



Ordinary Council Meeting

AGENDA

Tuesday 22 September 2020

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 22 September 2020 at 6.30pm.**



Rhonda Hardy
Chief Executive Officer
17 September 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

City of Kalamunda

Information for the Public Attending

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**
4. **Petitions/Deputations**
5. **Applications for Leave of Absence**
 - 5.1 That Cr Kathy Ritchie be granted leave of absence for the period 19 to 23 October 2020.
6. **Confirmation of Minutes from Previous Meeting**
 - 6.1 That the Minutes of the Ordinary Council Meeting held on 25 August 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 25 August 2020."
7. **Announcements by the Member Presiding Without Discussion**
8. **Matters for Which the Meeting may be Closed**
 - 8.1 Item 10.5.4 COVID-19 Innovation Grants – CONFIDENTIAL ATTACHMENT – COVID 19 Innovation Grants

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"*
 - 8.2 Item 10.5.6 Local Planning Scheme No.3 - Amendment 105 - Development Contribution Area 1 – Forrestfield Light Industrial Area Stage 1 - Method for Calculating Contributions - CONFIDENTIAL ATTACHMENTS – 1. Senior Council – Legal Advice and 2. McLeods Advice

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

- 8.3 Item 10.5.10 Chief Executive Officer's Performance Review Committee 15 September 2020 Recommendations – CONFIDENTIAL ATTACHMENT - CEO Performance Review Committee Minutes 15 September 2020

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (a) - "a matter affecting an employee or employees."*

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

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. Draft Local Planning Policy 29 - Unhosted Holiday Houses for Final Adoption

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

Previous Items	OCM 60/2020
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	N/A

Attachments	1. Submission - Draft Local Planning Policy 29 - Unhosted Holiday Houses [10.1.1.1 - 2 pages]
	2. Late Submission - Draft Local Planning Policy 29 - Unhosted Holiday Houses [10.1.1.2 - 1 page]
	3. Draft Local Planning Policy 29 - Unhosted Holiday Houses [10.1.1.3 - 4 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input checked="" type="checkbox"/> | 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.

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of draft Local Planning Policy 29 – Un-hosted Holiday Houses (LPP29) for final approval (Attachment 1).
2. LPP29 will ensure un-hosted Holiday Houses are determined in a manner that maintains the amenity and character of the area while providing an opportunity for landowners to use residential properties for short-term accommodation.
3. It is recommended Council adopt LPP29 for final adoption.

BACKGROUND

4. The City of Kalamunda (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 City has seen a recent increase in applications for un-hosted Holiday Houses, which warrants consideration of a policy to guide the use of delegation and set expectations for the community.

DETAILS AND ANALYSIS

6. The objectives of this Policy are to:
 - a) Ensure un-hosted Holiday Houses maintain the amenity and character of the areas where they are proposed
 - b) Ensure operators of un-hosted Holiday Houses can effectively manage the impact of short-term accommodation

- c) Ensure un-hosted Holiday Houses are effectively serviced in areas where reticulated sewer connection is not available
 - d) Streamline the assessment process for un-hosted Holiday Houses
- 7. The Policy states the following matters should be given due regard when considering applications for un-hosted Holiday Homes:
 - a) Existing Amenity
 - b) Operational Management Plans
- 8. Additional Information
The matters to be given due regard reflect concerns raised during the consultation process for existing applications for un-hosted Holiday Houses.
- 9. The Policy has been drafted to provide consistency with the approach taken by many local governments to provide a policy framework for assessing un-hosted holiday houses in the Perth Metropolitan Region. It is also noted that the State Government has recently announced its intention to regulate short term accommodation such as Airbnb across the State.
- 10. The Policy will ensure un-hosted Holiday Houses are determined in a manner that maintains the amenity and character of the area while providing an opportunity for landowners to use residential properties for short-term accommodation.

APPLICABLE LAW

- 11. *Planning and Development (Local Planning Schemes) Regulations 2015*
 - a) Schedule 2, Part 2 Clause 4(3) - review submissions and resolve to proceed with/without modifications or not proceed with the local planning policy
 - b) Schedule 2, Part 2 Clause 4(4) – local government to publish the local planning policy in the local newspaper
 - c) Schedule 2, Part 2 Clause 4(5) – the local planning has effect on publication
 - d) Schedule 2, Part 2 Clause 4(6) – the City to make a copy of the local planning policy available to the public

APPLICABLE POLICY

12. Nil

STAKEHOLDER ENGAGEMENT

13. The draft LPP29 was advertised in accordance with Local Planning Policy 11 - Public Notification of Planning Proposals for a period of 21 days, which is consistent with the period specified in Schedule 2, Part 2 Clause 4 (2) of the Regulations.
14. During the consultation period, one submission was received from the community (attachment 2). The submission is supportive that the City of Kalamunda is considering implementing a policy to control un-hosted Holiday Houses in the City of Kalamunda and comments on the following concerns that she should like to see addressed by the policy:
- a) Management of keys to prevent parties;
 - b) Guests leaving shopping trolleys on the verge;
 - c) Increased traffic and parking;
 - d) Increased noise from holiday maker enjoying the evenings;
 - e) Overcrowding; and
 - f) When guests own prime movers and start them very early in the morning.
15. LPP 29 proposes to manage the aforementioned through the strong objectives of the policy and the requirement for applicants to submit an operational management plan which addresses the above listed major concerns of noise, preventing events, overcrowding, parking and traffic.
16. Following the closure of the advertising period, a second submission was received from the community (attachment 3). This submission was not supportive that the City of Kalamunda is considering implementing a policy to control un-hosted Holiday Houses in the City of Kalamunda. The following concerns were included within the submission:
- a) The impact of un-hosted holiday houses on residential amenity;
 - b) Monitoring of compliance falls to the neighbouring properties;
 - c) Antisocial behaviour; and
 - d) Policy is weighted to promote additional tourism at a cost to existing residents amenity.
17. These concerns are consistent with those received during the neighbour consultation periods of each development application received for an un-hosted holiday house and were the basis of the development of LPP29.

18. In response to the concerns raised at the Public Briefing Forum held on 8 September 2020 regarding an alleged use of a property for short-stay accommodation and the resulting amenity impacts, the Policy has been modified to include Section 6.3 – General Development Provisions which detail the following requirements:
1. Inclusion of an initial timed approval period of 12 months, following which the applicant will be required to resubmit for approval. A further 5-year approval may be considered by the City where the applicant has demonstrated that the operational requirements of the Policy have been satisfied.
 2. The approval is personal to the applicant and is therefore not tied to the land.
19. The above-mentioned Policy changes are expressly aimed at ensuring the applicant/landowner is accountable with respect to managing potential amenity related impacts associated with the operation of the un-hosted holiday house on surrounding affected residents.
20. As part of the review of Local Planning Scheme 3, the City will give consideration to including new scheme provisions aimed at managing the operation of un-hosted Holiday Homes such as revocation of an approval, where the use has resulted in unacceptable amenity impacts on affected residents.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

22. If the Policy is adopted, the City and Council will be provided with guidance in the assessment and determination of un-hosted Holiday House proposals to ensure the amenity and character of the area are maintained.

Economic Implications

23. The use of residential properties for un-hosted Holiday Houses, provides landowners with an opportunity to diversify their income base and more broadly supports the tourism industry.

Environmental Implications

24. Nil

RISK MANAGEMENT

25.	Risk: Un-hosted Holiday Houses may impact on the residential amenity of the area.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Ensure assessment against the relevant criteria of the policy.		

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

CONCLUSION

27. **Modifications Since Public Agenda Briefing:**
 Since the publishing of the draft agenda for the Public Agenda Briefing and in response to submissions and queries raised at the briefing, the City has included Clause 6.3 to the Policy. Clause 6.3 provides for timed approvals and for the approvals to run with the owner of the land. This will ensure the uses are appropriately managed and that landowners are aware of the management requirements associated with the use.
28. It is recommended that Council adopt Local Planning Policy 29 – un-hosted Holiday Houses for final adoption.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the proposed Local Planning Policy 29 as outlined in Attachment 1, pursuant to Schedule 2, Part 2, Clause 4(3)(b)(i) and Clause 4(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. City of Kalamunda - Extractive Industries Local Law 2020

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

Previous Items	N/A
Directorate	Development Services/Chief Executives Office
Business Unit	Approval Services/Governance and Legal
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. Extractive Industries Local Law 2020 [10.1.2.1 - 19 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 for Council to consider proposed new City of Kalamunda (City) Extractive Industries Local Laws.

2. The provisions of the *Local Government Act 1995* (the Act) require local governments to review local laws every eight (8) years. The current local laws were gazetted in 1963, with minor amendments in 1975, 1982 and 1988 and are now due for review.
3. It is recommended that the draft City of Kalamunda Extractive Industries Local Law 2020 be adopted for the purpose of seeking public comment.

BACKGROUND

4. The review has been undertaken to ensure compliance with the requirements of Section 3.16 of the Act to review local laws every eight years.
5. The City's review has identified amendments to improve the local law.

DETAILS AND ANALYSIS

6. The draft local law has been updated to reflect a more modern approach to current local government standards for extractive industries and to ensure all legislative and Australian Standards references are current.
7. Whilst the general principles of requiring a licence for an extractive industry has been retained, the requirements now meet current legislative provisions.
8. Environmental management requirements have been expanded and updated to meet current standards.
9. The other significant change is the introduction of modified penalties for breaches of the local law.

APPLICABLE LAW

10. *Local Government Act 1995, Local Planning Scheme No.3*

APPLICABLE POLICY

11. Nil

STAKEHOLDER ENGAGEMENT

12. The proposed new local law has been considered by the relevant Business Units and endorsed.

13. Community consultation will be undertaken through seeking public submissions of the proposed local law as required by the Act.

FINANCIAL CONSIDERATIONS

14. Advertising costs will be met from current operational budgets.

SUSTAINABILITY

Social Implications

Environmental Implications

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

RISK MANAGEMENT

16.	Risk: If the proposed local law is not reviewed within the required time frames, the City may be non-compliant.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Medium
	Action/Strategy		
	Ensure Council is aware that the legislation requires a review of local laws every eight years.		

CONCLUSION

17. The draft local law has been updated to reflect a more modern approach and current operational requirements of the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. GIVE local public notification that Council proposes to make a new local law, the *City of Kalamunda Extractive Industries Local Law 2020* (Attachment 1).

2. NOTE that:

- (a) The purpose of the proposed local law is to
 - i. prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
 - ii. regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
 - iii. provide for the restoration and reinstatement of any excavation site.
- (b) The effect of the proposed local law is to require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.

10.2. Asset Services Reports

10.2.1. Kalamunda Town Centre - Response to Petition

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

Previous Items	OCM 94/2019
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	3.003065
Applicant	Probus Club of Kalamunda
Owner	City of Kalamunda
Attachments	1. Kalamunda Town Centre Petition [10.2.1.1 - 24 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 (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 - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information in response to a petition received regarding pedestrian matters within the Kalamunda Town Centre ('Town Centre').
2. This petition requests that the road system is changed to give pedestrians priority over vehicles with the justification that this will make the Town Centre commercially viable.
3. It is recommended that Council note this report responding to the petition.

BACKGROUND

4. The City has been well aware of concerns raised by the community regarding pedestrians being able to safely cross roads within the Town Centre. It has been reviewing and addressing issues as they are raised.
5. Council determined at the April 2019 Ordinary Council Meeting: (OCM 94/2019):
 1. *APPROVES that the Mayor and Chief Executive Officer advocates on behalf of the City of Kalamunda with Main Roads Western Australia, the State Government and Local Members to seek Main Roads Western Australia approval to allow the upgrading of designated crossing points to higher levels of control where the City considers there are public safety issues that are not satisfactorily addressed in existing Main Roads Western Australia approvals policies.*
 2. *NOTES that urgent advocacy is required for the proposed pedestrian crossing at Canning Road near Heath Road noting that works are due to commence.*
 3. *NOTES that upcoming streetscape design proposals within the Kalamunda Town Centre will include overt consideration of pedestrian safety.*
6. The most tangible improvement able to be implemented has been Main Roads Western Australia (MRWA) approval to construct a 'zebra' pedestrian crossing on Canning Road near the (now closed) IGA

supermarket. All other requests to MRWA for protected crossings have not been approved.

DETAILS AND ANALYSIS

7. The petition is provided as Attachment 1 to this report with 233 signatories. It was provided to Council by representatives of the Probus Club of Kalamunda at the 28 July 2020 Ordinary Council Meeting (Item 4.1.1 of the minutes of the meeting refer).
8. The thrust of the petition is that the priority of the roads in the Town Centre are altered to give pedestrians priority over vehicles. The priority of pedestrians and vehicles is legislated by the *Road Traffic Act 1974* and *Road Traffic Code 2000*. As such to change the priority of pedestrians over vehicles for every road for full length would require an Act of Parliament which is unlikely to proceed.
9. To recap the situation with regards to pedestrian and vehicle movements, under the legislation in place, pedestrians are required to generally be responsible for minimal exposure to the general road lanes (part 196 of the Road Traffic Code).
10. As an alternate view, the City has been reviewing whether protected pedestrian crossing points can be provided, where vehicles have to give way to pedestrians.
11. As previously advised to Council, under current MRWA requirements, the City is not permitted to install any protected pedestrian crossings (where vehicles are required to stop to allow pedestrians to cross) due to the low volume of pedestrian and traffic counts in Haynes Street, Mead Street and Railway Road.
12. The City has adopted the new Kalamunda Town Centre Activity Centre Plan. As part of this plan, a key feature would be to allow Haynes Street to be redeveloped into a streetscape that encourages a very low speed traffic environment. This low speed environment means that pedestrians crossing the road are in a much safer environment and vehicles would be more aware of the mixed-use environment.
13. Presently, funding has been provided only to undertake design and construction for Central Mall within the Town Centre. All other designs for adjacent roads will be undertaken when funding is provided.
14. Central Mall, currently under design, is aimed at achieving a mixed-use area where traffic speeds are so slow (<20 kmh) that pedestrian safety will be vastly improved.

15. The City is also examining whether existing traffic conditions support reducing the speed limit on Canning Road (within the current 50 km/h section) down to 40 km/h and possibly extending the 40 km/h zoning further south along Canning Road.

APPLICABLE LAW

16. *Road Traffic Act 1974 and Road Traffic Code 2000.*

APPLICABLE POLICY

17. Nil

STAKEHOLDER ENGAGEMENT

18. Stakeholder engagement has been ongoing through the development of the Kalamunda Activity Centre Plan, especially in regard to street layouts.

FINANCIAL CONSIDERATIONS

19. Nil.

RISK MANAGEMENT

- 20.
- | | | |
|--|-------------------|---------------|
| Risk: The Community does not accept that the City cannot implement controlled pedestrian crossings under current MRWA standards leading to continued criticism. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| City advocates further with State for reconsideration of the matter. | | |

CONCLUSION

21. It is acknowledged that concerns are raised regarding pedestrian safety. The streetscapes envisaged in the Kalamunda Activity Centre Plan should provide safer streets for pedestrians. There is no support at present from the State to install more controlled pedestrian crossing points in the Town Centre.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE this report in response to the petition provided by the Probus Club of Kalamunda.

10.3. Corporate Services Reports

No Reports presented.

10.4. Office of the CEO Reports

10.4.1. Events October - December 2020

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	
Owner	

Attachments	1. City of Kalamunda event impact assessment summary August 2020 [10.4.1.1 - 4 pages]
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TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | 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 1: Kalamunda Cares and Interacts

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

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

EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has, for many years, ran a very successful events program. Events are the City's key direct touch point with all segments of the community. They provide very positive and supportive connections to many aspects of City services.
2. In 2020 the City adopted a crisis COVID-19 Budget that does not include funding for community events.
3. The purpose of this report is for Council to endorse a revised position on events for October to December 2020.

BACKGROUND

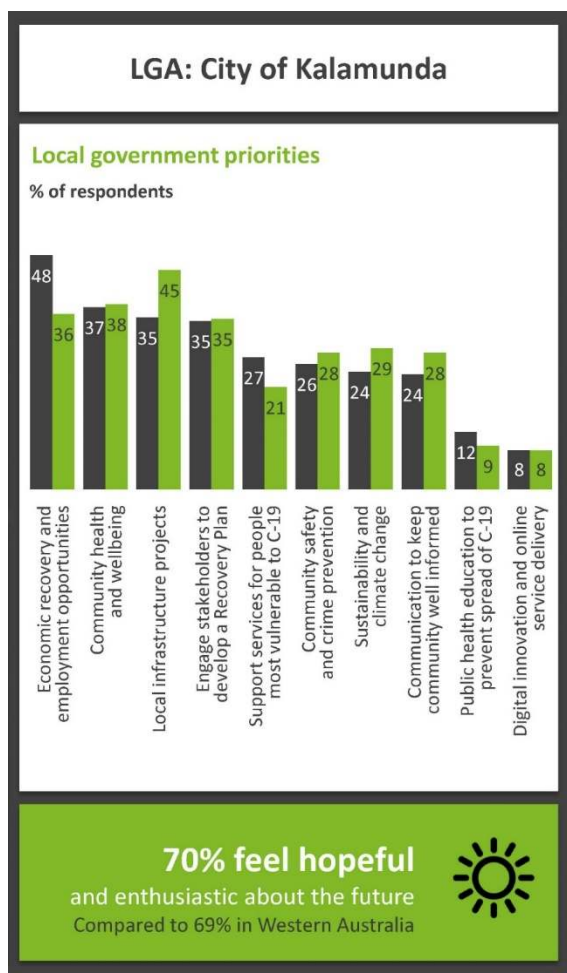
4. In 2019/2020 the City of Kalamunda coordinated the following events:
 - Corymbia Festival
 - Perth Hills Spring Festival
 - Seniors Week
 - Christmas Festival
 - Summer Movie Series
 - Ramp it up (youth events)

The City also assisted with several significant Community Events and undertook support and approvals.

5. Additionally, other smaller events which are service area specific also take place, achieving specific objective and goals. Events are being utilised to drive social change, provide community support, educate community across a broad range of areas and reduce social isolation. They can be to provide recognition, for entertainment or to increase cultural awareness.
6. Events connect people to other like-minded individuals who share the same passions as them, and they are a way to celebrate the community you live in.

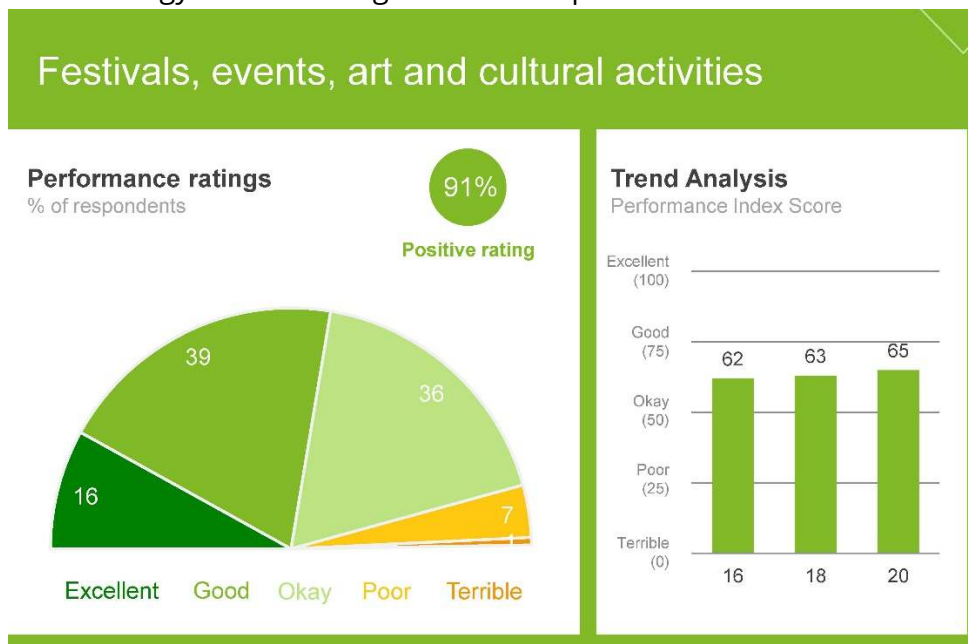
7. Community events – whether free, family-friendly, or ticketed events – present an opportunity to showcase the local businesses. Enlisting people from our region as suppliers helps drive revenue to small businesses, attracting those in the community to support them.
8. Many studies have shown building healthy relationships and spending time with family, friends, and others in your community can help improve mental well-being.
9. This year the City participated in Statewide research into the impacts of COVID-19 in the community, as a part of the Community Resilience Scorecard. Community health and well-being was rated by the City of Kalamunda's community as a Key priority, following Local Infrastructure Projects.

