



Ordinary Council Meeting

AGENDA

Tuesday 26 May 2020

To limit the risk of infection due to COVID-19 meetings of Council will be isolated within the Council Chambers and the public gallery will be situated in the adjoining function centre limited as per Government COVID-19 requirements.

The **maximum allowable** attendance at the meeting will be **20 members of the public**.

The meeting will be live streamed and available for viewing through the City's website at www.kalamunda.wa.gov.au.

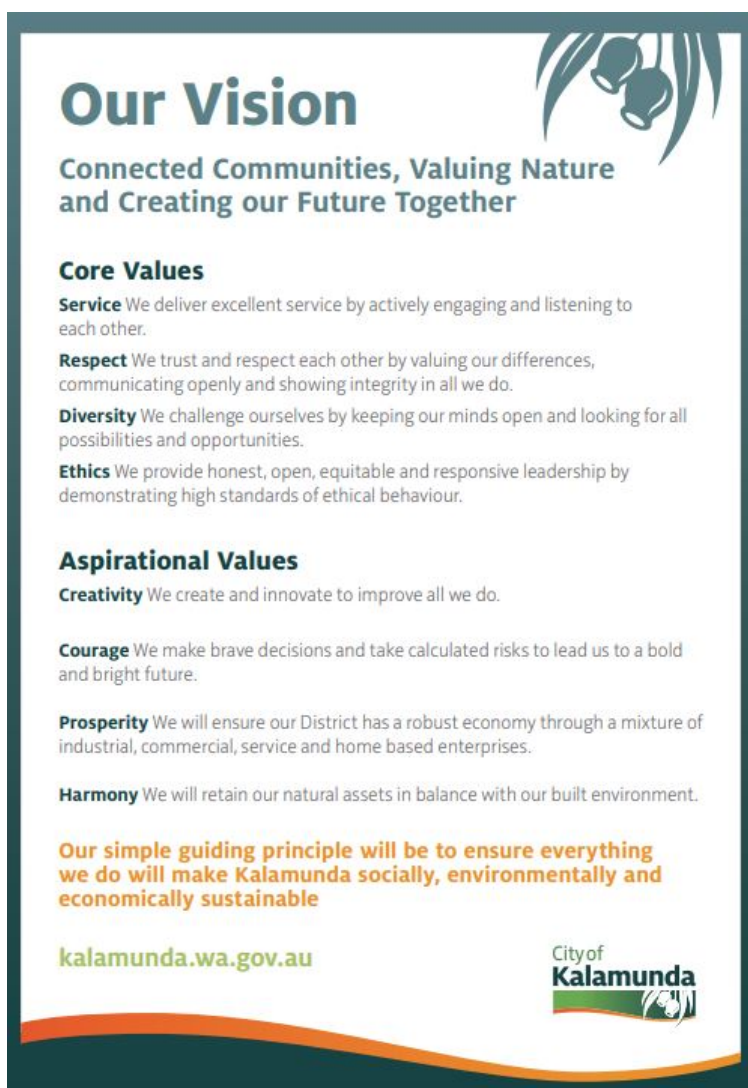
NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 26 2020 at 6.30pm.**



For
Rhonda Hardy
Chief Executive Officer
21 May 2020



Our Vision

Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service We deliver excellent service by actively engaging and listening to each other.

Respect We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.

Diversity We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Ethics We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

Creativity We create and innovate to improve all we do.


Courage We make brave decisions and take calculated risks to lead us to a bold and bright future.

Prosperity We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises.

Harmony We will retain our natural assets in balance with our built environment.

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

kalamunda.wa.gov.au



INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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

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

Ordinary Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. To limit the risk of infection due to COVID-19 meetings of Council will be isolated within the Council Chambers and the public gallery will be situated in the adjoining function centre limited as per Government COVID-19 requirements.
3. The maximum allowable public attendance at the meeting will be 20 members of the public.
4. The meeting will be live streamed and available for viewing through the City's website at www.kalamunda.wa.gov.au.
5. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from City Staff.
6. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting. In addition, for members of the public who do not wish to attend in person questions will be accepted in writing and presented to the meeting. Questions can be email to enquiries@kalamunda.wa.gov.au.
7. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times, except for Public Question Time.
8. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

INDEX

| | |
|---|------------|
| 1. Official Opening | 6 |
| 2. Attendance, Apologies and Leave of Absence Previously Approved | 6 |
| 3. Public Question Time..... | 6 |
| 4. Petitions/Deputations..... | 6 |
| 5. Applications for Leave of Absence..... | 6 |
| 6. Confirmation of Minutes from Previous Meeting..... | 6 |
| 7. Announcements by the Member Presiding Without Discussion..... | 6 |
| 8. Matters for Which the Meeting may be Closed..... | 6 |
| 9. Disclosure of Interest | 7 |
| 10. Reports to Council..... | 8 |
| 10.1. Development Services Reports | 8 |
| 10.1.1. Proposed Amendment No.103 - Lot 613 (4) Varley Street, Lesmurdie - Reclassifying to 'Civic and Community' Local Scheme Reserve..... | 8 |
| 10.1.2. Lot 6 (#10) Vernallan Way, Lesmurdie - Proposed Home Business (Gunsmith & Engineering Services) | 9 |
| 10.1.3. Omnibus Amendment to Local Planning Policy 10, 11, and 16 | 19 |
| 10.1.4. City of Gosnells Proposed Operations Centre and Public Open Space Kelvin Road - Submission | 24 |
| 10.2. Asset Services Reports | 34 |
| 10.3. Corporate Services Reports | 34 |
| 10.4. Office of the CEO Reports | 34 |
| 10.4.1. National Redress Scheme (Participation of WA Local Governments) | 34 |
| 10.4.2. Customer Service Review 2019..... | 45 |
| 10.5. Chief Executive Officer Reports | 55 |
| 10.5.1. Draft Monthly Financial Statements to April 2020 | 55 |
| 10.5.2. Debtors and Creditors Report for the period ended April 2020..... | 63 |
| 10.5.3. Rates Debtors Report for the period ended April 2020..... | 70 |
| 10.5.4. Corporate Business Plan - Quarterly Update - January to March 2020 | 75 |
| 10.5.5. Budget 2020/2021 - Differential Rates..... | 79 |
| 10.5.6. Submission on Proposed MRS Amendment 1366/57 - Lot 912 Midland Road, Bushmead..... | 91 |
| 10.5.7. Consideration of Tenders for the Provision of Mowing Services (RFT 2006) | 102 |
| 10.5.8. Review of Community Engagement 2019..... | 107 |
| 11. Motions of Which Previous Notice has been Given | 112 |
| 12. Questions by Members Without Notice | 112 |
| 13. Questions by Members of Which Due Notice has been Given | 112 |
| 14. Urgent Business Approved by the Presiding Member or by Decision | 112 |
| 15. Meeting Closed to the Public..... | 112 |
| 16. Tabled Documents | 112 |
| 17. Closure | 112 |

1. Official Opening

2. Attendance, Apologies and Leave of Absence Previously Approved

3. Public Question Time

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

4. Petitions/Deputations

5. Applications for Leave of Absence

- 5.1 That Cr Lesley Boyd be granted leave of absence for the period 26 May to 29 May 2020 inclusive.

6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Ordinary Council Meeting held on 28 April 2020, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 28 April 2020."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.2 Lot 6 (#10) Vernallan Way, Lesmurdie - Proposed Home Business (Gunsmith & Engineering Services) – CONFIDENTIAL ATTACHMENT – Submitters Table - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."
- 8.2 Item 10.1.4 City of Gosnells Proposed Operations Centre and Public Open Space Kelvin Road - Confidential Submitter List - - Reason for

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

- 8.3 Item 10.5.7 Consideration of Tenders for the Provision of Mowing Services (RFT 2006) – Tender evaluation Report - Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1. Development Services Reports

10.1.1. Proposed Amendment No.103 - Lot 613 (4) Varley Street, Lesmurdie - Reclassifying to 'Civic and Community' Local Scheme Reserve

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

| | |
|----------------|----------------------------|
| Previous Items | OCM 25/2020 |
| Directorate | Development Services |
| Business Unit | Approval Services |
| File Reference | PG-LPS-003/103 |
| Applicant | TPI Planning |
| Owner | State of Western Australia |
| Attachments | Nil |

SINCE THE PUBLICATION OF THE BRIEFING AGENDA THIS REPORT HAS BEEN WITHDRAWN AT THE REQUEST OF THE APPLICANT.

10.1.2. Lot 6 (#10) Vernallan Way, Lesmurdie - Proposed Home Business (Gunsmith & Engineering Services)

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

| | |
|-------------------------|--|
| Previous Items | N/A |
| Directorate | Development Services |
| Business Unit | Approval Services |
| File Reference | VR-02/010 |
| Applicant | Daniel Macdonald |
| Owner | Daniel & Alicia Macdonald |
| Attachments | <ol style="list-style-type: none"> 1. Development Plans [10.1.2.1 - 1 page] 2. Acoustic Assessment Report [10.1.2.2 - 11 pages] 3. Submission Table [10.1.2.3 - 9 pages] |
| Confidential Attachment | <ol style="list-style-type: none"> 1. Item 10.1.2 Lot 6 (#10) Vernallan Way, Lesmurdie - Proposed Home Business (Gunsmith & Engineering Services) – CONFIDENTIAL ATTACHMENT – Submitters Table - <u>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</u> |

Provided under separate cover.

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a development application for a proposed Home Business (gunsmith & engineering services) at Lot 6 (#10) Vernallan Way in Lesmurdie.
2. As part of the advertising period, a total of four (4) objections were received concerning potential amenity impacts and land use conflicts arising from the proposal.
3. It is recommended Council approve the application subject to conditions and advice notes.

BACKGROUND

4. Land Details:

| | |
|------------------------------------|----------------|
| Land Area: | 2727sqm |
| Local Planning Scheme Zone: | Residential R5 |
| Metropolitan Regional Scheme Zone: | Urban |

5. In response to the COVID-19 pandemic, a Notice of Exemption was issued by the Minister for Planning on 8 April 2020 to provide specific guidance to both proponents and local government on a range of temporary exemptions for certain approvals and requirements within the local planning framework. This included exemptions for Home Business. The exemption is conditional on the property being located in a residential zone and is a permissible use. These exemptions will remain in effect until 90 days after the end of the State of Emergency.
6. With the recent Notice of Exemptions issued by the Minister, the proponent may seek to rely on the exemption for his home business, which the City would be obligated to accept. Proponents should be mindful, however, that the exemption is only temporary for the period of the emergency declaration and a three-month period thereafter, following which the proponent would need to apply to the City for planning approval for the home business.

7. **Locality Plan (Aerial):**



DETAILS AND ANALYSIS

8. The applicant seeks approval to operate a Home Business (gunsmith & engineering services) from within an existing outbuilding (shed) on the subject lot (Attachment 1).
9. The following information on the proposal is provided:
- a) The proposed operating hours are Monday-Friday 9am-1pm.
 - b) The applicant will collect a firearm or component for repair/ maintenance, he will then assess the best methodology to either manufacture a suitable replacement or conduct the necessary repairs using metal turning machinery.
 - c) The machinery will be used for periods of less than one hour per day.
 - d) No customers are to visit the premises as the applicant offers collection and delivery services.
 - e) There will be no additional employees.
 - f) Acoustic assessment has been prepared (refer Attachment 2); and
 - g) All generated waste will be removed off site and disposed of by a metal supplier who recycles all discarded metal and materials.

10. The proposal is being operated from within an existing outbuilding on the property and the area being occupied does not exceed 50m². Due to the low scale nature of the business it is unlikely there would be any negative impacts on the amenity or the neighbouring properties. In addition to this, there will be no customers attending the site and therefore no increase in traffic volumes or inadequacy for car parking as a result of this development. Having regard to the aforementioned the proposal is consistent with the definition of a 'Home Business' as set out under Local Planning Scheme No.3 (Scheme).

11.

A 'Home Business' is defined under the Scheme as:

A business, service or profession carried out in a dwelling or on land around a dwelling by and occupier of the dwelling which –

- a) A home business means a business, service or profession carried out in a dwelling or on land around a dwelling by and occupier of the dwelling which –*
- b) Does not employ more than 2 people not members of the occupier's household;*
- c) Will not cause injury to or adversely affect the amenity of the neighbourhood;*
- d) Does not occupy an area greater than 50 square metres;*
- e) In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) Does not involve the use of an essential service of greater capacity than normally required in the zone.*

12. The proposal is consistent with Clause 4.2.1 (Objectives of the Zones – Residential) of the Scheme by virtue of the predominant land use being for residential purposes and the home business being ancillary to the predominant use.

13.

The objectives of the residential zone being:

- a) To provide primarily for single residential development whilst allowing for a range of densities in order to encourage a wide choice of housing types within the Shire.

- b) To give consideration to grouped dwelling developments if the site is near amenities and can be integrated into the single residential environment.
- c) To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.
- d) To encourage the retention of remnant vegetation.

14. The proposal was advertised to surrounding landowners in accordance with the City's Local Planning Policy – 11 Public Notification of Planning Proposals. A total of seven (7) submissions were received, comprising four (4) objections and three (3) non-objections (refer Attachment 3 & 4).

The nature of the objections relates to the following:

- a) Amenity impacts.
- b) The proposal is considered industrial.
- c) Safety concerns.
- d) Noise implications.
- e) Traffic volumes.

In response to the concerns the following points are noted:

15. **Amenity and Land Use Clarification:**

The City recently refused a similar application for a gunsmith in High Wycombe on the following grounds:

- a) The use could not be considered a 'Home Business' as it was more akin to a 'Light Industry' use.
- b) The business had the potential to negatively impact on the amenity of the locality and neighbouring properties.
- c) The proposed use had the potential to cause injury.

16. The City was challenged through the State Administrative Tribunal (SAT) where the Tribunal disagreed with the City's reasons for refusal and invited the City to reconsider the proposal (2019 WASAT 127).

17. The Tribunal provided the following points of clarification:

- a) Whilst the proposed use may involve some of those industrial activities such as manufacturing, dismantling and repairing it is of such a low scale and impact it is not properly 'industrial' and therefore is considered a Home Business.

- b) The use class 'Home Business' is designed to allow small scale commercial activities to take place within and on land around dwellings.
- c) The safety concerns raised by residents are understandable but considered unreasonable as there was no evidence showing a link between the presence of the gunsmith and any crime related activities
- d) The proposal is considered a home business and is therefore capable of being approved.

18. Having due regard to the above, the City ultimately approved the proposal subject to conditions and advice notes.

19. In considering this development application, in particular the similarities with the gunsmith proposal in High Wycombe, the City is mindful of the SAT decision and its implications with respect to the officer recommendation.

20. **Noise Impacts**

The applicant has submitted an Acoustic Assessment with the proposal that has been prepared by a suitably qualified acoustic engineer. The report includes measured noise levels and appropriate noise monitoring that has been conducted on the subject site (refer attachment 2).

21. The report recommends additional mitigation measures to be implemented to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and this has been imposed as a recommended condition of approval.

22. **Traffic Concerns**

In the unlikely event that a customer visits the property a condition has been imposed requiring all parking associated with the business to be contained on site. This will ensure there is no overflow of cars onto the road and therefore this concern has been appropriately addressed.

23. **Safety Concerns**

The applicant has advised that all firearms are stored in accordance with the Western Australian Firearms Licensing requirements and that his security levels are in excess of these standards. The applicant is also required to obtain a firearms repairer's licence which can only be granted by Western Australian Police (WAPOL) if approval from the Local Government is obtained. The site will be subject to an inspection by

WAPOL to ensure that firearms and ammunition are appropriately and safely stored.

APPLICABLE LAW

24. *Planning and Development (Local Planning Schemes) Regulations 2015*
 - a) *Clause 67 Matters to be considered by Local Government*
25. *Local Planning Scheme No.3*
 - a) *Clause 4.2.1 – Objectives of the residential zone*

APPLICABLE POLICY

26. *Environmental Protection (Noise) Regulations 1997*
27. Local Planning Policy 11 – Public Notification of Planning Proposals

STAKEHOLDER ENGAGEMENT

28. The proposal was advertised in accordance with Local Planning Policy – 11 Public Notification of Planning Proposals.
29. The application was assessed by the City from an Environmental Health perspective. There were no issues with the acoustic assessment and a condition was recommended to ensure the requirements of the acoustic assessment are to be implemented prior to operating the business.
30. The proposal was advertised to surrounding landowners in accordance with the City's Local Planning Policy – 11 Public Notification of Planning Proposals. A total of seven (7) submissions were received, comprising four (4) objections and three (3) non-objections (refer Attachment 3 & 4).

The nature of the objections relates to the following:

- a) Amenity impacts.
- b) The proposal is considered industrial.
- c) Safety concerns.
- d) Noise implications.
- e) Traffic volumes.

FINANCIAL CONSIDERATIONS

31. Nil

SUSTAINABILITY

Social Implications

32. The proposal may impact on the amenity of the surrounding residential area by virtue of the activities proposed to be conducted from the site.

Economic Implications

33. Small businesses help to stimulate the local economy and keep overhead costs low which are then passed onto the community through lower prices.

Environmental Implications

34. Nil

RISK MANAGEMENT

- 35.
- | | | |
|--|-------------------|---------------|
| Risk: Council refuse the application on amenity grounds. | | |
| Consequence | Likelihood | Rating |
| Significant | Unlikely | Medium |
| Action/Strategy | | |
| In the event that Council were to refuse the proposal, the applicant may exercise his right to appeal the refusal through the State Administrative Tribunal, in which, SAT are likely to request Council to reconsider the proposal. | | |
-
- | | | |
|--|-------------------|---------------|
| Risk: The proposal has an impact on the prevailing residential amenity of the area. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| The City provide appropriate conditions of planning approval and ensure those conditions are adhered to. | | |

CONCLUSION

36. A 'Home Business' is a business that is intended to be operated within a residential area that will not detrimentally impact upon the amenity of the locality and adjoining properties. The applicant has provided the relevant supporting information that indicates the proposal demonstrates full compliance with the definition of a Home Business. Moreover, SAT has

previously determined that where a proposal for a Home Business, if of a low scale with low amenity impact, then it is capable of being approved.

