



Ordinary Council Meeting

MINUTES

Tuesday 27 April 2021

INDEX

1. Official Opening.....	3
2. Attendance, Apologies and Leave of Absence Previously Approved	3
3. Public Question Time	4
4. Petitions/Deputations	4
5. Applications for Leave of Absence	4
6. Confirmation of Minutes from Previous Meeting	4
7. Announcements by the Member Presiding Without Discussion	5
8. Matters for Which the Meeting may be Closed	5
9. Disclosure of Interest.....	5
10. Reports to Council.....	7
10.1. Development Services Reports	7
10.2. Asset Services Reports	7
10.2.1. Zig Zag Scenic Drive: Next Steps	7
10.3. Corporate Services Reports	33
10.3.1. Proposed Dedication as Road - Portion of Lot 56 Courtney Place, Wattle Grove.....	33
10.4. Office of the CEO Reports	40
10.4.1. Draft Hartfield Park Master Plan - Stage Two	40
10.4.2. Code of Conduct - Council Members, Committee Members and Candidates	56
10.4.3. City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the Chief Executive Officer	64
10.5. Chief Executive Officer Reports	73
10.5.1. Draft Monthly Financial Statements to March 2021	73
10.5.2. Debtors and Creditors Report for the period ended March 2021	81
10.5.3. Rates Debtors Report for the Period Ended March 2021	88
10.5.4. Kalamunda History Village - Tree Assessments	93
10.5.5. Canberra Advocacy June 2021	103
11. Motions of Which Previous Notice has been Given	107
12. Questions by Members Without Notice	107
13. Questions by Members of Which Due Notice has been Given	107
14. Urgent Business Approved by the Presiding Member or by Decision.....	107
15. Meeting Closed to the Public	108
16. Tabled Documents	108
17. Closure.....	108

1. Official Opening

The Presiding Member opened the meeting at 6:32pm 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

Janelle Sewell

Geoff Stallard

South West Ward

Lesley Boyd

Mary Cannon

Brooke O'Donnell

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Cameron Blair

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

Darren Jones - Manager Community Development

Mandy Skeates - A/Manager Cultural Services

Nic Daxter - Leisure Planning Project Manager

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 15

Members of the Press Nil.

Apologies

Cr John Giardina

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1 Nil.

4. Petitions/Deputations

4.1 A deputation was approved from Mr Geof Irvin, representing the Kalamunda RSL Subbranch. Mr Irvin expressed the RSL's gratitude to the City and City staff for assistance with organising this years ANZAC Day comemorations. Although the comemorations did not go ahead due to COVID19 restrictions the RSL were grateful for the work put in by the City.

4.2 A deputation was approved from Ms Victoria Laurie in relation to Item 10.2.1 Zig Zag Scenic Drive: Next Steps. Ms Laurie spoke in favour of the recommendation.

4.3 A deputation was approved from Ms Beverley Dornan in relation to Item 10.5.5 Canberra Advocacy June 2021. Due to COVID19 restrictions Ms Dornan's deputation was read to the meeting by Mr Charles Dornan. Ms Dornan's deputation spoke against the recommendation.

4.4 A deputation was approved from Mr Charles Dornan in relation to Item 16.1.1 Annual Electors Meeting Minutes. Mr Dornan was not in agreement with comments made in the response by the City to the taken on notice question he asked at the Annual Electors Meeting.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 52/2021

That the Minutes of the Ordinary Council Meeting held on 23 March 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Geoff Stallard**

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

6.2 RESOLVED OCM 53/2021

That the Minutes of the Ordinary Council Meeting held on 23 March 2021, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Cameron Blair**

Seconded: **Cr Janelle Sewell**

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

7. Announcements by the Member Presiding Without Discussion

7.1 Nil.

8. Matters for Which the Meeting may be Closed

8.1 Item 10.3.1 Proposed Dedication as Road - Portion of Lot 56 Courtney Place, Wattle Grove – **Confidential Attachment** - Submitter Table - Dedication of Portion of Lot 56 Courtney Place

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.

- 3.2.1 Cr Lesley Boyd declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Boyd is the coach of a team at Forrestfield Football Club.
- 3.2.2 Cr Mary Cannon declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Cannon's husband is a committee member, and her children play football at the Forrestfield Football Club.
- 3.2.3 Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Stallard is a member of the Forrestfield Bowling Club which is considered for redevelopment.
- 3.2.4 Rhonda Hardy declared an Interest Affecting Impartiality on Item 10.4.3 City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the Chief Executive Officer. Ms Hardy is the Chief Executive Officer of the City of Kalamunda and will be assessed under the Standards.

10. Reports to Council

10.1. Development Services Reports

No Reports presented.


10.2. Asset Services Reports

10.2.1. Zig Zag Scenic Drive: Next Steps

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

Previous Items	OCM 187/2012; OCM183/2013; OCM74/2014; OCM 90/2014; SCM 43/2020; OCM 211/2020
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	ZG-01/GEN
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Zig Zag Scenic Drive Community Engagement - Executive Summary [10.2.1.1 - 37 pages] 2. Community Engagement Report - Future of Zig Zag Scenic Drive [10.2.1.2 - 743 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 is substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

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

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a recommended course of action regarding Zig Zag Scenic Drive (ZZSD) taking into account the results of the community engagement on the status of the Zig Zag Scenic Drive, outcomes of the trial closure to vehicle traffic and recommendations of the Zig Zag Park Improvement Reference Group (Reference Group) and City of Kalamunda Advisory Committees.
2. The community engagement received 1,373 responses consisting of 1,337 survey responses and 36 separate written submissions.
3. Significant information regarding changes that occurred during the trial closure of ZZSD to vehicles has been collated.
4. A Reference Group, chaired by the Hon Matthew Hughes MLA also convened and has made recommendations regarding the future of ZZSD. Key advisory committees of the City of Kalamunda (City) have also considered the matter.

5. There is understanding of the impacts of ZZSD being closed at all times and being open at all times to vehicles. The City does not have any data reflecting outcomes from a scenario whereby ZZSD is open to vehicles during the day/early evening but closed at night.
6. The recommendation is for Council to:
 - a) maintain the current closure of ZZSD to vehicles until 1 July 2021;
 - b) endorse a twelve month trial commencing 1 July 2021 of having ZZSD open to vehicles from the morning to one hour after sunset but closed at night to vehicles and consider a report on the outcomes;
 - c) note the inclusion of funding in the draft 2021/22 budget to implement management procedures during this trial; and
 - d) endorse that an advocacy campaign is undertaken to develop a staged improvement plan for ZZSD and surrounds.

BACKGROUND

7. Given the long history of concerns and Council reports as far back as 2012 regarding ZZSD, only the three recent Council decisions are relevant to the consideration of the next steps with ZZSD.
8. The first is the City of Kalamunda Bicycle Plan which was adopted in June 2018. Council resolved (EN BLOC RESOLUTION OCM 107/2018):
That Council:
 1. *ADOPTS the City of Kalamunda Bicycle Plan 2017 Technical Report and City of Kalamunda Bicycle Plan 2017 Summary Report for implementation.*
 2. *ENDORSES a funding level of up to \$500,000 per year in municipal funds for consideration in the Long Term Financial Plan and respective capital budgets.*
 3. *NOTES that a report on a community engagement program to consider options for pedestrian, cycling and vehicle access through the Zig Zag Scenic Drive will be presented to Council for consideration before proceeding with this program.*
9. Due to an increasing number of complaints regarding speeding and antisocial behaviours along the ZZSD, a report was presented to Council in April 2020. Council resolved (SCM 43/2020):
That Council:
 1. *NOTE provision of traffic calming measures for Lascelles Parade will be listed for consideration by Council as part of the draft 2020/2021 Budget process.*
 2. *UNDERTAKE a six-month trial of closing Zig Zag Scenic Drive to vehicles at all times to commence by 30 May 2020.*

3. *REQUEST the Chief Executive Officer provide a report on the results of the temporary closure, and a recommendation for a permanent solution including recommendations for preparing a resultant Tourism strategy for this area.*
10. During the trial closure, the City of Kalamunda (City) undertook community engagement on this subject. There was a large number of surveys and submissions made and in order to allow the City to assess the community consultation results, a further report was provided to the October 2020 Ordinary Council Meeting where Council resolved (OCM 211/2020):
That Council EXTEND the temporary closure of Zig Zag Scenic Drive to all vehicles to no later than 31 May 2021 unless determined by Council at an earlier date.

DETAILS AND ANALYSIS

11. This report, by the very nature of the details to be discussed, will need to be read in sections pertaining to:
- a) the Community Engagement outcomes;
 - b) further stakeholder feedback;
 - c) outcomes found during the trial closure period;
 - d) analysis of issues raised in the Engagement Report; and
 - e) conclusions drawn.

Community Engagement Outcomes

12. The City undertook community consultation to understand the level of interest and issues regarding the future use of ZZSD. The primary tool used was a feedback survey however the City also accepted separate submissions from the community during this time. The Consultation period ran from 30 July 2020 to 7 September 2020.
13. The City received 1,337 survey responses and 36 separate submissions on the topic making it the largest community feedback exercise in recent times. The Community Engagement Report (Report) on the Future of Zig Zag Scenic Drive has been subsequently prepared.
14. An Executive Summary of the Report is provided as Attachment 1. The full Report is 743 pages long and is provided as Attachment 2.
15. The Report provided empirical information based on the closed questions and quite substantive information based on the open-ended questions. The views of the community can then be understood based on synthesising the information provided.

16. It would be expected the response of greatest interest would be the question "Would you be supportive of the site remaining closed to vehicles on Zig Zag Scenic Drive". 1,334 respondents answered this question with 767 saying 'No' and 567 saying 'Yes'. The majority view was not to support Zig Zag remaining closed. A breakdown by suburb of responses shows:

Suburb	Overall responses	Stay Closed	Re-Open	Prevailing View
Gooseberry Hill	198	144	54	Stay Closed
Kalamunda	178	62	116	Re-Open
High Wycombe	109	20	89	Re-Open
Lesmurdie	91	44	47	Even
Maida Vale	64	26	38	Re-Open
Forrestfield	58	9	49	Re-Open
Helena Valley	30	11	19	Re-Open
Darlington	26	15	11	Stay Closed
Other Suburbs / Suburb not provided	580	236	344	Re-Open

17. One key outcome from the consultation was to understand the community's view of preferred future for ZZSD area. This was sought via Question 13 in the survey "Is there 'one big thing' that you would like to see in this area?". Irrespective of the view about whether ZZSD should be open or closed, the majority of responses were aligned to the following themes:
- a) providing a walking, hiking and pedestrian environment;
 - b) preventing speeding, hooning and associated dangerous behaviours;
 - c) making the most of our scenery and protecting flora and fauna;
 - d) providing a unique place and promoting tourism;
 - e) managing or reducing litter and waste; and
 - f) parking at the top.

18. In consideration of the speeding and hooning concerns that have been raised, the survey sought feedback on some suggested measures that could be undertaken. The summary of these responses is:

Measure	Overall Perception	Mostly Effective	Not effective or Dangerous
Traffic slowing devices	Not effective	541	659
Closing the road for certain times	Marginally not effective	539	618
Regular police presence	Effective	750	363
CCTV	Effective	743	369
Increased punishment	Effective	760	395
Decrease speed limit	Not effective	432	758
Anti-burnout surface	Even	533	449

Discussion below will comment further on these matters.

19. The open-ended questions regarding impacts upon respondents, improvements during the trial closure and vision for the future generated a significant number of discussion items. These are then discussed later in the report where common ideas and themes are commented upon.
20. This engagement process also drew a large number of comments on social media. The known comments are provided within the Report however the views are basically polarised between the desire for pedestrian and cyclists to use ZZSD and the desires for cars to be able to drive down. There was also an active component of commentary seeking support for the restoration of ZZSD for a train.
21. If a summary could be made of the community feedback it generally would be aligned to allowing cars to use ZZSD but also make it safe for pedestrians and cyclists, make it a tourism icon, deal with hooning and antisocial behaviour and protect the natural environment. Other suggestions such as closing the road at night to vehicles but allowing vehicles during the day were also numerous. As discussed later in the report, there is no 'quick fix' to solving all of these needs.

Further Stakeholder Feedback

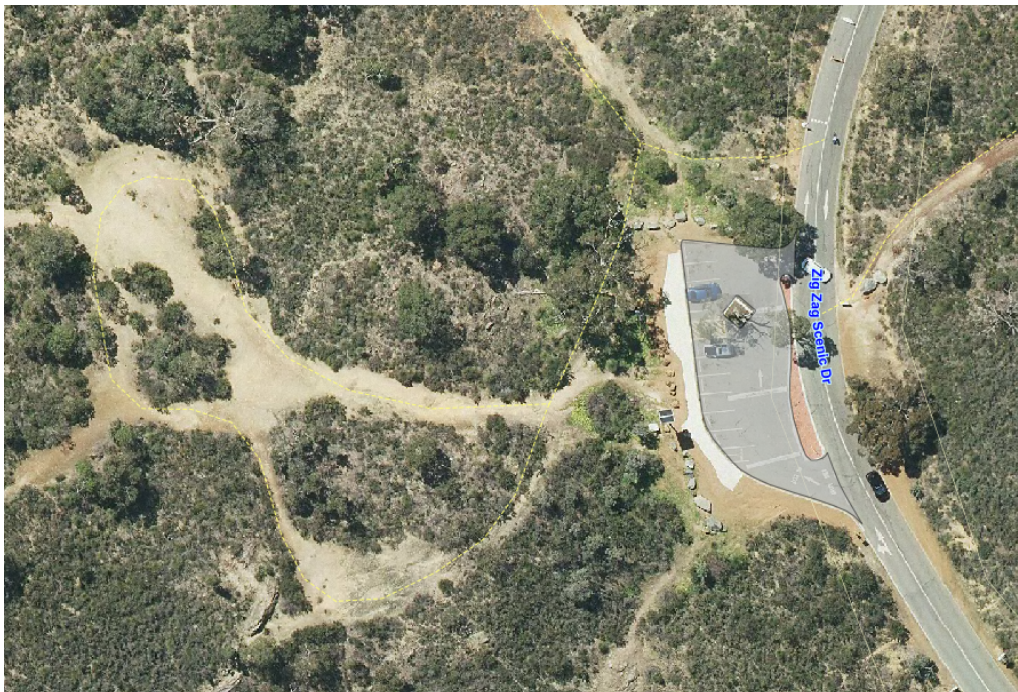
22. The City also sought the views of key Advisory Committees regarding their position on whether to keep ZZSD closed or re-open in regard to their relevant Terms of Reference. A summary of their resolutions are:

Committee	Resolution	Commentary
Kalamunda Environmental Advisory Committee	ZZSD remains closed	Aligns to enhancing the environmental outcomes for adjacent Park
Community Safety and Crime Prevention Committee	ZZSD is reopened with conditions	Conditional upon significant upgrades in infrastructure aligned to enhancing community safety and crime prevention
Kalamunda Tourism Advisory Committee	ZZSD is closed at night with exceptions	Ability to open at night for tourism events
Kalamunda Arts Advisory Committee	No conclusion drawn	Challenged City to research and identify that ZZSD becomes an arts activated place
Disability and Carers Advisory Committee	Based on a small number of responses, DACAC were unable to reach a consensus view	DACAC also wished any subsequent decision of Council on this issue to be referred back to them for information

The views of these Committees should be noted.

