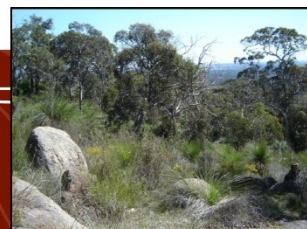


Public Agenda Briefing Forum

Draft Agenda Tuesday 11 June 2019

(Ordinary Council Meeting 25 June 2019)



**city of
kalamunda**



Core Values

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

Aspirational Values

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

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



www.kalamunda.wa.gov.au

**city of
kalamunda**

INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

The Briefing Session will be held in the Function Room of the City of Kalamunda commencing at 6.30pm.

Agenda Briefing Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums that are conducted by the City of Kalamunda:

- a) Public Agenda Briefing Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b) Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c) The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d) Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e) Relevant employees of the City of Kalamunda will be available to make a presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f) All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g) The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- h) Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i) Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council to review and confirm as being a true and accurate summary of the preceding forum.
- j) At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a) Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k) Questions and any responses will be summarised and included in the minutes of the meeting.
- l) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a) Members of the public are invited to make statements at Briefing Forums.
- b) Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c) A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d) Public Statement Time will be limited to two (2) minutes per member of the public.
- e) Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f) Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time Is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g) Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h) Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i) A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarising and included in the notes of the Briefing Forum.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.

- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a) Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c) The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d) Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e) The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f) Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

Cr David Almond – Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter 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*.)

3.2. 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.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public question time will be allocated a maximum of 10 minutes and will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.

Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.

For the purposes of Minuting, these questions and answers will be summarised.

6. Public Statement Time

A period of maximum 10 minutes is provided to allow public statements from the gallery on matters relating to a matter contained on the agenda or the functions of Council. Public Statement Time will be limited to two (2) minutes per member of the public.

Public Statement Time is declared closed following the 10 minute allocated time period, or earlier if there are no further statements.

For the purposes of Minuting, these statements will be summarised.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

9.1 Item 10.2.4 Asset Services: Review of Parks and Environmental Services

9.2 Item 10.2.2 Consideration of Tenders for the Road Rehabilitation of two sites within the City of Kalamunda (Attachment 1)

9.3 Item 10.2.3 Consideration of Tenders for Kalamunda Road Stormwater and Pavement Rehabilitation (RFT 1903) (Attachment 1)

10. Reports to Council

10.1. Development Services Reports

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

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	1. Local Planning Policy P- DEV 23 - Pergolas [10.1.1.1]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

10. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

11. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

12. Nil.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

RISK MANAGEMENT CONSIDERATIONS

15.	Risk: The Policy is not revoked, creating uncertainty about whether the Policy is relevant and in line with contemporary planning practice/policy.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Outline the rationale for revoking the Policy and identify the current operating issues with the Policy.		

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.1.2. Proposed Amendment No.102 - Lot 4 (51) Canning Road, Kalamunda - Additional Use of Shop (Pharmacy) to Existing Medical Centre - For the Purposes of Public Advertising

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Statutory Planning
File Reference	PG-LPS-003/102
Applicant	Planning Horizons Development Solutions
Owner	K & J Puttappa Bare Pty Ltd Atf The K & J Puttappa Super Pty Ltd ABN 40 035 172 483
Attachments	<ol style="list-style-type: none"> 1. Scheme Amendment Request & Applicant Report [10.1.2.1] 2. Scheme Amendment [10.1.2.2]

EXECUTIVE SUMMARY

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

BACKGROUND

4. **Land Details:**

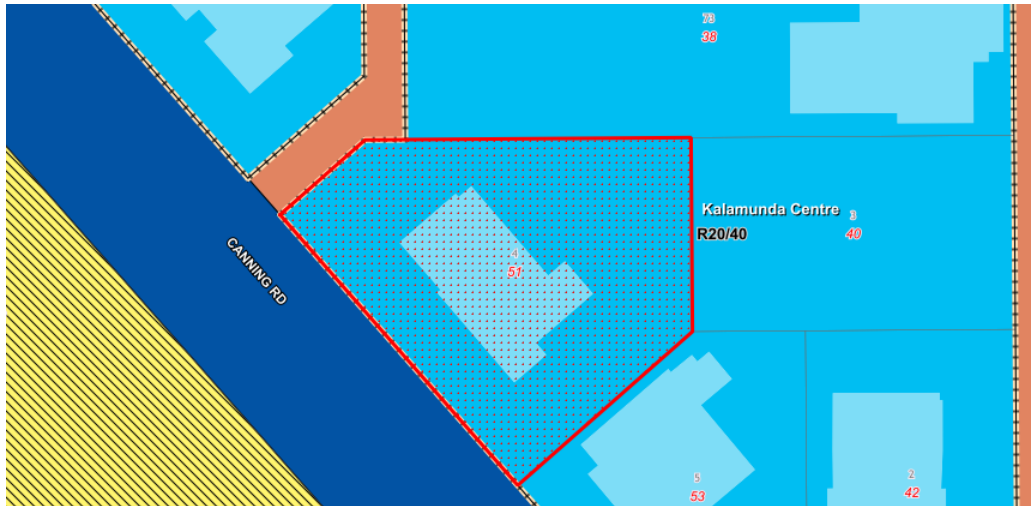
Land Area:	1457.000 m ² 0.14570 ha
Local Planning Scheme Zone:	Mixed Use
Metropolitan Regional Scheme Zone:	Urban

