



# Ordinary Council Meeting

MINUTES

Tuesday 23 August 2022

## 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>5</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. Fire Hazard Assessment Plan 2022/2023 .....	8
10.1.2. Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107 .....	18
<b>10.2. Asset Services Reports .....</b>	<b>35</b>
10.2.1. Black Spot Program Submissions 2023-2024 - State and Australian Government ...	35
10.2.2. High Wycombe Train Station - Surrounding Parking Plan.....	41
10.2.3. Scott Reserve Pavilion - Funding Strategy .....	47
<b>10.3. Corporate Services Reports .....</b>	<b>48</b>
<b>10.4. Office of the CEO Reports .....</b>	<b>48</b>
<b>10.5. Chief Executive Officer Reports .....</b>	<b>48</b>
10.5.1. Draft Monthly Financial Statements to 31 July 2022 .....	48
10.5.2. Debtors and Creditors Report for the period ended 31 July 2022 .....	57
10.5.3. Rates Debtors Report for the Period Ended 31 July 2022.....	64
10.5.4. Bush Fire Advisory Committee - 21 July 2022 Meeting Minutes - Western Australian Local Government Association Proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades.....	68
<b>11. Motions of Which Previous Notice has been Given .....</b>	<b>78</b>
<b>12. Questions by Members Without Notice .....</b>	<b>78</b>
<b>13. Questions by Members of Which Due Notice has been Given.....</b>	<b>78</b>
<b>14. Urgent Business Approved by the Presiding Member or by Decision.....</b>	<b>78</b>
<b>15. Meeting Closed to the Public .....</b>	<b>78</b>
<b>16. Tabled Documents .....</b>	<b>79</b>
<b>17. Closure .....</b>	<b>79</b>

**1. Official Opening**

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

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

**Councillors**

**South East Ward**

John Giardina  
Janelle Sewell  
Geoff Stallard

**South West Ward**

Kellie Miskiewicz

**North West Ward**

Sue Bilich  
Lisa Cooper

**North Ward**

Andrew Osenton  
Kathy Ritchie  
Margaret Thomas JP (Mayor) Presiding Member

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Alida Ferreira - A/Director Corporate Services  
Brett Jackson - Director Asset Services  
Peter Varelis - Director Development Services

**Management Team**

Andrew Fowler-Tutt - Manager Approval Services  
Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

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

**Members of the Public 6**

**Members of the Press 1**

### **Apologies**

Cr Mary Cannon

Cr Brooke O'Donnell

Cr Dylan O'Connor

Gary Ticehurst - Director Corporate Services

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

## **3. Public Question Time**

### **3.1. Questions Taken on Notice at Previous Meeting**

#### **3.1.1 Diane and Peter English, High Wycombe**

At the request of the resident the responses to questions taken on notice at the Ordinary Council meeting of 26 July 2022 will not be published.

#### **3.1.2 Michael Ryan, High Wycombe**

At the request of the resident the responses to questions taken on notice at the Ordinary Council meeting of 26 July 2022 will not be published.

#### **3.1.3 Bev Dornan, Wattle Grove**

- Q.** The City's Governance Framework allows for the CEO to ask Councillors to attend Strategy meetings with City staff so that the staff can address them on matters coming up for consideration at the next Council meeting. As this also appears to be the stated objective of Public Agenda Briefings, can you please explain
- firstly, why there is a need for both forms of meeting- one held in secret and the other in an open forum; and
  - secondly, why external parties -such as developers-are permitted to come along to these meetings to advocate for their proposals directly to Councillors but outside of a properly constituted Council meeting with all its checks and balances. (page 38 ).

- A.** Strategy meetings or similar type forums are utilised by many local governments to assist in the development of a range of issues prior to formal consideration by the Council.

These types of meetings are recognised as a legitimate tool of local governments by the Department of Local Government, Sport and Cultural Industries, which has issued an Operational Guideline to assist local governments in conducting these meetings/forums.

Although the Department's guideline utilises different terminology, it in part states:

*Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are sometime away from being presented to council for decision.*

This does not conflict with the City's explanation of Strategy Sessions in the Governance and Policy Framework.

3.1.4 Bev Dornan – Item 10.1.2 Governance Issue (taken on notice 16 August 2022)

Q. Can the CEO please explain why the City has not followed the required legal process for changing or revoking the earlier decision of council to approve Amendment 57 so it can lawfully consider replacement Amendment 107?

A. There is no required legal process to change or revoke earlier decisions of Council in relation to Amendment 57. Amendment 57 and 107 are separate amendments to Local Planning Scheme No.3 and as such, are separate decisions of Council.

### **3.2. Public Question Time**

3.2.1 Nil.

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

4.1 A deputation has been approved from Nigel Dickinson regarding Item 10.1.2 Lot 500(32) Gavour Road Wattle Grove - Proposed Scheme Amendment No. 107. Mr Dickinson spoke in support of the recommendation.

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

5.1 Nil.

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

6.1 RESOLVED OCM 113/2022

That the Minutes of the Ordinary Council Meeting held on 26 July 2022 as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

7.1 Nil.

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

8.1 **Item 10.1.2 Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107 – CONFIDENTIAL ATTACHMENT – Legal Advice**

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

8.2 **Item 10.2.3 Scott Reserve Pavilion - Funding Strategy - CONFIDENTIAL REPORT**

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

**9. Disclosure of Interest**

**9.1. Disclosure of Financial and Proximity Interests**

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

9.1.1 Nil.

**9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.2 Lot 500 (32) Gavour Road Wattle Grove - Proposed Scheme Amendment No. 107. Cr Giardina has family in close proximity.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. Fire Hazard Assessment Plan 2022/2023**

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

Previous Items	OCM 181/2018, OCM 221/2019, OCM 197/2020, OCM 294/2021
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	RA-BFC-002
Applicant	N/A
Owner	N/A

- |             |   |
|-------------|---|
| Attachments | <ol style="list-style-type: none"> <li>1. Bushfire Compliance Season Summary Report 2021/2022 [<b>10.1.1.1</b> - 44 pages]</li> <li>2. Fire Hazard Assessment Plan 2022/2023 [<b>10.1.1.2</b> - 55 pages]</li> <li>3. Fire Hazard Reduction Notice 2022/2023 [<b>10.1.1.3</b> - 2 pages]</li> <li>4. Communications and Engagement Plan - Bushfire Preparedness Activity Schedule 2022/2023 [<b>10.1.1.4</b> - 10 pages]</li> </ol> |
|-------------|---|

**TYPE OF REPORT**

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g., accepting tenders, adopting plans and budgets)
 Information Legislative	For Council to note 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 - 1.2.1** Facilitate a safe community environment.

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

### Priority 4: Kalamunda Leads

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to be advised of:
  - a) The City of Kalamunda (City) approach to fire hazard management for the 2022/2023 fire season, and
  - b) The outcome of the City's fire hazard management for the 2021/2022 fire season.
  
2. The City has prepared:
  - a) A Fire Hazard Assessment Plan 2022/2023 (Assessment Plan) to support the requirements of the City's Fire Hazard Reduction Notice 2022/2023 (Notice) (Attachments 2 and 3).
  - b) A Communications and Engagement Plan Activity Schedule – Bushfire preparedness 2022/2023 (Activity Schedule) to assist increasing the City's engagement focus to build a more resilient community (Attachment 4), and
  - c) A post-season Bush Fire Compliance Summary Report (Summary Report) for 2021/2022 as outlined in Attachment 1.
  
3. It is recommended Council note the implementation of the Notice, Assessment Plan 2022/2023, and receive the Summary Report for period 2021/2022.

## BACKGROUND

4. Bushfire prevention and preparedness planning is critical to the implementation of the City's strategic objectives regarding community safety and emergency management.
5. Pursuant to Section 33 of the *Bush Fires Act 1954*, the City issues a Fire Hazard Reduction Notice each year to put measures in place to prevent the outbreak, spread or extension of bush fires.
6. In support of the Notice, the City undertakes private property inspections to ensure compliance with the Notice is met.
7. To guide the City's private property inspections, the City prepares an Assessment Plan. The purpose of the Assessment Plan is to outline the way the City will undertake private property inspections.
8. The Assessment Plan utilises findings from the Summary Report including previous non-compliance, complaints, and a comprehensive risk assessment to determine the priority of assessments throughout the City.
9. Some of the key outcomes and observations from last season include:
  - a) 3779 assessments were conducted from 1 November 2021 to 31 March 2022.
  - b) 893 work orders were issued.
  - c) 2777 (73.5%) of properties were deemed compliant on the first inspection.
  - d) 81 infringements were issued against the Fire Hazard Reduction Notice.
  - e) 153 variations to the Fire Hazard Reduction Notice were approved.
  - f) 123 permits were issued to private property owners during the restricted burning periods.
  - g) 53 illegal burns were reported and attended to by City Fire Control Officers.
  - h) 23 total fire bans declared throughout the fire season.
10. Another observation from last season was an increase in follow up assessments being completed. Last season only 105 work orders remained outstanding whereas the season before there was 325 work orders outstanding.

11. It was also noted that a larger number of work orders were issued for properties in the foothills as compared to properties along the escarpment and eastern rural areas. For many of these work orders, the main areas of non-compliance appeared to be for dead grass and fire breaks.
12. The purpose of the broader program is to reduce the overall risk profile of the City by ensuring all very high and extreme private properties are assessed before moving onto lower risk properties.
13. The Assessment Plan also utilises a combination of community engagement programs to support the assessments, which are focused on empowering residents to be fire prepared before the 1 November.
14. The focus of the community engagement programs is to increase fire safe practices, asset preparedness and community resilience, while giving residents information on how to comply with the Notice.

#### **DETAILS AND ANALYSIS**

15. In recent years, following the conclusion of the bushfire season, a Summary Report has been prepared (Attachment 1). The purpose of this report is to provide the City with a comprehensive summary of the implementation of the Assessment Plan outcomes from the relevant season.
16. The Summary Report was developed to expand on the City's prior documentation by including all elements of bushfire compliance and efforts working towards bushfire preparedness throughout the year. These elements provide a summary of comparable data which is utilised to inform the planning for the upcoming season.
17. The findings from the summary report also help inform elements of the activity schedule and other consultation strategies such as pre-season engagement and assessments.
18. One of the key lessons from last season was the findings and recommendations that came out of the Australasian Fire and Emergency Services Authorities Council Limited (AFAC) Independent Operational review of the Management of the Wooroloo Fire of report released in February 2021.

