



Ordinary Council Meeting

MINUTES

Tuesday 26 September 2023

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1. Official Opening

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

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina

Janelle Sewell

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

North Ward

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Gary Ticehurst - Director Corporate Services

Executive Team

Sinead McGuire/Director Asset Services

Nicole O'Neill - Director Community Engagement

Nathan Ritchie - Director Development Services

Management Team

Chris Lodge - Manager Strategic Planning

Regan Travers - Manager Approval Services

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 6

Members of the Press Nil.

Apologies

Cr Dylan O'Connor

Cr Sue Bilich

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Michael Ryan, High Wycombe

Q1. MTS amendment for Stage 3 and the local scheme rezoning they were completed in July 2014 so the land was changed to industrial development on or before 10 July 2014 that's what the email says, were just trying to find out what happened from then on because how did it finish up back as rural? What happened?

A1. The request initiated by the City and approved by Council in June 2013 to amend the Metropolitan Region Scheme (MRS) pertaining to the area identified as Stage 3 of the then planned Forrestfield/High Wycombe Industrial Area from Rural to Urban was continued by the Western Australian Planning Commission under MRS amendment (ref 1282-57). The only other MRS amendment that proceeded prior to June 2013, was MRS amendment ref 1198/57 which related to Stage 1 of the Forrestfield/High Wycombe Industrial Area which rezoned to the land from Rural to Urban and was approved by the Minister for Planning and gazetted in April 2011.

Q2. Is about the same email. It talks about a reply being sent to someone else, I didn't think it was the Department of planning I thought it was someone external from the government it seems like the City's officer she had forwarded something a few days earlier to another person and id just like to know what were those details, it seems to talk about the rezoning of our land but once again if it's about our land why can't we see what the comments were.

A2. The information contained in the redacted email from the Western Australian Planning Commission dated 10 July 2014 which stated that the MRS and Local Planning Scheme amendments related to Stage 3 had been completed was incorrect. As advised previously, the MRS and Local Planning Scheme amendments for Stage 3 were approved after 2014 in February 2016 and September 2018, respectively.

3.1.2 Domonic Furfaro, High Wycombe

Q1. Has the LSP been finalised and signed off on.

A1. The Western Australian Planning Commission's (WAPC) approval of the Residential Precinct Local Structure Plan – Amendment No. 1 was confirmed on 25 August 2023.

- Q2 Where are we at with the DCP for this area
- A2 Amendment 113 to Local Planning Scheme No. 3 (Amendment 113), which proposes to introduce the High Wycombe South Development Contribution Plan, was considered by the Council on 18 April 2023. At this meeting the Council resolved to proceed with Amendment 113 for the purposes of commencing public advertising.
- Prior to the City commencing the formal advertising process, confirmation is required from the WAPC that Amendment 113 and supporting documentation is suitable for advertising.
- The Department of Planning, Lands and Heritage (DPLH) on behalf of the WAPC are continuing to examine documents associated with Amendment 113, prior to public advertising occurring. While it is beneficial for this process to occur in a timely manner, a thorough review will provide greater confidence in the supporting documents and approach as it progresses to public advertising and will likely speed up the latter stages of processing Amendment 113 to Ministerial Approval.
- The progression of the High Wycombe South Development Contribution Plan (DCP) remains a high priority and the City is actively seeking to progress the matter with the Department of Planning, Lands and Heritage to enable public advertising to commence.
- Q3 The area being there was three stages and was going to be industrial development in stage one you've got properties selling for over \$400 a square meter plus DCP and the residential is valued at \$125-150 plus DCP a sqm so who covers the differential in the value of the land because the owners there have lost a considerable amount of money because of you can say its not the shires fault that the government decided to put the train station there but for 10 years since 2004 the shires been working on industrial you've got all the paperwork and all the design guidelines for industrial and all that and within the click of the fingers we get railroaded pretty much who covers all that?
- A3 The historical context surrounding the strategic land use planning in High Wycombe South is acknowledged. Ultimately the fair market value of land will depend on the motivations of a willing buyer and willing seller, and the value depends on the valuation methodology adopted. The City is progressing actions to establish the planning framework – the Local Structure Plan and Development Contribution Plan – to provide greater certainty for landowners and other stakeholders, with a view of facilitating urban development in the precinct.

Q4 My land, ive got 30,000sqm and on the DCP you've asked for a \$75 per sqm DCP roughly that equates to 2.3 million dollars that a developer would have to stump up before he digs a hole on my property. We the land owners and I've spoken to nearly 100% of them want a \$0 DCP is that something you could speak to the government and push on our behalf to make this happen because there is just a white elephant and you know exactly what I'm talking about because no body is using that train station and by the time any sort of development happens down there its going to be what 20 years.

A4 The coordinated collection of contribution and delivery of infrastructure is required given the need for new and upgraded roads, parks and drainage areas to meet the needs of urban development in the High Wycombe South Precinct. The purpose of the DCP is to coordinate the equitable sharing of costs for infrastructure that is reasonably required by development and subdivision in a prescribed area.

The Council's resolution on 18 April 2023 included (in part) the following:
"6. REQUEST continued support and cooperation from the Department of Planning, Lands and Heritage to finalise Amendment 113 and the Development Contribution Plan, to ensure an understanding of the need to minimise the costs and maintain the rate within the recommended Development Contribution Plan Analysis range."

Q5 Has our properties been made more valuable then that date in 2014 from industrial to residential

A5. The area within the Residential Precinct Local Structure Plan was never formally rezoned to enable industrial development. Refer to the response regarding land value to question 3 above. It is acknowledged that land values for industrial zoned land in this area are higher than englobo urban land values.

Q6 Why with the change to residential was the airport disagreed to the changes to residential with the changes to the new runway proposed runway that's going to be put in because of the flight mounts taking off and landing more then 40 I think is there cut off and they disagreed with residential why did the shire push on with this and with the government and you could say your only following what the government says.

Why is there no buffer zone on sultana road with the industry that's there and you know in a special council meeting on 23 April 2012 you discussed the zoning table to be modified for that area for logistics centre and technology premises development and the like which would have no impact in the vicinity by reason of the emission of noise odour steam smoke and vapor why have developments been progressed and been let to happen that this does not abide by?

A6 The City continues to investigate land use activities on Sultana Road West and more broadly in the Forrestfield High Wycombe Stage 1 Industrial Area, to ensure all approved light industrial activities are fully compliant with conditions of their respective development approvals. To that end, the City has investigated and is monitoring several development sites.

Q7 Part B of that question is that really it is ludicrous to suggest that your going to have a residential area next to that industry without a buffer zone on the DCP or the LSP it shows that its R40 in that area with no buffer zone so what is being addressed on that?

This matter was considered as part of the 24 May 2022 Ordinary Council Meeting (item 10.1.1).

A7 The approved LSP includes provisions to control noise and light industrial interface management for residential land uses on Sultana Road West (refer to Table 3 of the LSP- Conditions of Subdivision and Development in Items 5 and 21 respectively). Additional modifications to Table 3 were recommended in the context of submissions received, for an acoustic assessment and management plan for Item 5, and broader interface management measures, including built form outcomes for Item 21, to ensure outcomes at the development stage are based on quantified needs.

3.2. Public Question Time

3.1 Michael Ryan, High Wycombe

Q. The new parallel runway will be adjacent to Abernethy Road. Some two (2) kilometres closer than now. The proposed new residential precinct, High Wycombe South, will need multiple forms of protection from the big increase in aircraft noise. The Commonwealth has rights under the Airports Act 1996 and COAG 1997 to manage aviation airspace at Perth Airport. This extends to overturning the planning decision that changed Stage 3 light industry to residential. Does the City agree?

A. Taken on Notice

3.2 David Downing, High Wycombe

Q. In reference to Item 10.6.7 Wattle Grove Cell 9 – Infrastructure Cost Sharing Arrangements – 2023 Review – Adoption for Public Advertising What has changed in relation to Public Open Space in Wattle Grove to lead to the lots proposed no longer being required as indicated in February 2023?

A. The City understands that the Water Corporation has been allocated funding for the sewer trunk main along Milner Road to Sultana Road West for High Wycombe South, however the timing of the infrastructure delivery has yet to be confirmed by the Water Corporation. Notwithstanding, the time extension for the Development Contribution Plan (DCP) is a response to all outstanding infrastructure items and undeveloped sites with the Forrestfield/High Wycombe Stage 1 Industrial Area. Paragraph 27 acknowledges the status and opportunities for effective delivery of Milner Road upgrades, and potential elevated priority for sewerage infrastructure as a priority for both the Residential Precinct and TOD Precinct. The City of Kalamunda will continue to work with the Department of Planning, Lands and Heritage, DevelopmentWA and the Water Corporation regarding infrastructure delivery.

Q Paragraph 27 of Item 10.6.6. Forrestfield High Wycombe Industrial Area: Development Contribution Plan 2023 Annual Review indicates the timing of the upgrade of Milner Road maybe delayed by the Water Corporations planning of major upgrades to sewage infrastructure. What is the suggested timeframe for the construction of the sewer? Have any of the landowners in High Wycombe south been advised of the planned sewer?

A. The City has been advised of potential delays, through liaison with Water Corporation in relation to design and delivery of infrastructure, however delivery of the infrastructure is on Water Corporations schedule and no advice on timing has been provided to the City's knowledge.

Q. How does this tie in with the extension to Stage One?

A. Taken on Notice

3.3 John Curtis, Forrestfield

Q. What is the City's plan of action in relation to the flooding which has occurred at the intersection of Berkshire Road and Ilex Way?

A. Taken on Notice

4. Petitions/Deputations

4.1 A deputation was received from Vickie Laurie regarding Item 10.1.2 Draft Local Biodiversity Strategy 2023. Ms Laurie spoke in support of the document and was supportive of an alternative motion to be presented to the meeting by Cr Ritchie.

- 4.2 A deputation was received from Nature Reserves Preservation Group (NRPG) regarding Item 10.1.2 Draft Local Biodiversity Strategy 2023. As no representative from the NRPG was available to attend the meeting the deputation was read by the Presiding Member. The deputation spoke in support of the document and was supportive of an alternative motion to be presented to the meeting by Cr Ritchie.

5. Applications for Leave of Absence

- 5.2 Nil.

6. Confirmation of Minutes from Previous Meeting

- 6.1 RESOLVED OCM 120/2023

That the Minutes of the Ordinary Council Meeting held on 22 August 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

7. Announcements by the Member Presiding Without Discussion

- 7.1 Retirement Former Manager Approval Services

The Council would like to acknowledge and thank Andrew Fowler-Tutt for his 22 years and 7 months of service with the City of Kalamunda.

Andrew commenced with the City in 2001 as a Planning Officer working his way up to Manager Approval Services in 2016 to 2023.

I would like to sincerely thank Andrew for his service to Kalamunda, his commitment to the role, his work ethic is to be commended.

Congratulations on everything you have achieved in your time at the City Andrew.

We wish you the best for his retirement.

- 7.2 As we wrap up another eventful month, I wanted to take a moment to reflect on the incredible experiences and moments we've shared as a community. It's been a month filled with community visits, outreach and heartwarming support from our residents.

One of the highlights was my visit to Kalamunda Christian School, where I had the pleasure of meeting some remarkable Year 6 students who not only participated in but triumphed at the Tournament of the Minds competition. Their journey to the international finals in Melbourne is a testament to their dedication, and I wholeheartedly wish them the very best.

My visit to Kalamunda Primary School left me in awe of the students' remarkable achievements. Their enthusiasm and passion for learning are truly inspiring and bode well for our future.

I had the privilege of joining Maida Vale Primary School's fundraiser for new football goals. I'd like to extend my gratitude to the City officers from the Youth team, Amberley and Bryzlyn, for their unwavering commitment and for organising the BBQ, making the event even more enjoyable.

Celebrating the talent within our community, I announced the prize winners at the 2023 Young Artist Awards and inaugurated the Medley of You exhibition at the Zig Zag Gallery. The overwhelming number of exceptional entries showcased the vibrant arts scene in our city. I encourage everyone to visit the gallery and explore the overflow exhibition at the Kalamunda Library.

Continuing the theme of celebration, I had the honour of attending the 2023 Perth Hills Wine Show and presenting one of the awards. This event served as a reminder of the outstanding wines that our region produces.

As we prepare for warmer weather and the approaching summer season, I joined the Bushfire Ready Coordinators Opening Workshop, where I was pleased to see so many residents taking proactive steps to ensure their safety and readiness.

8. Matters for Which the Meeting may be Closed

8.1 10.6.8 2022 Federal Election Campaign Funding Outcomes

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

8.2 10.7.2 A&R 9.3.1 External Audit – Interim Findings for the year ending 30 June 2023

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety".*

8.3 10.7.3 A&R 9.3.2 Local Government (Audit) Regulations 1996 – Outcome of Regulation 17 Review

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety"*

8.4 10.7.4 A&R 9.3.3 Internal Audit Report August 2023

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (f) - "a matter that if disclosed, could be reasonably expected to - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety".*

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 Gary Ticehurst declared a Direct Financial Interest on Item 14.1. Mr Ticehurst is recommended to be appointed the Acting Chief Executive Officer.

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 Nil.

10. Reports to Council

10.1. Development Services Reports

10.1.1. Cell 9 Outline Development Plan (ODP) Amendment for Adoption

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

Previous Items	OCM 279/2021, OCM 75/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	City of Kalamunda
Owner	G B Fuller

Attachments	1. Proposed Amendment to the Cell 9 Outline Development Plan [10.1.1.1 - 1 page]
	2. Submission Table [10.1.1.2 - 12 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), for final approval following advertising as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove, designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. In February 2023, (OCM 22/2023) Council resolved to adopt the ICSA review for Cell 9 for the purpose of public advertising. The item is listed for adoption at the September 2023 OCM. The review allocated \$302,777 for improvements to the Willow Lake POS. The funding allocation has meant the funds arising from the proposed the Cell 9 modification are no longer required.
4. Having regard to Point 3 above, it is recommended the Council not approve the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan for 44 St John Road.

BACKGROUND

5. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.
6. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the "Cell 9 Infrastructure Cost Sharing Arrangement" (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
7. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.

8. There are three parcels of POS yet to be acquired through the Cell 9 ICSA, these are located at Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
9. Having determined through the review that there was a surplus of POS designated in the Cell 9 ODP area, the City reviewed the Cell 9 ODP with consideration to the drainage and servicing implications of modifying the layout. The review resulted in a recommended layout outlined in Appendix C of Attachment 1.
10. Having considered the recommendations, the City commenced the preparation of an amendment to the Cell 9 ODP to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
 - a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).
 - b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
 - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
 - d) Provide additional housing opportunities within the Cell 9 ODP area.
 - e) Promote active street frontages and surveillance of POS.
11. The consolidation of POS at the subject site will also result in a reduction in land acquisition costs under the Cell 9 ICSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA. The additional funds, subject to Council approval at the annual Cell 9 ICSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICSA for improvement.
12. In June 2022, (OCM 75/2022) Council resolved to defer consideration of the proposed modification to the Cell 9 Outline Development Plan.

Details and Analysis

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

14. Existing ODP Designation



15. Proposed ODP Designation



16. The proposed modification to the Cell 9 Outline Development Plan results in a reduction in land (POS) acquisition costs under the Cell 9 ICSA, and will increase the dwelling yield, potentially 10 additional lots, in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA.

17. The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the City's POS Strategy. One of the primary objectives of the POS Strategy is to "optimise the use of the City's resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high-quality POS over quantity".
18. The reduction in surplus POS would enable the Cell 9 ICSA funds that would have been used for the acquisition of land, to be reallocated and used for the improvement of existing and future POS within the Cell 9 ODP area.
19. At the time the proposed modification to the Cell 9 Outline Development Plan was prepared, there was no funding available under the ICSA to deliver upgrades to POS. This has since changed with annual ICSA review scheduled for the September 2023 OCM, now including costs enabling improvements for three POS sites including Willow Lakes, making the planned expenditure arising from the modifications to the Cell 9 Outline Development Plan redundant.

APPLICABLE LAW

20. City of Kalamunda Local Planning Scheme No.3 - Schedule 11 (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.
21. Planning and Development (Local Planning Scheme) Regulations 2015 Under Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).
22. cl29 (2) outlines the procedure to be undertaken to amend an LSP, and cl29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
23. Cl19(1) and 20(1)(2) of the Regulations the Local Government is required to consider submissions made to the structure plan amendment and provide a response to the Western Australian Planning Commission with its recommendation.

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

27. The proposed amendment was advertised for a period of 42 days in accordance with cl29 (2) and 18 of the Regulations. Advertising of the proposed amendment involved the following:
- a) Letters were sent to landowners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed LSP.
 - b) A copy of the documentation was available at the City's Administration Office during normal business hours.
 - c) Comment was sought from relevant public authorities and utility service providers.
 - d) An A0 sign was placed out the front of the subject site for the duration of the advertising period.
 - e) The proposal was published on the City's website.