10.



11. Community groups have been in discussions with the City around holding and the hosting of events as an important way to reconnect the community.

12. Community-wide events bring people from all walks of life together, strengthening the bonds between them. Those bonds act to improve mental well-being, while helping to alleviate personal struggles.
13. In February to May 2020 the City of Kalamunda conducted its Community Satisfaction Survey. The survey is undertaken using a random sample methodology. The following results were provided in relation to events:



14. Community events build relationships and 'social connectedness' within the community and exposes members to diversity and multiculturalism.
15. Community events develop an increased sense of social responsibility – a global view of society and a heart for 'giving back' and helping others.
16. According to Lewis and Sears, "The economic benefits of festivals are easiest to see and most often attract visitors, which stimulates the growth of tourism and other businesses in a town or region. The social benefits of festivals are less visible, but they are just as important. Besides being fun, well-managed festivals and events offer a host of economic and social benefits to communities." Please see Attachment 1 City of Kalamunda Economic Impact of Events Summary for further detail in this regard.

DETAILS AND ANALYSIS

17. It is proposed to reinstate the following key events in the October to December 2020 period to facilitate continued economic and social benefits to the community:

- a) Perth Hills Spring Festival
- b) Seniors Week
- c) NAIDOC Celebrations
- d) Thank a Volunteer Day
- e) Christmas Festival and Lights

18. **Perth Hills Spring Festival**

It is proposed to go ahead with this festival albeit with no formal budget allocated.

In previous years the full 5-week festival program has been a culmination of events by the City of Kalamunda and events by local Tourism Businesses.

In 2019 the City's financial contribution was \$40,000.

In 2020 the City will undertake all marketing in house, with a slightly reduced program. There continues to be a strong focus on nature and self-guided walks and there already is a large number of events proposed for inclusion in the program through the expression of interest program. No additional funds are being sought for 2020.

19. **Seniors Week**

The City is proposing to host a modified program for this year's Seniors Week celebrations with events planned from Friday 6 November to Friday 13 November 2020.

Seniors Week is a great opportunity to celebrate the valuable contributions of older people within our community.

It is proposed that the City's Seniors Week 2020 program starts with the opening of the Senior Residents Art Exhibition - A Fanciful Vision - at the Kalamunda Performing Arts Centre on Friday 6 November. The exhibition will continue until Sunday 15 November.

Complementing the exhibition will be a program of three events.

- a) Tuesday 10 November fish'n'chips at Cicerello's (With Pick up from Forrestfield and Kalamunda);
- b) Thursday 12 November Supper Club Variety Show in High Wycombe: and,

- c) Friday 13 November bingo, games and refreshments at the Woodlupine Community Centre, in Forrestfield.

20. One of the changes proposed is to charge a fee of \$5.00 to Seniors attending events, with the exception of Bingo which has its own license provisions and requirements.

21. To further celebrate seniors, Forrestfield's Hartfield Park Recreation Centre is offering a free active seniors' program from 2 to 13 November.

22. In 2019/2020 the Seniors Week Budget was \$20,000. For 2020/2021 a reduced budget of \$15,000 is proposed.

23. **NAIDOC Celebrations**

NAIDOC celebrations are proposed to go ahead, with budget from the City's Arts Strategy included in the 2020/21 Budget Adoption.

The City has also submitted for funding from the 2020 NAIDOC Local Grants Round to compliment the program. The Draft NAIDOC program is attached as Annexure 2. Funding of \$10,000 has been sought to complement existing funds in the 2020/2021 Budget for NAIDOC.

24. **Thank a Volunteer Day**

The City proposed to host Thank a Volunteer Day on Friday 4 December 2020.

The event will move from being outdoors in Stirk park, to an indoor venue, as it did in 2019, as this reduces costs relating to an outdoors option such as marquee infrastructure.

Venues are currently operating at 50% normal capacity and this will be taken into account, along with all necessary COVID restrictions in the planning.

In 2019 the Thank a Volunteer Budget was \$10,893. The budget has been reduced and the event is proposed to be undertaken with a budget of \$6,267.00.

25. **Christmas Festival and Lights**

The City of Kalamunda Christmas Festival is an annual program of Community led events, in partnership with the City. Christmas lighting is installed in the City as a part of this event program.

The total value of the program in 2019/2020 was \$35,000 for the Festival program and \$30,000 for the Christmas Lights (\$65,000 total.) A reduced program with a budget of \$45,000 is proposed for 2020/2021.

Events are held throughout the City as a part of the Christmas Festival.

26. **COVID-19 safety requirements**

All COVID-19 safety requirements in accordance with Phase 4 would be undertaken. It is possible that the State may enter Phase 5 prior to Seniors Week.

Current Phase 4 restrictions have been extended until 24 October 2020.

The City is carefully monitoring any changes to COVID-19 restrictions and has a program of events focused on no large gathering, social distancing and a series of smaller events across a number of days and times throughout its programming.

APPLICABLE LAW

27. *Local Government Act 1995*

APPLICABLE POLICY

28. Nil.

STAKEHOLDER ENGAGEMENT

29. The City of Kalamunda has called for expressions of interest from Tourism operators in the region who are planning to host events as a part of the Perth Hills Spring Festival, which will form the substantive program.
30. Community engagement has been undertaken with Aboriginal Community members in regard to the proposed NAIDOC program, with community members putting forward events which have formed the basis of the program.
31. The Seniors week program is based on feedback from previous years, with a high level of community satisfaction at Seniors Week events in the City for many years.
32. Thank a Volunteer Day invitees are volunteers of the City of Kalamunda programs and services throughout the year and Local Hero Award winners only.

33. The Christmas Festival program would be finalised following a call out for interested community groups who would like to host an event.

FINANCIAL CONSIDERATIONS

34. Financial implications considered as a part of the next Budget review. The costs to considered are as follows:

• Seniors Week	\$ 15,000.00
• Thank a Volunteer Day	\$ 6,267.00
• City of Kalamunda Christmas Festival	\$ 45,000.00
Total:	\$ 67,267.00

SUSTAINABILITY

35. N/A

RISK MANAGEMENT

36.	Risk: Tightening of COVID restrictions impacts viability of events		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	The City is carefully monitoring the COVID Pandemic and directions from the State Government of Western Australia. Events have been planned at a small scale, with a series of activities spread over time, and taking into account all current COVID restrictions. It is possible we may enter phase 5, however Phase 4 requirements have been factored in along with contingency planning should we see any regression in the stages. Events for 2021 will not be considered until closer to the time.		

CONCLUSION

37. This report has been presented to Council with a view to reinstating some City of Kalamunda events, and associated budget, that was not considered as a part of the Crisis Budget adopted for 2020/2021. The Budget also did not include funding for Community Sponsorship and Events.
38. It is considered that conducting these community-wide events will bring people from all walks of life together, strengthening the bonds between them. Those bonds act to improve mental well-being, while helping to alleviate personal struggles and encourage a strong sense of community.

39. The proposed City of Kalamunda events program October – December 2020 will have a strong emphasis on the utilisation of local suppliers, providing further economic benefits.
40. A future report will be presented to Council for consideration of events for January to June 2021 toward the end of 2020.
41. The City continues to carefully review COVID-19 restrictions when presenting events.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the proposed City of Kalamunda Events for October to December 2020.
2. LIST for consideration in the first term budget review, subject to funding being available for the proposed City of Kalamunda Events for October to December 2020 as follows:
- | | |
|--|---------------------|
| • Seniors' Week | \$ 15,000.00 |
| • Thank a Volunteer Day | \$ 6,267.00 |
| • City of Kalamunda Christmas Festival | \$ 45,000.00 |
| Total | \$ 67,267.00 |
3. CONSIDER pursuant to section 6.16 (3) of the *Local Government Act 1995*, the adoption of a \$5.00 fee for 2020 Seniors' Week events in the next budget review.

10.4.2. Funerals in Public Open Spaces Policy

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

Previous Items	SCM 165/2020
Directorate	Office of the CEO
Business Unit	Customer and Public Relations
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. Community Engagement Report - Funerals in Public Places [10.4.2.1 - 43 pages] 2. Funerals in Public Open Space Policy [GOZT] [10.4.2.2 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider a proposed Policy to facilitate the conduct of Funerals in Public Open Spaces (POS).
2. The City of Kalamunda (City) undertook community engagement with respect to funerals in public places in early 2020 which showcased community support.
3. It is recommended that the 'Funerals in Public Open Spaces Policy' be adopted for a 12-month trial, with a report brought back to Council at the end of the 12-month period.

BACKGROUND

4. A Special Council Meeting was held in July 2019 in regard to a request to hold a Funeral in Stirk Park, Kalamunda. The Council resolution was as follows:

That Council:

1. *REQUEST the Chief Executive Officer develop a Policy for Council consideration in regard to the holding of Funerals in Public Places and that be put to the public for its consideration.*
2. *REQUEST the Chief Executive Officer to undertake community consultation in regard to development of the policy - Funerals in Public Places.*

3. *APPROVE the request to conduct a funeral service in Stirk Park, Kalamunda on Monday 22 July 2019 at 2.00pm, subject to acceptance of the following event conditions by the applicant:-*
- a) the completion and return a 'Venue Hire to secure the Stirk Park Sound Shell & surrounding area for private use;*
 - b) completion of a 'Certificate of Testing for Portable Electrical Equipment' by a licensed electrical contractor, if any electrical equipment is to be used;*
 - c) all flexible cords, portable outlet devices and residual current devices require certification of testing and be tagged as such within 6 months of the event;*
 - d) appropriate management of electrical cabling, or such cabling be kept away from the public;*
 - e) the obtaining of permits for event related vehicles pursuant to the City (Shire) of Kalamunda Local Government Property Local Law, which would include strict conditions including appropriate marshalling into and out of the park to ensure the safety of the general public and event patrons;*
 - f) event noise, if amplified, is required to be kept to within 85dB(A) as measures 1m from the microphone;*
 - g) Certificates of Structural Integrity is required for any marquee or tent;*
 - h) a site plan of the event showing the proposed layout of the event noting all exits, toilets, stages, tents, marquees and the like is required to be submitted to the City by 12.00pm Friday 19 July 2019;*
 - i) a parking plan showing the proposed locations of all event patron parking and how the organisers would manage parking on the day is required to be submitted to the City by 12.00pm Friday 19 July 2019;*
 - j) an approved event notification letter is required to be provided to all surrounding residents by 12.00pm Friday 19 July 2019, which is to include details of the nature and times of the event and a contact telephone number that would be manned at all times during the event; and*
 - k) installation of notification signage.*

5. The City undertook community consultation to understand the level of interest in the specific topic of Funerals in Public Places.

DETAILS AND ANALYSIS

6. Consultation ran from 26 January to 10 March 2020 through:

- a) an integrated marketing campaign
- b) published on the City's online engagement platform and website
- c) promoted via the City's social media channels, and
- d) advertisements in the local newspaper.

7. It received particular attention on social media channels with heightened engagement on each post across both Facebook and Instagram.

8. The survey received 117 responses, demonstrating that funerals in public places is a topic of interest in the community.

Key findings are as follows:

- a) 38% strongly agree that holding funerals in public places is something the City should approve
- b) 41% feel funerals should be able to take place in public places on any day of the week
- c) 57% do not think it is necessary to deliver an Event Notification Letter for surrounding residents
- d) 57% agree that any funeral in a public place needs to be carefully located away from main thoroughfares and areas of higher public use
- e) 64% feel there should be a 12-month trial period.

9. The majority of respondents feel that the following are 'very important';

- a) parking for attendees,
- b) hearse parking and access,
- c) limitations on event size,
- d) assurances that no alcohol will be consumed on site,
- e) shared use of disabled access pathways, shelters & lavatories, and
- f) noise restrictions.

Whilst the majority feel that restrictions on the visibility of the funeral gathering and proceedings is 'not important'.

10. A copy of the consultation report is attached as Appendix 1.

11. The policy proposes that the City will consider on its merits any application for a funeral service to be conducted at the following recommended and preferred Parks and Reserves, which are under the control and management of the City:

- a) Stirk Park (Kalamunda)
- b) Jorgensen Park (Kalamunda)
- c) Hartfield Park (Forrestfield)

12. Each application will take into account the following criteria:
- a) the public use of the Reserve or Public Open Space at the time the service is requested.
 - b) the expected size of the funeral

Applications to hold a funeral service at any of the approved locations as defined above must be lodged at the City's Administration Office at least three working days prior to the time requested for the funeral service.

13. The approval for the funeral service at the requested time will be at the sole discretion of the City.
14. A copy of the proposed Policy, Service 12 Funerals in Public Open Spaces is attached as Attachment 2.
15. The Policy is proposed to be utilised for a 12-month trial period, with a future report to Council on the results of the trial.

APPLICABLE LAW

16. *Local Government Act 1995*

APPLICABLE POLICY

17. There is no current policy in relation to this matter.

STAKEHOLDER ENGAGEMENT

18. Out of the 117 responses:
- a) 17% were male,
 - b) 82% female,
 - c) 1% undisclosed.
 - d) 26% were between the ages of 36-45,
 - e) followed closely by 25% in the 56-65 age bracket, and
 - f) 22% in the 46-55 bracket.
 - g) 59% were residents.

The top four responses came from the suburbs of Kalamunda, Lesmurdie, High Wycombe, and Forrestfield & Gooseberry Hill tied.

FINANCIAL CONSIDERATIONS

19. There is no financial cost to the City in allowing this type of event to be held.

SUSTAINABILITY

Social Implications

20. Funerals are an important part of society and are ceremonial.

Economic Implications

21. Not applicable.

Environmental Implications

22. All environmental issues to be managed as a part of the application and assessment of each request.

RISK MANAGEMENT

23.	Risk: Community members are concerned about the hosting of funerals in public places		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Undertake a trial of the Policy for a 12-month period to determine any issues.		

CONCLUSION

24. Community consultation has indicated support for the holding of Funerals at Public Places.
25. The Policy is proposed for adoption, with a 12-month trial.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the Community Engagement Report – Funerals in Public Places.
2. ADOPT Service 12 Funerals in Public Open Spaces Policy.
3. NOTE a 12-month Trial will be undertaken in relation to Funerals in Public Open Spaces.

10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to August 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 for the period ended 31 August 2020 [10.5.1.1 - 2 pages]
	2.	Statement of Net Current Funding position as at 31 August 2020 [10.5.1.2 - 1 page]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|---|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input type="checkbox"/> | Legislative | Includes adopting Local Laws, Town Planning Schemes, and Policies. When the 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 licenses, other permits or licenses 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 31 August 2020.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (the City) with comparison of the period's performance against the budget adopted by the Council on 30 June 2020 for the 2020/2021 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the period ended 31 August 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 (Act)* and Regulation 34 of the Local Government (Financial Management) Regulations 1996.
5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2019/2020.

DETAILS AND ANALYSIS

6. The Act requires the 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.
7. The opening surplus position is un-audited and subject to change as:
 - a) Land and Building revaluation entries are pending subject to the City's External Auditors' review.
 - b) Capital projects are at a point of finalisation which can impact on asset categories and depreciation.
 - c) June 2020 Overhead allocations have not been finalised and under/over recoveries on allocation accounts are yet to be finalised.
 - d) Adjustments related to the new Australian Accounting Standards effective from 2019/2020 and are not finalised.
 - e) Potential audit adjustments resulting from the final audit by the Office of the Auditor General may be required.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 August 2020

8. This Statement reveals a net result surplus of \$52,202,949 compared to the budget for the same period of \$47,710,662.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$586,158. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$564,256. The variance is due to revenue received early for "Better Bins Kerbside Collection Program". The grant programme is managed by the Department of Water and Environmental regulation.
 - b) Fees and Charges under budget by \$985. This is an aggregate result of minor variances in individual fee categories.
 - c) Interest Income is over budget by \$13,690. This is the result of a timing matter.
 - d) Other Revenue is over budget by \$9,197. This is an aggregate result of minor variances in individual income categories.

Operating Expenditure

10. Total expenditure is under budget by \$430,099. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$37,910, which is primarily due to vacant positions and the aggregate result of minor variances in various business units. The variance is within the reporting threshold.
 - b) Materials and Contracts are under budget by \$197,438.
 - i. Verge maintenance, various sites, \$100,839; and
 - ii. Waste costs are under budget by \$203,188 mostly from putrescible waste charges and verge collection costs. These are considered to be a timing variance;
 - c) Utilities are under budget by \$21,783, 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 \$170,820.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is under budget by \$27,567. The variance is due to the timing difference of planned operating expenditure related to Forrestfield Industrial Area Scheme stage 1. The relevant expenditure

is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account.

Investing Activities

Non-operating Grants and Contributions

11. The non-operating grants and contributions are under budget by \$1,164,053. The variance is mainly due to the timing of the road projects related grants.

Capital Expenditure

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$329,332. This is considered to be a timing issue.
13. Capital works-in-progress expenditure of \$21,138 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 show a variance of \$53,360 which is mainly due to the reserve movements.

Rates Revenues

15. Rates generation is over budget with a variance of \$48,061. The variance is within the reporting threshold.

Statement of Financial Activity by Program for the period ended 31 August 2020

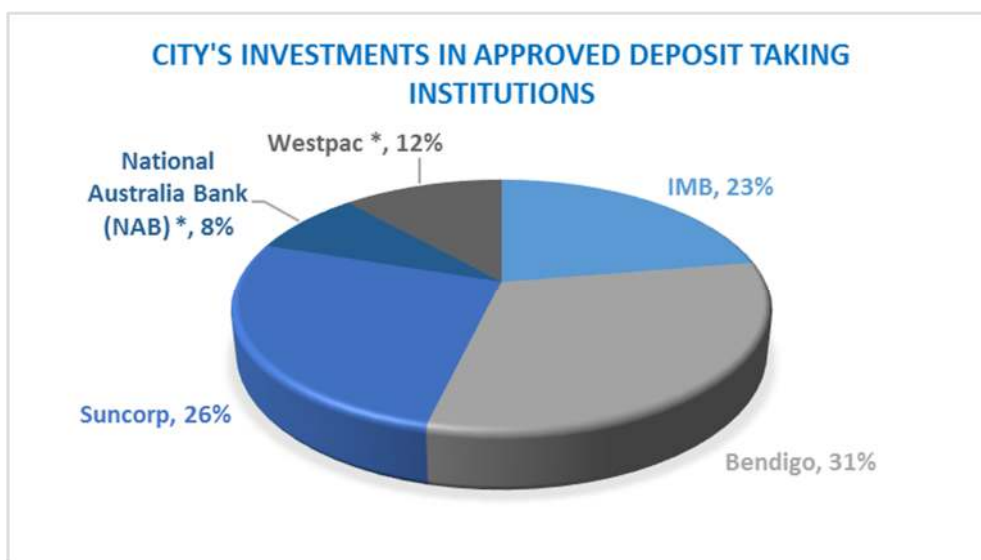
16. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture', and 'Transport'. Major variances have been reported by Nature and Type under points 9 to 15 above.

