



Ordinary Council Meeting

AGENDA

Tuesday 28 February 2023

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 28 February 2023 at 6.30pm.**



Peter Varelis
A/Chief Executive Officer
23 February 2023



Our Vision

Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service: We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

Professionalism: We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

Quality: We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

Aspirational Values

Courage: We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

Diversity: We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Innovation: We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.

kalamunda.wa.gov.au



Information for the Public Attending

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Ordinary Council Meetings – Procedures

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. **Official Opening**
 2. **Attendance, Apologies and Leave of Absence Previously Approved**
 3. **Public Question Time**
 - 3.1. **Questions Taken on Notice at Previous Meeting (Ordinary Council Meeting 13 December 2022)**
 - 3.1.1 Diane English, High Wycombe
- Q1 Will the City therefore please remove Item 21.2 from the Amended LSP for High Wycombe South?
- A1. Notifications on Titles are applied in the planning framework for a range of reasons including bushfire risk, noise, mosquitoes, and industrial activities. Notifications inform prospective owners of a particular matter and are not intended to penalise any landowner.
- While the ultimate objective is to minimise amenity impacts between land uses as part of approvals under the City's Local Planning Scheme No. 3, it is considered appropriate to notify future landowners by applying Notifications on Titles as part of the development or subdivision application process. This will inform prospective landowners of a potential for higher than normal noise levels. Note that Sultana Road West will ultimately become a Restricted Access Vehicle route and carry larger than normal vehicles to service light industrial activities.
- It is important to note that Notifications are not used as a substitute to other Scheme or policy requirements, where the matter (eg. noise) is so significant that a proposal should not otherwise be approved.
- Q2. Why didn't the City consult with residents along the central part of Sultana Road West about the type of businesses in Stage 1 and managing the impact of Stage 1 industrial development.
- A2. Amendment 48 to Local Planning Scheme No. 3 (LPS3), which inserted the Industrial Development zone and land use permissibility for that zone, was public advertised in mid-2012.
- The City's LPS 3 provides for the circumstances where advertising is and is not required, based on the nature of land use and development works proposed. The City has conditionally approved many developments within the Forrestfield / High Wycombe Stage 1 Industrial Area, and advertising is generally only required where:

- a) the land use permissibility is classified under Table 1 as 'D' (Discretionary) and in the opinion of the City advertising is necessary, or classified as "A" (Advertise); and/or
- b) The development is inconsistent with the LPS 3 provisions or other relevant policy requirements which, in the opinion of the City, is likely to impact on other landowners.

The FF/HW Industrial Area LSP includes objectives for industrial development to not adversely impact on the amenity and safety of adjoining land uses. Furthermore, the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP) identifies Sultana Road West and the appropriate transition point between the industrial and future urban precincts and incorporates provisions requiring design treatments to be provided at the development stage(s) to ensure an appropriate interface.

The City is aware of industrial operations and concerns from some residents regarding amenity impacts, and is continuing to investigate, from a development compliance perspective, the issues raised concerning light industrial activities along Sultana Road West. Residents will be updates at appropriate intervals on the progress of these investigations.

3.1.2 Michael Ryan, High Wycombe

Q1. Has the City ever approved a business in Stage 1 knowing it will emit noise or odour beyond its boundary or might reasonably be expected to emit noise or odour beyond its boundary?

A1. No.

Q2. Does the City consider any business operating in the Stage 1 Industrial Development Zone would currently be assessed as an X Classification according to the City's LPS3 Amendment No 48. If so, please name that business, or businesses. Refer attachment LPS3 Clarification of compliance

A2. No. All land uses have been approved on the basis of their permissibility under the Industrial Development zone.

3.1.3 David Downing, High Wycombe

Q1. How many street trees has the City planted in each of the past 5 financial years, and where were they planted?

A1.

Financial Year	No. Street Trees
2022	570
2021	338
2020	535
2019	261
2018	389

The trees were planted in various locations throughout the City within the following considerations –

- Street trees installed in areas especially in the Foothills where existing verges are sparsely populated with street trees
- As improvements to major roads in the City (eg Welshpool Rd East and Kalamunda Rd)
- Undertaken as part of development contribution scheme funded or similar works (eg Hale Rd)
- Where existing street trees had to be removed for reasons of failure or ill health of trees and replacement trees installed

For clarity, the question on “street trees” is assumed to exclude trees planted in parks, reserves and bushland

Q2 How many of the trees planted were paid for by external sources such as private landowners, developers, government departments etc? For example, the November Debtors report shows an amount of \$9,185 owed by the PTA for supply and install of street trees.

A2. The City has predominantly funded the expenditure over the past 5 years for street trees from rates. From time-to-time external grant funded opportunities exist to procure and install street trees including a Western Australian Local Government Association managed grant scheme for 300+ trees to be procured and planted in 2022

There are not significant numbers of private landowner contribution to street trees apart from the contribution scheme arrangements noted in Question 1 above.

The Public Transport Authority (PTA) funding is for their responsibility for offset funding due to PTA development works, of which the trees have yet to be planted.

3.1.4 Charles Dornan, Wattle Grove

Q1. Has the City sought legal advice in relation to the procedural fairness of the current process for fire mitigation inspections and has the City undertaken any consultation with insurance companies?

A1. No.

Q2. Can the appropriate city office clarify if all city officer undertaking fire mitigation inspections have national recognised training certificates under the Australian Quality Training framework?

A2. City of Kalamunda officers have training and qualifications appropriate to the role requirements.

3.1.5 Bev Dornan – Wattle Grove (taken on notice Annual Elector Meeting 7 February 2023)

Q1. Questions relating to the financial tables on pages 110,111 & 112 of the publication. In the table shown on page 110 it appears to show under the heading of borrowing and lease liabilities that the City took out a loan for \$100,000 related to the Wattle Grove Planning Study is this actually the case, if so can you confirm that the Council approved seeking a loan for this purpose?

A1. Council approved the loan as part of the budget adopted 2019/20.

Q2. On the table on page 111, again under the heading of borrowing and lease liabilities it appears that the City took out a loan for the community amenities relating to the Wattle Grove South Planning Study. What community amenities were obtained by loan as a consequence of the Wattle Grove South Planning Study?

A2. In order to discharge its responsibilities to the community, Council has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the City's Community Vision, and for each of its broad activities/programs.

Following is an extract from the Statutory budget 2022-2023

Community amenities	
To provide services required by the community.	
	Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes and public conveniences.

- Q3. It states on page 112, the \$12,000 remains unspent on a loan related to the Wattle Grove South Planning Study. Why is this the case?
- A3. As of 1 July 2021, the City had an upsent loan component of \$12,000 in the accounts. Funds were released based on the actual project costs incurred during the financial year.

As of 30 June 2022 the loan amount was fully utilised for the above mentioned purpose.

3.1.5 Bev Dornan – Wattle Grove (taken on notice Public Agenda Briefing Forum 14 February 2023)

- Q. Is there the opportunity for the City to require developers to pay for the independent Design Review Panel?
- A. It is open to the City to charge the applicant for the Design Review Panel committee members sitting fees. However, a review of other local governments, would indicate that passing the cost of the Design Review Panel onto the applicant is not reflective of a best practise approach. Moreover, local government reporting indicates that costs incurred through Design Review Panels is considered good value as it offers broad and long term benefits to the community and encourages applicants to engage in the design review process.

3.2. Public Question Time

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.

4. Petitions/Deputations

5. Applications for Leave of Absence

6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Ordinary Council Meeting held on 13 December 2022, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 13 December."

- 6.2 That the Minutes of the Special Council Meeting held on 7 February 2023, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 7 February."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.2 Amendment 108 to Local Planning Scheme No. 3 - Proposed Rezoning of Lot 32 (4) Kirkdale Road and Lot 33 (4) Orange Valley Road, Kalamunda – Confidential Attachment – Submitters List

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

- 8.2 Item 10.1.3 Amendment 108 to Local Planning Scheme No. 3 - Proposed Rezoning of Lot 32 (4) Kirkdale Road and Lot 33 (4) Orange Valley Road, Kalamunda - Confidential Attachment – Submitters List

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

- 8.3 Item 10.6.6 Wattle Grove Cell 9 - Infrastructure Cost Sharing Arrangement - 2022 Annual Review - Adoption for Public Advertising - Confidential Attachment – Legal Advice

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

- 8.4 Item 10.6.7 Award of RFT 2206 Woodlupine Wattle Grove Living Stream - Stage 3 - Confidential Attachment - RFT 2206 Woodlupine Brook Wattle Grove Living Stream - Tender Evaluation Report

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

- 8.5 Item 10.6.9 Legal Advice - Rates Dispute

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

- 8.6 Item 10.6.10 Confidential Questions Taken on Notice

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

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1. Development Services Reports

10.1.1. Local Planning Scheme No.3 - Scheme Amendment 110: Forrestfield/High Wycombe Light Industrial Area Stage 1 Development Contribution Arrangement: Extension of Time

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

Previous Items	OCM 74/2022; OCM 127/2022
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/110
Applicant	City of Kalamunda
Owner	Various

Attachments	1. Form 2A: Proposed Amendment 110 to Local Planning Scheme 3 Document [10.1.1.1 - 2 pages]
	2. Local Planning Scheme No. 3 - Schedule 12 – Development Contribution Areas [10.1.1.2 - 2 pages]
	3. Local Structure Plan Map [10.1.1.3 - 1 page]
	4. Submission Table [10.1.1.4 - 40 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 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

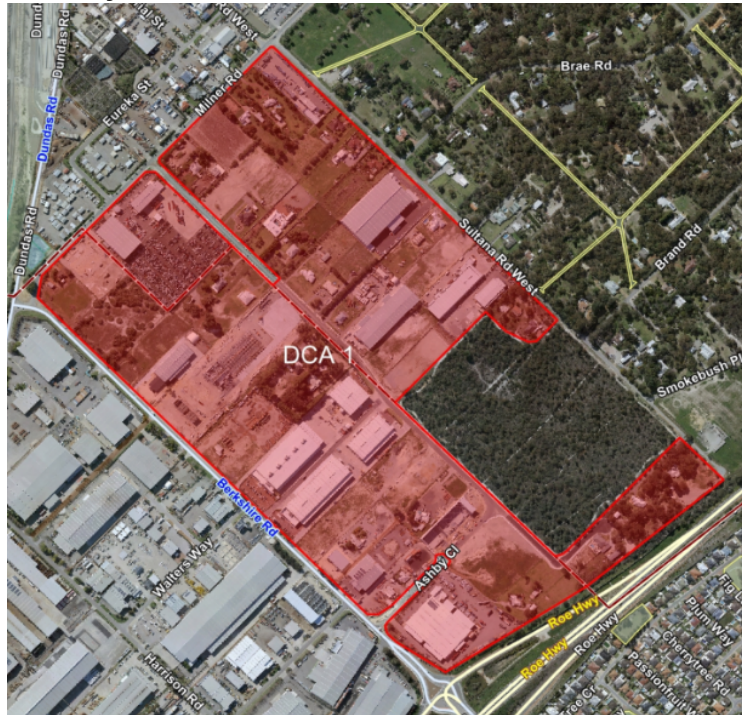
1. The purpose of this report is for the Council to consider submissions received on Amendment 110 (A110) (Attachment 1) to the City of Kalamunda (City) Local Planning Scheme No. 3 (Scheme), and decide on whether to support A110.
2. A110 applies to the Development Contribution Area 1 (DCA1) designated on the Scheme map, and the Development Contribution Plan (DCP) incorporated in Schedule 12 of the Scheme (refer Attachment 2), which operates over the Forrestfield / High Wycombe Industrial Area - Stage 1 (FFHWS1), and is approximately 68 per cent developed. A110 proposes to extend the existing 10-year operational period by a further five years (to a total operational period of 15 years). This will extend the expiry date of DCA1 from 10 May 2023 to 10 May 2028.
3. During the advertising of A110 one submission was received providing a range of comments. Refer to paragraphs 55 to 62 and Attachment 4 for further information.
4. It is recommended that the Council support A110 without modification for the purposes of referral to the WAPC and, subsequently, the Minister for Planning for final approval.

BACKGROUND

5. The DCP, and by extension A110, applies to an area marked on the Scheme map as DCA1, which operates over the FFHWS1; an area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway, as highlighted in red on the Locality Plan below.

6.

Locality Plan:



7.

Relevant History:

FFHWS1 was rezoned from 'Special Rural' to 'Industrial Development' under the Scheme in accordance with Amendment 34 which was Gazetted in February 2012.

8.

The FFHWS1 Local Structure Plan (the LSP) was adopted in November 2013 to facilitate industrial subdivision and development within the area. The current LSP map can be found at Attachment 3.

9.

In May 2013, the gazettal of Amendment 48 introduced the DCP through Schedule 12 of the Scheme. This date represents the commencement of the 10-year operational period for the DCP.

10.

A comprehensive DCP Report (DCPR) and Cost Apportionment Schedule informs Schedule 12 of the Scheme but does not form part of the Scheme text. The DCPR is a dynamic document which maintains the currency of the costs and is reviewed annually pursuant to Clause 6.5.11.2 of the Scheme and the requirements of *State Planning Policy 3.6 Infrastructure Contributions*.

11. 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. These annual reviews were completed:
- a) December 2012
 - b) December 2013
 - c) June 2015
 - d) December 2016
 - e) December 2018
 - f) February 2020
 - g) July 2020
 - h) December 2021
 - i) June 2022
12. Consequential amendments to the DCPR resulting from A110, to align the additional operation period outlined in Schedule 12 of the Scheme and the DCPR, will occur subject to, and following, determination of A110 by the Minister for Planning.
13. The Council adopted the most recent annual review of the DCPR at its Ordinary Meeting in June 2022 (OCM 74/2022).
14. The next review of the DCPR will commence at the conclusion of the 2022/2023 financial year.

DETAILS AND ANALYSIS

15. **Period of Operation of the DCP**
The DCP is outlined in Schedule 12 of the Scheme, with an operation period of 10 years. The current operational period concludes on 10 May 2023.
16. A110 seeks to amend the operation period of the DCP with no changes proposed to other provisions associated with DCA1 or the contents of the DCPR as previously adopted by the Council. Subject to the extension of the operation of the DCP, the City will continue undertake annual reviews of the DCPR.
17. The provisions of State Planning Policy 3.6 Infrastructure Contributions (SPP3.6) contemplates a period of operation exceeding 10 years where, as in this instance, the nominated timeframe can be linked to a capital works and staging program (SPP 3.6, Clause 6.10.6).

18. Pursuant to Clause 6.10.6 of SPP 3.6, when determining an appropriate lifespan for a DCP, the following matters should be taken into consideration:

- a) Strategic and infrastructure planning, and financing cycles
- b) Reflect anticipated development growth rates; and
- c) Provide certainty that the identified infrastructure items can be delivered within the stipulated timeframe of the DCP.

19. Subsequent sections in this report outline how the proposal conforms with these requirements.

20. **Common Infrastructure Items**

The DCP facilitates the coordinated provision of various common infrastructure Items as outlined in Schedule 12 of the Scheme, and further informed through part 2 of the DCPR. In summary, the DCP facilitates the coordination of the following:

- a) Land for roads and intersections;
- b) Road and intersection construction;
- c) Landscaping; and
- d) Administration costs.

21. **Status of Common Infrastructure Items**

The following table summarises the status of the common infrastructure items the subject of the DCP:

Common Infrastructure Items	Status	Summary of Works
a) Berkshire Road Upgrades	Designs completed to 85%. Commencement of works subject to funding and priority through DCP.	i. 2m footpath on northern verge. ii. Undergrounding of overhead consumer powerlines.

<p>b) Milner Road Upgrades</p>	<p>Designs completed to 85%.</p> <p>Commencement of works subject to funding and priority through DCP.</p>	<p>i. Road widening to 10m to facilitate RAV7 vehicles between Berkshire Road Nardine Close.</p> <p>ii. The designs incorporate a new shared path, footpath, and street lighting.</p>
<p>c) Nardine Close Upgrades</p>	<p>Stage 1: Completed in 2019.</p>	<p>i. Approx 300 metre road extension to RAV4 standard.</p>
	<p>Stage 2: In progress.</p>	<p>ii. Land acquisition and minor works (extension of footpath and services) to formalise the cul-de-sac to a permanent standard.</p> <p>iii. Emergency Access Way extending to Sultana Road West.</p>
<p>d) Sultana Road West Upgrades</p>	<p>Designs completed to 85%.</p> <p>Commencement of works subject to funding and priority through DCP.</p>	<p>i. Road widening to 9m to facilitate RAV4 vehicles (incl. drainage, footpaths, relocation of services).</p> <p>ii. 50% of costs borne by the DCP as per Schedule 12 of the Scheme.</p>
<p>e) Milner Road / Nardine Close Intersection Upgrades</p>	<p>Completed in November 2019</p>	<p>i. Intersection widening to accommodate RAV7 category vehicles.</p>

f) Berkshire Road / Ashby Close Intersection Upgrades	Intersection widening completed in October 2019. Seagull island - Commencement of works subject to funding and priority through DCP.	i. Intersection widening to accommodate RAV 7 category vehicles. ii. Seagull island to facilitate traffic management in left-in-left out configuration.
g) Dundas Road / Berkshire Road / Milner Road Intersection Upgrades	Completed in December 2019.	i. Intersection widening to accommodate as-of-right vehicles to Dundas/Berkshire. ii. Intersection widening to accommodate RAV 7 category vehicles to Berkshire/Milner.
h) Bonser Road Upgrades	Stage 1: Completed in June 2020.	i. New 10 metre wide road connection between Berkshire Road and Nardine Close, inclusive of drainage, footpath and lighting.
	Stage 2: Commencement pending land acquisition.	ii. Completion of the southern truncations, sweeps and kerbs.

22. **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 DCA1 and subsequent collection of cost contributions levied at the stage subdivision and/or when development occurs for remaining undeveloped land.

23. Subject to the availability of funding, the following items yet to be completed are considered current priority items. In order of priority, and beyond the required ongoing administration costs, they are:

- a) The following items have equal priority:
 - i. Land acquisition and construction requirements associated with establishing the Nardine Close temporary cul-de-sac to a

- permanent standard and constructing an emergency accessway between the Nardine Close cul-de-sac and Sultana Road West.
- ii. Bonser Road – Prefunded by the landowner of Lot 547 Berkshire Road. The road was completed in June 2020 and the prefunding costs (land and construction) have been settled in June 2022. A second stage will be required once land is acquired for truncations from Lots 16 and 17 Berkshire Road, subject to retaining sufficient funds to complete this priority. Subsequent priorities, as stated below, may also be progressed in advance of completing the second stage for Bonser Road;
- b) Milner Road construction;
 - c) Sultana Road West construction;
 - d) Berkshire Road footpath and adjustment to services; and
 - e) Berkshire Road / Ashby Close Intersection treatment (Seagull island).
24. For further information regarding the status and forecast costs of outstanding common infrastructure items can be found in the DCPR adopted by the Council in June 2022 (OCM 74/2022).
25. **Financial Status of the DCP**
The forecast total cost of the DCP is approximately \$14.34 million. Of this, \$11.66 million has been spent on infrastructure and the administration of the DCP to date or is subject to agreements to prefund infrastructure and for land acquisition. Approximately \$2.68 million is required to complete the outstanding common infrastructure Items.
26. The rate of income associated with cost contributions is directly correlated with the development of land within the area.
27. **Remaining Developable Land**
DCA1 comprises 49 development sites, with a Net Contribution Area (NCA) of 66.47 hectares.
28. Cost contributions are calculated based on the current per square metre rate relative to the development sites NCA.
29. To date, development contributions have been received from 30 of the development sites, equating to approximately 68 percent of the NCA, with 19 development sites, or approximately 32 per cent of the NCA, yet to be developed.
30. Cost contributions collected from the remaining NCA will provide the funds necessary to account for all infrastructure items and associated administration costs noted in the DCPR. For further information regarding the calculation of the NCA refer to part 3 of the DCPR (OCM 74/2022).