28. The City received 16 submissions on the proposal. Five submissions were in support, 10 submissions were objections and one a comment only on the proposal. Four of the submissions received were from relevant public authorities including Perth Airport, the Water Corporation, the Department of Fire and Emergency Services (DFES) and the Department of Education. Submissions can be viewed at Attachment 2.
29. The submissions received from the community objecting to the proposal raised the following key concerns:
- a) The proposed modification will result in the clearing of native bushland.
 - b) The current condition of the existing POS being poorly maintained and has a lack of facilities/play equipment.
 - c) The reduction of POS in the area will not be sufficient to cater for the increased number of dwellings/residents.
 - d) Increasing the number of dwellings will result in increased traffic volumes.
30. **a) Clearing of native bushland**
The portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation and can be best described as a paddock or grassed area. The area currently identified for public open space has no identified ecological value. The redesignation of the Tomah Road Reservation to POS and the portion of the subject site from POS to Residential R20 will enable sufficient use of land within the Cell 9 ODP area creating a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
31. **b) Current condition of POS within the area**
A key concern raised throughout the submissions was the current condition of the existing POS to the north of the subject site (Willow Lake Estate). Willow Lake Estate is currently graded as a C grade reserve under the City's POS Strategy, which means the reserve is currently rated relatively low in its location, usage value, care and maintenance and environmental value.
32. It is acknowledged that the current condition of the Willow Lake POS requires funding allocation through the ICSA to enable infrastructure improvements.
33. **c) The reduction of POS**
Whilst the proposed modification seeks to reduce the amount of POS prescribed under the original proposed Cell 9 ODP, the reduction of POS is considered minor in the context of the overall public open space allocated in the structure plan. The current amount of POS within the Cell 9 ODP

area has been calculated at 15.29% in excess of the 10% required under Liveable Neighbourhoods. The amendment proposes to reduce the POS within the Cell 9 ODP area from 29.4825 ha to 29.1132 representing a 0.19% reduction.

34. **d) Increased traffic volumes**

The proposed amendment has been supported by an independent planning report (refer attachment 1) which outlines that the anticipated change to the total daily traffic volumes associated with the amendment is minimal.

35. It is estimated that this proposal will generate an additional 8 vehicular movements during peak periods based on the Western Australian Planning Commission's (WAPC) Transport Impact Assessment Guidelines Volume 3 – Subdivision which can be accommodated through the local road network.

36. **Water Corporation Submission**

The Water Corporation's submission outlined concerns regarding the concept plan not appropriately accounting for the relocation of the open drain into the subdivision area and that the layout concept does not indicate any POS or compensating basins within the subdivision to attenuate drainage flows within the development site. The open drain currently runs along the unconstructed Tomah Road Reserve before crossing into the Tomah Swamp.

37. The City directly liaised with the Water Corporation regarding the relocation of the open drain and it was determined that the relocation or piping of the open drain can be addressed during the subdivision stage with the provision of an Urban Water Management Plan (UWMP). Water Corporation advised that the developer will need to pipe the open drain for public safety reasons. Preliminary drainage modelling indicates that a 1,200mm reinforced concrete drainage pipe would be needed to meet Water Corporation Drainage Licence requirements.

38. The proposed piped drainage solution is consistent with other drainage solutions throughout the Cell 9 ODP area.

39. **Perth Airport Submission**

Perth Airport raised concerns pertaining to the impact of future Aircraft Noise Exposure Forecast (ANEF) contours on the site. Noting that the site currently does not fall within ANEF contours, the City acknowledges that the site may be subject to ANEF contours changes in the future with the development of Perth Airports new runway. Development of the site will be consistent with the density of the surrounding area that is subject to

the same airport noise. The amendment will result in a minor increase in dwellings.

40. Perth Airports submission recommended the following conditions should the proposal be approved:
- a) Dwellings are to be constructed to meet Australian Standard AS2021:2015 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and
 - b) A notification be placed on the Certificate of Title informing prospective landowners of potential aircraft noise impacts; and
 - c) A full aircraft noise impact assessment of the ODP area be undertaken.
41. At subdivision stage, the abovementioned recommendations will be taken into consideration including a full assessment against SPP 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) will be undertaken to determine relevant conditions to be imposed on the subdivision.

FINANCIAL CONSIDERATIONS

42. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.
43. Factoring both the reduction in acquisition costs and the increase in contributions, the Amendment could create approximately \$1 million in funds for POS improvements.
44. Through the ICSA review scheduled for adoption at the September 2023 OCM, the City is proposing to utilise ICSA funds to the amount of 302,777 for POS infrastructure which will deliver improvements to the Willow Lake POS.

SUSTAINABILITY

45. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.
46. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City's engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.

47. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

RISK MANAGEMENT

48.	Risk: The ICSA has insufficient funds to undertake works in Willow Lakes POS.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Undertake regular reviews of the ICSA to ensure there are sufficient contributions to cover the cost of the POS improvements.		

CONCLUSION

49. In conclusion, the primary drivers behind this ODP amendment area are:
- a) The efficient designation and use of land within Cell 9,
 - b) The efficient use Cell 9 ISCA funds (formerly known as Cell 9 GDS funds); and
 - c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.
50. It is acknowledged that the proposed amendment will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community. However, the ICSA review scheduled for September 2023 OCM is recommending the allocation of \$302,777 for improvements to the Willow Lake Reserve which means the planned expenditure arising from the modifications to the Cell 9 Outline Development Plan is no longer required.
51. Having regard to the above, it is recommended that Council not support the proposed modification to the Cell 9 Wattle Grove Outline Development Plan as shown in Attachment 1 and forward the recommendation to the Western Australian Planning Commission for determination.

Voting Requirements: Simple Majority

RESOLVED OCM 121/2023

That Council:

1. NOTE the submissions received on the modification to the Cell 9 Outline Development Plan as shown in Attachment 1.
2. RECOMMEND to the Western Australian Planning Commission that pursuant to Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed modification to the Cell 9 Outline Development Plan as shown in Attachment 1 not be approved.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.1.2. Draft Local Biodiversity Strategy 2023

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

Previous Items GS 67/2004; EMC PS 3.14/2006; OCM 23/09; OCM 262/2020

Directorate Development Services

Business Unit Strategic Planning

File Reference 3.009297

Applicant N/A

Owner N/A

- Attachments
1. Draft Local Biodiversity Strategy 2020 - Summary [10.1.2.1 - 23 pages]
 2. Draft Local Biodiversity Strategy 2020 - Technical Report [10.1.2.2 - 144 pages]
 3. Community Engagement Report - Draft Local Biodiversity Strategy 2020 [10.1.2.3 - 71 pages]
 4. Draft Local Biodiversity Strategy 2020 - Schedule of Submissions [10.1.2.4 - 106 pages]
 5. Draft Local Biodiversity Strategy 2023-2043 - Part 1 Summary Report [10.1.2.5 - 23 pages]
 6. Draft Local Biodiversity Strategy 2023-2043 - Part 2 Technical Report [10.1.2.6 - 117 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.3 - Development and implementation of the Local Biodiversity Strategy

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

Strategy 2.1.5 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

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

Strategy 2.2.1 - Manage the forecast impacts of a changed climate upon the environment.

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of the Draft Local Biodiversity Strategy (LBS) 2023-2043 for the purpose public consultation.
2. This LBS is intended to replace the existing 2008 LBS recognising that circumstances have significantly changed in the ensuing 15 years since it was adopted.
3. At the Ordinary Council Meeting of 15 December 2020, Council endorsed the Draft LBS 2020 for the purpose of public consultation.
4. Following the public consultation period, a review of the Draft LBS 2020 was undertaken, and a revised Draft LBS 2023-2043 prepared in response to submissions received and the outcomes of the review.

5. Several improvements were made to the Draft LBS as a result of community consultation and the review processes. These are detailed below.
6. It is recommended that the Council endorse the Draft LBS 2023-2043 for the purpose of public consultation.

BACKGROUND

7. At the Ordinary Council Meeting of 15 December 2020, Council resolved (OCM 262/2020) to ENDORSE the Draft 2020 Kalamunda Local Biodiversity Strategy for the purpose of community consultation. The Draft LBS 2020 Summary is included as Attachment 1. The Draft LBS 2020 Technical Report is included as Attachment 2.
8. Public consultation occurred from 12 February 2021 to 13 April 2021. The *Community Engagement Report 2021* for consultation on the Draft LBS 2020 is contained in Attachment 3. The City's response to submissions on the Draft LBS 2020 is provided at Attachment 4.
9. In November 2021, the City commenced a review of the Draft LBS 2020. The scope of the review was to assess the content, statistics, and recommendations of the Draft LBS 2020 and provide independent commentary and recommendations, having regard to the objectives of the LBS as well as other City adopted strategies and policies.
10. The review identified several opportunities for improvement and, accordingly, a revised Draft LBS 2023-2043 was developed which also considered submissions received during the consultation period.
11. The Draft LBS 2023-2043 is presented in two parts, Part 1: Summary Report (Attachment 5) and Part 2: Technical Report (Attachment 6).

DETAILS AND ANALYSIS

12. The LBS is a non-statutory document that guides the City on how to retain, conserve and manage natural areas with the a core aim to protect and grow local biodiversity. The LBS helps the City identify conservation priorities and methods to improve biodiversity, and encourage and support landowners and land managers to do the same on private land.
13. Following community engagement of the draft LBS 2020, it was clear a significant majority of respondents considered biodiversity conservation as either important or very important. Of the responses that identified improvement for the Draft LBS 2020, the following key comments/ queries were noted:

- a) Queries about how will it be implemented.
 - b) Commentary on the City's record regarding tree canopy.
 - c) Heat Island Effect is acknowledged but then ignored.
 - d) Numerous comments on planning in Wattle Grove and impacts on its biodiversity.
 - e) Assertions that actions that won't be achieved.
 - f) commentary on the delivery of the past LBS 2008, and questions regarding the future performance under the new LBS.
14. The review commenced in November 2021 and identified a number of opportunities for improvement. Following advertising of the Draft LBS 2020 and review process, the City enacted a number of changes to improve the Draft LBS. The key modifications made to the Draft LBS as a result of stakeholder engagement and the review include:
- a) Simplified report structure;
 - b) Increase in implementation timeframe from 10 to 20 years, with review of the LBS every four years;
 - c) Inclusion of additional City achievements relating to biodiversity;
 - d) Revised wording of target *"to increase the conservation protection status of 500ha land, containing approximately 270ha of native vegetation."*
 - e) Removal of certain measurable targets which require further assessment and are to be determined by the proposed working group (e.g. quantum of City land able to be rehabilitated);
 - f) Minor updates to proposed actions;
 - g) Updates to reflect changes in legislation and policy;
 - h) Section added regarding "measuring biodiversity";
 - i) Native vegetation extent statistics updated;
 - j) Erroneous data regarding changes in native vegetation extent removed and clarified;
 - k) Revision of the methodology of prioritising City reserves for management (natural area prioritisation score/ viability score ratio used instead of adding these scores together);
 - l) Framework for monitoring, reporting and adaptive management added, including the establishment of a working group to oversee this process, as well as implementation of the LBS.
15. The vision of the Draft LBS 2023-2043 remains the same as the Draft LBS 2020; *"The City of Kalamunda and its community will protect, manage and value the local biodiversity to ensure lasting legacy for future generations"*.
16. To achieve this vision, the Draft LBS 2023-2043 has revised the objectives of the Draft LBS 2020. Four revised goals have been developed which link to specific actions and deliverables. These are:
- a) **Investigate** and actively pursue new resourcing (human, funding, and data) and research opportunities enabling further investment and

improvement in on-ground actions on public and private land to manage and protect local biodiversity.

- b) **Retain and protect** Local Natural Areas (LNAs) on City-managed land and private land.
- c) **Manage, enhance, and rehabilitate** LNAs on City-managed land to improve the quality and quantity of biodiversity values.
- d) **Maintain and improve** local and regional ecological linkages facilitating flora and fauna species movement and the flow of genetics throughout the landscape.

17. The Kalamunda Environmental and Sustainability Advisory Committee (KESAC) reviewed the revised Draft LBS 2023-2043 at their Committee meeting of 6 July 2023 and at a Special Committee meeting on 8 August 2023. KESAC recommended that the Draft LBS be adopted for the purposes of implementation subject to minor corrections and improvements. These changes have now been made.

18. The following minor modifications have been identified as being required at this stage, prior to the finalisation of the Draft LBS 2023-2043:

- a) An update to Section 1.5.1 and Plate 2: Strategic and Statutory Documents Providing Support for Local Biodiversity in the City of Kalamunda, to remove “draft” from the Urban Forest Strategy and Local Biodiversity Strategy headings.
- b) Updates to Figure 1 contained in Appendix 5, as follows:
 - a. include Reserve 29013 as a reserve to change the purpose to “conservation”.
 - b. Adjust the map to outline City reserves and Local Open Space which do not contain LNAs.
- c) Any minor graphical, illustrative, or administrative edits required as part of the final document design and publication.

19. It is noted that the Draft LBS 2020 erroneously quoted a loss of 630 ha of native vegetation between 2008 and 2020. This figure was the result of comparing two State government “native vegetation extent” spatial datasets that were not comparable, due to modifications made to the way in which native vegetation extent was mapped/ refined across different data capture years. For example, in the 2020 spatial dataset, large plantation areas within the State Forest, that were included in the 2008 data, were removed from the dataset as they do not meet the definition of native vegetation. This resulted in a perceived loss of native vegetation when viewing the data, however there was no physical loss of vegetation relating to those areas. Given these datasets are incomparable, this information has been clarified in Section 3 the Draft LBS (Part 2: Technical Report). The native vegetation extent data used for the Draft LBS 2020 and Draft LBS 2023-2043 is considered appropriate for providing a snapshot in

time, however, is not currently suitable for the purpose for ongoing monitoring of change in vegetation extent over time.

APPLICABLE LAW

20. ***Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)***
The EPBC Act outlines environmental approval requirements that relate to natural environment and biodiversity matters.
21. ***Environmental Protection Act 1986 (EP Act)***
Is for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with these matters. The EP Act comes into play for land use planning where environmental matters are considered.
22. ***Biodiversity Conservation Act 2016 (BC Act)***
The BC Act was enacted to limit impacts on the state's remarkable biodiversity by establishing a mechanism for protecting WA's native plant and animal taxa. The BC Act replaces the *WA Wildlife Conservation Act 1950* and parts of the *WA Sandalwood Act 1929*.
23. ***Planning and Development Act 2005 (P&D Act)***
The P&D Act is legislation that establishes Western Australia's land use planning system and promotes the sustainable use and development of land in the State. Within WA, legal advice and recent case law on the protection of trees confirms tree removal can be considered "development" under the P&D Act, requiring planning approval.
24. ***Local Planning Scheme No. 3***
LPS3 is the primary document for controlling land use and development within the City.

APPLICABLE POLICY

25. Perth and Peel @ 3.5million (WAPC 2018)
26. State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region
27. State Planning Policy 2.9 Water Resources
28. State Planning Policy 3.7 Planning in bushfire prone areas
29. State Planning Policy 7.0 Design of The Built Environment
30. Native vegetation policy for Western Australia
31. Local Planning Policy 33 Tree Retention
32. Draft Local Planning Policy 34 Wetlands and Waterways

STAKEHOLDER ENGAGEMENT

33. Community engagement was conducted through the City's website, the local newspaper; EDM (eNewsletters) to all registered members of Friends Groups (124 email addresses) and City subscribers (1754 email addresses). Information was shared with stakeholders, such as local schools for placement in their newsletters, and the Strategy was promoted at the City's Environmental Showcase, held on 11 April 2021.
34. As summarised in the *Community Engagement Report 2021* (Attachment 3). Summary points of the community engagement process are as follows:
- a) The survey and submission period for the Draft LBS 2020 was conducted from 12 February 2021 to 13 April 2021.
 - b) Social Media received over 15,956 impressions and 407 engagements. Sentiment was positive in response to the draft Local Biodiversity Strategy campaign.
 - c) There was a total of 16 responses to the survey.
 - d) In addition to the survey feedback, there was a total of 18 written submissions.
35. As outlined in the *Community Engagement Report 2021* (Attachment 3), consultation undertaken for the City's *Kalamunda Advancing 2031 Strategic Community Plan* and various environmental strategies has highlighted the importance of biodiversity to the community.
36. Feedback from the 2020 survey's closed questions indicated that a significant majority of respondents considered the importance of biodiversity conservation as either important or very important. Feedback from the survey's closed questions showed that nine of the 16 respondents rated the Draft LBS 2020 as "good". Six respondents rated the Draft LBS 2020 as "needs work".
37. The key modifications made to the Draft LBS as a result of the community consultation are outlined above (see Details and Analysis).
38. Internal stakeholders were engaged throughout the process with including City Officers as well as KESAC representatives.
39. The KESAC has recommended endorsement of the LBS, subject to minor modifications outlined at the special committee meeting held on 3rd August 2023. These modifications have been actioned.

40. However, noting that modifications to the LBS 2020 have been made and two years have passed since the previous consultation, it is recommended that Council proceeds to adopt the Draft LBS 2023-2043 for the purpose of further public consultation, to ensure the community are engaged on the latest version of the Strategy, prior to final adoption for the purpose of implementation.

