



Ordinary Council Meeting

AGENDA

Tuesday 23 February 2021

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 23 February 2021 at 6.30pm.**



Rhonda Hardy
Chief Executive Officer
18 February 2021



Our Vision

Connected Communities, Valuing Nature and Creating our Future Together

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

kalamunda.wa.gov.au

City of
Kalamunda

Information for the Public Attending

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

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

Ordinary Council Meetings – Procedures

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. Official Opening
2. Attendance, Apologies and Leave of Absence Previously Approved
3. Public Question Time

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

4. Petitions/Deputations
5. Applications for Leave of Absence
6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Ordinary Council Meeting held on 15 December 2020 are confirmed as a true and accurate record of the proceedings with the amendment to Item 10.1.4 City of Kalamunda Dog Local Law 2021(Attachment 1) as follows:

Replace clause 3.2 (2) in the City of Kalamunda Dogs Local Law 2021 with the following: -

"The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act— 2 dogs over the age of 3 months and the young of those dogs under that age."

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 15 December."

- 6.2 That the Minutes of the Special Council Meeting held on 19 January 2021, 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 19 January."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

8.1 Item 10.1.1 Local Planning Policy 28 - Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) - Consideration of Submissions and Modifications for Adoption – Confidential Attachment – Submitters List

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

8.2 Item 10.2.1 Award of Provision of Plant Hire and Auxiliary Services RFT 2023 – Confidential Attachment - RFT 2023 - Tender Assessment Report

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)

b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

9.2. Disclosure of Interest Affecting Impartiality

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

- 10. Reports to Council
- 10.1. Development Services Reports
- 10.1.1. Local Planning Policy 28 - Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) - Consideration of Submissions and Modifications for Adoption

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

Previous Items	OCM 94/2020
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297 / 4.00010304
Applicant	NA
Owner	NA

- | | |
|-------------|--|
| Attachments | 1. Modified Local Planning Policy 28 Final for Adoption [10.1.1.1 - 8 pages] |
| | 2. Modifications Table [10.1.1.2 - 1 page] |
| | 3. Submission Table [10.1.1.3 - 23 pages] |
| | 4. Community Engagement Report for Council [10.1.1.4 - 20 pages] |
| | 5. Draft Local Planning Policy 28 - Adopted for Advertising [10.1.1.5 - 8 pages] |

- | | |
|-------------------------|---|
| Confidential Attachment | 1. Submitters List (Provided under separate cover) |
|-------------------------|---|

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the submissions and modifications to draft Local Planning Policy 28 – Delivery of State and Local Strategies through the Preparation of Structure Plans (LPP28) for adoption.
2. The Policy will guide the Council, the City of Kalamunda's (the City) officers and external stakeholders to identify the City's responsibilities for the preparation of structure plans in order to achieve the implementation of the State Government's North East Sub-Regional Framework (the Framework) and other strategic planning initiatives.
3. Council is recommended to adopt LPP28.

BACKGROUND

4. Structure Plans are guiding documents that coordinate the development of areas of varying scale and can be supported by technical studies of varying detail. Structure Plans can be defined as:
 - a) District Structure Plans (DSPs);
 - b) Local Structure Plans (LSPs);
 - c) Activity Centre Plans (ACPs); or
 - d) Precinct Plans.

5. The City's role in the preparation of Structure Plans is usually as the regulator rather than the proponent. That is, a landowner submits a Structure Plan or Structure Plan amendments for the City's assessment.
6. However, it is to be noted that the City, over the past decade, has prepared, or is in the process of preparing, a number of Structure Plans:
 - a) Forrestfield / High Wycombe Industrial Area Stage 1 LSP.
 - b) Forrestfield North DSP.
 - c) Forrestfield North Residential Precinct LSP.
 - d) Forrestfield North Transit Oriented Development LSP.
 - e) Kalamunda ACP.
7. The Structure Plans prepared by the City, to date, have been in response to key strategic initiatives, such as the State Government's investment in the High Wycombe Train Station or regulatory requirements (Activity Centre Plans for District Centres).
8. The decision for the City to undertake the Structure Planning in Forrestfield North was influenced by external factors, such as the announcement of the then named "Forrestfield" Train Station and the change in land use direction for the planning of the area as a result of the approval of the Forrestfield North DSP depicting a residential area. Another reason is the highly fragmented nature of landownership and the resources required to finalise a Structure Plan.
9. In new urban areas, Local Structure Plans (LSPs) are usually prepared by the private sector and are a precursor to the physical subdivision and development process.
10. The Framework establishes a long-term and integrated planning framework for land use and infrastructure provision in Perth's north east sub-region within which the City is located.
11. The Framework provides guidance for:
 - a) The preparation of amendments to the Perth Metropolitan and Peel region schemes, local planning strategies/schemes, district (DSP) and local structure plans (LSP), and activity centre plans (ACP); and
 - b) The staging and sequencing of urban development to inform public investment in regional community, social and service infrastructure.
12. The Framework sets out proposals to achieve a more consolidated urban form, meet long term housing needs, strengthen key activity centres and employment nodes amongst many other key objectives. The Framework identifies the following locations within the City:

- a) Wattle Grove South – Urban Expansion / Urban Investigation
- b) Maida Vale South – Urban Expansion
- c) Pickering Brook Town Site – Planning Investigation
- d) Hillview Golf Course – Planning Investigation

13. The City has a Local Planning Strategy, Local Housing Strategy and Industrial Development Strategy that also provides guidance and identifies proposals that require the preparation of more detailed planning documentation.

DETAILS AND ANALYSIS

14. The City and the private sector both have roles to play in delivering the proposals of the Framework and local strategies. The development of DSPs, LSPs, ACPs and Precinct Plans coordinates the future land use changes and delivery of infrastructure in future development areas.

15. The primary objectives of this Policy are to:
- a) Guide the City's implementation of the State Government's North East Sub-regional Framework and the City's Planning Strategies.
 - b) Determine the City's responsibilities for the preparation of District Structure Plans, Local Structure Plans, Activity Centre Plans and Precinct Plans.
 - c) Provide the community, stakeholders and businesses with a clear understanding of the City's responsibilities for the future planning of the City's diverse suburbs, districts, activity centres and neighbourhoods.
 - d) Provide guidance on the information required to be submitted as part of a planning proposal.

16. **District Structure Plans**
DSPs provide a broad planning framework for a development area, identifying key infrastructure items, broad land use groupings and establishes the key development principles and objectives of the area.

17. The City may have a key role to play in the preparation of DSPs if the following criteria is met:
- a) The location of the DSP is either identified within a City Strategy or the Framework.
 - b) There have been sufficient preliminary investigations undertaken exploring the key matters to be considered in the DSP area.
 - c) A Council decision is made, having regard for the preliminary investigations, to support the preparation of the DSP.

- d) There are enough budget funds made available for the preparation of the DSP.
- e) The cost of the preparation of the DSP, and associated technical studies, may be recouped through a future development contribution plan or other acceptable recuperation method.

18. **Local Structure Plans**

LSPs may be guided by DSPs and are more detailed plans that define the specific land use identifications of the area, public open space network and infrastructure requirements as well as other matters, generally on a lot by lot basis.

19. The City, is generally, not responsible for the preparation of LSPs. The City's role in the preparation of LSPs is usually as the regulator rather than the proponent. LSPs are usually prepared by the private sector and are a precursor to the physical subdivision and development of the land.

20. LSPs are better prepared closer to implementation to ensure their currency as it relates to the density and development proposed and as a direct link between planning and infrastructure delivery.

21. Land development is not a core function of the City and LSPs require an intricate understanding of the implementation of the subject area through to land development to assist with infrastructure delivery including:

- a) Sewer timing and phasing
- b) Reticulated Water
- c) Electricity
- d) Gas
- e) Telecommunications
- f) Roads
- g) Public Open Space development and coordination
- h) Community Facilities
- i) Schools

22. Preparing LSPs by allocating specific land uses over private land can also lead to reputational risk for the City where there is opposition to the proposals and uncertain timeframes.

23. Preparing LSPs requires a significant resource allocation and funding. Although funds can often be recouped through a development contribution scheme, it is a very exhaustive process and requires large upfront costs that may not be recouped for a significant period of time.

24. The City will only prepare LSPs in exceptional circumstances where they are endorsed by Council, or where the City owns freehold land within a Structure Plan area and there is a desire to develop.
25. Where there has been a DSP prepared over the same location, the LSP is to be consistent with the broad land uses, development principles, objectives and requirements set out by the DSP.
26. In a regulatory sense, the City, during the assessment process, is to be responsible for ensuring that LSPs prepared are consistent with the broad land uses, development principles, objectives and requirements set out by a DSP. Where a DSP has not been prepared, the City is to ensure any LSP is consistent with any strategic planning the City has undertaken and measures are put in place to achieve the following:
- a) Environmental values are appropriately assessed;
 - b) Public Open Space requirements are met;
 - c) Community facilities are identified where appropriate to cater for the community's needs;
 - d) Commercial land is identified where appropriate to cater for the community's needs; and
 - e) The Movement Network can cater for any additional traffic and does not adversely affect the broader movement network.
27. **Activity Centre Plans / Precinct Plans**
The City may prepare ACPs / Precinct Plans if the following criteria is met:
- a) The location of the ACP / Precinct Plan is either identified within a City Strategy, is a District Activity Centre or appropriately identified within the Framework.
 - b) A Council decision is made to support the preparation of the ACP / Precinct Plan.
 - c) The City owns freehold land within an ACP / Precinct Plan area.
 - d) There are sufficient budget funds made available for the preparation of the ACP / Precinct Plan.
28. **Information Required / Tasks to be Completed**
The Policy includes a schedule which details the required information to be provided and tasks completed at the various stages of planning to ensure all technical requirements are met when the City assesses a planning proposal.

