



Ordinary Council Meeting

MINUTES

Tuesday 24 November 2020

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1. Official Opening

The Presiding Member opened the meeting at 6:31pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina

Janelle Sewell

Geoff Stallard

South West Ward

Lesley Boyd

Brooke O'Donnell

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Cameron Blair

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Management Team

Darren Jones - Manager Community Development

Nicole O'Neill - Manager Customer & Public Relations

Administration Support

Darrell Forrest - Governance Advisor

Adam Parker - IT Support

Donna McPherson - Executive Assistant to the CEO

Members of the Public 23

Members of the Press Nil.

Apologies

Cr Mary Cannon

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1 Nil.

4. Petitions/Deputations

4.1 A deputation was received from Mr Fergus O'Shaughnessy regarding Item 11.4 Kalamunda Men's Shed - Removal of Lemon Scented Gum Trees. Mr O'Shaughnessy spoke against the recommendation.

4.2 A deputation was received from Peter Forrest regarding Item 10.1.3 Proposed amendment to Local Panning Scheme 3 - 'Built Form Design Guidelines'. Mr Forrest spoke against the recommendation.

4.3 A deputation was received from Mr Chris Michin, representing the Forrestfield Football Club, regarding Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 Million – Identified Priority Projects. Mr Michin spoke against the recommendation.

4.4 A deputation was received from Ms Wendy Routhan Item 11.1 Hale Road and Tonkin Highway Intersection Design – Proposed Advocacy. Ms Routhan spoke in support of the recommendation.

4.5 A deputation was received from Mr Mark Vatri, representing the Forrestfield & District Bowling Club, regarding Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 Million – Identified Priority Projects. Mr Vatri was unable to attend the meeting and the deputation was read to the meeting by the CEO. Mr Vatri deputation spoke in support of the recommendation.

4.6 A deputation was received from Mr Rod Jones, representing the Kalamunda Mens' Shed, regarding Item 11.4 Kalamunda Men's Shed - Removal of Lemon Scented Gum Trees. Mr Jones spoke in support of the recommendation.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 224/2020

That the Minutes of the Ordinary Council Meeting held on 27 October 2020, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Cameron Blair**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.2 RESOLVED OCM 225/2020

That the Minutes of the Special Council Meeting held on 3 November 2020, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Cameron Blair**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7. Announcements by the Member Presiding Without Discussion

7.1 Office of Auditor General Audit

This afternoon the Mayor, Audit & Risk Committee Presiding Member, Chief Executive Officer and staff met with representatives of the Office of the Auditor General who have conducted the 2019/2020 audit of the City. The Auditor General advised the City would receive an unqualified audit and no management issues were identified. This is an outstanding result and a reflection of the sound financial management and control within the City.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.1.1 Crystal Brook Concept Plan - Consideration of Submissions and Proposed Modifications – Confidential

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

8.2 Item 10.3.1 Library Services Review – Confidential Attachment - Library Services Review Report

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) (h) - "such other matters as may be prescribed."*

8.3 Item 10.5.7 Chief Executive Officer – Contract Renewal

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

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*.)

9.1.1 Rhonda Hardy declared a Direct Financial Interest on Item 10.5.7 Chief Executive Officer's Contract Renewal. This Item relates directly to Ms Hardy's employment at the City of Kalamunda.

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.

9.2.1 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.1 Crystal Brook Concept Plan - Consideration of Submissions and Proposed Modifications. Cr Giardina has a member of family living in this area and owning land.

9.2.2 Cr Lesley Boyd declared an Interest Affecting Impartiality on Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 million - Identified Priority Projects. Cr Boyd is a coach of the Year 9/10 Girls Team and is a non-financial member of the Forrestfield Football Club for the 2020 AFL Season.

- 9.2.3 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 million - Identified Priority Projects. Cr Stallard is a Member of the Forrestfield Bowling Club.

10. Reports to Council

10.1. Development Services Reports

10.1.1. Crystal Brook Concept Plan - Consideration of Submissions and Proposed Modifications

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

Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.1 Crystal Brook Concept Plan - Consideration of Submissions and Proposed Modifications. Cr Giardina has a member of family living in this area and owning land. Cr Giardina left the meeting at 7:30pm and returned to the meeting at 8:04pm and did not vote on this Item.

Previous Items	OCM 195/2019, OCM 79/2019, OCM 35/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-MRS-024
Applicant	NA
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. Schedule of Proposed Modifications [10.1.1.1 - 8 pages] 2. Proposed Modified Concept Plan [10.1.1.2 - 1 page] 3. Draft Concept Plan [10.1.1.3 - 1 page] 4. Draft Concept Plan Report [10.1.1.4 - 56 pages] 5. Community Engagement Report - Preliminary Engagement and Visioning [10.1.1.5 - 176 pages] 6. Community Engagement Report - Public Advertising [10.1.1.6 - 35 pages] 7. Submissions Table [10.1.1.7 - 168 pages] 8. Schedule of Planning Requirements [10.1.1.8 - 2 pages] 9. Wattle Grove South Ecological Report Final [10.1.1.9 - 218 pages] 10. Summary of Deputations 17 November 2020 Crystal Brook [10.1.1.10 - 5 pages] 11. Local Planning Strategy 2010 - Submissions Wattle Grove Redacted [10.1.1.11 - 149 pages] 12. Submission to WAPC on the draft North-East Sub-Regional Planning Framework 2015. [10.1.1.12 - 117 pages]
Confidential Reports	<ol style="list-style-type: none"> 1. Confidential Submitters List 2. Confidential Submissions

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 3: Kalamunda Develops

Objective 3.1 - 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 3.4 - To be recognised as a preferred tourism destination.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the draft Crystal Brook Concept Plan and Report, outcomes of community engagement and public advertising and the proposed recommended modifications to the Concept Plan and Report.
2. Community engagement was undertaken between November 2019 and March 2020 which included a survey, vision workshop and two co-design workshops. The draft Concept Plan and Report was publicly advertised and included an online open house session attended by 18 community

members, a feedback form with 50 responses and 215 written submissions.

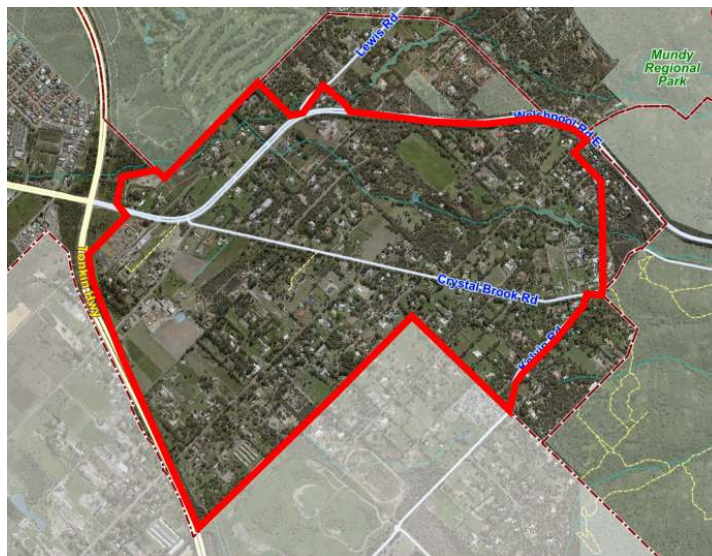
3. It is recommended that Council note the outcomes of community engagement and public advertising and acknowledge there are a range of views on the future planning for the project area and the outcomes of the Ecological Report. It is also requested the Chief Executive Officer make modifications to the Concept Plan and Report in accordance with Attachment 1, publish the modified document on the City's website and inform all landowners within the project area once completed. Also noting the strategic outcomes of the Concept Plan and Report, as proposed to be modified. Further planning for the project is to cease as outlined in Option 2 of the Council Report.

BACKGROUND

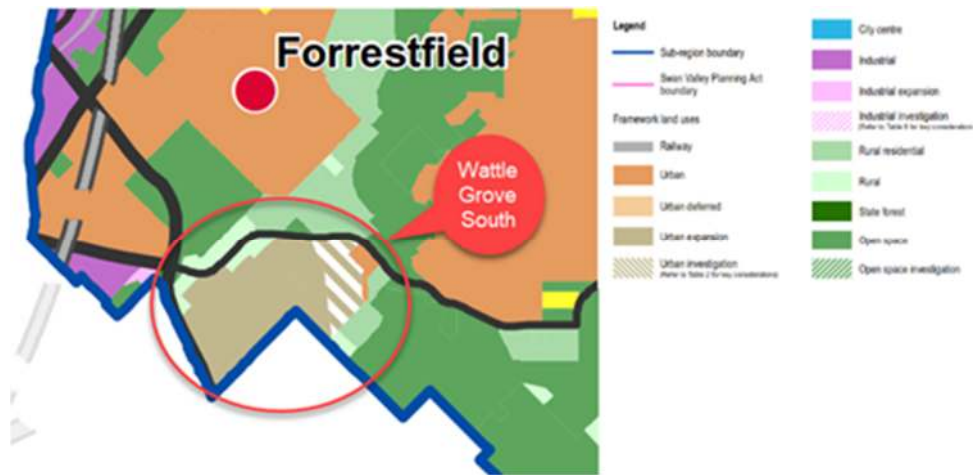
4. **Land Details:**

Land Area:	Approx. 400ha
Local Planning Scheme Zone:	Special Rural and Rural Composite
Metropolitan Regional Scheme Zone:	Rural

5. **Locality Plan:**



6. The Crystal Brook (formerly known as Wattle Grove South in previous reports) project area is within the suburb of Wattle Grove, generally bounded by Welshpool Road East, Lewis Road and Hartfield Park to the north, Fontano Road, Kelvin Road and the City of Gosnells local government boundary to the east and south, and Tonkin Highway to the west.
7. The City's Local Planning Strategy 2010 identifies part of Crystal Brook as an Urban Investigation area.
8. The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework (Framework), adopted in 2018, identifies the majority of Crystal Brook as an Urban Expansion area. An eastern portion of Crystal Brook is identified as Urban Investigation subject to key considerations.



9. The purpose of the Framework is to provide guidance for:
 - a) The preparation of amendments to the Perth metropolitan and Peel region schemes, local planning strategies/schemes, district and local structure plans, and activity centre plans.
 - b) The staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.
10. The Framework identifies the following key considerations for the Crystal Brook Urban Investigation Area:
 - a) Geotechnical analysis/land suitability to provide connections to reticulated wastewater services
 - b) Bushfire risk
 - c) Protection of significant environmental attributes

11. In September 2017, the City appointed a planning consultant to undertake the Wattle Grove Feasibility Study. The Study was completed in May 2018 and presented to Council in July 2018 to consider the recommendations of the Study.
12. Council Resolved to (OCM 127/2018):
- a. *NOTE the Wattle Grove South Feasibility Study, as outlined in Attachment 1.*
 - b. *SUPPORT continuing with the next phases of planning, subject to community consultation on the land use options as part of the preparation of the draft District Structure Plan.*
13. The community consultation process undertaken during August and September 2018, included two workshops and a survey.
14. The Crystal Brook project was presented to a Special Council Meeting (SCM) on Monday 22 October 2018 to determine the next phase in the project. The resolution of Council was as follows: (SCM 177/2018)
- Alternative Motion 2:*
- That Council:*
- a. *ACCEPTS the community consultation outcomes shown in Attachments 1, 2 and 3.*
 - b. *NOTES that community views vary in relation to the potential for commercial / light industry uses south of Crystal Brook Road, with most participants and submitters stating opposition to the proposal.*
 - c. *NOTES that some community views support various forms of residential or a mixture of residential and commercial / light industry uses.*
 - d. *NOTES the community engagement outcomes in relation to the environmental values of the area.*
 - e. *REQUEST the Chief Executive Officer to prepare a report to Council, by May 2019, detailing the process and requirements, including cost, for establishing a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*
15. A Special Electors Meeting (SEM) was called on 3 December 2018. The purpose of the meeting is as listed in the Public Notice of the Special Elector's Meeting published on 13 November 2018, being:

- a. *To consider the following motion in a Petition from Electors of the City of Kalamunda:*

"The Electors here present call upon the Council to immediately cease all efforts to rezone up to 310 hectares of the area described as Wattle Grove South in the draft Industrial Development Strategy for industrial purposes in order to reflect the outcome of recent community consultation which shows that an overwhelming majority of residents want Council to reject this environmentally destructive land use option".

A vote from electors was undertaken, with the result being 173 votes in favour of the motion and 17 votes being against the motion.

16. The following motion was adopted at the 26 February 2019 Ordinary Meeting of Council: (OCM35/2019)

That Council:

- a. *REQUEST the Chief Executive Officer to cease investigations into the establishment of a Consultative Community Committee of Council to consider recommendations for the future of Wattle Grove South.*
- b. *REQUEST the Chief Executive Officer to create a partial budget allocation in the 2018/2019 Mid-year Review, to commence the process, and the balance to be allocated in the 2019/2020 annual budget for engaging the services of suitably qualified consultants to conduct a comprehensive community consultation program to determine the level of community support for a variety of land use concept plans that incorporate the following design principles:*
- i. Exclude any general or light industrial land uses.*
 - ii. Reflect and acknowledge existing lifestyle and recreational opportunities of the area.*
 - iii. A high-quality residential outcome that includes a range of densities.*
 - iv. Include an appropriate amount of commercial development based on best practice design principles, including but not limited to public transport, technology, educational, medical and retail opportunities.*
 - v. Retain existing vegetation and tree canopy cover where possible.*
 - vi. Consider tourism development opportunities that embrace the environmental, social and financial aspects of the City of Kalamunda.*
 - vii. Provide for modern sustainable housing design principles including renewable energy capture, water sensitive urban design, storage, sharing capabilities and smart city initiatives.*

viii. The subject area 'Wattle Grove South' to also include the land to the north of Welshpool Road East bounded by Tonkin Hwy, Lewis Road and Hartfield Golf Course.

17. The City prepared a scope of works in response to the resolution on 26 February 2019. On 30 April 2019 Council resolved (OCM 79/2019) as follows:

That Council:

- a) ENDORSES the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*
- b) REQUEST the Chief Executive Officer to seek quotations in accordance with the scope of works as outlined in Attachment 1 subject to: The addition of the Department of Planning Perth Foothills Structure Plan (1992) as an additional 'Existing Reports and Studies' under Section 2.1 Background Research / Existing Reports and Studies.*

18. On 8 May 2019, the City issued an Request For Quotation (RFQ) via to the Western Australian Local Government Association (WALGA) eQuotes panel. The request closed on 31 May 2019. Six WALGA preferred suppliers were invited to provide submissions and four responses were received.

19. On 27 August 2019, at the Ordinary Council Meeting (OCM 194/2019), the Council resolved to:

That Council ACCEPT the proposal submitted by Roberts Day for Tender (eQuote) 2019-05 Wattle Grove South Concept Planning and Community Engagement in accordance with the proposal documentation for the lump sum value of \$79,850 (excl GST).

20. In November 2019, Roberts Day commenced work on the Crystal Brook Concept Planning and Community Engagement project. The project area was renamed during the community engagement process from Wattle Grove South to Crystal Brook. These two names may be referred to interchangeably during the report, however both refer to the same project area.

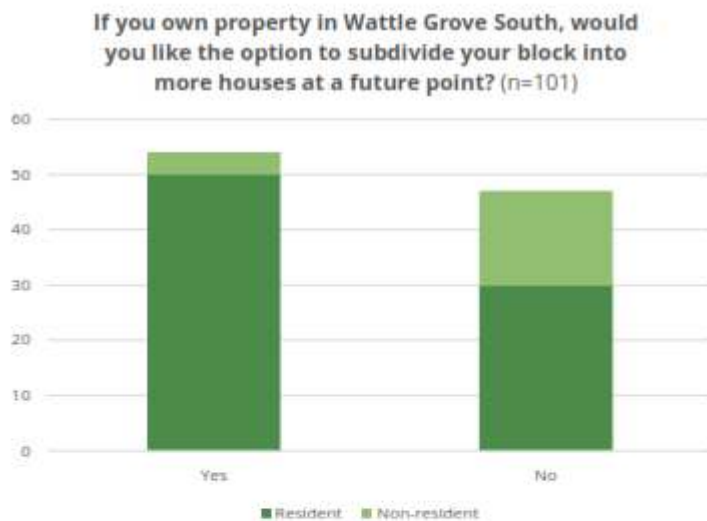
21. During the course of 2019/20 the City was preparing its draft Local Housing Strategy 2020 (LHS2020). The City's draft LHS2020 was advertised mid-2020. The draft LHS2020 identifies Crystal Brook as an Investigation Area. The final LHS2020 will note Council's determination on the Concept Plan's strategic intent, principles and content for the project area.

DETAILS AND ANALYSIS

22. **Community Survey**

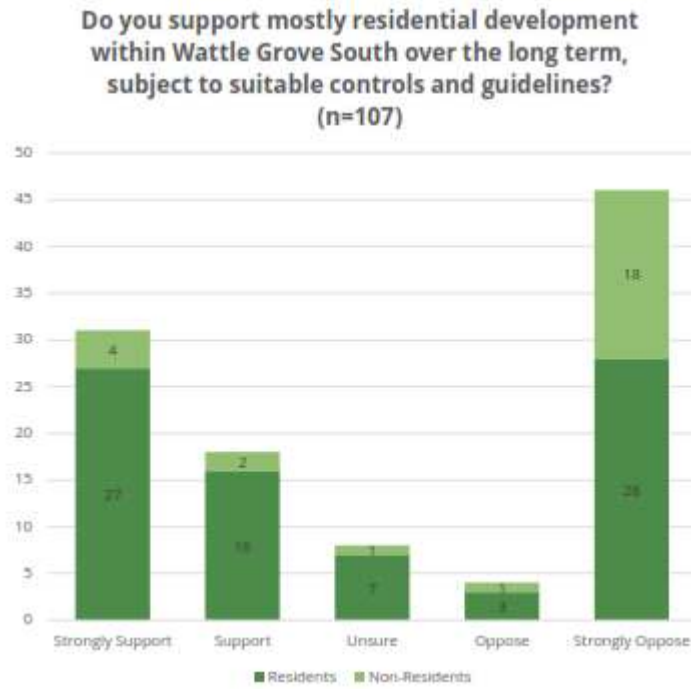
During November – December 2019 a survey was sent to all landowners and surrounding residents of Crystal Brook. 109 surveys were completed. Approximately 75% of the respondents were residents of the area and of the 25% of respondents not residing in Crystal Brook, one quarter maintained a property or business interest in the area. See Attachment 5 for survey results.

23. The survey identified a wide diversity of views with respect to the future of the area. Two clear and contrasting views were evident with regard to wanting, or not wanting, to sell or develop their property at some point in the future.

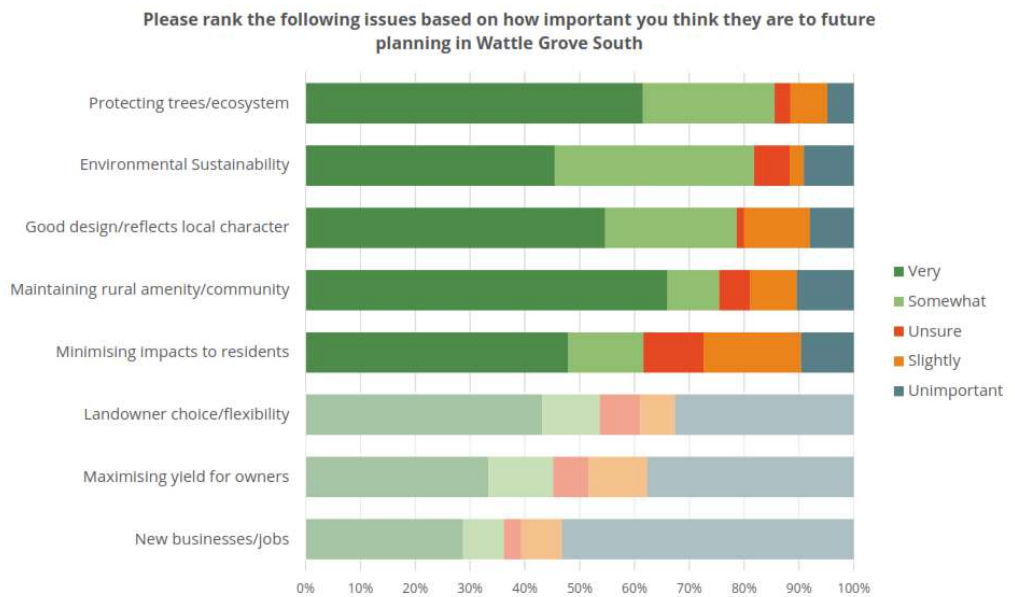


If yes, what level of subdivision would you like to have an option for in the future? (n=59)



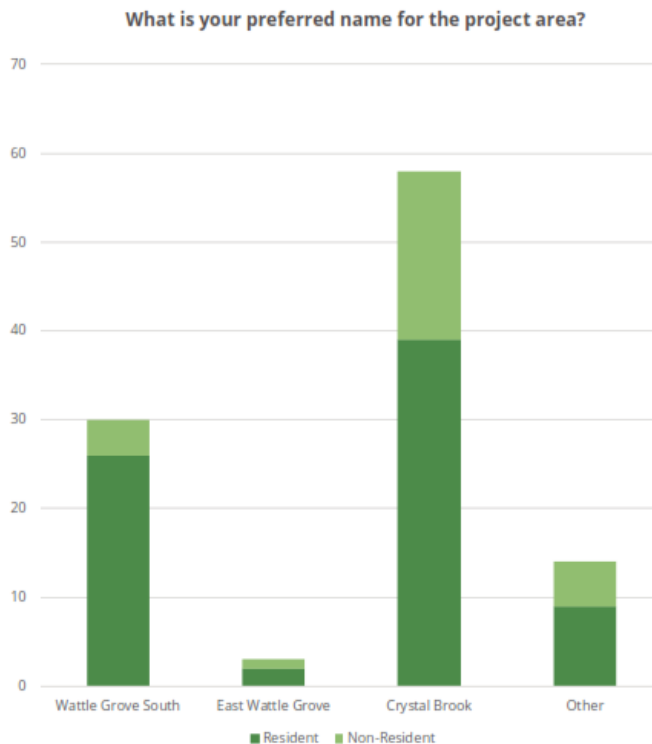


24. There was shared support for protection of natural vegetation, promoting sustainability and maintaining a spacious character which avoided conventional suburban development.



25. Those who indicated support for residential development identified limits / restrictions such as minimum lot sizes (1000sq, 2000sqm, 1ha, 2ha etc.) and more flexibility with what landowners can do on their property (tourism or higher density housing).

26. Following many suggestions that the name 'Wattle Grove South' was unpopular with the community, the question was asked what the project name should be. Crystal Brook was a clear preferred name based on survey results.