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 medical centre development. The pharmacy was approved as an incidental use with restrictions.

9.

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

Condition No. 3 which states:

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

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

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

15. **Metropolitan Region Scheme**

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

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

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

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

POLICY CONSIDERATIONS

22. City of Kalamunda Local Planning Strategy

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

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

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

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

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

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

27. In accordance with Regulation 47 of the Regulations and Local Planning Policy P-DEV 45 – Public Notifications of Planning Proposals the advertising processes will include but not be limited to:

- a) issuing letters to landowners affected by the Amendment and those within a 100-metre radius of the subject site;
- b) a notice on the City's media platform;
- c) a notice in the local newspaper;
- d) display of the Amendment at the City's Administrative Centre;
- e) letters to relevant public and service authorities; and
- f) signage on site.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

- 32. Nil.

RISK MANAGEMENT CONSIDERATIONS

33.	<p>Risk: The Amendment is not adopted for the purposes of public advertising and does not proceed.</p>		
	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

34. The purpose of the amendment is to allow for the additional use of 'Shop', specifically for a pharmacy, to be placed on the subject site. The existing pharmacy on the site is classified as an 'incidental use' which means its operation is limited to patrons of the medical centre only. The proposed additional use would allow for the restrictions on the existing pharmacy to be removed.
35. It should be noted that incidental uses are considered appropriate when it is clear the incidental use is ancillary and subordinate to the predominant land use, which in this instance was 'Medical Centre'.
36. The subject site is located outside the Kalamunda Town Centre, but within close proximity (approximately 1km). The land use is therefore appropriately located in context to the Activity Centre and is not of a scale that would detract from the retail functions of the Activity Centre.
37. No structural or layout modifications are proposed for the existing incidental pharmacy at this point in time. The Applicant has however advised that should the amendment be approved; an external access point will be sought for the pharmacy. In accordance with Condition No.3 of the original DA approval, the pharmacy is currently accessed via the common foyer area within the medical centre.
38. The original DA proposal incorporated an excess number of parking bays. The proposed amendment, additional use of Shop (pharmacy) would be compliant with regard to the parking requirements outlined within Table 3 of the Scheme.
39. It is considered the proposed Amendment will have a minimal impact upon the amenity within the area, particularly as the pharmacy currently operates on site, albeit with restricted patronage.
40. With regard to the provisions of Local Planning P-DEV 64 – Requirements for Local Planning Scheme Amendments, the applicant was not required to provide a Land Use Scoping Statement and Concept Master Plan on the basis the proposed amendment did not propose any new built form and was considered unlikely to impact on the amenity of the surrounding area.
41. The proposed Amendment is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
42. Having regard to the above, it is recommended that Council adopts Scheme Amendment No. 102 for the purpose of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT, proposed Scheme Amendment No.102 to Local Planning Scheme No.3 for Lot 4 (51) Canning Road, Kalamunda in accordance with Attachment 2, pursuant to Section 75 of the *Planning and Development Act 2005*.
2. CONSIDER Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 as a Standard Amendment under Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) the Amendment is consistent with the objectives identified in the Scheme for the mixed zone;
 - b) the Amendment is consistent with the City of Kalamunda Local Planning Strategy;
 - c) the Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the scheme area, and the applicable strategic planning framework;
 - d) the Amendment is consistent with The Kalamunda Town Centre Special Control Area;
 - e) the Amendment is considered to have a minimal impact upon the land within the City of Kalamunda;
 - f) the Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
 - g) the Amendment is neither a complex or basic amendment as defined under Part 5 the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.
3. FORWARD proposed Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 to the Environmental Protection Authority pursuant to sec 81 of the *Planning and Development Act 2005*.
4. ADVERTISE Local Planning Scheme Amendment No.102 to Local Planning Scheme No.3 for a period of 42 days in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals, subject to Sections 81 and 82 of the *Planning and Development Act 2005*.