31. Based on the status and rate of development, remaining development contributions will not have been levied, nor all infrastructure delivered, by 10 May 2023 (the end of the DCPs current 10-year operational period).
32. **Forecast Development of DCA1**
To forecast anticipated development of remaining development sites within DCA1, a simple methodology has been applied, whereby the average annual NCA throughout the lifetime DCP is considered in context of the DCPs development area, forecasting an approximate operation period of 13 years and 11 months.
33. To date, the DCP has:
- a) Been in operation for a period of approx. 116 months (May 2013 to January 2023);
 - b) Levied for approximately 45.21 hectares of the total NCA (66.47 hectares); and
 - c) Developed at a rate of approximately 4.85 hectares per year, or 0.4 hectares per month.
34. Applying the same projected average development rate, the DCP will:
- a) Receive approximately 76 per cent of contributions (based on NCA) by May 2023 (the end of the DCPs current operational period); and
 - b) Require a total operational period of 165 months (13 years and 9 months, May 2013 to February 2027) to collect the outstanding development contributions.
35. A110 will extend the period of operation applicable to the DCP by a further five (5) years; to May 2028.
36. **Appropriateness of Amending the Existing DCP or Adopting a New DCP**
Pursuant to Clauses 6.10.6 and 6.10.17 of SPP3.6, a scheme amendment is the most appropriate mechanism to amend Schedule 12 of Scheme by way of extending the period of operation applicable to DCA1 by a further 5 years.
37. The adoption of a new DCP would be appropriate in the instance that the area contained within DCA1, or the infrastructure items included, required modification. None of these scenarios are proposed with Amendment 110 nor are they considered required at this point in time.
38. In addition, the DCP is currently active with proportional contributions collected from earlier contributors for infrastructure that still requires

delivery. Extending the operation of the DCP will ensure the arrangement operates in a fair and equitable manner for earlier and later contributors.

39. **5-year review of DCP**

Schedule 12 of Scheme provides for a review of the DCP to occur within 5 years of adoption, or of the previous review. A comprehensive review of the DCP occurred in 2016/17, resulting in a range of modifications to the infrastructure items listed in Schedule 12.

40. It should be noted that the rate of development and the degree of development potential existing is considered as part of the annual review process, together with estimated costs of infrastructure. Amendment 110 is a part of the ongoing review process. There are no further changes to infrastructure items included or other components of the DCP proposed.

APPLICABLE LAW

41. **Planning and Development Act 2005 (PD Act)**

The PD Act is legislation that establishes Western Australia's land use planning system, including the making and amending of local planning schemes, and promotes the sustainable use and development of land in the State.

42. **Planning and Development (Local Planning Schemes) Regulations 2015 (Regulation(s))**

A110 is a complex amendment under Regulation 34(e) and 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

43. Regulation 41 (3) requires a resolution of the local government to:

- a) Support A110 without modification;
- b) Support A110 with modification to address issues raised in submissions; or
- c) Not support A110.

44. After passing a resolution regarding A110, Regulation 44 requires the City to refer A110 to the WAPC within 21 days of passing the resolution.

45. Regulation 45 requires the WAPC to forward its recommendation to the Minister within 90 days of receiving of A110.

46. **City of Kalamunda Local Planning Scheme No. 3**

Clause 6.5 (Development Contribution Areas) of the Scheme outlines the establishment, implementation and operation of DCPs operable within the City.

47. All operable DCPs are incorporated into Schedule 12 of the Scheme. The associated DCPR and cost apportionment schedule does not form part of the Scheme.

APPLICABLE POLICY

48. **State Planning Policy 3.6 (Infrastructure Contributions)**
State Planning Policy 3.6 (SPP 3.6) sets out the principals and considerations that apply to development contributions, and the form, content, and process to be followed throughout their administration.
49. While clause 3.3.4 (Establishing a lifespan) of SPP3.6 recommends DCPs have a lifespan of 10 years, it contemplates a longer operation period if justification can be demonstrated.

STAKEHOLDER ENGAGEMENT

50. Following the Council's September 2022 consent to advertise (OCM 127/2022) the City submitted A110 to the Environmental Protection Authority (EPA) to consider whether an environmental review is required; and concurrently referred A110 the WAPC for their consent prior to the commencement of advertising.
51. The EPA advised assessment under the *Environmental Protection Act 1986 (EP Act)* was not required.
52. The WAPC advised A110 was suitable for advertising, without modification.
53. The City gave notice of A110 for a period of 70 days, allowing for a 60 day advertising period required for Complex amendments, plus 8 additional days given the holiday period, from 31 October 2022 to 9 January 2023, via the following methods:
- a) A publication on the City's website;
 - b) A copy of A110 available for inspection at the City's Administration Centre;
 - c) Letters to all landowners affected by A110; and
 - d) A newspaper advertisement.
54. At the conclusion of the advertising period, one submission was received indicating.
55. **Key issues from Consultation**
Attachment 4 contains the content of the submission in full, as well as the City's response to matters raised. The following summarises the key issues relevant to A110 raised by the community member and the City staff responses.

56. **Issue 1:** The FFS1 DCP is invalid
57. **Response:** The Forrestfield / High Wycombe Stage 1 DCP (DCP) took effect in May 2013, when it was introduced through Schedule 12 of the Scheme through Amendment 48. The DCP is therefore currently valid and in effect and will continue to be for the duration of the operational period outlined in Schedule 12 of the Scheme; currently May 2023, and proposed to be extended a further 5 years by Amendment 110 to the Scheme. The DCP has been developed in accordance with the Scheme, approved by the Minister, in line with the normal statutory processes.
58. **Issue 2:** The DCP should be amended to incorporate improvements required on the northern side of Sultana Road West (outside of DCP boundaries) to satisfy the transitional requirements of the High Wycombe South Residential Precinct Local Structure Plan.
59. **Response:** The FFS1 DCP area directly abuts the High Wycombe South Residential Precinct Local Structure Plan (HWS LSP) to its north. Amendments to the LSP were endorsed by Council in May 2022 and is currently being finalised in accordance with the WAPC's adopted modifications. The HWS LSP includes transitional provisions imposed on all properties to the northern side of Sultana Road West, and is intended to provide an appropriate buffer between the HWS LSP (predominately residential zoned land) and FF/HW Stage 1 LSP (light industrial zoned land) areas.
60. There is currently no provision of the FF/HW Stage 1 DCP to fund additional land or the transitional provisions noted in the HWS LSP. The introduction of the additional costs at this stage of the DCP's life would not meet the fundamental principles of consistency and equity established through SPP 3.6. There is no provision in SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.
61. **Issue 3:** DCP should be amended to reapportion the upgrade costs required for the upgrading of Sultana Road West; form the current 50% to 100%.
62. **Response:** Since the commencement of the DCP in 2013 for FF/HW Stage 1 costs have been apportioned 50% for Sultana Road West upgrades. Sultana Road West will continue to function as a road providing access to both precincts. The revision of the percentage of costs collected towards the upgrading of Sultana Road West at this stage of the DCP's life would not meet the fundamental principles of consistency and equity established through State Planning Policy 3.6.

FINANCIAL CONSIDERATIONS

63. The operation of the 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.
64. The remaining developable area is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical for industrial precincts as most developments rely on these improvements for suitable access and servicing.
65. Clause 6.5.17 of Scheme provides the required actions where there is a shortfall or excess of funds when all Cost Contributions have been made or accounted for in the DCP, summarised as follows:
- a) Shortfall – the local government may make good the shortfall (municipal funds), enter into agreements with owners to fund the shortfall, and/or loan fund the shortfall.
 - b) Excess – the local government is required to identify owners and their entitled amount and refund excess funds to contributing owners. If it is not reasonably practical to identify owners and/or the entitled amount, funds should be applied to the provision of additional facilities or improvements in the DCA.
66. This process will not occur until “all cost contributions have been made or accounted for”. It is imperative that the City have a clear understanding of the final costs, and how any outstanding contributions will be accounted for before commencing the reconciliation process. In this regard, an extension of the operational life of the DCP will also extend the conclusion of the DCP and therefore any actions to address excess or shortfalls.
67. If the operational life of the DCP is not extended, there will be no formal funding arrangement for the infrastructure necessary to complete the FFHWS1 area. This would result in a reliance on alternative funding sources such as municipal funds, loans funding or grants and would result in inequity amongst the DCA area, uncertainty and unacceptable delays to the completion of necessary infrastructure. A110 will extend the operation period of the DCP by an additional 5 years (May 2028) to minimise the risk of a shortfall in cost contributions at the end of the DCP

- 68. The administration component of the DCP will be required to be extended which will result in additional yearly reviews and administration costs. These will be calculated and included in future DCP reports should A110 be approved. The estimated total additional administration cost over the 5-year period is approximately \$550,000. Notwithstanding the estimates, only actual costs are ever claimed against the administrative component.

SUSTAINABILITY

- 69. **Social Implications**
The provision of infrastructure in a timely, coordinated, and responsible manner can have a significant impact upon the quality of life and the employment areas for both existing and future land users. There is a reasonable expectation that infrastructure will be funded and delivered to service the needs of developments and its occupants.
- 70. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits.
- 71. **Economic Implications**
The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes. As such, a DCP does not offer any direct economic benefits to an area. DCPs can however, assist in the timely, efficient, and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.
- 72. **Environmental Implications**
A110 will have no additional environmental implications to those which have already been considered through the introduction and annual review of the DCP.

RISK MANAGEMENT

73.	Risk: A110 is not supported and the operational period of the DCP is not extended by an additional five years resulting in a shortfall of funds.		
	Consequence	Likelihood	Rating
	Critical	Rare	Medium
	Action/Strategy		
	Ensure the importance of extending the operational period by an additional five years is understood and A110 is approved by the Minister.		

74.	Risk: Land within the NCA remains undeveloped by the recommended operational period of 15 years (May 2028).		
	Consequence	Likelihood	Rating
	Critical	Unlikely	High
	Action/Strategy		
	Ensure the rate of development is monitored annually and the duration of the DCP is re-evaluated at that time with consideration of alternative options if required pursuant to Clause 6.5.17 of the Scheme.		

75.	Risk: Land within the NCA develops earlier than the end of the recommended operational period of 15 years (May 2028).		
	Consequence	Likelihood	Rating
	Insignificant	Possible	Low
	Action/Strategy		
	No action required. Should land within the NCA develop earlier than the end of the operational period, the DCP will simply be finalised at an earlier date.		

CONCLUSION

- 76. The advertising of A110 provided affected landowners an opportunity to consider and provide a written submission regarding the extension to the operational period of the DCP. Submissions have been considered and are not deemed to warrant A110 being modified or not supported.
- 77. A110 is consistent with the relevant planning framework and is consistent with orderly and proper planning.
- 78. Having regard to the above, it is recommended that Council support Amendment 110 without modification for the purposes of progressing Amendment 110 to the WAPC and subsequently the Minister for Planning for final approval.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submission received during advertising of Amendment 110 to City of Kalamunda Local Planning Scheme No. 3.
2. SUPPORT Amendment 110 to City of Kalamunda Local Planning Scheme No. 3 pursuant to Regulation 41(3)(a), of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. FORWARD Amendment 110 to City of Kalamunda Local Planning Scheme No. 3 to the Western Australian Planning Commission, pursuant to Part 5, Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. Urban Forest Strategy 2023-2043 - Draft - Adoption for the Purposes of Public Advertising

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

Previous Items	OCM 230/2020; OCM 71/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Draft Urban Forest Strategy 2020 [10.1.2.1 - 55 pages] 2. Draft Urban Forest Strategy 2020 - Community Engagement Report [10.1.2.2 - 59 pages] 3. Draft Urban Forest Strategy 2020 – Schedule of Submissions [10.1.2.3 - 50 pages] 4. Draft Urban Forest Strategy 2023/2043 - Full Report [10.1.2.4 - 121 pages] 5. Draft Urban Forest Strategy 2023/2043 - Summary [10.1.2.5 - 21 pages]
Confidential Attachments	<p>Submitters List</p> <p><u>Reason for Confidentiality:</u> Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</p>

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.1 - Implementation of the Local Environment Strategy

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

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

Strategy 2.1.5 - Community engagement and education in environmental management.

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 the Council to consider the adoption of the Urban Forest Strategy (UFS) 2023-2043 for the purpose of public consultation.
2. The Council endorsed the Draft UFS 2020 on 24 November 2020 for the purpose of public consultation. Following the public consultation period, a peer review of the Draft UFS 2020 was undertaken and a revised Draft UFS 2023-2043 prepared in response to submissions received and the outcomes of the peer review.
3. The key modifications made to the Draft UFS as a result of community consultation and the peer review include:
 - a) An updated definition of the City of Kalamunda (City) urban forest;
 - b) Revised data analysis to further break down canopy cover percentages per broad land use category;
 - c) The introduction of a city-wide, aspirational urban canopy cover target of 30%, to align with international benchmarking;
 - d) Revised, city-wide goals and associated objectives and actions;
 - e) Bushfire identified and discussed as a constraint to the City's urban forest; and,

- f) A process for ongoing monitoring, reporting and adaptive management of the UFS.
4. Noting that substantial modifications to the UFS 2020 have been made, it is recommended Council proceeds to adopt the Draft UFS 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.

BACKGROUND

5. At the Ordinary Council Meeting of 26 March 2019, Council resolved (OCM 71/2019):
- 1. REQUEST the Chief Executive Officer list for consideration in the draft 2019/2020 budget a provision to prepare a draft Urban Forest Strategy and commence Community Feedback on this draft by June 2020.
 - 2. REFERS development of the Urban Forest Strategy to the Kalamunda Environmental Advisory Committee (KEAC) to advise on scope, process, cost and principles of the Strategy are to include:
 - a) To meet the objectives of the City's Strategic Community Plan Priority 2: Kalamunda Clean and Green
 - b) To develop a program for planting trees across the City
 - c) To demonstrate leadership in understanding and addressing the urban heat island effect
 - d) To provide more liveable, attractive, and sustainable communities.
 - 3. REQUEST the Chief Executive Officer list for consideration in the draft 2019/20 budget an additional provision of \$50 000 per annum to the existing \$116 000 budget to extend the existing tree planting program across the City.
 - 4. REQUEST the Chief Executive Officer list for consideration in the Long-Term Financial Plan a sum to enable the implementation of the Urban Forest Strategy once adopted by Council.
6. The matters above have been subsequently dealt with up to the adoption of the Urban Forest Strategy.
7. At the ordinary Council meeting of 24 November 2020, Council resolved (OCM 230/2020) to endorse the Draft UFS 2020 for the purpose of public consultation, subject to minor editing and desktop publishing improvements. The Draft UFS 2020 is included as Attachment 1.

8. Public consultation occurred from 9 December 2020 to 29 January 2021. The Community Engagement report is contained in Attachment 2. The City's response to submissions on the Draft UFS 2020 is provided at Attachment 3.
9. In November 2021, the City appointed an environmental consultant to undertake a peer review of the Draft UFS 2020. The scope of the peer review was to assess the content, statistics, and recommendations of the Draft UFS 2020 and provide independent commentary and recommendations, having regard to the objectives of the UFS as well as other City adopted strategies and policies. The peer review identified a number of opportunities for improvement and, accordingly, a revised Draft UFS has been developed. The Draft UFS 2023-2043 is included at Attachment 4. A user-friendly document, summarising the UFS is provided at Attachment 5.

DETAILS AND ANALYSIS

10. Stakeholder engagement was conducted through the City's monthly newsletter, website, and social media channels. A feedback form was listed on the City's engage portal with hard copy forms placed at all City locations. A total of 24 survey responses and 10 written submissions were received.
11. The UFS working group consisting of representatives from the Kalamunda Environmental Advisory Committee (KEAC) and City Officers from Development Services, Parks and Environmental Services and Asset Management determined (prior to the commencement of a peer review), from the comments received, that the following changes were required to be made to improve the Draft UFS 2020;
 - a) Figure 2, titled 'City of Kalamunda Strategic Environmental Framework' and the text associated with the figure to better explain the association of the UFS with other City Strategic documents. Plate 1 of the revised Draft UFS replaces Figure 2 from the previous draft. Section 1.6 'Strategic Context' of the revised Draft UFS outlines the role of the UFS with regard to other City Strategic and Statutory documents.
 - b) Community comment suggested that community education and engagement was a very important component of the success of the strategy. The revised Draft UFS includes "engage" as a core goal of the UFS and now includes 13 associated community and stakeholder engagement actions.
 - c) Community comment suggested that the UFS actions should not exclude certain landform areas. The revised goals, objectives and actions table no longer includes a column relating to the applicable

landform area for a specific action. Instead, all actions apply across the City's urban forest. The actions seek to prioritise planting in areas of lowest existing urban canopy cover, such as the Swan Coastal Plain.

12. The key modifications made to the Draft UFS as a result of the peer review include:
- a) An updated definition of the City's urban forest to include the tree canopy >3m in height, noting that understorey native vegetation will be addressed through the City's Draft Local Biodiversity Strategy.
 - b) An updated definition of the City's urban forest to exclude State Forest, Regional Parks and National Parks noting that these areas are not considered "urban" and occupy a significant portion of the City which results in considerable skewing of data, if included.
 - c) An updated definition of the City's urban forest to exclude the Perth Airport locality noting that this area is not an inhabited part of the City's urban area. Further, the Perth Airport is located on Commonwealth land and the City and State has limited influence on urban forest outcomes.
 - d) Bushfire is now identified and discussed as a constraint to the City's urban forest, noting the significant (4%) loss of "green cover" identified in the report *Where Will all the Trees Be* published by Greener Spaces Better Places 2020, which was attributed to over 5, 000 ha of vegetation being burnt over the period of the study (2016-2020). However, it is noted that the vast majority of the areas burnt were in State Forest, Regional Parks or National Parks which have now been excluded from the definition of the City's urban forest.
 - e) Revised data analysis to further break down canopy cover percentages per broad land use category noting that the previous Draft UFS presented urban canopy data as three categories only; roads, parks and street blocks. The revised Draft UFS includes the following seven broad land use categories; Urban, Parks, Commercial, Industry, Roads and Other Infrastructure which allows for greater interrogation of urban canopy data across land use categories and tailoring of UFS actions to address the identified opportunities. For example, increasing canopy cover on Industrial land (e.g., through planning policy and street tree planting programs), which only had 4% canopy cover based on the latest data (2020).
 - f) The introduction of a City-wide, aspirational urban canopy cover target of 30% by 2043, to align with international benchmarking. The extended timeframe to achieve this goal is more realistic than the 10 year timeframe of the previous Draft UFS 2020, noting that

- significant tree planting and associated resourcing will be required to achieve this goal.
- g) Revised City-wide goals and associated objectives and actions which now include broad goals to protect, grow, engage (community and other stakeholders) and investigate (research and resourcing).
 - h) A process for ongoing monitoring, reporting and adaptive management of the UFS, including but not limited to the establishment of a working group and the preparation and implementation of an annual action plan which outlines the priority actions and resources required for a given year.
13. Following the peer review, a revised Draft UFS was provided to the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) which is the successor of KEAC for review. KESAC provided a number of recommendations for improvement of the Draft UFS, which were considered by City staff, and subsequently the Draft UFS 2023-2043 was produced incorporating many of the suggested changes.
14. KESAC reviewed the revised draft UFS at their Committee meeting of 9 February 2023. KESAC recommended that the Draft Urban Forest Strategy be endorsed for the purposes of community consultation and that they receive a copy of the final UFS prior to the subsequent Council report for adoption. KESAC also appreciated the work that City staff had undertaken in producing the draft UFS.
15. KESAC also considered that the draft UFS document requires minor desktop editing improvements prior to seeking community feedback.
16. Other corrections and omissions made to the Draft UFS (in addition to the changes recommended through the peer review process) include:
- a) Document restructure for readability purposes.
 - b) Table of Contents page - removal of the consultant's waiver.
 - c) Formatting "error" messages removed.
 - d) Wording of Vision statement modified to capture the benefit of urban forest to business and ecosystems, and well as management and enhancement of the City's urban forest. It is noted that the 'Vision' was an accepted statement from the UFS Working group and the City have sought and obtained KESAC support for updating the Vision statement.
 - e) Section 2 (Page 2) reference to initial modelling of canopy cover for the Forrestfield North (High Wycombe South) development removed as it was over simplistic and unlikely to represent the post-development canopy cover. This modelling did not account for the State R-Code tree planting requirements nor the modified (increased) tree planting requirements, canopy targets, replacement

tree planting requirements and avoidance principle of Draft Local Planning Policy 33- Tree Retention (LPP33). Seven case study areas have now been included in an Appendix to the UFS. Using DPLH data, the City has estimated pre-development tree canopy cover (>3m in height) and has made educated predictions regarding post-development tree canopy cover, which will be monitored over time to ensure continual improvement of the UFS actions.

- f) Inclusion of case study development areas to monitor urban forest outcomes over time, against predicted canopy cover. The findings of this monitoring will be used to improve the UFS and processes into the future.
- g) Section 3.1 (page 11) of Draft UFS 2020 – erroneous data relating to native vegetation loss (630 ha loss quoted) has been removed, as further explained below.