23. The Hon Matthew Hughes MLA and the City enabled the formation of a Zig Zag Reference Group (Reference Group) chaired by himself with membership of the Mayor and Deputy Mayor, CEO, City Staff, Community representatives, Department of Biodiversity and Attractions (DBCA) (managers of Gooseberry Hill National Park through which ZZSD travels), Officer in Charge Forrestfield Police Station and a volunteer psychologist.
24. This Reference Group convened in November 2020 and has met through to February 2021 to discuss the ZZSD issues and determine if there is a feasible joint State, City and Community way forward on this issue.

25. The Reference Group settled on a shared vision for the future of this area to be:
- a) Curated and well-designed areas for people to park, picnic and take in the views and enjoy the scenery with a focus on Noongar heritage.
 - b) Allow people to drive down ZZSD instead of stopping.
 - c) No immediate progression into activated commercial areas such as restaurants and the like.
 - d) Protect the natural environment and Gooseberry Hill National Park.
26. The Reference Group also adopted a position that ZZSD is opened at day to vehicles and closed at night with an accompanying series of infrastructure and other management initiatives to address antisocial behaviour. This was not a unanimous recommendation with one dissenting vote from the membership.
27. The Reference Group determined that if short term improvements were to be undertaken for visitor amenity that they should focus on enhancing the area around the existing sealed car park at the top of ZZSD with a Noongar inspired series of walkways, contemplation points, a lookout, expanded car parking and public toilets within the DBCA area. DBCA have offered to investigate if they could fund a concept design for this area. The area of interest is at the start of ZZSD as it meets Lascelles Parade as shown below:



28. Finally, the Reference Group commended that once the City determined the future of ZZSD that a Master Plan be developed and advocacy undertaken to fund improvements.

Outcomes found during trial closure period

29. During the closure of the ZZSD, the City experienced the following:
 - a) a significant reduction in litter and dumping;
 - b) a significant reduction in complaints requiring Ranger services;
 - c) an increase in parking and stopping in unsuitable locations such as Ocean View Parade;
 - d) a significant reduction in complaints regarding speeding and hooning, including along the approach roads; and
 - e) supportive comments from the community regarding the ability to walk, and cycling uphill (the road previously was one way downhill).
30. DBCA also have commented anecdotally that a reduction in damage to the National Park has been found during the trial closure.
31. In November 2019 (when ZZSD was open) the City collected 507 kg of litter from ZZSD excluding green waste and tyres. The same exercise was conducted during August 2020 while the road was closed to traffic with only 17 kg of litter collected.
32. The closure of the road has not only had a dramatic decrease in the mass of litter, there was also:
 - a) no illegal dumping, especially no asbestos;
 - b) no vandalism of rubbish bins;
 - c) no drug bags, bongs, condoms and so on;
 - d) reduction in needles (from around eight a week to only two since closed);
 - e) reduction in dead animals on the road;
 - f) reduction of campfires and camping gear left behind;
 - g) materials that are dumped are left at the gate rather than scattered along the road; and
 - h) reduction in servicing time for the City. There is the possibility of utilising one staff member to service the road instead of two, and staff are not having to go down banks to access litter over edges with obvious safety improvements.

33. There has been no change in the number of 'nangs' that have been discarded in ZZSD. Nangs are small compressed nitrous oxide canisters that are inhaled for their illicit effects. A photo of 'nangs' is shown below:



This suggests that their use is mainly be people who don't drive down ZZSD.

34. For reference, during the closure there was no noticeable increase in litter or Illegal dumping in other locations such as Lion's Lookout, Palm Terrace, Honey Road, and Falls Road.

35. WA Police provided reporting statistics on incidences relating to ZZSD (note these reflect numbers of reports, not actual Police attendance which may have been higher). Prior to the closure of the ZZSD, from February to May (four months) there were 73 incident reports, while during the June to September (four months) there were 22 incident reports.

It is noted that the first data set also coincided with the Covid-19 travel restrictions and milder autumn weather.

36. It is to be noted however that there was a case of an assault upon a resident of Ocean View Parade during the trial closure and upon investigation of the circumstances it is reasonable to assume that the assailant's vehicle was parked on Ocean View Parade due to ZZSD being closed.

37. In terms of parking and related compliance issues, the City's experience prior to the closure was:
- a) Rangers staff patrolled the area daily and in 2019 (12 months) attended to 44 reported incidents;
 - b) the matters most reported were related to waste dumping and littering, vandalism, antisocial behaviour, hooning and off-road vehicle activity, camping and illegal fires; and
 - c) the Rangers aimed to display a presence in the area as a deterrent to unacceptable activities.

38. The City's experience during the closure has been:
- a) 19 recorded incidents in 2020 (nine months) including periods of open and closed;
 - b) 130 Ranger patrols required; and
 - c) a decline in illegal behaviours as reported, regarding litter experiences (outlined above) and the WA Police report.
39. In terms of traffic and parking:
- a) anecdotal experiences of ZZSD, prior to the closure, were that in the evenings every parking spot a vehicle could squeeze into was being used. The City and DBCA regularly had to move and place rocks to prevent four-wheel drive vehicles from leaving the road reserve;
 - b) during the trial there were instances initially of vehicles congregating at the top gate near Ocean View Parade causing amenity issues for residents however this has tapered off;
 - c) as a result of a number of complaints regarding parking and stopping along Ocean View Parade, the City implemented 'No Stopping' yellow lines along the length of this road. Ocean View Parade is four metres wide, thus any vehicle stopping or parking is doing so illegally as the vehicle is blocking the road; and
 - d) the top sealed carpark became very popular for visitors for lookout purposes with a manageable increase in litter.
40. In summary, during the trial closure, the City found that there were significant reductions in antisocial behaviour, criminal behaviour, and littering and dumping. It is also noted that damage to the vegetation and habitat adjacent to ZZSD inside Gooseberry Hill National Park was reduced and recovery of vegetation is underway. The trial closure has had positive impacts.

Engagement Report – Analysis

41. This section of the report provides commentary regarding issues raised in the Engagement Report for noting.
42. The commentary within will speak to the need for a Master Plan to be developed for ZZSD and environs as also recommended by the Reference Group.
- Speeding and Traffic Calming*
43. Within the Report, comments were raised by 315 respondents that included words associated with "speeding". In addition, comments about the future of ZZSD also identified from 268 respondents the ongoing need to manage speeding.

44. From a technical perspective, the ZZSD is not conducive to traffic calming devices as placing speed humps or chicanes on the very narrow road would result in an increased risk of crashes. The road is currently three metres wide along most parts and has three 180 degree bends with very small radii. To provide traffic calming would require a larger scale solution, involving road widening into the adjacent National Park and extensive series of crash barriers.
45. It is recognised that chicane type traffic calming measures have been installed on ZZSD prior to the top gate and on Lascelles Parade with some effectiveness in reducing hooning however these parts of the road (being of nominal normal width) do not present the same hazards identified above if these treatments were used on the narrow section of ZZSD.
46. An anti-burnout surface spray, as suggested in the community consultation, is a more abrasive surface that prevents tires from sliding across the surface and causes them to lose rubber more quickly. These treatments are suited to specific locations such as intersections. If a resurfacing of ZZSD was being considered, this issue would be explored further.
47. With regard to speed limits, the nature of ZZSD, being narrow with steep verges and sharp bends, creates a low speed environment for most users. Traffic counts were not taken immediately prior to the closure. Count data from 2017 shows 85th percentile speeds around the 46 km/hr range in the 40 km/hr speed zone. In April 2020, the 85th percentile speed just north of the sealed carpark was 55.4 km/hr (50 zone).
48. The community consultation question 11 showed that the community perceive a decrease in the speed limit to be not effective. Similarly, the community perceive that traffic slowing devices would not be effective.
49. To reduce the speed limit below 40 km/hr requires special consideration for “place” characteristics over vehicle movement, as part of the Main Roads WA speed zoning criteria. A “place” characteristic would include retail shopping and pedestrian generators. In this case there are no “place” characteristics so a reduction in speed zone would not be approved by Main Roads WA. Those who will travel significantly in excess of the speed limit would also not be likely to comply with a change to the speed limits.
50. Separately to the community consultation, the City has received a number of complaints regarding speeding along Lascelles Parade and Williams Street. Traffic calming improvements for Lascelles Parade and Williams Street will be listed for consideration in the 2021/22 capital works budget.

51. The City has noticed an increase in the number of “long-boarders” filming their descent with cameras. These riders may be a hazard for other users and also at risk if vehicles were using ZZSD at the same time.

Policing

52. As provided by the WA Police web site (<https://www.police.wa.gov.au/>):
“The *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2004* and subsequent amendment legislation, commonly known as Hoon Legislation, empowers police to impound vehicles that:
- are driven in a reckless manner,
 - do a burnout; or
 - are driven at a speed equal to or greater than 45km/h over the posted speed limit.”
- Part of the effectiveness of deterrents and punishments is the ability to catch the offenders, which requires coordination of the WA Police, camera systems, and supporting resources. Reports of hooning can be made online at <https://www.police.wa.gov.au/Police-Direct/Traffic/Traffic-Complaint-Form/Questions-A>.
53. The community consultation question 11 confirmed that the community perceive a regular police presence and increased punishment to be effective. Comments from the consultation were received from 26 people on policing and 315 people on speeding.
54. In acknowledging the limited WA Police resources, a solution needs to be found that makes the best use of those resources, balanced with the severity of the concerns and associated risks. Keeping ZZSD closed will lead to an ongoing lower level of criminal activity in the area and free up WA Police resources to support other areas.
55. In the community consultation, question three identified that 585 of the 1,373 respondents drive and in addition to the many walkers it is presumed that a large number of these drive and park nearby. The sentiment towards parking needs was not directly identified in the community consultation.
56. On the basis of the City’s experiences with parking compliance and behaviours, it is proposed to plan for an improvement in parking facilities to support the area regardless of whether the road remains closed or is reopened.

CCTV including Speeding Cameras

57. The City has an adopted CCTV Policy and Strategy which has as its preamble:

“CCTV surveillance is acknowledged as a valuable and effective tool for the protection of people and property. CCTV plays an active deterrence role to reduce and manage antisocial behaviour, drug and alcohol related crime, offences against persons and property and as a powerful investigative tool for local Police. Alongside crime deterrence, the public CCTV system improves the perception of community safety and property protection.”

58. The community consultation question 11 confirmed that the community perceive CCTV to be effective. Comments from the consultation however were only received from 30 people on CCTV. It is proposed therefore that CCTV only be considered should the road be reopened, to help manage antisocial behaviours and speeding.

Litter and Waste

59. In the community consultation, comments about littering were received from 240 people. The management of litter also was important as 203 comments on the future of the area mentioned litter.
60. If ZZSD was restricted to pedestrians and cyclists, the City would need to implement a slight increase in the number of litter bins along the length of ZZSD with the view that these users would use the bins in preference to dropping their litter on the roadside.
61. If ZZSD was open to vehicles and areas provided for off road parking, a similar increase in litter bins would also be required.
62. However, it is noted that allowing vehicle access is almost certain to lead to an increased level of illegal dumping given the relative solitude of the area.

Exercise

63. Question four in the community consultation identified that 977 people visit the ZZSD for exercise (walking, hiking or cycling). Feedback on the future of the road identified a combined 494 comments seeking exercise opportunities.
64. There were 346 comments in the community consultation about providing a walking, hiking and pedestrian environment. These issues need to be considered in any future Master Planning for the area.

Social Connection

65. The road also provides a high value to social connection, with 208 comments mentioning social connections, family and friends. Feedback on the future of the road provided 87 comments on socialising. These seemed to be independent of views regarding the road being opened or closed.

A unique place and tourism

66. The Report notes comments about the ZZSD being a unique place were received from 133 people that mentioned words such as “unique”, “Iconic”, “fantastic” and “wonderful”. Tourism related words were mentioned 200 times, and words related to the scenery were mentioned 363 times.
67. Feedback on the future of the road identified similar sentiment, with 105 comments on a unique place, 251 comments about the benefits to tourism, and 221 mentions of scenery. All of these aspects can be supported whether the road is closed or reopened, as part of the tourism response again within the context of a Master Plan.

Mobility

68. A few comments in the community consultation covered elderly people with mobility limitations, or people with full or partial physical disability who objected to being unable to drive or be driven down ZZSD to park to enjoy the scenery, views and National Park.
69. This matter would need to be addressed in a deliberate fashion through the Master Planning process noting that potential other nearby areas can be developed for enjoying the scenery, views and the National Park.