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

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

Previous Items	OCM 31/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010173
Applicant	N/A
Owner	N/A

Attachments	1. Draft Local Planning Policy - P-DEV 63 - Public Art Contributions [10.1.3.1]
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EXECUTIVE SUMMARY

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

BACKGROUND

4. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure Council has a clear and defensible position in making planning decisions.
5. The State Government encourages the inclusion of art in the built environment through the Percent for Art Scheme. Local governments have adopted this Scheme as a model of best practice for the inclusion of public art.
6. The Policy has been prepared in the context of the State Government's Percent for Art Scheme, which encourages art in the built environment through a percent of a development's overall budget to commission public artworks.
7. On 26 February 2019 Council adopted a Draft Public Art Policy for the purpose of public advertising. This Policy was prepared with the assistance and advice of the Kalamunda Arts Advisory Committee (KAAC). The KAAC policy provides advice to the City for the purpose of decision making in relation to the arts.

8. The reason a Local Planning Policy is required is 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 planning approvals.
9. A summary policy comparison is shown below:

Draft Public Art Policy	P-DEV Public Art Contributions Policy
Council Policy	Local Planning Policy
Prepared in accordance with 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

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

DETAILS

11. 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.
12. 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.
13. 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.
14. The Policy applies to all applications for development approval where the estimated cost of development exceeds one million dollars, with the exception of a single house, grouped dwelling, ancillary dwelling or any ancillary structures. It also covers City projects such as Buildings or Streetscape Enhancements (which may not require Development Approval)
15. The draft KAAC Policy proposed that a contribution to Public Art should be no less than 1% of all private developments, including extensions and upgrades over the total project cost of \$250,000.
16. An audit of other Local Government Authority Public Art Policy's 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 \$250,000 proposed in the KAAC Policy. The table below outlines the public art contribution requirements of other LGA 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>	Developments over \$1 million must contribute to public art funding. Developments within the Bassendean Town Centre requires a public realm contribution of 2% of the construction value. Excludes single residential developments.
City of Bayswater	<i>Percent for Public Art Policy</i>	No less than 1% of the development cost on developments with a construction value of \$1 million or greater. Excludes any residential development and development on public property.
City of Canning	<i>Developer Funded Public Art</i>	1% of the development cost on developments exceeding \$4 million with a maximum contribution of

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

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

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

17. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*.
18. Under Schedule 2 Clause 3(1) of the Regulations states '*the local government may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.*'
19. Under Schedule 2 Clause 4(1) of the Regulations the City's Scheme and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period have regard to any submissions received.
20. 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

21. The Policy follows the adopted Council template with some small modifications for improved structure, legibility and clarity as it relates specifically to the Policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. The Policy has been prepared by the City, with input from relevant internal planning and economic development disciplines. Further input will be required from these disciplines as part of advertising and finalisation process.
23. The KAAC provided a strategic basis for preparation of the Policy through the draft City of Kalamunda Arts Strategy.
24. The City's officers met with representatives of the KAAC with a view of ensuring consistency between the Draft Arts Strategy and this draft Policy. The following table summarises the key recommendations from representatives of the KAAC and officer comment on the recommendations that have been adopted or not adopted:

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

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

25. The KAAC will have further opportunity to provide advice on the proposed Policy during the formal advertising period.

External Referrals

26. 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.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

- 31. 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.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

33.

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.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
The Policy has been formed in line with best practice industry standards which encourages the provision of public art for developments over \$1,000,000.		

34.

Risk: The Policy does not meet the objectives stated.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
The thresholds applied for public art contributions are in line with other relevant Local Government Authorities. However, a broader strategy to facilitate developments which meet the threshold for public art contributions within the City will be progressed in line with the City's Strategic Community Plan.		

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

OFFICER COMMENT

- 36. The proposed Policy, which is in line with local government best practice, will ensure future developments worth over \$1,000,000 will provide a public art contribution of 1% of the total development cost, with a maximum cost of \$250,000. 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.

- 37. Based on the common practice of other LGAs adopting Public Art Contributions for 1% of the development cost for developments over \$1 million, it is recommended the City follows this practice, despite the draft KAAC Policy proposing a contribution to Public Art should be no less than 1% of the total project cost of developments over \$250,000.