17. It is noted that the Draft UFS 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, vast plantation area 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 removed from the UFS. The data used for the UFS 2023/2043 uses the Commonwealth Scientific and Research Organisation (CSIRO) urban forest mapping (Urban Monitor Program) which is fit for purpose for the UFS. This data is generated every two years using a consistent methodology and therefore is fit for purpose for ongoing monitoring purposes for the City’s urban forest.

18. Subject to the Council adopting the draft UDS, it is proposed that following public advertising, further refinements will occur to mapping contained in the draft UFS, of approved structure plan areas which are currently categorised as “Urban” as a result of the LPS zoning being “urban development”. Approved structure plan areas will be categorised according to specific land uses to accurately capture the land use categories in data. For example; “public open space” will be categorised into the Parks category. This is predicted to result in a marginal increase in canopy cover in the “Parks” category and a slight decrease in canopy cover in the in the “Urban” and “Commercial” land use category for Swan Coastal Plain suburbs. This change will be immaterial to the overall targets, goals and actions contained in the draft UFS.

APPLICABLE LAW

19. **Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)**
The EPBC Act outlines environmental approval requirements that relate to natural environment and biodiversity matters.
20. **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.
21. **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.
22. **Local Planning Scheme No. 3**
LPS3 is the primary document for controlling land use and development within the City.

APPLICABLE POLICY

23. Perth and Peel @ 3.5million (WAPC 2018)
24. State Planning Policy 7.0 Design of The Built Environment
25. State Planning Policy 7.3 Residential Design Codes Volume 1
26. Liveable Neighbourhoods (WAPC 2007)
27. Service 08 Street Tree and Streetscape Management

STAKEHOLDER ENGAGEMENT

28. Internal stakeholders were engaged throughout the process with the UFS working group having broad representation from City Officers as well as KESAC (previously KEAC) representatives.
29. External stakeholders were engaged as outlined in the "details and analysis" section of this report and as summarised in the *Draft Urban Forest Strategy Community Engagement Report 2020/21* (Attachment 2).

30. The results of the Community consultation process are detailed in the corresponding Attachment 2. Summary points of the community engagement process follow:
- a) The survey and submission period was conducted from 9 December 2020 to 29 January 2021;
 - b) There was a total of 221 visits to the *engage.kalamanda* portal to view the documents;
 - c) There was a total of 24 responses to the survey; and
 - d) In addition to the survey feedback, there were 10 written submissions.
31. Feedback from the survey's closed questions indicated that a significant majority of respondents considered the major strategies of the Draft UFS 2020 as either important or very important.
32. Answers to open questions and comments from submissions were categorised and analysed to determine which, if any, of the suggestions to improve the Strategy were able to be utilised. The UFS working group consisting of representatives from the Kalamunda Environmental Advisory Committee (KEAC) – which has now been retitled the Kalamunda Environmental and Sustainability Committee (KESAC) and City officers from Development Services, Parks and Environmental Services and Asset Management determined the nature of changes recommended to the Draft UFS, as outlined above.
33. Feedback has been provided to the City from KESAC and others that the UFS should provide the community with an easily understood outline of the “problem” and how the City will tackle the problem. This principle is reasonable and has guided the preparation of the draft UFS.

FINANCIAL CONSIDERATIONS

34. Costs associated with the preparation of the draft UFS, community engagement and review are met through the Assets and Development Serviced annual budget.
35. The actions of the draft UFS will require the future allocation of budget and resources to facilitate the various programs, projects and community engagement activities.

36. Expansion of the existing Annual Street Tree Planting Program or park tree planting would require additional funding. To achieve a 30% canopy cover across the seven land use category areas, a 3% increase in planted areas is needed which equates to approximately 342 ha (3% of 11,392 ha). This requires over 88, 000 medium sized trees to be planted (assuming a canopy diameter of 7 m at maturity) over the 20 year timeframe, or approximately 4,450 per year.).
37. The City currently spends, on average about \$200,000 pa to achieve a net growth of approximately 500 new street trees per annum. While the targeted 4,450 trees per annum will be a shared responsibility between the City, business and residents, it is considered additional funding would be required to increase the City's contribution and influence the targeted actions and changes identified in the draft UFS.

SUSTAINABILITY

38. The Draft UFS 2023-2043 is an integral step toward protecting and enhancing the City's urban forest and engaging the community and other stakeholders to contribute to achieving the goals of the UFS.
39. At a time of declared climate emergency, the UFS will assist with providing lower temperatures in our urban environment which has demonstrated measurable positive benefits to our physical and mental health and standard of living.
40. Increasing urban forest and providing shade to houses decreases energy consumption through reducing the use of air conditioning.
41. Increased urban forest will likely result in a decreased incidence of heat related health concerns and an associated reduced impact on health services.
42. An extensive urban forest will facilitate the retention and safe movement of some local fauna species throughout the City.
43. An active urban forest will sequester carbon and reduce the impacts of greenhouse gas emissions.

RISK MANAGEMENT

44.	Risk: Failure to advocate for, protect and enhance our urban forest may lead to its decline and associated adverse effects.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Development of appropriate strategies and actions will provide a systematic response to the risk.		

45.	Risk: Implementation of the UFS will be incompatible with other City development strategies or regulatory planning regime.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Proposed Action 1.3 of the revised Draft UFS requires the City to ‘Review and identify any gaps in City practices and procedures, policies, design and development guidelines to align with the objectives of the UFS.’.		

CONCLUSION

- 46. A thorough process was successfully implemented for the production and review of the Draft UFS. Community and internal stakeholder engagement, as well as a peer review was successfully implemented. This has led to the production of an improved Draft UFS.
- 47. Due to the significance of the revisions made to the Draft UFS, readvertising of the UFS for public consultation is recommended.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. NOTE the submissions received during the advertising of Draft Urban Forest Strategy 2020.
- 2. ADOPT the Draft Urban Forest Strategy 2023-2043 for the purpose of public advertising.

3. NOTE that following public consultation, and prior to the Council considering final adoption of the Draft Urban Forest Strategy 2023-2043, the City will undertake minor updates to the urban forest data, land use categories and figures.

10.1.3. **Amendment 108 to Local Planning Scheme No. 3 - Proposed Rezoning of Lot 32 (4) Kirkdale Road and Lot 33 (4) Orange Valley Road, Kalamunda**

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

Previous Items	OCM 26/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/108, OR-03/004; KR-05/004
Applicant	Statewest Planning
Owner	B M Curtis, D F Pearce & J W Pearce
Attachments	1. Draft Amendment 108 to Local Planning Scheme No. 3 [10.1.3.1 - 34 pages] 2. Submission Table [10.1.3.2 - 9 pages]
Confidential Attachments	Submitters List <i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</i>

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

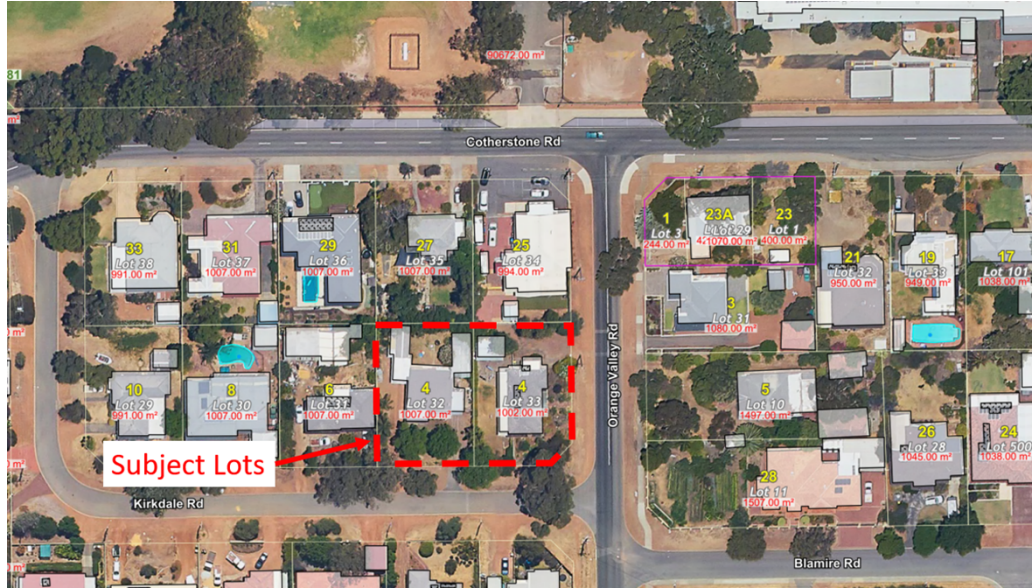
1. The purpose of this report is for Council to consider Amendment 108 (A108) (Attachment 1) to Local Planning Scheme No. 3 (the Scheme) based on submissions received during the advertising period (Attachment 2).
2. A108 proposes to amend the Scheme to rezone Lot 32 (4) Kirkdale Road, Kalamunda and Lot 33 (4) Orange Valley Road, Kalamunda (subject lots) from Residential R10 to Residential R10/30 which would have the effect of facilitating subdivision of the lots.
3. Twelve submissions were received during the advertising period and the responses were mixed, comprising 3 objections, 2 non-objections, 2 general comments with the balance of the submissions from government agencies. The principal concerns related to potential amenity impacts arising from increased noise and traffic and potential loss of vegetation on the site.
4. Council is recommended to support A108 without modification.

BACKGROUND

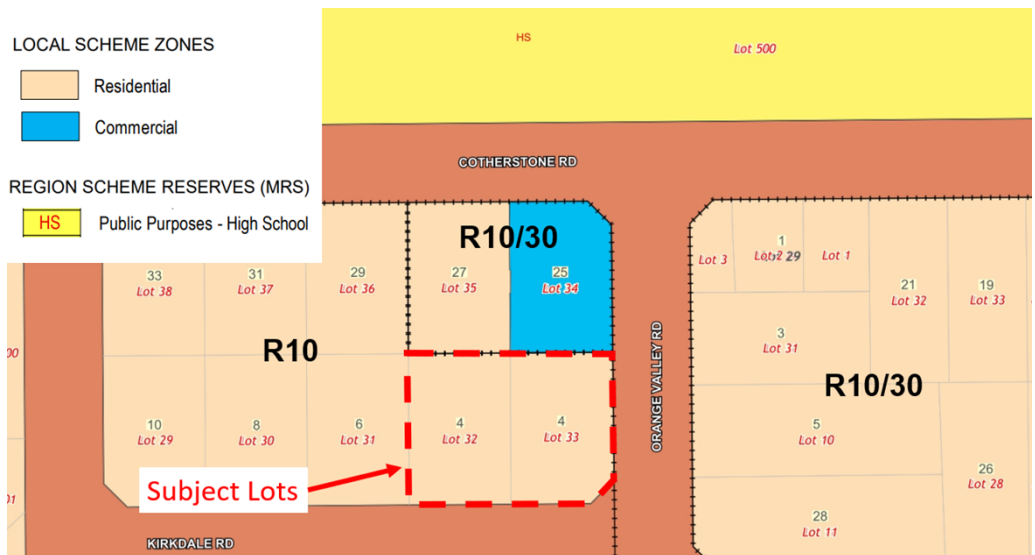
5. Land Details:

Land Area	Lot 32: 1007m ² Lot 33: 1002m ² Total: 2009m ² (total)
Metropolitan Region Scheme Zone	Urban
Local Planning Scheme No. 3 Zone	Residential R10

6. **Locality Plan:**



7. **Scheme Map:**



8. The subject lots each comprise of a single house and associated outbuildings with a mix of native and non-native vegetation with up to 8 potential ‘trees worthy of retention’ as defined in Local Planning Policy 33 – Tree Retention (LPP33). The site slope declines approximately 2m from the high point in the south-east corner to the north-west corner of the subject lots

9. The context and surroundings of the subject lots are characterised as follows:
- a) Predominantly residential zoned land with a mix of density codes from R10 to the south and west and dual density codes of R10/30 to the north and east - established under Scheme Amendment 82 (A82) approved by the Minister for Planning in 2018.
 - b) One commercial zoned lot adjoins the north-east of the subject lots.
 - c) North of Cotherstone Road is Kalamunda High School and Kalamunda Sporting Precinct (Kostera Oval).
 - d) Topography of the area consists of a moderate east to west declining slope gradually increasing in steepness as the land falls west.
10. A108 was initiated by the Council at its Ordinary Meeting in March 2022 (OCM 26/2022) for the purposes of public advertising. Advertising occurred in June and July 2022, resulting in 12 submissions being received (Further discussed in the Stakeholder Engagement section of this report). A108 and submissions received during advertising are now required to be reconsidered by the Council to determine whether A108 should be supported and proceed with or without modification.

DETAILS AND ANALYSIS

11. The subject lots did not originally form part of A82 that introduced dual density codes in central areas of Kalamunda, Forrestfield and Maida Vale in 2018. This is due to both subject lots falling outside the Water Corporation's area identified as suitable for gravity fed reticulated sewer, and the need for a more detailed assessment to determine whether connectivity was possible.
12. The Applicant is seeking the Council's support to amend the Scheme to rezone the subject lots from Residential R10 to Residential R10/30 (dual density coded area).
13. The applicant notes the following justification in support of the proposal:
- a) The dual density code will support meeting the population targets for Kalamunda.
 - b) The dual density code represents a logical extension of the existing dual density zoning noting the surrounding dual density zone and the ability for the subject site to connect to reticulated sewerage.
 - c) The amendment is consistent with the Local Housing Strategy under Part 6: Criteria to Assess Future Applications for Increased Density.

- d) The amendment is consistent with the Local Housing Strategy Action 6 within Part 4, which intends to review the dual density areas including the boundaries of these areas.
 - e) The location of the subject site has access to existing services, facilities and is located within the walkable catchments of Kalamunda (activity centre).
14. Furthermore, in support of A108, the applicant has also provided the following technical information:
- a) Engineering assessment of the options to connect the subject site to the existing Water Corporation sewerage network.
 - b) Advice from the Water Corporation confirming that the site can connect to the sewerage network.
 - c) A Bushfire Attack Level Assessment.
15. A108 will be generally consistent with the zone objectives within City's Scheme for the Residential zone, notably:
- a) *To provide primarily for single residential development whilst allowing for a range of residential densities in order to encourage a wide choice of housing types within the Shire.*
 - b) *To give consideration to grouped dwelling development if the site is near amenities and can be integrated into the single residential environment.*
 - c) *To facilitate a range of accommodation styles and densities to cater for all community groups inclusive of the elderly, young people in transition and the handicapped. Such accommodation is supported where it is appropriately situated in proximity to other services and facilities.*
16. Through A108, future development of the subject lots will be required to address the provisions of Clause 5.24 of the Scheme pertaining to Dual Density Coded Areas. Subject to A108 being approved, the subject lots will be capable of subdivision at the higher codes as both lots exceed the 1,000m² and can be serviced by reticulated sewerage (as demonstrated in the applicant's report). Future development will also need to consider the City's Local Planning Policy 9 – Dual Density Design.
17. The subject lots are not specifically identified in the City's Local Planning Strategy for future rezoning or density changes. However, in accordance with the City's Local Housing Strategy Part 6: Criteria to Assess Future Applications for Increased Density, A108 is considered consistent with the following provisions:
- a) The amendment achieves the strategic intent of the North-East Sub-Regional Planning Framework in that:

- i. The amendment will provide for additional housing to assist in accommodating the projected population growth.
 - i. The scale and nature of the amendment is logical due to the existing dual density zoning immediately to the north (Lots 34 and 35).
 - ii. The location is well serviced by infrastructure and provides accessibility to transport and public open space within a walkable catchment.
 - iii. The amendment will also support housing diversity and has a low bushfire risk.
- b) The scale and nature of the amendment is logical and orderly in that:
 - i. The subject lots are capable of being connected to reticulated sewerage;
 - ii. The subject lots are consistent with the zoning of the two lots to the north; and
 - iii. The remaining residential block bounded by Kirkdale Road, Orange Valley Road and Cotherstone Road is not capable of connection to reticulated sewerage by a gravity fed line.
- c) The subject lots are located within the walkable catchment of Kalamunda Activity Centre and includes access to services and public open space.
- d) The subject lots are located within close proximity to public transport (although not classified as high frequency).
- e) The subject lots are capable of being connected to existing services including connection to the reticulated network in accordance with the proposed engineering solutions.
- f) The future lot sizes possible through the amendment will provide further housing diversity.
- g) All remnant vegetation was removed prior to 1970 and the vegetation on the subject lots today were all planted post 1974 and largely consists of non-native trees. Vegetation loss replanting will be considered under the provisions of LPP33 – Tree Retention.
- h) The bushfire risk is low in accordance with the Bushfire Attack Level assessment.

18. **Effluent Disposal**

The Government Sewerage Policy 2019 requires all lots under 1,000m² to be connected to the reticulated sewerage network.

19. To facilitate future development in accordance with the higher density, the subject lots would be required to be connect to the reticulated sewerage network. The Applicant has provided engineering options which demonstrate that future development can achieve connection with the reticulated sewerage network.

20. Further to the engineering assessment provided by the applicant, correspondence from Water Corporation was provided prior to the Council initiating the A108. This initial correspondence indicated that the lots within the residential block bounded by Cotherstone Road, Kirkdale Road and Orange Valley Road excluding the first four eastern-most lots (with the highest topography) were otherwise not capable of being connect to the reticulated sewerage network for the following reasons:

- a) The capacity in the existing sewerage line would not allow for all the un-serviced lots in the south-western catchment to be connected (noting the catchment exceeds the residential block).
- b) The levels of the remaining lots are too low to connect with the reticulated sewerage network, the subject lots both require fill (up to 0.44m according to the Applicant’s engineering assessment) to achieve the gravity connection. Continuing to fill for the remainder of the residential block would result in excessive fill.

21. Following the submission received from Water Corporation, the City engaged in additional communication to address concerns regarding the capacity for the subject lots to be connected to the reticulated sewerage network.

22. The outcome of this additional communication indicated the Water Corporation could accept the additional flow created by the future development potential of the subject lots, however, that a detailed design undertaken by a consulting engineering would be required to determine the exact design and fill details. The Water Corporation, nevertheless, indicated they had no objection to A108.

23. Based on Water Corporations comments, the City is satisfied A108 is capable of support, noting the exact level of fill would be addressed through the subdivision and/or development stages.

24. **Residential Design Codes**

Future subdivision and development will be subject to the Residential Design Codes (R-Codes) which guide all residential development within Western Australia. The site will be subject to the following minimum and average lot areas as set out within the R-Codes:

Zoning	Minimum Area	Average Area	Est. No. of Dwellings/Lots
R10	875m ²	1000m ²	1
R30	260m ² *	300m ²	3

**Minimum area increases to 410qm for 'battleaxe' subdivision.*

25. Further to the existing R-Codes, the Medium Density Code is expected to be finalised within the first half of 2023 and apply to single houses and grouped dwellings for R30 and above, and to multiple dwellings coded R30 to R60.
26. The Medium Density Code are anticipated to address mostly the same requirements as within the R-Codes, however, with some additional requirements and additional opportunities for developers:
- a) Opportunities for higher lot yields through reduced site area requirements within specific parameters.
 - b) Primary garden areas per dwelling guided by site area, with the R30 development requiring a greater area than currently.
 - c) Deep soil areas, tree root protection area and landscaping requirements.
 - d) Greater consideration of liveability through solar access, natural ventilation, dwelling size, and layout controls.
27. **Dual Density Design**
The City's Local Planning Policy 9 – Dual Density Design (LPP9) will apply to all development where the higher code has been triggered (either by development or subdivision which achieves the lot area requirements of the higher code). The LPP9 includes provisions to reduce the impact of increased density through greater consideration of interface with the street, the design and appearance of dwellings, and the sustainability of the new developments.
28. **Tree Retention**
The City's Local Planning Policy 33 – Tree Retention (LPP33) provides guidance on trees considered worthy of retention and exemptions to remove these trees. Whilst design guidance for tree retention applies under LPP33, the tree replacement requirements only apply to land zoned R25 and below. In this instance, the replacement trees will be in accordance with soon to be released Medium Density Codes, LPP33 also provides more details consideration for tree planting including tree size, deep soil areas and rootable soil zones. These provisions will assist in the development an appropriate tree canopy.
29. Currently the subject lots retain a mix of native and non-native vegetation with up to 8 potential 'trees worthy of retention' as defined in LPP33.
30. The potential for vegetation to be retained will depend on the subdivision design (lot layout) and the need to add fill to achieve servicing requirements. This will be considered in more detail at the subdivision/development stage of the planning process.

APPLICABLE LAW

31. ***Planning and Development (Local Planning Schemes) Regulations 2015***

Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) requires the local government to pass a resolution by the end of the consideration period to support without modification, support with proposed modifications to address issues raised in the submissions, or not to support the amendment.

