



Ordinary Council Meeting

MINUTES

Tuesday 23 November 2021

INDEX

1. Official Opening.....	4
2. Attendance, Apologies and Leave of Absence Previously Approved	4
3. Public Question Time	5
4. Petitions/Deputations	9
5. Applications for Leave of Absence	10
6. Confirmation of Minutes from Previous Meeting	10
7. Announcements by the Member Presiding Without Discussion	11
8. Matters for Which the Meeting may be Closed	11
9. Disclosure of Interest.....	12
10. Reports to Council.....	13
10.1. Development Services Reports	13
10.1.1. Revocation of Local Planning Policy No.14 - Car Parking	13
10.1.2. Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107	20
10.1.3. Lot 150 (720) Welshpool Road East, Wattle Grove - Proposed Garden Centre and Caretakers Dwelling	30
10.2. Asset Services Reports	49
10.2.1. Award of RFT 2102 - Provision of Traffic Management Services	49
10.3. Corporate Services Reports	55
10.4. Office of the CEO Reports	55
10.4.1. Contestable Electricity Supply Contract.....	55
10.5. Chief Executive Officer Reports	62
10.5.1. Draft Monthly Financial Statements to October 2021	62
10.5.2. Debtors and Creditors Report for the period ended September 2021	70
10.5.3. Debtors and Creditors Report for the period ended 31 October 2021	77
10.5.4. Rates Debtors Report for the Period Ended September 2021	84
10.5.5. Rates Debtors Report for the Period Ended October 2021.....	89
10.5.6. Budget Review for the Three Months to September 2021.....	93
10.5.7. Submission to the Perth Transport Authority	100
10.5.8. Application for Leave – Chief Executive Officer	104
10.5.9. Schedule of Council Meetings - 2022.....	109
10.5.10. Nomination of Freeman	112
11. Motions of Which Previous Notice has been Given	114
12. Questions by Members Without Notice	114
13. Questions by Members of Which Due Notice has been Given.....	114
14. Urgent Business Approved by the Presiding Member or by Decision.....	115
15. Meeting Closed to the Public	115

16. Tabled Documents116
17. Closure116

1. Official Opening

The Presiding Member opened the meeting at 6:26pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina
Janelle Sewell
Geoff Stallard

South West Ward

Mary Cannon
Kellie Miskiewicz
Brooke O'Donnell

North West Ward

Sue Bilich
Lisa Cooper

North Ward

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

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services

Management Team

Andrew Fowler-Tutt - Manager Approval Services
Nicole O'Neill - Manager Customer & Public Relations
Waruni De Silva - Co-ordinator Financial Services
Bindiya Shah - Co-ordinator Management Accounting

Administration Support

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

Members of the Public 27

Members of the Press 2

Apologies

Cr Dylan O'Connor

Leave of Absence Previously Approved Nil

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Nita Parker, Piesse Brook

Q1. Would the City consider opening Hummerston Road for the fire season to allow an additional exit point for residents?

A1. Hummerston Road is currently opened during days of very high fire danger and above. It is considered that opening on very high fire danger rating days, strikes an appropriate balance of security / minimising throughfare with safe egress in the event of a fire.

Q2. Would the City consider including landowners as members of the Bushfire Advisory Committee?

A2. The Bush Fire Advisory Committee consists of members from the Kalamunda Volunteer Bush Fire Brigade, Kalamunda Volunteer Fire and Rescue and a representative from the Kalamunda State Emergency Service. All of these volunteers are community members and either own or occupy land within the City of Kalamunda. Collectively they have provided over 120 years of volunteer service to their community. Via the terms of reference for BFAC, members of the community can request to attend a meeting as an observer which will be considered and approved at the discretion of the presiding member and Chief Executive Officer.

3.1.2 Michael Ryan, High Wycombe

Q1. Does Council believe the obligations in the following documents, have been complied with.

1. the Minutes of SCM 23 April 2012 Index No 6.0.03 P 13 - 15, which specifies land use definitions of "...no impact on the uses in the vicinity by reason of emission of noise.." from Stage 1 [Unanimous vote in favour] and / or
2. the Minutes of SCM 25 June 2012 Index No 6.1 Page 4 says the approval for the development of Stage 1 must "...ensure that industrial development does not adversely

impact on the amenity and safety of the adjoining land uses". [Unanimous vote in favour].

- A1. To clarify the quote included in the question (a) from the Special Council Meeting Minutes (SCM) 23 April 2012; "...no impact on the uses in the vicinity by reason of emission of noise.." is specific to a definition of the use 'Research and Technology Premises' which was inserted by the amendment the subject of that Council report. The answer to this question is yes, the definition for 'Research and Technology Premises' was inserted through Amendment 48 to Local Planning Scheme No. 3 and includes this test in its definition.

Regarding the quote included in the question (b) from the SCM Minutes 25 June 2012: " ...ensure that industrial development does not adversely impact on the amenity and safety of the adjoining land uses", this in reference to the proposed objective of the Forrestfield / High Wycombe Industrial Area Stage 1 Local Structure Plan (Stage 1 LSP). Therefore the answer to the question is yes, as these objectives have carried through to the Stage 1 LSP in operation today.

To paraphrase the objectives of the Industrial Development zone under Local Planning Scheme No. 3 (LPS 3), planning for the area should provide for the adoption of a structure plan to guide the orderly and proper planning and design principles, and permit development for industrial purposes for commercial and other uses normally associated with industrial development.

The Stage 1 LSP includes in part 9 the following intent and objectives

"The objectives for the Structure Plan are as follows:

To provide for a structure plan layout that optimises the existing road layout and existing services infrastructure.

To ensure that industrial development does not adversely impact on the amenity and safety of adjoining land uses. (bolded for emphasis)

To provide a structure plan layout that meets the needs of landowners, allowing flexibility in the design of sites for the future subdivision and development of industrial land. "

Furthermore, part 5 (under cl. 5.2.1) states as follows with regard to land use permissibility:

"5.2.1 Land Use Permissibility

- a) Although the permissibility of uses is as set out in Table 1 in the Scheme, the Structure Plan intent is to facilitate land uses that take advantage of the lands strategic location in respect to major transport infrastructure, including Perth Airport, Roe Highway and Tonkin Highway. On this basis, logistics and other transport based industries

are preferred land uses to take advantage of the lands locational attributes.

- b) When considering development applications for 'D' and 'A' uses under the Scheme, due regard will be given to the extent that the proposed use supports the Structure Plan intent in accordance with (a) above and 5.2.9 below."

Cl. 5.6 of the Stage 1 LSP discusses the application of WAPC Statement of Planning Policy No. 4.1 – State Industrial Buffer Policy, concluding as follows:

"In accordance with the requirements set out in this policy, it is considered that a buffer is not required for the subject land. The following statement contained in the policy supports this:

"in the case of industries of a light/service nature and technology parks, the impacts can usually be retained on-site or within the technology park or industrial area boundaries. This is a normal requirement of the performance-based definitions used for these industries/activities."

There are a limited range of permissible land uses in the Industrial Development zone under LPS 3. The most common land uses evident in the Stage 1 include 'Industry – Light', 'Transport Depot' and 'Warehouse / Storage', defined below:

"industry – light" means an industry –

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (Bolded for emphasis)
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

"transport depot" means any land or buildings used for the garaging or parking of road motor vehicles or commercial vehicles used, or intended to be used, for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles, and including the maintenance and repair of such vehicles, but not other vehicles;

"warehouse/storage" means premises including indoor or outdoor facilities used for –

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

The industry – light land use is, by definition, not intended to adversely affect the amenity of the locality. Other land uses are required to be assessed against the provisions of the Stage 1 LSP (outlined above) and the broad principles of LPS 3, which broadly create a presumption against land uses and development that adversely affect the amenity of the locality.

Regarding the Light Industrial Interface Management provisions under cl. 4.3 (item 21) of the Forrestfield North Residential Precinct Local Structure Plan (RPLSP), these measures are clear that the nature of the treatments is to be assessed at the subdivision stage and this will include one or a combination of the following:

an acoustic wall;

a landscape buffer strip; and/or

a local road running parallel to Sultana Road West to provide adequate separation.

It should be noted that, while the Stage 1 LSP and LPS 3 provisions provide for development that will not adversely affect the amenity of the locality, it is not uncommon for development to ‘evolve’ over time and increase in intensity, sometimes years after the approval has been granted. Where there are land uses causing undue amenity impacts, there are compliance processes in place to investigate and seek to remedy the matter. Importantly, the strategic planning for new urban areas considers the planning framework in place, to ensure planning occurs in an orderly and proper manner. It is not appropriate to undertake long term strategic planning, or introduce statutory buffers, on the basis of alleged unauthorised activities and land uses that have changed and intensified over time. The City is in the process of investigating industrial land uses on Sultana Road West to ensure these uses occur consistent with the approval and relevant conditions.

In the event that a landscape buffer or parallel local road is deemed appropriate, the landscaping would likely form part of the road verge and the road width would be determined in accordance with the requirements of Liveable Neighbourhoods – currently a typical local road reserve width is 14.2m based in Liveable Neighbourhoods 2009 and it is anticipated the requirements would not exceed this. Notwithstanding, this is a matter that will need to be further considered at the time a proposal is prepared and assessed by the City and Department of Planning, Lands and Heritage. Site specific requirements may differ at the time subdivision and development is considered and having regard for the subdividers proposal and response to the requirement.

3.2. Public Question Time

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

Prior to inviting members of the public to ask questions or present deputations the Presiding Member reminded members of the community, who are speaking tonight, to ensure they are respectful of councillors and staff.

It is not in keeping with the Local Government Act to be critical of council or staff in any way nor is it appropriate to try to influence councillors by making suggestions of how they should perform their role.

Questions and deputations should speak directly to the elements of the reports being considered and at no time be directed or critical, in any way, of the role of the Council or the staff.

If members of the community have a view that staff or councillors are not performing their role adequately then that should be addressed in writing and confidentially through the City's Code of Conduct Policy.

If anyone is speaking contrary to this the meeting will be stopped and the speaker required to take their seat.

3.2 Nil.

4. Petitions/Deputations

4.1 A deputation was received from Mr Paul McQueen, Lavan, and Mr Neil Teo, Dynamic Planning, representing the applicant in relation to Item 10.1.2. Lot 500 (32) Gavour Road, Wattle Grove – Proposed Scheme Amendment No. 107. Mr McQueen spoke in favour of the recommendation and advised he and Mr Teo were available to provide any clarification on matters pertaining to the application.

4.2 A deputation was received from Mrs Bev Dornan in relation to Item 10.1.2. Lot 500 (32) Gavour Road, Wattle Grove – Proposed Scheme Amendment No. 107. Mrs Dornan spoke against the recommendation.

4.3 A deputation was received from Mr Robert Vletter in relation to Item 10.1.2. Lot 500 (32) Gavour Road, Wattle Grove – Proposed Scheme Amendment No. 107. Mr Vletter spoke against the recommendation.

- 4.4 A deputation was received from Mr Peter Forrest in relation to Item 10.2.3 – Proposed Garden Centre at Lot 150 (720) Welshpool Road East, Wattle Grove. Mr Forrest spoke in against the recommendation.
- 4.5 A deputation was received from Mr Enzo Biagioni-Frondist, on behalf of David Maiorana of Harley Dykstra, in relation to Item 10.2.3 – Proposed Garden Centre at Lot 150 (720) Welshpool Road East, Wattle Grove. Mr Biagioni-Frondist spoke in favour of the recommendation and advised he was available to provide any clarification on matters pertaining to the plication.
- 4.6 A deputation was received from Mrs Iris Jones in relation to Item 10.1.2. Lot 500 (32) Gavour Road, Wattle Grove – Proposed Scheme Amendment No. 107. Mrs Jones spoke in favour the recommendation.

5. Applications for Leave of Absence

- 5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

- 6.1 RESOLVED OCM 318/2021

That the Minutes of the Ordinary Council Meeting held on 12 October 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (11/0)**

- 6.2 RESOLVED OCM 319/2021

That the Minutes of the Special Council Meeting held on 19 October 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.3 RESOLVED OCM 320/2021

That the Minutes of the Special Council Meeting held on 25 October 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (11/0)**

6.4 RESOLVED OCM 321/2021

That the Minutes of the Special Council Meeting held on 2 November 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

7. Announcements by the Member Presiding Without Discussion

7.1 Kalamunda Senior High School - Duke of Edinburgh Awards Graduation

The Mayor advised she recently attended the Graduation ceremony and would like to congratulate the Students on their achievements. She also acknowledged school staff and the contribution of the City of Kalamunda and Friends of Railway Heritage Trail for their commitment to the program.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.2.1. Award of RFT 2102 - Provision of Traffic Management Services – Confidential Attachment - Tender Evaluation Report RFT 2102

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

8.2 Item 10.5.10 Nomination of Freeman

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2.1 Cr John Giardina declared an Interest Affecting Impartiality on Item 110.1.2 Lot 500 (32) Gavour Road, Wattle Grove, proposed Scheme Amendment No. 103. Cr Giardina has family with land in that super block bounded by Welshpool and Crystal Brook Road.

9.2.2 Cr Lisa Cooper declared an Interest Affecting Impartiality on Item 10.1.3 Lot 150 (720) Welshpool Road East, Wattle Grove, Proposed Garden Centre & Caretakers Dwelling. Cr Cooper advised a representative of the applicant is known to her in her role as spokesperson for the Lot 20 Adelaide Street Community Awareness Group.

9.2.3 Rhonda Hardy declared an Interest Affecting Impartiality on Item 10.5.8 Application for Leave - Chief Executive Officer. This relates to Ms Hardy's employment conditions with the City.

9.2.4 Cr Margaret Thomas declared an Interest Affecting Impartiality on Item 10.5.10 Nomination of Freeman. Cr Thomas has a professional working relationship with the nominee.