Zig Zag Train Restoration Proposal

70. There was commentary raised that the City should develop ZZSD for the Zig Zag Train Restoration and cease further discussions regarding vehicle access in terms of open or closed.
71. The City has dealt with this issue in a report to Council in December 2020 in which the proponents of the Train Restoration were provided with an extensive list of issues that they need to address (including ZZSD) as part of any subsequent proposal to be presented to the City. No further consideration within this Report regarding the Train is necessary.

Conclusions Drawn

72. As demonstrated above, the trial closure has seen significant reductions in the antisocial, criminal and environmental damage in the area. The City has also received many compliments from cyclists and pedestrians regarding the amenity that this provides.
73. The outcome for ZZSD when considering the values associated with exercise, social connection, a unique place, and tourism, may be to keep the road closed to prevent antisocial behaviours but accessible with appropriate facilities to support exercise, social and tourism values. These benefits have come at a small cost to the City (supply and installation of the gates).
74. It is recognised that the majority view of respondents was to reopen the road. Should the road be reopened, the City will need to provide a greater level of enforcement and controls than before, thus preventing detracting from the community values.
75. As it stands, the City can adopt one of two outcomes – the road remains closed to vehicles (excluding permitted use) at all times or the road is reopened to vehicles at all times. The implications are discussed below:
76. In both Options it is recognised that there is need for an overarching Master Plan for ZZSD and environs to address the physical and emotional needs of the community, tourism and environment.
77. *Option 1: Zig Zag Scenic Drive Remains Closed*
In this option, the key implications are:
- a) for the organisation, minimal resourcing and monitoring concerns, and this is the lowest operating cost option;
 - b) the WA Police, Department of Fire and Emergency Services (DFES) and DBCA would experience a similar outcome as the City in terms of reduced need to respond;
 - c) the City will require capital costs arising from the need to improve the safety for pedestrians and cyclists (on the closed road), and the eventual need to resurface the ZZSD for pedestrian and cyclists; and
 - d) the majority of the feedback from the community consultation was for the road to not remain closed to vehicles, thus there will be dissatisfaction from most parts of the community if this option is selected.

78. *Option 2: Zig Zag Scenic Drive is Opened Fully*
In this option, the key implications are:
- a) for the City, resume resourcing and monitoring including daily Ranger visits, weekly litter collection visits, and responding to the many complaints;
 - b) a probable dramatic increase in dumped rubbish and litter, antisocial behaviours, and speeding;
 - c) the WA Police, DFES and DBCA would experience a similar outcome as the City in terms of needing to respond to issues;
 - d) the City will require capital costs arising from the need to make the road safer and try to lower vehicle speeds safely, provide pedestrian and cyclists facilities separated from traffic, and the impending need to resurface the ZZSD for vehicles; and
 - e) the majority of the feedback from the Gooseberry Hill residents in the community consultation was for the road to remain closed to vehicles, thus there may be dissatisfaction from this localised part of the community if this option is selected.
79. The community consultation sought perceptions from people on “Closing the roads during certain times e.g. 6pm-7am”. Question 11 in the community consultation identified that more people considered this to be not effective (618) than effective (539). Further analysis of the sentiment was not possible from the survey.
80. Having the road open for certain periods of time during the day may provide opportunities to understand if the negative impacts of vehicle access is mainly caused at night and as such, daytime use by vehicles may not be as problematic.
81. However, it has to be set out that ZZSD roadway is narrow and there is limited capability to safely permit pedestrians and cyclists two way access to ZZSD with cars being restricted to one way downhill flow without a higher risk of accidents.
82. It is recognised that the City does not have data to understand the outcomes of a day open / night closed to vehicles scenario specifically to determine if the majority of antisocial and criminal behaviour and environmental damage occurs at night. It is believed that a third option may exist for the future of ZZSD.

83. *Option 3: Zig Zag Scenic Drive Is Opened for Set Times*

In this option, the time controls are intended to manage undesirable behaviours while supporting positive experiences. The implications of this option may be:

- a) for the City, resume resourcing and monitoring including daily Ranger visits, weekly litter collection visits, and responding to complaints;
- b) provide a gate opening and closing service with the authority to issue move-along orders;
- c) potential increase in dumped rubbish and litter, antisocial behaviours, and speeding;
- d) the WA Police, DFES and DBCA may experience a similar outcome as the City;
- e) the City will require capital costs arising from the need to make the road safer and try to lower vehicle speeds safely, provide pedestrian and cyclists facilities separated from traffic, and review the impending need to resurface the ZZSD for vehicles;
- f) for the community, there will be a loss of exercise amenity during road open times, but gain for those whom prefer to drive down the road (highly valued); and
- g) there will be conflict at each opening and closing time as the enforcement agency separates pedestrians, cyclists, and drivers.

84. If this solution was implemented as a permanent outcome, the City would develop further consideration as to whether an unmanned automated gate opening and closing system in lieu of manned patrols would be effective and cost efficient.

85. The benefits of opening for a set time each day may include:

- a) enabling full access for all levels of mobility;
- b) protecting the access, driving experiences and associated values experienced by people from being able to drive down the road; and
- c) possibly a stronger tourism attraction and potential for associated activities than if the road was closed.

86. A probable negative impact of this Option would be that cyclists could not use ZZSD as two-way flow during the opening time as an unacceptable risk of vehicle – cyclist impact will result. The City would need to undertake overt communication to the community on this matter, given that cyclists have been using ZZSD in two-way mode for a while.

87. As noted above, whilst the City can estimate the possible positive and negative outcomes of this Option, it has no material facts of testing this option to work with.

88. It is therefore considered that Council should undertake a trial of having ZZSD:

- a) opened in the morning at 11am, by City Ranger staff;
- b) Authorised Officers attend to ZZSD in the evening one hour after sunset; close the top gate and move down ZZSD directing visitors to move on and leave the area via the bottom gate; and
- c) subsequently close the bottom gate.

It is envisaged that the closure and clearing of site may take one hour each day.

89. The time of sunset varies during the year. During the trial sunset would be:

- a) 1 July 2021 – 5:23 pm
- b) 1 October 2021 – 6:18 pm
- c) 1 January 2022 – 7:26 pm
- d) 1 April 2022 – 6:13 pm

90. Currently the City's Ranger staff do not have rosters extending beyond 7pm on weekdays and 4pm on weekends. As such, the most cost effective solution to implement this trial is to engage external Contractors for the night time closures. The anticipated cost of this is \$25,500 for a twelve month trial.

91. This trial should commence 1 July 2021 so as to provide sufficient time to inform the community of the change in the usage of ZZSD and to provide budget funding within the 2021/22 Budget, as no budget exists to commence the trial earlier.

92. By undertaking the re-opening each day at 11 am, this still provides the early morning for pedestrians and cyclists to have free access to ZZSD which may partially mitigate the concerns raised once the road is re-opened to vehicles.

93. It is proposed to provide a subsequent report to Council in May 2022 detailing the outcomes from an antisocial, criminal and environmental perspective. Council may then be able to make a final determination on the status of ZZSD before the planned termination of the trial on 30 June 2022 allowing any subsequent changes to be put in place during the month of June 2022.

Zig Zag and Environ Master Plan

94. To coordinate the many actions that have been identified from the community consultation, the City should prepare a Zig Zag and Environs Master Plan. This would include:
- a) improving pedestrian access and trails;
 - b) improving and expanding parking facilities;
 - c) implementing better traffic calming along Lascelles Parade and Williams Street (as are also being separately planned);
 - d) investigating larger scale facility improvements in the future such as lookouts and potentially a café; and
 - e) promoting the tourism attributes of the area.

APPLICABLE LAW

95. S3.50 of the *Local Government Act 1995* covers the closing of certain thoroughfares to vehicles. This is supported by section 4 of the *Local Government (Functions and General) Regulations 1996*.
96. The *Road Traffic Act 1974* and *Road Traffic Code 2000* cover the authority to regulate parking and driver activities.

APPLICABLE POLICY

97. Service Policy 4 Asset Management – covers a number of areas that are addressed in this report, including community consultation and values, and considering impacts of decisions relating to assets.
98. Service Policy 5 Communication and Engagement – particularly ensuring that the decision-making process is transparent in the way it refers to community consultation.

STAKEHOLDER ENGAGEMENT

99. The Executive Summary and full Community Engagement Report and are provided as Attachments 1 and 2 (respectively) to this report.
100. The WA Police, DFES and DBCA were advised of the survey and pending Council report and invited to submit their concerns or suggestions in writing.
101. The WA Police responded by providing statistics on system reports as stated previously. Responses from DFES and DBCA have not been received.

102. It would be intended that the Council determination of this report would be communicated to the community, including those who, as part of their survey response requested to be kept informed, Advisory Committees, relevant State Agencies and Members of Parliament.

FINANCIAL CONSIDERATIONS

103. The closure of the Zig Zag Scenic Drive, installing gates and so on, has cost the City of Kalamunda \$25,300. The road is due to be resurfaced, however should the road remain closed this will not be needed for many years.
104. Should the road be reopened, the City will incur ongoing operational costs in Ranger and Contractor attendance, litter collection, and general maintenance of the road. Note that the park is managed by DBCA and four-wheel drive damage becomes a state government cost.
105. The cost of any improvements identified as part of the proposed Zig Zag and Environs Master Plan will be identified in that plan.
106. Traffic calming treatments have been identified for Lascelles Parade and Williams Street that, if constructed, will cost \$176,000 and \$100,000 respectively. The priority for these projects are not contingent upon the status of the ZZSD.

SUSTAINABILITY

Social Implications

107. As identified in the themes arising from the community consultation ZZSD is highly valued by the community for the social opportunities it creates, and from its history. Any change to the access for the drive needs to ensure the social values are protected.
108. Should the drive be reopened to vehicles, the speeding and associated antisocial behaviours will cause a negative social impact. This will need to be managed, while acknowledging the difficulty for the City and enforcement agencies in doing so.

Economic Implications

109. Based on responses to the community consultation, approximately 7,300 visitors visit ZZSD annually from outside the City. Using an event impact modelling scenario, the economic contribution of visitors to the area is estimated at \$500,000 per year adding to the gross regional product of Kalamunda. The combination of all direct, industrial and consumption effects would result in an estimated increase of employment equivalent to seven annual jobs located in the City of Kalamunda.
110. If the ZZSD remained closed, it results in an approximate economic loss of \$500,000 and seven local jobs (as may have already been realised). A partial opening would have a positive impact commensurate with the increase in vehicle-based visitation.

Environmental Implications

111. As identified in the themes arising from the community consultation, the ZZSD is highly valued by the community for the natural experiences it creates. Any change to the access for the drive needs to ensure the environmental values are protected.
112. Should the drive be reopened to vehicles, the natural environment needs to be protected, and littering and damaging environmental activities need to be prevented. This will need to be managed, while acknowledging the significant level of littering that was experienced when the road was open, and the difficulty for the City and enforcement agencies in preventing such behaviours.

RISK MANAGEMENT

113.	Risk: Reputational impacts from community members dissatisfied with the resolution of Council in regard to this report.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Provide further communication to the community on the survey results and reasons for the decisions.		

114.	Risk: A decline in reputation of the City due to injury to the community or damage to public or private property arising if the ZZSD is reopened and dangerous or antisocial behaviours arise.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Manage driving behaviours and user behaviours through established control and enforcement methods.		

115.	Risk: A decline in reputation of the City due to a decline in economic activity or negative effect on tourism as a result of the ZZSD remaining closed.		
	Consequence	Likelihood	Rating
	Significant	Likely	High
	Action/Strategy		
	Investigate other ways to make the area attractive to walkers and cyclists, and thus maintain or improve economic activity.		

CONCLUSION

116. At this time there is no solution of opening or closing ZZSD that will address every community issue to their satisfaction. A long-term solution developed through a Master Planning process with community consultation is seen as the way forward.
117. The City does not have data surrounding if the negative impacts of having ZZSD open can be reduced if the road was open in the day but closed at night. There is benefit in undertaking a trial of this scenario in order to have the complete picture.
118. The community engagement process undertaken has resulted in the highest level of response in recent years. As such, it should be viewed as representative of the views of the community at large.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. MAINTAIN the current closure of Zig Zag Scenic Drive to unauthorised vehicles until 30 June 2021.
2. ENDORSE a trial of opening Zig Zag Scenic Drive at 11am each day and closing it at one hour after sunset each day until 30 June 2022.
3. UNDERTAKE a community awareness campaign to advise the community, key stakeholders and Advisory Committees of this further trial.
4. NOTE the inclusion of \$25,500 of additional operating costs within the draft 2021/22 Budget to undertake this trial.
5. RECEIVE a report on the outcomes of this trial in May 2022 to allow a final decision on the status of Zig Zag Scenic Drive in regard to vehicles.
6. SEEK the support of the Department of Biodiversity, Conservation and Attractions (DBCA) in developing a concept plan for improved visitor parking and amenities, boardwalk and lookout within Gooseberry Hill National Park at the current location of the sealed carpark at the start of Zig Zag Scenic Drive.
7. ENDORSE development of a Zig Zag and Environs Master Plan upon further resolution of the status of Zig Zag Scenic Drive regarding vehicles access.

Moved: **Cr Cameron Blair**

Seconded: **Cr Kathy Ritchie**

Vote:

The Recommendation received a mover and seconder. Cr O'Connor proposed an amendment to the Recommendation. This was not accepted by the seconder. The amendment to the recommendation was debated and put to a vote.