19. The review team in a statement referenced in point 4.50 of the AFAC report noted:
- “Despite local government having responsibilities under the Bush Fires Act 1954 (s33) to provide both guidance and a means to enforce actions on landowners and occupiers to undertake bushfire mitigation activities, their seemed a reluctance to enforce those powers.*
- While it is recognised that local government provides resources and undertake a level of enforcement, the review considered that the use of these powers should be more strongly applied following appropriate consultation and negotiation. ”*
20. Following a post-season review of the City's 2021/22 Assessment Plan, a presentation to Council was prepared and provided at a Strategy Session in May 2022.
21. Council acknowledged the evolution of the Assessment Plan from previous years and the need to shift from an educative-focused to a more compliance-oriented approach. It was also noted that a shift in the approach was appropriate in the context of fire and community safety in a changing and drying climate.
22. Key recommended changes to the 2022/23 Assessment Plan include:
- a) The Notice being reviewed to reflect a focus on a compliance-oriented approach to bushfire safety and preparedness.
  - b) Prepare a more tailored communication plan according to the revised compliance-oriented approach.
  - c) Properties assessed as non-compliant on the first inspection will receive a workorder and infringement in the first instance.
  - d) Landowners and or occupiers that received a workorder within the 2021/2022 season will receive pre-season communications (letters) in late July advising of; the upcoming fire season, the revised approach and to offer pre-season one-on-one engagements to assist in preparing their properties.
23. While properties assessed as non-compliant on the first inspection will receive a workorder and infringement, there may be instances where items relevant to the Notice are not yet a threat or non-compliant. However, if those items are left unattended and not mitigated, may, in the future, result in becoming a non-compliant matter.

24. In these instances, landowners may receive advice in the form of a Calling Card advising of the matter and the recommended solution or action. A copy of the Calling Card is contained in Appendix 6 of the Assessment Plan.
25. The community engagement program guided by the Activity Schedule has also commenced with pre-season assessments, community workshops, social media infomercials, updated City website, static displays, variable message boards, letterbox drops of information booklets and the dissemination of the Notice.
26. The City also uses the Department of Fire and Emergency Service's (DFES) 'Bushfire Risk Management System' (BRMS), which is a digital database enabling DFES, in collaboration with local government, to log bushfire risks throughout Western Australia.
27. The BRMS allows the City to capture data specific risk ratings for all assets within its district. The assets are divided into four categories, cultural, economic, environmental, and human settlement. Although most assets will be one or the other, the BRMS provides the ability to rate multiple risks against the one asset. Once all the risk data has been logged into the BRMS, the BRMS automatically provides the rating category, which the assessment program is scheduled around.
28. As part of the implementation of the Plan, the City's Fire Control Officers (FCOs) will drive all fire breaks on the properties they assess. The purpose of driving the fire breaks is to ensure they comply with the 3m wide by 4m high clearance. This is a critical safety requirement to ensure our Volunteer Bush Fire Brigade, State Emergency Service and Fire and Rescue Services can safely drive a fire appliance along a fire break in times of an emergency.
29. The City is encouraging those residents that consider the physical characteristics of their property make it impossible to comply with the Notice, to have applied for a variation (pursuant to the mechanism for this as set out in the Notice) before 1 October 2022. Late variation applications may incur an administration fee of \$150.
30. Work orders and Infringement Notices will no longer be posted through registered mail, however, will now be posted through regular Australia Post, all outgoing mail is recorded within the City's records systems.
31. The reason for moving away from registered post was based on two main issues, legislative requirements for the delivery of a notice and negative community feedback.

32. The *Bush Fires Act 1954* S.59A(3) only requires infringement notices to be posted via regular post and in the case of a landowner, to the address shown on the City's rate record.
33. Some of the feedback received from recipients of registered mail over past seasons also felt receiving a notice through registered post was a waste of resources, inconvenient and time-consuming for them having to attend a post office to collect registered mail.
34. As a result, the City will resume delivery of a notice through regular Australia Post services.
35. For this upcoming season, the City has also prepared a firebreak contractors list as a general information service to the community. The list aims to assist landowners/occupiers in meeting the requirement of the Notice. The City accepts no liability, nor endorses any of the contractors mentioned on the list, an appropriate disclaimer has been included in this regard.
36. Properties that were unable to be accessed for an assessment will also no longer be posted through registered mail and will be posted through regular Australia Post.
37. The reasons being the same as noted above. The letter will request that contact be made with the City within 21 days to organise a time when either the owner and/or occupier is on site or for access to be made available.
38. If no contact has been made by the owner, in writing, to arrange an assessment, this may constitute an obstruction offence under section 57 of the *Bush Fires Act 1954* and an infringement may be issued.

#### **APPLICABLE LAW**

39. Section 33 and 39, *Bush Fires Act 1954*.

#### **APPLICABLE POLICY**

40. Nil

#### **STAKEHOLDER ENGAGEMENT**

41. The Assessment Plan has been prepared in consultation with the DFES and was presented at the July 2022 Bush Fire Advisory Committee meeting.

**FINANCIAL CONSIDERATIONS**

- 42. Provision for the proposed assessment and Activity Schedule was budgeted for in the 2022/23 operational budget. No additional funding are being requested as part of this report.

**SUSTAINABILITY**

- 43. The Assessment Plan and Activity Schedule empowers the City’s residents, recognising their autonomy to comply with the Notice thereby building a more resilient community. The Assessment Plan achieves this by providing residents with the information they need to not only comply with the Notice before 1 November, but to ensure they are bushfire ready.
- 44. The City’s implementation of the Assessment Plan is also a key initiative in ensuring the City and its residents are prepared for the risks and dangers that accompany a changing and drying climate.

**RISK MANAGEMENT**

- 45.
 

<b>Risk:</b> The City does not appropriately implement the Assessment Plan and there is a significant increase in fuel loads and bushfire risks throughout the City’s district.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Almost certain	Extreme
<b>Action/Strategy</b>		
Through implementation of the Notice and the assessment plan, the City will reduce the risk in the most high-risk areas.		
  
- 46.
 

<b>Risk:</b> There is a reputational risk, if the City is impacted by a fire event resulting in loss of property and/or life.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Unlikely	High
<b>Action/Strategy</b>		
The processes contained in the assessment plan, if followed correctly, will reduce the impact of incidents, and will also assist with answering enquiries from external sources.		

47.

<b>Risk:</b> There is a health and safety risk if the City is impacted by a fire event resulting in loss of property and/or life.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Unlikely	High
<b>Action/Strategy</b>		
The plan will increase community awareness and preparedness through a better approach to engaging with residents. This will assist to mitigate the risk by making residents fire safe ready and build the overall resilience of the community.		

48.

<b>Risk:</b> There is an environmental risk if the City is impacted by a large fire which damages the local environment and/or asbestos cement clad/roofed buildings or other like structures.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Unlikely	High
<b>Action/Strategy</b>		
The Notice was gazetted on 1 July 2022. The plan will reduce this risk through increased education and a risk-based assessment program.		

**CONCLUSION**

49. The City is using the Notice and Assessment Plan as an opportunity to engage with the community and educate residents on how to prepare and protect their properties. The implementation of the assessment plan is one of the City’s largest face-to-face interactions with the community.
50. The City prepares a summary report each year which helps improve and inform the following years assessment and activity schedule.
51. It is recommended that Council note the implementation of the Notice, assessment and activity schedule and receives the summary report.
52. **Additional Information Between Public Agenda Briefing and Ordinary Council Meeting**  
 While properties assessed as non-compliant on the first inspection will receive a workorder and infringement, there may be instances where items relevant to the Notice are not yet a threat or non-compliant. However, if those items are left unattended and not mitigated, may, in the future, result in becoming a non-compliant matter.

53. In these instances, landowners may receive advice in the form of a Calling Card advising of the matter and the recommended solution or action. A copy of the Calling Card is contained in Appendix 6 of the Assessment Plan.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 114/2022

That Council:

1. NOTE the implementation of the City of Kalamunda: Fire Hazard Reduction Notice, Fire Hazard Assessment Plan and Communications and Engagement Activity Schedule - Bushfire Preparedness 2022/2023
2. RECEIVE the Post-Season Summary Report 2021/2022.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## 10.1.2. Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107

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

Cr John Giardina declared an Interest Affecting Impartiality on Item 10.1.2 Lot 500 (32) Gavour Road Wattle Grove - Proposed Scheme Amendment No. 107. Cr Giardina has family in close proximity. Cr Giardina left the meeting at 6:44pm and returned at 7:02pm. Cr Giardina did not vote on this matter

Previous Items	SCM 37/2015, OCM 323/2021
Directorate	Development Services
Business Unit	Approval Services
File Reference	GV-01/032 / PG-LPS-003/057 / PG-LPS-003/107
Applicant	Dynamic Planning and Developments Pty Ltd
Owner	R. Leighton & P. Leighton
Attachments	<ol style="list-style-type: none"> <li>1. Amendment 107 [<b>10.1.2.1</b> - 15 pages]</li> <li>2. Submission Table [<b>10.1.2.2</b> - 55 pages]</li> <li>3. Peer Review Report [<b>10.1.2.3</b> - 57 pages]</li> <li>4. Report on the Summary of Submissions [<b>10.1.2.4</b> - 5 pages]</li> <li>5. Lavan Legal Deputation [<b>10.1.2.5</b> - 4 pages]</li> <li>6. Approved Plan of Subdivision (WAPC161889) [<b>10.1.2.6</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 (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.

### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider Amendment 107 to *Local Planning Scheme No. 3* (LPS3) with modifications (refer Attachment 1) following advertising and to forward its decision to the Western Australian Planning Commission (WAPC).
2. Amendment 107 proposes to delete Condition d) of LPS3 Special Use 20 (SU20) which currently prevents strata titling of the development. The proponent advises Condition d) is a constraint on implementing the development.
3. A total of 32 submissions were received during the advertising of Amendment 107 comprising one submission of support, five submissions from government agencies and the balance objections.
4. It is recommended Council support Amendment 107 with modifications (outlined in Attachment 1) for the purpose of progressing Amendment 107 to the WAPC for consideration of its recommendation to the Minister for Planning.