10. Reports to Council


10.1. Development Services Reports

10.1.1. Revocation of Local Planning Policy No.14 - Car Parking

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

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Nil
Owner	Nil
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Local Planning Policy 14 - Car Parking [10.1.1.1 - 2 pages] 2. Attachment 2 - Part 9 A Deemed Provisions [10.1.1.2 - 14 pages] 3. Delegation to CEO PLN 1 [10.1.1.3 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the revocation of Local Planning Policy 14 – Car Parking (Policy) and amending Delegation PLN1- (CEO) Planning Matters.
2. The Policy has since been superseded by changes to the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* which are automatically read into all planning schemes, rendering the Policy superfluous. The City's policy framework is required to not duplicate or contradict that of the State Government.
3. While it is appropriate for Council to consider revoking the Policy, it is also important to ensure sufficient oversight is provided when significant car parking variations are proposed. Amending the PLN1 Delegation to provide a limit of 50% reduction will, from the City's perspective, provide the appropriate balance between facilitating the timely determination of development applications and the necessary Council oversight in situations of significant variation.
4. Given the 'Deemed Provisions' provide a consistent framework for planning applicants and all local governments within the metropolitan region, the Policy is no longer required and is recommended to be revoked.

BACKGROUND

5. The City periodically reviews, revokes, and adds new policies to its register as changes to the wider planning framework take effect.
6. In this instance, changes to the planning framework at a State Government level have triggered a review of the City's Policy. The *Planning and Development (Local Planning Schemes) Regulations 2015* have recently been subject to review as part of the State Government's focus on planning reform.
7. The first stage of the planning reform included a broader range of exemptions for small home projects such as patios, water tanks, and cubby houses.
8. Part 9A was added to the Deemed Provisions, having effect from 1 July 2021. The Department of Planning, Lands and Heritage (DPLH) describes the key changes as introducing parking exemptions for certain types of development and providing a consistent approach (across local

governments) to car parking variations, waivers, cash in lieu and shared parking.

9. The table below indicates nearby Local Government approaches to car parking via planning policies.

Local Government	Car Parking Policy	Content similar to Kalamunda	Consistent with Part 9A	Last Review
Mundaring	No	N/A	N/A	N/A
Swan	Yes	Yes	No	March 2021
Gosnells	No	N/A	N/A	N/A
Serpentine-Jarrahdale	Yes	Cash-in-lieu only	No	July 2018

DETAILS AND ANALYSIS

10. The City's Policy covers similar considerations as Part 9A of the deemed provisions; however, Part 9A provides additional detail to assist with the implementation of alternative parking arrangements in situations where car parking variations meet the requirements of Part 9A. The intent of Part 9A is to provide flexibility for local government when assessing car parking shortfall requirements and to streamline the planning approval process.
11. Part 9A facilitates consideration of variations to car parking provisions in a consistent manner, across all local governments covered by the Metropolitan Region Scheme.
12. The table below compares the topics covered by the City's Policy, and those covered by Part 9A of the deemed provisions.

Topic	Kalamunda	Part 9A
Allows variations to minimum parking requirements	Yes (subject to Council approval)	Yes
Provides criteria to consider a variation	Yes	Yes
Exemptions to meeting parking requirements	No	Yes
Details Cash-in-lieu requirements	No	Yes
Details shared parking requirements	No	Yes
Details parking plan requirements	No	Yes

13. The City's Policy references specific matters to be considered prior to car parking variations being approved. Matters include safety, amenity, shared arrangements, and demand. These matters are also referenced in Part 9A of the deemed provisions.

14. As the deemed provisions now cover matters which the City relied on the Policy to provide guidance for, the Policy no longer serves a planning purpose.
15. In the context of the guidance now provided for by Part 9A of the deemed provisions, the appropriate method for ensuring consideration of development applications which propose variations to the parking requirements of the Scheme is to amend Delegation PLN1 – (CEO) Planning Matters.
16. It is proposed to allow variations up to a 50% reduction of Scheme requirements to be determined by the Manager Approval Services and Director Development Services. Variations above 50% would need to be determined by Council, unless the application is being determined through the Development Assessment Panel process.
17. Amending the Delegation achieves an appropriate balance of streamlining the consideration of development applications which can demonstrate consistency with the detailed requirements of the deemed provisions, but also facilitates Council consideration in circumstances of considerable variation to the Scheme.
18. Furthermore, the City has undertaken a review of recently approved developments with car parking variations and the proposed delegated variation limit of 50% accords with those approvals:

Address (Development)	Variation
27 Nardine Close, High Wycombe (Warehouse)	25 bay reduction (36%) Delegated (space on-site to provide the two bays to meet 30% state of emergency delegation)
17-21 Ashby Close, Forrestfield (Light Industry)	84 bay reduction (29%) JDAP
Lot 16 Coldwell, Lot 18 Courtney Place, Wattle Grove (Warehouse)	4 bay reduction (3%) Delegated
Lots 38-40 & Lot 9001 Abernethy Road (Industrial)	25 bay reduction (27%) JDAP

APPLICABLE LAW

19. *Planning and Development (Local Planning Schemes) Regulations 2015*
Schedule 2, Part 3 Clause 6.

Clause 6(b) states that a planning policy can be revoked by a notice of revocation prepared by the local government and published by the local government in accordance with clause 87.

20. City of Kalamunda Local Planning Scheme No.3 Part 2, Clause 2.3.
Clause 2.3.1 of the Scheme states that if a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

Clause 2.3.2 states that a Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval, but for due regard. These provisions explain that the deemed provisions which are automatically part of all town planning schemes prevail over the provisions of local planning policies.

APPLICABLE POLICY

21. Nil.

STAKEHOLDER ENGAGEMENT

22. Revoking the Policy is a technical matter which does not require consultation. The City's review of the Policy is based on changes to the state planning framework which have been subject to consultation by the State Government. Should Council support repealing the Policy notice will be provided in accordance with clause 87 of the deemed provisions.

FINANCIAL CONSIDERATIONS

23. Nil.

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

25.

Risk: The policy is retained with the City's planning framework conflicting with the state's framework, establishing mixed requirements and guidance for the community when preparing development applications, and the City when assessing proposals.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Revoke LPP14 – Car Parking		

26.

Risk: The policy is rescinded, but there is less oversight on developments which propose significant parking variations.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Amend Delegation CEO PLN1 – (CEO) Planning Matters to allow variations up to 50% reduction of Scheme requirements to be determined by the Manager Approval Services and Director Development Services, but variations over 50% would need Council Determination.		

CONCLUSION

27. The City's Policy has provided the necessary guidance to the assessment of development applications which propose variations to car parking requirements of the Scheme.
28. Notwithstanding, updates to the state planning framework have the same effect of the City's Policy, and in some areas a greater effect, effectively superseding the City's Policy.
29. While it is appropriate for Council to consider revoking the Policy, it is also important to ensure sufficient oversight is provided when significant car parking variations are proposed. Amending the PLN1 Delegation to provide a limit of 50% reduction will, from the City's perspective, provide the appropriate balance between facilitating the timely determination of development applications and the necessary Council oversight in situations of significant variation.

30. It is recommended Council revoke Local Planning Policy 14 – Car Parking and amend Delegation PLN1.

Voting Requirements: Absolute Majority

RESOLVED OCM 322/2021

That Council:

1. REVOKE Local Planning Policy 14 – Car Parking pursuant to Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. PUBLISH notice of Local Planning Policy 14 – Car Parking being revoked pursuant to Schedule 2, Part 3, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. ADOPT revised Delegation to the Chief Executive Officer PLN 1 Planning Matters (Attachment 3).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

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


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

Cr John Giardina declared an Interest Affecting Impartiality on Item 110.1.2 Lot 500 (32) Gavour Road, Wattle Grove, proposed Scheme Amendment No. 103. Cr Giardina has family with land in that super block bounded by Welshpool and Crystal Brook Road. Cr Giardina left the meeting at 7:44pm and returned at 7:46pm he did not vote on the item.

Previous Items	SCM 37/2015
Directorate	Development Services
Business Unit	Statutory Planning
File Reference	GV-01/032 / PG-LPS-003/057 / PG-LPS-003/107
Applicant	Dynamic Planning and Developments Pty Ltd
Owner	R. Leighton & P. Leighton

Attachments	1. Local Planning Scheme Amendment [10.1.2.1 - 29 pages]
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STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting Local Planning Scheme Amendment 107 for the purpose of public advertising.
2. Amendment 57 was gazetted in September 2017 to incorporate Special Use Zone 20 into the City of Kalamunda (the City) Local Planning Scheme No. 3 (LPS3) to facilitate the development of an Integrated Aged Care Facility.
3. Amendment 107 proposes to delete Condition d) of Special Use 20 which currently prevents strata titling of the development, which is seen as a constraint on financing the development.
4. It is recommended Council adopt Amendment 107 as a Standard amendment for the purpose of public advertising.

BACKGROUND

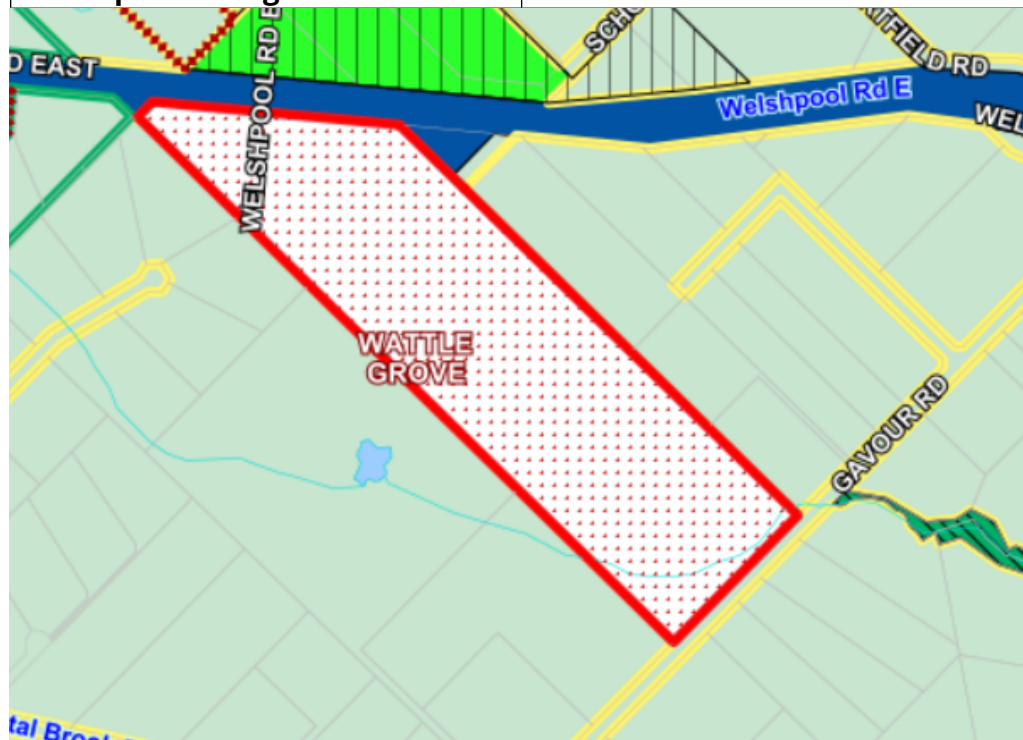
5. **Location:** Lot 500 (32) Gavour Road, Wattle Grove



6.

Zoning

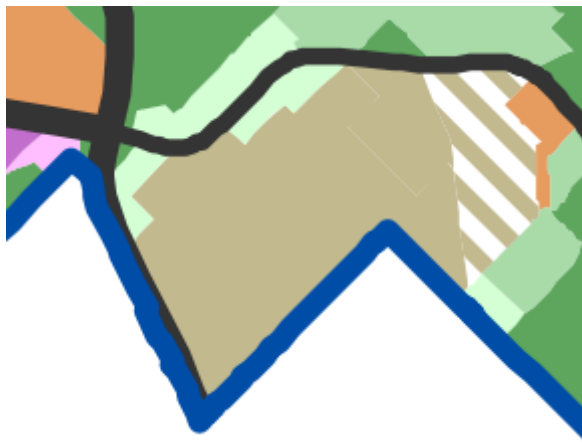
Local Planning Scheme No.3	Special Use 20
Metropolitan Region Scheme	Rural



7. The site's Special Use zoning is a result of Amendment 57 to the then Shire of Kalamunda Local Planning Scheme No. 3 (LPS3) which was intended to facilitate the development of an Integrated Aged Care Facility.
8. Amendment 57 was adopted by Council at the 20 April 2015 Special Council Meeting.
9. The North-East Sub-Regional Planning Framework (Framework) which is the WAPC's strategic planning guide for the consideration of future urban development was released in draft form in May 2015. Lot 500 Gavour Road, Wattle Grove (Lot 500) was not included within the Urban Expansion/Investigation designation – it was bordered by the proposed Urban Expansion area, see below:



10. Following assessment by the WAPC and consideration of submissions and further information, the Minister resolved to adopt Amendment 57 subject to some final modifications with it being gazetted on the 26 September 2017.
11. In March 2018, the final Framework was released, with the site being included in the Urban Expansion / Urban Investigation designation, see below:



12. Following the adoption of Amendment 57, a Local Development Plan (LDP) was prepared and approved in June of 2019 in accordance with Condition e) of the adopted Special Use 20 provisions. The intent of the LDP is to provide a framework for subsequent development to be consistent with and details how the various constraints applicable to the site will be managed.

DETAILS AND ANALYSIS

13. Dynamic Planning and Design (DPD) have submitted a Scheme Amendment (Amendment 107), proposing to delete condition d) of Special Use 20.

14. Condition d) reads as follows:
An integrated aged care facility is a development that shall not be strata titled.
15. The applicant's reasoning for deleting the condition is because the condition has resulted in a considerable obstruction to development, as in order to develop the integrated aged care facility and particularly the retirement village component, there is a necessity to be able to provide or obtain a Certificates of Title for the lots and dwellings the developer will construct. Without the Certificates of Title there are significant constraints to financing the purchase of the dwellings.
16. Removal of the condition will facilitate strata titling of the proposed development.
17. DPD argues the proposed amendment will not alter the ultimate development outcome at the site, with the existing approved Local Development Plan and other Special Use 20 provisions being retained. This means the applicable yield and requirement to construct the Aged Residential Care Facility will remain the same.
18. Condition d) was included in the provisions of Special Use 20 through Amendment 57 to provide security that the developer would not just deliver the all the aged or dependent persons dwellings component of the development and sell them without providing the Aged Residential Care Facility (nursing home component).
19. Since the approval of Amendment 57, the State strategic planning framework has evolved with the Framework now contemplating urban uses for the site, under the Urban Expansion and Investigation designation.
20. Condition f) was also included in the provisions of Special Use 20 through Amendment 57 to provide greater certainty the Care Facility will be delivered.

