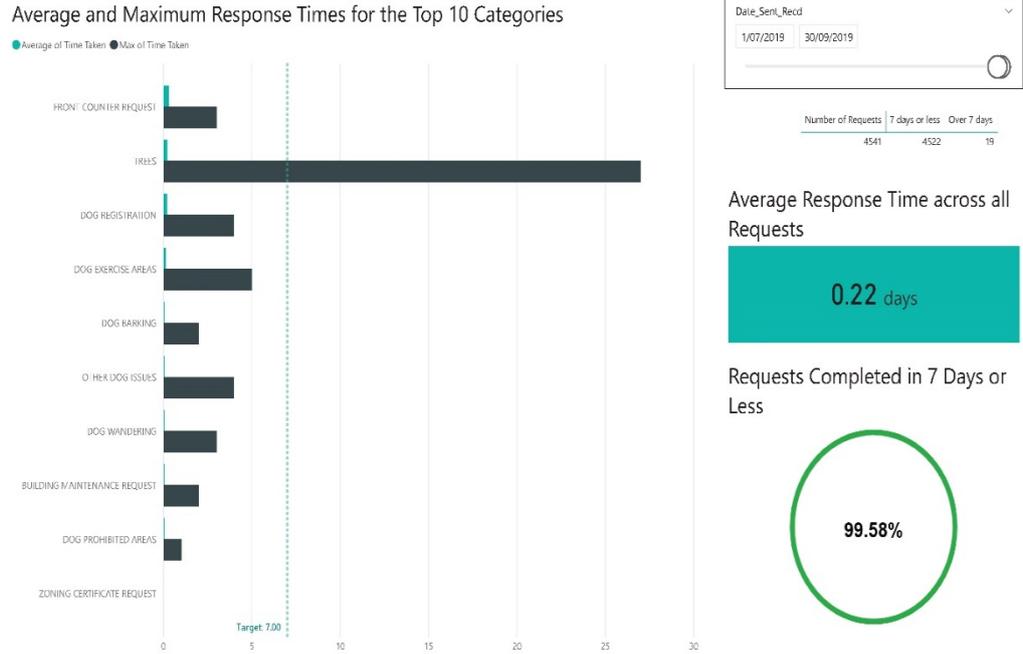
Requests Received & Average Response Time (days)



Customer Request Categories

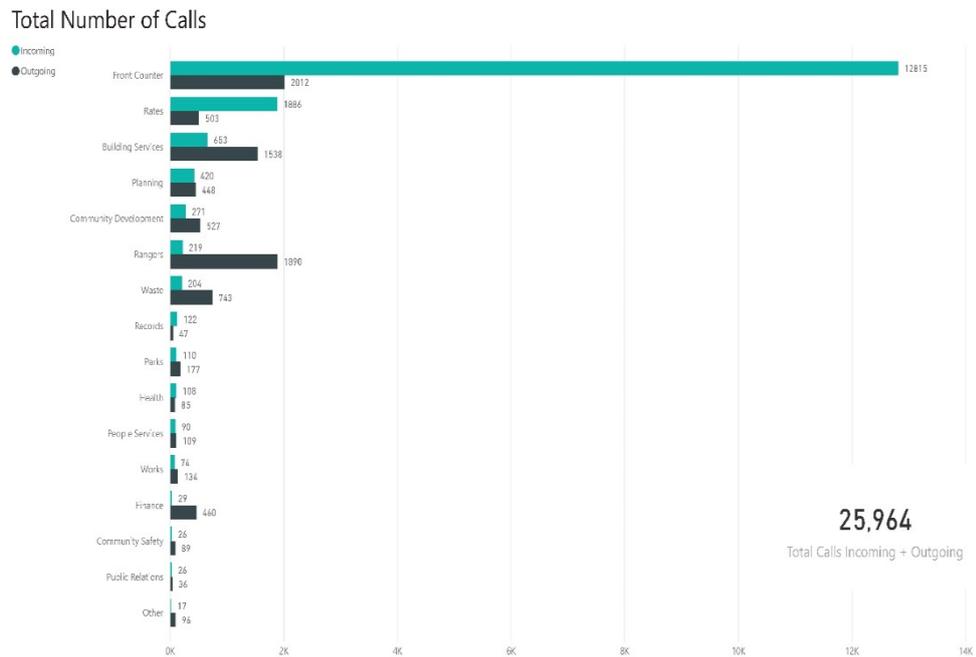


13.

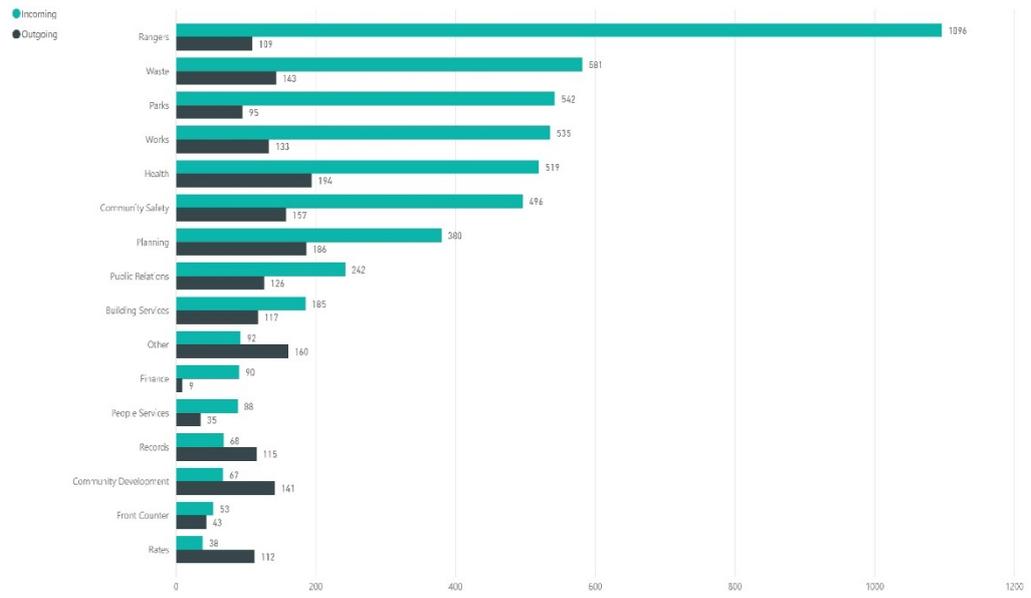


14.

CallN Call recording software has been successfully implemented to assist with monitoring calls. The software was launched in February 2019, with reporting commencing on 1 March 2019. Results for the Quarter July – September 2019 are as follows:

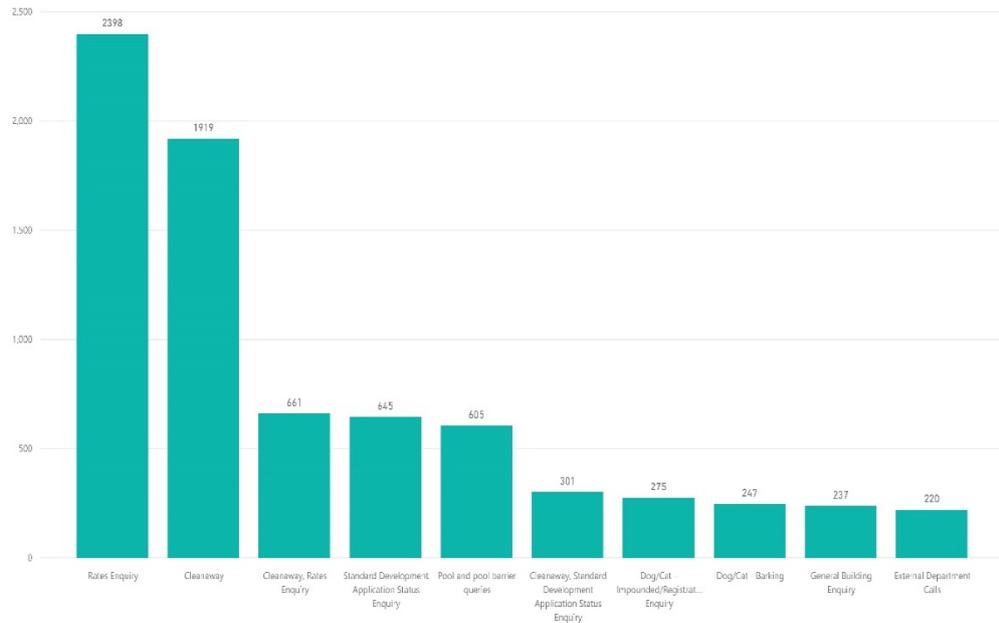


Average Call Length (Seconds)

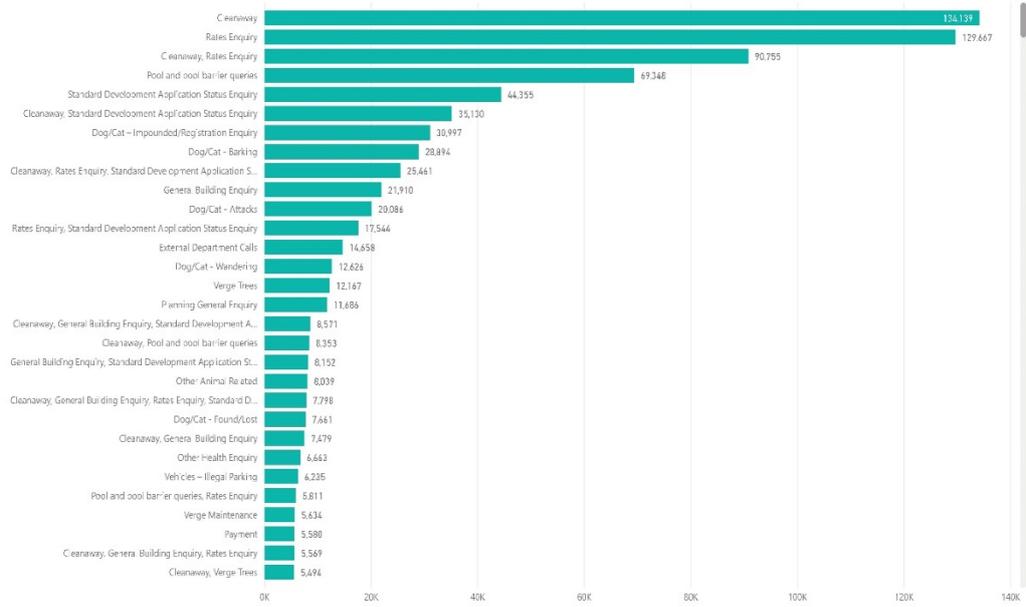


15.