APPLICABLE POLICY

32. State Planning Policy 7.3 – Residential Design Codes

33. Local Planning Policy 9 – Dual Density Design

34. Local Planning Policy 11 – Public Notification of Planning Proposals (LPP 11)

35. Local Planning Policy 33 – Tree Retention

STAKEHOLDER ENGAGEMENT

36. **Public Advertising**

Pursuant to Regulation 47 of the Regulations and LPP 11, A108 was advertised from 10 June 2022 to Friday 22 July 2022 via the following methods:

- a) A notice on the City of Kalamunda’s website;
- b) A notice in the local paper;
- c) A sign on site;
- d) Letters to surrounding landowners; and
- e) Letters to relevant external agencies.

37. A total of 12 submissions were received during the advertising of A108, comprising of two (2) submissions in support, three (3) objections, two (2) non-objections provided by the applicant and five (5) submissions from government agencies. Refer to Attachment 2 which contains all the submissions received along with the City and applicants response to each submission.

38. **Summary of matters raised during the advertising period**

The following summarises the key issues relevant to A108 raised and the City’s officer’s responses:

39. **Issue 1:** *Object to infill development and increased density.*
40. **Response:** The City has obligations under the strategic planning framework to accommodate urban infill targets. Providing infill opportunities through increased densities as proposed in A108 enables urban growth whilst maximising existing infrastructure and minimising, through consideration of LPP33 tree retention impacts.
41. **Issue 2:** *Amenity impacts caused by overlooking, traffic and noise.*
42. **Response:** Future development and/or subdivision proposals will be assessed against the relevant planning framework, including the Residential Design Codes which set out controls against adverse height, overlooking and vehicle access and parking impacts. The City is satisfied the existing amenity of the locale can be adequately managed through the development application and building permit phase.
43. All residential development is required to comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The City is satisfied the Noise Regulations provide adequate means to control noise impacts caused by an increased density.
44. **Issue 3:** *Loss of vegetation and impact on character of the area*
45. **Response:** The City has LPP33 to manage the removal of trees and where unavoidable. Whilst design guidance for tree retention applies under LPP33, the tree replacement requirements only apply to land zoned R25 and below. In this instance, the replacement trees will be in accordance with soon to be released Medium Density Codes.
46. **Issue 4:** *Request for inclusion in the Scheme Amendment*
47. **Response:** The City received a request for another property (1 Kirkdale Road, Kalamunda) to be included in A108, as the landowner's property already had connection to the reticulated sewerage network despite having a R10 zoning. The City determined there was planning merit in requiring the property to be included in A108 as the major reasoning identified in A82 for exclusion of properties was based on sewerage connectivity.

48. Notwithstanding, the planning merit, of including the additional property in A108, the City has a statutory obligation to progress its assessment of A108 and considers the inclusion of the lot would unduly impact on the processing of the current amendment. The inclusion of the additional lot would result in the requirement to re-assess and potentially re-advertise A108, to consider surrounding zoning, impact on the streetscape character and amenity as well as the connection to reticulated sewerage.
49. The City has also identified alternative processes for the requesting landowner to have the density code of their property considered, as follows:
- a) the landowner to include a detailed submission (including technical reporting) during the advertising period for the City's proposed Local Planning Scheme No. 4, which the City is likely to initiate over the short-medium term (anticipated within the next 12 months).
 - b) the landowner to prepare and lodge a separate Scheme Amendment.
 - c) Alternatively, given the City's obligation regarding A108 to provide WAPC with the Amendment, supporting information and submissions received, make representations and submit the necessary information directly to the WAPC and the Minister for Planning.
50. The City sought an extension of time to the standard *consideration period* afforded under the Regulations in order to address concerns surrounding Water Corporations submission and to provide the applicant with an opportunity to consider the submission request to include additional properties within A108.

FINANCIAL CONSIDERATIONS

51. Fees associated with the assessment, advertising, and finalisation of Amendment 108 are borne by the Applicant in accordance with the City's adopted Schedule of Fees and Charges.

SUSTAINABILITY

52. **Social**
The proposed land use will allow for more housing options within the City of Kalamunda and increase housing diversity. The public advertising has raised concerns over the increase in noise, overlooking and traffic, however, the City is satisfied the planning framework will adequately address these concerns.

53. **Economic**
The proposed amendment will increase the number of dwellings and population in close proximity to the Kalamunda town centre.
54. **Environment**
The subject site does not contain any remnant vegetation with all vegetation planted post-development of the current houses. Currently the subject lots retain a mix of native and non-native vegetation. Future development will likely require vegetation to be removed to accommodate residential development at the proposed higher density.
55. The existing location of a few of the existing trees may allow for their retention. This will be determined at the more appropriate subdivision/development stage of the planning process. As noted previously in this report tree replacement will be in accordance with the provisions of the soon to be released Medium Density Codes.

RISK MANAGEMENT

56.

Risk: The increase in residential density may result in amenity and environmental impacts associated with the future development of the site.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure future subdivision/development applications for the site are assessed by the City having regard to the regulatory planning framework.		

57.

Risk: The scheme amendment is not supported, and future infill targets are not achieved within the City of Kalamunda.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Support for A108 to be forwarded to the WAPC and Minister for Planning to enable the future development and/or subdivision of the subject lots in accordance with the strategic planning framework.		

CONCLUSION

58. A108 is seeking to rezone the Lot 32 (4) Kirkdale Road, Kalamunda and Lot 33 (4) Orange Valley Road, Kalamunda from Residential R10 to Residential R10/30. The proposal has demonstrated consistency with the strategic planning framework notably through the City's Local Housing Strategy.
59. Given the ability of the subject lots to connect to reticulated sewer, A108 is a logical extension of the existing Residential R10/30 dual density zoning and will create a consistent development outcome to the adjoining dual density properties.
60. The subject lots are located within a walkable catchment of the Kalamunda Activity Centre with good access to local open space, services, and infrastructure necessary to support the higher density code. The increased density would support the City in achieving the population targets detailed in the North-East Sub-Regional Planning Framework.
61. The submissions received during the public advertising period identified a mixed outcome of support and objection to the proposal. The objections identified the challenges in balancing the City's obligations, in meeting the state and local strategic planning framework infill objectives and targets, with the expectations of the community in relation to amenity.
62. On balance and having regard for the technical matters highlighted through-out the assessment, the City recommends Council support final adoption of A108.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during the advertising of Scheme Amendment No. 108 to Local Planning Scheme No. 3.
2. SUPPORT, pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (without modification), Scheme Amendment 108 to Local Planning Scheme No. 3.
3. NOTE the Amendment document may undergo minor formatting and administrative updates to ensure consistency with model requirements, prior to being referred to the Western Australian Planning Commission.

4. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required Scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.4. Nominations and Sitting Fees for the City of Kalamunda Design Review Panel Committee

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

Previous Items	OCM 60/2016, OCM 46/2017, OCM 219/2017
Directorate	Development Services
Business Unit	Approval Services
File Reference	OR-CMA-16
Applicant	N/A
Owner	N/A
Attachments	1. Local Planning Policy 16 - Design Review Panel [10.1.4.1 - 28 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 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.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council for their information and noting of the proposed nominations to the Design Review Panel (DRP) and adopt an hourly fee for participating members.
2. During the expression of interest period, a total of 11 nominations were received for membership of the City of Kalamunda's (City) DRP. From the nominees, 7 suitably qualified and experienced panel members have been selected.
3. Assessing the design quality of development in the City as part of the planning process will influence appropriate built form outcomes in the City's residential, commercial, and industrial areas.
4. It is recommended that Council note the 7 DRP members and adopt an hourly rate of \$200 (ex GST) per hour for each DRP member.

BACKGROUND

5. In November 2016, Council resolved (OCM 60/2016) to approve Amendment 84 (A84) to Local Planning Scheme No.3 (Scheme) to introduce provisions with the aim to establish a Design Advisory Committee since renamed to Design Review Panel (DRP).
6. In July 2017, Council resolved (OCM 46/2017) to adopt Local Planning Policy P-DEV 60 Design Advisory Committees. The Policy has since been amended to Local Planning Policy 16 – Design Review Panel (LPP16) to reflect the phrasing of the State Government Design Review Panel (SDRP), refer Attachment 1.
7. The intent of LPP16 is to compliment the adopted A84 provisions to create a Design Review Panel, to guide the types of applications and matters to be considered by the DRP in more detail. LPP16 also outlines the process for advertising, recruiting, and operating the DRP including

the length of tenure for each panel member being 5 years, as well as stating expectations of the DRP.

8. In November 2017, Council noted (OCM 219/2017) the following nominees were appointed to the Design Review Panel Committee:

Sitting Members:

- a) Chris Melsom
- b) Carmel Van Ruth
- c) David Barr
- d) Jurg Hunziker
- e) Ross Montgomery

Alternate Members:

- a) Patrick Beale
- b) Ian Molyneux

9. In April 2019, the Western Australian Planning Commission established the SDRP, comprising 76 highly experienced built environment professionals from industry and government that provides independent advice on the design quality of major development proposals. The SDRP is chaired by the Government Architect and administered by the Design Review Support Team within the Design and Built Environment Directorate of the Department of Planning Lands and Heritage.
10. The DRP performs an advisory function only. Although the DRP does not have decision making powers, it provides recommendations which assists the planning assessment process and ultimately informs the decision-making process through the City and Council. The DRP reviews proposals and provides advice against the relevant planning framework and the ten design principles as set out in State Planning Policy 7.0 – Design of the Built Environment.

DETAILS AND ANALYSIS

11. The State Government's Action Plan for Planning Reform (2019) process identified the need for initiatives and actions to improve the design quality of the built environment. This included the establishment of DRP's at a state and local government level.
12. Improving the design quality of the built environment is proven to have a positive impact on the social wellbeing of local communities. Assessing the design quality of development in the City as part of the planning process will ensure appropriate built form outcomes in the City's residential, commercial, and industrial areas.

13. The City has been operating a DRP since 2017, and since that time the DRP members have considered a total of 36 items, comprising predominantly significant commercial and industrial developments, but also local planning policies, plans and strategies.
14. The DRP plays an important role in the planning assessment process for the City, which has resulted in improvements to the design quality and appearance of a number of significant commercial and industrial development proposals in the City.
15. The establishment of a DRP sends a clear message that the design quality of developments is an important consideration for the City. Moreover, from an economic and social perspective there are benefits in improving the design quality of the built environment for both the applicant and the local community.
16. The DRP performs an advisory function only. Although the DRP does not have decision making powers, it provides recommendations which assists the planning assessment process and ultimately informs the decision-making process through the City and Council. The DRP reviews proposals and provides advice against the relevant planning framework and the ten design principles as set out in State Planning Policy 7.0 – Design of the Built Environment.
17. The DRP panel comprises a total of seven members, five of which are appointed to sit on the DRP, and two alternative members have been selected. If any of the five sitting members are unavailable, or their specific area of expertise warrants their attendance. Each of the nominated DRP panel members have a range of design and built environment expertise in the following disciplines:
 - a) Architecture
 - b) Landscape architecture
 - c) Urban design
 - d) Sustainability and environment design
 - e) Planning
 - f) Public art
18. A total of 11 nominations were received for membership of the City's DRP, with a broad range of design expertise comprising a mixture of professionals local and external to the City of Kalamunda. From the selection process the following nominees have been selected for a 5-year term:

Sitting Members:

David Barr

- a) 19 years' experience in Architecture and Planning.
- b) Qualified and registered Architect,
- c) Extensive experience in the development and review of design documents, i.e., Design WA and previous State Design Review panel member.
- d) Contemporary experience in large residential development. Inaugural member and effective contributor to the City's DRP.

19.

Jurg Hunziker

- a) 40 years' experience in Architecture both local and international.
- b) Qualified and registered Architect.
- c) Extensive experience in design reviews and membership of design review committees.
- d) Contemporary experience in numerous complex design and construction projects.
- e) Inaugural member and effective contributor to the City's DRP.
- f) Local resident in the City of Kalamunda.

20.

Ross Montgomery

- a) 25 years' experience as Town Planner in a variety of government and non-government organisations.
- b) Qualified and certified Town Planner and Landscape Architect.
- c) Past member of the City of Perth Design Advisory Committee.
- d) Inaugural member and effective contributor to the City's DRP.

21.

Susie Zuber

- a) Over 25 years' experience in Architecture, urban design and place making both locally and internationally.
- b) Qualified and registered Architect.
- c) Was a member of the Commission for Architecture and the Built Environment (CABE) design review panel.
- d) Recently appointed to the State Government Design Review Panel.

22.

Amanda-Lee Morgan

- a) 20 years' experience in design project management through to construction phase of development.
- b) Ability to apply design review principles to complex strategies – large scale development, architecture, place making and public art.
- c) Local resident of Kalamunda.

23. **Alternative Members:**

Patrick Beale

- a) 40 years' experience in architecture and urban design, both locally and internationally.
- b) Qualified and registered Architect.
- c) Extensive experience in research and academia, more recently at University of Western Australia.
- d) Won numerous awards, specialising in timber design and construction.
- e) Inaugural member and effective contributor to the City's DRP.

24. **Walter Van Der Loo**

- a) Over 30 years' experience in urban and landscape design projects both locally and internationally.
- b) Qualified landscape architect.
- c) Recognised for excellence in planning, design and delivery as part of a multi-disciplinary team that have won a diverse range of awards.

APPLICABLE LAW

25. Local Planning Scheme No. 3 - Clause 10.3 Advisory Committees

APPLICABLE POLICY

26. Local Planning Policy 16 – Design Review Panel

STAKEHOLDER ENGAGEMENT

27. N/A

FINANCIAL CONSIDERATIONS

28. Regarding recommended remuneration for sitting members, the City's Officers sought advice from the Office of the Government Architect, and other local governments who operate a DRP. The Office of the Government Architect declined to provide advice, however other local governments operate on a fee range of between of \$200 to \$250 per hour (ex. GST). Based on the information received, it is recommended that the City continue with its current fee structure of \$200 per hour, which is within the assessed range of other Local Government DRP's and consistent with comparable local governments to the City.

29. Costs associated with the operation of the DRP are allocated through the annual budget process. The DRP meets on a need’s basis with generally no more than one meeting per month, with each meeting being no more than 3 hours in duration. Since its establishment in 2017, the City has held on average 7 DRP meetings annually, with sitting fees for members costing the City on average \$3,200 per meeting.

SUSTAINABILITY

30. **Social**
The operation of the DRP provides the City with independent expert advice and informed assessment of development applications guided by an established set of design quality principles. Communities benefit, by knowing that new development will make a positive contribution to the public realm and by extension the surrounding community.
31. **Economic**
Developers can benefit by receiving expert independent advice on the design quality of their development proposal, providing the opportunity to review the design and pursue an improved design outcome with reduced risks and costs delays in the planning process.
32. **Environmental**
The expert independent advice on the design quality can result in improved sustainability and landscaping design outcomes which help to reduce the carbon footprint of the building.

RISK MANAGEMENT

33.

Risk: The nominated panel members do not have the necessary technical skills and experience to be an effective member of the DRP.		
Consequence	Likelihood	Rating
Moderate	Rare	Low
Action/Strategy		
Ensure the nominated panel members of the DRP have the necessary credentials to be an effective member of the Panel.		

CONCLUSION

34. The nominated seven members to the DRP, have demonstrated they have the relevant contemporary experience and expertise in the requisite fields of architecture, landscape design, urban design, town planning and sustainability and environmental design to give independent, expert advice on the design quality of all matters referred to the DRP.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the following nominees are appointed to the City of Kalamunda Design Review Panel for a 5-year term:

Sitting Members:

- David Barr
- Jurg Hunziker
- Ross Montgomery
- Susie Zuber
- Amanda-Lee Morgan

Alternative Members

- Patrick Beale
- Walter Van Der Loo

2. ADOPT the sitting fee of \$200 (ex GST) per hour for the Design Review Panel members.

10.2. Asset Services Reports

10.2.1. Mundaring Weir Road Safety Investigation

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

Previous Items	202/2020
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	MN-07/GEN
Applicant	N/A
Owner	N/A
Attachments	1. Mundaring Weir Road Safety Investigation Report [10.2.1.1 - 114 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to note the Mundaring Weir Road Safety Investigation (RSI) as a preliminary assessment of road safety concerns along Mundaring Weir Road within the City of Kalamunda's (City) management.
2. This RSI was initiated as an action within the City's Bicycle Plan 2017, response to community concerns regarding vehicle and cycling safety along this road and an activity within the preparation of the 'Kalamunda Moving: A Transport and Road Safety Strategy'.
3. The RSI identified a number of improvements totalling \$4.4 million (rounded) in value. The scope and type of improvements are:
 - a) Improvements involving signs, lines, lighting, and safety barriers - \$1,116,000.
 - b) Path upgrade for cycling - \$825,000.
 - c) Road widening and improvements - \$2,400,000.
4. It is recommended that Council endorse the RSI as the basis of long term works programs and recommended actions as outlined in this report and note that community engagement will be undertaken to seek feedback on the RSI.

BACKGROUND

5. Mundaring Weir Road is a regional distributor road, under the management of the City from Railway Road (at Kalamunda townsite) to the City boundary near Mundaring Weir. After the Weir the road comes under the management of the Shire of Mundaring.
6. The City's Cycle Plan 2017 identified the need to undertake a road safety audit along Mundaring Weir Road to address possible cycling safety matters.

7. The City has received a requests from the community regarding speeding and safe access to properties along Mundaring Weir Road, and there were 37 crashes in the five year period 2017 to 2021 (excluding two at the Railway Road intersection).
8. An action within the City's 'Kalamunda Achieving Corporate Business Plan 2022 -2026' was to prepare by the end of 2024/2025 the 'Kalamunda Moving: A Transport and Road Strategy' (Strategy). In preparing this strategy one activity was to undertake a RSI for Mundaring Weir Road in order to inform the Strategy.

DETAILS AND ANALYSIS

9. The RSI is a preliminary assessment of the road corridor with a specific focus on road safety elements but not to the level of detail of a Road Safety Audit. The objective was to identify at a schematic level, the improvements needed to Mundaring Weir Road and recommendations on the priority of works.
10. Donald Veal Consultants (DVC) were appointed to undertake the RSI. Subsequent site visits and assessments were undertaken through June to September 2022, with the final report provided in September 2022. Their report is provided as Attachment 1 to this report.
11. The overarching theme of the assessment is to follow the Safe System. This system considers the four elements of: safe speeds, safe vehicles, safe road environments and safe road use. Of specific importance to this report are:
 - a) The aim to improve road shoulder widths and designs, thus providing more space for all road users, and
 - b) The aim to reduce roadside hazards for all road users.
12. The assessment considered road geometry, road capacity, crash history, heavy vehicles, pedestrians, cyclists and the roadside environment.
13. The RSI identified many roadside hazards along Mundaring Weir Road, including:
 - a) A lack of formed road shoulders east of Reservoir Road that limit options for road users in the event of needing to correct their path or avoid hazards;
 - b) Trees and vegetation creating non-frangible objects and sight obstructions;
 - c) Power poles, drainage headwalls and other rigid structures within the clear zone;

- d) Steep batters ascending or descending from the road edge that reduce the space for road users to correct their path,
 - e) Some intersection problems; and
 - f) Street lighting inadequacy.
14. To identify what hazards need to be removed or protected in the road environment, reference is made to Austroads' Guide to Road Design and the Main Roads WA guidelines for clear zones. The assessment of the level of hazard and treatment is technical and specific to each location and hazard type.
15. For example, at a design speed of 70 km/hr, and up to 1,500 vehicles per day as is experienced east of Aldersyde Road, a drop off the edge of the road of a 3:1 slope needs a clear zone of 3.5 metres. If this is not available, the slope must be protected by a barrier (such as a guard rail).
16. Some hazards such as small trees under 100mm diameter within the clear zone are considered frangible, will break on impact, and so do not require removal as hazards. However, these same trees will eventually grow larger and then require removal or protection by road side barriers.
17. In recognition of the cost of major works and the City's limited funding environment, the RSI scope excluded consideration of large scale realignments of Mundaring Weir Road, and of large scale cycling infrastructure. The recommendations are therefore based around keeping the present alignment generally the same and improving safety features within that environment.
18. The total value of work recommended from the RSI has been estimated at \$4.4 million (rounded). Being a preliminary assessment, some priorities are suggested, however the City will need to determine how best to progress with the improvements. The preliminary estimates and proposed staging are provided in pages 72 to 76 of Attachment 1.
19. Following the identification of the range of road safety concerns, the RSI has identified a number of treatments along the road:
- a) Upgrade intersections to improve visibility and signage.
 - b) Improve sight lines along the road by small road alignment changes or vegetation removal.
 - c) Bring all signage up to standard and new condition.
 - d) Provide audible edge lines and audible centre lines.
 - e) Remove or protect from road side hazards by providing safety barriers.
 - f) Remove drainage features that affect cyclist safety.
 - g) Update safety barriers to current standards.
 - h) Improve street lighting at intersections and along the built-up area.