Condition f) reads as follows:
Not more than 70% of the Aged or Dependent Persons Dwellings allowed for by an approved Local Development Plan shall be developed on Lot 500 until the development of an Aged Residential Care Facility (nursing home component) has been constructed to practical completion.

21. Condition e) requires the preparation of a LDP (approved June 2019).

Condition e) reads as follows:

Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future.

22. The LDP includes a staging plan which ensures the Care Facility is not the last component of the development delivered (Stage 5 of 7).
23. The City is of the opinion that Conditions e) and f) provide enough security for the delivery of the Care Facility without the need for retaining Condition d).
24. The removal of Condition d) will help ease the constraints on financing the development and subsequently the Care Facility.

APPLICABLE LAW

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

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

- a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the commission;
- c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

g) Any other amendment that is not a complex or basic amendment.

26. In accordance with Regulation 47 the period for making submissions on a standard amendment to a local planning scheme is —

- a) The period of 42 days after the day on which the notice is first published under sub-regulation (2)(a)(i); or
- b) A longer period approved by the Commission.

APPLICABLE POLICY

27. The City's Aged Accommodation Strategy notes the significant shortfall of residential care in the community.

STAKEHOLDER ENGAGEMENT

28. Should Council resolve to adopt the Amendment for public advertising, the Amendment will be advertised for a period of 42 days in accordance with the Regulations and the City's Local Planning Policy 11 – Public Notification of Planning Proposals.

29. LPP11 provides provision for the City to undertake preliminary advertising to affected residents and government agencies for a period of 28 days prior to Council formally adopting the amendment for formal advertising.

30. The City has considered preliminary advertising and in the context of the proposed Scheme Amendment having no impact on the approved Local Development Plan or envisaged built form outcomes, it was not considered necessary.

FINANCIAL CONSIDERATIONS

31. The applicant is charged for the assessment of the Amendment in accordance with the City's Schedule of Fees and Charges.

SUSTAINABILITY

32. The Amendment will reduce financing constraints for the development of the integrated aged care facility.

33. Other sustainability matters are not impacted by the proposed Amendment and remain the same as considered by Amendment 57.

RISK MANAGEMENT

34.

Risk: Financing constraints due to inability to strata title the development prevent development of the aged care facility.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt the Amendment for the purposes of Public Advertising.		

35.

Risk: The developer only develops the aged or dependent dwellings and not the aged residential care facility.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Retain Condition f) of Special Use 20 and Adopt the Amendment for the purposes of Public Advertising.		

CONCLUSION

36. Amendment 107 proposes to delete Condition d) of Special Use 20 which currently prevents strata titling of the development, which is seen as a constraint on financing the development.
37. Condition d) was included in the provisions of Special Use 20 through Amendment 57 to provide security that the developer would not just deliver the all the aged or dependent persons dwellings component of the development and sell them off without providing the Aged Residential Care Facility (nursing home component).
38. Conditions e) which has resulted in the approval of a LDP which ensures the development is staged, and Condition f) which restricts the number of aged or dependent dwellings being developed before an Aged Residential Care Facility is provided were also included to Amendment 57 to provide greater certainty the Care Facility will be delivered.
39. The City is of the opinion that Conditions e) and f) of Special Use 20 provides enough security for the delivery of the Care Facility without the need for retaining Condition d) and the removal of Condition d) will help ease the constraints on financing the development and subsequently the Care Facility.

40. The City is also of the opinion the Amendment is considered to meet the criteria for being Standard for the following reasons:
- a) The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
 - b) The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
 - c) The Amendment is consistent with the Local Development Plan that has been approved for the site.
 - d) The land use of the site, which could be considered complex in the context of the region scheme and the surrounding land, was dealt with through the approval of Amendment 57. This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.
41. Additional information in relation to the State strategic planning framework has been included under the Background and Details and Analysis section of this report since it was published at the Public Agenda on 9 November 2021.
42. Additional information in relation to public advertising has been included under the Stakeholder Engagement section of this report since it was published at the Public Agenda Briefing on 9 November 2021.

Voting Requirements: Simple Majority

RESOLVED OCM 323/2021

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No.107 to Local Planning Scheme No.3 – Lot 500 (32) Gavour Road, Wattle Grove) in accordance with Attachment 1, pursuant to Section 75 of the Planning and Development Act 2005 for the purposes of public advertising.
2. ADVERTISE proposed Scheme Amendment No.107 to Local Planning Scheme No.3 for a period of 42 days pursuant to Regulation 47 (Standard) of the Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Policy 11 – Public Notification of Planning Proposals and sec 81 an 82 of the Planning and Development Act 2005.

3. Pursuant to Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015, CONSIDER Amendment 107 to Local Planning Scheme No. 3 a standard amendment for the following reasons:
- a) The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
 - b) The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
 - c) The Amendment is consistent with the Local Development Plan that has been approved for the site.
 - d) This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (10/0)**


10.1.3. Lot 150 (720) Welshpool Road East, Wattle Grove - Proposed Garden Centre and Caretakers Dwelling

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

Cr Lisa Cooper declared an Interest Affecting Impartiality on Item 10.1.3 Lot 150 (720) Welshpool Road East, Wattle Grove, Proposed Garden Centre & Caretakers Dwelling. Cr Cooper advised a representative of the applicant is known to her in her role as spokesperson for the Lot 20 Adelaide Street Community Awareness Group.

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	WL-01/720
Applicant	Harley Dykstra
Owner	CAN 605 759 995 Pty Ltd
Attachments	<ol style="list-style-type: none"> 1. Development Plans [10.1.3.1 - 5 pages] 2. Traffic Impact Statement [10.1.3.2 - 36 pages] 3. Road Safety Audit [10.1.3.3 - 22 pages] 4. Acoustic Assessment [10.1.3.4 - 21 pages] 5. Bushfire Management Plan [10.1.3.5 - 28 pages] 6. Planning Report [10.1.3.6 - 20 pages] 7. Submitters table [10.1.3.7 - 52 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The applicant is seeking approval for the development of a Garden Centre and Caretakers Dwelling on Lot 150 (720) Welshpool Road Eats, Wattle Grove (subject site).
2. The proposed Garden Centre is consistent with the objectives of the 'Rural Composite' zone and, with the exception of a variation to Net Lettable Area (NLA).
3. A total of 13 objections have been received to the proposal. The concerns raised were principally in relation to traffic and access safety concerns. These concerns were further raised by the community at the Public Agenda Briefing Forum (PABF) held on 9 November 2021.
4. The City of Kalamunda (City) has further reviewed the Road Safety Audit (RSA) and revised Traffic Impact Statement (TIS) prepared in support of the development and identified the following concern:
 - a) Swept path analysis for 19m length vehicles exiting left from the subject site into the median lane heading east along Welshpool Road East.
 - b) Sight line analysis for 19m length vehicles turning right from the site heading west along Welshpool Road East and the implications for the management of vegetation along the road reserve and private property.
 - c) Non-compliant slip lanes and/or median island refuges.
5. It is recommended that the proposal for the Garden Centre and Caretakers Dwelling be deferred to enable the applicant to address traffic/access related issues raised above to the satisfaction of the City.

BACKGROUND

6. Land Details:

Land Area	3.91ha
Local Planning Scheme zone	Rural Composite
Metropolitan Region Scheme Zone	Rural

7. The subject site comprises a land area of 3.91ha and contains an existing dwelling and associated outbuildings. A small section of Yule Brook traverses the northwest portion of the Subject Site.

8. Locality Plan (Aerial):



9. The surrounding area is characterised by a mix of semi-rural lifestyle properties and commercial land uses, notably dog kennels, garden centre, rural stock-feeders and tourism related activities. To the immediate north of the site, the land is reserved for "Parks and Recreation" and has a Bush Forever designation.
10. The property contains an existing vehicle crossover to Welshpool Road East which is designated under the MRS as an 'Other Regional Road' (ORR) which requires referral to the DPLH in accordance with the instrument of delegation under the Planning and Development Act 2005 (the Act).
11. The section of Welshpool Road adjacent to the subject site is under the care and control of the City.

DETAILS AND ANALYSIS

12. The applicant is seeking approval for a Garden Centre and Caretakers Dwelling repurposing existing buildings on site for the display and retail sale of a range of landscaping supplies, garden products, ornaments and implements on the subject site (Attachment 1).
13. In support of the proposal, the applicant provided the following technical reports:
 - a) Development Plans and Planning Report (Attachment 1)
 - b) Transport Impact Statement (Attachment 2).
 - c) Road Safety Audit (Attachment 3).
 - d) Acoustic Assessment (Attachment 4).
 - e) Bushfire Management Plan (Attachment 5).
 - f) Planning Report (Attachment 6)
 - g) Submission Table (Attachment 7)
14. The proposal comprises the following key elements:
 - a) The proposed operating hours of Monday to Saturday 7am to 5pm and Sundays and Public Holidays 8pm to 5pm.
 - b) A total of 6 to 8 Staff will be employed at the Garden Centre.
 - c) A car parking area comprising a total of 50 bays within the setback area, fronting Welshpool Road East and associated landscaping,
 - d) An additional 10 car parking bays are proposed within the development itself for staff.
 - e) A grassed overflow car parking area at the rear of the proposed Garden Centre development in the event additional car parking is required on occasion.
 - f) Open air display areas of 475sqm and 236sqm (approximately) for garden ornaments, pots and water features.
 - g) Rehabilitation plantings/landscaping adjacent to Yule Brook where it traverses the north -western of Monday part of the site.
 - h) A drainage basin adjacent to Welshpool Road East incorporating rain garden component.
 - i) An open-air display area (500sqm) for limestone blocks, slabs and other concrete products.
 - j) Bagged Products Sales area (435sqm).
 - k) A pot and water feature display within the existing stable building.
 - l) Bulk landscaping supplies within storage bins.
 - m) Trailer parking (providing trailers for use by customers) adjoins the internal carpark.
 - n) A checkout office.

- o) Storage shed within an existing outbuilding.
- p) Access/egress via a new full movement cross-over onto Welshpool Road East.
- q) The existing dwelling shall be retained for use by an onsite caretaker.

Local Planning Scheme No.3

- 15. Under the provisions of the Local Planning Scheme No.3 (LPS3) pertaining to the Rural Composite zone, clause 5.13 states:

"In this zone it is recognised that there is a mix of semi-rural and commercial land uses which the local government seeks to maintain as a balance in a rural setting. Commercial land uses within the zone will only be considered for approval when it has been demonstrated that the use is appropriate to the area and that the commercial activity will not have a detrimental impact on the surrounding area."
- 16. The objective of the Rural Composite Zone states:

"To provide for small semi-rural lots that can accommodate a limited range of rural and low scale commercial land uses in a manner that will not adversely affect the landscape and environmental qualities of the land are appropriate to the area."
- 17. With respect to land use permissibility under the Scheme, a Garden Centre is classified as an 'A' use which means the use is not permitted unless the local government has exercised discretion through the advertising of the proposal to approve the use.
- 18. A Garden Centre is defined as:
"means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens"
- 19. The use 'Caretakers Dwelling' is a 'D' discretionary land use under the Scheme LPS 3 meaning it is not permitted unless the local government has exercised discretion by granting approval for the use.
- 20. A Caretakers Dwelling is defined as:
"means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant"
- 21. The proposed uses are permissible under the Scheme and consistent with clause 4.21 (Objectives of the Zones – Rural Composite) given they represent low scale commercial development that is, based on the information provided, unlikely to have an adverse impact on the surrounding land uses and environmental qualities of the site, including

Yule Brook. Moreover, the proposed land uses are consistent with the character of the area which provides for a range of low scale commercial land uses.

22. With the exception of the NLA, the proposal complies with the commercial development standards identified under clause 5.14 and car parking standards identified under Table 3 of the Scheme.

Development Standard	Scheme Requirement	Proposed by Applicant	Variation to Scheme
NLA	300m ²	450m ²	150m ²

23. Whilst the proposed variation represents a 50% increase to the Scheme requirement, the increase should be considered in the context of the nature of the goods the proposed variation represents. In this regard, the existing stables will be repurposed to accommodate the display of pots and water features. The nature of the goods is not considered to represent the types of more intensive commercial and retail goods you would likely find in a commercial centre and as such, the NLA variation is unlikely to have an impact on these centres.

24. **Traffic and Access**

The issue of traffic and access represents a key element of the proposal. In this regard, the applicant has submitted a Traffic Impact Statement (TIS) and Road Safety Audit (RSA) in support of the proposal.

25. Main Roads Western Australia (MRWA) provided commentary on this matter noting issues of non-compliance with their Policy and recommended that this application is not approved. Whilst MRWA do not have jurisdictional authority over this section of Welshpool Road East, due regard should be given to their comments, as the State Government experts in road traffic and safety, noting that potential exists in the future for this section of Welshpool Rd East to revert to MRWA care and control.

26. MRWA's key concerns are listed as follows:
- a) The application has stated a right turn in from the east auxiliary lane has not been provided as removal of street trees is not permitted. If a right turn deceleration lane cannot be provided in a safe position, then this movement will not be supported.
 - b) The proposed driveway located next to the median island opening will be an unsafe outcome and is contrary to the Main Roads Driveway Policy, specifically:
 - i) Clause 2.4.4 Driveways to Commercial / Retail Developments – Driveways shall not be located opposite the termination road of a T Junction (ie opposite Arbor Centre access)

- ii) 2.4.8 Median Treatments – For divided roads, no driveways shall be permitted opposite median openings
- c) The proposed left turn in deceleration lane is substandard, and does not conform with Austroads Part 4A standards, as identified in the Road Safety Audit. MRWA are unclear why a lesser standard has been adopted.

MRWA recommends this application is not approved in its current form given the above public safety concerns.