Number of Calls by Tag (Top 10 Tags)

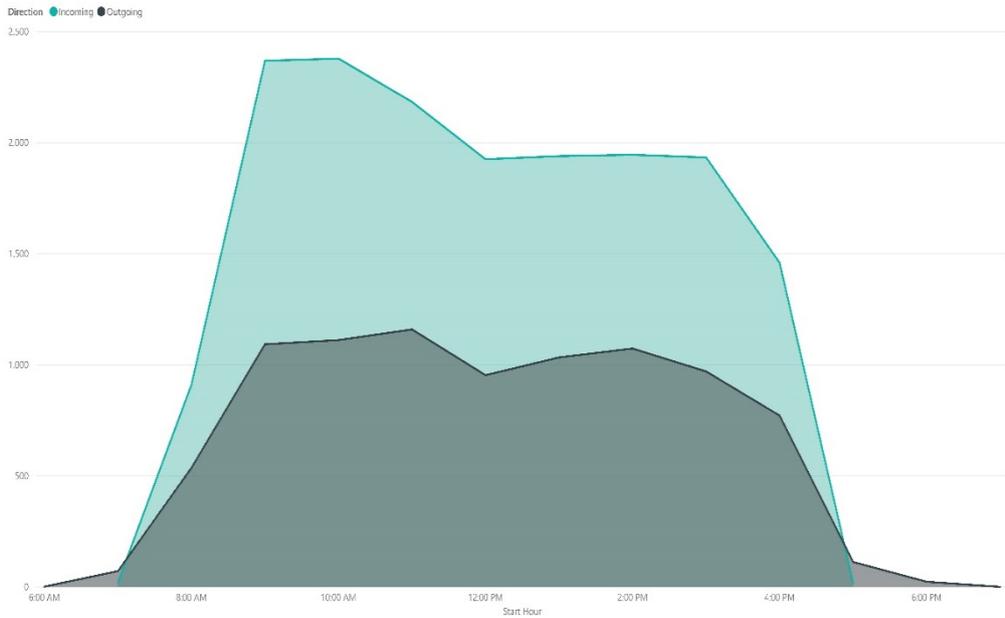


Total Duration of Calls by Tag (seconds)



16.

Number of Calls by Time of Day



STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

Priority 4: Kalamunda Leads

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

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

SUSTAINABILITY

Social Implications

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: Customer Service Strategy is not implemented by the due date						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Moderate	Unlikely	Low
Consequence	Likelihood	Rating					
Moderate	Unlikely	Low					
	Action/Strategy						
	An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieves. This is tracked monthly.						

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the Customer Service Quarterly results for the period of July – September 2019.

10.3.2. Amendment to Delegation From Council to the Chief Executive Officer

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

Previous Items	OCM 151/2019
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	LE-ACT006
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Nil

EXECUTIVE SUMMARY

1. To consider a minor amendment to the current delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. The amendment is required as a consequence of the recent adoption by Council of the City of Kalamunda Parking and Parking Facilities Local law 2019 and its subsequent gazettal.
3. It is recommended that Council approves the proposed amendment to delegation ENG 1.

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. The current delegations were last reviewed by Council at its Ordinary Council meeting of 25 June 2019.

DETAILS

6. The amendment is required as a consequence of the recent adoption by Council of the City of Kalamunda Parking and Parking Facilities Local Law 2019 and its subsequent gazettal.
7. The current Delegation ENG 1 provides:

"Pursuant to Clause 1.10 of the Shire of Kalamunda Parking and Parking Facilities Local Law 2008, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the determination of Prohibited Parking Areas within the City of Kalamunda."

The delegation is required to be amended by the deletion of the reference to the 2008 local law and including reference to the 2019 local law.

STATUTORY AND LEGAL CONSIDERATIONS

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

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Not specifically required for this minor amendment.

External Referrals

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

FINANCIAL CONSIDERATIONS

12. No financial impact from this matter

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.	Risk: Delegated authority does not reference the correct legislative authority.		
	Likelihood	Consequence	Rating
	Unlikely	High	Medium
	Action/Strategy		
	Ensure Council is aware of the need to make delegations under the correct legislative authority		

OFFICER COMMENT

18. The proposed amendment although minor in nature is required to ensure the Administration can implement action under the correct legislative authority.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council AMEND Delegation ENG 1 by replacing the references to "Parking and Parking Facilities Local law 2008" to "Parking and Parking Facilities Local law 2019"

10.3.3. Corporate Business Plan - Quarterly Update - July to September 2019

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. 2019 Q 1 CBP [**10.3.3.1** - 35 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (**City**) achievement against the "Kalamunda Achieving: Corporate Business Plan 2019-2023" for the period July to September 2019.
2. At an aggregate level, the Corporate Business Plan is 25% complete as at 30 September 2019.
3. This paper also includes minor amendments to the Corporate Business Plan to reflect increased accuracy to the Plan arising from operational planning.
4. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period July to September 2019.

BACKGROUND

5. Kalamunda Achieving: Corporate Business Plan 2019-2023 (**CBP**) was approved by Council on 24 June 2019.
6. 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.
7. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
8. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in the 2019/20.

DETAILS

9. 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

10. The report reflects the management progress report against the work schedule for each of the individual initiatives, as at 30 September 2019.

11. At an aggregate level, the CBP is 25% complete.

12. Management also seeks the following amendments to the CBP to be approved. This is arising from the Asset Services Directorate reviewing and improving their operational plan.

The changes are captured in the quarterly report (attached) and also summarised in the table below:

Original Priority Action	Requested Change	Nature of Change
Bicycle Plan 2017 – Implement the initiatives for the Bicycle Plan. Undertake a formal review every 5 years.	Implement the initiatives within the Kalamunda Bicycle Plan 2018.	Names the correct plan
Develop and implement a Local Environment Strategy (LES) to provide strategic direction in the delivery of best practice environmental stewardship in the City. Target: Sept 2019	Implement actions and plans from the Local Environment Strategy. Target: 30 June 2020	LES has been developed. Focus on implementation of the LES.
Review the 2008 Local Biodiversity Strategy and report on implementation Target: Dec 2019	Develop the 2020 Local Biodiversity Strategy Target: 30 June 2020	This is forward looking and the target date is more realistic.
Environmental Education Program: [B] Engage local schools in the Adopt-A-Spot program Target: Minimum of 4 schools participate	Target: Invitation to 4 schools to participate	Target is not realistic to achieve year-on-year. Shift the target to an engagement focus.
Waterwise - The City is recognised as a Waterwise Council by the Water Corporation. Target: 31 August 19	Target: 31 Dec 19	This reflects submission date of October 2019.

Original Priority Action	Requested Change	Nature of Change
Water Resource Plan (Non-Potable) - Develop a non-potable water master plan for irrigation of parks, reserves and other POS to reduce use of potable supply including MAR. Target: Dec 2019	Target: 31 Mar 20	Realistic timeframe
Renewable Electricity Plan - Undertake a feasibility study into the potential for the City to facilitate a large-scale solar PV farm on City land to offset its carbon footprint from electricity usage. Target: July 2019	Target: 30 Jun 20	Realistic timeframe
Develop and implement the Kalamunda Waste Plan 2020	Develop the Kalamunda Waste Plan 2030	Delete "implement"
Develop and regularly review Asset Management Policy, Strategy and associated plans for all major asset classes and implement all associated actions to provide strategic direction in the management of all assets.	Implement the actions from the adopted Asset Management Strategy to improve the Asset Management practices of the City.	Improved description to focus on Strategy and management. Recognises that all Asset Management Plans are now in place
Capital Works Program – Prepare and deliver ...	Capital Work Program – prepare and issue the 10-year Capital Works Program aligned to the Long Term Financial Plan on an annual basis. Implement the annual Capital Works program	Separates into 2 key actions, aligning to business unit portfolios
Masterplan – streetscape – develop a 10-year plan for street landscape improvements and tree planning Target: March 2020	Develop area specific verge landscaping guidelines. Target: June 2020.	Improved description to reflect current program of work and deadlines.

STATUTORY AND LEGAL CONSIDERATIONS

13. 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'.
14. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

POLICY CONSIDERATIONS

15. None.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

20. None.

Economic Implications

21. None.

Environmental Implications

22. None.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

24. The achievement of the CBP is included in the performance objectives for the CEO and Directors.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2019-2023 for the period July to September 2019.
2. APPROVE the amendments to the Corporate Business Plan 2019-2023, as detailed in paragraph 12 of this agenda paper.

10.4. Chief Executive Officer Reports

10.4.1. Draft Monthly Financial Statements to October 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 October 2019 [10.4.1.1 - 2 pages]
	2. Statement of Net Current Funding Position as of 31 October 2019 [10.4.1.2 - 1 page]
	3. Statement of Financial Activity 30 September 2019 [10.4.1.3 - 2 pages]
	4. Statement of Net Current Funding Position as of 30 September 2019 [10.4.1.4 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 October 2019.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the month's performance against the budget adopted by the Council on 24 June 2019 for the 2019/2020 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 31 October 2019, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2019;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2019;
 - c) Net Current Funding Position, note to financial report as of 31 October 2019;
 - d) Statement of Financial Activity (Nature or Type) for the period ended 30 September 2019;
 - e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2019;
 - f) Net Current Funding Position, note to financial report as of 30 September 2019;

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).

5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2018/2019.

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

Draft Statement of Financial Activity by Nature and Type for the period ended 31 October 2019

7. This Statement reveals a net result surplus of \$36,058,665 compared to budget for the same period of \$35,271,131.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$898,686. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$683,136. This variance is mainly attributable to the cost reimbursements received from CELL 9 for \$856,097 to cover the expenditure incurred on behalf of CELL9.
 - b) Fees and Charges are over budget by \$77,277. This is an aggregate result of minor variances in individual fee categories and considered to be a timing issue.
 - c) Interest Income is under budget by \$20,004. This is the result of a timing matter.
 - d) Other Revenue is under budget by \$5,480. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

9. Total expenses are under budget by \$764,508. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$52,029, this is an aggregate result of minor variances in various business units and considered to be a timing issue.
 - b) Materials and Contracts are under budget by \$201,910. This mainly due the Consultancy fees, various projects are under budget by \$654,293. These are considered to be a timing variance;
 - c) Utilities are under budget by \$24,294, which mainly relates to street lighting costs which is lower than projected;
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$560,836. The actual depreciation for October 2019 is an estimate based on the 2018/19 depreciation, the assets register for 2019/20 was rolled over in the System during November 2019.

- e) Insurance expense is under budget by \$7,611. The variance will be monitored in the coming months;
- f) Other expenditure is under budget by \$22,442. The variance is due to the timing difference of 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 \$1,586,619. The variance is mainly due to the Capital grants income for building projects from various external funding agencies is lower than the budget by \$1,522,420 and considered to be a timing issue.