29. **Modifications**

The following proposed modifications to the draft LPP28 (Attachment 5) are included in the modified LPP28 (Attachment 1) in response to submissions and as refinements to LPP28's content:

- a) Removed specific reference to Framework locations (e.g. Wattle Grove South, Maida Vale South etc).
- b) Replaced Forrestfield Airport Link with Airport Railway Line.
- c) Added the following objective: "Provide guidance on the information required to be submitted as part of a planning proposal."
- d) Added the following information required in Appendix 1 – Schedule of Planning Requirements: 'Yields Analysis (Depending on context – population, dwellings, market)' under Infrastructure Contributions.

APPLICABLE LAW

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

Schedule 2, Part 2 Clause 4(3) - review submissions and resolve to proceed with/without modifications or not proceed with the local planning policy

Schedule 2, Part 2 Clause 4(4) – local government to publish the local planning policy in the local newspaper

Schedule 2, Part 2 Clause 4(5) – the local planning has effect on publication

Schedule 2, Part 2 Clause 4(6) – the City to make a copy of the local planning policy available to the public

APPLICABLE POLICY

31. Nil.

STAKEHOLDER ENGAGEMENT

32. The draft LPP28 was advertised during August and September 2020 and received 20 written submissions and 22 survey forms (total of 42 responses).

33. The written submissions included 17 objections and three general comments (Attachment 3). The key themes of these submissions included:

- a) Concerns the LPP28 will have negative impacts on the future of Wattle Grove South.
- b) The LPP28 is inconsistent with State Planning Policy.

- c) The Framework is soon to be reviewed and therefore redundant.
 - d) LPP28 pre-empts the results of community consultation for the Crystal Brook Concept Plan.
 - e) Concerns LPP28 will have negative impacts on Maida Vale South.
34. Regarding the above key submission themes, the following corresponding responses should be noted (Refer Attachment 3 for detailed responses):
- a) The purpose of the Policy is to guide the City on the requirements associated with the preparation of Structure Plans. The Policy does not make any specific proposals for areas.
 - b) It is the City's opinion LPP28 is not inconsistent with State Planning Policy.
 - c) The review of the Framework will not impact on the ability to implement the Policy.
 - d) See response a) above.
 - e) See response a) above.
35. The survey forms included six non-objections, 14 objections and two general comments. The key themes of the survey forms included:
- a) A category for Bush Forever should be included in the LPP28.
 - b) Concern that LPP28 will affect areas and property (Wattle Grove South and Maida Vale South being the areas commonly referred to).
 - c) The LPP28 does not tackle how to address climate change, pollution and congestion.
 - d) LPP28 pre-empts the results of community consultation for the Crystal Brook Concept Plan.
36. Regarding the above key survey themes, the following corresponding responses should be noted:
- a) Addressing Bush Forever is not the role of LPP28.
 - b) The purpose of the Policy is to guide the City on the requirements associated with the preparation of Structure Plans. The Policy does not make any specific proposals for areas.
 - c) Addressing climate change, pollution and congestion is not the role of LPP28.
 - d) See response b) above.

FINANCIAL CONSIDERATIONS

37. The preparation of Structure Plans requires significant upfront funding. This can be in excess of \$200,000 for ACPs and \$1million for LSPs based on recent experience and depending on the scale and complexity of issues in a given area.

38. The costs for preparing a Structure Plan may be recouped through a Development Contribution Scheme. These costs however may not be recouped for a number of years thus requiring Municipal Funding or borrowings prior to recoup.

SUSTAINABILITY

Social Implications

39. The preparation of Structure Plans can identify land for community facilities, schools and public open space, catering for the community's needs to leisure, recreation, education and socialisation.
40. The preparation of Structure Plans can cause stress on the community, particularly where the proposal is not desired by a section of the community, the outcome is uncertain, or timeframes are extensive.

Economic Implications

41. The preparation of Structure Plans can identify land for commercial or industrial uses, creating new employment hubs, business opportunities and economic benefits to the area.
42. The development of commercial, industrial and residential areas identified by Structure Plans generates significant job opportunities to the building industry.
43. The preparation of Structure Plans can identify new infrastructure to be delivered such as roads, parks and servicing infrastructure which generates job opportunities for labour and civil industries.

Environmental Implications

44. The preparation of Structure Plans can identify land with significant environmental values as public open space or conservation areas to protect those environmental values in public ownership.

RISK MANAGEMENT

45.

Risk: The City continues to prepare Local Structure Plans resulting in a financial and reputational burden on the City.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt the Policy and carefully consider the circumstances where a Local Structure Plan is prepared.		

46.

Risk: Local Structure Plans are not prepared by the private industry in areas identified for future development by the Framework or a City Strategy		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt Policy and prepare District Structure Plans to provide a guiding framework and guiding principles for Local Structure Plans to be prepared.		

47.

Risk: The private industry prepares Local Structure Plans and produces outcomes that are misaligned with community expectations.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt Policy and prepare District Structure Plans to provide a framework and guiding principles for Local Structure Plans to be prepared and assessed against.		

CONCLUSION

48. The LPP28 will guide Council, the City’s officers and external stakeholders to identify the City’s responsibilities for the preparation of structure plans in order to achieve the implementation of the State Government’s Framework and the City’s strategic land use plans.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ADOPT the proposed Local Planning Policy 28 (Attachment 1) subject to Schedule 2, Part 2 Clause 4(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. Proposed Amendment No. 103 - Lot 613 (4) Varley Street, Lesmurdie - Reclassifying to 'Civic and Community' Local Scheme Reserve

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

Previous Items	OCM 25/2020 & OCM 152/2020
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/103
Applicant	TPI Planning
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none">1. Scheme Amendment Applicant Report [10.1.2.1 - 64 pages]2. Development Application Report [10.1.2.2 - 67 pages]3. Development Application Plans [10.1.2.3 - 7 pages]4. Development Application Parking Study [10.1.2.4 - 27 pages]5. Submission Table [10.1.2.5 - 7 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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.

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider, following advertising, the final adoption of Local Planning Scheme Amendment No.103 (Amendment 103) to Local Planning Scheme No. 3 (Scheme).
2. Amendment 103 proposes to amend the Scheme by:
 - a) Deleting 'PART 3 –RESERVES' in its entirety and inserting a new 'PART 3 – RESERVES' consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015.
 - b) Reclassifying Lot 613 Varley Street, Lesmurdie (known as Reserve 29190) from a 'Local Open Space' local scheme reserve to a 'Civic and Community' local scheme reserve as depicted on the Scheme Amendment Map.
 - c) Introducing a new 'Civic and Community' local scheme reserve on the Scheme Map legend.
 - d) Insert new provisions to allow for 'additional uses for local reserves' consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015 and list additional uses for Lot 613 Varley Street, Lesmurdie (known as Reserve 29190).

- e) Re-number Tables and references to Tables throughout the Scheme Text and update the Table of Contents to reflect this amendment.
- 3. Preliminary and formal advertising was undertaken in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11), clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations 2015) and sections 81 and 82 of the *Planning and Development Act 2005* (Act). Five (5) submissions were received during the formal advertising period containing three (3) comments, one (1) no-objection and (1) objection (see Attachment 5).
- 4. It is recommended Council adopt Amendment 103 for final approval, following advertising subject to modifications.

BACKGROUND

- 5. **Locality Plan:**



- 6. **Land Area:** 3701m²
Local Planning Scheme Zone: Local Open Space Metropolitan Region
Scheme Zone: Urban
- 7. The subject site (Lot 613 (4) Varley Street, Lesmurdie) is 3701m² in area and is bounded by Varley Street, Pax Hill Reserve (Nature Playground), Girl Guides Hall, Sanderson Road Centre and St Ives Retirement Village.
- 8. Under the Scheme, the subject site is currently reserved 'Local Open Space' and is a crown title reserve which was vested to the Lesmurdie Baptist Church on 18 March 1997 for the purpose of 'Church Purposes – Community and Recreational facility'.

