



# Ordinary Council Meeting

MINUTES

Tuesday 28 September 2021

## INDEX

|  |            |
|--|------------|
| <b>1. Official Opening.....</b>  | <b>3</b>   |
| <b>2. Attendance, Apologies and Leave of Absence Previously Approved .....</b>                                 | <b>3</b>   |
| <b>3. Public Question Time .....</b>   | <b>4</b>   |
| <b>4. Petitions/Deputations .....</b>  | <b>5</b>   |
| <b>5. Applications for Leave of Absence .....</b>  | <b>6</b>   |
| <b>6. Confirmation of Minutes from Previous Meeting .....</b>  | <b>6</b>   |
| <b>7. Announcements by the Member Presiding Without Discussion.....</b>  | <b>6</b>   |
| <b>8. Matters for Which the Meeting may be Closed .....</b>  | <b>6</b>   |
| <b>9. Disclosure of Interest.....</b>  | <b>7</b>   |
| <b>10. Reports to Council.....</b>   | <b>8</b>   |
| <b>10.1. Development Services Reports .....</b>  | <b>8</b>   |
| 10.1.1. Development Services Regulatory Service Update January - June 2021 .....                               | 8          |
| 10.1.2. Draft Local Planning Policy 33 - Tree Retention - Adoption for the Purposes of Public Advertising..... | 20         |
| 10.1.3. Cell 9 Wattle Grove Outline Development Plan Amendment - Lot 26 (44) St John Road, Wattle Grove.....   | 40         |
| <b>10.2. Asset Services Reports .....</b>  | <b>52</b>  |
| 10.2.1. Container Deposit Collection Sites .....   | 52         |
| <b>10.3. Corporate Services Reports .....</b>  | <b>58</b>  |
| <b>10.4. Office of the CEO Reports .....</b>   | <b>58</b>  |
| 10.4.1. Inclusive Kalamunda - Social Inclusion Plan 2021/25 - Adoption .....                                   | 58         |
| <b>10.5. Chief Executive Officer Reports .....</b>   | <b>63</b>  |
| 10.5.1. Draft Monthly Financial Statements to August 2021 .....  | 63         |
| 10.5.2. Debtors and Creditors Report for the period ended August 2021.....                                     | 71         |
| 10.5.3. Rates Debtors Report for the Period Ended July 2021 .....  | 77         |
| 10.5.4. Committee Terms of Reference Review 2021/23 .....  | 82         |
| 10.5.5. Planning Reform Phase 2 Action Plan - Submission.....  | 91         |
| 10.5.6. Nomination of Freeman .....  | 95         |
| <b>10.6. Chief Executive Officer Performance Review Committee .....</b>  | <b>96</b>  |
| 6.1.3. CEO Salary Review 2021 .....  | 97         |
| <b>10.7. Audit &amp; Risk Committee.....</b>   | <b>98</b>  |
| 9.1.1. Risk Appetite Statement .....   | 98         |
| <b>11. Motions of Which Previous Notice has been Given .....</b>   | <b>100</b> |
| <b>12. Questions by Members Without Notice .....</b>   | <b>100</b> |
| <b>13. Questions by Members of Which Due Notice has been Given.....</b>  | <b>100</b> |
| <b>14. Urgent Business Approved by the Presiding Member or by Decision.....</b>                                | <b>100</b> |
| <b>15. Meeting Closed to the Public .....</b>  | <b>100</b> |
| <b>16. Tabled Documents .....</b>  | <b>101</b> |
| <b>17. Closure .....</b>   | <b>101</b> |

**1. Official Opening**

The Presiding Member opened the meeting at 6:30pm 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  
Mary Cannon  
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**

Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

Darrell Forrest - Governance Advisor  
Donna McPherson - Executive Assistant to the CEO

**Members of the Public 7**

**Members of the Press 1**

**Apologies Nil**

### **Leave of Absence Previously Approved Nil**

#### **3. Public Question Time**

##### **3.1 Bev Dornan, Wattle Grove**

Q. Will the City consider a restructure of the City's Senior Executive team so one senior officer has a specific overarching responsibility for all environmental matters affecting the City?

A. The Chief Executive Officer advised the structure of the administration fell within the role of the CEO.

Q. Can it be explained what legal right or power permits a matter such as the development of a private land holding being discussed prior to City having control of the land?

A. The right for the City to prepare a structure plan amendment to Cell 9 is established through the Local Planning Scheme Regulations.

Q. Was the current private landowner informed, and given an opportunity to attend any meeting where this matter was to be discussed on the agenda and what was proposed for the property?

A. The City has been in discussions with the landowner and they are aware the City has prepared an outline development plan to amend the structure plan.

Q. Is the City aware as to whether the current landowner wishes to sell the property to the City?

A. At no point does the structure plan amendment propose the City purchase the property.

##### **3.2 Charles Dornan, Wattle Grove**

Q. In relation to Item 10.1.3 Cell 9 Wattle grove Outline Development Plan Amendment - Lot 26 (44) St John Road, Wattle Grove did Council give its approval for the engagement of consultancy or consultancies for these purposes?

A. The value of works is within the delegation from Council.

Q. Was Harley Dykstra the consultancy used for all three consultancies?

A. No.

Q. Who were the other two?

A. All engagement met with the Cities procurement policy. Statewest Planning undertook the initial study to look at the feasibility and outline of the potential urban structure for the area and Harley Dykstra was awarded the consultancy for the used for the outline development amendment.

Q. What was the total cost of the consultancies.

A. Taken on notice.

Q. Can you please advise whether any of the costs of these consutancies were deducted from the funds held in trust for the guided development scheme?

A. The costs to undertake the feasibility study and the structure plan amendment were costed against the administration component of the Cell 9 Infrastructure Sharing Arrangement.

Q. Can you please clarify whether the client of Harley Dykstra was the City of Kalamunda or Saracen, a private developer?

A. Taken on notice.

Q. What Dollar amount will the proposed amendment generate for enhanancement of other areas of POS in Cell 9 vis vis the likely profit of the developer should the conversion go ahead?

A. Taken on notice.

#### **4. Petitions/Deputations**

4.1 A deputation was received from Ms Bev Dornan regarding Item 10.1.1 Services Regulatory Service Update January to July 2021. Ms Dornan queried aspects of the information provided in relation to the response time to planning applications. Ms Dornan did not support the recommendations of the report.

4.2 A deputation was received from Ms Bev Dornan regarding Item 10.1.2 Draft Local Planning Policy 33 - Tree Retention - Adoption for the purposes of Public Advertising. Ms Dornan was not in support of various aspects of the draft policy.

4.3 A deputation was received from Mr Charles Dornan regarding Item 10.1.3 Cell 9 Wattle Grove Outline Development Plan Amendment \_ Lot 26 (44) St John Road Wattle Grove. Mr Dornan was not in support of the recommendation.

4.4 A deputation was received from Ms Victoria Laurie, Chair Kalamunda Environmental Advisory Committee regarding Item 10.1.2 Draft Local Planning Policy 33 - Tree Retention - Adoption for the purposes of Public Advertising. Mr Laurie spoke in favour of the draft policy and supported the recommendation.

## **5. Applications for Leave of Absence**

5.1 Nil.

## **6. Confirmation of Minutes from Previous Meeting**

6.1 RESOLVED OCM 275/2021

That the Minutes of the Ordinary Council Meeting held on 24 August 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (12/0)**

## **7. Announcements by the Member Presiding Without Discussion**

7.1 Nil.

## **8. Matters for Which the Meeting may be Closed**

8.1 Item 10.5.6 Nomination of Freeman

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

8.2 10.6.3 (A&R9.1.2) Internal Audit Plan 2021 to 2023 – Confidential Attachment 1. Internal Audit Charter and Confidential Attachment 2. Strategic Internal Audit Plan 2021-2023. Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure*

*for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety".*

- 8.3 10.6.4 (A&R9.1.3) External Audit - Interim Findings for the year ending 30 June 2021 – Confidential Attachment 1. City of Kalamunda – Planning Summary 2021 and Confidential Attachment 2. City of Kalamunda – Interim Audit Findings for the year ending 30 June 2020. Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety".*

## **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 10.6 Chief Executive Officer Performance Review Committee. This item relates 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 Brooke O'Donnell declared an Interest Affecting Impartiality on Item 10.5.6 Nomination of Freeman. Cr O'Donnell is a friend of people who are mentioned within this report.

**10. Reports to Council**

**10.1. Development Services Reports**


**10.1.1. Development Services Regulatory Service Update January - June 2021**

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

|                |  |
|----------------|--|
| Previous Items | OCM154/2020  |
| Directorate    | Development Services   |
| Business Unit  | Approval Services, Environmental Health and Community Safety |
| File Reference | N/A  |
| Applicant      | N/A  |
| Owner          | N/A  |

Attachments 1. Statistics [**10.1.1.1** - 11 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 2031*

**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.



### **Priority 4: Kalamunda Leads**

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

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

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

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide a half yearly update on the regulatory services provided by the City of Kalamunda (City) with respect to Approval Services, Environmental Health and Community Safety for the period January 2021 to June 2021
2. Reporting on the regulatory services of Development Services promotes transparency and accountability in the function and operation of Approval Services, Environmental Health and Community Safety.
3. Through the reporting process, the City is able to benchmark its statistics against other local governments as part of the Western Australian Local Government Association (WALGA) Local Government Performance Monitoring annual report.
4. Council is recommended to note the report and information.

## **DETAILS AND ANALYSIS**

5. **Approval Services – Statutory Planning**  
The Statutory timeframes for the processing of development applications are as follows:
  - a) 60 days to determine development applications where no public consultation is required.
  - b) 90 days where public consultation is required.
6. Notwithstanding the statutory timeframes described above, the City operates under three categories of development applications, with the following internal target timeframes applied:
  - a) Basic Development Applications – where no advertising is required and a basic level of planning assessment is required, commonly referred to as “Fast Track Development Applications” – 20 days.
  - b) Standard Development Applications – where public advertising is required, and a standard level of assessment is required. – 60 days.
  - c) Complex Development Applications - where public advertising is required, and a comprehensive level of assessment is required. – 90 days.

7. For the 6-month period January to June 2021, the City processed a total of 338 development applications, of these 96% were approved within the agreed timeframes as indicated above. It is therefore evident that the City is achieving a very high level of compliance with respect to the processing of development applications within the statutory timeframes.
8. The results for the 6-month period January – June 2021 are as follows:
  - a) A total of 102 basic development applications were processed by the City during this period with 86 (84%) approved within the 20 day timeframe.
  - b) A total of 142 standard development applications were processed during this period with 134 (94%) processed with the statutory timeframe of 60 days.
  - c) A total of 94 complex development applications were processed during this period with 90 (96%) processed with the statutory timeframe of 90 days.
9. A more detailed summary of these statistics are outlined in Attachment 1.
10. With reference to the category of 'Basic' development applications, the City is proactively seeking to fast track development applications within 20 days, which would normally be processed within a 60 day timeframe in accordance with current planning legislation. In this regard, the 102 development applications were all processed within the statutory timeframe of 60 days. When combined with the number of standard development applications, a total 244 development applications were processed with 236 (98%) processed within the 60 day statutory timeframe.

11. **Approval Services – Building**

For the 6-month period January to June 2021, a total of 731 certified and uncertified building permits were approved within the statutory timeframes as shown in the table below:

| Application Type               | Number Processed | Statutory Approval Time - Days | Statutory Approval Time - Achieved % |
|--------------------------------|------------------|--------------------------------|--------------------------------------|
| Building Approval Certificates | 9                | 10                             | 100%                                 |
| Certified Building Permits     | 449              | 10                             | 100%                                 |
| Uncertified Building Permits   | 282              | 25                             | 100%                                 |

|                   |    |    |      |
|-------------------|----|----|------|
| Occupancy Permits | 10 | 10 | 100% |
|-------------------|----|----|------|

12. From the above table, it is evident that the City is meeting its statutory obligations with respect to the processing of building permits within the statutory timeframes.

13. **Customer Survey Responses**

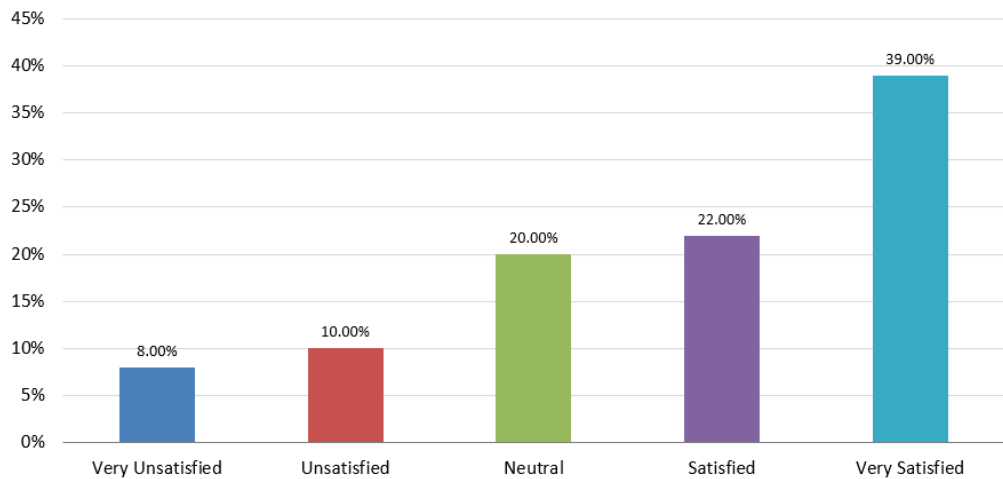
In 2018, the City commenced sending out a customer survey form for all development applications approved by the City. In 2019, the City also included all building permit approvals as part of the process. The responses received provide valuable feedback, particularly in relation to where the City can improve its customer service in the processing of planning and building applications.

14. **Statutory Planning**

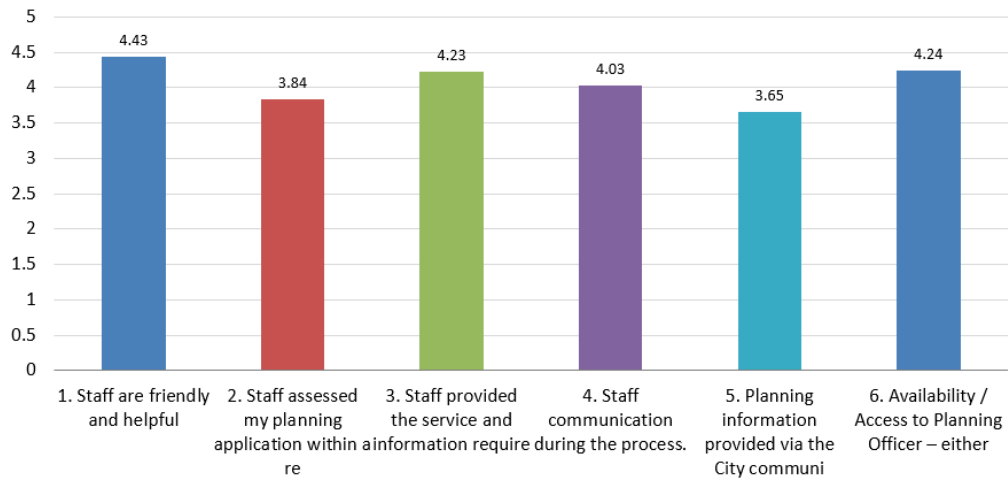
For the period January – June 2021, the City received a total of 49 responses to the principal question concerning the level of service provided. 40 (82%) of respondents stated that they were either very satisfied, satisfied or neutral, with 9 (18%) indicating that they were very unsatisfied or unsatisfied.