- 38. The proposed LPP will ensure the KAAC Policy objectives can be met through a Local Planning Policy which will ensure contributions to public art can be made through development applications. The City will develop a procedure to guide the public art contributions processes, roles and responsibilities.

- 39. The adoption of the LPP 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.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPTS the Draft Public Art Contributions Local Planning Policy No. 22 for the purposes of advertising for a period of 21 days, pursuant to Clause 4 (1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.4. Changes to City of Kalamunda - Local Planning Policy Numbering

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.00927
Applicant	N/A
Owner	N/A

Attachments 1. Matrix of Modifications **[10.1.4.1]**

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

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

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

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

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

12. Nil.

External Referrals

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

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

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

16. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

SUSTAINABILITY

Social Implications

17. Nil.

Economic Implications

18. Nil.

Environmental Implications

19. Nil.

RISK MANAGEMENT CONSIDERATIONS

20.	<p>Risk: The proposed re-numbering, re-ordering and re-titling of policies is not supported.</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>Rare</td> <td>Insignificant</td> <td>Low</td> </tr> </table>	Likelihood	Consequence	Rating	Rare	Insignificant	Low
Likelihood	Consequence	Rating					
Rare	Insignificant	Low					
	<p>Action/Strategy</p> <p>Ensure that Council is aware of the benefits of updating the City’s planning policy titling conventions to reflect contemporary practices.</p>						

OFFICER COMMENT

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

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.1.5. City of Kalamunda: Draft Local Planning Policy 23 - Retaining Walls and Filling of Land - For the Purpose of Public Advertising

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.00927
Applicant	N/A
Owner	N/A

Attachments	1. Draft Local Planning Policy 23 - Retaining Walls and Filling of Land [10.1.5.1]
	2. Local Planning Policy P-DEV 14 - Earthworks [10.1.5.2]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

7. The primary objectives of the Policy are to:
 - a) To ensure Retaining Walls and Filling of Land maintains the amenity and character of the areas where they are proposed;
 - b) Minimise the impacts of retaining walls and fill on the natural environment and landscape; and
 - c) To streamline the development approval and assessment process for Retaining Walls and Filling of Land.

8. The Policy states the following matters should be given due regard when considering retaining walls and filling of land:
 - a) Existing amenity;
 - b) Wall heights;
 - c) Landscaping; and
 - d) Fill.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

10. The City's Scheme and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period having regard to any submissions received.

(Schedule 2 Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015)

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

12. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, the then Regulations and the Scheme prevail.

POLICY CONSIDERATIONS

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

14. Should Council resolve to revoke Local Planning Policy P-DEV 14 – Earthworks, the Policy will be removed from the Policies and Procedures Register and will no longer be given any regard.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

Economic Implications

21. Nil.

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

23.

Risk: The Policy is not adopted resulting in inconsistent application of planning advice and decisions.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Ensure Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications.		
24.

Risk: The Policy is not adopted resulting in a lack of guidance to assist Council in determining the merit of proposed retaining wall and filling of land applications.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Ensure Council is aware of the importance of having sound and robust planning policies to support the Scheme when assessing applications.		
25.

Risk: The policy does not achieve its stated objectives.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Consider reviewing the Policy and/or undertaking education programs to assist the community and applicants to better understand the stated objectives.		
26.

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

OFFICER COMMENT

27. P-DEV 14 has been superseded given it does not meet the requirements of a contemporary local planning policy with its focus on guiding the building permit process. Consequently P-DEV 14 is proposed to be revoked and replaced by the proposed Policy.

28. Developers typically seek to maximise the development potential of a lot and reduce costs by constructing high retaining walls on lot boundaries which can impact on the amenity of adjoining landowners. The proposed Policy establishes appropriate criteria to ensure the amenity of residential areas is maintained and not adversely impacted by retaining walls and the filling of land.
29. The natural topography of the City, in particular the hills localities, present a number of challenges to land owners and developers. In order to create level sites, fill and retaining are a prerequisite to development. The proposed Policy will assist in guiding appropriate development outcomes which minimise the impact on the natural environment and landscape.
30. As the proposed Policy will ensure future development is consistent with the provisions of the Residential Design Codes, there is no requirement to refer the document to the Western Australian Planning Commission.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council