9. Lesmurdie Community Care, a related entity to Lesmurdie Baptist Church, has submitted a development application to the City of Kalamunda to construct a multi-purpose community building on the subject site (see Attachments 2 - 4).
10. The multi-purpose community building includes facilities for mentoring/counselling, Mothers Groups, Fathers Groups, Seniors Hub, Food Bank/Practical Crisis assistance, Mental Health First Aid Courses, Meeting space for Clarage Retirement Village Residents, an office for Clarage Retirement Village Manager, an office for a Financial Assistance Manager, café and training room/hall space which can be used for community activities.
11. In addition, the multi-purpose community building is intended to be used for temporary medical and specialist practitioners to provide affordable medical services (particularly for aged persons in the immediate locality). These services would be for short periods of 4-5 weeks at a time with a maximum of 2 practitioners at any one time. Services would include podiatry, physiotherapy and dietetics.
12. The development application for the multi-purpose community building is currently being assessed under the current local open space reserve classification, with the intent that the proposed Scheme amendment will formalise the proposed use under the Scheme.

DETAILS AND ANALYSIS

13. In light of the proposed multi-purpose community building and the designated purpose of the reserve being for 'Church Purposes – Community and Recreational Facility', the existing Local Open Space Reserve is no longer consistent with the designation and use of the site. Accordingly, Amendment 103 has been submitted to amend the zoning to 'Civic and Community Reserve' and render the reserves portion of the scheme consistent with the 'Model Provisions for Local Planning Schemes' (Model Provisions) in LPS Regulations 2015.
14. The City is currently in the process of preparing a new Local Planning Strategy and, subsequently, a new Local Planning Scheme No.4 (LPS4). Amendment 103 proposed to include other administrative modifications to the Scheme to align it with the Model Provisions noting that the Scheme was prepared before the establishment of the Model Provisions in 2015.

15. The preparation of LPS4 is currently underway and as such, making significant modifications to the existing Scheme to align it with the Model Provisions at this time may create unintended inconsistencies and incompatibilities within the Scheme. During the preparation of LPS4, the Scheme will be comprehensively reviewed in its totality and prepared in accordance with the Model Provisions contained within the LPS Regulations 2015. It is not considered appropriate to make significant administrative amendments to the existing Scheme to align it with the Model Provisions in the context of the comprehensive review underway as part of LPS4.
16. In accordance with Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments (LPP18), all applications for scheme amendments must be accompanied by a Land Use Scoping Statement and Master Plan. These documents must be submitted to provide the City with some comfort surrounding the future use of the site, when considering applications for a change in zoning or land use permissibility.
17. In this instance, a development application has been submitted concurrent with the application to amend the zoning of the site to ‘Civic and Community’. The documentation provided with the development application (see Attachments 2 – 4), addresses the requirements of LPP18 and satisfies all elements required to be addressed by the Land Use Scoping Statement and Master Plan as follows:

18.	LPP 18 – Elements to be Addressed	Submitted Development Application
	Scale and Intensity of Use – types of proposed activities, hours of operation and number of people likely to occupy the development.	As listed in the applicant's report (Attachment 2) the estimated number of visitors is 114 including staff and the hours of operation vary for each community group using the facility.
	Streetscape – Impact on the streetscape/immediate area.	The proposed community centre is setback in excess of 9.0m from the street and is consistent with the existing streetscape of the Lesmurdie Baptist Church.
	Tree Preservation – extent subsequent future development will impact existing vegetation. Where trees are to be removed, details to be annotated on site plan.	The submitted plans are overlaid over the existing vegetation and trees being retained have been annotated on the submitted floor plans. To facilitate the built construction two native trees will need to be removed.

<p>Open Space – extent of site to be maintained as open space.</p>	<p>The proposed community centre is not subject to an open space requirement under the scheme.</p>
<p>Site Limitation/Constraints – Outline any limitations on the development of the land.</p>	<p>Noting that some vegetation will be removed to facilitate the multi-purpose community building, the design has enabled the retention of an existing significant tree within the proposed ‘fenced play area’ at the rear of the development.</p>
<p>Prevailing Amenity – amenity impacts that could arise from approval of the application including traffic, parking or noise.</p>	<p>The City has not requested a noise impact assessment as part of the development assessment process as there is not seen to be a land use conflict. A traffic/parking assessment has been requested by the City’s engineers which has since been received (attachment 4).</p>
<p>Location of Building - Indicative location of proposed buildings.</p>	<p>See Attachment 3 for a copy of the proposed community centre plans</p>
<p>Incidental and Additional Uses - Likely additional uses</p>	<p>As listed in the applicant’s report (Attachment 2), the intended incidental uses to community purpose include, consulting rooms and café/restaurant.</p>
<p>Concept Drawings - conceptual drawing of the property including staging</p>	<p>See Attachment 3 for a copy of the proposed community centre including proposed staging and future development.</p>
<p>Traffic Assessment - preliminary traffic impact assessment to be provided</p>	<p>A traffic/parking assessment was requested by the City’s engineers as part of the development assessment process, this assessment has since been received (Attachment 4).</p>
<p>Effluent Disposal - Effluent Management Statement to be submitted if not connected to sewer</p>	<p>The proposal has been assessed by the City’s Environmental Health Officers as part of the development assessment process, and relevant conditions have been recommended.</p>
<p>Stormwater Disposal - statement/plan to be submitted</p>	<p>The City’s engineers have recommended a condition on the development application to ensure stormwater is disposed of appropriately.</p>

<p>Car Parking - preliminary statement/plan to be submitted</p>	<p>A carparking assessment has been requested by the City's engineers as part of the development assessment process, which has since been received (Attachment 4).</p>
<p>Bushfire Management - Dependant on the anticipated outcomes, a Bushfire Attack Level Assessment or Bushfire Management Plan may be required</p>	<p>A bushfire management plan (BMP) has been submitted with the development application for a community centre. This BMP has been assessed by DFES during the scheme amendment referral period and is considered sufficient by DFES for the scheme amendment stage of the planning process (Attachment 5).</p>
<p>Noise Management – May be required where the City deems a proposed land use may conflict with the surrounding land uses.</p>	<p>The City has not requested a noise management assessment, as there is not considered to be a land use conflict.</p>

19. Noting the above assessment, the City has not requested a formal Land Use Scoping Statement or Master Plan, as the future development of the site has been clearly demonstrated through the submitted development application that the requirements of LPP 18 have been addressed.

APPLICABLE LAW

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

Regulation 34 – terms used to describe a Basic, Standard or Complex amendment.

Regulation 35 cl (1) – requires a resolution of the local government adopt or refuse to adopt to amend a local planning scheme.

Regulation 35 cl (2)(a) – the resolution must specify whether the amendment is a basic, standard or complex.

Regulation 35 cl (2)(b) – need to include an explanation as to why the amendment is classified either a basic, standard or complex.

Regulation 37 – Resolution to proceed to advertise complex amendment.

Regulation 47 – Resolution to proceed to advertise standard amendment.

21. **Planning and Development Act 2005**

Section 81 and 82 – the amendment must be referred to the Environmental Protection Authority for their comments prior to advertising.

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

Under the provisions of the Scheme the site is currently zoned reserve – public open space. Under clause 3.4 of the Scheme:

'a person must not -

a) Use a Local Reserve; or

b) Commence or carry out development on a Local Reserve. Without first having obtained planning approval under Part 9 of the Scheme.'

APPLICABLE POLICY

23. **State Planning Policy 3.7 - Planning in Bushfire Prone Areas**

Clause 6.3 of SPP 3.7 sets out the information required to accompany higher order strategic planning documents. Consistent with clause 6.3, a Bushfire Management Plan has been submitted with the proponent's request to amend the Scheme.

24. **Local Planning Policy 18 – Requirements of Local Planning Scheme Amendments**

LPP18 requires a 'Land Use Scoping Statement' and 'Master Plan' be submitted with a scheme amendment. These documents are intended to provide the City with a level of background information addressing land use planning and to provide Council with a greater level of detail regarding intended outcomes. In this instance the submitted development application for a multi-purpose community building satisfies the policy requirements of LPP18 as discussed in details and analysis above.

STAKEHOLDER ENGAGEMENT

25. **Internal Referrals**

The proposed scheme amendment was referred to all internal departments, and no concerns from the perspective of Assets, Health and Building to the amendment were raised.

26. **Formal Advertising**

Community consultation was undertaken in accordance with LPP11 and clause 47 of the LPS Regulations 2015 and sections 81 and 82 of the Act. Five (5) submissions were received during the formal advertising period

three (3) comments, one (1) no-objection and (1) objection (see attachment 5).

27. The concerns raised in the formal advertising period can be summarised as follows:

- a) Potential noise impacts from the 'future shed', 'future half basketball court', potential evening events and movement on the firebreaks in proximity to the St Ives units;
- b) Potential light spill impacts from 'future half basketball court';
- c) Potential increased traffic & vehicle parking in the area;
- d) Potential security concern for units which are in proximity to the fire break between St Ives and the subject lot;
- e) Potential disruption to the current quiet living environment enjoyed by residents and residents of surrounding aged care facilities;
- f) Potential impact to the existing café at Sanderson Road shops if another cafe was to open in the area; and
- g) General concerns over some of the support services proposed.