27. **Vision Workshop**
 A Vision Workshop was held on 5 February 2020 and was attended by 53 community members. Attendees included a mix of residents from throughout the study area in addition to other interested parties and representatives of community groups. The Vision Workshop Outcomes can be viewed in Attachment 5. There were five exercises based on five different themes:

- a) Streets & Open Spaces
- b) Housing & Development
- c) Business & Community Uses
- d) Sustainability & Environment
- e) Spatial & Land Use Planning

28. **Co-Design Workshops**
 Two co-design workshops were held on the 11 and 14 March 2020 with a total of 42 participants. The Co-Design process yielded a broad range of feedback and design outputs which were ultimately incorporated into the draft Concept

Plan. Planning strategies developed following the Vision Workshop were presented and reviewed by the community. Results from the co-design workshops can be viewed in Attachment 5.

29. Conceptual designs for key sites based on the planning strategies and relating to the most commonly occurring lot sizes in the study area were then presented and workshopped in detail, with key design refinements and qualifications identified. Three site scenarios were explored:

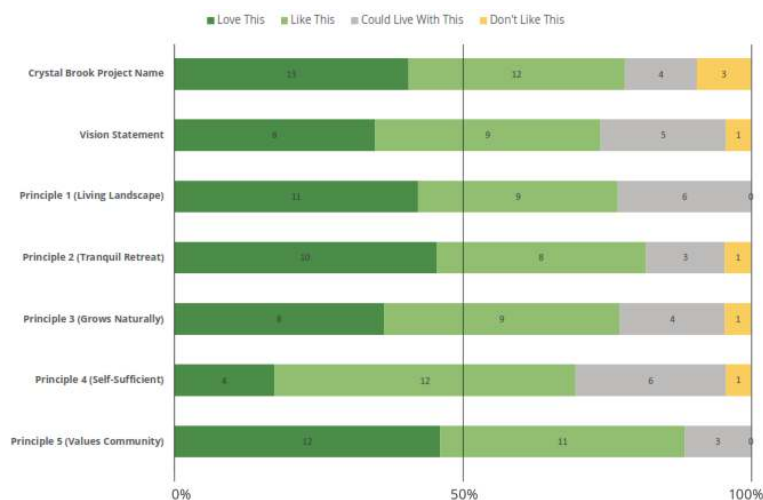
- a) 1ha site.
- b) 2ha site
- c) 4ha site.

30. A collaborative drawing exercise provided an opportunity for community members to directly guide the design team in the preparation of 6 separate community concept plans. These plans were developed through a planned sequence of key issues including landscape, streets and connectivity, lot sizes and commercial activity.

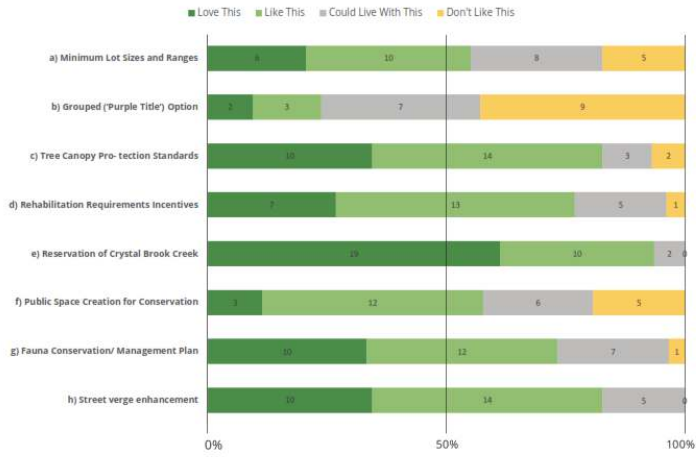
31. **Strategy Review**

Through the Co-Design process, participating stakeholders independently Reviewed, and voted on, suggested implementation strategies related to the project vision and principles. In total, 36 completed forms were received from the Co-Design participant group. The vision, principles, and strategies were implemented into the draft Concept Plan Report (Attachment 5)

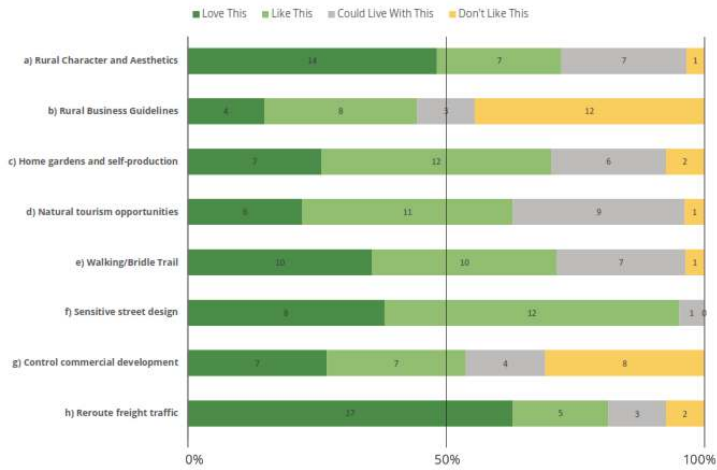
32. **Vision Feedback**



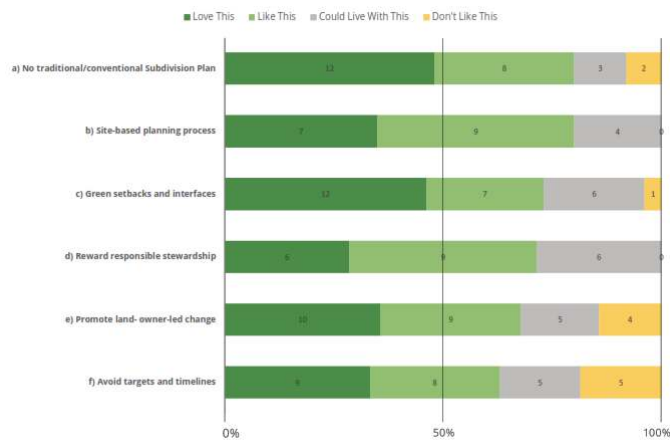
33. **Strategy Feedback (Crystal Brook is a Living Landscape)**



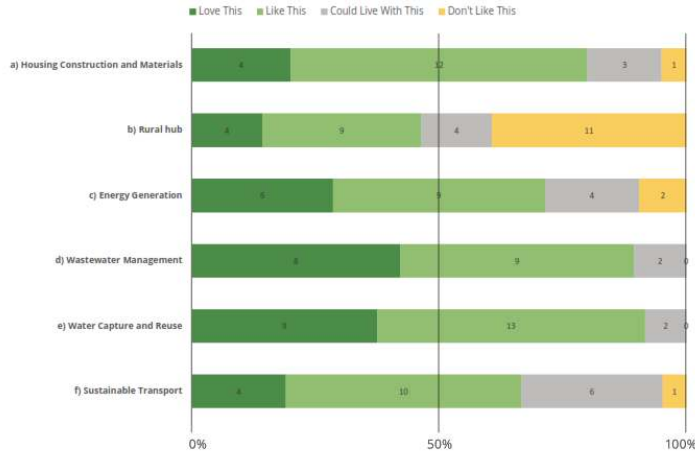
34. **Strategy Feedback (Crystal Brook is a Tranquil Retreat)**



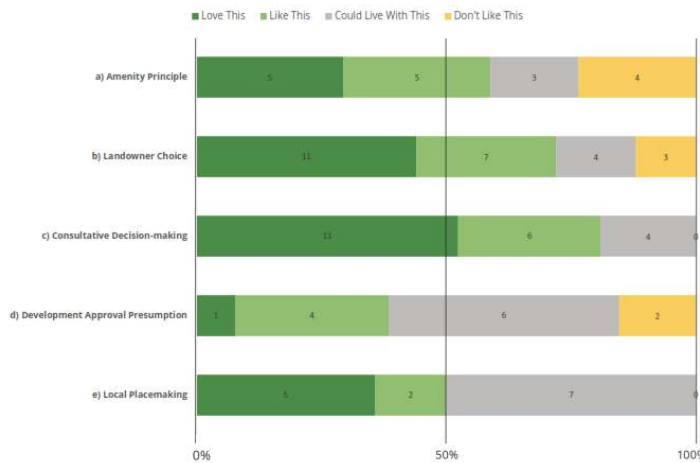
35. **Strategy Feedback (Crystal Brook Grows Naturally)**



36. **Strategy Feedback (Crystal Brook is Self-Sufficient)**



37. **Strategy Feedback (Crystal Brook Values its Community)**



38. **Ecological Report**

During the Spring of 2019, the City engaged an environmental consultant to undertake ecological surveys - Level 2 Flora and Vegetation Surveys, Level 1 Fauna Surveys and Targeted Black Cockatoo Survey. The outcomes of these surveys can be viewed in Attachment 9 – Ecological Reports.

39. Permission to access landowner’s properties was requested by the City for the consultant to undertake the surveys. Permission was sought from 262 private properties, with 91 landowners granting permission. Limitations of the survey are noted in the report.

40. The desktop assessment was completed to identify the flora, fauna and communities of conservation significance that may occur in the Crystal Brook area. The results identified 14 communities, 51 flora species and 26 fauna species of conservation significance that may occur in the survey area. Environmental values were ascertained in the ecological surveys.

41. The key outcomes from the ecological surveys are outlined below:
- a) Banksia Woodlands of the Swan Coastal Plain (Environment Protection and Biodiversity Conservation Act 1999 [EPBC Act] Endangered) was mapped in three patches extending across 2.41 ha within the survey area.
 - b) Three WA Threatened Ecological Communities (TECs) and one WA Priority Ecological Community (PEC) were identified across 4.55 ha, including WA TEC *B. attenuata* over species rich dense shrublands (SCP20a); WA TEC *B. attenuata* and/or *E. marginata* woodlands of the Eastern SCP (SCP20b); WA TEC *Corymbia calophylla* – *Eucalyptus marginata* woodlands on sandy clay soils of the southern SCP (SCP3b); and WA PEC Banksia dominated woodlands of the SCP.
 - c) *Conospermum undulatum* (EPBC Act Vulnerable, WA Vulnerable) was recorded on two properties comprising 95 individuals. *Isopogon drummondii* (WA P3) populations were recorded at the same two locations comprising 160 individuals.
 - d) Three fauna species of conservation significance were recorded including the Forest Red-tailed Black Cockatoo *Calyptorhynchus banksii* (EPBC Act and BC Act Vulnerable), Carnaby's Cockatoo *Calyptorhynchus latirostris* (EPBC Act and BC Act Endangered) and the Quenda *Isoodon fusciventer* (WA P4).
 - e) A total of 730 breeding and potential breeding trees were recorded including 17 trees with one or more hollows considered suitable for breeding black cockatoos (27 hollows in total).
 - f) Foraging habitat quality was mapped for Carnaby's Cockatoo, Baudin's Cockatoo *Calyptorhynchus baudinii* and the Forest Red-tailed Black Cockatoo. This included 41.14 ha of Very High and High Quality foraging habitat for Carnaby's Cockatoo and Baudin's Cockatoo, and
 - g) 33.52 ha of Very High and High Quality foraging habitat for the Forest Red-tailed Black Cockatoo.
 - h) It is likely that the other properties where access wasn't given to be surveyed may also have significant environmental value.
42. An Environmental Values Assessment of the project area was undertaken, taking into consideration the ecology survey outcomes and the inclusion of areas outside the ecology survey boundary for which a series of assumptions were made (properties that were not accessed). The mapping of this assessment can be viewed in Attachment 9. The categories for the environmental values assessment are as outlined below:

Category	Values	Area
High	<ul style="list-style-type: none"> • Good connectivity and/or suitable size for maintaining ecological integrity • BC foraging and/or breeding trees • All populations of <i>C. undulatum</i> that were recorded during the survey • Incorporates all TECs with the exception of two patches that are <0.2 ha which are captured as Medium • Includes 90% of areas mapped as "native vegetation" with exception of areas <0.2 ha with poor connectivity. 	35.13 ha
Medium	<ul style="list-style-type: none"> • Connects high value areas to adjacent high value areas or as 'stepping stone' • Includes BC foraging and/or breeding • May include native vegetation (understorey) species 	6.88 ha
Low	<ul style="list-style-type: none"> • Mostly cleared open areas or stands of trees over grassland • Includes planted gardens and hardscape 	301.36 ha

43. **Draft Concept Plan**

The draft Crystal Brook Concept Plan was prepared in response to the outcomes of community engagement and the Ecological Report, including the survey, vision workshop and co-design workshops. The draft Concept Plan can be viewed in Attachment 3.

44. The key features of the draft Concept Plan include:

- a) Potential Rural Hub.
- b) Potential Open Space.
- c) Indicative Key Road Connections.
- d) Indicative Public Paths.
- e) Moderate and High Retention Value Vegetation (captured from the Environmental Values Assessment within the Ecological Report).
- f) Four Residential Typologies:
 - i. Residential 1 (Landscape Protection)
 - ii. Residential 2 (Landscape Enhancement)
 - iii. Residential 3 (Landscape Transition)
 - iv. Residential 4 (Landscape Unconstrained)
- g) Eco-Business Corridor.

45. Four 'Landscape Residential' typologies are broadly identified to guide development (subject to further planning and consultation) based on community feedback, environmental constraints and preliminary servicing investigations. Landscape Protection includes the most significant vegetation and is suited to large lots with a conservation focus. Landscape Enhancement is aligned to key ecological corridors and flora of moderate value where re-vegetation is encouraged. Landscape Transition identifies areas generally suited to lots in the order of 2,000sqm but requiring sensitive interface treatments. Landscape Unconstrained identifies areas where environmental and servicing constraints do not impede development, subject to meeting the strategic objectives of the concept plan.

46. **Technical Considerations**

The draft Concept Plan Report (Attachment 4) identifies technical considerations which will require further detailed consideration through future stages of planning. These Technical Considerations are identified below:

- a) Primary vehicle entries require modified intersection treatments to address traffic movement issues, subject to further detailed investigations at a later date.
- b) Limited new road connections to Welshpool Rd East but connectivity at Lewis Rd and further east preferable.
- c) Development may not be possible on constrained land including landscape protection areas, Crystal Brook foreshore, powerline easement and vegetation linkages.
- d) Preferred Rural Hub fronting Brentwood Rd. Possible alternative locations with Welshpool Rd East and/ or Crystal Brook Road frontages (not preferred).
- e) Lot sizes to transition away from landscape protection areas with sizing subject to future planning and consideration of sewer servicing feasibility.
- f) Proposed new road linkages to improve connectivity and precinct permeability to be mandated in agreed locations.
- g) Opportunity for Public Open Space to provide active recreation amenity. POS incorporates areas of higher value conservation areas and co-located with Rural Hub.
- h) Potential need for Primary School subject to ultimate residential densities and further Department of Education liaison. Co-location with Rural Hub preferred.
- i) Protection of high retention value vegetation clusters in POS or within private ownership to be investigated further.
- j) Interface and buffer with Gosnells Rural-Residential precinct to be further investigated.
- k) Preliminary City of Gosnells concept for operations centre and public open space at Kelvin investigated. Road may help meet regional active space demand.

47. **Technical Plan**

A Technical Plan was prepared that incorporates the typologies and key components of the draft Concept Plan, technical considerations and the following additional features:

- a) Cockatoo Habitat Trees.
- b) Alternative Potential Open Space location.
- c) Alternative Potential Rural Hub location.
- d) Green Corridors / Street Character Protection. This includes the consideration of 20m landscaped buffers to existing roads.

48. **Further Investigation**

The Concept Plan and associated implementation strategies are preliminary ideas only which require further planning investigation, liaison with key decision-makers and incorporation into formal planning instruments before they can be given effect. These key considerations are:

- a) Sustainability Requirements.
- b) Servicing Methodology.
- c) Residential Densities and Size.
- d) Public Open Space Provision.
- e) Road Network Expansion.
- f) School Site and Other Services.
- g) Governance and Implementation.
- h) Rural Hub Delivery.
- i) Bushfire Risk.

49. **Implementation Strategies**

In response to the community feedback the Implementation Strategies were prepared as part of the Concept Plan Report. The Implementation Strategies are suggested ways that the Concept Plan's vision and principles can be implemented through the planning and development framework. This range of practical measures are intended to be employed together to ensure that community expectations for the future of the area are considered.

50. Some of the suggested Implementation Strategies include but are not limited to:

- a) Set a minimum lot size based on engineering/servicing requirements, precedent in area and tree retention feasibility (i.e. 2,000sqm) with specified ranges set in certain areas to ensure diversity.
- b) Establish a formal planning requirement to survey, assess and retain on site trees to strengthen protection of trees and limit clearing associated with development.
- c) Require that a minimum percentage of a site be replanted with native species as part of any development to actively improve local biodiversity.
- d) Continue to allow boutique rural businesses but provide specific guidance potentially including an approved list of acceptable activities and strong amenity and design quality controls.
- e) Promote self-sufficiency by requiring new homes to provide for urban agriculture, vegetable gardens, orcharding or other productive rural pursuits at a small scale.

- f) Adopt a principle of independent lot development with green buffers at shared boundaries to avoid impacts to adjoining landowners as an alternative to conventional planning.
- g) Establish high standards for housing construction and thermal performance to reduce carbon impact in construction and ongoing operation.
- h) Identify a suitable location where existing and related rural activities can be transitioned to a higher amenity and community-focused service hub to reduce vehicle trips, promote walking and cycling and reduce food miles and carbon emissions while preserving the amenity of surrounding areas.
- i) Establish quality-of-life supporting community facilities such as an arts studio, mens' shed or communal park with pizza oven. Encourage the installation of artworks by local artists within private and public land.

51. **Public Advertising**

Public advertising of the draft Concept Plan and associated documents commenced on 18 May 2020 and closed on 15 June 2020. The feedback was made available on www.engage.kalamunda.wa.gov.au and letters and hard copies of the feedback form were posted to landowners in the Crystal Brook area. As the public advertising occurred during the Covid-19 restrictions, the City also held an online workshop which was attended by 18 community members. During the advertising period, the City received 50 feedback form responses and 215 written submissions (see Attachment 6 – Community Engagement Report and Attachment 7 - Submission Table. Note that three submissions are included in a Confidential Attachment). Included within the submissions was a petition of 12 written signatures and 785 electronic signatures in objection to the draft Concept Plan.

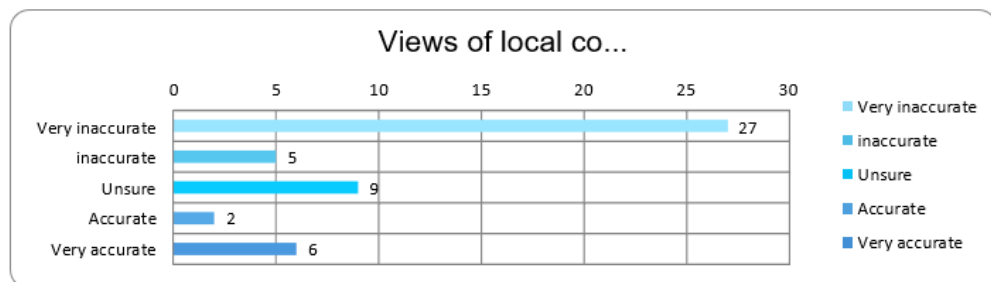
52. **Feedback Form Results**

The overwhelming message from the feedback form was that the community was very dissatisfied with the draft Concept Plan and that it doesn't reflect the views of the community.

1. How would you rate your satisfaction with the Concept Plan overall?



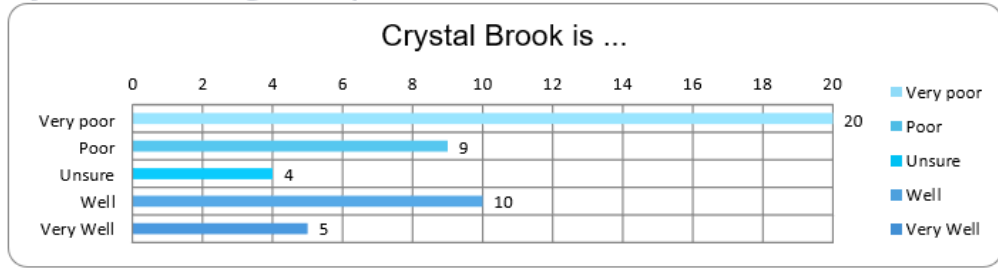
5. How accurately do you feel the draft Concept Plan reflects the views of the local community as shared through the consultation process?



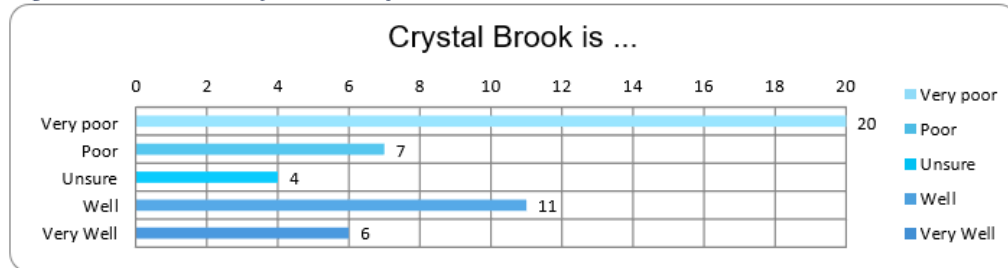
53. Question 2 sought feedback on what the community liked about the draft Concept Plan. The most common answer was nothing. A few individual responses stated they liked the location of public open spaces, retention of vegetation and changing the name to Crystal Brook. Noting that these likes were also heavily criticised in the feedback.
54. Question 3 sought feedback on what the community disliked about the draft Concept Plan. Some of the key items disliked included:
- Onerous street setbacks of 20m.
 - Public Open Space being identified on private land.
 - Proposed roads.
 - Proposed pathways.
 - Potential rural hub.
 - Opposed increased density.
 - Min lot size of 2000sqm (both arguments – wanting this to be less and wanting it to be greater).
55. Question 4 sought feedback on the most important attribute captured in the plan. The most common answer was nothing. A few individual responses stated that the most important attributed captured was a good amount of vegetation and the concept of communal area for gardening and play areas, that there is an area recognised for business and that the plan has captured the importance of preserving and enhancing the rural lifestyle. Noting that these attributes were also heavily criticised in the feedback.
56. Question 6 sought feedback from the community on how well the draft Concept Plan captures the intent of the agreed Principles. The feedback from the community indicated that the Principles were not reflected in the draft Concept Plan.