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

10.2. Asset Services Reports

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

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

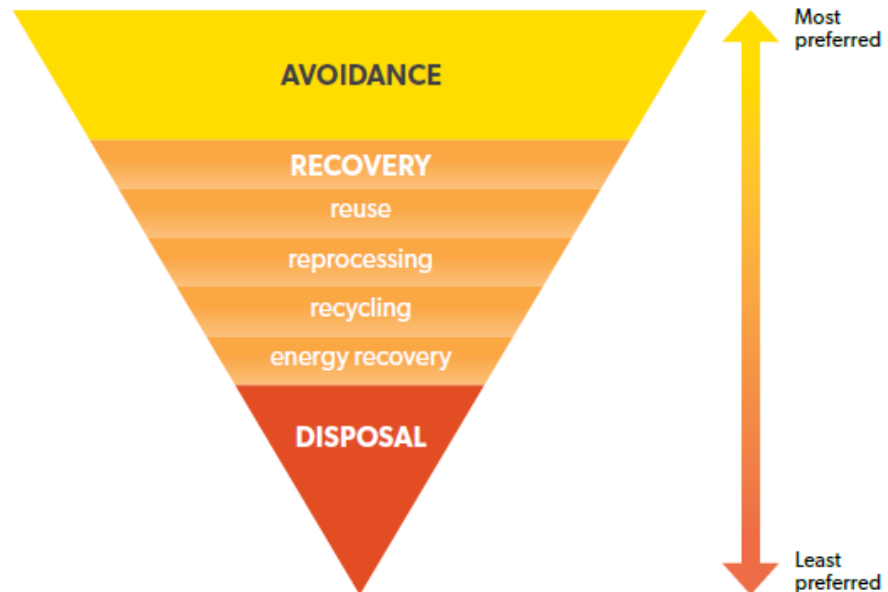
4. Within the *Western Australian Waste Avoidance and Resource Recovery Act 2007* (WARR Act), provisions are made for the creation of the Waste Authority and for the development of a waste strategy.
5. The State Government released in late February 2019 its WARR Strategy which will necessitate fundamental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

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

DETAILS

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

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



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

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

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

19. It is noted that residents within the City of Kalamunda generate about 480 kg of waste per annum per resident, which is the seventh highest within the 32 Councils¹ that make up the Perth and Peel region. Of this 480 kg, only 22% of it is diverted from landfill. Measures to reduce the amount of waste per resident will go a long way to make significant environmental improvements for the City.

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

Three core principles underpin a circular economy:

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

21. This concept is illustrated in the following diagram.



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

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

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

36. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

37. Nil.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

40. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

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

Strategy 2.3.1 - Identify and implement strategies to reduce waste.

Priority 4: Kalamunda Leads

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

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

SUSTAINABILITY

Social Implications

41. No immediate implications are foreseen.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

44.	<p>Risk: The project plan does not deliver the outcomes needed to effectively inform actions for the future, resulting in inefficient operations, increased costs and loss of reputation.</p>		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	Formation of a Project Control Group to oversee quality of specifications and task briefs. Regular status reports on tasks.		

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

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

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

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. Nil.

External Referrals

25. Nil.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

28. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT CONSIDERATIONS

32.	<p>Risk: The Contractor fails to fulfil the requirements of the contractor (in terms of scope, time or quality) leading to increased costs to the City or delays in project completion.</p>						
	<table border="1" 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>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Moderate	Unlikely	Low
Likelihood	Consequence	Rating					
Moderate	Unlikely	Low					
	<p>Action/Strategy</p> <p>a) clearly defined scope of works and specifications have been developed; b) construction to be supervised by the City to validate quality; and c) the contract to be entered into provides for claims against the contractor for remedial action if needed.</p>						

OFFICER COMMENT

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

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council

1. APPROVE in accordance with Section 6.8 (1) (b) of the *Local Government Act 1995* an amendment to the 2018/2019 Budget by transferring \$185,000 from the Asset Enhancement Reserve to Asset Services Capital Expenditure (account 420914 Project 3319).
2. ACCEPT the alternative tender for Kalamunda Road Stormwater and Pavement Rehabilitation, Gooseberry Hill (RFT 1903) from Asphaltech Pty Ltd for its lump sum price of \$833,178.15 (plus GST).

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

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

DETAILS

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

Qualitative Criteria	Weighting
Relevant Experience	30%
Tenderer's Resources	20%
Key Personnel Skills & Experience	20%
Demonstrated Understanding of the Requirements	30%

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

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Nil.

