



# Public Agenda Briefing Forum Tuesday 8 December 2020

Notes



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1. **Official Opening**  
 The Presiding Member opened the meeting at 6:32pm and acknowledged the traditional owners of the land on which the meeting is held. The Presiding Member also welcomed Councillors, Staff and member of the public and those watching the meeting via the live streaming platform.

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

**Councillors**

**South East Ward**

John Giardina

Geoff Stallard

**South West Ward**

Lesley Boyd

Mary Cannon (arrived at 8:07pm)

**North West Ward**

Sue Bilich

Lisa Cooper

Dylan O'Connor

**North Ward**

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

**Management Team**

Darren Jones - Manager Community Development

Doug Bartlett - Manager Asset Planning

Nicole O'Neill - Manager Customer & Public Relations

Mandy Skeates - Acting Manager

**Administration Support**

Nadine Popelier - Coordinator Community Services

Dallas Lynch - Coordinator Natural Spaces

Darrell Forrest - Governance Advisor

Adam Parker - IT Support

Donna McPherson - Executive Assistant to the CEO

**Members of the Public 9**

**Members of the Press Nil.**

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**Apologies**

Cr Janelle Sewell  
Cr Brooke O'Donnell  
Cr Cameron Blair

**Leave of Absence Previously Approved** Nil.

**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.

3.2.1 Cr John Giardina declared an interest affecting impartiality in relation to Item 10.4.5 Darling Range Seniors Hub Fee Waiver Request. Cr Giardina is a committee member of the Darling Range Seniors Hub.

3.2.2 Cr Kathy Ritchie declared an interest affecting impartiality in relation to Item 10.4.5 Darling Range Seniors Hub Fee Waiver Request. Cr Ritchie is a committee member of the Darling Range Seniors Hub.

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

4.1 Nil.

**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.*

5.1 Nil.

**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.*

6.1 Nil.

**7. Public Submissions Received in Writing**

7.1 Nil.

**8. Petitions Received**

8.1 Nil.

**9. Confidential Items Announced But Not Discussed**

9.1 Nil.

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**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. Cambridge Reserve Community Enhancement Project - Scheme Amendment No.104 & Concept Plan - Consideration of Submissions**

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

The Director Development Services provided a presentation on this item.

Council sought clarification on various issues around the Concept Plan Submissions. The Director Development Services provided clarification.

Previous Items	OCM240/2017, OCM21/2019 and OCM153/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CM-01/012
Applicant	City of Kalamunda
Owner	State Government – Crown Land

Attachments	1. Amendment 104 Document and Maps [10.1.1.1 - 5 pages]
	2. Concept Plans Option 1 & 2 [10.1.1.2 - 2 pages]
	3. Cambridge Reserve - Summary Report with Technical Appendices [10.1.1.3 - 525 pages]
	4. Submission Table [10.1.1.4 - 13 pages]

**TYPE OF REPORT**

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider:
  - a) Adoption of Local Planning Scheme Amendment 104 (A104) which proposes to transfer approximately 3.47ha of Local Scheme Reserve - Local Open Space to the Urban Development zone (Attachment 1);
  - b) Adoption of the Cambridge Reserve revised Concept Plans (Concept Plan) and summary report (Attachments 2 and 3); and
  - c) Note the submissions received regarding the Concept Plan and A104 during the public advertising period (Attachment 4).
2. The proposal involves rezoning a 3.47ha portion of the reserve to deliver upgrades to the public open space, provide land for an aged care facility, residential development, roads and supporting infrastructure.
3. A104 and the Concept Plans were advertised in October and November 2020. At the conclusion of advertising, 14 written submissions (including five from State Government agencies) and 24 surveys were received (refer Attachment 4 – Submission Table and Summary of Survey Responses).
4. It is recommended that Council note the submissions, adopt the Concept Plans and A104, and forward the documentation to the Western Australian Planning Commission (WAPC) and the Minister for Planning for further consideration.

**BACKGROUND**

- 5. Locality Plan:



- 6. Cambridge Reserve is approximately 8.9ha (89,397m<sup>2</sup>) in size located approximately 500m south-east of the Forrestfield District Centre. The site comprises seven lots owned by the Crown and managed by the City of Kalamunda. The site is zoned Urban under the Metropolitan Region Scheme and Local Scheme Reserve – Local Open Space under Local Planning Scheme No. 3 (LPS3)
- 7. An earlier version of the Concept Plan was adopted by the Council at the 26 February 2019 Ordinary Council Meeting (OCM21/19) for the purposes of progressing further technical studies and to initiate the land transfer process.
- 8. A104 is the next step in initiating the land transfer process as approved by Council in February 2019. The proposed amendment is seeking to change a 3.47ha (34,675.58m<sup>2</sup>) portion currently Local Open Space reserve to the Urban Development zone. Note that the proposed urban development zone is 3.3ha (32,786m<sup>2</sup>) plus a 0.19ha (1,889.58m<sup>2</sup>) portion within the Western Power easement for a proposed road reserve to be created to the north east, which in total equates to the total area of 3.47ha (34,675.58m<sup>2</sup>) of proposed urban development area.



9. In March 2019, the DPLH reviewed the project information and wrote to the City outlining concerns regarding the survey methodology outlined in a previous Level 2 Flora and Vegetation Survey (December 2012) and environmental values on the north-eastern portion of the site, on the advice of the Department of Biodiversity, Conservation and Attractions (DBCA).
10. The City has since engaged an independent environmental consultant to carry out a further flora survey and floristic community type (FCT) analysis in Spring 2019. At the same time, further technical studies commenced. The following list summarises the technical reports completed:
- a) Flora Survey and FCT Analysis;
  - b) Preliminary Environmental Management Plan;
  - c) Geotechnical Report;
  - d) Water Modelling and Local Water Management Strategy;
  - e) Bushfire Management Plan;
  - f) Revised Concept Designs – Options 1 & 2;
  - g) Revised Summary Report;
  - h) Revised Technical Note;
  - i) Revised Landscaping Costings; and,
  - j) Infrastructure and Servicing Report.
- See Attachment 3 – Summary Report with Technical Appendices for more details.
11. The flora survey completed in 2019 confirmed the presence of a Threatened Ecological Community (TEC) in the north-east portion of the site. The concept plan was subsequently re-designed to avoid and protect TEC. Further liaison with the DBCA has confirmed that the additional flora survey, together with the DBCA has confirmed that the additional flora survey, together with a revised Concept Design has clarified the issue to the satisfaction of the DBCA.
12. Revised Concept Plans 1 and 2 were developed (Attachment 2) which can be adapted depending on the preferred lot size of an aged care provider and maintain flexibility. The following summarises the key differences between the two options:
- a) Option 1 incorporates a 1.5ha aged care site
  - b) Option 2 incorporates a 1ha aged care site with a road connecting Mallow Way to the centrally located road proposed in the Concept Plan. This option also proposes additional potential for residential lots to the north-east of the aged care site.

12. At the 25 August 2020 Ordinary Council Meeting Council resolved to adopt A104 and the Concept Plans for public advertising.
12. A104 proposes to rezone 3.47ha of Cambridge Reserve from Local Open Space reserve to an Urban Development zone. The area proposed to be rezoned will not change regardless of whether Concept Plan A or B is chosen because they both have the same developable footprint. This gives an aged care or future developer flexibility to choose a lot size that suits their delivery model.
13. The revised concept plans will inform a Local Structure Plan (LSP) which is to be given due regard when assessing any future subdivision or development approvals for the site. The technical studies completed to-date will support the timely consideration of a Local Structure Plan. It is anticipated that the LSP will be prepared based on and following the expressions of interest received from aged care providers.
14. In 2016, the former Department of Lands (now Department of Planning Lands and Heritage (DPLH)) advised that the site is capable of being transferred under Section 20A / 152 of the Public Recreation Disposal Guidelines subject to specific criteria being met, including community engagement. Since Council's resolution to commence the land transfer process in February 2019, the City has been working through the details of the land transfer process with the DPLH based on the advice received.

#### **Local Planning Scheme Amendment Process**

The *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the process for adopting a standard local planning scheme amendment, which is briefly outlined as follows:

- a) After a period of public advertising for a minimum of 42 days the local government must pass a resolution to:
  - i. Support the amendment without modification;
  - ii. Support the amendment with proposed modifications to address issues raised in the submissions; or,
  - iii. Not support the amendment.
- b) Within 21 days of the resolution by Council local government must forward the proposed amendment and supporting information to the WAPC.
- c) The WAPC must consider the documents and provide a recommendation to the Minister within 60 days.

- d) Should the Minister approve the amendment a notice is required to be published in the Government Gazette, after which the amendment is given effect.

#### DETAILS AND ANALYSIS

- 15. A104 and the Concept Plans were advertised in October and November 2020. At the conclusion of advertising, 14 written submissions (including five from State Government agencies) and 24 surveys were received (refer Attachment 4 – Submission Table and Summary of Survey Responses).
- 16. From the 14 written submissions (37%) and 24 surveys (63%) received (38 responses in total), 25 (66%) indicated no objection, eight (21%) raised objection, and five (13%) comments did not indicate either objection or non-objection regarding the Concept Plans and A104.
- 16. Of the submissions/surveys received objecting to the proposal, the key reasons for objection include but are not limited to:
  - a) The proposal results in reduced overall area of public open space (POS) in the Forrestfield locality;
  - b) Selling off POS for an aged care development is compromising access to nature for future generations;
  - c) Further fragmentation of remaining POS;
  - d) The park currently provides valuable habitat for Black Cockatoos and other local wildlife;
  - e) Residents enjoy the existing tranquillity, wilderness and the local plants and wildlife of the reserve;
  - f) The proposal does not adequately outline the landscaping upgrades to the remaining reserve;
  - g) The proposal will increase traffic in the area; and
  - h) Nearby Lincoln Road Reserve should be upgraded instead.
- 17. The following summarised comments and recommendations for improvement were provided in the submissions and surveys:
  - a) More public open space improvements to support recreational, physical, health and social needs of the community;
  - b) Well-lit walking and cycling paths;
  - c) Co-located community facilities;
  - d) Access to locally grown healthy nutritious food through a community garden;
  - e) Relocation of the playground away from the stormwater basin to avoid mosquitos in wet season;
  - f) Provide public access from Moira Ave;

- g) Ensure adequate easy access parking is provided;
- h) Removal of the half basketball court due to noise concerns;
- i) Addition of CCTV to prevent anti-social behaviour;
- j) Ensuring road reserves are managed to a high quality;
- k) Installing bollards to prevent parking on the road reserve and access by vehicles such as motorcycles;
- l) A high-quality nature-based playground with trees for shade;
- m) A co-located café next to the playground;
- n) A smaller playground located closer to Anderson Road or another area to avoid congestion of the playground during busy times;
- o) Playground should be designed for children of varying ages;
- p) Beautification of areas that adjoin the reserve;
- q) Public toilets, and;
- r) Old fences should be replaced to be consistent and graffiti-proof.

18. Most of the suggestions for improvement relate to the detailed landscaping design phase which will be prepared subject support of A104 by the WAPC and approval of the Minister for Planning. As such there is no proposed modification to A104 or the Concept Plans at this time. Notwithstanding, the consultation provided important information that will inform further detailed phases of the planning process.

19. In regard to the two Concept Plan options advertised, 15 (39%) of all responses indicated a preference for 'Concept Plan - Option B' with the smaller 1ha aged care site and road connection to Mallow Way, while the second highest number of responses indicated no preference for either option and no preference noted, with 8 (21%) responses. A summary of responses is provided in the below table:

	Number of written submissions / surveys
Option A	6 (16%*)
Option B	15 (39%*)
Both	1 (3%*)
Neither	8 (21%*)
No preference noted	8 (21%*)

*\*Rounded to the nearest 1%*

20. It is beneficial to understand the community's views on the preferred concept plan to inform a future expressions of interest process for the aged care site. However, an officer recommendation on preference has not been identified at this time as the concepts should remain flexible to enable interested developers or aged care providers to present proposals that meet both commercial requirements and the City's vision and objectives for the site.

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21. Five written submissions were received from State Government agencies; Department of Water and Environmental Regulation, Department of Communities, Department of Health, Department of Education, and Water Corporation. None of the comments received from these agencies raised significant concerns with the proposal, and recommendations for improvement have been included for consideration at the detailed design stage.
22. A detailed landscaping plan will be prepared which will have regard for the recommended design changes received during advertising. This will be presented for the Council's further consideration as designs progress.
23. A future Structure Plan is expected to be prepared based on the expressions of interest received from developers and aged care providers.

#### **APPLICABLE LAW**

24. The *Planning and Development Act 2005* states that if a local government resolves to prepare a standard amendment to a local planning scheme under regulation 35(1) the local government must prepare a notice for the WAPC giving reasons for consideration as a standard amendment prior to undertaking public advertising. The City provided the WAPC with this information prior to commencing advertising.
25. The EPA response received 22 Sept 2020 outlined a decision that the A104 not be assessed under Part IV of the *Environmental Protection Act*.
26. The *Planning and Development (Local Planning Schemes) Regulation 2015*; Part 5, Div.1, s34 outlines the reasons the proposal is considered a standard local planning scheme amendment. In summary the applicable reasons the proposed scheme amendment is considered a standard amendment, is because:
  - a) The amendment is consistent with the City of Kalamunda Local Planning Strategy 2010 (Endorsed by the WAPC in 2013) strategic action to provide housing for the ageing population with an initiative to rezone land for well-located aged care facilities.
  - b) The amendment is consistent with the Metropolitan Region Scheme Urban zone, that provides for areas in which a range of activities are undertaken including residential, commercial, and recreational land uses.
  - c) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
  - d) The amendment is not a complex or basic amendment.

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27. The *Lands Administration Act 1997* outlines the process for the transfer of Crown land in fee simple.

#### **APPLICABLE POLICY**

28. WAPC Development Control Policy 2.3 – Public Open Space in Residential Areas outlines the process for ceding public open space at the time of subdivision. The policy recognises that there may be occasions where discretion is warranted in the operation of the policy to secure better land utilisation for public benefit (Part 4.1.2)
29. In 2016, the former Department of Lands (now DPLH) advised that the site is capable of being transferred under Section 20A / 152 of the Public Recreation Disposal Guidelines subject to specific criteria being met, including community engagement. The City is currently working through the details of the land transfer process with the DPLH based on the advice received.
30. The City, through the concept development process has satisfied the criteria advised by the then Department of Lands (now DPLH), this included but is not limited to:
- a) Sign post the affected reserve to indicate the change.
  - b) Advertise the proposal in a local newspaper.
  - c) Notify landowners by mail and outline the feedback received.
  - d) Provide a summary of the results to the DPLH.
  - e) Provide DPLH with details and evidence of the level of public
  - f) consultation undertaken together with the results.
  - g) Provide DPLH with comments from the DPLH – Land Use Planning
  - h) Division.

#### **STAKEHOLDER ENGAGEMENT**

31. At the 25 August 2020 Ordinary Council meeting, Council resolved to initiate advertising of the revised Concept Plans and A104.
32. The City advertised A104 in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This involved a notice in the local newspaper, hard copies being made available at the Administration Building, letters to affected landowners and occupiers, and a notice on the City's website.
33. The Concept Plan was advertised using similar methods to A104, as outlined in Local Planning Policy 11 – Public Notification of Planning Proposals. Notably, letters were sent to landowners and occupiers within 800m of Cambridge Reserve.