Capital Expenditures

- 11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$432,319. This is considered to be a timing issue.
- 12. Capital works-in-progress monies spend of \$691,262 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 \$247,416 which is mainly due to the reserve movements and developer contributions.

Rates Revenues

- 14. Rates generation is over budget with a variance of \$49,172. The variance is within the reporting threshold.

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

- 15. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 8 to 14 above.

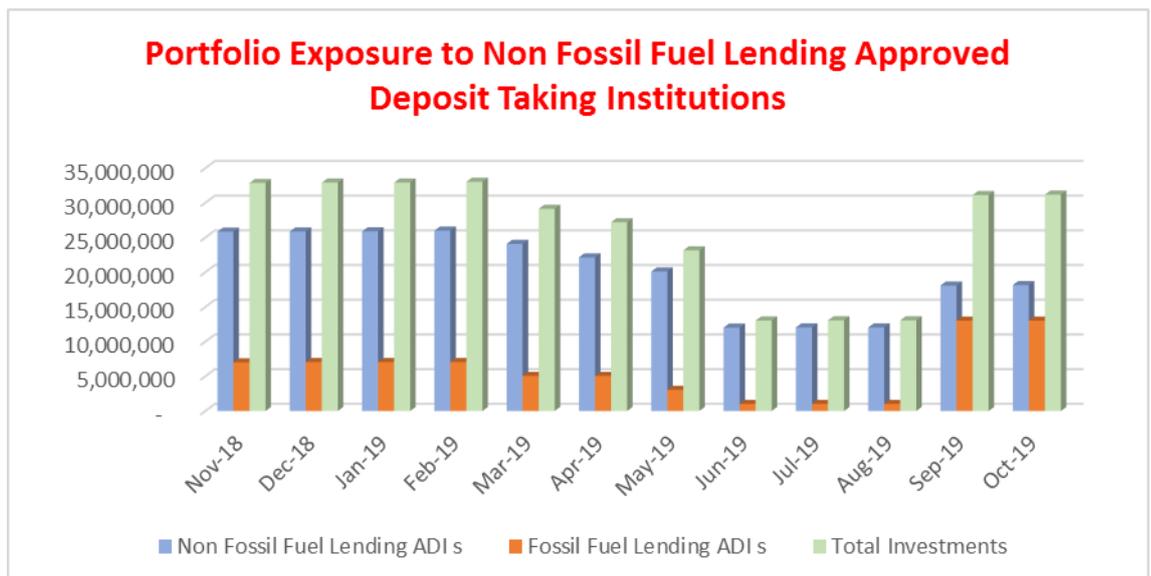
Statement of Net Current Funding Position as at 31 October 2019

- 16. The commentary on the net current funding position is based on comparison of the October 2018 to the October 2019 actuals.
- 17. Net Current Assets (Current Assets less Current Liabilities) total \$49.4 million. The restricted cash position is \$17 million which is lower than the previous year's balance of \$18 million. This is mainly attributed to the Forrestfield Industrial Area Scheme Stage 1 reserve with commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.

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

19.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	4,834,979	16%
	Bankwest	4,000,000	13%
	Bendigo	3,959,265	13%
	Suncorp	5,354,006	16%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry		18,148,249	58%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	7,039,255	23%
	Westpac	6,000,000	19%
Total Investments in Financial Institutions having Investments in Fossil Fuel Industry		13,039,255	42%
Total Investments - including Restricted Funds		31,187,504	100%



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$15.1 million.
21. Sundry debtors have increased from \$274,030 to \$398,883, of which \$118,634 consists of current debt due within 30 days. An amount of \$170,100 from the total sundry debtors are related to invoices raised for developer contributions from Forrestfield Industrial Area Scheme Stage 1.
22. Receivables Other represents \$4.2 million including:
- a) Emergency Service Levy receivables \$2.3 million; and
 - b) Receivables sanitation \$1.1 million.
23. Provisions for annual and long service leave have increased by \$390,679 to \$3.6 million when compared to the previous year. The increase was mainly due to the increase in the leave provisions subsequent to the 2018/19 year-end adjustments.

STATUTORY AND LEGAL CONSIDERATIONS

24. 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

25. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

26. 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

27. As noted in point 24 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

28. 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

29. *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

30. Nil.

Economic Implications

31. Nil.

Environmental Implications

32. Nil.

RISK MANAGEMENT CONSIDERATIONS

33.

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

34.

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

- a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2019;
- b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2019;
- c) Net Current Funding Position, note to financial report as of 31 October 2019;
- d) Statement of Financial Activity (Nature or Type) for the period ended 30 September 2019;
- e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2019; and
- f) Net Current Funding Position, note to financial report as of 30 September 2019.

10.4.2. Debtors and Creditors Report for the Period Ended September 2019

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

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

Attachments	1. Creditor Payments for the period Ended 30 September 2019 [10.4.2.1 - 31 pages]
	2. Summary of Debtors for the month of September 2019 [10.4.2.2 - 2 pages]
	3. Summary of Creditors for the month of September 2019 [10.4.2.3 - 1 page]

EXECUTIVE SUMMARY

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of September 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 30 September 2019 were \$576,905 of which \$254,578 was made up of current debts and \$6,840 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$48,191; debts of significance:
 - a) Kalamunda Club, \$17,066, Loan instalment;
 - b) Kalamunda District Union, \$14,220;
 - c) High Wycombe Amateur Football Club, \$12,390, Players Fees; and
 - d) Zig Zag Gymnastics, \$3,013, Lease Fees.
8. Invoices over 60 days total \$49,908; debts of significance are:
 - a) Department of Education, \$45,121, Kostera Oval Expenses;
 - b) Zig Zag Gymnastics, \$3,014, Lease; and
 - c) Chamber of Commerce \$1,100, KCC hall hire fee.
9. Invoices over 90 days total \$231,067, debts of significance are:
 - a) PJ Dujmovic, \$170,100, Developer Contribution
 - b) Berkshire Hathaway, \$30,716, Insurance – Employee claim;
 - c) Vodafone Hutchinson Australia, \$9,897, Lease;
 - d) Zig Zag Gymnastics, \$6,181, Lease;
 - e) Forrestfield Sisdac, \$3,708, Hall Hire;
 - f) Hills District Callisthenics, \$2,891, Hall Hire;
 - g) GIO Workers Compensation, \$2,292, Compensation claim; and
 - h) Private Citizen, \$1,500, Contribution to removal of verge tree.

Creditors

10. Payments totaling \$6,338,630 were made during the month of September 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency services levy – 1 st quarter payment 2019/20	2,229,745.18
Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim - \$428,755.82 Forrestfield Industrial Area Intersection upgrades - \$132,199.73*	560,955.55

Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	398,856.96
Australian Tax Office	PAYG payments	392,796.64
Cleanaway	Waste, recycling and bulk bin disposal fees	259,448.75
WA Treasury Corporation	Loan instalments repayments – loan 224,227 & 228	224,810.65
WA Local Government Superannuation Plan	Superannuation contributions	219,616.64
Asphaltech Pty Ltd	Road materials for various locations	177,707.14
Dowsing Group Pty Ltd	Supply and lay concrete paths at various locations	158,585.19
Synergy	Power Charges – various locations	118,024.31
Market Creations	Marketing & technology service fees, cloud hosting services	53,861.54
Contraflow	Traffic management for various locations	52,237.99

These payments total \$4,846,646.54 and represent 76.5% of all payments for the month.

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

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,208,500.11 was paid in net salaries for the month of September 2019.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) POS Trust;
 - c) BCITF Levy;
 - d) Building Services (Licence) Levy;
 - e) Unclaimed Monies;

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

CELL 9		Amount (\$)
Date	Description	
27/9/2019	Lycopodium Infrastructure Pty Ltd - PTA Bus upgrades to Hale Road Design	1,995.00
27/9/2019	Underground Power Development - Western Power application for Streetlights at Hale Road	1,850.00
27/9/2019	Glen Ford Group Pty Ltd - Landscape Architect Support -Woodlupine Shelter Sign & design draw	2,073.40
27/9/2019	Syrinx Environmental Pty Ltd - Woodlupine Living Stream Stage 3 design drawings	6,090.00
27/9/2019	McLeods Barristers & Solicitors - Road land acquisition Lot 2 (No 268) Hale Road, Wattle Grove	1,770.17
27/9/2019	City of Kalamunda – Reimbursement of costs incurred on behalf CELL 9	85,748.20
BCITF Levy		Amount (\$)
Date	Description	
6/9/2019	Building and Construction Industry Training fund levy – August 2019	10,426.80
BRB Levy		Amount (\$)
Date	Description	
11/9/2019	Building Services Levy – August 2019	10,300.35
Unclaimed Money		Amount (\$)
Date	Description	
13/9/2019	Rates – sure fire rates payments error located and corrected	200.00

STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), payment may only be made from the municipal fund or the trust fund:
- a) if the local government has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from those funds — by the CEO; or
 - b) otherwise, if the payment is authorised in advance by a resolution of the Council.
17. Council has delegated authority to the CEO to make payments from these funds through Delegation FMR1.

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

Creditors

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

OFFICER COMMENT

31. Creditor payments for September 2019 are above the normal trend range due to the emergency services levy quarterly payment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.4.3. Debtors and Creditors Report for the Period Ended October 2019

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

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

Attachments	1. Creditor Payment for the Period Ended 31 October 2019 [10.4.3.1 - 39 pages]
	2. Summary of Debtors for the month of October 2019 [10.4.3.2 - 2 pages]
	3. Summary of Creditors for the month of October 2019 [10.4.3.3 - 1 page]

EXECUTIVE SUMMARY

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of October 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 October 2019 were \$398,883 of which \$118,634 was made up of current debts and \$5,824 unallocated credits (excess or overpayments).
- 7. Invoices over 30 days total \$24,843; debts of significance:
 - a) Department of Education, \$4,727, Maintenance KPAC;
 - b) Kalamunda & District Rugby Union, \$2,344, Utilities;
 - c) Site & Planning Design, \$1,168, Planning Fees; and
 - d) Hit & Run Mobile Coffee, \$1,149, Health Services Fees.
- 8. Invoices over 60 days total \$39,209; debts of significance are:
 - a) Kalamunda & District Rugby Union, \$14,220, Player Fees;
 - b) High Wycombe Amateur Football Club, \$12,390, Player Fees;
 - c) Kalamunda Club, \$8,529, Loan; and
 - d) Zig Zag Gymnastics, \$3,014, Lease Fees.
- 9. Invoices over 90 days total \$222,021, debts of significance are:
 - a) PJ Dujmovic, \$170,100, Developer Contribution;
 - b) Berkshire Hathaway, \$30,716, Insurance – Employee claim;
 - c) Vodafone Hutchinson Australia, \$9,897, Lease;
 - d) Forrestfield Sisdac, \$3,708, Hall Hire;
 - e) Zig Zag Gymnastics, \$2,694, Lease;
 - f) Private Citizen, \$1,500, Contribution to removal of verge tree; and
 - g) Chamber of Commerce, \$1,100, KCC hall hire fees.