15. The following charts detail the responses received:

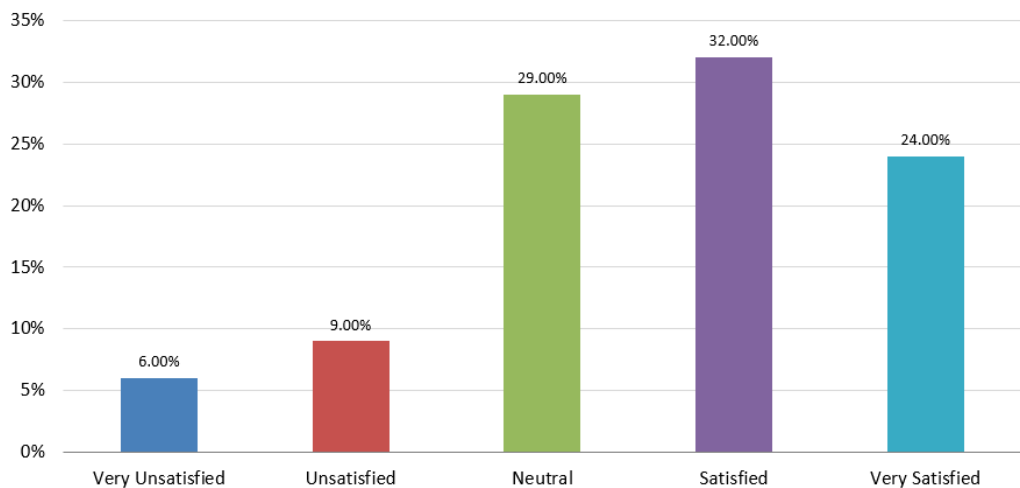
**How satisfied were you with the level of service provided?**



16. Please indicate the level of service received for the following services received during the development application process.



17. Previously, respondents have provided, negative comments concerning the amount of time taken by the City to approve development applications. The survey form was subsequently modified to include a question regarding satisfaction concerning the amount of time taken by the City to process development applications. The following chart details that 85% of respondents were either very satisfied, satisfied, or neutral with the amount of time taken.

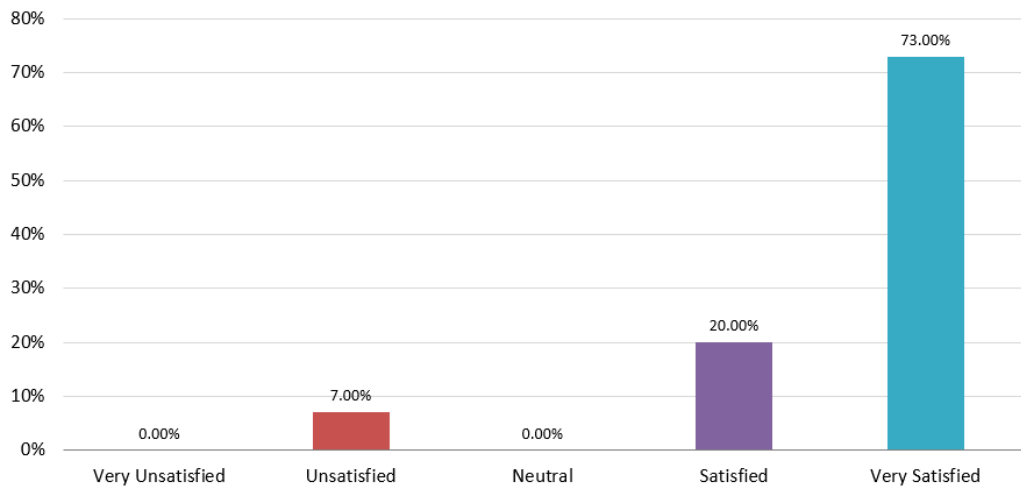


18. **Building**

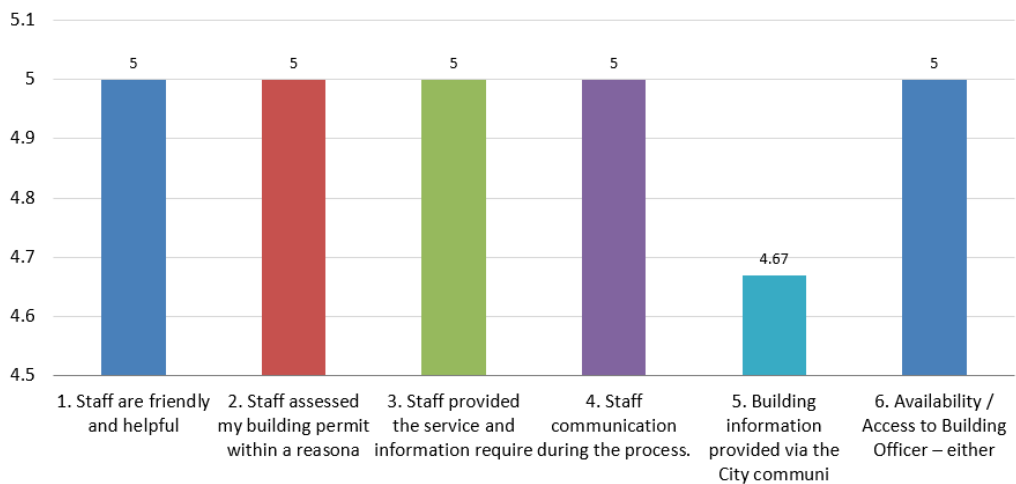
For the period January – June 2021, the City received a total of 15 responses to the principal question concerning the level of service provided. 93% of respondents stated that they were either very satisfied, satisfied or neutral, with 7% indicating that they were very unsatisfied or unsatisfied.

19. The following charts detail the responses received to some of the questions asked in the customer survey:

How satisfied were you with the level of service provided?



20. Please indicate the level of service received for the following services during your application process.



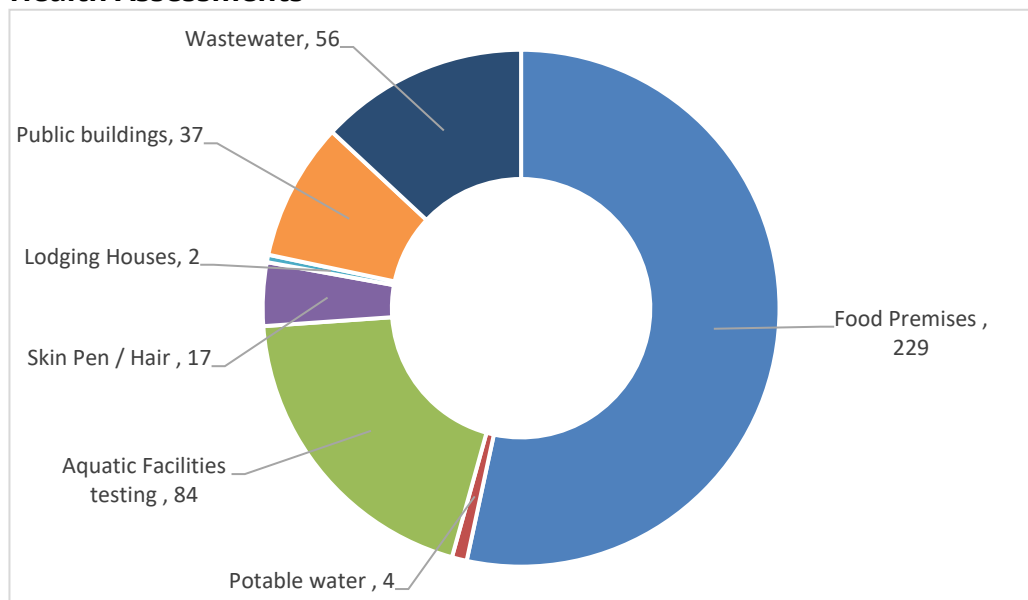
**Environmental Health and Community Safety**

21. Environmental Health

The City's Environmental Health team are responsible for administering a variety of legislation such as the *Food Act 2008*, *Health (Miscellaneous Provisions) Act 1911*, *Public Health Act 2016*, *Environmental Protection Act 1986* etc.

- 22. Environmental Health undertakes inspection of food businesses and other premises such as public buildings, lodging houses, caravan parks, tattoo parlours etc. to ensure hygiene standards are being maintained for the community.
- 23. The team also undertake assessment of applications for on-site wastewater treatment systems, noise and dust management plans, new food businesses, technical health advice on planning and building applications and event referrals. The team also investigate community service requests to ensure any potential public health risks are minimised.
- 24. Covid-19 continues to be a factor with Environmental Health Officers requested to check Covid Contact registers and QR check-ins. For the reporting period, the City has checked 267 individual checks.
- 25. For the January 2021 to June 2021 period, the Environmental Health team undertook 229 food safety risk assessments and 37 public buildings assessments. During this period, the Perth metropolitan and Peel area experienced further snap Covid-19 lockdowns. The team has also experienced a significant increase in wastewater applications with 56 applications being processed this reporting period compared with 29 during the last reporting period and only 15 the period before that.

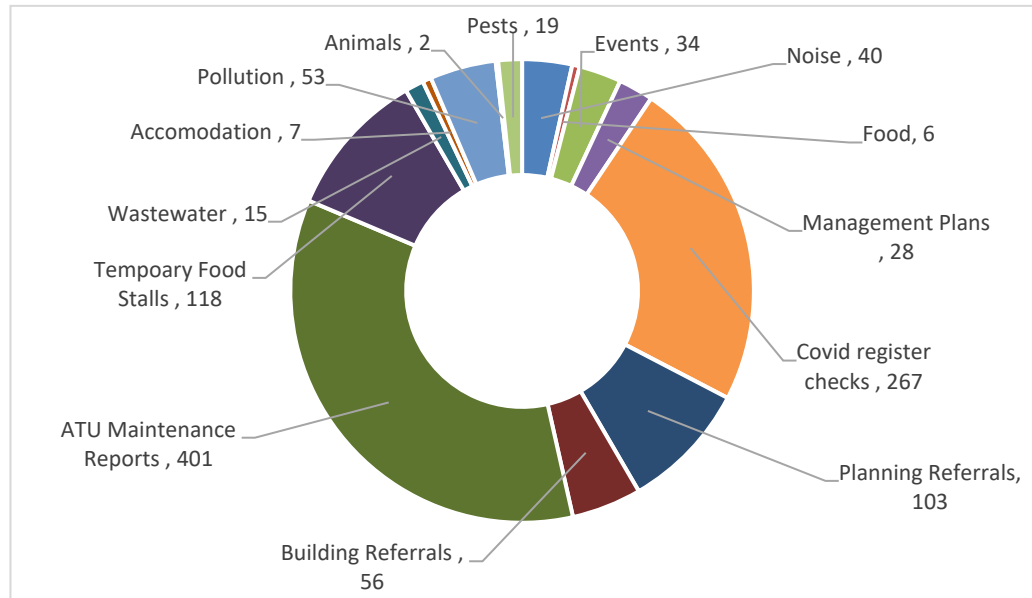
26. **Health Assessments**



- 27. Responses were also provided to a variety of other matters; these include providing technical health advice on 159 planning and building referrals, administering 401 aerobic treatment units (ATU) maintenance reports, over 100 food stall approvals and 34 event approvals. As stated above, this also

includes 267 individual checks of Covid-19 contact registers which are reported to the WA Police Force.

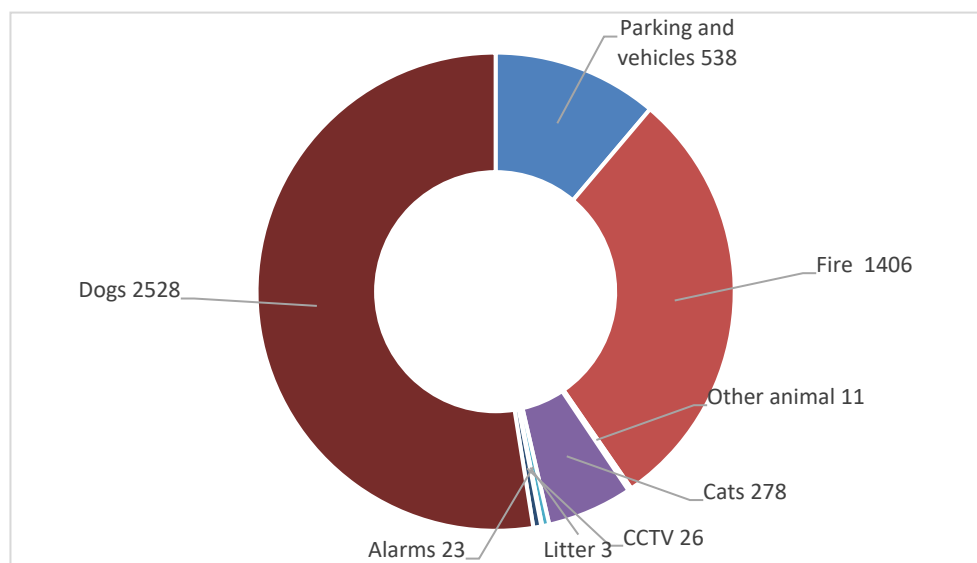
28. Below is a summary of the other health related matters dealt with by the Environmental Health team:



29. **Community Safety**

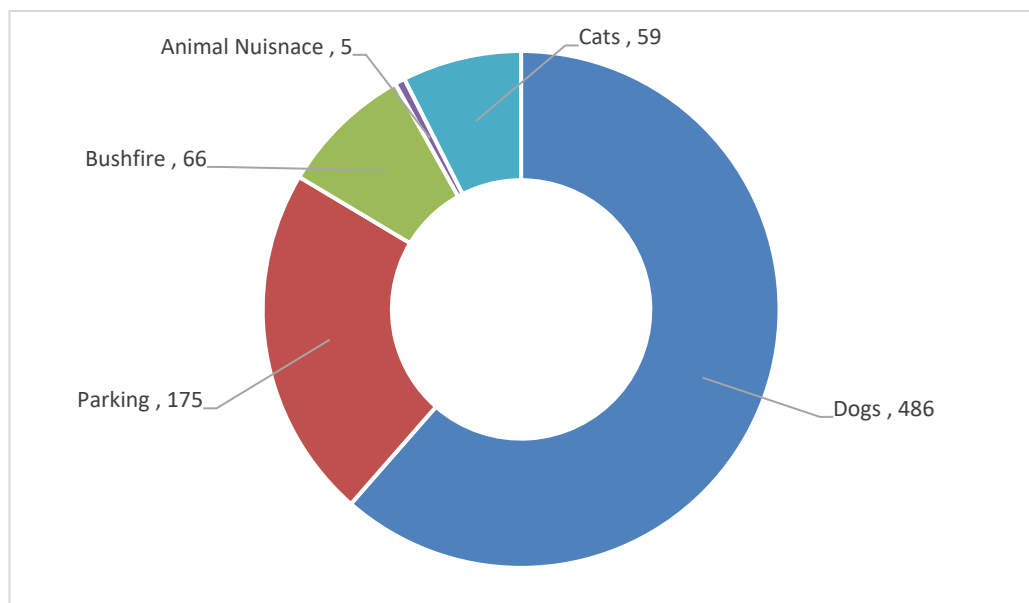
The Community Safety team consists of Rangers and Fire Control and Emergency Management Officers. The duties of the team are diverse, and they are responsible for administering a variety of legislation including but not limited to *Local Government Act 1995*, *Dog Act 1976*, *Cat Act 2011*, *Bush Fire Act 1954*, and the *Emergency Management Act 2005* etc.

30. Below is a summary of the number and nature of matters dealt with by the City's Community Safety team for the period:



- 31. Dog related matters continue to be the highest reported matter dealt with by the Rangers. Of all the dog related matters, 73 relate to dog attacks. These being 44 attacks of dogs on other animals and 29 dog attacks on humans.
- 32. Cat related matters have increased slightly to 278 from 236 in the last reporting period and 240 for the period before that.
- 33. Parking and vehicle related matters on the other hand at 538 has been trending downwards since last year, being 628 for the last reporting period and 745 the period before that. This may have due to a spike in parking related matters during the initial Covid-19 lockdown during March.
- 34. Below is a summary of the number of cautions and/or infringements issued for the period with 61% attributed to dog related matters and 22% for parking offences. Bushfire made up 8% of all infringements/cautions and cats only 7%.