37. The proposal is consistent with orderly and proper planning and should be supported on the basis that it is consistent with the relevant planning framework and legislation.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council APPROVE the application for the proposed Home Business (gunsmith & engineering services) at Lot 6 (10) Vernallan Way, Lesmurdie subject to the following conditions:

1. Planning Conditions:

- a) The development must be carried out in accordance with the stamped and approved plan(s)/drawings(s) and document(s) receipted on the 4th of December 2019, being stamped and returned to the applicant with this decision notice.
- b) The application is required to comply with the definition of a 'Home Business' as set out under Local Planning Scheme No.3.
- c) The business is only permitted to operate between the hours of Monday to Friday 9am until 1pm.
- d) All parking associated with this development is to be contained on the subject site.
- e) The applicant is required to implement all recommendations contained within the Acoustic Assessment Report prepared by Acoustic Audio Production dated the 27th of February 2020 prior to commencing operation.

2. Advice Notes:

- a) All development must comply with the provisions of City's Local Planning Scheme No 3, Health Regulations, Building Code of Australia, and all other relevant Acts, Regulations and Local Laws.
- b) With respect to Condition 2, a Home Business means a business, service or profession carried out in a dwelling or on land around a dwelling by and occupier of the dwelling which –

- i. A home business means a business, service or profession carried out in a dwelling or on land around a dwelling by and occupier of the dwelling which –
 - ii. Does not employ more than 2 people not members of the occupier’s household;
 - iii. Will not cause injury to or adversely affect the amenity of the neighbourhood;
 - iv. Does not occupy an area greater than 50 square metres;
 - v. In relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - vi. Does not involve the use of an essential service of greater capacity than normally required in the zone.
- c) The applicant is reminded of their obligations to comply with the “Land development sites and impacts on air quality: a guideline for the prevention of dust and smoke pollution from land development sites in Western Australia”, prepared by the Department of Water and Environmental Regulation.

10.1.3. Omnibus Amendment to Local Planning Policy 10, 11, and 16

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

| | |
|----------------|----------------------|
| Previous Items | OCM 144/2019 |
| Directorate | Development Services |
| Business Unit | Approval Services |
| File Reference | 3.009297 |
| Applicant | Nil |
| Owner | Nil |

| | |
|-------------|---|
| Attachments | 1. Local Planning Policy 10 (LPP 10) - Family Day Care and Child Care Premises [10.1.3.1 - 11 pages] |
| | 2. Local Planning Policy 11 (LPP 11) - Public Notification of Planning Proposals [10.1.3.2 - 8 pages] |
| | 3. Local Planning Policy 16 (LPP 16) - Design Review Panel [10.1.3.3 - 23 pages] |

TYPE OF REPORT

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- Executive When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
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- 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 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 minor modifications to the following local planning policies for approval without public advertising (Attachments 1-3):
 - a) Local Planning Policy 10 – Family Day Care and Child Care Premises
 - b) Local Planning Policy 11 – Public Notifications on Planning Proposals
 - c) Local Planning Policy 16 – Design Advisory Committees
2. The proposed administrative changes to the policies are principally required to ensure the City's planning framework is consistent with current state and federal guidance on measures to streamline the planning processes. The changes also reflect, but are not directly related to, the more recent request from the Minister for Planning for local government to initiate regulatory changes, where necessary, in response to COVID-19.
3. Council is recommended to adopt the changes.

BACKGROUND

4. The City periodically reviews, revokes, and adds new policies to provide a level of consistency and transparency in decision-making and to ensure Council has a clear policy position regarding various planning matters.
5. The Policy amendments are minor in nature, primarily designed to streamline the planning process to expedite the decision making process, and also in some part to respond to the recent State Government request for local government to implement regulatory measures that would assist the business and general community in responding to COVID-19. While some of these changes are not directly related to COVID-19, it is an appropriate time for the City to review its policy requirements.

DETAILS AND ANALYSIS

Local Planning Policy 10: Family Day Care and Child Care Premises

6. The purpose of the modification to LPP10 is to ensure the Policy is consistent with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).
7. The LPP was adopted by Council in December 2013 with recommended hours of operation being inconsistent with the requirements of the Noise Regulations. The Noise Regulations are a higher order document than the City's LPP in any case and the LPP should be consistent with the Noise Regulations.

8. The change recommended to LPP10 amends the recommended hours of operation for Child Care Premises; from 6:00am and 7:00pm to 7:00am and 7:00pm. This is consistent with the Noise Regulations.

Local Planning Policy 11: Public Notification on Planning Proposals

9. The purpose of the modifications to LPP11 are to provide additional flexibility to undertake certain advertising methods, particularly in relation to significant development applications.
10. Where the current policy provides for mandatory advertising measures, these have been changed to be at the discretion of the Director Development Services, or Manager Approval Services.
11. The additional flexibility, which would only be applied when there is a low level of planning interest in a proposal, would ensure that development applications can be efficiently processed to encourage landowners to move on to the next phase of approvals and commence construction works as soon as possible.
12. The City has had instances where the definition of significant development under LPP11 has required public information sessions but due to the lack of interest in the proposal (normally due to limited impacts) has had no residents in attendance. This is not an effective use of staff time or resources. As such, LPP11 has been modified to provide discretion to avoid such situations in the future.

Local Planning Policy 16: Design Review Panel

13. The purpose of the modification to LPP16 is to ensure the Policy is consistent with Design WA guidelines and State Planning Policy 7.0.
14. In summary, the Policy was amended as follows:
- a) Renaming of 'Design Advisory Committee' (DAC) to 'Design Review Panel' (DRP);
 - b) Amending the definition of 'significant development' to ensure consistency across all City of Kalamunda Local Planning Policies (more specifically LPP14);
 - c) Addition of 'roles and responsibilities' for all stakeholders involved in the DRP process with reference to those stipulated by SPP7.0;
 - d) Amend Appendix 2 (Design Principles) to be consistent with SPP7.0; and
 - e) Minor additional modifications where appropriate to render LPP16 consistent with SPP7.0.

15. The amendments made are administrative in nature and ensure transparency and consistency with Local and State Planning Policies. In any case, where local policies conflict with state policies, state policy requirements prevail.

APPLICABLE LAW

16. *Planning and Development (Local Planning Schemes) Regulations 2015*
Schedule 2, Part 2, Clause 5(2) – Procedure for amending a local planning policy without advertising

APPLICABLE POLICY

STAKEHOLDER ENGAGEMENT

17. As the proposed amendments are to existing Policy’s and of an administrative nature, no consultation is required.

FINANCIAL CONSIDERATIONS

18. As the amended Policies are not proposed to be advertised, there are no costs associated with the amended Policy’s.

SUSTAINABILITY

19. If the Policy amendments are adopted, the City and Council will be able to undertake effective planning processes with the same high-quality planning outcomes, but the various costs to landowners will be reduced.

RISK MANAGEMENT

| | | | |
|-----|---|-------------------|---------------|
| 20. | Risk: The Policy amendments are considered significant by others and were required to be advertised. | | |
| | Consequence | Likelihood | Rating |
| | Low | Unlikely | Low |
| | Action/Strategy | | |
| | Ensure the modifications reflect minor changes and are consistent with state regulations and policies. | | |

| | | | |
|-----|--|-------------------|---------------|
| 21. | Risk: The Policy amendments are not adopted, resulting in existing Policy's not being updated. | | |
| | Consequence | Likelihood | Rating |
| | Low | Unlikely | Low |
| | Action/Strategy | | |
| | Amend the policies to ensure their currency and relevance in relation to state regulations and policies. | | |

CONCLUSION

22. The proposed administrative amendments to Local Planning Policy 10, 11, and 16 are required to ensure the City's planning framework is consistent with current state and federal guidance on where emphasis should be placed. In this regard, the emphasis is placed on streamlining the development process, rather than adding requirements which are beyond the requirements or inconsistent with relevant regulations. This is particularly pertinent given the current State government request for local government to implement measures to fast track the planning process in response to Covid-19.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ACCEPT that the proposed minor amendment(s) to Local Planning Policy are in accordance with Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and does not require advertising.
2. ADOPT the proposed Local Planning Policies 10, 11 and 16 as outlined in Attachments 1-3 pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.4. City of Gosnells Proposed Operations Centre and Public Open Space Kelvin Road - Submission

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

| | |
|-------------------------|---|
| Previous Items | Nil |
| Directorate | Development Services |
| Business Unit | Strategic Planning |
| File Reference | 3.009297 / PG-MRS-024 |
| Applicant | N/A |
| Owner | City of Gosnells |
| Attachments | <ol style="list-style-type: none"> 1. Submission CoG Operations Centre and POS Kelvin Road [10.1.4.1 - 4 pages] 2. Updated - Kelvin Rd Redevelopment Overview [10.1.4.2 - 1 page] 3. Concepts and Photos [10.1.4.3 - 5 pages] |
| Confidential Attachment | <ol style="list-style-type: none"> 1. Confidential Submitter List - - <u>Reason for Confidentiality</u>: <i>Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i> |

Provided under separate cover.

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

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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider endorsement of a City of Kalamunda (the City) submission to the City of Gosnells in relation to a proposed development on Kelvin Road in Orange Grove.
2. The City of Gosnells (CoG) has invited comments on a proposed new Operations Centre and public open space at the CoG remediated waste site on Kelvin Road in Orange Grove (Attachment 2). The new Operations Centre will deliver a number of operational services as well as a waste management component.
3. The City has identified a number of concerns with the proposal including inconsistencies with the planning for the area and potential adverse impacts to surrounding residents. These concerns are further detailed in this report.
4. It is recommended Council endorse the submission in Attachment 1 to the CoG outlining the City's comments on the proposal.

BACKGROUND

5. A new Operations Centre is proposed to be built and an enhanced POS area is anticipated to be developed at the CoG remediated waste site at Kelvin Road, Orange Grove.
6. The new Operations Centre is to replace the current ageing facility in Maddington.
7. The CoG released the proposal for a new Operations Centre on 23 March 2020 and is seeking ideas for the type of activities to be developed at the POS site.

8.



9. Following the completion of the new Operations Centre, the CoG is proposing to instigate a multi-use development for the old site due to its location and proximity to the Maddington train station.

DETAILS AND ANALYSIS

10. The proposed Operations Centre will provide similar functionality as does the City's Operations Centre at Walliston, a dog pound and an abandoned vehicle storage area. Importantly the Operations Centre will also include a waste transfer facility where waste collected by the CoG is transferred to large semi-trailer trucks for delivery to the ultimate processing facilities (predominantly the waste to energy plant in Kwinana) .
11. The proposed seven-hectare Operations Centre development will enable the remaining 29 hectares to the north-east to be developed as POS with funding for the public open space to be sourced from the development of the adjoining former trotting track into rural residential lots.
12. **Regional Planning Context**
The site and general locality is zoned Rural under the Metropolitan Region Scheme (MRS) and General Rural under the CoG Town Planning Scheme No. 6 (TPS6).
13. The Western Australian Planning Commission's (WAPC) South Metropolitan Peel Sub-regional Planning Framework identifies the locality as Urban Expansion.
14. Key considerations identified by the Framework for the area include:
- a) Geotechnical analysis/land suitability to provide connections to reticulated wastewater services.
 - b) Bushfire risk.
 - c) Protection of significant environmental attributes.
15. It is considered the industrial nature of the Operations Centre is inconsistent with the Urban Expansion identification under the Framework.
16. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the MRS. An example of this situation in the City is the Forrestfield / High Wycombe Industrial Area. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area. In this context, significant community engagement and preliminary concept planning has informed the future planning for the surrounding area (Wattle Grove South).

17. **Local Planning Context**

The CoG draft Local Planning Strategy 2019 identifies Orange Grove as a 'Potential Urban Expansion Area' and a long-term growth area.

18. The CoG Foothills Rural Strategy identifies the locality as Rural Planning Precinct No. 4 - Kelvin Road Precinct (RPP 4). RPP 4 contains a variety of lot sizes, which are generally between one to four hectares.

19. The RPP 4 precinct comprises 36 individual properties that collectively cover approximately 90 hectares. Sixteen of the properties are owned by COG, which combined, once occupied the Kelvin Road Waste Disposal site. The remaining 20 properties are held in private ownership. These sites are generally commercial or rural residential in nature.

20. The adjacent precinct is identified as Rural Planning Precinct No. 3 – Tonkin Highway East Precinct (RPP 3) by the Foothills Rural Strategy and incorporates lots on the eastern end of Kelvin Road and along Valcan Road. These lots are generally rural residential in nature.

21. The Foothills Rural Strategy recommends a minimum of one-hectare properties for these precincts.

22. It is considered the industrial nature of the Operations Centre is inconsistent with the urban investigation and rural residential identification under the draft Local Planning Strategy 2019 and the Foothills Rural Strategy.

23. **Crystal Brook (Wattle Grove South) Considerations**

On 1 October 2018, the CoG provided a submission on the City's draft Industrial Development Strategy (IDS). The draft IDS identified a southern portion of Crystal Brook as industrial investigation. CoG objected to this identification due to the potential adverse impacts on adjacent Orange Grove rural residential properties and the fact that the North East Sub-regional Planning Framework identifies the area as Urban Expansion.

24. Community engagement to date with Crystal Brook residents has revealed a strong desire for the protection of environmental values, retaining the rural character of the area and preventing industrial uses. The Concept Plans for Crystal Brook currently being prepared will aim to reflect these views.

25. The City has received a number of complaints regarding trucks utilising Crystal Brook Road to bypass the Kelvin Road / Tonkin Highway traffic lights. Should the proposal commence, this may generate greater traffic of this nature on Crystal Brook Road. However, with the proposed Tonkin

Highway / Kelvin Road interchange being proposed by Main Roads WA, traffic flow through this intersection would be improved from present conditions.

26. Operations Centres are typically located in industrial areas and are considered an industrial use, which would make this proposal inconsistent with the planning Framework identification for the area. The high number of rubbish truck movements to the transfer facility also would exacerbate the concerns of residents. It may have potential adverse impacts on Orange Grove and Crystal Brook residents and would not be consistent with the values being captured in the Crystal Brook concept planning process.
27. Operation Centres can be associated with excessive noise, whilst waste management can be associated with noise, dust and odour issues. These issues may impact nearby Crystal Brook residents. It should be noted that CoG have stated in their frequently asked questions that 'the design and location has been specifically selected to minimise the impact on the community. The new Operations Centre is proposed to be constructed on the previous landfill site. It is a complementary land use for the tip site and its environs.'
28. The proposed POS development and vegetation buffers, depending on the eventual proposal may be beneficial to providing a positive interface with Crystal Brook and is supported.
29. **Public Open Space Considerations**
The CoG are seeking ideas on the development of the POS site. Given the history of the site as an old waste site and due to the extensive remediation which may be required, the development may be restricted to more passive open space uses or non-traditional team sports such as archery, equestrian and frisbee sports.
30. The City's Public Open Space Strategy 2018 (POS Strategy) identifies most of its suburbs (Kalamunda, Lesmurdie, High Wycombe, Gooseberry Hill, Maida Vale and the Walliston-Rural East suburbs) as having a significant shortfall in active POS provision and quality.
31. Given the location of the proposed public open space site on the border of the City, this may alleviate some of these pressures.
32. The POS Strategy identifies a future deficit of sports space for both the Foothills and Hills. The proposed POS site may alleviate some pressures if this was to eventuate on site.

33. It is recommended the City continue to liaise with the CoG to further understand and discuss the various development opportunities for the proposed POS site.
34. **Engineering Considerations**
Traffic analysis has not been provided as part of the proposal. It is recommended that a traffic impact assessment is provided to understand the traffic implications of the proposal.
35. Water management analysis has not been provided as part of the proposal. It is recommended either an Urban Water Management Plan (UMP) or Stormwater Management Plan is provided to understand water management implications of the proposal.
36. **Environmental Considerations**
Environmental surveys and environmental management plans have not been provided as part of the proposal. It is recommended that an environmental survey and environmental management plan is provided to understand how environmental values will be managed and protected in roadsides, the future POS and within the development itself.
37. **Environmental Health Considerations**
A number of amenity impacts have not been addressed in the proposal. Operations Centres can be associated with excessive dust, noise and general visual amenity impacts to the surrounding area. The proposed waste management component has the potential to cause noise, dust, odour and general visual amenity impacts.
38. It is recommended that an Amenity Management Plan is provided to the City for review and comment. The Amenity Management Plan to address amenity impacts including, but limited to noise, odour, dust and visual impacts.
39. **Feedback from the City's Residents**
The City has received correspondence from a number of its residents outlining concerns with the proposals. These concerns are outlined in Confidential Attachment 1.
40. **Summary of Submission Recommendations**
- a) The proposed Operations Centre is inconsistent with the planning of the area as identified in the Frameworks, Local Planning Strategy, Foothills Rural Strategy and Crystal Brook (Wattle Grove South) Concept Planning. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the Metropolitan Region Scheme (MRS). An example of this situation in the

City is the Forrestfield / High Wycombe Industrial Area.

Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area. In this context, significant community engagement and preliminary concept planning has informed the future planning for the surrounding area of Crystal Brook (Wattle Grove South).