Creditors

- 10. Payments totaling \$6,751,260 were made during the month of October 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Gary R McIntosh & Billy J K West	Land acquisition – Lot 2(268) Hale Road, Wattle Grove *	821,353.29
Australian Tax Office	PAYG payments	608,231.13

Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim - \$343,998.50 Forrestfield Industrial Area Intersection upgrades - \$133,547.84**	477,546.34
Cleanaway	Waste, recycling and bulk bin disposal fees	470,391.74
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	384,618.84
WA Local Government Superannuation Plan	Superannuation contributions	301,296.39
Downer EDI Works Pty Ltd	Road rehabilitation works at Canning Road	298,149.71
Range Ford	Purchase of three new vehicles As per fleet renewal program	171,317.37
Darling Downs Drilling	Hartfield Park – injection bore drilling and testing program	148,316.85
LGIS Liability Scheme	LGIS liability insurance – instalment 2	144,568.05
LGIS Workcare Scheme	LGIS work care insurance – instalment 2	141,267.00
Synergy	Power Charges – various locations	140,966.64
LGIS Property	LGIS property insurance – instalment 2	106,453.30
Contraflow	Traffic management for various locations	59,177.85
West Coast Sporting Surfaces T/A West Coast Synthetic Surfaces	Forrestfield tannins club court repair and resurfacing works	55,550.00
Market Creations	Marketing & technology service fees, cloud hosting services	54,311.03
West Tip Waste Control Pty Ltd	Removal and processing of gully educting	52,870.42

These payments total \$4,436,385.95 and represent 65.7% of all payments for the month.

* The amounts paid for land acquisitions and infrastructure works for CELL 9 were reimbursed drawing against the CELL 9 trust net of GST.

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

Payroll

- Salaries are paid in fortnightly cycles. A total of \$1,832,535.02 was paid in net salaries for the month of October 2019.

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

Trust Account Payments

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

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

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

CELL 9		Amount (\$)
Date	Description	
25/10/2019	Garry R McIntosh & Billy JK West - Land acquisition - Lot 2 (268) Hale Road Wattle Grove	821,353.29
25/10/2019	Glen Ford Group Pty Ltd - Woodlupine Shelter Design -Detailed Design Draw	3,411.94
25/10/2019	City of Kalamunda – reimbursement of parking expenses	4.59
	McLeods Barristers & Solicitors - Acquisition of Portion Lot 28 (296) Hale Road, Wattle Grove & Road land acquisition Lot 2 (No 268) Hale Road, Wattle Grove	2,736.82
BCITF Levy		Amount (\$)
Date	Description	
23/10/2019	Building and Construction Industry Training fund levy – September 2019	3,117.40
BRB Levy		Amount (\$)
Date	Description	
17/10/2019	Building Services Levy – September 2019	18,831.94

STATUTORY AND LEGAL CONSIDERATIONS

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

17. Council has provided delegated authority to the CEO to make payments from these funds through Delegation FMR1.
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.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
	Likelihood	Consequence	Rating
	Possible	Insignificant	Low
	Action/Strategy		
	Ensure debt collections are rigorously managed.		

Creditors

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

OFFICER COMMENT

31. Creditor payments for October 2019 are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.4.4. Rates Debtors Report for the Period Ended September 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 September 19 [**10.4.4.1** - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for the 2019/2020 on 1 July 2019 totalling of \$37,459,034, and as at 30 September \$20,672,540 has been collected for current and outstanding rates.
3. It is recommended that Council receive the Rates Debtors Report for the month of September 2019 (Attachment 1).

BACKGROUND

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

Options	Payment Dates			
Full Payment	16 August 2019			
Two Instalments	16 August 2019	18 December 2019		
Four Instalments	16 August 2019	17 October 2019	18 December 2019	19 February 2020

DETAILS

5. A total of 20,128 Rate Notices, 934 BPAY View and 2,116 eRates were issued on 12 July 2019. Rates Levied and Collectable for the 2019/20 Financial Year currently total \$37,459,034. As at 30 September 2019, a total of \$20,672,540 has been collected since Rate Notices were released. This represents a collection rate of 53.74%.

6. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 878 ratepayers signed up. It is expected that this will further increase as debt collection processes continue.
 - b) eRates – there are a total 2,360 properties signed up for email delivery, compared to 2,116 in the previous year.
 - c) BPay View – approximately 998 ratepayers have signed up for this service.
7. It is expected that eRates registrations will increase throughout the year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
8. Interim Rating has commenced for 2019/2020 and will continue throughout the financial year.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 September 2019 to 30 September 2019 there was a total of 445 incoming calls and 115 outgoing calls, equating to 12 hrs of call time. This will increase in October as Final Notices have been issued.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the Period Ended 30 September 2019 (Attachment 1).

10.4.5. Rates Debtors Report for the Period Ended October 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 October 19 [**10.4.5.1** - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for the 2019/2020 on 1 July 2019 totalling of \$37,459,034, and as at 31 October \$23,955,432 has been collected for current and outstanding rates as at 30 June 2019.
3. It is recommended that Council receive the Rates Debtors Report for the month of October 2019 (Attachment 1).

BACKGROUND

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

Options	Payment Dates			
Full Payment	16 August 2019			
Two Instalments	16 August 2019	18 December 2019		
Four Instalments	16 August 2019	17 October 2019	18 December 2019	19 February 2020

DETAILS

5. A total of 20,128 Rate Notices, 934 BPAY View and 2,116 eRates were issued on 12 July 2019. Rates Levied and Collectable for the 2019/20 Financial Year currently total \$37,459,034. As at 31 October 2019, a total of \$23,955,432 has been collected since Rate Notices were released. This represents a collection rate of 62.40%.
6. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 878 ratepayers signed up. It is expected that this will further increase as debt collection processes continue.
 - b) eRates – there are a total 2,360 properties signed up for email delivery, compared to 2,116 in the previous year.
 - c) BPay View – approximately 998 ratepayers have signed up for this service.
7. It is expected that eRates registrations will increase throughout the year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
8. Interim Rating has commenced for 2019/2020 and will continue throughout the financial year, as at 31 October 2019 a total of \$18,581 has been raised for 2019/20 and \$5,503.00 for 2018/19.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 October 2019 to 31 October 2019 there was a total of 683 incoming calls and 189 outgoing calls, equating to 16hrs of call time.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

15. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.4.6. Budget Review for Three Months to September 2019

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

Previous Items

Directorate	Corporate Services
Business Unit	Finance Services
File Reference	
Applicant	N/A
Owner	N/A

Attachments	1. Amended Financial Activity Statement by Nature and Type [10.4.6.1 - 1 page]
	2. Amended Financial Activity Statement by Program [10.4.6.2 - 1 page]
	3. Composition of Net Current Assets [10.4.6.3 - 1 page]
	4. Cash Backed Reserves [10.4.6.4 - 1 page]
	5. Summary of Variances Budget Review September 2019 [10.4.6.5 - 3 pages]
	6. Rules applying to the Schedule of charges 2019-20 [10.4.6.6 - 6 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the results of the first term budget review for the three months to 30 September 2019.
2. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 January and 31 March.
3. In pursuit of improved fiscal management and accountability, the City of Kalamunda undertakes an additional budget review for the first three months of the financial year 2019/20.
4. It is recommended that Council:
 - a) Notes the 2019/20 September Budget Review Explanation and Summary (Attachment 5).
 - b) Amends the 2019/20 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.
 - c) Adopt the Rules Applying to the Schedule of Charges for Community Facilities 2019/2020 (Attachment 6)

BACKGROUND

5. The primary objective of regular budget reviews is to ensure that the City is closely monitoring its revenue and expenditure to mitigate the risk of the City posting a deficit at the end of this financial year. It also incorporates any changes to carry forward estimates against incomplete capital works projects as at 30 June 2019. It also provides the City with the opportunity to monitor and implement strategies to ensure that the City’s Current Ratio will be further improved upon for the year ending 30 June 2020.

DETAILS

6. The City has analysed the three months actual results to 30 September 2019 for noteworthy changes required to the adopted annual budget 2019/20. Operating and Capital requirements were reviewed as part of this process. This additional budget review provides the basis for the detailed and legislative budget review process to occur in the middle part of the financial year. Overall results show an increase in Closing Surplus Position to \$2,776,208 with a summary of the movements as follows:

7. **Closing Surplus position (Attachment 1)**

Summary of Movements from the Amended Financial Activity Statement			
Description	Original Budget \$	Proposed Revised Budget \$	Variance \$
Opening Surplus Position	2,968,871	4,029,131	1,060,260
Operating Revenue Excluding Rates	21,041,631	22,062,530	1,020,899
Operating Expenditure	(63,410,732)	(64,117,857)	(707,126)
Non-Cash Movements	12,581,910	11,706,555	(875,355)
Investing Activities	(22,178,731)	(21,597,734)	580,997
Financing Activities	13,028,913	13,107,172	78,260
Rates Revenue	37,581,411	37,586,411	5,000
Closing Surplus Position	1,613,272	2,776,208	1,162,936

8. A brief synopsis of the budget variances above are as follows [As per attachment5]:
- a) Opening Surplus Position:
The opening surplus position has been adjusted to reflect the audited position for the financial year 2018/19 which has been finalised. The increase in closing funds over the estimate of \$2.97 million includes:
 - i. Materials and Contracts expenditure lower by \$1.68 million, mainly due to a variance in consultancy expenditure of \$1.52 million related to non-recurrent projects such as Forrestfield North project and Wattle Grove Feasibility study.
 - ii. Other Expenditure lower by \$1.27 million, mainly due to the budgeted land acquisitions costs for roads projects under Forrestfield Industrial Area Scheme which did not take place in 2018/19.
 - b) Operating Revenue:
Operating Revenue excluding rates has an increase due to a contribution of \$1.26 million for Cell 9 Land acquisition. This is partially offset with \$252K lower interest earnings forecast for the year, due to the lowering of the cash rate by the Reserve Bank and the impact thereof on the City.
 - c) Operating Expenditure:
Operating Expenditures are higher than the original budget by \$707K. Areas of significant changes are as follows:
 - i. Increase in budget for Land acquisition Bonser Road \$46K and \$1.26 million for Cell 9, being Trust funded works.
 - ii. Increase in Materials and contracts of \$314K includes adjustment to footpath maintenance \$45K increase, Department of Fire and Emergency Services cost share of Community Fire Manager \$20K increase and various other changes.
 - d) Investing activities:
Investing activities decreased slightly due to:
 - i. Reduction of budgets for infrastructure and community assets of \$376K.
 - e) Financing activities:
Financing activities reflect the change in reserves mainly due to the expected movement in the Forrestfield Industrial Area Scheme Stage 1 reserve and the movement in changes in Capital projects.
9. The projected year end revised closing surplus position as at 30 September 2019 is \$2,776,208. The new position will ensure that the City continues to maintain a strong year end cash position.
10. The City will still need to keep tight control over income and expenditure to ensure a surplus is in place at 30 June 2020 to strengthen the City's financial capacity and reserves.