FINANCIAL CONSIDERATIONS

41. The actions of the Draft LBS 2023-2043 will require the future allocation of budget and resources to facilitate the various programs, projects and community engagement activities.
42. It is proposed that as part of the development of the Annual Implementation Plan, the LBS working group will identify the resources required to facilitate specific actions.

SUSTAINABILITY

43. The Draft LBS 2023-2043 is an integral step toward protecting and enhancing the City's local biodiversity and engaging the community and other stakeholders to contribute to achieving the goals of the LBS.
44. At a time of a declared climate emergency, the LBS includes an action to understand impacts of climate change on local biodiversity.
45. Management of natural resources provide for a range of local job opportunities, including opportunities for employment for Aboriginal people whether in knowledge sharing or direct on-ground management.
46. Access to diverse natural areas is linked to increased human health and wellbeing.
47. Protection, management and enhancement of ecological linkages will facilitate the retention and safe movement of local fauna species throughout the City.
48. Protection, management and enhancement of native vegetation will sequester carbon and reduce the impacts of greenhouse gas emissions.

RISK MANAGEMENT

49.	Risk: Significant degradation of City's biodiversity profile occurs through inappropriate or not properly managed development process.		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	Development of appropriate strategies and actions will provide a systematic response to the risk.		

50.	Risk: Implementation of the LBS may be incompatible with other City development strategies or regulatory planning regime.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	City to maintains a balanced approach between conservation and clearing of existing vegetated lands taking this strategy into consideration.		

CONCLUSION

51. A thorough process was successfully implemented for the production and review of the Draft LBS. Community and internal stakeholder engagement, as well as a peer review was successfully implemented. This has led to the production of an improved final LBS which is considered suitable for further public consultation.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during the advertising of *Draft Local Biodiversity Strategy 2020*.
2. ENDORSE the Draft 2023-2043 Local Biodiversity Strategy for the purpose of public consultation.

LAPSED

The Officer Recommendation did not receive a mover and LAPSED. Cr Ritchie proposed an alternative recommendation and provided rationale. The recommendation received a seconder before being put to a vote.

RESOLVED OCM 122/2023

That Council:

1. RECEIVE the information contained in the report and attachments on the draft Local Biodiversity Strategy 2023.
2. ENDORSE the Local Biodiversity Strategy 2023 as final.
3. AUTHORISE the Chief Executive Officer to: a. make any necessary minor graphical, illustrative, or administrative changes to the Local Biodiversity Strategy, consistent with Council's adopted policy position; and b. undertake all necessary actions to give effect to Council's decision to progress the actions in the strategy.
4. AUTHORISE the Chief Executive Officer to notify those who made submissions on the draft Local Biodiversity Strategy 2023, of the Council's decision.
5. AUTHORISE the Chief Executive Officer to write to the Minister for Environment, Environmental Protection Authority, and provide a copy of the correspondence to other Premier and Cabinet Ministers and relevant State Government authorities, with a request to provide ongoing support to implement actions in the Local Biodiversity Strategy 2023.

6. ACKNOWLEDGE the work and commitment of the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) members and City officers to the development of the Local Biodiversity Strategy 2023.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.1.3. Response to Petition - Lot 316 (29) Foxton Boulevard, High Wycombe

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	FX-02/029
Applicant	N/A
Owner	S Neupane
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has received a petition raising several concerns with respect to a current development application for a use not listed (commercial kitchen) at Lot 316 (29) Foxton Boulevard, High Wycombe (the subject site). The petition has been signed by forty-five residents who reside in the immediate vicinity of the site objecting to the development application.
2. The City received a development application for a use not listed (commercial kitchen) that was advertised in accordance with Clause 64 of the *Planning and Development Regulations*. Methods of advertising included a letter that was sent to all landowners and occupiers within a 200m radius of the site.
3. The recommendation is That Council NOTE the matters raised in the Petition and the City's response.

BACKGROUND

4. The subject site is zoned 'Urban Development' under Local Planning Scheme No.3 and is subject to the High Wycombe ODP Cell 2 Structure Plan and comprises an area of 741m².

5.



6. The site contains an existing single house with an attached commercial kitchen that was approved as part of a previous application for a delicatessen in 2004. Whilst the predominant use of the site was for a Delicatessen, the commercial kitchen was considered incidental to the predominant use. The application included the provision of on street carparking bays to offset a car parking shortfall.
7. The City received a development application for a use not listed (commercial kitchen). The details of the application comprise the following:
 - a) Operate a commercial kitchen to prepare food on site and wholesale to restaurants, cafes etc.
 - b) The kitchen proposes to operate seven (7) days a week with core business hours between 7am to 6pm.
 - c) Closed to the public.
 - d) Maximum number of four (4) staff.
 - e) The existing car parking bays on site will be used for staff parking and deliveries.

A number of approvals have been issued for the site, primarily consisting of commercial uses including a delicatessen, home store and professional offices.

8. The objectives of the 'Urban Development' zone state:
 - a) To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - b) To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

DETAILS AND ANALYSIS

9. The petition objected to the development application on the following grounds:
 - a) The area is residential.
 - b) Devalue our residential areas.
 - c) Commercial production kitchen belongs in a light industrial area.
 - d) The continuous 24/7 smells/ stench of cooking.
 - e) Noise of exhaust fans running 24/7.
 - f) Waste concerns - industrial bins, vermin/rats and transport collection concerns.
 - g) Frequent heavy delivery vehicles on residential street.
 - h) Street car bays not for the exclusive use of kitchen staff, they are for all local residents.

- i) The building should return to being a cafe coffee shop/ice-creams etc. breakfast & lunch.

10. The below table provides a summary of the key concerns raised by the submitters and the City's comments in accordance with Clause 67(2)(y), of the Regulations.

Petition Comments	Officer Comments
The area is residential	<p>Noted.</p> <p>The site is located within the High Wycombe ODP Cell 2 Structure Plan and is zoned 'Urban Development'. The objectives of the 'Urban Development' zone allow for a mixture of commercial and residential land uses that are associated with residential development. The proposed use is small scale in the context of the site and the application does not trigger additional carparking requirements.</p> <p>The development is ultimately compatible with the objectives of the zone.</p>
Devalue our residential areas	<p>Noted.</p> <p>Not a valid planning concern.</p>
Commercial production kitchen belongs in a light industrial area	<p>Noted.</p> <p>The use is not industrial in nature it is commercial. The commercial kitchen operates as a wholesale premises and will not be open to the public. The kitchen proposes to operate 7 days a week with core business hours between 7am to 6pm and a maximum of four staff will be on site. The existing car parking bays on site will be used for staff parking and deliveries.</p>

	As part of the assessment for the development application, a Noise Management Plan, (NMP) Operational Management Plan (OMP) and Acoustic Assessment have been requested to adequately deal with noise, odour, and waste and address amenity concerns.
The continuous 24/7 smells/ stench of cooking	Noted. This will be addressed in the Operational Management Plan.
Noise of exhaust fans running 24/7.	Noted. This will be addressed in the Operational Management Plan and Acoustic Assessment.
Waste concerns - industrial bins, vermin/rats and transport collection concerns.	Noted. This will be addressed in the Operational Management Plan.
Frequent heavy delivery vehicles on residential street.	Noted. The proponent has advised there will be 4-6 weekly deliveries of meats and produce, the NMP and Acoustic Assessment would need to include provisions for deliveries and compliance with the Noise Regulations. The development will not result in an increase in the volume of traffic.
Street car bays not for the exclusive use of kitchen staff, they are for all local residents.	Noted. The on-street bays are not for exclusive use of the residents they were installed as part of the 2004 application for the delicatessen for the subject site to offset parking.
The building should return to being a cafe coffee shop/ice-creams etc. breakfast & lunch	Noted.

APPLICABLE LAW

11. *Planning and Development (Local Planning Schemes) Regulations 2015*
12. Local Planning Scheme No.3

APPLICABLE POLICY

13. N/A.

STAKEHOLDER ENGAGEMENT

14. The development application was advertised to all landowners and occupiers within a 200m radius of the site.

FINANCIAL CONSIDERATIONS

15. N/A

SUSTAINABILITY

16. N/A

RISK MANAGEMENT

17.

Risk: The development application does not adequately address amenity impacts such as noise, odour, and traffic.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure during the assessment phase of the application, the potential amenity implications are adequately addressed through the requisite technical documents and ensuring ongoing compliance through appropriate conditions.		

CONCLUSION

18. The City is currently assessing the development application and working through the objections raised in the petition with the proponent.
19. Further information is required to be submitted to the City and assessed before determination.
20. The City will notify all submitters in writing the outcome of the development application once a determination has been made.

21. The City's response to the matters raised in the petition is for Council's information and noting.

Voting Requirements: Simple Majority

RESOLVED OCM 123/2023

That Council NOTE the matters raised in the Petition and the City's response.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.4. Community Engagement Reports

10.4.1. Roe Highway Logistic Park Development Stage 4, Public Art Proposal

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

Previous
Items

Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	

Applicant Hesperia
Owner

Attachments	<ol style="list-style-type: none"> 1. Roe Hwy Logistic Park Public Art Plan [10.4.1.1 - 22 pages] 2. Row Hwy Logistic Park Public Art Contribution Breakdown Site Map [10.4.1.2 - 1 page]
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TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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 3: Kalamunda Develops

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

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

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 consider Hesperia's (the applicant) public art proposal for the Roe Highway Logistic Park Development Stage 4 –
 - a) DA22/0495
 - b) DA22/0122
 - c) DA22/0309
 - d) DA22/0329
 - e) DA21/0618
2. The recommendation is that Council endorse Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal and APPROVE a variation from Local Planning Policy 26 – Public Art Contribution and note the key artwork from the cash contribution will recognise Hesperia's contribution and will be placed on land managed by the City of Kalamunda.

BACKGROUND

3. As part of the Roe Highway Logistics Park Development Stage 4, Hesperia submitted five (5) individual Development Applications (DAs) across the development site.
4. As per the City of Kalamunda's Local Planning Policy 26 – Public Art Contribution (LPP26) Section 5.1b) – Policy Provisions, Public Art Contributions: *"Art Contributions are to be of a value equating to at least one percent (1%) of the total estimated cost of development (including the budgeted costs for contingencies) and up to a maximum contribution of \$250,000 ex GST"*.

DETAILS AND ANALYSIS

5. Under LPP26, the five (5) DAs across the site triggered a total investment of \$670,000.00 in Public Art Contributions. This calculation would have varied if one development application had been submitted for the site.
6. The applications and values are as follows:

DA #	Address	Cost of Development	LLP26 Contribution
DA21/0618	32,28, 44 Coldwell Road & 29 & 23 Courtney Place	\$25,000,000	\$250,000
DA22/0329	4,12, 16 Courtney Place & 12 Coldwell Road	\$20,000,000	\$200,000

DA22/0309	12,16, 24, 28 Courtney Place & 4 Coldwell Road	\$10,000,000	\$100,000
DA22/0122	24, 28, 30 Courtney Place	\$4,000,000	\$40,000
DA22/0495	28, 30, 40 Courtney Place	\$8,000,000	\$80,000
Total		\$67,000,000	\$670,000

7. The Developer has put forward a proposal that is alternate the City's policy position in Local Planning Policy 26 in terms of the proposed financial contribution, noting the uniqueness of the site, their role in the development of the Roe Highway Logistics and public art plan developed by their consultant.
8. The total value was discussed with the Developer, to request an increase in the Public Art Contribution.
9. Hesperia presented their Public Art Plan for the site to the City of Kalamunda Arts Advisory Committee (KAAC) for comment. They proposed three works to a total value of \$300,000. The Committee provided comment to the City on what could be considered a reasonable compromise, noting all parties would like to achieve a high quality public art outcome.
10. The idea of both public art within the industrial area, along with a contribution for public art in a public space was discussed as a best possible outcome for community, allowing a more public piece, along with ensuring quality public art in the development zone via the large mural.
11. Hesperia then formally presented the City with an alternate proposal for their public art contribution for the Roe Highway Logistic Park Development Stage 4.
12. Under LPP26, the five (5) DAs across the site triggered a total investment of \$670,000.00 in Public Art Contributions. This calculation would have varied if one development application had been submitted for the site.
13. Roe Highway Logistic Park Development Stage 4, Public Art Proposal (Attachment 1), consists of a combination of onsite contributions and cash contribution.
14. The onsite contribution will be a large mural artwork painted directly onto the façade of the warehouse situated at 28 Coldwell Road (DA 21/0618).
The mural will include integrated and conceptually designed lighting to enhance and showcase the painting to its maximum capacity.

15. The cash contribution will go to the cash-in-lieu Public Art Contributions pool, with \$240,000 going specifically towards an identified project in the Draft Public Art Masterplan, recognising Hesperia.

16.

Item	Previous	New Proposal	Variance
On-Site Contribution Painted Mural	\$131,035	\$131,035	\$0
On-Site Contribution Vinyl	\$52,500	\$0	-\$52,500
On-Site Contribution Sculpture	\$70,000	\$0	-\$70,000
Cash in-lieu General	\$46,465	\$46,465	\$0
Cash in-lieu Play-based Public Art	\$0	\$240,000	\$240,000
Total	\$300,000	\$417,500	\$117,500

17. Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal, has taken feedback on board given by the City of Kalamunda. The proposed Public Art Contribution will directly benefit the business community in the immediate vicinity of the development with the on-site contribution, as well as the wider community of the City of Kalamunda with funds going directly towards projects identified in the Public Art Masterplan.

18. The cash-in-lieu contribution to play-based art public art piece, would be suitably located in our Wattle Grove Residential development and would directly benefit the young families in the area, and make a direct contribution to the community where the development is situated.

APPLICABLE LAW

19. *Local Government Act 1995*

APPLICABLE POLICY

20. Local Planning Policy 26 – Public Art Contribution

STAKEHOLDER ENGAGEMENT

21. On Monday 10 July 2023, Hesperia presented its original Public Art Plan for Roe Highway Logistic Park Development Stage 4, to KAAC. KAAC provided feedback through City officers, suggesting that Hesperia provided a combination of an onsite and cash contribution.

FINANCIAL CONSIDERATIONS

22. Hesperia submitted a total of five (5) DAs across the site triggering a total investment of \$670,000 of Public Art Contributions in the City under LPP26.
23. Hesperia has proposed a total investment of \$417,500 in Public Art through a combination of on-site and cash contributions.
24. As part of this proposal, the City would receive \$286,465 as a cash contribution to go directly for public art, which is proposed to be installed in the Wattle Grove Area.

SUSTAINABILITY

25. **Social Implications**
Public Art can help to foster social cohesion and provide a means to engage with the community.
26. **Economic Implications**
The provision of public art will generate economic opportunities for artists and local industry.

RISK MANAGEMENT

27.	Risk: An agreed outcome is not reached with Hesperia resulting in a poor-quality Public Art outcome.		
	Consequence	Likelihood	Rating
	Significant	Likely	High
	Action/Strategy		
	The City to work with Hesperia to come to an agreed outcome.		

CONCLUSION

28. The proposed Public Art Contribution will directly benefit the business community in the immediate vicinity of the development with the on-site contribution. As well as the wider community of the City of Kalamunda with funds going directly towards projects identified in the Public Art Masterplan.

29. Officers reviewed the original proposal, and the policy, providing feedback which has been acknowledged by Hesperia. The Developers resubmission provides an improved public art outcome in the City's opinion.
30. The City notes the scale of the development and application of the policy present a unique case.

Voting Requirements: Simple Majority

RESOLVED OCM 124/2023

That Council:

1. ENDORSE Hesperia's Roe Highway Logistic Park Development Stage 4, Public Art Proposal and APPROVE a variation from Local Planning Policy 26 – Public Art Contribution.
2. NOTE the key artwork from the cash contribution will recognise Hesperia's contribution on a small A5 plaque and the artwork will be placed on land managed by the City of Kalamunda.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Mary Cannon**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.4.2. Community Health and Well Being Plan 2023 - 2028

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

Previous Items	OCM 223/2020
Directorate	Community Engagement
Business Unit	Health
File Reference	
Applicant	
Owner	

Attachments	1. Draft Safe Healthy Kalamunda Plan 2023 2028 [10.4.2.1 - 46 pages]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.1.3- Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council approval to advertise the draft Safe & Healthy Kalamunda Plan 2023-2028 (the Plan).
2. The Plan guides how the City will improve the health and wellbeing of its residents and replaces the City's previous Community Health and Wellbeing Plan 2018-2022.
3. It is recommended that Council adopts the Safe & Healthy Kalamunda 2023-2028 plan for public advertising.

BACKGROUND

4. Part 5 of the Public Health Act 2016 introduces the requirement for the preparation of a:
 1. State public health plan prepared by the Chief Health Officer, and a
 2. Local public health plan prepared by each local government.