External Referrals

21. Nil.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

SUSTAINABILITY

Social Implications

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.3. Corporate Services Reports

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

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

Previous Items	
Directorate	Corporate Services
Business Unit	Economic Development
File Reference	
Applicant	
Owner	
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to adopt the Draft Arts Strategy.
2. In 2018, the City of Kalamunda Arts Advisory Committee (KAAC) was established by Council. Two of the key objectives were to:
 - a) Develop an Arts Vision for the City to provide a cohesive direction and consistent theme for all planning and development initiatives.
 - b) Provide advice to Council to guide the development and implementation of a City Art Strategy.
3. On 7 February 2018, the KAAC commenced its' first meeting with consideration of an action plan to guide activities through 2018.
4. For the last half of 2018 and early 2019 a major focus of the KAAC has been the development of, and community consultation around, developing the Arts Strategy. Committee Members believed that the strategy was at the point for wider community input. A report was put to Council at the February 2019 Ordinary Council Meeting in which the Council accepted the officer recommendation to direct the CEO to release the document for 30 days of community consultation from February to March 29, 2019.
5. It is recommended Council endorse the draft Arts Strategy.

BACKGROUND

6. The program of Arts actions has been developed to address four identified strategic priorities:
 - a) Diversify the economy of the City by ensuring that the contribution by the arts is well recognised for its value and so that this part of the economy continues to grow;
 - b) Increase engagement by residents to become more involved in the many disciplines of the arts as creators, audience and the source of ideas;
 - c) Increase arts investment to the City from diverse external sources; and

- d) Improve the visual appeal of communities and public places across the City so that they are used and valued by residents and so that visitors want to return to explore the City some more.

- i. Inclusive connected communities*
- ii. Healthy communities*
- iii. Safe and secure communities*
- iv. Engaged communities*
- v. Activated cultural facilities*
- vi. Expression through the Arts*
- vii. Connected to history and education*
- viii. Vibrant and fun events*

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

DETAILS

7. The City recognises the important role that The Art Strategy will play in activating our cultural facilities, encouraging more participation in the arts, diversifying the economy and improving the visual appeal of public places
8. The Draft Strategy has the following high-level objectives:
- a) Diversify the economy of the City by ensuring that the contribution by the arts is well recognised for its value and so that this part of the economy continues to grow
 - b) Increase engagement by residents to become more involved in the many disciplines of the arts as creators, audience and the source of ideas
 - c) Increase arts investment to the City from diverse external sources
 - d) Improve the visual appeal of communities and public places across the City so that they are used and valued by residents and so that visitors want to return to explore the City some more.
9. Overtime, achieving these objectives will add to the attractiveness and value of Kalamunda as a place to live, visit and where there is a strong community spirit.
10. The vision of the Arts Strategy is to nurture and grow involvement by the community as spectators, motivators and creators of uplifting and transforming activities through arts events and experiences. To place creative practise at the heart of the City of Kalamunda's communities and neighbourhoods. Each of these will add to the City's visual appeal, strengthen sense-of-place, diversify the economy and elevate arts practice that is accessible, challenging and engaging.

11. The Draft Strategy is designed to provide clear direction regarding three key focus areas:
- a) Place-making and Identity: Urban and Commercial Developments and Renewal
 - b) Community Enrichment, Creativity and Pride: Shared experiences created by and for local residents and visitors to Kalamunda City.
 - c) The Kalamunda City Economy: The Arts Growing, Diversifying and Recognised as a Valued Part of Local Life

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

14.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

19. The successful implementation of The Strategy will be subject to both the availability of operational budget and staffing resources.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

20. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

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

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

24.

Risk: The Draft Arts Strategy may raise community expectations regarding activities that may not be resourced.		
Likelihood:	Consequence	Rating
Possible	Moderate	Medium
Action / Strategy		
Ensure community and local business are informed as part of communications process that all activities are subject to resourcing.		
25.

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

OFFICER COMMENT

26. This Strategy has been prepared with the input and guidance of the Arts Advisory Committee and included broad stakeholder engagement with the local Arts community.
27. The recommended strategies will need to be reviewed and prioritised on an annual basis to ensure they are relevant and adequately resourced.
28. The program of actions has been developed to address four identified strategic priorities:
- a) Diversify the economy of the City by ensuring that the contribution by the arts is well recognised for its value and so that this part of the economy continues to grow;
 - b) Increase engagement by residents to become more involved in the many disciplines of the arts as creators, audience and the source of ideas;
 - c) Increase arts investment to the City from diverse external sources; and
 - d) Improve the visual appeal of communities and public places across the City so that they are used and valued by residents and so that visitors want to return to explore the City some more.
29. In order to ensure that the Strategy meets the needs of the tourism businesses and broader community, the Strategy was released for a 30 day period of public comment.
30. The public consultation opportunity for the Strategy was promoted via local newspaper, Engage Kalamunda and a copy made available on the City's website. In addition, key local stakeholders and community members who

attended workshops were made aware of the draft Strategy for review and encouraged to comment should they wish.