- i) Remove and reposition the pedestrian crossing at Hummerston Road.
20. The above works were estimated to cost in total \$1,116,000. Many of the works may be combined to provide a viable State Black Spot funded project, which would provide 66% funding. The City will undertake further design and investigations for these with the aim of acquiring black spot funding in 2025/26.
21. The RSI recommendsto upgrade the footpath from Hinkler Road to Railway Road to a shared path 3.0m wide. This would provide improved safety for pedestrians and cyclists through the built-up area. Estimated at \$825,000, this project may be suitable for WA Bike Network grant funding (50%). The City will undertake further scoping and design with the aim of seeking WA Bike Network funding in 2025/26.
22. The other major project recommended by the RSI was to widen and provide other safety improvements along the northern end of Mundaring Weir Road, north of Reservoir Road. Estimated at \$2,400,000, this does not presently meet State Black Spot BCR criteria, however the City will refine the scope and design with the aim of acquiring black spot funding in 2026/27 to address many of the issues.

APPLICABLE LAW

23. The *Main Roads Act 1930* covers the proclamation of main roads and secondary roads.
24. The *Local Government Act 1995* covers the authority to limit users of a road.
25. The *Road Traffic Act 1974* and *Road Traffic Code 2000* cover the authority to regulate parking and driver activities.

APPLICABLE POLICY

26. No applicable policy.

STAKEHOLDER ENGAGEMENT

27. It is planned that the RSI will be advertised to the community, along with being referred to State Government Agency (Main Roads WA) to gauge overall feedback. As specific projects are funded in future budgets, community consultation on the specifics will be undertaken.

FINANCIAL CONSIDERATIONS

28. The 'headline' budget of all issues identified in the RSI is \$4.4m. Noting that this RSI is of concept level planning, as future projects are approved, updated budgets will be undertaken to take into account both the detail design and cost escalation matters that occur over time. Grant funding opportunities will be pursued as available.

SUSTAINABILITY

29. Mundaring Weir Road provides a rural tourist drive that supports tourism, and the safety and performance of the road has an indirect impact on the economic sustainability of the community.
30. Mundaring Weir Road has been pre-qualified for State Black Spot funding thus indicating the road has had a negative impact on social sustainability. Improvements are needed to reduce the likelihood and severity of crashes, and the impact to the community of property damage and injury.
31. The proposed work may involve some removing of vegetation and mature trees within the road reserve, which will have a detrimental impact on the natural environment. The City will be planting trees in other locations to offset these impacts.

RISK MANAGEMENT

32.

Risk: That improvements identified in the Mundaring Weir Road Safety Investigation are not implemented in time to prevent further crash injury and damage.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Continue to scope and seek funding as part of City priorities. Aim to deliver the next level of concept design quickly, so that priorities can be better managed.		

CONCLUSION

33. The RSI has identified a number of different types of road safety improvements are required along the length of the road, to improve the safety for all road users. Further scoping and design is needed to prioritise the work better and identify appropriate funding sources.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the Mundaring Weir Road Safety Investigation Report for the purposes of Community engagement.
2. NOTE that projects will be scoped and submitted for future funding consideration in future budgets.

10.2.2. Adoption of Climate Change Action Plan

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

Previous Items	OCM 74/2021; OCM 79/2022
Directorate	Asset Services
Business Unit	Asset Services
File Reference	OR-IGR-049
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. CCAP - Stage 2 Community Engagment - Summary Report [10.2.2.1 - 22 pages] 2. CCAP - Stage 2 Community Engagement - Detailed Submissions [10.2.2.2 - 145 pages] 3. City of Kalamunda Climate Change Action Plan [10.2.2.3 - 41 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

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

Strategy 2.2.2 -Work towards a Carbon Neutral Footprint of City-operated areas.

Priority 2: Kalamunda Clean and Green

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

Strategy 2.3.1 -Implement the City's Waste Plan aligned to the State Waste Avoidance and Resource Recovery Strategy.

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 adoption of the City of Kalamunda's (City) Climate Change Action Plan (CCAP).
2. The CCAP has been developed with the support of the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) and after two stages of Community Engagement.
3. The CCAP provides for four key areas of focus (Carbon Footprint, Waste, Sustainable Development and Resilience to Changing Climate) with the City having four key audiences (City as an entity, Residents, Businesses/Commercial entities and State/Federal Government) from which a set of actions have been proposed over coming years.
4. It is recommended that Council adopt the Climate Change Action Plan.

BACKGROUND

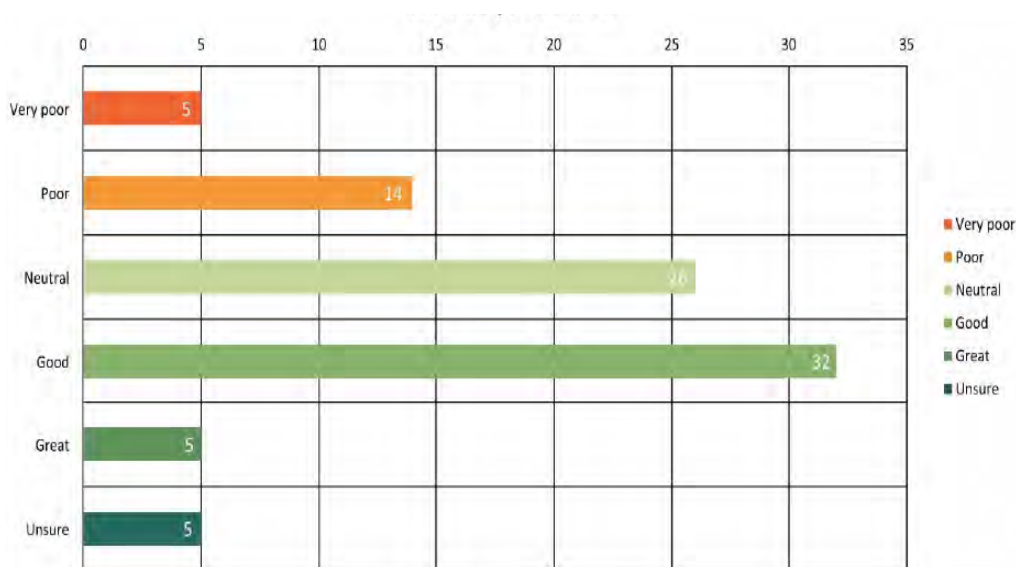
5. At the June 2022 Ordinary Council Meeting, Council received a progress report on the City's development of the Climate Change Action Plan in response to its Declaration of a Climate Emergency in 2021. It was resolved (OCM 79/2022) that Council:
 1. *ENDORSE the final draft Climate Change Action Plan for community engagement.*
 2. *RECEIVE a subsequent report after the community engagement is complete and a final Climate Change Action Plan is proposed for adoption.*

- 6. Community engagement was completed in 2022 and progressive drafts of the CCAP were developed in conjunction with KESAC.

DETAILS AND ANALYSIS

- 7. Stage 1 of community engagement regarding Climate Change was conducted in 2021 which helped inform development of a draft CCAP. Stage 2 of community engagement was conducted in June and July 2022 for feedback on the draft CCAP. The Community Engagement Report is provided in summary form as Attachment 1 along with detailed responses and submissions as Attachment 2 to this report.

- 8. 87 responses were provided to the feedback survey against the draft CCAP as well as 15 individual separate submissions. The overall rating of the draft CCAP is summarised in the graph below:



- 9. Some of the positive feedback on the draft CCAP included:
 - a) Clear goals, actions and projects.
 - b) Acknowledgement that Climate Change is a threat.
 - c) Structure of plan and ease of understanding.
- 10. Some of the constructive feedback provided on the draft CCAP included:
 - a) Details on timelines and accountability required.
 - b) Greater focus on planting more trees and vegetation and conservation activities.
 - c) Greater focus on renewable energy.

11. The community provided overwhelming feedback that they saw the following issues as very important:
 - a) Reducing the City's carbon footprint.
 - b) Reduce methane generated by landfill.
 - c) City supporting the community in carbon reduction journey.
 - d) City to advocate for sustainability in planning frameworks.
 - e) Improve community's resilience to changing climate patterns through advice, education and awareness.
 - f) Encouraging new development that is more resilient to climate change.

12. KESAC provided initial comment to the June 2022 draft CCAP. They were also provided an advance copy of the final CCAP in January 2023 prior to development of this report.

13. The CCAP for adoption by Council is provided as Attachment 3 to this report. The CCAP is structured as follows:
 - a) Summary of "What is Climate Change"
 - b) Impacts and consequences for City of Kalamunda
 - c) Focus Area 1 – Carbon Footprint
 - d) Focus Area 2 – Waste and Circular Economy
 - e) Focus Area 3 – Sustainable Development
 - f) Focus Area 4 – Resilience under Changing Climate Patterns

14. Each Focus Area is then expanded into:
 - a) Target & Objectives
 - b) Achievements to Date
 - c) Proposed Actions over coming years

15. The cornerstone of the CCAP for the City is progress towards a net zero emissions profile for City operations by 2035. The first milestone in this achievement is planned to achieve a 40% reduction in operational emissions by 2030 compared to its 2020 baseline.

16. The following table illustrates the differing timeframes being adopted by various parties towards their zero emissions journey:

Entity	Interim Target	Zero Emission Target Year
Federal*	43% reduction against 2005 baseline by 2030	2050
State of WA*	80% reduction against 2020 baseline by 2030	2050
Fremantle	Ongoing progress	2025
Victoria Park	Ongoing progress	2030
Vincent	Ongoing progress	2030

* Federal Parliament has passed the Climate Change Act 2022 which binds the nation to the interim target and zero emission targets. WA Parliament is now considering similar legislation

17. For the City to achieve its net zero target some or all of the following activities will be required over time:
- a) City facilities converting to Solar Photovoltaic and integrated Battery supply for electricity.
 - b) Introduction of Battery Electric Vehicles for City fleet.
 - c) Waste management processes that maximise diversion from landfill.
 - d) Energy efficiency measures to reduce demand for electricity which then can reduce costs of funding renewable energy. This can range from LED lighting through to rationalisation of underutilised buildings.
 - e) Purchase of renewable energy over current gas/coal energy sources where it is impractical to install standalone 'off grid' renewable sources.
18. Achievement of many of the significant actions contained within the CCAP will necessitate allocation of physical and financial resources by the City. Opportunities for external grants and partnerships will be explored as they arise however it is reasonable to expect that implementation of the CCAP will require rates funding on an annual basis. Council prioritises funding for all activities undertaken by the City on an annual basis hence the CCAP actions may not be fully realised if higher priority funding needs exist.
19. It is proposed that future revisions of the City's Corporate Business Plan will identify specific actions to be undertaken in coming years aligned to this CCAP.

APPLICABLE LAW

20. *Climate Change Act 2022 (Commonwealth).*

APPLICABLE POLICY

21. Nil

STAKEHOLDER ENGAGEMENT

22. Community feedback on the draft CCAP was sought and the outcomes provided as Attachment 1 to this report.

FINANCIAL CONSIDERATIONS

23. Many initiatives and actions proposed in the CCAP would provide operational cost savings to the City (such as Solar PV panels, LED lighting, Electric Cars etc). These may require significant capital investment to implement, which will be considered as part of the annual budget processes.

24. Other initiatives and actions proposed in the CCAP will be necessary in order that the City undertakes its leadership role in supporting the community and advocacy within State and Federal government. These activities similarly will be considered as part of the annual budget processes.

25. Staff resourcing will also be important in order to ensure success of the CCAP. The draft 2023/2024 operating budget will need to consider how best the City can provide a staff member to coordinate the myriad of activities and actions contained within the CCAP.

SUSTAINABILITY

26. The CCAP goes to the heart of the City's sustainability objectives. It demonstrates to stakeholders that the City is committed to providing a sustainable environment for our community.

RISK MANAGEMENT

27.

Risk: The City does not have a plan in place to meet mandated decarbonisation targets leading to compliance failures.		
Consequence	Likelihood	Rating
Major	Likely	Extreme
Action/Strategy		
Adoption of a strategy towards zero emission targets.		

28.

Risk: The City fails to resource the implementation of the priority actions within the CCAP leading to criticism of the City.
--

Consequence	Likelihood	Rating
Major	Likely	Extreme
Action/Strategy		
Annual budget processes identify and assess priority of funding outcomes.		

CONCLUSION

29. The adoption of the CCAP demonstrates to the community the City's commitment to recognising and dealing with the implications that climate change is having and will have upon the City. It shows that the City is providing good governance.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the Climate Change Action Plan Stage 2 Community Engagement report provided as Attachments 1 and 2 to this report; and
2. ADOPT the draft City of Kalamunda Climate Change Action Plan provided as Attachment 3 to this report (subject to final desk top publishing improvements).

10.3. Corporate Services Reports

10.3.1. Corporate Business Plan - Quarterly Update - October to December 2022

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

Previous
Items

Directorate	Corporate Services
Business Unit	Director Corporate Services
File Reference	3.009509
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Quarterly Corporate Plan Report October-December 2022 [10.3.1.1 - 49 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 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City's) achievement against "Kalamunda Achieving: Corporate Business Plan 2022-2026" for the period October to December 2022.
2. On average, actions from the Corporate Business Plan are 53.3% complete at the end of the second quarter, 31 December 2022.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period October to December 2022.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2022-2026 (the CBP) was endorsed by Council at the Special Council Meeting on 27 June 2022.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2022/23.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 Strategic Priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 127 individual actions set out within the CBP for the 2022/23 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 December 2022.

11. The actions contained in the CBP are on average 53.3% complete. For most actions, the target at the end of the second quarter is 50%, indicating that progress on average, is on or ahead of schedule.
12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%. The average achievement of target across the actions is 138.8%.

APPLICABLE LAW

13. All local governments are required, by legislation, to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995 (WA)*, which is effectively the City's 'plan for the future'.
14. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

APPLICABLE POLICY

15. Nil.

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

19. Nil.

RISK MANAGEMENT

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

CONCLUSION

21. The City is working to carry out the actions listed in the Corporate Business Plan. On average, actions from the Corporate Business Plan are 53.3% complete at the end of the second quarter.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2022-2026 for the period October to December 2022.

10.4. Community Engagement Reports

10.4.1. Customer Service Results 2022

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

Previous
Items
Directorate Community Engagement
Business Unit Customer Services
File Reference
Applicant
Owner

Attachments {attachment-list-do-not-remove}

TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 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 1.2.2 - 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.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with an update on the City of Kalamunda's (City) customer service results for 2022.
2. The City's customer service has continued to achieve the service level expectations set, with the new Strategy adopted in mid-2022.
3. The recommendation is to note the Customer Service results for 2022.

BACKGROUND

4. In June 2022 the City of Kalamunda adopted its Customer Service Strategy 2022 – 2026. The Strategy builds upon the initiatives outlined in the Customer Service Strategy 2017-2021.
5. The key objectives of the strategy are to:
 - a) promote a holistic approach to customer service, encouraging a smooth, seamless “one-touch” customer experience.
 - b) be responsive and agile in-service delivery, recognising one size doesn't fit all and offering a range of service delivery options.
 - c) support and encourage staff through training and information sharing to be proactive and anticipate community needs, always striving to exceed expectations.

Customer Service Principles

6.

1.	Customers will receive timely responses.	<ul style="list-style-type: none"> • We will always provide an estimation of timeframe for response at each interaction. • We will update customers on the status of their enquiry at regular intervals. • Customer referrals across business units will be as minimal as possible. • We monitor the timeliness of our correspondence.
2.	Customer interactions will be meaningful .	<ul style="list-style-type: none"> • We aim to handle enquiries at first point of contact. • All staff will have access to accurate and up-to-date information. • Staff will seek to understand enquiries to the deepest possible level before responding. • All responses to customers will be personalised and professional. • Even when we may need to say 'we can't' we will offer options for things we 'can do'
3.	Each customer will be made to feel like the only customer.	<ul style="list-style-type: none"> • We will ask our customers how they like to receive information and deliver it accordingly. • We recognise 'one-size does not fit all' and we will be flexible in our service offerings. • We will always do more to exceed expectations. • Complex requests and complaints will be handled with priority.
4.	We will help our customers to help themselves.	<ul style="list-style-type: none"> • We offer and promote integrated self-service options. • We explore and use innovative technology solutions that makes accessing information easy. • Online information will be available 24/7 and enabled for mobile devices. • As many transactions as possible will be automated. • Develop simple guides and instructions to help customers understand our processes.
5.	Our customers are informed and will help inform our services.	<ul style="list-style-type: none"> • We will consider the customer's perspective and actively seek feedback often, in different ways. • We will admit when we get it wrong, reviewing and improving our processes each time. • We will communicate on any new service (or fee) or expected change in levels of service as early as possible.

		<ul style="list-style-type: none">• Our people and our customers will be our best advocates.
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Customer Service Promise

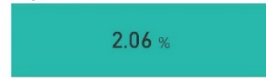
7. Supported by innovative technology solutions and regular best practice training, staff will be proactive, focus on future planning to meet business objectives and work collaboratively, with the customer experience always in mind.
8. All City interactions with customers will be
 - a) timely and meaningful.
 - b) transparent in all that we do and decisions we make.
 - c) changed and adapted for continuous improvement.

DETAILS AND ANALYSIS

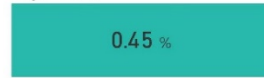
9. The City continued to focus on a combination of concepts including cultural change, technological and process improvement, and a centralised service model - with increased self-service options and improvements based on customer feedback.
10. Our customers are the 'key influencers' in the development, improvement and delivering of our services.
11. Overall, customer requests have been responded to in a timely matter with an average time taken for all customer requests sitting significantly under the target of 7 days. Some requests require further information from the applicant which can result in a delay to response time.