35. **Cautions/Infringements**



**APPLICABLE LAW**

- 36. *Planning and Development (Local Planning Schemes) Regulations 2015* Clause 75 – Time for deciding applications for development approval.
- 37. Building Act 2011 Sec 59 - Certified Building Permits Sec 23(1) – Uncertified Building Permits
- 38. Health (Miscellaneous Provisions) Act 1911
- 39. Public Health Act 2016 Food Act 2008



- 40. Environmental Protection Act 1986
- 41. Caravan Parks and Camping Grounds Act 1997
- 42. City of Kalamunda Local Laws
- 43. Dog Act 1976 Cat Act 2011
- 44. Bush Fires Act 1954
- 45. City of Kalamunda Local Laws

**APPLICABLE POLICY**

- 46. Nil

**STAKEHOLDER ENGAGEMENT**

- 47. N/A

**FINANCIAL CONSIDERATIONS**

- 48. The City's Regulatory Services are delivered and factored into annual budgeting processes.

**SUSTAINABILITY**

- 49. N/A

**RISK MANAGEMENT**

|     |  |                   |               |
|-----|--|-------------------|---------------|
| 50. | <b>Risk:</b> Regulatory services are not provided in an efficient and effective manner leading to a reduction in the amenity and quality of life for the City's community. |                   |               |
|     | <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
|     | Significant  | Unlikely          | Medium        |
|     | <b>Action/Strategy</b>   |                   |               |
|     | Continue to review and report on the City's regulatory services.   |                   |               |

51.

|   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Statutory timeframes are not met.  |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Possible  | Moderate          | Medium        |
| <b>Action/Strategy</b>  |                   |               |
| Undertake monthly regulatory performance reviews to ensure statutory timeframes are being met by service areas. |                   |               |

**CONCLUSION**

52. Half yearly performance-based reporting provides Council and the local community with transparency and accountability regarding the City’s regulatory functions and customer service standards.
53. The provision of information and statistics also assists with Council having a comprehensive understanding of the demand of services on the City’s regulatory units to assist with ensuring an appropriate resource allocation to the services provided.

**Voting Requirements: Simple Majority**

RESOLVED OCM 276/2021

That Council NOTE the Development Services - Regulatory Services Update for the period January 2021 – June 2021.

Moved: **Cr Cameron Blair**

Seconded: **Cr John Giardina**


Vote: **CARRIED UNANIMOUSLY (12/0)**

## 10.1.2. Draft Local Planning Policy 33 - Tree Retention - Adoption for the Purposes of Public Advertising

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

|                |  |
|----------------|--|
| Previous Items | Nil  |
| Directorate    | Development Services   |
| Business Unit  | Strategic Planning   |
| File Reference | 3.009297   |
| Applicant      | N/A  |
| Owner          | N/A  |
| Attachments    | 1. Draft Local Planning Policy 33 – Tree Retention [10.1.2.1 - 16 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 2031*

#### **Priority 2: Kalamunda Clean and Green**

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

**Strategy 2.1.2** - Development and Implementation of the Urban Forest Strategy.

**Strategy 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

### Priority 3: Kalamunda Develops

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

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

#### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of draft Local Planning Policy 33 – Tree Retention (LPP33) for the purpose of public advertising (Attachment 1).
2. The preparation of LPP33 is a key strategic action identified in the City's strategic environmental framework. LPP33 will provide guidance to applicants, the Council, and officers where an application for development or subdivision proposes clearing of one or more trees defined in LPP33 as a "tree worthy of retention".
3. It is recommended that the Council adopt LPP33 for the purposes of:
  - a) public advertising; and
  - b) referral to the Western Australian Planning Commission (WAPC) for the purpose of varying the relevant deemed-to-comply provisions of State Planning Policy 7.3 (SPP 7.3) Residential Design Codes Volume 1 (R-Codes).

#### BACKGROUND

4. The Environmental Land Use Planning Strategy (ELUPS) was adopted by the Council on 23 July 2019. Among other measures, Strategy 8.2 of the ELUPS seeks to improve urban tree canopy to address the urban heat island effect and biodiversity linkages. Action 8.2.4 identifies the preparation of a local planning policy to address the retention of significant trees on development sites. It is in response to this strategic direction that LPP33 has been prepared.
5. Action 8.2.4 has been a recurrent initiative throughout the City's strategic environmental framework, including the Kalamunda Clean and Green: Local Environment Strategy 2019 – 2029, and the Draft Urban Forest Strategy 2020 (UFS).
6. Tree loss is often a consequence of development and requires management to ensure the incremental removal of trees does not cause deleterious effects on biodiversity, amenity and human health. The benefits of managing and improving the urban forest include, but are not limited to:
  - a) Providing habitat for native flora and fauna;

- b) Reducing the Urban Heat Island effect and ambient temperatures during heatwaves;
  - c) Reducing air pollution, including carbon sequestration;
  - d) Reducing water pollution by absorbing excess nutrients;
  - e) Reducing erosion by retaining root structure;
  - f) Improving mental health;
  - g) Encourages outdoor activity and subsequently physical health; and
  - h) Provides amenity and character to suburbs.
7. The City is unique in its landform as there are a range of diverse landscape characteristics. Similarly, there are different drivers to maintaining and strengthening the urban forest in areas of different geographic characteristics in the City. For example, tree canopy may play a greater role in mitigating urban heat island effects and improving amenity in built up urban and industrial environments in the foothills and in activity centres, whereas the maintenance of tree canopy in the Darling Scarp and Darling Plateau environment may be more important in protecting landscape character and biodiversity while also balancing bushfire risk.
8. One of the most effective ways to reduce the urban heat island effect is to retain and plant trees to increase canopy cover. Trees transpire and release water from their leaves which cools the air. Results between studies vary, but generally temperature under a shade tree will be 1-3°C cooler than surrounding areas. The Cooperative Research Centre for Water Sensitive Cities publication 'Trees For a Cool City: Guidelines for optimised tree placement' found that for every 10% increase in canopy cover, the ambient temperature dropped by 1.2°C.
9. According to Royal Melbourne Institute of Technology (RMIT) research, published in the report *Where should all the trees go?*, the City experienced approximately 3.4% loss of tree canopy cover between the years 2011 and 2016. Further research produced by RMIT, published in the report *Where Will all the Trees Be in 2020* identifies approximately 4% loss of vegetated areas between 2016 and 2020. It should be noted that this latter research included understorey vegetation and is, therefore, not reflective of tree canopy in isolation.
10. It is further noted that the decline in tree canopy and vegetated areas was reported for the whole of the City including State Forest and regional reserves, and that the more recent research (2016-2020) recognises that parts of the City were affected by bushfire. This resulted in imprecise figures of vegetation loss being mistakenly attributed to land development. Information provided to the City by RMIT indicates that approximately one third of the City's assessed area was affected by bushfire during this period which influenced the results of the study.

11. Notwithstanding the impacts of bushfire on the RMIT data, tree canopy loss can also be attributed to urban and industrial development. Key factors influencing development and associated tree canopy loss include the State Government's strategic requirement for infill development and the fact that the State Government (through the WAPC and referral for assessment to the Environmental Protection Authority) approved the rezoning of land for development purposes.
12. Planning for these areas, and specifically the rezoning of these areas, occurred over the past few decades. Planning considerations at the time of rezoning would have sought to manage the growth and development requirements of the City from a social and economic perspective, with environmental considerations not being as well considered in past as they are today. This rezoning process, which has historically established the pattern of settlement areas throughout the City and the development itself, along with resultant tree canopy loss, has taken time to take place. The progressive subdivision and development of these areas has been a contributor to the incremental decline of urban tree canopy cover.
13. Notwithstanding the legacy of historic rezoning, the City and the Council are obligated to assess subdivision and development in accordance with the relevant zone and State Government planning framework. Key development areas influenced by decision making of governments at all levels include, but are not limited to, Wattle Grove and other urban areas within Forrestfield, High Wycombe and Maida Vale.
14. Governments at all levels have recognised this historic pattern of development and, in response, the City is taking steps to mitigate the impact of growth. Some of these steps include, but are not limited to, the:
  - a) Creation of new reserves with conservation vesting purposes. Many of these reserves contain State and Federally listed TECs and were purchases by the State Government around the new development surrounding the High Wycombe station.
  - b) Commencement of the development of LPP33 for retention of significant trees on private property.
  - c) Adoption of Council Policy regarding trees on verges aimed at retention.
  - d) Implementation of mapping of TEC or PEC prior to subdivision approvals.
  - e) Development of Landholder Bushland Information package to assist landowners who wish to privately conserve land.
  - f) Dedicated staff working on, and assisting the community with, natural area protection and enhancement.
  - g) Continued Plants for Residents programs.
  - h) Continued Street Tree planting programs.
  - i) Continued support for 'Friends of groups.

- j) Review of the 2008 LBS.
  - k) Development of the Urban Forest Strategy.
  - l) Development and implementation of the Environmental Land Use Planning Strategy. The first of its kind for the City, and progressively implementing its actions.
15. As part of the development of the City's strategic environmental framework, in November 2020, the City endorsed, for public advertising, a draft Urban Forest Strategy 2020 (UFS). The draft UFS establishes the following vision:  
*"Our diverse forest is valued as an intrinsic feature of our evolving urban landscape that supports a happy, healthy and prosperous community".*
16. The UFS includes data analysis and supporting commentary on the existing and desired level of tree canopy cover in the City. Classifications of urban forest are defined based on similar topography and land use throughout the City.
17. Respective canopy cover reported in the UFS for each suburb, based on CSIRO data prepared in 2018, is summarised below:
- a) Swan Coastal Plain
    - i. High Wycombe (5-10%)
    - ii. Forrestfield (10-15%)
    - iii. Wattle Grove (15- 20%)
    - iv. Maida Vale (20-25%)
  - b) Darling Scarp
    - i. Gooseberry Hill (30 to 40%)
    - ii. Kalamunda (30 to 40%)
    - iii. Lesmurdie (25 to 30%)
    - iv. Walliston (25 to 30%)
  - c) Darling Plateau
    - i. Bickley (over 40%)
    - ii. Canning Mills (over 40%)
    - iii. Carmel (over 40%)
    - iv. Hacketts Gully (over 40%)
    - v. Pauls Valley (30 to 40%)
    - vi. Pickering Brook (30 to 40%)
    - vii. Piesse Brook (30 to 40%)
    - viii. Reservoir (30 to 40%).
18. The following should be noted with respect to the draft UFS canopy cover:
- a) These figures indicate that the majority of the Swan Coastal Plain suburbs and industrial areas have less than the 20% tree canopy cover benchmark established under the UFS.
  - b) Approximately 84% of the City's population growth since 2001 has occurred in the four suburbs of the Swan Coastal Plain.

- c) The Darling Hills and Darling Plateau suburbs generally contains 30-40% or higher tree canopy cover, which may be attributed to skewed data due to the inclusion of National Parks and Regional Reserves. These areas also comprise lower density and larger lots, and established homes rather than new development areas.
19. Research into tree canopy cover targets set by other Local Government Areas has identified that 20% canopy cover is a widely adopted benchmark for urban areas. In this regard, the draft UFS outlines the following goals:
- a) Swan Coastal Plain Area
    - i. Increase canopy cover to an average of 20% with no net loss based on the 2018 baseline within residential lots and road reserves by 2028
    - ii. Maintain current canopy cover within parks and reserves.
    - iii. Retain at least 20% canopy cover within areas earmarked for, but yet to undergo, urban development
    - iv. Increase canopy cover in industrial areas to an average of 5-10% based on 2018 baseline by 2028
  - b) Darling Scarp Area
    - i. Maintain overall canopy coverage with no net loss based on the 2018 baseline
    - ii. Increase canopy coverage in areas with less than 20% canopy cover (including the Kalamunda Town)
    - iii. Increase canopy cover in industrial areas to an average of 5-10% based on 2018 baseline by 2028
  - c) Darling Plateau Area
    - i. Maintain overall canopy coverage with no net loss.

## **DETAILS AND ANALYSIS**

20. The objectives for LPP33 can be summarised as follows:
- a) Encourage design and development that facilitates the protection and growth of trees worthy of retention;
  - b) Balance tree retention with built form and land use outcomes;
  - c) Maintain and increase canopy cover; and
  - d) Maintain and enhance neighbourhood amenity, character and sense of place through the protection and enhancement of tree canopy.
21. LPP33 provides guidance on the assessment of strategic planning proposals, subdivision or development applications which may result in the removal of a trees worthy of retention. Key sections of LPP33 include:
- a) Definition of a tree worthy of retention;
  - b) Exemptions (circumstances a tree can be removed without approval);
  - c) Provisions varying the R-Codes to provide greater protection and enhancement of tree canopy;
  - d) Tree retention requirements including protection of trees and information required to support an application;



- e) Tree planting requirements for private land (including replanting ratios and costs);
- f) Requirements for retention and replacement/ funding of street trees;
- g) Compliance.

22. **Definition of a Tree Worthy of Retention**

The clearing or removal of trees are considered 'works' and are subject to the requirements to obtain a development approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*. In practice, in order to determine whether tree removal requires development approval the City has historically assessed the nature of the matter on a case by case basis, including having regard to the impact of removal of trees on the amenity, character, and the environment.

23. A key component of LPP33 is to establish a consistent definition of a "tree worthy of retention". The removal of any tree worthy of retention, unless otherwise exempt under the provisions of LPP33, will generate a requirement for landowners and applicants to apply for development approval. A tree worthy of retention is defined as:

- a) Healthy specimens with ongoing viability if not disturbed; and
- b) Species is not included on a Commonwealth, State or local weed register; and
  - i. Height of at least 4m; and/or
  - ii. Trunk diameter of at least 160mm, measured 1m from the ground, and/or
  - iii. have an average canopy diameter of at least 4m.

24. The definition of a tree worthy of retention is consistent with the definition of a 'significant existing tree' under the proposed draft State Planning Policy 7.3 Residential Design Codes (R-Codes) – Volume 1 Low and Medium Density. This consistency with what is currently proposed through the State planning framework will ensure LPP33, once adopted, can assimilate with other related policy documents. The definition is also considered appropriate as it captures a range of tree shapes and sizes noting there is significant diversity in tree species throughout the City.

25. **Exemptions**

LPP33 provides a list of exemptions for clearing of trees worthy of retention. These exemptions broadly include clearing:

- a) Where the proposed deemed-to-comply requirements under design element 5.3.2 Landscaping have been achieved;
- b) For approved bushfire management measures;
- c) Of a Commonwealth, State or local weed;
- d) Where there is an immediate danger to life or property;
- e) That is causing structural damage;

- f) Near proposed or existing effluent disposal systems or piped infrastructure;
- g) Within the required clearance distance from a power infrastructure as specified in Western Power or requirements and tree pruning and management is deemed by the City not reasonably practicable;
- h) of a palm tree or fruit tree;
- i) Within an approved orchard, vineyard, or timber plantation;
- j) In accordance with planning or building approvals granted prior to the adoption of this Policy.

The complete list of exemptions is provided in Section 6 of LPP33.

