

# Ordinary Council Meeting

Agenda for Tuesday 25 September 2018



**city of  
kalamunda**

**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 25 September 2018 at 6.30pm.**



Rhonda Hardy  
**Chief Executive Officer**  
20 September 2018



## Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

## Aspirational Values

- Creativity:** We create and innovate to improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

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

[www.kalamunda.wa.gov.au](http://www.kalamunda.wa.gov.au)

city of  
**kalamunda**



## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

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.

### Council Chambers – Seating Layout



## **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**
  - 2.1 Attendance**
  - 2.2 Apologies**
  - 2.3 Leave of Absence Previously Approved**
  
- 3. Public Question Time**
  - 3.1 Questions Taken on Notice at Previous Meeting**
    - Mrs Bev Dornan of 28 Easterbrook Place, Wattle Grove – Feasibility Study – Wattle Grove South

At the Ordinary Council Meeting held 28 August 2018, Mrs Dornan asked the following question that was taken on notice.

Summary of question:

*The study states that Council officers instructed the design group to proceed with scoping an industrial precinct south of Crystal Brook Road as constituting the preferred option of a Feasibility Study. On what authority from Council was this direction to the Burgess Design Group given?*

Summary of response from the Director Development Services:

*Council authorised the Feasibility Study to be undertaken through an allocation of funding in the 2017/18 budget. It is the role of the Administration to implement the budget, which in this case required the appointment of a consultant. Providing direction to consultants is an operational role undertaken by the Administration in order to deliver the Councils approved budget. The direction given to the consultants was not for an industrial precinct, it was to undertake investigations into the option and possibility of a light industrial/commercial and residential combination. There is a significant difference between a General Industrial zone and a Light Industry or Commercial zone.*

*The preliminary findings from the draft Wattle Grove South Feasibility Study were presented to Council at a Strategic Briefing in February 2018. The presentation included preliminary findings from the investigations into land use options and the information from the workshops held with City officers and the consultant on the 31 January 2018. Guidance was then provided to the City's consultants on the basis of feedback received during the Strategic Briefing. The Feasibility Study was presented to Council for formal consideration at the July 2018 Public Agenda Briefing and Ordinary Council Meeting.*

*It is important to note that during the preparation of any technical investigation such as the Feasibility Study, City officers provide consultants direction along with strategic briefings to Council during the preparation phase of the project. Council are then provided the opportunity to formally consider the finalised study / investigation through Council Reports and formal resolutions.*

*There is no specific authority required to provide consultants direction during the preparation of a Feasibility Study. Council is provided an opportunity to formally consider the Feasibility Study when it is presented through Council Reports and formal resolutions.*

3.1.2 Mr Michael Longo of 6 Possum Court, High Wycombe – Hummerston Road Survey

At the Ordinary Council Meeting held 28 August 2018, Mr Longo asked the following question that was taken on notice.

Summary of question:

*The environmental comment of 19 December 2017 noted the loss of trees will be counteracted by the reduction in carbon emissions, due to the potential of a shorter travel distance. What evidence do you have of this?*

Summary of response from the Director Asset Services:

*It is noted that the report 10.3.3 placed on the Agenda for the OCM of 19 December 2017 was withdrawn prior to consideration and debate by Council. The report contained a paragraph regarding Environmental Implications as follows:*

- *Loss of trees as a consequence of road widening.*
- *Reduction in carbon emissions due to a potential marked change in traffic movement resulting from the shorter travel distance between Paulls Valley and the Kalamunda Town Centre and, potential diversion of traffic from Mundaring Weir Road to and from the Kalamunda Town Centre.*

*The Administration comment does not make any statement that "the loss of trees will be counteracted by the reduction in carbon emissions, due to the potential of a shorter travel distance" as put forward by the question at the 28 August OCM.*

3.1.3 Mr Vince Giglia of 130 Pomeroy Road, Walliston – Item 10.1.4 – Proposed Tavern Lot 1 (21) Haynes Street, Kalamunda

At the Ordinary Council Meeting held 28 August 2018, Mr Giglia asked the following question that was taken on notice.

Summary of question:

*Can the ACROD parking bay be moved from the underground carpark area of the proposed Tavern to Central Avenue due to height restrictions, steepness of site and difficulty of access?*

Summary of response from the Director Development Services:  
*Consideration can be given to alternative locations for ACROD parking. In determining the suitability of the alternate locations, the City will have regard to AS 2890.6 Parking Facilities Part 6 – Off Street Parking for People with Disabilities. The design requirements incorporated into the standard include, width and depth of the car bay, including area for shared space for entering and exiting the vehicle, slope of the ground, and kerb ramping.*

**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**

- 5.1 That Cr Cameron Blair be granted leave of absence for the period 25 September to 28 September 2018.

Moved:

Seconded:

Vote:

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

**6.1 Ordinary Council Meeting Held 28 August 2018**

That the Minutes of the Ordinary Council Meeting held on 28 August 2018, 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 28 August 2018."*

6.2 **Public Briefing Forum Held 11 September 2018**

That the Minutes of the Public Briefing Forum held on 11 September 2018, 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 11 September 2018."*

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

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

8.1 **Item 10.2.2 – Consideration of Tenders for the Provision of Fire Mitigation Maintenance Services (RFT 1813) – Attachment 10.2.2.1 Tender Evaluation Report and Attachment 10.2.2.2 Schedule of Rates**

*Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

8.2 **Item 15.1.1 – Compliance Matter – Lot 398 (29) Tarata Way, Forrestfield**

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

**9. Disclosure of Interest**

9.1 **Disclosure of Financial and Proximity Interests**

- a) Members must disclose the nature of their interest in matter 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

The recommendations of reports 10.1.1 to 10.1.2 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote:

#### 10.1.1 Consent to Advertise Draft Local Planning Policy P-DEV 62: Maddington Kenwick Strategic Employment Area

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Taylor Burrell Barnett c/- Linc Property Pty Ltd ABN 33 096 272 043
Owner	Nil
Attachments	1. Local Planning Policy PDEV-62 Maddington Kenwick Strategic Employment Area <b>[10.1.1.1]</b> 2. Kalamunda Design Advisory Committee Meeting Minutes - 01.02.18 <b>[10.1.1.2]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A (the Policy) for the purpose of public advertising.
2. The Policy has been written with the intent of protecting the amenity of the locality and that of the surrounding landowners as well as providing comprehensive guidance for the design and consideration of development within the precinct.
3. It is recommended that Council adopt the Policy with amendments for the purposes of public advertising.

### BACKGROUND

4. The area subject to the Policy forms part of the Maddington Kenwick Strategic Employment Area (MKSEA) which was identified in the Economic and Employment Lands Strategy (2012) and the City of Kalamunda's (City) Local Planning Strategy as a future industrial precinct.

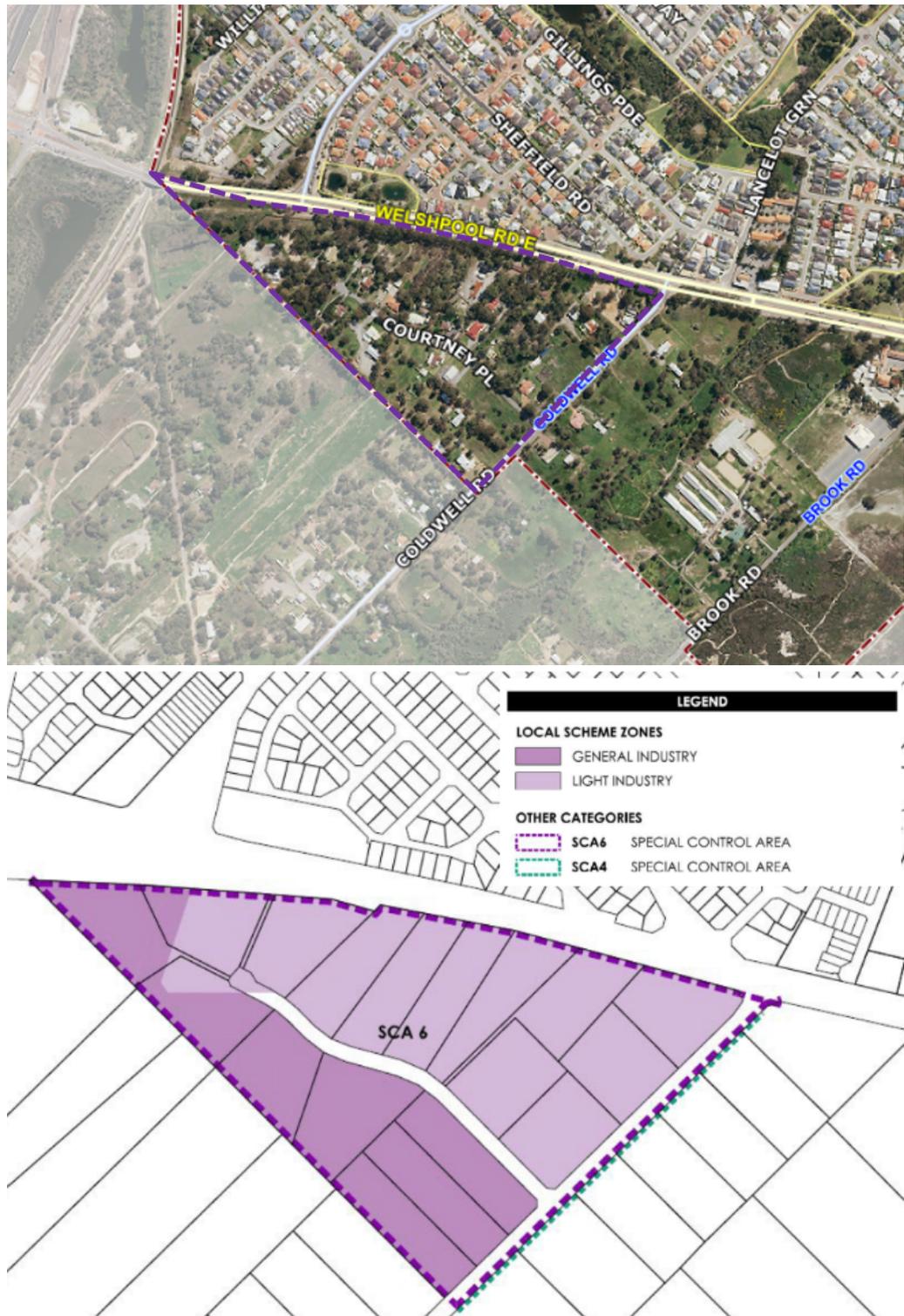
5. The MKSEA precinct sits mostly within the City of Gosnells, and partly in the City's boundary at the southern end of Wattle Grove, south of Welshpool Road East. The area of land within the City's boundary is approximately 20.4 hectares.
6. To progress the strategic intent as identified above, the area subject to the Policy was rezoned as follows:
  - a) Metropolitan Regional Scheme Zone from Rural to Industry (1300/57); and
  - b) Local Planning Scheme Zone from Special Rural to General Industry and Light Industry (PG-LPS-003/089).
7. No structure plan was prepared for the Kalamunda portion around Courtney Place due to the relatively small size of the amendment area. The planning issues that would usually be addressed in a structure plan were considered as requirements of Scheme Amendment 89 (Amendment), and detailed as Scheme provisions, one of which was the requirement for Design Guidelines to be prepared.
8. The Amendment introduced a Special Control Area (Kalamunda Wedge Precinct 3A) Which introduced the following provisions to land contained within the Kalamunda Wedge (Precinct 3A):

*'6.8 KALAMUNDA WEDGE PRECINCT 3A*

*6.8.1 Subdivision and/or development proposals within the Special Control Area shall be supported by:*

  - i. A BAL assessment or Contour Map, prepared in accordance with the Guidelines of Planning in Bushfire Prone Areas (as amended), demonstrating how any bushfire hazards identified can be appropriately managed within the context of the proposal to the satisfaction of the Shire of Kalamunda.*
  - ii. A Local Water Management Strategy, prepared in accordance with Better Urban Water Management on the advice of the Shire of Kalamunda, to be [sic] satisfaction of the Department of Water.*
  - iii. Investigations to determine if any significant vegetation, flora or fauna habitat occurs within the proposed area. Where relevant to a subdivision area or development application, detailed management plans shall be prepared and implemented to the satisfaction of the Shire of Kalamunda.*
  - iv. Design guidelines adopted by the local government under Part 2 of the deemed provisions for development of land on Lots directly fronting Welshpool Road East.'*
9. This Policy is therefore required to satisfy the requirements of the Special Control Area in accordance with Clause 6.8.1(iv) Local Planning Scheme No. 3 (Scheme).

10. **Locality Plan:**



**DETAILS**

11. The primary objectives of the Policy are to:
- a) specify provisions which supplement the requirements of the Scheme;

- b) encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
  - c) ensure that industries are environmentally compatible with surrounding zones and activities;
  - d) promote the development of high quality, attractive and sustainable landscaped areas and streetscapes;
  - e) achieve water conservation through sustainable on-site stormwater management, water-wise landscaping and water efficient reticulation;
  - f) avoid unsightly and poorly planned developments; and
  - g) ensure proposals on the lots abutting Welshpool Road East incorporate an appropriate interface with existing residential development.
12. The Policy outlines the requirements of the Scheme and acceptable standards determined by the City within an assessment matrix that includes the following areas:
- a) Development Precincts (Service Commercial, Light Industrial, General Industrial);
  - b) Subdivision and Amalgamation;
  - c) Built form (including building design and quality, building orientation, building setback, end of trip facilities, parking and access, loading areas, signage, external lighting, crossovers, fencing, stormwater management and waste management);
  - d) Welshpool Road East Interface; and
  - e) Landscaping.

### **STATUTORY AND LEGAL CONSIDERATIONS**

13. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
14. Under Clause 3 (5) of the Regulations, in making a determination under the Scheme, the local government must have regard to each relevant local planning policy to the extent the policy is consistent with the Scheme.
15. In accordance with the Regulations and the City's Scheme, Local Planning Policies are required to be approved for advertising, and then adopted by Council at the conclusion of the advertising period, having regard to submission received.
16. A Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevail.