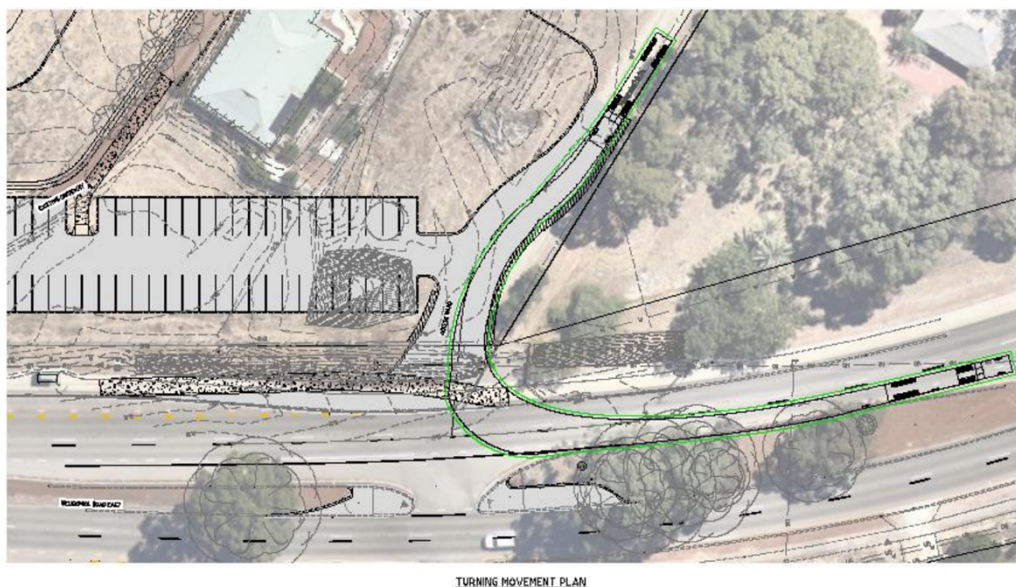
- 27. The proposal is expected to generate approximately 35 truck vehicle movements per day comprising 20 single axle rigid trucks 12.5m in length for customer deliveries and 15 larger rigid trucks 19m in length for stock deliveries. In addition, it anticipated that business would receive up to 100 customers per day.
- 28. This proposal would generate four turning movements:
 - a) A left turn in coming from the west
 - b) A left turn out heading east
 - c) A right turn out heading west
 - d) A right turn in coming from the east
- 29. The applicant proposes that 19m long vehicles and below would necessitate turning movements a) to c) above and that only light vehicles (cars with potentially trailers) would need movement d) above.
- 30. As part of the proposal, the existing crossover from Welshpool Road East will be removed and a new full turning movement crossover will be constructed to accommodate the 19m length vehicles. The proposed crossover will be located opposite the existing median break along Welshpool Road East. The proposed general arrangement of the new crossover and median break is shown below:



31. Turning Movement a) (from the west into driveway) is proposed to be facilitated by a deceleration 'slip' lane which also incorporates the existing embayed bus bay. This is shown in the following diagram:

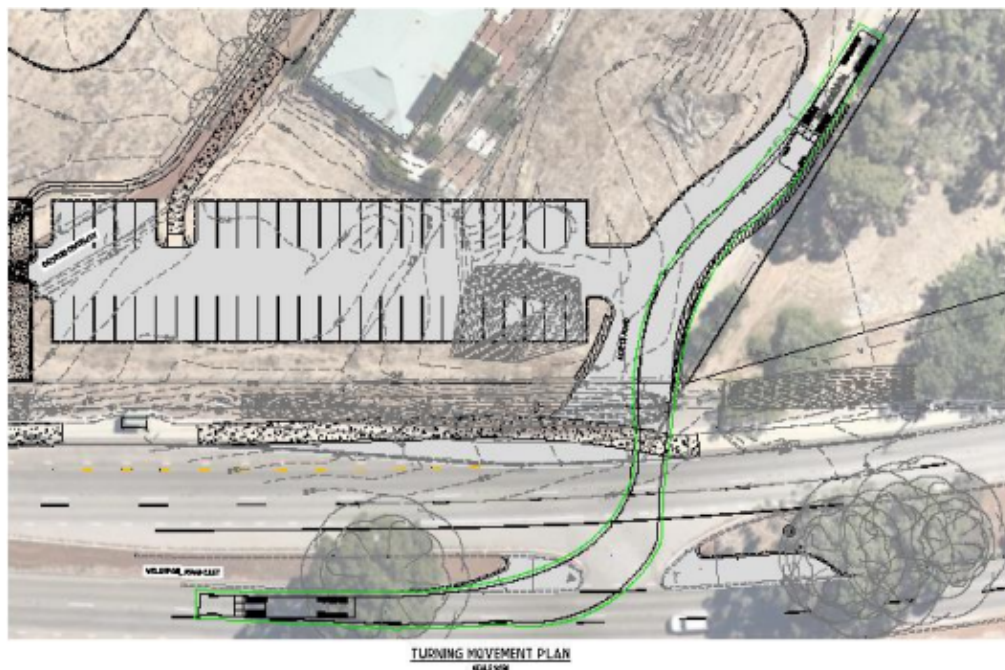


32. The deceleration lane design proposed for vehicles entering the site from the west has a lane distance of 97m. Austroads Guidelines require a lane distance of 125m in order to accommodate a 'comfortable' deceleration speed. The RSA audit has identified this deficiency. The MRWA commentary has noted this deficiency. The distances are calculated on the basis of the posted speed limit plus 10 km/h which is the manner in how they are assessed.
33. The City has also considered this matter further and requires that the applicant will need to provide additional information to demonstrate that the sliplane is compliant with relevant guidelines.
34. Turning Movement b) – (turning left out of the property crossover) proposes that large (19m) vehicles will need to turn as shown in the following diagram:

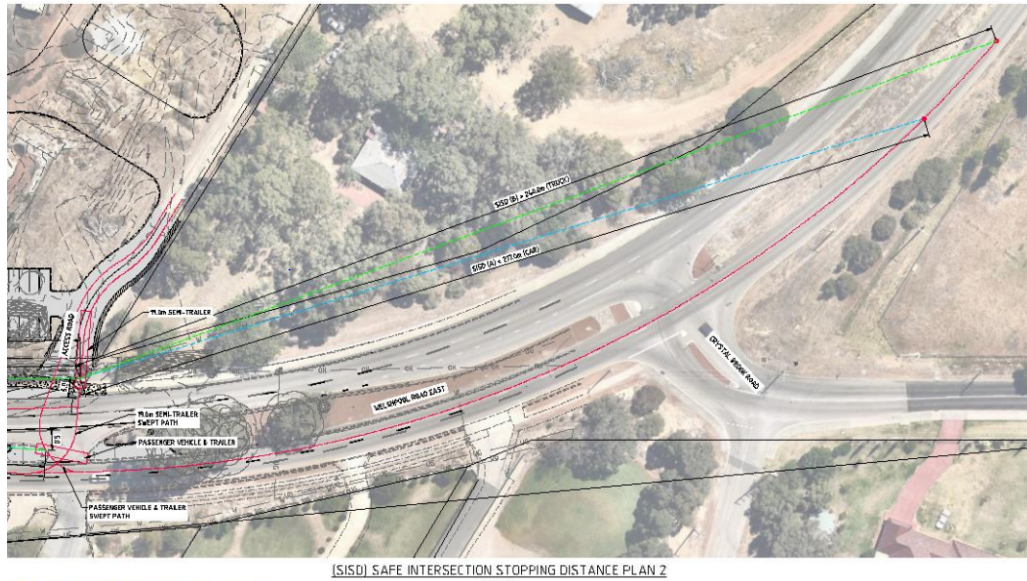


35. The City had concerns that this proposed movement, whilst technically allowable under the Road Traffic Code presents a potential situation whereby traffic coming from the Welshpool Rd / Tonkin Highway intersection in group (such as the effect when a set of traffic lights release a group of vehicles) may have to weave around the turning truck and potentially cause accidents.
36. It would be beneficial if the applicant could propose a design that allows 19m vehicles to exit and turn left remaining solely within the kerbside (left most) lane.
37. Turning Movement c) is considered in light of the need for 19m trucks to turn right out of the driveway and head west.

38. Swept path analysis undertaken by the applicant's traffic consultant shows the geometry of the proposed Welshpool Road East crossover and the proposed changes to the existing median break to accommodate a right turn movement for 19m length vehicles westbound along Welshpool Road East (refer to diagram below). This analysis however is conditional upon appropriate sightline distances being achieved for vehicles heading west along Welshpool Road East. The sightlines assessment and TIS show that 19m vehicles cannot stop in the median island and therefore will require 19m length vehicle to make the right hand turn in one movement.



39. In order for 19m vehicles to make this turn in one movement, drivers need to have adequate sight distance – Safe Intersection Sight Distance (SSID) to their left (ie of vehicles coming from the east along Welshpool Rd East). A fully compliant design (for the posted 80 km/h speed limit plus 10 km/h as required in guidelines) would require SSID as shown in the following sketch:



40. To achieve compliance it is noted that removal and / or significant pruning of vegetation in both the verge and private land would be needed. Upon review of the proposal it was noted that the applicant did not address this issue.
41. Subsequent to the PABF held on 9 November 2021, the City raised this issue with the applicant. The applicant has contended that a shorter SSID is appropriate using only an 80 km/h criteria as shown in the following sketch –



The applicant contends that this is appropriate and reduces the amount of vegetation removal.

42. It is noted that it may not be practically feasible to undertake the right hand turn movement in two passes, with a vehicle seeking refuge in a new pocket within the median.
43. In regards to turning movement d), the proposal incorporates a short right turn pocket on Welshpool Road East heading West at the crossover. The length of the proposed right turn pocket would be able accommodate one car and trailer combination within the pocket and would not interfere with the existing trees in the median island. The following sketch illustrates this:



44. The RSA provides recommendations to upgrade the existing median island to include an auxiliary right-hand turn pocket and a left in deceleration lane, to ensure vehicles can safely enter the site and to minimise the risk of rear end crashes for vehicles of up to 19m length. This will come at the cost of removal of significant stands of trees. MRWA have similarly commented on this issue.
45. In response to the concerns raised, the applicant has provided further information to the City since the PABF. However, to enable the City to fully consider the new information, and in the context of the planning assessment provide appropriate recommendations to Council, it is recommended that the application be deferred.
46. **Bushfire Planning**
The site is designated as bushfire prone under the Office of Bushfire Risk Management mapping system. State Planning Policy 3.7 (SPP 3.7) guides the implementation of effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

47. The proponent has prepared a Bushfire Management Plan (BMP) in support of the application that adequately addresses the four elements stipulated under the Guidelines (Attachment 5).
48. The BMP indicates the proposal can achieve a low-risk rating of BAL 12.5 through establishing an Asset Protection Zone (APZ) around the development. A condition has been imposed requiring the APZ to be implemented and maintained by the landowner in accordance with the Guidelines.

APPLICABLE LAW

49. *Planning and Development (Local Planning Schemes) Regulations 2015*
Metropolitan Region Scheme
Local Planning Scheme No.3

APPLICABLE POLICY

50. State Planning Policy 3.7 Planning in Bushfire Prone Areas
Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11)

STAKEHOLDER ENGAGEMENT

51. The proposal was advertised in accordance with the provisions of LPP 11, notably:
 - a) Public Notification of Planning Proposals for a period of four weeks from 16 December 2020, concluding 13 January 2021. Residents directly affected by the proposal were notified in writing.
 - b) Acknowledging the community interest in the proposal, the proposal was re-advertising landowners within a 300m radius of the site commencing on 24 March and concluding on 14 April 2021. Letters were sent to all effected landowners within the 300m radius seeking comment to the proposal and including notification of the planned Community Information Session. Details of the Community Information Session have also been included on the Kalamunda Engage web page.
 - c) A community information session was held on 8 April 2021 at the City's administration centre.
 - d) The proposal was forwarded to the Department of Planning Lands and Heritage and Main Roads WA for comment due to the proposed site access/egress and traffic management modifications.

52. In response to the advertising period, a total of 13 submissions were received, all objecting to the proposal. The City's response to the concerns raised are discussed below:

Submission	Officer Comment
Traffic safety concerns Welshpool Road East has a high number of crashes, there tends to be a lot of congestion east bound during peak periods.	<p>The proponent has prepared a Road Safety Audit and revised Transport Impact Statement that includes a sightline assessment and swept path analysis.</p> <p>Notwithstanding the proposed modifications to the median island, to include a right turn pocket to allow for safe access to the site, the City has identified a number of additional traffic/access related issues as outlined in the report which require further investigation and information to be provided by the applicant.</p>
Land use permissibility – allowing commercial uses within a rural area.	The Scheme allows for the uses to be considered and for an application to be taken on its merits. The proposal is compliant with the scheme with the exception of a NLA variation which is considered appropriate given the nature of goods proposed for sale. The proposal is consistent with the objectives of the zone that allows for commercial uses to be considered.
Environmental concerns – the proposal will impact on the local biodiversity and will result in clearing of native vegetation. The proposal is located within proximity to the Yule Brook.	The proposal was referred to DWER for their comment, DWER provided a non-objection to the proposal. There is no clearing proposed as part of this application and a condition will be imposed on the approval to ensure vegetation is not removed from the site. The buildings are setback compliant from the Yule Brook to

	<p>ensure there will be no adverse impacts on the watercourse. The City has imposed a condition requiring the rear portion of the site abutting the Yule Brook to be revegetated and rehabilitated. The City will liaise with DWER with respect to the rehabilitation plan.</p> <p>Yule Brook is a Registered Aboriginal Site (ID:36929) which will require the City to liaise with DPLH with respect to the rehabilitation plan.</p>
Bushfire concerns	<p>The applicant has provided a BMP and BAL assessment that was prepared by an accredited bushfire practitioner. The BAL report indicates the proposal achieves a BAL -12.5 rating and this is consistent with the SPP 3.7 and associated Guidelines.</p>

Department	Comment	Officer Comment
DWER	Non-objection	Noted
DPLH	<p>Non- Objection but recommends the following:</p> <ol style="list-style-type: none"> 1. Swept path analysis required and turning movements for RAV 4 vehicles. 2. Right hand turning pocket is recommended westbound to reduce the risk of rear end crashes. 3. Comments to be sought from Main Roads as the site is in proximity to the WRE/Tonkin intersection upgrades. 	<ol style="list-style-type: none"> 1. The proponent submitted a revised Transport Impact Statement that includes a sightlines assessment revised safety audit and swept paths and turning movements. 2. The plans have been amended to modify the median island to allow for a right-hand turning pocket to alleviate the concern for rear end crashes for vehicles travelling westbound entering the site. A

		<p>condition will be imposed requiring the construction of the right-hand turning pocket.</p> <p>3. Noted, the application has been referred to MRWA.</p> <p>Notwithstanding this, the City has identified a number of additional traffic/access related issues which require further investigation and information to be provided by the applicant.</p>
MRWA	<p>Objection</p> <p>a) The application has stated a right turn auxiliary lane has not been provided as removal of street trees is not permitted. If a right turn deceleration lane cannot be provided in a safe position, then this movement will not be supported.</p> <p>b) The proposed driveway located next to the median island opening will be an unsafe outcome and is contrary to the Main Roads Driveway Policy.</p>	<p>a) The commentary above notes the issues. The City considered striking a balance between a suitable pocket for one car plus trailer with retention of trees.</p> <p>b) It appears that the requirement for compliance to clause 2.4.4 of the MRWA policy due to the Arbor Centre location infers that the Arbor Centre is on a terminating road of a T junction which is not correct. Arbor Centre access is a driveway. However it is noted that if</p>

	<p>c) The proposed left turn deceleration lane is substandard, and does not conform with Austroads Part 4A standards, as identified in the Road Safety Audit. It is unclear why a lesser standard has been adopted.</p> <p>Main Roads recommends this application is not approved in its current form given the above public safety concerns.</p>	<p>compliance to Clause 2.4.8 of their Policy was to be enforced, then existing driveways to the Arbor Centre and 740 Welshpool Rd would be deemed non-compliant.</p> <p>c) Noted, the City has requested further information with respect to the left turn deceleration lane.</p> <p>The City has identified a number of additional traffic/access related issues which require further investigation and information to be provided by the applicant.</p>
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53. From an environmental health and engineering perspective, the City is satisfied that all stormwater and dust related issues have been addressed.