34. A total of 38 responses were received, comprising 14 written submissions and 24 completed surveys. This is further discussed in the Details and Analysis section of this report (refer also to Attachment 4 - Submission Table and Summary of Survey Responses).

#### **FINANCIAL CONSIDERATIONS**

35. The cost of advertising for the proposed A104 was met through the existing Development Services budget.
36. The cost of technical studies to date have been met by the previous annual municipal budget approved by Council. Should the project be recommended to progress, it is likely to result in a need for further technical studies and detailed design which will be put to Council as a separate consideration as part of the annual budget review or as A104 progresses beyond Council adoption.
37. Subject to adoption of A104 by the Minister, the City will be required to initiate a land transfer arrangement with the DPLH. The land transfer may involve a proportional cost to acquire the land, based on estimated land value and an agreed rate with the DPLH. A Council report detailing the land transfer cost, appropriate public notification of a major land transaction and conditions will be prepared for Council's future consideration at the appropriate time.

#### **SUSTAINABILITY**

##### **Social Implications**

38. A104 will result in the rezoning of a portion of Cambridge Reserve to facilitate an aged care facility and residential lots, providing accommodation for a demographic who might not otherwise have the opportunity to remain in the local area.
39. A104 will facilitate improvements to the public open space, supporting recreational and social interactions through the playground, walking paths, seating and BBQ areas.

##### **Economic Implications**

40. The rezoning of a portion of Cambridge Reserve will generate the funds necessary to upgrade the public open space, and provide an unconstrained site suitable for sale to an aged care provider.

**Environmental Implications**

- 41. A104 will result in the reduction of public open space and, through future subdivision and development works, clearing of native vegetation within the area proposed for Urban Development.
- 29. The proposal will simultaneously provide opportunity to rehabilitate and improve areas noted for retention which includes TEC's and potential cockatoo habitat trees.

**RISK MANAGEMENT**

42.

<b>Risk:</b> A104 is not adopted resulting in no upgrades to the POS, no aged care site or residential lots.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Adopt A104 for forwarding to the DPLH for consideration.		

43.

<b>Risk:</b> A104 results in the removal and further fragmentation of POS.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
City to prepare a detailed landscaping plan based on the preliminary Environmental Management Plan outlining fencing, setback distances, rehabilitation, design and maintenance for remaining conservation and POS areas.		

44.

<b>Risk:</b> The DPLH do not proceed with or support the land transfer and the project does not proceed		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Major	Possible	High
<b>Action/Strategy</b>		
Clearly articulate the process followed in accordance with the advice from the Department of Lands (now DPLH).		



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## CONCLUSION

45. The proposed Scheme Amendment proposes to change a 3.47ha (34,675.58m<sup>2</sup>) portion of the site from Local Open Space reserve to an Urban Development zone.
46. The portion of the reserve subject to the amendment relates to the areas shown as aged care, residential and road reserves on the Concept Plans, while the balance will be retained as a Local Open Space reserve.
47. Having regard to the above and submissions received, it is recommended that Council adopts A104 for the purpose of forwarding to the WAPC and subsequently to the Minister for Planning for approval.

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

That Council resolves to:

1. NOTE submissions received during public advertising.
2. ADOPT Cambridge Reserve Local Planning Scheme Amendment 104 to Local Planning Scheme No. 3 for a portion of Lots 2346 and 12366 York Street, Lot 7876 Cambridge Road, Lots 2850 and 3487 Moira Avenue, Lot 1 Anderson Road and Lot 9835 Mallow Way, Forrestfield, in accordance with Attachment 1, pursuant to section 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for forwarding to the Western Australian Planning Commission within 21 days of resolution.
3. ADOPT Cambridge Reserve Concept Plans Option 1 and 2 in accordance with Attachments 2 and 3 for the purpose of guiding future development of the site.

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**10.1.2. Metropolitan Region Scheme (MRS) Amendment 1377/57 - Forrestfield North Environmental Conservation Areas - City of Kalamunda Submission**

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

The Director Development Services provided a presentation on this item.

Council sought clarification in relation to aspects of the report. This information was provided by the Director Development Services.

Previous Items	SCM 232/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035 / 4.00009461
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. City of Kalamunda Submission - MRS 1377/57 Forrestfield North Environmental Conservation Areas [<b>10.1.2.1</b> - 1 page]</li> <li>2. MRS 1377-57 Amending Plan [<b>10.1.2.2</b> - 1 page]</li> <li>3. MRS 1377-57 Amendment Report [<b>10.1.2.3</b> - 52 pages]</li> </ol>

**TYPE OF REPORT**

- Advocacy**      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive**      When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 2: Kalamunda Clean and Green

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

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

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

### Priority 3: Kalamunda Develops

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

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

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a submission (Attachment 1) on the proposed Metropolitan Region Scheme (MRS) Amendment 1377/57 (Amendment), which proposes to transfer 10.2 ha of the Conservation Areas identified by the Forrestfield North Residential Precinct Local Structure Plan (LSP), to the Parks and Recreation reservation (P&R).
2. The Amendment facilitates the protection of areas of high biodiversity value, as identified through the preparation of the Residential Precinct LSP. The amendment will also enable landowners to enter into negotiations with the Western Australian Planning Commission (WAPC) for the land to be purchased.
3. It is proposed that Council endorse the submission and request the Chief Executive Officer to forward the submission to the WAPC. It should be noted that an interim submission, which is consistent with Attachment 1 has been sent to the WAPC to meet the 4 December 2020 submission deadline. The WAPC has agreed to receive the final submission after Council has considered the matter at the Ordinary Council Meeting on 22 December 2020.

**BACKGROUND**

4. **Land Details:**

Residential Precinct Land Area:	117.80ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

5. **Locality Plan:**



6. In June 2014, the State Government initiated the Forrestfield-Airport Link and, subsequently, the City began investigating the surrounding areas for planning and land use opportunities as requested by the State Government.

7. In 2015, the District Structure Plan (DSP) area was amended from Rural to Urban under the MRS. The Environmental Protection Authority (EPA) identified the following environmental factors relevant to the LSP area:

- a) Flora and vegetation- Wavy-leaved Smokebush (*Conospermum undulatum*); and
- b) Terrestrial fauna- Remnant vegetation providing roosting, foraging and potential breeding habitat for Carnaby's and Forest Red-tailed Black Cockatoos and the Quenda/Southern Brown Bandicoot.

8. The EPA advised that it is expected the Local Planning Scheme No. 3 (LPS3) text, as part of a future amendment, be modified to include provisions which would contain:  
*“...specific mechanisms and adequately secure, protect and manage the significant environmental values within the amendment area”.*
9. In 2016, the City prepared Amendment 75 to LPS3 to rezone the DSP area from Light Industry, Industrial Development and Special Rural to Urban Development. Amendment 75 was referred to the EPA. Amendment 75 was not formally assessed but advice was given.
10. The EPA provided the following advice (summarised):
- a) The EPA expects that further detailed management plans and LPS3 provisions be provided to protect flora prior to the finalisation of the LSP;
  - b) The protection of declared rare flora, associated habitat, threatened fauna habitat, and low representation vegetation complexes in appropriately sized retention areas for conservation purposes. These retention areas shall be informed by Level 2 Flora and Vegetation and Fauna Surveys in accordance with EPA Guidance Statements 51 and 56 (or as revised), and targeted for Declared Rare Flora and threatened fauna, and associated habitat. The retention area size, location, protection and management mechanism shall be subject to OEPA advice prior to the WAPC endorsement of the LSP;
  - c) All future subdivision and development proposals must be consistent with the retention areas agreed.
11. After extensive consultation and various meetings and iterations of the LSP, the EPA advised of the priority of key environmental factors and their required retention within the LSP area. This guidance was considered “Preliminary State biodiversity advice” prior to formal consideration of the LSP. The advice received incorporated the following (summarised):
- a) Retention of intact and good condition areas of Wavy-leaved Smokebush plants which are viable in the long-term;
  - b) That a functional ecological linkage between the Sultana Road West Bush Forever site and Poison Gully Creek be provided to assist in maintaining the ecological viability of both sites, and that the intervening retained areas within the corridor are important design elements for the LSP.
12. In September 2016, the Forrestfield North DSP was approved by the WAPC to guide the structure, vision and objectives of future urban development for the area.

13. In April 2018, the draft Forrestfield North Residential Precinct LSP was adopted for advertising.
14. At the 3 December 2018 Special Council Meeting (SCM), Council adopted a number of modifications to the advertised version of the LSP.
15. At the 3 December 2020 SCM, Council resolved to request that the WAPC initiate a MRS Amendment to transfer the properties identified on the LSP for Environmental Conservation on the LSP from the 'Urban' zone to the 'Parks and Recreation' Regional Reserve.
16. On 28 March 2019, the WAPC advised the City that consideration of the LSP was on a 'stop-clock' status and that any decision on the LSP would be deferred for 18 months until the MRS Amendment request was progressed. The City did not agree with this position and wrote to the WAPC requesting that this position be reconsidered. The WAPC subsequently reconsidered the matter and advised the application would be considered by the Statutory Planning Committee (SPC).
17. On Tuesday 28 May 2019, the SPC reviewed the application and resolved to defer the application until October 2019. The primary outstanding issue concerning the LSP at the time, from the WAPC's perspective, was in relation to environmental matters, specifically the manner in which the Environmental Conservation areas identified on the LSP will be protected, managed, purchased and maintained into the future.
18. The WAPC also informed the City of Kalamunda (The City) that the final structure plan approval could only occur after an MRS Amendment approval had been granted for the Environmental Conservation areas to be reserved to Parks and Recreation, or provide an alternative way to manage and protect regionally significant vegetation.
19. The City considered these issues had been addressed within the LPS and that no suitable alternative funding and acquisition option, besides the progression of an MRS amendment, was available. As the WAPC did not determine the application within the allowable 120 days the Council, at the 28 May 2019 Ordinary Council Meeting (OCM), considered the deferral as a deemed refusal and resolved to seek a review (appeal) of the decision through the State Administrative Tribunal (SAT).
20. On 11 September 2019, the City's officers and members from Council attended a SAT mediation on the LSP. Also, in attendance were officers from the DPLH, officers from the State Solicitors Office (SSO) and a member from the SAT.

21. Following the mediation, the SAT issued orders requiring the DPLH to provide information on a review of the environmental assessments within the LSP for the City's consideration by 14 October 2019. The next mediation was scheduled for 31 October 2019.
22. The review of the environmental assessments within the LSP was provided on the 14 October 2019. In summary, the review highlighted the following key outcomes:
- a) The proposed environmental conservation outcomes are anticipated to satisfy the state level offset requirements of the *Biodiversity and Conservation Act 2016*.
  - b) The proposed environmental conservation outcomes indicate that a substantial portion of the potential future offset requirements in relation to impacts of Matters of Nation Environmental Significance could be achieved.
  - c) It is important that appropriate funding and management mechanisms are determined for the acquisition, ongoing management and enhancement of the identified environmental conservation values.
  - d) Statutory planning mechanisms recommended to protect the environmental values include the MRS amendment and Local Open Space reservations under the LPS3.
  - e) There is likely to be a shortfall in terms of federal level potential future *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) offset requirements. As such, there is merit in exploring a mechanism to link the LSP environmental conservation outcomes with future individual EPBC Act requirements. In this regard, it was recommended that the State Government develop an informal system / framework. It was acknowledged that there is no statutory responsibility for the local government or the LSP to undertake this task.
  - f) To develop this system and encapsulate the procedural requirements (including statutory protection under the MRS) to secure the environmental values, it was recommended to prepare a Strategic Conservation Management Plan (SCMP).
23. The outcomes of the review of the environmental assessments did not result in any significant changes to the proposed environmental outcomes envisaged by the LSP. The review reaffirmed the City's proposal to reserve areas identified as environmental conservation as P&R under the MRS to allow the State Government to purchase the subject properties through the Metropolitan Region Improvement Fund (MRIF).

24. Notwithstanding the outcomes of the review of the environmental assessments, there remained uncertainty regarding mechanisms for purchasing private land with identified environmental values. This matter was not explicitly addressed in the review of the environmental assessments.
25. On 31 October 2019, the City's senior staff, Mayor and Deputy Mayor attended a scheduled SAT mediation on the LSP. Also in attendance were officers from the DPLH, officers from the SSO and a member from the SAT. Positive progress was made and potential modifications to the LSP were discussed during the mediation.
26. Following the mediation, the SAT issued orders inviting the WAPC to reconsider its decision (deferral) by the 10 December 2019.
27. The SPC considered the Residential Precinct LSP on 10 December 2019 and approved a series of modifications including the preparation of a SCMP that outlines:
- a) Proposed environmental conservation areas are to be protected initially under a Planning Control Area (PCA) and ultimately under the MRS as P&R Reserves;
  - b) Proposed local open space areas are to ultimately be managed under the City of Kalamunda LPS3, which requires development to be generally in accordance with the LSP;
  - c) Environmental conservation areas and local open space are to be managed and protected as described by the approved SCMP and Management Agreement
28. On 27 July 2020 the WAPC approved the Residential Precinct LSP which included the SCMP and Management Agreement, prepared in liaison with the City.
29. On 22 July 2020 the WAPC resolved to initiate the MRS Amendment to reserve the environmental conservation areas within the Residential Precinct LSP as P&R. Due to the commencement of the MRS Amendment, a PCA was no longer required and not progressed.
30. Advertising of the MRS Amendment was commenced on 29 September 2020.

#### **DETAILS AND ANALYSIS**

31. The MRS Amendment proposes to reserve 10.2 ha of land identified as environmental conservation under the Residential Precinct LSP as P&R (Attachment 2).



32. The areas proposed to be reserved are consistent with the areas identified on 3 December 2018 when the Council resolved to request the WAPC to initiate the subject MRS Amendment.
33. The key components of the submission (Attachment 1) prepared by the City are outlined below:
- a) The City supports the MRS Amendment;
  - b) The City notes that the SCMP and Agreement prepared as supporting documents to the LSP outline the mechanisms to be put in place to enable protection of the environmental values in the area;
  - c) The City appreciates the efforts of the relevant stakeholders in facilitating the mechanisms in which the values are to be protected; and
  - d) The City recommends the MRS Amendment is progressed as a matter of priority to achieve the intended environmental protection of Environmental Conservation land, to align with the approved Residential Precinct LSP and to provide landowners with greater certainty on the future of their land.
34. The Amendment includes a minor mapping adjustment where a small area which is zoned as Rural under the MRS is proposed to be rezoned to Urban. It is recommended as part of the submission that the City request the WAPC to do a concurrent LPS3 Amendment to rezone this portion of land from Special Rural to Urban Development. Under the LSP, this portion of land is identified as Local Open Space and Local Road. Therefore the amendment will bring the MRS and LPS 3 into alignment with the intent of the LSP.
35. The Amendment facilitates the protection of areas of high biodiversity value, as identified through the preparation of the Residential Precinct LSP. The amendment will also enable landowners to enter into negotiations with the Western Australian Planning Commission (WAPC) for the land to be purchased.
36. The City has prepared and sent to the WAPC an interim submission to meet the 4 December 2020 deadline. The City will send the Council endorsed submission following the resolution at the 22 December 2020 OCM.