- b) It is recommended that an alternative site is considered for the Operations Centre, preferably within an industrial area.
- c) Should the proposed Operations Centre proceed, it is requested that the CoG provide appropriate interface buffers and demonstrate that management measures for the potential adverse impacts to the surrounding area are put in place.
- d) The vegetated buffer and proposed POS are, in-principle, generally supported.
- e) The City wishes to continue to liaise with the CoG and requests to be invited to further understand and discuss the various development opportunities for the proposed POS site.
- f) The following additional information is requested to be provided to the City for review and comment:
 - i) Traffic Impact Assessment.
 - ii) Either a UWMP or Stormwater Water Management Plan.
 - iii) Flora Survey and Environmental Management Plan.
 - iv) Amenity Management Plan.

APPLICABLE LAW

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

- Schedule 2, Part 2 Clause 4(3) - review submissions and resolve to proceed with/without modifications or not proceed with the local planning policy
- Schedule 2, Part 2 Clause 4(4) – local government to publish the local planning policy in the local newspaper
- Schedule 2, Part 2 Clause 4(5) – the local planning has effect on publication
- Schedule 2, Part 2 Clause 4(6) – the City to make a copy of the local planning policy available to the public

APPLICABLE POLICY

42. Nil.

STAKEHOLDER ENGAGEMENT

- 43. The CoG released the proposal for a new Operations Centre on 23 March 2020 and is seeking ideas for the type of activities to be developed at the POS site.

FINANCIAL CONSIDERATIONS

- 44. Nil.

SUSTAINABILITY

Social Implications

- 45. The proposed POS has the potential to provide recreational and health benefits to the local community.

Economic Implications

- 46. Nil.

Environmental Implications

- 47. The proposed operations centre has the potential to cause noise, dust and odour issues for nearby residents. It should be noted that CoG have stated in their frequently asked questions that ‘the design and location has been specifically selected to minimise the impact on the community. The new Operations Centre is proposed to be constructed on the previous landfill site. It is a complementary land use for the tip site and its environs.’
- 48. Environmental surveys and environmental management plans have not been provided as part of the proposal. Therefore, it is difficult to understand the impact on the natural environment without this information provided.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 49. | Risk: The proposal results in excessive noise impacting surrounding residents. | | |
| | Consequence | Likelihood | Rating |
| | Significant | Possible | High |
| | Action/Strategy | | |
| | Endorse and submit the submission in Attachment 1 which requests CoG to submit an Amenity Management Plan. | | |

50.

| | | |
|--|-------------------|---------------|
| Risk: The proposal results in excessive dust impacting surrounding residents. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission in Attachment 1 which requests CoG to submit an Amenity Management Plan. | | |

51.

| | | |
|--|-------------------|---------------|
| Risk: The proposal results in excessive odour impacting surrounding residents. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission in Attachment 1 which requests CoG to submit an Amenity Management Plan. | | |

52.

| | | |
|--|-------------------|---------------|
| Risk: The proposal results in additional truck traffic in the Crystal Brook (Wattle Grove South locality), particularly along Kelvin Road and Crystal Brook Road. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission in Attachment 1 which requests CoG to submit a Traffic Impact Assessment on the proposal. | | |

CONCLUSION

53. The City has identified a number of concerns from the proposal which may impact adjacent Crystal Brook residents such as dust, noise, odour, environmental management and traffic. In the City’s submission in Attachment 1 the City has requested a number of management plans specifically relating to each issue to address these concerns.
54. It is recommended that an alternative site is considered for the Operations Centre, preferably within an industrial area. Should the proposed Operations Centre proceed, it is requested that the CoG provide appropriate interface buffers and demonstrate that management of potential adverse impacts to the surrounding area will be put in place.
55. Due to the City’s deficiency in POS, the City will continue to liaise with the CoG to further understand and discuss the various development opportunities for the proposed public open space site.

56. The City supports the implementation of a vegetated buffer and enhanced public open space to positively address the interface with Crystal Brook.

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| Voting Requirements: Simple Majority |
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RECOMMENDATION

That Council

1. ENDORSE the City of Kalamunda submission in relation to the proposed development on Kelvin Road in Orange Grove to the City of Gosnells provided in Attachment 1.
2. REQUEST the Chief Executive Officer forward the City of Kalamunda endorsed submission in relation to the proposed development on Kelvin Road in Orange Grove to the City of Gosnells.

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.4. Office of the CEO Reports

10.4.1. National Redress Scheme (Participation of WA Local Governments)

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

| | |
|----------------|-----------------------|
| Previous Items | N/A |
| Directorate | CEO's Office |
| Business Unit | Community Development |
| File Reference | N/A |
| Applicant | N/A |
| Owner | N/A |
| 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 (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.

EXECUTIVE SUMMARY

1. This report is for the City of Kalamunda (the City) to:
 - a) Note the background information and the WA Government's decision in relation to the National Redress Scheme;
 - b) Note the key considerations and administrative arrangements for the City to participate in the National Redress Scheme;
 - c) Formally endorse the City's participation as part of the WA Government's declaration in the National Redress Scheme; and
 - d) Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

BACKGROUND

2. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:
 - a) Working with Children Checks (August 2015);
 - b) Redress and Civil Litigation (September 2015); and
 - c) Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

3. The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the City) will be required to consider leading practice approaches to child safeguarding separately in the future.

4. National Redress Scheme

The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- a) A direct personal response (apology) from the responsible institution, if requested;
- b) Funds to access counselling and psychological care; and
- c) A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

DETAILS AND ANALYSIS

5. Following extensive consultation, the State Government (December 2019):
 - a) Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
 - b) Noted the options for WA local government participation in the Scheme;
 - c) Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
 - d) Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

6. The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:
 - a) Redress monetary payment provided to the survivor;
 - b) Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
 - c) Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

7. State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

8. Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:
 - a) Providing the State with the necessary (facilities and services) information to participate in the Scheme;
 - b) Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
 - c) Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion

9. The WALGA State Council meeting of 4 March 2020:
- a) Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
 - b) Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
 - c) Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

10. The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

11. The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the City's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the City formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The City will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the City to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

12. Should the City formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the City include:
- a) Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the

Commonwealth's preparedness to name-and-shame non-participating organisations).

- b) Potential reputational damage at a State, sector and community level.
- c) Complete removal of the State's coverage of costs and administrative support, with the City having full responsibility and liability for any potential claim.
- d) Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City.

13. Considerations for the City of Kalamunda

Detailed below is a list of considerations for the City to participate in the Scheme:

- a) Executing a Service Agreement
All Royal Commission information is confidential, and it is not known if the City will receive a Redress application. A Service Agreement will only be executed if the City receives a Redress application.
- b) City needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.
- c) Reporting to Council if / when an application is received
Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.
- d) Application Processing / Staffing and Confidentiality
- e) Administratively the City will determine:
 - i. Which position(s) will be responsible for receiving applications and responding to Requests for Information;
 - ii. Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.
- f) Record Keeping
The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The City's record keeping practices as a result, have been

modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

- g) The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in The Act.
- h) The City should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the City do not have any influence on the decision made and there is no right of appeal

14. The City in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the Local Government Act 1995.

APPLICABLE LAW

15. *State Records Act 2000*
National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).
Local Government Act 1995

APPLICABLE POLICY

16. Nil.

STAKEHOLDER ENGAGEMENT

17. The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).
18. The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:
- a) raising awareness about the Scheme;
 - b) identifying whether WA local governments are considering participating in the Scheme;

- c) identifying how participation may be facilitated; and
 - d) enabling advice to be provided to Government on the longer-term participation of WA local governments.
19. Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:
- a) Webinars to local governments, predominately in regional and remote areas;
 - b) Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
 - c) Responses to email and telephone enquiries from individual local governments.
20. It was apparent from the consultations local governments were most commonly concerned about the:
- a) potential cost of Redress payments;
 - b) availability of historical information;
 - c) capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
 - d) process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
 - e) lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.
21. LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.
22. The WALGA State Council meeting on 3 July 2019 recommended that:
WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.
23. DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.
24. The State's decision, particularly, to cover the costs / payments to the survivor, has considered the feedback provided by local governments during the consultation detailed above.

FINANCIAL CONSIDERATIONS

25. The only financial cost a local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice
26. The State's decision will cover the following financial costs for local governments:
- a) Redress monetary payment provided to the survivor;
 - b) Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
 - c) Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

SUSTAINABILITY

Social Implications

27. Should the City not agree to participate in the National Redress Scheme the only remaining method of redress for a victim and survivor would be through civil litigation, adding to the stress and abuse already suffered by an abuse victim.

Economic Implications

28. Nil.

Environmental Implications

29. Nil

RISK MANAGEMENT

| | | | |
|-----|---|-------------------|---------------|
| 30. | Risk: Potential financial and reputational risk to the City in the event of future civil litigation from a victim or survivor, should a decision be made not to participate with the State or in the Scheme. | | |
| | Consequence | Likelihood | Rating |
| | Possible | Moderate | Medium |
| | Action/Strategy | | |
| | The City endorses participation in the Scheme and waive rights to future claims. | | |

CONCLUSION

31. The Recommendation reflects the guidance and advice provided to local governments for the City to agree to participate in the National Redress Scheme as a State Government institution.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments.
2. ENDORSE the participation of the City of Kalamunda in the National Redress Scheme as a State Government institution and included as part of the State Government’s declaration.
3. Pursuant to section 9.49A (4) of the *Local Government Act 1995*, AMEND Council Authorisation CA1 (Execution of Documents) to include authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received

4. NOTE that a confidential report will be provided if a Redress application is received by the City of Kalamunda.

10.4.2. Customer Service Review 2019

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

| | |
|----------------|-----------------------------|
| Previous Items | N/A |
| Directorate | Office of CEO |
| Business Unit | Customer & Public Relations |
| File Reference | |
| Applicant | N/A |
| Owner | N/A |
| 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
- 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 1.3 - To support the active participation of local communities.

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

4. Council adopted the Customer Service Strategy in November 2017.
5. The key objectives of the Customer Service Strategy are to: a) Strive to achieve a new customer service ethos and deliver on the customer service promise and principles b) To culturally optimise the organisation to achieve best practice customer service outcomes c) To support and train staff to feel empowered, be proactive and work collaboratively toward business objectives and customer service excellence d) To effectively communicate with our customers, internally and externally .
6. The Customer Service Ethos is: We will focus on a combination of concepts including; cultural change, technological and process improvement, and a centralised service model - with increased self-service options and improvements based on customer feedback. Our customers are the 'key influencers' in the development, improvement and delivering of our services.
7. The Customer Service Promise is, "Supported by innovative technology solutions and regular best practice training, staff will be proactive, focus on future planning to meet business objectives and work collaboratively, with the customer experience always in mind." "All City interactions with customers will be timely and meaningful."
8. The adopted City of Kalamunda principles of Customer Service are as follows:

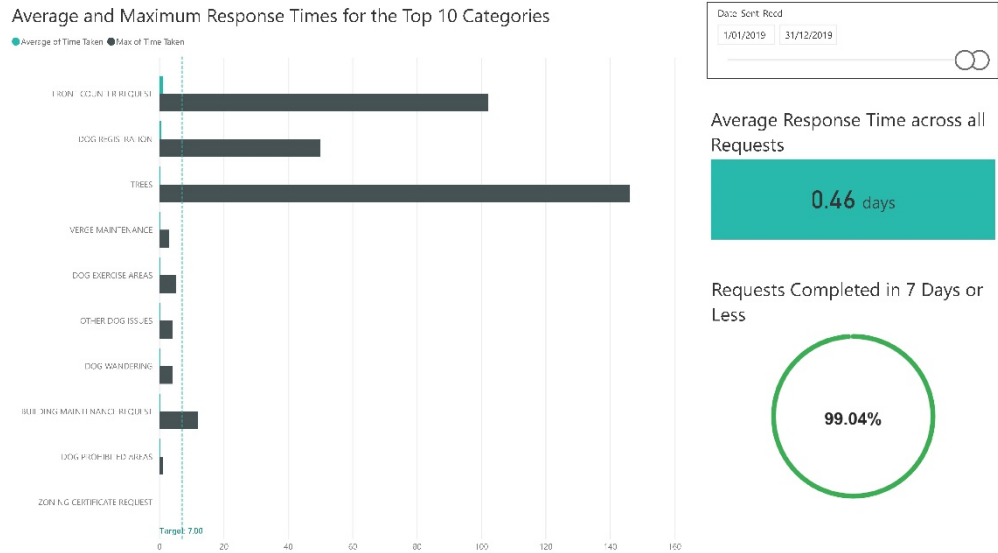
| | | |
|-----------|-------------------------------|---|
| 1. | Customers will receive | a) We will always provide an estimation of timeframe for response at each interaction |
|-----------|-------------------------------|---|

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

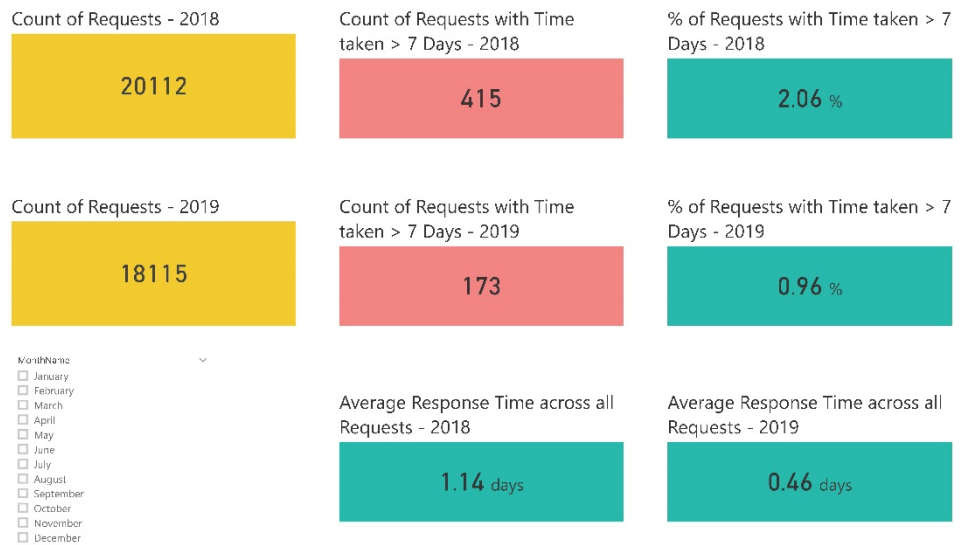
DETAILS AND ANALYSIS

9. The City of Kalamunda has now been analysing customer service data since the implementation of the strategy, allowing for an analysis of 2018 and 2019 results, which has seen considerable and continued improvement in relation to the average response time in particular.

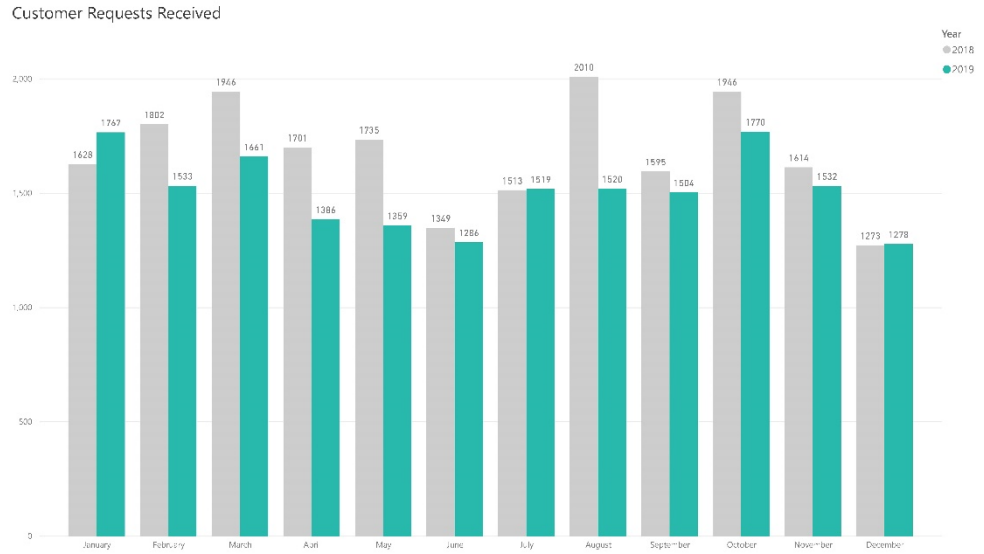
10.