12. The following provides an overview of the City of Kalamunda customer results for 2022 in comparison to previous years:

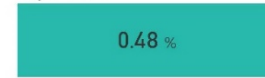
% of Requests with Time taken > 7 Days - 2018



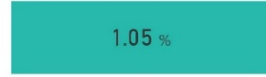
% of Requests with Time taken > 7 Days - 2021



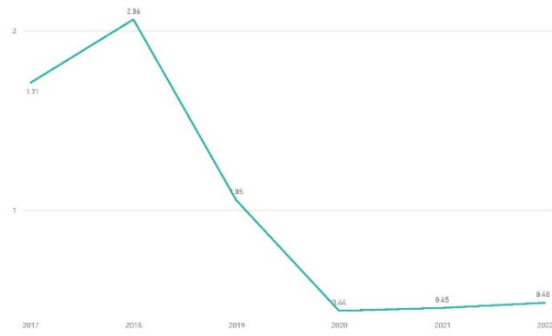
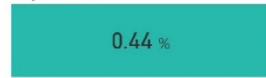
% of Requests with Time taken > 7 Days - 2022



% of Requests with Time taken > 7 Days - 2019



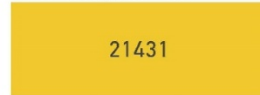
% of Requests with Time taken > 7 Days - 2020



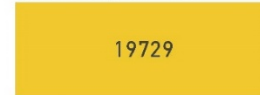
Count of Requests - 2018



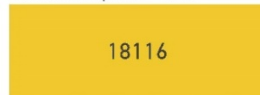
Count of Requests - 2021



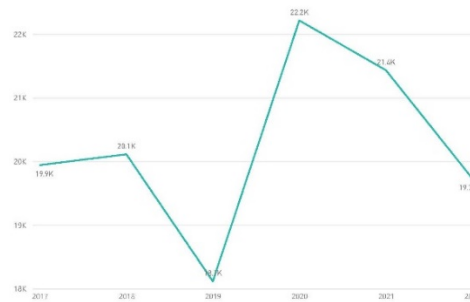
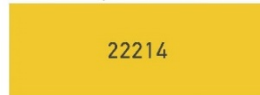
Count of Requests - 2022



Count of Requests - 2019



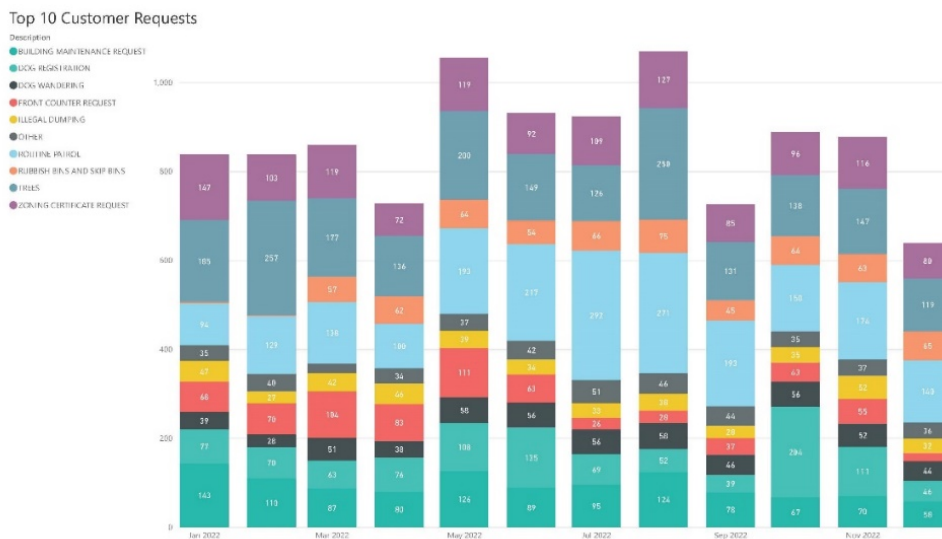
Count of Requests - 2020



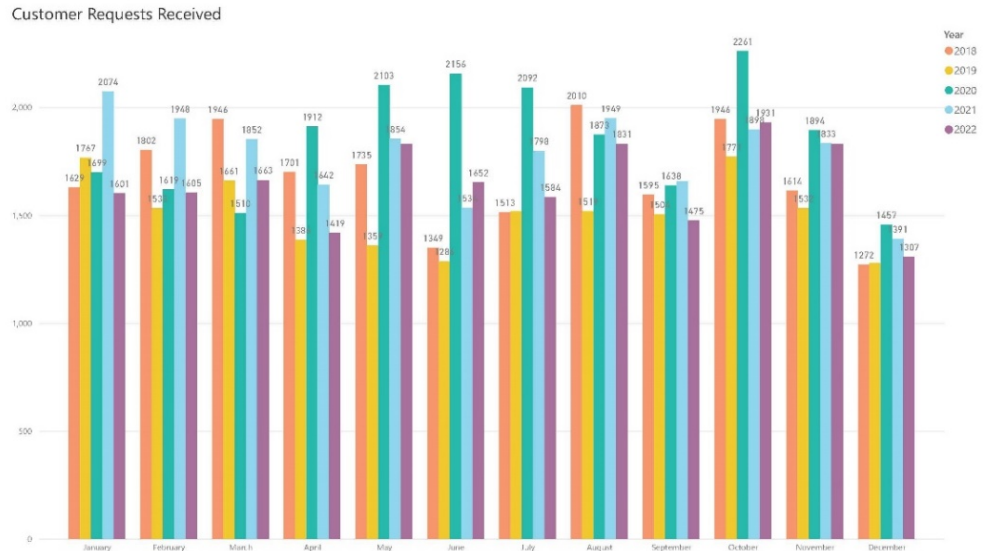
13. The trend has shown that request times have stayed consistent over the past 3 years, with a slight increase in 2022. The number of requests has dropped in 2022, however the influence of Covid in 2020 could have impacted the upward trend of these results.



14. In line with previous results, the average response time has stayed consistent over the last 3 years with all average times coming in under 0.4 days.



15. Trending requests over 2022 saw a focus on Waste services including illegal dumping requests and skip bins/rubbish bins. Tree related customer requests have had a steady increase in numbers and continued to trend in 2022.



Overall, 2022 was on par with previous years requests. 2020 saw the highest number of customer requests received by the City.

- 16. In 2022 the City has also embarked on the relocation of the Forrestfield Library. The new Library will open in Mid-2023 and will include full customer service offerings. This will provide residents another location to receive face to face customer service. The Library and Customer Service Centre will be in the Hawaiian’s shopping center.
- 17. In community engagement undertaken during 2022 in regard to the New Library the new customer service function was the top item respondents liked about the plan, followed by the creative installations, pop up activations and the click and collect service.

APPLICABLE LAW

- 18. *Local Government Act 1995*

APPLICABLE POLICY

- 19. Service 5 – Communication and Engagement
- 20. Service 01 – Managing Unreasonable Conduct by Customers

STAKEHOLDER ENGAGEMENT

- 21. The City received feedback year-round relating to Customer Service and reviews all feedback, suggestions and complaints which are received to improve the customer experience.

- 22. Feedback from residents has continued to have a positive sentiment overall.
- 23. Results are circulated throughout the organisation to all business units as part of an informing campaign, along with a weekly report issued to business units on items requiring action.

FINANCIAL CONSIDERATIONS

- 24. Services are provided within the current budget parameters.

SUSTAINABILITY

- 25. The City’s Customer Service Strategy is based around a series of actions, which will improve sustainability in the customer service space from both a social and environmental perspective, with increased self service capability and a reduction in print.

RISK MANAGEMENT

26.

Risk: Customer Service Results are not monitored to ensure ongoing achievement of Strategy objectives.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure regular reporting to Council with quarterly updates and annual review.		

27.

Risk: Customer Service Strategy is not implemented by the due date		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieves.		

CONCLUSION

- 28. The City remains focused on best practice, with works to ensure services are as accessible as possible currently underway, with the expansion of locations customers can access services.

- 29. The Customer Service Strategy provides clear direction for the City, along with ensuring customers understand how the City will interact and what to expect in terms of customer service.
- 30. Continuous review and improvement, led by our customers feedback is important to ensure the City continues to maintain and improve on results and the overall customer experience.
- 31. The success of the Customer Service Strategy Implementation to date is a credit to the entire organisation.
- 32. There is a strong customer centric focus and culture that is continuing to strengthen.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the Customer Service Results for 2022

10.5. Office of the CEO Reports

10.5.1. Council Authorisations - Execution of Documents

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

Previous
Items

Directorate Office of the CEO
Business Unit Governance

File Reference

Applicant
Owner

Attachments 1. City of Kalamunda Execution of Documents Staff
Authorisations June 2020 [**10.5.1.1** - 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 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 amend the authorisation provided to specified staff at the Chief Executive Officer, Director and Manager level to sign documents on behalf of the City of Kalamunda (City) that do not require the affixing of the Common Seal.
2. The authorisations contained in the recommendation are in accordance with the provisions of the *Local Government Act 1995 (Act)* and provide the framework for continued efficient operations within the administration of the City.
3. It is recommended that Council adopt the revised Council Authorisations.

BACKGROUND

4. Council authorisations to execute documents have been in place since 2010 and have been periodically amended to add, delete staff and amend position titles arising from new staff appointments, resignations or organisational restructures.
5. Authorisations were most recently considered and approved by Council at the Ordinary Council Meeting of 23 June 2020 (Attachment 1).

DETAILS AND ANALYSIS

6. The recommendation does not propose to extend the authorisations to include additional document types. Instead the City is requesting the inclusion of some new positions and an amendment to a position title in the approved authorisations.
7. The following changes have been included in the recommendation:

Additions

Director Community Engagement
Strategic Projects Director
Manager Strategic Planning

Amendment to Position Title

Manager Economic and Cultural Services

APPLICABLE LAW

8. *Local Government Act 1995*

APPLICABLE POLICY

9. N/A

STAKEHOLDER ENGAGEMENT

10. Input has been received from all Directorates as to their requirements of authorisations which should be considered by Council.

11. Community consultation is not required for this matter.

FINANCIAL CONSIDERATIONS

12. There is no financial impact from this report.

SUSTAINABILITY

13. N/A

RISK MANAGEMENT

14.	Risk: Delays to execution of documents if an adequate number of appropriate staff are not authorised to carry out that function.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	In the event that recommendation is not adopted then there is increased risk of delay on document execution, which would require strict programming of existing authorised officer time to ensure that all documents are executed as soon as practicable.		

CONCLUSION

15. The authorisations contained in the recommendation of this report are in accordance with the provisions of the *Local Government Act 1995* and provide the framework for continued efficient operations within the City's Administration.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council pursuant to section 9.49A of the Local Government Act 1995, AUTHORISE the following Officers of the City of Kalamunda to sign documents on behalf of the City of Kalamunda, as specified:

i. Chief Executive Officer

Execute a service agreement with the State, if a Redress application is received in accordance with the National Redress Scheme

- i. Chief Executive Officer**
- ii. Director Asset Services**
- iii. Director Community Engagement**
- iv. Director Corporate Services**
- v. Director Development Service**
- vi. Strategic Projects Director**

any document, including a deed, that is necessary or appropriate to be signed for these Officers to carry out their functions and duties under any written law

- i. Manager Approval Services**
- ii. Manager Asset and Waste Operations**
- iii. Manager Asset Delivery**
- iv. Manager Asset Planning**
- vii. Manager Community Development**
- viii. Manager Environmental Health and Community Safety**
- ix. Manager Financial Services**
- x. Manager People Services**
- xi. Manager Parks and Environmental Services**
- xii. Manager Strategic Planning**

any document, excluding a deed, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law.

i. Manager Economic and Cultural Services

any document, excluding a deed, that is necessary or appropriate to be signed to carry out the Manager's functions and duties under any written law, and specifically:

- a. Leases
- b. Extensions of Leases
- c. Assignments of Leases
- d. Deed of Variation of Leases
- e. Surrenders of Leases
- f. Licences

g. Assignments and Assignments and Variations of Licences

10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 31 January 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. Statement of Financial Activity for the period ended 31 January 2023 [10.6.1.1 - 1 page]
	2. Statement of Financial Activity for the period ended 31 December 2022 [10.6.1.2 - 1 page]
	3. Statement of Net Current Funding Position as at 31 January 2023 [10.6.1.3 - 1 page]
	4. Statement of Net Current Funding Position as at 31 December 2022 [10.6.1.4 - 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 the Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licenses, other permits or licenses issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 January 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 first term budget review adopted by the Council on 25 November 2022 for the 2022/2023 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 January 2023, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 January 2023;
 - b) Net Current Funding Position, note to financial report as of 31 January 2023;
 - c) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2022;
 - d) Net Current Funding Position, note to financial report as of 31 December 2022

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 opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2021/2022.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 January 2023

7. This Statement reveals a net result surplus of \$24,422,465 compared to the budget for the same period of \$13,586,911.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$1,450,337. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$511,708. The variance is mainly attributable to the employee workers compensation claims raised \$399,229.
 - b) Fees and Charges are over budget by \$545,074. The variance is mainly attributable to the income from planning and building applications that are higher than the budgeted income.
 - c) Interest earnings are over budget by \$471,907. The variance is mainly due to the higher interest income received from investments. Interest income is higher due to the favourable interest rates prevailing in the market.
 - d) Other Revenue is under budget by \$86,507. The variance is mainly due to the fire prevention work penalties.

Operating Expenditure

9. Total expenditure is under budget by \$3,867,365. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,848,954, which is primarily due to the vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$935,855. The variance is mainly due to the timing of building maintenance costs and infrastructure maintenance costs.
 - c) Utilities are under budget by \$24,189, the variance is mainly due to the aggregate result of minor variances in several business units.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$1,108,665.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.

- f) Other expenditure is over budget by \$57,384. The variance is primarily due to the timing of donations given to the community groups.

Investing Activities

Non-operating Grants and Contributions

- 10. The non-operating grants and contributions are under budget by \$300,336. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

Capital Expenditure

- 11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$6,717,436. This is considered to be a timing issue.
- 12. Capital works-in-progress expenditure of \$9,282 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 13. The amounts attributable to financing activities show a variance of \$283,527 which is mainly due to the developer contributions and reserve transfers.

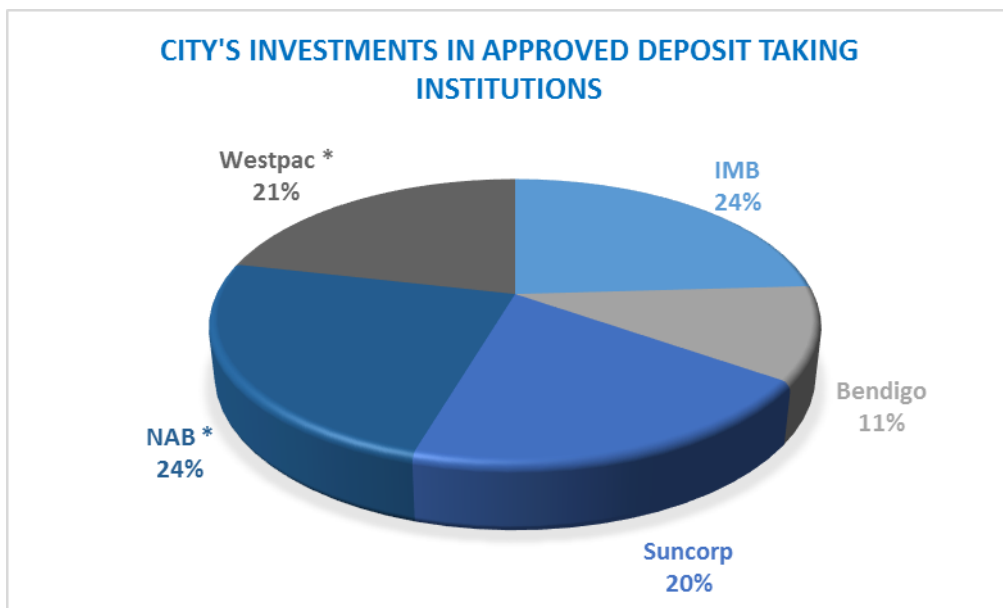
Rates Revenues

- 14. Rates generation is over budget with a variance of \$194,945.

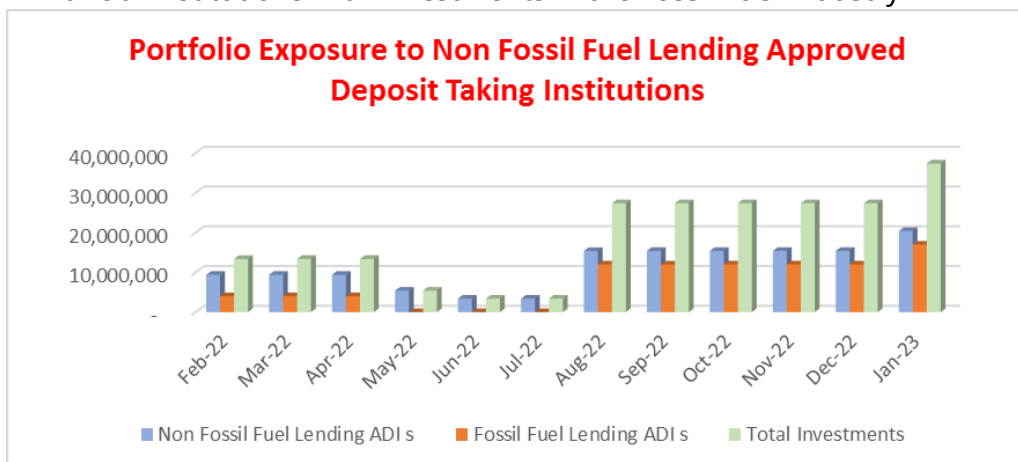
Statement of Net Current Funding Position as of 31 January 2023

- 15. The commentary on the net current funding position is based on a comparison of January 2023 to the January 2022 actuals.
- 16. Net Current Assets (Current Assets less Current Liabilities) total \$44 million. The restricted cash position is \$24.3 million which is lower than the previous year's balance of \$24.5 million. The variance is mainly due to the timing of fund release from unexpended capital works and the specific purpose grants reserve.

17. The following graph indicates the financial institutions where the City has investments as of 31 January 2023;



18. *Financial Institutions with Investments in the Fossil Fuel Industry



19. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$7.7 million.
20. Sundry debtors have increased from \$308,174 to \$512,770, of which \$295,561 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
21. Receivables Other represents \$2.5 million including:
- a) Emergency Service Levy receivables \$1.1 million;
 - b) Receivables sanitation \$0.8 million

22. Provisions for annual and long service leave have increased by \$0.2 million to \$4.5 million when compared to the previous year.

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 January 2023 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

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

- a) Statement of Financial Activity (Nature or Type) for the period ended 31 January 2023;
- b) Net Current Funding Position, note to financial report as of 31 January 2023;
- c) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2022;
- d) Net Current Funding Position, note to financial report as of 31 December 2022.

10.6.2. Debtors and Creditors Report for the period ended 31 December 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for period ended 31 December 2022 [10.6.2.1 - 32 pages] 2. Summary of Debtors for the month of December 2022 [10.6.2.2 - 2 pages] 3. Summary of Creditors for month of December 2022 [10.6.2.3 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
□ Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building 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 December 2022, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of December 2022.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in December 2022 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of December 2022.

BACKGROUND

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

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 December 2022 were \$489,394. This includes \$490,406.87 of current debts and \$1,058 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$153,947 debts of significance:
 - a) Education Department, \$41,244– Kostera Oval shared facility reimbursement;
 - b) Municipal Workcare, \$31,941, Workers Compensation reimbursement;
 - c) City of Melville, \$24,872, Long Service Leave reimbursement;
 - d) City of Bayswater, \$21,665, Long Service Leave reimbursement;
 - e) Forrestfield United Football Club, \$6,850, Utilities / Players Fees;
 - f) Forrestfield United Football Club, \$6,102, Loan 214 reimbursement;
 - g) Optus, \$5,296, Telecommunications Tower – Lease;

- h) City of York, \$4,170, Long Service Leave reimbursement;
 - i) N-Com Pty Ltd, \$4,137, Telecommunications Tower – Lease / Electricity; and
 - j) Kalamunda & Districts Rugby Union, \$3,117, Utilities / Players Fees.
8. Invoices over 60 days total \$3,377, debts of significance:
- a) City of Kalgoorlie, \$1,960, GIS Shared Services.
9. Invoices over 90 days total \$26,823 debts of significance:
- a) Private Citizen, \$9,281, Fire Break – Reimbursement;
 - b) Telstra, \$7,350, Telecommunications Tower – Lease;
 - c) Private Citizen, \$4,070, Fire Break – Reimbursement;
 - d) Carmel Adventist College, \$1,128, Hall Hire; and
 - e) Recreation Road Pty Ltd, \$1,108, Replacement Verge Trees.

Creditors

10. Payments totalling \$7,742,756 were made during the month of December 2022.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency Services Levy 2022/2023 – 2 nd quarter payment	2,218,348
LGIS WA	LGIS Insurance – insurance – 2 nd instalment	779,917
Cleanaway	Waste/recycling and bulk bin disposal services	405,874
Downer EDI Works Pty Ltd	Supply and lay mountable kerbing for various locations	385,375
Australian Tax Office	PAYG payments	396,174
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	296,946
Howthorn Civil and Mining Services	Berkshire/ Dundas Road Shared Pathway construction – progress claim	291,239
Fulton Hogan Industries Pty Ltd	Supply and install materials for profiling at various locations	250,631

Western Australian Treasury Corporation	Loan instalment repayment – loans 241,242, 243,240,244	197,187
AWARE Super Pty Ltd	Superannuation contributions	192,005
Synergy	Power charges – various locations	150,038
Hill Top Group Pty	Building maintenance works at various locations	125,772
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	105,963
Merger Contracting P/L Trading as J&M Asphalt	Supply and install asphalt and minor asphalt renewal – various locations	81,726
Hesperia Property Pty Ltd	Maintenance bond refund – lot 1, 4, Abernethy Road, High Wycombe	76,783
Kalamunda Electrics	Electric repairs and maintenance work – various locations	72,370
Entire Fire Management	Fire break maintenance at various locations	68,168
Dowsing Group Pty Ltd	Supply & lay concrete pathways, maintenance & miscellaneous works at various locations	67,468
All State Kerbing and Concrete	Supply and install various kerbing and concrete – Hale Road, Forrestfield	65,482
Building Commission – Department of Mining, Industry Regulation & Safety	Building levy – November 2022	64,413

These payments total \$6,291,888 and represent 81% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,239,619 was paid in net salaries for the month of December 2022.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust
15. There were no payments made from trust accounts during December 2022.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

26. Creditor payments are above the normal trend due to the emergency services levy payment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in December 2022 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachments 2 &3) for the month of December 2022.