11. In light of this Budget Review all future monthly financial reports presented to Council for approval will include the adjustments to the current budget.

STATUTORY AND LEGAL CONSIDERATIONS

12. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Senior staff and Managers commenced work on the Budget Review in early September and with the final input of directors completed the Review for Council consideration in October. During this period the integrity of budget projections were validated.

External Referrals

15. Nil.

FINANCIAL CONSIDERATIONS

16. The Amended Financial Activity Statement shows the City is projected to be in a surplus position at the end of the financial year.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

18. Nil.

Economic Implications

19. Nil.

Environmental Implications

20. Nil.

RISK MANAGEMENT CONSIDERATIONS

21.	<p>Risk: Expenditure exceeds budgeted allocation resulting in negative impact on closing funds position.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters. Introduction of budget KPIs for all managers, which are strictly monitored Management of reports which are scrutinised by Executive on a monthly basis. Budget reviews and forecasting of expenditures against potential revenues are monitored closely. 						
	<p>Risk: Funds spent without a budget allocation.</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Unlikely</td> <td>Significant</td> <td>Medium</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Unlikely	Significant	Medium
Likelihood	Consequence	Rating					
Unlikely	Significant	Medium					
	<p>Action/Strategy</p> <ul style="list-style-type: none"> Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available. Increased segregation of duties between purchasing business unit with responsibility for issue of purchasing orders with Finance basically centralizing compliance aspect of purchasing. 						

OFFICER COMMENT

- 22. The amended Financial Activity Statement following the September budget review (2019/20 Proposed Budget Review Attachment 1) reveals a balanced budget estimate for 30 June 2019.
- 23. It needs to be noted that the Reserves overall are still maintained at a high level with an amount of \$8,514,722 as shown in (Attachment 4).
- 24. The key to maintaining the City’s ongoing liquidity will be to diversify its revenue streams and continue to monitor closely revenues and expenditure against allocated budgets. The City will also continue to monitor service delivery to align resources with strategic priorities.
- 25. It is critical that Council is committed to this strategy in order to meet service level and management requirements in a financially sustainable manner.

26. The City is constantly looking at improving its financial sustainability in line with the financial ratios.
27. The Rules Applying to the Schedule of Charges for Community Facilities 2019/2020 (attachment 6) was not included as part of the Fees and Charges schedule as part of the budget adoption on 24 June 2019. In order to provide greater clarity and transparency around the City's Fees and Charges, it is recommended that Council adopt Attachment 6.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTES the 2019/020 September Budget Review Explanation and Summary (Attachment 5).
2. AMENDS the 2019/2020 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.
3. ADOPT the Rules Applying to the Schedule of Charges for Community Facilities 2019/2020 (Attachment 6)

10.4.7. Renewal of Microsoft Licences 2019 - 2022

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

Previous Items
Directorate
Business Unit
File Reference
Applicant
Owner

Corporate Services
Information Technology

Confidential
Attachments

1. E-Quote 2019/18 – Microsoft Licencing 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."

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the acceptance of a Tender for the renewal of the Microsoft Licencing Agreement for a period of three years.
2. The City of Kalamunda's current Microsoft Software Licensing Agreement Contract is due to expire and under the City's Purchasing and Procurement Policy requires to go out to market for a new Microsoft Software Licensing Agreement.
3. The City of Kalamunda is heavily reliant on the Microsoft Windows Operating System, Microsoft Office Productivity Suite and Microsoft Azure Cloud Platform to deliver mission-critical services to the public, and as such requires a Licensing Agreement with a suitably qualified and experienced business partner.
4. It is recommended Council accepts the tender submitted by Data#3 in the sum of \$455, 104 (excluding GST) for eQuote 2019-18 Microsoft Licencing in accordance with the WALGA Panel Contract NPN2.17 and general conditions of contract and specification, and its submission in accordance with the price schedule breakdown.

BACKGROUND

5. The City of Kalamunda has reached the end of its current Microsoft Software Licensing Agreement, which is provided through a Microsoft Licence Solution Provider, in this instance Winc Pty Ltd.
6. The City currently has approximately 265 Microsoft Windows computers in use by City Staff, and the City's applications and data storage and access are provided by 50 servers hosted in a remote site. These services are essential to the day to day business of the City.

7. Microsoft products are used to provision almost all City ICT services and are used to secure digital assets, on desktop computers, allowing City staff to print, send email and to use SynergySoft the City's Enterprise Resource Planning software (ERP).
8. The City must renew its Licencing Agreement with Microsoft in order for the City to continue to use Microsoft products legally.

DETAILS

9. Microsoft does not contract directly with its clients, therefore, the City must maintain an agreement with a certified Microsoft reseller, which administers the contract and compliance with the contract on the behalf of Microsoft.
10. The City engaged the services of a Microsoft licencing specialist prior to going to tender to ensure the City was licenced for the correct software and for the appropriate number of licences. These services were used to develop the Microsoft licence tender.
11. The establishment of a Microsoft Licencing Agreement provides the City with access to discounted Microsoft software at a rate which has been negotiated by the Western Australian Local Government Association (WALGA).
12. Quotes for renewal of the Microsoft Licencing Agreement were sought via the WALGA E-quote system. The request for quotes was issued on Friday 25 October 2019 and closed 2pm Friday 08 November 2019.
13. Three quotes were received from:
 - a) Datacom Pty Ltd
 - b) Winc Pty Ltd
 - c) Data#3 Pty Ltd
14. An Evaluation Panel was convened of suitably qualified City officers to assess the tenders received.
15. Tenders were assessed against qualitative criteria (set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	20%
Performance as a Microsoft Licensing Partner	20%

16. The three tenders were ranked as follows regarding the Qualitative Criteria:

Tenderer	Qualitative Score (40%)	Rank
Data#3	30%	1
Datacom	23.3%	2
Winc	21.3%	3

17. A price assessment was then undertaken for these three tenders to determine the best value for money outcome for the City.
18. The tender assessment report is provided as Confidential Attachment 1 to this report.
19. The recommended tenderer best satisfied the City's requirements in terms of:
 - a) Proven capacity and capability to undertake the work;
 - b) Providing the best value for money outcome
 - c) Demonstrated experience in delivering Local Government solutions;
 - d) Demonstrated experience in leveraging Microsoft cloud services
20. The Evaluation Panel has recommended Data#3 as the preferred Tenderer for its lump sum price of \$455, 104 (excluding GST) to undertake the provision of Microsoft licences.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. Nil.

External Referrals

24. Nil.

FINANCIAL CONSIDERATIONS

25. An allocation of \$160 000 has been included in the 2019/20 budget with additional allocations for future years included in the Long Term Financial Plan.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

26. *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

- 27. The ability of the City to deliver services to the community is directly underpinned by computing infrastructure using Microsoft licences. The City’s website is hosted on Microsoft cloud computing infrastructure.

Economic Implications

- 28. Nil.

Environmental Implications

- 29. Nil.

RISK MANAGEMENT CONSIDERATIONS

30.

Risk: The City will be legally non-compliant with Microsoft if the City fails to renegotiate the licensing agreement before expiry.		
Likelihood	Consequence	Rating
Likely	Moderate	Medium
Action/Strategy		
Accept E-Quote 2019-18 – Microsoft Licensing and award tender to Data#3 to renew the Microsoft Licensing Agreement.		

31.

Risk: City services to the community could be interrupted if the Microsoft Licensing Agreement expires.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
Inform Microsoft of licensing decision delay and seek temporary licenses to allow the City to continue to provide services.		

OFFICER COMMENT

- 32. There are a number of benefits in establishing a Microsoft Licensing Agreement with the key drivers being flexibility in licensing, and discounted software. In addition, the City:
 - a) can better manage cashflow by spreading payments over a three year term instead of a single upfront payment, and can effectively manage its budget as pricing is locked in for the three year term;
 - b) is able to automatically access the latest software and technologies as they become available;

- Will simplify licensing compliance and reduce the risk of non-compliance as all licences are managed from a single portal and with the assistance of the Microsoft Licence Solutions Partner;
- c) can allow City staff to use one Microsoft licence for up to 5 devices such as a laptop and tablet or phone and a home computer, providing greater flexibility for staff to access their data; and
 - d) is not tied into specific versions of software and can develop or changes services without technology being a limiting factor.

33. In addition, the City is continuing to move services to cloud services where appropriate and Microsoft cloud services are certified by the Australian Department of Defence to hold classified data.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the quote submitted by Data#3 (E-quote 2019-18 Microsoft Licensing) to renew the City's Microsoft Licensing Agreement for a three period from 1 December 2019 at a total cost of \$455,105 excluding GST.

10.4.8. Forrestfield Airport Link - Proposed Forrestfield Train Station Multi-Storey Car Park - Lot 11 (#10) and Lot 4 (#20) Ibis Place, High Wycombe

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	DA18/0531
Applicant	Salini Impreglio – NRW JV
Owner	Public Transport Authority of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Submission Table [10.4.8.1 - 2 pages] 2. Development Plans [10.4.8.2 - 8 pages] 3. Traffic Impact Assessment [10.4.8.3 - 128 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider making a recommendation to the Western Australian Planning Commission on the proposed multi-storey car park at Lot 11 (No.10) Ibis Place and Lot 4 (No.20) Ibis Place, High Wycombe.
2. The proposed development comprises part of the Forrestfield Airport Link project which includes the Forrestfield Train Station. The original train station approval included an at-grade car park, located immediately adjacent to the Forrestfield Train Station. The revised proposal is to convert the at-grade car park to multi-storey, in new location which will allow for more land to be available for commercial and residential uses immediately adjacent to the Forrestfield Train Station.
3. The change from at-grade to multi-storey parking will concentrate and intensify traffic on the road network immediately servicing the proposed car park. Traffic modelling undertaken by the City indicates that the proposed multi storey car park will affect the immediate road network and as a consequence road upgrades will be required. If those upgrades to the immediate road network are facilitated through this development application, the development is capable of support.
4. It is recommended Council recommend the WAPC approve the application, subject to appropriate conditions.