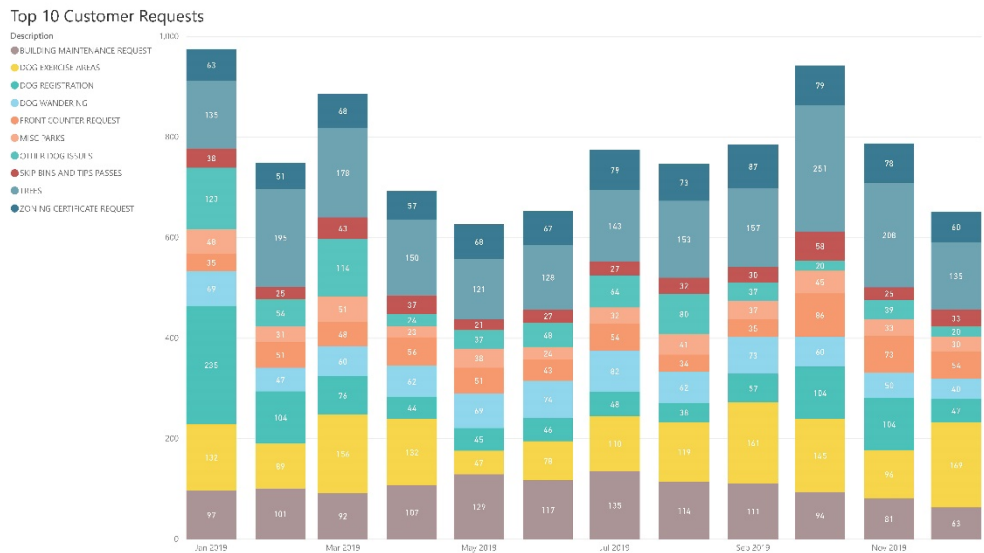
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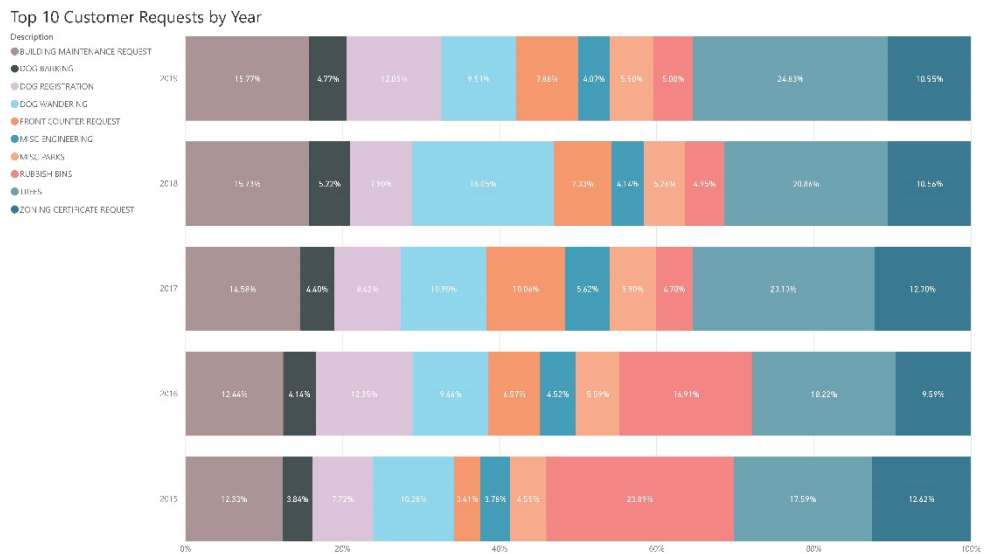
12.



13.

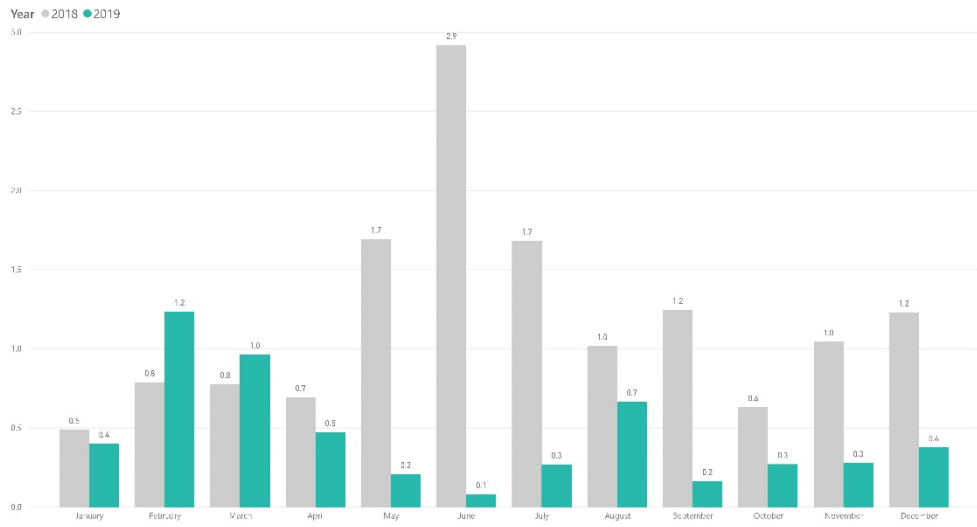


14.



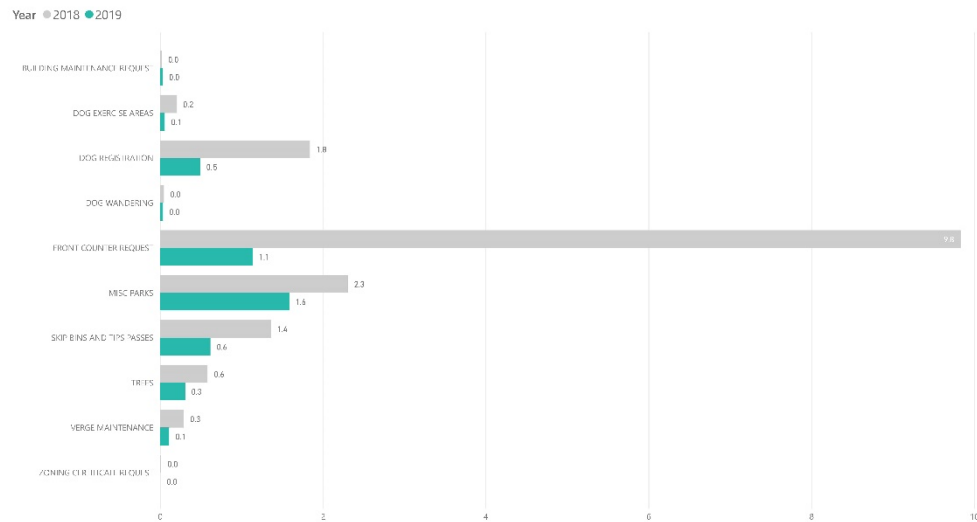
15.

Average Response Time (days) by Month



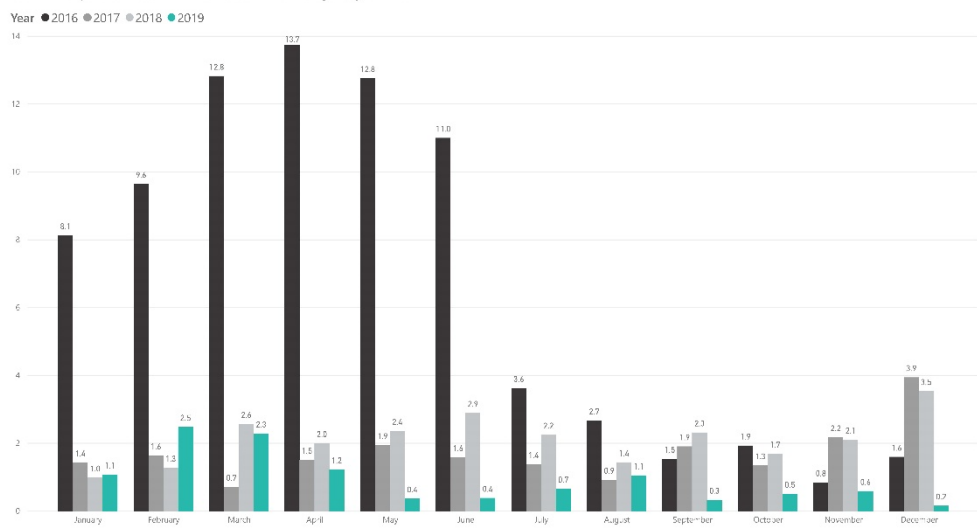
16.

Average Response Times (days) for the Top 10 Categories



17.

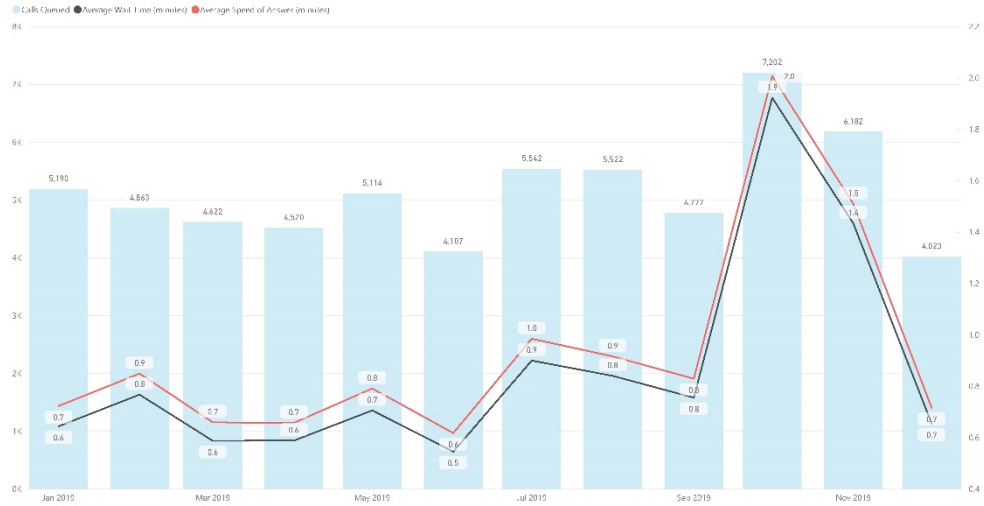
% of Requests with Time taken > 7 Days by Month



18. Call Recording also continues to be monitored, with new measures in 2019 including the addition of further information to advise the customer on their progress in the queue, following a spike in October enquiries which impacted wait times.

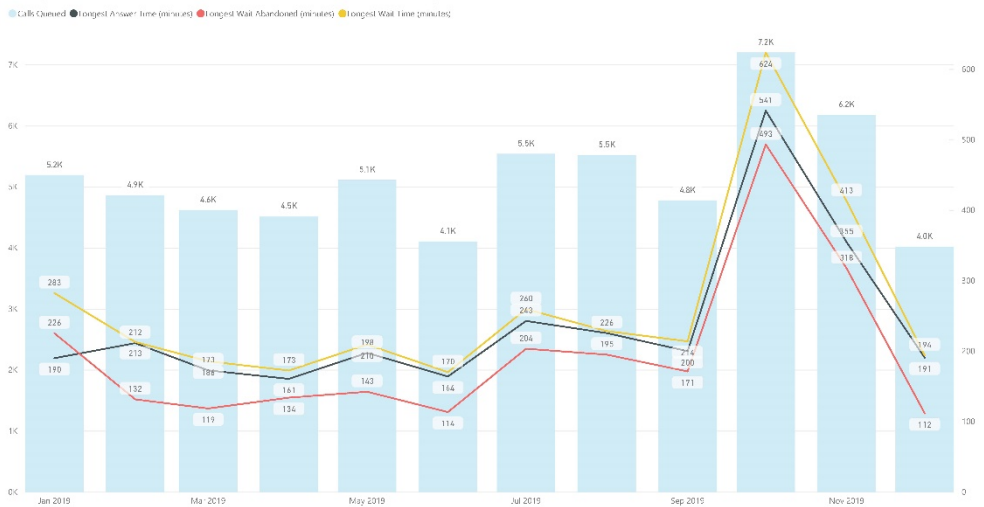
19.

Wait Times vs Number of Calls Queued by Month



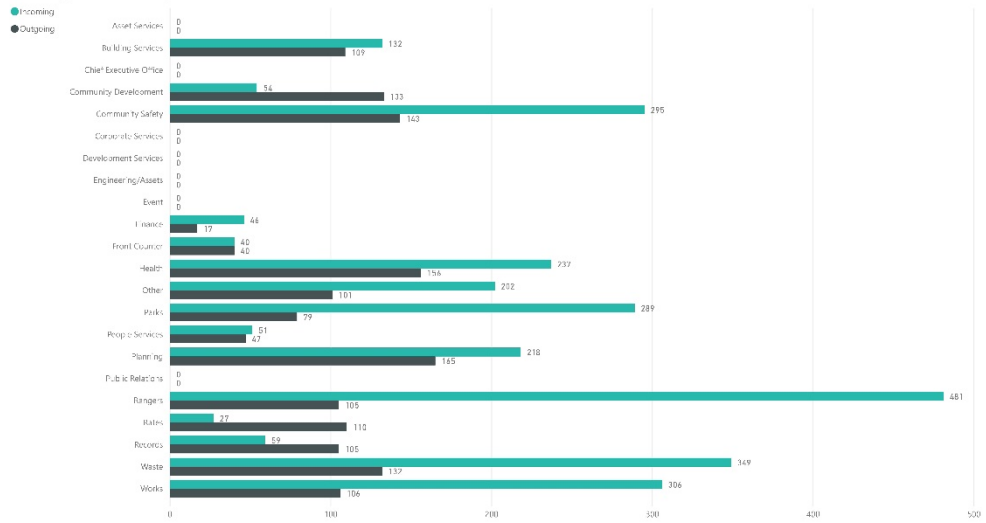
20.

Longest Wait Times vs Number of Calls Queued by Month



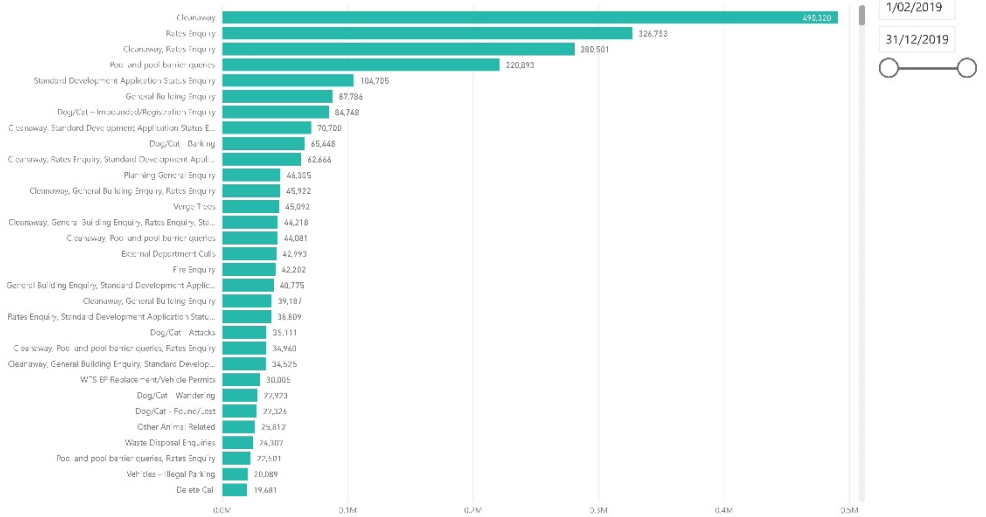
21.

Average Call Length (Seconds)



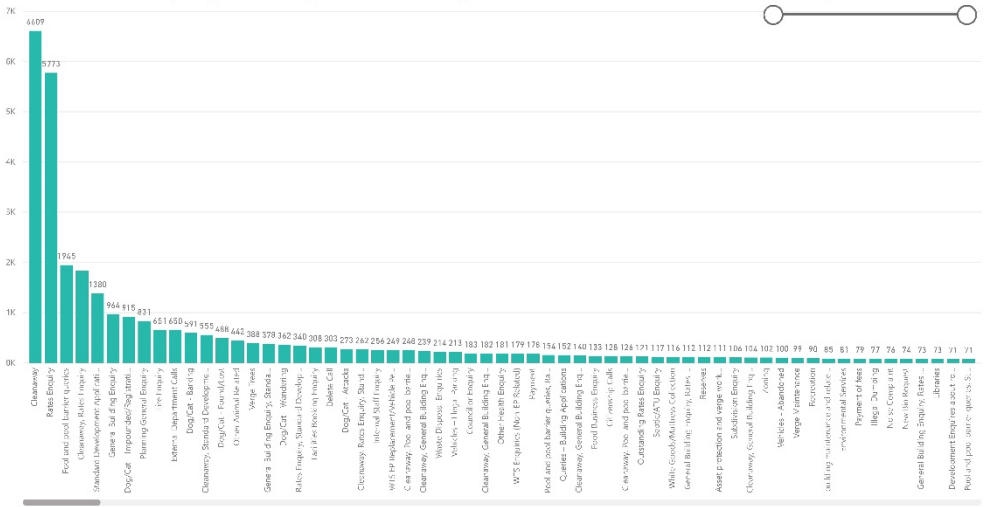
22.

Total Duration of Calls (seconds) by Tag (excludes calls with no tag)



23.

Number of Calls by Tag (excluding calls with no tag)



24.

APPLICABLE LAW

25. N/A

APPLICABLE POLICY

26. N/A

STAKEHOLDER ENGAGEMENT

27. Results circulated throughout the Organisations to all Business Units as part of an informing campaign.

28. The City has a process allowing for continual feedback and suggestions from customers, which are utilised to review customer service opportunities.

29. Feedback from residents has continued to be extremely positive.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

31. Not applicable

Economic Implications

32. Not applicable

Environmental Implications

33. Not applicable

RISK MANAGEMENT

34.

| | | |
|---|-------------------|---------------|
| Risk: Customer Service Strategy is not implemented by the due date | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |

An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieves. This is tracked monthly.

CONCLUSION

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the Customer Service Results for 2019.

10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to April 2020

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

| | |
|----------------|--------------------|
| Previous Items | N/A |
| Directorate | Corporate Services |
| Business Unit | Financial Services |
| File Reference | FIR-SRR-006 |
| Applicant | N/A |
| Owner | N/A |

| | |
|-------------|--|
| Attachments | 1. Statement of Financial Activity 30 April 2020 [10.5.1.1 - 2 pages] |
| | 2. Net Current Funding Position as at 30 April 2020 [10.5.1.2 - 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 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 to provide Council with the Statutory Financial Statements for the period ended 30 April 2020.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the period's performance against the mid-term review budget adopted by the Council on 24 March 2020 for the 2019/2020 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 30 April 2020, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program);
 - c) Net Current Funding Position, note to financial report.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (WA)* and Regulation 34 of the Local Government (Financial Management) Regulations 1996 (WA).
5. At the Special Council meeting held on 7 April 2020 the Council adopted the City's COVID 19 Financial Hardship policy, changes to budget 2019/2020 and recommendations on how to relieve some of the financial distress experienced by the community as a result of the current global situation.