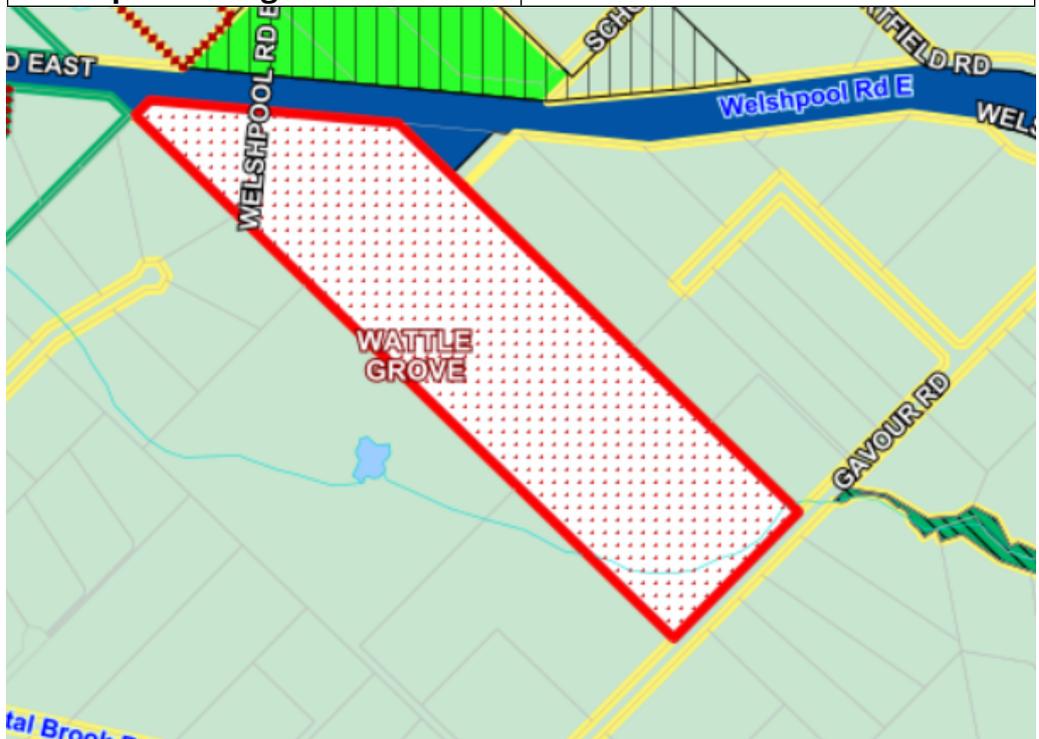
**BACKGROUND**

5. **Location:** Lot 500 (32) Gavour Road, Wattle Grove



6. **Zoning**

Local Planning Scheme No.3	Special Use 20
Metropolitan Region Scheme	Rural

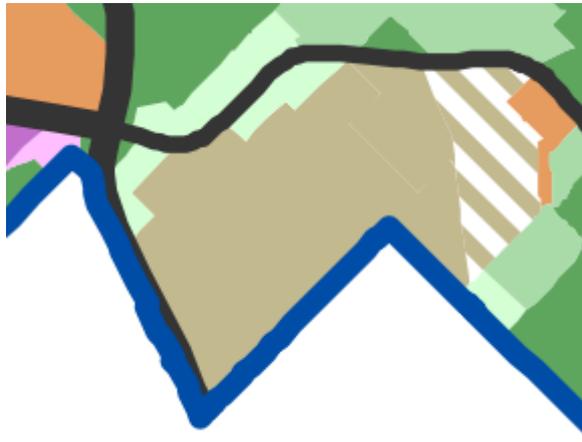


7. Amendment 57 was adopted by Council at the 20 April 2015 Special Council Meeting. The intent of Amendment 57 was to facilitate the development of an integrated aged care facility through rezoning the land from 'Special Rural' to 'SU20'. SU20 which enables the City to consider and determine land uses associated with an integrated aged care facility.
8. SU20 incorporates eight (8) conditions which, in summary, aim to:
  - a) Provide security that the developer would not just deliver all the Aged and Dependent Persons' Dwellings (independent living sites) of the development and sell them off without providing the Aged Residential Care Facility (the nursing home component); and
  - b) Restrict the further subdivision of the subject site which, at the time Amendment 57 was considered, was seen as potentially inconsistent with the sites MRS 'Rural' zoning.
9. The North-East Sub-Regional Planning Framework (Framework) is the WAPC's strategic planning guide for the consideration of future urban development. The Framework was released in draft form in May 2015. At this time, Lot 500 Gavour Road, Wattle Grove (Lot 500) was not included within the Urban Expansion/Investigation designation – it was bordered by the proposed Urban Expansion area, see below:



10. Following assessment by the WAPC and consideration of submissions and further information, the Minister resolved to adopt Amendment 57 subject to modifications with it being gazetted on the 26 September 2017.

11. In March 2018, the final Framework was released, with the site being included in the Urban Expansion / Urban Investigation designation, see below:



12. The designation under the Framework as an Urban Expansion/Urban Investigation area, while not a rezoning, does permit the consideration of proposals to rezone the land for urban development purposes.
13. Following the adoption of Amendment 57, in accordance with Condition e) of the adopted SU20 provisions, a Local Development Plan (LDP) was prepared and approved by the Council in June 2019. The intent of the LDP is to provide a framework for subsequent development applications to be consistent with and outlines how the various constraints applicable to the site may be managed.
14. The City is now in receipt of Amendment 107 to delete Condition d) of SU20, with all other conditions remaining unchanged (except for minor administrative amendments). Council at the Ordinary Meeting held 23 November 2021, adopted Amendment 107 for the purposes of public advertising.

## **DETAILS AND ANALYSIS**

15. **What is proposed and why?**  
Condition d) of SU20 reads as follows:  
*An integrated aged care facility is a development that shall not be strata titled.*
16. The justification provided by the proponent for proposing to delete the condition is that there's a considerable constraint to financing the development, in particular the independent living units, without the ability to provide for individual Certificates of Title through a survey strata development.

17. Condition d) forms part of a range of conditions associated with SU20 which were introduced through Amendment 57 to ensure the site would be developed as an integrated aged care facility and not just for independent living units.
18. The proponent has advised that the removal of Condition d) will remove constraints regarding the strata titling of the proposed development, thereby diversifying the financing options for landowners, and assisting with the delivery of the Aged Residential Care component of the development.
19. Whilst the financing aspect of the integrated aged care facility is not a planning consideration, if the amendment is not supported subject to the recommended modifications, it may result in a further period of uncertainty as to whether the integrated aged care facility will be delivered as intended under SU20.
20. **Protections to ensure the delivery of an integrated aged care proposal**  
In the context of delivering an integrated aged care facility on the subject site, all remaining conditions identified in SU20 remain unchanged. Some of the relevant conditions of SU20 are outlined below.
21. Condition a) ensures any occupants of the independent living units are at least 55 years of age. This condition seeks to ensure the development is of an integrated nature and those residing in the independent living units appropriately aged.
22. Condition a) reads as follows:  
*At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years.*
23. SU20 Condition e) also acts to ensure a coordinated built form outcome on the subject site, requiring all subsequent development on the subject site to accord with an approved LDP (approved June 2019).
24. Condition e) reads as follows:  
*Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future.*

25. The LDP includes a staging plan which ensures the Aged Residential Care facility is not the last component of the development delivered (Stage 5 of 7).
26. Pursuant to Clause 56(1) Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the City must have due regard to the LDP when considering any subsequent development or subdivision applications on the subject site.
27. SU20 Condition f) and g) collectively seek to provide certainty that the Aged Residential Care facility will be delivered.
28. Condition f) reads as follows:  
*The maximum number of Aged or Dependent Persons' Dwellings that may be developed on Lot 500 shall not exceed 190.*
29. While condition f) sets a maximum dwelling yield, it does not guarantee this number of independent living units will be delivered. The number of units delivered will be informed by further investigations in relation to the servicing of the development.
30. Condition g) reads as follows:  
*Not more than 70% of the Aged or Dependent Persons Dwellings allowed for by an approved Local Development Plan shall be developed on Lot 500 until the development of an Aged Residential Care Facility (nursing home component) has been constructed to practical completion.*
31. In response to the submission received from the Department of Health (refer Attachment 2), the City proposes a new condition to ensure Amendment 107, through permitting strata titling of the site, accords with the Government Sewerage Policy 2019.
32. The new proposed wording of Condition d) reads as follows:  
*"Subdivision and/or development proposals on the subject site shall be supported by a Wastewater Management Plan prepared in accordance with the requirements of the Government Sewerage Policy 2019 (as amended) (i.e. site and soil evaluation prepared in accordance with the relevant Australian Standards, a noise, vibration and odour assessment) to the satisfaction of the City of Kalamunda and Department of Health".*
33. **Recently approved subdivision by the WAPC**  
The WAPC has also recently approved an application to subdivide the subject site into two (2) freehold titles (Lot 1 – 12.86 hectares, Lot 2 – 2.32 hectares) in January 2022 (WAPC 161889 – Attachment 6). The approval of

WAPC161889 does not have any implication on Amendment 107 and the requirements of SU20 will apply to the proposed newly created lots.

34. **Other minor modifications**

Minor administrative changes have also been made to SU20 which can be seen at Attachment 1. The City considers these changes to be administrative in nature as they are revising LPS3 with updated Policies and Department titles.

35. **Peer-Review and Legal Advice**

To assist in the assessment of Amendment 107, the City commissioned a Peer-Review of Amendment 107 (refer Attachment 3). In summary, the Peer-Review:

- a) Provides comments to each of the submissions received on the Amendment;
- b) Confirms that Amendment 107 is not in conflict with any known provisions of the *Retirement Villages Act 1992* (RV Act), noting the effect of the relevant provisions is that the RV Act require the owner of a retirement village to lodge a memorial before entering into residences contracts. As a consequence, once lodged, a memorial creates considerable difficulty in using the land for any broader residential use other than a retirement village. The review further notes however, that any further analysis of the RV Act or *Strata Titles Act 1985* (Strata Titles Act) should be the subject of legal advice.
- c) Submits that Amendment 107 will not change the intended, form, function and layout of the integrated aged care facility as identified in the remaining SU20 provisions and adopted LDP;
- d) Confirms that Amendment 107 complies with the relevant statutory framework; and
- e) Concurs with the City's view that the remaining conditions of SU20 provide enough security for the delivery of the Aged Residential Care facility without the need for retaining condition d)

36. In response to the recommendations of the Peer-Review, the City also sought legal advice regarding the implications (if any) of Amendment 107 (refer Confidential Attachment) on the RV Act requirements. The advice, in summary, concludes there is nothing contained within the RV Act which operates to impede or prohibit the strata titling of an integrated aged care facility.

**APPLICABLE LAW**

37. *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*

Regulation 34 – terms used to describe a Basic, Standard or Complex amendment. Amendment 107 is considered a Standard Amendment because it is:

- a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
  - b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the commission;
  - c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
  - d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
  - e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
  - f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
  - g) Any other amendment that is not a complex or basic amendment.
38. Amendment 107 is considered a Standard Amendment for the following reasons:
- a) The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
  - b) The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
  - c) The Amendment is consistent with the Local Development Plan that has been approved for the site.
  - d) The Amendment is consistent with the provisions of the City's Aged Accommodation Strategy which notes the significant shortfall of residential aged care in the community.
  - e) The land use of the site, which could be considered complex in the context of the region scheme and the surrounding land, was dealt with through the approval of Amendment 57. This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.
39. In accordance with Regulation 47 the period for making submissions on a standard amendment to a local planning scheme is —
- a) The period of 42 days after the day on which the notice is first published under sub-regulation (2)(a)(i); or
  - b) A longer period approved by the Commission.