Statement of Net Current Funding Position as at 31 July 2020.

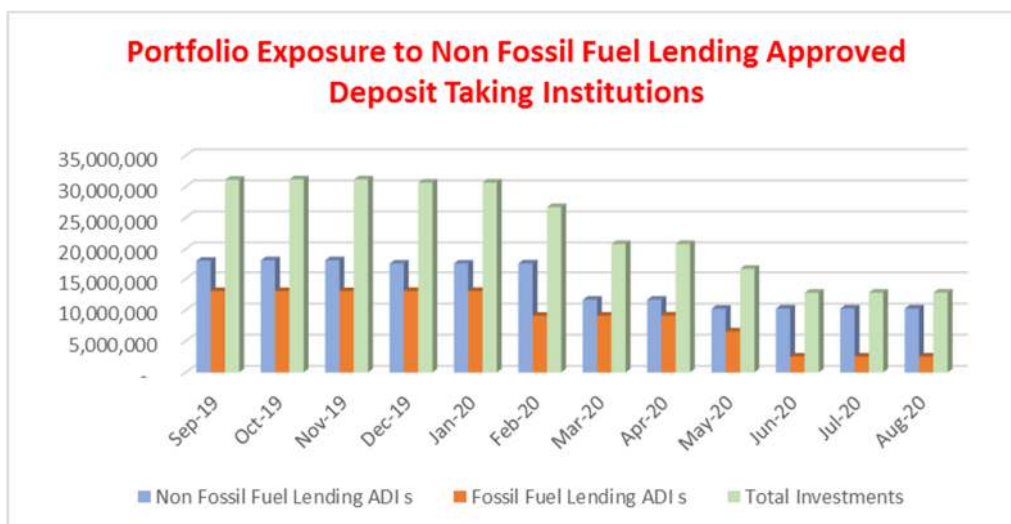
17. The commentary on the net current funding position is based on a comparison of August 2020 to the August 2019 actuals.

18. Net Current Assets (Current Assets less Current Liabilities) total \$62.5 million. The restricted cash position is \$14.5 million which is lower than the previous year's balance of \$17 million. This is mainly attributed to the Forresterfield Industrial Area Scheme Stage 1 reserve. With the commencement of major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements.
19. The following graph indicates the financial institutions where the City has investments as of 31 August 2020;

20.



*Financial Institutions with Investments in Fossil Fuel Industry



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$20.7 million.
22. Sundry debtors have increased from \$684,531 to \$1,224,479, of which \$960,567 consists of current debt due within 30 days. Details contained in the Debtors and Creditors Report to Council.

23. Receivables Other represents \$6.8 million including:
a) Emergency Service Levy receivables \$3 million;
b) Receivables sanitation \$2.9 million
24. Provisions for annual and long service leave have increased by \$0.8 million to \$4.2 million when compared to the previous year. The increase in leave provisions is mainly due to the 2019/2020 end of the year leave provision adjustments.

APPLICABLE LAW

25. *The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.*

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 31 August 2020 reflects the un-audited surplus carried forward from 2019/2020.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 August 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 the financial report.

10.5.2. Debtors and Creditors Report for the period ended August 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 31 August 2020 [10.5.2.1 - 29 pages] 2. Summary of Debtors for the month of August 2020 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of Aug 2020 [10.5.2.3 - 1 page]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
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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.

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 August 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 for the month of August 2020.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in August 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 August 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 for 2020/21 Financial year 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) Waive 2020/21 food and health inspection fees for targeted small businesses affected by COVID-19 and reduce the anticipated income for this service by approximately \$37,000.
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 31 August 2020 were \$1,224,479. This includes \$960,567 of current debts and \$629 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$1,147, no debts of significance.
8. Invoices over 60 days total \$27,649, debts of significance:
 - a) GIO Workers Compensation, \$22,052, workers compensation;
 - b) Dome Coffees Australia, \$2,957, lease fees / utilities; and
 - c) Municipal Workcare, \$1,887, workers compensation.

9. Invoices over 90 days total \$235,744, debts of significance:
 - a) E.I. Dujmovic Pty Ltd, \$230,000, Developer Contribution. to the Forrestfield Industrial Area Scheme stage 1; and
 - b) Dome Coffees Australia, \$5,133, lease fees.

Creditors

10. Payments totalling \$3,739,616 were made during the month of August 2020. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Pindan Contracting Pty Ltd	Construction of the Kalamunda Community Centre – Progress claims	890,489.31
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	431,206.92
Australian Tax Office	PAYG payments	396,724.36
Civcon Civil & Project Management	Hale Road & Woolworths Drive upgrade – progress claim	264,385.67
WA Local Government Superannuation Plan	Superannuation contributions	186,026.77
Synergy	Power charges - various locations	147,252.54
Telstra Corporation	Telephone expenses – various	101,739.45
Contraflow	Traffic management – various locations	61,777.54
West Tip Waste Control Pty Ltd	Tip fees – removal and processing of waste	60,183.81
Belgravia Health & Leisure Group Pty Ltd	Quarterly management fees – April to June	59,508.90

These payments total \$2,599,295.27 and represent 70% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,179,768.52 was paid in net salaries for the month of August 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;
 - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of August 2020.

CELL 9		Amount (\$)
Date	Description	
28/8/2020	McLeods Barristers & Solicitors - Acquisition of Portion of Lot 28 (no 296) Hale Road, Wattle Grove	1,185.58

APPLICABLE LAW

16. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.
17. Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

APPLICABLE POLICY

18. Debt Collection Policy S-FIN02.
19. Register of Delegations from Council to CEO.

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

23. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

26. Creditor payments for August 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 August 2020 (Attachment 1) in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachment 2 and 3) for the month of August 2020.

10.5.3. Rates Debtors Report for the Period Ended August 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 August 2020 [10.5.3.1 - 1 page]
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TYPE OF REPORT

- ☐ Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- ☒ Executive When Council is undertaking 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.

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 2020/2021 on 1 July 2020 totalling of \$37,570,982 and as at 31 August 2020 \$20,076,923 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 August 2020 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 13 July 2020 with the following payment options available:

Options	Payment Dates			
Full Payment	17 August 2020			
Two Instalments	17 August 2020	22 December 2020		
Four Instalments	17 August 2020	19 October 2020	22 December 2020	23 February 2021

DETAILS AND ANALYSIS

5. A total of 19,658 Rate Notices, 1,307 BPay View and 2,702 eRates were issued on 13 July 2020. Rates Levied and Collectable for the 2020/2021 Financial Year currently total \$ 40,187,586. As at 31 August 2020 a total of \$20,076,923 has been collected since Rates Notices were released. This represents a collection rate of 50.93%.
6. Additional payment options available to better assist ratepayers in paying amounts due are:
 - a) A Smarter Way to Pay – with approximately 950 ratepayers signed up. Direct Debit to pay rates within a shorter period of time is 128 this brings the total to 1073 ratepayers that have elected to pay by Direct Debit.
 - b) eRates – there are a total 2,702 properties signed up for email delivery, compared to 2,360 in the previous year.
 - c) BPay View – approximately 1,307 ratepayers have signed up for this service.
 - d) There are a total of 8,170 ratepayers that have taken up the instalment option with 1,572 electing to pay by two (2) Instalments and 6,598 electing to pay by four (4) instalments. This has increased slightly from 2019/2020.

7. eRates registrations continue to increase throughout the year and the City encourages ratepayers to register to receive their future rates notices electronically.
8. No Interim rating has been carried out and at this point will recommence in September 2020.
9. Due to the current COVID-19 pandemic all Debt Recovery through the courts 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). There are currently 33 individual ratepayers that have applied for financial assistance.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 August 2020 to 31 August 2020 there was a total of 547 incoming calls and 152 outgoing calls, equating to 38 hours call time.

APPLICABLE LAW

11. 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

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

The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

14. The higher-level debt collection actions have been undertaken by Kott Gunning.

FINANCIAL CONSIDERATIONS

15. 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

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

20.

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

21. The current collection rate for Rates Levied and Collectable for the current financial year is 50.93 %.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the Period ended 31 August 2020 (Attachment 1).

10.5.4. COVID-19 Innovation Grants

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

Previous Items
 Directorate
 Business Unit
 File Reference
 Applicant
 Owner

SCM 121/2020

Office of the CEO
 Community Development

Attachments Nil

Confidential Attachments 1. COVID 19 Innovation Grants

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider and endorse applications made for grant funding from the City of Kalamunda (City) Crisis Relief Fund (Fund) for COVID-19 Community Innovation proposals.
2. The first round of funding opportunities resulted in a total of 58 applications being submitted.
3. It is recommended Council endorse 44 applications for funding.

BACKGROUND

4. The City developed a \$1 million Fund to support households, community groups and small businesses that employ staff and are subject to closure or highly impacted by the shutdown restrictions announced by the Government as a result of the coronavirus (COVID-19).
5. Community groups were invited to apply for innovation grants up to \$5000 to help the community recover from the impacts of the pandemic.

DETAILS AND ANALYSIS

6. Applications were required to demonstrate:
 - a) the benefit to the City of Kalamunda community.
 - b) innovation and creativity to improve social connections.
 - c) how the project is assisting the community to recover from COVID-19.
 - d) increased participant resilience through connection to community.
7. Applications have been assessed against the following eligibility and assessment criteria:
 - a) The project meets the fund's primary objective by clearly demonstrating how it will enhance and strengthen Kalamunda's community connectedness.
 - b) The project demonstrates understanding of, and responsiveness to, challenges faced by the community.

- c) The project demonstrates quick and effective outcomes for the community.
- d) The applicant demonstrates organisational capacity and ability to deliver the project and manage the funds.
- e) Community engagement and partnerships in the project planning.
- f) A project budget listing any income or expenditure by line item associated with the project.
- g) All projects must be completed by 30 March 2021.

8. Four of the projects submitted related to activities in the month of September.

The City contacted those applicants to advise that a decision would not be made before this time and requested clarification as to whether they would proceed later once a decision had been made regarding funding applications.

Applicants confirmed this was the case.

One group resubmitted a new project with a new completion date.

9. Applications were eligible if they related to:
- a) One off funding
 - b) Materials
 - c) Training and development costs
 - d) Venue and facility hire
 - e) Staffing costs for proposed project/service
 - f) Marketing and communication costs related to the program
 - g) Applicants must reside, be located and/or operate in the City of Kalamunda
 - h) Grants up to \$5000
 - i) Clubs and community groups Arts and Cultural Groups, Not-for Profit organisations, Unincorporated groups
10. Applications were not eligible if they related to:
- a) Retrospective costs (expenses incurred before the funding is approved)
 - b) Projects that will rely on recurrent funding
 - c) Projects with political or religious purposes only
 - d) Core organisational operating costs, for example a permanent staff position for ongoing work
 - e) Fundraising activities
 - f) Commercial activities
 - g) Political parties
 - h) Government agencies

- i) Applicants that have an outstanding grant acquittal with the City of Kalamunda, unless there is evidence of exceptional circumstances approved by the City's Chief Executive Officer.

11. A summary of applications is included in Confidential Attachment 1.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. N/A

STAKEHOLDER ENGAGEMENT

14. An informing campaign to ensure community awareness of the COVID Innovation grants was undertaken, this included advertising in the Kalamunda Connect (Winter 2020 Edition 8) which was sent to all ratepayers in their rates notice which were distributed by Australia Post from the 12 July 2020. A copy was sent electronically to all ratepayers who have elected to receive their rates via E-rates.
15. An article was included in the City of Kalamunda Monthly eNewsletter, which was sent on 2 July 2020 5.45pm to 1,814 recipients.
16. Further communication on the COVID-19 funding was a part of the 2020/21 Budget Media Release which published on the 2 July 2020.
17. A dedicated page of the City of Kalamunda website was developed: <https://kalamunda.wa.gov.au/relief-funding>
Other areas of the website where COVID-19 Crisis Relief funding is linked from include:
Rates: <https://www.kalamunda.wa.gov.au/council/rates/pay-your-rates>
Financial Assistance: <https://www.kalamunda.wa.gov.au/council/online-services-payment/financial-assistance>
Small Business: <https://www.kalamunda.wa.gov.au/community/business/small-business-support>
<https://www.kalamunda.wa.gov.au/community/business/economic-covid-19>
COVID-19 Information Page: <https://www.kalamunda.wa.gov.au/covid-19>
18. An extensive social media campaign was undertaken from 1 July 2020 on Instagram, Facebook and Twitter, along with direct emails to Sporting and Community Groups in the City.

FINANCIAL CONSIDERATIONS

19. Funding for the COVID Financial Hardship and Innovation grants was included as a part of the 2020/2021 Budget.

SUSTAINABILITY

Social Implications

20. Projects proposed for endorsement have significant social benefits if implemented.

Economic Implications

21. A \$1 million COVID-19 Fund was established, with grants.

Environmental Implications

22. Nil.

RISK MANAGEMENT

23.	Risk: Approved projects do not commence due to a change in circumstances		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Medium
	Action/Strategy		
	Ensure all successful applicants are aware of requirements to acquit projects and return any unspent funds.		

CONCLUSION

24. Applications were of a very high standard.
25. The City has recommended 44 applications for approval, with a total value of \$190,000.
26. These projects demonstrate innovation and will have significant social benefits for the community.
27. Empowering communities is the most challenging approach to community engagement, but it offers the greatest rewards in building capacity.

- 28. One of the strategies from the City of Kalamunda 'Creating Active Citizens Plan 2018-2020' was to minimise the financial and administrative barriers to community building, by providing small 'Kalamunda Connected' grants to support innovative community building initiatives.
- 29. This has been achieved via the COVID-19 Innovation grants program and the volume of applications for community driven innovation projects that support and enhance our community showcases this is a successful methodology to support community action.
- 30. 14 applications are not supported, in reviewing the projects and the eligibility guidelines these projects have on this occasion not demonstrated the necessary requirements.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the applications supported for approval in Confidential Attachment 1 – COVID19 Innovation Grants.

10.5.5. Proposed Warehouse (Self Storage Facility) - Lot 9007 (40) Courtney Place, Wattle Grove

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	CR-16/040
Applicant	MW Urban
Owner	MKSEA PTY LTD

Attachments	1.	Development Plans [10.5.5.1 - 4 pages]
	2.	Department of Water - LWMS Approval [10.5.5.2 - 1 page]
	3.	Endorsed Deposited Plan [10.5.5.3 - 3 pages]
	4.	Traffic and Car Parking Study [10.5.5.4 - 33 pages]
	5.	Bushfire Assessment Level Contour Map [10.5.5.5 - 1 page]
	6.	On-site Effluent Disposal System [10.5.5.6 - 7 pages]
	7.	Stormwater Management Plan [10.5.5.7 - 1 page]
	8.	Geotechnical Investigation [10.5.5.8 - 27 pages]
	9.	Landscape Intent Plan [10.5.5.9 - 1 page]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input checked="" type="checkbox"/> | 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

1. *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 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 to consider a development application for a self-storage facility (Warehouse/Storage) and associated works at Lot 9007 (40) Courtney Place, Wattle Grove as at Attachment 1.
2. The development application seeks a car parking dispensation, which cannot be determined under delegation and therefore Council determination is required (Cl. 2.2 of Local Planning Policy 14 – Car Parking).
3.
 - a) The proposed self-storage facility (Warehouse/Storage) and associated works generally comply with all applicable legislation and policies, with the exception of the following variations: Table 3 (Parking Requirements) of LPS3; and
 - b) Table 2 (Plot Ratio & Site Cover) of LPS3.
4. It is recommended Council APPROVE the Development Application, subject to recommended conditions and advice notes.

BACKGROUND

5. **Land details:**

Land Area:	14,573.00 m ² (development site 5,183m ²)
Local Planning Scheme Zone:	Light Industry
Metropolitan Regional Scheme Zone:	Industrial

6. **Aerial:**



7. **The subject site:**

- a) Is currently vacant.
- b) Has been filled, graded and stabilised in accordance with the approved Local Water Management Strategy (LWMS) (Attachment 2).
- c) Is not serviced by the reticulated sewerage network.
- d) Is serviced by the reticulated water network.
- e) Is identified on the Department of Fire & Emergency Services (DFES) mapping as being located within a Bushfire Prone Area (BPA) under the *Fire and Emergency Services Act 1998* (as amended).
- f) Is located within a Draft Development Contribution Area which imposes developer contributions over the subject site (refer officer comment section of this report for further information in this regard).
- g) Currently benefits from three (3) current subdivision/amalgamation approvals (refer to site history section of this report for further information to this regard).
- h) Is serviced by two (2) existing crossovers onto Logistics Boulevard and Courtney Place.
- i) Is located within Special Control Area No. 6 (SCA6) to Local Planning Scheme No. 3 (LPS3) which imposes specific development conditions over future developments (refer to Applicable Law section of this report for further information in this regard).
- j) The subject site and immediate locality is located within the Maddington Kenwick Strategic Employment Area (MKSEA) and is zoned 'Light Industry' and 'General Industry' under the City of Kalamunda Local Planning Scheme No. 3 (LPS3).

- k) Further afield to the north of Welshpool Road East, is subject to the U9 Structure Plan which was developed to a predominantly Residential (R20) outcome.

8. **Future site details:**

Whilst the subject site has not yet been subdivided to create the development site, the City has recently issued a clearance for titles to create a 5,183m² lot 68 on DP 419064 (Attachment 3).

9. The site characteristics of proposed Lot 68 (the development site) remain as described above for the subject site, with the exception of the following:
- a) Comprises a six metre frontage to Courtney Place
 - b) Is encumbered by a restriction of access covenant prohibiting direct vehicular access onto Courtney Place.
10. Directly adjoins a future development site to the west, currently zoned 'Light Industry' with an anticipated service commercial outcome (i.e. Service Station, Fast Food Outlet or Tavern).
11. For clarity throughout this report, the current lot subject to this development application has been referred to as 'the subject site', and the future lot referred to as 'the development site'.

12. **Site history:**

The below table provides a summary of planning history over the subject site.

October 2016	MRS rezoning Rezoned from 'Rural' to 'Industry' under the Metropolitan Region Scheme (MRS) in accordance with MRS Amendment 1300/57.
June 2017	LPS3 rezoning Rezoned from 'Special Rural' to 'Light Industry' through Amendment No. 89 to Local Planning Scheme No. 3.
2 February 2017	LWMS APPROVED by Department of Water (now Department of Water & Environmental Regulation) (Attachment 2)
13 June 2017	Bulk Earthworks Approval – DA17/0076 The Bulk Earthworks were required to facilitate the recommendations of the approved LWMS. The works associated with the Bulk earthworks approval have been completed.

3 July 2017	Subdivision Approval – WAPC 154 978 Amalgamated 16 lots to create two lots – subject site contained within proposed Lot 1.
25 August 2017	Subdivision Approval – WAPC 154 761 Created 17 lots.
8 May 2018	Subdivision Approval – WAPC 156 171 Created 41 lots.
18 December 2018	Initiation of Amendment No. 101 to LPS3 (MKSEA DCP) The rezoning of the MKSEA area from rural to industrial catalysed the progressive upgrade of public infrastructure. Historically used for rural lifestyle land uses, the future industrial development of the area generated the need for the provision of new infrastructure and upgrades to existing infrastructure to cater for development. Given the fragmented nature of land ownership, and the need to achieve the coordinated delivery of infrastructure, a Development Contribution Plan (DCP) was considered necessary to facilitate infrastructure provision in the MKSEA area in an equitable and coordinated manner. Council initiated Amendment No. 101 to LSP3 for public advertising. The Amendment was required to introduce a Development Contribution Area (DCA) and Development Contribution Plan (DCP) for the MKSEA industrial area.
March 2019 to May 2019	Public Notification of Amendment No. 101 to LPS3 Amendment No. 101 was advertised which enabled the City of Kalamunda to commence imposing conditions pertaining to development contributions on subdivision and development approvals.
24 June 2020	Development Application for a Fast Food Outlet and associated works APPROVED on the subject site (DAP/19/01680)

DETAILS AND ANALYSIS

13. The development application seeks approval for a self-storage facility (Warehouse/Storage) and associated works with the key components of the development summarised as follows:
- a) The construction of a two (2) storey self-storage facility comprising two (2) buildings and an office with a total net lettable area (NLA) of 4,677m².
 - b) Associated landscaping throughout the development site.
 - c) Access to the development site is proposed via (2) crossovers onto the right-of-carriageway easement which provides unencumbered access to Courtney Place.
 - d) No filling or excavation is proposed as the subject site has already been cleared and graded in accordance with the LWMS (Attachment 2), subdivision approvals and the Development Approval for Bulk Earthworks issued by the City of Kalamunda in June 2017 (DA17/0076).
 - e) Associated signage.
 - f) A total of 19 car parking bays (inclusive of one accessible bay).