6. How well does the draft Plan capture the intent of the agreed Principles?

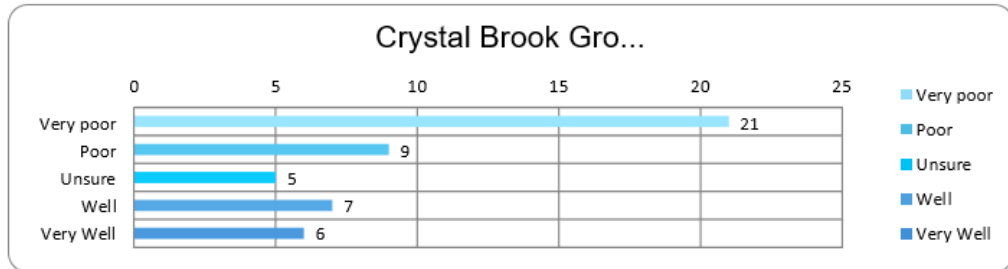
Crystal Brook is a Living Landscape



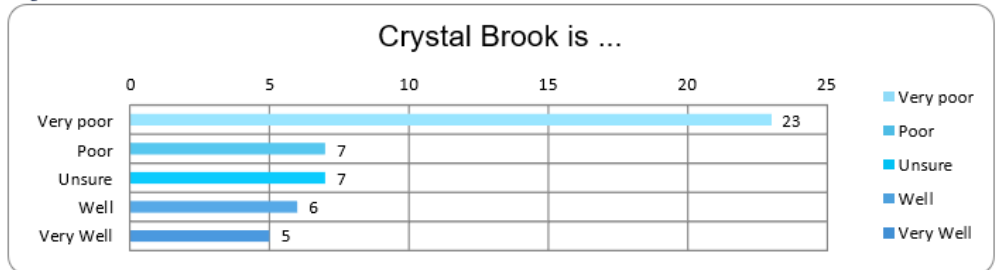
Crystal Brook is a Tranquil Landscape



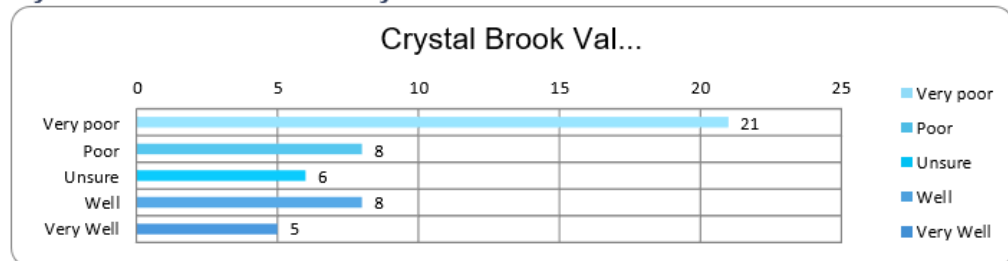
Crystal Brook Grows Naturally



Crystal Brook is Self-Sufficient



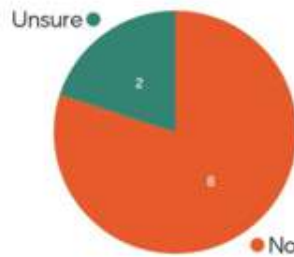
Crystal Brook Values its Community



57. **Online Open House**

The online open house session was held on Friday 29 May 2020 at 11 am. The draft Concept Plan was presented by Roberts Day, followed by a mentimetre survey. There was also a chat forum and verbal discussion. The full results of the online session can be viewed in Attachment 6. The results of the mentimetre survey are displayed below.

58. **Do you support the Vision?**



10

Participants were given three options; yes, no or unsure.

59. **What do you like about the Concept Plan**



4

Participants were able to provide any answer.

60.

What would you like to change?

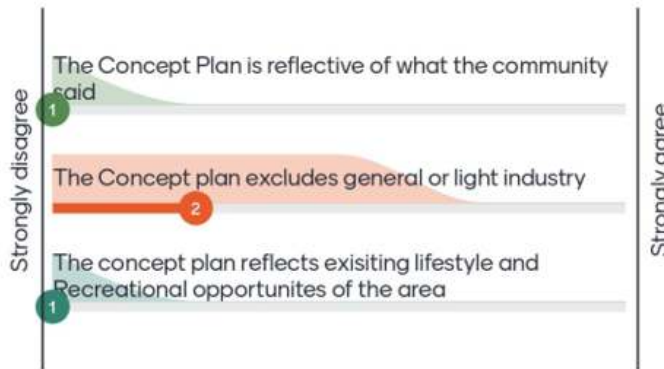


6

Participants were able to provide any answer.

61.

Tell us what you think



4

Participants were asked to rate the answers from 1-5, 1 being strongly disagree to 5 being stringly agree. The table below reflects the average response.

62.

Tell us what you think



5

Participants were asked to rate the answers from 1-5, 1 being strongly disagree to 5 being stringly agree. The table below reflects the average response.

63.

Tell us what you think



7

Participants were asked to rate the answers from 1-5, 1 being strongly disagree to 5 being stringly agree. The table below reflects the average response.

64.

Submissions

A total of 215 submissions on the draft Concept Plan were received. 201 submissions were from or on behalf members of the public and 14 submissions were from public authorities. Some members of the public provided multiple submissions and some properties had multiple submissions from the various members of the household. 30 of the 201 submissions were from members of the public outside the project area or immediate surrounds. See Attachment 7 for the Schedule of Submissions. Note that three submissions are included in a Confidential Attachment.

65. All submissions from members of the public, except two, stipulated a level of objection to the draft Concept Plan. All 30 submissions from outside the project area or immediate surrounds stated a preference for the area to remain rural.
66. The most common reasons for objections of the draft Concept Plan included:
- a) Identification of 'indicative roads'.
 - b) Identification of 'potential open space'.
 - c) Identification of commercial uses – 'Rural Hub' and 'Eco-Business Corridor'.
 - d) Resumption of land for public open space due to 'High Retention Vegetation' or 'Landscape Protection' identification.
 - e) Ambiguous undefined land use terms –
 - i. Residential 1 (Landscape Protection),
 - ii. Residential 2 (Landscape Enhancement),
 - iii. Residential 3 (Landscape Transition),
 - iv. Residential 4 (Landscape Unconstrained),
 - v. Eco-Business Corridor.
 - f) Desire to be retained as 'Rural'.
 - g) Desire to be identified as 'Urban'.
 - h) Incorrect alignment of Crystal Brook creekline.
 - i) Significant burden on development potential caused by landscape buffers to roads and property boundaries.
 - j) Potential loss of environmental values.
67. Two common proforma submissions were received (some with minor differences). One proforma requested the project area be retained as Rural under the MRS and expressed the significant environmental and rural character value of the area. The other proforma requested the project area be rezoned to Urban under the MRS.
68. In addition to the proformas, there was submissions that expressed varying levels of support for retaining Rural or rezoning to Urban. The approximate breakdown of this is listed below:

Preference	Approx. No Submissions
a) Retain Rural under MRS Proforma	92
b) Retain Rural, no change to existing zoning and lot sizes (leave area as is)	15
c) Retain Rural, specifics on subdivision or lot sizes not provided	27

d) Rural – allow for subdivision of 2000sqm or 5000sqm lots	13
e) Rezone to Urban under the MRS Proforma	38
f) Rezone to Urban, lot size preference not provided	4
g) Rezone to Urban under the MRS, allow for commercial	1
h) Rezone to Urban under the MRS, allow for smaller lot subdivision than 2000sqm	4
i) Objected – Land Use preference not specified	5
j) Commented - Land Use Preference not specified	2

69. The approximate majority of submissions north of Crystal Brook Road indicated support for preferences a-d. Submissions west of Welshpool Road East were approximately even between preferences a-d and e-h. Submissions south of Crystal Brook Road were approximately even between preferences a-d and e-h. Breaking this down further the approximate majority of submissions west of Victoria Road indicated support for preferences e-h and the approximate majority of submissions east of Victoria Road indicated support for preferences a-d.
70. The submissions from the Department of Planning, Lands and Heritage (DPLH) and Department of Biodiversity, Conservation and Attractions (DBCAs) stated that consideration should be made for high value vegetation to be brought into public ownership rather than remain on private rural properties. This could be by being identified at the highest level of the planning system (MRS) or through local open space identification under the Local Planning Scheme.
71. The DPLH also expressed the importance of Structure Planning in coordinating development and provision of services and that a Development Contribution Plan may need to be implemented in unison with a Structure Plan.
72. The DPLH stated that consideration should be given to what the expected population in the project area would be at full build-out, and how this compares to the minimum density requirement of 15 dwellings per gross urban zoned hectare under both Directions 2031 and Perth and Peel @ 3.5 Million. If there is a significant undersupply compared to the State's minimum expectations, the City would need to consider how this is to be addressed, including potential to offset the undersupply in other areas.

73. Perth Airport stated that using the National Airports Safeguarding Framework (NASF) recognised N65 contour, the area will experience up to 100 aircraft noise events above 65 decibels across an average day. Noise at this level is disruptive to a conversation, even inside a dwelling and will be unacceptable to most people.
74. Perth Airport recommends that any development in this area should have appropriate insulation to protect against future aircraft noise. The strategy to maintain the rural character by limiting density and the principle to protect residential amenity are both supported by Perth Airport.
75. In regards to reticulated sewer, Water Corporation stated that the Crystal Brook area currently falls into two approved wastewater schemes. The Forrestfield scheme which covers basically north of Crystal Brook Road and the Wattle Grove scheme which covers basically south of Crystal Brook Road. To service the whole area as per the current scheme planning would require significant infrastructure (Headworks Infrastructure) to be extended over a long distance for both areas.
76. Water Corporation stated that with the Crystal Brook area being investigated for potential development, the Water Corporation very recently investigated other options to service the whole project area from just one location. The result of that investigation has not been approved as yet and a plan does formally exist, but it is basically a change to the Wattle Grove scheme. This option requires infrastructure to be extended from near the intersection of Bickley Road and Dulwich Street up through the Maddington Kenwick Strategic Employment Area (MKSEA) and crossing north of Crystal Brook Road. This still requires significant infrastructure and significant funding.
77. **Petition**
The City received a petition which expresses objection to the draft Concept Plan and aligns with the content of the Rural proforma as outlined in the above submissions section. The petition received 12 written signatures and 785 electronic signatures. The petition has been included as a submission in its own right and is included in the submission table in Attachment 7.
78. Ten (10) of the 12 written signatures provided an address within the project area, the other 2 provided addresses from outside the project area and general surrounds. Eighteen (18) of the electronic signatures specified a Wattle Grove location. There were a large number of electronic signatures that specified a Perth, WA location that could have come from Wattle Grove. There was a large number of electronic signatures that specified locations all over Australia and all over the world.

79. **Proposed Modifications**

As a result of the significant feedback received from the community and public authorities on the draft Concept Plan and associated report, the City has prepared a schedule of proposed modifications (Attachment 1 – Schedule of Proposed Modifications).

80. A spatial representation of the recommended changes to the draft Concept Plan can be viewed in Attachment 2 – Modified Concept Plan. In summary, the recommended modifications to the draft Concept Plan are as follows:

- a) Administrative corrections.
- b) Replace the various land use typologies with Urban Landscape and Rural Landscape. Refer to Attachment 2 for proposed land use alignment.
- c) Remove indicative key roads.
- d) Remove indicative public paths.
- e) Remove potential open space.
- f) Remove potential Rural Hub.
- g) Remove cadastral boundaries.
- h) Amend Crystal Brook Creekline.
- i) Remove landscaped buffers.
- j) Add Boundary Road.
- k) All other aspects retained.

81. In reference to point 80(a) the land use typologies are to be described as the following:

Rural Landscape:

Identifies areas that may have significant vegetation, areas that align with key ecological corridors and identifies areas which may be suitable for subdivision but requiring sensitive site responses and interface treatments. Lots in this area may range from 2000sqm to 1ha+. Captures an array of land uses (including but not limited to):

- a) Special Rural
- b) Rural Composite
- c) Residential R2 (min 5000sqm), R2.5 (min 4000sqm), R5 (min 2000sqm)
It is noted that this use typology does NOT include industrial or commercial.

Urban Landscape:

Identifies areas where environmental and servicing constraints may be present but on assessment does not, at this high level of analysis, impede development, subject to meeting the strategic objectives of the concept plan and ensuring sensitive interface treatments between land use

typologies. These areas are generally suited to lots in the order of 2000sqm due to current servicing constraints. Smaller lot sizes could be explored subject to the availability of services. This use captures an array of uses (including but not limited to):

- a) Residential (Starting from R2)
- b) Commercial (Any commercial land is to be commensurate to the density of the population, to be defined at future detailed planning, subject to community consultation and subject to retail needs and sustainability assessment).

It is noted that this use typology doe NOT include industrial.

82. Within the draft Concept Plan Report, some of the key recommended modifications include:

- a) Reference to the results of public advertising.
- b) Removing references to the items removed from the Concept Plan and stating that such items will be determined at a more detailed planning stage. In regards to the Rural Hub, stating that a suitably sized non-residential centre (not industrial) commensurate to the density of the population to be defined at future detailed planning and subject to needs assessment.
- c) Removing reference to green easement setbacks and instead state that as a principle generous setbacks will be encouraged to allow protection and enhancement of natural vegetation and streetscapes to be enhanced to encourage green streetscape.
- d) Removing the Technical Plan.

83. To proceed with the planning for the area and capture the intended strategic outcomes of the Concept Plan and Report further detailed planning and technical studies will be required to further define the intended zonings, land use permissibilities, development controls and infrastructure (amongst other things). The planning documents and techical studies that may be required at the different stages of planning are identified in Attachment 8 – Schedule of Planning Requirements.

84. Draft Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plan (LPP28) guides Council, the City's officers, and external stakeholders identifying the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the Framework. In this regard the Policy states the following on the preparation of District Structure Plans (DSP):

The City may be responsible for the preparation of DSPs subject to:

- a) The location of the DSP area being identified within a City Strategy or the Framework.
- b) Preliminary community engagement indicating that there is general consensus on the vision for the area and need for the City to progress a DSP.
- c) A Council decision is made to support the preparation of the DSP.
- d) There is sufficient budget made available for the preparation of the DSP.
- e) The cost of the preparation of the DSP and associated technical studies may be recouped through a future development contribution plan or other acceptable recuperation method.

85. In regards to the future planning of the area, the Council have a number of options on how to proceed. The recommended options are detailed below.

86. **Option 1 –
Undertake modifications to the Concept Plan and Report and initiate preparation of a District Structure Plan and MRS Amendment request.**

A budget would need to be set aside to undertake this work. Under this option, the City would be coordinating the detailed planning for the area.

87. **Pros**

- a) Future vision for the area and planning framework would be established, through formal planning proposals, by the City.
- b) Greater oversight by the City through the preparation of formal planning proposals for the area.
- c) Proceeding with preparing a DSP would be consistent with Clause 2.1(1) of draft LPP28 which requires the location to be identified within a City Strategy or the Framework.

88. **Cons**

- a) Given the varying views on the future of the area, coordinating this process would prove to be a significant challenge and require significant resources (human and financial).
- b) Given the varying views on the future of the area, proceeding with preparing a DSP would be inconsistent with Clause 2.1(2) of draft LPP28 which requires general consensus on the vision for the area for the City to proceed with preparing a District Structure Plan.
- c) Cost of preparing a DSP is estimated to be approx. \$500,000+.

89. **Option 2 – Cease further planning for the project area and note the modified Concept Plan and Report.**

This option would see the City cease any further planning for the project area until Council resolves to recommence further planning (if it chooses to do so). This is the recommended option.

90. **Pros**

- a) The strategic intent for the area, established through community engagement, is reflected in the modified Concept Plan and Report and will be given regard as part of any future planning.
- b) Should landowners or a private developer wish to proceed with the detailed planning of the area they would need to have regard to the outcomes of the modified Concept Plan and Report.
- c) Given the varying views on the future of the area, not proceeding with preparing a District Structure Plan would be consistent with Clause 2.1(2) of draft LPP28 which requires general consensus on the vision for the area for the City to proceed with preparing a District Structure Plan.
- d) Should landowners or a private developer wish to proceed with the detailed planning of the area they would need to have regard for draft LPP 28 Appendix 1 – Schedule of Planning Requirements, which outlines the information and tasks required to be completed through the various stages of the detailed planning process.
- e) No costs to be incurred with the preparation of any further plans or studies.
- f) The City would take a regulatory role in relation to the assessment of any Scheme Amendments or Local Structure Plan.

91. **Cons**

- a) The City has limited oversight of the preparation of formal planning proposals for the area.
- b) The modified Concept Plan and Report are non-statutory documents. Therefore, proposals can be put forward that may vary the principles and outcomes of the Concept Plan and Report and must be considered during the assessment process. Should the City not endorse proposals that vary the principles and outcomes of the modified Concept Plan and Report, the WAPC can still approve these proposals or, in the case of formal Structure Plans, they can be challenged through the State Administrative Tribunal (SAT).

92. **Option 3 – Cease detailed planning for the area and reject the outcomes of the Concept Plan and Report**

This option would see the City cease any planning of the project area until Council resolves to recommence planning on the matter (if it chooses to do so).

93. **Pros**

- a) Should landowners or a private developer wish to proceed with the detailed planning of the area they would need to have regard for draft LPP 28 Appendix 1 – Schedule of Planning Requirements, which

outlines the information and tasks required to be completed through the various stages of the detailed planning process.

- b) Given the varying views on the future of the area, not proceeding with preparing a District Structure Plan would be consistent with Clause 2.1(2) of draft LPP28 which requires general consensus on the vision for the area for the City to proceed with preparing a District Structure Plan.
- c) No costs for the City in preparing further plans or detailed planning proposals.
- d) The City would request a fee for the assessment of any Scheme Amendments or Local Structure Plans.

94.

Cons

- a) Should landowners or a private developer wish to proceed with the planning for the area they would not have to have any regard to the outcomes of the Concept Plan and Report. This would mean there is a greater range of proposals that can be prepared and considered under the 'Urban' designation.
- b) The City has limited oversight of the preparation of formal planning proposals for the area.
- c) Should the City not approve proposals that the City does not consider to be appropriate for the area, the WAPC can still approve these proposals or, in the case of Structure Plans, they can be challenged through the State Administrative Tribunal (SAT). There is greater likelihood of this occurring without a strategic framework established through a document such as the modified Concept Plan and Report, established through community engagement.

STATUTORY AND LEGAL CONSIDERATIONS

95.

The project area is zoned Rural under the Metropolitan Region Scheme (MRS). To facilitate residential development, precincts or the entire area may require an MRS Amendment to rezone it to Urban. This would be determined should further detailed planning progress.

96.

The project area is currently zoned a mixture of Special Rural and Rural Composite under the City's Local Planning Scheme No.3 (LPS3). To facilitate residential development, the City will be required to progress a Scheme Amendment to rezone the area. The zoning would need to be determined at the Scheme Amendment phase and depending on Council's decision may have due regard to the outcomes of the Concept Plan and Report. The Scheme Amendment would allow the preparation of a Structure Plan to coordinate the location of roads, land uses and other infrastructure requirements for the area.

POLICY CONSIDERATIONS

97. Draft LPP28 guides Council, the City's officers and external stakeholders identifying the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the Framework. Information required and tasks to be completed at the various planning stages are outlined in Appendix of the Policy.

STAKEHOLDER ENGAGEMENT

98. During November – December 2019, a survey was sent to all landowners and surrounding residents of Crystal Brook.
99. A Vision Workshop was held on 5 February 2020 and two co-design workshops were held on the 11 and 14 March 2020.
100. Public advertising of the draft Concept Plan and associated documents commenced on 18 May 2020 and closed on 15 June 2020. The feedback was made available on engage.kalamunda.wa.gov.au and letters and hard copies of the feedback form were posted to landowners in the Crystal Brook area. As the public advertising occurred during the Covid-19 restrictions, the City also held an online workshop.
101. The feedback received throughout the public advertising process has been comprehensively documented and reviewed. The proposed modifications are in response to the key matters arising from the engagement process.

FINANCIAL CONSIDERATIONS

102. The preparation of the Concept Plan and Report was included in the 2019/20 budget.
103. Should the City proceed with detailed planning, budget will need to be set aside either as a budget review for the 2020/21 budget or included in the 2021/22 budget.

SUSTAINABILITY

Social Implications

104. The population of the area is expected to increase over time, resulting in an increased demand for community facilities and infrastructure. An appropriate hierarchy of community facilities and infrastructure will be explored in greater detail during the detailed planning phase to ensure that all demographic groups are accommodated.

Economic Implications

- 105. An increased population to the area will see demand for retail and commercial uses and provided a greater population catchment for existing businesses in the area. The necessity of non-residential land allocation within the project area will be determined during detailed planning.

Environmental Implications

- 106. Ecological surveys were undertaken during the Spring of 2019. These surveys identified areas of significant environmental values. The method in which these environmental values are protected will need to be determined at detailed planning stage.
- 107. Given participation in ecological surveys was only approx. of the land area there is need for further investigation to fully establish the complete assessment of the area.

RISK MANAGEMENT

108.

Risk: The City ceases progressing planning for the area leaving the planning process open to the development industry or the State Government to progress.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Note the key outcomes of the modified Concept Plan and Report for consideration detailed planning proposals progress, they have to have due regard to the key outcomes from the common consultation on the draft Concept Plan and Report.		

109.

Risk: The community disagrees with the outcomes of the Final Concept Plan and Report.		
Consequence	Likelihood	Rating
Significant	Almost Certain	High
Action/Strategy		
Endorse the recommended modifications into the final Concept Plan and Report to reflect the key issues identified during public advertising.		

110.

Risk: The community disagrees with the recommended modifications to the Concept Plan and Report.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Communicate that the modifications have been made having regard for the feedback provided during community engagement and that the views of the community vary significantly.		

111.

Risk: Members of the community want planning for the area to cease.		
Consequence	Likelihood	Rating
Moderate	Almost Certain	High
Action/Strategy		
Cease detailed planning for the project area and note the key outcomes of the modified Concept Plan and Report. Should a detailed planning proposal be submitted the City would act as a key regulatory authority and the proponent would need to have due regard for the outcomes of the Concept Plan and Report.		

112.

Risk: Members of the community want planning for the area to continue.		
Consequence	Likelihood	Rating
Moderate	Almost certain	High
Action/Strategy		
Should a detailed planning proposal be submitted the City would act as a key regulatory authority and the proponent would need to have due regard for the outcomes of the Concept Plan and Report.		

113.

Risk: Future development proposals will impact on environmental values.		
Consequence	Likelihood	Rating
Major	Likely	Extreme
Action/Strategy		
Ensure any development proposals are cognisant of the environmental values and can address and manage the canopy, vegetation and wildlife values identified in the studies to date.		

CONCLUSION

114. It is clear from community engagement and public advertising that there is a range of contrasting views on the future planning of the project area. It is highly likely that there will be significant opposition regardless of the determination made.
115. The proposed modifications to the Concept Plan and Report have been made in response to the community feedback and attempts to achieve a balanced outcome by identifying the two land use typologies on which future detailed planning would have regard for; urban landscape and rural landscape, and within the report identifies key principles and implementation strategies to help retain the key environmental and values of the area.
116. By noting the key outcomes of the Concept Plan and Report, any future detailed planning would be required to have regard to those outcomes. Should the Concept Plan and Report not be noted then any future detailed planning would not have any regard to the outcomes of the Concept Plan and Report.