## APPLICABLE POLICY

40. The City's Aged Accommodation Strategy and Local Housing Strategy notes the significant shortfall of residential care in the community.
41. Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11).

## STAKEHOLDER ENGAGEMENT

42. Pursuant to r47 of the Regulations, Amendment 107 was advertised from 14 February to 28 March 2022 via the following methods:
- a) A notice on the City's website;
  - b) A notice in the local paper;
  - c) A copy of the Amendment made available at the City's Administration Building and Libraries;
  - d) A sign on site;
  - e) Letters to surrounding landowners; and
  - f) Letters to relevant external agencies.
43. A total of 32 submissions were received during the advertising of Amendment 107 comprising of one submission of support, five submissions from government agencies & the balance objections. Refer to Attachment 2 which contains all the submissions received along with the City and proponents response to each of the submissions.
44. The Peer Review (Attachment 3) has also provided a response to each of the 32 submissions.
45. **Summary of matters raised during the submission period**  
The key matters raised and the City's response are as follows:
- a) ***Objection to matters which have already been considered through Amendment 57 and are not the subject of Amendment 107***  
Amendment 107 proposes the deletion of Condition d) only, with no changes to the remaining seven (7) conditions, in particular conditions b), c) and e) which address these requirements.
46. b) ***Enabling fragmented land ownership conflicts with the Planning and Development Act 2005 (P&D Act)***  
The City is unaware of a specific provision in the *Planning and Development Act 2005* in this regard.

47. c) ***The City should not make concessions for individual landowners***  
Proposals are assessed against the relevant planning framework having regard for an array of consideration. Proposals are not solely considered on the request of individual landowners.
48. d) ***The aged residential care facility will not be delivered***  
The City is satisfied the removal of Condition d) will not remove the requirement for a portion of the site to be developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and the relevant conditions of SU20 will ensure the delivery of an aged residential care facility on the subject site.
49. Any subsequent development proposal would be considered and determined in accordance with the land use permissibility and conditions of SU20. The City is satisfied the remaining conditions, namely e) and f) require the delivery of the aged residential care facility.
50. The Peer Review (refer Attachment 3) notes that the retention of Conditions e) and f) of SU20 provides enough security for the delivery of the aged care facility without the need for retaining Condition d). Moreover, the City can only accept at face value the proponents reasoning for deleting Condition d) is financial.
51. e) ***Individual titling of the dwellings will expose aged persons to exploitation***  
These claims have not been substantiated with evidence. The City can only consider Amendment 107 against the relevant planning framework. Nonetheless, Amendment 107 will not remove any obligations of the developer and/or future administration bodies would have under other relevant statutory frameworks, including but not limited to the *Community Title Act 2018*, *Strata Titles Act 1985* and *Retirement Villages Act 1992*.
52. f) ***Amendment 107 conflicts with the provisions of the Retirement Villagers Act 1992***  
These claims have not been substantiated with relevant references to the RV Act. The City is satisfied Amendment 107 is not in conflict with the provisions of the RV Act, nor does it remove any obligations the developer has under it.

53. The City has received its own legal advice that there is no impediment under the provisions of the RV Act to strata titling the proposed integrated aged care facility. Moreover, the legal advice notes that the RV Act expressly contemplates the titling of aged care facilities under the Strata Titles Act.
54. Refer to Attachment 3 (Peer Review) and Confidential Attachment (Legal Advice) which have informed the City's recommended position.
55. g) ***Amendment 107 is unlawful and not in accordance with the statutory planning framework***  
These claims have not been substantiated with relevant references to the statutory framework. The City is satisfied Amendment 107 has been considered in accordance with the relevant planning framework. The City has commissioned both a Peer Review (Attachment 3) and Legal Review (Confidential Attachment) which have informed the City's recommended position.
56. h) ***Amendment 107 conflicts with the requirements of the Strata Titles Act and the Retirement Villages Act***  
Amendment 107 does not remove any obligations the landowner has in complying with other relevant statutes, such as the RV Act or the Strata Titles Act. Nonetheless, through allowing the lots to be strata titled, Amendment 107 is not in conflict with any known provisions of the RV Act, which requires the owner of a retirement village to lodge a memorial (which restricts the landowner from using the land for any broader residential use other than a retirement village) before entering residence contracts.
57. The Strata Titles Act has its own protections for purchasers of strata units, which may arguably provide a more straightforward process for purchasers and eliminate the complexities associated with a lease or licence under the RV Act. The City's understanding of this matter aligns with the Peer Review (Attachment 3) and Legal Review (Confidential Attachment) which have informed the City's recommended position.
58. i) ***The titling of dwellings will allow for occupation of persons not of retirement age***  
Aged and Dependent Persons Dwellings' by definition require at least one person residing in the dwelling to be a disabled or physically dependent person or over the age of 55. Furthermore, no change is proposed to SU20 condition a) which states "At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years".

59. Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.
60. *j) **How will a strata scheme manage for a shared on-site wastewater disposal system?***  
The management of any subsequent on-site system would be administered through the *Strata Titles Act 1985*. It is not uncommon for on-site wastewater disposal systems to be managed by Strata Bodies. The Government Sewerage Policy provides further guidance to this regard.
61. Refer to Attachment 2 for a full response to each of the individual submissions.
62. The Peer Review (Attachment 3) also provides a response to each of the submissions.

#### **FINANCIAL CONSIDERATIONS**

63. The proponent is charged for the assessment, advertising and finalisation of Amendment 107 in accordance with the City's Schedule of Fees and Charges.

#### **SUSTAINABILITY**

64. **Economic**  
Amendment 107, through deleting the current Condition d) of SU20, seeks to diversify the financing opportunities for both current and future landowners.
65. Amendment 107 should it be approved will reduce financing constraints for the development of the integrated aged care facility.

66. **Environmental**  
 While the deletion of Condition d) of SU20 does not directly propose any changes to the proposal, it has raised matters in relation to wastewater management. The City has sought to address those matters through the requirements outlined in the recommended new Condition d) requiring the preparation of a Wastewater Management Plan in accordance with the Government Sewerage Policy 2019.
67. **Social**  
 Amendment 107 will assist in the delivery of both aged residential care and alternative housing options for aging populations providing the potential for significant social benefits to the aging and their families.

**RISK MANAGEMENT**

68. 

<b>Risk:</b> Amendment 107 is not supported and there's a protracted period of no development on the subject site resulting in a continued shortfall of aged residential care options for the community.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Possible	High
<b>Action/Strategy</b>		
Consider Amendment 107 for progression to the WAPC and Minister for Planning to address barriers to the development of the site for its intended purpose.		
69. 

<b>Risk:</b> The strata titling of the site impacts the potential for effluent disposal to be coordinated across the site should connection to the reticulated network not be possible.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Adopt Amendment 107 subject to the proposed modification to SU20 new Condition d) which will ensure a Wastewater Management Plan, prepared in accordance with the Government Sewerage Policy 2019, is submitted to support the lodgment of any subsequent development or subdivision application.		

70.

<b>Risk:</b> The developer only develops the independent living units and not the Aged Residential Care facility.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Adopt Amendment 107 as proposed with no changes to the other SU20 development requirements.		

71.

<b>Risk:</b> The strata titling of the independent living units will allow for the occupation of persons not of retirement age		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
No change is proposed to SU20 condition a) which states “ <i>At least one occupant of any Aged or Dependent Persons’ Dwelling within this facility must have reached the age of 55 years</i> ”. Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained. Any non-compliance with these requirements would be managed through the City’s compliance process.		

**CONCLUSION**

72. Amendment 107 proposes to delete Condition d) as currently phrased which prevents strata titling of the development. The proponent has outlined that this is a constraint on the financing of the development and subsequently the delivery of the Aged Residential Care facility.
73. Notwithstanding the number of objections received to the Amendment 107, the City is satisfied that the deletion of Condition d) will not impact the envisaged overall outcome for SU20, including the delivery of the Aged Residential Care facility.
74. The City is satisfied the remaining conditions of SU20 will:
- a) Ensure a coordinated built form outcome on the subject site, with all subsequent development guided by the approved LDP (condition e);
  - b) Ensure a limit on the maximum yield of Aged or Dependent Persons’ Dwellings (condition f) until the delivery of the Aged Residential Care facility (condition g);
  - c) Ensure at least one occupant of the Aged or Dependent Persons’ Dwellings is over the age of 55 (Condition a).

75. The City considers the rationale behind the need for Condition d) as currently phrased now redundant for reasons discussed in this report.
76. In response to the submission received from DoH, Amendment 107 has been recommended to be modified to insert a new Condition d) which acts to ensure coordination at the development and management of on-site wastewater, should connection to the reticulated sewerage network not be possible.
77. The City's recommendation has been informed by a Peer-Review (Attachment 3) and Legal Advice (Confidential Attachment). In this context, the City is satisfied the remaining conditions of SU20 will ensure a coordinated built form outcome on the subject site, with all subsequent development guided by the remaining requirements of SU20.
78. It is recommended that Council supports Amendment 107 with the modifications as outlined in Attachment 1.
79. **Special Submissions Meeting**  
On 16 August 2022 a Special Submissions Meeting was held to hear deputations and questions in relation to the item.
80. Pursuant to Clause 6.13 (8) of the City of Kalamunda Standing Orders for a Special Submissions Meeting, the City has prepared a report for Council that summarises each deputation made at the meeting (see Attachment 4).
81. In addition to the summary of submissions, within the report, the City has provided additional information regarding modifications recommended to Amendment 107 post-advertising and the occupancy requirements of independent living units.

<b>Voting Requirements: Simple Majority</b>
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RESOLVE OCM 114/2022

That Council:

1. CONSIDER Amendment 107 to Local Planning Scheme No.3  
a Standard Amendment under Regulation 34 of Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
  - a. The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
  - b. The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
  - c. The Amendment is consistent with the Local Development Plan that has been approved for the site.
  - d. The land use of the site, which could be considered complex in the context of the region scheme and the surrounding land, was dealt with through the approval of Amendment 57. This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.
2. NOTE the submissions received during the advertising of Amendment No, 107 to Local Planning Scheme No. 3.
3. SUPPORT, pursuant to Regulation 50(3) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 107 to Local Planning Scheme No.3 subject to modifications outlined in Attachment 1.
4. FORWARD, pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 107 to Local Planning Scheme No. 3 to the Western Australian Planning Commission.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

## 10.2. Asset Services Reports

### 10.2.1. Black Spot Program Submissions 2023-2024 - State and Australian Government

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

Previous Items	OCM 238/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00011768
Applicant	N/A
Owner	N/A

Attachments	1. Berkshire- Hale- Hawtin speed cushions 4626-01 [10.2.1.1 - 1 page]
	2. Berkshire- Hale- Hawtin Black Spot Submission [10.2.1.2 - 20 pages]

#### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
 Executive	When Council is undertaking its substantive role of direction setting and oversight (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 1: Kalamunda Cares and Interacts**

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

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

### Priority 3: Kalamunda Develops

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

**Strategy 3.2.3** - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

#### EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of a submission for funding from the 2023/24 State Black Spot Program.
2. One project is proposed: speed cushions for the existing roundabout at Berkshire Road, Hawtin Road and Hale Road. The project has been estimated to cost \$41,230, seeking \$27,200 of grant funding and \$14,030 of municipal funding.
3. It is recommended Council endorse the submission of the project to Main Roads WA (MRWA) for grant funding consideration.