31. At the end of the consultation period, the collated public feedback was provided to the Arts Advisory Committee for consideration. At the meeting of the Kalamunda Arts Advisory Committee dated April 4, 2019, members discussed the community feedback and directed a subcommittee to revise the Art strategy taking the community feedback into consideration.
32. The revised Art Strategy was then forwarded back to the City of Kalamunda in mid-April for finalisation.

Voting Requirements: Simple Majority

RECOMMENDATION

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

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

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

Previous Items	
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	
Applicant	City of Kalamunda
Owner	N/A
Attachments	1. Draft Tourism Development Strategy [10.3.2.1]

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

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

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

DETAILS

10. A community-led approach was adopted by the City in production of the Tourism Development Strategy, key steps in the process include:
- 1. Kalamunda Tourism Visioning Workshop to identify key themes and community stakeholders
 - 2. Tourism Community Reference Group established
 - 3. Community Engagement Workshops to obtain detailed feedback on key strengths, opportunities and constraints for developing tourism products in Kalamunda

4. Data Review and Collation by City staff to transcribe and summarise community feedback
 5. Draft Tourist Development Strategy authored by City of Kalamunda and Chair of Tourism Community Reference Group
 6. Summary Workshops to enable Tourism Community Reference Group to review key strategies and provide comment
 7. Council Review to seek approval for release for public comment
 8. Public Review period to allow comment on the draft Strategy
 9. Final Tourism Development Strategy amended based on public comment collated by City staff
 10. Tourism Development Strategy listed in June Ordinary Council Meeting for adoption by Council and implementation by the City of Kalamunda.
11. The Tourism Development Strategy seeks to align with existing City of Kalamunda strategies that set the broader planning context for tourism development in the region, including:
- Kalamunda Clean and Green (2019)
 - Industrial Development Strategy (2018)
 - Public Open Space Strategy (2018)
 - Economic Development Strategy (2017)
 - Kalamunda Advancing - Strategic Community Plan: 2017-2027 (2017)
 - Kalamunda Bicycle Plan (2017)
 - Hills Rural Study 2014 (2015)
 - Local Planning Strategy (2010)
 - Community Development Plan
 - Annual Business Plan & Budget
12. The Tourism Development Strategy also seeks alignment with developing (in-progress) City of Kalamunda strategies that will directly impact tourism development, including:
- Local Planning Strategy amendment
 - Kalamunda Activity Centre
 - Arts and Cultural Policy/ Art in Public Places
 - Kalamunda Clean and Green
 - Environmental Land Use Planning Strategy
 - Rural Planning Strategy
 - Forrestfield North Residential Precinct Local Structure Plan –
 - Forrestfield North Transit Orientated Development Precinct Local Structure
 - Local Commercial and Activity Centres Strategy
13. Over the last five years, Kalamunda has averaged 295,000 visitors a year (source: Tourism Research Australia). 75% are “day visitors”, whilst the remainder are “domestic overnight visitors” (22%) with only 3% comprising international visitors.
- Domestic overnight visitors are most likely to come from Perth or regional WA, day visitors are most likely to come from the eastern regions of Perth, international visitors tend to come from the UK.

Strategic opportunities exist to “convert” day visitors to overnight visitors and increase interstate and international visitor numbers, whilst retaining spend from local visitors.

Average growth in visitor numbers to Kalamunda is around 8.7% each year, with the largest increases reported in domestic overnight visitors (+ 26%) and international visitors (+17%). The over 55 demographic is the main visitor group, making up 36% of all visitors, although Kalamunda is experiencing increasing visitor numbers in the 20-29 age group.

“Visiting Friends and Family” was the major reason for visiting Kalamunda with this accounting for approximately 40% of visitors over the last five years.