### **POLICY CONSIDERATIONS**

17. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

18. A preliminary assessment was undertaken from an Assets and Parks and Environment perspective. The Policy was reviewed to include elements addressing stormwater management, landscaping and vehicular access.

### **External Referrals**

19. A previous version of the draft Policy was considered by the Kalamunda Design Advisory Committee (DAC) Meeting in February 2018. The DAC provided recommended revisions (refer Attachment 2).
20. While the Policy has been revised generally in accordance with the DAC comments, it is proposed to refer the revised draft back to the DAC for further consideration during the advertising period.
21. In response to the issues raised through the DAC, the proponent engaged urban design consultants to ensure the Policy was prepared to address the concerns of the City and DAC. Other issues raised by DAC include emphasis being placed on the built form, setbacks and landscaping treatments to Welshpool Road East.
22. Should Council resolve to adopt the draft Policy for the purposes of public advertising, it will be advertised for public comment in accordance with Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals for a period of 21 days which is consistent with the advertising period specified in Schedule 2, Part 2 Clause 4(2) of the Regulations.
23. In accordance with Local Planning Policy P-DEV 45, the City is required to publish a notice of the Policy in a local newspaper circulating within the Scheme area for two consecutive weeks and place notifications on the City's website and social media pages.
24. In addition to the mandatory advertising requirements stipulated by P-DEV 45 for a local planning policy, the City can also choose at its discretion to undertake additional advertising measures. In this regard, letters will be sent to affected landowners within the Kalamunda Wedge 3A area and Community Information Session will be held.
25. The City will also give notice of the draft Policy to the Western Australian Planning Commission (WAPC) and the City of Gosnells during this time.

## **FINANCIAL CONSIDERATIONS**

26. All costs associated with advertising of the Design Guidelines is to be borne by the applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

27. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

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

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

## SUSTAINABILITY

### Social Implications

28. If the Policy is adopted, developers will have more certainty as to the standard of the built form and landscaping required for the industrial area.
29. The community will have access to more clarity and transparency in how the City and the Council makes decisions, leading to improved outcomes and reduced timeframes.

### Economic Implications

30. Development of the industrial area in an attractive, sustainable and functional manner will ensure developers are keen to locate in the industrial area, thus creating an economic stimulus through investment and job creation.

### Environmental Implications

31. Landscaping requirements are stipulated within the Policy which will guide the establishment of landscaping areas to assist with improving visual amenity and addressing the interface with existing residential development.

## RISK MANAGEMENT CONSIDERATIONS

32.	<p><b>Risk:</b> The Policy is not adopted for the purposes of public advertising and no design guidance is provided for development within the area which may impact the amenity of surrounding residents.</p>		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	<p>Ensure that the Council is aware of the importance of the Policy in terms of protecting the amenity of surrounding landowners and to provide consistency and transparency in decision making for development in the industrial area.</p>		

## **OFFICER COMMENT**

33. The proposed Policy has been drafted with the intent of protecting the amenity of surrounding landowners and providing comprehensive guidance for the design and approval of development within the precinct and to ensure consistency and transparency in decision-making. Additionally, the Policy will assist with providing quality-built form and landscaping outcomes which will protect the investment of companies locating in the industrial area.
34. The Policy is intended to preserve the amenity of nearby residents through providing guidance, consistency and transparency in decision making throughout Precinct 3A of MKSEA. More specifically, Part 2.4 (Welshpool Road East) of the Policy ensures high quality-built form and landscaping treatments for lots fronting Welshpool Road East which have an interface with the existing residential area in Wattle Grove Cell 9.
35. From a planning perspective, the Policy is consistent with the applicable strategic and statutory planning framework and is consistent with the principles of orderly and proper planning.
36. The Policy has been reviewed by the City's DAC, with a number of resulting improvements included to the provisions of the Policy. These included particular emphasis being placed on the built form, setbacks and landscaping treatments to Welshpool Road East.
37. Advertising the Policy will provide the community an opportunity to comment, and for any concerns raised to be considered through appropriate revisions to the content of the Policy.
38. Having regard to the above, it is recommended that Council adopts the Draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A for the purpose of public advertising.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

ADOPTS Draft Local Planning Policy P-DEV 62 – Design Guidelines: Kalamunda Wedge Industrial Area – Precinct 3A at attachment 1 for the purpose of advertising for a period of 21 days pursuant to Clause 3(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations *2015*.

## **10.1.2 Environmental Land Use Planning Strategy - Adoption for Public Advertising**

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.003948
Applicant	City of Kalamunda
Owner	N/A

Attachments	1. Draft Environmental Land Use Planning Strategy <b>[10.1.2.1]</b>
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the City of Kalamunda's (City) draft Environmental Land Use Planning Strategy (Strategy) (refer Attachment 1).
2. The Strategy has been prepared by the City and expands upon the planning implications discussed in the existing Local Planning Strategy 2010. The Strategy will form a part of the future Local Planning Strategy that will be developed in 2019 and will ultimately provide guidance and rationale for changes to any zoning, land use classification and development standards and will inform the preparation of a new Local Planning Scheme No. 4.
3. It is recommended that Council adopt the Strategy for the purposes of public advertising.

### **BACKGROUND**

4. The Strategy will form a component of the City's new Local Planning Strategy, which is currently anticipated to be progressed throughout 2019.
5. In 2010, the City developed a Local Biodiversity Strategy in collaboration with the Perth Biodiversity Project and by utilising the *Local Government Biodiversity Planning Guidelines for the Metropolitan Region* developed by the Western Australian Local Government Association. The guidelines promote a four-phase process with the final phase recommending review of the Local Planning Scheme and application of Local Planning Policy for the protection of locally significant natural areas.
6. Planning strategies of this nature are recommended to be reviewed every five years.

## DETAILS

7. The Strategy has been prepared in accordance with the Western Australian Planning Commission (WAPC) Local Planning Manual 2010 (Manual). The Manual forms a guide to the preparation of local planning strategies and schemes in Western Australia. The Strategy incorporates the relevant environmental development considerations from the Manual.
8. The Strategy will form a key component of the development of a new Local Planning Strategy to be progressed in 2019. This Strategy incorporates information from the Local Biodiversity Strategy (2010) and delivers a new set of objectives in the context of the latest State planning framework and updated statistical data.
9. The Strategy has the following overarching goal:  
  
*To compile a comprehensive report on the status of current natural environmental factors and influences in the City, and develop strategies to enhance and improve biodiversity and promote sustainable planning practises which are sensitive and complimentary to the existing natural ecosystem.*
10. The City comprises of three distinct areas, the Darling Plateau, the Darling Scarp and the Swan Coastal Plain. Development within the City has been strongly influenced by landform, focussing urban development in areas on the Swan Coastal Plain where there are fewer geological constraints to development.
11. The City contains a diverse array of endemic flora, fauna and ecological communities which have important ecological functions, and sometimes national or even global significance. The City supports a number of threatened flora and fauna species and ecological communities listed under the Environmental Protection and Biodiversity Conservation Act and Wildlife Conservation Act and a number of supplementary priority species. There are 22 species listed as rare or likely to become extinct, including 13 flora and nine fauna species. A further 38 flora species, 12 priority fauna species and one species of fungi have priority status.
12. The Strategy takes into consideration key factors that influence environmental land use planning including soil types, topography, climate, water management, existing reserves and high quality ecological areas and identifies strategies which provide actions to be taken to improve the natural environment within the City.
13. **General Findings**  
The Strategy makes the following key observations:
  - a) there is limited opportunity for further development of the Darling Scarp and Darling Plateau rural regions due to bushfire constraints, priority agricultural areas, and the provision of sewer;
  - b) the majority of urban development will occur on the Swan Coastal Plain regions including Maida Vale, High Wycombe, Forrestfield, and Wattle Grove;

- c) there are numerous high-quality reserves protected and maintained throughout the City, however there are greater opportunities to form ecological links between them and reduce habitat fragmentation;
- d) communication around bushfire and biodiversity needs to be undertaken to educate residents about the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone areas to protect and preserve high quality vegetation whilst maintaining resident safety; and
- e) the natural environment is an important cultural consideration for the City and part of the local character and identity.

14. **Strategies Recommended**

The Strategy sets out strategic directions and actions to improve the quality of the natural environment including:

- a) identify and map sensitive geological areas to inform appropriate land use planning;
- b) develop a local planning policy for flood prone areas (the floodway and flood fringe) and identify Water Catchment areas which conflict with provisions for Public Drinking Water Source Areas;
- c) identify and prepare criteria to manage compatibility between rural and agri-tourism developments;
- d) develop a Street Tree Masterplan, which analyses, identifies, and prioritises street tree plantings to improve urban forest canopy cover in conjunction with a Green Links Masterplan to be prepared by the year 2020;
- e) through community consultation of the draft Strategy, investigate the mechanisms available to address clearing of trees on private property;
- f) investigate the implementation of a Scheme amendment and/or local planning policy to protect vegetation or local natural areas deemed to have a significant environmental, cultural or heritage value;
- g) undertake workshops, surveys, polls, and collate submissions to understand current levels of satisfaction in environmental protection and identify areas of improvement. This is particularly relevant in relation to the small-scale clearing of vegetation on private land;
- h) implement online building and planning approval processes to reduce paper waste, provide transparency, and streamline approvals;
- i) prepare a local planning policy or Scheme provisions, to address the generation of energy by way of solar or wind power; and
- j) review and prepare a report or strategy for sites of Aboriginal heritage significance and any recommended changes to zoning to ensure appropriate protection and preservation.

15. **Strategic Community Plan (2017-2027) Priority**

The City and its community have identified environmental sustainability and maintaining the natural environment as a key priority through the development of the Strategic Community Plan (2017-2027). In particular, Priority 2 – Kalamunda Clean and Green: delivering environmental sustainability and maintaining the integrity of the natural environment.

16. **What was in the old Local Planning Strategy 2010?**

Some of the key points identified in the old Local Planning Strategy adopted in 2010 (LPS 2010), include -

- a) minimal development is expected in the hills area due to the conservation of environmental values and lack of sewer;
- b) 67% of the Shire (now City) is in conservation reserves and is comprised mainly of endemic vegetation;
- c) 26% of the total area is urban and have a large number of parks and recreation reserves;
- d) Local Natural Areas make up 7% of the total land area which are public and private landholdings which contain vegetation worthy of conservation;
- e) industrial expansion will occur in the Forrestfield freight hub, and growth of Perth Airport and rapid urban development of the swan coastal plain will occur; and
- f) identified Maida Vale South and Wattle Grove as future urban growth centres.

17. **Current Major Projects**

Current major projects which may affect the Strategy include:

- a) Airport Expansion - The addition of a new runway at Perth airport significantly affects nearby land use planning, due to impacts such as noise. Such effects may limit residential zoning densities, height of structures, and reflectivity of materials;
- b) Forrestfield-Airport Link - The State Government's announcement in 2014 confirming the Forrestfield-Airport Link project, resulted in a large proportion of land rezoning in Forrestfield and High Wycombe. This resulted in the need to redefine the potential land uses surrounding the future station, focusing on mixed use development incorporating retail, commercial and higher density residential. There are significant environmental challenges in protecting the ecological values of the area, particularly the conservation of existing Wavy-leaved Smokebush (*Conospermum undulatum*);
- c) Maida Vale South - An area south of Maida Vale and in the north-east area of Forrestfield has been identified as a possible area for strategic planning investigation for urban development by both the WAPC and City through various strategic planning documents. The majority of the land parcels are zoned Rural under the Metropolitan Region Scheme (MRS) and have been subject to rural and semi-agricultural type uses for many years;

- d) Wattle Grove South -The Western Australian Planning Commission's (WAPC) North-East Sub-Regional Planning Framework has identified Wattle Grove South as an area to be investigated for the purposes of future urban development. Development of the site for urban purposes represents the most efficient use of the land given the subject land's strategic location in close proximity to the urban front, the capacity of existing infrastructure and services, the future Forrestfield Train Station and nearby major arterial routes (e.g. Tonkin Highway);
- e) Maddington Kenwick Strategic Employment Area (MKSEA) has been rezoned from Special Rural to Industrial. Infrastructure upgrades and subdivision/development are currently in the process of occurring; and
- f) Pickering Brook investigation area – Pickering Brook town centre is currently under investigation to determine if access for bushfire safety can be improved and to review appropriate land uses in the town centre.

18. **Objectives**

The objectives of the Strategy are principally to:

- a) manage natural resources, land use, and development proposals to maintain the health and viability of geological soil systems in coordination with other ecosystem functions;
- b) adapt to predicted climate change effects, and maintain and improve the safety of residents from bushfire events;
- c) protect and enhance waterways, wetlands and the groundwater and ensure sustainable use and management of water resources;
- d) preserve, enhance, connect and rehabilitate natural areas and protect biodiversity values;
- e) improve the connectivity of existing green spaces and maintain and enhance urban soil, air and water quality; and
- f) identify and protect natural areas of Aboriginal cultural significance and local heritage value.

**STATUTORY AND LEGAL CONSIDERATIONS**

- 19. The Local Planning Strategy is required to be reviewed and developed every five years in accordance with the WAPC Local Planning Manual and informs the Local Planning Scheme. The local government is required to prepare a Local Planning Strategy as per the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA), Part 3.
- 20. The Environmental Land Use Planning Strategy is one section of the Local Planning Strategy which is currently being drafted. Other sections include:
  - a) Public Open Space Strategy (adopted);
  - b) Industrial Strategy (being advertised);
  - c) Housing Strategy;

- d) Rural Strategy;
- e) Activity Centre Strategy; and
- f) Infrastructure Strategy.

These strategies will inform a summary document – the Local Planning Strategy which will require referral and endorsement by the WAPC in accordance with Part 3, Regulation 14 and 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

## POLICY CONSIDERATIONS

21.