- Additional Information Since Public Agenda Briefing Report was Published**
117. Additional information has been provided and modifications have been made since publishing the draft agenda. This information is outlined and summarised below.

118. *Modified annotation on the draft Concept Plan*
Since the draft report was initially published, the City was contacted by a submitter with a suggestion to re-phrase the stipulation on the Concept Plan concerning the environmental values identified on the Concept Plan. The City was comfortable with the proposed re-phrasing and as such, it has been included as part of the Schedule of Proposed Modifications. The stipulation will be rephrased from:

'Data from Wattle Grove South Ecological Surveys (AECOM, 2020) which surveyed 94 of approximately 262 properties, where access permission was granted by the landowner. It is possible that properties that were not surveyed also have environmental values. Some assumptions were made when identifying areas of medium and high retention value vegetation on properties which were not physically surveyed.'

To:

'Data from Wattle Grove South Ecological Surveys (AECOM, 2020) which surveyed 94 of approximately 262 properties, where access permission was granted by the landowner. It is possible that properties that were not

surveyed also have environmental values. It is also possible that properties (or portions of properties) that were not surveyed do not have environmental values commensurate to medium and high value vegetation. Some assumptions were made when identifying areas of medium and high retention value vegetation on properties which were not physically surveyed.'

119. *Summary Report on Deputations – 17 November 2020*

A report has been prepared (Attachment 10) to provide a summary of the deputations made on 17 November 2020. The report is presented to Council to fulfill Clause 6.13 (8) of the Shire of Kalamunda – Standing Orders Local Law 2015.

120. *Local Planning Strategy 2010 (adopted by WAPC 2013) – Wattle Grove Submissions*

The City's Local Planning Strategy 2010 identifies part of Crystal Brook as an Urban Investigation area. A link to the City's Local Planning Strategy 2010 is provided as follows:

https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/strategies-plans/endorsed-lps-report.pdf?sfvrsn=536ffd3e_4

121. A redacted summary of the submissions received in relation to Wattle Grove and the Local Planning Strategy 2010 are provided in Attachment 11 of this summary report.

122. *Submission to WAPC on the draft North-East Sub-Regional Planning Framework 2015.*

The then Shire of Kalamunda prepared a submission on the draft North-East Sub-Regional Planning Framework that was considered and adopted by Council on 27 July 2015. A copy of the Council Report and submission is provided at Attachment 12.

123. *Future Aircraft Noise Impacts*

Key matters raised in relation to future aircraft noise are outlined in the Perth Airport submission. These details are contained in Attachment 7 at Submission 209.

124. *Clarification on housing targets outlined within the North-East Sub-Regional Planning Framework.*

The Framework states a dwelling target for the City of 11,450 by 2050 with an estimated additional population of 25,190. The City's LHS2020 has predicted 7,627 – 15,951 additional dwellings to be developed based on current subdivision potential, potential yields within the investigation areas identified within the WAPC Framework and existing Dual Density areas within the City.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the outcomes of community engagement and public advertising and acknowledge that there are a range of views on the future planning for the project area.
2. NOTE the outcomes of the Ecological Report.
3. REQUEST the Chief Executive Officer to make modifications to the Concept Plan and Report in accordance with Attachment 1, publish the modified document on the City's website and inform all landowners within the project area once completed.
4. NOTE the strategic outcomes of the Concept Plan and Report, as proposed to be modified.
5. CEASE further planning for the project as outlined in Option 2 of the Council Report.

Cr Janelle Sewell moved the Recommendation with a minor amendment. The amendment was supported by the seconder. The meeting debated the amended recommendation before it was put to the vote.

Cr Ritchie foreshadowed an alternative motion. As the amended recommendation was carried the alternative motion was not put to the meeting.

RESOLVED OCM 226/2020

That Council:

1. NOTE the outcomes of community engagement and public advertising and acknowledge that there are a range of views on the future planning for the project area.
2. NOTE the outcomes of the Ecological Report.
3. REQUEST the Chief Executive Officer to make modifications to the Concept Plan and Report in accordance with Attachment 1 and, in addition, include information regarding Voluntary Conservation Covenants on private land in accordance with Clause 11.1.3 of the City of Kalamunda – Local

Biodiversity Strategy (2008), publish the modified document on the City's website and inform all landowners within the project area once completed.

4. NOTE the strategic outcomes of the Concept Plan and Report, as proposed to be modified.
5. CEASE further planning for the project as outlined in Option 2 of the Council Report.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote:	<u>For</u>	<u>Against</u>
	Cr Janelle Sewell	Cr Lesley Boyd
	Cr Geoff Stallard	Cr Dylan O'Connor
	Cr Brooke O'Donnell	Cr Kathy Ritchie
	Cr Sue Bilich	
	Cr Lisa Cooper	
	Cr Cameron Blair	

Cr Margaret Thomas

CARRIED (7/3)

10.1.2. Consideration for the Control of Cats in the City of Kalamunda - Response to Notice of Motion (OCM149/2020)

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

Previous Items	OCM 149/2020
Directorate	Development Services
Business Unit	Environmental Health and Community Safety
File Reference	N/A
Applicant	N/A
Owner	City of Kalamunda
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the possibility of preparing a Cat Local Law.
2. The provisions of the *Local Government Act 1995* and *Cat Act 2011* (the Act) permit Council to create Local Laws for a range of matters which includes the keeping and control of cats.
3. This report recommends the City initiate the process to prepare a Cat Local Law.

BACKGROUND

4. At the Ordinary Council Meeting (OCM) on 28 July 2020, Council resolved (OCM 149/2020) to request the Chief Executive Officer to prepare a report, by December 2020, with details and recommendations regarding the potential to introduce Local Laws in relation to cat ownership and regulation within the City of Kalamunda (the City).
5. The rationale behind the notice included the following:
 - a) Each community has different needs and preferences when it comes to the regulation and control of cats.
 - b) There has been increasing discussion within the community regarding cats and responsible cat ownership.
 - c) The City has significant areas of bushland with native fauna.
 - d) The matters which may be considered as part of the report to Council could include but are not limited to:
 - i. Protection of native wildlife.
 - ii. Registration and micro-chipping.
 - iii. Number of cats per household.
 - iv. Sterilisation.
 - v. Wearing of collars and registration tags.
 - e) In the context of the City's natural environment, it would be appropriate for Council to be provided information about the possible benefits of introducing cat local laws and what those local laws could entail.
 - f) It is recommended that this report is received, and further investigations will commence on the need for Cat Local laws and further control.

DETAILS AND ANALYSIS

6. The City has a mixture of residential, semi-rural and rural areas. A large portion of the City is also made up of Regional and National Parks along with State Forrest. These areas all have significant bushland and native fauna which is impacted by roaming domestic and feral cats.
7. Feral cats are a declared pest in Western Australia under the *Biosecurity and Agriculture Management Act 2007*. Feral cats are not registered with a local authority or identified according the *Cat Act 2011*. They live as wild animals independent of people, and their behaviour is different from domestic or stray cats.
8. Domestic cats, however, are fully socialised, owned and cared for by people and are subject to the provisions of the *Cat Act 2011*. A stray cat is a domestic cat that has gone missing or has been abandoned.
9. In a study conducted in 2017 by Birdlife Australia, regarding domestic cats and the adverse effects they are having on the native wildlife, can be just as detrimental to species here in Western Australia as are feral cats if they are not responsibly kept for by their owners.
10. Cats can be companions, however, as predators, cats are very efficient hunters of native wildlife, altering the natural balance in the environment.
11. Cats living close to bushland are likely to kill a wide range of native wildlife. Wildlife that feeds or nests on or near the ground are most at risk. Even well-fed domestic cats will still instinctively hunt. Prey that is not killed will often die later from shock, infection, or disease.
12. Legislation governing cats already exists in Western Australia, being the *Cat Act 2011 (Act)* and *Cat Regulations 2012*.
13. Once a cat reaches the age of 6 months, the owner of the Cat is legally required to register the cat with their local government and to ensure the cat is microchipped and sterilised by a veterinarian.
14. There are currently 2105 Cats registered, microchipped, and sterilised within the City.
15. The Act also requires the owner of a registered Cat to ensure when their cat is in a public place, that the cat is wearing a registration tag.
16. Neither the Act nor Regulations specify the number of cats that can be kept per household. However, the City's existing *Keeping and Control of Animals and Nuisance Local Law 2011* (Local Law) does. Specifically, a

person may keep up to 3 cats without obtaining special approval. Further, a person is not permitted to keep more than 3 cats unless it is for the purpose of boarding or breeding and the person has obtained approval from the City.

17. There are 3 approved catteries within the City:
 - a) Swan Animal Haven.
 - b) A Cat's Holiday Home.
 - c) Paws, Claws and Beaks.

18. One of the main deficiencies with the Act and Regulations and the Local Law is that they do not prohibit cats from wandering onto other premises, conservation areas or other land. Residents that have issues with nuisance cats wandering onto their property, can humanely trap any cat that enters their property. However, they are required to either hand the cat over to their local government or return the cat to the owner, if the owner is known.

19. Since the introduction of the Act, the City built a new cat management facility adjacent to the dog management facility at the operations centre.

20. Residents within the City that complain about stray cats entering their property can, for a fee, request animal traps from the City. If a cat is caught, a Ranger can check for a collar and scan for a microchip. All registered cats and those identified as domestic are taken to the City animal management facility.

21. Since 2014, Rangers have impounded 739 cats. Of these, 129 cats have been recollected by their owners, 379 have been rehomed to the Cat Haven and 231 were deemed feral and were humanely euthanised.

22. Given the damage domestic cats can cause to native fauna, having local laws which can help mitigate this in some way is a desirable outcome.

23. The Act allows a local government to make a local law about one or more of the following:
 - a) The registration of cats.
 - b) Removing and impounding cats.
 - c) Keeping, transferring, and disposing of cats kept at cat management facilities.
 - d) The humane destruction of cats.
 - e) Cats creating a nuisance.
 - f) Specifying places where cats are prohibited.

- g) Requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats.
 - h) Limiting the number of cats that may be kept at the premises, or premises of a particular type.
 - i) The establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities.
 - j) The regulation of cat breeders, including record keeping and inspection.
 - k) Fee and charges payable in respect of any matter under the Act.
24. Reviewing other local governments such as the new City of Fremantle Cat Local Law, it is not uncommon to have a schedule of cat prohibited areas. These areas are commonly conservation reserves and the like under the care and control of the Local Government. Notwithstanding this, it is already an offence under the *Conservation and Land Management Regulations 2002* to bring or allow an animal on to DBCA land except for dogs and horses in designated areas.
25. It is also noted that the City of Stirling Cat Local Law includes a fauna protection zone which is an exclusion area extending 200m from the boundary of a cat prohibited area. This further restricts the keeping of cats, in this case from 3 to only 1 cat unless there is a valid permit in place.
26. To mitigate the threat to native wildlife, it is recommended that the City consider adopting a similar approach to other local governments by enacting laws that prohibit cats in certain areas. This would mean that under the proposed local law if any registered cat is caught in one of these areas, the owner would be committing an offence and be subject to compliance action.
27. The City has over 240 natural areas and 343 natural waterways which could be considered as exclusion Zones.
28. A key factor for the City to consider is cats wandering generally, particularly to neighbouring properties. In this instance Council may consider regulatory measures regarding nuisance cats. This approach has been adopted by the City of Mandurah. If a cat is trapped on private property and is found to be registered, microchipped, and sterilised it is returned to the registered owner, along with an order to control the nuisance. If the cat is trapped again, further compliance action may be considered.

APPLICABLE LAW

29. *Cat Act 2011*
Cat Regulations 2012
Local Government Act 1995
Keeping and Control of Animals and Nuisance Local Law 2011

APPLICABLE POLICY

30. N/A

STAKEHOLDER ENGAGEMENT

31. The City has engaged with other local governments and state government departments in preparing this report.

FINANCIAL CONSIDERATIONS

32. Costs associated with the implementation of additional cat management measures will be accommodated within existing business unit budgets, unless there is an increase in compliance requiring additional licences which would be subject to future budget considerations.

SUSTAINABILITY

Social Implications

33. N/A

Economic Implications

34. N/A

Environmental Implications

35. Cats can cause significant damage to native fauna. Regulatory measures can be put in place to mitigate this impact.

RISK MANAGEMENT

36.	Risk: Limited control of cats causing destruction of native wildlife, as well as impacts upon amenity within neighbourhoods.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Council consider local laws that limit the number of cats per household, declare certain areas cat prohibited and have provisions about nuisance cats.		

37.	Risk: Introduction of stronger cat control laws could adversely impact domestic cat owners through a compliance response.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Continue to encourage cat owners to register, sterilise and microchip their cats. Continue with education and awareness progress regarding responsible pet ownership more generally.		

CONCLUSION

- 38. A review of other local government local laws identified that the designation of cat prohibited areas, creation of fauna protection zones and provision regarding cats not creating a nuisance are common themes and matter that local government may wish to regulate.
- 39. The City has a significant number of reserves that may be considered as cat prohibited areas.
- 40. Given the significant natural areas and native fauna within the City, as well as increasing concerns within the community regarding roaming cats, it is warranted that the City invest resources in the preparation of Cat Local Laws.

Cr O'Donnell left the meeting at 8:04pm and returned at 8:05pm. Cr O'Donnell voted on this item.

Voting Requirements: Simple Majority

RESOLVED OCM 227/2020

That Council:

1. RECEIVE the report in relation to the possibility of introducing Cat Local Laws in response to Notice of Motion OCM149/2020.
2. REQUEST the Chief Executive Officer to progress the preparation of a City of Kalamunda Cat Local Law.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.3. Kalamunda Activity Centre Plan - Proposed Scheme Amendment 106 to Local Planning Scheme No.3 and Draft Local Planning Policy 30 - Built Form Design Guidelines

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

Previous Items	OCM 112/2019; OCM 31/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/106
Applicant	City of Kalamunda
Owner	Various

Attachments	1. Amendment 106 Document and Report [10.1.3.1 - 54 pages]
	2. Amendment 106 Map [10.1.3.2 - 1 page]
	3. Draft Local Planning Policy 30 - Kalamunda Activity Centre Plan - Built Form Design Guidelines [10.1.3.3 - 52 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 1.3 - To support the active participation of local communities.

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

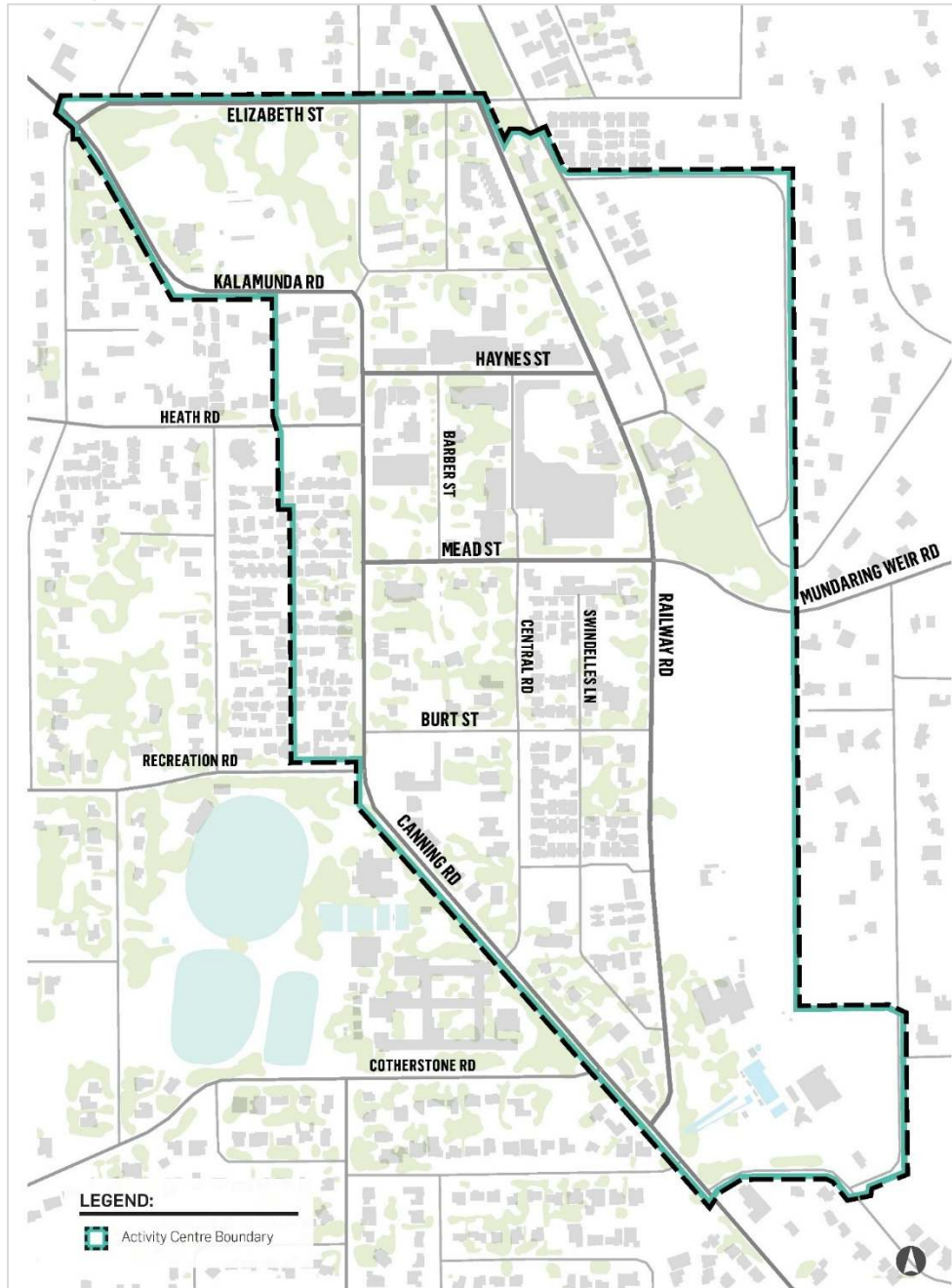
EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting:
 - a) Local Planning Scheme No. 3 (LPS 3) - Amendment No. 106 (Amendment 106); and
 - b) Local Planning Policy No. 30 (LPP 30) – Kalamunda Activity Centre Plan Built Form Design Guidelines (BFDG); for public advertising.
2. The purpose of Amendment 106 (Attachment 1) is to align the City of Kalamunda's (the City) LPS 3 with recommendations of the draft Kalamunda Activity Centre Plan (KACP), which was adopted by the Council at its Ordinary Council Meeting (OCM) held on 24 March 2020 and is currently with the Western Australian Planning Commission (WAPC) for approval.
3. LPP 30 (Attachment 2) will establish the KACP BFDG within the local planning framework, enabling the City to have due regard to design guidance and the outcome-based assessment process for development proposals in the Kalamunda town centre.
4. It is recommended the Council adopt Amendment 106 and LPP 30 for public advertising.

BACKGROUND

5. The draft KACP was adopted by Council on 24 March 2020. The documents were subsequently referred to the WAPC for final approval. Amendment 106 is required to bring the LPS 3 into alignment with the recommended land use classification, density code, development and subdivision requirements adopted in the KACP.
6. The BFDG were adopted as Appendix A of the KACP. The BFDG are proposed to be adopted as LPP 30 to provide a user friendly standalone source of information and support the assessment of development proposals in the town centre.

7. Locality Plan



DETAILS AND ANALYSIS

8. The KACP area is currently divided into a number of zones and reserves under LPS 3 with additional provisions relating to the Kalamunda Town Centre Design Special Control Area, additional uses, special uses and restricted uses. The following outlines the proposed amendments to LPS 3 to ensure its construction appropriately reflects the intent of the draft KACP, and that the KACP is implementable once approved by the WAPC.

9. **Zoning**

Under Amendment 106, the proposed rezoning of the KACP area to 'Centre' and with a sub-category of 'Centre C1 - Kalamunda' for the core of the town centre is based on the following rationale:

- a) The 'Centre' zone is consistent with the model provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).
- b) The 'Centre' zone objectives (consistent with the model provisions of the Regulations) is clear in its intent for future detailed planning to be undertaken in accordance with the KACP.
- c) The 'Centre' zone allows for the density and built form provisions to be guided by the KACP and the BFDG which will be adopted as a local planning policy.
- d) The land use permissibility for the 'Centre C1 - Kalamunda' core as identified on the KACP Map is guided by current land use permissibility in Table 1 with the remaining land uses to accord with existing zones (i.e. Mixed Use zone, Residential zone).

10. The objectives of the new Centre zone are proposed as follows:

- a) To designate land for future development as a town centre or activity centre.
- b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.

11. This approach is considered the simplest and most closely aligned with contemporary local planning schemes and activity centre plans in Western Australia.

12. Part of the rezoning includes Lot 3691 (No. 9) Headingly Road, Kalamunda (Crown Reserve R41268) which is proposed to be rezoned from 'Residential R5' to 'Local Open Space'. This reflects the current use of the land being for a war memorial contiguous to other lots identified as Local Open Space which comprise Stirk Park.

13. **Land Use Permissibility**

Amendment 106 will introduce a new zone 'Centre' zone with a 'C1 - Kalamunda' subcategory for the core of the activity centre.

14. The proposed land use permissibility for 'Centre C1 - Kalamunda' in Table 1 Zoning Table of LSP 3 relates to the land identified as 'C1 - Kalamunda' on LPS 3 Zoning Map and 'Centre' on the KACP Map.

15. All other areas outside of the C1 – Kalamunda designation will be in accordance with the equivalent zone in LPS 3 as identified on the KACP Map as identified in the following table:

Activity Centre Plan Map Land Use category	Equivalent Zone/Reserve in accordance with LPS 3
Centre	Centre (C1) Zone
Residential	Residential Zone
Mixed Use	Mixed Use Zone
Public Purpose	Public Purpose reserve
Local Open Space	Local Open Space Reserve

16. This approach is consistent with contemporary planning practice which relies on existing zones and land use permissibility (where possible) rather than creating bespoke zones and land use permissibility that is inconsistent with the Regulations.
17. **Removal of Special Control Area**
Amendment 106 will result in the removal of the Special Control Area 'Kalamunda Town Centre Design Control Area' under Sections 1.1(c) and 6.3 of LPS 3. The Special Control Area provisions are no longer required to implement the Kalamunda Town Centre Planning and Urban Design Guidelines (2011).
18. The KACP and associated Built Form Design Guidelines (to be adopted as a LPP 30) will supersede the existing Kalamunda Town Centre Planning and Urban Design Guidelines (2011), hence making the Special Control Area provisions redundant. Further discussion is provided below under Built Form Design Guidelines – LPP 30.
19. **Modifications to Additional Uses, Restricted Uses and Special Uses**
There are a number of additional uses, restricted uses and special uses that have been adopted to respond to ad-hoc development proposals within the town centre that were not initially contemplated by LPS 3.
20. With the review of zoning, land use permissibility and the preparation of the KACP, a number of these land use provisions will be superseded by the proposed Centre C1 rezoning and associated land use permissibility. It is noted that all of the modifications listed and justified below result in greater consistency and flexibility for the lots subject to the Additional, Restricted and Special Uses being modified.