14. **Planning Assessment:**

The development assessment has been undertaken in accordance with the relevant statutory planning framework. The proposed self-storage facility (Warehouse/Storage) and associated works generally comply with all applicable legislation and policies, with the exception of the following variations, which are supported pursuant to Clause 5.5 of LPS3:

- a) Table 3 (Parking Requirements) of LPS3; and
- b) Table 2 (Plot Ratio) of LPS3.

For further discussion in relation to any variation sought, refer to the officer comment section of this report.

15. Proposed land use

The development application seeks approval for the land use of 'Warehouse/Storage' which is defined by Schedule 1 of LPS3 as follows:

"warehouse/storage" means premises including indoor and outdoor facilities used for – the storage of goods, equipment, plant or materials; or the display or sale by wholesale of goods.

16. The subject site is zoned 'Light Industry' under LPS3, where the proposed land use of 'Warehouse/Storage' is a Permitted use (Table 1 – Zoning Table, LPS3), meaning the use is permitted by LPS3 providing the use complies with the relevant development standards and requirements of LPS3 (Clause 4.3.2, LPS3).

17. Built form

The City provides a framework to guide the assessment of the built form of developments within MKSEA industrial area through relevant LPS3 provisions which are further supplemented through the design parameters set by State Planning Policy 7.0 (SPP 7.0) and Local Planning Policy 19 (LPP19).

18. The below table outlines the proposal's compliance with the built form requirements applicable to the development application.

PROVISION		REQUIREMENT	PROPOSAL		COMPLIANCE
			CURRENT LOT	FITURE LOT	
SETBACKS (Table 2, LPS3 & LPP 19)	FRONT (Courtney Place)	15.00m	37.79m	37.79 m	✓
	MINOR STREET (Welshpool Road East)	3.00m	9.80m	N/A	✓
	SIDE (eastern)	Nil subject to BCA	Nil	Nil	✓
	SIDE (western)	Nil subject to BCA	Significa nt	3.50m	✓
SITE COVERAGE (Table 2, LPS3)		60%	21.84%	61%	MINOR VARIATION
PLOT RATIO AREA (Table 2, LPS3)		0.50	0.43	1.20	VARIATION

19. Façade Design & Materiality

The City considers façade design as the most prominent expression of the design of a building to its surroundings. When a new building is introduced into a streetscape, it should reference the proportions, rhythms and scale that define the character of the streetscape or adjacent built form, while introducing new elements that enhance the visual interest and amenity of the public realm.

20. The City provides a framework to guide the assessment of façade design and materiality of development in the MKSEA area through LPP19. The provisions of LPP19 are further supplemented through SPP7.0.

21. As noted above in paragraph 19, the proposed development seeks a variation to the plot ratio requirements of LPS3. The plot ratio of a development directly influences the bulk and scale of the development when viewed from adjoining properties and the surrounding streetscapes. Since initial pre-lodgement discussions, officers have guided a revised

design of the development to ensure an improved design outcome to ameliorate any bulk and scale impacts resulting from the proposed plot ratio variation. These modifications include, but are not limited to, the following:

- a) The northern elevation presents to Welshpool Road East with an articulated design and major openings. Design features include:
 - i. Major glazed openings on the second storey, encased with window reveals with a depth of 300mm, providing interaction with Welshpool Road East, passive surveillance and a depth to the façade.
 - ii. Large column/blade projections in a contrasting colour and material to the balance of the façade, extending beyond the façade by up to 1.0m.
- b) The design elements introduced will provide greater interest and articulation of the elevation. They will also result, given their depth, in a greater array of shadows, varying across the day as the position of the sun changes. The play of shadows will serve a changing daily appearance.
- c) The western elevation being further articulated to include horizontal and vertical articulation to assist in breaking up the building mass through the use of columns, blades and a variation in colours and materials.

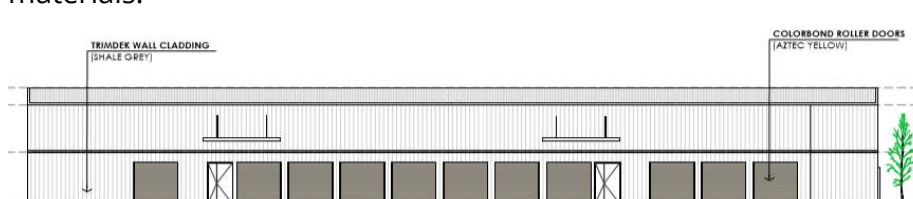


Figure 1 - Lodged western elevation

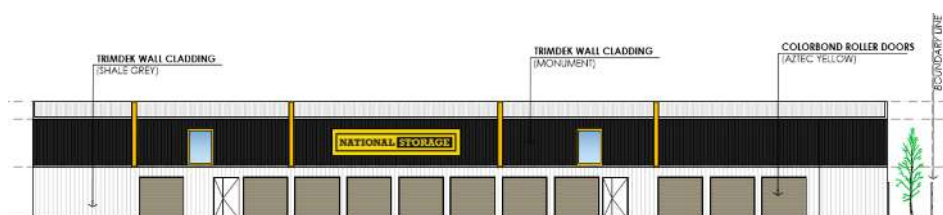


Figure 2 - Revised western elevation

- d) The eastern elevation which was previously a tilt up façade, being further articulated with a continuation of the checkerboard treatment on the northern façade for the area that encroaches within the 15-metre setback line from Welshpool Road East.



Figure 3 - Lodged eastern elevation



Figure 4 - Revised eastern elevation

- e) Improved landscaping throughout the development site, such as the inclusion of shade trees throughout the front car parking area & at the Welshpool Road East interface.

22. While the proposed development plans incorporate the reference to colour finishes on the elevations, further detail is required to ensure the building facades incorporate materials and design elements that respect and reference the character of the local area. The City has therefore recommended condition to ensure the colours and materials palette is revised to provide further detail and finality at the lodgement of building permit.
23. Landscaping
The proposed development includes a variety of landscaping treatments, particularly along the Welshpool Road East street frontage with embellishments of landscaping throughout the development site.
24. The City provides a framework to guide the assessment of the landscaping of developments within the MKSEA industrial area through relevant LPS3 provisions which are further supplemented through the design parameters set by LPP19. The proposed development demonstrates compliance with applicable landscaping provisions as outlined in the below table.

25.	PROVISION	REQUIREMENT	PROPOSAL	COMPLAINE
	LANDSCAPING STRIP (Cl. 2.5.1, LPP 19)	3.00 metres to all street frontages.	3.00m – 15.00m	✓
		A 100L tree for every 10 metres of road frontage OR One (1) 100L tree for the total road frontage of 6 metres (future 'development site' doesn't technically have a frontage to WRE)	12 x 100L trees (6 within the front setback area & the balance at the WRE interface)	✓

SHADE TREES (Cl. 4.1, LPP 19)	1 tree per 4 car parking bays (with no more than 6 car parking bays without the area being punctuated by a tree) OR 5 shade trees for the proposed 19 car parking bays.	3 x 100L shade trees within the front office car parking area	SEEKS VARIATION –The dispensation is compensated for through the surplus of 100L trees provided throughout landscaping strips in the development site.
LANDSCAPING AREA	5 per cent of the development site or 259.15m ² .	10.75 per cent or 557m ²	✓

26. As noted in the above table, the proposed development seeks variation to the number of shade trees required by LPP19. However, it is acknowledged that the majority of the car parking bays (63 per cent) are co-located adjacent to the storage units for practical loading & unloading of vehicles which aren't suitable locations for the planting of mature vegetation. The dispensation is compensated for through the surplus (92 per cent) of 100L trees provided throughout landscaping strips in the development site.
27. Car Parking
The car parking ratio applied by LPS3 for the proposed land use of 'Warehouse/Storage' is 3 bays for up to the first 200m² of floor area and thereafter 1 bay for every 100m² of NLA or part thereof, or 48 car parking bays for the proposed development (NLA of 4,677m²).
28. The proposed development provides a total of 19 car parking bays, seven (7) of which are formal line marked bays adjacent to the office (inclusive of one accessible bay) and the balance of which are provided for throughout the development site, co-located to the storage units to facilitate the loading/unloading of vehicles.
29. Whilst consideration must be given to the proposal's non-compliance with the car parking requirements stipulated by Table 3 (Parking Requirements) of LPS3, relevant provisions of the LPS3 pertaining to car parking, enable the Council to apply discretion where car parking dispensations are sought. Discretion may be applied if it is considered that the proposal is

likely to demand a greater or lesser need for car parking bays having due regard to the scale and nature of the intended uses (Clause 5.7.2 of LPS3).

30. The City's LPP 14 provides further guidance in this regard, allowing discretion to be applied where the proposed dispensation is not considered to compromise safety, convenience or amenity.
31. The development application is supported by a Traffic & Car Parking Study (Attachment 4) which has been reviewed and supported by the City's Asset Services. The Traffic & Car Parking Study undertakes a survey of similar self-storage facilities to provide car parking rates specific to the intended use of the facility. The study concludes that ten (10) car parking bays are sufficient for a self-storage facility of this size, with the proposed development therefore providing a surplus of nine (9) car parking bays.
32. Clause 5.7.4 of LPS3 provides the opportunity for on-site car parking requirements to be offset through cash contributions intended for public car parking (i.e. on-street car parking bays within the surrounding road reservation). However, exemption 5.2 of clause 78H (1), Schedule 2 of the LPS Regulations currently precludes the City from imposing a requirement for cash-in-lieu for car parking dispensations in response to COVID19.
33. The car parking dispensation requested is noted and is considered appropriate given the intended use of the proposed development and the scale of variation. Pursuant to Clause 67(s) of the Regulations, officers are satisfied the proposed car parking dispensation is appropriate, and it is considered to not compromise safety, convenience or amenity, therefore achieving the requirements of LPS3 and applicable Local Planning Policies.
34. Signage
The proposed development seeks approval for signage envelopes in the form of wall signs on the northern, southern and western elevations of the Warehouse/Storage facility. The proposed signage is a consistent size and scale to surrounding development complies with the relevant policy provisions pertaining to signage in LPP19.
35. Bushfire
The subject site is identified on the DFES mapping as being located within a Bushfire Prone Area (BPA) under the Fire and Emergency Services Act 1998 (as amended). Designation of an area as being bushfire prone reflects the potential of bushfire to affect that site. It acts as a mechanism for initiating further assessment in the planning and building processes.

36. The development application is supported by a Bushfire Attack Level Contour Map (Attachment 5) which determines a BAL-Low rating for the development site. Pursuant to Clause 6.2 of SPP3.7, a rating of BAL-Low indicates no bushfire threat, with the provisions of SPP3.7 and its associated Guidelines for Planning in Bushfire Prone Areas (Guidelines) not applying to the assessment of this development application.
37. Effluent Disposal
The development application is supported by relevant supporting documentation to inform the on-site effluent disposal system (Attachment 6) pursuant to the Government Sewerage Policy. The City's Environment Health Department is satisfied the proposed development can be adequately serviced through on-site effluent disposal.
38. Public Art
With an estimated cost of development of \$3 million, the policy provisions of Local Planning Policy 26: Public Art Contributions (LPP 26) apply to this development application. The Policy relates to the provision of public art for third party development proposals where the estimated cost of development exceeds \$500,000. The recommended condition 9 ensures compliance with LPP 26, through requiring a \$30,000 cash-in-lieu contribution to be paid to the City of Kalamunda's Public Art Fund.
39. Special Control Area Provisions
The subject site is located within SCA6 of LPS3 which applies Design Guidelines to the area, modifies land use permissibility and applies additional provisions to development and subdivision applications within SCA6 (Clause 6.8 of LPS3). The development proposal's compliance with the SCA requirements is outlined in the below table.

PROVISION	LPS3 REQUIREMENT	CITY COMMENT
6.8.1	<i>Subdivision and/or development proposals within the Special Control Area shall be supported by:</i>	
	<i>A BAL assessment or Contour Map, prepared in accordance with the Guidelines of Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda.</i>	COMPLIES a BAL Contour Map was submitted with the development application nominating a BAL-Low rating. Refer Attachment 5.

	<i>A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to be satisfaction of the Department of Water.</i>	COMPLIES refer Attachment 2 and 7.
	<i>Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposal area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda.</i>	NOT APPLICABLE – Necessary investigations were undertaken with the bulk earthworks approval (DA17/0076). No remaining vegetation on subject site due to required fill to satisfy LWMS.
	<i>Design guidelines adopted by the local government under Part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.</i>	COMPLIES – proposed development complies with the approved MKSEA Design Guidelines (LPP19).

40. Development Contribution

The subject site is located within the boundaries of a draft DCA/DCP which was established to facilitate and coordinate the progressive upgrade of public roads and drainage infrastructure with MKSEA.

41. In December 2018, the City of Kalamunda and City of Gosnells collaboratively progressed the initiation of Local Planning Scheme Amendments to introduce Special Control Areas to establish Development Contribution Area (DCA) over MKSEA, which the subject site is located. The City of Kalamunda and City of Kalamunda Local Planning Scheme Amendments are referred to Amendment 101 to LPS3 (City of Kalamunda) and Amendment No. 167 to Town Planning Scheme No. 6 (City of Gosnells) respectively.

42. Amendment 101 proposes to include Schedule 12 to LPS3, which establishes the DCP for the MKSEA area. Amendment 101 was adopted by Council for public advertising in December 2018 and was subsequently advertised for a period of 75 days, concluding 25 May 2019. The City of Gosnells is yet to advertise Amendment 167 to Town Planning Scheme No. 6. As the two Amendments are contingent upon another, the City has obtained an extension to the Western Australian Planning Commission (WAPC).

43. It is noted that Regulation 73(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) states that a local government must not levy a contribution for the provision of infrastructure unless there is a DCP in place over the area. Conversely, the Regulations also state under Regulation 73(3) that a local government must not refuse to grant development approval on the grounds that a DCP is being prepared, unless the plan has already been advertised. The inference is the City may not contemplate refusal of a proposal where an advertised DCP has not yet been finalised through a Scheme Amendment and in situations where the payment of contributions has not been determined.
44. Deemed Provision 69(1) precludes a local government from refusing an application for development approval solely on the basis that a DCP in relation to the development has not yet been gazetted.
45. Deemed Provision 69(2) provides a reasonable and practical alternative to the refusal of an application by reason of absence of a DCP, which Deemed Provision 69 (1) prohibits. Deemed Provision 69(2) does so through allowing a local government to grant development approval subject to a condition requiring the developer to enter into an agreement with the local government that an appropriate contribution will be made to the cost of shared infrastructure when those costs have been ascertained. The abovementioned approach is consistent with the approach regularly taken by the Western Australian Planning Commission (WAPC) when approving subdivisions in an area where a DCP is under contemplation but has not been incorporated into the relevant local planning scheme (as required by Regulation 73(1)).
46. In the interests of progressing development in MKSEA industrial area, the City requires by way of condition, an Interim Development Contribution Arrangement (IDCA) to be prepared between the landowner and the City securing a future development contribution with the gazettal of Amendment No. 101 to LPS3 (Refer recommended condition 1). IDCAs are the legal mechanism by which the City can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who develop before DCPs are finalised. IDCAs therefore allow the City to consider development ahead of the gazettal of a DCP, whilst providing security for the future collection of funds to indemnify both the local authority and any pre-funder. This approach is similar to that regularly imposed by the WAPC, evidenced through the WAPC model subdivision conditions, which contemplate a situation where development may occur prior to the finalisation of the DCP.

47. The City's LPP25 which was endorsed at the 17 December 2019 Ordinary Council Meeting, provides a concise and documented procedure for the establishment of IDCAs to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
48. Matters to be considered
In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development has been undertaken with consideration given to all applicable matters outlined by Clause 67.
49. Reciprocal Rights of Carriageway Easement and Associated Crossovers
As previously noted, the proposed access to the development site was previously approved through the Western Australian Planning Commission Subdivision Approval No. 156171. Access is proposed through a right of carriageway easement over balance commercial precinct lots to facilitate through access throughout the commercial precinct; allowing users of the site access to both Courtney Place and Logistics Boulevard.

APPLICABLE LAW

50. *Planning and Development Act 2005* (the Act)
51. *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)
52. Metropolitan Region Scheme (the MRS)
53. City of Kalamunda Local Planning Scheme No. 3 (LPS3)
54. Amendment No. 101 to LPS3 (A. 101)
55. *Environmental Protection (Noise) Regulations 1997* (WA)

56. APPLICABLE POLICY

57. State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP 3.6)
58. DRAFT State Planning Policy 3.6 – Development Contributions for Infrastructure (Draft SPP 3.6)
59. State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

- 60. State Planning Policy 4.1 – State Industrial Interface (SPP 4.1)
- 61. DRAFT State Planning Policy 4.1 – Industrial Interface (Draft SPP 4.1)
- 62. State Planning Policy 7.0 – Design of the Built Environment (SPP 7.)
- 63. Local Planning Policy 2 – Advertising Signage (LPP 2)
- 64. Local Planning Policy 14 – Car Parking (LPP 14)
- 65. Local Planning Policy 16 – Design Review Panel (LPP 16)
- 66. Local Planning Policy 19 – MKSEA Design Guidelines (LPP 19)
- 67. Local Planning Policy 25 – Interim Developer Contributions Arrangement (LPP 25)
- 68. Local Planning Policy 26 – Public Art Contributions (LPP 26)

STAKEHOLDER ENGAGEMENT

- 69. Nil

FINANCIAL CONSIDERATIONS

- 70. Nil

SUSTAINABILITY

- 71. Nil

Environmental Implications

- 72. The proposed development has been designed pursuant to the approved LWMS.

RISK MANAGEMENT

73.	Risk: Council does not support the car parking dispensation and the application is refused		
	Consequence	Likelihood	Rating
	Significant	Rare	Low
	Action/Strategy		
	Ensure Council is informed of the low risk associated with the proposed dispensation in car parking rates.		

74.	Risk: A car parking shortfall occurs post-development		
	Consequence	Likelihood	Rating
	Moderate	Rare	Low
	Action/Strategy		
	The City's Asset Services support the car parking dispensation and the applicant's justification provided in the Traffic and Parking Study and acknowledge the car parking ratio imposed by LPS3 does not reflect the intended use of the site.		

CONCLUSION

75. The development application has been assessed against the applicable statutory planning framework and is considered to generally meet the relevant provisions and objectives forming the City's statutory planning framework.
76. In view of the above, it is recommended that Council approve the proposal subject to appropriate conditions and advice notes.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council APPROVE development application for a Self-Storage Facility (Warehouse/Storage) and associated works at Lot 9007 (40) Courtney Place, Wattle Grove as at Attachment 1 subject to the following conditions and advice notes:

Conditions:

1. The development must be carried out in accordance with the stamped approved plan(s)/drawing(s) and document(s) (including any recommendations made) listed below, stamped and returned to the

applicant with this decision notice, including any amendments to those plans as shown in red.