<b>DRAFT Design WA</b>	Draft document advertised 2017 to replace the R-Codes for R40-R80. Includes Draft SPP Design on the Built Environment.
<b>Liveable Neighbourhoods</b>	Best practice guidelines for designing liveable spaces.
<b>SPP 2.0 Environment and Natural Resources Policy</b>	A policy that defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters.
<b>SPP 2.4 Basic Raw Materials</b>	A policy detailing the matters to be taken into account in considering zoning, subdivision and development applications impacting extractive industries.
<b>SPP 2.7 Public Drinking Water Source</b>	A policy to protect and manage public drinking water source areas from incompatible land uses and pollution.
<b>SPP 2.8 Bushland Policy for the Perth Metropolitan Region</b>	A policy to provide an implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making.
<b>SPP 2.9 Water Resources</b>	Provides clarification and additional guidance to for consideration of water resources in land use planning strategy.
<b>SPP 3.1 Residential Design Codes</b>	State planning policy guiding residential development standards.

<b>SPP 3.4 Natural Hazards and Disasters</b>	A policy to inform and guide planning for natural disasters and minimising the adverse impacts of natural disasters on communities, the economy and the environment.
<b>SPP 3.7 Planning in Bushfire Prone Areas</b>	This policy directs how land use should address bushfire risk management in Western Australia.
<b>Better Urban Water Management (2008)</b>	Better Urban Water Management provides guidance on the implementation of SPP 2.9, facilitating better management of our urban water resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

22. The Strategy was workshopped with internal departments relating to aspects such as engineering, health, and environmental considerations in March 2018 and comments provided have been incorporated into the latest version of the draft Strategy.

### External Referrals

23. The Strategy was peer reviewed by planning consultants from GHD Pty Ltd. GHD provided a review report, notes on existing maps and tracked changes to the initial draft Strategy.
24. In the context of the Strategy forming a component of the City's Local Planning Strategy, it is recommended that the Strategy is advertised in a similar manner to a Local Planning Strategy.
25. If Council decide to adopt the proposed draft Strategy, it will be advertised for public comment for not less than 28 days. In accordance with section 13 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (WA)*, a minimum of 21 days advertising is required.
26. A Communications and Engagement Strategy will be developed to assist with guiding the public advertising process. Consultation will target the City's key stakeholders impacted by the recommendations of the Strategy.
27. As part of the advertising process the Kalamunda Environmental Advisory Committee will be given an opportunity to provide feedback on the draft Strategy.

28. Specific consultation regarding tree preservation on private land will be undertaken as part of the advertising for the draft Strategy. The consultation will seek to gauge the community's view on regulating small scale clearing on private land.
29. Recent major development applications have attracted a large number of submissions relating to clearing of vegetation.
30. Currently the Scheme defaults to the *Environmental Protection Act 1986 (WA)*, and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)*, which were developed to address large scale clearing.
31. Any clearing on private land less than 5 ha per year therefore does not require a clearing permit from the Department of Water and Environmental Regulation and is largely unregulated from a planning perspective. Other local governments including but not limited to the Shire of Serpentine Jarrahdale, Shire of Mundaring, City of Fremantle, City of Belmont and City of Stirling have addressed the clearing of trees on private property through various planning provisions, plans or policies.
32. Direction will be sought through community consultation which will inform the City's approach in preparing a Local Planning Policy that will guide the way in which small scale clearing on private land is addressed from a planning perspective. This may include the requirement to provide contributions towards revegetation in other parts of the City or revegetation on the subject property. Council will also be provided the opportunity to provide input into this process.

## **FINANCIAL CONSIDERATIONS**

33. Costs associated with the preparation and public advertising of the document are met through the Development Services annual budget.
34. Some actions arising from the Strategy may have financial implications; the details of which will be developed as part of a financial implementation plan and annual budget when preparing to complete the action.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

35. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

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

## SUSTAINABILITY

### Social Implications

- 36. Improved liveability through integration of natural environmental features will strengthen the character of the area and provide opportunities for interaction and engagement.
- 37. Streamlined processes when dealing with development applications that contain a significant environmental factor.

### Economic Implications

- 38. Expansion of opportunities for agri-tourism, eco-tourism, and utilisation of our existing natural features are a key attractor to the City.
- 39. The Strategy aims to increase the local workforce particularly in the hills and rural regions to boost agricultural production.
- 40. Identified environmental constraints are mapped and reviewed providing greater certainty to landowners and developers.

### Environmental Implications

- 41. Improved quality of the existing natural environment, reduce habitat fragmentation and higher quality land use management.
- 42. Improved water quality management for healthy waterways, wetland, and areas prone to seasonal flooding.
- 43. Reduced widescale clearing and improved outcomes for biodiversity in bushfire prone areas.
- 44. Improved microclimates in urban areas due to increased canopy cover.

## RISK MANAGEMENT CONSIDERATIONS

45.	<b>Risk:</b> The community disagrees with strategic directions and actions for the Strategy.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Undertake community engagement and appropriately respond to submissions received as part of the finalisation of the Strategy.		

46.	<b>Risk:</b> Degradation of City's biodiversity through the development process.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Major	High
	<b>Action/Strategy</b>		
	Ensure key actions of the Strategy are resourced and undertaken within the timeframes prescribed.		

**OFFICER COMMENT**

- 47. The Strategy has been prepared in accordance with the Manual.
- 48. The above notwithstanding, the Strategy will benefit from input from stakeholders within the community including Friends Groups, the Kalamunda Environmental Advisory Committee, residents and landowners, who the City expects will inform and refine opportunities and constraints for each area based on individual characteristics.
- 49. Tree preservation on private land will be addressed in detail as part of the engagement. The consultation will seek to gauge the community's view on regulating small scale clearing on private land.
- 50. Community consultation will inform the City's approach in preparing a Local Planning Policy that will guide the way in which small scale clearing on private land is handled from a planning perspective. This may include the requirement to provide contributions towards revegetation in other parts of the City or revegetation on the subject property. Council will also be provided the opportunity to give input into this process.
- 51. In order to undertake the actions recommended in the Strategy, project specific briefs will need to be undertaken to rationalise the recommended actions.
- 52. It is recommended that Council adopt the Strategy for the purposes of public advertising.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

ADOPTS the draft City of Kalamunda Environmental Land Use Planning Strategy for the purposes of public advertising for a period of not less than 28 days.

## 10.2 Asset Services Reports

The recommendations of reports 10.2.1 to 10.2.2 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote:

### 10.2.1 Roads Asset Management Plan

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

Previous Items	OCM 130/2012, OCM 157/2016, OCM 79/2017, OCM 125/2017, OCM 140/2017, OCM 129/2018
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	HU-PAA-013
Applicant	N/A
Owner	N/A

Attachments 1. Roads Asset Management Plan Ver 1 **[10.2.1.1]**

#### EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has prepared the Roads Asset Management Plan 2018 (Roads AMP). This plan includes an asset register, current condition rating information, current valuation data and treatment selection matrix of the assets related to the City's road system.
2. The Roads AMP includes 617km of roads, 190 bus shelters and 224 car park assets with a replacement cost of \$227 million. The Roads AMP also includes the feedback from community consultation undertaken in February and March 2018.
3. The financial modelling indicated that no increase in funding would be required for most roads assets (surfaces, pavements, and safety barriers), provided that a policy was adopted to replace 'like-for-like' in respect of road surface type. This means that spray seal surfaces would be replaced with spray seals and not asphalt, with asphalt being the higher cost and aesthetically appealing surface. Small increases are proposed for bus shelters and car parks.
4. This report recommends endorsement of the City's Roads Asset Management Plan 2018 and sets the objective of providing an average annual increase in funding over the next ten years of \$30,000 for bus shelters and \$55,000 for car parks.

## **BACKGROUND**

5. The City produced its first asset management plan for roads in 2013. In 2016 the Asset Management Council Policy was revised, and a number of internal processes improved, resulting in a revised Asset Management Strategy, new Pathways and Parks Asset Management Plans (adopted in 2017), new Drainage Asset Management Plan (adopted July 2018), and this proposed new Roads AMP. A Buildings Asset Management Plan is being developed and proposed to be presented to Council in June 2019.

## **DETAILS**

6. The Roads AMP covers the following subjects:
  - a) Current Status of Assets;
  - b) Levels of Service;
  - c) Life Cycle Management;
  - d) Risk Management;
  - e) Future Demand;
  - f) Financial Summary; and
  - g) Improvements, Monitoring and Review.
7. The City manages 617km of roads (58% asphalt sealed, 39% chip sealed, and remainder unsealed or other), 884km of kerbs, 4 road bridges, 190 bus shelters, 273 car parks, and 7.5km of road safety barriers.
8. The average condition rating of roads assets (on a scale of 1 to 5, with 1 being very good) is:
  - a) Roads – Surface (2.0), Pavement (1.1) – the pavement refers to the substructure of the road whereas the surface is the asphalt, chip seal or other driving surface;
  - b) Kerbs (2.0);
  - c) Road Bridges (2.3);
  - d) Bus Shelters (3.0);
  - e) Car Parks – Surface (2.4), Pavement (2.3); and
  - f) Road Safety Barriers (2.0).
9. A condition assessment of the road and kerb assets was undertaken during the first half of 2018 using a specialised test vehicle. The condition inspections of the other roads assets were undertaken using visual condition rating methods.

10. "Levels of Service" is a phrase used in asset management to reflect the service the assets provide to the community. The City conducted community consultation in 2018 to understand the expectations of asset levels of service, with half the respondents disagreeing that the road surfaces in the City are in acceptable condition. There was no preference shown for the surface type when viewing spray seal and asphalt surfaces.
11. The Roads AMP considers the growth in population, developments and the forecast impact of climate change on roads assets. The City will be developing an Integrated Transport Plan which will also inform future Asset Management Plans.
12. The Roads AMP addresses fair value, key performance indicators, current funding levels, funding gap analysis and different funding scenarios. The preferred funding scenarios have been selected and recommended funding increases proposed.
13. The Roads AMP will be reviewed again in three years. During this period the following tasks will inform a revised plan:
  - a) update the Infrastructure Asset Management Policy to include a 'like for like' rule for upgrading residential streets, meaning spray seal will be resurfaced with spray seal and asphalt will be resurfaced with asphalt;
  - b) develop a Maintenance Management Plan to include routine defects, inspection intervals, service standards (for example quality and timeliness of repairs) and performance measures;
  - c) investigate the use of Assetic or similar software for improved maintenance management including mobile capability for field crews, and integration with Assetic;
  - d) develop an assessment process for roads assets such that criticality is considered when developing new, renewal and funding needs and priorities;
  - e) continue to progress the Main Roads WA Road Re-classification of Canning Road, Welshpool Road East and Abernethy Road; and
  - f) review the demand factors for roads and quantify the future demand as part of the City's Integrated Transport Plan.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. The City is required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995* (WA) and supporting *Local Government (Administration) Regulations 1996* (WA). Asset Management Plans are informing strategies for the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan, and Integrated Planning and Reporting Framework which are recommended requirements for compliance to the Act and Regulations.

## **POLICY CONSIDERATIONS**

15. The Roads AMP is prepared in support of the Asset Management Policy, (AS-01) and Asset Management Strategy 2017-2021.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. The draft Roads AMP was reviewed by the Infrastructure Asset Management Steering Committee prior to finalising this report.

### **External Referrals**

17. Asset Management Plans are informed by "levels of service" which is the result of a community consultation process. Consultation on Levels of Services for roads, drains and pathways was undertaken during February and March 2018.

## **FINANCIAL CONSIDERATIONS**

18. The City's current Long Term Financial Plan forecasts a total average annual amount of \$3.3 million for capital expenditure on all roads asset renewals.
19. The recommendations of this Asset Management Plan require an average increase of capital expenditure of \$85,000 per year.
20. The Roads AMP also includes three financial ratios, being the Asset Consumption Ratio, the Asset Sustainability Ratio, and the Asset Renewal Funding Ratio.
21. The Asset Consumption Ratio measures the fair value of the assets compared to the replacement cost of the assets. The recommended practice is that a ratio of 0.5 to 0.75 (fair value/replacement cost) is maintained over the long term. Bus shelters are at risk of falling below this measure unless the funding is increased.
22. The Asset Sustainability Ratio measures the renewal or replacement rate against the rate of financial depreciation of the asset. This has an inherent bias as it only includes the next ten years of renewals while the depreciation represents the life of the assets. Except for classes of asset that are brand new, the recommended practice is to maintain this ratio at 0.90 or greater, indicating reasonable financial sustainability. The Asset Management Plan indicates that increased investment in roads and bus shelters may be necessary as these ratios (at current funding levels) are at 0.72 and 0.48 respectively. At this time, no increase in funding for roads (surfaces, pavements and safety barriers) is proposed due to the other ratios being acceptable. The recommended funding increase for bus shelters will raise this ratio to 0.86.

23. The Asset Renewal Funding Ratio measures the ability of the City to fund its asset renewal/replacement program within the Long Term Financial Plan. The measure is the Net Present Value of approved 10-year renewal/replacement funding compared to the Net Present Value of the required renewal and replacement funding (which is informed by the other ratios). The recommended Asset Renewal Funding ratio is between 0.75 and 0.95. The ratios indicate that funding is needed for bus shelters (ratio of 0.56) and car parks (ratio of 0.65).

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

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

**Objective 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

25. Maintaining roads assets at an acceptable level will assist in providing a safe and functional road network to meet community transportation needs.

### Economic Implications

26. Maximising grant funding income will be essential for the City to financially support the level of maintenance and renewal expenditure required to maintain its Roads Assets at an acceptable level of service to the community.

### Environmental Implications

27. There are no direct environmental implications arising from the Roads AMP.

## RISK MANAGEMENT CONSIDERATIONS

- 28.
- |   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> The planned Roads AMP when implemented fails to meet its objectives.   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Unlikely  | Significant        | Medium        |
| <b>Action/Strategy</b>  |                    |               |
| Ensure asset management activities continue in line with national practices. Continue to collect data, improve practices, and seek funding for renewals and engaging with the community on levels of service. |                    |               |

### **OFFICER COMMENT**

29. The Roads AMP is presented in a format that is consistent with contemporary asset management practices across Australia and New Zealand.
30. The financial modelling identified that the condition rating and funding requirements is considered an 'Intermediate' level practice in terms of asset management maturity.
31. Through the scenario modelling process, the Roads AMP provides 10 year funding options and assists in the development of appropriate roads assets renewal programs.