The following key measures are adopted in order to provide financial support to the Community:

- a) Suspend lease rental for City owned buildings estimated impact of \$66,000.
- b) Provide a full refund on all COVID-19 related cancelled bookings at City properties or facilities estimated impact of \$372,000.
- c) Suspend debt recovery through the courts for outstanding rates payments. This relates to General Procedure Claims that have been lodged for outstanding rates debtors. This will reduce incurring additional legal expenses to ratepayers during this time, with debt recovery to recommence subsequent to the COVID-19 crisis. This does not have a financial impact on the City as the legal costs are recovered from the ratepayer.

In total the above measures will result in an estimated reduction of

\$438,000 of revenue for the 2019/20 financial year. It should be noted the statutory budget review was adopted by Council at its Ordinary Council Meeting on 24 March 2020 reporting a year end estimated accumulated surplus of \$3.5 million, which is sufficient to fund the financial relief efforts mentioned.

6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2018/2019. The adjustment to fees and charges and the accumulated surplus as a result of the special council meeting on 7 April 2020, has been incorporated into the April 2020 month end results.

DETAILS AND ANALYSIS

7. The Local Government Act 1995 (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Statement of Financial Activity by Nature and Type for the period ended 30 April 2020

8. This Statement reveals a net result surplus of \$8,966,351 compared to budget for the same period of \$5,471,099.

Operating Revenue

9. Total Revenue excluding rates is under budget by \$77,085. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are under budget by \$122,895. The Federal Financial Assistance Grant is under budget by \$267,523, and considered to be a timing issue.
 - b) Fees and Charges are over budget by \$8,781. This is an aggregate result of minor variances in individual fee categories.
 - c) Interest Income is over budget by \$52,945. This is primarily due to, majority of the term deposits matured during February 2020.
 - d) Other Revenue is under budget by \$19,404. This is mainly due to the lower than projected revenue from fines and enforcements.

Operating Expenditure

10. Total expenditure is under budget by \$1,640,871. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$945,588, which is primarily due to vacant positions and aggregate result of minor variances in various business units.
 - b) Materials and Contracts are under budget by \$1,642,376. The work programmes and planned projects are currently under review due to the prevailing economic situation.
 - c) Utilities are under budget by \$8,814, which mainly relates to street lighting costs which is lower than projected;
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$305,122.
 - e) Interest and Insurance expense are tracking below the reportable variance threshold.
 - f) Other expenditure is under budget by \$133,356. The variance is due to the timing difference of planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

11. The non-operating grants and contributions are under budget by \$1,312,012. During the mid-term review, non-operating grants income was decreased by \$2.1 million mainly due to rephasing of the Kalamunda Community Centre project. These grants will be provided in 2020/21 to align with the construction program. Further, the timing of the works programme will be effected by the current macro-economic situation.

Capital Expenditure

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$3,187,197. During the Budget process for 2020/21 the management will continue to review the current year's works programme and identified the projects that could potentially have an impact from the current global situation.
13. Capital works-in-progress expenditure of \$1,532,257 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

14. The amounts attributable to financing activities shows a variance of \$213,035 which is mainly due to the reserve movements and developer contributions.

Rates Revenues

15. Rates generation is under budget with a variance of \$1,514,424. The variance is mainly due to the advance rates payment adjustment and timing of interim rates. The variance will be addressed during the end of the year financial process.

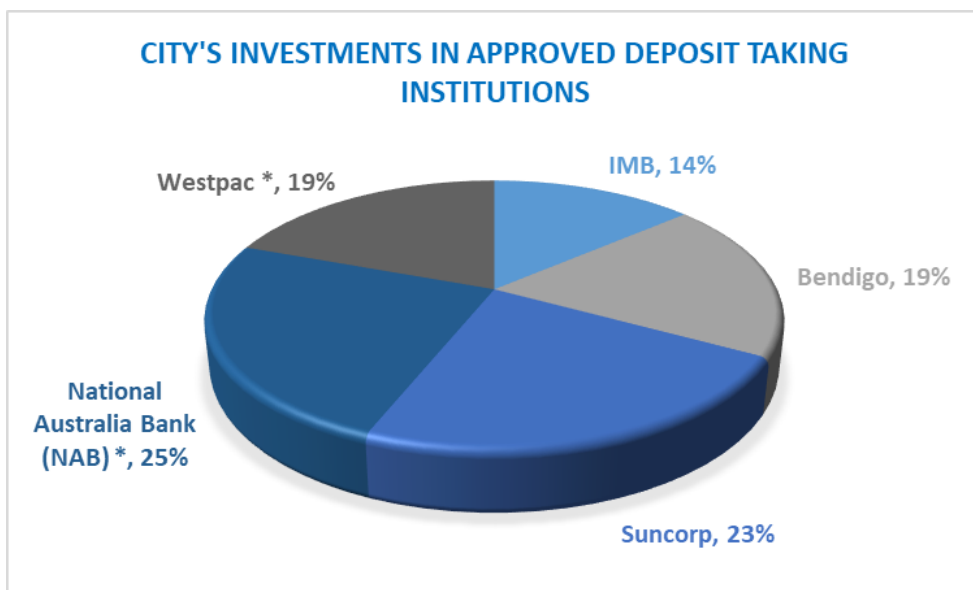
Statement of Financial Activity by Program for the period ended 30 April 2020

16. Generally, the net result of each Program is within the accepted budget except for 'Community Amenities', 'Recreation & Culture' and 'Other Property Services' . Major variances have been reported by Nature and Type under points 8 to 15 above.

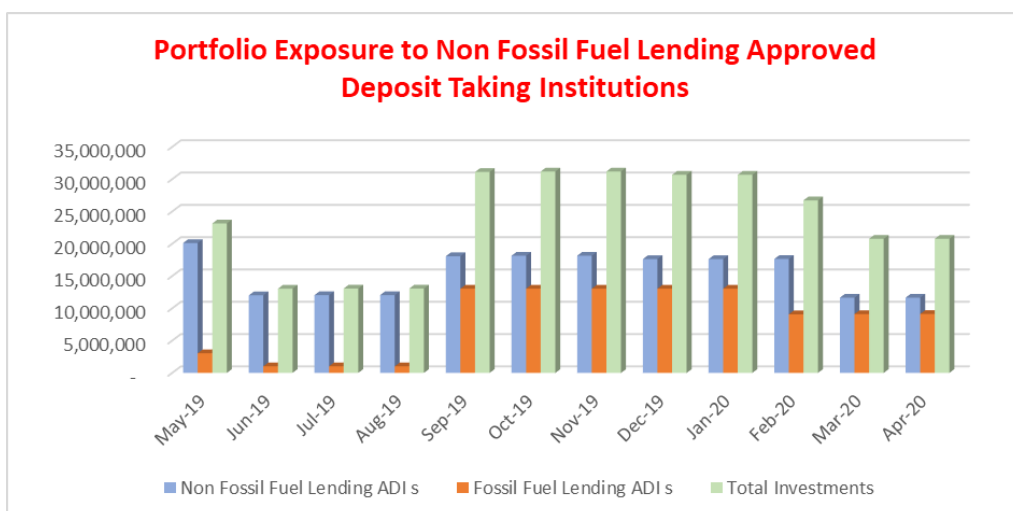
Statement of Net Current Funding Position as at 30 April 2020

17. The commentary on the net current funding position is based on comparison of the April 2020 to the April 2019 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$21.7 million. The restricted cash position is \$16.3 million which is higher than the previous year's balance of \$12.9 million. This is mainly attributed to the timing of releasing funds from an expended capital works reserve to the general funds.
19. The following graph indicates the financial institutions where the City has investments as of 30 April 2020;

20.



*Financial Institutions with Investments in Fossil Fuel Industry



- 21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.8 million.
- 22. Sundry debtors have decreased from \$498,073 to \$195,270, of which \$71,628 consists of current debt due within 30 days.
- 23. Receivables Other represents \$1.8 million including:
 - a) Emergency Service Levy receivables \$0.6 million; and
 - b) Receivables sanitation \$0.5 million.
- 24. Provisions for annual and long service leave have increased by \$360,198 to \$3.4 million when compared to the previous year. The increase was mainly due to the increase in the leave provisions subsequent to the 2018/19 year-end adjustments.

APPLICABLE LAW

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

APPLICABLE POLICY

26. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

30. Nil.

Economic Implications

31. Nil.

Environmental Implications

32. Nil.

RISK MANAGEMENT

| | | | |
|-----|---|-------------------|---------------|
| 33. | Risk: Over-spending the budget. | | |
| | Consequence | Likelihood | Rating |
| | Possible | Moderate | Medium |
| | Action/Strategy | | |
| | Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department. | | |

| | | | |
|-----|--|--------------------|---------------|
| 34. | Risk: Non-compliance with Financial Regulations | | |
| | Likelihood | Consequence | Rating |
| | Unlikely | Moderate | Low |
| | Action / Strategy | | |
| | The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance. | | |

CONCLUSION

35. The City’s Financial Statements as at 30 April 2020 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 30 April 2020 which comprises:

- a) Statement of Financial Activity (Nature or Type);
- b) Statement of Financial Activity (Statutory Reporting Program);
- c) Net Current Funding Position, note to financial report.

10.5.2. Debtors and Creditors Report for the period ended April 2020

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

| | |
|----------------|---|
| Previous Items | N/A |
| Directorate | Corporate Services |
| Business Unit | Financial Services |
| File Reference | FI-CRS-002 |
| Applicant | N/A |
| Owner | N/A |
| Attachments | <ol style="list-style-type: none"> 1. Creditor Payments for the Period Ended 30 April 2020 [10.5.2.1 - 42 pages] 2. Summary of Debtors for month of April 2020 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of April 2020 [10.5.2.3 - 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 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 to provide Council with the list of payments made from Municipal and Trust Fund Accounts in April 2020, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of April 2020.
3. It is recommended that Council:
 - a) receive the list of payments made from the Municipal and Trust Fund Accounts in April 2020 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) receive the outstanding debtors and creditors report for the month of April 2020.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.

At the Special Council Meeting held on 7 April 2020 the Council adopted the City's COVID-19 Financial Hardship Policy.

Effective from 1 April 2020 the following principles are endorsed by the Council in order to provide financial assistance to the community which will have an impact on future income and debt collection.

- a) Suspend lease rental for City owned buildings estimated impact of \$66,000.
 - b) Provide a full refund on all COVID-19 related cancelled bookings at City properties or facilities estimated impact of \$372,000.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 30 April 2020 were \$195,270. This includes \$71,628 of current debts and \$556 unallocated credits (excess or overpayments).

7. Invoices over 30 days total \$50,069, debts of significance:
- a) Satterley Property Group, \$46,191, Maintenance Bond;
 - b) Kalamunda District Rugby Union, \$2,312, Players Fees; and
 - c) Providence Christian College, \$1,044, History Village Fees.
8. Invoices over 60 days total \$24,286, debts of significance:
- a) High Wycombe Amateur Football Club, \$10,954, Player Fees;
 - b) Hartfield Country Club, \$8,656, Lease Fees;
 - c) Zig Zag Gymnastics, \$3,014, Lease Fees; and
 - d) Dome Coffees Australia, \$1,058, Utility Expenses.
9. Invoices over 90 days total \$49,843, debts of significance:
- a) Berkshire Hathaway, \$30,716, Insurance – Employee claim;
 - b) Zig Zag Gymnastics, \$6,736, Lease Fees;
 - c) Forrestfield Sisdac, \$3,708, Hall Hire;
 - d) Private Citizen, \$1,500, Contribution to removal of verge tree; and
 - e) High Wycombe Amateur Football Club, \$1,226, Utility Fees.
10. Payments totalling \$7,074,118 were made during the month of April 2020. Whilst standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms, following Council's direction at the Special Council Meeting on 7 April 2020 all payments are now 14 days for the remainder of the financial year.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

| Supplier | Purpose | \$ |
|--|--|------------|
| Downer EDI Works Pty Ltd | Progress payments – Rehabilitation works in Lesmurdie Road, Canning Road, Welshpool Road East and Stirling Crescent Road | 737,422.00 |
| Eastern Metropolitan Regional Council (EMRC) | Domestic waste charges – disposal fees | 718,195.54 |
| Australian Tax Office | PAYG payments | 581,032.42 |
| Cleanaway | Waste recycling and bulk bin disposal fees | 520,742.68 |

| | | |
|--|--|------------|
| Asphaltech Pty Ltd | Road materials for various locations | 386,157.91 |
| Pindan Contracting Pty Ltd | Kalamunda Community Centre construction – progress claim 2 | 289,390.23 |
| HAS Earth Moving | Earth moving equipment for Patterson Road stage 2 | 203,801.98 |
| WA Local Government Superannuation Plan | Superannuation contributions | 188,795.09 |
| Castle Civil Pty Ltd | Installation of gross pollutant trap – Stirk Park | 164,612.80 |
| Safeway Building and Renovations Pty Ltd | Roof replacement at Kalamunda Library | 139,851.77 |
| Synergy | Power Charges – various locations | 128,009.19 |
| Entire Fire Management | Firebreaks at various locations | 70,840.00 |
| Kalamunda Toyota | Purchase of three new vehicles as per the City's vehicle replacement program. | 70,644.76 |
| Belgravia Health and Leisure Group Pty Ltd | Kalamunda water park – contribution from October 2019 to December 2019 | 67,937.39 |
| New Ground Water Services Pty Ltd | Supply and install new reticulation system at Range View and progress reserve | 63,757.65 |
| Major Motors Pty Ltd | Plant and vehicle parts | 56,144.10 |
| A Proud Landmark Pty Ltd | Various Maintenance works at – Forrestfield Skate park, Scott Reserve carpark, Reay Owen Reserve | 54,311.18 |
| Mark One Visual | Supply and Storage of Christmas Lights 2019 | 51,590.00 |

These payments total \$4,493,236.69 and represent 71% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,158,064.94 was paid in net salaries for the month of April 2020.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
- a) CELL 9 Trust;
 - b) POS Trust;
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of April 2020.

| CELL 9 | | Amount (\$) |
|-----------|---|-------------|
| Date | Description | |
| 30/4/2020 | Western Power - Welshpool Road, Wattle Grove Variation Fee - Design Revision | 500.00 |
| 30/4/2020 | Brook & Marsh Pty Ltd - Lot 2 and 28 Hale Road Wattle Grove subdivision | 5,012.00 |
| 30/4/2020 | McLeods Barristers & Solicitors - Acquisition of Portion of Lot 28 (no 296) Hale Road, Wattle Grove | 160.44 |

APPLICABLE LAW

16. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996 (WA)*.
17. Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (WA)*.
18. This report is prepared in accordance with the requirements of *Regulation 13 the Local Government (Financial Management) Regulations 1996 (WA)*.

APPLICABLE POLICY

19. Debt Collection Policy S-FIN02.

STAKEHOLDER ENGAGEMENT

Internal Referrals

20. Various business units are engaged to resolve outstanding debtors and creditors as required.

External Referrals

21. Debt collection matters are referred to the City's appointed debt collection agency when required.

FINANCIAL CONSIDERATIONS

22. The City will continue to closely manage debtors and creditors to ensure optimal cash flow management.

SUSTAINABILITY

Social Implications

23. Nil.

Economic Implications

24. Nil.

Environmental Implications

25. Nil.

RISK MANAGEMENT

Debtors

| 26. | <p>Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.</p> <table border="1"> <thead> <tr> <th>Consequence</th> <th>Likelihood</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table> <p>Action/Strategy</p> <p>Ensure debt collections are rigorously managed.</p> | Consequence | Likelihood | Rating | Possible | Insignificant | Low |
|-------------|--|-------------|------------|--------|----------|---------------|-----|
| Consequence | Likelihood | Rating | | | | | |
| Possible | Insignificant | Low | | | | | |

Creditors

| 27. | <p>Risk: Adverse credit ratings due to the City defaulting on the creditor.</p> <table border="1"> <thead> <tr> <th>Consequence</th> <th>Likelihood</th> <th>Rating</th> </tr> </thead> <tbody> <tr> <td>Possible</td> <td>Insignificant</td> <td>Low</td> </tr> </tbody> </table> <p>Action/Strategy</p> <p>Ensure all disputes are resolved in a timely manner.</p> | Consequence | Likelihood | Rating | Possible | Insignificant | Low |
|-------------|---|-------------|------------|--------|----------|---------------|-----|
| Consequence | Likelihood | Rating | | | | | |
| Possible | Insignificant | Low | | | | | |

CONCLUSION

28. Creditor payments for April 2020 are within the normal trend range.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in April 2020 (Attachment 1) in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
2. RECEIVE the list of payments made from the Trust Fund Accounts in April 2020 as noted in point 15 above in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of April 2020.

10.5.3. Rates Debtors Report for the period ended April 2020

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

| | |
|----------------|--------------------|
| Previous Items | N/A |
| Directorate | Corporate Services |
| Business Unit | Financial Services |
| File Reference | FI-DRS-004 |
| Applicant | N/A |
| Owner | N/A |

Attachments 1. Rates Report April 2020 [**10.5.3.1** - 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 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 to provide Council with information on the rates collection percentage and the status of recovery actions.
2. The City of Kalamunda (City) levied rates for 2019/2020 on 1 July 2019 totalling of \$37,459,034, and as at 30 April 2020 \$36,159,188 has been collected for current and outstanding rates for the 30 June 2020 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of April 2020 (Attachment 1).

BACKGROUND

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

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

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

The City maintained an effective rates collection ratio above the average of all the Local Governments that participated in the Australasian LG Performance Excellence Survey (Source: Australasian LG Performance Excellence Survey, 2019).