10.6.3. Debtors and Creditors Report for the period ended 31 January 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 January 2023 [10.6.3.1 - 33 pages] 2. Summary of Debtors for the month of January 2023 [10.6.3.2 - 2 pages] 3. Summary of Creditors for month of January 2023 [10.6.3.3 - 1 page]

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
□ Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building 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 January 2023, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of January 2023.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in January 2023 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of January 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.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 January 2023 were \$512,770. This includes \$295,561 of current debts and \$721 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$74,586 debts of significance:
 - a) Satterley Property Group, \$63,338, Works Bond;
 - b) Municipal Workcare, \$5,488, Workers Compensation reimbursement; and
 - c) N-Com Pty Ltd, \$3,872, Telecommunications Tower – Lease.
8. Invoices over 60 days total \$118,529, debts of significance:
 - a) Education Department, \$41,244, Kostera Oval shared facility reimbursement;
 - b) Municipal Workcare, \$31,941, Workers Compensation reimbursement;
 - c) City of Bayswater, \$21,665, Long Service Leave reimbursement;

- d) Forrestfield United Football Club, \$6,850, Utilities / Players Fees;
- e) Forrestfield United Football Club, \$6,102, Loan 214 reimbursement;
- f) Optus, \$5,296, Telecommunications Tower – Lease; and
- g) City of York, \$4,170, Long Service Leave reimbursement.

9. Invoices over 90 days total \$24,815 debts of significance:
- a) Private Citizen, \$9,281, Fire Break – Reimbursement;
 - b) Telstra, \$7,350, Telecommunications Tower – Lease;
 - c) Private Citizen, \$4,070, Fire Break – Reimbursement; and
 - d) Carmel Adventist College, \$1,128, Hall Hire – payment received. Carmel Adventist College, \$1,128, Hall Hire.

Creditors

10. Payments totalling \$3,343,012 were made during the month of January 2023.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	499,310
Australian Tax Office	PAYG payments	399,675
Cleanaway	Waste/recycling and bulk bin disposal services	382,945
AWARE Super Pty Ltd	Superannuation contributions	290,964
Synergy	Power charges – various locations	143,947
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations, demolition of Allan Fernie Pavilion	110,340
Western Australian Treasury Corporation	Loan instalment repayment – loans 221	96,590
Kalamunda Electrics	Electric repairs and maintenance work – various locations	77,136
Office of the Auditor General WA	Statutory audit fees – 2021-2022	71,940

These payments total \$2,072,851 and represent 62% of all payments for the month.

Payroll

- 12. Salaries are paid in fortnightly cycles. A total of \$1,854,259 was paid in net salaries for the month of January 2023.
- 13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

- 14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust
- 15. The following payments (GST exclusive) were made from the Trust Accounts in January 2023.

CELL 9		Amount (\$)
Date	Description	
25/01/2023	Successful Projects – Woodlupine Brook Wattle Grove Stage 3 – tender evaluation	632
25/01/2023	McLeods Barristers and Solicitors – legal advice on the POS amendment	5,141

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

- 21. Debt collection matters are referred to the City’s appointed debt collection agency when required.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

- 23. Nil.

RISK MANAGEMENT

Debtors

24.	<p>Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.</p>						
	<table border="1"> <thead> <tr> <th style="text-align: left;">Consequence</th> <th style="text-align: left;">Likelihood</th> <th style="text-align: left;">Rating</th> </tr> </thead> <tbody> <tr> <td>Insignificant</td> <td>Possible</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Insignificant	Possible	Low
Consequence	Likelihood	Rating					
Insignificant	Possible	Low					
	<p>Action/Strategy</p> <p>Ensure debt collections are rigorously managed.</p>						

Creditors

25.	<p>Risk: Adverse credit ratings due to the City defaulting on the creditor.</p>						
	<table border="1"> <thead> <tr> <th style="text-align: left;">Consequence</th> <th style="text-align: left;">Likelihood</th> <th style="text-align: left;">Rating</th> </tr> </thead> <tbody> <tr> <td>Insignificant</td> <td>Possible</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Insignificant	Possible	Low
Consequence	Likelihood	Rating					
Insignificant	Possible	Low					
	<p>Action/Strategy</p> <p>Ensure all disputes are resolved in a timely manner.</p>						

CONCLUSION

26. Creditor payments are above the normal trend due to the emergency services levy payment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in January 2023 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachments 2 &3) for the month of January 2023.

10.6.4. Rates Debtors Report for the Period Ended 31 December 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report December 2022 [10.6.4.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.

2. The City of Kalamunda (City) levied rates for 2022/2023 on 1 July 2022 totalling \$41,664,711. As of 31 December 2022, \$35,479,308 has been collected for current and prior year outstanding rates for the December 2022 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of December 2022 (Attachment 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 23,828 notices were issued on 15 July 2022. This consisted of 20,773 mailed rate notices, and 3,055 eRates notices. Rates Levied and Collectable for the 2022/2023 Financial Year currently total \$44,486,979.
6. As of 31 December 2022, a total of \$35,479,308 has been collected since Rates Notices were released, representing a collection rate of 81.47%.
7. A total of 8,130 ratepayers have taken up an instalment option. This is an increase from 2021/2022 where 7,576 chose an instalment option. The first due date was 19 August 2022. A total of 350 ratepayers have chosen to pay via direct debit, a significant increase from 156 in 2021/2022. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,645
Option 3 on Rate Notice	Four instalments	6,485
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	227
Direct Debit	Payment to be received by April 2023	123
Total	Ratepayers on payment options	8,480

8. Interim rating has now commenced for 2022/2023. To 31 December 2022 \$208,268 has been raised for interim rating revenue.
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 December 2022 to 31 December 2022, there was a total of 321 incoming calls and 134 outgoing calls, equating to 15.67 hours call time.

APPLICABLE LAW

10. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.

APPLICABLE POLICY

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

15. The early raising of rates in July allows the City's operations to commence without delays improving cashflow, in addition to earning additional interest income.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

20.

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

- 21. With a current collection rate for the financial year of 81.47% (compared to 80.41% 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

RECOMMENDATION

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

10.6.5. Rates Debtors Report for the Period Ended 31 January 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 January 2023 [10.6.5.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of recovery actions.

2. The City of Kalamunda (City) levied rates for 2022/2023 on 1 July 2022 totalling \$41,664,711. As of 31 January 2023, \$36,714,122 has been collected for current and prior year outstanding rates for the January 2023 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of January 2023 (Attachment 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 23,828 notices were issued on 15 July 2022. This consisted of 20,773 mailed rate notices, and 3,055 eRates notices. Rates Levied and Collectable for the 2022/2023 Financial Year currently total \$44,582,498.
6. As of 31 January 2023, a total of \$36,714,122 has been collected since Rates Notices were released, representing a collection rate of 84.12%.
7. A total of 8,130 ratepayers have taken up an instalment option. This is an increase from 2021/2022 where 7,576 chose an instalment option. The first due date was 19 August 2022. A total of 350 ratepayers have chosen to pay via direct debit, a significant increase from 156 in 2021/2022. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,645
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A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	227
Direct Debit	Payment to be received by April 2023	123
Total	Ratepayers on payment options	8,480

8. Interim rating has now commenced for 2022/2023. To 31 January 2023 \$304,218 has been raised for interim rating revenue.
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 January 2023 to 31 January 2023, there was a total of 345 incoming calls and 154 outgoing calls, equating to 16.40 hours call time.

APPLICABLE LAW

10. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of subdivision 5 – Recovery of unpaid rates and service charges.

APPLICABLE POLICY

11. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.
12. The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

15. The early raising of rates in July allows the City's operations to commence without delays improving cashflow, in addition to earning additional interest income.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

20.

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

- 21. With a current collection rate for the financial year of 84.12% (compared to 82.52% 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

RECOMMENDATION

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

10.6.6. Wattle Grove Cell 9 - Infrastructure Cost Sharing Arrangement - 2022 Annual 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
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. 2022 Cell 9 Infrastructure Cost Sharing Arrangement Annual Report (ICSA) [10.6.6.1 - 32 pages] 2. Cell 9 Wattle Grove Outline Development Plan [10.6.6.2 - 1 page] 3. Schedule 11 of Local Planning Scheme No. 3 (LPS3) [10.6.6.3 - 5 pages]
Confidential Attachments	<p>Legal Advice</p> <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."</i></p>

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 purpose of this report is for the Council to consider adoption of the 2020/2021/2022 annual review of the Infrastructure Cost Sharing Arrangement (ICSA) Report (Attachment 1) for Wattle Grove – Cell 9 for the purpose of public advertising.
2. In summary, the following updates have occurred since the 2019/20 ICSA review (OCM 229/2020):
 - 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).
3. The annual review of the ICSA has resulted in a rate of \$21,639 per lot.
4. It is recommended that the Council resolve to adopt the 2022/23 ICSA review (Attachment 1) for the purpose of public advertising.

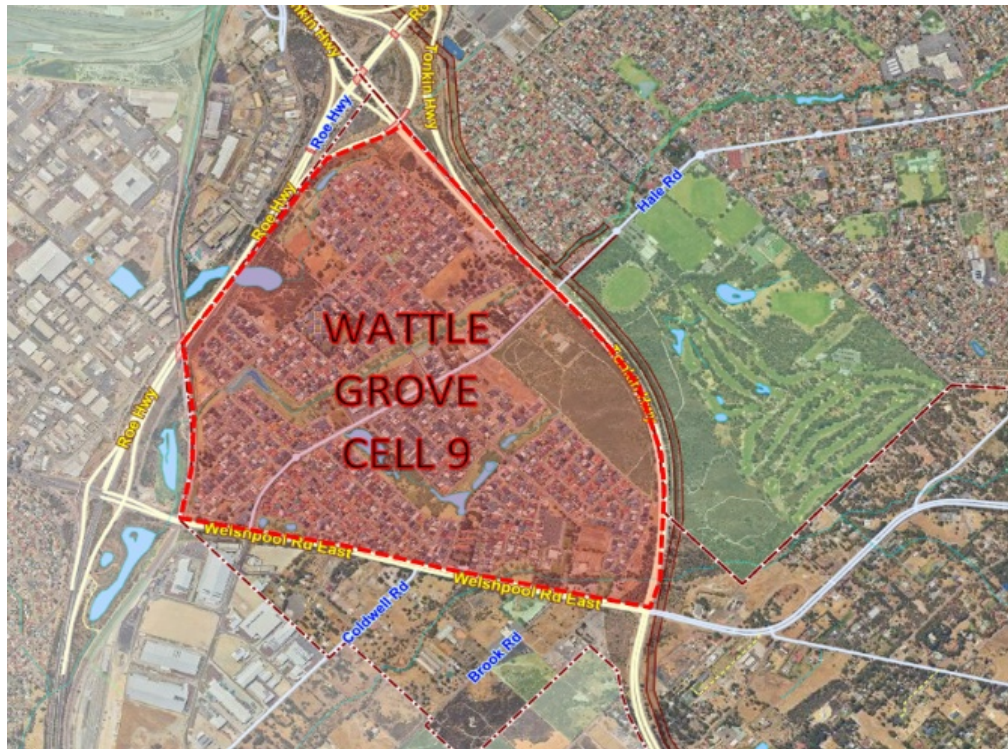
BACKGROUND

5. The ICSA has been previously referred to as the Guided Development Scheme (GDS) and Development Contribution Plan (DCP). As part of this annual review, the City of Kalamunda (City) has renamed it to an Infrastructure Cost Sharing Agreement (ICSA). The City has reverted to naming the document in accordance with Schedule 11 of Local Planning Scheme No. 3 (Scheme) and legal advice received in January 2021.
6. The ICSA was initiated prior to the establishment of State Planning Policy 3.6 Development Contribution for Infrastructure (SPP3.6) and therefore does not operate in accordance with SPP3.6.

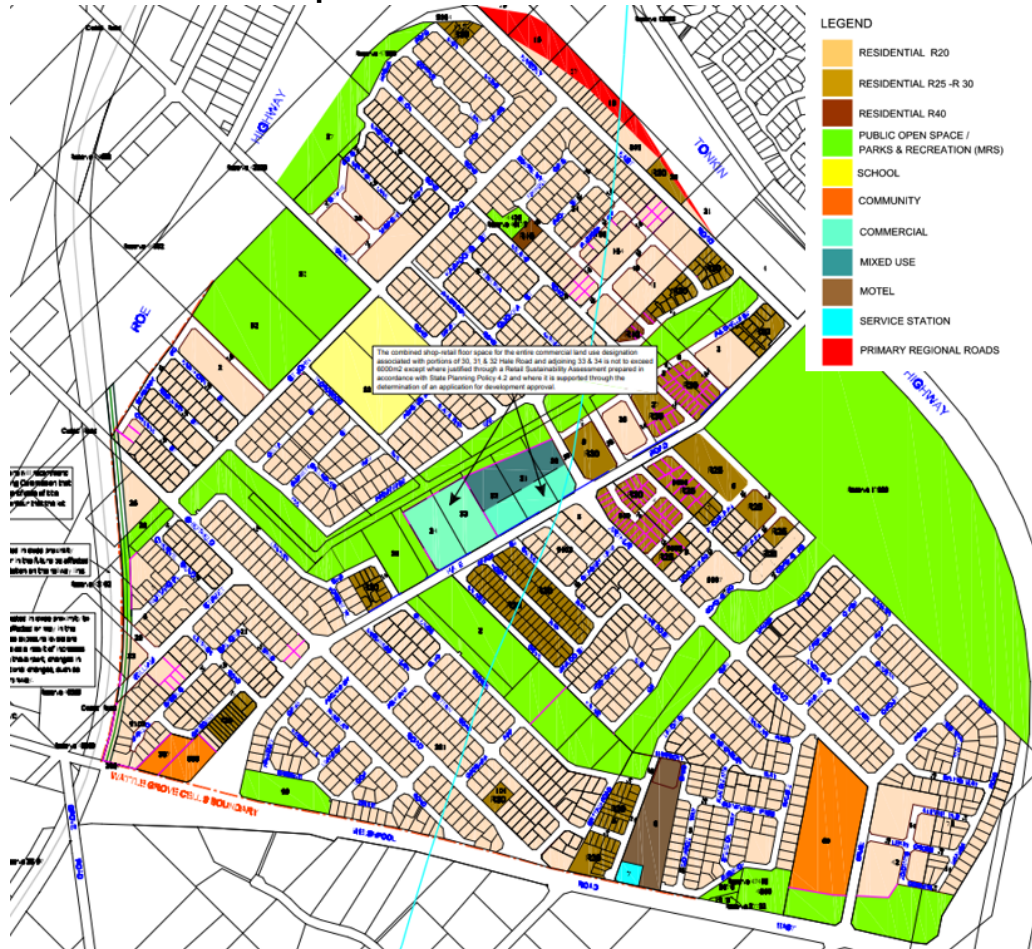
7. The ICSA applies to land contained within the Wattle Grove Cell 9 Outline Development Plan (ODP) (Attachment 2); an area generally bounded by Tonkin Highway, Roe Highway, and Welshpool Road East, as highlighted in red on the Locality Plan below.

8. The Wattle Grove Cell 9 area operates as an ODP with administrative and ICSA provisions incorporated in Schedule 11 of the Scheme. The ODP map is included for information (Attachment 2). ODPs pre-date the preparation of Local Structure Plans (LSPs), however operate with the same intent and in the same manner.

9. **Locality Plan:**



10. **Cell 9 Outline Development Plan:**



Relevant History of the Area

- 11. Prior to the 1990s, the area was historically used for rural and semi-rural land uses.
- 12. In 1997, the Cell 9 ODP was adopted by the Council, facilitating the urban redevelopment of the area, to primarily residential land uses (R20-R40) supported by ancillary community services (Public Open Space, Place of Worship, Primary School) and commercial land uses (Service Station, Shopping Centre).
- 13. 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.

14. Due to the nature of fragmented land ownership, and the need to achieve the coordinated delivery of infrastructure, the ICSA, which applies to land contained within Wattle Grove Cell 9, was incorporated into Schedule 11 of the Scheme in 1997, enabling cell infrastructure contributions to be levied and the subsequent delivery of infrastructure.

Cell 9 Landscape Masterplan

15. 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.
16. The Landscape Masterplan was endorsed by Council for the purposes of public advertising on 6 March 2012. It was advertised, however, based on information available to the City, it was never formally adopted post advertising. Notwithstanding, the document is considered seriously entertained for the purposes of guiding the principles of landscaping in Cell 9.

Common Infrastructure Works

17. The ICSA facilitates the coordinated provision of various common infrastructure Items 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:
- a) Acquisition of land for roads infrastructure (road and intersection upgrades).
 - b) Land for POS.
 - c) Road and intersection construction.
 - d) Common drainage infrastructure.
 - e) Shared paths and footpaths.
 - f) Landscaping improvement to the following POS sites
 - i. Woodlupine Brook POS
 - ii. The Yule Brook Estate POS*
 - iii. Willow Lakes Estate POS*
 - iv. Woodlupine Undeveloped Reserve POS*
 - g) Administration costs.

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

- 18. **Annual Reviews:**
A comprehensive ICSA Report and Cost Apportionment Schedule informs Schedule 11 but does not form part of the Scheme. The ICSA Report is a dynamic document which maintains the currency of the costs and is reviewed annually.
- 19. Reviews allow the City to review the administration of the ICSA, status of infrastructure delivery, and have regard to infrastructure cost changes and the rate of development.
- 20. The ICSA review was last adopted in November 2020. The current ICSA rate is \$22,275 per lot per lot. Further discussion regarding the duration between reviews is provided under the Details and Analysis section below.
- 21. Historical annual reviews of the ICSA were adopted on the following dates with the associated 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

- 22. It is anticipated the 2022/23 review will conclude following the end of the financial year and all subsequent reviews will recommence annually, at the conclusion of each financial year.

DETAILS AND ANALYSIS

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

The majority of Hale Road was completed in 2022. The only outstanding item is line marking. 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.

24. The reduction in cost 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.

25. 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.

26. 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) Removed exclusive cycle lane.
- b) Path removed from 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) Actual constructed road pavement width less than that originally proposed - reduced by minimum of 2m for full length.
- d) Actual constructed / final width of road reserve less than originally proposed; originally proposed to be 23.5m, actual ranges from approximately 17m to 21m.


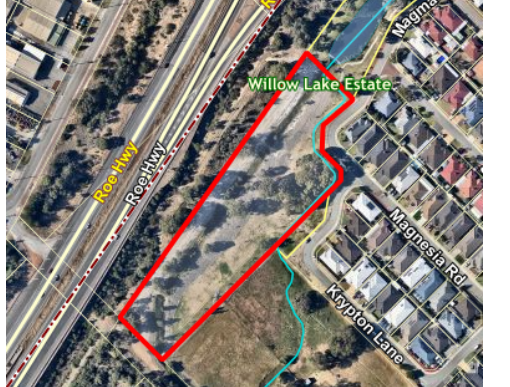



27. **Woodlupine Brook Cost Estimates**

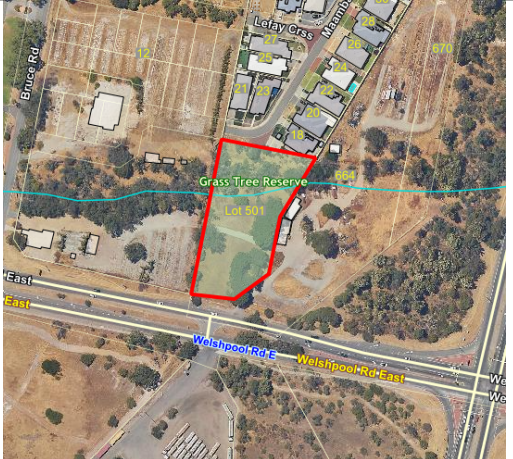


Total costs for Woodlupine Brook have remained relatively consistent to the previous review. The previous review estimated total costs were \$4,060,506.64 in comparison to this review's total estimated costs of \$4,061,502.96. Some elements of the scope caused a decrease in cost, where other elements caused an increase.

28. 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.

29. 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.
30. 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, Water Corporation advised in mid-2021 that works were required to the drainage channel to remove typha vegetation due to concerns about impacts on the hydrology and local flooding risks.
31. These factors have also resulted in delays to obtaining estimated costs for the purposes of completing the ICSA review in the 2021/2022 financial year.
32. Increases in costs have been experienced due to significant inflation for materials and construction. There has also been additional costs added for amenity items such as park furniture and infill planting.
33. 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 Watercorp management processes.
 - b) Increased amenity improvements (e.g. park furniture and infill planting)
 - c) Increases in materials and construction costs due to inflation.
34. **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.

35. 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)	

	<p>Reserve 50985 'Grass Tree Reserve'</p>	
<p>c) Woodlupine Creek Undeveloped Reserve POS</p>	<p>Lot 919 Chervil Bend</p>	
	<p>Lot 312 Chervil Bend</p>	

36. 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 from 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 (excluding relevant contingencies)
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.*

37. 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 barbecues would need to be funded from municipal or other sources.