28. Whilst acknowledging the concerns raised in the single objection to the proposal, it is considered that the concerns can be addressed through the development application process where noise impacts, traffic impacts, built form impacts and land use impacts are considered, and appropriate measures are put in place through conditions to mitigate any potential adverse impact on the amenity of the locality. Specific comments however are provided to the following concerns:

Potential noise impacts

The 'future proposed shed' has been removed from the proposal and the future half basketball court will be part of a separate development application process in the future where affected landowners will have the opportunity to comment on this specific element.

Potential Light Spillage

All lighting associated with the future development of the site will need to be contained onsite and will be addressed as part of the development application process.

Traffic Concerns

The applicant has submitted a traffic and parking analysis as part of the future Multi-purpose community building. The findings of the report will be considered in detail at the more appropriate development application stage of the planning process, where changes, if required, can be addressed.

29. **External Referrals**

In accordance with sections 81 and 82 of the Act Amendment No.103 was referred to the Environmental Protection Authority (EPA) for consideration under section 48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). After a review of the proposal, the EPA determined not to assess amendment 103 under Part IV Division 3 of the EP Act.

30. During the formal advertising period, amendment 103 was sent to all relevant public authorities for assessment. Comments were received from Department Planning Lands and Heritage, Department Biodiversity Conservation and Attractions, Department Water Environmental Regulation and Department Fire and Emergency Services. All responses were comments or no-objections (see attachment 5).

FINANCIAL CONSIDERATIONS

31. All costs associated with the assessment and advertising of Amendment 103 are borne by the applicant.

SUSTAINABILITY

32. **Social Implications**

Amendment 103 facilitates the development of a community centre at 4 Varley Street, Lesmurdie. This community centre will provide benefits and support to the community of Lesmurdie.

33. **Economic Implications**

Nil

34. **Environmental Implications**

There will be some impacts to vegetation as a result of the built construction with two trees to be removed. However, the recommendations of the Bushfire Management Plan will require additional clearing of predominantly non-native vegetation within the Asset Protection Zone. Lesmurdie Community Cares has liaised with Friends of Pax Hill to ensure noteworthy vegetation is retained. This includes a significant tree being retained in the proposed fenced play area. As part of consideration of the future development approval, the City will require a landscaping plan to be prepared which will illustrate proposed re-planting.

RISK MANAGEMENT

35.

Risk: Amendment 103 is not adopted for final adoption and proceeds to the WAPC with a recommendation of refusal.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Convey to Council that Reserve 29190 is subject to a vesting order for the purpose of 'Church Purposes Community and Recreational Facility' in favour of the Lesmurdie Baptist Church. Accordingly, Amendment 103 seeks to better align the Scheme with the vesting order over the reserve, and facilitate the development planned over the site.		

36.

Risk: The concerns of residents are not fully addressed through Amendment 103.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Convey to Council that there are no fundamental flaws with respect to the proposed land uses. Therefore, concerns raised with respect to potential noise impacts, traffic impacts, built form impacts and land use impacts can be addressed, and where appropriate measures put in place the development assessment process to mitigate adverse impacts on the amenity of the locality.		

CONCLUSION

37. Amendment 103 is consistent with the applicable strategic and statutory planning framework and will ensure the change in the designation of the reserve to 'Civic and Community' is consistent with the current vesting order for the reserve of 'Church Purposes Community and Recreational Facility'.
38. The City is supportive of progressing the proposed amendment subject to the removal of parts 1, 4 and 5 from Amendment 103. The retention of parts 2 & 3 will enable the designated use of the reserve to be rendered consistent with the zoning of the land and will facilitate the future development in accordance with the development application for the multi-purpose community centre currently with the City for assessment.
39. Having regard to the above, it is recommended that Council formally adopts Scheme Amendment 103 for final approval subject to modifications.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT proposed Local Planning Scheme Amendment 103 to Local Planning Scheme No.3 (Lot 613 (4) Varley Street, Lesmurdie) pursuant to Regulations 50(3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the following modification:

Removing the following parts from Amendment 103:

(1) Deleting 'PART 3 - Reserves' in its entirety and inserting a new 'PART 3 - RESERVES' consistent with the 'Model Provisions' for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

(4) Insert new provisions to allow for 'additional uses for local reserves'

consistent with the 'Model Provisions for Local Planning Schemes' contained in the Planning and Development (Local Planning Schemes) Regulations 2015 and list additional uses for Lot 613 Varley Street, Lesmurdie (known as Reserve 29190).

(5) Re-number Tables and references to Tables throughout the Scheme Text and update the Table of Contents to reflect this amendment.

2. CONSIDER proposed Local Planning Scheme Amendment 103 to Local Planning Scheme No.3 as a standard amendment under clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
 - a) The amendment will have minimal impact on the land in the scheme areas that is not the subject of the amendment;
 - b) The amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area; and
 - c) The amendment is neither complex or basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.2. Asset Services Reports

10.2.1. Award of Provision of Plant Hire and Auxiliary Services RFT 2023

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

Previous Items	OCM 95/2012; OCM 251/2017
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A

Attachments Nil

Confidential Attachment 1. RFT 2023 - Tender Assessment Report
Reason for Confidentiality: Local Government Act 1995 s5.23 (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.”

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of a tender RFT 2023 to provide wet and dry hire plant and auxiliaries.
2. It is recommended that the Council accept the tender from McKay Earthmoving Pty Ltd, ACN 009 153 244 as per the Schedule of Rates set out in the confidential attachment to this report. The estimated expenditure within this contract is \$600,000 (ex GST) per annum.

BACKGROUND

3. The City undertakes a variety of civil maintenance and minor construction works within its roads and drainage systems. Many tasks require the use of specialist plant such as excavators, tip trucks, loaders, multi roller and self-propelled drum rollers. The nature of the volume of works necessitating the plant does not warrant the City having these items of plant 'in house'.
4. The City of Kalamunda is seeking to engage a suitable Contractor to supply various dry and wet plant and auxiliary hire services to the City.

DETAILS AND ANALYSIS

5. The City issued RFT 2023 through its E-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 21 October 2020. Tenders closed on Thursday 19 November 2020.
6. Tender submissions were received from (in alphabetical order):
 - a) Allwest Plant Hire Australia Pty Ltd;
 - b) Brooks Hire Services Pty Ltd;
 - c) CHIVAS Enterprises Pty Ltd T/AS Mayday Earthmoving;
 - d) Coates Hire Operations Pty Ltd;
 - e) Dowsing Group Pty Ltd
 - f) Egan Civil Pty Ltd;
 - g) JEK Pty Ltd T/AS HAS Earthmoving;
 - h) McKay Earthmoving Pty Ltd;
 - i) MEADESTAR Pty Ltd T/AS A Bobcat Services;

- j) Sherrin Rentals Pty Ltd; and
- k) Tutt Bryant Hire Pty Ltd.

7. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
8. Tenders were assessed in a staged process of firstly checking for compliance to matters set out in the tender invitation. Compliant tenders were then assessed against qualitative criteria (again, these were set out in the tender invitation).

9. The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	30%
Key Personnel Skills & Experience	30%
Tenderer's Resources	35%
Local Benefits	5%

10. All tender submissions met the compliance criteria and then were assessed against the qualitative criteria.

11. The eleven tender submissions were ranked as follows regarding the qualitative criteria:

Company Name	Qualitative Total Score (Weighted @ 100%)	Rank
McKay Earthmoving Pty Ltd	74%	1
JEK Pty Ltd T/AS HAS Earthmoving	71%	2
CHIVAS Enterprises T/AS Mayday Earthmoving	64.5%	3
Egan Civil Pty Ltd	59%	4
Sherrin Rental Pty Ltd	56.5%	5
Dowsing Group Pty Ltd	53%	6
Brooks Hire Services Pty Ltd	51%	7
Allwest Plant Hire Australia Pty Ltd	49%	8
Tutt Bryant Hire Pty Ltd	41%	9
Coates Hire Operations Pty Ltd	33.5%	10
MEADESTER Pty Ltd T/AS A Bobcat Services	24%	11

12. The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
13. Of the eleven tender submissions, only three met the required QPM of 60%, McKay Earthmoving Pty Ltd, JEK Pty Ltd T/AS HAS Earthmoving and CHIVAS Enterprises T/AS Mayday Earthmoving.
14. A price assessment was then undertaken to determine the best value for money outcome for the City.
15. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
16. The recommended tenderer submission best satisfied the City's requirements by:
 - a) meeting or exceeding the qualitative assessment benchmark;
 - b) proven capacity and capability to provide the required plants, auxiliaries, and experienced operators;
 - c) have the skills and experience carry out wet hire work; and
 - d) providing the best value for money outcome
17. Of the three qualifying and compliant qualitative tender responses, McKay Earthmoving Pty Ltd provided the lowest total value for the 14 most frequently used plant items.
18. The Tender Assessment Panel has recommended that the contract for RFT 2023 Provision of Plant Hire and Auxiliary Services be awarded to McKay Earthmoving Pty Ltd.
19. The Contract will be for an initial three-year term with two x 12 month extensions at the sole discretion of the City.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

22. The use of plant and services under this contract will form part of approved annual budgets in various civil areas of the City (roads, paths, drainage and the like).