BACKGROUND

5. Land Details:

Land Area:	Lot 4: 5043m2 Lot 10: 13 161m2
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

6. The subject site is located within Planning Control Area 115. Planning Control Areas are declared by the Minister for Transport, Planning as land required for a specific purpose in accordance with s 112 of the *Planning and Development Act 2005*.
7. The effect of the Planning Control Area is that rather than the City exercising its usual delegation to determine a proposal in accordance with the Local Planning Scheme and *Planning and Development (Local Planning Schemes) Regulations 2015*, all applications must be forwarded to the WAPC for determination (s 115c).

8. **Locality Plan:**



9. The site is currently utilised by the Public Transport Authority of Western Australia contractors for storage of materials related to construction of the train station and tunnel.

DETAILS

10. The Applicant seeks approval for a multi-storey car park comprising the following:
 - a) Ground Floor, First Floor, and an uncovered Second Floor;
 - b) 12 ACROD bays;
 - c) 12 Electric bays;
 - d) 25 Short-term bays;
 - e) 1140 Standard bays;
 - f) 52 Motorcycle bays;
 - g) Total of 1197 bays;
 - h) External cladding

Plans of the development are included as Attachment 2.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No.3

11. The site is zoned 'Urban Development' under the City's Local Planning Scheme No.3 (Scheme).
12. Points 8 and 9 of clause 4.2.1 provide the objectives of the 'Urban Development' zone.
13. The first objective is that the zone provides orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
14. Officers consider that it is appropriate to make a recommendation on the proposed development, even though a Local Structure Plan does not apply to the site. The scenario is unique, in that the significant project of a train station precedes detailed planning for the area, however it does allow for planning to occur around the train station and car park, as they would be the centrepiece of future development.
15. As the train station and associated car park are providing the core infrastructure for structure planning to occur around it, providing a recommendation to the WAPC to approve the proposed car park will not prejudice the preparation of a local structure plan for the surrounding area.
16. The second objective is that development is permitted for residential purposes and for commercial and other uses normally associated with residential development. Officers consider this objective not directly relevant to the proposed car park. The car park is supporting infrastructure for the train station, which in turn will create the demand for the surrounding area to be developed for both residential and commercial purposes.
17. On balance, Officers consider the objectives for the 'Urban Development' zone to be met by the proposed car park.

Planning and Development (Local Planning Schemes) Regulations 2015

18. In considering an application for planning approval, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires the WAPC to have due regard to several matters prior to determining the application. Officers will consider the relevant matters of Clause 67 of the Regulations in the Officer Comment section of this report.

Planning and Development Act 2005

19. The subject site is located within Planning Control Area 115. Planning Control Areas are declared by the Minister as land required for a specific purpose in accordance with s 112 of the *Planning and Development Act 2005*.

20. The effect of the Planning Control Area is that rather than the City exercising its usual delegation to determine a proposal in accordance with the Local Planning Scheme and the Regulations, all applications must be forwarded to the WAPC for determination (s 115c).

POLICY CONSIDERATIONS

Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11)

21. LPP11 provides guidance on the exercise of discretion under the Scheme in terms of when public advertising is undertaken, and the means and duration of public advertising periods for different types of planning proposals.
22. The proposed car park was advertised in accordance with LPP11. A summary of the outcomes on consultation is provided in the Community Engagement section of this report.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

23. The City assessed the proposal from an Asset Services perspective, noting issues with the Transport Impact Assessment provided by PTA on behalf of the applicant.
24. In addition to the Transport Impact Assessment provided, the City conducted additional intersection modelling with SIDRA (a traffic modelling tool for intersections), using 15-minute peak intervals reflective of train station vehicular traffic demand.
25. This has identified that if the intersections of Maida Vale Road and Ibis Place, and Milner Road and Sultana Road West remain as T-junctions, they will fall to an unacceptable level of service and delays were evident in the 2021 and 2031 modelling scenario.
26. If the intersections are not upgraded to a minimum treatment of roundabouts, and the intersection of Sultana Road West having its alignment corrected, it is expected to see queuing in the order of over 100 meters at each of these intersections during peak periods.

External Referrals

27. The proposal was advertised to adjoining landowners in accordance with the City's LPP11.
28. During the advertising period five (5) submissions were received, all raising objections to the proposed car park.

29. Key concerns raised include:
- a) Increased Traffic;
 - b) Minimising entrances and exits;
 - c) Noise, pollution, and antisocial behaviour;
 - d) Recommend roundabout for Maida Vale Road intersection; and
 - e) 12 bays for electric vehicles is limited.
30. Officers acknowledge that the future train station will generate additional traffic. Officers share this concern and has undertaken traffic modelling which has indicated that intersection upgrades to the local road network are required, including a roundabout treatment at the intersection of Maida Vale Road and Ibis Place. Conditions to this effect have been included in the Officer recommendation.
31. The car park has one main entrance for vehicles, with drop-off facilitated by a loop road. Officers are not concerned with the number of entrances proposed.
32. There is no minimum number of electric car bays required to be installed under the Scheme. This means that the number of electric bays provided is at the discretion of the applicant. Officers have not recommended an increase in the number of electric car bays as bays are able to be retrofitted in the future to provide additional dedicated electric car bays if there is sufficient demand.

FINANCIAL CONSIDERATIONS

33. All costs associated with the intersection upgrades will be the responsibility of the proponent.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

34. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

Priority 3: Kalamunda Develops

Objective 3.3 - 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

35. The proposal will provide parking for commuters using the rail to the international airport or Perth City.

Economic Implications

- 36. The provision of a train station and associated parking will have significant economic benefits to the broader locality.

Environmental Implications

- 37. No vegetation is proposed to be cleared as part of the proposed car park.

RISK MANAGEMENT CONSIDERATIONS

38.	<p>Risk: The WAPC is not aware of the traffic impact of the proposed development because the City’s recommendation does not sufficiently address the required road upgrades generated by the proposed development.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Unlikely</td> <td>Significant</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Unlikely	Significant	Medium
Likelihood	Consequence	Rating					
Unlikely	Significant	Medium					
	<p>Action/Strategy</p> <p>Ensure the road network impacts of the development are included in the City’s report to the WAPC for its consideration.</p>						

OFFICER COMMENT

- 39. There are no specific standards such as building design, materials, or setbacks that a car park needs to meet to comply with the Scheme. In this scenario the planning assessment of the proposal must instead be based on relevant matters within clause 67 of the Regulations. Relevant matters are discussed below.
- 40. Clause 67(m) requires due regard be given to the compatibility of a development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.
- 41. Officers consider the proposed development, in the context of the neighbouring train station, which is currently under construction, to have a high level of compatibility.
- 42. The design and materials of the proposed car park are consistent with the related train station. The building has a high level of articulation, with minimal blank areas, which is a high-quality outcome for a car park.
- 43. While the development is not consistent with the existing wider semi-rural and residential development, this is likely to be a temporary inconsistency as the area surrounding the car park and train station develops into the future.
- 44. Clause 67(n) requires due regard be given to the amenity of the locality, including environmental impacts, character, and social impacts.

45. Officers note that due to the previous uses of the subject site and surrounds for rural and light industrial pursuits, there is unlikely to be any adverse environmental impact on the locality as a result of the proposed development.
46. The character of the area is changing with the construction of the associated train station and, as such, Officers consider the proposed development to be of a consistent character to the surrounding locality into the future.
47. A car park is unlikely to have adverse social impacts, as it does not provide, nor detract from, the provision of community services.
48. Clause 67(p) requires consideration for adequate landscaping. The area around the car park will be required to be landscaped, inclusive of any drainage areas.
49. Clause 67(s) and (t) requires consideration of the suitability of access and egress from the site, as well as arrangements for loading, unloading, manoeuvring and parking vehicles, and the volume of traffic generated by the development.
50. Officers are concerned that the road intersections which form the access to and egress from the car park will not meet the demand generated by the car park.
51. To ensure that the intersections which relate to the car park function appropriately, Officers have recommended conditions that relevant intersections be upgraded as part of the car park construction works.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council recommend the Western Australian Planning Commission APPROVE the proposed Multi-Storey Car Park at Lot 11 (No.10) Ibis Place and Lot 4 (No.20) Ibis Place, High Wycombe, subject to the following conditions and advice notes:

- a) A Construction Management Plan must be submitted and approved to the specification of the City of Kalamunda and the satisfaction of the Western Australian Planning Commission prior to the commencement of site works. The Construction Management Plan must be implemented for the duration of the construction phase of the development.
- b) A Schedule of Materials and Finishes for the interior and exterior surfaces of the Forrestfield Station Car Park must be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Kalamunda, prior to the commencement of building works.
- c) A Signage and Way-finding Plan must be submitted and approved by the Western Australian Planning Commission, on the advice of the City of Kalamunda, prior to the commencement of station operation. Once approved by the Western Australian Planning Commission, the plan is to be implemented for the duration of the development.

- d) A Road Safety Audit for all permanent road connections (including all new or modified road connections and intersections) must be submitted and approved by the Western Australian Planning Commission on the advice of the City of Kalamunda, prior to commencement of works.
- e) Satisfactory arrangements being made with the Western Australian Planning Commission on the advice of the City of Kalamunda for the full cost of upgrading and/or construction of the realignment of Sultana Road West (western leg) to create a four-way intersection at Milner Road prior to commencement of works.
- f) Arrangements being made with the City of Kalamunda for the full cost of upgrading and/or construction of the Maida Vale Road and Ibis Place intersection with a single lane roundabout as a minimum treatment to the satisfaction of the City of Kalamunda prior to commencement of works.
- g) Arrangements being made with Western Australian Planning Commission on the advice of the City of Kalamunda for the full cost of upgrading and/or construction of Sultana Road West (realigned) and Milner Road intersection with a single lane roundabout as a minimum treatment to the satisfaction of the City of Kalamunda prior to works commencing.
- h) Arrangements being made with the City of Kalamunda for the full cost of upgrading and/or construction of all remaining permanent road connections to the satisfaction of the City of Kalamunda prior to works commencing.
- i) Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the accepted engineering drawings and specifications and accepted plans, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system prior to works commencing. Engineering drawings and specifications are to be in accordance with an accepted Stormwater Management Plan for the site to the satisfaction of the Western Australian Planning Commission in consultation with the City of Kalamunda.
- j) All structures which are the subject of this application must be applied with an anti-graffiti coating immediately upon completion to the specifications of the City of Kalamunda and the satisfaction of the Western Australian Planning Commission. Graffiti must be removed and an anti-graffiti coating must be reapplied within seven days of that incident to the satisfaction of the Western Australian Planning Commission.
- k) A dilapidation survey of surrounding properties within the Zone of Influence being undertaken to the satisfaction of the Western Australian Planning Commission on advice of the City of Kalamunda prior to the commencement of activities that may involve substantial earthworks, vibration and/or dewatering.
- l) Engineering drawings and specifications are to be submitted, approved, and development works undertaken in accordance with the accepted plans, engineering drawings and specifications, for the provision of shared paths and cycle paths through and connecting to the application area to the satisfaction of the Western Australian Planning Commission in consultation with the City of Kalamunda.