#### BACKGROUND

4. Each year, MRWA through the Metropolitan Regional Road Group (MRRG) invite submissions for funding under the State Black Spot program.
5. The State Government Black Spot projects may be funded two-thirds by the program and one-third by the applicant. The criteria for the program are as follows:
  - a) for intersections, mid-block or short road sections less than three kilometres, the crash criteria is a minimum of five crashes over the five years;
  - b) for road lengths greater than three kilometres, the crash criteria is the average of at least two crashes per kilometre over the five years;
  - c) the value of work must be between \$2,000 and \$3,000,000; and
  - d) the Benefit Cost Ratio (BCR) must be greater than 1.0.
6. The Australian Government Black Spot Program may fully fund projects however in this case it would not satisfy the criteria.
7. Crash data released by the State demonstrates that the Berkshire / Hale / Hawtin roundabout should be assessed for treatment.

## DETAILS AND ANALYSIS

8. State Black Spot submissions can be made on the basis of crash history or Road Safety Investigation. The road safety investigation is used when the crash history is high but viable treatments cannot be identified on a benefits cost ratio basis. The City usually submits on the basis of the crash history. The crash history for the years 2017 to 2021 was released in March 2022. As part of this release, MRWA identify locations that are “prequalified” under the broad criteria of numbers and severity of crashes. Local governments then need to analyse the crash data to determine if viable projects can be identified for those prequalified sites.
9. Following the release of the crash data, the City identified the potential for improvements at the Berkshire Road – Hale Road - Hawtin Road intersection roundabout.
10. *Crash Summary:*  
A total of seven crashes with one predominant crash type (three crashes) involving right angle crashes between vehicles from the north and west. The other predominate (two crashes) being rear end crashes between vehicles from the west. The underlying causal factor is believed to be the through speed of traffic. Drivers are not slowing sufficiently on approach to the roundabout to ensure they can negotiate the roundabout safely.
11. *Proposed Treatment:*  
The most cost-effective treatment at this type of location is speed cushions, like those installed at the Lesmurdie Road and Canning Road intersection roundabout. The concept design is provided as Attachment 1.
12. This project qualifies for State Black Spot Program funding with a BCR of 1.34 and NPV \$21,019. If successful the estimated project cost of \$41,230 would be funded two thirds by the program, with the City contributing \$14,030.
13. The Berkshire-Hale-Hawtin Intersection Traffic Calming project was conceived, analysed and submitted by the 8 July 2022 deadline. The submission is provided as Attachment 2. Should Council not be supportive of the project, then it can be withdrawn from the funding program.
14. Presently on the prequalified list there are 20 intersections and 40 road sections that may lead to viable projects. These each need to be analysed before treatments can be identified. The City will be arranging for these locations to be assessed throughout 2022/23. This will enable better

planning for designs, costings, and ultimately a larger number of funding submissions in ensuing years.

#### **APPLICABLE LAW**

15. The *Main Roads Act 1930* provides for the City to manage and make improvements to local roads.

#### **APPLICABLE POLICY**

16. Nil.

#### **STAKEHOLDER ENGAGEMENT**

17. Residents affected by the project will be consulted during the detail design and construction phases of the project.

#### **FINANCIAL CONSIDERATIONS**

18. The estimated value of the project is \$41,230. If this is successful, the City will need to contribute \$14,030 in 2023/24.

#### **SUSTAINABILITY**

19. The MRWA State Black Spot Program Development and Management Guidelines states "The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering of crash victims and their loved ones." Any form of crash induces stress and impacts on the community, and the State Black Spot Program provides a mechanism by which the City can address these issues and thereby reduce the number and severity of crashes using proven treatments.
20. Crashes have been identified as a road user cost which impacts individuals and the general community through insurance premiums, cost of services and injuries, lost productivity for businesses, and loss in efficiency from the road network.
21. There are no significant environmental implications of the project.

**RISK MANAGEMENT**

22.	<b>Risk:</b> The submission is not approved for funding through the Black Spot Program.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Provide adequate and detailed information to support the project submissions. Seek information on submission requirements. Ensure there are alternatives available and resubmit when needed.		

23.	<b>Risk:</b> The submission does not achieve the crash reductions that are intended, or otherwise creates unintended consequences.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	The treatment selection methodology has been thoroughly tested and the process includes significant oversight and review by MRWA. Project sites are also reviewed in future years to determine the effect of the treatments.		

**CONCLUSION**

- 24. The City has identified one location to be submitted under the State Black Spot Program for funding in 2023/24. A treatment has been identified and evaluated using the MRWA Crash Map system, resulting in a \$41,230 project that aims to address seven crashes that have occurred over the last five years.
- 25. If the state funded project is approved by MRWA, the City will need to fund \$14,030 as part of its capital works program for 2023/24. The project will then be delivered within the 2023/24 financial year.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 115/2022

That Council ENDORSE the submission of the Berkshire-Hale-Hawtin Intersection Traffic Calming – speed cushions on approaches to the intersection for funding under the 2023/24 State Black Spot Program.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (9/0)**

## 10.2.2. High Wycombe Train Station - Surrounding Parking Plan

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

Previous Items	Nil
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	3.010637
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. High Wycombe Train Station Parking Plan [<b>10.2.2.1</b> - 39 pages]</li> <li>2. High Wycombe Train Station Parking Control Drawings [<b>10.2.2.2</b> - 15 pages]</li> </ol>

### TYPE OF REPORT

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

### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 3.2.3** - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

## **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to note proposed parking controls to be implemented around the High Wycombe Station Precinct (Precinct).
2. The intent is to have proposed controls and plans prepared and ready to implement once commuter parking activity in the Precinct becomes problematic for local residents and businesses on a case by case basis.
3. It is recommended that Council note the proposed extent of parking controls and that the implementation of these will be undertaken by staff as required.

## **BACKGROUND**

4. The High Wycombe Train Station (the Station) was constructed by the Public Transport Authority (PTA) through 2017 to 2022.
5. At the time of writing this report, the date of opening for the train station is unknown but is believed to be soon.
6. The Station forms part of the Forrestfield Airport Link, a new train line that provides a connection from the southwestern corner of High Wycombe to the Perth Central Business District (CBD). Once opened, train patrons can pay a two zone fare to travel from the Station to the CBD, taking an estimated 20 minutes. The train line also passes under the Perth Airport connecting to terminals one and two.
7. The Station includes a multi-storey carpark providing 1,200 car parking bays for train patrons, which includes 12 ACROD bays, and 52 motorcycle parking bays. Patrons can park at a proposed cost of \$2.00 per day. Two drop-off zones have also been provided with room for 18 vehicles, and one drop-off area with five ACROD bays.
8. The PTA are also reviewing bus routes with the aim of providing local bus connections to the train station from the wider City of Kalamunda area.
9. The City of Kalamunda (City) has recognised that upon opening, patrons whom chose to drive to the Station, and people picking up and dropping off patrons, may want to stop and park in local roads to avoid parking costs.
10. The City has pre-emptively undertaken a Parking Plan for the Precinct to provide a sensible balance between commuter user behaviours and amenity for local residents and businesses.

## DETAILS AND ANALYSIS

11. The City appointed consultants to undertake investigations and provide a report regarding Parking in the Precinct. This report "Parking Plan High Wycombe Train Station" is provided as Attachment 1. Notable features of the Parking Plan are:
- a) while people can be expected to walk up to 800m from a train station if they live locally, people who drive to a train station would only be expected to walk up to 400m;
  - b) the range of streets within the 400 metre 'catchment' of the Station are limited;
  - c) case studies of other train stations show different local effects on parking, with some sites requiring less parking controls in surrounding streets; and
  - d) all parking behaviours can be readily controlled with No Stopping and No Parking signs and lines.
12. During the preparation of the Parking Plan, the City arranged for community consultation to determine local concerns of residents and businesses for the impending train station opening. No responses were received.
13. Parking control designs are provided for:
- a) Sultana Road West, west of Milner Road;
  - b) Eureka Street;
  - c) Imperial Street;
  - d) Dundas Road, in proximity to the train station;
  - e) Maida Vale Road, in proximity to the train station;
  - f) Everitt Place;
  - g) Enterprise Boulevard; and
  - h) Mack Place and the end of Durrant Way.
14. Some notable aspects of the parking control designs are:
- a) Parking controls are proposed even where parking is prohibited by the City's Local Law or Road Traffic Code. Examples are along footpaths, and where the lane is not wide enough for legal parking. This is to ensure the driver has no doubt over their ability to park.
  - b) Parking along Eureka Street and Imperial Street has been designated as "No Parking Road", to enable the businesses to continue their parking practices on the verge. Under the City's Local Law, parking on the verge is at the permission of the property owner. Business owners can make arrangements with the City to enforce unapproved parking on their verges.

- c) In selected locations, timed parking controls are proposed to provide for business customer parking and parking in proximity to the train station.
- 15. As and when required, the City will issue the plans for approval (under delegated authority ENG1) and arrange for installation of signs and lines. The City can also modify and extend any designs as and when required to ensure effective management of parking.
- 16. METRONET, a collaboration of state agencies in the delivering of transport projects, have provided funding to the City for the design and construction of the new road connecting the train station to Milner Road as part of the Transit Oriented Development (TOD) precinct. This "TOD Connector" road is expected to be constructed within the next few years, and if required will include parking controls as part of the design.

#### **APPLICABLE LAW**

- 17. Parking is administered under the *Parking and Parking Facilities Local Law 2019*. Parking controls (such as a No Parking sign) must be approved under delegated authority ENG1 - *Determination of Prohibited Parking Areas*.

#### **APPLICABLE POLICY**

- 18. Nil.

#### **STAKEHOLDER ENGAGEMENT**

- 19. Letters with a feedback form enclosed were sent to all residences and businesses within a 580m radius of the train station. This was also made available on the City's Engage HQ site, and an interactive map for respondents to click and comment. No responses were received.