RESOLVED OCM 54/2021

That Council:

1. MAINTAIN the current closure of Zig Zag Scenic Drive to unauthorised vehicles until 30 June 2021.
2. **ENDORSE a trial of opening Zig Zag Scenic Drive at 11am each day and closing it at one hour after sunset 8:30pm each day until 30 June 2022.**

3. UNDERTAKE a community awareness campaign to advise the community, key stakeholders and Advisory Committees of this further trial.
4. NOTE the inclusion of \$25,500 of additional operating costs within the draft 2021/22 Budget to undertake this trial.
5. RECEIVE a report on the outcomes of this trial in May 2022 to allow a final decision on the status of Zig Zag Scenic Drive in regard to vehicles.
6. SEEK the support of the Department of Biodiversity, Conservation and Attractions (DBCA) in developing a concept plan for improved visitor parking and amenities, boardwalk and lookout within Gooseberry Hill National Park at the current location of the sealed carpark at the start of Zig Zag Scenic Drive.
7. ENDORSE development of a Zig Zag and Environs Master Plan upon further resolution of the status of Zig Zag Scenic Drive regarding vehicles access.

Moved: **Cr Dylan O'Connor**

Seconded **Cr Cameron Blair**

Vote:	<u>For</u>	<u>Against</u>
	Cr Janelle Sewell	Cr Brooke O'Donnell
	Cr Geoff Stallard	Cr Kathy Ritchie
	Cr Lesley Boyd	
	Cr Mary Cannon	
	Cr Sue Bilich	
	Cr Lisa Cooper	
	Cr Cameron Blair	
	Cr Margaret Thomas	

CARRIED (9/2)

The Recommendation was amended and put to a vote.

RESOLVED OCM 55/2021

That Council:

1. MAINTAIN the current closure of Zig Zag Scenic Drive to unauthorised vehicles until 30 June 2021.
2. ENDORSE a trial of opening Zig Zag Scenic Drive at 11am each day and closing it at 8:30pm each day until 30 June 2022.
3. UNDERTAKE a community awareness campaign to advise the community, key stakeholders and Advisory Committees of this further trial.
4. NOTE the inclusion of \$25,500 of additional operating costs within the draft 2021/22 Budget to undertake this trial.
5. RECEIVE a report on the outcomes of this trial in May 2022 to allow a final decision on the status of Zig Zag Scenic Drive in regard to vehicles.
6. SEEK the support of the Department of Biodiversity, Conservation and Attractions (DBCA) in developing a concept plan for improved visitor parking and amenities, boardwalk and lookout within Gooseberry Hill National Park at the current location of the sealed carpark at the start of Zig Zag Scenic Drive.
7. ENDORSE development of a Zig Zag and Environs Master Plan upon further resolution of the status of Zig Zag Scenic Drive regarding vehicles access.

Moved: **Cr Cameron Blair**

Seconded: **Cr Kathy Ritchie**

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


10.3. Corporate Services Reports

10.3.1. Proposed Dedication as Road - Portion of Lot 56 Courtney Place, Wattle Grove

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Commercial and Cultural Services
File Reference	CR-16/GEN
Applicant	Taylor Burrell Barnett
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Application Letter - Dedication of Portion of Lot 56 Courtney Place - Redacted [10.3.1.1 - 1 page] 2. Plan - Dedication of Portion of Lot 56 Courtney Place [10.3.1.2 - 1 page] 3. Submission Table - Dedication of Portion of Lot 56 Courtney Place [10.3.1.3 - 3 pages] 4. MRWA Submission - Dedication of Portion of Lot 56 Courtney Place - Redacted [10.3.1.4 - 9 pages] 5. Applicant Response to MRWA Submission - Dedication of Portion of Lot 56 Courtney Place - Redacted [10.3.1.5 - 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 2027

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application to dedicate a portion of Lot 56 on Diagram 65526, Wattle Grove ("Lot 56") as road.
2. Lot 56 is a pedestrian access way (PAW) that is approximately 10-cm wide. It operates as a "spite strip"; its purpose is to prevent direct access onto Welshpool Road East.
3. The proposed dedication is required to facilitate a fast-food outlet development at Lots 10 and 9007 Courtney Place and Lot 56 Welshpool Road East, Wattle Grove.
4. It is recommended that Council support the proposal, subject to the applicant paying all costs of and incidental to the proposal.

BACKGROUND

5. On 24 June 2020, the Metro Outer Joint Development Assessment Panel (JDAP) approved a fast-food outlet development at Lots 10 and 9007 Courtney Place and Lot 56 Welshpool Road East, Wattle Grove (DAP/19/01680).
6. The development provides for direct access onto Welshpool Road East. However, Lot 56 is a "spite strip" and prevents direct access onto Welshpool Road East. This proposal seeks to remove the "spite strip" at the proposed point of access to enable the development to proceed.
7. On 15 September 2020, the City received an application from Taylor Burrell Barnett (applicant) requesting that the City dedicate a portion of Lot 56 as road. A copy of the application letter is attached (Attachment 1). A copy of the plan showing the portion of Lot 56 proposed to be dedicated is also attached (Attachment 2).

8. The City met with Main Roads WA (Main Roads) in January 2021 and were provided with further information on the future planning for Welshpool Road East.
9. Main Roads are proceeding with planning and design for the major upgrade of Orrong Road from Leach Highway to Great Eastern Highway. They are also proceeding with planning work to upgrade Orrong Road from Leach Highway to Roe Highway, and this will extend to Welshpool Road East and Tonkin Highway.
10. Although the timing of the Welshpool Road East upgrade is unconfirmed and likely to be ten years away, two key aspects of the plan for Welshpool Road East are known:
 - a) The road will need to be widened to provide three lanes each way; and
 - b) Access will need to be restricted with existing driveway access points possibly removed (noting this is speculative at this point).
11. In addition to this application for dedication of land as road and the JDAP approval, the applicant will need to obtain Main Roads' approval to the proposed crossover. The approval of the crossover is a separate process.

DETAILS AND ANALYSIS

12. Lot 56 is designed to prevent direct access onto the Welshpool Road East road reserve, which is managed by Main Roads (the trees, vegetation, paths and minor assets are City assets). If the subject site is dedicated as road, direct access onto Welshpool Road East will no longer be prevented.
13. From a traffic engineering perspective, the proposal is not desirable considering future road network upgrades.
14. However, it is noted that the road upgrade is likely to be ten years away. Further, as was noted by the JDAP when considering the related JDAP application (DAP/19/01680), in the event of future roadworks, mechanisms are in place to alter the road network and, if considered necessary, remove this access point at that time.
15. From a planning perspective, this proposal is consistent with the related JDAP approval for a fast-food outlet, which the City supported and recommended be approved.
16. It is logical that since the City supported the JDAP approval, it also supports this proposal, which is required to enable the applicant to act on the JDAP approval.

APPLICABLE LAW

17. *Land Administration Act 1997 s. 56 and Land Administration Regulations 1998 r. 8*

APPLICABLE POLICY

18. Nil

STAKEHOLDER ENGAGEMENT

19. The proposal was advertised in the Echo Newspaper on 18 December 2020 and on the City's website. Comments closed on 22 January 2021.
20. The proposal was referred to the adjoining landowner, utility service providers and Main Roads.
21. Please refer to Attachment 3 for a table summarising the submissions received and the City's responses to the submissions. Refer to Confidential Attachment 1 for a Submitter Table providing the identity of the individual who lodged a submission.
22. A copy of Main Roads' full submission is provided at Attachment 4. A copy of the applicant's response to Main Roads' submission is provided at Attachment 5.
23. The City received non-objections from the individual who lodged a submission and the utility service providers.
24. The only objection received was from Main Roads. Main Roads objects to any modification or removal of the PAW, which currently prohibits access to a State Road. It is noted that Main Roads objected to the related JDAP application on the same basis. Despite Main Roads' objection, the JDAP approved the application, noting as follows:
- a) "In noting Main Roads objection, panel members were cognisant of the fact that there are no current plans for the alteration/upgrading of Welshpool Road East and the intersection with Logistics Boulevard/Hale Road intersection and that any alterations are likely to be some years into the future. Further, members were satisfied that under existing circumstances, it has been adequately demonstrated that traffic conditions for the proposed access meet acceptable traffic engineering standards. It was considered that the provision of the access, to provide a more direct connection between this development, and planned adjacent development, and the

residential land on the north side of Welshpool Road East, has a desirable and valid planning purpose. It was further noted that, in the event of future roadworks, mechanisms are in place to alter the road network and if considered necessary, remove this access point at that time."

FINANCIAL CONSIDERATIONS

25. The most significant costs of the proposal are the survey costs. The amount of these costs will be determined by the relevant surveyor.
26. Other costs of the proposal include Department of Planning, Lands & Heritage (DPLH) advertising costs, DPLH document preparation fees and Landgate lodgement fees. The amount of these costs will be determined by the relevant State government departments.
27. No service relocations or easements are required.
28. Since the proposal is for the benefit of the applicant and is required to enable the applicant to proceed with a development, it is recommended that the applicant be responsible for all costs of and incidental to the proposal.

SUSTAINABILITY

29. There are no environmental implications as the subject site is currently Crown land managed by the City and will continue to be Crown land managed by the City following dedication (although Welshpool Road East is managed by Main Roads, the verge is managed by the City).
30. From an economic and social perspective, the proposal will enable a fast-food outlet development to proceed.

RISK MANAGEMENT

31.	Risk: The City suffers reputational damage due to not supporting a proposal which is consistent with a JDAP approval that the City supported and recommended be approved.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	City to support the proposal, which is consistent with its support of, and recommendation to approve, the related JDAP application (DAP/19/01680).		

32.

Risk: This proposal provides direct access onto Welshpool Road East. However, once Welshpool Road East is upgraded, access onto Welshpool Road East will need to be restricted.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
City to note that the road upgrade is likely to be ten years away. Further, as was noted by the JDAP, in the event of future roadworks, mechanisms are in place to alter the road network and, if considered necessary, remove this access point at that time.		

33.

Risk: This proposal proceeds, but the development does not occur.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
City to note that it is unlikely the development will not occur and that the rating of this risk is low.		

34.

Risk: This proposal proceeds, but Main Roads does not approve the proposed crossover.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
City to support this proposal, given that the City supported the related JDAP application. Main Roads' decision regarding the crossover is a separate process.		

CONCLUSION

35.

It is recommended that the City support the proposal (subject to the applicant paying all costs), given that the proposal is consistent with the JDAP approval for a fast-food outlet, which the City supported and recommended be approved (DAP/19/01680).

36.

It is noted that Main Roads proposes to upgrade Welshpool Road East in the future (likely to be ten years away). In the event of future roadworks, mechanisms are in place to alter the road network and, if considered necessary, remove the proposed access point at that time.

Voting Requirements: Simple Majority

RESOLVED OCM 56/2021

That Council:

1. REQUEST the Minister for Lands to dedicate as road that portion of Lot 56 on Diagram 65526 shown delineated and marked as "Area of existing PAW proposed to be closed (1.4322m2) and incorporated within Welshpool Road East Road Reservation" (Attachment 2), pursuant to section 56 of the *Land Administration Act 1997* (WA), subject to the applicant being responsible for all costs of and incidental to the proposal, including but not limited to the costs of advertising, surveys, approvals, service relocations, easements, document preparation and lodgement, and any fees.
2. UNDERTAKE to comply with section 56(2) of the *Land Administration Act 1997* (WA).
3. INDEMNIFY the Minister for Lands and the Department of Planning, Lands & Heritage against any claims for compensation and costs that may be reasonably incurred by the Minister in considering and granting the request to dedicate as road Lot 56 on Diagram 65526, in accordance with section 56(4) of the *Land Administration Act 1997* (WA).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Cameron Blair**

Vote:	<u>For</u> Cr Janelle Sewell Cr Geoff Stallard Cr Brooke O'Donnell Cr Sue Bilich Cr Dylan O'Connor Cr Cameron Blair Cr Margaret Thomas	<u>Against</u> Cr Mary Cannon Cr Lisa Cooper Cr Kathy Ritchie
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CARRIED (8/3)

10.4. Office of the CEO Reports

10.4.1. Draft Hartfield Park Master Plan - Stage Two

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

Cr Lesley Boyd declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Boyd is the coach of a team at Forrestfield Football Club.


Cr Mary Cannon declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Cannon's husband is a committee member, and her children play football at the Forrestfield Football Club.

Cr Geoff Stallard declared an Interest Affecting Impartiality on Item 10.4.1 Draft Hartfield Park Master Plan - Stage Two. Cr Stallard is a member of the Forrestfield Bowling Club which is considered for redevelopment.

Previous Items	OCM 235/2020
Directorate	Chief Executive Officer
Business Unit	Leisure Planning
File Reference	
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. Draft Hartfield Park Master Plan - Stage 2 - Final [10.4.1.1 - 158 pages]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

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

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

EXECUTIVE SUMMARY

1. The purpose of this report is to receive the draft Hartfield Park Master Plan – Stage Two (the Plan) for the purposes of seeking public comment (Attachment 1).
2. The Plan outlines development opportunities and recommendations in terms of collocation opportunities, playing field expansion and other future opportunities to guide the sustainable development of community sporting and recreation facilities at Hartfield Park.
3. It is recommended Council:
 - a) Endorses the Draft Hartfield Park Master Plan – Stage Two (Attachment One) for the purposes of public advertising.
 - b) Notes the community engagement process and strategy.

BACKGROUND

4. Hartfield Park is a Class A Reserve, located in Forrestfield, on Crown Land vested with the City of Kalamunda (City) for the purposes of recreation. The reserve is approximately 159 hectares (ha) in size and is a registered Aboriginal Heritage site with known heritage value.