38. **Legal Advice and Rationale for Inclusion**
The City reviewed the intent of the provisions of Schedule 11 of Scheme as they relate to POS. Legal advice was obtained to confirm 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 Attachment1.
39. Due to the cost of delivering Hale Road being significantly less than what was estimated, the inclusion of these POS improvements does not have a negative impact on the contribution rate, the rate is considered to remain fair and consistent with recent reviews.
40. **Other Annual Review Considerations**
At each annual review of the ICSA, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:
- a) Remaining lot yield;
 - b) Remaining land requiring acquisition;
 - c) Land valuation rates;
 - d) Costs of outstanding works;
 - e) Administration costs;
 - f) Priority of works;
 - g) Contingency rates; and
 - h) Calculation methodology.
41. **Remaining Lot Yield**
The future lot yield is expected to provide the contributions necessary to clear all the remaining ICSA costs.
42. As of 16 November 2022, approximately 339 new lots are expected to be created. 35 new lots have been created since the last annual report was adopted on 24 November 2020.
43. Development 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.

44.

Status of Common Infrastructure Items

The following table summarises the status of the common infrastructure items the subject of the ICSA:

Common Infrastructure Items	Status	Summary of Outstanding Works	Anticipated Delivery
a) Hale Road Upgrades	Complete	NA	NA
b) Arthur / Wimbridge / Sheffield Projects	Complete	NA	NA
c) Woodlupine Brook Improvements	Tender to be awarded February 2023	<ul style="list-style-type: none"> • Earthworks. • Erosion and flow control measures. • Landscaping improvements and additions. • Construction of footpaths. • Furniture. • Construction of fencing. 	2023 - 2024
d) Developer Drainage Works	Ongoing	Gross pollutant traps, pipes, manholes and other related infrastructure.	ONGOING
e) POS Improvements: <ul style="list-style-type: none"> • Yule Brook POS • Willow Lake POS • Woodlupine Brook Undeveloped Reserve 	Preliminary Designs	<ul style="list-style-type: none"> • Detailed Design. • Earthworks. • Landscaping improvements and additions. • Footpaths. • Furniture. 	TBC

45.

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 development contributions levied at the subdivision and/or development of land.

46. Subject to the availability of funding, the City has determined the following items as the current order of priority:
1. Woodlupine Brook Improvements;
 2. Hale Road;
 3. Yule Brook POS Improvements and associated Land Acquisitions / Miscellaneous Land Costs;
 4. Willow Lake POS Improvements and associated Land Acquisitions / Miscellaneous Land Costs;
 5. Woodlupine Brook Undeveloped Reserve Improvements;
 6. Developer drainage works (Ongoing);
 7. Administration Cost (Ongoing);
 8. Education Department Loan
47. The priority list will be updated as part of the annual cost estimate review and associated ICSA Report update.
48. **Land Valuation**
An independent land valuer assigns value to land required to be acquired for public purposes as outlined by the ODP. The valuation report assigned a land valuation rate of \$170/m² to be utilised for determining estimated land acquisition costs for the remaining areas of land acquisition.
49. The ICSA takes responsibility for acquiring ICSA road reserve land as outlined in Schedule 11 of the Scheme. The ICSA is also responsible for acquiring Public Open Space land where it is identified on the ODP. Under the ICSA, there is generally no liability for landowners to vest Public Open Space in the Crown free of charge (i.e. 10% POS), this requirement is fulfilled by virtue of fulfilling ICSA contribution requirements.
50. A \$779,518 contingency has been added to cover land acquisition costs in excess of the estimated cost of acquisition. The amount allocated to land cost contingency reflects a 20% contingency on total estimated land acquisition costs. This is 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. Advice from the land valuers indicated a contingency of 10% plus the 10% to cover for any possible solatium is appropriate.

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

Item	Area of Remaining Acquisition (m ²)	Cost of Remaining Acquisition (\$)
Road Reservation	0	\$0
Public Open Space	22,297	\$3,897,590
Miscellaneous Land Acquisition Related Works / Expenses	--	\$210,000

52. Miscellaneous land acquisition related works are costs which may be required through the course of detailed design work, such as compensation for improvements and remediation work.
53. 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.

54. **Costs of Outstanding Works**

Item	Remaining Cost
Hale Road	\$33,412
Arthur / Wimbridge / Sheffield Projects	\$0
Woodlupine Brook Improvements	\$2,050,274.00
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	\$3,748,164.00
Contingency	\$357,000.00
Education Department Loan	\$3,909,092.00
Land for Roads	\$0.00
Land for Public Open Space	\$3,897,590.00
Miscellaneous Land Acquisition Related Expenses	\$210,000.00
Land contingency	\$779,518.00
Administrative Items	\$528,800.00
Total	\$13,430,164.00

The above remaining estimates are remaining costs from 30 June 2022 to align with the end of the 2021/22 financial year.

55. A contingency of 10% has been applied to Woodlupine Brook Improvements, Yule Brook Stage 1 POS Improvements, Willow Lake POS Improvements and Woodlupine Brook Undeveloped Reserve Improvements. A contingency of 5% to Developer Drainage Works. The contingency is rounded to the nearest \$100.
56. A contingency of 20% has been applied to Yule Brook Stage 2 POS Improvements because the land is still within private ownership, therefore there are greater uncertainties associated with the land.
57. **Completed Works**
Since the last review the majority of Hale Road upgrade has been completed. The only remaining item for Hale Road is line marking.
58. **Administration Costs**
The administration costs have been reviewed to reflect the project timeframe left for the ICSA 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 ICSA. 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.
59. The estimated costs for future administrative items is estimated at \$528,000.
60. 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.

61. **Calculation Methodology**

The method for calculating contributions is as follows:

Net outstanding costs = remaining costs - funds held in bank
 Remaining lot yield = R - Code yield or Commercial zone equivalent

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

Remaining costs	\$13,430,164
Funds held in bank	\$6,094,411
Remaining lot yield	339 lots or lot equivalent
Contribution Rate	\$21,639 per lot

$$\text{Contribution Rate} = \frac{(\$13,430,164 - \$6,094,411)}{339} = \$21,639 \text{ per lot}$$

APPLICABLE LAW

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. 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. Discussions will be held with any concerned landowners and the ICSA review will then be presented back to Council for a decision to finally adopt the rate.

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 revenues and works.

SUSTAINABILITY

- 67. 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.
- 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
Critical	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. The review to the ICSA has resulted in a reduction in the contribution rate from \$22,275 per lot to \$21,639 per lot. This is due primarily to 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.
75. The review of the ICSA proposes the inclusion of POS Improvements to the following POS identified on the Cell 9 ODP:
- a) Yule Brook POS
 - b) Willow Lake POS
 - c) Woodlupine Brook Undeveloped Reserve
76. Legal advice 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 \$6,094,411. There are a number of infrastructure projects planned in the as outlined in the works priorities, which will bring the cash balance down.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT for the purpose of public advertising for a period of at least 28 days, the proposed Infrastructure Cost Sharing Arrangement Report (Attachment 1) and reviewed rate of \$21,639 per dwelling yield.
2. REQUEST the Chief Executive Officer advise the affected landowners of the review.

10.6.7. Award of RFT2206 Woodlupine Wattle Grove Living Stream - Stage 3

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

Previous Items	OCM 16/2018
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	AD-TEN-005
Applicant	Nil
Owner	City of Kalamunda

Attachments	Nil Nil
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Confidential Attachment	1. Tender Evaluation Report
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Reason for Confidentiality: Local Government Act 1995 (W) Section 5.23 (2) (c) – “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

Strategy 3.2.1 - Ensure existing assets are maintained to meet community expectations.

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 to consider the acceptance of a tender for the Upgrade of Woodlupine Wattle Grove Living Stream RFT 2206.
2. This contract is part of a planned set of works related to the drainage function of Stage 3 of the Woodlupine Brook Living Stream project as part of the Cell 9 Infrastructure Cost Sharing Arrangement (ICSA) Scheme.
3. Subsequent landscape and public amenity works will be undertaken separate to this contract to complete the Stage 3 Woodlupine Living Stream project.
4. It is recommended that Council accept the tender from Natural Area Holdings Pty Ltd ACN 108 716 669 trading as Natural Area Consulting Management Services for the lump sum of \$1.409m ex GST.

BACKGROUND

5. The Cell 9 Outline Development Planning Area, adopted in 1990 identified a series of Drainage Infrastructure and Public Open Space works required which included changes to the open drainage channel (Woodlupine Brook) to create improved Public Open Space amenity, a "Living Stream" providing important ecological habitat as well as serving its primary function as a drainage facility. Stages 1 and 2 of the Living Stream have been completed in recent years and this Stage 3 will complete the intent within the ICSA.

DETAILS AND ANALYSIS

6. Tenders were invited for RFT 2206 Woodlupine Wattle Grove Living Stream upgrade through the City's tendering portal and advertisement in the West Australian newspaper on Saturday 3 August 2022. Receipt of Tender submissions closed at 2.00pm AWST 2 November 2022.

7. Tenders received by the closing date were from the following companies (in alphabetical order):

1.	CATS Construction Pty Ltd
2.	MG Group
3.	Natural Area Holdings Pty Ltd

8. A Tender Assessment panel was formed comprising management staff from the City who oversee Capital Projects with the City’s Coordinator Procurement providing overall probity support.

9. Tender responses were assessed in line with the City’s procurement instructions. The procurement department qualified the compliance of each response.

All responses were fully compliant.

10. Tenders were then assessed against qualitative criteria (as set out in tender invitation). The weighting of the qualitative criteria was allocated as below:

Qualitative Criteria	Weighting
Relevant Experience	40%
Resourcing	35%
Programming	20%
Local Benefits	5%

11. A qualitative pass mark (QPM) to pass to the next stage of assessment was set at 60%.

The qualitative assessment requirements were such that a thorough understanding and relevant experience were to be demonstrated specific to the Project requirements.

The qualitative assessment for each Tender submission was completed by Panel members on 6 December 2022.

The summary assessment outcome in ranked order is detailed in the following table below:

Company Name	Qualitative Total Score (weighted @ 100%)	Rank
Natural Area Holdings Pty Ltd	74.0%	1
CATS Construction Pty Ltd	56.5%	2
MG Group	51.5%	3

12. The Tender Evaluation Report provided as Confidential Attachment 1 details further the analysis of prices and issues that led the Tender Assessment Panel to their recommendation.
13. It is to be noted that separate packages of works will be awarded in due course for completion of the soft and hard landscaping within the Stage 3 area of the Woodlupine Living Stream consistent with the endorsed landscape plan.
14. A necessary outcome of undertaking these works will be that parts of the adjoining reserve and waterway will be fenced off during construction to provide a safe working site. This is anticipated to extend for six months or so at which time any ground damage will be remediated by the Contractor.

APPLICABLE LAW

15. *Local Government Act 1995.*

APPLICABLE POLICY

16. CEO Purchasing Instruction CEO17.

STAKEHOLDER ENGAGEMENT

17. The Living Stream project has been subject of previous community engagement.

FINANCIAL CONSIDERATIONS

18. Funding for this project is the Cell 9 Infrastructure Cost Sharing Arrangement. Sufficient funds exist to complete this project.

SUSTAINABILITY

19. The Living Stream concept transforms traditional open drainage watercourses into areas of ephemeral and permanent water areas and associated vegetation that promotes and sustains diverse ecologies.
20. This project will be reusing cut material on site by creating berms for planting and reducing the amount of tree stumps going off site by using them to create habitat and landscaping features within the revegetated area. New trees planted will provide the offset for trees removed as well as new areas of future canopy coverage.

RISK MANAGEMENT

21.	Risk: That the City is subjected to criticism for fencing off the reserve for such a lengthy period.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Significant communication with nearby residents to explain the importance of the project, and the anticipated benefit to the community following completion.		

22.	Risk: Overspending on the budget.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Approved budget contains construction contingency reflective of the current market. Robust investigations during design have identified and mitigated major cost risk issues.		

CONCLUSION

23. The completion of Stage 3 of the Woodlupine Living Stream project will provide the community in and around Wattle Grove with a high quality and attractive public open space.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council AWARD the lump sum tender submitted by Natural Area Holdings Pty Ltd of 57 Boulder Rd, Malaga WA 6068, ACN 126 093 356, in the sum of \$ 1,408,899.75 ex GST PLUS any necessary contract variations up to the approved construction budget for Tender RFT 2206 – Woodlupine Wattle Grove Living Stream.

10.6.8. South West Native Title Settlement - City of Kalamunda Comments on Land Base Consultation - Land List 181

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

Previous Items	OCM 31/2021; OCM 184/2022
Directorate	Community Engagement
Business Unit	Economic & Cultural Services
File Reference	3.000738
Applicant	Department of Planning, Lands & Heritage
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Response Table 1 - Land List 181 [10.6.8.1 - 5 pages] 2. Response Table 2 - Land List 181 [10.6.8.2 - 5 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 – Unallocated Crown Land (PIN 1366523);
 - b) No Street Address – Closed Road (PIN 213860);
 - c) No Street Address – Closed Road (PIN 1366522);
 - d) Lot 114 Ash Road, Carmel;
 - e) No Street Address – Unallocated Crown Land (PIN 213844);
 - f) 1 Cotrell Road, Carmel;
 - g) 146 Carmel Road, Carmel;
 - h) No Street Address – Unallocated Crown Land (PIN 1366524);
 - i) Lot 80 Television Road, Bickley;
 - j) 22 Nairn Road, Bickley;
 - k) Lot 55 Television Road, Bickley;
 - l) Lot 28 Carmel Road, Carmel;
 - m) Lot 52 Nairn Road, Bickley;
 - n) 3 Lawnbrook Road East, Bickley;
 - o) 25 Television Road, Bickley;
 - p) 256 Pickering Brook Road, Pickering Brook;
 - q) Lot 56 Pomeroy Road, Bickley;
 - r) 25 Television Road, Bickley;
 - s) Lot 694 Television Road, Bickley;
 - t) Lot 1 Lawnbrook Road East, Bickley.

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 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 25 January 2023, the City received email correspondence from the DPLH requesting comment on the proposed transfer of 20 sites within the City to the Noongar People as part of the Settlement.
9. All the subject sites are Crown land. 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 DPLH requested the City to provide its comments by 1 March 2023.

DETAILS AND ANALYSIS

Strategic Planning Comments

12. It is noted:
- a) The subject sites are considered to contain values that contribute towards the amenity of adjoining and nearby residents;
 - b) The vegetation on the subject sites appears to be native and is significantly established, and may be perceived by the community to constitute a form of pseudo-public open space;
 - c) Significant environmental values exist on the subject sites;
 - d) Clearing of the subject sites for development purposes would not be consistent with the objectives of the City's draft Urban Forest Strategy;
 - e) Any proposed use or development would be subject to community consultation and Council determination; and
 - f) The City has a preference to have the sites reserved to Parks and Recreation under the Metropolitan Region Scheme.

Asset Management Comments

13. The Glenisla Road carriageway and verge is located within 1 Cotrell Road, Carmel. A boundary adjustment is required.
14. The Valencia Road carriageway and verge is located within Unallocated Crown Land (PIN 1366524). A boundary adjustment is required.
15. It is noted a resident has a driveway through Lot 1 Lawnbrook Road East, Bickley. Please see image below.



Environmental Comments

16. In respect of all sites except Lot 114 Ash Road, Carmel; Lot 52 Nairn Road, Bickley; and 256 Pickering Brook Road, Pickering Brook, the sites are strategically important remnant bushland. The sites are mapped within Regional Ecological Linkage (WALGA 2008) and/or Local Corridor (LBS 2020). It is recommended that the parcels are vested for conservation purposes. This will protect and enhance the ecological viability of the Railway Heritage Trail Ecological corridor.

Health Comments

17. None of the sites are listed on the City's Geographic Information System (GIS) records as Contaminated Sites. It is recommended that the DPLH refer to the Department of Water and Environmental Regulation (DWER) for details on sites not available to the City.

DPLH Queries

18. The City's proposed responses to the DPLH questions in respect of subject sites a) to j) are contained in Response Table 1 (Attachment 1) and in respect of subject sites k) to t) are contained in Response Table 2 (Attachment 2).

APPLICABLE LAW

19. *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016.*
20. *Land Administration Act 1997.*
21. *Local Government Act 1995.*

APPLICABLE POLICY

22. Nil.

STAKEHOLDER ENGAGEMENT

23. No public consultation has been undertaken by the DPLH in relation to the identification of the subject sites for possible transfer under the Settlement.
24. 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

25. The sites are currently non-rateable.

SUSTAINABILITY

26. 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. It is recommended that all sites, except Lot 114 Ash Road, Carmel; Lot 52 Nairn Road, Bickley; and 256 Pickering Brook Road, Pickering Brook, be vested for conservation.
27. Should these lots transfer ownership, then the City's Fire Hazard Reduction Notice may take effect.
28. A number of parcels of land are currently used for community purpose, with infrastructure such as walking trails on or adjacent to these sites. The City has assisted in trail maintenance, along with community volunteers. Collaboration is recommended regarding the ongoing management of the sites to enable continued community use for recreational purposes.

29. The sites are heavily vegetated with significant environmental values and trees that are worthy of retention.

RISK MANAGEMENT

30.	<p>Risk: Reputational damage to the City if the City provides support to the proposal and the sites are perceived by the community to constitute a form of pseudo-public open space, noting that there has been no opportunity for community consultation.</p>		
	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

31. It is recommended that Council NOTE the request for information on the 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

RECOMMENDATION

That Council:

1. NOTE the request for information on the following sites from the Department of Planning, Lands & Heritage:
 - a) No Street Address – Unallocated Crown Land (PIN 1366523);
 - b) No Street Address – Closed Road (PIN 213860);
 - c) No Street Address – Closed Road (PIN 1366522);
 - d) Lot 114 Ash Road, Carmel;
 - e) No Street Address – Unallocated Crown Land (PIN 213844);
 - f) 1 Cotrell Road, Carmel;
 - g) 146 Carmel Road, Carmel;
 - h) No Street Address – Unallocated Crown Land (PIN 1366524);
 - i) Lot 80 Television Road, Bickley;
 - j) 22 Nairn Road, Bickley;
 - k) Lot 55 Television Road, Bickley;
 - l) Lot 28 Carmel Road, Carmel;

- m) Lot 52 Nairn Road, Bickley;
 - n) 3 Lawnbrook Road East, Bickley;
 - o) 25 Television Road, Bickley;
 - p) 256 Pickering Brook Road, Pickering Brook;
 - q) Lot 56 Pomeroy Road, Bickley;
 - r) 25 Television Road, Bickley;
 - s) Lot 694 Television Road, Bickley; and
 - t) Lot 1 Lawnbrook Road East, Bickley.
2. ADVISE the Department of Planning, Lands & Heritage of the following requests should the transfer of land proceed:
- a) In respect of Unallocated Crown Land (PIN 213844), ongoing public access to and maintenance of the trail is requested;
 - b) In respect of 1 Cotrell Road, Carmel, the excision of the Glenisla Road carriageway and verge from the site and dedication as road would be required;
 - c) In respect of Unallocated Crown Land (PIN 1366524), the excision of the Valencia Road carriageway and verge from the site and dedication as road would be required; and
 - d) In respect of all sites, except Lot 114 Ash Road, Carmel; Lot 52 Nairn Road, Bickley; and 256 Pickering Brook Road, Pickering Brook, the sites being vested for conservation.
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 adjoining and nearby residents;
 - b) The vegetation on the subject sites appears to be native and is significantly established, and may be perceived by the community to constitute a form of pseudo-public open space;
 - c) Significant environmental values exist on the subject sites;
 - d) Any proposed use or development would be subject to community consultation and Council determination; and
 - e) A Council preference to have the sites reserved to Parks and Recreation under the Metropolitan Region Scheme.
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 tables (Attachments 1 & 2).

10.6.9. Legal Advice - Rates Dispute

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

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

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

Provided under separate cover.

10.6.10. Confidential Questions Taken on Notice

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

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

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

Previous Items	
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	<i>Provided not published</i>
Owner	<i>Provided not published</i>
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

Provided under separate cover.

- 11. Motions of Which Previous Notice has been Given**
- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
 - Ray Owen Sports Club Management Committee - Minutes – 2 February 2023
 - Disability and Carers Advisory Committee Minutes 6 February 2023
 - Annual General Meeting of Electors – Minutes – 7 February 2023
 - Kalamunda Environmental and Sustainability Advisory Committee Draft Minutes -9 February 2023
 - City of Kalamunda Ward Boundary and Elected Member Representation Review 2022-23 - February 2023
 - Private Property Preparedness Committee Working Group
 - Public Agenda Briefing Forum Notes 14 February 2023
- 17. Closure**