5. The State Public Health Plan establishes high level strategic directions that focus on prevention, health promotion and health protection which aim to prevent disease, illness, injury, disability and premature death in WA.
6. This State Public Health Plan guides local governments commencing or continuing the public health planning process. The Plan provides a framework for local governments to consider and adapt as necessary to reflect particular risks prevailing in their local district.
7. This is the second iteration of the City of Kalamunda's Local Health Plan.
8. The Act encompasses a much broader definition of health than the prevention of disease. Local authorities are tasked with improving the health and wellbeing of their residents.
9. The health and safety of the WA community has been maintained to a high standard due to the long standing public and environmental health services managed by State and local governments across WA.
10. The Community Health and Wellbeing Plan 2018-2022 was rolled out successfully with key achievements/deliverables including;

Focus Area 1 – Healthy Living	<ul style="list-style-type: none"> • Provided Skate Scooter & BMX clinics each year of the plan to promote physical activity. • Adopted Reserve Master Plans for Scott Reserve, Maida Vale Reserve, and Hartfield Park Master Plan Stage 2. • Provided new sports floodlighting, unisex changeroom developments, sports field improvements and clubroom improvements for sporting clubs. • Delivered food plants for residents program each year of the plan with 8460 seedlings and 4000 seeds being provided to residents to encourage healthy eating.
Focus Area 2 – Healthy Community	<ul style="list-style-type: none"> • Numerous health and wellbeing initiatives provided through the City's Libraries including a seed library & gardening group, workshops for mental health and healthy eating, volunteering opportunities and improving

	<p>inclusion and diversity through collections, displays and programming.</p> <ul style="list-style-type: none"> • Developed and began implementing Inclusive Kalamunda - Social Inclusion Plan 2021-2025 • Supported the formation of the first Parkrun within the City.
Focus Area 3 – Healthy and Safe Environment	<ul style="list-style-type: none"> • Environmental Health Team of the year award for 2022. • Successful reclassification of the History Village and progression of investigative works at the City's former landfill sites. • Production of Fire Hazard Assessment plans for each year of the plan.
Focus Area 4 – Healthy Partnerships	<ul style="list-style-type: none"> • Supported the formation of the Perth Hills Wellbeing Alliance • Successful remove hazards grant from Injury Matters to help reduce the risk of injuries in City facilities.

DETAILS AND ANALYSIS

11. The Public Health Act 2016 defines public health as:
- a) the wider health and wellbeing of the community and
 - b) the combination of safeguards, policies and programs designed to protect, maintain, promote and improve the health of individuals and their communities and to prevent and reduce the incidence of illness and disability.

12. The purpose of the Plan is: “Healthy, Safe, Vibrant and United: A Thriving Community where Every Individual Flourishes”.

13. The Plan was developed after analysing the Australian Bureau of Statistics’ demographic data, and epidemiological information from the Department of Health.

The Plan identifies the public health needs of the community and establishes objectives and priority areas (focus areas) for;

- The promotion, improvement and protection of public health and;
- The development and delivery of public health services to support the community

The key focus areas of the Plan include;

- Healthy living
- Healthy communities

- Safe and healthy environments
- Healthy partnerships and health economy.

14. Generally, the health metrics assessed showed that the City was at or above state averages.
15. It should be noted that the plan recognises targeted interventions to reduce health inequities and to assist those in the community who have a higher risk of exposure to health risk factors are essential.
16. It is important to acknowledge the Plans actions require a collaborative approach across multiple sectors, local government, non-government organisations, businesses and the general community, in order for their successful implementation.

APPLICABLE LAW

17. *Local Government Act 1995*
18. *Public Health Act 2016*

APPLICABLE POLICY

19. Service 5: Communication and Engagement

STAKEHOLDER ENGAGEMENT

20. City officers ran two community workshops (14 June at the Kalamunda Community Centre and Wednesday 21 June at Woodlupine Community Centre) to share information and collect valuable feedback.
21. Attendees from both workshops provided City officers with supplementary feedback around public health policy and shared ideas on how the City could collaborate more effectively to spread positive messages with the community.
22. The workshops included a short Powerpoint presentation followed by an open forum of questions and responses.
23. An online feedback survey was published on the City's Engage portal and hard copies of the survey were also made available to the community via City buildings and outreach at shopping centres. The survey ran for three weeks and closed 26 June 2023.
24. A total of 14 people submitted responses to the online survey. Feedback was shared with the project team and this was used to pulse check the draft Plan prior to being shared with Council for review.

FINANCIAL CONSIDERATIONS

25. The plan will be enacted within current budget parameters.

SUSTAINABILITY

26. The plan positively impacts social sustainability, via improved health and wellbeing outcomes.

RISK MANAGEMENT

27.	Risk: Public Health Plan not adopted.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Low
	Action/Strategy		
	Ensure community consultation in development of the plan, and clear understanding of its importance		

CONCLUSION

28. Public health planning is essential to improve health and wellbeing and prevent disease, injury, disability and premature death within the community. The City's Safe and Health Kalamunda Plan identifies public health objectives and priorities, and further provides a framework to assist the City to deliver the strategies and actions within the plan over a five-year period.
29. The City proposes to undertake a final round of advertising to seek further feedback and then finalise the Plan for Council endorsement.

Voting Requirements: Simple Majority

RESOLVED OCM 125/2023

That Council ADOPT Safe & Healthy Kalamunda 2023-2028 for the purposes of public advertising.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.5. Office of the CEO Reports

10.5.1. Advisory Group Terms of Reference Review 2023/2025

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

Previous Items	September 2021 (OCM 300/2021)
Directorate	Chief Executive Officer
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. Kalamunda Environmental and Sustainability Advisory Group [10.5.1.1 - 7 pages] 2. Bushfire Advisory Group [10.5.1.2 - 6 pages] 3. Kalamunda Arts Advisory Group [10.5.1.3 - 6 pages] 4. Kalamunda Economic & Tourism Development Advisory Group [10.5.1.4 - 5 pages] 5. Disability & Carers Advisory Group [10.5.1.5 - 6 pages] 6. Strategic Sport & Recreation Advisory Group [10.5.1.6 - 5 pages] 7. Ray Owen Sports Centre Management Committee [10.5.1.7 - 6 pages] 8. Lesmurdie School Community Library Management Committee [10.5.1.8 - 4 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to review the Terms of Reference of Advisory and Management Committees.
2. The City has undertaken a full review of all existing Advisory Committees and updated aspects no longer relevant, aligned all Terms of Reference under a standard template.
3. This report recommends Council adopt the revised Membership and Terms of Reference for Advisory Groups for the period November 2023 to October 2025.

BACKGROUND

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

This review ensures the Committees and Groups:

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

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

DETAILS

6. As a consequence of recent amendments to the *Local Government Act 1995* and the briefing provided to councillors on the impact of these amendments, significant changes are being recommended to the groups established to provide advice to Council on its strategic objectives and matters of community interest.
7. **Key Changes Recommended**

Formation of Advisory Groups
An “Advisory Group” will not be a formal committee established under section 5.8 of the Local Government Act 1995. An “Advisory Group” is to meet as and when required and membership is to vary dependent on the issues to be addressed.

The Officer responsible for the “Advisory Group” will report any outcomes from working group meetings direct to Council via an Officer’s Report.
8. **Kalamunda Environmental Sustainability Advisory Group**
Minor Administrative changes, as per Attachment 1.
9. **Bush Fire Advisory Group**
Change to Staff representation reflective of current City Structure
Minor Administrative changes, as per Attachment 2.
10. **Kalamunda Arts Advisory Group**
Minor Administrative changes only, as per Attachment 3.
11. **Kalamunda Tourism Advisory Group**
Proposed to merge with Kalamunda Economic Development Advisory Committee (KEDAC) to become the Kalamunda Economic Development Tourism Advisory Group (KEDTAG), as per Attachment 4.
12. **Kalamunda Economic Development Advisory Group**
Proposed to merge with Kalamunda Tourism Advisory Committee to become the Kalamunda Economic Development Tourism Advisory Group (KEDTAG).
Minor Administrative changes, as per Attachment 4.
13. **Disability and Carers Advisory Group**
Minor Administrative changes, as per Attachment 5.
14. **Strategic Sport & Recreation Group**
Minor Administrative changes as per Attachment 6.

15. **Ray Owen Management Committee**
Minor Administrative changes as per Attachment 7.
16. **Lesmurdie Library Management Committee**
Minor Administrative changes as per Attachment 8.

APPLICABLE LAW

17. *Local Government Act 1995.*
18. *s67 of the Bushfire Act 1954.*

APPLICABLE POLICY

19. Governance 13 – Appointment of Community Members to Advisory Committees and Reference Groups.

STAKEHOLDER ENGAGEMENT

20. Once Council has approved the establishment of the Committee and Terms of Reference, nominations from appropriate community representatives for appointment to the Group will be sought through a public advertising process in accordance with Governance 13.

FINANCIAL CONSIDERATIONS

21. The cost to administrate an advisory committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year.

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

22. The proposed change from Advisory Committees to Advisory Groups could be expected to result in up to 50% reduction in this cost due to less stringent legislative compliance requirements such as agenda and minutes preparation.

SUSTAINABILITY

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

RISK MANAGEMENT

- 24.
- | | | |
|---|--------------------|---------------|
| Risk: Advisory groups become irrelevant and become a cost to the City rather than a benefit. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Moderate | Low |
| Action/Strategy | | |
| By regularly reviewing the terms of reference and the efficacy of advisory groups the City will not incur a cost without benefit. | | |
- 25.
- | | | |
|---|--------------------|---------------|
| Risk: Advisory Group goals do not align with Council's objectives and strategies. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Provide guidance to the Chair and at the first meeting communicate the City's strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference. | | |

CONCLUSION

26. Upon endorsement by Council of all the Terms of Reference and the establishment of all Advisory Groups, advertisements seeking nominations from the community for appointment to the various committees will be placed in the local newspapers and other medians. Following the advertising process, a report will be brought to Council to formalise the appointments in November 2023.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. APPROVES the dissolution of the:
 - a. Bush Fire Advisory Committee
 - b. Disability & Carers Advisory Committee
 - c. Kalamunda Arts Advisory Committee
 - d. Kalamunda Environmental & Sustainability Advisory Committee
 - e. Strategic Sport & Recreation Advisory Committee
 - f. Kalamunda Economic & Development Advisory Committee
 - g. Kalamunda Tourism Advisory Committee
2. APPROVES the establishment of the following Advisory Groups:
 - a. Bushfire Advisory Group
 - b. Disability & Carers Advisory Group
 - c. Kalamunda Arts Advisory Group
 - d. Kalamunda Environmental & Sustainability Advisory Group
 - e. Strategic Sport & Recreation Advisory Group
 - f. Kalamunda Economic & Tourism Development Advisory Group
3. ADOPTS the Terms of Reference for the Advisory Groups as outlined in Attachments 1 – 8.
4. REQUESTS the Chief Executive Officer to advertise positions for all Advisory Groups for 30 days.

An updated Recommendation was provided for Council consideration.

RESOLVED OCM 126/2023

That Council:

1. APPROVES effective 21 October 2023, the dissolution of the:
 - a. Bush Fire Advisory Committee
 - b. Disability & Carers Advisory Committee
 - c. Kalamunda Arts Advisory Committee
 - d. Kalamunda Environmental & Sustainability Advisory Committee
 - e. Strategic Sport & Recreation Advisory Committee
 - f. Kalamunda Economic & Development Advisory Committee
 - g. Kalamunda Tourism Advisory Committee

2. APPROVES effective 21 October 2023, the establishment of the following Advisory Groups:
 - a. Bushfire Advisory Group
 - b. Disability & Carers Advisory Group
 - c. Kalamunda Arts Advisory Group
 - d. Kalamunda Environmental & Sustainability Advisory Group
 - e. Strategic Sport & Recreation Advisory Group
 - f. Kalamunda Economic & Tourism Development Advisory Group
3. ADOPTS the Terms of Reference for the Advisory Groups as outlined in Attachments 1 – 8, with one change to the Ray Owen Management Committee Terms of Reference point D to state:
A quorum shall consist of a minimum of 3 voting members, comprising of:
 - i. one representative from the Kalamunda & Districts Netball Association
 - ii. one representative from Kalamunda & Districts Basketball Association and
 - iii. a Councillor.
4. REQUESTS the Chief Executive Officer to advertise positions for all Advisory Groups for 30 days.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 31 August 2023

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. Statements of Financial Activity for the two months ended 31 August 2023 [10.6.1.1 - 1 page]
	2. Statement of Net Current Funding Position as at 31 August 2023 [10.6.1.2 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 month ended 31 August 2023.
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 26 June 2023 for the 2023/2024 financial year.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month ended 31 August 2023, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 August 2023.
 - b) Net Current Funding Position, note to financial report as of 31 August 2023.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

DETAILS AND ANALYSIS

5. 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.
6. The draft opening surplus is unaudited and subject to change for the below year-end pending entries:
 - a) Capital projects are at a point of finalisation which can impact asset categories and depreciation;
 - b) Adjustments resulting from the Infrastructure Assets revaluation;
 - c) June 2023 Overhead allocations have not been finalised;
 - d) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
 - e) Adjustments related to the Australian Accounting Standards.
 - f) 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 two months ended 31 August 2023

7. This Statement reveals a net result surplus of \$59,519,066 compared to the budget for the same period of \$47,963,837.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$1,204,721. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$351,632. The variance is mainly attributable to the \$292,901 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$447,441. The variance is mainly attributable to;
 - i. Sanitation charges being higher than the budget by \$128,038.
 - ii. Rates admin charges for instalment plans over budget by \$112,236. The variance is considered as a timing issue.
 - c) Interest income is over budget by \$331,960. The variance is mainly due to the higher interest income received from investments.
 - d) Other Revenue is tracking under budget level and the variance is below the reporting threshold.

Operating Expenditure

9. Total expenditure is under budget by \$2,317,265. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$781,948, 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 \$1,114,058. The variance is mainly due to the timing of building maintenance costs and infrastructure maintenance costs.
 - c) Utilities are under budget by \$86,861, the variance is mainly contributed by \$44,468 under spent on Street Lighting. The variance is considered as a timing issue.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$364,255.
 - e) Interest expense is tracking below the reportable variance threshold whereas Insurance expenses are over budget due to advance payment of insurance premiums for the 1st quarter.

- f) Other expenditure is under budget by \$32,342. The variance is mainly due to the timing of donations / sponsorships to community groups.

Investing Activities

Non-operating Grants and Contributions

- 10. The non-operating grants and contributions are tracking along the budget levels with a minor over budget amount of \$2,985.

Capital Expenditure

- 11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$589,473. This is considered to be a timing issue.
- 12. Capital works-in-progress expenditure of \$4,902 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account fund the relevant expenditure. These assets once constructed will be passed over to the City for management.

Financing Activities

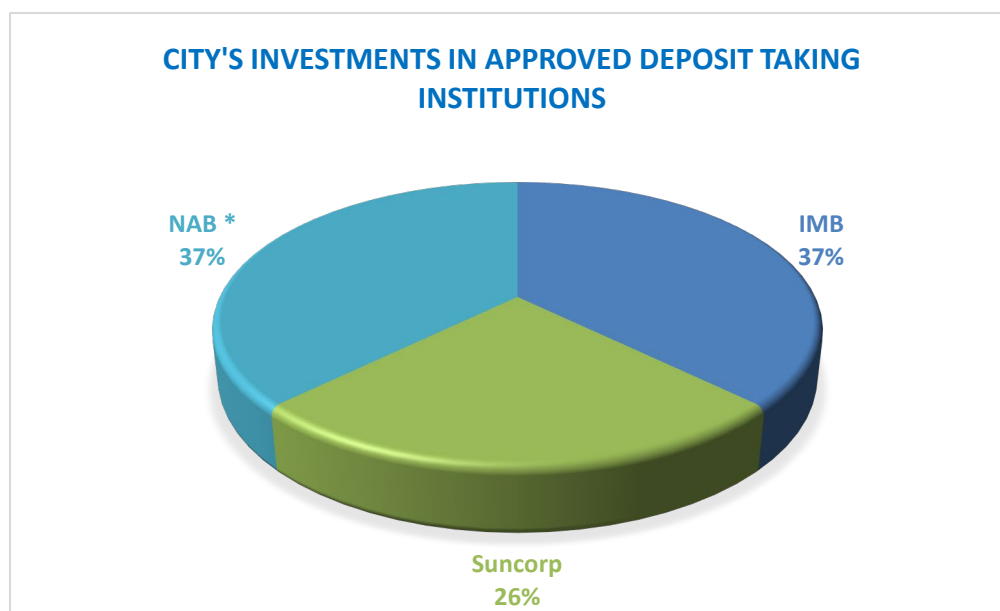
- 13. The amounts attributable to financing activities show a variance of \$171,368 which is mainly due to the developer contributions and year-end lease adjustment entries.

Rates Revenues

- 14. Rates generation is under budget with a variance of \$15,557.