5. Hartfield Park is the City's largest active sporting reserve, consisting of five main playing field spaces, eight sporting clubrooms, one scout's facility, the Hartfield Park Recreation Centre (HPRC), Hartfield Park Golf Club (HPGC) and supporting sporting infrastructure. Hartfield Park is well utilised by a range of users including: AFL, Bowls, Cricket, Football (Soccer), Hockey, Little Athletics, Scouts, Softball, Rugby League, Rugby Union, Tennis and Teeball.
6. The key factors providing the catalyst for the development of the Plan include:
 - a) An increasing number of significant requests from user groups to improve and upgrade their facilities;
 - b) The need to reduce single use sporting club facilities at the site by collocating sporting and community groups into shared use facilities as identified in the Hartfield Park Master Plan 2010 (HPMP 2010) – Stage One;
 - c) The need to cater for increasing usage demands on the reserve;
 - d) The need to investigate potential options to maximise the efficient usage of the existing playing fields, multiple sports clubrooms and supporting facilities; and
 - e) The need to undertake a coordinated approach towards any future development at Hartfield Park.
7. A primary aim of the Plan is to investigate the opportunity for the following facility collocations being:
 - a) Collocation of Forrestfield District Bowling Club (FDBC), Forrestfield Tennis Club (FTC) and Foothills Men's Shed (FMS).
 - b) Collocation of Kalamunda Districts Rugby Union Club (KDRUC), Kalamunda Bulldogs Rugby League Club (KBRLC), Forrestfield Cricket Club (FCC) and the 1st Forrestfield Scouts Group (FSG).
 - c) Collocation of Forrestfield Football Club (FFC) and the Forrestfield Little Athletics Club (FLAC).
8. The Plan is also investigating the facility needs of the Forrestfield United Football Club (FUFC), who utilise the HPRC adjoining changing facilities. Outside of the FUFC's usage, the HPRC facility was not considered as part of the Plan. Further to this the following facilities located on Hartfield Park were not considered in the Plan:
 - HPGC facilities as these are privately operated.
 - New Hockey / Teeball clubrooms and playing fields as these works were recently completed in 2018 as part of the HPMP 2010.

9. Dave Lanfear Consulting (the Consultant) were engaged in September 2019 to develop the Plan. The Plan is now presented to Council for consideration and endorsing for the purposes of seeking public comment.
10. At the November 2020, OCM235/2020 Council resolved to leverage the \$2m Federal Government funding commitment at Hartfield Park by submitting a State Government grant application to the Community Sporting and Recreation Facilities Fund (CSRFF) for the following priority projects being:
 - a) AFL / Little Athletics' Clubrooms (unisex changerooms) - Stage One at Reid Oval.
 - b) Little Athletics Infrastructure – New long jump pits at Reid Oval.
 - c) Rugby League Clubrooms (unisex changerooms).
 - d) Collocation of Tennis with Bowls.
11. The priority projects are effectively known as HPMP Stage Two. All remaining projects identified within the Plan, will be known as HPMP Stage Three and will be subject to the City securing future advocacy funding.

DETAILS AND ANALYSIS

12. The Plan aims to provide a clear framework and strategic planning tool to assist the City in planning, developing, implementing and evaluating sustainable sport and recreation facilities at Hartfield Park into the future.
13. The initial stages of the Plans development included a visual audit of all assets, document review, analysis of facility needs, sporting trends and community demographics.

Several key trends emerged across all existing buildings including:

 - functional requirements of the user groups not being met, particularly in relation to unisex changerooms and accessibility requirements, thus resulting in them not being fit for purpose.
 - building and accessibility compliance matters, that would be triggered due to development.
 - ageing assets that require investment to meet modern standards and community expectations.

The information obtained from this process has been analysed to determine future collocation opportunities and upgrades at Hartfield Park.
14. Consultation with user groups as to the initial collocation opportunities determined that:
 - Rugby League and Rugby Union being collocated would prove problematic as they are both winter sports, who require similar

access. This will likely prove difficult to manage and may require additional amenities, thus reducing any benefits.

- Tennis, Bowls and Men's Shed also operate at similar times, potentially resulting in issues around infrastructure availability and noise concerns from the Men's Shed activities.
- The location of the Men's Shed workshop was deemed cost prohibitive given it would require a new car parking area, access road and installation of new services.
- AFL and Little Athletics are complimentary seasonal users, with Little Athletics being well suited to Reid Oval.

15. Based on the findings of the initial consultation, a revised facility collocation approach was developed including:

- A collocated facility between Rugby Union and Cricket as they currently share oval space and are complimentary seasonal users.
- A separate facility for Rugby League, which can be shared with Scouts for meetings and Cricket for changerooms. As sporting clubs and trends evolve over time, additional summer users may emerge, and can potentially be collocated into this facility.
- A collocated facility between Tennis and Bowls with dedicated socialisation and food preparation space, to aid clubs operating at similar times year-round. The proposed facility would include shared areas including toilets, changerooms and storage areas.
- A dedicated Men's Shed facility adjacent to the existing Hockey / Teeball clubroom at Hartfield Park. The Men's Shed can potentially utilise aspects of the Hockey / Teeball facility, thus reducing facility requirements, as it is complimentary for all users.
- The proposed AFL and Little Athletics collocated facility remained unaltered.

16. The key proposed future collocation opportunities and facility developments identified within the HPMP Stage Two, are:

- a) New shared AFL and Little Athletics clubrooms at Reid Oval and new Little Athletics infrastructure.
- b) New shared Rugby Union and Cricket clubrooms at Morrison Oval.
- c) New unisex changerooms for Rugby League.
- d) Extension of the existing Bowls facility to establish a collocated facility with Tennis.
- e) Conversion of grass bowling green to synthetic.
- f) New Foothills Mens Shed at the existing Hockey and Teeball Clubroom site.
- g) Extension of Morrison Oval and upgraded sports floodlighting.
- h) Upgrade of FUFC Clubrooms and unisex changerooms at HPRC.
- i) Car parking improvements.
- j) Future of the Scouts facility.

New Shared AFL and Little Athletics clubrooms at Reid Oval and new Little Athletics Infrastructure

17. The clubroom facilities located at Reid Oval are provided in two standalone ageing assets that do not meet the functional requirements of the user groups being, FFC and FLAC. In particular, the facilities do not meet accessibility requirements, nor provide unisex changeroom facilities and are considered small in scale. The existing location of the facilities is poorly situated and would be better located in a centralised position on Reid Oval for improved access and spectator viewing.
18. An upgrade of the existing facilities will trigger building and accessibility requirements, that will prove costly. As a result, it has been determined that a new clubroom facility should be developed in a centralised position across two stages being changeroom infrastructure first, followed by club amenities. It is proposed the existing AFL Clubroom and changeroom facilities will continue to operate until the completion of Stage 2.
19. To facilitate the relocation of FLAC from the rugby league and soccer fields at Hartfield Park, athletics infrastructure such as long jump pits and throwing circles are required, to be located on the periphery of the main oval. Reid Oval would be utilised as a grassed running track.

New Shared Rugby Union and Cricket clubrooms at Morrison Oval

20. KDRUC and FCC currently utilise single use clubroom facilities. Both clubroom facilities do not meet existing building and accessibility requirements, nor are they considered functional given their ad hoc development over time. Upgrades to both single use facilities are likely to prove costly, with a more sustainable approach being the development of a new collocated facility.
21. The proposed location for the new shared clubrooms is in between the existing Morrison Oval and rugby union playing fields (eastern ovals). The principle benefit of the location is that it provides good access to each users playing fields and reduces site constraints.

New unisex changerooms for Rugby League

22. The Rugby League facility (old hockey club building) is an ageing asset that requires building and accessibility upgrades and a range of functionality improvements, such as unisex changerooms and universally accessible toilets.

23. The Plan has identified that these issues can be addressed through the refurbishment and reconfiguration of the existing Rugby League facility and identifies that the facility can be extended to accommodate new unisex changerooms, universally accessible toilet, umpires changeroom, first aid room and storage areas.
24. The proposed facility can be shared with Scouts to allow for meeting room space and other summer users including FCC, Lesmurdie Mazenod Cricket Club and Lesmurdie Mazenod Junior Cricket Club for change room infrastructure.

Extension of the existing Bowls facility to establish a collocated facility with Tennis

25. The existing Bowls and Tennis facilities are both ageing assets that require building and accessibility upgrades and a range of functionality improvements. In particular, the tennis facility operates a detached open aired toilet block which isn't considered to meet modern standards.
26. The Plan has identified that these issues can be addressed through the redevelopment and extension of the existing Bowls facility to accommodate Tennis. Each user would have a dedicated social and kitchen space, with the changerooms, toilets and storage areas developed as shared spaces.
27. In order to accommodate Tennis within the new collocated Bowls and Tennis facility, two new tennis courts are required to be provided, over a portion of the existing bowls car park. This ensures Tennis facilities are provided within close proximity to their playing area.

Conversion of grass bowling green to synthetic

28. The FDBC has already converted one of its two grass bowling greens to a synthetic surface. The Plan identifies that the second grass bowling green should also be converted to a synthetic surface. Two synthetic surfaces will significantly reduce the burden on club volunteers to maintain the grass surfaces and provide year round access. The FDBC will need to establish an asset replacement fund to ensure sustainability of these assets into the future.

New Foothills Men's Shed at the existing Hockey / Teeball Clubrooms

29. The FMS are currently located at Anderson Road Community Centre. The existing workshop facilities are too small and limit club activities thereby restricting membership growth, therefore are not fit for purpose.

- 30. Further development of the Anderson Road Community Centre site is restricted by the buildings having heritage value and the site requiring service upgrades to power supply and septic.
- 31. A new facility is proposed in the area behind the current Hockey / Teeball facility at Hartfield Park, and would provide the group with a new purpose-built workshop suited to their requirements.
- 32. Aboriginal Heritage approval for this site is understood not to be required, due to the previous approvals received through the development of the hockey / teeball clubrooms and playing field site. This is to be reaffirmed as part of the ongoing discussions regarding Aboriginal Heritage Approvals for the site.

Extension of Morrison Oval and upgraded sports floodlighting

- 33. Morrison Oval is a well utilised area of Hartfield Park, particularly during the winter season. An opportunity exists to maximise the grassed playing field space to the North East. This will allow for field configurations on Morrison Oval to be altered to provide better alignment of Rugby Union, Rugby League and Football (Soccer) fields, which will better cater for training and competitions of the winter users.
- 34. To further maximise the playing field space, new sports floodlighting across Morrison Oval is required, as the existing infrastructure is inadequate and does not meet current Australian Standards for lighting. The installation of sports floodlighting will relieve pressure on the existing lit spaces at Hartfield Park.

Upgrade of FUFC Clubrooms and unisex changerooms at HPRC

- 35. The existing FUFC Clubrooms and grandstand were upgraded as part of HPMP 2010 (Stage One), providing users with improved functionality. The FUFC utilise the HPRC changerooms for their away teams, however these are small and not unisex compliant.
- 36. The Plan has identified that the FUFC Clubrooms are predominately constrained, that the home and away changerooms require upgrading to be unisex compliant. Further improvements are identified through a minor extension to the social area and reconfiguration of the office and storage area to improve functionality.

Car parking improvements

37. A detailed car parking demand analysis was undertaken by the Consultant which identified a shortage of car parking across the site during peak demand periods.
38. To service the proposed new collocated facilities, their associated existing car parking areas will be required to be altered and where practical, expanded. It is proposed that new car parking areas be developed at Reid Oval along Morrison Road and existing Tennis Clubrooms as an informal overflow area. In total, car parking across the site is estimated to increase by 116 bays.
39. The proposed additional car parking bays will increase the supply of available car parking during peak times, however it is unrealistic to achieve neutrality for car parking demand, considering peak demand periods only occur within a small timeframe each week. The winter sporting users are encouraged to continue to work together and with the City on scheduling of game and event fixtures, to minimise parking issues.

Future of Scouts Facility

40. The existing Scouts facility is nearing the end of its useful life and is currently leased to Scouts WA until 2025. The 1st Forrestfield Scouts Group previously utilised the facility however they ceased operating in mid-2020 and are unlikely to be re-established. Scouts WA currently use the facility on a monthly basis for meetings and a BMX group.
41. Local Scouts representatives have identified the need for meeting space and storage in a new facility or at another existing facility.
42. As the Scouts facility is reaching the end of its useful life, it is located in an area of bushland that contains rare flora and fauna and the local 1st Forrestfield Scouts Group has disbanded, it is proposed that the facility be decommissioned upon expiration of the existing lease agreement. This will then enable the natural bushland to be better protected. Scouts WA meetings can be held at any City of Kalamunda facility for hire or at the existing Rugby League facility.

Proposed Facility Management Models

43. The Plan proposes the following facility management models:
- Three separate joint lease agreements for the new shared AFL / Little Athletics, rugby union / cricket and bowls / tennis facilities.
 - A seasonal (winter) lease agreement for Rugby League, while all other usage (i.e. Scouts or Cricket) is proposed to be managed

through individual Memorandums of Understandings with users as required.

- A year-round lease agreement for the Foothills Men's Shed facility.
- The existing FUFC's lease agreement is to remain.

APPLICABLE LAW

44. *Local Government Act 1995* Section 3.18 (c) – Effective Management of Local Government Services and Facilities.
45. *Aboriginal Heritage Act 1972*
46. *Environmental Protection Act 1986*

APPLICABLE POLICY

47. Capital Grants Clubs & Community Group (Governance 11) provides key principles, priorities, needs and assessment criteria for future upgrades or new community and recreation infrastructure.
48. Reserve Sports Floodlighting Policy (Service 13) provides guidance on the provision and operational impact of sports floodlighting on the City's sports reserves.
49. Community Group Leases (Service 9) provides guidance on the management of community assets through lease arrangements with community groups.

STAKEHOLDER ENGAGEMENT

50. The following engagement strategy and process was undertaken between the Consultant and affected user groups of Hartfield Park in order to develop the Plan including:
- a) Individual surveys.
 - b) A series of workshops.
 - c) One on one discussions.
51. The Consultant obtained input and feedback from various service areas within the City including: Parks, Environment, Recreation Services, Development Services, Asset Services and Asset Delivery.
52. The Consultant presented a summary of key consultation feedback, demand analysis and proposed development opportunities to Councillors in September 2020.

53. To determine that the Plan meets the needs of the user groups, it is recommended that the Plan be discussed through consultation meetings with the user groups per each co-location Site.
54. The community engagement process and strategy for the Public Advertising period will involve:
- a) A series of community consultation workshops to be conducted by the Consultant with affected user groups and the City's Reconciliation Action Plan working group.
 - b) A copy of the Plan is to be provided to all affected user groups and stakeholders.
 - c) The City's website and other social media channels.
 - d) Publish on *Engage Kalamunda*.
 - e) A copy of the Plan will be located at key City of Kalamunda locations.
 - f) A media release and advertisement will be placed in the local newspaper.
 - g) A feedback survey.