26. Importantly, LPP33 will not remove any exemptions currently in place for a single house, or alterations and additions (including incidental structures such as an outbuilding and patio) to single houses and grouped dwellings under cl. 61 of the *Planning and Development (Local Planning Schemes) Regulations*.
27. **Provisions Varying the R-Codes**  
LPP33 proposes a variation to the Deemed-to-comply provisions of the R-Codes under Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces. The proposed variations seek to:
- a) prioritise the retention of established trees worthy of retention over their replacement, where development constraints permit;
  - b) establish planting requirements based on lot size to ensure larger lots accommodate retention and planting of trees, where development constraints permit; and
  - c) increase planting requirements for carparking areas (consistent with the new draft SPP 7.3 draft Residential Design Codes Volume 1 Medium Density Code and Forresterfield / High Wycombe Industrial Area Design Guidelines).
28. A key variation to the deemed-to-comply provisions proposed by LPP33 is to increase the minimum number of trees as part of residential developments. The existing deemed-to-comply provision requires one tree for each new single house or grouped dwelling. This provision is appropriate for residential densities where lot sizes are in the order of 350m<sup>2</sup> – 500m<sup>2</sup>, however the City comprises large areas with larger lot sizes ranging from 1,000m<sup>2</sup> - 2,000m<sup>2</sup>. The R-Codes provision is not considered appropriate in the context of urban forest goals to retain no net loss of canopy in these environments.

29. LPP33 proposes to vary this by requiring one tree per 350m<sup>2</sup> of lot area, or where the site area per dwelling is less than 350m<sup>2</sup>, one tree per dwelling. The number of trees required under this new provision can be made up of the retention of existing trees prior to the commencement of development.
30. Clause 7.3.2 of the R-Codes enable local governments to vary the deemed-to-comply provisions through the adoption of a local planning policy where it can be demonstrated, to the satisfaction of the WAPC, that:
- a) The variation is warranted due to a specific need related to that particular locality or region;
  - b) Is consistent with the objectives and design principles of the R-Codes; and
  - c) Can be properly implemented and audited by the local government as part of the ongoing building approval process.

For the reasons outlined in this report, it is considered each of the above criteria can be adequately satisfied.

31. **Tree Retention**  
LPP33 sets out the requirements relating to the protection of trees worthy of retention for all planning, development, building, and clearing proposals that do not qualify for an exemption. The requirements for the protection and retention of trees worthy of retention broadly include:
- a) Prioritising the retention of established trees over replanting, where possible;
  - b) Provision of relevant tree and proposed development information with an application
  - c) Retention of canopy cover within Asset Protection Zones
  - d) Protection measures for trees worthy of retention during works
  - e) Relocation of trees worthy of retention.
32. In instances where development is exempt under existing planning instruments (eg. a single house or additions to a dwelling), the tree retention provisions of LPP33 will apply to trees that are not impacted by development works. LPP33 will establish protection for trees worthy of retention where any part of the 'tree protection zone' (measured by multiplying the diameter at breast height by 12) is greater than two metres from exempt works. As noted in the exemptions section above, this would not prevent the establishment of an Asset Protection Zone around a dwelling in accordance with an approved Bushfire Management Plan.

33. **Tree Planting**

LPP33 sets out the minimum requirements relating to planting of trees for the various zones within LPS3. In the following zones, a minimum of two trees are required to be planted for every tree worthy of retention removed that is not exempt under the provisions of LPP33:

- a) Residential, Residential Bushland and Urban Development, Private Clubs and Institutions (additional retention/ planting is required in accordance with proposed R-Code deemed-to-comply provisions)
- b) Special Rural, Rural Composite, Rural Agriculture, Rural Landscape Interest and Rural Conservation.

Planting requirements in the following land use zones are proposed to achieve a minimum 10% tree canopy cover; Light Industry, General Industry, Industrial Development and Service Station.

34. Planting requirements in Centre, District Centre and Mixed Use land use zones are proposed to achieve a minimum 20% tree canopy cover.

35. **Street Trees**

LPP33 outlines that street trees shall be protected. The clearing of street trees as part of a Development Application will not be supported unless unavoidable development circumstances apply, and the City agrees, in writing, to the removal of a street tree. Any street trees removed will require the applicant to provide an offset payment, determined in accordance with a tree valuation methodology adopted by the City.

36. The City is currently proposing the use of a tree valuation methodology consistent with the approach used by the City of Melbourne. This includes a fee calculation with consideration of the following factors:

- a) Removal costs;
- b) Amenity values (basic value plus species, aesthetic, locality and condition values);
- c) Ecological services value (using the i-Tree valuation tool); and
- d) Reinstatement costs.

37. The finalised methodology will be adopted, subject to, and in conjunction with, the advertising process and final modifications to LPP33.

38. The provisions of LPP33 are designed to be used in conjunction with other initiatives to increase canopy cover including the annual free Plants for Residents Program, Street Tree Planting Program, and actions from the draft LBS 2020 and UFS 2020.

39. **Statutory Planning Tools**

A comparison of Local Governments within the Perth Hills region found that those with a coordinated approach to environmental sustainability were most effective at retaining and managing canopy cover. In a planning context, this means that local governments that have adopted Local Planning Scheme provisions, a Local Planning Policy and Urban Forest Strategy were considered most effective at protecting trees and vegetation worthy of retention.

40. The tools available to a local government for managing tree canopy cover on development sites are outlined in *Better Urban Forest Planning* (WAPC 2018) include:

- a) Local Planning Scheme provisions;
- b) Local Planning Policy;
- c) Local Standards (e.g. Engineering standards);
- d) Conditions of Development Approval; and
- e) Conditions of Subdivision Approval

41. *Better Urban Forest Planning* (WAPC 2018) outlines that a Local Planning Policy may specify:

- a) Landscape plan requirements
- b) Practical retention of existing trees
- c) Requirements for the removal and replacement of trees
- d) Protection of registered trees (significant or in preservation clauses)
- e) Variations to R-Code "deemed to comply" provisions
- f) Requirements for planting in street setbacks and verges
- g) Methods for valuing trees
- h) Tree Protection Zones
- i) Tree Bonds and payments.

42. LPP33 addresses each stage of the planning and development process from information required to support an application, to actions required to clear a condition of approval.

43. As an LPP is given 'due regard' when considering applications, the provisions and guidance of LPP33 will enable the City to apply its discretion, within the parameters set out by LPP33, with a view of balancing built form design, development and land use outcomes with tree retention. It should be noted, however, that LPP33 is not a complete solution, but rather one tool that will assist the City with its broader objectives to balance pressures from development against the need to maintain and strengthen urban canopy and biodiversity.

## **APPLICABLE LAW**

44. LPP33 has been prepared under and in accordance with Schedule 2 Part 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations).
45. *State Planning and Development Act 2005* promotes the sustainable use and development of land in the State and the protection of natural resources including the preservation of trees.

## **APPLICABLE POLICY/STRATEGIES**

46. The State Planning Strategy 2050 sets a high-level expectation for the demonstration of exemplary built form and environmental excellence.
47. State Planning Policy 7.0 – Design of the Built Environment includes design principles relating to landscape quality, including the protection and enhancement of existing environmental features with specific reference to tree canopy.
48. State Planning Policy 7.2- Precinct Design provides guidance on the design, planning, assessment and implementation of precinct structure plans, local development plans, subdivision and development. SPP 7.2 has provisions for retention and/or enhancement of the green network including tree canopy.
49. State Planning Policy 7.3 - Residential Design Codes - Volume 1 currently includes, within its design principles, an objective to retain existing trees and/or provide new trees to maintain and enhance the tree canopy and local sense of place.
50. Perth and Peel @3.5million promotes sustainability and urban forests to help reduce air pollution and minimise the impact of urban heat islands, plus the preservation and enhancement of existing landscape values.
51. Liveable Neighbourhoods includes improvement in urban tree canopy and support avoidance of environmental impacts and green infrastructure that contributes to a quality urban environment.
52. **Operational policy 1.1 - Subdivision – General Requirements (OP 1.1)**  
OP 1.1 sets out the general principles that will guide the WAPC in determining applications for subdivision. The objectives of OP 1.1 include (but are not limited to);
  - To ensure the subdivision pattern is responsive to the characteristics of the site, including environmental features, sustainability principles and the local planning context.

- To support the maintenance and enhancement of the urban tree canopy.

53. **Development Control Policy 2.2- Residential Subdivision (DCP 2.2)**

This policy sets out the WAPC's requirements for the subdivision of land into residential lots. The objectives of DCP 2.2 include (but are not limited to) to adopt criteria for residential lots that will ensure each lot has a suitable level of amenity, services and access. The WAPC may require lot reconfiguration to facilitate retention of significant trees and mature vegetation. DCP 2.2 outlines that the WAPC may require lot reconfiguration to facilitate retention of significant trees and mature vegetation.

54. **Kalamunda Clean and Green 2019 – 2029: Local Environmental Strategy (LES)**

Included an action which states "Develop a local planning policy to protect significant trees and vegetation on private property".

55. **Environmental Land Use Planning Strategy (ELUPS)**

Included action 8.2.4 which states "Prepare a local planning policy to address retention of significant trees on development sites".

56. **Draft Local Biodiversity Strategy (LBS)**

Included action 1.5; Develop a number of Local Planning Policy/Policies, including:

- Local planning policy for Local Natural Area Conservation
- Local planning policy for Public Open Space
- Local planning policy for Ecological Linkages.

The above policies will compliment LPP33 through the common objective to protect and enhance tree canopy.

57. **Draft Urban Forest Strategy (UFS)**

Includes action 6.1; Through the implementation of the ELUPS investigate the implementation of a local planning policy to address clearing of significant trees on private property.

58. Action 7.1 is also relevant, requiring through the implementation of the ELUPS, develop a local planning policy to support the retention of urban forest on newly created lots as part of structure planning, subdivision and development, and require tree bonds to protect retained trees from damage during development. Where it is not possible to retain urban forest require replacement planting or contribution to the City (as specified in the local planning policy).

59. Council Policy Service 08 "Street Tree and Streetscape Management"

## STAKEHOLDER ENGAGEMENT

60. LPP33 has been reviewed by the City through the perspective of an array of disciplines including but not limited to:
- a) Planning
  - b) Building
  - c) Engineering
  - d) Environment
61. The City has sought preliminary comment from the Department of Planning, Lands and Heritage and considered feedback in the course of developing LPP33. The following noteworthy comments were provided (summarised):
- a) The City is commended for taking steps to improve tree canopy consistent with its strategic documents. The Minister has approved a number of scheme amendments and the WAPC has approved several local planning policies that aim to support increased tree canopy;
  - b) WAPC approval will be required where LPP 33 varies the R-Codes;
  - c) LPP 33 will need to be reviewed and updated when the Medium Density Codes are finalised by the WAPC; and
  - d) The City should ensure that existing development exemptions under the Planning and Development (Local Planning Schemes) Regulations 2015 will be maintained.
62. If adopted by Council, LPP33 will be referred to the WAPC for formal comment and approval of the proposed variations to the R-Codes.
63. **Community Survey**  
Respondents in the City's 2017 and 2019 community surveys found that 97% agreed that the City's bushland, trees and natural environment are important, and 96% wanted to see the integrity of the natural environment protected and enhanced.
64. Survey and community consultation results from ELUPS, LES, the annual community survey and Strategic Community Plan have consistently demonstrated that the environment is valued by the community.
65. **Kalamunda Advancing 2027 - Strategic Community Plan**  
81% of respondents rated Priority 2 Kalamunda Clean and Green as Important or Very Important.



66. **Engagement Measures:**  
Based on a review of the nature of LPP33, the City, from a community engagement perspective, recommends that LPP33 is advertised for 42 days. This timeframe is consistent with the advertising timeframes of Structure Plans and standard Local Planning Scheme amendment and will provide the community sufficient time to review and comment on LPP33.
67. The City will also prepare a Community Engagement Plan (Engagement Plan) to guide engagement measures which will include but not be limited to:
- a) Social media and other online engagements.
  - b) Notification in the local newspaper.
  - c) Access to LPP33 on the City's website and at the administration centre.
  - d) Notification to relevant advisory committees including but not limited to:
    - i. Kalamunda Environmental Advisory Committee
    - ii. Kalamunda Economic Development Advisory Committee

## **FINANCIAL CONSIDERATIONS**

68. Costs of advertising are to be met through relevant service department municipal budget allocation.
69. LPP33 contains provisions for a financial offset for clearing of trees worthy of retention and street trees. To establish this arrangement, the City will need to create a special purpose account and adopt the requisite fees in the annual Schedule of Fees and Charges. Additional procedures will also be required for the accrual and expenditure of funds. These arrangements will be established at an appropriate time subject to the finalisation of this Policy.

## **SUSTAINABILITY**

### **Social Implications**

70. Retention and enhancement of tree canopy will help maintain and enhance contact with nature, which has been scientifically proven to improve people's physical and mental health, and benefit child development.
71. Research also shows being close to nature can have a calming effect, can be conducive to creative thinking and productivity, and boosts happiness and a sense of wellbeing. Increased retention or replanting of trees will help keep urban areas cooler and reduce the risk of heat related illness and death in heatwaves.

72. For these reasons, trees are an important consideration for community health and liveability.

### **Economic Implications**

73. Suburbs with an established tree canopy generally contain higher amenity which can result in being a desirable location to reside.
74. There is significant research to support the conclusion that trees on the street verge and increased canopy cover also increases the amenity and desirability of localities which in-turn influence median property prices.
75. Working in a greener environment has been shown to improve mood, promote creative thinking and productivity.
76. This policy is not intended to prevent landowners from developing their property in accordance with the zoning and residential density, but does emphasise the importance of good design that responds to site conditions, and consideration of tree retention.

### **Environmental Implications**

77. There is an array of positive effects associated with trees and vegetation, including:
- a) reduce the urban heat island effect, keeping urban areas cool and shady in summer
  - b) Provides essential habitat for native wildlife
  - c) Reduces air and water pollution;
  - d) Reduces flooding events in winter;
  - e) Filters and stabilises waterways and maintains healthy soil;
  - f) Improves resistance to disease;
  - g) Provides environmental resilience to a changing climate.
78. Trees on private property will collectively, with street trees, public open space and regional reserves, provide a better environment for wildlife and human health and wellbeing.

**RISK MANAGEMENT**

79.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> The policy is not advertised and the City does not have an adopted approach to managing loss of tree canopy cover, and consequently amenity and biodiversity. |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Significant  | Likely            | High          |
| <b>Action/Strategy</b>   |                   |               |
| Council to adopt the draft LPP33 Tree Retention for public advertising.  |                   |               |

80.

|   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> The policy receives strong opposition from sections of the Community.  |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Significant   | Possible          | High          |
| <b>Action/Strategy</b>  |                   |               |
| Ensure that the advertising process highlights:<br>a) The justification for introducing measures to protect and enhance tree canopy;<br>b) The balanced approach to facilitate tree retention wherever possible during development and subdivision, which has guided the preparation of this policy; and<br>c) Exemptions under LPP33 for tree removal in certain situations. |                   |               |

81.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> If trees are planted under City direction in City managed areas (ie road reserves/verges or parks/reserves), the City assumes responsibility for the tree and claims for damages caused by tree (e.g. structural damage caused by roots). |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Moderate   | Possible          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| Any claims for damage are addressed in the first instance through the City's insurer. There is a need to ensure future tree planting includes sufficient setback to driveways and other privately owned structures.                                    |                   |               |

82.

|   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> Adoption of the policy may increase resourcing pressures in dealing with policy queries, planning and development applications and compliance. |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Moderate  | Likely            | Medium        |
| <b>Action/Strategy</b>  |                   |               |

The City have existing procedures in place for processing planning and development applications as well as compliance matters. Existing staff resources will be provided training in implementation of the policy to ensure efficiency in resourcing. Supporting guidance will be prepared including a valuation methodology procedure for tree offsets, as well as a tree planting guide detailing appropriate planting species. Resourcing requirements will be considered on an ongoing basis in line with reviews to LPP33.