FINANCIAL CONSIDERATIONS

54. The management of sight-lines within the City's verge may have on-going maintenance costs and these will need to be considered as part of any revised information provided to the City.

SUSTAINABILITY

55. **Social Implications**
The proposal may impact on the amenity of the surrounding lifestyle properties by virtue of the proposed activities to be conducted from the site. Conditions of approval will be imposed to ensure those impacts are appropriately managed.

56. **Economic Implications**

The proposed garden centre will help to stimulate the local economy and generate employment opportunities.

57. **Environmental Implications**

Yule brook traverses the northwest portion of the site. The proposal includes the rehabilitation along this section of the creek as a condition of approval.

58. Yule Brook is a Registered Aboriginal Site (ID:36929) which will require the City to liaise with DPLH with respect to the rehabilitation plan.

RISK MANAGEMENT

59.	Risk: The proposal may impact on the amenity of surrounding lifestyle properties.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	The City to provide appropriate conditions of planning approval to ensure potential amenity impacts are managed and adhered to.		

60.	Risk: The proposal may result in unsafe vehicle movements to and from the site.		
	Consequence	Likelihood	Rating
	Critical	Possible	High
	Action/Strategy		
	The City to review the applicants RSA and revised TIS to ensure all recommendations and modifications are compliant, and where appropriate, request further changes to improve vehicle movements to and from the site consistent with Austroads Safety Guidelines.		

CONCLUSION

61. The proposed Garden Centre is consistent with the objectives of the 'Rural Composite' zone and, with the exception of NLA variation, complies with all the relevant sections of the statutory planning framework.

62. In response to community concerns raised at the PAB, the City has identified a number additional traffic/access related issues associated with the proposed development which require further consideration and information from the applicant. Whilst the applicant has provided further

advice in response to the City's concerns, the City will require more time to fully consider the new information and where necessary meet with the applicant to ensure the City's concerns have been appropriately addressed.

63. Having regard to the above, it is recommended that the application for a proposed Garden Centre and Caretakers Dwelling be deferred to enable the City to further consider the new traffic/access issues that have been identified.

Voting Requirements: Simple Majority

RESOLVED OCM 324/2021

That Council DEFER the application for a Garden Centre and Caretakers Dwelling on Lot 150 (720) Welshpool Road East, Wattle Grove to enable the applicant to:

- a) Provide further information to the City on the manner in which sightlines to the eastern side of the subject property will be managed.
- b) Provide further information on how left turn heavy vehicle movements out of the subject site will be undertaken in a lane correct and safe manner.
- c) Respond to the need to provide fully compliant slip lanes and/or median refuges.

Moved: **Cr John Giardina**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (11/0)**


10.2. Asset Services Reports

10.2.1. Award of RFT 2102 - Provision of Traffic Management Services

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

Previous Items	OCM 86/2016; 204/2016
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil
Confidential Attachment	<u>Reason for Confidentiality: Local Government Act 1995 s5.23 (c)</u> "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 key centres of activity, employment and quality amenities.

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the award of tender RFT 2102 to provide traffic management services.
2. It is recommended that the Council accept the tender from Carrington's (WA) Pty Ltd, ACN 104 744 103 as per the Schedule of Rates set out in the Confidential Attachment 1 to this report. The estimated expenditure within this contract is \$700,000 (ex GST) per annum with an initial term commencing on the 1st January 2022 of three years and two further one year extensions at the City's discretion.

BACKGROUND

3. The City of Kalamunda (the City) sought to engage a suitable and experienced contractor for the provision of traffic management services complementary to maintenance and minor capital works projects being conducted on or near roads.
4. The services proposed primarily require prepare traffic management plans (TMPs), provide traffic controllers (TCs), vehicles, signages, equipment and have the resources and ability to implement simple and complex traffic management onsite.
5. Provision of suitable traffic management services in place during these works is a necessary workplace safety requirement.

DETAILS AND ANALYSIS

6. The City often undertakes maintenance or minor capital works in and around roads. Examples of these tasks may be drainage pit replacements, kerb replacements, minor road crack or pothole repairs, footpath repairs and the like.
7. Workplace safety considerations require that the City undertakes suitable measures to protect workers from potential of vehicle collisions in a pragmatic manner. This results in the need for suitable traffic management services to be implemented for these works.

8. The ad hoc nature and multiple concurrent need at various sites of these services, along with the specialist training and equipment to be procured has been determined to be cost ineffective for the City to maintain in house staff and resources. It is more effective to engage external contractors for this service.
9. It is noted that where the City has engaged contractors for services such as major roadworks, powerline vegetation clearing or verge management, traffic management services are included in these contracts.
10. The current contract expires on 31st December 2021, therefore the City issued RFT 2102 through its E-Tendering Portal and an advertisement in the West Australian newspaper on Wednesday 11 August 2021. Receipt of Tender submissions closed at 2.00pm AWST Thursday 9 September 2021.
11. Tender submissions were received from (in alphabetical order):
 - a) Advanced Traffic Management Pty Ltd
 - b) Altus Traffic Pty Ltd
 - c) Carrington's WA Pty Ltd
 - d) Contraflow Pty Ltd
 - e) Drainflow Services Pty Ltd
 - f) QTM Pty Ltd
 - g) WCP Civil Pty Ltd
12. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.
13. 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).
14. The Qualitative Criteria and weighting were determined as follows:

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

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

16. The seven tender submissions were ranked as follows regarding the qualitative criteria:

Company Name	Qualitative Total Score (Weighted @ 100%)	Rank
Advanced Traffic Management Pty Ltd	80%	1
Contraflow Pty Ltd	73%	2
Quality Traffic Management (QTM)	73%	2
Carrington's WA Pty Ltd	66.5%	4
Altus Traffic Pty Ltd	54%	5
Drainflow Services Pty Ltd	47.5%	6
WCP Civil Pty Ltd	44%	7

17. The Tender Assessment Panel determined that a Qualitative Pass Mark (QPM) of 60% would be set for the tender of this nature.
18. Of the seven tender submissions, only four met the required QPM of 60% or above were progressed into the next stage. These tenderers were, Advanced Traffic Management Pty Ltd, Contraflow Pty Ltd, Quality Traffic Management (QTM) and Carrington's WA Pty Ltd.
19. A price assessment was then undertaken to determine the best value for money outcome for the City.
20. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.
21. The recommended tenderer submission best satisfied the City's requirements by:
- meeting or exceeding the qualitative assessment benchmark;
 - proven capacity and capability to prepare traffic management plans, provide traffic controllers, vehicles, signages, equipment and implement simple to complex traffic management onsite for City's maintenance and capital work and other activity carried out by the City's various departments;
 - have the skills and experience to carry out all aspect of traffic management services requested in this contract;
 - available 24/7 for emergency works; and
 - providing the best value for money outcome.

22. Of the four qualifying and compliant qualitative tender responses, Carrington's (WA) Pty Ltd provided the lowest total value for the required services.
23. The Tender Assessment Panel has recommended that the contract for RFT 2102 - Provision of Traffic Management Services be awarded to Carrington's (WA) Pty Ltd.

APPLICABLE LAW

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

APPLICABLE POLICY

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

FINANCIAL CONSIDERATIONS

26. The use of traffic management services under this contract will form part of approved annual budgets in Infrastructure Services and capital works projects.

RISK MANAGEMENT

27.

Risk: The Contractor fails to provide skilled and experienced traffic controllers, traffic planners, signage and equipment to fulfil the requirements of the contract (in terms of time or quality) leading to increased safety risk to City staff and general public.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
a) at the start up meeting outline City's safety expectation and ask the Contractor for safety process whilst implementing traffic management. b) in the event of an incident/accident happens, ask the Contractor for a full investigation and control measures put in place. c) ask the Contractor to supply the same traffic management crew for the full duration of a project, that gives them the time to familiarise themselves with the surrounding environment. d) monitor traffic controller's performance and quality of signage and equipment used onsite. e) organise a meeting with the Contractor should there be any safety concern and ask them to correct it immediately.		

Risk: The City fails to implement suitable traffic management during works which provides increased safety risk to City staff and general public.		
Consequence	Likelihood	Rating
Critical	Likely	Extreme
Action/Strategy		
a) City engages suitable contractors to provide this service. This is the recommended action. b) City develops in house resources to undertake these works This is not recommended due to the costs and relative inefficiency of this option.		

CONCLUSION

28. The delivery of Tender RFT 2102 - Provision of Traffic Management Services will allow the City to carry out road and drainage maintenance work and capital works projects by various departments throughout the City. The City is satisfied that the recommended tenderer has the capability, capacity, along with experienced traffic planners and traffic controllers to provide the City with the required traffic management services.

Voting Requirements: Simple Majority

RESOLVED OCM 325/2021

That Council ACCEPT the tender RFT 2102 - Provision of Traffic Management Services to prepare traffic management plans, provide traffic controllers, vehicles and equipment required to implement simple to complex traffic management for maintenance and capital work projects and other activity carried out by the City of Kalamunda's various departments from Carrington's (WA) Pty Ltd, ACN 104 744 103 for the itemised prices as per the Schedule of Rates set out in the Confidential Attachment 1 commencing on the 1st January 2022 for the initial three-year contract with two further one-year extensions at the sole discretion of the City of Kalamunda.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.3. Corporate Services Reports

No reports presented.


10.4. Office of the CEO Reports

10.4.1. Contestable Electricity Supply Contract

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	2.00587
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 (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

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

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 seek Council approval to participate in a contestable electricity supply contract and to determine the level of renewable energy that the City is prepared to procure as part of this contract.
2. The Western Australian Local Government Association (WALGA) has negotiated a contract with Synergy on behalf of member councils who have expressed an interest in the project.
3. The proposed contract will have demonstratable cost savings to the City and depending on the appetite of Council, implement meaningful steps towards a carbon neutral position within reasonable cost increases.
4. It is recommended that the City of Kalamunda (City) enter into a contract with Electricity Generation and Retail Corporation trading as Synergy ABN 58 673 830 106 for the Bundled Energy Offer and Natural Power Offer as determined by Council for a period from 1 July 2022 to 31 March 2025.

BACKGROUND

5. Within the current Western Australian regulated electricity market, consumers are entitled to seek and enter into contracts for electricity from any registered Retailer if the relevant load exceeds 160 MWh per annum ("contestable sites"), otherwise their electricity prices are bound to the published tariffs and with Synergy.
6. The City has eight sites that are contestable. The current contract for these contestable sites rests with Synergy after previous quotation processes to ascertain the best offer for the City. The current contract expires 30 June 2022.
7. WALGA has engaged with Member Councils to engage with the electricity market on a long-term plan to use the overall member council electricity demand to drive sector wide improvements both from a financial and carbon neutral perspective.

8. The first phase of this project is a bulk purchase contestable supply contract and renewable energy option on offer.

DETAILS AND ANALYSIS

9. WALGA, in recognising the desire of many members to address climate change and improve cost efficiencies developed a project plan for an Energy Sustainability. This long-term plan has the following objectives:
- a) Enhance access to and development of renewable energy for Western Australian Local Government therefore driving positive climate change outcomes.
 - b) Diversify supply options and application of new technology.
 - c) Leverage the best price outcomes for Local Government supply.
10. The project has the following phases:
- 1) Contestable energy supply and Renewable Energy Options.
 - 2) Load shifting and cost minimisation in preparation for long term Purchase Price Agreement (PPA).
 - 3) Carbon management, offsets and integrated technologies.
 - 4) Long Term PPA.
 - 5) Sustainable Fleet Transition and Sustainable Infrastructure Technologies.
 - 6) Large scale Local Government Sustainability projects.
- This report deals with Phase 1 of the project.
11. The City's current contestable contract rests with Synergy and expires on 30 June 2022. It is a bundled contract covering the costs of generation, distribution, metering, regulatory and administrative costs. It has three cost components:
- a) Peak (8am to 10pm, Monday to Friday) - \$0.338 per kWh.
 - b) Off Peak (all other times) - \$0.1179 per kWh.
 - c) Daily supply charge per site - \$3.072.
- The annual cost for these eight sites is \$201,570. We would anticipate that for any new contract post 30 June 2022 there would be at least a CPI increase in generation and administration fees with regulatory approved (CPI +) increases in the other cost components.
12. The same bundled offer from Synergy (via WALGA) commencing 1 July 2022 and expiring 31 March 2025 is:
- a) Peak (8am to 10pm, Monday to Friday) - \$0.2763 per kWh.
 - b) Off Peak (all other times) - \$0.1450 per kWh.
 - c) Daily supply charge per site - \$2.51.