**APPLICABLE LAW**

37. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.

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38. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC. The process for compensation or land acquisition, through the MRIF, is able to be triggered should the WAPC refuse, or grant approval with unacceptable conditions, if the land is injuriously affected.

#### **APPLICABLE POLICY**

39. **State Planning Policy 2 Environment and Natural Resources Policy**  
A guide for natural resource management to assist in integrating the environment with broader land use planning. Provides guidance for local governments in relation to soil, water and air quality, as well as biodiversity among other environmental aspects. Part 5.5 (i) a. relating to biodiversity suggests planning strategies, schemes and decision making should consider mechanisms to protect high areas of biodiversity including zoning as a conservation park or other reserve.
40. **State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region**  
The Bushland Policy 2.8 is a document which provides a framework for identifying areas of high conservation value in Bush Forever areas and local bushland, and provides general policy measures to secure long-term protection of biodiversity and associated environmental values.

#### **STAKEHOLDER ENGAGEMENT**

41. Advertising of the MRS Amendment was commenced on 29 September 2020 and closed on 4 December 2020.

#### **FINANCIAL CONSIDERATIONS**

42. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the Conservation Areas will remain with the landowners until these areas are appraised and/or acquired by the WAPC and managed by the City.
43. In accordance with the SCMP and Management Agreement, the City is to become the management body of the Conservation Areas once the land is acquired and management handed over to the City. Management of these areas will need to be factored into the City's annual budget.

**SUSTAINABILITY**

- 44. Reclassifying the Environmental Conservation areas as P&R Reserves will initiate the formation of a part of the 'green link' in the Residential Precinct LSP which has significant health benefits for surrounding residents. Health benefits may include improved physical activity, positive mental health including stress relief, connection to local culture and history, improved amenity, and opportunity for social interaction.
- 45. Should the conservation areas be rezoned P&R under the MRS it would give landowners a clear process regarding purchase of the relevant portion of their land by the State Government through the MRIF.
- 46. Reclassifying the Environmental Conservation areas to P&R Reserves will prevent the areas from further degradation due to urban development or other land uses and protect and preserve rare flora found nowhere else in the world and locally unique to the Swan Coastal Plain.

**RISK MANAGEMENT**

47.	<p><b>Risk:</b> The WAPC does not approve the MRS Amendment resulting in environmental values not being protected and landowners uncertain about the sale of their property.</p>		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Critical	High
	<b>Action/Strategy</b>		
	Endorse the submission supporting the MRS Amendment and send to the WAPC.		

**CONCLUSION**

- 48. The proposed MRS Amendment is consistent with the resolution of Council at the 3 December 2018 SCM to request the WAPC to initiate the MRS Amendment to reserve land identified as Environmental Conservation under the Residential Precinct LSP as P&R.
- 49. The Amendment facilitates the protection of areas of high biodiversity value, as identified through the preparation of the Residential Precinct LSP. The amendment will also enable landowners to enter into negotiations with the Western Australian Planning Commission (WAPC) for the land to be purchased.

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

That Council:

1. ENDORSE the City of Kalamunda submission in relation to the Metropolitan Region Scheme Amendment 1377/57 provided Attachment 1.
2. REQUEST the Chief Executive Officer forward the City of Kalamunda endorsed submission in relation to the Metropolitan Region Scheme Amendment 1377/57 to the Western Australian Planning Commission.

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### 10.1.3. City of Kalamunda Extractive Industries Local Law 2021

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

The Director Development Services provided a presentation on this item.

Previous Items	OCM 176/2020
Directorate	CEO's Office
Business Unit	Governance and Legal
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	1. City of Kalamunda Extractive Industries Local Law 2021 [O44Z] [10.1.3.1 - 20 pages]

#### TYPE OF REPORT

- Advocacy      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive      When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information      For Council to note
- Legislative      Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### STRATEGIC PLANNING ALIGNMENT

*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.

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### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider making the City of Kalamunda Extractive Industries Local law 2021.
2. The statutory process commenced on the 22 September 2020 at the Ordinary Council Meeting when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal.
3. It is recommended Council note the submissions and make the *City of Kalamunda Extractive Industries Local Law 2021* as outlined in Attachment 1.

### BACKGROUND

4. Section 3.16 of the *Local Government Act 1995* (Act) requires Local Laws to be reviewed every eight (8) years.
5. The current local laws were gazetted in 1963, with minor amendments in 1975, 1982 and 1988 and due for review, requiring updating to meet current requirements and to make for a more efficient local law.
6. At the Ordinary Council Meeting on 22 September 2020, Council resolved to commence the process to repeal the current local law.

### DETAILS AND ANALYSIS

7. Local Public Notice of the proposed local law seeking submission was published on 9 October 2020, submissions closed on 20 November 2020, with no submissions being received.
8. The proposed local law has been updated to reflect a more modern approach to current local government standards for extractive industries and to ensure all legislative and Australian Standards references are current.
9. The only amendment to the draft local law presented to Council in September 2020 and the final local law is a change to the title from "2020" to "2021", to reflect the year of gazettal as per the requirements of the Joint Standing Committee on Delegated Legislation.

### APPLICABLE LAW

10. *Local Government Act 1995*

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**APPLICABLE POLICY**

- 11. Nil.

**STAKEHOLDER ENGAGEMENT**

- 12. As required by the Act, local public notice of the Councils intention to make the local law was provided to the community.
- 13. No submissions were received during the statutory 42 day advertising period.

**FINANCIAL CONSIDERATIONS**

- 14. The cost of gazetting the local law will be met from current operational budgets.

**SUSTAINABILITY**

- 15. Environmental management requirements in the local law are designed to mitigate any impacted from extractive industry activity.

**RISK MANAGEMENT**

16.	<b>Risk:</b> The proposed new local law is not approved resulting in outdated local laws for the regulation of extractive industries.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure Council is aware that the legislation requires a review of Local Laws every eight (8) years		

**CONCLUSION**

- 17. The proposed *City of Kalamunda Extractive Industries Local Laws 2021* provides for the orderly and effective management of extractive industries within the City.

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**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council MAKE the City of Kalamunda Extractive Industries Local Laws 2021 as set out in Attachment 1.



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### 10.1.4. City of Kalamunda Dog Local Law 2021

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

The Director Development Services provided a presentation on this item.

Council sought clarification on the comment in relation to requesting further investigation in relation to dog exercise areas. The Director Development Services provided explanation as to the reason for the inclusion of this within the recommendation.

Previous Items	OCM 50/2010
Directorate	Development Services
Business Unit	Community Safety
File Reference	3.009297
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. City of Kalamunda Dog Local Law 2021 [10.1.4.1 - 23 pages]
	2. List of Dog Exercise and Prohibited areas [10.1.4.2 - 4 pages]
	3. Submission List [10.1.4.3 - 4 pages]
	4. Changes to Dog Local Law [10.1.4.4 - 10 pages]

#### TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcome of public submissions with respect to the draft City of Kalamunda (City) Dogs Local Law 2021.
2. The statutory process commenced on the 23 June 2020 at the Ordinary Council Meeting when Council resolved to give public notice of its intention to make the new Local Law and seek submissions on the proposal.
3. It is recommended Council note the submissions and make the *City of Kalamunda Dog Local Law 2021* as outlined in Attachment 1.

## BACKGROUND

4. Section 3.16 of the *Local Government Act 1995* (WA) (Act) requires Local Laws to be reviewed every eight (8) years. The City's review of the *Shire of Kalamunda Dog Local Law 2010* identified improvements now contained in the proposed local law.
5. The current *Shire of Kalamunda Dog Local Laws 2010* gazetted on 19 April 2010 are due for review and require updating to meet current requirements and to make for a more efficient local law.
6. At the Ordinary Council Meeting on 23 June 2020, Council resolved to commence the process to repeal the current local law.
7. Local Public Notice of the proposed local law seeking submission was published on 10 July 2020, submissions closed on 28 August 2020, with a total of eleven submissions *Ref (Attachment 3)*.

- 8. As part of the local law review, the proposed draft has been updated to reflect a more modern approach and current local government standards that align with recent amendments made to the *Dog Act 1976*.
- 9. An important change to the current local law is Local Government will be able to designate Dog Exercise Areas and Prohibited Areas by resolution of the Council.
- 10. It has been noted in the submissions, there has been commentary relating to the current exercise and prohibited areas. It is the City's intention to conduct a separate review and community consultation of exercise and prohibited areas within the City following the making of this local law. In the interim, it is recommended to maintain all current dog exercise and prohibited areas for regulatory purposes (Attachment 2).
- 11. Following the construction of a dog exercise park within the Hales and another under construction, it is recommended to include these parks in the current dog exercise areas Register.

<b>Reserve Name</b>	<b>Address</b>
Elmore Way Park	24 Elmore Way, High Wycombe
Crimson Boulevard Dog Park	74 Crimson Boulevard, Forrestfield

- 12. The submission period has concluded, the Minister of Local Government has been informed and the proposed changes have been included.

**DETAILS AND ANALYSIS**

- 13. The submissions received included ten from the community and 1 from the Department of Local Government, Sport and Cultural Industries.
- 14. Two submissions referred to removing restrictions at Stirk Park, Kalamunda from dog prohibited to dogs being allowed on leash. One other submission referred to Davies Park, High Wycombe and changing from dog on leash to a dog exercise area.
- 15. It is proposed to conduct a separate review of dog prohibited and dog exercise areas as a result of these submission's and separate to the making of this local law.
- 16. Two submissions referred to dog excrement and proposing higher penalties or alternative methods such as DNA testing. This proposed local law has a modified penalty for dogs excreting in a public place of \$100, which is an increase of \$60 from the 2010 local law which had a modified penalty of \$40.

17. One submission referred to nuisance dogs and barking and requesting that Council have a law allowing verbal complaints. This local law does not deal with barking dogs as that is contained within the *Dog Act 1976*. Section 38(2) states that a person may lodge a complaint in a prescribed form with an authorised person, alleging that a dog is a nuisance.
18. A further submission referred to not making it too onerous or complicated for people whose only companionship is a small dog, particularly older people. This local law allows people to keep up to two (2) dogs over the age of (3) months without approval and in accordance with section 26(4) of the Act.
19. One submission referred to Cat Local Laws. This local law does not deal with cats however following a notice of motion at the 28 July 2020 Ordinary Council Meeting, a review into Cat local laws is currently underway.
20. Two further submissions, one in relation to Council considering the big issues and another an objection to any form of local law at all were received and noted.
21. Finally, the submission received from the Department of Local Government, Sports and Cultural Industries was in relation to minor edits and grammatical in nature.
22. Further review regarding limitation on the number of dogs allowed it has been decided to maintain the current limit which is 2 dogs per property unless an exemption is granted.
23. On review of these submissions appropriate changes have been made in line with the Ministers comments as well as further minor changes on recommendations from Community Safety Services. *Ref (Attachment 4)*
24. Title change of the Dog Local Laws 2020 has been amended to the City of Kalamunda Dog Local Laws 2021 in order to allow the time to comply with administrative requirements of the Joint Standing Committee and the fact the local law will be gazetted in early 2021.

#### **APPLICABLE LAW**

25. Section 3.12 (4), (5), (6) and (7) of the Act provides for the statutory procedure that the City must follow in the making of a new local law.
  - a. After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or

make a local law that is not significantly different from what was proposed.

- b. After making the local law, the local government is to publish it in the *Gazette* and give a copy to the Minister and, if another minister administers the act under which the local law is proposed to be made to that other Minister
- c. After the local law has been published in the *Gazette* the local government is to give local public notice:
  - i. Stating the title of the local law.
  - ii. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - iii. Advising that copies of the local law may be inspected or obtained from the local government's office.

The Minister may give directions to local governments requiring them to provide to the parliament copies of the local laws they have made and any explanatory or other material relating to them.

#### **APPLICABLE POLICY**

26. Nil

#### **STAKEHOLDER ENGAGEMENT**

27. The advertising period commenced on the 10 July 2020 to 28 August 2020, with a total of 11 submissions being received.

#### **FINANCIAL CONSIDERATIONS**

28. Administrative costs associated with the creation of the local law are met through the annual budget.

#### **SUSTAINABILITY**

##### **Social Implications**

29. Dogs are companion animals and can have positive impacts on people's health and wellbeing. However, regulation is required to ensure dog behaviours can be controlled so as not to create a nuisance.

##### **Economic Implications**

30. Nil

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**Environmental Implications**

Nil

**RISK MANAGEMENT**

31.	<b>Risk:</b> The proposed new local law is not approved resulting in outdated local laws for the regulation of dog ownership.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Medium
	<b>Action/Strategy</b> Ensure Council is aware that the legislation requires a review of Local Laws every eight (8) years.		

**CONCLUSION**

- 32. The proposed *City of Kalamunda Dog Local Laws 2021* provides for the orderly and effective management of dogs within the City.
- 33. A further review and community consultation will be conducted into dog exercise and dog prohibited areas following the making of this local law.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council:

- 1. MAKE the City of Kalamunda Dog Local Laws 2021 as set out in Attachment 1.
- 2. APPROVE the reserves as identified in Attachment 2 be specified either a Dog Exercise Area or Dog Prohibited Area as stated within the attachment.
- 3. SPECIFY that Elmore Way Park, located at 24 Elmore Way, High Wycombe and Crimson Boulevard Dog Park, located at 74 Crimson Boulevard, Forrestfield be specified as a Dog Exercise Areas.
- 4. REQUEST that the Chief Executive Officer undertake a further review and community consultation into dog exercise and dog prohibited areas and report these finding back to Council.

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### 10.1.5. City of Kalamunda Local Emergency Management Arrangements 2020

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

The Director Development Services provided a presentation on this item.

Council sought clarification on some aspects of the Arrangements. The Director Development Services provided the information to satisfy the queries.

Previous Items	OCM 136/2013
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	EM6-LEMA
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. City of Kalamunda Local Emergency Management Arrangements v1 2 FULL DOCUMENT [10.1.5.1 - 168 pages]</li> <li>2. Signed LEMA Acknowledgement Letter - City of Kalamunda [10.1.5.2 - 2 pages]</li> </ol>

#### TYPE OF REPORT

- Advocacy      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive      When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information      For Council to note
- Legislative      Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 1: Kalamunda Cares and Interacts

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to endorse the City of Kalamunda – Local Emergency Management Arrangements (LEMA) (Attachment 1).
2. The LEMA documents the emergency management arrangements to ensure full understanding of roles and responsibilities between agencies and stakeholders involved in managing emergencies within the City of Kalamunda (City).
3. It is recommended that Council endorse the LEMA.

## BACKGROUND

4. The current Shire of Kalamunda – LEMA was endorsed by the City of Kalamunda Local Emergency Management Committee (LEMC) on 28 May 2013.
5. The arrangements were tabled at the then East West Metropolitan District Emergency Management Committee and later tabled for noting and comment of the Shire of Kalamunda September 2013 General Services Meeting.
6. As the current LEMA is greater than 5 years old a major review and consultation process was commenced.