Plan No.	Title	Rev.	Date	Prepared by
A-100	Site Plan	2	18.03.20	Parsons Management Group
A-101	Ground Floor Plan	2	18.03.20	
A-102	First Floor Plan	2	18.03.20	
A-103	Elevations	2	18.03.20	
D01	Drainage Layout Plan	B	27.07.20	Development Engineering Consultants
C55/01	Landscape Intent Plan	2	12.08.20	Naturesque

2. Prior to applying for a building permit, an Interim Development Contribution Arrangement (IDCA) being prepared by the landowner in accordance with City of Kalamunda Local Planning Policy 25 (Interim Development Contribution Arrangements) and executed by all parties, for the applicant to contribute towards the cost of providing common infrastructure as established through Local Planning Scheme Amendment No. 101, to the City of Kalamunda Local Planning Scheme No.3 when gazetted. Such arrangements are to be at the cost of the applicant and to the satisfaction of the City of Kalamunda.
3. Prior to applying for a building permit, the landowner is to submit, and have approved by the City of Kalamunda, detailed information relating to external finishes and colour schemes. Prior to an occupation permit being granted, the approved external finishes and colour schemes are to be implemented to the satisfaction of the City of Kalamunda and maintained for the duration of the development.
4. Prior to applying for a building permit, a Waste Management Plan must be prepared by the landowner and approved by the City of Kalamunda. The Waste Management Plan must include the following detail to the satisfaction of the City of Kalamunda:
 - a) The location of the bin storage areas and bin collection areas (all storage and loading areas must be screened from Courtney Place and Welshpool Road East);
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Management of the bins and the bin storage areas, including cleaning rotation and moving bins to and from the bin collection areas; and

- d) Frequency of bin collections.

The Waste Management Plan is to be implemented for the duration of the development by the landowner to the satisfaction of the City of Kalamunda.

- 5. Prior to applying for a building permit, a Construction Management Plan must be prepared by the landowner to the satisfaction of the City of Kalamunda. The Construction Management Plan shall detail how the construction of the development will be maintained including the following:

- a) Public safety and security;
- b) Hours of construction;
- c) Traffic management plans during construction, including any proposed road closures;
- d) Toilet facilities for construction workers;
- e) Protection of public infrastructure;
- f) Dilapidation report of adjoining properties;
- g) How materials and equipment will be delivered and removed from the site;
- h) How materials and equipment will be stored on the site;
- i) Parking arrangements for staff, contractors and visitors;
- j) Construction Waste disposal strategy and location of waste disposal bins;
- k) How dust, noise, erosion, lighting and environmental hazards will be managed during the stages of construction;
- l) Complaint management procedure; and
- m) Other matters likely to impact on surrounding property owners.

The Construction Management Plan must be implemented prior to the commencement of works and thereafter maintained for the duration of works to the satisfaction of the City of Kalamunda.

- 6. All landscaping noted in the approved Landscape Intent Plan and the approved Tree Retention and Planting Plan shall be planted in the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Kalamunda. Any species which fail to establish within the first two planting seasons following implementation shall be replaced at the landowners cost to the satisfaction of the City of Kalamunda.

- 7. Prior to an occupation permit being granted, the vehicle access way(s) and any associated crossover(s), where applicable, must be constructed and drained to the specifications and satisfaction of the

City of Kalamunda and thereafter maintained for the duration of the development.

8. Prior to an occupation permit being granted, all car parking areas must meet the following requirements:
 - a) The provision and maintenance of a minimum of 19 car parking spaces, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off street car parking.
 - b) The provision and maintenance car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access New building work.
 - c) Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, sealed, kerbed, line marked and drained to the specification and satisfaction of the City of Kalamunda and Australian Standard AS2890.
 - d) Comply with the above requirements and be maintained to the satisfaction of the City of Kalamunda for the duration of the development.
9. Prior to an occupation permit being granted, the landowner contributing towards public art, pursuant to City of Kalamunda Local Planning Policy 26.
10. Prior to an occupation permit being granted, the landowner shall locate and screen the following components of the development so that they are not visible from any road to which the site has frontage (including Welshpool Road East), adjoining properties or otherwise on display from any public vantage point:
 - a) Refuse storage areas;
 - b) Service equipment;
 - c) Mechanical ventilation;
 - d) Refrigeration units; and
 - e) Storage areas for machinery, materials or the like.

11. Prior to an occupation permit being granted, a new effluent disposal system that complies with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 must be installed.
12. For the duration of development, all stormwater drainage from roofed and paved areas being disposed of to the specification outlined in the approved Drainage Plan and satisfaction of the City of Kalamunda.

Advice notes:

- a) In regard to condition 1, the City's Local Planning Policy 25 provides a concise and documented procedure for the establishment of Interim Development Contribution Arrangements to provide for consistent management by the City, and a transparent process to manage interim arrangements for the community.
- b) A Building Permit is required prior to the commencement of works.
- c) The submitted Building Permit application plans are to be consistent with the plans that form part of the relevant planning approval, to the satisfaction of the City of Kalamunda.
- d) The operation/development is to comply with the Environmental Protection (Noise) Regulations 1997.
- e) In regards to condition 9, the landowner is advised that a public art contribution of \$30,000 applies to this approval, which is required to be provided through the provision of a \$30,000 payment as in lieu payment to the City of Kalamunda's Public Art Fund.
- f) This application qualifies for an exemption from the substantial commencement period, in that a new timeframe can be substituted being the original deadline plus an additional two (2) years. These periods are calculated from the date the approval was granted. This is available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency', issued by the Minister for Planning on 8 April 2020.

10.5.6. Local Planning Scheme No.3 - Amendment 105 - Development Contribution Area 1 – Forrestfield Light Industrial Area Stage 1 - Method for Calculating Contributions

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

Previous Items	OCM 27/2020, OCM 136/2020, OCM 137/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. Local Planning Scheme No.3 - Amendment 105 - Amendment Document [10.5.6.1 - 4 pages] 2. Local Planning Scheme No.3 - Schedule 12 (Pages 140-141) [10.5.6.2 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 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 the Council to consider the adoption of Scheme Amendment 105 (Amendment 105) to Local Planning Scheme No. 3 (LPS 3) for the purposes of public advertising.
2. Amendment 105 is proposed to amend the 'Method for Calculating Contributions' (Method) for Development Contribution Area 1 (DCA 1) under Schedule 12 of LPS 3 to remove the supplementary notes listed below the equation used for calculating the Cost Contribution Rate, as follows:

Method for Calculating Contributions	<p>Contribution rate = $\frac{\text{Cost of infrastructure items} + \text{cost of administrative items (\\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$</p> <p>Net lot area = Contribution Area - (Area of Road Reserve + Developed Area)</p> <p>Cost Contribution Schedule adopted by the local government for DCA 1 which will be reviewed annually.</p> <p>Cost of infrastructure items = remaining infrastructure costs - funds held as money</p> <p>AMD 88 GG 1/5/18</p>
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Supplementary notes to be deleted

3. It is recommended that the Council adopt Amendment 105 for public advertising.

BACKGROUND

4. LPS3 Scheme Amendment No. 48, which included DCA 1 within LPS3 was gazetted in May 2013. This allowed the City to place on development approvals and recommend to the Western Australian Planning Commission (WAPC) on subdivision approvals, the obligation to pay a Cost Contribution for common infrastructure and administration costs to manage the Development Contribution Plan (DCP).
5. In May 2018, Amendment 88 was gazetted, which introduced a range of amendments to Schedule 12 of LPS3. Among other amendments, supplementary notes were introduced through Amendment 88 with a view of clarifying / defining the terms used in the equation for calculating the Cost Contribution Rate.
6. Prior to undertaking the most recent annual review (which concluded on 28 July 2020), the City sought advice on the interpretation of the provisions of LPS3 and State Planning Policy 3.6 (SPP 3.6) relating to the calculation and application of the Cost Contribution rate. The confidential advices are comprehensive and provided for a way forward which meets the intent and principles of the DCP, LPS3 and SPP3.6. The advices are included as a Confidential Attachment for the benefit of the Council.

7. At its Ordinary Meeting (OCM) held 25 February 2020, the Council resolved as follows:

"That Council:

...

- 2. NOTE the interpretation of the Method for Calculating Contributions in Schedule 12 of Local Planning Scheme No. 3.*
- 3. NOTE the approach to deem all Cost Contributions as interim, until the final Cost Contribution rate is known based on actual costs of infrastructure, as outlined in this report.*
- 4. NOTE the proposed process to reconcile Cost Contributions for all landowners at the conclusion of the of the Development Contribution Scheme (scheduled for 2023), as outlined in this report.*

..."

8. At its OCM held 28 July 2020, the Council resolved to adopt the DCP Report and the Cost Contribution rate of \$20.97/m². The most recent DCP review and procedural adjustments to the operation of the DCP have been undertaken having regard to the advices received, as noted by the Council at its OCM held on 25 February 2020.

DETAILS AND ANALYSIS

9. As outlined in the reports to OCM on 25 February 2020 (OCM 27/2020) and 28 July 2020 (OCM 136/2020 and OCM 137/2020):
- a) Prior to the DCP Review considered by the Council on 25 February 2020, the Cost Contribution rate was calculated using the whole of the Method contained within Schedule 12 of LPS3.
 - b) This resulted in some landowners who had developed early, contributing at a higher rate than landowners who have developed at a later time and with a rate based on the actual cost of infrastructure or more refined estimates.
 - c) The approach resulted in a situation that was inconsistent with the overarching principles of determining infrastructure contributions (outlined in SPP3.6) and specifically the principle of equity and consistency.
 - d) To comply with SPP 3.6 and LPS 3 provisions and to administer the DCP in a practical and equitable manner, the equation included in the above method will still be used, but the City, based on advice received, has been advised that it should not have regard to the supplementary notes included below the equation.

10. With a view of ensuring LPS 3 clearly outlines the correct method being applied for the purposes of calculating the Cost Contribution rate, Amendment 105 will seek to remove the supplementary notes listed below the equation used for calculating the Cost Contribution Rate, as follows:

Method for Calculating Contributions	<p>Contribution rate = $\frac{\text{Cost of infrastructure items} + \text{cost of administrative items (\\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$</p> <p>Net lot area = Contribution Area - (Area of Road Reserve + Developed Area)</p> <p>Cost Contribution Schedule adopted by the local government for DCA 1 which will be reviewed annually.</p> <p>Cost of infrastructure items = remaining infrastructure costs - funds held as money</p> <p>AMD 88 GG 1/5/18</p>
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Supplementary notes to be deleted

11. Amendment 105 has been proposed to clarify the intent of the Council's OCM resolution on 25 February 2020, to bring LPS 3 into alignment with the City's interpretation of the DCP, which will introduce transparency and prevent any ambiguity regarding the calculation of the Cost Contribution Rate.

APPLICABLE LAW

12. *Local Planning Scheme No. 3*
13. *The Planning and Development Act 2005 (PD Act)*
14. *The Planning and Development (Local Planning Schemes) Regulation 2015 (P&D Regulations)*

APPLICABLE POLICY

15. DCPs are required to be prepared in accordance with the requirements of State Planning Policy 3.6 – Development Contributions for Infrastructure.

STAKEHOLDER ENGAGEMENT

16. Under the provisions of the P&D Regulations Amendment 105 is required to be treated as a 'Complex' amendment, given that it relates to amendments to a DCP. If the Council resolves to proceed to advertise a complex amendment, the City is required to refer the amendment to the Western Australian Planning Commission (WAPC) for examination before the amendment is advertised. The WAPC may require modifications to the amendment prior to advertising. This process is otherwise not required before commencing advertising for a 'standard' or 'basic' amendment.

17. The City is required to give notice of the proposed amendment for a minimum period of 60 days using the following methods:
 - a) Newspaper advertisement;
 - b) Display a copy of the notice at the City's administration centre;
 - c) Letters to landowners and public authorities affected by the amendment
 - d) Website notice; and
 - e) Any other method directed by the WAPC.
18. If the City undertakes modifications to the proposed amendment following and in response to submissions received, the City may decide to advertise any modifications the City deems as significant.

FINANCIAL CONSIDERATIONS

19. Costs associated with preparing, advertising and finalising Amendment 105 will be borne by the existing Development Services budget.
20. Amendment 105 will ensure the future administration of the DCP, specifically the calculation of cost contributions payable by developers, is consistent with the process discussed in the Details and Analysis section of this report.

SUSTAINABILITY

21. Nil.

RISK MANAGEMENT

22.

Risk: The Western Australian Planning Commission do not approve the amendment resulting in an inconsistent application between LPS3 and the DCP Report.		
Consequence	Likelihood	Rating
Major	Unlikely	Medium
Action/Strategy		
Ensure the City has sought legal advice on the proper construction and operation of the DCP, and that Amendment 105 is reviewed prior to progression and adoption.		

CONCLUSION

23. As outlined in the reports to OCM 25 February 2020 (OCM 27/2020) and 28 July 2020 (OCM 136/2020 and OCM 137/2020), Amendment 105 was not immediately required in order for the City to interpret the DCP as it has at those OCMs (that is to not account for the supplementary notes). By doing this, the interpretation has ensured the principles of equity and consistency are implemented.
24. Notwithstanding this, Amendment 105 will bring LPS3 into alignment with the City's interpretation of the DCP, specifically the position established at the OCM on 25 February 2020 and 28 July 2020. Amendment 105 will reduce ambiguity as to the way in which the City interprets and applies the Method of Calculating the Cost Contribution Rate.
25. In this regard, Amendment 105 could be construed, in effect, as an administrative amendment even though procedurally it is required to be processed and advertised as a complex amendment.
26. Having regard to the above, it is recommended that Council adopts Amendment No. 105 as a complex amendment and for the purpose of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT Amendment 105 to Local Planning Scheme No. 3 in accordance with Attachment 1, pursuant to Section 75 of the Planning and Development Act 2005, for the purposes of public advertising.
2. CONSIDER Amendment 105 to Local Planning Scheme No. 3 a complex amendment under clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a. The amendment relates to an amendment to Development Contribution Plan 1.
 - b. The amendment is not a standard or basic amendment.

10.5.7. City of Kalamunda Submission - Draft Metronet East Redevelopment Scheme

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	PG-STU-035
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. City of Kalamunda Submission - Draft Metronet East Redevelopment Scheme [10.5.7.2 - 4 pages] 2. Legal Review [10.5.7.3 - 13 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input type="checkbox"/> | 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 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The draft Metronet East Redevelopment Scheme (Redevelopment Scheme) has been publicly advertised, with comments closing 15 September 2020. In this regard, the City of Kalamunda (City) has provided an interim submission to DevelopmentWA as per Attachment 1 and will forward the Council's Resolution and final submission following the Ordinary Council Meeting (OCM).
2. The draft Redevelopment Scheme incorporates the Metronet East High Wycombe Project Area, affecting the same area as the Forrestfield North Transit Oriented Development (TOD) Precinct Activity Centre Plan (ACP) currently being prepared by the City. The Redevelopment Scheme will come into operation on the day after a notice that the Scheme has been approved by the Minister for Lands is published in the Government Gazette. The City's Local Planning Scheme 3 (LPS3) does not apply to the Redevelopment Scheme Area after the Redevelopment Scheme comes into operation. At this point the planning authority is transferred from the City to DevelopmentWA.
3. The City has prepared a submission (Attachment 1) which has identified a number of matters, for DevelopmentWA to either note or address as it finalises the Redevelopment Scheme. The submission also includes issues identified and recommendations obtained from legal advice (Attachment 2). The key matters identified in the submission include:

- a) Administration Errors;
 - b) Applying appropriate land use permissibility within the precincts;
 - c) Consideration of more simplified precinct names;
 - d) Consideration of a third precinct;
 - e) Ensuring appropriate Development Contribution provisions are included to allow for cost-sharing across the Redevelopment Scheme and the City's Local Planning Scheme; and
 - f) Allowing the City appropriate opportunity to review designs for future infrastructure that will inevitably be handed over to the City.
4. It is recommended that Council endorse the submission in Attachment 1 and request the Chief Executive Officer to forward the submission to DevelopmentWA.

BACKGROUND

5. Land Details:

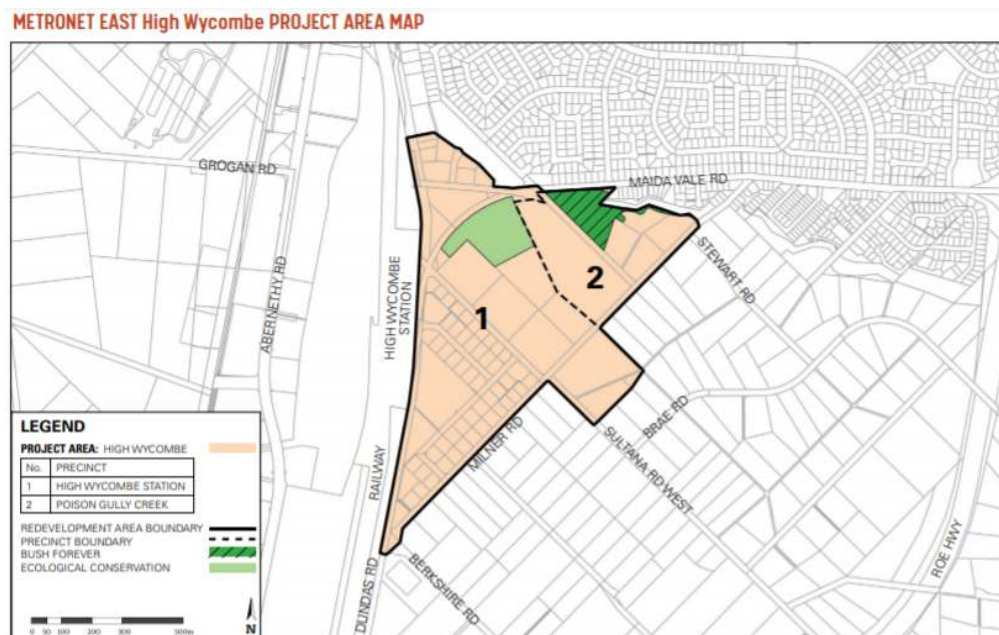
Land Area:	Approx. 55ha
Local Planning Scheme Zone:	Urban Development, Light Industry
Metropolitan Regional Scheme Zone:	Urban

6. The Redevelopment Scheme – High Wycombe Precinct aligns with the location of the Forrestfield North TOD Precinct ACP. This is located within the City of Kalamunda in the suburb of High Wycombe and is generally bounded by Berkshire Road to the south, Milner Road to the east, Maida Vale Road to the north and Dundas Road to the west.

7. Locality Plan:



8.



9. In June 2014, the State Government announced a decision to proceed with the Forrestfield-Airport Link. Following this decision, the State Government requested the City to consider the planning and land use opportunities that the High Wycombe Train Station (previously named Forrestfield Train Station) could create for the surrounding areas of Forrestfield and High Wycombe.
10. The State Government provided advice to the City to prepare a District Structure Plan (DSP) over the subject land, in order to identify new land use opportunities arising from the High Wycombe Train Station. In response, Element (previously TPG + Place Match) under commission from the City prepared the Forrestfield North DSP.
11. In 2015, the Forrestfield North DSP area was amended from Rural to Urban under the Metropolitan Region Scheme (MRS).
12. In September 2016, the Forrestfield North DSP was approved by the Western Australian Planning Commission (WAPC) to guide the structure, vision and objectives of future urban development for the area.
13. At the 27 February 2017 OCM, the City appointed Element as the successful tenderer to undertake the detailed planning for the TOD – Precinct 1, the Activity Centre - Precinct 2 and the Residential – Precinct 3.
14. In September 2018, the City received confirmation that the Minister approved Amendment 75 to LPS 3, which rezoned the Forrestfield North DSP TOD and Residential Precinct from Special Rural and various other zones, to Urban Development. The Urban Development zoning of the land

requires the preparation and adoption of a LSP to coordinate subdivision and development, and establish the overall design principles for the area.