21. The following Additional Uses are proposed to be deleted:
- a) Additional Use No. A 5 (Restaurant) relating to Lot 58 (35) Canning Road, Kalamunda
 - b) Additional Use No. A 6 (Arts and Crafts Centre including teaching, production, display and sales) relating to Lot 1 (55) Railway Road, Kalamunda
 - c) Additional Use No. A 14 (Offices) relating to Lot 3 (7) Mead Street, Kalamunda
 - d) Additional Use No. A 46 (Office) relating to Lot 16 (8) Stirk Street, Kalamunda
 - e) Additional Use No. A 49 (Art Gallery) relating to Lot 800 (1) School Street, Kalamunda
22. All of the above uses can be contemplated by the respective zoning and land use permissibility. For example, the Additional uses A14 and A46 provides for an Office land use and A49 provides for an Art Gallery, which will all be 'P' Permitted in the Centre C1 zone.
23. New additional uses are proposed to allow 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Repairs' relating to Lot 15 (12) Burt Street, Kalamunda. This will facilitate the continued use of Kalamunda Toyota for vehicle sales and services while enabling other uses to be considered in accordance with the Mixed Use zone under the KACP.
24. Amendment 106 will result in the deletion of Restricted Use RU 1(Car Park and open air display and weekend market) relating to Lots 10 and 11 (1 and 3) Stirk Street, Kalamunda. There is an opportunity to allow a broad range of land uses and remove the current restrictions to promote future redevelopment opportunities provided by the respective zoning and land use permissibility.
25. The following Special Uses are proposed to be deleted:
- a) Special Use 12 (SU 12) 'Vehicle Sales / Services' as it relates to Lot 15 (12) Burt Street, Kalamunda. It is proposed that Additional Uses will be inserted to facilitate existing uses occurring on this lot associated with Kalamunda Toyota.
 - b) Special Use 14 (SU 14) 'Car Park' as it relates to Canning Lot 29 (14) Canning Road, and Lot 3 (5) Heath Road, Kalamunda.
26. There is an opportunity to allow a broad range of land uses and remove the current Special Use provisions to promote future redevelopment opportunities provided by the respective zoning and land use permissibility. The existing uses can continue to operate under the existing valid planning approvals. SU 14 is a 'P' Permitted use in the Centre C1 zone

and in the case of SU 12 it is proposed that additional uses will be added to provide for the ongoing vehicle sales and services use associated with Kalamunda Toyota. The removal of the Special Use provisions will align the zoning and land use permissibility with the KACP vision and land use intent.

27. **Complex Local Planning Scheme Amendment Process**

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* Amendment 106 is considered a 'Complex' amendment given the following considerations:

- a) The Amendment is not specifically addressed as a strategy or action in the City of Kalamunda Local Planning Strategy for the Scheme that has been endorsed by the WAPC;
- b) The amendment relates to an Activity Centre Plan that is currently being considered for approval by the WAPC; and
- c) The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

28. The classification of the amendment as 'Complex' as opposed to 'Standard' or 'Basic' was determined in liaison with preliminary discussions with Department of Planning, Lands and Heritage officers and having regard to the significant public interest surrounding the KACP. The key difference between a Complex amendment and a Standard amendment is that there is additional advertising duration, 60 days in lieu of 42 days, respectively.

29. 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.

30. **Built Form Design Guidelines – LPP 30**

The design guidance outlined in the BFDG introduces a performance-based assessment process for developments, where each development is assessed on its merits.

31. Importantly, development within the KACP area will be required to be considered by the City's Design Advisory Committee, who will amongst other things, make recommendations based on the principles included in the BFDG taking into consideration the character of the surrounding landscape and buildings.

32. The Design WA suite of documents was designed to replace the R-Codes and includes SPP 7 – Design of the Built Environment, and SPP 7.3 – Residential Design Codes Volume 2 Apartments which applies to residential apartments (multiple dwellings) in areas coded R40 and above in mixed use development or activity centres. The design principles included in Design WA have been used as the performance-based assessment tool for new development in the town centre. The following key design considerations form the structure of the KACP and associated BFDG:
- a) Site Planning and building massing – addressing frontage requirements, plot ratio, building height, ground floor requirements, corner buildings, transitions between differing standards, and topography considerations;
 - b) Building character – considers architectural character, compatibility with surrounding buildings, prominent site locations, and the envisaged town square;
 - c) Access, Parking and Services;
 - d) Landscaping; and
 - e) Other considerations - solar, accessibility, heritage, privacy, security and development incentives.

APPLICABLE LAW

33. *Metropolitan Region Scheme*
34. *Local Planning Scheme No. 3*
35. *The Planning and Development Act 2005 (PD Act)*
36. *The Planning and Development (Local Planning Schemes) Regulation 2015*

APPLICABLE POLICY

37. **State Planning Policy 4.2 – Activity Centres for Perth and Peel**
The purpose of the draft KACP and Amendment 106 is to facilitate the development of a district activity centre in Kalamunda, as contemplated and planned for in a variety of state and local planning instruments, namely State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2).
38. **State Planning Policy 7.0: Design of the Built Environment (SPP 7.0)**
This policy elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process. The KACP uses principles from SPP 7.0 through the Built Form Design Guidelines.

39. **State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3)**
SPP 7.3 focuses on improved design outcomes for apartments (multiple dwellings). Content from SPP 7.3 has been used as the performance-based assessment tool for new development in the town centre.
40. **State Planning Policy 3.7: Planning and Bushfire Prone Areas (SPP 3.7)**
The entire suburb of Kalamunda is identified as bushfire prone according to the Department of Fire and Emergency Services mapping. Development and subdivision will need to comply with the requirements of SPP 3.7, which may involve the preparation of a Bushfire Attack Level assessment and Bushfire Management Plan.

STAKEHOLDER ENGAGEMENT

41. Preliminary community engagement was undertaken to establish a vision for the draft KACP in February - March 2018, and formal advertising was undertaken when the draft KACP was released for public comment in June – August 2019. In this regard, it is noteworthy that the draft KACP has already undergone a rigorous advertising process. Advertising is still required for Amendment 106 and LPP 30.
42. The City is required to give notice of the proposed Amendment 106 for a minimum period of 60 days and LPP 30 for a minimum period of 21 days. The following method will be used:
- 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.
43. 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

44. Costs associated with the preparation of Amendment 106 and LPP 30 documentation, and required for finalising the amendment, are met through the Development Services annual budget.

SUSTAINABILITY

Social Implications

45. Amendment 106 and LPP 30 will assist with delivery of the draft KACP which is designed to improve the public and private realm over a number of years and bring vitality to the Kalamunda town centre.

Economic Implications

46. By ensuring statutory framework aligns with the draft KACP landowners will have more certainty around land uses which can be considered and how applications for subdivision and development will be assessed and determined in the Kalamunda town centre.

Environmental Implications

47. Environmental considerations have been addressed through the preparation of the draft KACP and considered by the Council previously.

RISK MANAGEMENT

48.

Risk: Amendment 106 and LPP 30 is not adopted and there is inconsistency with the planning zones between the LPS3 and the draft KACP.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy Progress Amendment 106 and LPP 30 in liaison with the Department of Planning, Lands and Heritage to ensure the KACP is implementable once approved.		

CONCLUSION

49. In summary, Amendment 106 seeks to introduce a new Centre zone and objectives, rezone the area affected by the draft KACP to the Centre zone, delete the redundant Special Control Area provisions relating to the Kalamunda Town Centre Design Control area, and rationalise the existing Additional Uses, Special Uses and Restricted Uses contained within the amendment area.
50. It is important to note that Amendment 106 will not restrict land use permissibility, but rather it will result in greater permissibility and flexibility for landowners.

51. Amendment 106 and LPP 30 will ensure that there is a robust planning framework in place to deliver on the vision of the KACP over the next 10 years.
52. Having regard to the above, it is recommended that Council adopts Amendment No. 106 as a complex amendment, and LPP 30, for the purpose of public advertising.

Voting Requirements: Simple Majority

RESOLVED OCM 228/2020

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, ADOPT Amendment 106 to Local Planning Scheme No. 3 in accordance with Attachment 1, for the purposes of public advertising.
2. Pursuant to clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, CONSIDER Amendment 106 to Local Planning Scheme No. 3 a complex amendment for the following reasons:
 - a) The Amendment is not specifically addressed as a strategy or action in the City of Kalamunda Local Planning Strategy for the Scheme that has been endorsed by the WAPC;
 - b) The amendment relates to an Activity Centre Plan that is currently being considered for approval by the WAPC; and
 - c) The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.
3. Pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADOPT Local Planning Policy 30 – Kalamunda Activity Centre Plan – Built Form Design Guidelines, for the purposes of public advertising.

Moved: **Cr John Giardina**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.1.4. Cell 9 Guided Development Scheme Report - Annual Review

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

Previous Items	OCM 193/2019, OCM 155/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various

Attachments 1. Cell 9 Guided Scheme Report [10.1.4.1 - 26 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 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcome of the annual review of the Wattle Grove Cell 9 – Guided Development Scheme (GDS) Report (attachment 1) and adopt an updated contribution rate.
2. The review to the GDS has resulted in a decrease in the contribution rate from \$24,187 per lot to \$22,275 per lot. This is due primarily to a reduction in Western Power costs for Hale Road and an increase in the projected lots to be developed for Lot 42 (No. 12) Bruce Road, Wattle Grove.
3. The GDS was advertised from the 4 September 2020 to 9 October 2020. No submissions were received.
4. It is recommended that Council adopt the GDS Report (Attachment 1) and new rate of \$22,275.

BACKGROUND

5. **Land Details:**

Land Area:	Approx. 250ha
Local Planning Scheme Zone:	Urban Development
Metropolitan Regional Scheme Zone:	Urban

6. **Locality Plan:**



7. **Outline Development Plan:**



8. The Wattle Grove Cell 9 area operates as an Outlined Development Plan (ODP) with administrative provisions and GDS provisions incorporated in Schedule 11 of Local Planning Scheme No. 3 (Scheme). The ODP is included for information (Attachment 2). ODP's predate the preparation of local structure plans (LSPs), however operate in the same manner.

9. Following the gazettal of the GDS in October 1997, Council was required to adopt a GDS Report and cost schedule. The GDS and the associated cost schedule sets out in detail the calculation of cost contributions for development in accordance with the methodology shown in the GDS report. The GDS needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other GDS items. The GDS report does not form part of LPS 3 but, once adopted by Council, must be reviewed annually.

10. The GDS was last reviewed in August 2019 where Council adopted a rate of \$24,187.

11. The previous reviews of the report resulted in the following contribution rates:

Date Amended	Rate
1/11/2001	\$7,100
1/11/2002	\$8,100
1/11/2003	\$10,000
1/11/2004	\$12,550
19/07/2005	\$13,550

1/03/2006	\$15,500
1/09/2006	\$19,050
1/03/2007	\$22,050
1/03/2008	\$24,650
1/11/2008	\$25,500
1/11/2009	\$25,500
1/06/2011	\$26,450
1/01/2013	\$27,335
25/03/2014	\$27,315
27/08/2015	\$27,816
22/05/2017	\$26,588
27/08/2019	\$24,187

12. Previous reviews of the GDS report have referred to the document as a Development Contribution Plan (DCP). The City has reverted to the original name of the document (Guided Development Scheme), as the GDS was initiated prior to the establishment of State Planning Policy 3.6 Development Contribution for Infrastructure (SPP3.6) and therefore does not operate in accordance with SPP3.6 and Clause 6.5 of the Scheme.

DETAILS AND ANALYSIS

13. The proposed GDS report is a technical document with input from Engineering, Finance and Planning perspectives, the GDS is an effective way to simplify and summarise all the different aspects involved with arriving at a contribution rate.
14. At each GDS review, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:
- a) Remaining lot yield;
 - b) Land requiring acquisition;
 - c) Land valuation;
 - d) Cost of works outstanding;
 - e) Administration costs;
 - f) Works priorities; and
 - g) Calculation methodology.
15. *Remaining lot yield*
 The future lot yield is expected to provide the contributions necessary to clear all the remaining GDS costs. As at 30 June 2020, approximately 374 new lots are expected to be created.

16. A total of 20 new lots have been created since the latest GDS rate was adopted on 27 August 2020.
17. Previous GDS reviews have estimated a 4900m² block being retained on Lot 42 (No. 12) Bruce Road, Wattle Grove. This estimation was a result of past discussions with the landowner. The City has decided to remove this assumption and reflect the subdivision potential of the property to align with all other sites in Cell 9 which have development potential. It is not common practice to make assumptions based on individual circumstances, rather than taking a consistent approach for subdivision potential across the project area. It should be noted that should a 4900m² block be retained in any case, that property would still have subdivision potential and would still be liable to contributions to the Cell 9 GDS were it to subdivide further.
18. This has resulted in an additional 10 lots projected to be created for Lot 42 (No. 12) Bruce Road.
19. *Land Valuation*
An independent land valuer assigns value to land required to be acquired for public purposes as outlined by the ODP. The valuation report assigned a land valuation rate of \$165/m² to be utilised for determining estimated land acquisition costs for the remaining areas of land acquisition.
20. The property market is expected to be affected by the COVID-19 pandemic although it is too early to quantify the extent of the impact on the economy and property market. There is likely to have been a change in market sentiment. Property markets are less volatile than other markets (such as finance and equity markets). Past cycles indicate there is a lag for when property markets react to economic events. In the short-term there may be reduced buyer demand, and a reluctance by vendors to reduce prices, resulting in lower sales volumes and longer selling periods. The extent of any decline in values is presently uncertain and may depend on whether this is a short-term event or has longer term consequences.
21. A land valuation will be undertaken at the next review to determine any impact on land value that may have been caused by the COVID-19 pandemic.
22. The GDS takes responsibility for acquiring GDS road reserve land as outlined in Schedule 11 of the Scheme. The GDS is also responsible for acquiring Public Open Space land where it is identified on the ODP. Under the GDS, there is generally no liability for landowners to vest Public Open Space in the Crown free of charge (i.e. 10% POS), this requirement is fulfilled by virtue of fulfilling GDS contribution requirements.

23. A \$765,699 contingency has been added to cover land acquisition costs in excess of the estimated cost of acquisition. This is in excess of the \$200,000 previously allocated to land contingency. The amount allocated to land contingency reflects a 20% contingency on total estimated land acquisition costs and is due to recent land purchases undertaken by the City in Cell 9 which have included a 10% solatium and following negotiations with landowners have exceeded the estimated land purchase cost. Advice from the land valuers indicated a contingency of 10% plus the 10% to cover for solatium is appropriate.

24. The following table brings together the road reserve and Public Open Space acquisitions along with an allowance for miscellaneous land purchase, which may be required through the course of detailed design and construction works:

Item	Area of Remaining Acquisition (m2)	Cost of Remaining Acquisition (\$)
Road Reservation	0	0
Public Open Space	23,203	\$3,828,495
Miscellaneous Land Purchase	---	\$210,000

25. Since the last review 520m2 of road reserve and 4936m2 of POS has been purchased.

26. Miscellaneous land acquisition related works are costs which may be required through the course of detailed design work, such as compensation for improvements and remediation work.

27. A nominal figure of \$200,000 has been applied to miscellaneous land acquisition related works plus a 5% contingency of \$10,000. This figure will be reviewed at the time the City commences the remaining land acquisitions and receives a valuation from a quantity surveyor on miscellaneous land acquisition related works. This figure is consistent with the amount allocated in previous reviews.

28. *Costs of Works Outstanding*

Item	Remaining Cost
Hale Road	\$4,419,657
Arthur / Wimbridge / Sheffield Projects	\$0.00
Woodlupine Brook Improvements	\$2,439,200
Developer Drainage Works	\$792,000

SUBTOTAL	\$7,650,857
Contingency	\$504,500
Education Department Loan	\$3,909,092
Land for Roads	\$0
Land for Public Open Space	\$3,828,495
Miscellaneous Land Acquisition Related Expenses	\$210,000
Land contingency	\$765,699
Administrative Items	\$661,000
Total	\$17,529,643

The above remaining estimates are as of 30 June 2020 to align with the end of the 2019/20 financial year.

29. A contingency has been applied for the Woodlupine Brook Improvements, Hale Road, Developer Drainage Works, Project Management and Miscellaneous Land Acquisition Related Works.
30. A contingency of 10% has been applied to the Woodlupine Brook Improvements and a contingency of 5% has been applied to all other infrastructure related items.
31. Woodlupine Brook contingency of 10% has been applied due to advice received in relation to the extent of Acid Sulphate Soils (ASS) located within the base of the existing main drain. Due to this advice it is anticipated that Woodlupine Brook improvements estimated costs may increase. These costs will be reviewed at the next GDS review.
32. Project management costs which previously had an individual line item allocation has now been assimilated into the individual projects (Hale and Woodlupine). This is to align with the payment process where the project manager allocates time dedicated to each individual project, money is then taken out from that individual project on that basis.
33. *Completed Works*
Since the last review no items have been completed.
34. *Administration Costs*
The administration costs have been reviewed to reflect the project timeframe left for the GDS to operate. This was calculated based on the length of the scheme to date and the amount of lots developed in that time to determine the average number of lots developed each year. The remaining lots were then divided by the average lots developed each year to calculate the estimated number of years remaining in the GDS. Based on this equation it is estimated there are five years remaining for the GDS to operate. This will be reviewed on a yearly basis.

35. On this basis there is an estimated remaining cost of \$661,000.
36. The administration of the GDS includes, but is not limited to, the following key tasks:
- a) Legal/Land acquisition management;
 - b) GDS annual review;
 - c) Land valuation; and
 - d) Planning related time and costs.
37. *Works Priorities*
Subdivision and development within a GDS are staged over a number of years. Contributions are generally collected at the time of subdivision or development. In this context, contributions are collected on a staged basis and there are not always enough funds within the GDS to deliver all of the infrastructure included. For this reason, Council need to establish a priority of works schedule for the provision of GDS infrastructure.
38. Clause 5 of the GDS contains the priority works schedule and outlines the key principles utilised to guide the identification of infrastructure priorities. Subject to the availability of funding, the City has determined the following items as the current order of priority:
- a) Woodlupine Brook Improvements design and construction (Ongoing 2020/2021);
 - b) Hale Road design and construction (2020/2021);
 - c) Developer drainage works (Ongoing);
 - d) Administration Cost (Ongoing);
 - e) Remaining Land Acquisitions / Miscellaneous Land Acquisition Costs; and
 - f) Education Department Loan
39. The identification of priorities will be undertaken as part of the annual cost estimate review and associated GDS update.

40. *Calculation Methodology*

Schedule 11 of LPS 3 sets out the Cell Infrastructure Contribution requirement.

The calculation for this requirement is derived as follows:

Net outstanding costs = remaining costs – funds held as money
Remaining lot yield = R – Code yield or Commercial zone equivalent

Contribution Rate = Net outstanding costs (\$)

Remaining lot yield

Using the following figures, the new contribution rate can be calculated.

Remaining costs	\$17,529,643
Funds held in bank	\$9,198,948
Remaining lot yield	374 lots or lot equivalent
Contribution Rate	\$22,275 per lot

$$\text{Contribution Rate} = \frac{(\$17,529,643 - \$9,198,948)}{374} = \$22,275 \text{ per lot}$$

41. *Funds Held as Money*

A recent review of the Forrestfield / High Wycombe Stage 1 Industrial Area DCP found that funds held as money was incorrectly factored into the calculation of the DCP rate, due to the provisions of the Clause 6.5 in the City's LPS 3 and SPP3.6. The City undertook a review of the Cell 9 GDS to determine whether funds held as money had also been incorrectly included in the GDS rate methodology.

42. The City determined that funds held as money had been factored into the GDS for the following reasons:

- a) The GDS is not subject to the provisions of Clause 6.5 of LPS 3 and SPP3.6. The GDS is only subject to the provisions of Schedule 11 of LPS 3.
- b) A historic review of past GDS reviews found that funds held as money has been factored into the GDS rate methodology since very early in the GDS history (and likely since inception). The following GDS reports were reviewed; 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2014 and 2015. All GDS reports factored in funds held as money as part of the rate methodology. Refer to Attachment 3 for examples of this in the 2004, 2005 and 2008 reports.
- c) It would be impractical to review the GDS rate methodology given the historic implications associated with reviewing the GDS since inception, which has been operating for approximately 20 years and is nearing the end of its operation.
- d) There have been no objections, to the City's knowledge, received on the rate methodology for the GDS.

43. *Advertising*

The draft GDS Report was adopted by Council for the purpose of public advertising on 25 August 2020.

44. The draft GDS was advertised from 4 September 2020 to 9 October 2020. No submissions were received.

45. Due to no submissions received and no updated information to be incorporated, there are no proposed modifications to the GDS Report.

APPLICABLE LAW

46. The GDS contributions are administered and determined in accordance with the provisions of Schedule 11 of LPS3.

APPLICABLE POLICY

47. The annual review has regard for State Planning Policy 3.6 Development Contributions for Infrastructure (SPP3.6). Noting that the Cell 9 Wattle Grove GDS pre-dates the establishment of SPP3.6 and is administered in accordance with Schedule 11 of LPS3.

STAKEHOLDER ENGAGEMENT

48. The draft GDS was advertised from 4 September 2020 to 9 October 2020. No submissions were received.

FINANCIAL CONSIDERATIONS

49. The operation of the GDS presents a major administrative responsibility for the City. While the GDS is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.

SUSTAINABILITY

50. The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered along with individuals' expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.
51. The implementation of GDSs assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.
52. The proposed GDS provides upgrades to Woodlupine Brook, including the purchase of land for the purpose of Public Open Space. Landscaping and water course upgrades will enable the area to be utilised for more active uses by the community and to reduce erosion.
53. Consultation has occurred with the Water Corporation and Department of Water in the development of the designs for water course upgrades.

RISK MANAGEMENT

54.	Risk: The GDS does not generate enough funds to undertake works.		
	Consequence	Likelihood	Rating
	Unlikely	Major	Medium
	Action/Strategy		
	Ensure annual reviews account for the cost of infrastructure and the remaining development has the capacity to cover these costs. Ensure regular reviews of funding capacity.		

55.	Risk: The stakeholders are dissatisfied with the proposed rate.		
	Consequence	Likelihood	Rating
	Unlikely	Major	Medium
	Action/Strategy		
	Advertise the GDS rate and invite public comment.		

CONCLUSION

- 56. The review to the GDS has resulted in a reduction in the contribution rate from \$24,187 per lot to \$22,275. This is due primarily to a reduction in Western Power costs for Hale Road and an increase in the projected lots to be developed for Lot 42 (No. 12) Bruce Road, Wattle Grove.
- 57. The GDS has a positive cash flow at present, with a cash balance of \$9,198,948. There are a number of infrastructure projects planned in the short term as outlined in the works priorities, which will bring the cash balance down.