## CONCLUSION

83. The purpose of LPP33 is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees of a particular size and maturity through the planning and development process. LPP33 also seeks, where practical, to increase canopy cover with replanting provisions.
84. The objectives of LPP33 are consistent with the City's overarching strategic intent identified through the ELUPS and LES, together with the draft UFS. Furthermore, LPP33 is consistent with design principles established under existing and proposed State Planning Policy (R-Codes) which generally seek to retain existing trees and/ or provide new trees to maintain and enhance the tree canopy and local sense of place.
85. LPP 33 signifies the City's intention to strengthen planning processes and practices for a more sustainable outcome with respect to urban tree canopy. LPP33 is considered to represent a balanced and considered position for the City in relation to the retention of trees.
86. It is recommended Council adopt LPP33 – Tree Retention for the purposes of public advertising.
87. **Additional Information Since the September 2021 Public Agenda Briefing**  
The City has included additional information around the advertising timeframe and measures for LPP33 under the Stakeholder Engagement section of this report.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

**RECOMMENDATION**

That Council:

1. ADOPT draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, for the purposes of public advertising in accordance with the *Planning and Development Act (Local Planning Scheme) Regulations 2015*.
2. AUTHORISE the Chief Executive Officer to refer draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, to the Western Australian Planning Commission for the purposes of seeking approval to vary State Planning Policy 7.3 - Residential Design Codes Volume 1, deemed-to-comply provisions in Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote:

Cr Cooper proposed an amendment to the policy. The mover did not accept the amendment. Cr Cooper provided rationale to the amendment. Council debated the amendment before it was put to a vote.

RESOLVED OCM 277/2021

That Council:

1. ADOPT draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, for the purposes of public advertising in accordance with the *Planning and Development Act (Local Planning Scheme) Regulations 2015* **subject to amending Table 2 to increase the replacement ratio of trees from two to four.**
2. AUTHORISE the Chief Executive Officer to refer draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, to the Western Australian Planning Commission for the purposes of seeking approval to vary State Planning Policy 7.3 - Residential Design Codes Volume 1, deemed-to-comply provisions in Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces.

Moved: **Cr Lisa Cooper**

Seconded **Cr Janelle Sewell**

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

Cr Thomas used the casting vote: **LOST (6/7)**

The Recommendation as originally presented was put to the vote.

RESOLVED OCM 278/2021

That Council:

2. ADOPT draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, for the purposes of public advertising in accordance with the *Planning and Development Act (Local Planning Scheme) Regulations 2015*.
3. AUTHORISE the Chief Executive Officer to refer draft Local Planning Policy 33 – Tree Retention, as provided in Attachment 1, to the Western Australian Planning Commission for the purposes of seeking approval to vary State Planning Policy 7.3 - Residential Design Codes Volume 1, deemed-to-comply provisions in Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**


Vote: **CARRIED UNANIMOUSLY (12/0)**

### 10.1.3. Cell 9 Wattle Grove Outline Development Plan Amendment - Lot 26 (44) St John Road, Wattle Grove

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

|                |  |
|----------------|--|
| Previous Items | Nil  |
| Directorate    | Development Services   |
| Business Unit  | Strategic Planning   |
| File Reference | 3.009297   |
| Applicant      | City of Kalamunda  |
| Owner          | Ms G B Fuller  |
| Attachments    | 1. Proposed Cell 9 Outline Development Plan Amendment Report and Map [10.1.3.1 - 64 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 2031*

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

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

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

##### **Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to key centres of activity, employment and quality amenities.

**Strategy 3.2.2** - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove (44 St John Rd) designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. The modification will generate additional contributions within the Cell 9 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) which, subject to Council approval, may be directed to the improvement of POS in Cell 9 for the benefit of the broader community.
4. It is recommended that the Council adopts the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – 44 St John Rd for the purposes of public advertising.

## BACKGROUND

5. Locality Plan:





6. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.
7. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the "Cell 9 Infrastructure Cost Sharing Arrangement" (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
8. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.
9. There are three parcels of POS yet to be acquired through the Cell 9 ICSA being Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
10. The acquisition of the land to create the three remaining POS parcels is included in the Cell 9 ICSA, however, with the exception of improvements to the POS contiguous with the Woodlupine Brook, the Cell 9 ICSA does not provide for the improvement of any other POS within the Cell 9 ODP area. Accordingly, the improvement of Tomah Reserve POS (located to the north of the subject site) is not currently included within the Cell 9 ICSA.
11. The City initially undertook a feasibility desktop analysis of the Cell 9 ODP which identified a significant surplus of POS, calculated at approximately 14%, in lieu of the 10% required under the State Government's policy that guides urban development; Liveable Neighbourhoods. The exact percentage of POS in Cell 9 was later calculated by the City's consultant at 15.29%.
12. Having determined through the feasibility assessment that there was a significant surplus of POS designated in the Cell 9 ODP area, the City, engaged a planning consultant to undertake an assessment of the subject site, and consider the drainage and servicing implications of modifying the approved ODP layout. The consultant was to present their findings and recommend the optimum layout to the City (see appendix C within Attachment 1 of this report).

13. Having determined an optimum amended layout, the City, with the assistance of a planning consultant, commenced the preparation of an amendment to the Cell 9 ODP (See Attachment 1) to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).
  - b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
  - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
  - d) Provide additional housing opportunities within the Cell 9 ODP area.
  - e) Promote active street frontages and surveillance of POS.
14. The consolidation of POS at the subject site will result in a reduction in land acquisition costs under the Cell 9 ICOSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICOSA. The additional funds, subject to Council approval at the annual Cell 9 ICOSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICOSA for improvement.
15. The annual review would outline estimates for the additional POS improvements, which must be supported by the Council before funds can be expended on additional improvements, beyond what is included within the ICOSA for Woodlupine Brook.

## **DETAILS AND ANALYSIS**

16. The proposed amendment to the Cell 9 Wattle Grove ODP (Attachment 1) seeks to reduce the portion 44 St John Road designated as POS, increase the portion of designated Residential R20, and redesignate a portion of the Tomah Road reservation as POS (see existing and proposed ODP designation below).

17. Existing ODP Designation:



18. Proposed ODP Designation:



19. City of Kalamunda - Public Open Space Strategy 2018

The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the City of Kalamunda Public Open Space Strategy 2018 (POS Strategy). One of the primary objectives of the POS Strategy is to *“optimise the use of the City’s resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high quality POS over quantity”*.

20. Consistent with the above objective, the proposed amendment seeks to optimise the Tomah Reserve POS through consolidation. By consolidating the quantum of land required for acquisition, ICSA funds can be saved and additional contributions can be collected. Subject to Council approved, these funds can then be distributed to increase the quality of POS throughout Cell 9 for community benefit.
21. In addition, the proposed consolidation of POS is consistent with Strategic Direction 2.2 of the strategy which notes that the City is to *"potentially transfer POS that does not serve any functional benefit to the community. Ensure that any POS identified for potential transfer lacks either active, passive or environmental function"*.
22. The proposed portion of the subject site to be re-designated from POS to urban is relatively small and lacks both an environmental and active benefit to the community. The portion being redesignated is currently a paddock (grass) which has no identified ecological benefit, with the planned intent for Tomah Reserve under the ODP being passive, not active, POS. The minor reduction in the portion of land designated POS will not impact the ability for the community to enjoy Tomah Reserve in a passive manner as planned under the Cell 9 ODP.
23. Strategic Direction 2.6 of the strategy notes *"The City, as funding and resources permit increase the quality of POS for community benefit through an increase in the number of 'A' grade reservations"*. The proposed amendment is considered consistent with this strategic direction as the amendment will generate funds in the future for the use of improving POS within Cell 9 for community benefit.
24. Strategic Direction 4.1 of the strategy notes *"Improve pedestrian access traversing through existing areas of POS"*. The proposed amendment is considered consistent with this strategic direction as the amendment will enable the improvement of POS within the Cell 9 ODP subject to Council approval. This approval will be sought during the annual review of the Cell 9 ISA which will include cost estimates and details of improvements proposed within the annual report. Common improvements to POS include pedestrian pathways, lighting, and street furniture.

25. Objectives for Consolidating POS at 44 St John Road, Wattle Grove  
Consistent with the objectives outlined in this report, the City is seeking to:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions the City of Kalamunda Public Open Space strategy (POS Strategy) as outlined above.
  - b) To Rationalise remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy, as outlined above.
  - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
  - d) Provide additional housing opportunities within the Cell 9 ODP area.
  - e) Promote active street frontages and surveillance of POS.
26. Reduction in Surplus POS  
This amendment proposes to reduce POS within the Cell 9 ODP area from 29.4825ha to 29.1132ha representing a reduction of 0.3693ha (3,693m<sup>2</sup>/0.19%). Despite the proposed minor reduction the Cell 9 ODP will retain an oversupply of POS, and will comply with *Liveable Neighbourhoods 2009*, and the requirement to provide a minimum of 10% POS. This is consistent with Strategic Direction 2.1 of the City's POS Strategy which outlines that "*All... modified Outline Development Plans to allocate POS in accordance with Liveable Neighbourhoods requirements and address deficiencies identified in the Strategy*".
27. In addition, the reduction in surplus POS enables the Cell 9 ICSA funds that would have been used for the acquisition of land, to be allocated and used for the improvement of existing and future POS within the Cell 9 ODP area. These upgrades to POS, which are not currently funded under the Cell 9 ICSA, will provide a direct community benefit to the Wattle Grove community.
28. Increase Land Designated Residential  
The proposed increased area designated 'Residential R20' within the subject site may create up to 10 additional lots, which is anticipated to generate an additional 8 vehicle movements per day during peak hours. The existing and future road network has the capacity to accommodate the minor increase in demand, with no adverse impact on road users.
29. Redesignation of Road Reservation to POS  
In addition to the reduction of the portion of the subject site designated POS, and the increase of the portion of the subject site designated Residential 20, this amendment proposes the redesignation of a section of the Tomah Road Reservation to POS. This redesignation is considered

administrative in nature as the additional length of Tomah Road does not provide any additional purpose or connectivity. Redesignating this portion of reservation, extends the Tomah Reserve POS, creating a natural POS connection through the northern part of the Cell 9 ODP area.

30. The redesignation of the Tomah Road Reservation to POS and portion of the subject site from POS to Residential R20 will enable the efficient use of land within the Cell 9 ODP area, and will create a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
31. In addition, the redesignation will reduce Cell 9 ICSA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated to improving existing and future POS within the Cell 9 ODP area. These upgrades are of a direct benefit to the Wattle Grove community and will provide improved spaces for the community to recreate and enjoy.

#### **APPLICABLE LAW**

32. City of Kalamunda Local Planning Scheme No.3  
Schedule 11 of the Scheme (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.
33. Planning and Development (Local Planning Scheme) Regulations 2015  
Under Regulation 79 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).
34. Regulation 29 (2) outlines the procedure to be undertaken to amend an LSP, and Regulation 29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
35. The City consulted with the Department of Planning Lands and Heritage (DPLH), as to whether the commission would determine the proposed amendment as 'minor in nature'. It was determined through this consultation that the amendment is not considered 'minor in nature' and should be advertised in accordance with Regulation 29 (2) of the Regulations.

## **APPLICABLE POLICY**

36. State Planning Policy 3.6 – Infrastructure Contributions  
As the Wattle Grove Cell 9 – Schedule 11 Part 1 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) predates the gazettal of State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6), it is not subject to the provisions of SPP 3.6. Despite operating in a similar manner, the Cell 9 ICSA is not referred to as a Development Contribution Plan (DCP).
37. State Planning Policy 3.7 – Planning in Bushfire Prone Areas  
A Bushfire Management Plan (BMP) has been prepared for the proposed ODP amendment consistent with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) (see attachment 1). The prepared BMP outlines that future development consistent with the preferred subdivision layout will achieve a Bushfire Attack Level rating of 29 or less and will comply with the requirements of SPP 3.7.
38. State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning  
The subject site is located in proximity to a Roe Highway, a Primary Regional Road. Accordingly, the portion of the subject site that is being designated residential by this amendment may be affected by traffic noise. It is noted there is an existing noise wall along this portion of Roe Highway, however when the subject site is subdivided in future, lots may need a notification on title to advise prospective purchasers of traffic noise and the requirement to design to quiet house standards.

## **STAKEHOLDER ENGAGEMENT**

39. The proposed amendment will be advertised in accordance with Regulation 29 (2) and 18 of the of the Regulations. Advertising of the proposed amendment entails:
- a) Comments sought from any public authority or utility service provider that the Local Government considers appropriate.
  - b) Publish the proposed amendment on the website of the Local Government.
  - c) Make a copy of the document available during normal business hours.
  - d) Letters sent to owners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed amendment to the LSP.

For a period of 42 days from the date the notice is published.

## FINANCIAL CONSIDERATIONS

40. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.
41. Funding for the Cell 9 ODP Amendment has been costed against the Cell 9 ICSA.

## SUSTAINABILITY

42. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.
43. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City's engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.
44. In the future when the subject site is developed in accordance with amended layout, this water will be diverted to both the existing living stream which runs through the Tomah Reserve POS to the north, and via a culvert under Tomah Road to the existing Tomah Swamp.
45. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

## RISK MANAGEMENT

|     |  |                   |               |
|-----|--|-------------------|---------------|
| 46. | <b>Risk:</b> Council and/or stakeholders are dissatisfied with the reduction in Public Open Space.                                     |                   |               |
|     | <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
|     | Unlikely   | Moderate          | Low           |
|     | <b>Action/Strategy</b>   |                   |               |
|     | Clearly articulate the 0.19% reduction in POS across Cell 9 enables the upgrade/development of all remaining designated POS in Cell 9. |                   |               |



47.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> DPLH requires additional information.                             |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Possible   | Insignificant     | Low           |
| <b>Action/Strategy</b>   |                   |               |
| The City will liaise with DPLH to resolve any additional information requests. |                   |               |

**CONCLUSION**

48. In conclusion, the primary drivers behind this ODP amendment are:

- a) The efficient designation and use of land within Cell 9,
- b) The efficient use Cell 9 ICSA funds (formerly known as Cell 9 GDS funds); and
- c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.

49. The proposed amendment will enable the efficient use of land within the subject site and will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community.

**Voting Requirements: Simple Majority**

RESOLVED OCM 279/2021

That Council:

- 1. ADOPT the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – (Lot 26 (44) St John Road, Wattle Grove) for the purposes of public advertising in accordance with Regulation 18 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote:

For

**Cr John Giardina**  
**Cr Janelle Sewell**  
**Cr Geoff Stallard**  
**Cr Lesley Boyd**  
**Cr Mary Cannon**  
**Cr Brooke O'Donnell**  
**Cr Sue Bilich**  
**Cr Lisa Cooper**  
**Cr Dylan O'Connor**  
**Cr Cameron Blair**  
**Cr Margaret Thomas**

Against

**Cr Kathy Ritchie**

**CARRIED (11/1)**


## 10.2. Asset Services Reports

### 10.2.1. Container Deposit Collection Sites

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

|                |                          |
|----------------|--------------------------|
| Previous Items | OCM 214/2020             |
| Directorate    | Asset Services           |
| Business Unit  | Asset Waste & Operations |
| File Reference | OR-IGR-005               |
| Applicant      | N/A                      |
| Owner          | N/A                      |
| Attachments    | Nil                      |

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

##### **Priority 2: Kalamunda Clean and Green**

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

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

##### **Priority 2: Kalamunda Clean and Green**

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

**Strategy 2.3.1** - Identify and implement strategies to reduce waste.

## EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council of outcomes as a result of a Notice of Motion (NOM) adopted in October 2020 regarding Container Deposit Scheme (CDS) Collection Sites.
2. A report on this NOM has been delayed due to a commercial operator of a CDS Refund Point negotiating with the City of Kalamunda (City) to install a Refund Point within Kalamunda Town Centre, which significantly impacts any potential for a Refund Point at Walliston Transfer Station (WTS) – which was the subject of the NOM.
3. It is proposed that Council note this report and proposed actions.