- m) Engineering drawings and specifications are to be submitted and approved, and development works undertaken in accordance with the accepted plans, engineering drawings and specifications to ensure that street lighting is installed on all new and upgraded roads to Western Power standard street lighting to the satisfaction of the Western Australian Planning Commission.
- n) All external fixtures (e.g. service equipment, mechanical ventilation, water tanks, compressors etc.) being installed, located and screened, prior to occupation of the development and to the satisfaction of the Western Australian Planning Commission in consultation with the City of Kalamunda, so as to avoid adverse effects, including noise and visual amenity of nearby residential properties.
- o) The transfer of land for the purposes of the provision of road widening in association with recommended condition g) to the satisfaction of the Western Australian Planning Commission in consultation with the City of Kalamunda. Such land to be ceded free of cost and without any payment of compensation by the Crown.

Recommended Advice Notes

- a) The Construction Management Plan is to include but is not limited to:
 - i. A staging plan if the work in the site will change
 - ii. Site access control including fencing where required
 - iii. Storage of materials and equipment, and delivery of materials or equipment to the site
 - iv. Parking arrangements for contractors, staff and customers
 - v. Safe access to and around the site for pedestrians and cyclists
 - vi. Dust suppression, control of noise and erosion, manage environmental hazards and waste management
 - vii. Worksite lighting
 - viii. Hours of operation, timeframes and responsibility for tasks identified;
 - ix. Traffic management plans (identify if needed)
 - x. Consultation and communication strategy; and
 - xi. Any other matters likely to impact on surrounding properties and public areas.
- b) The signage and wayfinding plan needs to demonstrate the appropriate signage required in, and around the locality, of the car park to give directions to drivers to the carpark, and, for pedestrians and cyclists, directions to the train station.
- c) In regard to the conditions pertaining to road upgrades, the scope of upgrade is subject to final modelling to confirm geometry of the intersections.
- d) In addition to the Transport Impact Assessment provided by the applicant, the City has conducted additional intersection modelling with SIDRA, using 15-minute peak intervals suited to train station traffic demand. This has identified that if the intersections of Maida Vale Road and Ibis Place, and Milner Road and Sultana Road West remain as T-junctions, they will fail in the 2021 and 2031 modelling scenario. If the intersections are not upgraded to a minimum treatment of roundabouts, and the intersection of Sultana Road West having its alignment corrected, the City expects to see queuing in the order of over 100 metres at each of these intersections during peak periods.

10.4.9. Community Safety and Crime Prevention Advisory Committee - Proposal for Open Youth Consultation Session

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

Previous Items	Nil
Directorate	Office of the Chief Executive Officer / Development Services
Business Unit	Community Development / Community Safety
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	1. Open Youth Consultation Session Proposal [10.4.9.1 - 5 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the matters regarding youth crime prevention raised for Council consideration by the Community Safety and Crime Prevention Committee (CSCPAC) at the meeting on 2 October 2019.
2. CSCPAC resolved the following:
 - a) That CSCPAC request Council to endorse and allocate funding and resources as outlined in the proposal (attached) for the Open Youth Consultation Sessions.
3. It is recommended that Council supports the recommendation of CSCPAC.

BACKGROUND

4. The purpose of CSCPAC is to provide guidance to Council on the development of initiatives to enhance community safety and reduce anti-social behaviour within the City. CSCPAC also provides advice to Council on road safety related matters.

DETAILS

5. The matter of youth crime prevention was initially discussed at the CSCPAC meeting on the 7 August 2019 with an item to consider the formation of a youth sub-committee to assist CSCPAC. The role of the sub-committee is to allow a platform for the youth to have input and advise of matters involving the youth of the City.
6. It was decided to form a working group with CSCPAC members Councillor Lesley Boyd, Councillor Dylan O'Connor, Forrestfield Police Officer in Charge Senior Sergeant Simon Parke with staff from Environmental Health & Community Safety and Community Development, to meet to discuss the potential of a youth program.

7. Following these meetings, a proposal for a youth consultation session was developed (Attachment 1).

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.8 of the Local Government Act 1995 states:

"A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to those committees"

POLICY CONSIDERATIONS

9. City of Kalamunda Strategies:

- a) Shire of Kalamunda Youth Plan 2017 – 2022
- b) City of Kalamunda Community Health and Wellbeing Plan 2018 -2022.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. The City ensured the proposal was developed having regard for the following related disciplines:
- a) Environmental Health & Community Safety
 - b) Community Development.

External Referrals

11. The proposal for a youth consultation session was presented by staff from Community Development and a resolution by CSCPAC requesting Council endorse and allocate funding and resources as outlined in the proposal (attachment 1) for the open youth consultations session.

FINANCIAL CONSIDERATIONS

12. The proposal for a youth consultation session will have a financial impact. The total cost is estimated to be \$2,000 and consist of:
- a) Staff time.
 - b) Consumables, materials and catering.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

SUSTAINABILITY

Social Implications

- 14. The proposal will have positive social outcomes from engaging with youth to develop and or choose a program that is best suited to their needs.

Economic Implications

- 15. The proposal will have economic benefits by engaging with youth to reduce the risk of anti-social behaviour.

Environmental Implications

- 16. The proposal has the potential to improve environmental benefits such as reduced graffiti and vandalism, from better engagement with youth to prevent anti-social behaviours.

RISK MANAGEMENT CONSIDERATIONS

17.	Risk: The consultation session does not attract enough youth to ensure it is successful.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Ensure the consultation program is promoted and advertised extensively to ensure greater participation.		

OFFICER COMMENT

- 18. A youth consultation session was considered the preferred option. The group consultation session has the potential to attract a large number and variety of attendees. The session will have a short turnaround time and will require less commitment from the youth to obtain input.
- 19. The information collected from the consultation session will then be presented for consideration by the CSCPAC.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the recommendation of the Community Safety and Crime Prevention Advisory Committee requesting funding and resources for the Open Youth Consultation Sessions (Attachment 1).
2. ENDORSE the proposal for the Open Youth Consultation Sessions.
3. NOTE there is \$2000 within the 2019/2020 Community Development (Youth Services) Annual Budget to action the Open Youth Consultation Sessions.

10.4.10. Community Safety and Crime Prevention Advisory Committee - Proposal to Investigate 40 km/hr Speed Zone

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

Previous Items	Nil
Directorate	Asset Services
Business Unit	Asset Planning / Community Safety
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a resolution of the Community Safety and Crime Prevention Advisory Committee (CSCPAC) from its meeting on 2 October 2019.
2. The meeting minutes are provided as Attachment 1. Importantly, the meeting resolved the following:
 - a) *That CSCPAC request Council to support detailed technical investigations to implement speed zoning reduction in the Kalamunda Town Centre, on Hale Road, Forrestfield and Kalamunda Road, High Wycombe*
 - b) *That CSCPAC request Council to consider as part of the Kalamunda Activity Centre Plan finalisation that Canning Road upgrades be considered as a short-medium term priority.*
 - c) *That CSCPAC request Council to allocate resources to prepare a detailed project brief (including funding requirements) for the implementation of the 40km/hr speed zoning.*
3. It is recommended that Council endorse the recommendations of CSCPAC.

BACKGROUND

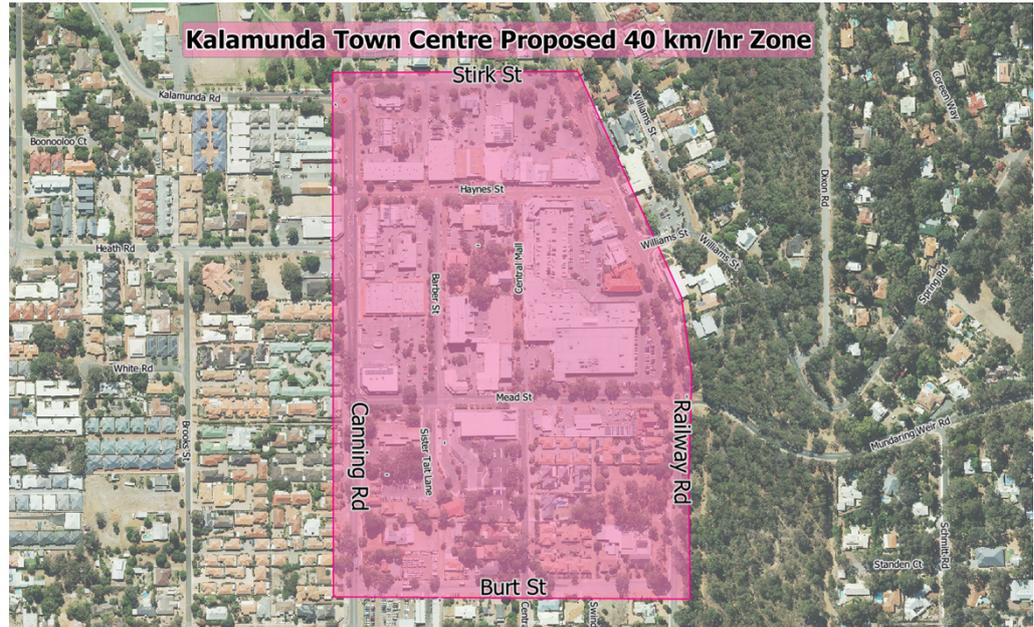
4. The purpose of the Community Safety and Crime Prevention Advisory Committee (CSCPAC) is to provide guidance to Council on the development of initiatives that enhance community safety and reduce anti-social behaviour within the City.