<b>Voting Requirements: Simple Majority</b>
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### **RECOMMENDATION**

That Council:

1. ENDORSES the City of Kalamunda's Roads Asset Management Plan 2018.
2. NOTES the recommended funding for inclusion in the Long Term Financial Plan to 2023, in preparation for the 2019/2020 budget deliberations.

## 10.2.2 Consideration of Tenders for the Provision of Fire Mitigation Maintenance Services (RFT 1813)

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	AD-TEN-004
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachments	1. Tender Evaluation Report 2. Schedule of Rates <i>Reason for Confidentiality: Local Government Act 1995 S5.23 (2) (c) – "a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a contract for the Provision of Fire Mitigation Maintenance Services in the City of Kalamunda (RFT 1813).
2. On 7 March 2018, the City of Kalamunda (City) issued the Request for Tender (RFT 1813) seeking submissions for the Provision of Fire Mitigation Maintenance Services across the City's reserves to meet the requirements of the *Bush Fires Act 1954* (WA) (Bush Fires Act).
3. It is recommended that Council appoint Entire Empire Pty Ltd T/A Entire Fire Management ACN 166 567 228 (Entire Empire Pty Ltd) for the Provision of Fire Mitigation Maintenance Services for the City of Kalamunda (RFT 1813), for a period of three years with options, at the sole discretion of the City, to extend by a further two x 12-month periods.

### BACKGROUND

4. The City is required to manage its recreation, conservation, road reserves and other lands under its control for compliance with the Bush Fires Act. The City is required to manage all bush fire risks to all assets, public, private and commercial to an acceptable level.
5. The City assesses each area under its management for bushfire risk to assets and private property and determines a treatment plan to reduce that risk. Each treatment plan considers a number of factors including environmental, cultural and amenity values to determine a treatment method, staging and priority. The City has identified more than 300 bush fire prone locations, including 115 reserves.

6. An experienced contractor with skilled staff and equipment suitable to the City of Kalamunda's environmental conditions, is required for firebreak installation and maintenance, chemical weed control to firebreaks and mechanical flammable vegetation fuel reduction by slashing and woody weed removal. These works are primarily applied to 115 remnant bushland reserves, 45 hectares of undeveloped reserves and 72,000 metres of firebreaks.

## **DETAILS**

7. The scope of works for the period of the contract includes an annual program to be completed prior to the prohibited fire season from 1 November to 31 March each year:
- a) assess the site for the most appropriate machinery to suit the terrain, vegetation type and minimal environmental impact;
  - b) firebreak mechanical construction and maintenance to achieve a three-metre-wide mineral earth break;
  - c) herbicide maintenance of firebreaks;
  - d) slashing of grasses to reduce flammable material;
  - e) manual or mechanical removal of large woody weeds;
  - f) disposal of vegetative material overburden at an approved disposal site; and
  - g) 24-hour emergency bush fire response.
8. All works are undertaken to a purchasing order instruction and invoiced at the tender rate.
9. The following officers were appointed to the Tender Evaluation Panel (Panel) by the Director Asset Services:
- a) Manager Parks and Environmental Services (Panel Chair);
  - b) Parks and Environmental Services Technical Officer; and
  - c) Fire Mitigation Officer.
10. The Request for Tender RFT 1813 was advertised on 18 July 2018 and closed at 2:00pm, Wednesday 8 August 2018.
11. Compliance Criteria were evaluated on a "Yes/No" basis, with compliance assessment completed by Procurement and Finance. Of the four submissions received, three were assessed as compliant with the Tender Compliance Criteria.
12. Qualitative Criteria for RFT 1813 were included and a predetermined Qualitative Pass Mark (QPM) was set at 60%.

13. The Panel undertook qualitative evaluation of each Tender submission in accordance with the following general direction:
- a) Panel members read each response and evaluated answers to the Qualitative Criteria on an individual basis;
  - b) Panel members score each respective section and then compare their scores with each other to determine a consensus score;
  - c) where clarifications are sought from Tenderers, all responses are logged in a Clarifications Register and duly considered by the Panel; and
  - d) the evaluation process is observed by the Procurement and Finance Officer to ensure fair and correct processes are followed.
14. All compliant submissions were considered against the Qualitative Criteria to ensure the Tenderers have the skills, experience and resources, along with a clear understanding of the requirements of the scope of works for delivering a quality service. This is demonstrated by their response to the Qualitative Criteria, which included site specific scenarios.
15. The Panel met and completed the Qualitative Evaluation by comparison of individual scores and determining consensus scores for each of the Qualitative Criteria on Thursday, 23 August 2018.
16. The Qualitative Criteria and weighting used in evaluating the submissions received are noted in the table below:

<b>Qualitative Criteria</b>	<b>Weighting</b>
Demonstrated Experience in Providing Similar Services	30%
Key Personnel Skills and Experience	15%
Tenderer's Resources	15%
Demonstrated Understanding of Required Works	40%

Detailed requirements for each of these criteria are outlined in the Tender Evaluation Report (Confidential Attachment 1).

17. The qualitative assessment resulted in only Entire Empire Pty Ltd achieving the Qualitative Pass Mark of 60% and therefore advanced to the price assessment stage of the tender evaluation process.
- The actual scores achieved are detailed in the attached Tender Evaluation Report (Confidential Attachment 1).
18. Tenderers were required to provide a Price Schedule and Schedule of Rates to undertake the services for all nominated locations and works as detailed in the Tender specification.
19. The Panel assessed the price for an anticipated schedule of works for the period of the contract and no guarantee of the final quantity of works allocated under the contract was given.

20. The price assessment is detailed in the attached Tender Evaluation Report (Confidential Attachment 1).

### **STATUTORY AND LEGAL CONSIDERATIONS**

21. Section 3.57 of *Local Government Act 1995* (WA). Part 4 of the *Local Government (Functions and General) Regulations 1996* (WA).

### **POLICY CONSIDERATIONS**

22. Policy C-PP01 – Purchasing, has been followed and complied with.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

23. Nil.

#### **External Referrals**

24. Nil.

### **FINANCIAL CONSIDERATIONS**

25. Sufficient funds are allocated in the 2018/2019 Parks and Reserves Maintenance allocations for bush fire mitigation programs for an annual programme of around \$120,000 within:

a) N400 – Bushland Fire Mitigation	\$232,988
b) N402 – Fuel Reduction City Reserves	\$335,818

The balance of these funds is costed to field staff plus overheads (2 FTEs) allocations and minor unscheduled works.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

26. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

### **SUSTAINABILITY**

#### **Social Implications**

27. Actively managing our reserves to reduce bush fire risk assists with protecting life and property throughout the City.

**Economic Implications**

- 28. Actively managing our reserves to reduce bush fire risk assists with protecting the City’s assets and the commercial and industrial economic facilities and services in the City.

**Environmental Implications**

- 29. Actively managing our reserves to reduce bush fire risk reduces the potential loss of ecological communities to wildfire destruction and assists with a balanced approach to protecting environmental values and managing recreational access and use.

**RISK MANAGEMENT CONSIDERATIONS**

30.

<b>Risk:</b> Failure to award the Tender prior to upcoming Bush Fire Season will necessitate ad hoc works to be done to meet the requirements of the Bush Fires Act which may result in a breach of City’s Purchasing Policy.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Almost Certain	Moderate	High
<b>Action/Strategy</b>		
Award of tender mitigates against: responsiveness compromised along with increased costs for unscheduled actions and administrative time required to respond. Purchasing Policy non-compliance for period of contract.		

31.

<b>Risk:</b> The Contractor does not satisfy the specification.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
Industry standard measures applied, contract management and six-monthly review in place. Contractor has demonstrated capability for other Local Governments.		

**OFFICER COMMENT**

- 32. All Tenderers were given the opportunity to provide information in accordance with the Request for Tender.
- 33. The Panel concluded that Entire Empire Pty Ltd provided sufficient information as requested under the Qualitative Criteria in support of its ability to carry out the prescribed works, scoring more than the QPM of 60%.
- 34. It is anticipated that the Contract is to commence immediately in order to meet compliance timeframes closing 1 November, subject to consideration of Tender Award by Council.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

APPROVES the appointment of Entire Empire Pty Ltd T/A Entire Fire Management ACN 166 567 228 for the Provision of Fire Mitigation Maintenance Services for the City of Kalamunda (RFT 1813), for a period of three years commencing on 1 July 2018 with an option, at the sole discretion of the City, to extend by a further two x 12-month period in accordance with the Schedule of Rates in Confidential Attachment 2.

### **10.3 Corporate Services Reports**

The recommendations of reports 10.3.1 to 10.3.2 inclusive be adopted by Council en bloc.

Moved:

Seconded:

Vote:

#### **10.3.1 Proposed Permanent Closure of Portion of Masonmill Road, Carmel and Dedication of Portion of Reserve 10601**

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

Previous Items	OCM 214/2016
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	MS-02/GEN
Applicant	Land Insights – ABN: 88755259718
Owner	State of Western Australia

Attachments	1. Masonmill Road Road Reserve Rationalisation Plan <b>[10.3.1.1]</b>
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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to request Council to support a boundary adjustment to the Masonmill Road road reserve adjacent to Lot 1107 (No. 40) Masonmill Road, Carmel and Reserve 10601.
2. To adjust the road reserve, the portion of road reserve that is no longer required must be closed and the additional portion of land required as road reserve must be excised from Reserve 10601 and dedicated. A resolution of Council is required to proceed with the proposed permanent road closure, and the excision and dedication.
3. It is recommended that Council request the Minister for Lands to adjust the boundary of the Masonmill Road road reserve by closing the unrequired portion of road reserve, and excising and dedicating the portion of Reserve 10601 required as road reserve.

#### **BACKGROUND**

4. The need to correct the road reserve boundary was identified as part of a retrospective development application by Land Insights (Applicant), on behalf of the owner of Lot 1107 (Owner). The application included a mini golf course and associated infrastructure. Part of the mini golf course was identified to be located within the Masonmill Road road reserve.

5. Upon review of aerial imagery, it appeared that the formed part of Masonmill Road has always been incorrectly positioned within the road reserve. Aerial imagery also shows that the prior use was an orchard, where some of the trees were also located within the road reserve.

## **DETAILS**

6. In late 2016, the Owner/Applicant commenced landscaping development for a mini golf course along the frontage of the property. At the time, the City of Kalamunda (City), (then Shire), advised the Owner/Applicant that this did not have approval. While the landscape works did not require development approval, the change of use to "private recreation" did. To capture the "tourism" related uses on site, some of which did not have development approval, Scheme Amendment 85 Additional Uses (Reception Centre, Tavern, Shop, Caretakers Dwelling, Garden Centre, Recreation – Private, and Tourist Development) was adopted by Council with conditions on 19 December 2016 (OCM 214/2016).
7. Scheme Amendment 85 received final approval from the Minister of Planning on 27 July 2017. One of the conditions of Scheme Amendment 85 is that a Local Development Plan (LDP) be prepared and endorsed by Council. A draft LDP was lodged with the City on 16 April 2018. There have been several revisions of the initial LDP lodged.
8. The Applicant lodged a Development Application (DA) seeking retrospective approval for a number of uses on site including the mini golf course (Private Recreation) on 13 December 2017 (DA17/0588).
9. Both the draft LDP and the DA show the mini golf course located partially within the road reserve of Masonmill Road. Prior to finalising the LDP and the DA, the Applicant needs to either amend the applications to align with the existing property boundary, or the portion of road reserve onto which the mini golf course encroaches needs to be closed and amalgamated with Lot 1107.
10. Due to the road safety hazard associated with having a mini golfing activity within the road reserve, the Owner/Applicant was requested to cease using that area and the City commenced the process of adjusting the road reserve alignment.

## **STATUTORY AND LEGAL CONSIDERATIONS**

11. The proposed road closure and road dedication must proceed in accordance with sections 56 and 58 of the *Land Administration Act 1997* (WA) (Land Administration Act).
12. Section 56 of the *Land Administration Act* relates to the dedication of land as road. Section 56(1)-(2) states as follows:
  - (1) *If in the district of a local government —*
    - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*

- (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
  - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
  - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*  
*or*
- (c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

- (2) *If a local government resolves to make a request under subsection (1), it must —*
  - (a) *in accordance with the regulations prepare and deliver the request to the Minister; and*
  - (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

13. Section 58 of the *Land Administration Act* relates to permanent road closures. Section 58(1)-(3) states as follows:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

## **POLICY CONSIDERATIONS**

14. The City's Asset Management Policy C-AS-01 (Policy) provides "*a framework for undertaking long term strategic asset management of the Shire's asset portfolio, incorporating corporate leadership and reflecting a sustainable approach to service delivery to meet the current and future needs of the community.*"

15. Further, the Policy states that *"As part of a continuous improvement process, the Shire of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*
16. This proposal reflects good asset management as it seeks to adjust the road reserve so that it matches the road as constructed.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. Asset Management have advised that there are no City owned assets affected by the road reserve realignment.
18. Approval Services have no objection to the proposal, subject to the relocation of services and the subsequent rectification of land uses and LDP.

### **External Referrals**

19. The proposal was advertised in the Kalamunda Reporter on 15 May 2018, in the Hills Gazette on 18 May 2018 and on the City's website. Comments closed at 5:00pm on Thursday 21 June 2018.
20. The proposal was referred to the Water Corporation, as management body for Reserve 10601.
21. The proposal was also referred to the service authorities for comment.
22. The submissions received by the City are summarised in the Summary of Submissions Table attached to this report at Attachment 2.