## BACKGROUND

4. The CDS initiative commenced in Western Australia in October 2020. According to media reports, there has been a significant number of eligible containers presented to either Refund Points or Donation Points throughout Western Australia.
5. At the November 2020 Ordinary Council Meeting a NOM on the matter was debated by Council and the following resolution OCM 214/2020 made:

*That Council REQUEST the Chief Executive Officer:*

1. *Prepare a report for Council consideration on the feasibility of establishing a Container Deposit Collection refund station or a community donation point at the Walliston Transfer Station*
2. *Write to community sporting clubs in North and South East Wards encouraging them to set up a Container Deposit Collection point to raise funds for their club.*

## DETAILS AND ANALYSIS

6. The public can utilise the CDS through two primary methods:
  - a) Establishing themselves with a registration number and provide their eligible containers to a CDS Refund Point or Reverse Vending Machine at which the customer will receive a 10¢ credit per container.

- b) Providing the eligible containers to a donation point in which the community group / organisation collates these containers and they receive the 10¢ credit.

The NOM requested that the City examine both primary options for WTS.

- 7. The WTS is open to the public from Thursdays to Sundays each week (except for days of Total Fire Ban and specified Public Holidays). At other times it is closed with City staff attending to waste management activities behind closed doors.
- 8. In its current configuration, it is impractical to provide an area for either a CDS Refund Point or Donation Point without requiring customers to enter the Transfer Station proper, moreover space within WTS for such a facility is limited.
- 9. As part of the redevelopment of WTS, Council (July 2021 OCM report 10.2.2) endorsed the creation of a Community Re-Use Shop (Shop) which can be accessed by the Public direct from Lawnbrook Road without requiring to enter WTS proper.
- 10. The City is now finalising licence agreements for the operation of this Shop.
- 11. The City has been dealing with a Development Application with a commercial operator to open a CDS Refund Point at the Kalamunda Town Centre.
- 12. There is an existing Refund Point currently operating at Pickering Brook Sports Club.
- 13. With the likelihood of two refund points in the area, it is unlikely that a third refund point would be commercially viable at WTS.
- 14. Alternatively, this refund point could be established as a loss-making exercise for the City. This is not recommended.
- 15. However, it is noted that there is no real cost impediment to establishing a Community Donation Point at WTS. Discussions with the Shop operators have commenced regarding them managing this potential.
- 16. Subject to conclusion of discussions with the Shop operators it is proposed to establish a donation point at WTS and monitor its benefit to the community over a 12-month term.

17. In regard to the second part of the NOM requesting written communication to sporting clubs in the North and South East Wards, this matter has been addressed by the City previously through the Community Development teams contact with Clubs as CDS was being developed. It is noted that the following Clubs / Community Groups in the City currently operate Donation Points:

- a) **Carmel Adventist College Primary:** Scheme ID C10338517  
Hours: During school hours
- b) **Darling Range Sports College:** Scheme ID C10345817  
Hours: During school hours - drop off outside of front office
- c) **Falls Road Primary School:** Scheme ID C10275962 (Donating funds to Good Sammy)  
Hours: During school hours - drop at the back of school admin block, next to the chalk board and uniform shop door
- d) **Forrestfield Football Club:** Scheme ID C10283789 Inside Clubrooms during seasonal opening hours or contact Sarah 0416 253 798
- e) **Forrestfield United Football Club:** Scheme ID C10292867  
Hours: Enquire at clubrooms during operating hours
- f) **Gooseberry Hill Primary School:** Scheme ID C10281315  
Hours: All hours - located in the car park
- g) **Kalamunda Primary School:** Scheme ID C10281422  
Hours: During school hours - Bins located against the limestone wall on the chained driveway on Heath Road (between the senior classroom block and the Staff Carpark)
- h) **Lesmurdie Mazenod Cricket Club:** Scheme ID C10287721  
Hours: September to March, Tuesdays & Thursdays 5.30pm-7.30pm, Saturdays 9am-6pm, Sundays 9am-12pm
- i) **Mary's Mount Primary School:** Scheme ID C10289693  
Hours: During school hours - outside canteen
- j) **Pickering Brook Sports Club:** Scheme ID C10274142  
Drop containers in bag drop  
Hours: 24/7

18. The City maintains details of both Refund Points and Donation Points on its website for the information of the community.

### **APPLICABLE LAW**

19. *Local Government Act 1995*

## APPLICABLE POLICY

20. Local Planning Policy 31: Container Deposit Scheme Infrastructure.

## STAKEHOLDER ENGAGEMENT

21. Paragraph 17 above addresses this matter.

## FINANCIAL CONSIDERATIONS

22. There are no substantive financial implications in support of this report.

## SUSTAINABILITY

23. City residents currently are active in depositing cans, containers and bottles that can be recycled in their Yellow kerbside bins which provide a greater capability for recycling than the limited suite of approved containers under the CDS.

## RISK MANAGEMENT

24.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> The City is exposed to residents comments that they cannot access refund points to earn cash from containers. |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Low  | Possible          | Low           |
| <b>Action/Strategy</b>   |                   |               |
| The City continues promotion via its media channels of available refund points as well as community drop off points.       |                   |               |

## CONCLUSION

25. The City is of the view there is little or no efficacy in setting up a CDS commercial refund point at Walliston Transfer Station given the reasons outlined in the report. The City will be best placed by focusing upon encouraging the benefits of CDS through our existing media channels and establishing and promoting a community drop off point at Walliston Transfer Station.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

**RECOMMENDATION**

That Council NOTE this report and actions.

Moved:

Seconded:

Vote: **LAPSED**

Cr Sewell foreshadowed an alternative recommendation. The recommendation as presented did not receive a mover and LAPSED. The alternative recommendation was put to the meeting. The alternative recommendation received a seconder before being put to a vote.

RESOLVED OCM 280/2021

That Council REQUEST the Chief Executive Officer

1. promote and encourage the benefits of Container Deposit Sites through the City of Kalamunda's existing media channels.
2. continue investigations to establish a community donation point at the City of Kalamunda Walliston Transfer Station.
3. promote all drop off points within the City of Kalamunda.

Moved: **Cr Janelle Sewell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**



### 10.3. Corporate Services Reports

No reports presented.

### 10.4. Office of the CEO Reports

#### 10.4.1. Inclusive Kalamunda - Social Inclusion Plan 2021/25 - Adoption

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


Previous  
Items

Directorate Office of CEO  
Business Unit Community Development  
File Reference  
Applicant  
Owner

Attachments

1. Inclusive Kalamunda Social Inclusion Plan 2021-25 [10.4.1.1 - 12 pages]
2. Engagement Report - Community Social Inclusion August 2021 [10.4.1.2 - 19 pages]

#### TYPE OF REPORT

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

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 1: Kalamunda Cares and Interacts

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

**Strategy 1.1.1** -- Ensure the entire community has access to information, facilities and services.

**Strategy 1.1.2** - Empower, support and engage all of the community.

## EXECUTIVE SUMMARY

1. This report seeks the final endorsement of Inclusive Kalamunda- Social Inclusion Plan (The Plan) 2021-2025.
2. The Plan was advertised for public comment for a period of 28 days which concluded on 4 August 2021.
3. After consideration of the public comment and guidance from Department for Communities, this report recommends that Council adopt the Inclusive Kalamunda- Social Inclusion Plan (Attachment1).

## BACKGROUND

4. RESOLVED OCM 265/2020 That Council:
  1. *ENDORSE the results of Community Engagement as per the Community Engagement Report.*
  2. *NOTE the City of Kalamunda Community Directory.*
  3. *ENDORSE the proposal to develop a Community Inclusion Plan which will include deliverables related to the Disability Access and Inclusion Plan, the Age Friendly Plan, Social Inclusion and Kalamunda Connected - Active Citizenship Plan.*

## DETAILS AND ANALYSIS

5. Social inclusion is about providing equal opportunities for all in our community. Everyone deserves equal access and equal opportunities to participate in society.
6. The City currently has several Plans and Strategies in place, with objectives, strategies and actions that has social inclusion focal points.

These Plans and Strategies are:

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

7. The Plan includes deliverables related to, the *Disability Access and Inclusion Plan 2017 – 2022* (DAIP) and the *Age Friendly Strategy & Action Plan, Social Inclusion and Kalamunda Connected – Active Citizenship Plan*.

8. The City has identified four pillars of social inclusion which are:

**a. Include**

This pillar encourages thinking about all community when designing and organising events, programs and activities.

**b. Connect**

This pillar is about connecting community to local service providers who can assist. The City will create opportunities and support partnerships.

**c. Educate**

This pillar is about giving City staff and local community the right information about access and inclusion, ensuring events, programs and projects are welcoming to everyone in the community.

**d. Advocate**

This pillar is about the City's role in making sure the voices of our community are heard and listened to by other organisations and government departments and agencies who impact on the community's access and inclusion needs.

9. These pillars have been established to lead the fundamental development of goals and aims to ensure the City contributes towards achieving social inclusion.

10. The draft Plan was subsequently advertised for public comment, for a period of 28 days and concluded on 4 August 2021.

11. At the end of the public comment period, community feedback received through engagement sessions resulted in only minor suggested changes which have now been included in the final plan.

### **APPLICABLE LAW**

12. *Local Government Act 1995*  
*Disability Services Act 1993 (Amended 2004)*  
*Equal Opportunity Act 1984*  
*Australian Human Rights Commission Act 1986 (Cth)*  
*Disability Discrimination Act 1992 (Cth)*  
*Racial Discrimination Act 1975 (Cth)*  
*Sex Discrimination Act 1984 (Cth)*  
*Disability Discrimination Act 1992 (Cth)*  
*Age Discrimination Act 2004 (Cth)*

### **APPLICABLE POLICY**

13. Access and Inclusion Policy

### **STAKEHOLDER ENGAGEMENT**

14. To develop the initial Draft Plan, the City undertook extensive engagement with non-government organisations, other local governments, and the community with regard to social inclusion.
15. As part of the public comment period, the City then advertised the Plan through social media platforms, discussed at community workshops and held one on one conversations with key stakeholders (including the City's Disability and Carers Advisory Committee). Attachment 2

### **FINANCIAL CONSIDERATIONS**

16. N/A

### **SUSTAINABILITY**

17. Enhanced social inclusion will provide an opportunity to connect with the wider community and create opportunities for greater participation in City initiatives, operations and employment.

**RISK MANAGEMENT**

|     |  |                   |               |
|-----|--|-------------------|---------------|
| 18. | <b>Risk:</b> The city has no strategic direction in relation to access and inclusion in the absence of a plan  |                   |               |
|     | <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
|     | Moderate   | Possible          | Medium        |
|     | <b>Action/Strategy</b>   |                   |               |
|     | Council adopt the Inclusive Kalamunda - Social Inclusion Plan in consideration of the public comment received. |                   |               |

**CONCLUSION**

- 19. People of all religions, ethnic backgrounds, age and gender have much to contribute, but this can only happen when there is a sense of inclusion and belonging.
- 20. The plan will be inclusive of all the members of the City’s community. Strong community cohesion provides opportunity, promotes social harmony and ensures greater equality.

**Voting Requirements: Simple Majority**

RESOLVED OCM 281/2021

That Council ADOPT the Inclusive Kalamunda - Social Inclusion Plan as detailed in Attachment 1.

Moved: **Cr John Giardina**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Presiding Member called an adjournment. The meeting closed at 8:01pm and reopened at 8:07pm. All members of the Council and staff returned to the meeting following the adjournment. One member of the public returned.

## 10.5. Chief Executive Officer Reports


### 10.5.1. Draft Monthly Financial Statements to August 2021

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

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

|             |   |
|-------------|---|
| Attachments | 1. Statement of Financial Activity for the period ended 31 August 2021 [ <b>10.5.1.1</b> - 2 pages] |
|             | 2. Statement of Net Current Funding Position as at 31 August 2021 [ <b>10.5.1.2</b> - 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 Draft Financial Statements for the period ended 31 August 2021.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the original budget adopted by the Council on 28 June 2021 for the 2021/2022 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 August 2021, 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 the 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 unaudited surplus carried forward from 2020/2021.

## DETAILS AND ANALYSIS

6. The Act requires the Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
7. The draft report provided is unaudited and subject to change for the below year end entries:
  - a) Capital projects are at a point of finalisation which can impact on asset categories and depreciation;
  - b) Provisions for staff leave entitlements have not been finalised;
  - c) Adjustments related to the new Australian Accounting Standards.
  - d) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

## FINANCIAL COMMENTARY

### Draft Statement of Financial Activity by Nature and Type for the period ended 31 August 2021.

8. This Statement reveals a net result surplus of \$40,098,188 compared to the budget for the same period of \$37,000,980.

#### Operating Revenue

9. Total Revenue excluding rates is over budget by \$1,414,027. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$297,000. The variance is mainly attributable to \$506,935 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust.
  - b) Fees and Charges are over budget by \$169,152. Which mainly rates to rates admin charges for instalment plans.
  - c) Interest earnings are over budget by \$101,358. The variance is mainly due to the rates instalment plan interests.
  - c) Other Revenue is over budget by \$834,691. This is due to the dividends received from the Eastern Metropolitan Regional Council (EMRC). In August 2021 the City received \$828,394 as dividends from the EMRC.

#### Operating Expenditure

10. Total expenditure is under budget by \$965,093. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$308,108, which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
  - b) Materials and Contracts are under budget by \$533,885. The variance is primarily due to;
    - i. Consultancy and contractor costs for various non-recurrent projects planned under the development and traffic engineering section, which is under budget by \$250,417 and considered to be a timing variance;
    - ii. Verge maintenance is under budget by \$132,832 and is considered to be a timing variance.
  - c) Utilities are under budget by \$14,256, which mainly relates to street lighting costs which is lower than projected.



- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$98,884.
- e) Interest and Insurance expenses are tracking below the reportable variance threshold.
- f) Other expenditure is under budget by \$9,236. The variance is due to the timing difference of planned donations and contributions to various community groups.

### **Investing Activities**

#### **Non-operating Grants and Contributions**

- 11. The non-operating grants and contributions are under budget by \$147,613. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

#### **Capital Expenditure**

- 12. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$1,189,709. This is considered to be a timing issue.
- 13. Capital works-in-progress expenditure of \$257,345 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

#### **Financing Activities**

- 14. The amounts attributable to financing activities show a variance of \$3,001,721 which is mainly due to the developer contributions and reserve transfers.

#### **Rates Revenues**

- 15. Rates generation is over budget with a variance of \$95,486.