## DETAILS AND ANALYSIS

7. The City is required under the *Emergency Management Act 2005* to prepare a LEMA for its district.
8. In accordance with State Emergency Management Committee policies and guidelines the LEMA should be reviewed every five years. The LEMA must be endorsed by the LEMC and Council and then noted by the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC).



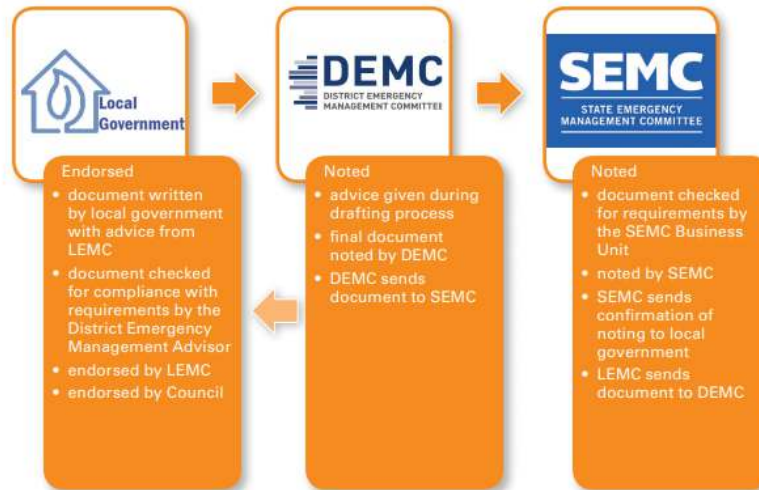


Figure 2: Approval process for LEMA (refer SEMC Emergency Management Procedure – Local Emergency Management Arrangements [ADP4])

9. The LEMA can also be reviewed.
  - a) After an event or incident that requires the activation of an Incident Support Group (ISG) or significant recovery coordination.
  - b) After training or drills that exercise the arrangements and
  - c) Any other time the local government considers appropriate.
  
10. The review, in most situations, will only include minor amendments and not a major review which is undertaken at least every five years as is being done in this case. For minor amendments to the LEMA refer to the process below



Figure 3: Review process for LEMA (refer State EM Preparedness Procedure 8)

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11. The LEMA was endorsed by the LEMC on the 27 February 2020.
12. The City's District Emergency Management Advisor (DEMA) suggest we forward a copy of the Local Emergency Management Arrangements to our District Emergency Management Committee (DEMC), prior to it being submitted to Council to ensure no changes are necessary.
13. Unfortunately, due to the Covid-19 pandemic the (DEMC) was postponed until the 14 October 2020. The LEMA was circulated to all DEMC members out of session with two comments received from the Department of Primary Industries and Regional Development (DPIRD) and the other the West Australian Police (WAPOL).
14. WAPOL advised details of their new Officer in Charge at Forrestfield Police Station Senior Sergeant Roy Newland along with revised contact details.
15. DPIRD advised that we had incorrectly referenced human biosecurity hazard plan rather than animal and plant biosecurity about the hazard agricultural disease.
16. Both of these changes have been made to the LEMA.
17. The City has since received correspondence that the LEMA was tabled at the State Emergency Management Committee (SEMC) on the 9 October 2020 (attachment 2) advising that it meets the requirements of the *Emergency Management Act 2005* and is in alignment with the State Emergency Management Preparedness Procedure.

#### **APPLICABLE LAW**

18. *Emergency Management Act 2005*

#### **APPLICABLE POLICY**

19. Nil

#### **STAKEHOLDER ENGAGEMENT**

20. Extensive consultation was undertaken with the Local Emergency Management Committee and the City's DEMA who is an employee of the Department of Fire and Emergency Services. Consultation with the DEMA ensure the LEMA complies with the relevant polices and guidelines.

#### **FINANCIAL CONSIDERATIONS**

21. Minimal impact on current long term budget, current maintenance and operation of LEMA and meetings are catered for within operational expenditure.

**SUSTAINABILITY**

- 22. The LEMA addresses recovery aspects of an emergency with the aim of returning community to normal as soon as practical.
- 23. Any incident that occurs requiring activation of the LEMA will have direct economic implications for the community to varying degrees.
- 24. Emergencies can vary from bushfires, storms, pandemic etc and depending on the scale and severity of the emergency can have significant impact on the economy.

**RISK MANAGEMENT**

- 25.
 

<b>Risk:</b> Council do not endorse the Local Emergency Management Arrangements resulting in an outdated and ineffective arrangement.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
The LEMA has been prepared in consultation with the District Emergency Management Advisor to ensure it complies with relevant polices and guidelines. The City has also received correspondence from SEMC advising it is in alignment with the <i>Emergency Management Act 2005</i> .		
  
- 26.
 

<b>Risk:</b> The City does not have Local Emergency Management Arrangements in place at all.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Rare	Medium
<b>Action/Strategy</b>		
The LEMA is prepared as above and reviewed after the following. (1) an event or incident that requires the activation of an Incident Support Group or significant recovery coordination. (2) After training or drills that exercise the arrangements. (3) Every 5 years and (4) any other time the local government considers appropriate.		

**CONCLUSION**

- 27. The LEMA requires review every five years. The Local Emergency Management Committee has reviewed the 2013 LEMA and produced and endorsed the 2020 LEMA. During the drafting process the City's District Emergency Management Advisor has been consulted and has provided valuable advice throughout all facets on reviewing and developing the LEMA.

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28. The document has been endorsed by the LEMC and noted by both DEMC and SEMC.

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

That Council ENDORSE the City of Kalamunda Local Emergency Management Arrangements 2020 (Attachment 1).

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**10.2. Asset Services Reports**

**10.2.1. Local Biodiversity Strategy - Draft**

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

The Coordinator of Natural Areas provided a presentation on this item.

Previous Items	GS 67/2004; EMC PS 3.14/2006; OCM 23/09
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EV-EPP-053
Applicant	N/A
Owner	N/A

Attachments	1. Draft Local Biodiversity Strategy - Summary [10.2.1.1 - 23 pages]
	2. Draft Local Biodiversity Strategy - Technical Report & Appendices [10.2.1.2 - 144 pages]

**TYPE OF REPORT**

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 2: Kalamunda Clean and Green**

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

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

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of the Draft 2020 Kalamunda Local Biodiversity Strategy (LBS) noting the proposed actions are to be considered for implementation over the 2020-2030 timeframe.
2. This strategy is intended to replace the existing 2008 Local Biodiversity Strategy recognising that circumstances have significantly changed in the ensuing 12 years since it was originally developed.
3. The Kalamunda Environmental Advisory Committee (KEAC) has recommended the draft LBS be submitted to Council for approval to proceed to community consultation.
4. It is recommended Council endorse the draft LBS for the purposes of community consultation.

## BACKGROUND

5. When the City of Kalamunda (City) developed its first LBS in 2008, it was the first to adopt a strategy developed in accordance with the State Government endorsed methodology for biodiversity conservation planning at a local level.
6. The City's Corporate Business Plan 2020-2024 identifies the need to define, implement and review actions out of the LBS 2020. This requires that the LBS 2020 needs to be endorsed to enact these actions.

## DETAILS AND ANALYSIS

7. The LBS document is presented in two parts:
  - a) the Strategy in summary, i.e. the vision, objectives and actions recommended for achieving local biodiversity conservation through land use planning mechanisms and other means. This is presented as Attachment 1.
  - b) Technical information and appendices including instructions to access the mapping on the interactive WALGA mapping portal. This

section contains the review report of the 2008 Local Biodiversity Strategy and describes the rigorous data analysis used to identify areas of biodiversity significance throughout the City including a corridor network. This is presented as Attachment 2.

8. It is important to note that the LBS, along with any further changes coming out of the community consultation process will be significantly enhanced through a desk top publishing process to make the LBS more 'user friendly'.
9. The vision within the LBS is; "The City of Kalamunda and its community will protect, manage and value the local biodiversity to ensure lasting legacy for future generations".
10. To achieve this vision five key objectives have been identified which link to specific actions and deliverables. Page 9 of Attachment 1 refers. These objectives are broadly summarised as:
  - a) increase the protection status of significant biodiversity in the City in both City and Private land management;
  - b) manage local natural areas to reduce threats in consideration of local biodiversity conservation priorities;
  - c) increase buffers and ecological linkages to increase viability and resilience of natural areas;
  - d) establish biodiversity consideration as standard in all areas of the City's business and operations; and
  - e) to achieve long term community engagement in local biodiversity management

Pages 15 to 21 of Attachment 1 set out the proposed Targets within the LBS.
11. It is proposed that as part of the annual Corporate Business Plan and Budget process, specific actions in line with the adopted LBS will be listed for consideration by Council. If approved, progress on these Actions will be reported to Council and the Community.
12. As part of the biodiversity documentation process was the identification and prioritisation of high conservation value areas throughout the City. This process identified natural areas where multiple conservation values overlapped and rated areas based on the sum of their values. This process followed the main principles of the State Government endorsed methodology developed by the Perth Biodiversity Project (2004) and is an effective tool for strategically identifying areas and informing future land use decisions. The results of this process are illustrated with mapping.

- 13. Council will be requested to endorse the finalised LBS after having considered the comments and responses from the public consultation phase and a more detailed analysis of proposed actions, their scope and associated resourcing implications.
- 14. It is noted that development of land within the City not only needs to meet regulatory planning and development processes but also considers the many strategies developed by the City, including Economic Development, Aged Care, Local Environment, Urban Forest, Local Biodiversity, Kalamunda Activity Centre Plans, other Activity Centre Plans to name a few. There will be significant challenges in developing and implementing processes that as best possible, achieve a harmonious balance between these strategies.
- 15. The draft LBS has used a methodology recognised by state authorities to consider local biodiversity values within a regional context and can be used as an integrated part of local land use planning processes.
- 16. At the KEAC ordinary meeting on 15 October 2020, the Committee recommended that the draft LBS is submitted to Council for approval for community consultation.

In making this recommendation KEAC notes:

- a) the Strategy has been prepared with best practice methodology and done rigorously;
- b) it will serve the City's planning needs down to a Local Natural Area level;
- c) the community has high expectations that biodiversity will be retained and protected, notably in recent community consultation on the City's Community Strategic Plan and earlier consultation on the Local Environment Strategy; and
- d) the review of the 2008 LBS revealed concerning inactions, and the City cannot afford for this to be repeated.

**APPLICABLE LAW**

- 17. N/A.

**APPLICABLE POLICY**

- 18. N/A.



**STAKEHOLDER ENGAGEMENT**

19. The City will develop and implement a suitable community engagement plan regarding this LBS. It is proposed that the engagement will occur during the first quarter of calendar year 2021.
20. This consultation will include but is not limited to:
- a) Advertising in the local newspaper.
  - b) Listing on the City of Kalamunda Engagement portal.
  - c) Promotion on social media.
  - d) Coverage in the City of Kalamunda E-Newsletter and Kalamunda View.
  - e) Surveys available, with information on the strategy at all City of Kalamunda locations.
21. Apart from the general public, comment on the LBS would be sought from relevant State agencies.

**FINANCIAL CONSIDERATIONS**

22. Costs associated with preparation, public advertising and printing of the strategy are to be met through the Asset Services annual budget.

**SUSTAINABILITY****Social Implications**

23. Conservation of the biodiversity is the foundation for the future of our agriculture, forestry and tourism industries.
24. Management of natural resources provide for a range of local job opportunities, including opportunities for employment for Aboriginal people whether in knowledge sharing or direct on-ground management.
25. Access to diverse natural areas is linked to increased human health and wellbeing.

**Economic Implications**

26. A LBS provides solid basis for the prioritisation of Local Natural Areas to allow resources to be focussed.

**Environmental Implications**

27. The LBS is an integral step toward implementing actions that protect and enhance our local biodiversity assets.

**RISK MANAGEMENT**

28.	<b>Risk:</b> Implementation of the LBS may be incompatible with other City development strategies or regulatory planning regime.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; padding: 2px;">Consequence</th> <th style="width: 33%; padding: 2px;">Likelihood</th> <th style="width: 33%; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Moderate</td> <td style="padding: 2px;">Likely</td> <td style="padding: 2px;">Medium</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Moderate	Likely	Medium
Consequence	Likelihood	Rating					
Moderate	Likely	Medium					
	<b>Action/Strategy</b>						
	City to develop a balanced approach between conservation and clearing of existing vegetated lands taking this strategy into consideration.						

29.	<b>Risk:</b> Failure to advocate for, protect and enhance our biodiversity assets may lead to its decline and have associated adverse effects.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; padding: 2px;">Consequence</th> <th style="width: 33%; padding: 2px;">Likelihood</th> <th style="width: 33%; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Critical</td> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">High</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Critical	Possible	High
Consequence	Likelihood	Rating					
Critical	Possible	High					
	<b>Action/Strategy</b>						
	Development of appropriate strategies and actions will provide a systematic response to the risk.						

**CONCLUSION**

- 30. The process of creating the LBS 2020 was rigorous and thorough and as such as been endorsed by KEAC. A thorough review of the report and recommended actions as submitted by the consultant was undertaken to produce the Draft LBS. The Draft LBS is considered suitable for release for public consultation and review.
- 31. The style and format used by the City in publishing its 'Kalamunda Clean and Green' Local Environment Strategy 2019-2029' would be seen as a template from which the adopted LBS document would be eventually formatted and published. The Technical supporting information for the LBS would be separate standalone publications.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council ENDORSE the Draft 2020 Kalamunda Local Biodiversity Strategy for the purpose of community consultation.

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### 10.2.2. Kalamunda Community Centre Building Project: Naming of Facility

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

The Director Asset Services provided a presentation on this item.

Previous Items	SCM 08/2017; 87/2017 & 75/2019 OCM 28/2016; 2092016; 129/2017; 189/2017; 108/2018; 155/2019 & 293/2019
Directorate	Asset Services
Business Unit	Asset Services
File Reference	SP-03/020
Applicant	N/A
Owner	N/A

Attachments 1. Engagement Report - CKC [10.2.2.1 - 8 pages]

#### TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

**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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to seek Council determination of a recommended name for the new Kalamunda Community Centre Building facility currently under construction in Jorgensen Park by the City of Kalamunda (City).
2. A two-stage community engagement process was undertaken to identify a short list of potential names from which a preferred name was identified.
3. It is recommended that Council determine that this facility is named the Kalamunda Community Centre.

**BACKGROUND**

4. At the Special Council Meeting of 9 April 2019, Council considered a report (8.1.1) recommending adoption of final design for the Kalamunda Community Centre Building (Building).
5. Within that report was officer comment in paragraph 22 that:  
*“Finally, whilst this project has been referring to the project as the Kalamunda Community Centre Building, there is no implication intended that this will become the name of the building/facility when completed. It would be intended that a separate exercise be undertaken to identify and resolve the name of the building.”*

**DETAILS AND ANALYSIS**

6. Between March and May 2020, the community was asked to submit suggestions for the name of the Building. 80 names were submitted. A short list of six names were decided by a working group within the Administration.
7. The six shortlisted names and the rationale from the community proponents are as follows:

Name	Rationale from Proponent
Bibbulmun Community Centre	I have made this suggestion because Kalamunda is already an Aboriginal name and due to the start of the iconic Bibbulmun Track it would be a fitting name for the new community centre. It also honours the original inhabitants of this region.