SUSTAINABILITY

Social Implications

23. This Contract will also provide the City with resources that could be utilised in urgent / emergency circumstances to restore facilities for the community thus providing a good level of customer service.

RISK MANAGEMENT

24.

Risk: The Contractor fails to provide skilled and experienced operators to fulfil the requirements of the contract (in terms of scope, time or quality) leading to increased costs to the City due to rework and not timely attendance or delays in completion of the work.		
Consequence	Likelihood	Rating
Unlikely	Moderate	Low
Action/Strategy		
<ul style="list-style-type: none"> a) clearly defined specifications have been developed; b) prior to the start of work ensure, the contractor is aware of the scope of work; c) monitor operator's performance and quality of work. If required contact the contractor and ask for a new experienced operator; d) organise a meeting with the contractor and discuss the issue if it reappears more than twice; and e) itemised price schedule and quantities within the tender has been used and checked. 		

CONCLUSION

25. The delivery of Tender RFT 2023 Provision of Plant Hire and Auxiliary Services will allow the City to maintain the drainage and other systems throughout the City to an acceptable level. The City is satisfied that the recommended tenderer has the capability, capacity, along with experienced operators to provide the required plant and auxiliary items and undertake the work to the required standard.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ACCEPT the tender for Provision of Plant Hire and Auxiliary Services (RFT 2023) to provide wet and dry hire plants from McKay Earthmoving Pty Ltd, ACN 009 153 244, as per the Schedule of Rates set out in the Confidential Attachment 1 for the initial three-year contract with two further one-year extensions at the sole discretion of the City of Kalamunda.

10.2.2. Milner Road Traffic Calming Proposal

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

Previous Items	OCM 113/2019, OCM 248/2018
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	ML-10/GEN, 4.00009238
Applicant	N/A
Owner	N/A
Attachments	1. Milner Road Chicane Design 4284-04 [10.2.2.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.2 - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a traffic calming treatment on Milner Road, High Wycombe to resolve community concerns regarding heavy vehicles in the vicinity of the intersection of Milner Road and Maida Vale Road.
2. This proposal replaces a previous Council approval (OCM 113/2019) to install guardrails at the intersection, and to investigate the extension of Raven Street. The guardrail option has been found to be not effective and the Raven Street extension will take some time due to environmental and aboriginal heritage approvals.
3. The Council is requested to approve a chicane-style traffic calming treatment on Milner Road in lieu of the two previous recommendations.

BACKGROUND

4. Following a long period of complaints from the residents in the vicinity of the Maida Vale Road and Milner Road intersection regarding heavy vehicles utilising the intersection, the City investigated options and recommended these to Council in December 2018 (OCM 248/2018).
5. Following community consultation on the options, the Council considered a further report on the matter at the May 2019 OCM and determined (OCM 113/2019)

That Council:

1. *NOTE the outcome of the community consultation.*
2. *ENDORSE the inclusion of \$25,000 as part of the draft 2019/2020 budget for necessary investigations into extending Raven Street to Maida Vale Road.*
3. *ENDORSE the inclusion of \$25,000 as part of the draft 2019/2020 budget for the design and installation of vehicle guardrails to prevent heavy and large vehicles from leaving the roadway in order to navigate the intersection of Milner Road and Maida Vale Road.*

DETAILS AND ANALYSIS

6. While awaiting the budget approval and design to be completed for the guardrails at the intersection of Maida Vale Road and Milner Road (the Intersection), the City of Kalamunda (City) placed orange plastic barriers along the intended alignment of the guardrail.

7. It quickly became evident that the orange barriers were having no effect, as the same size and scale of heavy vehicles continued to use the intersection. Drivers would make the turn early or swing wider to avoid the barriers, thus increasing the conflict with other vehicles through the intersection. Given this result, the City does not recommend proceeding with the permanent guardrails.
8. Detail design of the guardrails also identified significant issues with underground services including gas and telecommunications which, to avoid prohibitive costs of relocation, resulted in a revised design estimate for the guardrails exceeding \$120,000.
9. It is therefore recommended that the City does not proceed with the guardrail installation. Local residents most concerned by the intersection issue concur with this view.
10. The City commenced investigations into the extension of Raven Street to Maida Vale Road. This extension has been identified as a possible project arising from the High Wycombe Development Area (formerly known as the Forrestfield North Transit Oriented Development area) (the TOD). The TOD is a structure plan being prepared by the City with Development WA being the determining planning authority. This structure plan has not yet been completed to allow further consideration of Raven St.
11. The north-western end of Raven Street is adjacent to an area of aboriginal heritage interest (Poison Gully) and has very high-quality bush within the road reserve, neighbouring a property registered as a bush forever site. Although approvals may be sought, the approval process would take potentially six to twelve months with specialist assessments.
12. In July 2020, the City was requested to revisit a prior traffic calming proposal on Milner Road. A single lane restriction had been proposed on Milner Road in a 2018 study however the City had modified this option provide a calming treatment for the Stewart Road intersection.
13. A single lane restriction, known as a chicane, was designed as provided in Attachment 1. The chicane will cost an estimated \$15,000 and will need to be listed for consideration in the 2021/22 budget.
14. The chicane requires drivers from the south to give way to vehicles approaching from the north, which along with the turning manoeuvre will cause a reduction in operating speeds. The width of the chicane has been designed to accommodate a vehicle up to 12.5 metres only. The maximum length of vehicle permitted on the road is 19.0 metres, therefore drivers of these larger vehicles will have difficulty in negotiating the chicane and may be discouraged from driving through. Alternatively,

they will drive through and mount the chicane with long term occurrences eventually causing failure of the chicane.

15. The community was surveyed on the proposed chicane, with letters sent to 286 residents and businesses in the Milner Road area, ranging from Maida Vale Road to Berkshire Road, and including the area around Bluebell Avenue.
16. The City received 28 submissions to the survey with 12 objecting, and 16 supporting or not objecting.
17. The key comments in objecting were:
 - a) need to use the route for trucks;
 - b) inconvenience or dangerous;
 - c) waste of money; and
 - d) previous consultation and that the Council has already endorsed a different course of action.
18. The key comments in supporting the proposal were:
 - a) reduce noise;
 - b) reduce trucks; and
 - c) reduce speeding.
19. The balance of responses for and against the proposal are similar to the consultation undertaken in early 2019 (OCM 113/2019). There is not a clear community desire for or against further traffic treatments on Milner Road.
20. In addition to the proposed chicane treatment, the City also considered modifying the Intersection by realigning Milner Road so that it met Maida Vale Road square (at 90 degrees). As identified through previous investigations, this will be very expensive due to the need to relocate power poles and so has not been pursued.
21. The crash history from 2015 to 2019 shows two crashes at the Intersection of Milner Road and Stewart Road, both involving light vehicles and no injury. One crash involving a single light vehicle occurred near the Poison Gully crossing of Milner Road in 2015. It is noted that the 2020 crash data will not be released by Main Roads WA until May 2021.
22. During the intervening period between the Council reports and this proposal, the City has on several occasions contacted local businesses and sought cooperation to limit the number and size of vehicles using the intersection. This has had limited effect, noting that most of the heavy vehicles are within the legal size limits for the road.

23. In the next few months, the residents of Maida Vale Road and Milner Road will see dramatic changes to vehicle numbers arising from the many large road projects underway:
- a) The Roe Kalamunda Interchange project has resulted in the closure of the Roe Highway northbound off ramp (the old Roe Highway traffic lights) from January to the end of March. Vehicles wishing to travel to High Wycombe from the south will have to exit at Maida Vale Road and detour through Newburn Road. Some drivers will opt to leave via Berkshire Road and may end up using Milner Road.
 - b) The High Wycombe Train Station project has resulted in the closure of Dundas Road at the Maida Vale Road end from January to the end of February. Vehicles will be detoured via Newburn Road and Milner Road. It is expected that a large portion of industrial traffic will choose to take the wider road network (Roe Highway and Abernethy Road) rather than travel through the High Wycombe residential area.
 - c) The City will commence work on a roundabout at the Roe Highway off ramp onto Maida Vale Road from April. This will not start until the Roe Highway off ramp has been reopened for the interchange. This project will require the closure of the off ramp to Maida Vale Road and westbound traffic will be detoured through Berkshire Road and Milner Road, although some drivers will elect to use Dundas Road.
24. All of the above projects are due to be completed by June 2021, at which time, notably, the roads for the High Wycombe Train Station should be completed. This provides a new road connection that will be called Enterprise Boulevard. Enterprise Boulevard will continue Sultana Road West to the northwest into the forecourt of the train station, and then curve to the north and connect to Ibis Place and Maida Vale Road.
25. The construction of the Enterprise Boulevard link is expected to attract a significant portion of the heavy vehicle traffic to and from the Forrestfield Industrial area in the vicinity of Milner Road. This is due to the new road providing a much shorter distance to travel to Dundas Road and the anticipated low volume of local traffic when the train station opens. In the long term, the train station traffic is expected to significantly increase and will probably deter this industrial traffic.
26. Given the above change to the road network in 2021, and alternative routes being available for heavy vehicles, the chicane treatment may not be required. This can be determined in due course in the 2021/22 financial year.