FINANCIAL CONSIDERATIONS

55. The overall cost of implementing the recommendation outlined within the Plan (Stage Two and Three) is estimated at \$13,767,719. It should be noted that at this stage these figures are high level indicative costs only, inclusive of preliminaries, contingencies and professional fees. Detailed capital and whole of life costings will be developed prior to the implementation of each project identified within the Plan.
56. Implementation of components of the Plan will be considered as part of Council's Long Term Financial Plan and will continue to be subject to annual budget deliberation processes and competing priorities.
57. The Federal Government has committed \$2m funding at Hartfield Park. In December 2020, the City submitted a Request for Information form to the Federal Government outlining the priority projects for the site as resolved by Council (OCM 235/2020).
58. The proposed funding strategy for HPMP Stage Two is:

Funding Source	Estimated Amount
Federal Government Election Commitment	\$2,000,000
State Government – CSRFF Program	\$1,261,000
City of Kalamunda*	\$ 524,000
TOTALS	\$3.785M

59. * Any City of Kalamunda funding contributions will be considered as part of Council's annual budget deliberation processes and considered against other competing priorities, which is anticipated to be in the 2022/23 and the 2023/24 financial years.
60. All projects identified, as HPMP Stage Three will form part of the City's future advocacy campaigns.
61. It is reasonable to expect that a 15-year timeframe may be required to complete the implementation of the entire Plan, with the schedule of works being staged in such a manner that will ensure maximum opportunity for the City to leverage external funding.
62. Through the 2021 State Election, a total of \$290,000 has been pledged to Hartfield Park clubs including:
- \$150,000 to the FDBC for a new synthetic bowling green;
 - \$90,000 to the FFC for clubroom improvements; and
 - \$50,000 to the FUFC for unisex changeroom improvements.

The relevant clubs have been advised that if any City funding contributions are required for these projects, then they are required to submit an application through the City's Capital Grants Program and Strategic Sport and Recreation Committee. Noting that any City funding contribution can not be approved in the year of application.

SUSTAINABILITY

Social Implications

63. The Plan has identified current and future community needs in respect to sport and recreation infrastructure based on sports participation data and a community demographic analysis. The Plan will provide strategic direction, guidance and a long-term sustainable approach to the provision of sport and recreation facilities at Hartfield Park.
64. Investment in Hartfield Park with updated sport and recreation facilities increases the value of the City's assets. It also provides improved opportunities for participation in various sports, which leads to increased physical activity and health benefits for the local community, improves community safety and enhances the user and player experiences for their training and competitions.
65. Aboriginal Heritage approval is required for all projects identified within the Plan, as per the Aboriginal Heritage Act 1972, noting that confirmation will be sought to confirm that the FMS development is exempt.

66. Previously the Aboriginal Heritage approval process has included consultation with the Whadjuk Working Group and South West Aboriginal Land Sea Council. Currently these groups are not in operation, as a result of the legislative changes arising from the new Aboriginal Heritage Act 2020.

The City are liaising with the Department of Lands, Planning and Heritage regarding the approval process required for projects at Hartfield Park.

The City intends to seek Aboriginal Heritage approval for all projects identified within the HPMP Stage 2 and develop a Standard Noongar Heritage Agreement for the site, to aid in future approval processes. This may include the development of a new Cultural Heritage Management Plan for the site.

Economic Implications

67. The implementation of the Plan may assist in providing local job opportunities and provide increased economic activity to the City of Kalamunda during the construction phase.
68. It has been estimated that implementation of the Plan will result in over 230 employment opportunities and add \$32.72 million value to the local economy.

Environmental Implications

69. Hartfield Park is a registered Bush Forever site and is home to a variety of rare flora and fauna. The Plan considered areas of high conservation value at the site.
70. Any new development will need to ensure that any significant trees are identified through a detailed environmental assessment and, where appropriate, retained and protected.
71. Any new developments will need to ensure appropriate connection to the local sewerage system or installation of modern wastewater affluent systems, such as Aerobic Treatment Unit's, which provide enhanced environmental benefits.
72. During the detailed design stage, sustainability measures such as the installation of solar panels, will be investigated for inclusion within the individual project budgets.

RISK MANAGEMENT

- 73.
- | | | |
|--|-------------------|---------------|
| Risk: Without the Plan, the City's approach to future upgrades at Hartfield Park would be adhoc and it would be difficult to advocate effectively for external funding. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| To adopt the Plan to ensure future upgrades are planned effectively and advocacy opportunities are maximised. | | |
- 74.
- | | | |
|---|-------------------|---------------|
| Risk: The Plan may raise community expectation for improvements that may not be affordable in the near future. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Ensure community is informed as part of the communications process that improvements are subject to external funding and budget availability. | | |
- 75.
- | | | |
|---|-------------------|---------------|
| Risk: The Plan may not align with the strategic vision of all individual users. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| A thorough community consultation process has been undertaken in the development of the Plan and further workshops are identified with users to attain feedback, prior to final consideration of Council. | | |

CONCLUSION

76. The Plan is a strategic planning tool that can be integrated with Council's other related plans and documents, providing clear direction for future developments at Hartfield Park.
77. The Plan has been developed in a manner that endeavours to prioritise and stage components of any developments.
78. The main outcomes for the community will be increased opportunities to participate in sporting and recreational activities and improved provision of community facilities and services.

79. In summary, it is recommended that Council receive the Draft HPMP Stage 2 and advertises it to the community, as per the proposed community engagement process and strategy with results then presented to Council for final consideration.

Voting Requirements: Simple Majority

RESOLVED OCM 57/2021

That Council:

- a) ENDORSE the Draft Hartfield Park Master Plan – Stage Two (Attachment 1) for the purposes of public consultation.
- b) NOTE the community engagement process and strategy.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Cameron Blair**

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

10.4.2. Code of Conduct - Council Members, Committee Members and Candidates

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

Previous Items	OCM 240/2020
Directorate	Office of the CEO
Business Unit	Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. City of Kalamunda Code of Conduct [10.4.2.1 - 10 pages] 2. Code of Conduct Regulations Explanatory Notes [10.4.2.2 - 6 pages] 3. Code of Conduct Complaint Form [ECT7] [10.4.2.3 - 5 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of a new Code of Conduct.
2. Adoption of a new Code of Conduct is required following the gazettal of the *Local Government (Model Code of Conduct) Regulations 2021*, on 2 February 2021.
3. It is recommended that Council withdraw the previous Code of Conduct and adopt the new Code of Conduct – Council Members, Committee Members and Candidates.

BACKGROUND

4. The *Local Government (Model Code of Conduct) Regulations 2021* were gazetted on 2 February 2021 and took effect on 3 February 2021. This change immediately introduced a Model Code of Conduct that applies to every local government in Western Australia.
5. These regulations bring into effect sections 48 to 51 of the *Local Government Legislation Amendment Act 2019*. A detailed summary of these regulations is contained in Attachment 2 Model Code of Conduct – Explanatory Notes.
6. Public comment was recently sought by the Department of Local Government, Sport and Cultural Industries (the Department) about this regulation, the City provided comment in late 2020. At the 24 November 2020 OCM, Council resolved the following (in part):
“That Council:
ENDORSE the following comments being submitted to the Department of Local Government, Sport and Cultural Industries:
(a) The City of Kalamunda objects to
 - i. the proposed Local Government (Model Code of Conduct) Regulations and Model Code of Conduct.
 - ii. the cost and responsibility shifting that would be introduced through the proposed Local Government (Model Code of Conduct) Regulations and Model Code of Conduct.
 - iii. the removal of an independent, objective body from the consideration, investigation and judgement of allegations and breaches of the proposed Model Code of Conduct.
 - iv. to the inclusion of candidates for election in a Code of Conduct that applies to current elected members and committee members.

- (b) The City of Kalamunda would support a Model Code of Conduct that provides some guidance and standardisation for local government but that does not include the provisions objected to in point (a).

DETAILS AND ANALYSIS

7. Each local government was previously required to develop their own code of conduct and manage behaviour in accordance with that code. The CEO undertook the role of Complaints Officer, registering all complaints, maintaining records, assessing the validity of the complaint, seeking additional evidence or information if required and liaising with the Mayor in accordance with the City's Code of Conduct.

The new regulations replace these individual codes by introducing a model code that applies to all Council Members, Committee Members and Candidates.

8. It also provides for a high-level process to deal with complaints to ensure a more consistent approach between local governments and across the sector. The intent of the model code is to address behaviour through education rather than sanctions.
9. Local governments are required to prepare and adopt the model code within three months of these regulations coming into effect (by 3 May 2021). In adopting the model code, local governments can include additional behaviours under Division 3 provided these are consistent with the model code.
10. Local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct). Additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model code of conduct, section 5.104(3) of the *Local Government Act 1995*.
11. In preparing the model code for adoption, local governments are encouraged to review their existing code and consider incorporating any additional behaviour requirements that are not represented in the model code. This may include specific dress standards or the appropriate use of technology.
12. In preparation for this report, the City's current Code of Conduct was analysed and there were no additional prohibited behaviours identified that could be included in the Model Code of Conduct. As a result, it is recommended that the Model Code of Conduct is adopted as written.

13. The purpose of the model code is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for Council Members, Committee Members and Candidates (as opposed to an employee Code of Conduct) to clearly reflect community expectations of behaviour and ensure consistency between local governments.
14. The Model Code Regulations provide for:
- a) Division 2, General Principals - to guide behaviour;
 - b) Division 3, Behaviours - managed internally by local governments and
 - c) Division 4, Rules of Conduct - breaches which are considered by the Standards Panel.
15. A new Code of Conduct for Council Members, Committee Members and Candidates for Local Government Elections containing the new Model Code of Conduct has been included as Attachment 1 for Council adoption.
16. **Complaints About Behaviour**
The *Local Government (Model Code of Conduct) Regulations 2021* state that:
'11. Complaint about alleged breach
(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
(2) A complaint must be made –
(a) In writing in the form approved by the local government; and
(b) To a person authorised under subclause (3); and
(c) Within 1 month after the occurrence of the alleged breach.
(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
17. This Regulation means complaints of alleged breaches and behavioural requirements are required to be dealt with by the local government including investigating any complaints, determining validity of a complaint and at times determining any appropriate actions if the complaint is upheld.
18. As outlined in the background to this report, the City provided comment to the Department in 2020, recommending that the City should not be responsible for investigating complaints about its own Councillors.
- Elaborating on this feedback, the primary reason provided was the conflict of interest that would arise between the Chief Executive Officer (CEO) and any Councillor who was the focus of a complaint. Unfortunately, this feedback was not implemented in the final Regulation.

19. It is recommended that complaint officers are appointed to reduce the likelihood of conflicts of interest and to maximise objectivity and fairness. It is recommended that complaints officers are appointed as follows:
- i. Complaints against Councillors, Committee Members and Councillor Candidates that become Councillors, excluding complaints made by the Mayor – The Mayor to be appointed complaints officer.
 - ii. Complaints made by the Mayor against Councillors, Committee Members and Councillor Candidates that become Councillors - The Deputy Mayor to be appointed complaints officer.
 - iii. Complaints about the Mayor, excluding complaints made by the Deputy Mayor – The Deputy Mayor to be appointed complaints officer.
 - iv. Complaints about the Deputy Mayor, made by the Mayor; or complaints about the Mayor, made by the Deputy Mayor – A Committee made up of remaining Councillors, be appointed as the complaint's officers.
20. It is proposed that the complaints officer be authorised to refer any complaints for investigation to an independent person who is appropriately experienced in assessing and investigating these types of complaints. This process will require administrative support by the CEO.
21. It is recommended that a Council policy be developed specifically dealing with the investigation of complaints for behavioural breaches. This future policy could provide guidance as to how an investigation would take place and how any decisions relating to the outcome of an investigation may be made. It is anticipated that having such a policy would provide fairness and transparency to the investigation process. A draft policy for this purpose will be presented to a future Audit & Risk Committee Meeting.
22. Council is also required to adopt a complaints form. The Department of Local Government, Sport and Cultural Industries have provided a model complaints form, provided as Attachment 3 to this report.

APPLICABLE LAW

23. *Local Government Act 1995*
Local Government (Model Code of Conduct) Regulations 2021

APPLICABLE POLICY

24. N/A

STAKEHOLDER ENGAGEMENT

25. As this is a mandated requirement, no community consultation has been undertaken.

FINANCIAL CONSIDERATIONS

26. Whilst there is no direct financial expenditure from adoption of the new Code of Conduct, there could be indirect expenditure if a complaint needs to be investigated.

SUSTAINABILITY

27. N/A

RISK MANAGEMENT

28.	Risk: Noncompliance with regulations will likely attract Departmental attention.		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	Ensure the Council has an adopted Code of Conduct.		

CONCLUSION

29. The proposed Code of Conduct is considered suitable for adoption by Council.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. WITHDRAW the current Code of Conduct – Elected Members.
2. Pursuant to section 5.104 of the *Local Government Act 1995*, ADOPT the new Code of Conduct for Council Members, Committee Members and Candidates, (Attachment 1).