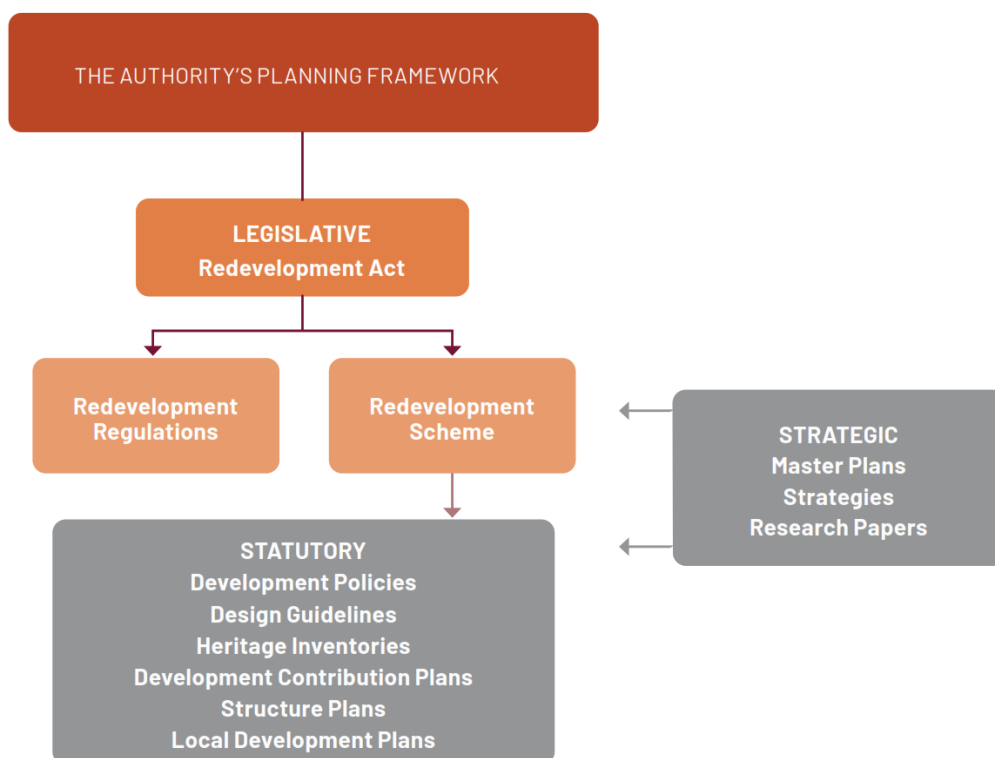
15. On 31 May 2019, the Minister for Transport and Planning, Rita Saffioti, wrote to the City advising of the commencement of an amendment to Metropolitan Redevelopment Authority Regulations 2011 to incorporate the Forrestfield North project area and Bayswater project area into the existing Midland Redevelopment Area (renamed to Metronet East Redevelopment Area).
16. On 13 March 2020 DevelopmentWA referred a preliminary draft of the Redevelopment Scheme Amendment to the City for comment. This version was not referred to the public, only relevant stakeholders. The City provided comments on 15 April 2020.
17. On 3 August 2020 the City received a letter from DevelopmentWA advising the City of the commencement of public comment on the draft Metronet East Redevelopment Scheme Amendment. The Redevelopment Scheme can be viewed in the following link –
<https://developmentwa.com.au/planning-and-approvals/current-planning-items/metropolitan-redevelopment-authority-act-2011-notification-of-metronet-east-redevelopment-scheme>

Copies of the documents are contained in the City's record system should they need to be obtained in the event that the above link changes.

DETAILS AND ANALYSIS

18. DevelopmentWA is the State Government's new land development agency which brings together the work of Western Australian Land Authority (formerly trading as LandCorp, now trading as DevelopmentWA) (WALA) and the Metropolitan Redevelopment Authority (MRA). Although DevelopmentWA is the common brand, both MRA and WALA will continue to operate as separate legal entities.
19. For the purposes of the draft Redevelopment Scheme, DevelopmentWA is acting through the MRA under the powers of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act).
20. Under the responsibilities and powers provided by the MRA Act, the MRA performs a number of roles to enable the revitalisation of each of its project areas. These roles include land acquisition and land sales, subdivision of land, development of land, strategic planning for Project Areas, control of development undertaken by others, and activities to activate and enhance the Redevelopment Area.

21. The MRA has a planning framework in place to guide the sustainable redevelopment of land in its redevelopment area. This planning framework is made up of three components – Legislative Tools, Statutory Tools and Strategic Tools. Each type of tool allows for different types of plans and documents to be prepared with different purposes and different levels of legal obligations.



22. The MRA Act is the legislation that enabled the establishment of the MRA. The MRA Act guides the Authority's operation and enables the preparation of key planning tools including the Redevelopment Regulations and the Redevelopment Scheme.
23. The *Metropolitan Redevelopment Authority Regulations 2011* are subsidiary legislation, enabled under the provisions of the MRA Act. The MRA Regulations set out matters 'prescribed' by the MRA Act, including the fees and required information for Development Applications and certain activities that do not require approval.
24. The Redevelopment Scheme is a legislative document which the MRA Act requires the MRA to prepare. The Scheme sets out the provisions for the development and use of land within the Scheme Area and enables the preparation of statutory planning tools.
25. Development Approval must be obtained from the MRA prior to any development taking place on any land in the MRA's Redevelopment Area.

However, some minor works and activities (such as non-heritage related building repairs) are not defined as 'development' and therefore do not require Development Approval to undertake.

26. When a development application is lodged, the MRA will assess the proposal against the requirements of the Redevelopment Scheme, relevant Development Policies, Design Guidelines, and any other applicable statutory or strategic planning tools. The MRA will also seek comment on the proposal from the relevant Local Government and affected State Government agencies, and may also seek technical advice from its Design Review Panel or other experts to ensure design quality is maximised in accordance with the objectives of the Scheme.
27. Applications that present potential negative impacts to the streetscape or neighbouring properties may also be required to be publicly advertised. The MRA has 90 days to assess standard applications, and 120 days for major applications, including the time taken to gain comment from others.
28. Public consultation is to involve a minimum 21 day period, where information regarding the application is made available to the public and comment on the application is invited.
29. No decision shall be made on a Development Application or other application until comment from all referred government bodies has been received, or until after the expiration of 42 days, whichever occurs first.
30. A building permit may be required for development from the relevant Local Government.
31. The Scheme Area comprises three Project Areas (Midland, Bayswater and High Wycombe), each with individual Precincts.
32. **High Wycombe Project Area**
Vision: Development within the High Wycombe Project Area will provide for a high-quality employment focused hub centred on High Wycombe Station, which enhances environmental integrity through celebrating the biodiversity of the area including Poison Gulley Creek, remnant vegetation and local fauna. High Wycombe Station will improve connectivity by providing an accessible and efficient transport option to and from the City to Perth's eastern suburbs and foothills, as well as to tourist attractions in the Perth hills and rural areas.
33. **Precincts**
The High Wycombe Project Area comprises of two precincts; High Wycombe Station and Poison Gully Creek.

34. The High Wycombe Station Precinct is to provide short term activation around the Station through the provision of a plaza and temporary or short term retail and dining and entertainment based businesses, as well as short term and/or permanent community facilities.
35. To leverage the presence of the logistics based businesses in the short term, well designed technologically based commercial businesses, research and development and training centres could be accommodated with opportunity for transient residential uses, given the new station links directly with the airport offering synergies with these land uses
36. Land uses located opposite industrial development within the southern portion of the Precinct will primarily be commercially focused and low impact development to appropriately manage this interface and provide a transition to the more activated centre of the precinct, which will also include a residential component over time.
37. The environmental integrity of the Precinct will be further enhanced with development focused around the key environmental corridors, providing the opportunity to celebrate and protect the natural environment, while addressing groundwater and drainage through innovative responses to water sensitive urban design.
38. The primary intent of the Poison Gully Creek Precinct is residential, however given the precinct's proximity to the station, the development of complementary non-residential land uses that promote activation along key connections, provide natural surveillance and do not compete with land uses within the Station Precinct and wider locality can be considered.
39. **Policies and Design Guidelines**
The MRA may prepare, adopt and have due regard for Development Policies and Design Guidelines. All development within the Scheme Area is to generally comply with the Development Policies and Design Guidelines that are relevant to the nature and location of the proposed development. The provisions of relevant Development Policies and Design Guidelines will form the basis of the assessment of development proposals, in addition to the provisions of the Scheme.
40. **Land Use System**
The MRA has adopted a precinct based Preferred and Contemplated land use system. The Redevelopment Scheme does not use land use zones and permissibility (Permitted, Discretionary, Advertise and X - Not Permitted) in the same way that LPS 3 does.

41. Similar types of land uses are grouped into seven specific categories:
- a) Category 1 – Culture & Creative Industry
 - b) Category 2 – Commercial
 - c) Category 3 – Light Industry
 - d) Category 4 – Retail
 - e) Category 5 – Residential
 - f) Category 6 – Community
 - g) Category 7 – Dining & Entertainment
42. A Land Use Table then identifies which of these categories are Preferred Uses or Contemplated Uses for each precinct within the Scheme Area.
43. Preferred Uses are land uses which are considered to contribute to the vision and intent for a location. Preferred Uses are those uses within the land use category or categories which are shown as a Preferred category for a particular precinct.
44. Contemplated Uses are land uses which the Authority may consider suitable for a precinct or site if it can be shown that such a use would not detract from the precinct intent and the amenity of the locality. Contemplated Uses are those uses within the Land Use Category or Categories which are shown as a Contemplated category for a particular precinct.
45. Where a use is a defined use but is not included in a category that is shown as a Preferred or Contemplated use for a relevant precinct, the use or uses are generally considered to be inconsistent with the precinct intent and may be inappropriate for that precinct. However those uses may still be considered for approval.
46. No provision of the Scheme is to be taken to prevent the continuation of a non-conforming use, meaning that existing approved uses may continue to operate under current approvals unless the use ceases for 6 months or more. Approval is required for any alteration or extension of the non-conforming use or any works associated with a non-conforming use.
47. **Development Contributions**
The MRA may prepare a Development Contribution Plan (DCP) to plan for the provision and funding of Development Infrastructure for any Development Contribution Area.

48. The DCPs are to be prepared and reviewed generally in accordance with State Planning Policy 3.6 Infrastructure Contributions and contain detailed information as required but not limited to the following:
- a) Need and nexus;
 - b) Efficiency and certainty;
 - c) Equity and consistency;
 - d) Transparency and accountability; and
 - e) Right of consultation and comment.
49. The DCP shall specify:
- a) The Development Contribution Area to which the plan applies;
 - b) The expiry date of the DCP, if applicable;
 - c) The Development Infrastructure from the list in clause 7.4 (the works and dollar value) that are required in the Contribution Area and that will be partly or fully funded by the DCP;
 - d) The priority and approximate timing for the provision of infrastructure;
 - e) Any land within the Contribution Area to which Development Contributions will be excluded;
 - f) Any exemptions from paying the calculated Development Contribution;
 - g) Any Development Infrastructure or other associated costs and expenses that will not be charged to owners, including any costs that have received Federal Government funding;
 - h) The method of allocating and calculating the Development Contribution applicable to each land holding and land owner in the Contribution Area, including whether any one of the Development Infrastructure are to be apportioned between precincts or land holdings within the Contribution Area or if Development Infrastructure is shared within and outside of the Contribution Area/Scheme Area on the basis of the need and nexus of a Development Infrastructure; and
 - i) Any other information the Authority considers necessary to assist in the understanding or implementation of the DCP.
50. For development contributions to operate across both the Residential Precinct and TOD Precinct (Redevelopment Scheme Area) two separate Scheme Amendments would be required to be adopted under both Schemes (Redevelopment Scheme and LPS 3). These Scheme Amendments would include infrastructure items unique to the individual Scheme Areas as well as shared 'common' infrastructure items which the contribution from the individual precincts would be determined through technical apportionment analysis.

51. **Structure Plans**
To ensure the orderly and proper planning of the Redevelopment Scheme Area, the MRA may require the preparation of a Structure Plan for large, significant, or fragmented land holdings in, or partly within, the Redevelopment Scheme Area.
52. An application for approval of a Structure Plan or an Activity Centre Plan is to be processed and determined by the MRA.
53. It should be noted that the Residential Precinct Local Structure Plan (LSP) was approved by the WAPC, under the *Planning and Development Act 2005*. In this instance as the MRA Act will be in place, the Authority would be the approving authority for the TOD Precinct ACP.
54. **Submission**
The City has prepared and submitted an interim submission (Attachment 1) in order to meet DevelopmentWA deadline of 15 September 2020.
55. The City will forward Council's resolution and any recommended changes on the submission to DevelopmentWA following the September OCM.
56. The key matters raised in the submission are detailed below.
57. **Administrative Errors**
The City has identified a number of grammatical and administrative errors that are required to be amended.
58. **Land Use Permissibility Preferences**
Community uses should be 'Contemplated' rather than 'Preferred' in the Poison Gully Precinct. These uses are preferable within the High Wycombe Station Precinct to allow for short term activation and consolidation of community uses within close proximity to the Station. The Poison Gully Precinct should be primarily for residential uses.
59. **Precincts**
Precinct names should be simplified from 'High Wycombe Station' to 'Station' and 'Poison Gully Creek' to 'Creek' or 'Poison Gully'. This aligns with the approach for the other Project Areas (Midland and Bayswater) which use Precinct Names 'Frame', 'Core', 'Victoria', 'Clayton' and 'Helena'.
60. There should be consideration for adding a third precinct which aligns with the current light industry area within the TOD Precinct. This would allow for light industry uses and similar uses to be Preferred or Contemplated. Economic analysis has found that light industry and freight uses have the greatest immediate demand within the area and would allow for long term business activity in proximity to the Station. Over time

when commercial uses have greater demand they could be transitioned into the Precinct.

61. **Development Contribution Plans**

The Following key considerations need to be taken into consideration:

- a) An LSP has been prepared for the Residential Precinct, and an ACP is currently being prepared for the TOD Precinct.
- b) The LSP and ACP will delineate infrastructure requirements for further analysis.
- c) Traffic modelling and other technical analysis may determine that there is infrastructure which demonstrates need and nexus across the two precincts.
- d) How can the Redevelopment Scheme be drafted in such a way to ensure that, if need and nexus is demonstrated, the DCP can operate cohesively across the two precincts? Key considerations being:
 - i. The administration and accounting of the two DCPs; and
 - ii. Apportionment.
- e) Prioritisation of infrastructure.

62. The clauses for development contributions only covers the costs of strategic and statutory costs of the MRA. This should also cover documents prepared by the City which for the case of the High Wycombe Project Area the City has fronted the majority of the costs to undertake the detailed planning of the area.

63. The Redevelopment Scheme does not consider where there may be a shortfall in funds and need to obtain additional contributions.

64. **Legal Review**

The City engaged a solicitor to provide a legal review of the Redevelopment Scheme, ensuring that the City's and community's interests are considered and protected. This advice has been incorporated into the submission and is also contained in Attachment 2. The key matters raised are detailed below.

65. There is nothing in the MRA Act or in the draft Redevelopment Scheme that would prevent provision being made under the Redevelopment Scheme for contribution to be made to the City for the benefit of a DCP prepared for the Residential Precinct, providing contribution to the cost of infrastructure works provided in the Residential Precinct, but which benefit the Redevelopment Area.

66. The fact that the City is not able to impose a contribution obligation on land in the Redevelopment Area does not prevent the Authority from making provision, to help pay for the carrying out of work within the City's Residential Precinct that in the opinion of the Authority directly relates to the improvement of the Redevelopment Area.
67. The City's DCP would need to make provision for the DCP to receive contributions from the Authority in consideration of infrastructure benefits to the Redevelopment Area
68. It is possible that the City may provide further contribution for a DCP prepared under the Redevelopment Scheme, by carrying out work, possibly under contract for the Authority, within the Redevelopment Area.
69. It is recommended that consideration be given to specifically allowing for sharing of infrastructure costs and administration costs with a contiguous DCP within the Residential Precinct, under the City's LPS3.
70. It is recommended that provision should be made to ensure that liability can arise under the Redevelopment Scheme or under the LPS 3 which has a contiguous DCP (such as the DCP to be prepared for the Residential Precinct under the City's LPS3).
71. The provisions under the Redevelopment Scheme should be strengthened in regard to contributions needing to be provided to the City's DCP in respect of common infrastructure works provided by the City but which benefit the Redevelopment Area.
72. The draft Redevelopment Scheme does not provide the City an appropriate opportunity to review designs for future infrastructure that will, upon the inevitable termination of the Redevelopment Scheme, be handed over to the City for ongoing maintenance. It seems obvious that the City, as the body which will have the obligation of maintenance in perpetuity of infrastructure provided within the Redevelopment Area, should be consulted as to design, and the requirement of consultation should be incorporated in the provisions of Chapter 7 of the Redevelopment Scheme, and should also be recognised in the provisions of any DCP prepared for the Redevelopment Area under the Redevelopment Scheme.

APPLICABLE LAW

73. The Redevelopment Scheme is made pursuant to Part 5 of the MRA Act 2011.

74. The Redevelopment Scheme shall come into operation on the day after a notice that the Scheme has been approved by the Minister for Lands is published in the Government Gazette. The Midland Redevelopment Scheme published in the Government Gazette on 8 February 2005 will be thereafter repealed
75. In accordance with section 51 of the MRA Act, the MRS, the City of Swan Local Planning Scheme, City of Bayswater Local Planning Scheme, City of Kalamunda LPS 3 and any other Scheme made under the *Planning and Development Act 2005* do not apply to the Redevelopment Scheme Area after the Redevelopment Scheme comes into operation in respect of the Redevelopment Scheme Area or any portion of the Redevelopment Scheme Area.

STAKEHOLDER ENGAGEMENT

76. The City received formal notice of the advertisement of the Redevelopment Scheme from DevelopmentWA on 3 August 2020. The submission period closed 15 September 2020.
77. Submissions were open to the public.

FINANCIAL CONSIDERATIONS

78. It is assumed that the costs of delivering enabling and important community and traditional infrastructure within the Redevelopment Scheme Area will be facilitated through a DCP. Some infrastructure items may be 'common' infrastructure items shared between the Redevelopment Scheme Area and outside the Redevelopment Scheme Area. The administration of these arrangements is still to be determined.
79. It is possible that the City and State (via DevelopmentWA) may be required to contribute to the costs of delivering infrastructure within the Redevelopment Scheme Area, outside of a DCP.

SUSTAINABILITY

Social Implications

80. The Redevelopment Scheme will facilitate the development of a diversity of housing typologies which in turn will provide for greater housing choice, affordability and a potentially broader demographic for the City.
81. The Redevelopment Scheme will allow for community facilities and POS areas which will provide the community with high quality amenity as well as health, social and recreational benefits.

Economic Implications

82. The Redevelopment Scheme represents significant development opportunities within the City. Increased levels of development as a consequence of the Redevelopment Scheme will result in more jobs for the building and construction industry.
83. The Redevelopment Scheme Area will allow for retail and commercial developments to occur, increasing the employment opportunities and economic growth within those industries.

Environmental Implications

84. The Redevelopment Scheme Area identifies an area for Ecological Conservation and an area of Bush Forever along Poison Gully Creek protecting important environmental values.