## **FINANCIAL CONSIDERATIONS**

23. The costs of the proposal are as follows:
  - a) purchase price for portion of road reserve to be closed and amalgamated into Lot 1107;
  - b) easements and service relocations (if required);
  - c) Department of Planning, Lands & Heritage document preparation fees;
  - d) Landgate fees; and
  - e) survey costs.
24. It is proposed that the Applicant be required to pay for all costs of the proposal, except the survey fees which are proposed to be shared 50/50 between the Applicant and the City.
25. The amount of each of these costs will be determined by the Department of Planning, Lands & Heritage, Landgate, the service authorities and any consultants engaged by the Department.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

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

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

#### Priority 3: Kalamunda Develops

**Objective 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

27. The proposal will not have any social or lifestyle impacts on residents.

### Economic Implications

28. The proposal will not impact on the economic lives of residents.

### Environmental Implications

29. No environmental impacts are envisaged, as the relevant portion of road has already been constructed. The proposal merely seeks to adjust the road reserve to match the road as constructed.

## RISK MANAGEMENT CONSIDERATIONS

30.	<b>Risk:</b> The proposed road closure, and the excision and dedication, do not occur.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Demonstrate that a failure to adjust the road reserve boundary will mean that the road reserve will not match the constructed road.		
	Demonstrate that a failure to proceed with the proposed road closure will mean that a portion of the mini golf course operated by the Owner will be located on road reserve.		

## OFFICER COMMENT

31. The proposal will result in the Masonmill Road road reserve matching the road as constructed.

32. The proposal will also eliminate the road safety hazard associated with having a mini golfing activity within the road reserve.
33. Further, the proposal will enable the LDP and DA lodged by the Applicant to be finalised.
34. It is recommended that Council support the proposed permanent road closure, and the excision and dedication.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. REQUESTS the Minister for Lands to permanently close that portion of the Masonmill Road, Carmel Road Reserve shown delineated and marked as "Proposed Road Reserve Closure" on the plan attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) the Applicant must pay the purchase price for the portion of road reserve proposed to be closed and amalgamated into Lot 1107 (No. 40) Masonmill Road, Carmel;
  - b) the Applicant must pay all costs of and incidental to any easements and service relocations required by the service authorities;
  - c) the Applicant must pay all Department of Planning, Lands & Heritage document preparation fees and Landgate fees;
  - d) the costs of the surveying for the proposed permanent closure of portion of Masonmill Road road reserve and amalgamation with Lot 1107 and excision and dedication of portion of Reserve 10601 will be borne 50% by the Applicant and 50% by the City of Kalamunda; and
  - e) the Applicant must pay any other costs of, and incidental to, the road closure and amalgamation.
2. REQUESTS the Minister for Lands to excise and dedicate that portion of Reserve 10601 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 1, pursuant to section 56 of the *Land Administration Act 1997* (WA).
3. CONFIRMS the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
4. UNDERTAKES to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997* (WA).
5. INDEMNIFIES the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road reserve that portion of Reserve 10601 shown delineated and marked as "Proposed New Road Reserve" on the plan attached to this report as Attachment 1, pursuant to section 56(4) of the *Land Administration Act 1997* (WA).

## 10.3.2 Function Room Audio Visual Upgrade

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

Previous Items	OCM 74/2018
Directorate	Corporate Services
Business Unit	Information Technology
File Reference	IM-CPS-002
Applicant	N/A
Owner	N/A

Attachments 1. Kalamunda Briefing [**10.3.2.1**]

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Councillors with an update on the proposed upgrade of audio-visual facilities in the Function Room at the City of Kalamunda's (City) Administration Centre.
2. The current audio-visual system within the Function Room has a number of operational limitations when conducting Public Agenda Briefing sessions. These issues relate to:
  - a) microphone feedback compromising the sound quality;
  - b) limited visual aids for the community; and
  - c) using manual workarounds to improve the sound quality within the Function Room.
3. It is recommended that Council notes a budget of \$40,383 in FY 2018/19 to supply, install and configure an upgraded audio system within the Function Room.

### BACKGROUND

4. Since November 2017, Council has been conducting Public Agenda Briefing Forums in the Function Room, providing enhanced community engagement opportunities.
5. Initial quotations received to upgrade the audio visual capability within the Function Room estimated a budget allocation of \$65,000 to \$70,000 was required.
6. Council did not support a budget allocation of \$65,000 to \$70,000 for the purpose of upgrading the Function Room.
7. In October 2017, an 84-inch commercial television was installed in the Council Chambers to assist members with viewing agenda items and reports at a cost of \$13,000.

8. The City subsequently went back out to market instructing the audio visual consultant to remove the video upgrade requirements from the Function Room scope of works seeking solely to purchase microphones, sound management and control hardware, and a hearing impaired system.
9. Responses were received from two suppliers with quotes ranging from \$40,383 to \$104, 868 ex GST.
10. The current audio-visual system within the Function Room has a number of operational limitations when conducting Public Agenda Briefing sessions.  
These issues relate to:
  - a) microphone feedback compromising the sound quality;
  - b) limited visual aids for the community; and
  - c) using manual workarounds to improve the sound quality within the Function Room.
11. The current audio-visual system operating in the Function Room is non-compliant with current disability standards due to the lack of a hearing impairment induction loop in the Function Room. It does have an exemption, however, due to the age of the building.
12. Upgrading the Function Room would allow greater use of the Function Room:
  - a) for Public Agenda Briefing Forums;
  - b) to provide overflow capability when required for Council meetings held in Council Chambers;
  - c) as a general meeting area, used for internal staff meetings, meetings with external stakeholders, and formal functions such as citizenship ceremonies; and
  - d) use as an incident management centre to coordinate with other authorities during emergency incidents.

## **DETAILS**

13. The initial audio visual consultant's report provided the following findings:
  - a) Public Agenda Briefing Forums - The current audio-visual environment needs to be upgraded significantly to be suitable for such use. The following will need to be undertaken:
    - i. an upgrade of the current projector and screen to allow all Councillors and members of the public to view agenda items and presentations no matter where they sit in the Function Room;
    - ii. the implementation and installation of microphones into the Function Room for the use of Councillors, CEO, Directors and for the public gallery. This system will also record audio as per Council Chambers;

- iii. to meet legislative disability requirements, the hearing-impaired induction loop must be extended from Council Chambers into the Function Room and must cover at least 80% of the Function Room area; and
- b) General Usage - The audio-visual environment, while not entirely fit for purpose for all uses, is sufficient for use as an overflow area for Council Chambers as required, as a general meeting area, and as an incident management centre. To improve the Function Room for general usage meetings the following will need to be undertaken:
  - i. the purchase and installation of two new projectors and projector screens. This will improve the quality and resolution of picture of the projectors in the Function Room; and
  - ii. these improvements will be undertaken over time, as part of the City's yearly budgeting process.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. *Section 31(1) of the Disability Discrimination Act 1992 (Cth).*

*Section D3.7(1)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.*

*Section D3.7(2)(a) of the Disability (Access to Premises – Buildings) Standards 2010 – Hearing augmentation.*

## **POLICY CONSIDERATIONS**

15. *Disability Access and Inclusion Plan 2017 – 2022.*

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Office of the CEO, Legal and Governance.

### **External Referrals**

17. Hewshott International Audio-Visual Consultancy.

## **FINANCIAL CONSIDERATIONS**

18. The estimated budget \$40,383.00 incl GST to deliver an audio system suitable for Public Agenda Briefing Forums has been determined by a standard market competitive process of seeking three quotes.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

#### 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.

## SUSTAINABILITY

### Social Implications

20. Nil.

### Economic Implications

21. Nil.

### Environmental Implications

22. Nil.

## RISK MANAGEMENT CONSIDERATIONS

23.	<b>Risk:</b> Public Briefing Forums may not be compliant with the intent behind the Disability Access and Inclusion Plan 2017 – 2022.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Almost Certain	Moderate	High
	<b>Action/Strategy</b>		
	Upgrade the audio-visual systems within the Function Room.		

## OFFICER COMMENT

24. Conducting Public Agenda Briefing Forums provides enhanced community engagement opportunities.
25. The current location of the Public Agenda Briefing Forum is not consistent with the intent behind the *Disability Access and Inclusion Plan 2017 – 2022*.
26. Initial investigations conducted by the City using an audio visual consultant have confirmed that the estimated costs for upgrading the Function Room audio visual capability are approximately \$65,000 to \$70,000 exclusive of GST, professional fees, builders works and electrical and programming works.
27. Subsequent testing of the market has provided the City with a quote of \$40,382.00 incl GST to upgrade audio quality and functionality in the Function Room.

28. It is prudent to consider any upgrades to the Function Room incrementally within current budget constraints. The current cost of providing briefing forums in the Function Room entails hire of technical support and microphone facilities at around \$350 per session as well as staff time of 5.5 hours or \$250 to setup and pack away.
29. The proposed upgrade to the audio equipment only in the Function Room, will enhance the Function Room audio capabilities and be a more inclusive meeting room for those with disabilities.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. NOTES the amended scope of works to upgrade the audio system within the Function Room.
2. NOTES the cost of \$40,383 incl GST to be funded from within the existing 2018/2019 Information and Communications Technology budget.

## 10.4 Chief Executive Officer Reports

### 10.4.1 Rates Debtors Report for the Period Ended August 2018

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

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

Attachments 1. Rates Report August 2018 **[10.4.1.1]**

#### 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) has collected \$18.8 million (49.81%) in rates as at 31 August 2018.
3. It is recommended that Council receive the Rates Debtors Report for the month of August 2018 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issued on 13 July 2018 with the following payment options available:

Options	Payment Dates			
Full Payment	17 August 2018			
Two Instalments	17 August 2018	17 December 2018		
Four Instalments	17 August 2018	17 October 2018	17 December 2018	18 February 2019

5. A total of 23,106 Rate Notices were sent on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$38,383,399. As at 31 August 2018, a total of \$18,829,598 has been collected since Rate Notices were released. This represents a collection rate of 49.81% which is higher than the 48.44% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. As at 31 August 2018, 8,970 properties are on the instalment options. Of these, 1,683 have taken up the option to pay by two instalments and 7,287 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
  - a) A Smarter Way to Pay – with approximately 812 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase once the final demand letters are issued for ratepayers who are in default;
  - b) eRates – there are 2,379 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
  - c) BPay View – approximately 951 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout this financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. Interim Rating commenced during August and a very small increase to rates revenue has been seen. This will increase quickly as the backlog of schedules is being worked through.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for the purpose of training and process improvements. Throughout the month of August 2018, the Rates department handled 1,496 calls with a total call time of over 75 hours.

## **DETAILS**

11. For the 2017/18 financial year, legal action was ordered on properties where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 properties were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from properties served and further action will be taken on individual accounts where it is deemed necessary. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.
12. The City will send out Final Notices for properties who have not paid or taken up an Instalment or Direct Debit option for the 2018/19 Rates. These will be sent out by mid September and allow ratepayers to either pay in full or adopt a Direct Debit arrangement.

## **STATUTORY AND LEGAL CONSIDERATIONS**

13. 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.*

## **POLICY CONSIDERATIONS**

14. The City is bound by the Debt Collection Policy S-FIN02.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

15. The City's General Counsel has been briefed on the debt collection process.

### **External Referrals**

16. The higher-level debt collection actions are undertaken by the City's Debt Collection firm Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

## **FINANCIAL CONSIDERATIONS**

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

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

18. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 4.1.1** - Provide good governance.

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

## **SUSTAINABILITY**

### **Social Implications**

19. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
20. The City has introduced "a smarter way to pay" to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option.

### **Economic Implications**

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

**Environmental Implications**

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

**RISK MANAGEMENT CONSIDERATIONS**

23.	<b>Risk:</b> Failure to collect outstanding rates and charges.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	High
	<b>Action/Strategy</b>		
	Ensure debt collections are rigorously maintained.		

**OFFICER COMMENT**

24. The City’s debt collection strategy has proven to be very effective with a collection rate of 95.99% for the 2017/18 year.

The City is ranked in the top four WA metropolitan Councils (of 19 Councils surveyed) for efficiency in rates collection (Source: Australasian LG Performance Excellence Survey, 2017).

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

RECEIVES the Rates Debtors Report for the Period Ended 31 August 2018 (Attachment 1).

## 10.4.2 Debtors and Creditors Report for the Period Ended August 2018

*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	1. Creditor Payments for the Period Ending 31 August 2018 <b>[10.4.2.1]</b>
	2. Summary of Debtors for the month of August 2018 <b>[10.4.2.2]</b>
	3. Summary of Creditors for the month of August 2018 <b>[10.4.2.3]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in August 2018, 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 and creditors for the month of August 2018.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in August 2018 in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13); and
  - b) receive the outstanding debtors and creditors report for the month of August 2018.

### BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of August 2018 there were no abnormal overdue debtors that demanded special attention.
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

### Debtors

6. Sundry debtors as of 31 August 2018 were \$385,071 of which \$138,419 was made up of current debts and \$10,777 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$207,431.31; debts of significance are:
  - a) Satterley Property Group, \$205,173, Works Bond and Supervision Fee.
8. Invoices over 60 days total \$18,465, debts of significance are:
  - a) Hills District Callisthenics, \$3,302, hall hire;
  - b) Zig Zag Gymnastics Pty Ltd, \$2,923, Hall Hire;
  - c) Evolution Cheer & Dance, \$2,619, Hall Hire; and
  - d) Kalamunda Chamber of Commerce, \$2,570, membership fees/utilities.
9. Invoices over 90 days total \$31,533, debts of significance are:
  - a) Kalamunda Club, \$17,263, Loan Instalment – request received for deferral from the Club;
  - b) Zig Zag Gymnastics Pty Ltd, \$6,686, Hall Hire; Instalment arrangement in place.
  - c) Howard Ginbey, \$2,500, Planning Fees;
  - d) Evolution Cheer & Dance, \$1,723, Hall Hire - making regular payments and debt is reducing; and
  - e) Forrestfield Cricket Club, \$1,047, electricity expenses.