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Cala Munda Community Centre	Ties in well with Kalamunda's Aboriginal history.
Cala Community Hub	'Cala' – signifying home and bush* 'Hub' – a centre around which other things revolve, a focus of activity.
Jorgensen Community Centre	Appropriate as this is where the building is located and residents are familiar with its location.
Kaartdijin Community Centre	Kaartdijin means 'knowledge' in the language of the Noongar people. This new place is a space for people to come together and share their knowledge – an intergenerational space that is placed on the Kalamunda terminus of the Bibbulmun Track.
Kalamunda Community Centre	I see no reason to change the name. The community centre is for the use of the whole of the City of Kalamunda and the current name is easily recognised by residents and visitors alike.  The name Kalamunda Community Centre (KCC) works. It says exactly what and where it is, is a 'Community' servicing the Kalamunda Shire/City community.

**\*Note:** The City understands that Cala/Karla also means Fire.

8. Between August and September 2020, the community was invited to rank these six proposed names in order of preference. 108 surveys were returned with a clear preference being given to Kalamunda Community Centre.
9. The Community Engagement Report outlining the salient matters is provided as Attachment 1.
10. The Kalamunda Community Learning Centre, as the most likely largest user of the Building also advised the City that they supported the name Kalamunda Community Centre.
11. Within the Building are seven discrete activity rooms and two halls. It is proposed that each of these areas be named using names suggested during the community engagement process rather than naming them Activity Room 1, Activity Room 2, Hall 1, Hall 2 etc.

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12. Determination of the name of the Building now is recommended to allow completion of signage in time for the Building’s opening in early 2021.

**APPLICABLE LAW**

13. Nil.

**APPLICABLE POLICY**

14. The City is in the process of developing a policy for naming of Reserves, Buildings and the like.

**STAKEHOLDER ENGAGEMENT**

15. The stakeholder engagement is set out in the engagement report provided as Attachment 1.

**FINANCIAL CONSIDERATIONS**

16. The engagement process has been funded from within the approved project budget for the Building.

**SUSTAINABILITY**

17. Nil.

**RISK MANAGEMENT**

18.

<b>Risk:</b> That parts of the community disagree with the selected name of the Building leading to criticism of the City.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Insignificant	Unlikely	Low
<b>Action/Strategy</b>		
The robust engagement process demonstrates that the City has taken on board the community sentiment.		

**CONCLUSION**

19. The community sentiment for a preference of a name “Kalamunda Community Centre” should be supported.

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**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council DETERMINE the community use building currently under construction in Jorgensen Park is named the Kalamunda Community Centre.

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**10.3. Corporate Services Reports**

**10.3.1. Kalamunda Arts Advisory Committee - 9 November 2020 Meeting Minutes - Central Mall Upgrade**

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

The Director Corporate Services provided a presentation on this item.

Kyra Nicholson asked a question in relation to the arts works being used to delineate areas within the design. The Director Assets Services advised this would be considered within the detailed design process.

Mr Andy Farrant provided a deputation as the chairperson of the City of Kalamunda Arts Advisory Committee. Mr Farrant advised the Committee was very disappointed in many aspects of the responses to the recommendations of the Arts Advisory Committee. Mr Farrant was critical of City staff's understanding of the Arts and aspects of the adopted Arts Strategy.

Mr Peter Forrest requested an update as to the status of the community consultation on the Central Mall project. The Manager Customer and Public Relations provided an update as to status of the community consultation. The Director Asset Services provided clarity on a matter raised by Mr Forrest in relation to the scope of the project.

Previous Items	
Directorate	Corporate Services
Business Unit	Arts, Culture & Libraries
File Reference	N/A
Applicant	N/A
Owner	

Attachments	1.	KAAC - Minutes - 9 Nov 2020 FINAL DRAFT [10.3.1.1 - 4 pages]
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**TYPE OF REPORT**

- Advocacy      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive      When Council is undertaking is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information      For Council to note
- Legislative      Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly



impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 1: Kalamunda Cares and Interacts**

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

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

**Priority 1: Kalamunda Cares and Interacts**

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

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

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

**Priority 3: Kalamunda Develops**

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

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

**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.

**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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the recommendations made by the City of Kalamunda (City) Arts Advisory Committee (KAAC) at their meeting of 9 November 2020 regarding the Central Mall project being undertaken by the City.
2. The recommendations made by KAAC have implications for scope, budget and time of the Central Mall project.

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3. It is recommended that whilst Council notes the KAAC recommendations that it endorses the responses made by the City.

#### **BACKGROUND**

4. At the KAAC meeting on the 26 October 2020 the Director of Asset Services provided a presentation to committee members on the Central Mall Upgrade Project and requested feedback, noting that a number of creative elements in plan had been captured in the design thinking, and sought comments regarding the best way to spend the project's allocation of \$24,000 for public art (in keeping with the City's Local Planning Policy 26 – Public Art Contributions).
5. The KAAC formed a working party to formulate a response and held a special meeting on the 9 November 2020 to endorse a recommendation to Council for consideration and inclusion in the delivery of the Central Mall Upgrade project.
6. A copy of the minutes of the 9 November Special Meeting of the Arts Advisory Committee is provided as Attachment 1.

#### **DETAILS AND ANALYSIS**

7. The KAAC have endorsed 10 recommendations in regard to Central Mall. The full text of each recommendation is provided within Attachment 1, however for ease of reading this report, each recommendation will have a summary and in turn a City response.
8. For the purposes of this report the City will respond to each recommendation in the form of summary of the Recommendation and Response.

9. Recommendation 1:

*That the Central Mall redevelopment is the first major city project to be undertaken since the adoption of four key City strategies – Arts, Tourism, Environment and RAP. The Committee sees considerable benefit of a cross-strategy approach to facilitate Focus Area 1 of the Arts Strategy - Placemaking and Identity be adopted. The redevelopment is powerful opportunity to align across all four strategies and to take full advantage of the area for visitors and residents.*

Response 1:

The City is confident *Placemaking and Identity* have been embedded in the concept design of this important urban renewal project. These

principles have been informed by extensive consultation and embraced by the design team, who have gone beyond technical competencies, to create a contemporary space with creative design elements that demonstrably reflect the recently adopted Arts, Tourism Development, Economic Development Strategies and Reconciliation Action Plan.

The Central Mall Concept Design embodies a strong sense of place and local identity that is sure to be an attractive place for local families and communities to gather and a supportive setting where businesses can thrive.

As the City embarks on future urban renewal projects it will take key learnings from this important project to ensure Place and Identity are reflected in the outcome.

10. Recommendation 2:

*Seek appropriate advice and cultural guidance and consultation to naming the mall, the telling of traditional stories, informing design elements, street infrastructure and plantings from appropriately recognised Wadjuk Noongar elders. That these cultural elements feature strongly in the final development in ways that align with the City's Reconciliation Action Plan.*

Response 2:

There is no overall concern with this recommendation.

The City notes that any proposal to change the name of the Mall will require State approval via the Geographic Naming Committee in line with their published processes.

11. Recommendation 3:

*Community expertise in the Arts Advisory Committee and more broadly the City's community be a source of specialist advice that relate to lighting, sound and other facilities that enable arts and community activities to take place in the mall. This specialist knowledge also extends to strong links to networks of creative, qualified and experienced personnel who offer greater value adding opportunities and who can be sought using the City's standard procurement processes.*

Response 3:

The City is comfortable that its consultants are suitably qualified and experienced to undertake the work and would not benefit from either volunteer or paid external inputs. The final decision regarding the scale of lighting, sound and other facilities will be determined by Council as part of budget deliberations.

12. Recommendation 4:  
*The public art funds allocated to this project, \$24,000, be used to cover the costs of artists' design and creative fees. This will ensure that local artists are able to benefit from the City's investment in the mall as well as extending the City's formal link to artists.*
- Response 4:  
This is contrary to the Local Planning Policy where the 1% allocation is used to cover both fees and art piece(s).  
The final decision regarding the scale of public art will be determined by Council as part of budget deliberations.
13. Recommendation 5:  
*That the City appoint an artist to be part of the design team to inform all elements of the redevelopment. This recommendation actions Item 1.4 of the Arts Strategy, that relates to improved visual attractiveness of the City and Item 1.6, that recommends engagement of creative specialists (artists/curators) to be part of the design teams of City projects.*
- Response 5:  
This is perceived as over-reaching the intent of public art policy and may cause delays in design when simple engineering works require artistic review. Further the concept design has progressed to the stage that if a wholesale 'reset' of the concept to allow public artist involvement in all facets of the redevelopment will cause significant delays and increase budget.  
As the City embarks on future urban renewal projects it will give consideration to the inclusion of public art practitioners and creative specialists on the design teams to help shape improved outcomes.
14. Recommendation 6:  
*That the design and placement of metal posts/trunks, street furniture, catenary lighting, plantings, written and visual messages, images, sounds, smell (from plants) and other elements should be central to this development to provide a distinctive look for this part of Kalamunda.*
- Response 6:  
It is felt that the concept plan as developed thus far is distinctive and subject of course to vehicle and pedestrian hazards being dealt with.

15. Recommendation 7:  
*All lighting be LED format – selected for its warm colour, adaptability, programmability and energy saving is used rather than more traditional sources of mall lighting.*  
Response 7:  
Is included in current scope of works.
16. Recommendation 8:  
*Linked to this recommendation (the City presumes this means Recommendation 7) is the use of digital projection on large trees near Mead and Barber Sts, external building walls and other reflective areas so that local visual stories can be shown and used to attract residents and visitors to the mall at night.*  
Response 8:  
Is not included in budget. Indicative costs would be in the order of \$50,000 depending on scale.
17. Recommendation 9:  
*Advice be sought to select the best plantings of aromatic local plants that create habitat for quendas, installation of mature trees (possibly deciduous Australian) to break up some of the existing open areas and for these to be planted with appropriate horticultural and Australian plant advice.*  
Response 9:  
This has been generally adopted in concept planning however it is noted that if KAAC are proposing non endemic Australian species are used, this is contrary to City practice to develop only native WA species in plantings.
18. Recommendation 10:  
*This redevelopment source sustainable, recycled and natural materials.*  
Response 10:  
Will be used where feasible.
19. It is also to be noted that the City's draft Public Art Masterplan identified significant items for Central Mall that are well beyond the 1% project budget allocation for public art. However it is also noted that some of the items identified in the Public Art Masterplan (such as catenary lighting, seating etc) are generally included thus far in the construction budget as necessary Infrastructure, however if these items are to be further

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enhanced for purposes of Public Art then additional budget funding will need to be allocated.

**APPLICABLE LAW**

20. N/A.

**APPLICABLE POLICY**

21. City Planning Policy LPP 26 – Public Art Contribution.

**STAKEHOLDER ENGAGEMENT**

22. The Central Mall Upgrade project is undergoing extensive community and key stakeholder engagement. The participation of and the response by the KAAC forms an important part of the stakeholder engagement.

**FINANCIAL CONSIDERATIONS**

23. The Council has allocated a budget for this project of \$2.4m. Several recommendations proposed by the KAAC do have financial implications on that budget. At this time indicative costings of the various recommendations have not been provided.

**SUSTAINABILITY**

**Social Implications**

24. N/A.

**Economic Implications**

25. The Central Mall project is expected to activate the area and increase economic benefit to the community.

**Environmental Implications**

26. Nil.

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**RISK MANAGEMENT**

27.	<b>Risk:</b> Failure to realise the input from key stakeholders may result in a less-optimal project outcome.	
	<b>Consequence</b>	<b>Likelihood</b>
	Significant	Rare
	<b>Rating</b>	
	Low	
	<b>Action/Strategy</b>	
	Carefully consider the input and suggestions from all stakeholders.	

**CONCLUSION**

- 28. Advisory committees play an important in providing expert advice on all matters that benefit or impact the City.
- 29. The KAAC have provided recommendations to shape an improved outcome for the Central Mall Upgrade Project.
- 30. The City has reviewed those recommendations and provided officer responses. It is recommended that whilst Council notes the KAAC recommendations that it endorses the responses made by the City.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. NOTE the minutes and recommendations of the 9 November 2020 Special Meeting of the Kalamunda Arts Advisory Committee (Attachment 1).
- 2. ENDORSES the following City responses to the Kalamunda Arts Advisory Committee recommendations from the 9 November 2020 Special Meeting:

Response 1:

The City is confident *Placemaking and Identity* have been embedded in the concept design of this important urban renewal project. These principles have been informed by extensive consultation and embraced by the design team, who have gone beyond technical competencies, to create a contemporary space with creative design elements that demonstrably reflect the recently adopted Arts, Tourism Development, Economic Development Strategies and Reconciliation Action Plan.

The Central Mall Concept Design embodies a strong sense of place and local identity that is sure to be an attractive place for local families and communities to gather and a supportive setting where businesses can thrive.

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As the City embarks on future urban renewal projects it will take key learnings from this important project to ensure Place and Identity are reflected in the outcome.

Response 2:

There is no overall concern with this recommendation.

The City notes that any proposal to change the name of the Mall will require State approval via the Geographic Naming Committee in line with their published processes.

Response 3:

The City is comfortable that its consultants are suitably qualified and experienced to undertake the work and would not benefit from either volunteer or paid external inputs. The final decision regarding the scale of lighting, sound and other facilities will be determined by Council as part of budget deliberations.

Response 4:

This is contrary to the Local Planning Policy where the 1% allocation is used to cover both fees and art piece(s).

The final decision regarding the scale of public art will be determined by Council as part of budget deliberations.

Response 5:

This is perceived as over-reaching the intent of public art policy and may cause delays in design when simple engineering works require artistic review. Further the concept design has progressed to the stage that if a wholesale 'reset' of the concept to allow public artist involvement in all facets of the redevelopment will cause significant delays and increase budget.

As the City embarks on future urban renewal projects it will give consideration to the inclusion of public art practitioners and creative specialists on the design teams to help shape improved outcomes.

Response 6:

It is felt that the concept plan as developed thus far is distinctive and subject of course to vehicle and pedestrian hazards being dealt with.

Response 7:

Is included in current scope of works.

Response 8:

Is not included in budget. Indicative costs would be in the order of \$50,000 depending on scale.



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Response 9:

This has been generally adopted in concept planning however it is noted that if KAAC are proposing non endemic Australian species are used, this is contrary to City practice to develop only native WA species in plantings.

Response 10:

Will be used where feasible.

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**10.4. Office of the CEO Reports**

**10.4.1. Social Inclusion Investigation Report**

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

The Coordinator Community Services provide a presentation on this item.

Council sought clarification as to the number of responses received during the consultation process and how the community directory is distributed within the community. Clarification on these matters were provided by the Coordinator Community Services.

Council sought information on how the City to compared to other local governments in relation to social inclusion? The Coordinator Community Services advise at this point in time no other local governments have a adopted social inclusion plan and the Department of Communities is encouraging of the approach taken by the City.

Kyra Nicholson sought clarification in relation inclusion The Coordinator Community Services and the Director Development Services provided responses to the query.