RISK MANAGEMENT

- 85.
- | | | |
|--|-------------------|---------------|
| Risk: Cost sharing arrangements for common infrastructure are not established across Precincts for the Redevelopment Scheme Area (TOD Precinct) and Residential Precinct. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| Endorse the submission which addresses the City's key concerns regarding infrastructure contributions. | | |
- 86.
- | | | |
|--|-------------------|---------------|
| Risk: The City has limited control on the development outcomes within the Redevelopment Scheme Area. | | |
| Consequence | Likelihood | Rating |
| Major | Possible | High |
| Action/Strategy | | |
| <ol style="list-style-type: none"> 1. Continue to prepare the TOD Precinct ACP which prepares an important due regard document for the Precinct. 2. Ensure that appropriate and thorough advice is provided during the development referral stage. 3. Endorse the submission which addresses the City's key concerns regarding development. | | |

CONCLUSION

87. Once the Redevelopment Scheme is approved by the Minister for Lands, the City's LPS 3 will no longer have any affect on the control of development and subdivision for the area.
88. DevelopmentWA are required to refer development applications to the City for comment.
89. The Redevelopment Scheme includes provisions which allow for infrastructure contributions.
90. The City has identified a number of matters in its submission, for DevelopmentWA to either note or address as it finalises the Redevelopment Scheme. The submission also includes issues identified and recommendations obtained from legal advice. The key matters identified in the submission include:
 - a) Administration Errors;
 - b) Applying appropriate land use permissibility within the precincts;
 - c) Consideration of more simplified precinct names;
 - d) Consideration of a third precinct; and
 - e) Ensuring appropriate Development Contribution provisions are included to allow for cost-sharing across the Redevelopment Scheme and the City's Local Planning Scheme.
 - f) Allowing the City appropriate opportunity to review designs for future infrastructure that will inevitably be handed over to the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the City of Kalamunda submission in relation to the draft Metronet East Redevelopment Scheme provided Attachment 1.
2. NOTE the recommendations contained in the Legal Review provided in Attachment 2.
3. REQUEST the Chief Executive Officer forward the City of Kalamunda endorsed submission in relation to the draft Metronet East Redevelopment Scheme to DevelopmentWA.

10.5.8. City of Kalamunda Submission - Development Application DA20/00317 - Operations Centre and Waste Transfer Facility - Kelvin Road Orange Grove

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

Previous Items	OCM 77/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297 / PG-MRS-024
Applicant	City of Gosnells
Owner	City of Gosnells
Attachments	1. City of Kalamunda Submission - Development Application - City of Gosnells Operations Centre and Waste Transfer Facility [10.5.8.1 - 7 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input type="checkbox"/> | 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 (CoG) in relation to a development application for a proposed operations centre and waste transfer facility development on Kelvin Road in Orange Grove.

2. The City previously prepared a submission on the concept plans for the operations centre, waste transfer facility and public open space (POS) which was endorsed by Council at the May 2020 Ordinary Council Meeting.
3. The City has identified a number of concerns with the development application 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 objection and comments on the development application.

BACKGROUND

5. A new operations centre and waste transfer facility is proposed to be built as part of a development application at the CoG remediated waste site at Kelvin Road, Orange Grove (Lot 3, Lot 4, Lot 239, Lot 241 and Lot 242).
6. The new operations centre is to replace the current ageing facility in Maddington.
7. The CoG released the concept plans for the proposal on 23 March 2020.
8. The City considered its submission on the concept plans which also included a proposed site for POS at the 26 May 2020 Ordinary Council Meeting. The submission was endorsed and forwarded to CoG.
9. The City was made aware of the proposal by an objecting resident and on 1 September 2020, the City queried if the proposal was to be referred to it for comment. The CoG subsequently issued correspondence referring the development application for the operations centre and waste transfer facility to the City for comment. The CoG advised that the deadline for the City's submission is 25 September 2020.

10. **Location Plan**



DETAILS AND ANALYSIS

11. The proposed operations centre will provide similar functionality as does the City's Operations Centre within the Walliston Industrial Area with the addition of a waste transfer facility.
12. The application includes:
- a) A 2065m² Administration / Office Building;
 - b) 2340m² Workshop and General Storage Building;
 - c) A 2440m² Mechanical Workshop;
 - d) A 9500m² Waste Transfer Facility area with fully self-contained waste compaction unit;
 - e) A 280m² Pound / Pound Admin Building;
 - f) 234 Vehicle Parking Bays, and 78 operational vehicle parking spaces;
 - g) 13.61 hectares of landscaped buffer zone surrounding the Centre;
 - h) A total of 1,830 vehicle movements per day, consisting of 1575 light vehicle and 255 heavy vehicle movements per day;
 - i) Hours of operation from 6am – 6pm Monday to Friday, with the Pound operating between 7am – 7pm Monday to Friday and 8am – 5pm on Saturdays.
13. The following documents are included within the application:
- a) Drawings
 - b) Access Treatment
 - c) Bushfire Management Plan
 - d) Acoustic Report
 - e) Hydraulic Report

- f) Geotechnical Investigation Report
- g) Traffic Impact Assessment
- h) Odour Assessment
- i) Waste Compaction Plan
- j) Waste Management Plan
- k) Urban Water Management Plan

14. These documents can be accessed from the following URL:
https://www.gosnells.wa.gov.au/Online_services_and_payments/Public_Consultation_and_Planning_Approvals/DA2000317

Copies of these documents are contained on the City's record system and can be obtained should this link become redundant.

15. **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).

16. The Western Australian Planning Commission's (WAPC) South Metropolitan Peel Sub-regional Planning Framework identifies the locality as Urban Expansion.

17. 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.

18. It is considered the industrial nature of the operations centre and waste transfer facility is inconsistent with the Urban Expansion identification under the Framework.

19. 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) which does not support the types of uses proposed.

20. **Local Strategic Planning Context**
The CoG draft Local Planning Strategy 2019 identifies Orange Grove as a 'Potential Urban Expansion Area' and a long-term growth area.
21. 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.
22. 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.
23. 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.
24. The Foothills Rural Strategy recommends a minimum of one-hectare properties for these precincts.
25. It is considered the industrial nature of the operations centre and waste transfer facility is inconsistent with the urban investigation and rural residential identification under the CoG draft Local Planning Strategy 2019 and the Foothills Rural Strategy.
26. **City of Gosnells Planning Scheme**
The site is zoned General Rural under the CoG Town Planning Scheme No. 6 (TPS6). The application has allocated the Operations Centre as 'civic use' and the Waste Transfer Facility as 'use not specified'.
27. Civic use has an 'A' permissibility under TPS6. Although the operations centre may fit within broad definition of civic use, the Waste Transfer Facility component may fit within the definition of 'industry' and potentially more specifically, the land use definitions of 'industry – light' or 'industry – general'.
28. Under TPS6, "civic use" means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.

29. "Industry" means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for –
- a) The storage of goods;
 - b) The work of administration or accounting;
 - c) The selling of goods by wholesale or retail; or
 - d) The provision of amenities for employees, incidental to any of those industrial operations.
30. "Industry - light" means an industry –
- a) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
 - b) The establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.
31. "Industry - general" means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry.
32. Under TPS6, industry-light and industry-general are both not permitted in the General Rural Zone, making the waste transfer facility component application inconsistent with the Scheme, deeming that the application should be refused on this basis.
33. For a use not specified, the TPS6 states the following:
- If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:
- a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 in considering an application for planning approval; or
 - c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

34. In regards to the consideration of whether the use is consistent with the objectives of the zone, the objectives of the General Rural Zone in TPS6 are:
- To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.
35. The nature of waste transfer facilities is potentially considered to be consistent with the definitions of either industry, industry-light and industry-general and is not consistent with the objectives of General Rural Zone as it is not a rural pursuit and will have an impact on the rural character and amenity of the locality. As stated above, the industry-light and industry-general land uses are not permitted in the General Rural Zone and are inconsistent with TPS6, deeming the waste transfer facility component is inconsistent with the prevailing General Rural zone.
36. It is noted that in the CoG, draft Local Planning Scheme No. 24, the additional use of waste disposal facility has been added to Lot 236 Kelvin Road and industry-light and waste storage facility has been added as an additional use for a number of lots on Kelvin Road. Given the Scheme is yet to come into effect, these additional uses are not relevant to the current assessment. Furthermore, the City wasn't consulted specifically on these proposed additional uses as part of the new Scheme. Since picking up on this, the City has notified the City that it does not support the additional uses consistent with the objection to the concept plan for the operations centre.
37. **Metropolitan Region Scheme (MRS)**
In accordance with Western Australian Commission (WAPC) Resolution 2015/01 under Clause 32 of the MRS – resolution B, Schedule 1, 2(b), Schedule 1, 2(b) enables the WAPC to either have the application referred to it by the local government (CoG as the assessing authority) or for the WAPC to assess and determine applications that may not be consistent with the Rural zone under the MRS.
38. It is the City's view and based on the information available, the proposal is inconsistent with the Rural zone under the MRS. In this regard, the City may issue correspondence to the WAPC requesting that the applications is essentially 'called in' by the WAPC.
39. **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.

40. 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 any form of industrial uses. The draft Concept Plan reflects the desire to protect these values.
41. 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.
42. Operations centres and waste transfer facilities are typically located in industrial areas and are considered an industrial use, which would make this proposal inconsistent with the planning framework 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.
43. Operation centres and waste transfer facilities 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.
44. **Traffic Impact Assessment (TIA)**
The cycle route proposed along Kelvin Road in the Department of Transport's Long Term Cycle Network is recognised in the TIA but not recommended. The City of Kalamunda's Bicycle Plan also identifies this future route. To support active transport options, it would be beneficial that CoG consider constructing a shared path on one side of Kelvin Road, separated from the carriageway, connecting the new Operations Centre to the Tonkin Highway public shared path and safe crossing location at the Kelvin Road intersection.
45. Regarding public transport bus services, given the more rural nature of the road, an increase in buses stopping in the traffic lane will create frustration for drivers and likely lead to risky passing manoeuvres on rural standard roads. The CoG should consider reinforcing the bus stop locations with median islands to prevent risky passing.

46. **Noise**

The City has concluded that the results of the acoustic report are unclear, it is not clearly evident whether the assessment includes the application of mitigating factors or not as the levels seem to be low. Further information is required in this regard.

47. The recommendations included in the acoustic report should be included as conditions of the Development Approval (should it be approved).

48. **Summary of Submission Recommendations**

- a) The proposed Operations Centre and Waste Transfer Facility is inconsistent with the planning of the broader 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 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).
- b) The proposal is inconsistent with the CoG TPS6 General Rural Zone and therefore should be refused.
- c) The proposal is inconsistent with the Rural Zone under the MRS and therefore should be forwarded to the WAPC for assessment and determination.
- d) It is recommended that an alternative site is considered for the Operations Centre, preferably within an industrial area.
- e) Recommend that the CoG consider constructing a shared path on one side of Kelvin Road, separated from the carriageway, connecting the new Operations Centre to the Tonkin Highway PSP and safe crossing location at the Kelvin Road intersection.
- f) The CoG should consider reinforcing the bus stop locations with median islands to prevent risky passing.
- g) It is recommended that the recommendations included in the acoustic report are included as conditions of the Development Approval (should it be approved).
- h) It is recommended that further information is provided to clarify the application of mitigating factors in the acoustic report.
- i) Should the proposed Operations Centre and Waste Transfer Facility 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. Should this proposal proceed further mechanisms are recommended to be put in

place to reduce amenity impact in regards to noise, odour and traffic, above and beyond what is currently proposed.

APPLICABLE LAW

49. *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

50. Nil.

STAKEHOLDER ENGAGEMENT

51. The CoG advertised the Concept Plans for the proposal during March – May 2020. The City provided a Council endorsed submission during this advertising period.

52. The CoG commenced public advertising for the development application of the operations centre and waste transfer facility. The City has been provided a deadline date of 25 September 2020 to provide comments.

FINANCIAL CONSIDERATIONS

53. Nil.

SUSTAINABILITY

Social Implications

54. The concept plans advertised earlier in the year identified proposed POS which has the potential to provide recreational and health benefits to the local community.

55. The proposed use is of an industrial nature and may have adverse impacts on adjoining residents.

Economic Implications

56. Nil.

Environmental Implications

57. The proposed operations centre has the potential to cause noise, dust and odour issues for nearby residents.

RISK MANAGEMENT

- 58.
- | | | |
|---|-------------------|---------------|
| Risk: The proposal results in excessive noise impacting surrounding residents. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission which requests CoG to refuse the application and find an alternative site. The submission also seeks further information on noise mitigation and that the recommendations of the acoustic report as included as a condition of development approval (should it be approved) | | |
- 59.
- | | | |
|--|-------------------|---------------|
| Risk: The proposal results in excessive dust impacting surrounding residents. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission which requests CoG to refuse the application and find an alternative site. | | |
- 60.
- | | | |
|--|-------------------|---------------|
| Risk: The proposal results in excessive odour impacting surrounding residents. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Endorse and submit the submission which requests CoG to refuse the application and find an alternative site. | | |

61.	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 which requests CoG to refuse the application and find an alternative site.		

62.	Risk: Objection to the application and notification to the WAPC causes stress to the working relationship with the CoG.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Ensure the submission and notification to WAPC is based on technical aspects associated with the proposal.		

CONCLUSION

63. The City has concluded that the proposal presents significant concerns in regards to amenity which may impact adjacent Crystal Brook residents.
64. The City's assessment of the proposal has found that the proposal is inconsistent with the future planning of the area and surrounds and is inconsistent with the CoG TPS6 and the MRS.
65. The City has concluded that the proposal should be forwarded to the WAPC for assessment.
66. It is recommended that an alternative site is considered for the operations centre, preferably within an industrial area.

Voting Requirements: Simple Majority

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 to write to the Western Australian Planning Commission to REQUEST that the development application is assessed by the Western Australian Planning Commission in accordance with Clause 32 of the Metropolitan Region Scheme resolution B, Schedule 1, 2(b).
3. 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.

10.5.9. City of Kalamunda Submission - Department of Planning, Lands and Heritage - Proposed Modifications to the Planning and Development (Local Planning Schemes) Regulations 2015

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	CR-16/040
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Planning & Development Regulations - Tracked Modifications [10.5.9.1 - 254 pages] 2. City of Kalamunda Submission - WAPC Pro-Forma [10.5.9.2 - 14 pages] 3. City of Kalamunda Submission - Proposed Modifications to the Planning and Development (Local Planning Schemes) Regulations 2015 [10.5.9.3 - 32 pages]

TYPE OF REPORT

- | | | |
|-------------------------------------|-------------|--|
| <input type="checkbox"/> | Advocacy | When Council is advocating on behalf of the community to another level of government/body/agency |
| <input checked="" type="checkbox"/> | Executive | When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets) |
| <input type="checkbox"/> | Information | For Council to note |
| <input type="checkbox"/> | 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 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to note the proposed modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) (Attachment 1) released for public comment in September 2020 and endorse the City of Kalamunda's (City) submission.
2. The City has prepared a submission for the West Australian Planning Commission (WAPC) to consider, which includes a completed WAPC 'feedback form' (Attachment 2) as well as a tabulated summary of comments prepared by the City (Attachment 3).
3. The City generally supports the proposed modifications with the exception of recommended modifications to the phrasing of several new provisions.

BACKGROUND

4. In May 2018, an Independent Reviewer's Green Paper (Green Paper) on the WA Planning System was released for public comment. The Green Paper and subsequent submissions informed an Action Plan prepared by the WAPC of reform initiatives for the planning system, released in August 2019 by the Minister for Planning, the Hon Rita Saffioti MLA.
5. Since August 2019, the WAPC has progressively been undertaking the necessary investigations and amendments to the relevant statutory planning framework in accordance with the Action Plan. In March 2020, the timeline for Planning Reform was brought forward as part of COVID-19 economic recovery plans.

6. The proposed modifications to the Regulations form part of several legislative reforms to help improve our planning system, introduce robust and responsive measures and support rigorous and streamlined assessment of planning applications.

DETAILS AND ANALYSIS

7. Processing of Development Applications
Additional provisions pertaining to the processing of development applications have been included to provide greater structure and certainty for the applicant. In summary, these provisions include:
- a) DEEMED-TO-COMPLY CHECK: The provision of an application fee to be charged by local government to undertake a 'Deemed to Comply' for Single houses in Residential areas. This process will provide certainty for applicants to know whether or not a planning approval is required and address any issues of non-compliance with the R-Codes prior to the building permit process, enabling a more streamlined and efficient building permit process.
 - b) ACCEPTANCE OF DA's: A new clause in the Regulations will require the local government to advise an applicant whether all of the required and necessary information has been submitted within seven (7) days of receiving an application. If no advice is provided within seven (7) days, the application is taken to be accepted for assessment.
 - c) STREAMLINED EXTERNAL REFERRALS: The Regulations currently provide 42 days for the referral agencies to respond, and this time period can be extended adding further delays to the determination of the proposal. Changes will be made to state that:
 - i. the 42-day referral request time can only be extended once by the local government, and for a maximum of 14 days; and
 - ii. where a referral authority does not respond within the specified time period (42 or 56 days), the local government is to determine that the authority has no objection or recommendations.
 - d) INFORMATION REQUESTS: Limits for additional information requests for development applications that do not require public consultation or referral to ensure that extensive time delays are not added to the assessment process, and providing greater certainty for both the community and the applicant, removing unnecessary angst, avoiding escalating costs and supporting for small businesses.
 - e) INFORMATION REQUESTS: New clauses will prescribe specific limitations for more simple proposals for such information requests to enable the assessment and determination of the application to progress as efficiently as possible. Specifically, this includes:
 - i. The local government will specify in the request a time period for the additional information to be submitted.

- ii. The applicant can choose to agree or not agree with the request.
- iii. Only one such request can be made by the local government for applications that do not require advertising under the scheme or a referral to another authority, i.e. not a complex planning application

8. Improved Public Consultation Practices

Acknowledging the inconsistent public consultation process of the State's 134 local governments, the proposed modifications to the local planning regulations will improve community consultation in planning and development matters and ensure that information about development proposals is presented in a clear, contemporary and consistent manner. In summary, these changes include:

- a) Revising mandatory advertising mediums to be contemporary; from the former hard copy and newspaper advertising to a predominately online advertising process. The traditional advertising mediums remain discretionary by the local authority.
- b) Defining 'complex applications'.
- c) Defining 'excluded holiday period' to ensure additional time is provided to advertising periods during specified periods over Christmas and Easter.
- d) Mandatory advertising requirements for applications considered as 'complex applications' (28 day advertising period, minimum 200m advertising radius, signage on site).

9. Small project exemptions

Currently the Regulations provides exemptions from Development Approval for small residential and non-residential projects. The proposed modifications will incorporate the following further low risk exemptions:

- a) Site works for non-residential development, where the excavation or fill is 0.5m or less and no part of the works are within 1m of the lot boundary.
- b) Demolition of non-residential buildings that are not attached to another building.
- c) Installation of water tanks that are less than a certain height (2.4m or 1.8m depending on where the tank is located, not in front of a building, provided the water tank does not require a building permit).
- d) Changes to the wording of previously approved signage.
- e) Cubby houses with a wall height of less than 2.4 metres and overall height of 3.0 metres, provide the floor level is no more than one metre above natural ground level, and the cubby house abuts no more than one boundary and is no less than one metre from other boundaries.

- f) Installation of solar panels on non-residential buildings (must be installed flush with the roof).
- g) Installation of a flagpole (one per property, and no more than six metres in height).
- h) Maintenance and repair works.
- i) Works that are urgently necessary for public safety, the safety or security of plant or equipment, the maintenance of essential services or the protection of the environment.
- j) Temporary works for a period agreed to by the local authority.

10. Change of Use Exemptions

Currently the Regulations provide exemptions from Development Approval for permitted land uses where there are no associated works. The proposed modifications will expand these exemptions to include further exemptions for discretionary land uses already provided for in the Regulations. .

11. The new use exemptions apply to the 'Commercial', 'Centre' and 'Mixed-use' and 'Light industry' zones of the State's Local Planning Schemes. The exemptions apply where the use is listed in table 2B, the use is considered a discretionary use by the relevant Local Planning Scheme and where there are no changes to the building such as an increase in size or noticeable changes to the front of the building, or where such changes are exempt from approval.