### Creditors

10. Payments totalling \$3,502,918.57 were made during the month of August 2018. 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	405,653.74
Australian Tax Office	PAYG payments	397,492.88
WA Local Government Superannuation Plan	Superannuation contributions	197,796.50
Syrinx Environmental P/L	Woodlupine living stream upgrade – progress payment- \$169,475.60*	174,337.60

	Woodlupine living Stream Reserve upgrade – Lenahan Cnr to Wimbridge Road - \$ 4,862.00	
Synergy	Power Charges – various locations	129,736.95
BE Projects (WA) Pty Ltd	Construction of hockey club rooms facility – Hartfield Park – Forrestfield – Progress payment	116,588.01
West Tip Waste Control Pty Ltd	Removal & Processing of building rubble, gully educting, sweepings	114,633.65
McKay Earthmoving Pty Ltd	Plant equipment and operator hire for soak well renewals - various locations	93,035.61
Building Commission – Department of mines, Industry Regulation & Safety	Building Services Levy – July 2018	92,916.78
Range Ford	Supply of three new vehicles	90,532.95
Menzies Civil Australia Pty Ltd	Supply and install new drainage stage 1 - Booligal Street, Lesmurdie – from Corella Street to existing creek line	74,228.41
IT Vision Australia	Altus ECM license fees 2018/19, Confluence user license for July 2018, ACDC project technical managed services – cloud transition, visioning workshop costs	71,212.24
Curnow Group Hire Pty Ltd **	Construction of portion B Nardine Close / Ashby Close widening – progress payment 9	64,574.64

These payments total \$ 2,022,739.96 and represent 57.74% of all payments for the month.

\* - The amount paid relates to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during August 2018.

\*\* - The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve set aside for it net of GST.

## Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,205,501.87 was paid in net salaries for the month August 2018.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

## Trust Account Payments

14. The Trust Accounts maintained by the City relate to the following types:

- a) CELL 9 Trust;
- b) POS Trust;
- c) BCITF Levy;
- d) Building Services (Licence) Levy; and
- e) Unclaimed Monies.

15. The following payments (GST exclusive) were made from the Trust Accounts in the month of August 2018.

BCITF Levy		Amount (\$)
Date	Description	
3/8/2018	Building and Construction Industry Training fund levy July 2018	11,352.97
CELL 9		Amount (\$)
Date	Description	
23/8/2018	Lycopodium Infrastructure Pty Ltd - Detail design & documentation for Hale Road widening & enhancement	34,097.25
23/8/2018	Syrinx Environmental Pty Ltd - Woodlupine living stream upgrade stage 2 & 3 Civil and Landscaping Works	154,068.72
23/8/2018	McKay Earthmoving Pty Ltd – excavate and install side entry liner and install temporary fencing – Promenade Forrestfield	3,225.18
23/8/2018	Kerb Direct Kerbing Pty Ltd - Supply and install mountable kerb	2,843.91
23/8/2018	Staff Australia – Cost of temporary plant operator	307.18
23/8/2018	Hawley's Bobcat Service - Skid Steer Loader and Truck Services	448.50
23/8/2018	Dowsing Group Pty Ltd - Supply & lay concrete pathway	3,423.40
23/8/2018	City of Kalamunda – City's employee and plant costs for Woodlupine Brook Environmental upgrade	2,088.20
23/8/2018	Opteon (Western Australia) Pty Ltd - Valuation report for land acquisition for Lot 2 (286) Hale Road, Wattle Grove	2,000.00
23/8/2018	McLeods Barristers & Solicitors – Legal expenses, lot 500 (No 9) Arthur Road, Wattle Grove (Ace Group Enterprises Pty Ltd) & Compulsory taking lot 33, No 232, Hale Road, Wattle Grove	2,845.26

## **STATUTORY AND LEGAL CONSIDERATIONS**

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), a payment may only be made from the municipal fund or the trust fund:
- a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - b) otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2018, Council resolved to adopt the City's current Delegation Register (ref OCM 113/2018), which was accordingly updated and came into effect on 27 June 2018 (**26 June 2018 Register of Delegations**). The previous review of the register was completed 26 June 2017.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2018 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
- a) the payee's name; and
  - b) the amount of the payment; and
  - c) the date of the payment; and
  - d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

## **POLICY CONSIDERATIONS**

21. The City is bound by the Debt Collection Policy S-FIN02.

## **CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

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

## External Referrals

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

## FINANCIAL CONSIDERATIONS

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

25. *Kalamunda Advancing: Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

26. Nil.

### Economic Implications

27. Nil.

### Environmental Implications

28. Nil.

## RISK MANAGEMENT CONSIDERATIONS

### Debtors

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

**Creditors**

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

**OFFICER COMMENT**

31. Creditor payments for August 2018 are in the normal range in line with trend expenditure.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. RECEIVES the list of payments made from the Municipal Accounts in August 2018 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVES the list of payments made from the Trust Fund Accounts in August 2018 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
3. RECEIVES the outstanding debtors and creditors reports (Attachments 2 and 3) for the month of August 2018.

### 10.4.3 Monthly Financial Statement to August 2018

*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 31 August 2018 <b>[10.4.3.1]</b>
	2. Statement of Net Current Funding Position 31 August 2018 <b>[10.4.3.2]</b>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 August 2018.
2. The Statutory Financial Statements report on the Financial activity of the City of Kalamunda (City) with comparison of the period's performance against the statutory budget adopted by the Council on 25 June 2018 for 2018/19 financial year.
3. It is recommended that Council receives the Monthly Statutory Financial Statements for the period ended to 31 August 2018, which comprise:
  - a) Statement of Financial Activity (Nature or Type) for the period ended 31 August 2018;
  - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 August 2018; and
  - c) Net Current Funding Position, note to financial report as of 31 August 2018.

#### 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* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the un-audited surplus carried forward from 2017/18.
6. The opening surplus position is un-audited and subject to change as the Infrastructure revaluation entries are pending subject to our External Auditors' review.

## **DETAILS**

7. The *Local Government Act 1995* (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

## **FINANCIAL COMMENTARY**

### Statement of Financial Activity by Nature and Type for the period ended 31 August 2018

8. This Statement reveals a net result surplus of \$43,921,107 compared to budget for the same period of \$43,990,422.

### **Operating Revenue**

9. Total Revenue excluding rates is over budget by \$796,367. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$559,170, the variance is mainly attributable to, \$536,733 received from the CELL 9 trust for the reimbursements of operational expenditure incurred on behalf of the trust.
  - b) Fees and Charges are over budget by \$162,225. This is mainly due to the \$164,281 in waste fees, as part of the yearly fees raised in line with rates.
  - c) Interest Income is over budget by \$3,921. The variance is within the reporting threshold.
  - d) Other Revenue is under budget by \$8,349. This is mainly due to the lower than projected revenue from fines and enforcements.
  - e) Profit/loss on asset disposals is subject to change since 2017/18 End of the Year asset register rollover is yet to be finalised in the Financial Management Information System.

### **Operating Expenditure**

10. Total expenses are under budget by \$495,854. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$73,763, which is mainly made up of staff redundancy costs related to 2017/18. Provision to cover these redundancy costs has already been accrued in 2017/18 financial year and the amounts paid will be transferred to the accruals account during September 2018.
  - b) Materials and Contracts is under budget by \$322,013. This is mainly attributed to:
    - i. Waste costs are under budget by \$270,311 mostly from putrescible waste charges and verge collection costs; and
    - ii. Verge maintenance, various sites, \$105,711.These are considered to be a timing variance;

- c) Utilities are under budget by \$26,599 which mainly relates to phasing;
- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$99,719. The infrastructure assets revaluation entries for 2017/18 are incomplete due to the impending external audit;
- e) Interest expense is under budget by \$701. This is a result of a timing difference between amounts accrued and the budget which is based on the debenture payments schedules;
- f) Insurance expense is under budget by \$6,745. The variance is within the reporting threshold; and
- g) Other expenditure is under budget by \$115,242. The variance is due to the timing difference of planned donations and contributions to various community groups.

## **INVESTING ACTIVITIES**

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

- 11. The non-operating grants and contributions are under budget by \$53,606. This is mainly attributable to lower than projected State Government grants received for the period.

### **Capital Expenditures**

- 12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is over budget by \$22,823. This is considered to be a timing issue.
- 13. Capital work-in-progress monies spend of \$686,215, represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

### **Financing Activities**

- 14. The amounts attributable to financing activities shows a variance of \$76,159 which is mainly reserve movements. More details of the reserve movements are given under note 25 of this report.

### **Rates Revenues**

- 15. Rates generation is under budget with a variance of \$995,605. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

Statement of Financial Activity by Program for the period ended 31 August 2018

16. Generally, each Program is within the accepted budget except for 'Recreation & Culture' and 'Transport'. Major variances have been reported by Nature and Type under points 9 to 15 above.

Statement of Net Current Funding Position as at 31 August 2018

17. The commentary on the net current funding position is based on comparison of the August 2018 to the August 2017 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$58.9 million. The restricted cash position is \$18.1 million which is lower than the previous period's balance of \$18.6 million. This is mainly attributed to the lower opening restricted cash balance reported in this year compared to the previous year.
19. Unrestricted cash has increased slightly by \$0.2 million when compared with the balance at August 2017.
20. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

It was recommended that when investing City's Surplus funds, preference is to be given to financial institutions which do not invest in or finance the fossil fuel industry. The Council also requested monthly financial statements and reports include the state of its divestment from fossil fuels.

The following table indicates the financial institutions where City has investments as of 31 August 2018.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	2,000,000	13%
	Bankwest	6,000,000	39%
	Suncorp	3,214,224	22%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry			74%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	4,000,000	26%
Total Investments - including Restricted Funds		15,214,224	100%

21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$19.49 million. The rates receivable balance increased by \$0.3 million from last year which reflects increases in rates generation.
22. Sundry debtors have increased from \$76,788 to \$385,071, of which \$138,419 consists of current debt due within 30 days.
- Current debts have increased from \$17,910 in August 2017 to \$138,419, the increase is mainly due invoices raised in August 2018 for yearly health services fees.
- Debtors over 30 days increased from \$58,878 in August 2017 to \$257,429, the increase is mainly due to an invoice raised for a works bond amounting to \$205,173. The Company submitted a bank guarantee for the bond and the credit note will be raised in September 2018.
23. Receivables Other represents \$6.7 million including:
- a) Emergency Service Levy receivables \$3.3 million; and
  - b) Receivables sanitation \$2.7 million.
24. Provisions for annual and long service leave have decreased by \$126,415 to \$3.1 million when compared to the previous year.

### **STATUTORY AND LEGAL CONSIDERATIONS**

25. The *Local Government Act 1995* (WA) and the *Local Government (Financial Management) Regulations 1996* (WA) require presentation of a monthly statement of financial activity.

### **POLICY CONSIDERATIONS**

26. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

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

#### **External Referrals**

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

### **FINANCIAL CONSIDERATIONS**

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

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

30. *Kalamunda Advancing: Strategic Community Plan to 2027*

#### Priority 4: Kalamunda Leads

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

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

31. Nil.

### Economic Implications

32. Nil.

### Environmental Implications

33. Nil.

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OFFICER COMMENT

36. The City's Financial Statements as at 31 August 2018 reflects the un-audited surplus carried forward from 2017/18.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

RECEIVES the Monthly Statutory Financial Statements for the period ended to 31 August 2018, which comprises:

- a) Statement of Financial Activity (Nature and Type) for the period ended 31 August 2018;
- b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 August 2018; and
- c) Net Current Funding Position, note to financial report as of 31 August 2018.

## 10.4.4 Advisory Committee Pro-forma Standardised Terms of Reference

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	N/A
Applicant	N/A
Owner	City of Kalamunda
Attachments	1. Pro forma TOR Advisory Committees <b>[10.4.4.1]</b>

### EXECUTIVE SUMMARY

1. To consider a proposal by the City for the implementation of a pro-forma standardised Terms of Reference for the City's Advisory Committees.
2. A critical review of the terms of reference for Advisory Committees established by the Council over the years has revealed that there is considerable inconsistency in both the provisions, set out and compliance with provisions of the *Local Government Act 1995* and the Standing Orders Local Law. In order to address these inconsistencies a standardised Terms of Reference has been developed.
3. It is recommended that Council notes the implementation of a pro-forma standard Advisory Committee Terms of Reference. (Attachment 1).

### BACKGROUND

4. The City produces an information booklet which contains details of all Advisory, Management and other committees established by the Council or on which the Council or City has members/representatives.
5. A version of this booklet is provided on the City's website for community information.
6. In maintaining and updating this document, a critical review has revealed that there is considerable inconsistency in both the provisions, set out and compliance with provisions of the *Local Government Act 1995* and the Standing Orders Local Law of many of the terms of references.

### DETAILS

7. The proposed pro-forma provides a standardised format, including clauses common to all committees and ensuring legislative compliance. Highlighted provisions will be populated with details relevant to individual committees.
8. It should also provide organisational efficiencies and guidance when establishing or reviewing committees.

## **STATUTORY AND LEGAL CONSIDERATIONS**

9. Section 5.8 of the *Local Government Act 1995* provides for the establishment of committees to assist the Council perform its functions.
10. In addition the proposed standardised terms of reference includes the requirements of other provisions of the Act with respect to:
  - a) Conduct and scheduling of meetings;
  - b) Agendas and minutes preparation and distribution;
  - c) Term of membership, including resignations and disqualification; and
  - d) Council consideration of committee recommendations.

## **POLICY CONSIDERATIONS**

11. No impact on committee related policies.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

12. The pro-forma Terms of Reference has been assessed by The City's Executive Management team.

### **External Referrals**

13. Not required.

## **FINANCIAL CONSIDERATIONS**

14. There are no direct financial implications associated with this issue.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

15. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 4.1.1** - Provide good governance.

## **SUSTAINABILITY**

### **Social Implications**

16. Nil.

### **Economic Implications**

17. Nil.

**Environmental Implications**

18. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

19.	<b>Risk:</b> Inconsistencies in committee terms of reference are not eliminated.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	Minor
	<b>Action/Strategy</b>		
	Ensure appropriate processes are implemented to minimise inconsistencies in committee Terms of Reference.		