Previous Items	OCM 213/2019
Directorate Business Unit File Reference Applicant Owner	Office of CEO Community Development + Customer & PR
Attachments	<ol style="list-style-type: none"> <li>1. Engagement Report - Community Social Inclusion [10.4.1.1 - 18 pages]</li> <li>2. A 4 Community Directory- 2020 [10.4.1.2 - 21 pages]</li> </ol>

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**TYPE OF REPORT**

- Advocacy            When Council is advocating on behalf of the community to another level of government/body/agency
- Executive            When Council is undertaking is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information           For Council to note
- Legislative           Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 1: Kalamunda Cares and Interacts**

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

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

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

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

**Priority 1: Kalamunda Cares and Interacts**

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

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

**Strategy 1.2.2** - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

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

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### EXECUTIVE SUMMARY

1. The purpose of this report is to provide an update on community engagement and investigations with respect to Social Inclusion within the City of Kalamunda (City) community, including any identified gaps within service delivery.
2. In order to gain an understanding of Social Inclusion issues within the City, it has undertaken community engagement over the past 12 weeks.
3. Officers propose the development of an overarching plan, which includes deliverables from the DAIP, Age Friendly Plan and social inclusion report.

### BACKGROUND

4. Council considered a Notice of Motion at its ordinary Council Meeting of 27 August 2019 and:-

RESOLVED OCM 213/2019

That Council REQUEST the Chief Executive Officer to:

1. Investigate and prepare a report on social inclusion within the City of Kalamunda.
  2. Undertake a review of other Local Governments and how they are addressing social inclusion.
  3. Identify any gaps in services being provided to ensure the City is achieving its vision for a connected community and is fostering inclusiveness, diversity, tolerance, safety, access and opportunity for all.
  4. Make recommendations on the City of Kalamunda's role to address the identified social inclusion gaps.
  5. That subject to resourcing, the report and findings will be presented to Council within a 12-month period.
5. Social inclusion is about people being able to participate in society. It is about creating conditions for equal opportunities for all.
  6. Social exclusion is the "restriction of access to opportunities and [a] limitation of the capabilities required to capitalise on these [opportunities]." (Hayes, A., Gray, M., & Edwards, B. (2008))

7. Other references and descriptions of Social Inclusion, include:

*"Inclusion is the art of ensuring that all people feel welcomed and celebrated for exactly who they are. This means that all differences are viewed as unique gifts that an individual can offer a group or community.*

*It is not a theory that is restricted to one group of people but rather something that is of great importance to all human beings." Inclusion Solutions.*

and:

*An inclusive society is defined as a society for all, in which every individual has an active role to play. Such a society is based on fundamental values of equity, equality, social justice, and human rights and freedoms, as well as on the principles of tolerance and embracing diversity. UNESCO.*

8. The City currently has several Plans and Strategies with objectives, strategies and actions that have a Social Inclusion focus.

These includes:

- Community Health and Wellbeing Plan (2018-2022)
- Community Safety Crime Prevention Plan (2020-2025)
- Youth Plan (2017 – 2022)
- Age Friendly Plan
- Disability Access and Inclusion Plan (2017 – 2022)
- Innovate reconciliation Action Plan (2019 – 2021)
- Kalamunda Advancing Strategic Community Plan 2017 – 2027
- Kalamunda Achieving Corporate Business Plan
- Kalamunda Connected – Creating Active Citizens Plan (2018 – 2020)

#### **DETAILS AND ANALYSIS**

9. Inclusive Australia, a key organisation for social inclusion matters, produces a Social Inclusion Index (SII).

The 2019 SII Report advises that social exclusion in Australia costs the economy \$45 billion each year and affects 6.7 million people.

10. The SII provides a unique overview of social inclusion in Australia by covering a wider array of social inclusion issues in one index – including
- the attitudes to and experiences of racial minorities,
  - religious minorities,
  - LGBTQI+ people,
  - Aboriginal and Torres Strait Islanders,
  - women,
  - people with disability,
  - people on low incomes,
  - young people and older people.

It seeks to provide a 'big picture' view, and captures several important measures (e.g. prejudicial attitudes, experiences of discrimination, willingness to advocate for inclusion) that have not been included together in existing studies.

The index is constructed using data from approximately 6000 survey responses collected from people across Australia.

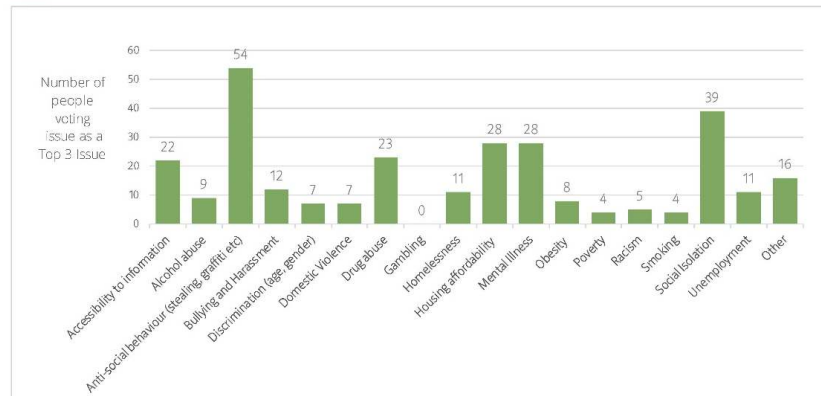
11. Key findings of the report showcased that Social inclusion in Australia still has room for improvement, with one in four Australians experience major discrimination based on their age, gender identity, sexual orientation, religion, ability or origin.
12. People who have experienced major discrimination report significantly lower personal wellbeing (15% lower) and identification with Australia (7% lower) than those who have not experienced such discrimination.
13. The Study also showcased that ratings of personal wellbeing in the sample are highest amongst older people (average of 7.5 out of 10) and lowest among people with disability (average of 5.9 out of 10), people on low incomes (average of 5.7 out of 10) and LGBTI people (average of 5.9 out of 10).
14. In order to understand the local context, consultation was undertaken from 31 July 2020, to seek what services were on offer for the City's community members, in the not-for-profit community development or health and wellbeing space in the Perth Metro compared with programs or services available in the City.  
  
Sixty-one responses were received via the Engage portal. (See Attachment 1 – Engagement Report)
15. One of the questions asked was "What do you see as the single largest social inclusion issue or challenge within the City of Kalamunda?"
16. Based on the answers provided, a list of 17 key issues were identified and were used to guide the Community Social Inclusion Engagement. The 17 issues were:
  1. Accessibility to information
  2. Alcohol abuse
  3. Anti-social behaviour (stealing, graffiti etc)
  4. Bullying and Harassment
  5. Discrimination (age, gender)
  6. Domestic Violence
  7. Drug abuse
  8. Gambling
  9. Homelessness
  10. Housing affordability

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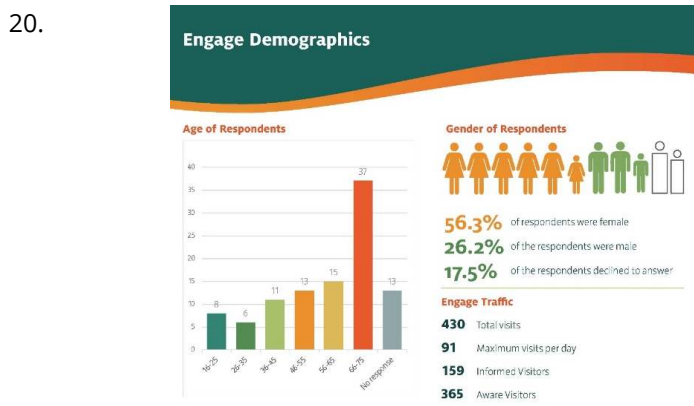
- 11. Mental Illness
- 12. Obesity
- 13. Poverty
- 14. Racism
- 15. Smoking
- 16. Social Isolation
- 17. Unemployment

17. From 3 September 2020 to 29 October, the City asked the community what they thought the Top 3 social issues were within the City's community, and provided them with the opportunity to have their say as to how they might be addressed. They could add issues to the list also. The Survey received 103 submissions.

18. **Top 3 Social Issues**  
 Top 3 social issues that respondents believe to be most apparent within the City of Kalamunda community, from the list supplied.

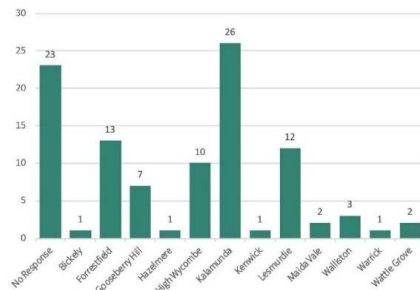


19. Many respondents were in the older demographic, with more than 50% of respondent's female.



21.

**Suburb of Respondents**



22.

As a consequence of the community identifying access to information as a key issue, the City has taken immediate action in developing a Community Directory to provide easy access to information in regards to service providers in not-for-profit non-government and government organisations offering services within the City.

This will form a key tool for both staff and the community in assising those in need. (See Attachment 2)

23.

Additionally, officers are proposing to develop a community inclusion plan which will include deliverables related to the Disability Access and Inclusion Plan, the Age Friendly plan, Social Inclusion and active citizenship.

This approach acknowledges the needs and opportunities for all members of the community and is focused on inclusion.

24.

The City proposes to base the new plan around the following 4 Pillars:-

- Connect- community to service providers
- Educate- raise awareness on services
- Advocate- on behalf of community for local service provisions
- Include – be inclusive of all community when planning events/project



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25.

**Include**



- Events**
  - Be inclusive in event planning (how can we cater for all)
- Projects**
  - Provide opportunity for all members of our community to comment on large projects
- Share**
  - Share ideas with relevant committees (e Carers week with DACAC)
- Educate**
  - Educate staff on inclusivity
- Provide**
  - Provide community groups with opportunity to learn how to be more inclusive

26.

**Connect**





community to services



community to community



City to community and services

27.

**Educate**



COMMUNITY	SERVICES	STAFF
Through: <ul style="list-style-type: none"> <li>• Website</li> <li>• Social media</li> <li>• Enews</li> <li>• Upskilled staff</li> </ul>	<ul style="list-style-type: none"> <li>• Through understanding of needs of our community</li> <li>• City services</li> </ul>	<ul style="list-style-type: none"> <li>• Available services</li> <li>• Training opportunities</li> <li>• Grant funding opportunities</li> </ul>

28.

### Advocate



29.

There are a number of proposed domains that the plan would include, which currently form part of the Age friendly Strategy and Action Plan. These are:

1. Outdoor Spaces and Buildings
2. Transportation
3. Housing
4. Social Participation
5. Respect and Social Inclusion
6. Civic Participation and Employment
7. Communication and Information
8. Community support and health services

30.

All the seven strategies of the Disability Access and Inclusion Plan would be incorporated.

These are:

1. Services and Events
2. Building and Facilities
3. Information
4. Service
5. Complaints
6. Public Consultation
7. Employment

### APPLICABLE LAW

31.

Local Government Act 1995  
 Disability Services Act 1993 (Amended 2004)  
 Equal Opportunity Act 1984  
 Australian Human Rights Commission Act 1986 (Cth)  
 Disability Discrimination Act 1992 (Cth)

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Racial Discrimination Act 1975 (Cth)  
 Sex Discrimination Act 1984 (Cth)  
 Disability Discrimination Act 1992 (Cth)  
 Age Discrimination Act 2004 (Cth)

Human Rights Treaties -  
 International Covenant on Civil and Political Rights (ICCPR)  
 International Covenant on Economic, Social and Cultural Rights (ICESCR)  
 Convention on the Rights of the Child (CRC)  
 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)  
 Convention on the Rights of Persons with Disabilities (CRPD)  
 Convention on the Elimination of All Forms of Racial Discrimination (CERD)  
 Convention against Torture (CAT)

**APPLICABLE POLICY**

- 32. Disability Access and Inclusion Policy – Service 3

**STAKEHOLDER ENGAGEMENT**

- 33. The City has undertaken extensive engagement with non-government organisations, other local governments, and the community in regard to social inclusion.

The types of engagement included surveys, social media platforms, community workshops and one on one conversations.

- 34. A copy of the Community Engagement report is attached as attachment 1.

**FINANCIAL CONSIDERATIONS**

- 35. N/A

**SUSTAINABILITY**

**Social Implications**

- 36. Enhanced social inclusion will have positive social implications.

**Economic Implications**

- 37. Enhanced social inclusion has the potential to have positive economic impacts for the community, as it increases opportunity.

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**Environmental Implications**

38. Not applicable

**RISK MANAGEMENT**

39.	<b>Risk:</b> Social Inclusion Plan proposal not progressed.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure clear understanding of the benefits of social inclusion, and how a formalized plan at a Local Government level will assist.		

**CONCLUSION**

- 40. People of all religions, ethnic backgrounds, age and gender have much to contribute, but this can only happen when there is a sense of inclusion and belonging.
- 41. The development of a community inclusion plan will be a significant step forward in addressing and improving social inclusion in the City.
- 42. The plan will be inclusive of all the members of the City's community.
- 43. Strong community engagement provides opportunity, builds wealth, promotes social harmony, and ensures greater equality.
- 45. Officers have identified a key gap in awareness of services and support available in the community across, which would be addressed as a part of the proposed plan.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

- 1. ENDORSE the results of Community engagement as per the Community engagement report, Attachment 1.
- 2. NOTE the Community directory, as per Attachment 2.

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3. ENDORSE the Officer proposal to develop a community inclusion plan which will include deliverables related to the Disability Access and Inclusion Plan, the Age Friendly Plan, Social Inclusion and Kalamunda Connected - Active Citizenship plan.

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### 10.4.2. Endorsement of Nomination for City of Kalamunda - Disability and Carers Committee

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

The Coordinator Community Services provide a presentation on this item.

Previous Items	
Directorate	Office of the CEO
Business Unit	Community Development
File Reference	
Applicant	
Owner	
Attachments	Nil

#### TYPE OF REPORT

- Advocacy      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive      When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information      For Council to note
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#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 1: Kalamunda Cares and Interacts**

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

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

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### EXECUTIVE SUMMARY

1. This purpose of this report is for Council to approve a change in the membership of the City of Kalamunda Disability and Carers Advisory Committee (DACAC).
2. Chantelle Jamieson of Mission Australia has submitted her resignation from DACAC due to her relocation to another workplace. Her replacement at Mission Australia, Rebecca Bilstoft has nominated for appointment to the DACAC.
3. It is recommended that Council:
  - a) Accepts the resignation of Chantelle Jamieson
  - b) Appoints Rebecca Bilstoft as a member of the DACAC.

### BACKGROUND

4. The terms of reference of the DACAC allow for eight members, a councillor, up to five community members, up to two organisations providing services to people with disability and a senior management staff member.
5. Recently the City of Kalamunda (City) received a resignation of a member who was representing a local organisation bringing the total membership to four community members, a councillor, a senior staff member and one organisation.

### DETAILS AND ANALYSIS

6. Following the resignation of Ms Jamieson, the City received a nomination from Rebecca Bilstoft, her replacement at Mission Australia.
7. Ms Bilstoft has been working in the industry with National Disability Insurance Agency (NDIA) and more recently with Mission Australia as the Community Engagement Facilitator for the past eighteen months supporting families and people who live with disability.
8. The qualification criteria to be a member of DACAC is:

*Appropriate skills knowledge or interest in disability access and inclusion.*

It is considered that Ms Bilstoft meets this qualification criteria.
9. Whilst vacancies for community members of Advisory Committees would normally be advertised, in this instance it is not considered appropriate as it would cause an unnecessary delay in appointing a replacement.