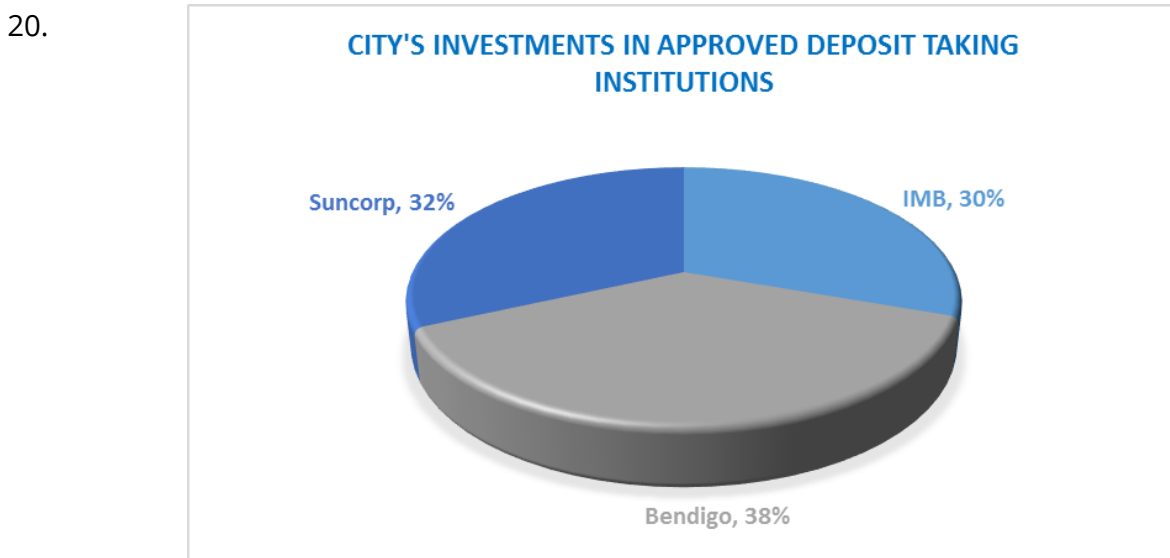
#### **Statement of Financial Activity by Program for the period ended 31 August 2021**

- 16. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture, and 'Community Amenities'. Major

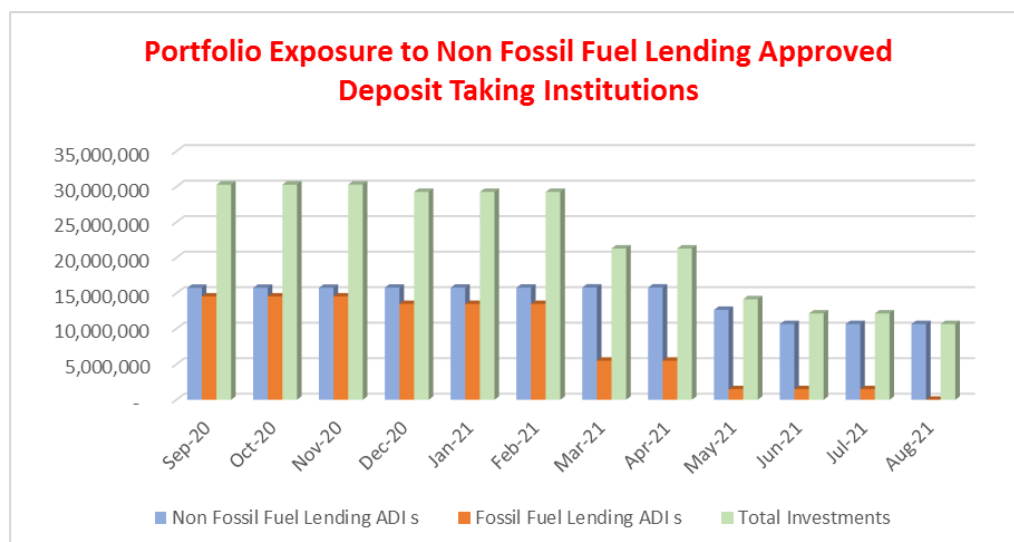
variances have been reported by Nature and Type under points 8 to 15 above.

**Statement of Net Current Funding Position as of 31 August 2021**

- 17. The commentary on the net current funding position is based on a comparison of August 2021 to the August 2020 actuals.
- 18. Net Current Assets (Current Assets less Current Liabilities) total \$60.2 million. The restricted cash position is \$24.3 million which is higher than the previous year’s balance of \$14.5 million. The variance is mainly due to the increased reserve balances in Unexpended capital works and specific purpose grants reserve and waste management reserve.
- 19. The following graph indicates the financial institutions where the City has investments as of 31 August 2021;



\*Financial Institutions with Investments in the Fossil Fuel Industry



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$19.5 million.
22. Sundry debtors have decreased from \$1,224,479 to \$433,073, of which \$98,684 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
23. Receivables Other represents \$7 million including:
  - a) Emergency Service Levy receivables \$3 million;
  - b) Receivables sanitation \$3.2 million
24. Provisions for annual and long service leave have increased by \$0.3 million to \$4.5 million when compared to the previous year. The 2020/2021 end of the year leave provision adjustments are pending at the time of presenting this report.

#### **APPLICABLE LAW**

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

#### **APPLICABLE POLICY**

26. Nil.

#### **STAKEHOLDER ENGAGEMENT**

##### **Internal Referrals**

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

##### **External Referrals**

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

#### **FINANCIAL CONSIDERATIONS**

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

## SUSTAINABILITY

### Social Implications

30. Nil.

### Economic Implications

31. Nil.

### Environmental Implications

32. Nil.

## RISK MANAGEMENT

33.

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

34.

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

## CONCLUSION

35. The City's Financial Statements as at 31 August 2021 reflects the un-audited surplus carried forward from 2020/2021.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 282/2021

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 August 2021 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 Lisa Cooper**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

## 10.5.2. Debtors and Creditors Report for the period ended August 2021

***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"> <li>1. Creditor Payments for the period ended 31 August 2021 [<b>10.5.2.1</b> - 28 pages]</li> <li>2. Summary of Debtors for the month of August 2021 [<b>10.5.2.2</b> - 2 pages]</li> <li>3. Summary of Creditors for month of August 2021 [<b>10.5.2.3</b> - 1 page]</li> </ol> |

### TYPE OF REPORT

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

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in August 2021, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of August 2021.
3. It is recommended that Council:
  - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in August 2021 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
  - b) Receive the outstanding debtors and creditors report for the month of August 2021.

## **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

## **DETAILS AND ANALYSIS**

### **Debtors**

6. Sundry debtors as of 31 August 2021 were \$433,073. This includes \$98,684 of current debts and \$9,624 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$22,672 debts of significance:
  - a) Municipal Workcare, \$16,440, Workers Compensation Claims; and
  - b) Kalamunda & Districts Football Club, \$4,508, Players Fees.
8. Invoices over 60 days total \$79,916, debts of significance:
  - a) Municipal Workcare, \$38,315, Workers Compensation Claims;
  - b) Forrestfield United Soccer Club, \$14,878, Loan 214 Instalment;
  - c) Forrestfield United Soccer Club, \$5,978, Utilities;
  - d) N-Com, \$4,576, Lease Fees;
  - e) Zig Zag Gymnastics, \$2,688, Lease Fees;
  - f) Kalamunda & District Rugby Union, \$2,239, Utilities;
  - g) The Way Christian Church, \$1,515, Hall Hire;
  - h) Jollettes Gymnastics, \$1,206, Hall Hire; and
  - i) Kadampa Meditation Centre, \$1,096, Hall Hire.

9. Invoices over 90 days total \$241,425, debts of significance:
- a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
  - b) Municipal Workcare, \$15,193, Workers Compensation Claims;
  - c) Private Citizen, \$4,950, Fire Break Reimbursement;
  - d) Forrestfield United Soccer Club, \$4,135, Loan 214 Instalment;
  - e) Forrestfield United Soccer Club, \$3,365, Utilities,
  - f) Dome Coffee Australia, \$1,558, Lease Fees.

**Creditors**

10. Payments totalling \$3,277,491 were made during the month of August 2021. 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   | \$         |
|--|---|------------|
| Australian Tax Office                        | PAYG payments   | 392,176.72 |
| Eastern Metropolitan Regional Council (EMRC) | Domestic waste charges – disposal fees  | 369,323.85 |
| TRACC Civil Pty Ltd                          | Hale Road Widening project – progress payment *   | 240,724.78 |
| AWARE Super Pty Ltd                          | Superannuation contributions  | 196,355.03 |
| Aurizon                                      | Rates refund – due to a property sale   | 187,098.48 |
| Synergy                                      | Power charges – various locations   | 143,455.06 |
| HAS Earthmoving                              | Progress claims for works in Gooseberry Hill and Maida Vale Road/ ROE Highway off ramp roundabout | 95,666.49  |
| Data#3 Limited                               | Microsoft Office 365 License – 01/12/2020 – 30/11/2021  | 78,589.60  |
| Contraflow                                   | Traffic management for various locations  | 69,594.36  |
| West Tip Waste Control Pty Ltd               | Removal and processing of various waste – tip fees  | 54,707.38  |
| Mckay Earthmoving Pty Ltd                    | Plant, equipment, and operator hire for various locations   | 50,252.18  |

These payments total \$1,877,944 and represent 57.3% 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 August 2021.

### Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,797,782.78. was paid in net salaries for the month of August 2021.
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) Public Open Space funds;
  - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of August 2021.

| CELL 9    |  | Amount (\$) |
|-----------|--|-------------|
| Date      | Description  |             |
| 25/8/2021 | TRACC Civil Pty Ltd - Hale Road Wattle Grove Road Widening Project                       | 218,840.71  |
| 25/8/2021 | Shawmac Pty Ltd - Road safety audit - Hale Road Widening, Wattle Grove                   | 2,580.00    |
| 25/8/2021 | Telstra Corporation - Relocate Telstra pits due to new footpath/ road works in Hale Road | 9,322.33    |
| 25/8/2021 | Benara Nurseries - Woodlupine Brook upgrade plant supply                                 | 9,908.69    |
| 25/8/2021 | Plantrite - Woodlupine Brook upgrade plant supply  | 6,978.41    |
| 25/8/2021 | Opteon - Annual review - land valuation  | 2,500.00    |

### 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. 

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

**Creditors**

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

**CONCLUSION**

26. Creditor payments are within the normal payment range.

**Voting Requirements: Simple Majority**

RESOLVED OCM 283/2021

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in August 2021 (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 & 3) for the month of August 2021.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Cameron Blair**


Vote: **CARRIED UNANIMOUSLY (12/0)**

### 10.5.3. Rates Debtors Report for the Period Ended July 2021

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

|                |   |
|----------------|---|
| Previous Items | N/A   |
| Directorate    | Corporate Services                              |
| Business Unit  | Financial Services                              |
| File Reference | FI-DRS-004                                      |
| Applicant      | N/A   |
| Owner          | N/A   |
| Attachments    | 1. Rates Report August 2021 [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 2021/2022 on 1 July 2021 totalling of \$38,954,466. As of 31 August 2021, \$22,294,955 has been collected for current and outstanding rates for the 31 July 2021 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of August 2021 (Attachment 1).

**BACKGROUND**

4. Rate Notices were issued on 22 July 2021 with the following payment options available:

| <b>Options</b>   | <b>Payment Dates</b> |                  |                  |              |
|------------------|----------------------|------------------|------------------|--------------|
| Full payment     | 26 August 2021       |                  |                  |              |
| Two instalments  | 26 August 2021       | 29 December 2021 |                  |              |
| Four instalments | 26 August 2021       | 27 October 2021  | 29 December 2021 | 2 March 2022 |

**DETAILS AND ANALYSIS**

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,010,774.
6. As of 31 August 2021, a total of \$22,294,955 has been collected since Rates Notices were released, representing a collection rate of 54.24%.
7. A total of 7,576 ratepayers have taken up the instalment option. This is a slight decrease from 2020/21. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

| <b>Option</b>           | <b>Description</b>                                 | <b>Number</b> |
|-------------------------|--|---------------|
| Option 2 on Rate Notice | Two instalments                                    | 1,536         |
| Option 3 on Rate Notice | Four instalments                                   | 6,040         |
| A Smarter Way to Pay    | Pay by Direct Debit over a mutually agreed period. | 43            |
| Direct Debit            | Payment to be received by April 2021               | 113           |
| Total                   | Ratepayers on payment options                      | 7,732         |

8. No Interim rating has commenced for 2021/2022. This will recommence in September 2021, now the due date for the first payment has passed.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 August 2021 to 31 August 2021 there was a total of 474 incoming calls and 112 outgoing calls, equating to 27.30 hours call time.

### **APPLICABLE LAW**

10. 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**

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

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

## CONCLUSION

21. With a current collection rate for the financial year of 54.24 % (compared to 52 % last year). The City continues to effectively implement its rate collection strategy.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

RESOLVED OCM 284/2021

That Council RECEIVE the Rates Debtors Report for the Period ended 31 August 2021 (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**




## 10.5.4. Committee Terms of Reference Review 2021/23

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

|                |   |
|----------------|---|
| Previous Items | OCM August 2019   |
| Directorate    | Chief Executive Officer   |
| Business Unit  | Governance  |
| File Reference |   |
| Applicant      |   |
| Owner          |   |
| Attachments    | <ol style="list-style-type: none"> <li>1. Bush Fire Advisory Committee [<b>10.5.4.1</b> - 6 pages]</li> <li>2. Community Safety &amp; Crime Prevention Advisory Committee [<b>10.5.4.2</b> - 5 pages]</li> <li>3. Disability &amp; Carers Advisory Committee [<b>10.5.4.3</b> - 5 pages]</li> <li>4. Kalamunda Arts Advisory Committee [<b>10.5.4.4</b> - 5 pages]</li> <li>5. Kalamunda Sustainability and Environmental Advisory Committee [<b>10.5.4.5</b> - 6 pages]</li> <li>6. Kalamunda Tourism Advisory Committee [<b>10.5.4.6</b> - 6 pages]</li> <li>7. Strategic Sport &amp; Recreation Committee [<b>10.5.4.7</b> - 5 pages]</li> </ol> |

### TYPE OF REPORT

|   |  |
|---|--|
| Advocacy  | When Council is advocating on behalf of the community to another level of government/body/agency   |
|  Executive | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)   |
| 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 2031*

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 review the Terms of Reference of Advisory and Management Committees and to make recommendations about changes.
2. Council has the ability under the *Local Government Act 1995* to establish Advisory Committees to assist in the provision of advice on various matters. It is good practice to review the Terms of Reference to ensure advisory committees are relevant before Council is required to nominate members to the committees.
3. The City has undertaken a full review of all existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
4. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory and Management Committees for the period November 2021 to October 2023, note that the Kalamunda Economic Development Advisory Committee is to remain in place unchanged until 2023, abolish the Kalamunda Aged Care Advisory Committee and expand the function of the Kalamunda Environmental Advisory Committee to become the Kalamunda Environmental & Sustainability Advisory Committee.

## **BACKGROUND**

5. Every two years, in line with the local government election cycle, the City undertakes a review of all Advisory Committees.

This review ensures the Committees:

- a) remain relevant,
- b) are aligned with the direction and requirements of the Council,
- c) have current and applicable terms of reference
- d) enables a refreshing of Membership; and
- e) Reassesses the need for a committee to continue.

6. The purpose of biennial review of committees of Council is to ensure the committees are providing efficacy, are relevant and are operating efficiently. Over time advisory committees will exhaust their purpose or may no longer be aligned with Council's strategic objectives. The review provides an opportunity to refresh and reset direction where required to ensure alignment with new or emerging strategic objective is being derived from the committees.

## **DETAILS**

7. The review of all advisory committees was undertaken by the City of Kalamunda supporting each of the committees and a presentation provided to elected members at their strategic retreat in March 2021.
8. All Terms of Reference have been aligned to the Strategic Community Plan 2031 to ensure greater consistency across the operations of all advisory committees.
9. Key changes to Committees outlined in this report relate to the Kalamunda Aged Care Advisory Committee and the Kalamunda Environmental Advisory Committee.
10. All other committees have no significant changes to the objectives as they are still relevant to the objectives of the Council, other than refreshing the terms of reference to ensure greater alignment to City goals and to identify greater efficiencies in the operation of committees.
11. One area of improved efficiency relates to the membership of all committees. The City is recommending that all committees are supported by one Councillor and one deputy Councillor. This approach will alleviate the intense demand being placed upon Councillor's time, to not only undertake their councillor meeting role, but to effectively support all 9 advisory committees plus another 6 external committees.
12. **Key Changes Recommended to Advisory Committees**  
The following is a summary of key changes being made to each of Council's established advisory committees.
13. **Kalamunda Aged Care Advisory Committee (KACAC)**  
The KACAC was established in 2015 and its purpose was to support the City to promote and advocate for more land to facilitate the development of additional aged care facilities. Since that time City has made progress and finalised the examining of land assets across the City suitable for aged care for aged car development.

These included:

- Wilkins Road
- Gavor Road
- Valencia , Carmel
- Karingal Green
- Cambridge Reserve and
- Heidelberg Park.

Of these sites:

- Karingal Green has now been constructed offering 160 beds. Wilkins Road site has been abandoned due to lack of State Government support.
- Valencia, Carmel is currently at construction stage offering additional 80 beds.
- Gavor Road proposal is in early stages of planning and expected to yield around 100 beds.
- Cambridge Reserve and Heidelberg Park are in the land transfer stages both expected to yield 100 beds each.

The City is of the view the work in aged care development land identification is complete as no more suitable sites exist and that the KACAC no longer has a sustainable role. The City is recommending the KACAC be abolished so resources can be redirected to new initiatives being pursued.