#### **FINANCIAL CONSIDERATIONS**

- 20. The installation of the signs and line marking for parking controls will be funded from operating and capital budgets based on the extent of signs required at that time.
- 21. The City's Community Safety Rangers will patrol the signs and respond to customer complaints. Having the appropriate parking controls in place will make it simpler for the Rangers to enforce, which will be absorbed as part of normal operating costs. There will also be revenue received through the issuing of infringements.

**SUSTAINABILITY**

- 22. The preferred sustainability outcome that leads to the lowest environmental impact is for all train patrons to use public transport, walk or cycle to the train station. This plan is to address those patrons who prefer to drive or be driven by a companion. By prohibiting parking in surrounding streets, patrons will need to choose either the formal drop-off area and multi-storey carpark that has been provided by the PTA, use public transport and active transport or risk penalties for illegal parking.
- 23. There are no significant impacts to financial or social sustainability arising from the Parking Plan.

**RISK MANAGEMENT**

24.	<b>Risk:</b> The parking controls are not effective in controlling parking behaviours leading to community complaints and community safety concerns.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	The parking controls as proposed can be modified at short notice to resolve local problems.		

**CONCLUSION**

- 25. The City has undertaken planning and design to manage the impact of uncontrolled parking when the new High Wycombe Train Station opens. The report on the likely impacts of parking has been prepared. With the parking control designs, the City will be readily able to install controls when needed.
- 26. During the preparation of the Parking Plan, the community was consulted however no responses were received. It is viewed that implementation will partly stem from local concerns raised over time.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM116/2022

That Council NOTE the proposed parking controls around the High Wycombe Station Precinct to be implemented as required over time.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.2.3. Scott Reserve Pavilion - Funding Strategy

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

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

Previous Items	OCM 16/2020; OCM 100/2020
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.010346
Applicant	N/A
Owner	
Attachments	Nil

#### RESOLVED OCM 122/2022

That Council:

1. DETERMINE to undertake the Scott Reserve Pavilion Redevelopment in a single stage.
2. ENDORSE the listing in the draft 2023/2024 budget of undertaking a loan of up to \$2m from Western Australian Treasury Corporation to provide working capital to undertake the Scott Reserve Pavilion Redevelopment.
3. UNDERTAKE community engagement activities to inform the Community of the Scott Reserve Pavilion Redevelopment.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.3. Corporate Services Reports**

No reports presented.

**10.4. Office of the CEO Reports**

No reports presented.

**10.5. Chief Executive Officer Reports**

**10.5.1. Draft Monthly Financial Statements to 31 July 2022**

*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 July 2022 [ <b>10.5.1.1</b> - 1 page]
	2. Statement of Net Current Funding Position as at 31 July 2022 [ <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 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 July 2022.
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 27 June 2022 for the 2022/2023 financial year.
3. The City has concluded negotiations with the Department of Planning, Lands and Heritage (DPLH) resulting in the City purchasing a portion of Cambridge Reserve for a discounted land value of \$536,500. The purchase of the land was for the purpose of aged care, residential development and Public Open Space.
4. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 July 2022, which comprise:
  - a) Statement of Financial Activity (Nature or Type);
  - b) Net Current Funding Position, note to the financial report
5. It is recommended that Council adopt the establishment of a new reserve account titled "Cambridge Reserve development Reserve Account" and authorise it to transfer funds from the Land and Property Enhancement and Maintenance Reserve account to the above new reserve account.

## BACKGROUND

6. 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*.

## **DETAILS AND ANALYSIS**

7. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
8. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2021/2022.
9. 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) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
  - d) June 2022 Overhead allocations have not been finalised;
  - e) Audited results of the Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
  - f) Adjustments related to the Australian Accounting Standards.
  - g) 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 July 2022**

10. This Statement reveals a net result surplus of \$43,255,339 compared to the budget for the same period of \$40,349,298.

### **Operating Revenue**

11. Total Revenue excluding rates is under budget by \$3,721. This is made up as follows:
  - a) Operating Grants, Subsidies and Contributions are over budget by \$30,283. The variance is within the reporting threshold.
  - b) Fees and Charges are under budget by \$55,070. This is an aggregate result of minor variances in different fee categories.
  - c) Interest earnings are over budget by \$23,690. The variance is considered to be a timing issue.
  - d) Other Revenue is over budget by \$17,389. This is an aggregate result of minor variances in individual income categories.

## **Operating Expenditure**

12. Total expenditure is under budget by \$1,040,465. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$389,118, 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 \$366,150. The variance is mainly due to the timing of building maintenance costs and infrastructure maintenance costs.
  - c) Utilities are under budget by \$7,697, the variance is mainly due to the aggregate result of minor variances in several business units.
  - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$181,049.
  - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
  - f) Other expenditure is over budget by \$1,193. The variance is within the reportable threshold

## **Investing Activities**

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

13. The non-operating grants and contributions are over budget by \$3,845. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

### **Capital Expenditure**

14. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$1,882,452. This is considered to be a timing issue.
15. Capital works-in-progress expenditure of \$2,168 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**

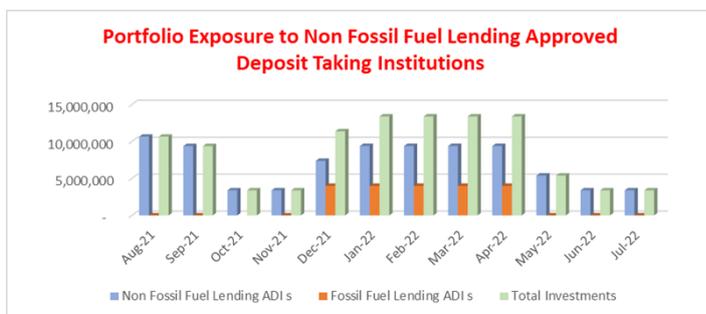
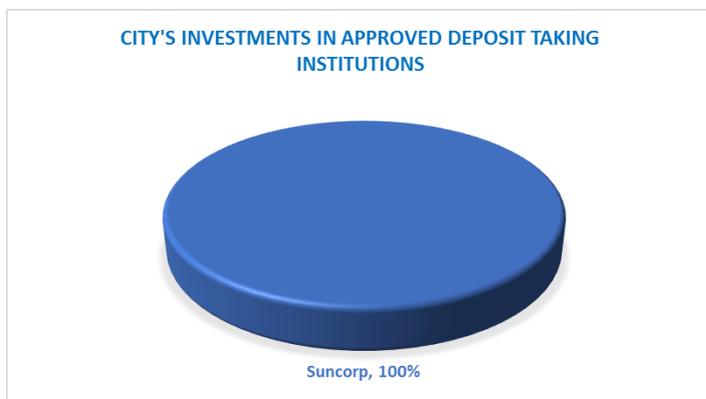
- 16. The amounts attributable to financing activities show a variance of \$123,799 which is mainly due to the developer contributions and reserve transfers.

**Rates Revenues**

- 17. Rates generation is over budget with a variance of \$45,614.

**Statement of Net Current Funding Position as of 31 July 2022**

- 18. The commentary on the net current funding position is based on a comparison of July 2022 to the July 2021 actuals.
- 19. Net Current Assets (Current Assets less Current Liabilities) total \$63 million. The restricted cash position is \$24.6 million which is higher than the previous year’s balance of \$23.5 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and the specific purpose grants reserve.
- 20. The following graph indicates the financial institutions where the City has investments as of 31 July 2022;



- 21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$38.5 million.

22. Sundry debtors have decreased from \$743,103 to 403,415, of which \$214,314 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
23. Receivables Other represents \$19.1 million including:
- a) Emergency Service Levy receivables \$6.5 million;
  - b) Receivables sanitation \$11.1 million

### **CAMBRIDGE RESERVE DEVELOPMENT RESERVE ACCOUNT**

24. The City of Kalamunda (City) has been investigating the development of Cambridge Reserve for aged care, residential development, and improved public open space. The Department of Planning, Lands and Heritage (DPLH) offered the City to purchase a portion of the site in freehold for a discounted land value of \$536,500.

On 21 December 2021, the Council at its Ordinary Meeting considered submissions on, and adopted, a Business Plan to satisfy the provisions of Section 3.59 of the Local Government Act, given that the purchase of Cambridge Reserve from the State will be defined as a preparatory action for the broader land sale and development activities proposed will be defined as a Major Land Transaction. The Business Plan outlines the City's intention to acquire Cambridge Reserve from the State of WA to implement the Proposed Cambridge Reserve Community Enhancement Project.

25. The following express conditions have been provided by DPLH and are required to be adhered to by the City in relation to the Cambridge Reserve land acquisition;
- a) Prior to the Settlement Date, the Purchaser must;
    - i) Establish a bank account with a reputable Australian bank (Auditable Account); and
    - ii) Notify the Vendor in writing that the Auditable Account has been opened.
  - b) The purchaser must ensure that all proceeds from the sale of the land, or any part thereof, by the purchaser to a third party are deposited into the Auditable Account.
  - c) The purchaser must, to the satisfaction of the Vendor, ensure that the Auditable Account statements provide sufficient and accurate details as to how the funds from the Auditable Account have been allocated and dispersed.

- d) The purchaser must allow the Department to audit the Auditable Account at any time upon 14 days' written notice from the Department to the purchaser.

Subject to the above conditions the City proposes to establish a specific reserve account to record all transactions related to the Cambridge Reserve development.

26. Provisions for annual and long service leave have decreased by \$17K to \$4.45 million when compared to the previous year. The 2021/2022 end-of-the-year leave provision adjustments are pending at the time of presenting this report.

### **APPLICABLE LAW**

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

### **APPLICABLE POLICY**

28. Nil.

### **STAKEHOLDER ENGAGEMENT**

#### **Internal Referrals**

29. 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**

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

### **FINANCIAL CONSIDERATIONS**

31. 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**

32. Nil.

**Economic Implications**

33. Nil.

**Environmental Implications**

34. Nil.

**RISK MANAGEMENT**

35.

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

36.

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

**CONCLUSION**

37. The City’s Financial Statements as of 31 July 2022 reflect the un-audited surplus carried forward from 2021/2022.

**Voting Requirements: Simple Majority**

RESOLVED OCM 117/2022

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 July 2022 which comprises:

- a) Statement of Financial Activity (Nature or Type);
- b) Net Current Funding Position, note to the financial report

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**Voting Requirements: Absolute Majority**

RESOLVED OCM 118/2022

- 2. AUTHORISE the establishment of a new Reserve Account – “Cambridge Reserve Development Reserve Account”, to manage and record all transactions related to the development project.
- 3. AUTHORISE to transfer \$536,500 funds from the Land and Property Enhancement and Maintenance Reserve account to the new reserve “Cambridge Reserve Development Reserve Account”.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (9/0)**

## 10.5.2. Debtors and Creditors Report for the period ended 31 July 2022

**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 July 2022 [<b>10.5.2.1</b> - 36 pages]</li> <li>2. Summary of Debtors for the month of July 2022 [<b>10.5.2.2</b> - 2 pages]</li> <li>3. Summary of Creditors for month of July 2022 [<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 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 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 to provide Council with the list of payments made from Municipal and Trust Fund Accounts in July 2022, 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 July 2022.
3. It is recommended that Council:
  - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in July 2022 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 July 2022.