DETAILS AND ANALYSIS

6. A total of 23,544 Rate Notices, which included 3,050 electronic notices via BPAY View and eRates were issued on 12 July 2019. Rates Levied and Collectable for the 2019/20 Financial Year currently total \$39,308,814. As at 30 April 2020, a total of \$36,159,188 has been collected. This represents a collection rate of 93.82%. however, due to the current COVID-19 pandemic it is anticipated that the collection rate might be lower than originally anticipated.
7. Three additional services have been introduced in recent years to better assist ratepayers in paying amounts due. These are:
 - a) A Smarter Way to Pay – with approximately 922 ratepayers signed up. It is expected that this will further increase as debt collection processes continue.

- b) eRates – there are a total 2,360 properties signed up for email delivery, compared to 2,116 in the previous year.
 - c) BPay View – approximately 998 ratepayers have signed up for this service.
8. It is expected eRates registrations will increase throughout the year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. Interim Rating has commenced for 2019/20 and will continue throughout the financial year, as at 30 April 2020 a total of \$172,226 has been raised for 2019/20 and \$5,503.00 for 2018/19.
10. Due to the current COVID-19 pandemic all Debt Recovery for outstanding rates has been put on hold until further notice as per the COVID-19 Financial Hardship Policy adopted by Council on 7 April 2020 (SCM 44/2020)
11. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 April 2020 to 30 April 2020 there was a total of 131 incoming calls and 119 outgoing calls, equating to 19.3 hrs call time. As staff are working remotely, at times, it is possible that not all calls have been included in the call recording software.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

14. The City's Governance Unit has been briefed on the debt collection process.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

17. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
18. The City has introduced "a smarter way to pay" to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A "Smarter Way to Pay" allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce the financial burden.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

21.

| | | |
|---|--------------------|---------------|
| Risk: Failure to collect outstanding rates and charges leading to cashflow issues within the current year. | | |
| Likelihood | Consequence | Rating |
| Likely | Moderate | Medium |
| Action/Strategy | | |
| Ensure debt collections are rigorously maintained. | | |

CONCLUSION

22. The current collection rate for Rates Levied and Collectable for the current financial year is 93.82%. However, due to the current COVID-19 pandemic it is anticipated that the collection rate on year end might be lower than originally anticipated.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the Period Ended 30 April 2020 (Attachment 1).

10.5.4. Corporate Business Plan - Quarterly Update - January to March 2020

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

Previous
Items

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

| | |
|-------------|--|
| Attachments | 1. Quarterly Corporate Plan Report January- March 2020 [10.5.4.1 - 46 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.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2019-2023" for the period January to March 2020.
2. At an aggregate level, the Corporate Business Plan is 97.3% complete as at 31 March 2020. This is on track for completion by 30 June 2020.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period January to March 2020.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2018-2022 (CBP) was endorsed by Council on 25 June 2018.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2019/20.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 76 individual actions set out within the CBP. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 March 2020.

11. At an aggregate level, the CBP is 97.3% complete. This is the average completion percentage of each action as compared to the target completion percentage at 31 March 2020.

The CBP is on track for completion by 30 June 2020.

APPLICABLE LAW

12. Section 5.56 of the *Local Government Act 1995 (WA)*.

APPLICABLE POLICY

13. Nil.

STAKEHOLDER ENGAGEMENT

14. This report reflects input from Directors and Managers throughout the City.
15. Various external stakeholders and community members have been involved in the achievement of the CBP.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

17. Nil.

RISK MANAGEMENT

| | | | |
|---|--|-------------------|---------------|
| 18. | Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | Low |
| | Action/Strategy | | |
| Quarterly reports are provided to Council of progress against the CBP and are publicly available. | | | |

CONCLUSION

19. In this financial year the City has strengthened the alignment of the CBP to the achievement of management performance objectives.
20. At an aggregate level, the CBP is 97.3% complete. This is the average completion percentage of each action as compared to the target completion percentage at 31 March 2020.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2019/2023 for the period January to March 2020.

10.5.5. Budget 2020/2021 - Differential Rates

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

| | |
|----------------|--|
| Previous Items | Nil. |
| Directorate | Director Corporate Services |
| Business Unit | Financial Services |
| File Reference | FI-RTS-012 |
| Applicant | N/A |
| Owner | N/A |
| Attachments | <ol style="list-style-type: none"> 1. Gross Rental Value (GRV) Metro Comparison [10.5.5.1 - 1 page] 2. Objects and Reasons Document 2020-21 [10.5.5.2 - 4 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)
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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.

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

EXECUTIVE SUMMARY

1. The purpose of this paper is to consider the level at which to set and advertise differential rates and the Waste Avoidance and Resource Recovery (WARR) Levy as part of the 2020/2021 Budget process.
2. In accordance with the requirements of the *Local Government Act 1995* (the Act), s6.36, a local government is required to give a local public notice period of 21 days with the intention to impose differential general rates or a minimum payment.
3. It is recommended that Council:
 1. APPROVE the 2020/2021 rate in the dollar and the minimum rates to be advertised by public notice as per the following

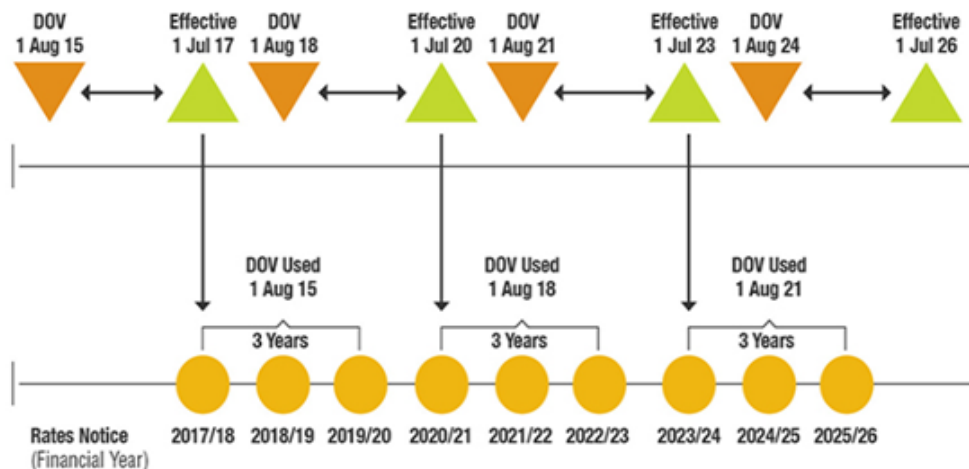
| Category/Levy | Rate in \$ | Minimum Rate \$ |
|---|-------------------|------------------------|
| General GRV | 0.069352 | 882 |
| Industrial/Commercial GRV | 0.073350 | 1,102 |
| Vacant GRV | 0.086309 | 767 |
| General UV | 0.003459 | 882 |
| Commercial UV | 0.004093 | 1,102 |
| Waste Avoidance and Resource Recovery Levy (All Categories) | 0.000418 | 20 |

2. ENDORSE the Objects and Reasons for Proposed Differential Rate Categories for the 2020/2021 Financial Year (Attachment 2).

BACKGROUND

4. In accordance with the requirements of the s6.33 of the Act, a local government may impose differential rates having met the characteristics prescribed.
5. In accordance with the requirements of s 6.35 of the Act, a local government may impose a minimum payment which is greater than the general rate which would otherwise be payable on that land.
6. As per Landgate the following is provided on the GRV valuation process: "All properties within a local government area are assessed at the same date. This date is used by valuers to ensure a fair and equitable assessment is completed for all properties at a given point in time. The assessment date, which is known as the date of valuation (DoV) is conducted every 3 years."

GRV 3 Year Timeline*



Date of Valuation (DOV) – a point in time that all properties within a local government are assessed at.

Effective Date – the date that property assessments completed by Landgate as at the latest 'date of valuation', are applied by local governments.

Properties not on a GRV will be rated based on an Unimproved Value (UV). These UV values are updated annually by Landgate.

7. Differential Rates have been part of the Budget for some years, with modifications to categories introduced over time to assist in spreading the rate burden and providing opportunities for increases in overall rate income.

DETAILS AND ANALYSIS

8. The City of Kalamunda (City) acknowledges the significant public health and economic implications of COVID-19 and is focused on developing an annual budget for 2020/2021 that gives due consideration to the current global situation whilst also putting measures in place that will recognise the financial hardship being experienced by the community.
9. The City's response to COVID-19 is focused around initiatives that will provide:
 - a) Support to businesses whilst they transition to a new service/product delivery model.
 - b) Provide financial relief to businesses to improve cash-flow.
 - c) Provide financial relief for those members of the community experiencing financial hardship.
 - d) Expenditure savings.
 - e) Stimulate spending that will create new jobs and economic development.

- f) Will reflect the Premier's intent of the role local government has in supporting its community during this time.

Furthermore, the City's response is focused on a balanced combination of financial restraint and economic stimulus measures that will generate economic development and employment opportunities.

- 10. Council at a Special Council Meeting on the 7th of April 2020 set the parameters to initiate the Budget 2020/2021 process.

Essentially the parameters were:

- a) Zero increase in total Rates revenue
- b) Zero increase in Fees and Charges (incl Waste)
- c) Include stimulus Capital projects in the draft budget
- d) Utilize borrowings and reserves
- e) Establish a Crisis Relief reserve (aim for \$1mil)
- f) Lease rental charges – renegotiate with tenants
- g) Suspend debt recovery through the courts
- h) Retain all permanent full time and part-time staff, using redeployment when required.

The administration on that basis has prepared a draft budget.

- 11. Communication from the Premier and the State Government supports the City's approach to freeze rate revenue. The Triannual GRV revaluation process was planned to be undertaken for Budget 2020/2021. Any change in valuations would make the freezing of rates more challenging.

Rates are calculated as = GRV or UV valuations x Rate in the Dollar.

The only way a City could then freeze rate revenue would be to adjust the Rate in the Dollar accordingly. The proposed Rate in the Dollar contained in this report achieved the goal to freeze the overall rates revenue for the City. This formed the basis of the Objects and Reasons for the setting of the Differential Rates as per Attachment 2. The advertising period will be from 29 May till 21 June 2020.

However, due to the fluctuation in property values (or rental values in the case of GRV) our individual ratepayers would not all receive a rate notice with the same amount of rates payable for 2020/2021.

- 12. The GRV valuation process brings another layer of complications to an already complex budget process. The Mayor urged the Premier and the Minister for Local Government to reconsider the GRV valuations process to be undertaken for budget 2020/2021, to no avail.

The Perth Metro experienced an average devaluation of 13% in property rental values, with the City experiencing the average changes in valuations as follows:

| Rate category | Valuation change |
|-------------------------------|------------------|
| General GRV | (13.1%) |
| Industrial/Commercial GRV | (8.1%) |
| Vacant GRV | (1.0) |
| General UV | (0.3%) |
| Commercial UV | (0.7%) |
| Average devaluation in values | (8.7%) |

The impact of the GRV valuations in achieving zero increase in total rates revenue will be:

- a) There is no avenue available to Councils to ensure that each ratepayer pays exactly the same amount as the current year (except for the next case).
- b) Any ratepayer whose property has devalued the same as the rate category will pay the same amount of rates
e.g. a residential property that lost exactly 13.1% in value since the last triennial valuation will pay the same amount of rates in 2020/2021 than in 2019/2020
- c) Any ratepayer whose property devalued less than the rate category would pay more rates in 2020/2021
e.g. a commercial property that lost only 5% in value since the last triennial valuations will pay more rates in 2020/2021 than in 2019/2020
- d) Any ratepayer whose property devalued more than the rate category would pay less rates in 2020/2021
e.g. a residential property that lost 20% in value since the last triennial valuations will pay less rates in 2020/2021 than in 2019/2020

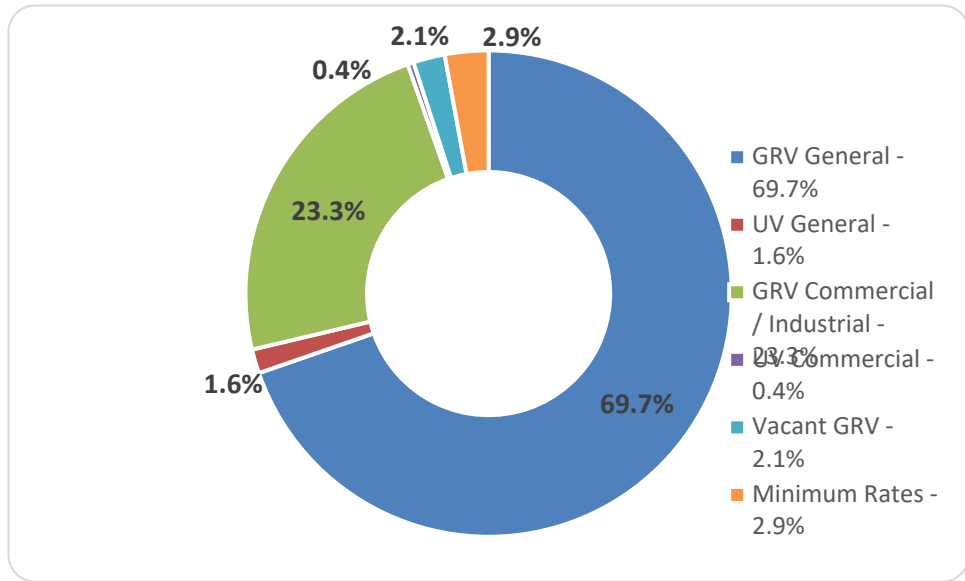
13.

| Rates calculation is: | GRV value | Multiply by the | Rate in the Dollar | Equals Calculated Rates | |
|---|-----------------|-----------------|------------------------|---|------------------------------------|
| Description | Rental per week | GRV Value | GRV Rate in the Dollar | Calculated Rates | Rates change compared to 2019/2020 |
| Original Budget 2019/2020 | 480.77 | 25,000.00 | 0.060255 | 1,506.38 | |
| Examples of what individual ratepayers might experience with Budget 2020/2021: | | | | | |
| Option 1: Property devalues ~13.1% which is the same as the Rate Category | 417.71 | 21,720.71 | 0.069352 | 1,506.38 Same rates | Same rates |
| Option 2: Property devalues 5% which is less than the Rate Category | 456.73 | 23,750.00 | 0.069352 | 1,647.11 Increase in Rates of \$140.74 | More rates of \$140.74 |
| Option 3: Property devalues 20% which is the more than the Rate Category | 384.62 | 20,000.00 | 0.069352 | 1,387.04 Decrease in Rates of \$119.34 | Less rates of \$119.34 |

14.

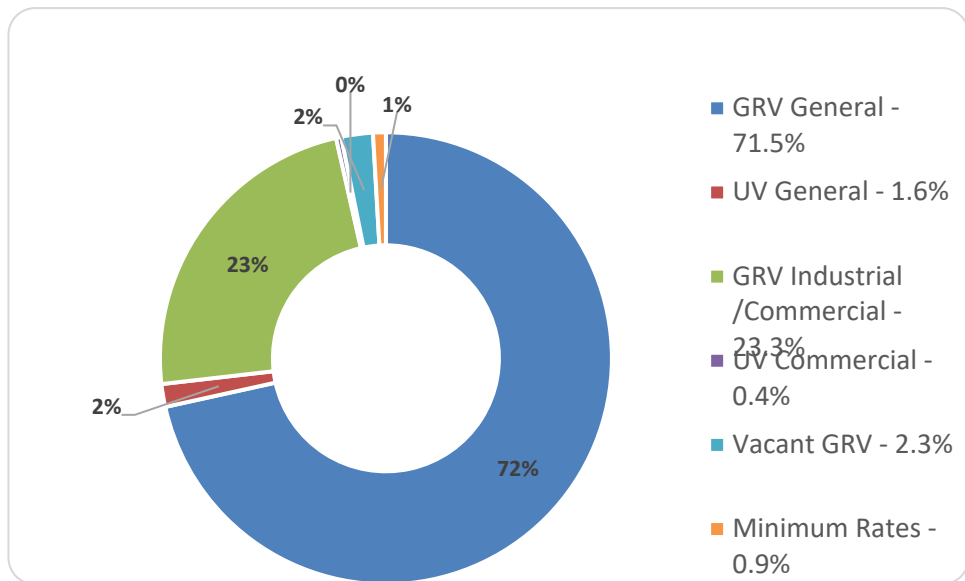
Using the 2019/2020 Budget data, the makeup of the various categories was shown as depicted in the pie chart below. The data presented shows that two categories, General (Residential) and Commercial Industrial, make up 93% of all properties in the City with 69.7% and 23.3% being the respective percentages.

Budget 2019/2020 - Rate Revenue Spread



15. The Rate revenue spread for budget 2020/2021 is similar to the current budget.

Budget 2020/2021 - Rate Revenue Spread



The City maintained the minimum rates on all categories. The slight change in percentages collected from the categories above is reflective of ratepayers moving out of the minimum category into the various other categories listed.

16. A comparison of the 29 metro local governments across the various rate categories shows that the City's rates for 2019/2020 were below the average in General Residential by 27%, Commercial/Industrial by 9% and Vacant by 17% for Rate In the Dollar's (see attachment 1). This indicates that the City's rates compare well in terms of other local governments.
17. This report seeks to ratify the levels at which the City will advertise differential rates for the 2020/2021 financial year.
18. The City also recommends the continuation of the WARR Levy to address the long-term remediation of former landfill sites that the City is responsible for.
- The Department of Water and Environmental Regulation is applying stringent control over monitoring and rehabilitation requirements for contaminated sites.
- The City has an estimated program of works totalling \$210,000 for 2020/2021 covering site audits, gas and groundwater monitoring, soil capping, detailed site investigations and remediation works.
19. In recognition of the impost, the State Government introduced a *Waste and Resource Recovery Act* in 2007 which allows for local governments to charge a levy to cover the cost of ongoing monitoring of closed land fill sites. The proposed rate for 2020/2021 remains unchanged at \$0.000418 and a minimum charge of \$20 across all properties. The estimated amount of the levy is \$515,000.