APPLICABLE LAW

27. Management and provision of traffic calming on local government roads is delivered under the *Main Roads Act 1930*.

APPLICABLE POLICY

28. There are no policies directly associated with this report.

STAKEHOLDER ENGAGEMENT

29. The community was surveyed as outlined previously, with 286 letters being sent to residents and businesses on the chicane proposal.

FINANCIAL CONSIDERATIONS

30. The proposal to construct a chicane traffic treatment on Milner Road will cost an estimated \$15,000.

SUSTAINABILITY

31. The proposal may provide a social benefit to residences by slowing traffic and limiting heavy vehicle access to the north end of Milner Road.
32. The proposal may have a negative impact to businesses north of approximately Imperial Street as their heavy vehicle traffic may need to travel to the south on Milner Road to access Dundas Road travelling north. This would be a longer trip. Business traffic south of Imperial Street already would have less distance to travel if heading south on Milner Road to access Dundas Road to the north.
33. There is no significant benefit or negative impact to the environmental arising from this proposal.

RISK MANAGEMENT

34.	Risk: That the City receives criticism from the business community for implementing a traffic calming treatment that does not support heavy vehicles that have as of right access.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Given the changing road network around the train station, alternative routes will become available.		

Risk: That the City does nothing and continues to receive criticism from a limited number of residents regarding heavy vehicle movements on Milner Rd.		
Consequence	Likelihood	Rating
Insignificant	Likely	Low
Action/Strategy		
The City details its consideration that the broader road network needs resolution prior to any further works on Milner Road.		

CONCLUSION

- 35. This option has been proposed to attempt to reduce the impact of heavy vehicles on residences in the vicinity of the Maida Vale Road and Milner Road intersection. The City has limited ability to influence the choice of routes and is reliant on the wider road network to provide alternatives.
- 36. The proposal for a chicane treatment on Milner Road will provide a low cost solution with limited effectiveness (from a technical perspective). However, this may reduce the numbers of heavy vehicles and thus provide a better living environment for the residents.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council DOES NOT CONSIDER funding and construction of a chicane on Milner Road near Stewart Road until such time more information is known on changed traffic circumstances in the area.

10.3. Corporate Services Reports

No reports presented.

10.4. Office of the CEO Reports

10.4.1. Corporate Business Plan - Quarterly Update - October-December 2020

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

Previous
Items

Directorate Office of the CEO

Business Unit People Services

File Reference 3.009509

Applicant City of Kalamunda

Owner City of Kalamunda

Attachments 1. Quarterly Corporate Plan Report October- December 2020 [**10.4.1.1** - 59 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (City) achievement against "Kalamunda Achieving: Corporate Business Plan 2020-2024" for the period October to December 2020.
2. On average, actions from the Corporate Business Plan are 57.6% complete at the end of the second quarter, 31 December 2020.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period October to December 2020.

BACKGROUND

4. Kalamunda Achieving: Corporate Business Plan 2020-2024 (CBP) was endorsed by Council on 30 June 2020. The Plan is reviewed every year.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2020/21.

DETAILS AND ANALYSIS

8. The CBP is comprised of 4 priority areas, referred to as 'goals' in this report, being:
 1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
9. There are 119 individual actions set out within the CBP for the 2020/21 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 December 2020.

11. On average, the actions contained in the CBP are 57.6% complete. For most actions, the target at the end of the second quarter is 50%.
12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%. The average achievement of target across the actions is 114%.

APPLICABLE LAW

13. Section 5.56 of the *Local Government Act 1995 (WA)*.

APPLICABLE POLICY

14. Nil.

STAKEHOLDER ENGAGEMENT

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

18. Nil.

RISK MANAGEMENT

- 19.
- | | | |
|--|-------------------|---------------|
| Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Quarterly reports are provided to Council of progress against the CBP and are publicly available. | | |

CONCLUSION

20. On average, actions from the Corporate Business Plan are 57.6% complete.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2020-2024 for the period October to December 2020.

10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to January 2021

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

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

Attachments	1. Statement of Financial Activity for the period ended 31 December 2020 [10.5.1.1 - 2 pages]
	2. Statement of Net Current Funding position as at 31 December 2020 [10.5.1.2 - 1 page]
	3. Statement of Financial Activity for the period ended 31 January 2021 [10.5.1.3 - 2 pages]
	4. Statement of Net Current Funding position as at 31 January 2021 [10.5.1.4 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 January 2021.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the period's performance against the first term budget review adopted by the Council on 27 October 2020 for the 2020/2021 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 January 2021, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 January 2021;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 January 2021;
 - c) Net Current Funding Position, note to financial report as of 31 January 2021;
 - d) Statement of Financial Activity (Nature and Type) for the period ended 31 December 2020;
 - e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 December 2020 and
 - f) Net Current Funding Position, note to financial report as of 31 December 2020

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
5. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2019/2020.

DETAILS AND ANALYSIS

6. The Act requires the Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 January 2021

7. This Statement reveals a net result surplus of \$27,730,359 compared to the budget for the same period of \$20,378,842.

Operating Revenue

8. Total Revenue excluding rates is over budget by \$2,256,485. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$2,093,624. The variance is mainly attributed to:
 - i. Revenue received \$474,576 for "Better Bins Kerbside Collection Program". The grant programme is managed by the Department of Water and Environmental regulation.
 - ii. Contributions received from CELL 9 trust fund \$1,071,719 for reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$91,184. This is an aggregate result of minor variances in individual fee categories.
 - c) Interest Income is over budget by \$65,983. This is the result of a timing issue.
 - d) Other Revenue is under budget by \$5,020. This is an aggregate result of minor variances in individual income categories.

Operating Expenditure

9. Total expenditure is under budget by \$1,100,413. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$527,339, which is primarily due to vacant positions and the aggregate result of minor variances in various business units.
 - b) Materials and Contracts are under budget by \$891,370. The variance is primarily due to;
 - i. Verge maintenance is under budget by \$311,024 and considered to be a timing variance
 - ii. Fire mitigation programmes is under budget by \$242,494 and considered to be a timing variance.
 - c) Utilities are under budget by \$62,581, which mainly relates to street lighting costs which are lower than projected.

- d) Depreciation, although a non-cash cost, is tracking over budget, reporting a variance of \$156,533.
- e) Interest and Insurance expenses are tracking below the reportable variance threshold.
- f) Other expenditure is over budget by \$132,890. The variance is due to the COVID 19 relief payments. These payments are fully funded by the crisis relief reserve fund.

Investing Activities

Non-operating Grants and Contributions

- 10. The non-operating grants and contributions are under budget by \$994,678. The variance is mainly due to the timing of the capital grants received for the construction of the Kalamunda Community Centre.

Capital Expenditure

- 11. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$2,095,172. This is considered to be a timing issue.
- 12. Capital works-in-progress expenditure of \$1,101,538 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 13. The amounts attributable to financing activities show a variance of \$99,906 which is mainly due to the developer contributions and considered to be a timing issue.

Rates Revenues

- 14. Rates generation is over budget with a variance of \$621,543. The variance is mainly due to the raising of interim rates.

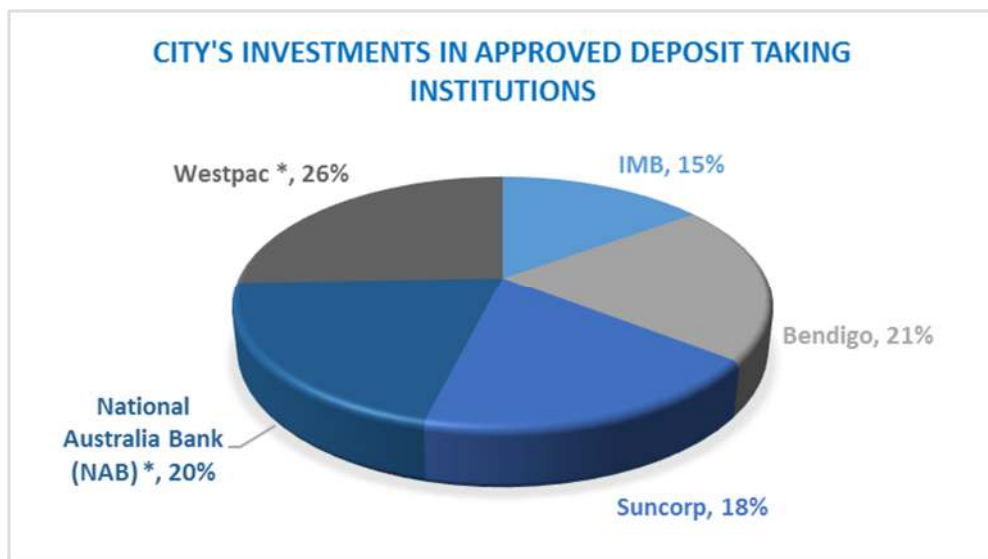
Statement of Financial Activity by Program for the period ended 31 January 2021

15. Generally, the net result of each Program is within the accepted budget except for 'Health', 'Recreation & Culture', and 'Other Property Services'. Major variances have been reported by Nature and Type under points 7 to 14 above.