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**APPLICABLE LAW**

10. *Local Government Act 1995*

**APPLICABLE POLICY**

11. Governance 13 – Appoint of Community Members to Advisory Committees and Reference Groups.

**STAKEHOLDER ENGAGEMENT**

12. Nil

**FINANCIAL CONSIDERATIONS**

13. The operations of Advisory Committees are provided within each Directorates adopted budget.

**SUSTAINABILITY**

**Social Implications**

14. Nil

**Economic Implications**

15. Nil.

**Environmental Implications**

16. Nil.

**RISK MANAGEMENT**

17.	<b>Risk:</b> That Council does not approve the appointment of the proposed new Advisory Committee member.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Unlikely	Insignificant	Low
	<b>Action/Strategy</b>		
	Prospective member application is assessed by the City as being satisfactory.		



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## CONCLUSION

18. It is considered that Rebecca Bilotft meets the qualification criteria for appointment to the DACAC and should be approved by Council.

**Voting Requirements: Absolute Majority**

## RECOMMENDATION

That Council:

1. ACCEPTS the resignation of Chantelle Jamieson.
2. APPROVE the appointment of Rebecca Bilotft as an organisation representative to the Disability and Carers Advisory Committee.

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### 10.4.3. Kalamunda Community Centre Fees and Charges

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

The Manager Customer & Public Relations provided a presentation on this item.

Council sought clarification on matters raised within the report. The Manager Customer & Public Relations was able provide some clarification and took a query on notice with information to be provided prior to the Ordinary Council Meeting.

Previous Items	SCM 08/2017; 87/2017 & 75/2019 OCM 28/2016; 2092016; 129/2017; 189/2017; 108/2018; 155/2019 & 293/2019
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant	
Owner	
Attachments	1. Letter from the Kalamunda Community Learning Centre November 2020 [ <b>10.4.3.1</b> - 2 pages]

#### TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

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

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

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

**Priority 1: Kalamunda Cares and Interacts**

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

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

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

**Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

**Priority 4: Kalamunda Leads**

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to:
  - a. adopt pursuant to Section 6.16 (3) of the Local Government Act 1995, (the Act) the proposed fees for the Kalamunda Community Centre, applying to the remainder of the 2020/2021 financial year.
  - b. consider a request from the Kalamunda Community Learning Centre to waive fees for the 2020/21 financial year.
2. As required by the Act. public notice of these fees will be given prior to their formal introduction.
3. It is recommended that Council:
  - a. APPROVE the proposed fees, and
  - b. APPROVE the request from the Kalamunda Community Learning Centre to waive fees for the 2020/2021 financial year.

**BACKGROUND**

4. Construction of the multi-purpose Kalamunda Community Centre (KCC) at Jorgensen Park is expected to reach Practical Completion at end of January 2021 and after final commissioning works, be able to open for use by end March 2021.

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5. Funding was secured for the Centre with the following contributions:
  - State Government of Western Australia: \$3 Million
  - Lotterywest has provided \$2.5 million
  - Federal Government: \$1 million
  - Kalamunda Community Learning Centre: \$150,000
6. The Centre will be available for hire for all community groups and interested parties. In line with City processes, a schedule of fees and charges for each community building available for hire are determined by Council.

**DETAILS AND ANALYSIS**

**Proposed fees**

7. The City of Kalamunda proposes the following fees for the Kalamunda Community Centre.

Room	Size (m <sup>2</sup> )	Rate – Per Hour	
		Community	Commercial
Activity Room 1	35	\$ 15	\$ 25
Activity Room 2	32	\$ 15	\$ 25
Activity Room 3 / Craft Room	100	\$ 25	\$ 40
Activity Room 4	62	\$ 20	\$ 35
Activity Room 5	32	\$ 15	\$ 25
Activity Room 6	32	\$ 15	\$ 25
Activity Room 7	80	\$ 30	\$ 50
Hall 1	90	\$ 30	\$ 50
Hall 2	90	\$ 30	\$ 50
Hall 1 and 2 Combined	180	\$ 60	\$ 100

8. The current fees for other community facilities are:

	Size (m <sup>2</sup> )	Price Comparison	
		Community	Commercial
Carmel Hall	88	\$9.50	\$10.50
Cyril Road Main Hall	180	\$18.50	\$25
Falls Farm	40	\$14	\$21.50
Forrestfield Hall	123	\$15.50	\$22.50
Forrestfield Library Ex. Room	56	\$15.50	\$18
Gooseberry Hill Hall	148	\$18	\$25
Gooseberry Hill Multi Use Fac.	76	\$13.50	\$16.50
JHC Main Hall	165	\$23	\$31.50

Lesmurdie Hall	221	\$22.50	\$28
Town Square Hall	82.5	\$14	\$17
Woodlupine Main Hall	159	\$50	\$55
Kalamunda Ag Hall	273	\$27	\$38
Zig Zag Seminar Room A or B	36	\$16.50	\$33.50
Zig Zag Seminar Room Combined	72	\$33	\$65.50

9. It is to be noted that the City fee structure for community buildings are set at levels which are less than commercial rates where full recovery of all costs associated with these buildings would normally be set. This is to provide the community with affordable access to these facilities.
10. The City did not budget for any fee revenue from the Kalamunda Community Centre for 2020/2021 given the uncertainty at budget preparation of the completion date of the facility and the negative impacts of forecasting revenue that may not eventuate, especially in a COVID budget year.

**Request for Fee Waiver**

11. The City has received a request, via letter, from the Kalamunda Community Learning Centre (KCLC) to waive fees for first half of 2021. (See attachment 1)
12. Kalamunda Community Learning Centre is a not for profit organisation offering a wide range of courses each semester. Established in 1977, it now has more than 800 members
13. Except for the professional crèche team, everyone involved in the running of the Centre is a volunteer. All members are asked to contribute some time each Semester to help.
14. The Kalamunda Community Learning Centre will be the major hirers of the new Building. They will have exclusive use of the office space in the Centre.
15. Given the current economic climate, and the proposal from the Kalamunda Community learning Centre to waive fees for their members, the City supports the proposed fee waiver for the 2020/2021 Financial year. There is a strong social benefit to the operations of the Learning Centre, and this will act as an incentive for the Learning Centre members to return to classes, following what is an extended break in classes.

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- 16. The COVID-19 Pandemic (COVID-19) and associated recovery continues to have significant public health and economic implications, which Officers have taken into account in supporting the request from the Kalamunda Community Learning Centre.
- 17. The Learning Centre is supportive of the fee structure and has requested their fees be fixed at a total of \$25K for the 2021/2022 financial year.
- 18. As KCLC and the City collectively understand the occupancy of each space over a full semester during 2020/2021 the opportunity presents itself to review the situation, in consultation with the Learning Centre, prior to finalising fee structures for 2021/2022.

**APPLICABLE LAW**

- 19. Local Government Act 1995 Section 6.16 (3)

**APPLICABLE POLICY**

- 20. N/A

**STAKEHOLDER ENGAGEMENT**

- 21. The City has met with the Kalamunda Community Learning Centre in regards to the proposed fees, the Learning Centre committee have outlined thier support for the officer proposal.
- 22. The City has engaged with other Local Governments to review fees and charges for applicable centres.

**FINANCIAL CONSIDERATIONS**

- 23. Should Council endorse the fee waiver request from KCLC, approx. \$8,000 will be forgone in revenue. This is unbudgeted, therefore we are not impacting the current budget.

**SUSTAINABILITY**

- 24. Fees proposed are based on a community and commercial rate to ensure that it supports the sustainability of local community groups and encourages hire of the facility.
- 25. There are no environmental implications as a part of the report.

**RISK MANAGEMENT**

26.

<b>Risk:</b> Fees are not adopted and therefore the center cannot be hired out.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Medium
<b>Action/Strategy</b>		
Ensure that fees are adopted prior to the opening of the new facility.		

27.

<b>Risk:</b> Loss of revenue impact on long term maintenance.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure strong promotion of City of Kalamunda facilities for hire and work with groups receiving fee waivers to ensure sustainability.		

**CONCLUSION**

28. The City recommends approval of the new fees and charges. Once fees are set and advertised the City will be able to commence taking bookings for the facility.
29. The City has received several booking enquiries to date, with strong interest from the Community regarding the new Centre.
30. The City supports the request for a fee waiver for the rest of the 2020/2021 financial year from the Kalamunda Community Learning Centre, noting the group's operations have been significantly impacted in 2020 due to COVID-19 and they are intending to not charge their members fees for the first semester of 2021.

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**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council:

1. Pursuant to Section 6.16 (3) of the Local Government Act 1995, ADOPT the following Fees applying to 2020/2021 not included as part of the Fees and Charges schedule as part of the budget adoption on 30 June 2020.

Room	Size (m <sup>2</sup> )	Rate - Per Hour	
		Community	Commercial
Activity Room 1	35	\$ 15	\$ 25
Activity Room 2	32	\$ 15	\$ 25
Activity Room 3 / Craft Room	100	\$ 25	\$ 40
Activity Room 4	62	\$ 20	\$ 35
Activity Room 5	32	\$ 15	\$ 25
Activity Room 6	32	\$ 15	\$ 25
Activity Room 7	80	\$ 30	\$ 50
Hall 1	90	\$ 30	\$ 50
Hall 2	90	\$ 30	\$ 50
Hall 1 and 2 Combined	180	\$ 60	\$ 100

2. Pursuant to section 6.12 (1) of the Local Government Act 1995, APPROVE the waiving of the fees for the Kalamunda Community Learning Centre for the remainder of the 2020/2021 financial year, noting that the learning centre is not charging its members for first semester for 2021 due to the COVID-19 pandemic as set out in their correspondence provide as Attachment 1 to this report.



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#### 10.4.4. Darling Range Seniors Hub Fee Waiver request

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

The Manager Customer & Public Relations provided a presentation on this item.

Previous  
Items

Directorate Office of the CEO  
Business Unit Customer and PR

File Reference  
Applicant  
Owner

Attachments 1. Letter request use of JH 06 11 20 [10.4.4.1 - 1 page]  
2. Proposed Dining Room Use [10.4.4.2 - 1 page]

#### TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

**Priority 1: Kalamunda Cares and Interacts**

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

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

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

**Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

**Priority 4: Kalamunda Leads**

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider a request from the Darling Range Seniors Hub to waive fees for the 2020/2021 financial year.
2. The Darling Range Seniors Hub (DRSH) is member-driven and intergenerational, encouraging people of all ages to support each other in achieving the goals of connection, friendship, mutual support and community contribution.
3. It is recommended that Council approve the request from the Darling Range Seniors Hub to waive fees for the 2020/2021 financial year.

**BACKGROUND**

4. The DRSH is a grassroots movement designed to connect ageing residents with a local 'mutual support' network, other age generations, community groups and their local community.
5. It seeks to provide members with access to trusted and vetted business referrals, volunteer support, social and neighbour connection, friendship and meaningful community engagement opportunities which utilises their passions and skills.

6. The DRSH is a networking/mutual arrangement operating as a not-for-profit organisation that supports ageing residents within the communities of the City of Kalamunda (City) to stay connected to other community members and to continue to enjoy life and independence in their own homes and neighbourhoods for as long and economically as possible.
7. The Vision and Mission of the group is as follows:
- To live in a community where no one has to grow old alone.
  - To provide our neighbours and friends with choices and support for living independently, actively and connected.
8. The DRSH adheres to the following key principles and values-
- Inclusion: fostering environments and opportunities where all community members feel they belong, matter and can contribute, regardless of age or ability.
  - Healthy ageing: the process of developing and maintaining functional abilities that enable wellbeing and autonomy into older age.
  - Ageing in place: being able to 'stay put' as long as possible in familiar and locally valued environments.
  - Valuing everyone: believing that every single community member has capacities, abilities, gifts and ideas, and living a good life depends on whether those capacities can be used, abilities expressed, gifts given and ideas shared.
  - Community: believing in the prime importance of community and neighbour connection. Recognition that ageing is a vital and challenging life phase best shared with a supportive community and connected neighbours.
  - Collaboration, partnership and networking: connecting with existing services, programs and facilities and avoiding duplication of what is already happening.
  - Intergenerational solidarity: creating opportunities for all ages to share, support and learn from each other.
  - Respect: revering and valuing the decision and lifestyle choices and contributions of older people.
  - Ethical and sustainable practice: committing to act in ways that cause no harm to people or the environment.
9. Key Aspirations
- The vision of the DRSH seeks the creation of a number of tangible and positive outcomes for residents of the communities in the City, including their ageing members, namely:
- Leading the revolution to positively reimagine and experience ageing and community life.

- Helping to generate age-friendly and dementia-friendly environments.
- Reducing loneliness, by seeking to 'wrap' community around residents, not just more services and programs.
- Making neighbourhoods feel safer and more friendly.
- Challenging stereotype images of how ageing residents and people experiencing dementia should behave and combatting all forms of ageism.
- Actively creating and promoting opportunities for intergenerational sharing and volunteerism.
- Creating opportunities for all community members to share their interests and assets to build stronger community and more neighbour connection.
- Optimising social and community participation.
- Providing information and connections to enable members to confidently engage with certain local vetted businesses and be confident of honest and reasonably priced service.
- Helping local businesses gain more customers and become more closely linked with their community.
- Contributing to strengthening collaboration and collective impact between community groups and networks.
- Minimising the potential for 'elder abuse'.
- Assisting family members to feel less stressed and more supported.
- Providing a practical expression to the objectives of the City of Kalamunda's Age Friendly Strategy and Action Plan.

#### **DETAILS AND ANALYSIS**

10. The City has received a request, via letter, from the DRSH to waive fees for first half of 2021 for parts of the Jack Healey Centre. (Attachment 1)
11. The fee waiver was requested for:
- Part occupancy of the Lounge (office) to house our Coordinator, and office equipment from 20th December until the Kalamunda Learning Centre (KLC) move to their updated facilities
  - Access to storage space (some furniture) i.e. the Lobby area and possibly a lockable area
  - Full occupancy of the Lounge (office) space once the KCL have moved out of the Lounge
  -
- The DRSH have also requested to book the Dining room for specific activities.

Namely:

- **Tuesday afternoons**
  - 13:00 – 16:00
    - Scrabble group meet weekly
- **Wednesday mornings**
  - 08:00 – 12:00
    - Invited guests and speakers, CommuniTEA Matters weekly meeting,
- **Friday mornings**
  - 09:00 – 11:00
    - Table of Wisdom discussion group

Ad-hoc Use

- **First Sunday every month**
  - 11:30 – 14:00
    - Pot Luck Lunches
- **Last Friday of every other month**
  - 12:00 – 14:00
    - Fish & Chip lunch

A schedule of this booking request is included as Attachment 2 to the report.