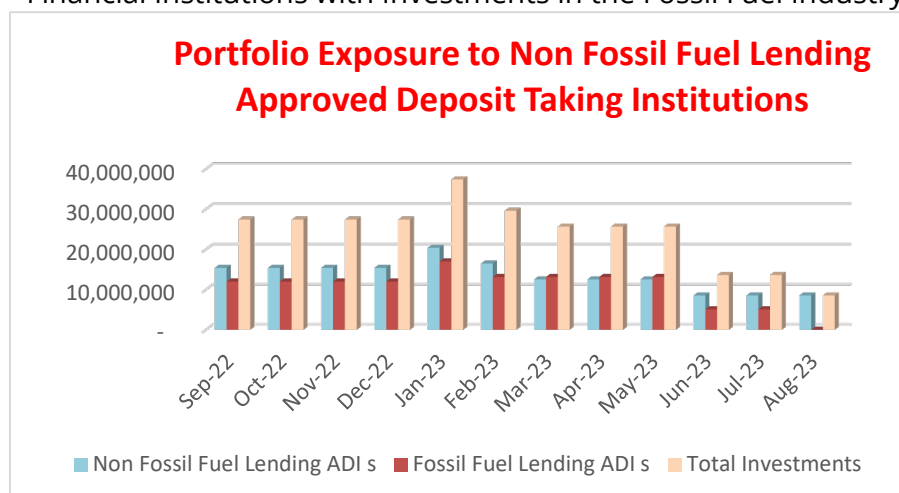
Statement of Net Current Funding Position as of 31 August 2023

- 15. The commentary on the net current funding position is based on a comparison of August 2023 to the August 2022 actuals.
- 16. Net Current Assets (Current Assets less Current Liabilities) total \$78.2 million. The restricted cash position is \$23.3 million which is lower than the previous year's balance of \$24.6 million.
- 17. The following graph indicates the financial institutions where the City has investments as of 31 August 2023;



18.

*Financial Institutions with Investments in the Fossil Fuel Industry



19. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$21.6 million.
20. Sundry debtors have increased from \$175,830 to \$306,472 of which \$93,282 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
21. Receivables Other represents \$7.6 million including:
 - a) Emergency Service Levy receivables \$3.3 million;
 - b) Receivables sanitation \$3.2 million
22. Provisions for annual and long service leave have increased by \$0.15 million to \$4.7 million when compared to the previous year. The 2022/2023 end of the year leave provision adjustments are pending audit at the time of presenting this report.

APPLICABLE LAW

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

APPLICABLE POLICY

24. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

25. 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

26. As noted in point 23 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

27. 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

28. Nil.

Economic Implications

29. Nil.

Environmental Implications

30. Nil.

RISK MANAGEMENT

31.	Risk: Over-spending the budget.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department.		
32.	Risk: Non-compliance with Financial Regulations		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action / Strategy		
	The financial report is scrutinised by the City to ensure that all statutory requirements are met. Internal Audit reviews to ensure compliance with Financial Regulations. External Audit confirms compliance.		

CONCLUSION

33. The City's Financial Statements as at 31 August 2023 reflect the un-audited surplus carried forward from 2022/2023.

Voting Requirements: Simple Majority

RESOLVED OCM 127/2023

That Council RECEIVE the Monthly Statutory Financial Statements for the period ended 31 August 2023 which comprises:

- Statement of Financial Activity (Nature or Type) for the two months ended 31 August 2023.
- Net Current Funding Position, note to financial report as of 31 August 2023.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.2. Debtors and Creditors Report for the period ended 31 August 2023

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for period ended 31 August 2023 [10.6.2.1 - 40 pages] 2. Corporate Credit Cards Payments 27 June to 26 July 2023 [10.6.2.2 - 5 pages] 3. Summary of Debtors for the month of August 2023 [10.6.2.3 - 2 pages] 4. Summary of Creditors for month of August 2023 [10.6.2.4 - 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 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 August 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of August 2023.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in August 2023 and the list of payments made by employees via purchasing cards in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and
 - b) Receive the outstanding debtors and creditors report for the month of August 2023.

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.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared;
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

7. Sundry debtors as of 31 August 2023 were \$306,472. This includes \$93,665 of current debts and \$383 unallocated credits (excess or overpayments).
8. Invoices over 30 days total \$181,026, debts of significance:
 - a) Cooperative Bulk Handling, \$136,984, Exgratia Rates ;
 - b) BMJ Hospitality, \$3,590, Lease.
9. Invoices over 60 days total \$11,711 debts of significance:
 - a) Forrestfield United Soccer Club, \$4,882, Winter Season fees;
 - b) Private Citizen, \$2,126, Bond Admin & Maintenance Fees; and
 - c) Kalamunda District Rugby Union, \$1,710, Winter Season fees.
10. Invoices over 90 days total \$20,453 debts of significance:
 - a) Private Citizen, \$9,281 Fire Break – Reimbursement; and
 - b) Forrestfield United Soccer Club, \$6,250 Winter Season Fees;
 - c) Private Citizen, \$4,070 Fire Break – Reimbursement;

Creditors

11. Payments totalling \$5,452,411 were made during the month of August 2023. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14 day terms.
12. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Advantesting Civil Engineers	Progress claim 4 & 5 - for works completed at Stirk Park	871,044.69
Australian Taxation Office	PAYG payments	603,151.51
Cleanaway	Waste, recycling & bulk bin disposal services fees	387,533.19
Aware Super Pty Ltd	Superannuation contributions	277,560.99
Satterley Property Group Pty Ltd	Outstanding work bond refund for the Hales Estate Crumpet Creek landscape works - - releasing final 50% bond	276,885.50
Bruce Rock Engineering	Developer's Contribution Forrestfield Industrial Area - Sultana Road West High Wycombe*	216,182.20

City of Cockburn	Disposal of general waste from the weekly residential waste collection	196,015.39
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for drainage works & part payment of demolition & disposal of redundant speed slide at water park	195,326.98
Synergy	Power charges for various locations	141,696.56
Contraflow	Traffic management for various locations	93,687.05
Fulton Hogan Industries Pty Ltd	Road materials for various locations	70,604.01
(A) Pod Pty Ltd	Progress payment - design and documentation of the new Scott Reserve & Maida Vale Reserve Pavilion	60,893.80
WA Fibreglass Pools	Part payment - refurbishment works to the waterslide at the Kalamunda Water Park	50,000.00

These payments total \$3,440,582 and represent 63% of all payments for the month.

* The amounts paid relate to Forrestfield Industrial Area Scheme Stage 1 infrastructure works reimbursed from the Forrestfield Industrial Area Scheme Stage 1 reserve account (excluding GST component) during August 2023.

Payroll

13. Salaries are paid in fortnightly cycles. A total of \$1,836,423.58 was paid in net salaries for the month of August 2023.
14. Details are provided in (Attachment 1) after the creditors' payment listing.

Trust Account Payments

15. 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

16. The following payments (GST exclusive) were made from the Trust Accounts in August 2023.

Cell 9		Amount (\$)
Date	Description	
31/08/2023	Brajkovich Landfill & Recycling Pty Ltd for Woodlupine Tipping fees for mixed inert	11,500

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

27. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RESOLVED OCM 128/2023

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in August 2023 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. RECEIVE the list of payments made from 27 June to 26 July 2023 using Corporate Credit Cards (Attachments 2).
3. RECEIVE the outstanding debtors and creditors reports (Attachments 3 & 4) for the month of August 2023.

Moved: **Cr Kathie Ritchie**

Seconded: **Cr Geoff Stallar**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.3. Rates Debtors Report for the Period Ended 31 August 2023

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

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

Attachments	1. Rates Report August 2023 [10.6.3.1 - 1 page]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 rates recovery actions.

2. The City of Kalamunda (City) levied rates for 2023/2024 on 1 July 2023 totalling \$43,709,067. As of 31 August 2023, \$23,898,262 has been collected for current and prior year outstanding rates.
3. It is recommended that Council receive the Rates Debtors Report for the month of August 2023 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 14 July 2023 with the following payment options available:

Options	Payment Dates			
Full payment	18 August 2023			
Two instalments	18 August 2023	22 December 2023		
Four instalments	18 August 2023	20 October 2023	22 December 2023	23 February 2024

DETAILS AND ANALYSIS

5. A total of 24,219 notices were issued on 14 July 2023. This consisted of 20,710 mailed rates notices, and 3,509 of eRates notices. Rates Levied and Collectable for the 2023/2024 Financial Year currently total \$46,056,428.
6. As of 31 August 2023, a total of \$23,898,262 has been collected since Rates Notices were released, representing a collection rate of 53.10%.
7. The interim rating has not yet commenced for 2023/2024. This will commence after the first due date of payment has passed which is 18 August 2023.
8. A total of 8,612 ratepayers have taken up an instalment option. This is an increase from 2022/2023 where 8,130 chose an instalment option. The first instalment due date was 18 August 2023. A total of 1,045 ratepayers have chosen to pay via direct debit, a significant increase from 350 in 2022/2023. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,732
Option 3 on Rate Notice	Four instalments	6,880
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	941
Direct Debit	Payment to be received by April 2024	104
Total	Ratepayers on payment options	9657

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 August 2023 to 31 August 2023, there was a total of 799 incoming calls and 190 outgoing calls, equating to 33.43 hours of 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.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

13. The higher-level debt collection actions will be undertaken by AMPAC.

FINANCIAL CONSIDERATIONS

14. 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

15. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
16. 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

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

Environmental Implications

18. 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

19.

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

CONCLUSION

20. With a current collection rate for the financial year of 53.10% (compared to 53.71% last year), the City continues to effectively implement its rate collection strategy and recognises more ratepayers have chosen to pay their rates via instalments and direct debit options.

Voting Requirements: Simple Majority

RESOLVED OCM 129/2023

That Council RECEIVE the Rates Debtors Report for the Period ended 31 August 2023 (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.4. **Budget Review Capital Works and Carry Forward Finalisation**

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

Previous Items	
Directorate	Corporate Services
Business Unit	Finance Services
File Reference	
Applicant	N/A
Owner	N/A
Attachments	<div>1. Budget Review Carry Forward Finalisation 2023-2024 STATEMENT OF FINANCIAL ACTIVITY [10.6.4.1 - 1 page]</div> <div>2. Budget Review Carry Forward Finalisation 2023-2024 RESERVES [10.6.4.2 - 1 page]</div>

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the results of the capital works carry forward finalisation and to make noteworthy amendments to the 2023/2024 capital works budget and reserves.
2. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 January and last day of February.
3. In pursuit of improved fiscal management and accountability, the City of Kalamunda also undertakes an additional budget review for the first three months of the financial year 2023/2024.
4. It is recommended that Council:
 - a) Amend the 2023/2024 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.
 - b) Amend, Pursuant to Section 6.11 (2) (b) of the *Local Government Act 1995*, the transfers to and from reserves (Attachment 2).

BACKGROUND

5. The primary objective of regular budget reviews is to ensure that the City is closely monitoring its revenue and expenditure to mitigate the risk of the City posting a deficit at the end of the financial year. This review incorporates a review of carry forward budget estimates against the final position of capital works projects as at 30 June 2023.
6. The City is strongly focused on maintaining an annual budget that provides a balanced combination of financial restraint, funding to provide services as required and economic stimulus measures that will generate economic development and employment opportunities.
7. The budget review will enable the City to continue to respond to the current economic climate responsibly and sustainably.

DETAILS AND ANALYSIS

8. The City has analysed the year end actual results to 30 June 2023 for capital works to enable finalisation of the carry forwards.

As a result of this review the carry forward estimates for the Capital works program increased from \$11.1M at the original budget 2023/2024 to \$12.9M.

9. The original budget 2023/2024 had an estimated opening balance of \$465,151. This is now estimated to be \$2,350,571, adjusted for the carry forward movements.

The 2023/2024 Closing Surplus Position of \$41,197 remains the same.

Closing Surplus position (Attachment 1)

Summary of Movements from the Amended Financial Activity Statement			
Description	Original Budget \$	Proposed Revised Budget \$	Variance \$
Opening Surplus Position	465,151	2,350,571	1,885,420
Operating Revenue Excluding Rates	21,315,707	21,315,707	0
Operating Expenditure	(69,127,734)	(69,127,734)	0
Non-Cash Movements	14,079,765	14,079,765	0
Investing Activities	(15,047,491)	(16,521,019)	(1,473,528)
Financing Activities	4,489,635	4,077,744	(411,891)
Rates Revenue	43,866,164	43,866,164	0
Closing Surplus Position	41,197	41,197	0

10. A brief synopsis of the budget variances above are:

- a) Opening Surplus Position:
The opening surplus position has been adjusted in line with the revised carry forward estimates and associated funding.
Note the year-end process is still underway and the position has not been finalised.
- b) Investing activities 2023/2024:
Investing activities increased by \$1.5M. This comprises the amendment of works carried forward and the related capital contribution and grant funding as well as additional capital expenditure for the Kalamunda Water Park slide refurbishment of \$413K (reserve funded).
- c) Financing activities 2023/2024:
Financing activities increased by \$411K. This is reflective of the reserve allocations being adjusted to align with adjusted carry forwards, \$413K additional reserve release for the Kalamunda

Water Park slide refurbishment, as well as any capital works savings being put back into reserve.

11. The reserves overall closing position is estimated to be \$18.5M (Attachment 2).
12. The year-end closing surplus position remains at \$41,197. The City will continue to closely monitor cash flow.
13. In light of this Budget Review, all future monthly financial reports presented to Council for approval will include the adjustments to the current budget.

APPLICABLE LAW

14. Section 6.8 (1)(b) of the *Local Government Act 1995* requires an absolute majority decision by Council for any budget amendments.

APPLICABLE POLICY

15. Nil.

STAKEHOLDER ENGAGEMENT

16. The City commenced work on this Budget Review in late August. During this period the integrity of budget projections were validated.

FINANCIAL CONSIDERATIONS

17. The Amended Financial Activity Statement shows the City is projected to be in a modest surplus position at the end of the financial year.
18. The Proposed Budget is formulated based on delivering a sustainable financial position while delivering the services and infrastructure needs of the community.

SUSTAINABILITY

Social Implications

19. The proposed Budget aims to deliver social outcomes identified in various strategies previously adopted by Council.

Economic Implications

20. The proposed budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for the Council and community.

Environmental Implications

21. The proposed budget continues to support key environmental strategies and initiatives adopted by the Council.

RISK MANAGEMENT

22.	Risk: Expenditure exceeds budgeted allocation resulting in a negative impact on closing funds position.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	<ul style="list-style-type: none"> Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters. Introduction of budget KPIs for all managers, which are strictly monitored Management of reports which are scrutinised by Executive on a monthly basis. Budget reviews and forecasting of expenditures against potential revenues are monitored closely. 		

23.	Risk: Funds spent without a budget allocation.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	<ul style="list-style-type: none"> Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available. Increased segregation of duties between purchasing business unit with responsibility for the issue of purchasing orders with Finance centralizing the compliance aspect of purchasing. 		

CONCLUSION

24. The amended Financial Activity Statement following this budget review (Attachment 1) maintains a balanced budget estimate for 30 June 2024.
25. It needs to be noted the Reserves overall 2023/2024 closing balance is an amount of \$18.5M as shown in Attachment 2.
26. The key to maintaining the City's ongoing liquidity will be to diversify its revenue streams and continue to monitor closely revenues and expenditure against allocated budgets. The City will also continue to monitor service delivery to align resources with strategic priorities.
27. The City is constantly looking at improving its financial sustainability in line with the financial ratios.

Voting Requirements: Absolute Majority

RESOLVED OCM 130/2023

That Council:

1. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, AUTHORISE amendments to the 2023/2024 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1)
2. Pursuant to Section 6.11 (2) (b) of the *Local Government Act 1995*, AUTHORISE the transfers to and from Reserves as detailed in (Attachment 2).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (8/0)

10.6.5. South West Native Title Settlement - City of Kalamunda Comments on Land Base Consultation - Land List 1498

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

Previous Items	OCM 31/2021; OCM 184/2022; OCM 24/2023; OCM 41/2023
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	3.000738
Applicant	Department of Planning, Lands & Heritage
Owner	State of Western Australia
Attachments	1. Response Table - Land List 1498 [10.6.5.1 - 3 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the City of Kalamunda (City)'s response to the Department of Planning, Lands and Heritage (DPLH) regarding land identified by the State Government (State) for possible transfer to the Noongar People as part of the South West Native Title Settlement (Settlement).
2. The following parcels of land within the City have been identified:
 - a) No Street Address, Piesse Brook (PIN 213986);
 - b) Lot 81 Cunnold Street, Pickering Brook; and
 - c) Lot 505 on Deposited Plan 62578, Piesse Brook.
3. It is recommended Council note the request for information on the proposed transfer of the subject sites to the Noongar People and Council advise the DPLH of constraints and community values associated with the sites for the DPLH's further consideration.