Voting Requirements: Simple Majority

RESOLVED OCM 229/2020

That Council

- 1. ADOPT the proposed Guided Development Scheme Report (Attachment 1).
- 2. ADOPT the review rate of \$22,275 (GST free) per dwelling yield, effective immediately.
- 3. NOTE the affected landowners will be notified of the reviewed rate.

Moved: Cr Brooke O'Donnell

Seconded: Cr Lesley Boyd

Vote: For
Cr Janelle Sewell
Cr John Giardina
Cr Lesley Boyd
Cr Brooke O'Donnell
Cr Sue Bilich
Cr Dylan O'Connor
Cr Lisa Cooper
Cr Cameron Blair
Cr Kathy Ritchie
Cr Margaret Thomas

Against
Cr Geoff Stallard

CARRIED (10/1)

10.2. Asset Services Reports

10.2.1. Draft Urban Forest Strategy - Adoption for the Purposes of Public Advertising

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

Previous Items	OCM 71/2019
Directorate	Asset Services
Business Unit	Parks and Environmental Services
File Reference	EV-EPP-003
Applicant	N/A
Owner	N/A
Attachments	1. Draft Urban Forest Strategy [10.2.1.1 - 55 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 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3- Community engagement and education in environmental management.

EXECUTIVE SUMMARY

1. The purpose of this report is to advise on the progress of the Draft Urban Forest Strategy (UFS) and seek Council endorsement to proceed to public consultation.
2. The purpose of the UFS is to inform a series of subsequent actions aimed at enhancing the tree canopy coverage in the City of Kalamunda (City).
3. The Kalamunda Environmental Advisory Committee (KEAC) has considered the draft UFS and their recommended changes are considered appropriate.
4. It is recommended that Council endorse the draft UFS for the purposes of community consultation.

BACKGROUND

5. At the Ordinary Council Meeting of 26 March 2019, Council resolved (OCM 71/2019):
 1. *REQUEST the Chief Executive Officer list for consideration in the draft 2019/2020 budget a provision to prepare a draft Urban Forest Strategy and commence Community Feedback on this draft by June 2020.*
 2. *REFERS development of the Urban Forest Strategy to the Kalamunda Environmental Advisory Committee (KEAC) to advise on scope, process, cost and principles of the Strategy are to include:*
 - a. *To meet the objectives of the City's Strategic Community Plan Priority 2: Kalamunda Clean and Green*
 - b. *To develop a program for planting trees across the City*
 - c. *To demonstrate leadership in understanding and addressing the urban heat island effect*
 - d. *To provide more liveable, attractive, and sustainable communities.*
 3. *REQUEST the Chief Executive Officer list for consideration in the draft 2019/20 budget an additional provision of \$50 000 per annum to the existing \$116 000 budget to extend the existing tree planting program across the City.*

4. *REQUEST the Chief Executive Officer list for consideration in the Long-Term Financial Plan a sum to enable the implementation of the urban Forest Strategy once adopted by council.*
6. In response to this referral KEAC established a Working Sub-group to assess and provide advice to the development of an UFS for the City of Kalamunda. The report of the Working Sub-group was presented to KEAC at their ordinary meeting of the 1 August 2019. In summary the following recommendations were made:
- a) establish a working Group with community members
 - b) establish baseline information;
 - c) identify local issues;
 - d) engage with stakeholders;
 - e) determine vision, principles, strategies, and targets;
 - f) develop actions; and
 - g) implement the strategy.
7. Additional items recommended by KEAC were:
- a) an easy to read guide to be developed to complement the strategy (A5); and
 - b) the strategy should also consider:
 - i. Managing each area differently. Different tree canopy covers in the Hills and foothills and targeting street trees in Forrestfield.
 - ii. Wildlife corridors.
 - iii. Tree preservation policy.
 - iv. Tree register.
 - v. Road reserve guidelines, like those produced by other Local Government Authorities but with vegetation types specific to the City of Kalamunda.
8. KEAC, like many Advisory Committees of the City of Kalamunda (City) were unable to meet during the initial Stages of the COVID-19 restrictions and as such progress on this matter has been delayed.
9. KEAC resolved from this meeting that the Working Sub-group meet with Parks and Environmental Services to discuss the next steps including priorities and resourcing.
10. KEAC met in special session on 16 September 2020 and resolved:
- 1. *That KEAC recommends the Urban Forest Strategy be presented to Council for advertising to the community, subject to further editorial changes and with the "Implementation Implications" column being removed from the Action Plan; and*

2. *That KEAC observes that there are now several environmental strategies adopted or being developed for adoption, that together add to complexity and resourcing demands for the City and its residents. KEAC recommends that this is best addressed with an overarching explanatory statement of how the strategies work together, and an investigation into their resourcing demands to be fully implemented.*

DETAILS AND ANALYSIS

11. The Vision of the draft UFS is “Our diverse forest is valued as an intrinsic feature of our evolving urban landscape that supports a happy, healthy and prosperous community”. The draft UFS is provided as Attachment 1 to this report.
12. The draft UFS has analysed and commented on the existing and desired level of tree canopy cover in the City through robust analysis of data leading to the classification of Urban Forest areas based on similar topography and land use throughout the City.
13. The following goals have been proposed within the UFS:
Swan Coastal Plain
 - a) increase canopy cover to an average of 20% with no net loss based on the 2018 baseline within residential lots and roads by 2028;
 - b) maintain canopy cover within parks and reserves;
 - c) retain at least 20% canopy cover within areas earmarked, but yet to undergo, urban development; and
 - d) increase canopy coverage in industrial areas to an average of 5 to 10% based on 2018 baseline by 2028.**Darling Scarp**
 - a) maintain overall canopy coverage with no net loss based on 2018 baseline;
 - b) increase canopy cover in areas with less than 20% canopy cover (including the Kalamunda Town Centre); and
 - c) increase canopy coverage in industrial areas to an average of 5 to 10% based on 2018 baseline by 2028.**Darling Plateau**
 - a) maintain overall canopy coverage with no net loss based on 2018 baseline.
14. Proposed actions proposed to meet these goals include:
 - a) increased planting on road reserves (medians and verges);
 - b) increase diversity of planted species;
 - c) increase planting in City managed parks and reserves with deficient cover compatible with land use;

- d) develop and implement street tree masterplan;
- e) increased management of existing street and reserve trees;
- f) increase planting on private property;
- g) maintain urban forest in areas earmarked for Urban and Industrial development;
- h) increase canopy cover in the Kalamunda Town Centre;
- i) implement monitoring and reporting systems; and
- j) consideration of creating an Urban Forest Team within City resources.

15. The final UFS document will be released after having considered the comments and responses from the public consultation phase and a more detailed analysis of proposed actions, their scope and associated financial implications to City's Workforce Plan and Long Term Financial Plan.

16. It is noted that development of land within the City not only needs to meet regulatory planning and development processes but also considers the many strategies developed by the City, including Economic Development, Aged Care, Local Environment, Urban Forest, Local Biodiversity, Kalamunda Activity Centre Plans, other Activity Centre Plans to name a few. There will be significant challenges in developing and implementing processes that as best possible, achieve a harmonious balance between these strategies.

APPLICABLE LAW

17. N/A

APPLICABLE POLICY

18. C-AS-02 Street Tree and Streetscape Management Policy.

STAKEHOLDER ENGAGEMENT

19. By releasing the draft UFS for public consultation and review, the broader community of the City of Kalamunda will be provided with the opportunity to consider the document and provide comment.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

- 21. The draft UFS is an integral step toward implementing an Urban Forest Strategy, that protects and enhances our urban forest.
- 22. An Urban Forest Strategy will provide lower temperatures in our urban environment which has demonstrated measurable positive benefits to our physical and mental health. A healthy urban forest will encourage exercise, social interaction and a reduction in UV exposure.
- 23. Increasing urban forest and providing shade to houses decreases energy consumption through reducing the use of air conditioning. Increased human health due to increased urban forest will have decreased impact on health services.
- 24. An extensive urban forest will facilitate the retention and safe movement of some local fauna species throughout the City. An active urban forest will sequester carbon and reduce the impacts of greenhouse gas emissions.
- 25. An extensive, established urban forest will assist to reduce water consumption.

RISK MANAGEMENT

26.	Risk: Failure to advocate for, protect and enhance our urban forest may lead to its decline and associated adverse effects.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Development of appropriate strategies and actions will provide a systemic response to the risk.		
	Risk: Implementation of the urban forest strategy will be incompatible with other City development strategies or regulatory planning regime		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	City to develop a balanced approach towards clearing of existing vegetated lands taking this strategy into consideration.		

CONCLUSION

27. The process recommended by KEAC was followed. Thorough review of the report and recommended actions as submitted by the consultant was undertaken to produce the draft UFS document. The draft UFS is considered suitable for release for public consultation and review.

Voting Requirements: Simple Majority

RESOLVED OCM 230/2020

That Council ENDORSE the Draft Urban Forest Strategy (Attachment 1), subject to minor editing and desktop publishing improvements for the purpose of public consultation.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3. Corporate Services Reports

10.3.1. Library Services Review

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

Previous Items
 Directorate Corporate Services
 Business Unit Commercial and Cultural Services
 File Reference
 Applicant N/A
 Owner N/A

Attachments Nil

Confidential Attachment 1. Library Services Review Report

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) (h) - "such other matters as may be prescribed."

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.3- Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to present the findings of the Review of City of Kalamunda Library Services (The Review) and endorse key report recommendations.
2. The City engaged Strategic Leadership Consulting to undertake a comprehensive review of the City's Library Services ensuring the assets, workforce, resourcing, and funding levels enable Kalamunda libraries to reflect the changing needs of our community.
3. The Review found that although the City provides an adequate library service from a functional perspective, however, there is significant opportunity for transitioning libraries from a dominant focus on books to a focus on more contemporary library services that provide increased community connection.

4. This report also proposes the Council requests the CEO to prepare and present an implementation plan, having regard to the recommendations of the Library Services Review Report, for the consideration and determination of the Council.
5. It is recommended that Council:
 1. RECEIVE and NOTE the Library Services Review Report in Confidential Attachment 1.
 2. REQUEST the Chief Executive Officer to prepare reports for consideration on:
 - (a) the recommendation to integrate the Forrestfield Library into a Community Hub within the Forrestfield Activity Centre Precinct.
 - (b) the recommendation to transition out of the current High Wycombe Library Site and co-locate within the District Structure Plan area in Forrestfield North (High Wycombe South) near the Train Station with a new contemporary library building.
 - (c) undertaking a redesign of the internals at the Kalamunda Library to improve amenity, improve service provision and program delivery and gain full utilisation of available space, providing the community with a contemporary community hub experience
 3. REQUEST that the City explores opportunities to establish cultural partnerships and joint ventures with other commercial businesses to reduce the cost of running its library services and to improve the customer experience and service offering.

BACKGROUND

6. The purpose of the Library Services Review (the Review) was to:
 - a) Meet the requirements of the Local Government Act specifically s:3.1 and s:3.18 of the Act.
 - b) Provide a context to the quality of the City of Kalamunda public library service
 - c) Serve as a tool to identify areas for strategic and operational improvement
 - d) Assist in the future planning, and development of library services
 - e) Provide an evaluation mechanism and benchmarking tool for public accountability

- f) Assist in determining whether resources are sufficient and efficient

7. The Review examined 5 key elements shown below.



8. The Review was informed by detailed literature reviews, benchmarking of Western Australian metropolitan and interstate library operations, community surveys and staff question plans.

9. To remain relevant, public libraries throughout Australia are:
- a) adapting and expanding beyond perceptions of their traditional roles
 - b) delivering new services to the public through substantial growth in programs and personalised information services

- c) leveraging technology to ensure user access to a broader range of content and resources
 - d) implementing outreach delivery methods
 - e) and becoming the guardians of community stories, culture, and local history.
10. The provision of public library services forms part of a local government's cultural and social practices that support learning, innovation, creativity and social cohesion. Public libraries are valued civic assets.
11. The review has found that although the City provides an adequate library service from functional but old assets there is an opportunity to reposition the service and make it a central function of the City, through the creation of community hubs offering complementary community services to increase utilisation rates.
12. The 21st Century is bringing new challenges to public libraries, driven by technological change and the diversification of community attitudes and needs.

DETAILS AND ANALYSIS

13. The Review was focused on establishing a vision and pathways towards digital driven community and multi layered community hubs.
14. The Review provides a context to the quality of the City of Kalamunda public library service. It identifies areas for strategic and operational improvement. The Review also assists in future planning, and development of library services and assists in determining whether resources are sufficient and efficient. It also provides an evaluation mechanism and benchmarking tool for public accountability.
15. In summary the Review found:
- a) That the City's library membership is about half that (21.8%) of the Western Australian average (41%), or the Australian average (44%), and half the number of visits.
 - b) That most libraries building assets are some 40-50 years old and at present there is an opportunity to rationalise and modernise the current library service.
 - c) That the City's Libraries need to become multipurpose community hubs collocated in areas to maximise community accessibility and where future population growth is evident.
 - d) That the provision of information technology is generally lagging behind other Cities.

- e) That the service offering of the library services are generally consistent with other libraries however, community needs are changing, and service offering will need to match these trends.
 - f) Staffing levels are just under (.74 FTE) the national standard.
 - g) That although the current revised structure is consistent with many other libraries the role, responsibilities and position titles need to be reviewed.
 - h) That the City spends just below the metropolitan average for operational expenditure on library services.
 - i) That there is no quality assurance system in place to control process consistency.
 - j) That there is no library Community Service Charter in Place.
16. Libraries are the cornerstone cultural assets across the City of Kalamunda, they provide communities with a central repository for social interaction and knowledge sharing.
17. Consistent with most library information services within local government, the City of Kalamunda continues to score high in community perception surveys reinforcing that the service is desired and appreciated by the community. Notwithstanding this fact, the current library service only engages approximately 25% of the community, which is half of what other local government's on average achieve.
18. The City currently has significant driving forces for future planning, notably, the Kalamunda Activity Centre, Forrestfield Activity Centre Plan and the Forrestfield North Train Station Precinct, which all provide opportunities to reshape the way the City delivers its Library Services.
19. The Review highlighted that well-located, well-designed, accessible facilities and services encourage community participation, which in turn builds strong, socially inclusive, connected, and active communities.
20. Throughout all layers of government there is a strong trend to work together more closely rather than providing stand-alone services. Libraries often collaborate with other local services through collocation in the same building, sharing access to facilities so as to share costs and improve customer experience.
21. Transforming the City's Library requires a considered long-term plan whereby service delivery can be advanced, and assets and funding can be re-allocated over an agreed time horizon.

22. It is proposed the Council instruct the Chief Executive Officer to prepare and present an Implementation Plan, having regard to the recommendations of the Library Services Review and its financial considerations, for Council's deliberation and endorsement.

23. In regard to the Implementation Plan and recommendations on to the future planning of the Forrestfield Library, it is noted that the Corporate Business Plan includes the following action in relation to the Forrestfield District Centre:

"STRATEGY: 3.1.1 Plan for diverse and sustainable housing, community facilities and industrial development to meet changing social and economic needs.

Associated Action:

...scope the resource requirements for an Activity Centre Plan for the Forrestfield District Centre for future budget consideration."

24. The City is currently preparing a detailed Project Plan to inform next year's budget considerations to prepare an Activity Centres Plan for the Forrestfield District Centre.

25. The FFACP will provide guidance in relation to the positioning of a future library and community hub.

APPLICABLE LAW

26. The Library Services Review report serves to meet the requirements of the Local Government Act (1995), specifically Section 3.18 parts 2 and 3:

APPLICABLE POLICY

27. Nil.

STAKEHOLDER ENGAGEMENT

28. The Library Services Review has drawn on the collective knowledge and experience of library practitioners, published guidelines and standards, comparative benchmarking of libraries. The Review also draws on the results of a community survey undertaken in May 2020.

FINANCIAL CONSIDERATIONS

29. The recommendations of the Library Services Review do have financial considerations. It is envisaged the Implementation Plan, developed for the deliberation and endorsement of Council, will outline in detail the financial considerations of each recommendation.
30. Future budget considerations will include funding for the preparation of the Forrestfield Activity Centre Plan and associated technical studies.

SUSTAINABILITY

Social Implications

31. To be explored in the proposed Implementation Plan.

RISK MANAGEMENT

32.	<p>Risk: The Library Services Review is not progressed and current operations continue without the focus of contemporary services and facilities being managed efficiently and effectively and failing to meet the expectations of all within the Kalamunda and broader community.</p>		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Council adopts, in principle, the recommendations of the Library Services Review Report and considers an Implementation Plan for deliberation and endorsement.		

CONCLUSION

33. The Libraries of Kalamunda have served the community well over the past 50 years and its timely the City take a fresh look at this valued service to they meet the needs of the community for the next 50 years.
34. The City has undertaken a full and comprehensive service review of its public libraries examining the five key elements of People, Operations, Systems & Processes, Innovation, and Assets.
35. The Library Services Review (Confidential Attachment 1) is tabled for Council to receive and note.

36. The City has a real opportunity to build cohesive, engaged, and informed communities and library services is a key asset that will support these goals. In order to achieve this, library services into the future will require flexible spaces, effective partnerships, and re-skilling of staff. It will also require well designed and well resourced libraries in the right locations.
37. In the next 20 years the City will experience significant growth in the Foothills areas. This growth will escalate the need to provide new, modern and contemporary library and community services. The creation of community hubs is the central tenet in the review of libraries
38. The Review notes that the transformation of library services needs to leverage off many of the good things currently being done in the City's libraries and progressively steer staff and users from the traditional library model into a vibrant community hub.
39. To progress the recommendations of the Library Services Review it is recommended Council request the Chief Executive Officer to prepare and present an Implementation Plan for the endorsement of Council.

Voting Requirements: Simple Majority

RESOLVED OCM 231/2020

That Council:

1. RECEIVE and NOTE the Library Services Review Report in Confidential Attachment 1.
2. REQUEST the Chief Executive Officer to prepare reports for consideration on:
 - (a) the recommendation to integrate the Forrestfield Library into a Community Hub within the Forrestfield Activity Centre Precinct.
 - (b) the recommendation to transition out of the current High Wycombe Library Site and co-locate within the District Structure Plan area in Forrestfield North (High Wycombe South) near the Train Station with a new contemporary library building.
 - (c) undertaking a redesign of the internals at the Kalamunda Library to improve amenity, improve service provision and program delivery and gain full utilisation of available space, providing the community with a contemporary community hub experience.

3. REQUEST that the City explores opportunities to establish cultural partnerships and joint ventures with other commercial businesses to reduce the cost of running its library services and to improve the customer experience and service offering.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4. Office of the CEO Reports

10.4.1. Council Meeting Schedule 2021

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

Previous Items	OCM 295/2019
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	N/A
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. 2021 Schedule of Council Meeting Dates [10.4.1.1 - 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 is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
- Legislative Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 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 consider the setting Ordinary Council (OCM) and Public Agenda Briefing Forum (PABF) meeting dates for the 2021 calendar year.
2. The current meeting cycle adopted by Council in 2019 provides for the PABF to be held on the second Tuesday of each month and the OCM on the fourth Tuesday, with no meetings scheduled in January.
3. It is recommended Council set the dates for meetings of the PABF and OCM as detailed in the Schedule (Attachment 1).

BACKGROUND

4. Section 5.4 (b) of the *Local Government Act 1995* (the Act) provides for the Council to call OCM's and Section 5.25 (1) (g) of the Act and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires at least once every year a local government is to give local public notice of the dates, time and place for OCM and committee meetings required to be open to members of the public.

DETAILS AND ANALYSIS

5. The current meeting structure and cycle has now been in operation for several years and appears appropriate in meeting the operational and strategic direction of Council and the needs of the community, with no major issues for either Council or the community.
6. It has been the custom of the City for no meetings to be scheduled in January and the meetings for December be brought forward by one week.
7. Additionally, October meetings have been brought forward to allow the Council to conclude business presented in October prior to the biannual local government ordinary elections held on the third Saturday of October.
8. A schedule of proposed meeting dates for the 2021 calendar year has been prepared taking into account the above minor schedule changes (Attachment 1).

APPLICABLE LAW

9. Section 5.4 (b) of the Act provides for the Council to call OCM's.

- 10. Sections 5.8, 5.9 and 5.10 of the Act provides for the establishment of committees, determination of the type and appointment of members of committees.
- 11. Section 5.17 of the Act provides that Council can delegate some of its powers and duties to certain types of committees. Council has not delegated any powers or duties to a committee.
- 12. Section 5.25 (1) (g) of the Local Government Act 1995 provides for the giving of public notices of the date and agenda for council or committee meetings.

APPLICABLE POLICY

- 13. Nil

STAKEHOLDER ENGAGEMENT

- 14. As this report recommends no change to current meeting structure or cycle, no stakeholder engagement has been undertaken.

FINANCIAL CONSIDERATIONS

- 15. Acceptance of the recommendation will not result in any additional expenditure being incurred to that already included in the current or 2021/22 budget.

SUSTAINABILITY

- 16. Nil

RISK MANAGEMENT

17.	Risk: Council does not approve a schedule of meetings as required by the legislation.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Ensure the council meets its legislative obligations by adopting a schedule of meetings.		

CONCLUSION

18. As per current practice no meetings have been scheduled for January 2021, in addition the October meeting has been brought forward for it to be held immediately prior to the Local Government Elections.

Voting Requirements: Simple Majority

RESOLVED OCM 232/2020

That Council SET the dates for meetings of the Public Agenda Briefing Forums and Ordinary Council Meetings as detailed in the Schedule (Attachment 1).

Moved: **Cr Cameron Blair**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.2. Corporate Business Plan - Quarterly Update - July to September 2020

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

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

Attachments 1. Quarterly Corporate Plan Report July - September 2020 [10.4.2.1 - 49 pages]

TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2020-2024" for the period July to September 2020.
2. On average, actions from the Corporate Business Plan are 38.7% complete at the end of the first quarter, 30 September 2020.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period July to September 2020.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2020-2024 (CBP) was endorsed by Council on 30 June 2020. The Plan is reviewed every year.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2020/21.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 120 individual actions set out within the CBP for the 2020/21 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 30 September 2020.
11. On average, the actions contained in the CBP are 38.7% complete. For most actions, the target at the end of the first quarter is 25%.

12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%. The average achievement of target across the actions is 147%.

APPLICABLE LAW

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

APPLICABLE POLICY

14. Nil.

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

19.