APPLICABLE LAW

20. Rates are levied on all rateable properties within the boundaries of the City in accordance with the Act. The overall objective of the proposed rates and charges in the 2020/2021 budget is to provide for the net funding requirements of the Council's activities and works programs.
21. In accordance with s6.36 of the Act, the City is required to ensure that a notice is published in sufficient time to allow submissions to be made by an elector or a ratepayer in respect of the proposed rate within 21 days of the publication of the notice.

The minimums used ensured compliance with S6.35 of the *Local Government Act 1995*.

“(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district

- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) 50% of the total number of separately rated properties in the district; or*
 - (b) 50% of the number of properties in each category referred to in subsection (6),*
- (6) For the purposes of this section, a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) to land rated on gross rental value; and*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential general rate is imposed.”*

APPLICABLE POLICY

- 22. The City's Rates Policy continues to be based around differential rates.
- 23. The State Government has indicated a desire for Local Government to freeze rates and fees and charges for budget 2020/2021.

STAKEHOLDER ENGAGEMENT

- 24. Planning for the future and the various elements of the proposed budget for 2020/2021 commenced with Councillors in March 2020. In addition, several budget workshops were undertaken to detail the City's revenue and expenditure estimates for the 2020/2021 financial year.
- 25. Subject to the approval of the recommendation of this report, a notice of the adopted figures will be advertised. A consultation period of 21 days will exist in which ratepayers can make comment or objection submissions to the proposed RID and minimums. This public consultation is done in line with the requirements of the *Local Government Act 1995*.
- 26. It is almost certain that the City will receive complaints from some ratepayers regarding the change in their own rates year on year in light of the net zero rate increase. A comprehensive communication and information plan is being developed to assist ratepayers in understanding this issue.

FINANCIAL CONSIDERATIONS

27. Throughout the 2020/2021 budget, the City will continue to monitor the implications of the COVID-19 and the associated financial, health and economic impacts on the City's residents and businesses. The proposed budget allows some flexibility to deal with the many unknowns, such as the establishment of the two new reserves namely Crisis Relief Fund and the Service Reinstatement Reserve. By way of budget adjustments, those funds will be allocated accordingly.
28. The proposed rating structure is a critical element in ensuring ongoing financial sustainability. It is also vital in enabling the City to deliver its significant capital works program and provide the services required by the community. To further support our community, capital stimulus projects are envisaged at part of the proposed budget 2020/2021.

Furthermore two new Reserves have been established:

1. to assist ratepayers facing financial hardship ("Crisis Relief Fund")and;
2. to facilitate the reestablishment of services post COVID-19 ("Service Reinstatement Reserve").

SUSTAINABILITY

Social Implications

29. Increasing rates will generally have an adverse impact on low income home owners. The City has in this respect introduced several mechanisms in the past few years, to assist Ratepayers such as:
- a) "Smarter Way to Pay";
 - b) Direct Debit Payment arrangements;
 - c) BPay View; and
 - d) eRates.

Additionally, the City adopted a COVID 19 Financial Hardship policy to further support our community during these challenging times.

Economic Implications

30. There are expected to be many adverse economic implications for 2020/2021. The City has set aside \$1M in the Crisis Relief Fund to attempt to assist those who can demonstrate financial hardship due to COVID-19.

Environmental Implications

31. The continuation of the WARR Levy will enable the City to meet its community expectations and statutory requirements to remediate and manage contaminated sites.

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 32. | Risk: Delay in approving proposed rates could result in rate notices unable to be issued by early July 2020 leading to cash flow problems | | |
| | Consequence | Likelihood | Rating |
| | Possible | Major | High |
| | Action/Strategy | | |
| | Ensure that Council consensus is achieved by continuous briefing and updates on the budget. | | |

| | | | |
|-----|---|-------------------|---------------|
| 33. | Risk: Community confusion that individual rates will vary from 19/20 levels within an environment of achieving zero total increase leading to reputational damage. | | |
| | Consequence | Likelihood | Rating |
| | Almost Certain | Moderate | Medium |
| | Action/Strategy | | |
| | This situation is not unique to the City for 20/21. A comprehensive communication and information plan will be implemented to assist the community in understanding the issues. | | |

CONCLUSION

34. The City has undertaken a thorough analysis of its budget working proactively with Councillors to generate efficiencies and reduce operating costs.
35. The rates charges contained within this paper are necessary to enable the City to meet its current and future obligations.
36. Additionally, the proposed budget for 2020/2021 includes budget allocations of \$1M for a Crisis Relief Reserve and \$1M for a Service Reinstatement Reserve.

- 37. The aim of the Crisis Relief Reserve is to provide a safety net for targeting community members/groups in demonstratable financial hardship. The Service Reinstatement Reserve will enable the City to reinstate programs or services as and if required, or as restrictions are lifted to support recovery.
- 38. This report is submitted in order that the Council provides direction on the differential rates to be advertised for public comment as part of the 2020/2021 Budget process.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. APPROVE the City of Kalamunda 2020/2021 rate in the dollar and the minimum rates to be advertised by public notice as per the following

| Category/Levy | Rate in \$ | Minimum Rate \$ |
|---|-------------------|------------------------|
| General GRV | 0.069352 | 882 |
| Industrial/Commercial GRV | 0.073350 | 1,102 |
| Vacant GRV | 0.086309 | 767 |
| General UV | 0.003459 | 882 |
| Commercial UV | 0.004093 | 1,102 |
| Waste Avoidance and Resource Recovery Levy (All Categories) | 0.000418 | 20 |

- 2. ENDORSE the City of Kalamunda Objects and Reasons for Proposed Differential Rate Categories for the 2020/2021 Financial Year provided as Attachment 2 to this report.

10.5.6. Submission on Proposed MRS Amendment 1366/57 - Lot 912 Midland Road, Bushmead

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

| | |
|----------------|---|
| Previous Items | N/A |
| Directorate | Development Services |
| Business Unit | Strategic Planning |
| File Reference | 3.009297 |
| Applicant | Development WA |
| Owner | N/A |
| Attachments | <ol style="list-style-type: none">1. MRS Amendment Plan 1366-57 [10.5.6.1 - 1 page]2. MRS Amendment Report 1366-57 [10.5.6.2 - 50 pages]3. City of Kalamunda - Submission [10.5.6.3 - 4 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 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

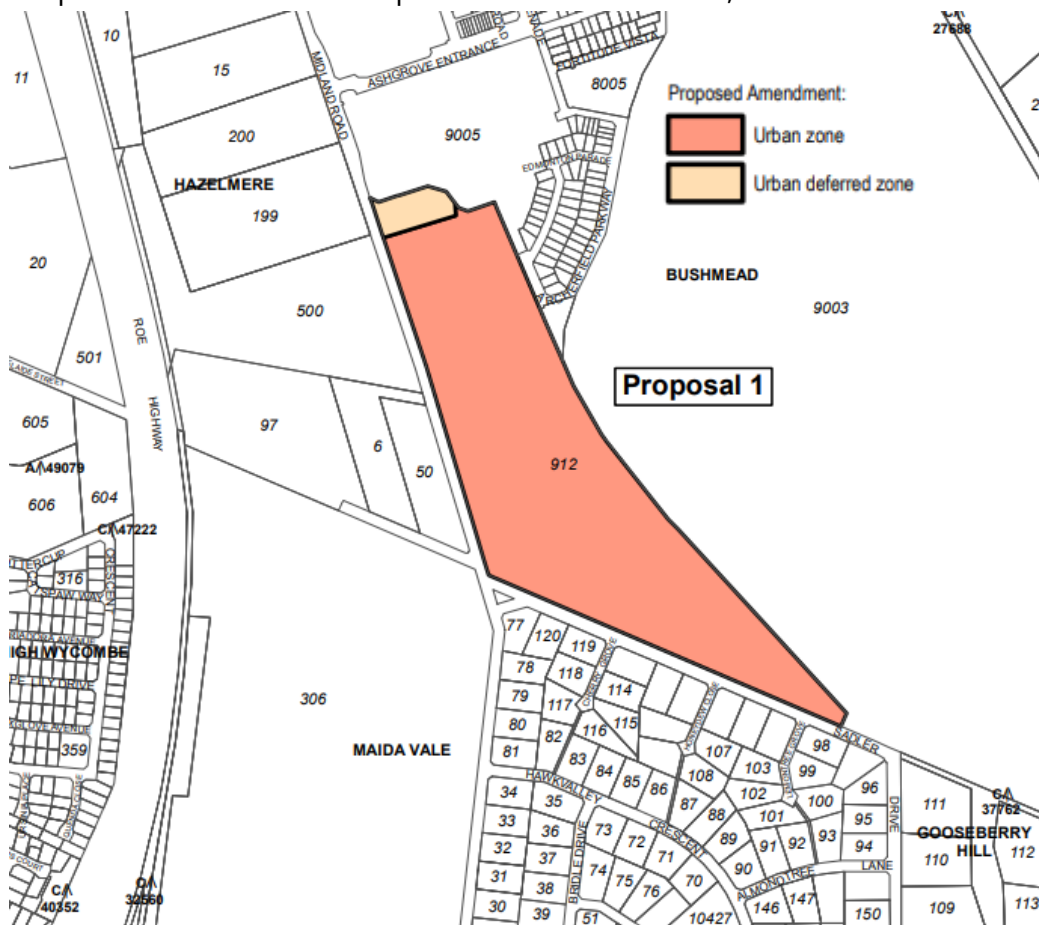
1. The purpose of this report is for the Council to note and provide comment on the proposed Metropolitan Region Scheme (MRS) Amendment 1366/57 - Lot 912 Midland Road, Bushmead (Attachments 1 and 2), which is located within the City of Swan and adjoins the City of Kalamunda (City) boundary on Sadler Drive, Maida Vale.
2. The proposed MRS Amendment 1366/57 proposes to rezone a portion of land south of the Bushmead residential development from a Public Purposes reserve to Urban and Urban Deferred zones. The Western Australian Planning Commission (WAPC) is seeking comment by 5 June 2020.
3. The recommendation is to note the proposed MRS Amendment and endorse comments to the WAPC in accordance with Attachment 3. Concerns have been raised within the submission regarding incremental development occurring within the City of Swan and the associated impact on the road network in the City's, namely on Midland Road, Sadler Drive, Ridge Hill Road and Midland/Kalamunda Road intersection (Attachment 3).

BACKGROUND

4. Locality Plan:

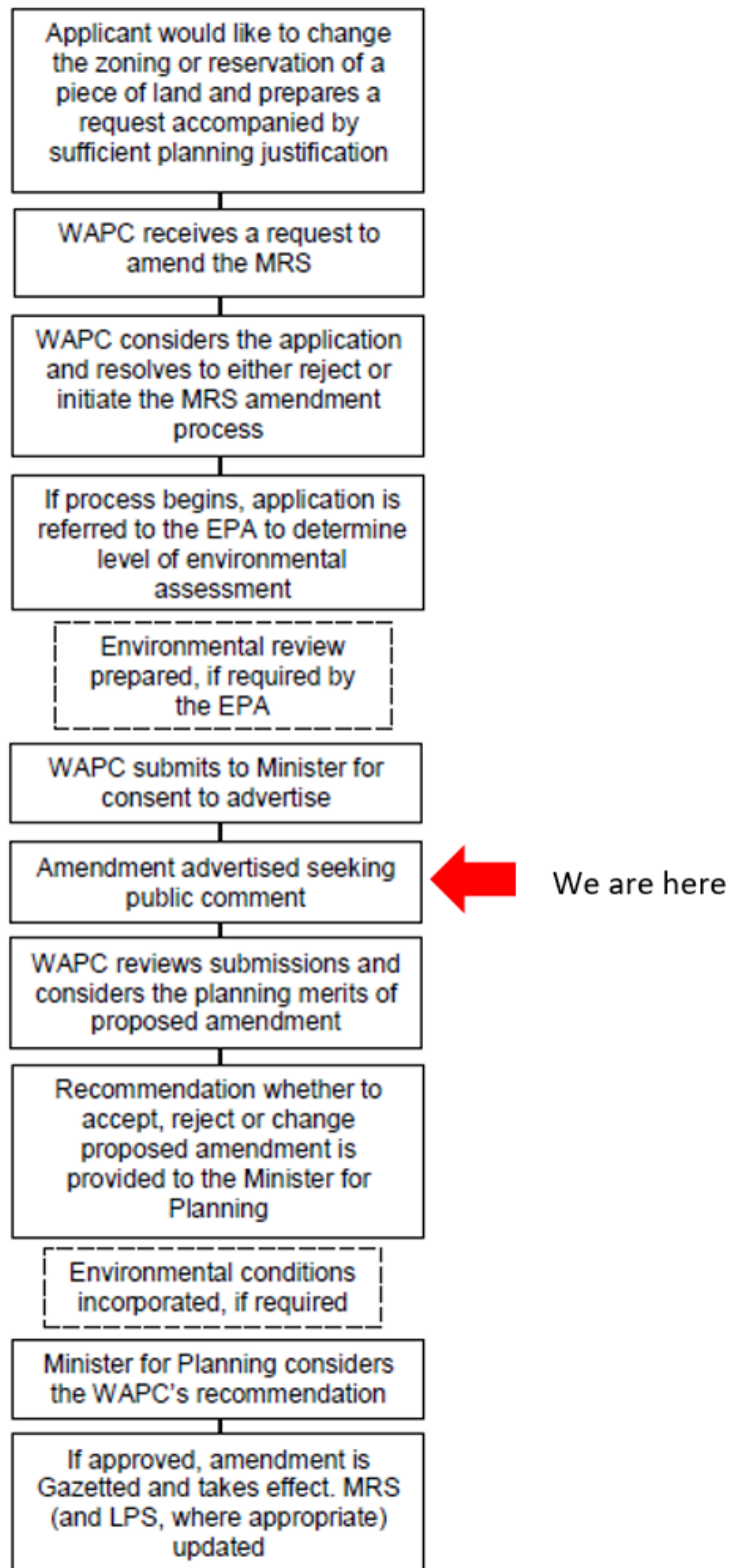


5. Proposed MRS Amendment plan Lot 912 Midland Rd, Bushmead:



- 6. The site is located within the City of Swan abutting the northern municipal boundary of the City adjacent to a rural residential area south of Sadler Drive. Hillview Golf Course is located south-east of the site, east is a Parks and Recreation reserve, and west is land identified for industrial development under the Hazelmere Enterprise Area Structure Plan and Roe Highway. North of the site is the Bushmead residential development currently under development.
- 7. The MRS defines the future use of land through zones or reservations which provides the legal basis for Local Planning Schemes to function throughout the Perth Metropolitan Region. An MRS Amendment is an application to change the underlying zoning or reservation of land to allow for different land uses.
- 8. An MRS Amendment is assessed by the WAPC and recommendation made to the Minister for Planning; Transport who can approve, with or without modification, or decline the proposal.

9. See below excerpt from the MRS amendment report summarising the MRS amendment process:



10. The proposal is considered by the WAPC as a 'Minor' Amendment to the MRS for the following reasons:
 - a) The size and scale of the amendment is not regionally significant and does not reflect a significant change to the strategic planning for the Metropolitan region.
 - b) The amendment is consistent with the key planning framework principles of the North East Sub-Regional Planning Framework.
 - c) The amendment area is identified as being suitable for urban development in the WAPC endorsed Hazelmere Enterprise Area Structure Plan.
 - d) Rezoning land in the amendment area to the Urban and Urban Deferred zones constitutes a logical extension of the extent of these zones under the MRS for this locality.
 - e) The City of Swan and key State Government agencies agree to the initiation of the amendment.

11. The site is currently zoned for Public Purposes which relates to uses and public facilities such as hospitals, high schools, universities, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses. The site was previously owned by the Department of Defence and was used as a transport depot and driver training facility by the Australian Army.

12. The site currently contains some buildings, a driver training course and supporting infrastructure.

13. Most of the site contains remnant vegetation which, in part, has been parkland cleared and is in a 'completely degraded' condition. A section in the north-west corner is, classified as a Threatened Ecological Community (TEC) in 'good' to 'very good' condition. Land east of the site is reserved for Parks and Recreation under the MRS and is part of Bush Forever Site 213.

DETAILS AND ANALYSIS

14. The proposed Urban zoning of the land will, subject to more detailed planning, enable a range of activities including residential, commercial, recreational, and light industrial. The amendment area falls within Precinct 9(b) of the Hazelmere Enterprise Area Structure Plan, which is identified for having potential for residential and non-residential development identified through the local structure planning process and depending on the suitability with constraints and surrounding land uses.

15. The small portion of land identified in the northern part of the proposed amendment as Urban Deferred requires the WAPC to be satisfied with the following, before the area can be rezoned to Urban:

“Confirmation that the poultry farm at Lot 15 Midland Road, Hazelmere has permanently ceased operating, or it being determined that a reduced separation distance would be appropriate upon the advice of the Department of Water and Environmental Regulation.”