3. Pursuant to the clause 11 (2) of the *Local Government (Model Code of Conduct) Regulations 2021* ADOPT the Complaint - Alleged Breach Form (Attachment 3).
4. Pursuant to Clause 11(3), AUTHORISE the following persons to receive complaints and withdrawals of complaints, relating to Council Members, Committee Members and Candidates:
 - i) Complaints against Councillors, Committee Members and Councillor Candidates that become Councillors, excluding complaints made by the Mayor – The Mayor to be appointed complaints officer.
 - ii) Complaints made by the Mayor against Councillors, Committee Members and Councillor Candidates that become Councillors, - The Deputy Mayor to be appointed complaints officer.
 - iii) Complaints about the Mayor, excluding complaints made by the Deputy Mayor – The Deputy Mayor to be appointed complaints officer.
 - iv) Complaints about the Deputy Mayor made by the Mayor; or complaints about the Mayor made by the Deputy Mayor – a committee comprising all remaining Councillors.
5. AUTHORISE the Complaints Officer, as outlined in point 5, to refer any complaints received requiring independent investigation to an independent, appropriately experienced, and qualified person for advice.
6. NOTE the Chief Executive Officer will retain responsibility for the administration of complaints including record keeping, maintaining the complaints register, preparation of documentation to engage, and payment of, an independent investigator if required.
7. REQUEST that the Chief Executive Officer draft a policy to assist with the investigation of complaints for behavioural breaches.
8. Pursuant to section 5.104(7) of the Local Government Act 1995, REQUEST the Chief Executive Officer to ensure the approved Code of Conduct is published on the City's website as soon as practicable.

Vote: **LAPSED**

The

RESOLVED OCM 58/2021

That Council:

1. Pursuant to the clause 11 (2) of the Local Government (Model Code of Conduct) Regulations 2021 ADOPT the Complaint - Alleged Breach Form (Attachment 3).
2. Pursuant to Clause 11(3), temporarily AUTHORISE the following persons to receive complaints and withdrawals of complaints, relating to Council Members, Committee Members and Candidates:
 - i) Complaints against Councillors, Committee Members and Councillor Candidates that become Councillors, excluding complaints made by the Mayor – The Mayor to be appointed complaints officer.
 - ii) Complaints made by the Mayor against Councillors, Committee Members and Councillor Candidates that become Councillors, - The Deputy Mayor to be appointed complaints officer.
 - iii) Complaints about the Mayor, excluding complaints made by the Deputy Mayor – The Deputy Mayor to be appointed complaints officer.
 - iv) Complaints about the Deputy Mayor made by the Mayor; or complaints about the Mayor made by the Deputy Mayor – a committee comprising all remaining Councillors.
3. REQUEST that the Chief Executive Officer draft a policy to assist with the investigation of complaints for behavioural breaches for the May round of meetings.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Geoff Stallard**

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

10.4.3. City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the 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 110.4.3 City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the Chief Executive Officer. Ms Hardy is the Chief Executive Officer of the City of Kalamunda and will be assessed under the Standards.

Previous

Items

Directorate

Office of the Chief Executive Officer

Business Unit

People services

File Reference

Applicant

Owner

Attachments

1. Draft City of Kalamunda Standards for the Recruitment Performance Appraisal [**10.4.3.1** - 9 pages]
2. Draft Policy Governance Recruitment Performamnce Review Termination of CEO [**10.4.3.2** - 10 pages]
3. Draft Policy Governance Appointment of Acting CEO [**10.4.3.3** - 2 pages]
4. Guidelines Recruitment, Performance Appraisal and termination of CEO [**10.4.3.4** - 22 pages]
5. Local Government Administration Regulations 1996 [**10.4.3.5** - 90 pages]
6. Schedule 2 Model Standards [**10.4.3.6** - 10 pages]
7. CEO Standards Overview LGSCI [**10.4.3.7** - 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 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider and adopt new processes and procedures Standards for the Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (CEO).
2. The need for these requirements is as a consequence of the finalisation and gazettal on 2 February 2021 of phase two of the *Local Government Legislation Amendment Act 2019* resulting in the *Local Government (Administration) Amendment Regulations 2021* (Regulations) taking effect.
3. These Regulations provide Model Standards that need to be included in the process and procedures as a minimum requirement.
4. Changes to an existing Council Policy and adoption of a new Policy with respect to the appointment of an Acting CEO are also required.
5. It is recommended that Council adopt:-
 - a) the City of Kalamunda Standards for the Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (Standards). (Attachment 1).
 - b) revised Council Policy – Governance 12 - CEO Recruitment, Performance & Salary Review and Termination (Attachment 2)
 - c) new Council Policy – Appointment of Acting CEO (Attachment 3).

BACKGROUND

6. In 2017, the State Government announced a review of the *Local Government Act 1995* (Act) which is the first significant reform of local government conducted in more than two decades. The objective of the review is for Western Australia to have a new, modern Act that empowers local governments to better provide for their communities.

7. The review was conducted in two stages; the first phase focused on making information available online, building capacity through reducing red tape and meeting public expectation around standards and performance. The second phase focussed on delivering an Act for the community based on the key themes of agile, smart and inclusive.
8. The new regulations were gazetted on 2 February 2021 and took effect on 3 February 2021. New sections of the Act that provided for the new Regulations were proclaimed concurrently and are also now in effect.

DETAILS AND ANALYSIS

9. An outline of the amendments to the Act and the new regulations and actions required by Council are set out below:

Local Government (Administration) Amendment Regulations 2021 and Local Government Legislation Amendment Act 2019

Include a requirement for standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs).

These reforms are intended to ensure best practice and greater consistency in these processes between local governments. The Department of Local Government, Sport and Cultural Industries (DLGSC) have developed guidelines on the Model CEO Standards (Attachment 4).

The CEO Standards amend the *Local Government (Administration) Regulations 1996* (Admin Regulations) to prescribe model standards under Schedule 2 of the Admin Regulations. Under Section 5.39B(2) of the Act, the Council must adopt standards that incorporate the model standards within three months and until this time, the model standards are taken to be the adopted standards.

10. Council will meet the minimum Standards for the Recruitment, Performance Appraisal and Termination of the CEO if the following provisions are included in the Standards adopted.
11. **Recruitment and Selection**
 - a) The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
 - b) The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
 - c) The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at

least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.

- d) The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- e) The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- f) The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- g) The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.
- h) The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- i) The council has endorsed by absolute majority the final appointment.
- j) The council has approved the employment contract by absolute majority.
- k) The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Performance Appraisal

- a) Performance criteria is specific, relevant, measurable, achievable and time-based.
- b) The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- c) The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- d) The collection of evidence regarding performance outcomes is thorough and comprehensive.
- e) Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- f) The council has endorsed the performance review assessment by absolute majority.

Termination

- a) Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
 - b) Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
 - c) The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
 - d) Decisions are impartial and transparent.
 - e) The council of the local government has endorsed the termination by absolute majority.
 - f) The required notice of termination (which outlines the reasons for termination) is provided in writing.
12. Having assessed the Model Standards against current practices it is considered that adoption of the Model Standards will meet the needs of Council. Any additional provisions that are consistent with the model standards can always be added at any time.
13. Key changes arising out of the adoption of the Standards are:-
- a) the requirement for an independent person to be appointed to the selection panel when recruiting a CEO.
 - b) the requirement for local government to re-advertise the CEO position and undertake a recruitment and selection process after each instance where a person has occupied the position for ten consecutive years.
14. Council should also note should it decide to terminate a CEO's contract of employment, the decision must be compliant with the CEO Standards and consistent with employment and contract law.
15. The DLGSC guidelines indicate that a local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

16. As a consequence of adopting the Standards, amendments are required to current Council Policy – Governance 12 – CEO Performance and Salary review. A new draft policy incorporating required changes is submitted for council consideration (Attachment 2).
17. Additionally, section 5.39C of the Act requires Council to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-makers for appointing an acting CEO.
18. A new draft policy to meet these requirements is submitted for council consideration (Attachment 3).

APPLICABLE LAW

19. *Local Government Act 1995 and Local Government (Administration) Regulations 1996.*

APPLICABLE POLICY

20. Nil.

STAKEHOLDER ENGAGEMENT

21. The subject matter of this Report does not require any stakeholder engagement.

FINANCIAL CONSIDERATIONS

22. None from this Report.

SUSTAINABILITY

23. None from this Report.

RISK MANAGEMENT

24.

Risk: Noncompliance with legislation if the model stands are not adopted		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Adopt the model standards to ensure there is no departmental intervention or enquires which will impact on the reputation of the City.		

CONCLUSION

25. It is considered that the proposed Standards, amended and new Council Policies will provide an appropriate framework for the Council to effectively undertake one of its most important and vital functions of Recruiting and Appraising the Performance of the CEO.

The model CEO termination standards also provides the CEO with procedural fairness which in turn protects the City from unfair dismissal litigation.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council ADOPT:-

- a) the City of Kalamunda Standards for the Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (Standards). (Attachment 1).
- b) revised Council Policy – Governance 12 - CEO Recruitment, Performance & Salary Review and Termination (Attachment 2).
- c) new Council Policy – Appointment of Acting CEO (Attachment 3).

Cr Boyd moved the recommendation with amendments to Attachment 3. The amendments received a seconder before being debated and put to a vote.

RESOLVED OCM 59/2021

That Council ADOPT:-

1. the City of Kalamunda Standards for the Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (Standards). (Attachment 1).
2. revised Council Policy – Governance 12 - CEO Recruitment, Performance & Salary Review and Termination (Attachment 2).
3. new Council Policy – Appointment of Acting CEO (Attachment 3) **subject to the following amendment:-**

1. **Delete current clause 2 (2); and**
2. **For appointments between 21 Days and 12 Months**

~~**The CEO is authorised to appoint a person who holds the position of a Director of the City on a rotational basis.**~~

~~**Should all Directors be unavailable or unwilling to be the Acting CEO, the Council will appoint a person, who is suitably qualified, from amongst nominations obtained from the Western Australian Local Government Association, or from candidates obtained through a public advertising of the position.**~~

Replace it with:

The Council will appoint an Acting CEO.

Should there be no City of Kalamunda staff available, or they are unwilling to be the Acting CEO, the Council will appoint a person, who is suitably qualified, from amongst nominations obtained from the Western Australian Local Government Association, or from candidates obtained through a public advertising of the position.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Janelle Sewell**

Vote:

For

Cr Janelle Sewell
Cr Geoff Stallard
Cr Mary Cannon
Cr Brooke O'Donnell
Cr Lisa Cooper
Cr Dylan O'Connor
Cr Kathy Ritchie

Against

Cr Cameron Blair
Cr Sue Bilich
Cr Margaret Thomas

CARRIED/ABSOLUTE MAJORITY (8/3)

10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to March 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 March 2021 [**10.5.1.1** - 2 pages]
 2. Statement of Net Current Funding position as at 31 March 2021 [**10.5.1.2** - 1 page]

TYPE OF REPORT

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

Executive When Council is undertaking its substantive role of direction setting and oversight (e.g. accepting tenders, adopting plans and budgets)

Information For Council to note



Legislative Includes adopting Local Laws, Town Planning Schemes, and Policies. When the Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licenses, other permits or licenses issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 March 2021.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with comparison of the period's performance against the mid-term budget review adopted by the Council on 23 March 2021 for the 2020/2021 financial year.
3. In July 2020, a new amendment has been introduced to *Planning and Development Act 2005*. Under the new amendment the Act requires to establish a reserve to maintain the Public Open Space fund.
4. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 March 2021, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program);
 - c) Net Current Funding Position, note to financial report
5. It is recommended that Council adopt the establishment of new reserve "Public Open Space Funds Reserve" and authorise to transfer funds from Public open space trust account to the Public Open Space Funds Reserve.

BACKGROUND

6. 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*.
7. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2019/2020.

DETAILS AND ANALYSIS

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

FINANCIAL COMMENTARY

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

9. This Statement reveals a net result surplus of \$18,187,963 compared to the budget for the same period of \$12,806,492.

Operating Revenue

10. Total Revenue excluding rates is over budget by \$1,405,559. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$1,423,801. The variance is mainly attributed to:
 - i. Contributions received from CELL 9 trust fund of \$1,206,859 for the reimbursements of expenditure incurred on behalf of the trust.
 - b) Fees and Charges are under budget by \$136,784. This is an aggregate result of minor variances in individual fee categories.
 - c) Interest Income is over budget by \$107,889. Majority of term deposits were matured during March 2021 and the variance is considered to be a timing issue.
 - d) Other Revenue is under budget by \$2,641. This is an aggregate result of minor variances in individual income categories.

Operating Expenditure

11. Total expenditure is under budget by \$3,541,873. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$671,968, which is primarily due to vacant positions and the aggregate result of minor variances in various business units.
 - b) Materials and Contracts are under budget by \$3,177,855. The variance is primarily due to;
 - i. Consultancy and contractor costs for various non recurrent projects planned under the development and traffic engineering section, which is under budget by \$1,281,951 and considered to be a timing variance
 - ii. Verge maintenance is under budget by \$399,888 and considered to be a timing variance.
 - c) Utilities are under budget by \$4,257, which mainly relates to street lighting costs which are lower than projected.

- d) Depreciation, although a non-cash cost, is tracking over budget, reporting a variance of \$205,882.
- e) Interest, Insurance expenses and other expenditure are tracking below the reportable variance threshold.

Investing Activities

Non-operating Grants and Contributions

- 12. The non-operating grants and contributions are under budget by \$1,332,294. The variance is mainly due to the timing of the projects financed by the Public open space funds.

Capital Expenditure

- 13. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$592,605. This is considered to be a timing issue.
- 14. Capital works-in-progress expenditure of \$1,237,157 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

- 15. The amounts attributable to financing activities show a variance of \$1,278,634 which is mainly due to the developer contributions and considered to be a timing issue.

Rates Revenues

- 16. Rates generation is over budget with a variance of \$43,636. The variance is mainly due to the raising of interim rates.