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

CONCLUSION

20. On average, actions from the Corporate Business Plan are 38.7% complete.

Voting Requirements: Simple Majority

RESOLVED OCM 233/2020

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2020-2024 for the period July to September 2020.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.4.3. Solar Panels and Batteries on Community Leased Buildings - Draft Policy

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

Previous
Items
Directorate
Business Unit
File Reference
Applicant
Owner

Attachments 1. Draft Policy - Funding for Solar Panels - Oct 2020
[10.4.3.1 - 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
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 2: Kalamunda Clean and Green

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of a policy regarding funding support for the installation of solar photovoltaic panels and / or battery banks on buildings owned by the City of Kalamunda (City) that are leased to community groups.
2. In line with existing lease conditions, these lessees are responsible for the costs of electricity consumption on these buildings and some would like to explore ways to reduce their running costs through the use of solar power. A proposed policy would identify funding support for these initiatives.
3. It is recommended that Council endorse this policy and note that funding will be included in the draft 2021/22 Budget for consideration at that time.

BACKGROUND

4. Some community-based groups have approached the City for permission to install solar panels on the roof of the building they lease from the City in order to reduce their running costs. It is noted that the large initial capital outlay does restrict groups from being able to undertake these works solely within their own financial reserves.
5. It is felt that development of a policy whereby the City may provide some initial funding support may allow these groups to have the works undertaken and thus reduce their running costs.

DETAILS AND ANALYSIS

6. The City provides access to its community buildings in two ways:
 - a) hire fees on regular or ad hoc basis for parts of a building; and
 - b) leasehold to community groups for substantive periods with a peppercorn rent.
7. The case of the building being a 'hall for hire' is not the subject of this policy. In these cases, the City is responsible for the cost of electricity for these buildings.
8. In the case of leased buildings, the community group holding the lease is responsible for the ongoing cost of utilities, including electricity. Groups are usually keen to see reduced running costs in order to maintain their viability.

9. The basis of this policy is that if funding was provided in each annual budget, groups can apply for funding support to have solar panels and / or battery storage systems within their leased premises. These systems would reduce running costs for the groups.
10. The draft policy is provided as Attachment 1 to this report. The core principles of the policy are:
- a) City will provide 'up front' financial support up to a cap of \$20,000;
 - b) the Community group will repay 50% of the funding support within a three year period;
 - c) the assets created form part of the building infrastructure for City maintenance, management and eventual renewal;
 - d) the Chief Executive Officer has authority to approve applications up to the annual budget provisions; and
 - e) applications that do not meet criteria set out in the policy or where the annual budget has been expended shall be referred to Council for decision.
11. It is to be noted that this policy is not intended to apply to commercial organisations leasing buildings from the City.

APPLICABLE LAW

12. *Local Government Act 1995.*

APPLICABLE POLICY

13. Draft policy subject of this report.

STAKEHOLDER ENGAGEMENT

14. This matter has been discussed with various community groups who have approached the City regarding solar panels.
15. If adopted, each community group who hold a lease for a building with the City will be advised of this policy.

FINANCIAL CONSIDERATIONS

16. Subject of annual limits adopted in each budget from time to time.

SUSTAINABILITY

17. The use of renewable energy such as solar panels further reduces the carbon footprint within the City.

RISK MANAGEMENT

18.	Risk: That groups benefiting from the scheme fail to repay the 50% funding to the City		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	If an application was approved, the lease in place would be amended to reflect the repayment terms with non-compliance a breach of lease.		

	Risk: That a higher than budgeted number of applications are received each financial year		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Council may consider further funding within a budget year.		

CONCLUSION

19. This policy provides a means for community groups who don't have substantial reserves to be able to reduce their running costs for electricity as well as reduce their carbon footprint. Savings in electricity bills can be used to support the repayment plan.

Voting Requirements: Simple Majority

RESOLVED OCM 234/2020

That Council:

1. ADOPT draft policy "City of Kalamunda Funding Support for Solar Panels with or without Battery Storage on a Community Leased Building" as per Attachment 1 to this report; and
2. NOTE that an amount of \$20,000 to provide funding support will be listed in the draft 2021/2022 Budget.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Presiding Member adjourned the meeting at 8:19pm. The Meeting recommenced at 8:27pm.

10.4.4. Federal Election Commitment at Hartfield Park - \$2 Million - Identified Priority Projects

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

Cr Lesley Boyd declared an Interest Affecting Impartiality on Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 million - Identified Priority Projects. Cr Boyd is a coach of the Year 9/10 Girls Team and is a non-financial member of the Forrestfield Football Club for the 2020 AFL Season.

Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.4 Federal Election Commitment at Hartfield Park - \$2 million - Identified Priority Projects. Cr Stallard is a Member of the Forrestfield Bowling Club.

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Leisure Planning
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Nil

TYPE OF REPORT

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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

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 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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 endorse priority projects to inform the application process for the \$2 million Federal Government Funding Commitment at Hartfield Park.
2. In May 2019, the Federal Government made a \$2 million election commitment to the development of sporting infrastructure at Hartfield Park. This included a commitment of \$500,000 towards new changerooms for the Forrestfield Football Club.

In order to access this funding, the City of Kalamunda is required to submit a funding application to the Federal Government detailing its project priorities by 31 December 2020.

3. It is recommended that Council;
- a) ENDORSE the City of Kalamunda to submit a grant application to the Federal Government and to leverage the \$2 million Federal Government funding commitment at Hartfield Park as per Option Four for the following priority projects:
 - Project One – AFL / Little Athletics Stage One at Reid Oval;
 - Project Two – Little Athletics – New long jump pits at Reid Oval;
 - Project Three – Rugby League Clubrooms;
 - Project Four – Bowling Club extension Stage 1; and
 - Project Five – Bowling Club extension Stage 2: Co-location of Tennis with Bowls.
 - b) NOTE a future Community Sporting and Recreation Facilities Fund forward planning grant application will be submitted in September 2021 for the identified priority projects at Hartfield Park to meet the identified funding gap.
 - c) NOTE in the event of a successful CSRFF funding application an amount of up to \$382,000 will need to be considered as part of the 2022/23 and 2023/24 annual budget deliberation process.

BACKGROUND

4. In May 2019, the Federal Government made a \$2 million election commitment for the development of sporting infrastructure at Hartfield Park including a specific commitment of \$500,000 towards new changerooms for the Forrestfield Football Club.
5. The intent of the election commitment was to kick start the development of collocated sporting infrastructure at Hartfield Park.
6. In order to access the funding, the City of Kalamunda is required to submit a funding application to the Federal Government detailing its project priorities by 31 December 2020.
7. In 2010, the City adopted the Hartfield Park Master Plan (HPMP), which identified the need to reduce single use sporting club facilities at the site by co-locating sporting groups into shared use sporting facilities.
8. In September 2018, the City received multiple applications through the City's Capital Grants Program from Hartfield Park sporting users to upgrade their existing single use sporting club facilities.

9. In response to these requests, and in consideration of the original HPMP, the City engaged Dave Lanfear Consulting to undertake the Hartfield Park Master Plan (HPMP) Stage Two project (the Study), with a focus on co-locating multiple single use sporting facilities across Hartfield Park. The project has undertaken a detailed consultation process with the various users at Hartfield Park to identify their current and future facility needs.
10. The Study will continue to be progressed by Dave Lanfear Consulting and will be presented to Council at a future Council meeting.

DETAILS AND ANALYSIS

11. The study’s preliminary findings have identified a range of priority projects based on need. The value of these projects exceeds the \$2 million Federal Government allocation, thus limiting the number priority projects that can be delivered within this allocation.
12. In order to allocate the \$2 million Federal Government commitment, four potential funding strategy options have been developed for the consideration of Council.
13. Two of the funding options utilise the \$2 million Federal Government allocation only. While the remaining two funding strategy options present an opportunity for the City to leverage the \$2 million Federal Government allocation by applying for additional funding assistance through the State Government’s Community Sporting and Recreation Facilities Fund (CSRFF), and through a potential funding contribution from the City.
14. The CSRFF program aims to increase participation in sports and recreation with an emphasis on increasing physical activity through the provision of well-planned facilities. Projects that support female participation, such as unisex changerooms are considered a higher priority for the program.
15. The maximum CSRFF grant available will be no greater than one third of the total estimated project cost.
16. The following priority projects have been identified across the four funding strategy options are:

Project Details:	*Cost Estimations
Project One – AFL / Little Athletics Stage One – Two new senior changerooms, umpires’ room, first aid room, universally accessible toilet and storage at Reid Oval	\$921,120

Project Two – Little Athletics – New long jumps at Reid Oval	\$66,000
Project Three – Rugby League Clubrooms – Two new senior changerooms, umpires room, first aid room, universally accessible toilet, storage and refurbishment of existing building.	\$1,078,240
Project Four – Bowling Club extension Stage 1: New kitchen, servery and expanded social area to existing bowling club.	\$472,000
Project Five – Bowling Club extension Stage 2: Co-location of Tennis with Bowls including new tennis social area, new shared use areas including toilets, changerooms, storage and first aid room, two new tennis courts and minor car parking amendments.	\$1,020,424

*Cost estimations are based on high level concept designs and inclusive of all preliminaries, project management fees and contingencies.

17.

1. Project Priorities and Funding Strategy Option One:

This strategy utilises the \$2 million Federal Government allocation only through the following projects:

- Project One;
- Project Two;
- Project Three (Note: Half the project scope is delivered, i.e. only two changerooms and universally accessible toilet); and
- Project Four.

Option One: Total Funding Breakdown:

Funding Source	Estimated Amount
Federal Government	\$2 million
City of Kalamunda	\$0
TOTALS	\$2 million

18. **2. Project Priorities and Funding Strategy Option Two:**

This strategy utilises the \$2 million Federal Government allocation with a minor City funding contribution through the following projects:

- Project One;
- Project Two; and
- Project Three.

Option Two – Total Funding Breakdown:

Funding Source	Estimated Amount
Federal Government	\$2,000,000
City of Kalamunda	\$ 65,000
TOTALS	\$2.065M

19. **3. Project Priorities and Funding Strategy Option Three:**

This strategy leverages the \$2 million Federal Government commitment by seeking to attain further external funding through the CSRFF program. This option does involve a City contribution. This strategy effectively turns \$2 million into \$3.557 million and allows for more users to benefit.

This strategy involves allocating a portion of the \$2 million Federal Government commitment towards Project 1, thus allowing it to proceed as a priority project and is not subject to attracting CSRFF funding.

The balance of the \$2 million Federal Government Commitment is allocated to the following projects, and they are subject to the City attaining external funding through the CSRFF program and the City's annual budget deliberation processes:

- Project 2;
- Project 3;
- Project 4; and
- Project 5.

Option Three – Total Funding Breakdown:

Funding Source	Estimated Amount
Federal Government	\$2,000,000
CSRFF	\$ 867,000
City of Kalamunda	\$ 689,000
TOTALS	\$3.557M

20. **4. Project Priorities and Funding Strategy Option Four:**

This strategy fully leverages the \$2 million Federal Government commitment by seeking to attain further external funding through the CSRFF program. This option does involve a funding contribution from the City towards the priority projects. This strategy effectively turns \$2 million into \$3.557 million and allows for more users to benefit at a reduced cost to the City.

This strategy involves allocating the entire \$2 million Federal Government Commitment to the following projects, however all projects are subject to the City attaining external funding through the CSRFF program and the City’s annual budget deliberation processes:

- Project 1;
- Project 2;
- Project 3;
- Project 4; and
- Project 5.

Option Four – Total Funding Breakdown:

Funding Source	Estimated Amount
Federal Government	\$2,000,000
CSRFF	\$1,175,000
City of Kalamunda	\$ 382,000
TOTALS	\$3.557M

21. **Project Delivery Timeframes**

Hartfield Park is a registered Aboriginal Heritage Site, under the *Aboriginal Heritage Act 1972*, therefore all identified priority project approvals, in accordance with the Act, may require a Section 18 Notice including having applications referred to the South West Aboriginal Land and Sea Council (SWALSC).

22. The *Aboriginal Heritage Act 1972* is likely to be replaced with the Aboriginal Heritage Act 2020. This is anticipated to occur in the near future. Once legislated though, there will be a transition period of up to 12 months, where the Aboriginal Heritage Act 1972 and its existing processes, will remain in effect.

23. In consideration that the Aboriginal Heritage Act 1972 will likely still be in effect over the next 12 months and previous approval timelines for projects at Hartfield Park, the approval process for identified priority projects is anticipated to take up to 12 months.

24. Further influencing the delivery timeframe is the Application and Assessment process by the Federal Government for approval to utilise the \$2 million Election Commitment. It is estimated based on recent funding applications with the Federal Government that this process can take up to 4 months, meaning the City would be notified of an outcome by April 2021.
25. The Section 18 Notice and Federal Government approval process would effectively mean identified priority projects would not be ready for delivery until the 2022/23 financial year. Therefore, the potential benefits of Option 3 in fast tracking Project 1 may not be realised any quicker than the other identified priority projects.
26. The next available CSRFF funding opportunity is the 2022/23 Forward Planning round. Applications for this round are due in September 2021, with the City advised of an outcome in early 2022.

If successful, funding would be available in the 2022/23 and potentially the 2023/24 financial years.

27. The anticipated Section 18 Notice outcome date is expected to coincide with the outcomes of the CSRFF program, which is anticipated in February / March 2022, thereby strengthening the rationale for Option Four (i.e. all projects to be considered by CSRFF).
28. Whilst pursuing Option Two, would be a simpler process in terms of utilising already secured grant funding, however it is unlikely to deliver projects any sooner due to requirement for SWALSC approvals.

29. **Options Analysis**

In consideration of the options available, the following information is noted:

Option One:

- Option One is not recommended as it will result in projects being delivered in an ad hoc manner that will complicate project delivery and likely lead to future costs to the City in retrofitting facilities.

30. **Option Two:**

- Option Two allocates the \$2 million Federal Government commitment only, therefore does not take advantage of the leveraging opportunity.
- A smaller number of user groups benefit from this strategy, as less projects are able to be delivered. Identified projects are not subject to attaining any further funding.

31. **Option Three:**
- Option Three partially leverages the \$2 million Federal Government commitment, however, Project 1 is progressed as a priority and not subject to attaining CSRFF funding.
 - Option Three enables additional user groups to benefit and for additional projects to be delivered, however, it will require a total City contribution of \$689,000 over two financial years. This option requires the highest funding contribution from the City.
 - Due to the potential delay resulting from the SWALSC approval process, Project 1 is unlikely to be able to be delivered faster than the other projects.
32. **Option Four:**
- Option Four fully leverages the \$2 million Federal Government commitment, enabling the City to attract additional external funding towards the priority projects.
 - Option Four enables additional projects to be delivered, resulting in additional user groups benefiting.
 - The total City contribution towards this option is \$382,000 over two financial years, which is significantly reduced compared to Option Three.
33. In summary, the Section 18 Notice approval process required at Hartfield Park and Federal Government grant application process, will delay all projects up to 12 months. Therefore, the best approach for the City from both a financial and project delivery perspective is to proceed with Option Four. This would enable the City to maximise the available funding opportunities, effectively achieve more projects that will benefit more user groups, at a reduced cost to the City.

APPLICABLE LAW

34. Local Government Act 1995 Section 3.18 (c) - Effective Management of Local Government Services and Facilities.
35. Aboriginal Heritage Act 1972.

APPLICABLE POLICY

36. Nil.

STAKEHOLDER ENGAGEMENT

37. The identified priority projects have been developed based on consultation with the various user groups that has informed the Study. This consultation process included:
- a) A user group survey;
 - b) A site tour of the facilities by the Consultant;
 - c) A workshop with each of the user groups; and
 - d) One on one discussions between the user groups and Consultant.
38. The City has consulted with the Federal Government’s Department of Infrastructure, Transport, Regional Development and Communities regarding the application process for the \$2 million funding commitment at Hartfield Park.
39. The DLGSC has advised that the identified priority projects are eligible for the CSRFF program. Projects that increase female participation in sport and recreation, such as change rooms are considered a higher priority for the CSRFF program.
40. The City has consulted with the Department of Lands, Planning and Heritage (DLPH) regarding the changes to the Aboriginal Heritage Act 1972 and its effect on the approval process and timelines. The City will continue to liaise with the DLPH, Western Australian Local Government Association and SWALSC on the matter.
41. Further consultation will be undertaken with the relevant users during the detailed design phases of the individual projects and through the Study.

FINANCIAL CONSIDERATIONS

42. Based on the City proceeding with Option Four, the overall cost of implementing the five priority projects is estimated at \$3.557 million. It should be noted that at this stage these figures are high level indicative costs only, inclusive of preliminaries, contingencies and professional fees. Detailed capital and whole of life costings will be developed prior to the implementation of each project.
43. The proposed funding strategy for Option Four is:

Funding Source	Estimated Amount
Federal Government Election Commitment	\$2,000,000
State Government – CSRFF Program	\$1,175,000
City of Kalamunda	\$ 382,000
TOTALS	\$3.557M

44. Future projects, that will require a City of Kalamunda funding contribution will be considered as part of Council's annual budget deliberation processes and considered against other competing priorities, which is anticipated to be in the 2022/23 and the 2023/24 financial years.
45. The Study will form part of the City's advocacy approach in the lead up to the 2021 State Election.

SUSTAINABILITY

Social Implications

46. Investment in Hartfield Park with updated sport and recreation facilities increases the value of the City's assets, provides benefits to the local community, improves community safety and enhances the user and player experiences for their training and competitions.
47. Specifically, the identified projects will provide unisex changeroom facilities for female players and universally accessible toilets. These amenities will ensure the City provides adequate facilities for its whole community to utilise and support the growth of female sport.
48. As Hartfield Park is an Aboriginal Heritage site, under the Aboriginal Heritage Act 1972, the identified priority projects will need to obtain approvals through the Section 18 Notice.

Economic Implications

49. The proposed projects will assist in providing local employment opportunities and provide increased economic activity to the City of Kalamunda during the construction phase.

Environmental Implications

50. Sustainability design options such as the use of LED lighting and solar panels and other energy saving options will be considered during the detailed design phase for each project.

RISK MANAGEMENT

51.

Risk: That the Federal Government grant application is not approved.		
Consequence	Likelihood	Rating
Critical	Unlikely	High
Action/Strategy		
<p>The Study has preliminary identified the priority projects and the best long term implementation plan for the site.</p> <p>Identified priority projects align with the original intent of the Federal Government election commitment and their recent policies to support female sport and shared use facilities.</p>		

52.

Risk: That the leveraging strategy does not attract CSRFF funding.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
<p>The projects that the City is seeking CSRFF funding support for are considered a high priority for the CSRFF program i.e. Unisex changerooms and shared use facilities.</p> <p>If CSRFF funding is not successful, then Council will need to reconsider the options available.</p>		

CONCLUSION

53. In summary, the SWALSC approval process required at Hartfield Park and Federal Government grant application process, will delay all projects up to 12 months. Therefore, the best approach for the City from both a financial and project delivery perspective is to proceed with Option Four. This would enable the City to maximise the available funding opportunities, effectively achieve more projects and benefit more user groups.
54. As part of the application process the City will advise the Federal Government of the identified priority projects for the \$2 million Hartfield Park Election Commitment as per Option Four or as determined by Council.

Voting Requirements: Simple Majority

Cr Boyd foreshadowed an alternative recommendation. The substantive recommendation received a mover and seconder before being debated and put to a vote.

Cr Sewell left the meeting at 9:07pm and returned at 9:09pm. Cr Sewell was present for the vote.

RESOLVED OCM 235/2020

That Council:

1. ENDORSE the City of Kalamunda to submit a grant application to the Federal Government and to leverage the \$2 million Federal Government funding commitment at Hartfield Park as per Option Four for the following priority projects:
 - a) Project One – AFL / Little Athletics Stage One at Reid Oval;
 - b) Project Two – Little Athletics – New long jump pits at Reid Oval;
 - c) Project Three – Rugby League Clubrooms;
 - d) Project Four – Bowling Club extension Stage 1; and
 - e) Project Five – Bowling Club extension Stage 2: Co-location of Tennis with Bowls.

2. NOTE a future Community Sporting and Recreation Facilities Fund forward planning grant application will be submitted in September 2021 for the identified priority projects at Hartfield Park to meet the identified funding gap.

3. NOTE in the event of a successful CSRFF funding application an amount of up to \$382,000 will need to be considered as part of the 2022/23 and 2023/24 annual budget deliberation process.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Margaret Thomas**

Vote:

For

Cr Janelle Sewell
Cr Geoff Stallard
Cr John Giardina
Cr Brooke O'Donnell
Cr Sue Bilich
Cr Lisa Cooper
Cr Cameron Blair
Cr Kathy Ritchie
Cr Margaret Thomas

Against

Cr Lesley Boyd
Cr Dylan O'Connor

CARRIED (9/2)

10.5. Chief Executive Officer Reports

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

TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
- Information For Council to note
- 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 October 2020.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the period's performance against the first term budget review adopted by the Council on 27 October 2020 for the 2020/2021 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 October 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.

FINANCIAL COMMENTARY

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

7. This Statement reveals a net result surplus of \$42,665,010 compared to the budget for the same period of \$40,116,014.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$576,976. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$528,885. The variance is due to revenue received for “Better Bins Kerbside Collection Program”. The grant programme is managed by the Department of Water and Environmental regulation.
 - b) Fees and Charges are over budget by \$30,850. This is an aggregate result of minor variances in individual fee categories.
 - c) Interest Income is over budget by \$16,558. This is the result of a timing matter.
 - d) Other Revenue is over budget by \$1,158. This is an aggregate result of minor variances in individual income categories.

Operating Expenditure

9. Total expenditure is under budget by \$1,401,791. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$365,593, which is primarily due to vacant positions and the aggregate result of minor variances in various business units.
 - b) Materials and Contracts are under budget by \$967,957. The variance is primarily due to; Waste costs that are under budget by \$402,292 mostly from putrescible waste charges and verge collection costs and considered to be a timing variance;
 - c) Utilities are under budget by \$37,107, which mainly relates to street lighting costs which are lower than projected;
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$135,532.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is over budget by \$145,937. The variance is due to the COVID 19 relief payments. These payments are fully funded by the crisis relief reserve fund.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are under budget by \$1,569,668. The variance is mainly due to the timing of the road projects related grants.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$523,513. This is considered to be a timing issue.
12. Capital works-in-progress expenditure of \$304,258 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities show a variance of \$1,488,083 which is mainly due to the developer contributions and considered to be a timing issue.

Rates Revenues

14. Rates generation is over budget with a variance of \$361,576. The variance is mainly due to the timing of interim rates.