16. Details regarding the specific land use and density outcomes proposed for the subject site have not been provided as part of this amendment process. This is required to be addressed as part of more detailed planning processes, through a future Local Planning Scheme amendment and local structure plan. The City will have an opportunity to provide more comment on these proposals as they progress.
17. If requested by the City of Swan, the WAPC has the option of concurrently rezoning land, being zoned Urban to a ‘Development’ zone or similar, under the City of Swan Local Planning Scheme No. 17. The WAPC will provide a recommendation on the concurrent MRS Amendment on the site following the formal advertising period.
18. The comments provided in Attachment 1 are general in nature, which is considered appropriate for this stage of the planning process, these comments refer to the need to ensure environmental values are maintained and to protect the amenity of the residential area south of the subject site, within the City of Kalamunda.
19. In the context of incremental development occurring on Midland Road within the City of Swan, the City has identified some road planning issues that are required to be resolved in liaison with the City of Swan. Further discussion is provided below:
20. **Traffic Impacts on Midland Road**
The increasing level of development occurring with the Bushmead and Hazelmere Enterprise 9A areas has identified significant impacts on Midland Road including the Midland Road and Kalamunda Road intersection. Studies undertaken by Cardno (2014) and TARSC (2015) have differing views on the future traffic volumes. This has resulted in no certainty on the necessary functional capacity of the roads. The evolving uses around and function of the wider road network including Roe-Kalamunda Interchange and Great Eastern Highway upgrades makes forecasting difficult, particularly around the changes to traffic volumes for the City of Kalamunda section of Midland Road.
21. To overcome the shortfall in previous reports, the City has undertaken a review of traffic volumes and impacts to Midland Road using Main Roads WA’s current Regional Operations Model 2031 (ROM) data. This has identified that by 2031, including full development in both Bushmead and Hazelmere on Midland Road, there will be 18,000 vehicles per day (vpd)

between Kalamunda Road and Ridge Hill Road and 13,500 vpd between Ridge Hill Road and Sadler Drive. The current capacity of Midland Road as a Local Distributor will be exceeded before 2031 and require upgrades.

22. It is estimated that approximately 70% of the increase in traffic will be associated with development occurring on Midland Road within the City of Swan in Bushmead and Hazelmere, with the balance made up of ambient background traffic. The developments within Bushmead and Hazelmere have already proceeded to some degree. The City does not currently have a design or cost estimate for the upgrade works required, however the City of Swan has proceeded with design and delivery of upgrades for Midland Road within the City of Swan boundaries.
23. It is anticipated that traffic delays and road safety risks associated with increased traffic will be evident from around 2025 onwards (subject to the level of development completed). It is considered that funding for any future road upgrades noted above should include contributions from developers, landowners and/or the City of Swan generating the demand on the road network. Further discussions are required with the City of Swan and the Department of Planning, Lands and Heritage in this regard.
24. In regard to the development of Lot 912 Midland Road, and any further development areas in the Bushmead and Hazelmere localities, any developer should be required to undertake Transport Impact Assessments (TIA) as part of a future Local Planning Scheme amendment and Local Structure Plan. The TIA will need to identify the traffic volumes generated from the development and in turn the contribution needed towards the upgrade of Midland Road and intersections. Developers should anticipate the need to contribute to the cost of upgrading Midland Road and intersections, with proportions of cost dependent on the proportion of contributing traffic volumes to Midland Road and intersections based on the ROM 2031 values.

APPLICABLE LAW

25. *Planning and Development Act 2005* Part 4 – Region Planning Schemes
26. *Planning and Development (Local Planning Scheme) Regulations 2015* Part 5 – Amending Local Planning Scheme

APPLICABLE POLICY

27. **State Planning Policy (SPP) 3.0 - Urban Growth and Settlement**
Provides objectives and guidance for the coordinated development of urban settlements. Should the proposed amendment progress future

subdivision and development would be assessed against the principles of this policy.

28. **SPP 3.7 - Planning in Bushfire Prone Areas**

The site is bushfire prone and directly adjacent to a Parks and Recreation Reserve with remnant vegetation onsite. If future development is to occur onsite it would need to comply with the requirements of SPP 3.7 and supporting guidelines.

STAKEHOLDER ENGAGEMENT

29. Given the City is not the proponent of the MRS amendment, advertising has not been undertaken by the City. However, DevelopmentWA are understood to have written to landowners and occupiers of the residential area and the Hillview Golf Course south of Sadler Drive, immediately adjacent to the proposed amendment area.

30. The City is responsible for providing a submission on the proposed MRS amendment. The amendment is also referred to government authorities and utility/service providers inviting a submission.

31. The City's internal service areas have been involved in providing comment to prepare this report.

FINANCIAL CONSIDERATIONS

32. At this stage of the planning process there are not anticipated to be any financial implications on the City. However, if this MRS amendment is approved, more detailed planning may identify infrastructure improvements required to facilitate urban development. These costs, including costs associated with any infrastructure located within the City of Kalamunda, would be expected to be borne by a future developer / subdivider or the City of Swan.

SUSTAINABILITY

Social Implications

33. Proposed urbanisation of Lot 912 may result in increased residents and traffic in the locality.

34. Physical changes to Sadler Drive may occur should the proposal progress and the area is urbanised. This would affect the character of the area and change the outlook for existing residents who live on, and travel through, Sadler Drive.

Economic Implications

- 35. Additional residents resulting from proposed urbanisation of Lot 912 may result in increased visitation to activity centres in the City and participation in local events.

Environmental Implications

- 36. The proposal has been referred to the Environmental Protection Authority (EPA) prior to advertising. The EPA advised the proposal does not require formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.
- 37. The MRS amendment report outlines the intention to;
 - a. Retain significant trees;
 - b. Establish a buffer to Sadler/Midland Road to reduce traffic noise exposure;
 - c. Protect and enhance Bush Forever Site 213; and
 - d. Establish a buffer to Kadina Brook and restore riverine ecological function.
- 38. The City has assessed the application from an environmental services perspective and provided the following additional recommendations:
 - a) Importance of retaining significant trees, the protection and enhancement of vegetation in the Kadina Brook buffer and Bush Forever site to the east of the site.
 - b) Manage drainage in accordance with Water Sensitive Urban Design principles, so the water quality of Kadina Brook is maintained or improved.
 - c) Any future development should include features to minimise the incidence of roadkill to native animals such as Quenda (threatened species), possums, carpet python (threatened species) and Black Cockatoos (threatened species).

RISK MANAGEMENT

| | | | |
|-----|--|-------------------|---------------|
| 39. | <p>Risk: The proposal progresses without consideration of the City’s comments, resulting in an inappropriate interface to existing residential development on Sadler Drive.</p> | | |
| | Consequence | Likelihood | Rating |
| | Moderate | Unlikely | Low |
| | Action/Strategy | | |
| | Council to note the recommendations provided in Attachment 3 of this report and forward the comments to the WAPC for consideration during the public advertising period. | | |

| | | |
|---|-------------------|---------------|
| <p>40. Risk: The proposed development contributes towards increased traffic volumes on Midland Road and intersections within the City of Kalamunda, with a need to upgrade these roads.</p> | | |
| Consequence | Likelihood | Rating |
| Moderate | Likely | Medium |
| Action/Strategy | | |
| Request that any developer be required to undertake Transport Impact Assessment to identify the traffic volumes generated from the development and in turn the contribution needed towards the upgrade of Midland Road and intersections within the City. | | |

CONCLUSION

41. At this stage of the planning process, there is limited information available regarding the future land use intentions of the site. However, this information will become available in future planning phases including the Local Planning Scheme amendment and Local Structure Plan process. It is anticipated that a low-density residential outcome will form part of a future proposal, having regard to the context of existing land uses immediately to the south (within the City of Kalamunda) and environmental constraints.
42. The City’s comments, as outlined in Attachment 3, are summarised as follows:
- a) Measures should be taken to ensure the protection of amenity for residents on the south side of Sadler Drive. In this regard, consideration should be given to large lot sizes, additional setbacks, landscaping requirements and tree retention to minimise the impact of urbanisation on existing residents;
 - b) Remnant vegetation should be retained throughout the site and within the threatened ecological communities and the Kadina Brook foreshore area;
 - c) Preventative measures installed to prevent roadkill of native animals.
 - d) Concern is raised regarding the future traffic impacts of incremental development occurring on Midland road associated with development occurring within the City of Swan. The City requests that a transport impact assessment be prepared as part of the preparation of a future Local Planning Scheme Amendment and Local Structure Plan for the site.

- e) Any impacts or required improvements to infrastructure within the City of Kalamunda would be expected to be borne by the future developer, landowner or the City of Swan.

- 43. The recommendation is note MRS Amendment 1366/57 and forward comments as outlined in Attachment 3 to the WAPC for consideration during assessment and prior to deciding on the proposed amendment.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council NOTE the proposed Metropolitan Region Scheme Amendment 1366/57 - Lot 912 Midland Road, Midland, and ENDORSE comments as provided in Attachment 3 for forwarding to the Western Australian Planning Commission for consideration.

10.5.7. Consideration of Tenders for the Provision of Mowing Services (RFT 2006)

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

| | |
|-------------------------|--|
| Previous Items | OCM 183/2012 |
| Directorate | Asset Services |
| Business Unit | Parks & Environmental Services |
| File Reference | AD-TEN-005 |
| Applicant | N/A |
| Owner | City of Kalamunda |
| Attachments | Nil |
| Confidential Attachment | Tender Evaluation Report <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 s5.23 (c) "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i> |

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

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 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council approval to award a tender seeking to engage a contractor to provide Mowing Services (RFT 2006).
2. This will be a services contract providing labour and materials to undertake the mowing services of selected sports grounds, reserves and residential verges throughout the City of Kalamunda (City) to augment services undertaken in house.
3. It is recommended Council accept the tender from Landscape and Maintenance Solutions Pty Ltd ACN 48 160 379 608 based on the schedule of rates for an initial three-year period with the option to extend for two single year extensions.

BACKGROUND

4. The City's tendered contract for reserve mowing lapsed on 12 February 2020.
5. Since this time, a request for quote to cover the work has been in place.
6. It was decided to undertake a Tender for General Mowing Services for both programmed and ad hoc services to better meet demand in accordance with agreed service standards.
7. Tender RFT2006 was called for these services and a recommendation made to Council at the 28 April 2020 Council meeting. Council resolved (OCM 69/2020) to DEFER awarding the tender for Mowing Services (RFT 2006) until the Ordinary Meeting of Council on 26 May 2020.

DETAILS AND ANALYSIS

8. The City issued RFT 2006 seeking to engage a contractor to provide mowing services for selected sports grounds, reserves and residential verges, for an initial three-year period, with two optional single year extensions at the City's discretion. Tenders closed on 27 February 2020, with ten tenders received by the closing date.

9. Tenders received by the closing date were from the following companies (in alphabetical order):
- a) Environmental Industries;
 - b) GAS Assets Pty Ltd T/A Gekko Contracting & Turf & Landscape Services
 - c) Green Options;
 - d) Gro-turf Pty Ltd;
 - e) Landscape and Maintenance Solutions;
 - f) LD Total Pty Ltd;
 - g) Lochness Landscape Services;
 - h) Skyline Landscape Services Pty Ltd
 - i) Turf Care WA Pty Ltd; and
 - j) Turfmaster Facility Management.
10. An Evaluation Panel was convened of suitable qualified City officers to assess the tenders received.
11. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. The Tender from Turfmaster Facility Management was non-compliant.
12. Compliant tenders were then assessed against the Qualitative Criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

| Qualitative Criteria | Weighting |
|-------------------------|-----------|
| Demonstrated Experience | 30% |
| Tenderer's Resources | 70% |

13. Five tender submissions met the required Qualitative Pass Mark (QPM).
14. The nine compliant tenders were ranked as follows regarding the Qualitative Criteria:

| Tenderer | Score | Rank |
|--|-------|------|
| Turf Care WA Pty Ltd | 70% | 1 |
| Landscape and Maintenance Solutions | 60% | =2 |
| Lochness Landscape Services | 60% | =2 |
| GAS Assets Pty Ltd T/A Gekko Contracting Turf & Landscape Services | 60% | =2 |
| Environmental Industries Pty Ltd | 60% | =2 |
| Skyline Landscape Services Pty Ltd | 54% | 6 |
| Gro-Turf Pty Ltd | 53% | 7 |

| | | |
|------------------|-----|---|
| LD Total Pty Ltd | 46% | 8 |
| Green Options | 40% | 9 |

15. Tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.
16. The contract has been constructed essentially as a fixed price contract for a variety of services required, their locations and frequencies. The City has the flexibility in the contract to scale up/down the services in response to matters such as changed growing conditions, service standards and change in mix between in-house and contracted services.
17. The tender evaluation report is provided as Confidential Attachment 1 to this report.
18. The recommended tender best satisfied the City's requirements in terms of:
 - a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to undertake the work;
 - c) satisfying reference checks from previous clients;
 - d) satisfying independent financial Corporate Scorecard check; and
 - e) providing the best value for money outcome.
19. For the purposes of evaluation of the tender prices, assessment was undertaken based on the fixed set of services set out in the tender invitation. The actual spend, year on year, will vary depending on circumstances.
20. Whilst the assessment panel had initial misgivings in recommending this tenderer, further analysis, background checks and financial probity reporting has indicated that awarding the contract to Landscape and Maintenance Solutions should not present unacceptable risks to the City.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

23. It is estimated that the value of this Contract will be in the order of \$310,000 pa depending on approved budgets in each Financial Year.

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

| | | | |
|-----|---|-------------------|---------------|
| 25. | Risk: The Contractor fails to fulfil the requirements of the contract, leading to increased costs to the City through re-tendering. | | |
| | Consequence | Likelihood | Rating |
| | Significant | Unlikely | Medium |
| | Action/Strategy | | |
| | a) Corporate scorecard confirms financial viability of contractor. b) Formal and detailed Qualitative criteria within Tender minimise risk with contract conditions to allow poor performance to be managed. | | |

CONCLUSION

26. After re-evaluating all the submissions from the various tenderers and taking all the risks into consideration, it is believed that Landscape and Maintenance Solutions would be the most advantageous for the provision of Mowing Services for the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender for Mowing Services (RFT 2006) from Landscape and Maintenance Solutions Pty Ltd ACN 48 160 379 608 as per the schedule of rates set out in Confidential Attachment 1 to this report for an initial three-year term with two further single year extensions at the City’s discretion.

10.5.8. Review of Community Engagement 2019

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

Previous Items

Directorate Office of the CEO

Business Unit Customer & Public Relations

File Reference

Applicant

Owner

Attachments 1. Community Engagement Overview 2019 FINAL
[10.5.8.1 - 62 pages]

TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
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STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 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 provide Council with the City of Kalamunda Community Engagement Campaigns 2019 Review report (Report).
2. The City of Kalamunda (City) conducted community engagement on many projects in 2019 encompassing more than 28,000 stakeholders. The Report has been prepared to showcase the results of community engagement campaigns undertaken in 2019, demonstrating the strong community interest in City projects and activities.
3. The recommendation is for Council to receive the report.

BACKGROUND

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

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

DETAILS

10. In 2019 the City had a total of 49 projects open for public comment. These projects spanned across a wide variety of the City's services, policies and community issues, including;
 - a) planning proposals,
 - b) proposed traffic treatments and road closures, and
 - c) proposed concept plans for City facilities and strategic leisure planning.
11. Most notably, 2019 was a big year for strategy development with the community providing feedback on several significant policies adopted by Council in 2019 including
 - a) the Tourism Strategy,
 - b) Arts Strategy and Public Art Policy,
 - c) Reconciliation Action Plan and
 - d) the Environmental Land Use Planning Strategy.
12. Each strategy was developed in consultation with the community, with multiple workshops, meetings, and drop in sessions held for community members to seek information and provide feedback
13. Additionally, hard copy surveys and feedback forms were developed and distributed to all locations, adverts ran in local newspapers and on social media, and submissions sought. The City also utilised direct mail for various campaigns throughout the year.
14. The community continues to demonstrate strong engagement with the City, with several projects attracting very high response rates such as
 - a) The Future Aquatic Facility (684 responses),
 - b) Verges Maintenance (623 responses),
 - c) Community Safety and Crime Prevention (530 responses),
 - d) Heidelberg Park with 393 responses.

A copy of all results in included in Attachment 1.

15. The City continues to use the online engagement portal engagementHQ to promote, educate and engage with community members in an interactive way.

16. The engagement portal continued to be very popular, with:

- a) the Total visits at 28.6k, up from 27.6k in 2018,
- b) the max visitors per day at 529 up from 395 in 2018,
- c) Engaged visitors at 1.7k, up from 1.3k in 2018.

There were also 1,400 new registrations.

17. Nevertheless, it should be noted that this is only ever one small element of our overall engagement strategy. Shopping centre interactions, workshops and opportunities for dialogue continue to be very popular.

18. The City also sought to enhance the community engagement process further by using the online software Mentimeter.

This software enabled participants at community workshops to provide responses, anonymously from their smart phone, in real time providing an interactive element to our community workshops. This was successfully utilised during consultation regarding Forrestfield North.

STATUTORY AND LEGAL CONSIDERATIONS

19. *Local Government Act 1995*

POLICY CONSIDERATIONS

20. Community Engagement Strategy

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

21. All business units have been provided a copy of the report and outcomes.

External Referrals

22. Not applicable

FINANCIAL CONSIDERATIONS

23. All community engagement is undertaken within the approved Budget.

SUSTAINABILITY

Social Implications

24. Community engagement is critical for the City community. The report showcases that Community members are engaged, ensuring the City is authentic and transparent in community engagement across a broad range of topics, at both a strategic and operational levels.

Economic Implications

25. Not applicable.

Environmental Implications

26. Not applicable

RISK MANAGEMENT CONSIDERATIONS

| | | | |
|-----|--|--------------------|---------------|
| 27. | Risk: Community engagement activities are not reviewed on an ongoing basis | | |
| | Likelihood | Consequence | Rating |
| | Low | | |
| | Action/Strategy | | |
| | Ensure annual reporting to Council, and regular de briefs following each campaign. | | |

OFFICER COMMENT

28. The City continues to see an increase in the use of digital technologies for submitting feedback and community views across a broad range of topics, resulting in an increase in engagement in 2019 compared to 2018.

| |
|---|
| Voting Requirements: Simple Majority |
|---|

RECOMMENDATION

That Council RECEIVES the 2019 Community Engagement Report (Attachment 1).

- 11. Motions of Which Previous Notice has been Given**
- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
- 17. Closure**