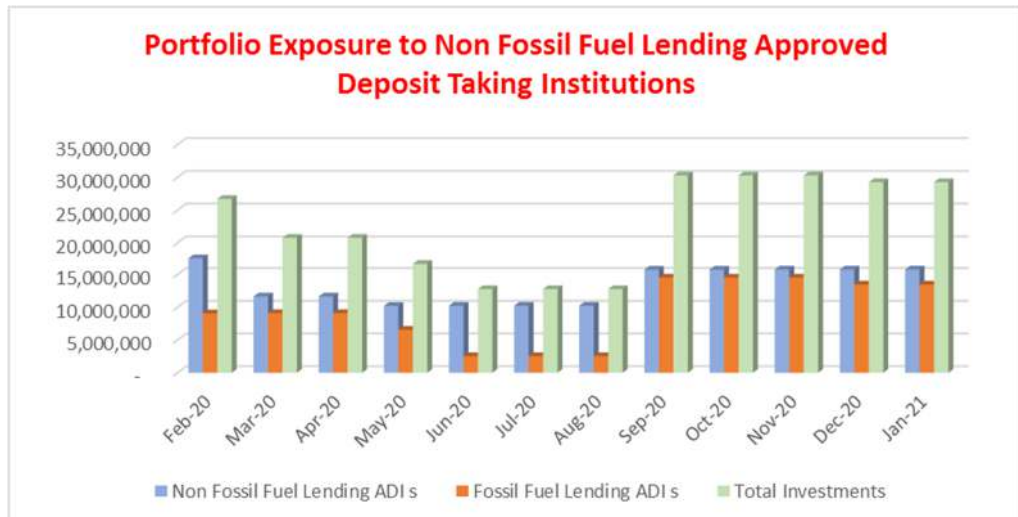
Statement of Net Current Funding Position as of 31 January 2021.

16. The commentary on the net current funding position is based on a comparison of January 2021 to the January 2020 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$41 million. The restricted cash position is \$17.1 million which is higher than the previous year's balance of \$16.5 million. This is mainly attributed to timing amounts transferred to the unexpended capital works and unspent grant reserve
18. The following graph indicates the financial institutions where the City has investments as of 31 January 2021;

19.



*Financial Institutions with Investments in the Fossil Fuel Industry



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$7.7 million.
21. Sundry debtors have increased from \$315,886 to \$318,366, of which \$88,017 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
22. Receivables Other represents \$2.8 million including:
 - a) Emergency Service Levy receivables \$0.4 million;
 - b) Receivables sanitation \$0.5 million
 - c) GST receivables \$0.6 million
23. Provisions for annual and long service leave have increased by \$0.7 million to \$4.1 million when compared to the previous year. The increase in leave provisions is mainly due to the 2019/2020 end of the year leave provision adjustments.

APPLICABLE LAW

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

APPLICABLE POLICY

25. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

26. 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

27. As noted in point 24 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT

- 32.
- | | | |
|---|-------------------|---------------|
| Risk: Over-spending the budget. | | |
| Consequence | Likelihood | Rating |
| Possible | Moderate | Medium |
| Action/Strategy | | |
| Monthly management reports are reviewed by the City and Council. Procurement compliance is centrally controlled via the Finance Department. | | |

33.

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

CONCLUSION

34. The City's Financial Statements as at 31 January 2021 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the periods ended 30 December 2020 and 31 January 2021 which comprises:

- a) Statement of Financial Activity (Nature or Type)
- b) Statement of Financial Activity (Statutory Reporting Program)
- c) Net Current Funding Position, note to financial report.

10.5.2. Debtors and Creditors Report for the period ended December 2020

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended 31 December 2020 [10.5.2.1 - 35 pages] 2. Summary of Debtors for the month of December 2020 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of December 2020 [10.5.2.3 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in December 2020, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of December 2020.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in December 2020 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of December 2020.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.

At the Special Council Meeting held on 7 April 2020 the Council adopted the City's COVID-19 Financial Hardship Policy.

Effective for 2020/21 Financial year the following principles are endorsed by the Council in order to provide financial assistance to the community which will have an impact on future income and debt collection.

- a) Waive 2020/21 food and health inspection fees for targeted small businesses affected by COVID-19 and reduce the anticipated income for this service by approximately \$37,000.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 December 2020 were \$1,146,952. This includes \$567,726 of current debts and \$11,012 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$11,094, debts of significance:
 - a) Kalamunda & Districts Junior Football Club, \$3,807, Floodlights;
 - b) Department of Education, \$2,768, Reimbursement – KPAC expenses;
 - c) Maida Vale Tennis Club, \$2,636, Loan 217; and
 - d) Kalamunda United FC, \$1,166, Floodlights.

8. Invoices over 60 days total \$334,913, debts of significance:
- a) Dept of Premier & Cabinet, \$330,000, Grant – Kalamunda Community Learning Centre; and
 - b) Madjitol Moorna, \$1,150, Hall Hire.
9. Invoices over 90 days total \$244,231, debts of significance:
- a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
 - b) Department of Education, \$22,102, Kostera Oval Expenses;
 - c) Cleanaway, \$4,098, Reimbursement for damage / repairs;
 - d) Hills District Callisthenics, \$3,790, Hall Hire; and
 - e) Jolettes Gymnastics, \$1,023, Hall Hire.

Creditors

10. Payments totalling \$7,949,019.29 were made during the month of December 2020.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency Services Levy 2020/2021 – 2 nd quarter payment	1,936,535.10
Pindan Contracting Pty Ltd	Kalamunda Community Centre construction – progress payment	1,664,844.35
Australian Tax Office	PAYG payments	380,748.33
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	370,149.02
Bucher Municipal Pty Ltd	Supply of a new VT652 series sweeper truck and vehicle parts	368,092.92
Cleanaway	Waste/ recycling and bulk bin disposal service fees	333,973.07
Fulton Hogan Industries Pty Ltd	Road maintenance and profiling works at various locations	222,531.28
Aware Super Pty Ltd	Superannuation contributions	194,501.39
Dowsing Group Pty Ltd	Supply an installation of footpaths at various locations	151,888.33

Synergy	Power charges – various locations	148,934.61
Daimler Trucks Perth	Supply of a new truck and vehicle parts	114,775.01
Beaver Tree Services	General tree services / under power lines pruning for various locations	103,141.80
Entire Fire Management	Fire break maintenance at various locations	77,541.42
Contraflow	Traffic management for various locations	75,391.88
Kalamunda Electrics	Electrical repairs and maintenance at various locations	70,475.35
Electricity Networks Corp/ T/A Western Power	Hale Road and Woolworths Drive lighting upgrade	58,884.00
Landmark Products Pty Ltd	Supply and installation of furniture and shelters for the Elmore Way dog park upgrade	55,451.00

These payments total \$6,327,858.86 and represent 79.6% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,220,386.41 was paid in net salaries for the month of December 2020.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) POS Trust;
 - c) NBN Tower Pickering Brook Trust
15. No payments were made from the trust accounts during December 2020.

APPLICABLE LAW

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

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

26. Creditor payments are above the normal trend range due to the Emergency Services levy payment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in December 2020 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachment 2 and 3) for the month of December 2020.

10.5.3. Debtors and Creditors Report for the period ended January 2021

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended 31 January 2021 [10.5.3.1 - 23 pages] 2. Summary of Debtors for the month of January 2021 [10.5.3.2 - 2 pages] 3. Summary of Creditors for month of January 2021 [10.5.3.3 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

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

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

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.

At the Special Council Meeting held on 7 April 2020 the Council adopted the City's COVID-19 Financial Hardship Policy.

Effective for 2020/2021 Financial year the following principles are endorsed by the Council in order to provide financial assistance to the community which will have an impact on future income and debt collection.

- a) Waive 2020/2021 food and health inspection fees for targeted small businesses affected by COVID-19 and reduce the anticipated income for this service by approximately \$37,000.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Fund must occur monthly.

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 January 2021 were \$318,366. This includes \$88,017 of current debts and \$20,261 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$6,182, debts of significance:
 - a) Kalamunda & Districts Basketball, \$2,654, Building Maintenance; and
 - b) Kalamunda District Rugby Union, \$2,102, Operational Expenses Hartfield.

8. Invoices over 60 days total \$6,721, debts of significance:
 - a) Kalamunda & Districts Junior Football Club, \$3,807, Floodlights; and
 - b) Department of Education, \$2,768, Reimbursement – KPAC.
9. Invoices over 90 days total \$237,707, debts of significance:
 - a) El Dujmovic Pty Ltd, \$209,700, Development Contribution; and
 - b) Department of Education, \$21,985, Kostera Oval Expenses.