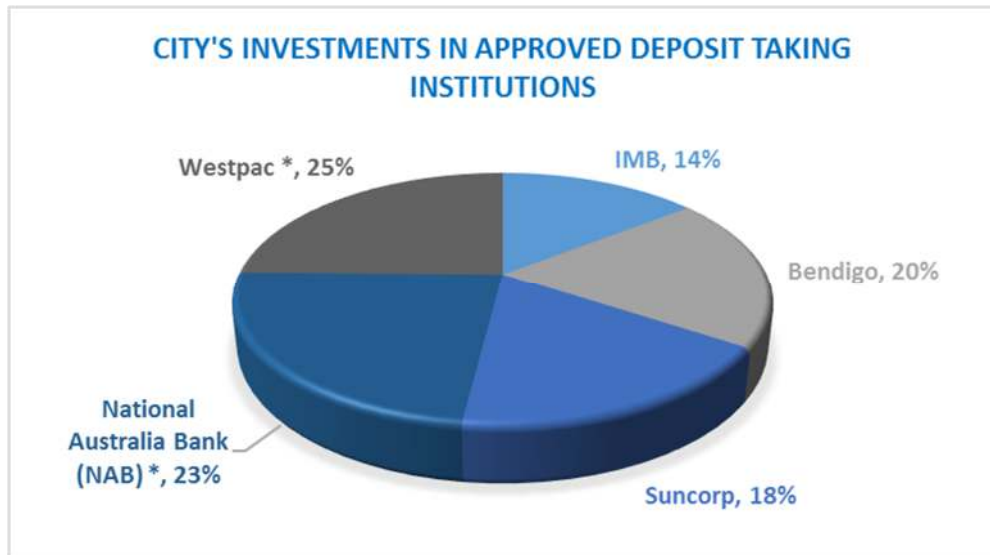
Statement of Financial Activity by Program for the period ended 31 October 2020

15. Generally, the net result of each Program is within the accepted budget except for 'Health', 'Recreation & Culture', and 'Transport'. Major variances have been reported by Nature and Type under points 7 to 14 above.

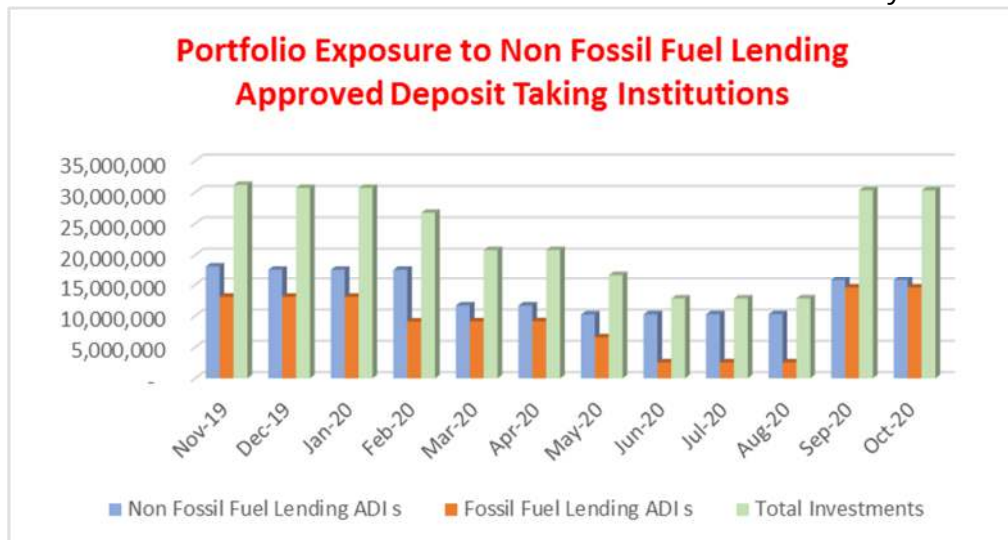
Statement of Net Current Funding Position as at 31 October 2020.

16. The commentary on the net current funding position is based on a comparison of October 2020 to the October 2019 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$53 million. The restricted cash position is \$14.7 million which is lower than the previous year's balance of \$17 million. This is mainly attributed to the Forrestfield 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.
18. The following graph indicates the financial institutions where the City has investments as of 31 October 2020;

19.



*Financial Institutions with Investments in the Fossil Fuel Industry



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$15.8 million.
21. Sundry debtors have increased from \$398,883 to \$1,169,510, of which \$429,197 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
22. Receivables Other represents \$4 million including:
 a) Emergency Service Levy receivables \$2.1 million;
 b) Receivables sanitation \$1.3 million
23. Provisions for annual and long service leave have increased by \$0.7 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

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

APPLICABLE POLICY

25. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT

32.	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.		

33.	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

34. The City’s Financial Statements as at 31 October 2020 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 236/2020

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 October 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.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.2. Debtors and Creditors Report for the period ended October 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 October 2020 [10.5.2.1 - 38 pages] 2. Summary of Debtors for the month of October 2020 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of Oct 2020 [10.5.2.3 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in October 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 October 2020.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in October 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 October 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 October 2020 were \$1,169,510. This includes \$429,197 of current debts and \$3,343 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$242,871, debts of significance:
 - a) El Dujmovic Pty Ltd, \$209,700, Development Contribution
 - b) Department of Education, \$22,102, Kostera Oval Expenses
 - c) Cleanaway, \$4,098, Reimbursement for damage / repairs

- d) Hills District Callisthenics, \$3,790, Hall Hire
- e) Kalamunda & District Basketball, \$1,151, Hall Hire
- f) Joliettes Gymnastics, \$1,023, Hall Hire

8. Invoices over 60 days total \$478,389, debts of significance:
- a) Satterley, \$471,660, Developer Bonds; received bank guarantees for the amount due on 03/11/20
 - b) Rotary Club of Kalamunda, \$1,686, Trading in Thoroughfares – Market

9. Invoices over 90 days total \$22,397, debts of significance:
- a) GIO Workers Compensation, \$22,052, workers compensation; paid on 03/11/2020.

Creditors

10. Payments totalling \$5,253,855 were made during the month of October 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 9	615,312.60
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	422,568.86
Australian Tax Office	PAYG payments	394,577.52
Cleanaway	Waste/ recycling and bulk bin disposal service fees	262,700.39
Electricity Networks Corp T/A Western Power	Street lighting at Hale Road, Wattle Grove – stage 2 road widening *	241,735.00
WA Local Government Superannuation Plan	Superannuation contributions	195,468.72
WA HINO Sales & Service	Purchase of two HINO tip trucks	193,995.50
LGIS Liability Scheme	LGIS liability insurance – 2 nd instalment – 30 December 2020 to 30 June 2021	147,551.80
Synergy	Power charges – various locations	137,820.07

Beaver Tree Services	General tree services / under power lines pruning for various locations	134,443.25
LGIS Workcare Scheme	LGIS Work care insurance - 2 nd instalment – 30 December 2020 to 30 June 2021	131,828.43
LGIS Property	LGIS property insurance - 2 nd instalment – 30 December 2020 to 30 June 2021	112,981.78
Data Signs Pty Ltd	Supply and deliver 4 new C5 colour display boards to operations centre	102,502.00
Contraflow	Traffic management - various locations	67,214.93
Department of Fire and Emergency Services (DFES)	50% cost sharing for the community fire manager for the period 26 June 2020 to 24 September 2020.	64,835.76
Dowsing Group Pty Ltd	Supply and lay concrete paths – various locations	57,397.26

These payments total \$3,282,933.87 and represent 62.5% of all payments for the month.

* - The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during October 2020.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,204,161.80 was paid in net salaries for the month of October 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 October 2020.

CELL 9		Amount (\$)
Date	Description	
29/10/2020	City of Kalamunda – Project management costs for the quarter ending 30 September 2020 and reimbursement of employee costs	4,781.10
29/10/2020	Western Power - Street lighting at Hale Road, Wattle Grove – stage 2 road widening	241,735.00
29/10/2020	Illion Australia Pty Ltd – RFT Hale Road, Wattle Grove, widening and enhancement	161.00
29/10/2020	Market Force Pty Ltd – RFT Advertisement Hale Road, Wattle Grove, widening and enhancement	437.13

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 are within the normal trend range.

Voting Requirements: Simple Majority

RESOLVED OCM 237/2020

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in October 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 October 2020.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.3. Rates Debtors Report for the Period Ended October 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 Oct 2020 [10.5.3.1 - 1 page]

TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (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. As at 31 October 2020 \$25,156,776 has been collected for current and outstanding rates for the 31 October 2020 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of October 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 \$40,429,724. As at 31 October 2020 a total of \$25,156,776 has been collected since Rates Notices were released. This represents a collection rate of 63.59%.
6. Additional payment options available to better assist ratepayers in paying amounts due are:
 - a) A Smarter Way to Pay – with approximately 1142 ratepayers that have elected to pay by Direct Debit over a mutually agreed period of time.
 - 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 is 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. Interim rating has commenced for 2020/2021. A total of \$231,653 has been raised thus far.
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).
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 October 2020 to 31 October 2020 there was a total of 497 incoming calls and 111 outgoing calls, equating to 32 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 63.59 %.

Voting Requirements: Simple Majority

RESOLVED OCM 238/2020

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

Moved: **Cr Sue Bilich**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.4. Application for Leave – Chief Executive Officer

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

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	
Owner	
Attachments	Nil

TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking its substantive role of direction setting and oversight (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. To seek the approval of Council for leave arrangements for the Chief Executive Officer.

2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the periods of Wednesday 23 December 2020 to Tuesday 26 January 2021 inclusive and from Wednesday 10 February 2021 to 12 February 2021 inclusive.

BACKGROUND

4. Nil.

DETAILS AND ANALYSIS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Wednesday 23 December 2020 to Tuesday 26 January 2021 inclusive and from Wednesday 10 February 2021 to 12 February 2021 inclusive.
6. The Chief Executive Officer has accrued sufficient leave and this approval will enable leave accrued to be acquitted.

APPLICABLE LAW

7. *Local Government Act 1995 Section 5.36*

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

9. N/A

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

11. N/A

RISK MANAGEMENT

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

CONCLUSION

- 13. The leave requested is an entitlement of the CEO’s contract of employment.
- 14. The role of Acting Chief Executive Officer will be undertaken by the Director Development Services for the first period of leave and the Director Asset Services for the subsequent leave period.

Voting Requirements: Simple Majority

RESOLVED OCM 239/2020

That Council APPROVE the Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Wednesday 23 December 2020 to Tuesday 26 January 2021 inclusive and from Wednesday 10 February to Friday 12 February 2021 inclusive.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.5. Proposed Model Code of Conduct for Elected Members - Submission

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

Previous Items	Nil
Directorate	Office of the CEO
Business Unit	Governance and Legal
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none">1. Proposed Regulations and Model Code of Conduct 2020 [10.5.5.1 - 16 pages]2. code of conduct explanatory notes 1 [10.5.5.2 - 5 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 a submission on the proposed Model Code of Conduct for Elected Members (MCC).

2. The proposed model is part of the Current round of amendments to the Local Government Act 1995 (Act) and associated Regulations.
3. It is recommended Council endorse the proposed submission.

BACKGROUND

4. The requirement for a local government to have a Code of Conduct for council members, committee members and employees was introduced by the Act in 1996.
5. In 2013 the City of Kalamunda introduced separate Codes of Conduct for council members and committee members and for employees.
6. As part of the State Government's current amendments to the Act and associated Regulations, two separate Codes of Conduct have now been mandated.

DETAILS AND ANALYSIS

7. The Department of Local Government, Sport and Cultural Industries (DLGSC) recently released a proposed MCC seeking comment by 6 December 2020 (Attachment 1). The MCC was accompanied by an Explanatory Memorandum (Attachment 2).
8. The proposed MCC will be introduced through proposed Local Government (Model Code of Conduct) Regulations (MCC Regulations).
9. The MCC Regulations provide for the repeal of the current *Local Government (Rules of Conduct) Regulations 2007* and the incorporation of those repealed regulations into the Code of Conduct to be adopted by Council.
10. The MCC will also incorporate coverage of candidates for election to Council, however no action can be taken on allegations against candidates unless they are elected.
11. The most significant impact of the proposed MCC, is that complaints of breaches will be required to be investigated by individual local governments and any outcomes decided by the Council and implemented by the Council.

12. In order for any such allegations to be investigated objectively and provided accepted natural justice and procedural fairness, a person with expert knowledge and experience would need to be engaged at the City's expense.
13. This is another example of cost and responsibility shifting from the State to local government.
14. Furthermore, it appears to remove the ability of allegations to be referred to an independent, objective body to consider them.
15. Other outcomes would be the inconsistent treatment of allegations and outcomes by various local governments due to different interpretations of the provisions.

APPLICABLE LAW

16. *Local Government Act 1995.*

APPLICABLE POLICY

17. Nil

STAKEHOLDER ENGAGEMENT

18. No community engagement is required for this matter.

FINANCIAL CONSIDERATIONS

19. None from this report, however cost will be incurred should the draft legislation be approved in its current form.

SUSTAINABILITY

20. Nil

RISK MANAGEMENT

21.	Risk: Cost shifting to Local Government will have impacts upon the City's budget with costs being unknown.		
	Consequence	Likelihood	Rating
	Moderate	Likely	High
	Action/Strategy		
	Advocate for the legislation to not require Local Government to manage complaints.		

CONCLUSION

22. The proposed MCC is unacceptable to the City of Kalamunda due to the range of issues detailed earlier in this report and the objections detailed in the Officer recommendation should be endorsed by Council.

Voting Requirements: Simple Majority

RESOLVED OCM 240/2020

That Council:

1. NOTE the proposed Local Government (Model Code of Conduct) Regulations (Attachment 1).
2. ENDORE the following comments being submitted to the Department of Local Government, Sport and Cultural Industries:
 - (a) The City of Kalamunda objects to:
 - i. the proposed Local Government (Model Code of Conduct) Regulations and Model Code of Conduct.
 - ii. the cost and responsibility shifting that would be introduced through the proposed Local Government (Model Code of Conduct) Regulations and Model Code of Conduct.
 - iii. the removal of an independent, objective body from the consideration, investigation and judgement of allegations and breaches of the proposed Model Code of Conduct.
 - iv. to the inclusion of candidates for election in a Code of Conduct that applies to current elected members and committee members.

- (b) The City of Kalamunda would support a Model Code of Conduct that provides some guidance and standardisation for local government but that does not include the provisions objected to in point (a).

Moved: **Cr John Giardina**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.6. City of Kalamunda and City of Gosnells - District Boundary Change

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

Previous
Items

Directorate Office of the CEO
Business Unit Governance and Legal
File Reference
Applicant
Owner

Attachments

1. Boundary Change Kalamunda- Gosnells MKSEA Boundary re-alignment A 4 L [10.5.6.1 - 1 page]
2. Letter from Gosnells to the City of Kalamunda [10.5.6.2 - 1 page]

TYPE OF REPORT

- Advocacy When Council is advocating on behalf of the community to another level of government/body/agency
- Executive When Council is undertaking is substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)
- Information For Council to note
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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 for Council to consider a proposal for a minor district boundary change between the City of Kalamunda (City) and City of Gosnells (COG).
2. The change involves transferring two small parcels of land within the Maddington Kenwick Strategic Employment Area (MKSEA) which the current boundary dissects, to the City to Gosnells.
3. It is recommended that Council endorse this proposed district boundary change.

BACKGROUND

4. The district boundary within the MKSEA area is very irregular and there have been a number of proposals in the last 10 years to amend the boundary, none of which have been implemented.

DETAILS AND ANALYSIS

5. The area known as MKSEA as a large extent of land which sits within both the City and COG along an alignment that is now irregular when finalised lot subdivisions and road reserves were determined.
6. The current proposal aims to correct two of these irregularities by transferring two small parcels of land from the City to Gosnells as shown in the plan Attachment 1. This boundary change would assign the two lots to being part of the COG rather than the lots being split between the City and COG as is the case at present.
7. In terms of reduction in rate revenue, the proposal is inconsequential being in the order of \$10,000 pa.
8. Development within the MKSEA is now starting to accelerate and there are complications in progressing developments for landowners where their land lies within two different local government districts. In particular it would require a development application to be submitted to both local governments for approval.
9. As the COG have indicated that they support the proposal as is, there is no logical reason not to proceed.
10. Clause 2 (1) (b) of Schedule 2.1 of the *Local Government Act 1995* provides that a Local Government can make a proposal to the Advisory Board to change a district boundary.

APPLICABLE LAW

11. *Local Government Act 1995*

APPLICABLE POLICY

12. None.

STAKEHOLDER ENGAGEMENT

13. Discussions have also been held with senior COG staff. Confirmation has now been received from COG that it supports the proposal (Attachment 2).
14. The Advisory Board may determine that this proposal is minor in nature and may not require public submissions would be required to determine this proposal.

FINANCIAL CONSIDERATIONS

15. The two small parcels of land have the potential to generate approximately \$10,000pa in rates which would be foregone if the proposal proceeds.
16. As the proposals is minor in nature there will be no requirement for any assets and liabilities transferred between the Cities.

SUSTAINABILITY

Social Implications

17. None.

Economic Implications

18. Inconsequential for the City.

Environmental Implications

19. None.

RISK MANAGEMENT

20.

Risk: The proposed district boundary change is not supported resulting in additional Administrative burden in managing lots split between two Local Government districts		
Consequence	Likelihood	Rating
Low	Unlikely	Medium
Action/Strategy		
Identify potential means to reduce this administrative burden.		

CONCLUSION

21. In view of the minor nature of the proposed boundary change which will correct some irregularities in the district boundary, it should be supported.

Voting Requirements: Simple Majority

RESOLVED OCM 241/2020

That Council pursuant to Clause 2 (1) (b) of Schedule 2.1 of the *Local Government Act 1995*, RESOLVE to make the proposed district boundary change between the City of Kalamunda and City of Gosnells to the WA Local Government Advisory Board as per the plan shown in Attachment 1 to this report.

Moved: **Cr Sue Bilich**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.7. Chief Executive Officer - Contract Renewal

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

Rhonda Hardy declared a Direct Financial Interest on Item 10.5.7 Chief Executive Officer's Contract Renewal. This Item relates directly to the Ms Hardy's employment at the City of Kalamunda. The CEO left the meeting at 10:03pm and returned to the meeting at 10:45pm. The Manager People Services also returned to the meeting at 10:45pm. The CEO and Manager People Services left the meeting at 10:58pm. The CEO and Manager People Services were again invited to return to the meeting at 11:18pm with other remaining staff.

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

Previous Items	
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	
Applicant	
Owner	
Attachments	Nil

Voting Requirements: Simple Majority

No decision was made on this item and it lays on the table to be considered at a Special Council Meeting yet to be called.

11. **Motions of Which Previous Notice has been Given**

11.1. **Hale Road and Tonkin Highway Intersection Design - Proposed Advocacy**

Voting Requirements: Simple Majority

RESOLVED OCM 242/2020

That Council REQUEST the Mayor write to the Minister for Transport; Planning and the Chief Executive Officer write to Main Roads Western Australia, requesting:

- a) An indicative plan showing grade separated intersection layout of Tonkin Highway and Hale Rd with full access on all legs of the interchange be provided.
- b) That this alternate plan removes the need for Hale Rd traffic travelling northbound on Tonkin Highway to exit onto Roe Highway and re-join Tonkin Highway at the signalised intersection.
- c) That Main Roads Western Australia facilitates a community meeting to outline both the existing and alternate layouts and invites the Minister for Transport; Planning to attend.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Dylan O'Connor**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard	Cr John Giardina
	Cr Lesley Boyd	Cr Janelle Sewell
	Cr Sue Bilich	Cr Brooke O'Donnell
	Cr Dylan O'Connor	Cr Lisa Cooper
	Cr Cameron Blair	
	Cr Kathy Ritchie	
	Cr Margaret Thomas	

CARRIED (7/4)

11.2. **City of Kalamunda Standing Orders Local Law 2015 Review**

Voting Requirements: Simple Majority

RESOLVED OCM 243/2020

That Council REQUEST the Chief Executive Officer to commence a review of the *City of Kalamunda Standing Orders Local Law 2015*, with recommendations for

- a) options to amend clauses 6.9 and 6.13 to better manage repeat and or multiple deputations on the same matter, and
- b) any other amendments considered relevant by the Chief Executive Officer.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Dylan O'Connor**

Vote:	<u>For</u>	<u>Against</u>
	Cr Geoff Stallard Cr Lesley Boyd Cr Dylan O'Connor Cr Cameron Blair	Cr John Giardina Cr Janelle Sewell Cr Brooke O'Donnell Cr Sue Bilich Cr Lisa Cooper Cr Kathy Ritchie Cr Margaret Thomas

LOST (4/7)

11.3. **Political Signage**

Voting Requirements: Simple Majority

RESOLVED OCM 244/2020

That Council:

- 1. REQUEST the Chief Executive Officer to undertake a compliance investigation into unauthorised political and other political oriented event signage within the City of Kalamunda borders.
- 2. Subject to the outcome of Point 1, REQUEST the Chief Executive Officer to commence compliance action against any breaches of the City of

Kalamunda - Local Planning Scheme No.3 or any other relevant legislation.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11.4. Kalamunda Men's Shed - Removal of Lemon Scented Gum Trees

Voting Requirements: Simple Majority

That Council:

1. NOTE the quote of \$1,500 received by the Kalamunda Men's Shed for the proposed removal of the three lemon scented gum trees.
2. NOTE the attached letter from one the adjoining property who does not support removal of the trees.
3. REQUEST the Kalamunda Men's Shed seek comment from all other adjoining or neighbouring residents to the land the on which the Men's Shed is located.
4. APPROVE the removal of the three lemon scented gum trees, subject to the Chief Executive Officer being satisfied with:
 - (a) the response to Point 3 above,
 - (b) proposed quantity, size and species of new trees to be planted;
and
 - (c) the contractor's level of Public Liability Insurance coverage.
5. NOTE should the conditions not be met this item will be submitted to Council for further consideration.

Moved: **Cr John Giardina**

Seconded:

Vote: **WITHDRAWN**

12. Questions by Members Without Notice

12.1 Fire Inspections High Wycombe South – Cr O’Connor

Q. Could provide clarity why the experience is different in the High Wycombe South Area compared to what has happened previously.

A. The area is identified as high risk under the City’s Bush Fire Management System. The area has been the subject of preseason inspections and the City has been working with landowners to achieve compliance wherever possible. Given the nature of compliance across the area from last season the City has undertaken inspections earlier this year to ensure there is sufficient time for properties to be brought into compliance and to continue to work through the education process in regard to the Fire Hazard Reduction Notice with Property owners.

13. Questions by Members of Which Due Notice has been Given

13.1 Nil.

14. Urgent Business Approved by the Presiding Member or by Decision

14.1 Nil.

15. Meeting Closed to the Public

15.1 RESOLVED OCM 245/2020

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr Sue Bilich**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting closed to the public at 10:03pm. All members of the public gallery and the Chief Executive Office left the Meeting.

15.2 RESOLVED OCM 249/2020

That the Meeting reopened to the public following consideration of the confidential items.

Moved:

Seconded:

Vote:

The Meeting opened to the public at 11.19pm. No members of the public gallery returned. All staff returned to the meeting.

The Presiding Member read the resolution to the meeting.

16. Tabled Documents

Kalamunda Arts Advisory Committee Unconfirmed Minutes - 26 Oct 2020

Kalamunda Aged Care Advisory Committee – Unconfirmed Minutes – 4 November 2020

Public Agenda Briefing Forum - Notes - 10 November 2020

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 11:20pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
 Presiding Member

Dated this _____ day of _____ 2020.