14. **Kalamunda Environmental Advisory Committee (KEAC)**

The KEAC was established primarily to assist Council with improving environmental policy and practice. It has been effective in either development or review of key strategies namely:

- Local Environmental Strategy
- Urban Forest Strategy
- Local Biodiversity Strategy
- Environmental Land Use Planning Strategy

15. Council recently committed to address the issues of sustainability and climate change and its impact upon its Community through both declaring that there is a Climate Emergency and commitment to the WALGA Climate Change Policy Statement. There will be a significant amount of work to be undertaken in the coming years to develop comprehensive strategies, policies, plans, and actions addressing this issue. The matter is not solely confined to impacts upon the environment but moreover the issue of an agreed common understanding of "Sustainability".

16. It is proposed a new committee is formed – Kalamunda Sustainability and Environment Advisory Committee (KSEAC) which builds on the foundations set in KEAC but expands its to more closely align with the strategies and

goals of the Council regarding strengthening sustainability and addressing climate change.

17. It is foreseen expansion of the role will be of greater value and necessary in dealing with the climate change emergency priority as resolved by Council in May 2021.
18. It is also viewed the expanded role will attract members within the committee who have expertise in climate change and sustainability to give greater diversity to the committee.
19. This committee is proposed to have four community members, a professional subject expert on climate change who may or may not be a resident of the District.
20. **Bush Fire Advisory Committee**  
No changes are proposed to the Bushfire Advisory Committee.
21. **Community Safety & Crime Prevention Advisory Committee**  
A review of Councillor and community member attendance at the Community Safety and Crime Prevention Committee (CSCPAC) indicates that there is only a need for one Councillors and four community representatives to be appointed to CSCPAC. In this context, the Terms of Reference have been brought in line with other committees.
22. **Kalamunda Arts Advisory Committee**  
A review of Councillor and community member attendance at (KAAC) indicates that there is only a need for one Councillor, and four to six community representatives to be appointed to KAAC. In this context, the Terms of reference have been brought in line with other committees.
23. **Kalamunda Tourism Advisory Committee**  
A review of Councillor and community member attendance at (KTAC) indicates that there is only a need for one Councillor, three tourism operators within the City of Kalamunda, and three community members with experience within the Tourism field. The Terms of reference have been brought in line with other committees.
24. **Kalamunda Economic Development Advisory Committee (KEDAC)**  
It is proposed that the KEDAC is the only committee that is not advertised for new members. The reason being the KEDAC was only formed in late 2020, its members have served less than a year and this report recommends Council maintains the current membership base and the existing terms of reference for the next two years. No changes are required to its Terms of Reference.

25. **Disability and Carers Advisory Committee**  
No changes are proposed to the Disability and Carers Advisory Committee.

26. **Strategic Sport & Recreation Committee**  
No changes are proposed to the Strategic Sport & Recreation Committee.

#### **APPLICABLE LAW**

27. Section 5.8 of the Local Government Act 1995 – Establishment of Committees.

Section 5.9 (2) (c) of the Local Government Act 1995 – Types of Committees.

Section 5.11 (2) (d) of the Local Government Act 1995 – Tenure of Committee Membership.

#### **APPLICABLE POLICY**

28. The Council does not have a policy position for advisory committees.

#### **STAKEHOLDER ENGAGEMENT**

29. Public consultation is not required for the review of the Management and Terms of Reference of Advisory Committees.

30. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Committee will be sought through a public advertising process.

#### **FINANCIAL CONSIDERATIONS**

31. The cost to administrate an advisory committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year. This can vary depending on requirement of the committee.

|                                       |                       |                    |
|---------------------------------------|-----------------------|--------------------|
| Meeting agenda preparation            | 4 hours/meeting       | \$ 400.00          |
| Briefing Papers prepared and research | 16 hrs/meeting        | \$ 1,600.00        |
| Meeting attendance x 2-3 staff        | 2 hours/meeting       | \$ 1,000.00        |
| Minutes                               | 3 hours/meeting       | \$ 300.00          |
| Senior Officers review and signoff    | 3 hours/meeting       | \$ 600.00          |
| Ongoing Liaison                       | 4 hours/meeting       | \$ 400.00          |
| Reporting to Council                  | 4 hours/meeting       | \$ 800.00          |
|                                       | <b>Total estimate</b> | <b>\$ 5,100.00</b> |

32. The City has 9 advisory committees and 6 external committees to resource which in total cost the City \$70,000 to \$80,000. a year of staff time to resource.

## SUSTAINABILITY

33. Advisory committees provide a focussed pathway for engaging community leaders on specific topics to provide greater transparency and broader community views.

## RISK MANAGEMENT

34.

|   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Advisory Committees become irrelevant and become a cost to the City rather than a benefit.                               |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Moderate           | Low           |
| <b>Action/Strategy</b>  |                    |               |
| By regularly reviewing the terms of reference and the efficacy of advisory committees the City will not incur a cost without benefit. |                    |               |

35.

|   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> Committee goals do not align with Council's objectives and strategies.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference. |                    |               |

## CONCLUSION

36. Every two years in line with Council election the City undertakes a review of the efficacy of its advisory committees and the relevance of the terms of reference for each committee. It is important to do so to ensure the advisory committees are refreshed and are adding value to the Council in terms of the advice and support the Council requires.

37. Upon endorsement by Council of all the Terms of Reference and the establishment of all Committees, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers and other medians. Following the advertising process, a report will be brought to Council to formalise the appointments in November 2021.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

**RECOMMENDATION**

That Council:

1. ABOLISH the Kalamunda Aged Care Advisory Committee.
2. ABOLISH the Kalamunda Environmental Advisory Committee.
3. CREATE the Kalamunda Sustainability and Environmental Advisory Committee.
4. ADOPT the reviewed Terms of Reference for the following Committees as outlined in Attachment 1:
  - Bushfire Advisory Committee
  - Community Safety & Crime Prevention Advisory Committee
  - Kalamunda Arts Advisory Committee
  - Kalamunda Sustainability & Environmental Advisory Committee
  - Kalamunda Tourism Advisory Committee
  - Disability and Carers Advisory Committee
  - Strategic Sport & Recreation Committee
5. NOTE there are no changes being proposed to the Kalamunda Economic Development Advisory Committee and the Terms of reference will be reviewed in 2023.
6. REQUEST the Chief Executive Officer to advertise all positions for all committees for 30 days with the exception of the Kalamunda Economic Development Advisory Committee.
7. PROVIDE a report to Council recommending new appointments to all advisory committees for the period November 2021 to October 2023.

Moved:

Seconded:

Vote: **LAPSED**



Cr Ritchie foreshadowed an alternative recommendation. The recommendation as presented did not receive a mover and LAPSED. The alternative recommendation was put to the meeting. The alternative recommendation received a seconder before being put to a vote.

RESOLVED OCM 285/2021

That Council DEFER consideration of this matter until after the Public Agenda Briefing Forum in October 2021.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr John Giardina**


Vote: **CARRIED UNANIMOUSLY (12/0)**

## 10.5.5. Planning Reform Phase 2 Action Plan - Submission

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

|                |   |
|----------------|---|
| Previous Items | N/A   |
| Directorate    | Development Services  |
| Business Unit  | Strategic Planning  |
| File Reference | Action Plan for Planning Reform – Phase 2                           |
| Applicant      | N/A   |
| Owner          | City of Kalamunda   |
| Attachments    | 1. Phase 2 Planning Reform Submission Table<br>[10.5.5.1 - 9 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 2031*

#### **Priority 3: Kalamunda Develops**

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

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

## **EXECUTIVE SUMMARY**

1. The Department of Planning, Lands and Heritage (DPLH) released a Green Paper in 2018 which identified opportunities for Modernising Western Australia's Planning System. This led to Phase 1 of the Action Plan for Planning Reform, released by the Minister for Planning in 2019.
2. The DPLH have initiated or progressed the 19 proposed reforms in Phase 1 and have now released Phase 2 for consultation.
3. The City of Kalamunda (City) has reviewed the proposed Phase 2 reforms and prepared a response for consideration (refer Attachment 1).

## **BACKGROUND**

4. The Phase 2 planning reforms apply to different aspects of the Western Australian planning system including the processing of applications, amendments to relevant planning legislation and regulations, the format of strategy and policy documents, and the administration of Development Contribution Plans (DCP). The Phase 2 reforms also cover the role and function of key planning bodies such as the Western Australian Planning Commission (WAPC) or a Development Assessment Panel (DAP).
5. The Phase 2 reforms aim to achieve the following overarching goals:
  - a) Planning systems are consistent and efficient
  - b) Planning creates great places for people
  - c) Planning is easier to understand and navigate
  - d) Planning systems are consistent and efficient

## **DETAILS AND ANALYSIS**

6. The City's response to the proposed Phase 2 planning reforms are generally supportive, with some further detail required in a number of proposed changes to understand the implications for local government.
7. The proposed reforms and corresponding comments can be viewed in Attachment 1 – Submission Table.

## **APPLICABLE LAW**

8. The proposed planning reforms may result in amendments to the Planning and Development Act and Planning and Development (Local Planning Schemes) Regulations.

**APPLICABLE POLICY**

9. The proposed planning reforms may have implications for local planning policies (LPP), in particular:
- a) LPP 11 – Public Notification of Planning proposals;
  - b) LPP 18- Requirements of Local Planning Scheme Amendments;
  - c) LPP 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans, and;
  - d) LPP 14 – Car Parking.

The detail and extent of any proposed changes are yet to be confirmed.

**STAKEHOLDER ENGAGEMENT**

10. The DPLH commenced public advertising on 28 June 2021 and consultation closed 31 August 2021.
11. A preliminary officer level response was provided to DPLH on the 31 August 2021 with the final endorsed version to follow Council endorsement.

**FINANCIAL CONSIDERATIONS**

12. N/A

**SUSTAINABILITY**

13. The submission will contribute to an updated planning system which is expected to reduce red tape, streamline assessments and result in higher quality liveable neighbourhoods.

**RISK MANAGEMENT**

|     |   |                   |               |
|-----|---|-------------------|---------------|
| 14. | <b>Risk:</b> The submission is not considered as part of the Phase 2 Action Plan for Planning Reform initiatives. |                   |               |
|     | <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
|     | Insignificant   | Possible          | Low           |
|     | <b>Action/Strategy</b>  |                   |               |
|     | Council to endorse the comments for forwarding the DPLH for consideration.  |                   |               |

## CONCLUSION

15. The proposed reforms target a wide range of areas of the planning system with the intention to reduce red tape, simplify and streamline applications and make the planning system easier to understand.
16. Comments on the Action Plan for Planning Reform - Phase 2 provided in Attachment 1 have been prepared in consultation with internal service departments. The officer recommendation is for Council to endorse the comments for forwarding to the DPLH for consideration.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

### RESOLVED OCM 286/2021

That Council ENDORSE the Action Plan for Planning Reform - Phase 2 submission as outlined in Attachment 1 for forwarding to the Department of Planning, Lands and Heritage.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

### 10.5.6. Nomination of Freeman

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

Cr Brooke O'Donnell declared an Interest Affecting Impartiality on Item 10.5.6 Nomination of Freeman. Cr O'Donnell is a friend of people who are mentioned within this report.

|                |                   |
|----------------|-------------------|
| Previous Items |                   |
| Directorate    | Office of the CEO |
| Business Unit  | Customer and PR   |
| 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 |

#### RESOLVED OCM 291/2021

That Council ENDORSE the Nomination of Mrs Norma Walsh and Mr Max Walsh (Dec) as Freeman of the City of Kalamunda.

Moved: **Cr Janelle Sewell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.6. Chief Executive Officer Performance Review Committee**

*Rhonda Hardy declared a Direct Financial Interest / Proximity Interest on Item 10.6 Chief Executive Officer Performance Review Committee. This item relates to Ms Hardy's employment at the City of Kalamunda.*

10.6.1 RESOLVED OCM 287/2021

The recommendations of reports CEOPR6.1.1 and CEOPR6.1.2 inclusive be adopted by Council en bloc. Item CEOR6.1.3 was removed for separate consideration.

Moved: **Cr John Giardina**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.6.2 CEOPR 6.1.1. CEO Performance Report for the year 2020-2021**

EN BLOC RESOLUTION OCM 287/2021

That Council:

1. ACCEPT without modification the Chief Executive Officer's Performance Review Assessment Report for the period July 2020 to June 2021 shown as Attachment 1. Chief Executive Officer's Performance Review Committee Meeting - 7 September 2021 City of Kalamunda 9
2. NOTE the sound performance by the Chief Executive Officer, being rated consistently against all Key Result Areas ranging between meets expectations to exceeds expectations.

Moved: **Cr John Giardina**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.6.3 CEOPR 6.1.2. CEO Performance Criteria 2021-2022 - Adoption of Draft**

EN BLOC RESOLUTION OCM 287/2021

That Council ACCEPT the draft CEO Performance Criteria for the period July 2021 to June 2022 shown as Attachment 1.

Moved: **Cr John Giardina**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.6.3 CEOPR 6.1.3. CEO Salary Review 2021**

RESOLVED OCM 288/2021

That Council AGREES to the Chief Executives Officer's request as outlined in Confidential Attachment 1.

Moved: Cr Brooke O'Donnell

Seconded: Cr Cameron Blair

Vote: Vote:

For

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

Against

**Cr Lesley Boyd  
Cr Dylan O'Connor**

**CARRIED (10/2)**



**10.7. Audit & Risk Committee**

10.7.1 RESOLVED OCM 289/2021

The recommendations of reports A&R9.1.1 and A&R9.1.3 inclusive be adopted by Council en bloc.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.7.2 A&R9.1.1. Risk Appetite Statement**

EN BLOC RESOLUTION OCM 289/2021

That Council ENDORSE the Risk Appetite Statement provided as Attachment 1 to this report.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.7.3 A&R9.1.2. External Audit - Interim Findings for the year ending 30 June 2021**

EN BLOC RESOLUTION OCM 289/2021

That Council ACCEPT the findings of the Interim Audit undertaken in May 2021 for the financial year ending 30 June 2021 as shown as Confidential Attachment 2 to this report.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

**10.7.4 A&R9.1.3. Internal Audit Plan 2021-2023**

EN BLOC RESOLUTION OCM 289/2021

That Council:

1. ENDORSE the Internal Audit Charter (Confidential Attachment 1).
2. ENDORSE the Strategic Internal Audit Plan for 2021 to 2023 (Confidential Attachment 2).
3. NOTE that a review will be conducted of the Strategic Internal Audit Plan 2021-2023 and changes brought to the Audit and Risk Committee for endorsement.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lesley Boyd**

Vote: **CARRIED UNANIMOUSLY (12/0)**

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

11.1 Nil.

**12. Questions by Members Without Notice**

12.1 Candidates for Council Positions (Cr Sewell)

Q. Could a process be implemented whereby candidates wishing to be considered by council for the position of Mayor or Deputy Mayor provide members with a brief outline as to why they wish to be considered for the position?

A. The CEO advised this could be incorporated on the night of voting for the positions if all councillors agree to this process.

**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 290/2021

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

Moved: **Cr Lesley Boyd**

Seconded: **Cr Cameron Blair**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting closed to the public at 8:17pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 292/2021

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (12/0)**

The Meeting reopened to the public at 8:19pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

**16. Tabled Documents**

Kalamunda Arts Advisory Committee Minutes – 8 March 2021

Kalamunda Tourism Advisory Committee Minutes – 19 May 2021

Kalamunda Economic Development Advisory Committee Minutes - 9 June 2021

Community Safety Crime Prevention Advisory Committee Meeting MINUTES -11 August 2021

Draft LEMC Minutes 26 August 2021

Kalamunda Aged Care Advisory Committee - Minutes 8 September 2021

Public Agenda Briefing Forum Notes 14 September 2021

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:19pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021.