Creditors

10. Payments totalling \$3,381,665 were made during the month of January 2021.

Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Pindan Contracting Pty Ltd	Construction of Kalamunda Community Centre – progress payment 12	503,646.04
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	390,492.59
Australian Tax Office	PAYG payments	374,484.83
Cleanaway	Waste/ recycling and bulk bin disposal service fees	345,821.01
AWARE Super Pty Ltd	Superannuation contributions	197,310.88
Synergy	Power charges – various locations	123,076.99
Western Australian Treasury Corporation	Loan 221 – Loan repayment	96,590.44
Kalamunda Electrics	Electrical repairs/ maintenance – various locations	88,303.21
Pro Spec Group Pty Ltd	Supply and install new gutters to Kalamunda Performing Arts Centre	81,598.00
New Ground Water Services Pty Ltd	Supply and install new reticulation system at Fleming reserve	81,150.30
Dowsing Group Pty Ltd	Supply and install footpaths – various locations	58,981.94

These payments total \$2,341,456.23 and represent 69% of all payments for the month.

Payroll

- 12. Salaries are paid in fortnightly cycles. A total of \$1,199,178.16 was paid in net salaries for the month of January 2021.
- 13. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

- 14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) POS Trust;
 - c) NBN Tower Pickering Brook Trust
- 15. The following payments (GST exclusive) were made from the Trust Accounts in the month of January 2021.

CELL 9		Amount (\$)
Date	Description	
31/01/2021	Hydro Equip Pumps – drill and equip a new bore and pump at Woodlupine Creek, the Promenade	33,210.00
31/01/2021	CAI Fences – Fence removal works, Woodlupine Reserve, the Promenade	5,560.00
31/01/2021	Kalamunda Electrics – supply of technical drawings for the installation of ne irrigation cabinet, Hardy road.	1,450.00

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

26. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in January 2021 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the outstanding debtors and creditors report (Attachment 2 and 3) for the month of January 2021.

10.5.4. Rates Debtors Report for the Period Ended December 2020

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report December 2020 [10.5.4.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

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

2. The City of Kalamunda (City) levied rates for 2020/2021 on 1 July 2020 totalling of \$37,570,982. As at 31 December 2020 \$31,615,730 has been collected for current and outstanding rates for the 31 December 2020 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of December 2020 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 13 July 2020 with the following payment options available:

Options	Payment Dates			
Full payment	17 August 2020			
Two instalments	17 August 2020	22 December 2020		
Four instalments	17 August 2020	19 October 2020	22 December 2020	23 February 2021

DETAILS AND ANALYSIS

5. Rates Levied and Collectable for the 2020/2021 Financial Year currently total \$40,523,353.
6. As at 31 December 2020 a total of \$31,615,730 has been collected since Rates Notices were released, representing a collection rate of 79.72%.
7. Herewith the selected payment option taken up by ratepayers:

Option	Description	Number
Option 1 on Rate Notice	Payment in full by due date	15,754
Option 2 on Rate Notice	Two instalments	1,572
Option 3 on Rate Notice	Four instalments	6,598
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period of time.	1,142
Direct Debit	Payment to be received by April 2021	208
Total	Ratepayers on payment options	25,274

This is comparable with last year; however, more ratepayers have elected to pay over longer periods of time.

Noting the table excludes ratepayers that are outstanding to date and have made no attempt to pay their rates.

8. Interim rating has commenced for 2020/2021. A total of \$323,892 was raised for December 2020.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 December 2020 to 31 December 2020 there was a total of 267 incoming calls and 83 outgoing calls, equating to 14 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

13. The higher-level debt collection actions have been undertaken by Kott Gunning.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

- 18. 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

19.

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

CONCLUSION

- 20. With a current collection rate for the financial year of 79.72 % (compared to 78.77 % last year). The City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Rates Debtors Report for the period ended 31 December 2020 (Attachment 1).

10.5.5. Rates Debtors Report for the Period Ended January 2021

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report January 2021 [10.5.5.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

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

2. The City of Kalamunda (City) levied rates for 2020/2021 on 1 July 2020 totalling of \$37,570,982. As at 31 January 2021 \$32,775,898 has been collected for current and outstanding rates for the 31 January 2021 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of January 2021 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 13 July 2020 with the following payment options available:

Options	Payment Dates			
Full payment	17 August 2020			
Two instalments	17 August 2020	22 December 2020		
Four instalments	17 August 2020	19 October 2020	22 December 2020	23 February 2021

DETAILS AND ANALYSIS

5. Rates Levied and Collectable for the 2020/2021 Financial Year currently total \$40,755,123.
6. As at 31 January 2021 a total of \$32,775,898 has been collected since Rates Notices were released, representing a collection rate of 82.17%.
7. Herewith the selected payment option taken up by ratepayers:

Option	Description	Number
Option 1 on Rate Notice	Payment in full by due date	15,754
Option 2 on Rate Notice	Two instalments	1,572
Option 3 on Rate Notice	Four instalments	6,598
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period of time.	1,142
Direct Debit	Payment to be received by April 2021	208
Total	Ratepayers on payment options	25,274

This is comparable with last year; however, more ratepayers have elected to pay over longer periods of time.

Noting the table excludes ratepayers that are outstanding to date and have made no attempt to pay their rates.

8. Interim rating has commenced for 2020/2021. A total of \$555,662 has been raised thus far.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 January 2021 to 31 January 2021 there was a total of 312 incoming calls and 97 outgoing calls, equating to 18 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

The Financial Hardship Policy adopted by Council on 7 April 2020 enables the provision of Financial Assistance to those seriously impacted by Covid-19.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

13. The higher-level debt collection actions have been undertaken by Kott Gunning.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

18. 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

19.

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

CONCLUSION

20. With a current collection rate for the financial year of 82.17 % (compared to 82.77 % last year). The City continues to effectively implement its rate collection strategy

Voting Requirements: Simple Majority

RECOMMENDATION

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

10.5.6. Annual General Meeting of Electors

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

Previous Items	OCM 275/2020
Directorate	CEO Office
Business Unit	Governance and Legal
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to set a new date for the Annual General Meeting of Electors (AGM).

2. A new date is required to be set due to the cancellation of the AGM scheduled for 2 February 2021 as a consequence of the COVID-19 shut down of the Perth Metropolitan area implemented by the State Government on Sunday 31 January 2021.
3. It is recommended that Council agree to the AGM being rescheduled to Tuesday 16 March 2021.

BACKGROUND

4. Section 5.27 of the *Local Government Act 1995* (the Act) requires a local government to hold an AGM within 56 days of accepting the Annual Report.
5. The Council accepted the 2019/20 Annual Report at the Ordinary Council Meeting of 15 December 2020 and set the date for the AGM for 2 February 2021.

DETAILS AND ANALYSIS

6. On Sunday 31 January 2021, the State Government announced a hard shutdown of the Perth Metropolitan, Peel and South West Regions due to a positive COVID 19 case been detected in the Perth Metropolitan area.
7. As a consequence, the AGM set for 2 February 2021 was required to be cancelled.
8. Clause 4 of the *Local Government (COVID-19 Response) Order 2020*, (COVID Order) provides that an AGM does not need to be held during a COVID-19 emergency period, but must be held within 56 days of the cessation of the emergency period.
9. The hard shut down order was lifted by the State Government on Friday 5 February 2021 and in accordance with the COVID Order it is recommended the AGM be rescheduled to Tuesday 16 March 2021 at 6.30pm.

APPLICABLE LAW

10. *Local Government Act 1995* and *Local Government (COVID-19 Response) Order 2020*.

APPLICABLE POLICY

11. Nil.

STAKEHOLDER ENGAGEMENT

12. Nil.

FINANCIAL CONSIDERATIONS

13. None from this report.

SUSTAINABILITY

14. Nil

RISK MANAGEMENT

15.	Risk: An AGM is not scheduled in accordance with legislative requirements.		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Ensure Council is aware of the legislative requirements for the holding of an AGM.		

CONCLUSION

16. The recommended date for the rescheduled AGM is in accordance with legislative provisions and provides sufficient time to ensure the community is given adequate notice.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council AGREE to reschedule the 2019/2020 Annual General Meeting of Electors on Tuesday 16 March 2021 at 6:30pm.

11. **Motions of Which Previous Notice has been Given**
12. **Questions by Members Without Notice**
13. **Questions by Members of Which Due Notice has been Given**
14. **Urgent Business Approved by the Presiding Member or by Decision**
15. **Meeting Closed to the Public**
16. **Tabled Documents**
 - Ray Owen Sports Centre Management Committee – Minutes – 6 November 2020
 - Disabilities and Carers Advisory Committee – Minutes 9 November 2020
 - Kalamunda Economic Development Advisory Committee – Minutes – 10 December 2020
 - Kalamunda Tourism Advisory Committee – Minutes – 18 November 2020
 - Kalamunda Arts Advisory Committee – Minutes 18 January 2021
 - Kalamunda Environmental Advisory Committee – Minutes 21 January 2021
 - Public Agenda Briefing Forum Notes – 9 February 2021
17. **Closure**