12. In summary, the following modifications are specific to the City of Kalamunda Local Planning Scheme No.3:

- a) 'Convenience Store' in the 'District Centre' and 'Commercial' zones, provided it does not involve the sale of petroleum products;
- b) 'Office' in the 'Mixed Use' zone, provided the office is not located on the ground floor of a building; and
- c) 'Recreation – private' in the 'Commercial', 'District Centre' and 'Mixed Use' zone, provided the Net lettable area is less than 400 metres and the premises are not located on the ground floor of a building.

13. Consistent Car Parking Provisions

Acknowledging the inconsistent public consultation process of the State's 134 local governments, a more flexible and consistent approach to the provision of car parking for non-residential development is proposed as part of the State's regulatory reforms. This includes provisions pertaining to consistent exemptions and variations, cash-in-lieu provisions and shared parking arrangements.

14. Structure Plans and Precinct Structure Plans
The revised Regulations are also proposed to include one consolidated section regarding structure plans.
15. To support the implementation of State Planning Policy 7.2: Precinct Design, two types of structure plans will be specified in the Regulations:
 - a) Precinct Structure Plans – a plan that applies in a wide range of circumstances and considers subdivision, zoning and development, including built form.
 - b) Standard Structure Plans – a traditional structure plan for subdivision and zoning.
16. Community consultation for all structure plans will be increased to 42 days, with the option for further increases at the discretion of the Western Australian Planning Commission.
17. City of Kalamunda's Submission
The City generally supports the proposed modifications with the exception of recommended modifications to the phrasing of several new provisions. In summary the key points of the City's submission include:
 - a) Whilst the City has no objection to the revocation of 'Activity Centre Plans', noting the various 'Activity Centre Plans' currently in the system, it is recommended the transitional provisions are included in these amendments to ensure that ACPs which have progressed to the WAPC can be finalised under the current regulations.
 - b) Whilst the City has no object to the intent of further exemptions for change of use proposals, re-phrasing of the terms 'Commercial, centre or mixed use zone', 'Light industry zone' and 'residential' zone.
 - c) Recommended rephrasing to several definitions to ensure clarity, consistency and ease of reference.
 - d) An additional amendment to the provisions pertaining to exemptions that apply to election signage, which has been overlooked by the WAPC.
 - e) The city objects to the onerous public consultation provisions applied to 'complex applications'.

For further information in regard to the above, refer to Attachment 3.

APPLICABLE LAW

18. Planning and Development Act 2005
19. Planning and Development Regulations (Local Planning Schemes) 2015

- 20. Planning and Development Regulations 2009
- 21. Planning Amendment Regulations 2020

APPLICABLE POLICY

- 22. The proposed modifications will have minor implications upon the City's Local Planning Policies (LPP's). The City has begun to note any inconsistencies and will revise its LPP's in due course.
- 23. At the time of gazettal, should there be an inconsistency between a Local Planning Policy and the Regulations, the provision in the Regulations will prevail.

STAKEHOLDER ENGAGEMENT

- 24. The proposed modifications were advertised in September 2020, with submissions due Friday the 25th of September 2020.

FINANCIAL CONSIDERATIONS

- 25. This submission has been prepared by the City and costs associated with the preparation of the submission have been covered under the Development Services Budget.
- 26. The proposed modifications will have financial implications upon the processing of development applications (i.e. increased advertising requirements). Where relevant the City has noted in its submission any resourcing or financial implications the proposed modifications may have and has provided potential resolutions such as further amendments to the Fees and Charges set by the *Planning and Development Regulations 2009*.

SUSTAINABILITY

Social Implications

- 27. The intent behind the proposed modifications will streamline low risk development proposals and provide greater consistency and clarity amongst the State's 134 local governments.

Economic Implications

28. The proposed modifications include a broader range of exemptions for small projects and exempt more change of use applications in retail, commercial and industrial areas. These exemptions will make it easier for people to undertake small improvements to their homes or businesses, getting more people back to work, immediately stimulating the local economy.
29. Providing greater consistency and clarity across the State's 134 local governments will encourage development through a transparent and informed planning system.
30. By providing more exemptions for planning approvals and change of use applications, and greater consistency across local planning schemes in how car parking provisions apply to development applications, the State Government is cutting unnecessary red tape from the planning system to help facilitate delivery of small projects and support small businesses

Environmental Implications

31. Nil

RISK MANAGEMENT

32.	Risk: The City's submission on the proposed modifications to the <i>Planning and Development (Local Planning Schemes) 2015</i> is not given regard by the WAPC and results in the issues raised by the City not being considered by the WAPC.		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	Council considers and endorses a submission prior to the comment period closing on 25 September 2020.		

CONCLUSION

33. Overall, the City is generally supportive of proposed modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the comments and suggested modifications recommended to the phrasing of some provisions.
34. As the WAPC finalises the proposed modifications, the City would be prepared to work with and assist the department at a technical level.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the release of the proposed modifications to the *Planning and Development (Local Planning Schemes) Regulations 2015* for public comment.
2. ENDORSE the City of Kalamunda comments to be forwarded to the Western Australian Planning Commission for consideration.
3. ADVISE the Western Australian Planning Commission that the City of Kalamunda would be prepared to assist with the further development of the modifications and any subsequent policy or guidelines.

10.5.10. Chief Executive Officer's Performance Review Committee 15 September 2020 Recommendations

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

Previous Items	OCM 148/2020
Directorate	Office of the CEO
Business Unit	People Services
File Reference	
Applicant	
Owner	
Attachments	Nil
Confidential Attachment	1. Chief Executive Officer's Performance Review Committee Minutes 15 September 2020

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 for Council to consider the recommendations of Chief Executive Officer's Performance Review (CEOPR) Committee meeting held on 15 September 2020.
2. It is a requirement of the *Local Government Act 1995 (WA)*, and the Chief Executive Officer's (CEO) employment contract, that an annual performance review and salary review take place.
3. It is recommended that Council adopt the CEOPR Committee recommendations.

BACKGROUND

4. Council endorsed the process and criteria for the CEO's performance Review at the Ordinary Council Meeting of 28 July 2020 (OCM 148/2020).

DETAILS AND ANALYSIS

5. Minutes of the CEOPRC are presented as Confidential Attachment 1 of this report.

6. **Chief Executive Officer Performance Review Assessment for 2019/2020**

The CEOPR Committee noted the outcome of the Performance Review and accepted the CEO Performance Review 2020 Confidential Summary Report.

7. **Chief Executive Officer Salary Review**

The completion of the annual review process requires a review of the CEO Total Remuneration Package (TRP). The CEO submitted a proposal that in lieu of any consideration of an increase in TRP, the Council support the CEO request to undertake contract negotiations.

The CEOPR Committee recommended to Council that:

1. Note the Salaries and Allowances Tribunal determination and Council resolve no changes be made to the CEO's current Total Remuneration Package.
2. Note the Chief Executive Officer's request to undertake contract negotiations.

APPLICABLE LAW

8. *Local Government Act 1995* and the CEO's Employment Contract.

APPLICABLE POLICY

9. Council Policy – *Gov12 - Chief Executive Officer's Performance and Salary Review*.

STAKEHOLDER ENGAGEMENT

10. The performance review process did not require stakeholder engagement.

FINANCIAL CONSIDERATIONS

11. A budget allocation of \$20,000 has been included in the 2020/21 Budget.

SUSTAINABILITY

12. Nil

RISK MANAGEMENT

- 13.
- | | | |
|---|-------------------|---------------|
| Risk: The CEO Performance Review is not completed in accordance with the provision of Section 5.38 of the <i>Local Government Act 1995</i> (WA) and the CEO's Employment Contract. | | |
| Consequence | Likelihood | Rating |
| | | |
| Action/Strategy | | |
| Process complies with the relevant Policy and Procedure. | | |

CONCLUSION

14. The CEOPR Committee has successfully concluded the CEO Performance Review process and has made recommendations to the Council with respect of the Salary Review.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the minutes of the Chief Executive Officer's Performance Review Committee held on 15 September 2020 shown as Confidential Attachment 1.
2. ADOPT the Recommendations of the Chief Executive Officer's Performance Review Committee held on 15 September 2020.

11. Motions of Which Previous Notice has been Given

11.1. Zig Zag Railway Restoration Proposal

MOTION

Voting Requirements: Simple Majority

That Council:

1. Request the Chief Executive Officer to provide a cost estimate for a pre-feasibility study that considers the following factors relating to the development of a Zig Zag Railway Project:
 - (a) The opportunities and constraints that relate to the City of Kalamunda community.
 - (b) The social, environmental and economic impact on the City of Kalamunda community.
2. Request the Chief Executive Officer to include the cost estimate in the October 2020 Budget review for consideration by Council.
3. Request that once completed, the pre-feasibility study report is presented to Council through a Public Agenda Briefing and Ordinary Council Meeting process.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote:

Rationale

1. With a recent focus of attention on the Zig Zag Scenic Drive, it is an appropriate time for Council to consider the Zig Zag Railway Restoration proposal that has been under development and refinement for some years now.
2. There has been some community support for the reinstatement of the Zig Zag Railway.
3. To date, the City of Kalamunda has not undertaken any sort of technical analysis of the proposal.
4. In the event that the Zig Zag Railway proposal is initiated, the City will play a significant role as an approving authority for City owned and controlled assets such as roads, reserves and the History Village etc.
5. The pre-feasibility study should consider in detail, the Zig Zag Railway Restoration proposal (October, 2018) authored by the Perth Hills Zig Zag Railway Association inc.

6. This proposal outlines a number of scenarios that involve different 'end of line' locations and a range of station locations. The pre-feasibility study should consider the opportunities and constraints that relate to the City of Kalamunda community.
7. The proposal highlights the tourism and economic development opportunities that are possible. These opportunities could see the revitalisation of the Kalamunda Town Centre and the wider hills and foothills districts and see Kalamunda become a destination of choice for day tripping families and tourists from Perth and beyond.
8. The economic development opportunities include increased retail and commercial activity and sales. Increased investment into existing privately owned retail infrastructure and an increase in local employment.
9. Most peri-urban or outer ring townsites would love to have an asset such as the Zig Zag. The Zig Zag Railway could be what sets us aside from other similar hills locations, similar to the way the town of Cowaramup down south developed its own niche in becoming known as the Cow-Town. With 42 life-sized fibreglass Friesian cows and calves dotted around the town, they have actively and successfully brought about economic development through good ideas that were widely supported by the Shire of Augusta Margaret River Council. Sometimes we need to think outside of the box. It could be argued that what we've done so far as a Council has not helped local businesses so why wouldn't we have a good look at this proposal.
10. The City has a Tourism Advisory Committee that has endorsed a City of Kalamunda Tourism Development Strategy 2019 -2025.
11. The Tourism Strategy identifies the following five key strategies:
 - a) Strategy 1: Create and maintain welcoming, inclusive and accessible facilities for visitors to enjoy the natural and built environment.
 - b) Strategy 2: Leverage and protect Kalamunda's natural beauty and award winning attractions to grow destination appeal and recognition
 - c) Strategy 3: Develop arts, heritage and culture opportunities that engage creative investment, participation and community pride
 - d) Strategy 4: Further develop the Kalamunda tourism brand and destination marketing to raise awareness and inspire visitor interest
 - e) Strategy 5: Encourage an innovative and collaborative tourism industry that supports local business and drives economic growth

This proposal fits well within the majority of these strategies. The Tourism Strategy identifies the following attractions that are unique to the City of Kalamunda:

- Pickering Brook Town site
- Stirk Park and Stirk Cottage
- Kalamunda History Village and the steam Locomotive
- Northern Terminus of the Bibbulmun Track and the Munda Biddi Trail

- Kalamunda Farmers and Artisan Markets
 - Strong links with Noongar heritage present opportunity to create authentic Aboriginal tourism products including guided tours, public art, workshops and festivals
 - Zig Zag Cultural Centre and Art Gallery
 - The potential for wildflower tourism in State Forest and National Parks
 - Lesmurdie Falls National Park
 - Kanyana Wildlife Rehabilitation Centre
 - Whistle Pipe Gully walking trails
 - Perth Observatory
 - Boutique wineries, cideries, orchards, breweries and restaurants offering fresh local produce
 - World-class mountain bike trails through unspoiled State Forest and National Parks ready to support global events
12. The viability of this proposal should be investigated. If it is found that the project is viable, then the City and Council should consider supporting the project and taking part in the advocacy work.
13. The study should provide a rationale and recommendations on the route, station locations and end of line locations that could be the subject of an in-depth feasibility study while recognising the proposal is not being initiated by the City of Kalamunda.
14. The study should consider whether there is a sound business case based on the core assumptions (including the proposed external funding) to explore the possibility of developing the Zig Zag Railway Restoration proposal.
15. The pre-feasibility study should represent a due diligence report identifying the relevant issues that need to be addressed to allow a project of this nature to proceed to the next investigation phase.
16. The cost of doing this work could be in the order of \$10k - \$20k. If the project has merit and the economic benefits stack up, then this initial spend is quite insignificant and will quickly be realised as associated economic development increases as a result in the Kalamunda town centre and outer districts such as Pickering Brook.
17. The pre-feasibility study should 'stress test' the major assumptions and determine whether there is sufficient justification to continue with further investigations.
18. The study should also consider whether the risks associated with this project are of a level that place doubt over the objective of developing and operating the Zig Zag Railway due to commercial viability, regulatory approvals, stakeholder management or other reasons.
19. The development of a Zig Zag Railway is a complex project and has a range of risks that need to be considered.

20. At this stage, the Council is only considering conducting a pre-feasibility and is not committing to the project and should not do so until there is more certainty on the unknown variables that impact the City of Kalamunda and the community.
21. The pre-feasibility study should be informed through discussions with the authors of the Zig Zag Railway Restoration proposal (Perth Hills Zig Zag Railway Association inc) prior to being presented to Council.
22. While this proposal is not a City of Kalamunda led initiative, it doesn't mean the Council should ignore the project and sit on its hands waiting for another 25 years. We should be working hard to make things happen for the benefit of our community.
23. The use of municipal funds to carry out his work is justified and warranted. For years, this Council has investigated ways to bring economic activity to the Kalamunda town centre. This project may be just what is needed to get things moving for the struggling businesses. If the project does in fact, get underway, then the economic benefits to the small business owners and their families will far outweigh this marginal investment by Council.
24. The City does in fact, invest in initiatives that benefit our community. The COVID grants are a perfect example where a small investment of municipal funds benefits the wider community.
25. Ultimately, if we as a Council are serious about the revitalisation of the Kalamunda Town Centre, the hills and foothills areas then this motion to initiate the investigation should be supported.

Officer Comments

1. The City commends the enthusiasm of the Perth Hills Zig Zag Railway Association Inc.
2. The City has recently closed an extensive consultation (over 1300 responses) with the community regarding the future of the Zig Zag Scenic Drive. One of the questions asked was what people wanted the Zig Zag to become in the future. In the context of the recent and extensive community engagement, the proposal to undertake a pre-feasibility study could be interpreted as premature.
3. It is recommended that Council await the report on the community consultation to ascertain what the community sentiment is and gauge its next steps with this information at hand before committing to any further investigations or studies in relation to the Zig Zag. The information coming out of the extensive engagement will also assist the City with preparing the scope of any further investigations (including pre-feasibility studies).

4. A key consideration in undertaking the scope of works set out in the Notice of Motion is the expectation of understanding if the economic benefits of this proposal stack up (Points 12 - 17 of the rationale). These factors are predominantly influenced by an assessment of the anticipated passenger and spectator numbers travelling to the City as a result of such a project. This analysis would need a significant amount of market research in the areas of forecast demand, suitable price points and an analysis of the sustainability of the project once capital and operating costs are taken into account. This would be beyond the suggested funding of \$10,000 to \$20,000 and include the need for an Order of Probable Cost to be developed. These matters for consideration are generally beyond the scope of a pre-feasibility study and are analysed as part of a Business Case to support the project and would occur after consideration of the matter outlined in a pre-feasibility study.
5. Should Council wish to support and progress this motion, the City recommends that a report is prepared detailing the scope of the pre-feasibility study along with any estimated costs. A pre-feasibility study is generally defined as a preliminary study undertaken to determine, analyse and select the best project scenarios based on a conceptual idea. There are a number of stakeholders that would need to be involved in the development of the scope for the pre-feasibility study including a number of State Government agencies and State Local Members for Kalamunda and Forrestfield.
6. Alternatively, If Council was disposed to initiate dialogue on this project then it is recommended that Council request a report for the December 2020 Ordinary Council Meeting that details the issues and major constraints that the City would need to have addressed in any subsequent proposal from a proponent for the Zig Zag Railway. These would be more in the form of issues to be explored and questions to be answered rather than investigations and solutions developed by the City.
7. Finally, Council has set the City an extensive workload for this financial year through the Corporate Business Plan and has significant budget constraints. Scheduling another project outside of the Corporate Business Planning process will place strain on the resources of the City and may require reprioritising other projects. Notwithstanding this, external funding may be sought for undertaking the pre-feasibility study and this may need to be explored before any further consultancies are engaged. Council should consider these implications carefully before embarking on additional projects in this financial year.

Risk Assessment

Given the substantial nature of this motion it was considered important to undertake a risk assessment as follows:

Risk: The Notice of Motion requires information that has not yet been discovered and thus does not achieve what it is intended to.		
Consequence	Likelihood	Rating
Significant	Likely	High
Action/Strategy		
Have the City scope a pre-feasibility study that outlines the required information to make informed decisions prior to committing to the project.		
Risk: That the City is subject to criticism for being perceived to support a Project that will immediately impact residents living and recreating along the proposed route		
Consequence	Likelihood	Rating
Significant	Likely	High
Action/Strategy		
Consider the outcomes of community engagement before embarking on further project investigations.		
Risk: That the City is unable to finalise the scope of works and ascertain costs to undertake the investigation within the timeframe of October budget review leading to further unbudgeted funding needs		
Consequence	Likelihood	Rating
Moderate	Almost Certain	High
Action/Strategy		
Have the City scope a pre-feasibility study that outlines the required information to make informed decisions prior to committing to the project.		
Risk: That the City is seen to support a project that will require impacts upon the restored environmental quality of the old Railway Trail		
Consequence	Likelihood	Rating
Significant	Almost Certain	High
Action/Strategy		
Have the City scope a pre-feasibility study that outlines the required information to make informed decisions prior to committing to the project.		

Risk: That the contemporary bushfire management standards would necessitate cancellation of steam train services (if that was to be an option) during high fire risk days which significantly erodes the viability of the project		
Consequence	Likelihood	Rating
Critical	Almost Certain	Extreme
Action/Strategy		
Have the City scope a pre-feasibility study that outlines the required information to make informed decisions prior to committing to the project.		
Risk: That staff resources needed to manage this study (irrespective of external consultancy engaged) divert them from priority tasks within the adopted budget and business plan		
Consequence	Likelihood	Rating
Significant	Likely	Medium
Action/Strategy		
Have the City scope a pre-feasibility study that outlines the required information to make informed decisions prior to committing to the project.		

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

Kalamunda Arts Advisory Committee – Minutes – 10 February 2020

Kalamunda Tourism Advisory Committee – Unconfirmed Minutes – 19 February 2020

Kalamunda Arts Advisory Committee – Minutes – 19 July 2020

Lesmurdie Community Library Management Committee Minutes unconfirmed - 11 August 2020

Community Safety and Crime Prevention Advisory Committee Meeting Minutes 12 August

Kalamunda Aged Care Advisory Committee Minutes 19 August 2020

Kalamunda Tourism Advisory Committee – Unconfirmed Minutes – 19 August 2020

Local Emergency Management Committee Draft Minutes 27 August 2020

Public Agenda Briefing Forum – Notes – 8 September 2020

17. Closure