13. It is to be noted that this contract will not be subject to annual CPI increases with only 'pass through' of regulated fee increases.
14. The anticipated cost using these new tariffs is \$177,600 pa which results in a \$23,970 (12%) pa saving over the current contract (before any price rises under old contract rates apply).
15. The new contract also provides an opt in flat rate (\$ /kWh) to have Natural Power (i.e.100% renewable), which can be tailored in selected proportions of total energy being procured (25%, 50%, 75%, 100%). This can be adjusted annually.
16. With our current contestable sites the amount of carbon emissions generated to provide the electricity used is 549 tonnes pa.
17. The additional rate for Natural Energy is:

1 Jun 22 – 31 Mar 23	1 Apr 23 – 31 Mar 24	1 Apr 24 – 31 Mar 25
\$ 0.03 per kWh	\$ 0.026 / kWh	\$ 0.023 / kWh

18. For the first year* of the contract for example, the following table reflects the costs and carbon reduction benefits of various increments of Natural Power:

Scenario	Annual Additional Cost above new contract	Reduction in Carbon Emitted to Generate Electricity demand (Tonnes of CO₂ pa)
Base Case	\$ 0	0
25% Natural Power	\$ 6,056	137
50% Natural Power	\$ 12,111	274
75% Natural Power	\$ 18,167	412
100% Natural Power	\$ 24,223	549

*(1 June 22 to 31 July 23, using current electricity usage)

19. In simple terms, the City can negate 100% of its carbon footprint for electricity generated for its contestable electricity sites for essentially what it costs the City now.

20. Whilst Synergy have called this option Natural Power it is more readily known as Power from Renewable Sources, which in this case will be a combination of Solar and Wind Power
21. It is recognised that the City has in train the Solar Farm project and it would be natural to consider whether or not this Energy project should be supported or not given the potential of the Solar Farm.
22. It is felt that a decision to commit to this energy contract will not compromise a subsequent decision to commit to a Solar Farm given the relatively short nature of this contract and the longer lead time to have the Solar Farm up and operating. Further, the Solar Farm in itself may be a valuable component of Phase 6 of the WALGA project "Large scale Local Government Sustainability projects".
23. In August 2021, the Australian Competition and Consumer Commission (ACCC) gave WALGA authorisation to proceed to enable local governments to collaborate on a pooled demand for electricity. They have given a 15 year approval period, covering the set-up of the initial three year term and potential further 10 year agreement to expire by 30 September 2036.
24. The City is also preparing its Climate Change Action Plan. Adoption of some or all of the Natural Power options will be a demonstrable progress towards Carbon Neutral objectives and will be an 'early win' in setting any proposed actions within the Climate Change Action Plan.

APPLICABLE LAW

25. This proposed contract procurement has been undertaken in compliance of Regulation 11 (2)(b) of the *Local Government (Functions and General) Regulations 1996*.

APPLICABLE POLICY

26. CEO Instruction CEOI07 Purchasing has been complied with.

STAKEHOLDER ENGAGEMENT

27. The nature of this contract does not require stakeholder engagement.

FINANCIAL CONSIDERATIONS

28. Adoption of this contract will inform the upcoming operational budgets for the next three financial years.

SUSTAINABILITY

29. Adoption of Natural Power options will reduce the City's carbon footprint due to electricity emissions between x and y tonnes of CO₂ emitted pa.

RISK MANAGEMENT

30.	Risk: That the City foregoes potential savings by directly engaging the market for contestable electricity contracts over the next three years.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	It is evident that WALGA, through aggregating the electricity demand for participating councils would be able to negotiate bulk supply pricing unavailable to the City if it went independently.		

CONCLUSION

31. The contestable electricity contract proposed affords the City demonstrable savings over the next three financial years. Adoption of Natural Power offsets at a small additional cost provides the City with real reductions in its carbon footprint due to electricity usage.

Voting Requirements: Simple Majority

RESOLVED OCM 326/2021

That Council:

1. APPROVE the award of a Bundled Electricity contract for Contestable Electricity with Electricity Generation and Retail Corporation trading as Synergy ABN 58 673 830 106 for a period from 1 July 2022 to 31 March 2025.
2. INCLUDE 100% of this electricity consumption to come from Natural Power (Renewable) sources over the term of the contract.

Moved: **Cr John Giardina**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5. Chief Executive Officer Reports


10.5.1. Draft Monthly Financial Statements to October 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 October 2021 [10.5.1.1 - 2 pages]
	2. Statement of Net Current Funding Position as at 31 October 2021 [10.5.1.2 - 1 page]
	3. Statement of Financial Activity for the period ended 30 September 2021 [10.5.1.3 - 2 pages]
	4. Statement of Net Current Funding Position as at 30 September 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 Draft Financial Statements for the period ended 31 October 2021.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the original budget adopted by the Council on 28 June 2021 for the 2021/2022 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 October 2021, which comprise:
 - a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2021;
 - b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2021;
 - c) Net Current Funding Position, note to financial report as of 31 October 2021;
 - d) Statement of Financial Activity (Nature and Type) for the period ended 30 September 2021;
 - e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2021 and
 - f) Net Current Funding Position, note to financial report as of 30 September 2021

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 unaudited surplus carried forward from 2020/2021.

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.
7. The draft report provided is unaudited and subject to change for the below year end entries:
 - a) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

FINANCIAL COMMENTARY

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

8. This Statement reveals a net result surplus of \$31,667,636 compared to the budget for the same period of \$27,418,475.

Operating Revenue

9. Total Revenue excluding rates is over budget by \$2,918,302. This is made up as follows:
 - a) Operating Grants, Subsidies and Contributions are over budget by \$1,545,990. The variance is mainly attributable to \$1,610,465 received from the CELL 9 trust for the reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are over budget by \$434,157 Which mainly rates to building application fees.
 - c) Interest earnings are over budget by \$17,164. The variance is considered to be a timing issue.
 - c) Other Revenue is over budget by \$838,716. This is due to the dividends received from the Eastern Metropolitan Regional Council (EMRC). In August 2021 the City received \$828,394 as dividends from the EMRC.

Operating Expenditure

10. Total expenditure is under budget by \$603,798. The significant variances within the individual categories are as follows:
 - a) Employment Costs are under budget by \$444,453, which is primarily due to delays in filling vacant positions and the aggregate result of minor variances in several business units.

- b) Materials and Contracts are over budget by \$46,345. The variance is within the reporting threshold.
- c) Utilities are under budget by \$33,871, the variance is mainly due the aggregate result of minor variances in several business units.
- d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$197,768.
- e) Interest and Insurance expenses are tracking below the reportable variance threshold.
- f) Other expenditure is over budget by \$32,396. The variance is due to the timing difference of planned donations and contributions to various community groups.

Investing Activities

Non-operating Grants and Contributions

- 11. The non-operating grants and contributions are under budget by \$136,398. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

Capital Expenditure

- 12. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$2,784,878. This is considered to be a timing issue.
- 13. Capital works-in-progress expenditure of \$1,355,686 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 14. The amounts attributable to financing activities show a variance of \$779,812 which is mainly due to the developer contributions and reserve transfers.

Rates Revenues

- 15. Rates generation is over budget with a variance of \$106,630.

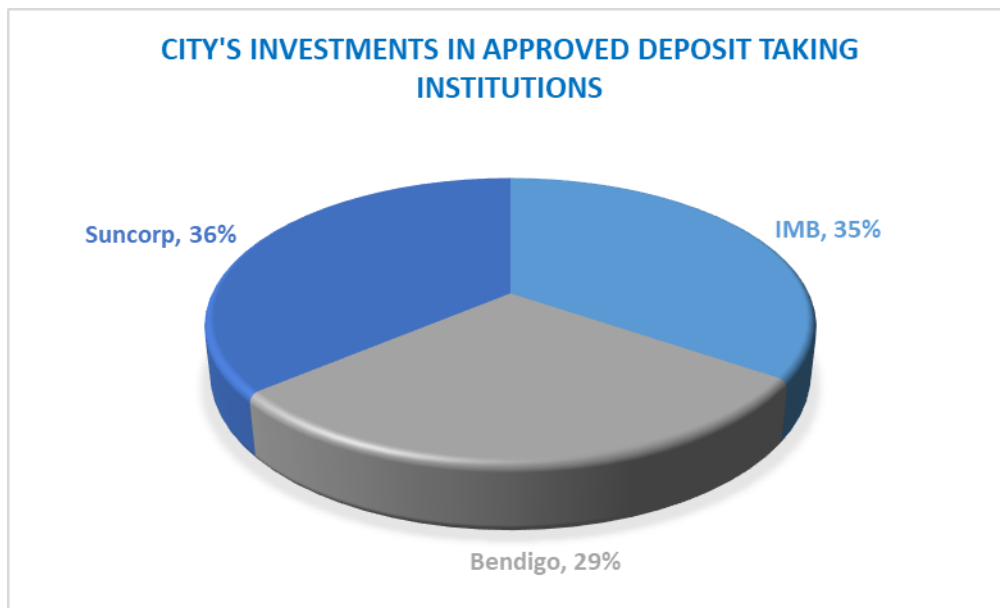
Statement of Financial Activity by Program for the period ended 31 October 2021

16. Generally, the net result of each Program is within the accepted budget except for 'Recreation & Culture, and 'Other Property Services'. Major variances have been reported by Nature and Type under points 8 to 15 above.

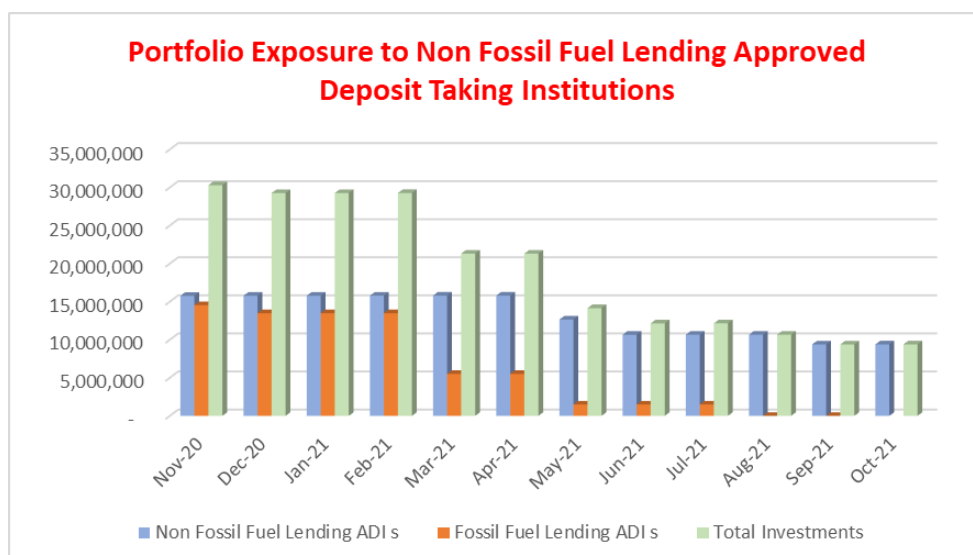
Statement of Net Current Funding Position as of 31 October 2021

17. The commentary on the net current funding position is based on a comparison of October 2021 to the October 2020 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$51.3 million. The restricted cash position is \$24.1 million which is higher than the previous year's balance of \$14.7 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and specific purpose grants reserve and waste management reserve.
19. The following graph indicates the financial institutions where the City has investments as of 31 October 2021;

20.



*Financial Institutions with Investments in the Fossil Fuel Industry



21. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$15 million.
22. Sundry debtors have decreased from \$1,169,510 to \$490,713, of which \$167,686 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
23. Receivables Other represents \$4.5 million including:
 - a) Emergency Service Levy receivables \$2.1 million;
 - b) Receivables sanitation \$1.5 million
24. Provisions for annual and long service leave have increased by \$0.2 million to \$4.5 million when compared to the previous year.

APPLICABLE LAW

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

APPLICABLE POLICY

26. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

30. Nil.

RISK MANAGEMENT

- 31.
- | | | |
|---|-------------------|---------------|
| 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. | | |
- 32.
- | | | |
|--|--------------------|---------------|
| 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

33. The City's Financial Statements as at 31 October 2021 reflects the un-audited surplus carried forward from 2020/2021.

Voting Requirements: Simple Majority

RESOLVED OCM 327/2021

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 October 2021 which comprises:

- a) Statement of Financial Activity (Nature or Type) for the period ended 31 October 2021;
- b) Statement of Financial Activity (Statutory Reporting Program) for the period ended 31 October 2021;
- c) Net Current Funding Position, note to financial report as of 31 October 2021;
- d) Statement of Financial Activity (Nature and Type) for the period ended 30 September 2021;
- e) Statement of Financial Activity (Statutory Reporting Program) for the period ended 30 September 2021 and
- f) Net Current Funding Position, note to financial report as of 30 September 2021

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.2. Debtors and Creditors Report for the period ended September 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 September 2021 [10.5.2.1 - 38 pages] 2. Summary of Debtors for the month of September 2021 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of September 2021 [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 September 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 September 2021.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in September 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 September 2021.

BACKGROUND

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

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 30 September 2021 were \$1,040,299. This includes \$741,653 of current debts and \$3,206 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$14,538 debts of significance:
 - a) Forrestfield United Soccer Club, \$8,875, Utilities; and
 - b) Kanyana Wildlife & Rehab, \$3,944, Property Insurance.
8. Invoices over 60 days total \$18,024 debts of significance:
 - a) Dept of Infrastructure, \$16,440, Connecting Safe People to Safe Streets Grant.
9. Invoices over 90 days total \$269,289, debts of significance:
 - a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
 - b) Municipal Workcare, \$15,193, Workers Compensation Claims;
 - c) Forrestfield United, \$14,013, Players Fees;
 - d) Forrestfield United, \$3,665, Utilities;
 - e) Private Citizen, \$4,950, Fire Break – Reimbursement;

- f) N-Com, \$4,576, Lease Fees;
- g) Zig Zag Gymnastics, \$2,688, Lease Fees;
- h) Kalamunda & District Rugby Union, \$2,239, Utilities;
- i) Dome Coffees Australia, \$1,558, Lease Fees;
- j) The Way Christian Church, \$1,515, Hall Hire; and
- k) Kadamp Meditation Centre, \$1,096, Hall Hire.