**OFFICER COMMENT**

20. Implementation of the pro-forma standardised terms of reference is intended to eliminate inconsistencies, ensure legislative compliance and provide some organisational efficiencies.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

NOTES the implementation of a pro-forma standardised Terms of Reference for City of Kalamunda Advisory Committees.

## 10.4.5 Community Event Sponsorship

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. Events and Sponsorship Policy AND Procedure <b>[10.4.5.1]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the outcome of applications received for the 2018/19 Community Event sponsorship in accordance with the City of Kalamunda (City) - Event Sponsorship and Donations Policy (Policy).
2. This is the first year in which the Policy has been utilised to receive and consider applications for sponsorship. Five applications seeking a total of \$37,500 were received.
3. It is recommended that Council endorse the applications for sponsorship recommended for approval by the City.

### BACKGROUND

4. The Policy was developed to ensure that applications for sponsorship, donations and in-kind support, can be fairly assessed against criteria that ensures mutually beneficial, pre-determined community outcomes. Council adopted the Policy in 2017.
5. There are four categories of Event Sponsorship. Applicants are only eligible to apply for one sponsorship category each financial year. The benefit, or return on investment to the City, increases with each category and applicants are required to provide evidence of planned promotional activity as part of their sponsorship request.

**Bronze (up to \$5,000)** - sponsorships must demonstrate a good level of promotion for their event, which positively promotes and acknowledges the role of the City.

**Silver (up to \$10,000)** - sponsorships must demonstrate a high level of promotion for the event to the local community and provide a range of opportunities for positive promotion of the City.

**Gold (up to \$15,000)** - sponsorships must demonstrate an excellent level of promotion for the event to the local and wider community and provide a wide-range of opportunities for positive promotion of the City.

**Platinum (up to \$20,000)** - sponsorship is strictly limited and must demonstrate an outstanding level of organisation and promotion for the event to the local community and provide a wide-range of opportunities for positive promotion of the City.

6. Sponsorship specifically relates to covering some of the costs associated with an event program in exchange for a level of recognition.
7. Successful applicants will be provided with City branding guidelines for use in promotions. All materials must be approved before distribution.
8. Groups will be required to report on event progress and provide an Acquittal Report within 2 months of the event being held. Final 10% of sponsorship fees will only be released upon submission of a satisfactory Acquittal report.

## **DETAILS**

9. Applications were received from the following groups:

### **Gem Camera Club**

The club's application requests an amount of \$2,000 for the 'I AM Spring in the Hills' Photographic Competition and Exhibition. The event is held at the Zig Zag Gallery and is an annual Competition which has been organised by the GEM Camera Club Kalamunda since 2009. The application presents a Bronze Sponsorship opportunity for the City with the application fulfilling all requirements of the Policy for this level of sponsorship.

### **Kalamunda RSL**

The application requests an amount of \$3,500 for a Concert in Stirk Park on 18 November 2018, the weekend after Remembrance Day, with Normie Rowe and the Kalamunda Youth Swing Band. It is a Bronze Sponsorship for the City with the application fulfilling all requirements of the Policy for this level of sponsorship.

### **Austin Healey Car Club**

The application requests an amount of \$2,000 for the National Austin Healey Car Club Display to be held in Haynes Street Kalamunda on 6 April 2019. The application presents a Bronze Sponsorship opportunity for the City with the application fulfilling all requirements of the Policy for this level of sponsorship.

### **Freedom Fairies Pty Ltd**

The application requests an amount of \$10,000 for the Freedom Fairies Annual Fairy Picnic which is to be held on 3 November 2017 at Stirk Park in Kalamunda from 10am – 2pm. The application presents a Silver Sponsorship opportunity for the City with the application fulfilling all requirements of the Policy for this level of sponsorship.

### **Kalamunda Chamber of Commerce**

The application requests an amount of \$20,000 for the Bickley Harvest Festival which will be held in May 2019. The application presents a Platinum Sponsorship opportunity for the City.

## **STATUTORY AND LEGAL CONSIDERATIONS**

10. Section 6.2 of the *Local Government Act 1995*.

## **POLICY CONSIDERATIONS**

11. Applications for Community Event Sponsorship are required to be submitted in accordance with, and comply with, the Events Sponsorship and Donations Policy:-

All sponsorship activity should:

- a) meet the Kalamunda Events Strategy objectives;
- b) provide positive exposure for the City's brand image locally and regionally;
- c) meet mutually beneficial, reciprocal business benefits outlined in the application criteria, to provide adequate return on investment for the City;
- d) show potential toward sustainability with the development of viable long-term relationships and community outcomes; and
- e) enhance a strong sense of community to benefit residents and attract visitors.

For applications to be considered, the following criteria is taken into account:

- a) Event accessible, free or low-cost;
- b) Benefits to wider community or specific group can be demonstrated;
- c) Event aligns with City values and objectives (making Kalamunda destination of choice); and
- d) Provides promotional opportunities for City relative to sponsorship.

The areas in which the City will not give donations or enter into a sponsorship agreement include, but are not limited to, the following:

- a) Illegal activities;
- b) Tobacco;
- c) Alcohol focused events i.e., Beer Festivals\*;
- d) Political organisations or activities;
- e) Racist organisations;
- f) Adult related industries;
- g) Fast food;
- h) An event that directly benefits an individual person;
- i) Religious organisations or activities in whole or in part, for the purpose of furthering religious doctrine;
- j) Organisations/projects seeking City approvals or endorsements (for example, forthcoming land development application);
- k) Organisations/projects which conflict with the City's values;

- l) Organisations/projects which harm the environment; and
- m) An organisation or individual that has previously shown unsatisfactory management of donations or sponsorship received or has presented unsatisfactory or incomplete reporting.

\* Events where alcohol is served responsibly as part of your event e.g., wine tasting, stakeholder cocktail party, are permitted and will be reviewed on a case-by-case basis. Low strength alcohol and non-alcoholic choices must also be available where alcohol is available at the event. Activities or promotions that encourage rapid consumption of alcohol (e.g., discounted drink prices, happy hours, drinking competitions) will not be supported.

Organisations are ineligible for donations and event sponsorship if the application is for:

- a) an organisation that has previously submitted, and been successful, with an application for sponsorship, contribution or donation within the same financial year;
- b) an event that has already occurred or will occur during the application assessment timeframe;
- c) the total cost of the event;
- d) general business operating expenses; and
- e) costs already being covered by another sponsor or government body.

Organisations are ineligible for donations and event sponsorship if the application is for:

- a) an organisation that has previously submitted, and been successful, with an application for sponsorship, contribution or donation within the same financial year;
- b) an event that has already occurred or will occur during the application assessment timeframe;
- c) the total cost of the event;
- d) general business operating expenses; and
- e) costs already being covered by another sponsor or government body.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

- 12. An assessment panel was set up to review applications that had been received.

### **External Referrals**

- 13. The City wrote to event organisers as well as running a social media campaign, promoting via newspaper, the website and face to face throughout May and June 2018.

14. The City held a workshop for Community Event Organisers on 15 June 2018 to assist groups to complete their Sponsorship applications.

## **FINANCIAL CONSIDERATIONS**

15. Funding has been allocated as a part of the 2018/2019 Budget.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

16. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

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

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

#### **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.

## **SUSTAINABILITY**

### **Social Implications**

17. The Events Sponsorship supports local organisations/groups in running an event that has direct benefit to local community or City visitors.

### **Economic Implications**

18. Community events have a positive economic benefit, bringing people to the region who then have the opportunity to spend funds in the City.
19. Events recommended for approval are accessible, free or low-cost.

### **Environmental Implications**

20. Nil.

## RISK MANAGEMENT CONSIDERATIONS

21. 

<b>Risk:</b> An event being sponsored by the City does not go ahead.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
All applications have been assessed to ensure the necessary planning and considerations are taken into account. Should an event not be able to go ahead due to weather, the City has mechanisms in place to work with event organisers to reschedule or cancel if need be and such changes would be communicated.		
22. 

<b>Risk:</b> Event Organizers do not fulfil their sponsorship requirements.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
The City will work closely with all applicants to ensure requirements are clearly understood; final release of funds is dependent on acquittal. Successful adherence to conditions is a consideration for groups wanting to apply for funding in future years.		

## OFFICER COMMENT

23. Community events applications demonstrated a high degree of understanding of their sponsorship requirements, providing all the necessary information for assessment including the background, objectives, target audience, benefits, time frame and location, budget, experience, marketing and promotion.
24. Supporting a range of events enhances liveability and the City's reputation as a destination of choice. All the events put forward bring benefit to the Community and the City of Kalamunda as an organisation.
25. Support of the Gem Camera Club event also includes the acquisition of a piece of artwork, which will become part of the City Art Collection. The exhibition attracts at least 1,000 people.
26. The Kalamunda RSL Concert it expected to attract at least 1,000 people, with singer Normie Rowe to perform, it will follow on from Remembrance Day the Sunday Prior and the opening of the Memorial Wall at Stirk Park.
27. The Austin Healey Car Club Rally is a national event and will attract visitors from outside of the region, as well as providing a vibrant display in the Kalamunda Town Centre. Estimated numbers are between 500 - 100 people.
28. The Annual Fairies Picnic has now been held in the City for the last three years, attracting up to 2,500 people. It is a vibrant community event for local families and visitors to the region. The event takes place as a part of the Perth Hills Spring Festival.

29. The City has a strong partnership with the Kalamunda Chamber of Commerce and has supported the Bickley Harvest Festival for more than 20 years. The event is an opportunity to showcase the regions Tourism Product to locals and visitors to the region, with the primary market being day trippers. It is a strong collaboration between the City and the Chamber of Commerce.

<b>Voting Requirements: Simple Majority</b>
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**RECOMMENDATION**

That Council:

1. ENDORSE the City of Kalamunda recommendation to approve Community Event Sponsorship as follows:
  - a) A bronze sponsorship valued at \$2,000 for the Gem Camera Club;
  - b) A bronze sponsorship valued at \$3,500 for the Kalamunda RSL;
  - c) A bronze sponsorship valued at \$2,000 for the Austin Healey Car Club;
  - d) A silver sponsorship valued at \$10,000 for the Freedom Fairies; and
  - e) A platinum sponsorship valued at \$20,000 for the Kalamunda Chamber of Commerce.
2. NOTES that the \$37,500 in funding is within the approved 2018/2019 Budget Allocation for Community Event Sponsorship and Donations.

## 10.4.6 City of Kalamunda Visual Identity

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. Visual Identity ( Branding) Steering Committee TO Rs - ( Renumbered) (002) <b>[10.4.6.1]</b> 2. KA L 6879- STRATEGI C- REVIEW <b>[10.4.6.2]</b>

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the development of a Visual Identity (Branding) Steering Committee.
2. The City has developed a very clear and relevant vision 'Connected communities, valuing nature and creating our future together.' A review of the current branding suggests the Visual does not reflect the vision.
3. This report generally recommends Council:
  - a) Adopt the Terms of Reference for the Visual Identity (Branding) Steering Committee;
  - b) Approve the advertising of four community members to join the Visual Identity (Branding) Steering Committee;
  - c) Appoint four councillors, one from each ward, to the Visual Identity (Branding) Steering Committee; and
  - d) Request the Kalamunda Arts Advisory Committee to nominate two members for the Visual Identity (Branding) Steering Committee.

### BACKGROUND

4. From 1 July 2017, the Shire of Kalamunda changed its status to become the City of Kalamunda. The purpose of the change was to reflect the Council's progressive vision for the future, as well as attract investment, build its economy and tourism sectors.
5. The change reflects the diversity of the City, with Kalamunda comprising of over 60,000 residents living in the area, with a significant portion (up to 60%) living in the more populated foothills suburbs of Forrestfield, Maida Vale and High Wycombe.
6. The change to City status had a mixed response from the public, with many feeling at the time that the change from 'Shire' loses the identity of being a unique community in the forest.

7. Advisory Committees provide an effective collaborative forum between the City and the community.
8. The City of Kalamunda engaged agency Creative AGM to undertake a strategic review of materials and agency appraisal in early 2018 advising the current visual identity is dated and not representative of the current Vision, as per Attachment 1.

### **DETAILS**

9. The purpose of the Visual Identity (Branding) Steering Committee is to advise and make recommendations to Council on the Visual Identity (Branding) of the City of Kalamunda.
10. The draft terms of reference for the Visual Identity (Branding) Steering Committee are provided as Attachment 1.
11. The City of Kalamunda needs a strong brand platform to provide a framework for the strategic direction and future expectations of the community.

### **STATUTORY AND LEGAL CONSIDERATIONS**

12. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*  
*Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.*  
*Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.*

### **POLICY CONSIDERATIONS**

13. The City Policy – Appointment of Community Members to Advisory Committees and Reference Groups, adopted in October 2017, will be utilised when assessing applications for the Steering Committee.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

14. Significant internal referrals have been undertaken, with all Business Units in the City of Kalamunda consulted.

#### **External Referrals**

15. Nil.

## FINANCIAL CONSIDERATIONS

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

Meeting agenda preparation	2 hours/meeting	\$ 400.00
Briefing Papers prepared and research	8 hours/meeting	\$ 1,600.00
Meeting attendance x 3 staff	2 hours/meeting	\$ 1,200.00
Minutes	2 hours/meeting	\$ 400.00
Senior Officers review and signoff	3 hours/meeting	\$ 900.00
Ongoing Liaison	2 hours/meeting	\$ 400.00
Reporting to council	4 hours/meeting	\$ 800.00
	<b>Total estimate</b>	<b>\$ 5,700.00</b>

Costings based on previous meeting statistics and information provided by the City's financial management team.

17. No additional costs will be incurred by the City of Kalamunda should the new visual identity be endorsed. All materials will be replaced at the end of their life and within current operating budgets.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

18. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

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

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

#### 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.

## SUSTAINABILITY

### Social Implications

19. Nil.

### Economic Implications

20. Nil.

**Environmental Implications**

21. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

22.