DETAILS

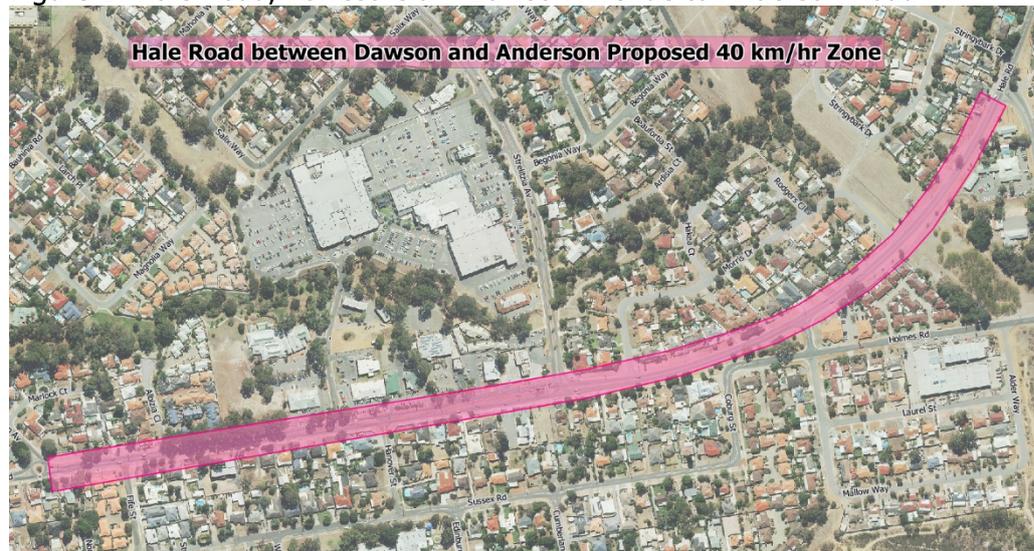
5. At the CSCPAC meeting on 7 August 2019 an item was proposed to consider speed limit reductions along sections of road within the Kalamunda Town Centre including Canning Road and Haynes Street, on Hale Road in Forrestfield and on Kalamunda Road in High Wycombe.

6. The following locations were identified by the City and confirmed with CSCAPC as being appropriate for consideration as 40 km/hr zones:
- a) Kalamunda Town Centre – bounded by Stirk Street, Railway Road, Canning Road and Burt Street;
 - b) Hale Road, Forrestfield – Dawson Avenue to Anderson Road; and
 - c) Kalamunda Road, High Wycombe – Wittenoom Road to Cyril Road.
7. The locations are represented by the following figures.

Figure 1: Kalamunda Town Centre



8. Figure 2: Hale Road, Forrestfield – Dawson Avenue to Anderson Road



9. Figure 3: Kalamunda Road, High Wycombe – Wittenoom Road to Cyril Road



10. In addition to the proposal for changes to the speed zoning, the CSCPAC requested that Canning Road upgrades be treated with short to medium term priority as part of the Kalamunda Activity Centre Plan. This may support the proposed 40 km/hr speed zoning.
11. Main Roads WA (MRWA) is the sole authority regarding speed zoning in Western Australia. In order to change a speed zone, MRWA requires that the City demonstrates that the operating speed (85th percentile) is close to or lower than the desired speed zone. The City typically demonstrates the existing operating speeds through the collection of traffic data in the area, after the completion of relevant works.
12. In order to achieve the lower speeds to the desired speed limit (40 km/hr), the City must implement treatments that lower the speeds of vehicles, such as by constructing traffic calming. The cost of traffic calming in these areas will likely be in the order of several hundred thousand dollars each.
13. The City is aware of some works elsewhere in Perth such as Mount Hawthorn in the City of Vincent and Main Street in the City of Stirling with 40 km/hr speed zones. In these locations there was a collaboration the respective local government, the Road Safety Council, MRWA and other stakeholders to implement the 40 km/hr speed zones.
14. As the 40 km/hr zones are not common, the City will need to investigate options on how to approach this. Subject to endorsement by the Council, the City will:
 - a) consult with other local authorities with 40 km/hr speed zones and identify the best way to proceed;
 - b) engage with Main Roads WA and other relevant agencies to confirm the process that is required, and identify any constraints;
 - c) arrange concept designs to be prepared that introduce the traffic calming that is necessary to meet the Main Roads WA requirements;

- d) consult with the community on the overall proposal;
- e) following receipt of feedback from the community, revise the concepts, where appropriate and relevant;
- f) generate cost estimates for the work, set a timeframe; and
- g) report back to Council for a decision on whether to proceed.

STATUTORY AND LEGAL CONSIDERATIONS

- 15. The *Main Roads Act 1930* covers the provision of roads and the delegated authority to Local Government. This empowers the City with the authority to implement treatments as required subject to appropriate design and some constraints as noted below.
- 16. Main Roads WA is the sole authority for the provision of speed zoning, line marking and signage in Western Australia. The City is required to prepare designs that meet Main Roads WA standards for their approval, in relation to any of these aspects.

POLICY CONSIDERATIONS

- 17. There are no direct policies related to this item.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

- 18. The City ensured the proposal was developed having regard for the following related disciplines:
 - a) Environmental Health & Community Safety
 - b) Asset Planning

External Referrals

- 19. The proposal was initiated by CSCPAC. Public consultation will be undertaken as part of the later stages of the investigation.

FINANCIAL CONSIDERATIONS

- 20. The investigation and public consultation will be funded under the City's operating budget. Should traffic calming treatments or other road infrastructure be required, these items will be identified in more detail in a future Council report.
- 21. The Canning Road upgrades are currently listed in the City's capital works program for delivery in two to three years, however at this time funding has not been secured and allocated.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

22. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

SUSTAINABILITY

Social Implications

23. The proposal will have positive social outcomes such as:
- a) Increasing safety for pedestrians, cyclists and road users,
 - b) Reducing the likelihood and severity of crashes, and
 - c) Promotion of equity of access for all road users in the respective areas.

Economic Implications

24. Improving road safety and reducing crashes has an indirect effect of reducing expenditure across the community.

Environmental Implications

25. Should the investigation, works and speed zoning be successful the outcomes may be:
- a) Less noise, and
 - b) Lower fuel consumptions resulting in reductions in greenhouse gas emissions.

RISK MANAGEMENT CONSIDERATIONS

26.

Risk: The community does not support the 40 km/hr speed zone reduction.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
a) Ensure a community consultation program is promoted and advertised extensively to ensure greater awareness of the trial.		
b) Cancel trial if not successful.		
27.

Risk: Main Roads WA does not support the 40 km/hr speed zone.
--

Likelihood	Consequence	Rating
Possible	Likely	Medium
Action/Strategy		
a) Carefully adhere to the MRWA process and draft Policy and Guidelines for Speed Zoning. b) Ensure traffic treatments are introduced that lower operating speeds to the target speed zone.		

OFFICER COMMENT

28. In order to implement the trial, the following key milestones must be satisfied:
- a) collation of evidence which demonstrates that the benefits of the reduction in speed limits is substantial;
 - b) strong community support; and
 - c) endorsement of Main Roads WA which is the agency responsible for speed zoning in Western Australia.

As part of the project the City will be in contact with a number of agencies and other local governments, including: the WA Police, the Road Safety Commission, the Department of Transport, WALGA, the RAC, and the Department of Fire and Emergency Services.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. SUPPORT investigations and public consultation to implement speed zoning reductions in the Kalamunda Town Centre, on Hale Road in Forrestfield and on Kalamunda Road in High Wycombe.
2. CONSIDER, as part of finalising the Kalamunda Activity Centre Plan, Canning Road upgrades are given a short to medium term priority.

10.4.11. Application for Leave – Chief Executive Officer

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

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Office of Chief Executive Officer
File Reference	OR-CMA-025
Applicant	N/A
Owner	N/A

PURPOSE

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period of Monday 23 December 2019 to Friday 10 January 2020 inclusive.

BACKGROUND

4. Nil.

DETAILS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Monday 23 December 2019 to Friday 10 January 2020 inclusive.
6. The Chief Executive Officer has accrued sufficient leave.

STATUTORY AND LEGAL IMPLICATIONS

7. Section 5.36 of the *Local Government Act 1995* provides that the Council is responsible for all appointments to the position of Chief Executive Officer.

POLICY IMPLICATIONS

8. The City's leave policy requires all employees to apply for leave and have this leave approved.

PUBLIC CONSULTATION/COMMUNICATION

9. Public consultation is not required with respect to this matter.

FINANCIAL CONSIDERATIONS

10. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

SUSTAINABILITY

Social Implications

12. Nil.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

RISK MANAGEMENT CONSIDERATIONS

15.

Risk: Annual leave Liabilities accrue and become a significant financial risk which will be identified by auditors.		
Likelihood:	Consequence	Rating
Unlikely	Minor	Low
Action/ Strategy		
Ensure leave liabilities are managed and all staff utilised their leave entitlements regularly.		

OFFICER COMMENT

16. Nil.

--

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE the Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Monday 23 December 2019 to Friday 10 January 2020 inclusive.

Moved:

Seconded:

Vote:

10.4.12. Section 31 Reconsideration - Forrestfield North Residential Precinct Local Structure Plan - Consideration of the Western Australian Planning Commission Proposed Modifications - CONFIDENTIAL 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) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."

Previous Items	SCM 67/2018, SCM 231/2018, SCM 232/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	City of Kalamunda
Owner	N/A
Attachments	Nil

PROVIDED UNDER SEPARATE COVER

10.4.13. Review of Forrestfield / High Wycombe Stage 1 Industrial Area Development Contributions - CONFIDENTIAL 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."*

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."*

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*

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

Previous Items	SCM 62/2015, OCM 198/2016, OCM 185/2017, OCM 30/2018, SCM 230/2018, SCM 127/2019
Directorate	Office of the Chief Executive Officer
Business Unit	Governance and Legal
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	N/A
Attachments	Nil

PROVIDED UNDER SEPARATE COVER.

11. Motions of Which Previous Notice has been Given

11.1. Appointment to Strategic Sport and Recreation Committee

MOTION

Voting Requirements: - Absolute Majority

That Council:

1. AMEND the Terms of Reference for the Strategic Sport and Recreation Committee to increase the Community Representation from nine members to ten members.
2. APPOINT Frank Scardifield on behalf of the High Wycombe Cricket Club and the Scott Reserve user groups, as the additional member.

Moved: Dylan O'Connor

Seconded: Sue Bilich

Rationale

1. The Strategic Sport and Recreation Committee has been a fairly new committee that has performed well in the last two years.
2. The Strategic Sport and Recreation Committee has a membership that is representative of the sporting clubs across the City in terms of a mix of sports and localities represented.
3. Scott Reserve is a sporting facility that has a long history of successful clubs with committed volunteers.
4. The Scott Reserve sporting facility caters for around 500 local people each year. This is a significant number of players and volunteers.
5. The success of the clubs at Scott Reserve is due in part, to the leadership and guidance of volunteers over many years that have ensured longevity and stability.
6. Frank Scardifield's knowledge and experience should be utilised as part of the Strategic Sport and Recreation Committee.
7. As a recently appointed Freeman of the City, we should continue to recognise his skills and accept his application to be a member of the Strategic Sport and Recreation Committee.

Officer Comments

It is a function of Council to determine the size and composition of its advisory committees and hence the City has no comment on this matter.

- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
 - 16.1 Unconfirmed - Community Safety and Crime Prevention Advisory Committee Minutes 2 October 2019
- 17. Closure**