BACKGROUND

4. The Settlement is a landmark native title agreement reached between the State and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.
5. A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy. The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.
6. Over the next five years, the DPLH will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:
 - a) unallocated Crown land;
 - b) unmanaged reserves;

- c) land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
 - d) land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.
- 7. A key part of the process being followed by the DPLH involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities.
- 8. On 30 August 2023, the City received email correspondence from the DPLH requesting comment on the proposed transfer of three sites within the City to the Noongar People as part of the Settlement.
- 9. The City does not own or manage any of the parcels of land.
- 10. The questions the DPLH has asked the City in respect of each land parcel are:
 - a) Is the City supportive of the transfer of this land to the Noongar People under the Settlement?
 - b) Does the City have any interest in the land?
 - c) Does the City have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
 - d) Is the land parcel subject to any mandatory connection to services?
 - e) Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
 - f) Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
 - g) Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
 - h) Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
 - i) Please provide any additional comments on the proposed transfer of this land as part of the Settlement.
- 11. The City was requested to provide its comments by 9 October 2023.

DETAILS AND ANALYSIS

Strategic Planning and Environmental Comments

12. It is noted:
- a) The subject sites are considered to contain values that contribute towards the amenity of nearby residents and visitors;
 - b) The vegetation on the subject sites appears to be native, significantly established and may be perceived by the community to constitute public open space;
 - c) The City has identified potential environmental values on the subject sites, including habitat for threatened fauna species;
 - d) The clearing of the subject sites for development purposes would not be consistent with the objectives of the City's Urban Forest Strategy 2023-2043 and the City's draft Local Biodiversity Strategy 2023-2043;
 - e) Any proposed use or development may be subject to community consultation and Council determination; and
 - f) The City has a preference to have the sites reserved as Parks and Recreation under the Metropolitan Region Scheme, and for the reserve purpose to include conservation, and to retain the environmental values of the sites.

Community Development Comments

13. In respect of the Piesse Brook sites, a well utilised series of trails intersect through these land parcels. Ongoing public access to and access for maintenance of the trails is required. The Perth Hills Trails Loop project is proposed to intersect through these portions of land, as the only connection point back to the Kalamunda Town Centre.

Asset Comments

14. In respect of Lot 81 Cunnold Street, Pickering Brook, there are drainage inlets / outlets within the boundary / adjacent to Lot 81. However, the footprint of the drainage run-off is well within Lot 81. The City requires this infrastructure to remain on-site for the functionality of the drainage system and requires access to carry out regular / urgent maintenance.

DPLH Queries

15. The City's proposed responses to the DPLH questions in respect of the subject sites are contained in the Response Table (Attachment 1).

APPLICABLE LAW

- 16. *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA).*
- 17. *Land Administration Act 1997 (WA).*
- 18. *Local Government Act 1995 (WA).*
- 19. *Environment Protection and Biodiversity Conservation Act 1999 (Cth).*

APPLICABLE POLICY

- 20. Nil.

STAKEHOLDER ENGAGEMENT

- 21. No public consultation has been undertaken by the DPLH in relation to the identification of the subject sites for possible transfer under the Settlement.
- 22. The City has been asked for comment with a short deadline and is providing as much information as possible to assist with the request in the allocated time period.

FINANCIAL CONSIDERATIONS

- 23. The sites are currently non-rateable.

SUSTAINABILITY

- 24. The City has identified environmental values on the subject sites.
- 25. If the sites are transferred to the Noongar People, the sites may be developed in accordance with the zoning and residential density under the City's Local Planning Scheme, which would likely result in vegetation being cleared from the sites.
- 26. Should these lots transfer ownership, then the City's Fire Hazard Reduction Notice may take effect.

RISK MANAGEMENT

27.

Risk: Reputational damage to the City for sites perceived by the community to constitute a form of pseudo-public open space, noting that there has been no opportunity for community consultation.

Consequence	Likelihood	Rating
Significant	Likely	High

Action/Strategy

Council note the request and advise the DPLH of constraints and community values associated with the sites for the DPLH's further consideration.

CONCLUSION

28.

It is recommended that Council note the request for information on the proposed transfer of the subject sites to the Noongar People and that Council advise the DPLH of constraints and community values associated with the sites for the DPLH's further consideration.

Voting Requirements: Simple Majority

RESOLVED OCM 131/2023

That Council:

1. NOTE the request for information on the following sites from the Department of Planning, Lands & Heritage:
 - a. No Street Address, Piesse Brook (PIN 213986);
 - b. Lot 81 Cunnold Street, Pickering Brook; and
 - c. Lot 505 on Deposited Plan 62578, Piesse Brook.
2. ADVISE the Department of Planning, Lands & Heritage of the following requests should the transfer of land proceed:
 - a. In respect of No Street Address, Piesse Brook (PIN 213986) and Lot 505 on Deposited Plan 62578, Piesse Brook, ongoing public access to and access for maintenance of the trails is required; and
 - b. In respect of Lot 81 Cunnold Street, Pickering Brook, the City of Kalamunda requires the existing drainage infrastructure to remain on-site and requires access to carry out regular / urgent maintenance.

3. REQUEST the Department of Planning, Lands & Heritage ensure the Noongar People are made aware of the following potential constraints to the possible future development and/or use of the subject sites:
- a. The subject sites are considered to contain values that contribute towards the amenity of nearby residents and visitors;
 - b. The vegetation on the subject sites appears to be native, significantly established and may be perceived by the community to constitute a form of pseudo-public open space;
 - c. The City of Kalamunda has identified potential environmental values on the subject sites, including habitat for threatened fauna species;
 - d. The clearing of the subject sites for development purposes would not be consistent with the objectives of the City of Kalamunda's Urban Forest Strategy 2023-2043 and the City of Kalamunda's draft Local Biodiversity Strategy 2023-2043;
 - e. Any proposed use or development may be subject to community consultation and Council determination; and
 - f. The City of Kalamunda has a preference to have the sites reserved as Parks and Recreation under the Metropolitan Region Scheme, and for the reserve purpose to include conservation, and to retain the environmental values of the sites.
4. NOTE the proposed responses to be provided to the Department of Planning, Lands & Heritage questions about the subject sites, which are contained in the attached table (Attachment 1).

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lisa Cooper**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.6. Forrestdfield High Wycombe Industrial Area: Development Contribution Plan: 2023 Annual Review

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

Previous Items	OCM 74/2022
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. Development Contribution Plan Report 2023 [10.6.6.1 - 116 pages] 2. Forrestdfield High Wycombe Industrial Area Stage 1 Local Structure Plan [10.6.6.2 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking 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 3: Kalamunda Develops

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

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

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 the Council to consider the adoption, for the purposes of public advertising, of the 2023 Annual Review of the Development Contribution Plan Report (DCPR) (Attachment 1) for the Forrestfield High Wycombe Industrial Area Stage 1 (FFHWS1).
2. The DCPR is required to be reviewed and reported on annually. The 2023 Annual Review determines the Cost Contribution rate of \$21.57/m² be updated to \$23.77/m².
3. It is recommended that the Council:
 - a) Adopt, for the purpose of public advertising, the 2023 Annual Review of the DCPR for FFHWS1; and
 - b) Adopting, for immediate application, the forecast rate of \$23.77m².

BACKGROUND

4. **Land Details:**

Land Area:	690,481m ² (Gross) 664,715.75m ² (Net)
Local Planning Scheme Zone:	Industrial Development
Metropolitan Regional Scheme Zone:	Urban

5. **Location:**

The FFHWS1 is generally bounded by Milner Road, Sultana Road West, Roe Highway, and Berkshire Road.

6. **Locality Plan:**



7. **Relevant Planning History:**

The FFHWS1 has historically been used for rural living and orcharding, however since 2012 the area has transitioned with the development of a range of light industrial development land uses, particularly logistics and transport-based industries.

8. In February 2012 the FFHWS1 was rezoned from 'Special Rural' to 'Industrial Development' through Amendment 34 to Local Planning Scheme No. 3 (LPS 3).
9. A Development Contribution Plan (DCP) was prepared to facilitate land use transition to industrial development, coordinated new and upgraded infrastructure and an equitable system to levy cost contributions. The DCP became operational in May 2013, following the gazettal of Amendment 48, which introduced the FFHWS1 DCP through Schedule 12 of LPS 3 and applied a Special Control Area – Development Contribution Area 1 – on the LPS 3 map.
10. The Forrestfield High Wycombe Industrial Area Local Structure Plan (LSP) (Attachment 2) was prepared to guide the redevelopment of the area and was endorsed by the Western Australian Planning Commission in November 2013.
11. The City of Kalamunda (City) is required to review the DCPR annually. The most recent annual review was adopted at the June 2022 Ordinary Council Meeting (OCM/74/2022).

12. The DCP was initially approved with a 10-year operational period. To enable the completion of infrastructure and the build-out of the FFHWS1 area, Amendment 110 to LPS 3 was introduced to extend the operational period by a further five years (to a total operational period of 15 years, ending in May 2028). Amendment 110 was gazetted in July 2023.

DETAILS AND ANALYSIS

13. Clause 6.5 and Schedule 12 of LPS 3 provide the statutory provisions that guide the administration of the DCP and set out the following details:
- a) The area name;
 - b) Relationship to other planning instruments;
 - c) Infrastructure and administrative items to be funded through the DCP;
 - d) Method for calculating contributions;
 - e) Period of operation;
 - f) Timing and priority principles for infrastructure delivery; and
 - g) Review process and reporting obligations.
14. ***Development Contribution Plan Report:***
A DCPR further refines Schedule 12 through providing a comprehensive outline and status report of the DCP. The DCPR and its appendices do not form part of the statutory framework as they are intended to be dynamic documents which maintain the status of completed and proposed infrastructure works and the currency of the costs informed by annual reviews.
15. ***Common Infrastructure Items***
The DCP facilitates the coordinated provision of various common infrastructure items as outlined in Schedule 12 of LPS3, and further informed through Part 2 of the DCPR (Attachment 1). In summary, the DCP facilitates the coordination of the following:
- a) Land for roads and intersections;
 - b) Road and intersection construction;
 - c) Administration costs.

16.

Previous Reviews

Annual reviews allow the City to review the administration of the DCP, status of infrastructure delivery, and have regard to infrastructure cost changes and rate of development. Historical reviews and associated contribution rates are summarised in the following table:

<i>Date of Adoption:</i>	<i>Contribution Rate:</i>
<i>December 2012</i>	<i>\$23.03/m²</i>
<i>December 2013</i>	<i>\$28.49/m²</i>
<i>June 2015</i>	<i>\$31.23/m²</i> <i>Reduced to \$29.66/m² to account for only 50% of the cost of Sultana Road West.</i>
<i>December 2016</i>	<i>\$29.79/m²</i>
<i>December 2018</i>	<i>\$17.01/m²</i> <i>Comprehensive view of utility cost estimates resulting in a significant reduction in cost.</i>
<i>February 2020</i>	<i>Interim rate \$23.00/m²</i>
<i>July 2020</i>	<i>\$20.97/m²</i>
<i>December 2021</i>	<i>\$21.66/m²</i>
<i>June 2022</i>	<i>\$21.57/m²</i>

17.

2023 Annual Review

The below table provides a summary of the key information informing the 2023 Annual Review (*as at 30 June 2023*).

<i>DCA1 total area of:</i>	690,481m ²
<i>DCA1 total Net Contribution Area:</i>	664,715.75m ²
<i>Current Cost Contribution rate (adopted June 2022)</i>	\$21.57/m ²
<i>Forecast Cost Contribution rate:</i>	\$23.77/m ²
<i>Total number of lots with cost contribution obligations:</i>	15
<i>Number of lots that have satisfied their cost contribution obligations:</i>	32
<i>Percentage of landowners who have contributed:</i>	68%
<i>Estimated cost of all infrastructure:</i>	\$14,397,605.48
<i>Estimated cost of all administration:</i>	\$1,402,701.40
<i>Cost contributions levied in 2022-23</i>	\$534,505
<i>Interest received in 2022-23</i>	\$31,758
<i>DCP expenditure 2022-23</i>	\$44,481

<i>Balance of funds available</i>	\$1,260,533
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18. ***Remaining Developable Land***

The future developable area is expected to provide the Cost Contributions necessary to account for the remaining infrastructure and administrative costs. As of 30 June 2023, 32 of the 47 lots (68%) in DCA1 have been developed, or have commenced development, and 15 lots (32%) are yet to be developed.

19. ***2023 Review of Forecast Cost Estimates***

Local governments are required to review infrastructure cost estimates annually, through indexation or a full review of the cost.

20. The City commissioned a review of cost estimates following the conclusion of the 2022/2023 financial year by:

- a) An independent land valuation to inform the land costs based on the fair market value of land within DCA1(Attachment 1, Appendix J); and
- b) An independent civil engineer to inform the development infrastructure costs for all remaining infrastructure (Attachment 1, Appendix A-F).

21. ***2023 Land Costs Review***

In June 2023 an independent land valuer provided an estimated rate of \$310/m² to \$370/m² for which land should be acquired for public purposes through the DCP. The land valuation is informed by zoning designation, site characteristics and market evidence. For a detailed outline of the land costs please refer to Appendix J of Attachment 1.

22. While the assessed land value has increased in the current review from previous years, given most of the land has been acquired the change in land value has a relatively minor impact to the forecast cost contribution rate.

23. ***Land Requiring Acquisition***

Land Status	Area (m ²)	Cost (\$)
<i>Acquired</i>	<i>16,167.50</i>	<i>\$6,579,485</i>
<i>Future Acquisition</i>	<i>258.06</i>	<i>\$85,491.80</i>

24. *Status of Remaining Infrastructure Items (as of 30 June 2023)*

INFRASTRUCTURE ITEM		Forecast Cost		Status	Summary of Changes 2023 Review
		2022	2023		
ROADS	BERKSHIRE ROAD UPGRADE	\$150,378	\$183,813.67	Designs completed to 85% Commencement of works subject to finding and priority through DCP.	Based on review of civil and construction costs.
	MILNER ROAD UPGRADE	\$1,027,455	\$1,362,074.17	Designs completed to 85% Commencement of works subject to finding and priority through DCP.	Based on review of civil and construction costs.
	NARDINE CLOSE EXTENSION (NEW ROAD)	\$783,075	\$1,147,041	Stage 1: Completed 2019 Stage 2: detailed designs, pending commencement of works 2023/24	Based detailed designs progressed and a review of civil and construction costs.
	BONSOR ROAD (NEW ROAD)	\$587,657	\$601,180	Stage 1: Completed June 2020 Stage 2: pending land acquisition.	Based on review of civil and construction costs.
	SULTANA ROAD WEST UPGRADE (50% contribution)	\$1,043,739 (50% of the total costs)	\$1,284,422.99 (50% of the total costs)	Designs completed to 85% Commencement of works subject to finding and priority through DCP.	Based on review of civil and construction costs.
	BERKSHIRE ROAD / ASHBY CLOSE	\$321,323.60	\$326,942.40	Stage 1: Completed October 2019	Based on review of civil and construction costs.

	INTERSECTION UPGRADE			Stage 2: Commencement of works subject to finding and priority through DCP.	
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25. **2022-2023 Actions**

Since the 2022 Annual Review (OCM/74/2022) the following has occurred:

- a) The acquisition of land required to formalise the Nardine Close cul-de-sac;
- b) The acquisition of land associated with the Nardine Close to Sultana Road West Emergency Access Way;
- c) The Agreement finalised with a landowner to undertake the following prefunding works:
 - i. Nardine Close cul-de-sac; and
 - ii. The Emergency Access Way between Nardine Close and Sultana Road West.
- d) The City approved detailed designs for stage 2 works to Nardine Close;
- e) The City approved detailed designs for the Emergency Access Way between Nardine Close and Sultana Road West.
- f) The 2023 DCP Annual Review of infrastructure costs (Attachment 1).

26. **Priority of Infrastructure Works**

Subject to availability of funding, the following items yet to be completed are considered current priority items (listed in sequential order of priority):

- a) Ongoing administrative costs, including legal, accounting, planning, engineering and other professional advice required to prepare and implement the DCP.
- b) Stage 2 of Road 2A which involves constructing the Nardine Close cul-de-sac to a permanent standard and the construction of an Emergency Access Way (EAW) between Nardine Close and Sultana Road West.
- c) Stage 2 of Bonsor Road which involves constructing the truncations of Bonsor Road to a permanent standard. The timing of outstanding works for Bonsor Road is contingent upon the subdivision and/or development of adjoining lots 16 and 17 Bonsor Road; therefore subsequent priorities, as stated below, may also be progressed in advance of completing Stage 2 of Bonsor Road.
- d) Milner Road.
- e) Sultana Road West.
- f) Berkshire Road footpath and associated adjustment to services.
- g) Berkshire Road / Ashby Close Intersection treatment (seagull island).

27. With regard to Milner Road, it should be noted that the Water Corporation is planning major upgrades to sewer infrastructure and there is a need to sequence the delivery to ensure the DCP does not fund abortive road works. Furthermore, the while Milner Road is identified as the next major infrastructure item for delivery, there is a potential opportunity to consider a broader design and upgrade strategy in collaboration with DevelopmentWA to facilitate needed improvements for the broader Milner Road connection between Maida Vale Road and Milner Road, to support the High Wycombe South Transit Oriented Development and Residential Precincts. In this regard, the DCP's contribution towards Milner Road could elevate the priority and timing of infrastructure in the broader precinct.