Creditors

10. Payments totalling \$7,226,489 were made during the month of September 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	\$
Department of Fire and Emergency Services (DFES)	Emergency services levy – 1 st quarter payment	2,032,946.56
Cleanaway	Waste, recycling, and bulk bin disposal services	676,336.27
TRACC Civil Pty Ltd	Hale Road widening and enhancement works*	568,345.34
Australian Tax Office	PAYG payments	552,834.45
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	399,023.11
Statterley Property Group Pty Ltd	Private works bonds – Early clearance – Hales Estate Stage 7A	243,890.00
AWARE Super Pty Ltd	Superannuation contributions	192,731.31
West Tip Waste Control Pty Ltd	Removal and processing of various waste – tip fees	159,355.86
Synergy	Power charges – various locations	130,174.92
HAS Earthmoving	Progress claims for works in Maida Vale Road/ ROE Highway off ramp roundabout	103,644.95
Carrooda Pty Ltd & Sansom Nominees Pty Ltd	Rates refund for duplicated payment	103,528.36

Hill Top Group Pty Ltd	Building maintenance works at various locations	78,788.78
Western Australian Treasury Corporation	Loan instalment repayment – loan 227	77,659.58
Mckay Earthmoving Pty Ltd	Plant, equipment, and operator hire for various locations	61,039.50
Kalamunda Electrics	Electrical repairs and maintenance at various locations	54,328.01
Merger Contracting P/L trading as J&M Asphalt	Pavement repairs are Abernethy, Brae & Brand roads	50,413.10

These payments total \$5,485,040.10 and represent 76% of all payments for the month.

* The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during September 2021.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,204,713. was paid in net salaries for the month of September 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) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in the month of September 2021.

CELL 9		Amount (\$)
Date	Description	
30/09/2021	TRACC Civil Pty Ltd - Hale Road Wattle Grove Road Widening Project	516,677.58
30/09/2021	Talis Consultants Pty Ltd- consultancy services for Woodlupine Living Stream project	2,295.00
30/09/2021	Natural Area Management – Woodlupine Brook upgrade stage 3 plant supply	16,443.40

30/09/2021	Benara Nurseries – Woodlupine Brook upgrade plant supply	13,331.96
30/09/2021	Plantrite - Woodlupine Brook upgrade plant supply	17,360.45
30/09/2021	Harley Dykstra – outline development plan amendment – Wattle Grove	950.00

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 above the normal payment range due to the Emergency service levy payment.

Voting Requirements: Simple Majority

RESOLVED OCM 328/2021

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in September 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 & 3) for the month of September 2021.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.3. Debtors and Creditors Report for the period ended 31 October 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 October 2021 [10.5.3.1 - 35 pages] 2. Summary of Debtors for the month of October 2021 [10.5.3.2 - 2 pages] 3. Summary of Creditors for month of October 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 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.

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 October 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 October 2021.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in October 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 October 2021.

BACKGROUND

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

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 October 2021 were \$490,713. This includes \$167,686 of current debts and \$2,813 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$54,871 debts of significance:
 - a) Department of Education, \$11,378, Kostera Oval shared expenses;
 - b) Department of Education, \$7,876, KPAC shared expenses, Lease;
 - c) Zig Zag Gymnastics, \$6,396, Lease Fees;
 - d) N-Com, \$3,671, Lease Fees/Electricity;
 - e) Forrestfield United Soccer Club, \$3,099, Utilities;
 - f) The Bean Runner, \$1,708, Health Services Fee;
 - g) Dome Coffees Australia, \$1,558, Lease fees; and
 - h) Swinnie's Kitchen, \$1,162, Health Services Fee.
8. Invoices over 60 days total \$10,265 debts of significance:
 - a) Forrestfield United Football Club, \$8,875, Utilities.
9. Invoices over 90 days total \$260,704, debts of significance:

- a) E.I. Dujmovic Pty Ltd, \$209,700, Development Contribution;
- b) Dept of Infrastructure, \$16,440, RSAEF Grant.
- c) Forrestfield United Soccer Club, \$8,013, Players Fees;
- d) Private Citizen, \$4,950, Fire Break – Reimbursement;
- e) N-Com, \$4,576, Lease Fees;
- f) Forrestfield United, \$3,665, Utilities;
- g) Kalamunda & District Rugby Union, \$2,864, Utilities;
- h) Zig Zag Gymnastics, \$2,688, Lease Fees; and
- i) Kadamp Meditation Centre, \$1,096, Hall Hire.

Creditors

10. Payments totaling \$5,142,637 were made during the month of October 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	\$
Australian Tax Office	PAYG payments	413,222.02
Jeanetta Pty Ltd	Contribution for construction of Bonser Road – 1 st instalment*	401,500.00
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	394,853.78
Cleanaway	Waste, recycling & bulk disposal services fees	323,118.91
AWARE Super Pty Ltd	Superannuation contributions	206,353.94
LGIS Workcare Scheme	LGIS instalment 2 – LGIS Workcare – 31/10/2021 – 30/06/2022	164,925.36
LGIS Liability Scheme	LGIS Insurance instalment 2 – LGIS Liability - 31/10/2021 – 30/06/2022	156,404.91
Synergy	Power charges – various locations	137,752.95
Telstra Corporation	Telephone/ internet expenses	123,123.25
LGIS Property	LGIS Insurance instalment 2 – LGIS Property - 31/10/2021 – 30/06/2022	122,202.19

HAS Earthmoving	Progress claims for works in Maida Vale Road/ ROE Highway off-ramp roundabout	115,676.42
Kalamunda Electrics	Electrical repairs and maintenance at various locations	90,317.44
Contraflow	Traffic management at various locations	84,975.86
Department of Fire and Emergency Services (DFES)	Cost sharing for the community fire manager	77,350.27
Hero Pty Ltd	Rates refund – overpayment of rates	74,947.04
Martins Environmental Services	Weed spraying and removal at various locations	71,549.50
Syrinx Environmental P/L	Landscaping works including supply of plant for Woodlupine Brook upgrade**	66,334.83
Dowsing Group Pty Ltd	Supply and lay concrete pathways, maintenance at various locations	64,274.87
West Tip Waste Control Pty Ltd	Tip fees – removal and processing of various waste	55,982.92
Nature Play Solutions	Design of play space & skate park for Stirk Park – 15% part payment	52,662.50
Mcleods Barristers and Solicitors	Legal expenses	52,610.96
Entire Fire Management	Fire break maintenance at various locations	50,820.00

These payments total \$3,300,959.92 and represent 70% of all payments for the month.

* The amounts paid relate to Forrestfield Industrial Area Scheme stage 1 infrastructure works reimbursed from the Forrestfield Industrial Area Scheme stage 1 reserve account (excluding GST component) during October 2021.

** The amounts paid relate to CELL 9 infrastructure works reimbursed from the CELL 9 trust account (excluding GST component) during October 2021.

Payroll

- Salaries are paid in fortnightly cycles. A total of \$1,305,953.10. was paid in net salaries for the month of October 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) Public Open Space funds;
 - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in October 2021.

CELL 9		Amount (\$)
Date	Description	
28/10/2021	Ellenby Tree Farm – delivery of plants	9,155.00
28/10/2021	Forrestvale Trees Pty Ltd – Deliver of plants	18,310.00
28/10/2021	TRACC Civil Pty Ltd - Hale Road Wattle Grove Road Widening Project	411,940.58
28/10/2021	Telstra Corporation – relocating networks	26,919.70
28/10/2021	Garden Style Landscape Services – project support services	2,909.15
28/10/2021	Talis Consultants Pty Ltd- consultancy services for Woodlupine Living Stream project	3,765.00
28/10/2021	Syrinx Environmental P/L - Landscaping works including supply of plant for Woodlupine Brook upgrade	60,304.39

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 payment range.

Voting Requirements: Simple Majority

RESOLVED OCM 329/2021

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in October 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 & 3) for the month of October 2021.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Sue Bilich**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.4. Rates Debtors Report for the Period Ended September 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 September 2021 [40AY] [10.5.4.1]

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 2021/2022 on 1 July 2021 totalling of \$38,954,466. As of 30 September 2021, \$23,924,787 has been collected for current and outstanding rates for the 30 September 2021 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of September 2021 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 22 July 2021 with the following payment options available:

Options	Payment Dates			
Full payment	26 August 2021			
Two instalments	26 August 2021	29 December 2021		
Four instalments	26 August 2021	27 October 2021	29 December 2021	2 March 2022

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,009,248.
6. As of 30 September 2021, a total of \$23,924,787 has been collected since Rates Notices were released, representing a collection rate of 58.21%.
7. A total of 7,576 ratepayers have taken up the instalment option. This is a slight decrease from 2020/21. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,536
Option 3 on Rate Notice	Four instalments	6,040
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	43
Direct Debit	Payment to be received by April 2021	113
Total	Ratepayers on payment options	7,732

8. Interim rating has now commenced for 2021/2022. To 30 September 2021 \$3,613 has been raised for interim rating revenue.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 01 September 2021 to 30 September 2021 there was a total of 237 incoming calls and 77 outgoing calls, equating to 14.04 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

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

Environmental Implications

19. 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

20.

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

21. With a current collection rate for the financial year of 58.21 % (compared to 55.06 % last year). The City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 330/2021

That Council RECEIVE the Rates Debtors Report for the Period ended 30 September 2021 (Attachment 1).

Moved: **Cr Lisa Cooper**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**


10.5.5. Rates Debtors Report for the Period Ended October 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 October 2021 [10.5.5.2]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 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 2021/2022 on 1 July 2021 totalling of \$38,954,466. As of 31 October 2021, \$26,928,114 has been collected for current and outstanding rates for the 31 October 2021 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of October 2021 (Attachment 1).

BACKGROUND

4. Rate Notices were issued on 22 July 2021 with the following payment options available:

Options	Payment Dates			
Full payment	26 August 2021			
Two instalments	26 August 2021	29 December 2021		
Four instalments	26 August 2021	27 October 2021	29 December 2021	2 March 2022

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,016,364.
6. As of 31 October 2021, a total of \$26,928,114 has been collected since Rates Notices were released, representing a collection rate of 65.50%.
7. A total of 7,934 ratepayers have taken up the instalment option. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,559
Option 3 on Rate Notice	Four instalments	6,335
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	43
Direct Debit	Payment to be received by April 2021	113
Total	Ratepayers on payment options	7,732

8. Interim rating has now commenced for 2021/2022. To 31 October 2021 \$6,572 has been raised for interim rating revenue.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 01 October 2021 to 31 October 2021 there was a total of 343 incoming calls and 114 outgoing calls, equating to 20.32 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

17. The City has 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

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

Environmental Implications

19. 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

20.

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

21. With a current collection rate for the financial year of 65.50% (compared to 63.59% last year). The City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 331/2021

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

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.6. Budget Review for the Three Months to September 2021

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

Previous Items

Directorate Corporate Services

Business Unit Finance Services

File Reference

Applicant N/A

Owner N/A

- | | |
|-------------|---|
| Attachments | 1. Budget Review Financial Activity Statement Nature and Type [10.5.6.1 - 1 page] |
| | 2. Budget Review Summary of Changes [10.5.6.2 - 2 pages] |
| | 3. Budget Review Cash Backed Reserves [10.5.6.3 - 1 page] |
| | 4. Budget Review Composition of Net Current Assets [10.5.6.4 - 1 page] |

TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 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 results of the first term budget review for the three months to 30 September 2021.
2. Regulation 33a (1) of the *Local Government (Financial Management) Regulations 1996* requires that a local government is to conduct a formal review of its adopted budget between 1 January and 31 March.
3. In pursuit of improved fiscal management and accountability, the City of Kalamunda undertakes an additional budget review for the first three months of the financial year 2021/2022.
4. It is recommended that Council:
 - a) Note the 2021/2022 September Budget Review Summary of changes (Attachment 2).
 - b) Amend the 2021/2022 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1) Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*.
 - c) Amend, Pursuant to Section 6.11 (2) (b) of the *Local Government Act 1995*, the transfers to and from reserves (Attachment 3).

BACKGROUND

5. The primary objective of regular budget reviews is to ensure that the City is closely monitoring its revenue and expenditure to mitigate the risk of the City posting a deficit at the end of this financial year. It also incorporates a review of carry forward estimates against incomplete capital works projects as at 30 June 2021. The budget review is undertaken with a focus on fiscal management and accountability.
6. The City is strongly focused on maintaining an annual budget that provides a balanced combination of financial restraint, funding to provide services as required and economic stimulus measures that will generate economic development and employment opportunities.
7. The budget review will enable the City to continue to respond to the current economic climate responsibly and sustainably.

DETAILS AND ANALYSIS

8. The City has analysed the three months actual results to 30 September 2021 for noteworthy changes required to the adopted annual budget 2021/2022. Operating and Capital requirements were reviewed as part of this process. This additional budget review provides the basis for the

detailed and legislative budget review process to occur in the middle part of the financial year.

Overall results show a marginal increase in Closing Surplus Position to \$70,024 with a summary of the movements as follows:

9. **Closing Surplus position (Attachment 1)**

Summary of Movements from the Amended Financial Activity Statement			
Description	Original Budget \$	Proposed Revised Budget \$	Variance \$
Opening Surplus Position	4,424,345	3,542,590	(881,755)
Operating Revenue Excluding Rates	19,899,216	20,975,874	1,076,658
Operating Expenditure	(64,798,884)	(66,454,587)	(1,655,703)
Non-Cash Movements	11,218,201	12,699,407	1,481,206
Investing Activities	(23,234,478)	(22,694,682)	539,796
Financing Activities	13,577,035	13,020,322	(556,713)
Rates Revenue	38,981,101	38,981,101	0
Closing Surplus Position	66,535	70,024	3,489

10. A brief synopsis of the budget variances above are [As per Attachment 2]:

a) Opening Surplus Position:

The opening surplus position has been adjusted as per the Draft Financial Statements for the financial year 2020/2021. Note year-end process and audit are still underway and the position has not been finalised.

b) Operating Revenue:

Operating Revenue excluding rates has an increase of \$1.1M. This is due to the following:

- i. Higher fees revenue of \$103K including an increase in fees from the Cell 9 Infrastructure Cost Sharing Arrangement and Forrestfield / High Wycombe Stage 1 Development Contribution Plan.
- ii. Higher than budgeted Financial Assistance Grant Allocation of \$131K.

iii. Additionally, a dividend distribution from the Eastern Metropolitan Regional Council (EMRC) of \$828K, transferred to reserve.

c) Operating Expenditure:

Operating Expenditures are higher than the original budget by \$1.7M. Areas of significant changes are as follows:

i. Increase in materials and contracts of \$131K, including the following:

1. \$45K transfer from Capital Works for licensing costs classified as Operating.
2. \$40K for Local Planning Strategy preparation

ii. Increase in the non-cash depreciation of \$1.5M. This is mainly due to the building revaluation and resultant change in values and useful life of the City's building assets.

d) Investing activities:

Investing activities increased by \$540K. This comprises the amendment of capital contribution and grant funding based on revised timelines and expenditure, revised capital expenditure including the addition of \$536K for the land purchase in Cambridge Reserve.

e) Financing activities:

Financing activities reflect the change in reserve balances. Notwithstanding, the reserves overall position has been maintained at \$13,163,223 (Attachment 3) with allocations adjusted to align with the reprioritisation and adjusted timing of expenditure.