<b>Risk:</b> Reputational risk where the committee’s goals do not align with the City’s objective and strategies.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Medium
<b>Action/Strategy</b>		
Provide guidance to the members at the first meeting communicate the City’s strategic plan and objectives to ensure the Committee understands its role and works within its Terms of Reference.		

23.

<b>Risk:</b> Financial risk of the committee becoming irrelevant and become a cost to the City rather than a benefit.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action/Strategy</b>		
This committee is expected to be established for the purpose of reviewing the City’s visual identity and will be disbanded upon completion of this purpose.		

**OFFICER COMMENT**

24. The formation of a Visual Identity (Branding) Steering Committee will enable community engagement to take place and provide recommendations to Council in regards to the Visual Identity of the City.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. ADOPT the Membership and Terms of Reference for the Visual Identity (Branding) Steering Committee.
2. REQUEST the Chief Executive Officer to implement the Membership and Terms of Reference for the Visual Identity (Branding) Steering Committee and advertise to fill the four community member vacancies.
3. APPOINT Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_, and Cr \_\_\_\_\_, as members to the Visual Identity (Branding) Steering Committee.
4. REQUEST the Kalamunda Arts Advisory Committee to nominate two members to the Visual Identity (Branding) Steering Committee.

## 10.4.7 Publishing Council Meetings Audio Files

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

Previous Items	OCM 119/2018
Directorate	Corporate Services
Business Unit	Information Technology
File Reference	N/A
Applicant	N/A
Owner	N/A

Attachments	1. McLeods Advice on Proposed Recording and Live Streaming of Local Government Council and Committee meetings [ <b>10.4.7.1</b> ]
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Councillors with the details requested in respect of the feasibility of publishing audio recordings of Council meetings with the inclusion of a comparison of practices in other local governments to assist in Council's consideration of this matter.
2. In December 2017 Council considered (and rejected) the prospect of initiating the live streaming of Council meetings. At its June 2018 meeting however, Council requested the Chief Executive Officer prepare a report to Council on the feasibility of publishing audio recordings of Council meetings (excluding those parts recorded in confidence), on the City of Kalamunda's website at the same time as publishing Council meeting minutes.
3. This report recommends that Council notes the report on the feasibility of publishing audio recordings of Council Meetings, excluding those parts recorded in confidence, on the City of Kalamunda's website.

### **BACKGROUND**

4. In December 2017 Council rejected a proposal to investigate live streaming of Council meetings.
5. Notwithstanding, the City of Kalamunda (City) does presently make audio recordings of both Public Agenda Briefings and Ordinary Council Meetings for the purpose of minute preparations and these audio files (excluding any confidential item discussions) are available to the public subject to the receipt by the City of a fee of \$15 (formerly on application under the *Freedom of Information Act 1992* (WA) for a prescribed fee of \$30). The official record of the meeting however, is not the audio recording itself, but the minutes of the meeting, as adopted by Council.
6. The City of Kalamunda Standing Orders Local Law 2015 provide power to the Presiding Member of Council or Committee meetings to allow for the use of electronic, visual, or audio recording at the meetings, with a proviso that the meeting be informed if such permission has been given.

## DETAILS

7. Council has requested that the City research and investigate options for implementing the placement of Council meeting audio recordings into the public domain via a hosting platform on the internet.
8. In order to consider the above, this report compares the current process utilised by the City of recording meetings and making such recordings available on payment of a prescribed fee with the possibility of hosting Council meeting audio recordings via a hosting platform on the internet, so that the public can access them after the meeting (ie, not real-time audio of meetings).
9. A review of other Councils has been undertaken and it is noted that, with a few exceptions, the majority do not support live streaming of audio or video but do support the hosting of audio recordings onto an online source for public access.
10. Option 1 – Maintain the Status Quo  
  
Currently, the City engages Stage FX to make an audio recording of Public Briefing Forums via a mobile recording device and Ordinary Council Meetings are recorded via existing recording software in Council Chambers.
11. Audio recordings are then available to the public on payment of the said prescribed fee in an unedited form (noting that confidential discussions are not recorded and therefore do not form part of the audio file).
12. In the past 18 months, the City has received 18 requests for provision of either Public Forum or Ordinary Council Meeting audio files.
13. Option 2 – Provide Audio Recordings to the Public  
  
As an alternative to Option 1, the Council opt to make audio recordings of Public Agenda Briefing Forums and Ordinary Council Meetings available, likewise in an unedited 'as is' format (excluding the audio of confidential discussions) on either the City's website or another technology platform such as Apple iTunes or YouTube at a minimal cost to the City.
14. The choice of platform will have little effect on cost or service and would be chosen depending on which one is easiest to use for the public.
15. The identified benefits of Option 2 are:
  - a) if either Elected Members or members of the public are not able to attend a meeting, they will be able to access the full audio recording of any meetings held (with the exception of confidential matters) without the need to make any application, nor pay any fee;
  - b) it is possible that there will be a reduction in the public's reliance on media and 'word of mouth' to find out what occurs in Council meetings, as a significantly broader audience will be able to access the audio recordings simply and instantly;

- c) flowing on from the above, it is possible that there could be a reduction in negative perceptions surrounding City matters, as the community could perceive the provision of audio recordings as increased transparency; and
- d) in reaching a wider audience, more people will be able to easily inform themselves about Council's agenda and actions.

16. *Benchmarking Against Other Local Governments*

There is no statutory requirement for audio recordings to be made of Council meetings. That said, the audio recording of Council meetings is becoming common practice, at the very least to aid in the preparation of meeting minutes. This is a practice adopted by the City.

There are a small number of Local Governments now providing access to their audio recordings via online platforms, such as a website, and a limited number of Local Governments providing live streaming services of meetings.

17. The following is a sample of how local governments are providing information about Council Meetings:

<b>Local Government</b>	<b>Purpose</b>
Mundaring	Recording meetings. Audio uploaded to website.
Perth	Audio recordings available on website.
Joondalup	Live audio and past audio recordings available.
Canning	Recording meetings. Audio uploaded to YouTube.
Swan	No recording of meetings.
Vincent	Provide live video streaming and host recordings on YouTube.
Bunbury	Provide live video streaming and host recordings on YouTube.
Melville	Records meetings, but do not provide it publicly.
Fremantle	Audio recordings available for purchase.
Wanneroo	Recording of meetings, not available via the website.

**STATUTORY AND LEGAL CONSIDERATIONS**

18. *Freedom of Information Act 1992 (WA)*  
*Privacy Act 1988 (Commonwealth)*  
*City of Kalamunda Standing Orders Local Laws 2015*

## **POLICY CONSIDERATIONS**

19. The City currently has no policy position that guides the preparation and use of audio recordings for Council or Committee meetings.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

20. This report was considered by the City's Information Technology and Legal and Governance Departments. No objections were received.

### **External Referrals**

21. Comparative research with the practices in other local governments was undertaken in order to prepare this report.

## **FINANCIAL CONSIDERATIONS**

22. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

23. *Kalamunda Advancing Strategic Community Plan to 2027*

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

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

**Strategy 1.1.1** - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

#### **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.

#### **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.

## **SUSTAINABILITY**

### **Social Implications**

24. A wider audience will be able to access and listen to Council Meetings.

### **Economic Implications**

25. Nil.

**Environmental Implications**

26. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

27.	<b>Risk:</b> Potential for broader publication of commentary from Councillors or the public that may give rise to actions in defamation, or reputational damage for the City and Council.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<b>Action/Strategy</b>						
	Provide signage in Council Chambers and Function Room informing meeting attendees that meetings are recorded and made available to the public via the City’s webpage. Presiding Member to remind all attendees that meetings are recorded and made public.						

28.	<b>Risk:</b> Complaints from external parties over collection and disclosure of personal information.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<b>Action/Strategy</b>						
	Provide signage in Council Chambers and Function Room informing meeting attendees that meetings are recorded and made public. Presiding Member to remind all attendees that meetings are recorded and made public. Remove audio recordings from the website one year after the meeting.						

29.	<b>Risk:</b> Recording technology could fail preventing the audio recording from being hosted on the website.						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Possible</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Possible	Moderate	Medium
Likelihood	Consequence	Rating					
Possible	Moderate	Medium					
	<b>Action/Strategy</b>						
	Ensure the Governance Officer has a spare Dictaphone available at all times to record meetings, should primary technology fail.						

**OFFICER COMMENT**

30. While Members of Parliament enjoy absolute privilege over their discussions, which protects them from issues such as defamation, Elected Members of any local government are only provided with qualified privilege. This means that protection is only provided as long as the statements are made in good faith.

31. In view of this, the introduction of audio recordings freely available on the City's website will not place Councillors, staff or members of the public that speak at Council meetings at any more risk of facing an action in defamation for comments made at meetings than already exists under the City current audio recording processes.
32. It will need to be highlighted to members of the public and other interested parties that audio recordings are not an official record of a Council Meeting. The Council Meeting Minutes are the official record of Council Meetings which continue to require confirmation by Council resolution.
33. Western Australia currently does not have a legislative privacy regime, although some privacy principles are provided for in the *Freedom of Information Act 1992* (WA). There is also no requirement for local governments to comply with the *Privacy Act 1988* (Commonwealth), however, it would be reasonable to expect that the City would take reasonable steps to inform people attending the meeting that audio recordings are being conducted.
34. The provision of audio recordings to the public will provide enhanced community engagement opportunities.
35. It is recommended that audio recordings are removed from the website one year after the meeting occurred to ensure that personal information held is relevant.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

NOTES this report on the feasibility of publishing audio recordings of Council Meetings on the City of Kalamunda's website.

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

11.1 Two Ward Structure in the City of Kalamunda

<b>Voting Requirements: Simple Majority</b>
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That Council:

Request the Chief Executive Officer to prepare a report on the feasibility and process for establishing a Two Ward Structure for Council in the City of Kalamunda.

Moved: **Cr John Giardina**

Seconded:

Vote:

**Rationale:**

I would like Council to consider a two-ward structure for the City that is separated by an east to west boundary to achieve greater capacity for Councillors to represent a ward structure that caters and includes part of the hills area and the foothills.

The current four ward structure tends to separate the hills from the foothills and I believe that this is not conducive to bringing communities together.

**Officer Comments:**

A report in regard to the feasibility and process for establishing a Two Ward Structure for Council in the City of Kalamunda can be prepared.

**12. Questions by Members Without Notice**

12.1.1 Cr Destree -10.1.1 Consent to Advertise Draft Local Planning Policy P-DEV 62: Maddington Kenwick Strategic Employment Area – Lighting within the Road Reserve on Welshpool Road East

At the Public Briefing Forum held 11 September 2018, Cr Destree asked the following question that was taken on notice.

Summary of question:

*Will there be improvements made to the lighting within the road reserve?*

Summary of response from Director Asset Services:

*A response will be provided once notification from Main Roads has been received.*

12.1.2 Cr O'Donnell - 10.1.2 Environmental Land Use Planning Strategy - Adoption for Public Advertising – Wattle Grove (Cell 9)

At the Public Briefing Forum held 11 September 2018, Cr O'Donnell asked the following question that was taken on notice.

Summary of question:

*Where will community facilities and tourism accommodation be located?*

Summary of response from Director Development Services:

*There are existing accommodation facilities located on Welshpool Road East (Wattle Grove Motel). The existing church establishments (Baptist and Jehovah's Witnesses) on Welshpool Road East are classified as "Community" uses under the Cell 9 Outline Development Plan.*

12.1.3 Cr Destree - 10.3.2 Function Room Audio Visual Upgrade

At the Public Briefing Forum held 11 September 2018, Cr Destree asked the following question that was taken on notice.

Summary of question:

*Where can a wheelchair be placed in Chambers as there is no current area for a wheelchair to be located?*

Summary of response from Director Corporate Services:

*In order to accommodate a wheelchair in the public seating area of the Council chambers it would be necessary to permanently remove a chair from the front row. The chairs are bolted to the floor. Alternatively, a portion of the wooden partition to the left of the door leading from the function room could be removed to provide access.*

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

13.1 Cr Tracy Destree – Councillor Email Confidence

Q1. Is the CEO able to provide information on the confidential retention and management of City of Kalamunda Councillor emails, and verify:

- a) Does the Administration access and read Councillor emails that are not sent to any member of the City administration? If so, what are the circumstances?
- b) Is screening or review of Councillor emails, targeted or widespread, routinely undertaken by the Administration?
- c) Could Council be provided with a report from the CEO to verify the confidential retention of emails, and any access to Councillor emails by the Administration, with the exception of those accessed under the Freedom of Information Act?

- A1. Yes all Councillor emails (whether marked confidential or not), are stored in accordance with the *State Records Act 2000* (WA) within the City's systems.
- a) No unless there is a reason for doing so such as a confidentiality breach.
  - b) No (see point a)
  - c) There is no need for a report (unless Council wishes to resolve otherwise) because the response would be that all emails are retained by the City whether they are marked confidential or not. Provision of details as to any review of Councillor emails by the Administration is a matter for the Chief Executive Officer and is an operational matter and is therefore unavailable.
- Q2. What does the City do to ensure Councillor personal email accounts that provide communications and records related to Council matters are meeting the requirements under the *State Records Act 2000*?
- A2. Councillors are provided with the use of a City email address and technology, including iPads in order to ensure that Councillors are freely able to communicate with each other, the City and the community at all times. Whilst Council does not have a policy that precludes the use of personal email addresses by Councillors for City business, Councillors should refrain from doing so, as otherwise, the City cannot ensure that all City records, which include Councillor emails, are stored in accordance with the *State Records Act 2000* (WA).

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

**15. Meeting Closed to the Public**

**16. Tabled Documents**

- 16.1 Kalamunda Arts Advisory Committee Minutes of 19 July 2018
- 16.2 Kalamunda Community Centre Community Reference Groups Minutes of 18 July 2018
- 16.3 Kalamunda Community Centre Community Reference Groups Minutes of 25 July 2018
- 16.4 Kalamunda Environmental Advisory Committee Minutes of 14 September 2018
- 16.5 Ray Owen Sports Centre Committee Minutes of 2 August 2018

**17. Closure**