APPLICABLE LAW

28. *Planning & Development Act 2005*
29. *Planning & Development (Local Planning Schemes) Regulations 2015*
30. *City of Kalamunda Local Planning Scheme No. 3*

APPLICABLE POLICY

31. *State Planning Policy 3.6 (Infrastructure Contributions)*
32. *Local Planning Policy 24 (Development Contribution Arrangements)*

STAKEHOLDER ENGAGEMENT

33. While not a statutory requirement, it is recommended that the City advertise the 2023 Annual Review. Previous experience has seen a positive result from advertising and engaging with landowners prior to formal consideration of the review by the Council. Advertising is proposed to include landowners who are yet to develop (yet to make a cost contribution) for a period of 28 days.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

35. Social Implications

The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered along with individuals' expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.

36. Economic Implications

The implementation of DCPs, as a basic principle, are not intended deliver infrastructure, services, or similar that would not ordinarily be provided through subdivision and development processes. The implementation of the DCP assists in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

37. Environmental Implications

The proposed DCP infrastructure is identified in areas where vegetation is predominately cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase, due consideration will be given to ensure impacts to this area are minimised.

RISK MANAGEMENT

38.	Risk: Not consistently undertaking an annual review and updating the contribution rate to align with current infrastructure and administrative costs.		
	Consequence	Likelihood	Rating
	Rare	Significant	Medium
	Action/Strategy		
	Ensure the Council is aware that the DCP review and the proposed revised rate is reflective of projected costs to deliver infrastructure works and land purchases. Additionally, Clause 6.5.11.2 of LPS3 requires the DCP Report is reviewed at least annually.		

39.

Risk: There is insufficient money collected in the DCP to fund infrastructure upgrades.		
Consequence	Likelihood	Rating
Possible	Major	High
Action/Strategy		
Undertake annual reviews to ensure the scope of infrastructure remains relevant and to maintain the currency of the cost of infrastructure with adequate provision for contingencies, land, and other DCP items.		

40.

Risk: Errors are contained within the DCP estimates and calculation.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure figures are audited and sourced from financial statements. Ensure cost estimates are reviewed annually and provided by an independent consultant.		

CONCLUSION

41.

The DCP has been reviewed using audited and known land and infrastructure costs and estimates based on independent consultant advice. The 2023 DCPR has been prepared and documented with the required information to ensure accountability and equity. The recommended contribution rate is a product of this information.

42.

It is recommended that it be advertised in the interest of good governance and transparency. However, it is recommended the rate is applied immediately to ensure contributions are reflective of the latest and best estimates available.

Voting Requirements: Simple Majority

RESOLVED OCM 132/2023

That Council:

1. ADOPT the 2023 Forrestfield / High Wycombe Industrial Area Development Contribution Plan Report (Attachment 1) for the purposes of public advertising.
2. ADOPT the 2023 Cost Contribution Rate of \$23.77/m², for the purposes of public advertising, and for immediate application under the Local Planning Scheme No. 3.
3. NOTIFY relevant authorities (Department of Planning, Lands & Heritage and Department of Local Government, Sport and Cultural Industries) of the 2023 Annual Review Process.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Janelle Sewell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.7. Wattle Grove Cell 9 - Infrastructure Cost Sharing Arrangement - 2023 Review - Adoption for Public Advertising

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

Previous Items	OCM 229/2020, OCM 22/2023
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-DEV-013
Applicant	N/A
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. Cell 9 Infrastructure Cost Sharing Arrangement Annual Report 2023 [10.6.7.1 - 98 pages] 2. Cell 9 Wattle Grove Outline Development Plan (ODP) [10.6.7.2 - 1 page] 3. Schedule 11 of Local Planning Scheme No. 3 (LPS3) [10.6.7.3 - 5 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 3: Kalamunda Develops

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

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

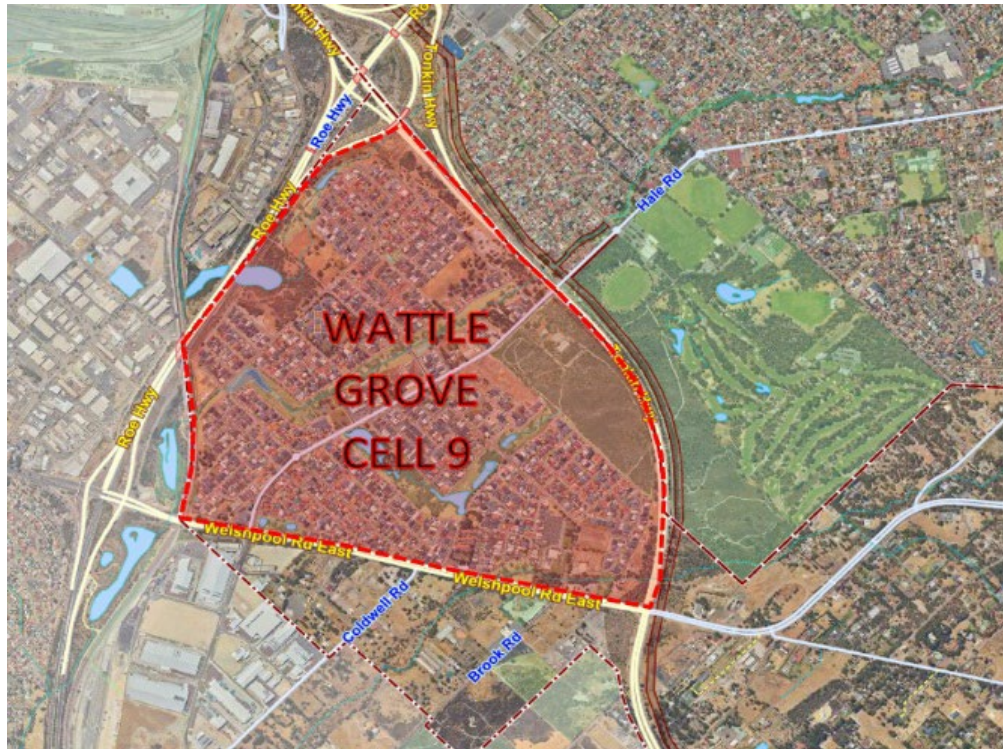
EXECUTIVE SUMMARY

1. The purpose of this report is for the Council to consider the adoption of the Infrastructure Cost Sharing Arrangement (ICSA) Report 2023 (ICSA Report 2023) (Attachment 1) for Wattle Grove – Cell 9 for the purpose of public advertising.
2. The ICSA Report sets out detailed information to facilitate the administration and delivery of the ICSA, a cost sharing arrangement to levy cost contributions for planned infrastructure that is required by, and to be shared across, Wattle Grove Cell 9. The ICSA Report is required to be reviewed annually.
3. The review has outlined a forecast contribution rate of \$21,264 per lot.
4. It is recommended that the Council resolve to adopt the ICSA Report 2023 (Attachment 1) for the purpose of public advertising.

BACKGROUND

5. **Wattle Grove Cell 9 ODP**
The ICSA applies to land contained within the Wattle Grove Cell 9 Outline Development Plan (ODP) (Attachment 2); an area generally bounded by Tonkin Highway, Roe Highway, and Welshpool Road East, as highlighted in red on the Locality Plan.

6. Locality Plan:



7. The Wattle Grove Cell 9 area operates as an ODP with administrative and ICSA provisions incorporated in Schedule 11 of the Local Planning Scheme No. 3 (Scheme). ODPs pre-date the preparation of Local Structure Plans (LSPs), however operate with the same intent and in the same manner.

8. Cell 9 Outline Development Plan (Attachment 2):



9. **Relevant History of the Area**

In 1997, the Cell 9 ODP was adopted by the Council, facilitating the urban redevelopment of the area, from rural and rural lifestyle land uses to primarily residential land uses (R20-R40) supported by public open space, a primary school, and centralised commercial land uses.

10. As the area was historically used for rural and semi-rural land uses, the redevelopment of the area generated the need for the provision of new infrastructure (i.e. public open space) and upgrades to existing infrastructure (i.e. road infrastructure) that support residential land uses.

11. Due to the nature of fragmented land ownership, and the need to achieve the coordinated delivery of infrastructure, the ICOSA was incorporated into Schedule 11 of the Scheme, enabling cell infrastructure contributions to be levied for the subsequent delivery of infrastructure.

12. **Cell 9 Landscape Masterplan**

The Cell 9 Landscape Masterplan sets the principles and guidance for the design of POS and roads within the area. The character of POS within the subject area is that of predominantly linear parks which follow the waterways and environmental corridors through the area.

DETAILS AND ANALYSIS

13. **Statutory Basis**

Schedule 11 of the Scheme includes provisions that enable the statutory implementation of the ICOSA.

14. **ICOSA Report**

The ICOSA Report further refines Schedule 11 through providing a comprehensive outline and annual status report for the ICOSA. The ICOSA Report does not form part of the Scheme as it is intended to be a dynamic document which maintains the currency of costs informed by annual reviews.

15. **Previous Reviews:**

Annual reviews of the ICOSA Report allow the City of Kalamunda (City) to review the administration of the ICOSA, status of infrastructure delivery, and have regard to infrastructure cost changes and rate of development.

16. The review of the ICOSA Report that concluded in November 2020 resulted in a cost contribution rate of \$22,275 per lot.

17. A review was commenced and considered by Council in February 2023 (OCM 2022/23) proposing a rate of \$21,639 per lot, however due to the timing of the review, and updated information on an active project (Woodlupine Brook), and the objective to align with the financial year, the review was deferred and will recommence through the 2023 ICSA Report. All reviews will recommence annually, at the conclusion of each financial year.
18. Historical reviews of the ICSA were adopted on the following dates with the associated cost contribution rates:

DATE AMENDED	RATE
1 November 2001	\$7,100
1 November 2002	\$8,100
1 November 2003	\$10,000
1 November 2004	\$12,550
19 July 2005	\$13,550
1 March 2006	\$15,500
1 September 2006	\$19,050
1 May 2007	\$22,050
1 May 2008	\$24,650
1 November 2008	\$25,500
1 November 2009	\$25,500
1 June 2011	\$26,450
1 January 2013	\$27,335
25 March 2014	\$27,315
27 August 2015	\$27,816
22 May 2017	\$26,588
27 August 2019	\$24,187
24 November 2020	\$22,275
28 February 2023 (draft)	\$21,639

19. **Cell Infrastructure Costs**
The ICSA facilitates the coordinated provision of various cell infrastructure costs provided by Schedule 11 of the Scheme (Attachment 3), and further informed through the ICSA Report (Attachment 1). In summary, the ICSA facilitates the coordination of the following:

20.

Common Infrastructure Items	Status	Summary of Outstanding Works	Anticipated Delivery
a) Administration and project management costs	Ongoing	i) ICSA review and management ii) Project delivery	Ongoing until closure of ICSA.
b) Acquisition of land for public purposes: i. roads infrastructure (road and intersection upgrades) ii. public open space (POS) iii. a primary school	Ongoing	i) Acquisition of land for public open space	Ongoing
c) Improvement to road infrastructure: i) Hale Road ii) Arthur Road iii) Sheffield Road	Complete	NA	NA
d) Woodlupine Brook Improvements	Ongoing	i) Earthworks. ii) Erosion and flow control measures. iii) Landscaping improvements and additions. iv) Construction of footpaths. v) Furniture. vi) Construction of fencing.	2023 - 2024
e) Developer Drainage Works	Ongoing	i) Gross pollutant traps Pipes ii) Manholes iii) Miscellaneous related infrastructure.	ONGOING
f) POS Improvements* to the following POS sites: i) Yule Brook POS ii) Willow Lake POS iii) Woodlupine Brook	Preliminary Designs	i) Detailed Design. ii) Earthworks. iii) Landscaping improvements and additions. iv) Footpaths. v) Furniture.	2024 - 2026

Undeveloped Reserve			
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**Indicates infrastructure works estimated for consideration through this review*

21. **Priority of Delivery for Outstanding Common Infrastructure Items**

As noted in the above table, several common infrastructure items remain outstanding, with delivery contingent upon further development of land within Cell 9 and subsequent collection of cost contributions levied at the subdivision and/or development of land.

22. Subject to the availability of funding, the following order of priority is recommended:

1. Woodlupine Brook Improvements;
2. Yule Brook POS Improvements and associated Land Acquisitions / Miscellaneous Land Costs;
3. Willow Lake POS Improvements and associated Land Acquisitions / Miscellaneous Land Costs;
4. Woodlupine Brook Undeveloped Reserve Improvements;
5. Developer drainage works (Ongoing);
6. Administration Cost (Ongoing);
7. Education Department Loan (refer to part 2.6 of the ICSA Report).

23. The priority list will be updated as part of the annual cost estimate review and associated ICSA Report update.

24. **2023 Annual Review**

The below table provides a summary of the infrastructure cost and cost contribution liabilities and key information supporting the 2023 Annual Review (as at 30 June 2023):

Current Cost Contribution rate:	\$22,275/lot created
Forecast 2023 Cost Contribution rate:	\$21,264/lot created
Number of cost contribution discharged 2020-2023 FY	74 lots
Number of forecast lots with contribution obligations:	296
Estimated cost of remaining Cell Infrastructure Costs	\$13,118,230.88
Contributions levied in 2020-2023 FY	\$1,709,534
ICSA expenditure 2020-23 FY	\$4,343,317.72
Balance of funds available	\$6,824,081
Interest received in 2020-23 FY	\$258,464.49

25. **Actions Since 2020 Annual Review**

Since the November 2020 Annual Review (OCM 229/2020) the following has occurred and is proposed to be reflected in the current review:

- a) Reduction in the Hale Road upgrade costs (-\$871,284);
- b) Estimates being prepared for the proposed use of Cell 9 ICSA funds for the following public open space (POS) improvements:
 - i. The Yule Brook POS (\$495,477);
 - ii. Willow Lake POS (\$302,777); and
 - iii. Woodlupine Undeveloped Reserve POS (\$74,224).
- c) The land acquisition rate, informed by an independent land valuation (refer Attachment 1, Appendix K), being updated from \$165/m² to \$175/m².
- d) The development, and consequential discharge of cost contributions, from 74 lots, representing \$1,709,534.
- e) A consequential recalculation of the forecast rate applied; from \$22,275 to a forecast \$21,264.

26. **Reduction in Costs to Hale Road Improvements**

Hale Road was completed in 2022. Total actual costs for Hale Road decreased significantly from what was estimated in the previous review that concluded in November 2020. The reduction in costs for Hale Road represents \$871,284.

27. The reduction in cost to Hale Road was due to two main reasons:

- a) Reduction in Western Power costs; and
- b) Changes to the scope of upgrades that occurred at final detailed design and delivery stage.

28. Western Power undertook works prior to the commencement of road construction works, which reduced the cost of Western Power costs significantly as opposed to if they were undertaken during or post road construction as initially estimated.

29. The scope of the Hale Road project was required to be adjusted at the detailed design and delivery phase due to constraints derived from final road reservation widths and existing infrastructure. The key changes are summarised as follows:

- a) Removal of an exclusive cycle lane.
- b) Removal of a path on the North-western end of Hale Road –
 - i. Puddy Lane to Welshpool Rd East (83m); and
 - ii. From 12 Hale Road to Welshpool Rd East (230m)
- c) A reduction in the pavement width at construction than originally proposed, by minimum of 2m for full length.

- d) A reduction in the road reserve width at construction than originally proposed; originally proposed to be 23.5m, as-constructed ranges from approximately 17m to 21m.

30. **Woodlupine Brook Improvement Cost Estimates**





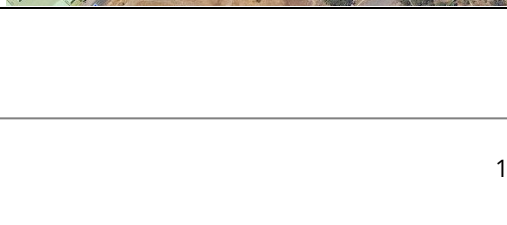
Total costs for Woodlupine Brook have remained relatively consistent to the previous review.




- 31. The design and delivery of Woodlupine Brook improvements were divided into 3 stages. Stages 1 and 2 were completed by 2019, therefore the remaining estimated costs provided in the ICSA relate to Stage 3.
- 32. Stage 3 includes areas, in and surrounding the Woodlupine Brook water course, under the care and control of the Water Corporation. It is therefore necessary for the City to obtain approval from the Water Corporation for works affecting the water course.
- 33. The City recommenced the preparation of detailed designs for Stage 3 in 2021 and has been liaising with the Water Corporation to ensure agreed functional outcomes of the Woodlupine Brook. The City became aware, during this engagement, that Water Corporation's design expectations had changed, which resulted in an extended design process and changes to the scope of improvements. Furthermore, the Water Corporation advised in mid-2021 that works were required to the drainage channel to remove typha vegetation (a type of wetland vegetation) due to concerns about impacts on the hydrology and local flooding risks.
- 34. The above factors have also resulted in delays to obtaining estimated costs for the purposes of completing the ICSA review in the 2021/2022 financial year.
- 35. Increases in costs have been experienced due to significant inflation for materials and construction. There have also been additional costs added for amenity items such as park furniture and infill planting.
- 36. The scope of improvements to the Woodlupine Brook Stage 3 improvements have undergone the following key changes:
 - a) Removal of revegetation / planting in drainage basin and sides so as not to conflict with the Water Corporation's management processes.
 - b) Increased amenity improvements (e.g. park furniture and infill planting)
- 37. Stage 3 drainage works have commenced and are anticipated to be completed in 2023, with planting to occur in the winter months in 2024.