12. The DRSH contacted the City via phone, following the letter, on the 19 November 2020, to advise that the Office space would not be required until after Christmas. As such the costs have been based on occupancy from 1 February 2020.
13. Under the Current Schedule of fees and Charges the following fees are payable for use of the Jack Healey Centre:-

Room	Description	Fees and charges
Main Hall	Function selling alcohol	\$70.00
Main Hall	Function consuming alcohol	\$45.00

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Main Hall	Function without alcohol	\$39.50
Main Hall	Commercial	\$31.50
Main Hall	Community group	\$23.00
Meeting Room 1	Commercial	\$13.00
Meeting Room 1	Community group	\$11.50
Meeting Room 2	Commercial	\$13.00
Meeting Room 2	Community group	\$11.50

- 14. The DRSH are currently renting commercial space in the Town Centre. The City has been advised that the size of the space and the costs are not viable for the group.
- 15. The City has reviewed the usage of the Jack Healey Centre and the proposed bookings can be accommodated.
- 16. The DRSH have advised the Jack Healy Centre is currently the groups preferred location to be based.
- 17. In the future Officers suggest consideration may be given to options or space available at the Kalamunda Community Centre, which is also under construction.

**APPLICABLE LAW**

- 18. *Local Government Act 1995* Section 6.12.

**APPLICABLE POLICY**

- 19. N/A

**STAKEHOLDER ENGAGEMENT**

- 20. The City has met with the Darling Range Seniors Hub, to discuss their proposal and understand the group’s needs.

- 21. The City has reviewed all other bookings at Jack Healey Centre to ensure that there is no negative impact for any other user of the facility.

**FINANCIAL CONSIDERATIONS**

- 22. The Costs to hire the Lounge (Office) space based on 20 hours per week of hire between 1 February and 30 June 2021 is: \$2,438.00.

The cost to hire the Lounge (Office) space based on 37.5 hours per week of hire between 1 February and 30 June 2021 is: \$4,568.60.

The Cost to hire the Dining Room for the days and times specified, between the 20 December 2020 – 30 June 2021 is: \$1,454.60.

Should Council endorse the fee waiver request from the Darling Range Seniors Hub, an amount of up to \$6023.20 will be forgone in revenue (based on 37.5 hours per week).

**SUSTAINABILITY**

- 23. There are no environmental implications as a part of the report.

**RISK MANAGEMENT**

24.	Risk: Loss of revenue impact on long term maintenance.												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Possible</td> <td>Medium</td> </tr> <tr> <td colspan="3"><b>Action/Strategy</b></td> </tr> <tr> <td colspan="3">Ensure strong promotion of City of Kalamunda facilities for hire and work with groups receiving fee waivers to ensure sustainability.</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Moderate	Possible	Medium	<b>Action/Strategy</b>			Ensure strong promotion of City of Kalamunda facilities for hire and work with groups receiving fee waivers to ensure sustainability.		
Consequence	Likelihood	Rating											
Moderate	Possible	Medium											
<b>Action/Strategy</b>													
Ensure strong promotion of City of Kalamunda facilities for hire and work with groups receiving fee waivers to ensure sustainability.													

**CONCLUSION**

- 25. The City received advice from the DRSH on 19 November 2020 that they will not require the office space until February 2021 post-Christmas.
- 26. Given the current economic climate, and the social benefit of the DRSH, the City supports the request for a fee waiver for the rest of the 2020/21 financial year.

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- 27. Officers propose to work with the group to review financial sustainability, with a view to increase capacity to pay fees, noting that Seniors groups also receive a 50% reduction on the Community Group rate payable.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council Pursuant to section 6.12 (1) of the *Local Government Act 1995*, APPROVE the waiving of the fees for the Darling Range Seniors Hub Inc up to a value of \$6023.20, and incorporate this decision into the mid – term Budget Review.



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### 10.4.5. Kalamunda Annual Show Funding 2021

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

The Manager Customer & Public Relations provided a presentation on this item.

Mr Wayne Garwood, representing the Kalamunda and Districts Agricultural Society, provided a deputation on this item. Mr Garwood provided explanation as to the opportunities the grant provided to the organisers of the Kalamunda Agricultural Show.

Previous  
Items

Directorate Office of the CEO  
Business Unit Customer and PR

File Reference

Applicant

Owner

Attachments 1. Budget Appeal [10.4.5.1 - 1 page]  
2. Preliminary Budget 2021 [10.4.5.2 - 1 page]

#### TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person’s rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

#### Priority 1: Kalamunda Cares and Interacts

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

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

**Strategy 1.2.2** - Advocate and promote healthy lifestyle choices by encouraging the community to become more physically active.

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

#### Priority 1: Kalamunda Cares and Interacts

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

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

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

#### Priority 4: Kalamunda Leads

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

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

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider a request for \$20,000 of funding for the Kalamunda Annual Show.
2. The City of Kalamunda (City) has been a long-time supporter of the show, however funding was not allocated in the 2019/2020 COVID-19 Crisis Budget, adopted in June 2020.
3. It is recommend support of the request to the value of \$10,000 only, with funding proposed to be utilised from the COVID-19 Crisis Relief Fund Reserve.

### BACKGROUND

4. The Kalamunda show is conducted by the Kalamunda and Districts Agricultural Society (Incorporated).

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5. The City of Kalamunda has had an agreement in place for funding of \$20,000 in 2018/2019. Funding was not included in the 2019/2020 Budget.
6. Due to the COVID-19 pandemic the 2020 Kalamunda Annual Show was cancelled at late notice.

**DETAILS AND ANALYSIS**

7. The Kalamunda Show Committee has written to the City to confirm the 2021 show is expected to go ahead, subject to further COVID-19 restrictions. (See attachment 1).
8. The Kalamunda Show Committee have advised that the show is reliant on funding from the City of Kalamunda in order to proceed.
9. The 2021 event is due to be the 122<sup>nd</sup> Annual Show and is one of the largest community events in the District.
10. Community events build relationships and 'social connectedness' within the community and exposes members to diversity and multiculturalism.
11. The Kalamunda Show Committee has asked for \$20,000 in funding, which is equivalent to the funding received in the past 2 financial years.
12. Historically the funding from the City of Kalamunda has varied between \$10,000 - \$20,000 over the past decade, per year.

**APPLICABLE LAW**

13. *Local Government Act 1995*  
*Local Government (Financial Management) Regulations 1996*

**APPLICABLE POLICY**

14. Service 6 – Events Sponsorship and Donations

**STAKEHOLDER ENGAGEMENT**

15. Consultation has taken place with the Kalamunda and Districts Agricultural Society and the Kalamunda Show Committee.

**FINANCIAL CONSIDERATIONS**

16. Funding for the annual show is not currently included in the 2020/2021 approved Budget.

- 17. If Council would like to support, one option could be to utilise the COVID-19 Reinstatement Reserve.

**SUSTAINABILITY**

**Social Implications**

- 18. Events connect people to other like-minded individuals who share the same passions as them, and they are a way to celebrate the community you live in.
- 19. Many studies have shown building healthy relationships and spending time with family, friends, and others in your community can help improve mental well-being.
- 20. Community-wide events bring people from all walks of life together, strengthening the bonds between them. Those bonds act to improve mental well-being, while helping to alleviate personal struggles.

**Economic Implications**

- 21. The Show has positive economic benefits for Local Community Groups, who utilise the event as a fundraising platform, along with business benefits.

**Environmental Implications**

- 22. N/A

**RISK MANAGEMENT**

23.	<b>Risk:</b> Tightening of COVID restrictions impacts viability of events		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Possible	High
	<b>Action/Strategy</b>		
	The City is carefully monitoring the COVID Pandemic and directions from the State Government of Western Australia. Events have been planned at a small scale, with a series of activities spread over time, and taking into account all current COVID restrictions. It is possible we may enter phase 5, however Phase 4 requirements have been factored in along with contingency planning should we see any regression in the stages.		

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24.	<b>Risk:</b> Funding is not available		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Possible	High
	<b>Action/Strategy</b>		
	Ensure the Kalamunda Show Committee are aware and a timely decision is made so that they can plan for 2021 accordingly.		

**CONCLUSION**

- 25. Subject to funding approval, Officers recommend the entering into of a Memorandum of Understanding for the 2021 Kalamunda Annual Show.
- 26. Officers note the inherent economic benefits to many local suppliers and community groups who sell at the show and raise funds for their groups.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council:

- 1. APPROVE a payment of \$10,000 to the Kalamunda and Districts Agricultural Society (Incorporated) for the 2021 Annual Kalamunda Show.
- 2. Pursuant to section 6.8 (1) (b) of the Local Government Act 1995, AUTHORISE the Chief Executive Officer to amend the 2020/2021 Budget:
  - (a) To transfer \$10,000 from COVID-19 Reinstatement Reserve to the Municipal Fund
  - (b) Make the payment of \$10,000 to the Kalamunda and Districts Agricultural Society (Incorporated)

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### 10.4.6. Zig Zag Railway Restoration Proposal

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

The Director Asset Services provided a presentation on this item.

Council sought clarification on various matters raised in the report. The Director Asset Services provided clarification.

Mr Glade Pike provided a written statement on the report. Mr Pike was unable to attend the meeting in person and the statement was read by the Chief Executive Officer.

Mr Peter Bolder, representing the Zig Zag Railway Restoration Group, advised the group would be very please to work with the City on any aspects of the project and to provide clarification as required.

Previous Items Directorate Business Unit File Reference Applicant Owner	OCM 174/2020
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Attachments	1. Perth Zig Zag Train Restoration Project Issues and Major Constraints [PZQH] [10.4.6.1 - 11 pages]
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#### TYPE OF REPORT

- Advocacy      When Council is advocating on behalf of the community to another level of government/body/agency
- Executive      When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information      For Council to note
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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

### Priority 1: Kalamunda Cares and Interacts

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

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

### Priority 2: Kalamunda Clean and Green

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

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

### 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council of matters that would need to be taken into consideration by the proponents of the Zig Zag Railway Restoration Project (Project) if a further Business Case or Proposal was presented to Council for consideration.
2. This is in response to a decision by Council in consideration of a Notice of Motion adopted at the 22 September 2020 Ordinary Council Meeting.
3. The report and recommendation in itself is not intended to reject or approve the idea of the Project but merely to provide information for the proponents of matters that the City of Kalamunda (City) would need detailed information on if the Project is subsequently proposed for Council endorsement.
4. It is recommended that Council note the issues raised and that they are provided to the proponents for their information.

## BACKGROUND

5. At the 22 September 2020 Ordinary Council Meeting, a Notice of Motion was tabled and debated proposing that the City develop a cost estimate to undertake a pre-feasibility study into the Project with funding to be considered as part of the October budget review.

Two subsequent resolutions were made:

*RESOLVED OCM 173/2020 That Council DEFER undertaking any investigations or actions regarding the Zig Zag until after the current community consultation is completed and reported to Council.*

*RESOLVED OCM 174/2020 That Council REQUEST the Chief Executive Officer bring a report to the December 2020 Ordinary Council Meeting that details the issues and major constraints that the City would need to have addressed in any subsequent proposal from a proponent for Zig Zag Railway.*

6. The first resolution relates to the trial closure to vehicles of Zig Zag Scenic Drive and subsequent community consultation. This report has yet to be brought to Council and is anticipated for early in 2021 calendar year.
7. This report attends to the second resolution (OCM 174/2020).

#### **DETAILS AND ANALYSIS**

8. The Project proponents, Perth Zig Zag Railway Association Inc. (PZZRA) provided an informative video presentation to the City (<https://www.dropbox.com/s/ie5uigqgtw0wkin/Zig%20Zag%20Railway%20II.mp4?dl=0>) as to the basis of the Project. This video has then been used as the basis of assessment by the City of the issues and major constraints that would have to be addressed in any subsequent proposal by the proponent.
9. Subsequently, the PZZRA provided further commentary on issues that they perceived the City would raise and marked up plans of the proposed route near the Kalamunda Town Centre. This information has been factored into the issues that the City would like further information on in due course.
10. The City has not assessed the validity of the claims made in the video and further commentary regarding project viability and benefits. It is felt that these matters fall within the remit of a much larger Business Case that should be prepared by PZZRA. It has however considered issues raised in the video that would warrant further detailed analysis.
11. Rather, this report has focussed on identifying issues that the City would need further consideration by the PZZRA rather than labelling them also as major constraints. The subsequent analysis of the issues by the PZZRA may determine that they may not be major constraints or simply matters to be worked through.



12. In summary, the issues from the City's perspective fall into the following categories:
- a) Transport and Traffic
  - b) Environmental
  - c) Land
  - d) Safety, including Bushfire risks
  - e) Community amenity
  - f) Business / Risk
13. The details of the issues and major constraints is provided as Attachment 1 to this report. It is intended that this Attachment form the basis of response to the PZZRA on this matter.
14. In summary, the main issues that warrant further analysis would be:
- a) Understanding of the Regulatory framework allowing the train to operate on public roads;
  - b) Understanding what appears to be significant impacts upon the natural environment especially for the large deck / car park / restaurant on Zig Zag Scenic Drive and the existing old Railway Reserve;
  - c) Consideration regarding the railway layout within the Kalamunda Town Centre and certainty that existing buildings will not be impacted;
  - d) Matters around the land tenure arrangements necessary to allow the project to proceed impacting City, Crown and potentially Private land holdings and the costs involved;
  - e) Clear understanding of the bushfire risk imposed by the operation of the railway train;
  - f) Visual amenity, vehicle access and noise impacts of the proposal upon residents and businesses from the railway operation; and
  - g) If the City was being asked to participate in the project as a funding or operating partner, the proponents would be required to provide the City with a substantive business case supporting the viability of the project.
15. It is stressed that the intent of this report is not to set out 'roadblocks' for the project nor is the report meant to be taken as an immediate refusal of the concept. It is provided to guide the proponents with information of matters that the City would need detailed information in response if a Project proposal was presented to the City for consideration and/or support.
16. The City has not disregarded the potential positive Tourism and Economic benefits that the project may provide. It is felt that the proponents would be best placed to identify and quantify these benefits in any subsequent proposal without needing them specified within the Attachment.

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**APPLICABLE LAW**

17. *Local Government Act 1995* as primary guidance.

**APPLICABLE POLICY**

18. Nil.

**STAKEHOLDER ENGAGEMENT**

19. No specific community engagement is planned by the City on this matter until a Project proposal is provided to Council. It will be requested that any Project proposal also includes community feedback which is expected to extend beyond the City boundary.

**FINANCIAL CONSIDERATIONS**

20. Nil.

**SUSTAINABILITY**

**Social Implications**

21. As detailed in Attachment 1.

**Economic Implications**

22. As detailed in Attachment 1.

**Environmental Implications**

23. As detailed in Attachment 1.

**RISK MANAGEMENT**

24.	<p><b>Risk:</b> That consideration of any Project proposal is delayed due to lack of information leading to criticism of the City.</p>		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	Developing and providing the proponents with a comprehensive list of matters that the City would need addressed in any subsequent proposal would allow a quicker turn around time of consideration.		

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## CONCLUSION

25. This proposal, if carried out, would result in significant changes to the current environment, amenity and facilities within the City recognising that, in itself, there may be significant tourism and economic benefits to the City. It is believed that by identifying the issues as set out in this report will provide the proponents with guidance that will allow them to further progress their planning in an informed manner.

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

That Council NOTE the Issues identified by the City in regard to a proposed Zig Zag Railway Restoration project and that the City PROVIDE these to the Perth Zig Zag Railway Association Inc. for their information and subsequent actions.

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**11. Closure**

Following presentations, the meeting closed at 8:25pm.