## **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 July 2022 were \$403,415. This includes \$214,314 of current debts and \$10,684 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$73,022 debts of significance:
  - a) WA Local Government Association, \$36,496.33, Urban Canopy Grant;
  - b) Private Citizen, \$4,070, Fire Break – Reimbursement;
  - c) Forrestfield United Soccer Club, \$3,208.43, Utilities; and
  - d) Kalamunda District Netball Club, \$7,243.30, Hall Hire and Utilities.
8. Invoices over 60 days total \$84,420 debts of significance:
  - a) Department of Education, \$53,891.71, Kostera Oval shared usage;
  - b) Kalamunda & District Football Club, \$14,800, Reserve Hire and Utilities;
  - c) Kalamunda & District Rugby Union Club, \$10,710, Reserve Hire and Utilities; and
  - d) N-Com, \$3,316.84, Lease Fees.

9. Invoices over 90 days total \$42,343 debts of significance:
- a) Department of Education, \$29,090, Kostera Oval shared usage; and
  - b) Private Citizen, \$9,281.25, Fire Break – Reimbursement.

**Creditors**

10. Payments totaling \$7,498,782 were made during the month of July 2022. 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	\$
BOS Civil Pty Ltd	Progress claim payment – Central mall streetscape and Ray Owen Reserve carpark	936,249.40
LGIS WA	LGIS insurance installment 1 period 30 June 2022 – 30 June 2023	574,765.00
Australian Tax Office	PAYG payments	394,024.54
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	363,285.80
Cleanaway	Waste, recycling & bulk bin disposal services	294,286.48
Electricity networks Corp T/A Western Power	Design drawing for streetlight installation at Persimmon Place Kalamunda	238,047.00
Beaver Tree Services	General tree services – under powerlines pruning – various locations	229,212.68
AWARE Super Pty Ltd	Superannuation contributions	191,334.72
Dowsing Group Pty Ltd	Supply & lay concrete pathways, maintenance – various locations	158,528.18
Natural Area Management & Services	Supply & delivery of plants for winter planting – various locations, progress claim - Woodlupine Brook living stream upgrade, Juniper Way Forrestfield, Kadina Brook Reserve Gooseberry Hill	154,937.20
Synergy	Power charges – various locations	151,257.83

The Stainless Steel Monument Company Ltd T/A Artforms	Manufacture and installation of vitreous enamel signage	138,996.00
Kalamunda Electrics	Electrical repairs and maintenance – various locations	138,149.78
A Proud Landmark Pty Ltd	Deliver the annual street planting program 2022, Various works – Maida Vale reserve, Lenihan Reserve	124,393.94
West Tip Waste Control Pty Ltd	Tip fees – removal & processing of various waste	116,606.75
Western Australian Treasury Corporation	Loan installment repayment – loan number 221	96,590.44
Miracle Recreation Equipment	Supply, delivery, and installation of playground equipment at various locations	92,185.50
Hydroquip Pumps	Supply & installation of a new reticulation system at Dawson Park Forrestfield	84,154.00
A.D Coote & Co (Sheetmetal) Pty Ltd	Supply and delivery of sports lighting poles for Hartfield Park sports lighting upgrade – Rugby League & Soccer fields	64,702.00
Sifting Sands	Maintenance and cleaning at various reserves and playground areas	61,969.55
Protector Fire Services	Create & supply emergency evacuation diagrams - various locations	61,660.50
Cybercx Pty Ltd	Crowdstrike Falcon complete software annual subscription	60,804.15
Belgravia Health & Leisure Group Pty Ltd	Management fees – Kalamunda waterpark, the operating deficit for January to June 2022	60,419.70
Mckay Earthmoving Pty Ltd	Plant and equipment hire for various locations	58,302.36
Exteria Street & Park Outfitters	Delivery & installation of various park equipment -at various locations	57,081.20
Forpark Pty Ltd	Supply & installation of playground equipment at Juniper Reserve	57,006.40
Department of Planning, Land and	Deposit and preparation fee for the purchase of Cambridge Reserve	55,033.00

Heritage Operating Account (DAPS)		
OCE Corporate Pty Ltd – Office Cleaning Experts	Cleaning Services/ consumables for various locations	51,629.92

These payments total \$5,065,614.02 and represent 68% of all payments for the month.

**Payroll**

- 12. Salaries are paid in fortnightly cycles. A total of \$1,222,708.91 was paid in net salaries for the month of July 2022.
- 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 July 2022.

CELL 9		Amount (\$)
Date	Description	
27/07/2022	Robert G Wills – Project delivery for Hale Road Wattle Grove project, sign and line marking	2,167.50

**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> |
| Insignificant   | Possible          | 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>
	Insignificant	Possible	Low
	<b>Action/Strategy</b>		
	Ensure all disputes are resolved in a timely manner.		

**CONCLUSION**

26. Creditor payments are within the normal trend range.

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

RESOLVED OCM119/2022

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in July 2022 (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 (Attachments 2 &3) for the month of July 2022.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY (9/0)**

### 10.5.3. Rates Debtors Report for the Period Ended 31 July 2022

**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 July 2022 [ <b>10.5.3.1</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 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.

#### 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 2022/2023 on 1 July 2022 totalling \$41,664,711. As of 31 July 2022, \$5,473,430 has been collected for current and prior year outstanding rates for the 31 July 2022 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of July 2022 (Attachment 1).

**BACKGROUND**

4. Rate Notices were issued on 15 July 2022 with the following payment options available:

<b>Options</b>	<b>Payment Dates</b>			
Full payment	19 August 2022			
Two instalments	19 August 2022	23 December 2022		
Four instalments	19 August 2022	21 October 2022	23 December 2022	24 February 2023

**DETAILS AND ANALYSIS**

5. A total of 23,828 notices were issued on 15 July 2022. This consisted of 20,773 mailed rate notices, and 3,055 eRates notices. Rates Levied and Collectable for the 2022/2023 Financial Year currently total \$44,277,751.
6. As of 31 July 2022, a total of \$5,473,430 has been collected since Rates Notices were released, representing a collection rate of 12.63%.
7. Herewith the selected payment options taken up by ratepayers. Note the instalment options are not yet due until 19 August 2022.

<b>Option</b>	<b>Description</b>	<b>Number</b>
Option 2 on Rate Notice	Two instalments	n/a
Option 3 on Rate Notice	Four instalments	n/a
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	218
Direct Debit	Payment to be received by April 2023	57
Total	Ratepayers on payment options	275

8. Interim rating has not yet commenced for 2022/2023. This will commence after the first due date for payment has passed which is 19 August 2022.

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 improvement purposes. For the period 1 July 2022 to 31 July 2022, there was a total of 554 incoming calls and 121 outgoing calls, equating to 27.06 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 will be undertaken by AMPAC.

### **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 “a smarter way to pay” direct debit option 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 the take up of eRates, 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>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
Ensure debt collections are rigorously maintained.		

**CONCLUSION**

21. With a current collection rate for the financial year of 12.63% (compared to 7.89% last year), the City continues to effectively implement its rate collection strategy.

**Voting Requirements: Simple Majority**

RESOLVED OCM120/2022

That Council RECEIVE the Rates Debtors Report for the Period ended 31 July 2022 (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

**10.5.4. Bush Fire Advisory Committee - 21 July 2022 Meeting Minutes - Western Australian Local Government Association Proposed Advocacy Position on Arrangements for Management of Volunteer Bushfire Brigades**

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

Previous Items	OCM211/2020
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	EM7
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Minutes BFAC AGM 21 July 20222 [10.5.4.1 - 59 pages]</li> <li>2. WALGA - Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position [10.5.4.2 - 14 pages]</li> </ol>

**TYPE OF REPORT**

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

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

**Priority 1: Kalamunda Cares and Interacts**

**Objective 1.3** - To support the active participation of local communities.  
**Strategy 1.3.1** - Support local communities to connect, grow and shape the future of Kalamunda.

## EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the matters raised for Council consideration by the Bush Fire Advisory Committee (BFAC) at its meeting on 21 July 2022.
2. The meeting minutes are provided as Attachment 1. Importantly, the meeting recommended the following:
  - a) Council consider comments from the BFAC Meeting on the Western Australian Local Government Association (WALGA) proposed advocacy position on arrangements for the management of volunteer bushfire brigades.
  - b) It is recommended that Council consider the comments from BFAC before a response is provided to WALGA. This feedback will inform a final position to be considered by the WALGA State Council in September 2022.
  - c) Acknowledgment of the individual Volunteer Leadership Service.
  - d) The Bush Fire Brigade provided statistics for the previous year as part of the BFAC Annual General Meeting.
  - e) Considered the establishment of the Pickering Brook Bushfire Brigade and provided a recommendation to Council to support the establishment of the brigade.
3. Further investigations are underway in relation to cost estimates and potential funding opportunities in relation to the Pickering Brook Bushfire Brigade Station. A further report will be provided to Council in relation to this matter with more detailed information regarding the establishment of the volunteer membership, costs and potential funding sources.
4. Council is recommended to:
  - a) Note the City of Kalamunda: Bush Fire Advisory Committee responses to the Western Australian Local Government Association proposed advocacy position on arrangements for the management of volunteer bushfire brigades.
  - b) Endorse the City of Kalamunda's responses to the Western Australian Local Government Association proposed advocacy position on arrangements for the management of volunteer bushfire brigades as outlined in this report and forward the comments to the Western Australian Local Government Association for consideration.

- c) Request the Chief Executive Officer to write to David Stewart, John Idland, Andrew Haselden and Andrew Stubbs acknowledging their efforts, service and commitment to the City of Kalamunda community.
- d) Requests the Chief Executive Officer to write to the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service acknowledging their efforts, service, and commitment to the City of Kalamunda community.
- e) Note the hours of commitment by the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service.

## **BACKGROUND**

- 5. Council established BFAC under Section 67 of the Bush Fires Act 1954 and Under Section 5.8 of the Local Government Act 1995 including its Terms of Reference (ToR).
- 6. BFAC formulates, for Council consideration, recommendations on policy and matters relating to bush fire prevention, control and extinguishment.
- 7. BFAC met on 21 July 2022 and provided a series of recommendations for Council's consideration. A summary of these matters and recommendations is outlined in Attachment 1.