14. The value of tourism to the Kalamunda economy is \$112.4 million with an estimated 523 jobs created across industry sectors such as retail, accommodation, cafes/restaurants, and cultural and recreational services.
15. While the Kalamunda economy is not dominated by tourism, it holds huge potential. Kalamunda’s rich diversity of tourism products, if properly developed, invested and managed, can offer a significant boost to the economy through visitor expenditure. As identified in the City’s 2017 Economic Development Strategy: *“With the right mix of proactive product development, destination marketing and destination management activities, Kalamunda can reach its tourism potential.”*
16. The City recognises the important role a Tourism Development Strategy plays in supporting and facilitating direct and indirect economic benefits through the level of expenditure and the number of jobs created in the local area.
17. The City has capacity to provide the most effective support to their local tourism operators by contributing to region-wide marketing, information, planning, research and product development initiatives.
18. The Tourism Development Strategy (Attachment 1) specifies how the City can best allocate its resources to support greater tourism opportunities, fostering further investment and growth.
19. The Tourism Development Strategy aims to provide an achievable, community endorsed plan for the future whilst responding to the challenges and opportunities presented by the current tourism economy in Western Australia.
20. The Tourism Development Strategy was predominantly prepared through community consultation with local tourism operators and the greater community.
21. The Tourism Development Strategy is designed to provide clear direction regarding the five key identified priority areas:
 1. Create and maintain welcoming, inclusive and accessible facilities for visitors to enjoy the natural and built environment.
 2. Leverage Kalamunda’s natural beauty and award-winning attractions to grow destination appeal and recognition.
 3. Develop arts, heritage and culture opportunities that engage creative investment, participation and community pride.

4. Further develop the Kalamunda tourism brand and destination marketing to raise awareness and inspire visitor interest.
5. Encourage an innovative and collaborative tourism industry that supports local business and drives economic growth.

STATUTORY AND LEGAL CONSIDERATIONS

22. *Local Government Act 1995 Section 5.56 Planning for the future:*

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

23. The Tourism Development Strategy is an informing document to enable sustainable tourism planning for the future.

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

27. A significant amount of consultation with the Community was undertaken via the six community workshops.
28. The following methods were employed to promote involvement in the community consultation component:
 - a) Targeted emails – informative and promotional communication was sent through to tourism operators, members of local sporting clubs and community organisations.
 - b) Traditional Media – informative and promotional communication via website, local newspaper advertisements, promotional flyers and the Engage Kalamunda portal.
 - c) Social Media – information and promotional posts were provided via City and local tourism operator networks.

29. The Tourism Community Reference Group Chair – Francesca Flynn provided a presentation for Public Briefing prior to the Ordinary Council Meeting in February 2019.
30. Following the resolution of the Ordinary Council Meeting in February 2019 a 30 day public comment period concluding on 31 March 2019 was promoted to the community. Individual emails were sent out to workshop participants to encourage further input.
31. Since the Council Resolution of February 2019, a total of fifteen formal comments were received. The majority of which were extremely positive.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

34. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

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

Priority 4: Kalamunda Leads

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

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

- 39.
- | | | |
|---|--------------------|---------------|
| Risk: Tourism Development Strategy fails to meet the needs of The City, local tourism operators and community. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Significant | Medium |
| Action/Strategy | | |
| A significant amount of consultation has been undertaken with respect to the needs of the community through the detailed consultation process. Through adoption of the Tourism Community Reference Group, ongoing community engagement has taken place with both tourism operators and the wider community. | | |
- 40.
- | | | |
|--|--------------------|---------------|
| Risk: The Tourism Development Strategy may raise tourism operators and local community expectation regarding activities that may not all affordably be resourced. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | High |
| Action/Strategy | | |
| Ensure tourism operators and community is informed as part of the communications process that all activities are subject to resourcing. | | |

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSES the Tourism Development Strategy (Attachment 1).
2. REQUESTS a report be submitted to Council for the formation of a Tourism Advisory Committee.

10.4. Office of the CEO Reports

10.4.1. Review of Delegations for 2019

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

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

Attachments 1. Draft Register of Delegations from Council [**10.4.1.1**]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

9. The addition of providing for the issue of Infringement Notices is as the result of the approval of the *Commerce Regulations Amendment (Infringement Notices) Regulations 2019* and consequential amendment to the *Building Regulations 2011* – effective from 26 April 2019.

10. The Amendment Regulations will allow for Infringement Notices (modified penalties) to be issued for certain non-indictable offences under the building services legislation. These include:

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

STATUTORY AND LEGAL CONSIDERATIONS

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

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

Limits on delegations to CEOs – S.5.43.

Requirement for review – S.5.46

12. There are also similar delegation provisions in the *Building Act 2011*, *Local Planning Scheme No 3*, *Health Act 1911*, *Dog Act 1976*, *Cat Act 2011* and *Graffiti Vandalism Act 2016*.

POLICY CONSIDERATIONS

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

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

SUSTAINABILITY

Social Implications

18. Nil

Economic Implications

19. Nil

Environmental Implications

20. Nil

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. Notes the review of the delegations.
2. Adopts the delegations detailed in the draft Delegations Register (Attachment 1).

11. Closure