11. The projected year-end revised closing surplus position as at 30 September 2021 is \$70,024. The City will continue to closely monitor cash flow.
12. In light of this Budget Review, all future monthly financial reports presented to Council for approval will include the adjustments to the current budget.

APPLICABLE LAW

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

APPLICABLE POLICY

14. Nil.

STAKEHOLDER ENGAGEMENT

15. The City commenced work on the Budget Review in early September. During this period the integrity of budget projections were validated.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

- 21.
- | | | |
|--|-------------------|---------------|
| Risk: Expenditure exceeds budgeted allocation resulting in a negative impact on closing funds position. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |

- Monthly management reports are tracked by business unit managers to ensure that they are operating within budget parameters.
- Introduction of budget KPIs for all managers, which are strictly monitored
- Management of reports which are scrutinised by Executive on a monthly basis.
- Budget reviews and forecasting of expenditures against potential revenues are monitored closely.

Risk: Funds spent without a budget allocation.

Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
<ul style="list-style-type: none"> • Electronic purchasing system in place which tracks and allows authorisation of purchase orders only if a budget is available. • Increased segregation of duties between purchasing business unit with responsibility for the issue of purchasing orders with Finance centralizing the compliance aspect of purchasing. 		

CONCLUSION

22. The amended Financial Activity Statement following the September budget review (2021/2022 Proposed Budget Review Attachment 1) reveals a balanced budget estimate for 30 June 2022. In light of the global and economic challenges faced, this is a satisfactory outcome as the City was able to finish with a modest surplus budget of \$70,024.
23. It needs to be noted the Reserves overall are still maintained at a high level with an amount of \$13,163,223 as shown in Attachment 3.
24. The key to maintaining the City's ongoing liquidity will be to diversify its revenue streams and continue to monitor closely revenues and expenditure against allocated budgets. The City will also continue to monitor service delivery to align resources with strategic priorities.
25. The City is constantly looking at improving its financial sustainability in line with the financial ratios.

Voting Requirements: Absolute Majority

RESOLVED OCM 332/2021

That Council:

1. NOTE the 2021/2022 September Budget Review Explanation and Summary (Attachment 2).
2. Pursuant to Section 6.8 (1) (b) of the *Local Government Act 1995*, AUTHORISES amendments to the 2021/2022 current budget to reflect the changes summarised in the Amended Financial Activity Statement (Attachment 1)
3. Pursuant to Section 6.11 (2) (b) of the *Local Government Act 1995*, AUTHORISES the transfers to and from Reserves as detailed in (Attachment 3).

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**


Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.5.7. Submission to the Perth Transport Authority

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

Previous Items	N/A
Directorate	Office of CEO
Business Unit	
File Reference	
Applicant	
Owner	
Attachments	1. Letter to PTA Submission [10.5.7.1 - 4 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The Public Transport Authority is consulting on the new Airport Link bus network.
2. The City of Kalamunda has reviewed the proposed new bus network that will connect the High Wycombe Station to the district and made a number of observations for the Public Transport Authority (PTA) to consider.
3. The recommendation is to endorse the City of Kalamunda submission to the PTA.

BACKGROUND

4. The \$1.86 billion Forrestfield-Airport Link is jointly funded by the Australian and Western Australian governments and will deliver a new rail service to the eastern suburbs of Perth – with three new stations at High Wycombe, Redcliffe and Airport Central.
5. The line will spur off the existing Midland Line near Bayswater Station and run to High Wycombe through twin-bored tunnels.
6. In April 2016 the Public Transport Authority awarded the design, construct and maintenance contract to Salini Impregilo – NRW Joint Venture.

DETAILS AND ANALYSIS

7. The Airport Line will open in 2022 delivering train services to the airport and eastern suburbs.
8. A new bus network will also be introduced with new routes added and some existing routes changed.
9. First trains will operate on the new Airport Line in the first half of 2022.
10. PTA are seeking feedback from stakeholders in regard to the proposed bus network.
11. The City of Kalamunda has developed a submission (Attachment 1) after a thorough cross-organisational analysis of the proposal.

APPLICABLE LAW

12. *Local Government Act 1995*

APPLICABLE POLICY

13. N/A

STAKEHOLDER ENGAGEMENT

14. The City has undertaken a cross functional analysis of the proposal, involving all directorates in the City.
15. The City has also actively promoted the State Governments consultation to the community and understands the state has received more than 300 submissions to date.

FINANCIAL CONSIDERATIONS

16. N/A

SUSTAINABILITY

17. According to the Public Transport Authority the average commuting distance in Perth is 30km. Driving this distance daily, to and from work by car, generates around two tonnes of greenhouse gases a year. The new services could enable more residents to switch from car to public transport to commute has the potential to reduce annual greenhouse gas emissions

RISK MANAGEMENT

- 18.
- | | | |
|--|-------------------|---------------|
| Risk: Submission is not provided to the PTA | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure clear process for approval and submission. | | |

CONCLUSION

19. The Submission provides valuable insight to the PTA , with its demonstrated on ground understanding, of the benefits and impacts of the proposed new bus network.

Voting Requirements: Simple Majority

RESOLVED OCM 333/2021

That Council ENDORSE the City of Kalamunda Submissions to the Public Transport Authority in regards to the Bus Network in the District.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**


10.5.8. Application for Leave – Chief Executive Officer

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

Rhonda Hardy declared an Interest Affecting Impartiality on Item 10.5.8 Application for Leave - Chief Executive Officer. This relates to Ms Hardy's employment conditions with the City.

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Chief Executive Officer
File Reference	
Applicant	
Owner	
Attachments	1. Governance 18 Appointment of Acting Chief Executive Officer X7OL [10.5.8.1 - 2 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. To seek the approval of Council for leave arrangements for the Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period of Thursday 23 December 2021 to Friday 28 January 2022 inclusive.

BACKGROUND

4. Nil.

DETAILS AND ANALYSIS

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Thursday 23 December 2021 to Friday 28 January 2022 inclusive.
6. The Chief Executive Officer has accrued sufficient leave and this approval will enable leave accrued to be acquitted.
7. For leave between 21 days and 12 months policy Governance 18 provides that Council will appoint an Acting CEO.
8. During the period of proposed leave of the Chief Executive Officer the current Directors are also undertaking periods of leave. Below is the periods of availability of the Directors to act as the Chief Executive Officer.

Director	Availability to Act as CEO
Asset Services	23 December 2021 to 14 January 2022
Corporate Services	14 January 2022 to 30 January 2022
Development Services	10 January 2022 to 30 January 2022

APPLICABLE LAW

9. *Local Government Act 1995 Section 5.36*

APPLICABLE POLICY

10. Governance 18 – Appointment of Acting CEO (Attachment 1).

STAKEHOLDER ENGAGEMENT

11. N/A

FINANCIAL CONSIDERATIONS

12. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

SUSTAINABILITY

13. N/A

RISK MANAGEMENT

14.	Risk: Annual leave liabilities accrue and become a significant financial risk which will be identified by auditors.		
	Consequence	Likelihood	Rating
	Minor	Unlikely	Low
	Action/Strategy		
	Ensure leave liabilities are managed and all staff utilised their leave entitlements regularly.		

15.	Risk: Health and Wellbeing of an Employees is detrimental.		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	Ensure the Chief Executive Officer's leave entitlements are supported.		

CONCLUSION

16. The leave requested is an entitlement of the CEO's contract of employment.
17. The role of Acting Chief Executive Officer will be appointed by Council in accordance with policy Governance 18.

18. Options for the appointment of the Acting Chief Executive Officer have previously been presented for Council to consider.
19. In accordance with Governance 18 Council may chose to appoint a CEO other than as suggested.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council

1. APPROVE the Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Thursday 23 December 2021 to Friday 28 January 2022 inclusive.
2. APPOINT pursuant to Council Policy Governance 18 – Appointment of Acting Chief Executive Officer:
 - a. the Director {insert title} be appointed as the Acting Chief Executive Officer for the period to .
 - b. the Director {insert title} be appointed as the Acting Chief Executive Officer for the period to .

Or

2. APPOINT pursuant to Council Policy Governance 18 – Appointment of Acting CEO, {insert name} be the Acting Chief Executive Officer for the period to .

RESOLVED OCM 334/2021

That Council

1. APPROVE the Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Thursday 23 December 2021 to Friday 28 January 2022 inclusive.
2. APPOINT as the Acting Chief Executive:
 - a. Director Asset Services 23 December 2021 to 9 January 2022
 - b. Director Development Services 10 January 2022 to 19 January 2022
 - c. Director Corporate Services 20 January to 28 January 2022

Moved: **Cr Margaret Thomas**

Seconded: **Cr John Giardina**


Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.9. Schedule of Council Meetings - 2022

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

Previous Items	OCM 232/2020
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. 2022 Schedule of Council Meeting Dates [10.5.9.1 - 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 (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 consider the setting of Ordinary Council (OCM) and Public Agenda Briefing Forum (PABF) meeting dates for the 2022 calendar year.

2. The current meeting cycle adopted by Council in 2019 provides for the PABF to be held on the second Tuesday of each month and the OCM on the fourth Tuesday, with no meetings scheduled in January.
3. It is recommended Council set the dates for meetings of the PABF and OCM as detailed in the Schedule (Attachment 1).

BACKGROUND

4. Section 5.4 (b) of the *Local Government Act 1995* (the Act) provides for the Council to call OCM's and Section 5.25 (1) (g) of the Act and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires at least once every year a local government is to give local public notice of the dates, time and place for OCM and committee meetings required to be open to members of the public.

DETAILS AND ANALYSIS

5. The current meeting structure and cycle has now been in operation for several years and appears appropriate in meeting the operational and strategic direction of Council and the needs of the community, with no major issues for either Council or the community.
6. It has been the custom of the City for no meetings to be scheduled in January and the meetings for December be brought forward by one week.
7. A schedule of proposed meeting dates for the 2021 calendar year has been prepared taking into account the current practice for the scheduling of meetings (Attachment 1).

APPLICABLE LAW

8. Section 5.4 (b) of the Act provides for the Council to call OCM's.
9. Section 5.25 (1) (g) of the *Local Government Act 1995* provides for the giving of public notices of the date and agenda for council or committee meetings.

APPLICABLE POLICY

10. Nil

STAKEHOLDER ENGAGEMENT

11. As this report recommends no change to current meeting structure or cycle, no stakeholder engagement has been undertaken.

FINANCIAL CONSIDERATIONS

12. Acceptance of the recommendation will not result in any additional expenditure being incurred to that already included in the current or 2022/23 budget.

SUSTAINABILITY

13. N/A

RISK MANAGEMENT

14.	Risk: Council does not approve a schedule of meetings as required by the legislation.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Ensure the council meets its legislative obligations by adopting a schedule of meetings.		

CONCLUSION

15. As per current practice no meetings have been scheduled for January 2022 and the meetings for December be brought forward by one week.

Voting Requirements: Simple Majority

RESOLVED OCM 335/2021

That Council SET the dates for meetings of the Public Agenda Briefing Forums and Ordinary Council Meetings as detailed in the Schedule (Attachment 1).

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Janelle Sewell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

10.5.10. Nomination of Freeman


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

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

Cr Margaret Thomas declared an Interest Affecting Impartiality on Item 10.5.10 Nomination of Freeman. Cr Thomas has a professional working relationship with the nominee.

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer and PR
File Reference	
Applicant	
Owner	
Attachments	Nil

TYPE OF REPORT

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

RESOLVED OCM 337/2021

That Council ENDORSE the recommended nominee as Freeman of the City of Kalamunda.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY (11/0)**

11. Motions of Which Previous Notice has been Given

11.1 Nil.

12. Questions by Members Without Notice

12.1 Central Mall Update – Cr Sewell

Q. Can an update on central mall and the consultation that is occurring with the local businesses.

A. The Director Asset Services advised the construction contract was awarded and the contractor Bos Civil are planning to commence site works on the 10 January 2022 that is predicated on all the necessary documentation: construction programs, site management programs, environmental management programs, consultation programs, and safety plans are delivered to the satisfaction of the City. The City is currently undertaking comprehensive community engagement and consultation and this will continue throughout the project.

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

13.1 Item 10.1.2 - Cr Ritchie

Q. Is It possible to look at an engagement as a once off or bi annually across the city to see what peoples response are to the fire situation, just as we consult on a range of issues would it be reasonable to put out a survey at the end of a fire season to indicate what peoples concerns are and how wide spread they are?

A. The City is open to undertaking a community engagement survey at the conclusion of the fire season and consider the responses as part of the post season summary report.

13.2 Item 10.1.2 - Cr Boyd

Q. Would it be appropriate for Fire Control Officers (FCOs) to be employed with the city as FCOs and then when they aren't working here they work as contractors through the fire season conducting clearing work slashing etc for contracts within the city after work orders have been issued by themselves or colleagues?

A. Additional employment outside of the City is covered in the Code of Conduct. The City's CEO direction *Undertaking Secondary Employment* requires City employees who wish to undertake secondary employment outside of the City whether paid or unpaid, require the prior written

approval of the CEO. The Fire Control Officers (FCO's) signed and agreed to the induction handbook which list the policies and directions applicable to all staff. Undertaking Secondary Employment is included in the handbook. None of the FCO's employed last season made application or declared secondary employment. In reference to weather it would be appropriate for FCO's to be employed with the City, and then undertake secondary employment as a Fire Mitigation contractor to complete works on properties they have issued work orders; this would not be appropriate.

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

14.1 Nil.

15. Meeting Closed to the Public

15.1 RESOLVED OCM 336/2021

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

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sue Bilich**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting closed to the public at 8:06pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 338/2021

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

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (11/0)**

The Meeting reopened to the public at 8:11pm. No members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

BFAC Minutes 16 September 2021

Public Agenda Briefing Forum – Notes – 9 November 2021

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:12pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2021.