## **DETAILS AND ANALYSIS**

- 8. Western Australian Local Governments have extensive roles and responsibilities embedded in the State Emergency Management Framework across the emergency management spectrum including prevention, preparedness, response, and recovery.
- 9. Under the Bush Fires Act 1954, Local Governments have responsibility for some aspects of bushfire management and the management of Volunteer Bush Fire Brigades (BFBs).
- 10. As part of WALGA's 2021 Emergency Management Survey, Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback:
  - a) 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
  - b) 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

11. The State Government is currently drafting the Consolidated Emergency Services Act (CES Act), which seeks to bring together the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998 into a single piece of legislation, anticipated to be released as a Green Bill for consultation in early 2023.
12. The introduction of the new Work Health and Safety Act 2020 (WHS Act) has also highlighted Local Government responsibilities for managing volunteer BFBs. The WHS Act makes clear that the responsibility for volunteer safety rests with Local Governments.
13. Based on the feedback received from Local Governments in the WALGA Emergency Management Survey and the other considerations outlined above, WALGA made evident that they support a hybrid model for the management of BFBs.
14. A hybrid model enables the continued management of BFBs by those Local Governments with capacity, capability and resources to do so, while also providing a framework for the transfer of the management of BFBs to the State Government where a Local Government does not.
15. **BFAC Position on the WALGA Position Paper Consultation**  
WALGA posed 6 questions for Local Governments to consider. The following was addressed by the BFAC, with BFACs summary comments to each question.
16. **Does your Local Government manage BFBs?**  
Yes.
17. **Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?**  
In principle, BFAC supports this stance, especially for those local governments that do not have the resources or capability to manage the needs and requirements of its volunteer brigades.
18. **Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?**  
BFAC supports the establishment of a Rural Fire Service in support of Recommendation #15 from the "Report of the Special Inquiry into the January 2016 Waroona Fire" (Ferguson Report).
19. For Local Government to maintain bushfire brigades, resources need to be apportioned in a physical and financially appropriate manner that is commensurate to the risks associated with the area. An example is enabling changes to the allocation of funds and the easing of current

restrictions on purchases under the Emergency Services Levy. These constraints have previously presented difficulties in obtaining funding to support the brigades in delivering their service.

20. **For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?**

Whilst BFAC do not have a position on this, consultation with the Kalamunda Volunteer Bush Fire Brigade indicates most of the membership supports maintaining the status quo.

21. **Is your response endorsed by Council? If so, please include the Council paper and resolution.**

The matter was presented to BFAC and Council.

22. **Do you have any further comments to make?**

BFAC members noted this is an opportunity for Local Governments to drive Ministers and the State Government to determine the future of bush fire management in Western Australia.

23. BFAC noted that there is not a division currently within the DFES structure that could accommodate the direct transition of many Bush Fire Brigades from Local Governments to DFES. If a Rural Fire Service or a separate division were available, there may be more appetite for local volunteers to move to a State Government managed department.

24. It was noted that the Kalamunda Volunteer Bush Fire Brigade members are categorically in objection to moving to DFES under its current structure. Note that if a Rural Fire Service were established and running, this position may be different.

25. **City of Kalamunda Response to BFAC Position and the WALGA Position Paper**

The City has considered the questions posed by WALGA having regard for BFAC's responses and provides the following responses for consideration by Council.

26. **Does your Local Government manage BFBs?**

Yes.

27. **Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?**

In principle, the City supports the hybrid position. Each local government area is different, especially in a rural / metropolitan context and it is a matter for local governments to determine in consultation with their volunteers and Council.

28. **Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?**

The City supports the establishment of a Rural Fire Service in support of Recommendation #15 from the "Report of the Special Inquiry into the January 2016 Waroona Fire" (Ferguson Report).

29. The City invests significant resources into the management, infrastructure and support services that go into providing a volunteer bushfire brigade. Some of the costs and resources include but are not limited to:

- a) Staff resources and training.
- b) Financial management through collection of the Emergency Services Levy.
- c) Vehicle / fleet management, maintenance and service.
- d) Building management and maintenance.
- e) Relevant volunteer insurances.

30. While the community benefits of providing a volunteer brigade justify the investment, it is also noted that the volunteer brigade services areas beyond just the City's boundaries. It is not unusual for City volunteer brigades and City staff to be called out in other local governments in the metropolitan and outer rural areas along with incidental interstate secondments.

**For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?**

31. Given the wide coverage provided by the brigades, it justifies State Government management. However, this must be undertaken in an appropriate setting, under agreeable circumstances and with the correct level of resources and expertise.

32. The establishment of a Rural Fire Service in consultation with volunteers, local government and other relevant stakeholders is a proposition that requires significant resources and leadership. However, it is worthy of further investigation.

33. Under current structural arrangements, the City is not supportive of transferring responsibility to the State Government. However, this position may change if an appropriately resourced and managed Rural Fire Service was established.

**Is your response endorsed by Council? If so, please include the Council paper and resolution.**

The matter was presented to BFAC and Council.

34. **Do you have any further comments to make?**

The City has significant concern with the replacement timeframes and process for renewal of brigade fleet vehicles. This issue has been expressly put by the City's Council to the Minister for Emergency Services.

35. The City also has concerns with cost recovery associated with the Emergency Services Levy. It is noted that the Emergency Services Levy only covers State Government costs and does not incorporate local government costs outlined in this report. The Emergency Services Levy should extend to local government costs that are not covered by the Local Governments Grants Scheme including but not limited to:

- a) Staff resources and training.
- b) Financial management through collection of the Emergency Services Levy.
- c) Vehicle / fleet management, maintenance and service.
- d) Building management and maintenance.
- e) Relevant volunteer insurances.

36. In addition, within the provisions of the WHS Act, the City has responsibility to volunteer firefighters. A key concern is in relation to equipment, training and resources provided to volunteer firefighters as this is largely managed by the State Government and any perceived inadequacies, in this regard, may fall back upon the City for rectification.

37. While it is acknowledged that each incident needs to be assessed on the particulars of the incident, the way bushfire volunteer responsibility is apportioned, needs to be clearly expressed and shared proportionally between both State and local governments having regard for roles and responsibilities. This is particularly relevant as it relates to the provision of equipment, training and resources.

### **Acknowledgement of Leadership and Service**

38. Acknowledgement of Individual Volunteer Leadership Service to the following BFB members:
- a) Captain - David Stewart
  - b) 1st Lieutenant - John Idland
  - c) 2nd Lieutenant - Andrew Haselden
  - d) Equipment Officer- Andrew Stubbs
39. The Kalamunda Volunteer Bush Fire Brigade presented their statistics for the previous 12 months as part of the Annual General Meeting. The KVBFB have committed 10,155 hours of volunteer time in the 2021-2022 financial year.

### **APPLICABLE LAW**

40. Section 67 of the Bush Fires Act 1954
41. Section 5.8 of the Local Government Act 1995.

### **APPLICABLE POLICY**

42. N/A

### **STAKEHOLDER ENGAGEMENT**

43. The City has engaged through its BFAC with the leadership of the KVBFB having undertaken engagement with its member base.

### **FINANCIAL CONSIDERATIONS**

44. The City invests significant resources into the management, infrastructure and support services that go into providing a volunteer bushfire brigade. Some of the costs and resources include but are not limited to:
- f) Staff resources and training.
  - g) Vehicle / fleet management, maintenance and service.
  - h) Building management and maintenance.
  - i) Relevant volunteer insurances.

### **SUSTAINABILITY**

45. The service that the volunteer organisations provide for the broader community is an important component of the City's social fabric and is a significant mitigating factor to a drying and changing climate.

**RISK MANAGEMENT**

46.

<b>Risk:</b> The City does not provide comments and advocacy positions are established by WALGA that do not align to the position of BFAC or Council.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Provide Council the opportunity to form a position and communicate that to WALGA.		

47.

<b>Risk:</b> A work health and safety issue occurs with a volunteer bushfire fighter as a result of inadequate resources being provided through State Government managed funding sources resulting in the City’s insurance covering the incident and increasing premiums.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
State Government clarify roles and responsibilities regarding the WHS Act to ensure there is no ambiguity in the responsibility for the health and safety of volunteers.		

**CONCLUSION**

48. It is recommended that Council formally acknowledge the efforts of the brigade and individuals for the past year and notes the comments and submission in relation to the WALGA proposed advocacy position regarding the management of volunteer Bush Fire Brigades.
49. While the BFAC minutes recommend that Council “*establish the Pickering Brook Volunteer Bush Fire Brigade under section 41 (1) of the Bush Fires Act 1954*” and the City supports this recommendation, further investigations are underway in relation to cost estimates and potential funding opportunities in relation to the Pickering Brook Bushfire Brigade Station at George Spriggs Reserve.
50. It is appropriate that these matters are appropriately investigated and reported to Council at the same time as formally establishing the Pickering Brook Brigade.
51. A further report will be provided to Council in relation to this matter with more detailed information regarding the establishment of the brigade, costs and potential funding sources.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM121/2022

That Council:

1. NOTE the City of Kalamunda: Bush Fire Advisory Committee responses to the Western Australian Local Government Association proposed advocacy position on arrangements for the management of volunteer bushfire brigades.
2. ENDORSE the City of Kalamunda's responses to the Western Australian Local Government Association proposed advocacy position on arrangements for the management of volunteer bushfire brigades as outlined in this report and FORWARD the comments to the Western Australian Local Government Association for consideration.
3. REQUEST the Chief Executive Officer to write to David Stewart, John Idland, Andrew Haselden and Andrew Stubbs acknowledging their efforts, service and commitment to the City of Kalamunda community.
4. REQUEST the Chief Executive Officer to write to the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service acknowledging their efforts, service, and commitment to the City of Kalamunda community.
5. NOTE the hours of commitment by the Kalamunda Volunteer Bush Fire Brigade, Kalamunda State Emergency Service and the Kalamunda Volunteer Fire and Rescue Service.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

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

11.1 Nil.

**12. Questions by Members Without Notice**

12.1 Climate Change Emergency Declaration (Cr Sewell)

Q. Can an update be provided as to the expected timeframe for this to come back to council.

A. There were a number of submissions which require analysis and over 80 survey responses. The community consultation report is currently being completed. KESC will consider in September and endorse in October. The final report will be presented to council by end of the calendar year.

**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 122/2022

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

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting closed to the public at 7:17pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2            RESOLVED OCM 124/2022

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

Moved: **Cr Kellie Miskiewicz**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The Meeting reopened to the public at 7:30pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

**16.            Tabled Documents**

BFAC AGM Minutes 21 July 2022

ROSCMC - Minutes - 4 August 2022

Public Agenda Briefing Forum – 9 August 2022

Kalamunda Environmental and Sustainability Advisory Committee Draft Minutes-11 August 2022

**17.            Closure**

There being no further business, the Presiding Member declared the Meeting closed at 7:31pm.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2022.