38. **Improvement Costs to POS**

While the ICSA has historically included acquisition costs for POS, improvement costs have only been identified and estimated for the Woodlupine Brook POS. This annual review is proposing to include improvements for three POS sites that are yet to be completed to an acceptable basic standard and utilise ICSA funds as originally intended.

39. The City has conducted a review of POS in the Cell 9 ODP which has identified that the following POS sites remain unimproved:

RESERVE NAME	LOT	AERIAL
a) Willow Lakes POS	Lot 26 St John Road (PART)	
	Reserve 50721	
b) Yule Brook POS	Reserve 47406 and Reserve 27722	
	Lot 42 Bruce Road (PART)	
	Lot 60 Bruce Road (PART)	

	Reserve 50985 'Grass Tree Reserve'	
c)	Woodlupine Creek Undeveloped Reserve POS	
	Lot 312 Chervil Bend	

40. While previous revisions of the ICSA have included acquisition costs for the remaining POS lots in the Cell 9 ODP, they didn't include associated improvement costs (except for Woodlupine Brook POS). The City proposes to utilise ICSA funds for POS infrastructure, in line with the prevailing intent established for Cell 9, toward the improvement of the following reserves:

RESERVE NAME	LOT DESCRIPTION	ESTIMATED COST
a) Woodlupine Creek Undeveloped Reserve	Lot 919 Chervil Bend	\$74,224
	Lot 312 Chervil Bend	
b) Willow Lake POS	Lot 26 (part) St John Road*	\$302,777

	Reserve No. 50721	
c) Yule Brook POS	Reserve No. 27722	\$495,477
	Reserve No. 47406	
	Lot 60 Bruce Road (part)*	
	Lot 42 Bruce Road (part)*	
	Reserve No. 50985	
TOTAL		\$872,478

**Indicates POS yet to be acquired.*

41. The standard of improvements will be in accordance with the WAPC Liveable Neighbourhoods Guidelines (2009), the City of Kalamunda's Local Planning Policy 32 (Public Open Space) and the design principles of the Cell 9 Landscape Masterplan. In summary, the POS will be improved with:

- a) Footpaths;
- b) Pram ramps;
- c) Park benches;
- d) Hoop rails;
- e) Shelters;
- f) Revegetation; and
- g) Bins.

It is noted items such as play equipment and barbeques would need to be funded from municipal or other sources.

42. **Legal Advice and Rationale for Inclusion of POS Improvement Costs**
The City reviewed the intent of the provisions of Schedule 11 of Scheme as they relate to POS. Legal advice confirms the ability to include the POS improvements to Yule Brook POS, Willow Lake POS and Woodlupine Undeveloped Reserve. The intent of the Cell 9 ODP and Schedule 11 of the Scheme is for improvements to be delivered to POS, as identified on the Cell 9 ODP which includes the above-mentioned sites. It is reasonable and appropriate for contributions to be allocated to the improvement of POS across the Cell 9 ODP area to the benefit of all Cell 9 residents. This conclusion is supported by the advice received in Confidential Attachment 1.

43. Due to the cost of delivering Hale Road being significantly less than what was estimated, the inclusion of the cost of these POS improvements largely balances out and therefore does not have a negative impact on the contribution rate. The rate is considered to remain fair and within a reasonably consistent range of recent reviews.

44. **Remaining Lot Yield**

The future lot yield is expected to provide the contributions necessary to clear all the remaining ICSA costs.

45. Approximately 296 new lots are expected to be created. 74 new lots have been created between the period when the last annual report was finalised in November 2020 and 30 June 2023.

46. Cost contributions collected from the remaining undeveloped sites will provide the funds necessary to account for all infrastructure items and associated administration costs noted in the ICSA. For further information regarding the methodology applied to calculating the per lot rate, refer to part 3 of the ICSA Report.

47. **Land Costs Review**

48. The ICSA provides for the acquisition of road reserve land and POS land as identified on the ODP. All road related land acquisition has been completed, and as at 30 June 2023 approximately 2.3 hectares of POS land is identified for acquisition through the ICSA.

49. An independent land valuer assigns value to land required to be acquired for public purposes as outlined by the ICSA in accordance with the ODP. A valuation report prepared for the current review (Attachment 1, Appendix K) has assigned a land valuation rate of \$175/m², which represents \$4,055,800, to be utilised for determining estimated land acquisition costs for the remaining areas of POS land acquisition.

50. A twenty (20) percent contingency has been applied to the land cost, which represents \$811,160. The contingency rate was recommended by an independent land valuer due to land purchases undertaken by the City in Cell 9 which have included a 10% solatium allowance and, following negotiations with landowners, have exceeded the estimated land purchase cost.

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

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

53. **Remaining Common Infrastructure Works**

The below table provides a summary of any remaining common infrastructure works.

Item	Remaining Cost
Hale Road	\$0
Arthur / Wimbridge / Sheffield Projects	\$0
Woodlupine Brook Improvements	\$1,614,457.80
Yule Brook Stage 1	\$244,059.00
Yule Brook Stage 2	\$251,418.00
Willow Lake	\$302,777.00
Woodlupine Undeveloped Reserve	\$74,224.00
Developer Drainage Works	\$792,000.00
SUBTOTAL	\$3,278,935.80
Contingency	\$324,443.08
Education Department Loan	\$3,909,092.00
Land for Roads	\$0.00
Land for Public Open Space	\$4,055,800.00
Miscellaneous Land Acquisition Related Expenses	\$210,000.00
Land contingency	\$811,160.00
Administrative Items	\$528,800.00
Total	\$13,118,230.88

54. **Completed Works**

Since the last review the upgrade of Hale Road has been completed.

55. **Administration Costs**

The administration costs have been reviewed to reflect the project timeframe left for the ICSEA to operate. This was calculated based on the length of the arrangement to date and the amount of lots developed in that time to determine the average number of lots developed each year. The remaining lots were then divided by the average lots developed each year to calculate the estimated number of years remaining in the ICSEA. Based on this equation it is estimated there are four years remaining for the Infrastructure Cost Sharing Arrangement to operate. This will be reviewed on a yearly basis.

56. The estimated costs for future administrative items is estimated at \$528,000.

57. The administration of the ICSA includes, but is not limited to, the following key tasks:

- a) Legal/Land acquisition management;
- b) ICSA annual review;
- c) Land valuation; and
- d) Planning related time and costs.

58. **Calculation Methodology**

The method for calculating contributions is as follows:

$$\begin{aligned} \text{Net outstanding costs} &= \text{remaining costs} - \text{funds held in bank} \\ \text{Remaining lot yield} &= R - \text{Code yield or Commercial zone equivalent} \end{aligned}$$

$$\text{Contribution Rate} = \frac{\text{Net outstanding costs (\$)}}{\text{Remaining lot yield}}$$

Remaining costs	\$13,118,230.88
Funds held in bank	\$6,824,080.44
Remaining lot yield	296 lots or lot equivalent
Contribution Rate	\$21,264

$$\text{Contribution Rate} = \frac{(\$13,118,230.88 - \$6,824,080.44)}{296} = \$21.264 \text{ per lot}$$

APPLICABLE LAW

- 59. *Planning & Development Act 2005*
- 60. *Planning & Development (Local Planning Schemes) Regulations 2015*
- 61. *City of Kalamunda Local Planning Scheme No. 3*
- 62. The ICSA contributions are administered and determined in accordance with the provisions of Schedule 11 of LPS3.

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

- 64. While it is not a requirement to advertised the Annual Review, previous experience has seen a positive result from advertising and engaging with landowners prior to formal consideration of the ICSA review by Council. As such, it is recommended to advertise this review to the landowners who are yet to develop for a period of at least 28 days.

65. In March/April 2023 the City advertised an earlier review of the draft ICSA Report and no submissions were received. It is recommended that re-advertising occurs as part of the current review, prior to the matter being brought back to the Council for endorsement.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

67. The provision of infrastructure in a timely, coordinated and responsible manner can impact on amenity and provision of facilities for both existing and future residents. Impacts on the quality of life need to be considered along with individuals' expectations. This review enables the proposed infrastructure to be delivered in an efficient and financially responsible manner.
68. The implementation of ICSA assists in the timely, efficient, and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.
69. The proposed ICSA provides upgrades to Woodlupine Brook POS, Yule Brook POS, Willow Lake POS and Woodlupine Undeveloped Reserve. Landscaping upgrades will enable the area to be utilised for more active uses by the community and to reduce erosion.

RISK MANAGEMENT

- 70.
- | | | |
|---|-------------------|---------------|
| Risk: The ICSA does not generate enough funds to undertake works. | | |
| Consequence | Likelihood | Rating |
| Major | Unlikely | Medium |
| Action/Strategy | | |
| Ensure annual reviews account for the cost of infrastructure and the remaining development has the capacity to cover these costs. Ensure regular reviews of funding capacity. | | |

71.	Risk: Land and infrastructure within the ICSA remains undeveloped by the end of the predicted operational period (4 years – 30 June 2026).		
	Consequence	Likelihood	Rating
	Major	Unlikely	High
	Action/Strategy		
	Ensure the rate of development is monitored annually and the duration of the ICSA is reevaluated during annual reviews.		

72.	Risk: Unimproved POS identified on the Cell 9 ODP remains unfunded.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Include improvements to unfunded POS in the ICSA.		

73.	Risk: Stakeholders are dissatisfied with the proposed inclusion of POS Improvements.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Advise stakeholders of the legal advice that advises of the appropriateness for the inclusion of POS improvements to the ICSA.		

CONCLUSION

74. In summary, the following updates have occurred since the 2019/20 ICSA review:
- a) Reduction in the Hale Road upgrade costs (-\$871,284);
 - b) Estimates being prepared for the proposed use of Cell 9 ICSA funds for the following public open space (POS) improvements:
 - iv. The Yule Brook POS (\$495,477);
 - v. Willow Lake POS (\$302,777); and
 - vi. Woodlupine Undeveloped Reserve POS (\$74,224).
 - c) The land acquisition estimates, informed by an independent land valuation (refer Attachment 1, Appendix K), being updated from \$165/m² to \$175/m².
 - d) The development, and consequential discharge of cost contributions, from 74 lots, representing \$1,709,534.
 - e) A recalculation of the forecast rate to \$21,264.

75. The proposed minor reduction in rate is a consequence of a reduction in the total costs for Hale Road, which has been partially offset by the addition of POS improvement costs to Yule Brook POS, Willow Lake POS and Woodlupine Brook Unimproved Reserve.
76. Legal advice has confirmed the ability to include the POS improvements. The intent of the Cell 9 ODP and Schedule 11 of LPS3 is for POS improvements to be delivered to POS as identified on the Cell 9 ODP, which includes the above-mentioned POS.
77. The ICSA has a positive cash flow at present, with a cash balance of \$6,824,080.44 as at 30 June 2023. There are a number of infrastructure projects planned in the as outlined in the works priorities, which will bring the cash balance down.
78. It is recommended that the Council resolve adopt the ICSA and the cost contribution rate of \$21,264 per lot for the purposes of public advertising.

Voting Requirements: Simple Majority

RESOLVED OCM 133/2023

That Council:

1. ADOPT for the purpose of public advertising for a period of at least 28 days, proposed Infrastructure Cost Sharing Arrangement Report (Attachment 1) and reviewed rate of \$21,264 per dwelling yield.
2. REQUEST the Chief Executive Officer advise the affected landowners of the review.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.7. Audit & Risk Committee 29 August 2023

10.7.1. Audit & Risk Committee 29 August 2023 Recommendations

RESOLVED OCM 134/2023

That Council ADOPT the recommendations 10.7.3 and 10.7.4 en bloc.
Recommendation 10.7.2 requires an absolute majority and will be considered separately.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.7.2. A&R 9.3.1.External Audit - Interim Findings for the year ending 30 June 2023

Voting Requirements: Absolute Majority

RESOLVED OCM 135/2023

That Council ACCEPT the findings of the Interim Audit undertaken in May 2023 for the financial year ending 30 June 2023 as shown as Confidential Attachment 1.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote: For: Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie

Against: Nil

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (8/0)

10.7.3. A&R 9.3.2. Local Government (Audit) Regulations 1996 - Outcome of Regulation 17 Review

Voting Requirements: Simple Majority

RESOLVED EN BLOC 134/2023

That Council RECEIVE the outcomes of the *Local Government (Audit) Regulations 1996* Regulation 17 Review presented at Confidential Attachment 1.

Moved: Cr Janelle Sewell

Seconded: Cr Geoff Stallard

Vote: For: Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie

Against: Nil

CARRIED UNANIMOUSLY (8/0)

10.7.4. A&R 9.3.3. Internal Audit Report August 2023

Voting Requirements: Simple Majority

RESOLVED EN BLOC 134/2023

That Council RECEIVE the details of the Internal Audit Reviews conducted during 2022/23 presented in Confidential Attachments 1,2,3,&4.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Geoff Stallard**

Vote: For: **Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

11. Motions of Which Previous Notice has been Given

11.1 Nil.

12. Questions by Members Without Notice

12.1 Nil.

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

The Presiding Member advised the meeting the Chief Executive Officer, Rhonda Hardy, has tendered her resignation with immediate effect and made the following statement: "Rhonda has resigned to enable her to deal with her serious illness. On behalf of Councillors, I would like to thank Rhonda for her outstanding service to this City and This Community. Rhonda has been an amazing leader and has been fundamental in the development of the City's "Big Picture" Strategic Plan and she leaves us with an incredible plan. We wish her luck in her health battle."

14.1. Appointment of Acting Chief Executive Officer

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

Gary Ticehurst declared a Direct Financial Interest on Item 14.1. Mr Ticehurst is recommended to be appointed the Acting Chief Executive Officer. Mr Ticehurst left the meeting at 7:07pm and returned at 7:09pm.

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Office of CEO
File Reference	
Applicant	
Owner	
Attachments	{attachment-list-do-not-remove}

TYPE OF REPORT

	Advocacy	When Council is advocating on behalf of the community or another level of government/body/agency
✓	Executive	When Council is undertaking its substantive role of decision making, setting and oversight (eg accepting tenders, adopting budgets and budgets
	Information	For Council to note
	Legislative	Includes adopting Local Laws, Town Planning Scheme 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 for Council to receive the resignation of the Chief Executive Officer (CEO), Rhonda Hardy and appoint an Acting CEO.
2. Council is responsible for the appointment of the Chief Executive Officer.
3. It is recommended Council receive and acknowledge the resignation of the Chief Executive Officer and approve the appointment of Director of Corporate Services as Acting Chief Executive Officer.

BACKGROUND

4. In accordance with Section 5.39C of the Act, if the CEO is absent from the workplace for periods of leave less than twelve months, Council is required to appoint an Acting CEO.

DETAILS AND ANALYSIS

5. The Chief Executive Officer, Rhonda Hardy submitted her resignation from the position of CEO on 26 September 2023 effective immediately.
6. Council is responsible for process of appointing a new Chief Executive Officer.
7. While the recruitment process is taking place it is appropriate council appoint an acting CEO.

APPLICABLE LAW

8. *Local Government Act 1995 Section 5.36.*

APPLICABLE POLICY

9. Governance 18 – Appointment of Acting Chief Executive Officer.

STAKEHOLDER ENGAGEMENT

10. Nil.

FINANCIAL CONSIDERATIONS

11. There are no financial implications arising from this proposal there is sufficient accrued leave.

SUSTAINABILITY

12. N/A

RISK MANAGEMENT

13.	Risk: Council does not appoint an Acting CEO		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	Advise Council that it is a requirement of the Local Government Act 1995 to appoint a CEO		

CONCLUSION

14. Nil.

Voting Requirements: Simple Majority

RESOLVED OCM 136/2023

That Council:

1. RECEIVE and ACCEPT the resignation of the Chief Executive Officer, Rhonda Hardy, effective 26 September 2023
2. APPOINT, pursuant to Council Policy Governance 18 – Appointment of Acting Chief Executive Officer, the Director Corporate Services as the Acting Chief Executive Officer for the period 26 September to 31 January 2024.

Moved: **Cr John Giardina**

Seconded: **Cr Kathie Ritchie**

Vote: **For: Cr Margaret Thomas, Cr Brooke O'Donnell, Cr John Giardina, Cr Janelle Sewell, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: Nil

CARRIED UNANIMOUSLY (8/0)

15. Meeting Closed to the Public

15.1 Nil.

16. Tabled Documents

- Hockey and Tee Ball Advisory Committee (HaTBAC) Minutes 08-05-23
- Hockey and Tee Ball Advisory Committee (HaTBAC) Minutes 28.08.23
- LEMC Minutes 31 August 2023 – DRAFT
- Public Agenda Briefing Forum Notes 12 September 2023

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:09pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2023.