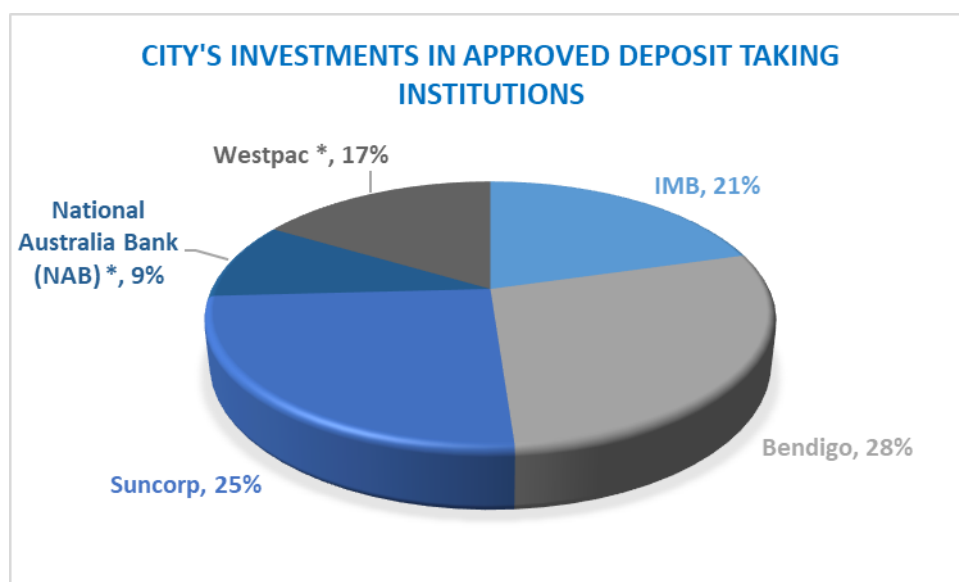
Statement of Financial Activity by Program for the period ended 31 March 2021

- 17. 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 9 to 16 above.

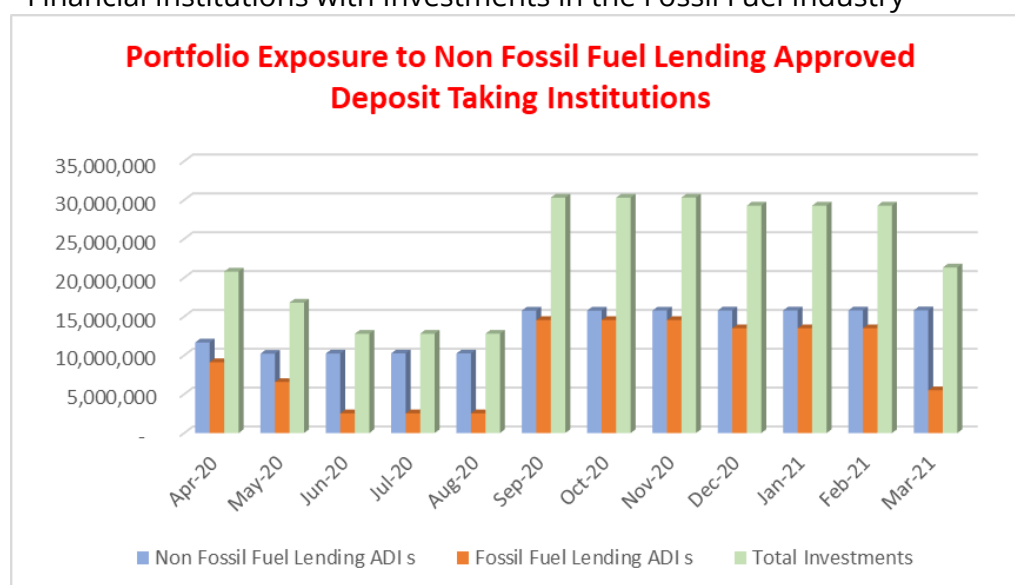
Statement of Net Current Funding Position as of 31 March 2021

18. The commentary on the net current funding position is based on a comparison of March 2021 to the March 2020 actuals.
19. Net Current Assets (Current Assets less Current Liabilities) total \$33.4 million. The restricted cash position is \$17.5 million which is higher than the previous year's balance of \$16.3 million. This is mainly attributed to timing of amounts transferred to the unexpended capital works and unspent grant reserve.
20. The following graph indicates the financial institutions where the City has investments as of 31 March 2021;

21.



*Financial Institutions with Investments in the Fossil Fuel Industry



22. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$4 million.
23. Sundry debtors have increased from \$403,390 to \$756,817, of which \$320,859 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
24. Receivables Other represents \$1.8 million including:
a) Emergency Service Levy receivables \$0.5 million;
b) Receivables sanitation \$0.8 million
c) GST receivables \$0.7 million
25. Provisions for annual and long service leave have increased by \$0.7 million to \$4.1 million when compared to the previous year. The increase in leave provisions is mainly due to the 2019/2020 end of the year leave provision adjustments.

PUBLIC OPEN SPACE FUNDS RESERVE

26. Previously the funds received for cash-in-lieu for public open spaces were recorded under a trust account. In July 2020, an amendment was introduced to section 154 of the *Planning and Development Act 2005*. Under the new amendment the Local Governments are required to establish a new reserve and maintain the funds received for Public open spaces under the new reserve.

APPLICABLE LAW

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

APPLICABLE POLICY

28. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

29. 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

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

32. Nil.

Economic Implications

33. Nil.

Environmental Implications

34. Nil.

RISK MANAGEMENT

- 35.
- | | | |
|---|-------------------|---------------|
| 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. | | |
- 36.
- | | | |
|--|--------------------|---------------|
| 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

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

Voting Requirements: Simple Majority

RESOLVED OCM 60/2021

That Council

1. RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 March 2021 which comprises:
- a) Statement of Financial Activity (Nature or Type)
 - b) Statement of Financial Activity (Statutory Reporting Program)
 - c) Net Current Funding Position, note to financial report.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**

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

Voting Requirements: Absolute Majority

RESOLVED OCM 61/2021

That Council

1. pursuant to section 6.11 of the *Local Government Act 1995* AUTHORISE the establishment of a new reserve account - Public Open Space Funds Reserve, for the purpose of holding the money received for the development and maintenance of Public Open Spaces

Moved: **Cr Margaret Thomas**

Seconded: **Cr Geoff Stallard**


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

10.5.2. Debtors and Creditors Report for the period ended March 2021

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended 31 March 2021 [10.5.2.1 - 29 pages] 2. Summary of Debtors for the month of March 2021 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of March 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 March 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 March 2021.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in March 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 March 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 March 2021 were \$756,817. This includes \$320,859 of current debts and \$1,392 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$207,629, debts of significance:
 - a) Dept of Infrastructure, \$200,000, Kalamunda Community Centre construction;
 - b) Private Citizen, \$4,950, Fire Break - reimbursement; and
 - c) Dept of Education, \$2,029, Expenses KPAC.
8. Invoices over 60 days total \$7,829, debts of significance:
 - a) Kalamunda District Rugby Union, \$2,402, Expenses Hartfield park; and
 - b) Kalamunda & District Basketball, \$1,874, Expenses Ray Owen Stadium.
9. Invoices over 90 days total \$221,891, debts of significance:
 - a) El Dujmovic Pty Ltd, \$209,700, Development Contribution;
 - b) Kalamunda & Districts Junior Football Club, \$3,807, Floodlights expenses;
 - c) Department of Education, \$2,768, Expenses, KPAC; and
 - d) Kalamunda & Districts Rugby Union, \$2,102, Expenses Hartfield Park.

Fee Waivers

10. Under Delegation to the CEO from the Council - LGA 13 Granting Concessions; the following fee waivers are granted during the quarter ended 31 March 2021.
- a) Forrestfield Senior Leisure Group – hall hire fees for the use of Woodlupine Community Centre main hall. The fee waiver granted is \$2,150.
 - b) Forrestfield Senior Indoor Bowls - hall hire fees for the use of Woodlupine Community Centre main hall. The fee waiver granted is \$2,450.

Creditors

11. Payments totalling \$6,430,505 were made during the month of March 2021.

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

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

Supplier	Purpose	\$
Department of Fire and Emergency Services	Emergency services levy – 3 rd quarter payment	1,936,535.10
Australian Tax Office	PAYG payments	565,521.49
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	328,269.04
AWARE Super Pty Ltd	Superannuation contributions	304,565.86
Satterley Property Group Pty Ltd	Early clearance bond & outstanding works bond refund	283,990.00
WA Hino Sales & Service	Purchase of two new trucks	272,274.75
Hitachi Construction Machinery Pty Ltd	Purchase of wheel loader	244,564.22
Pindan Contracting Pty Ltd	Kalamunda Community Centre construction – progress claim	184,974.83
ATCO Gas Australia Pty Ltd	Progress payment Hale Road, Wattle Grove project*	141,240.00
Belgravia Health and Leisure Group Pty Ltd	Management fees – Kalamunda water park – quarter ended December 2020	140,163.37

Synergy	Power charges – various locations	131,150.02
Ellenby Tree Farm	Various supplies for Chipping Road and Elmore Road reserve	84,656.00
Western Australian Treasury Corporation	Loan instalment payment – loan 227	77,659.58
Cleanaway	Waste/ recycling and bulk bin disposal service fees	74,025.52
Fulton Hogan Industries Pty Ltd	Road materials for various locations	66,211.08
Beaver Tree Services	General tree services and under power line pruning – various location	62,439.36
Hydroquip Pumps	Supply and install new reticulation system at Magnolia Way Reserve	50,810.10

These payments total \$4,949,050.32 and represent 76.96% 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 March 2021.

Payroll

13. Salaries are paid in fortnightly cycles. A total of \$1,803,486. was paid in net salaries for the month of February 2021.
14. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

15. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
 - a) CELL 9 Trust;
 - b) POS Trust;
 - c) NBN Tower Pickering Brook Trust

16. The following payments (GST exclusive) were made from the Trust Accounts in the month of March 2021.

CELL 9		Amount (\$)
Date	Description	
3/3/2021	ATCO Gas Australia Pty Ltd - Progress payment Hale Road, Wattle Grove project	128,400.00
25/3/2021	Cable Locates & Consulting – location services at Hale Road, Wattle Grove	4,881.25
25/3/2021	Equifax – Financial performance assessment costs	669.00
25/3/2021	McLeods Barristers & Solicitors – legal advice on the POS amendment in CELL 9	3,022.00

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

24. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

27. Creditor payments are above the average trend due to the ESL payment.

Voting Requirements: Simple Majority

RESOLVED OCM 62/2021

That Council:

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

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**

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


10.5.3. Rates Debtors Report for the Period Ended March 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 March 2021 [10.5.3.1]
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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 2020/2021 on 1 July 2020 totalling of \$37,570,982. As at 31 March 2021 \$37,019,786 has been collected for current and outstanding rates for the 31 March 2021 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of March 2021 (Attachment 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. Rates Levied and Collectable for the 2020/2021 Financial Year currently total \$40,839,214.
6. As at 31 March 2021 a total of \$37,019,786 has been collected since Rates Notices were released, representing a collection rate of 92.61%.
7. Herewith the selected payment option taken up by ratepayers:

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

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

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

8. Interim rating has commenced for 2020/2021. A total of \$639,753 has been raised thus far.
9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 March 2021 to 31 March 2021 there was a total of 315 incoming calls and 118 outgoing calls, equating to 15.97 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

19.

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

CONCLUSION

20. With a current collection rate for the financial year of 92.61 % (compared to 92.02 % last year). The City continues to effectively implement its rate collection strategy

Voting Requirements: Simple Majority

RESOLVED OCM 63/2021

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

Moved: **Cr Geoff Stallard**

Seconded: **Cr Cameron Blair**


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

10.5.4. Kalamunda History Village - Tree Assessments

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	RL-01/050; RL-01/056
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 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 2: Kalamunda Clean and Green

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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 purpose of this report is to seek Council approval on a recommended course of action regarding the disposition of three trees within the Kalamunda History Village (Village).
2. The matter has come about from concerns raised by the Kalamunda Historical Society (Society) regarding their perceived risk that the trees are unsafe and should be removed.
3. There are considerable costs that would be incurred if the City chose to either intervene with works to retain some or all of the trees or decisions to remove some or all of the trees.
4. Taking into account the issues of perceived risks, financial impacts and probable broader community views regarding trees it is recommended that two of the trees are removed and that the significant Marri tree within the site is retained and necessary retention works undertaken.

BACKGROUND

5. During the weekend of 9 and 10 January 2021 a large tree within the Village fell over significantly damaging the Post Office and Chambers buildings. Repairs are underway and are anticipated to be completed by the end of March 2021.
6. Subsequent to this tree failure, the City of Kalamunda (City) and an officer of the Society discussed the need to undertake an assessment of a further three trees within the Village.
7. The City engaged a qualified arborist to undertake a Quantified Tree Risk Assessment (QTRA) and Sonic Tomography tests on the trees in question.

DETAILS AND ANALYSIS

8. QRTA is a process that provides an independent and objective method of assessing the risks and contrasting the benefits of tree retention. Sonic Tomography is a process which an non-invasive assessment of the tree trunk is undertaken to measure the proportion of healthy to dead wood with resultant recommendations.
9. Tree No 1 is a Northern River Red Gum which is a species of tree introduced to the Perth region and not native to the region. The tree is immediately adjacent to the Grader / Tractor Shed of the Village as shown below:



10. The QRTA and Sonic Tomography for this tree concluded that:
 - a) Structurally: Fair with defects evident that may be typical for the species and age class, and which could be corrected through remedial pruning works.
 - b) Health: High with consistent crown density and foliage colour, good shoot extension and an insignificant number of naturally occurring internal dead branches.
 - c) Trunk: 96% healthy wood which is graded as Excellent.
11. The recommended remedial works if the tree is to be retained are:
 - a) undertake reduction pruning by 2-3m to reduce/ shorten the length of the first order branches on the north side of the tree to reduce crown spread, to alleviate branch elongation, end weight

and loading and to mitigate the potential for branch / root plate failure; and

- b) consideration could also be given to modification of the adjacent roof to increase the distance between the trunk section and the grader shed.

12. The arborist also noted that there is a reasonable expectation that the tree will contact the shed roof during high winds.

13. Tree No 2 is a Tasmanian Blue Gum which is a species of tree introduced to the Perth region and not native to the region. The tree is adjacent to the Train Platform of the Village as shown below:



14. The QRTA and Sonic Tomography for this tree concluded that:

- a) Structurally: Fair with defects evident that may be typical for the species and age class, and which could be corrected through remedial pruning works.
- b) Health: High with consistent crown density and foliage colour, good shoot extension and an insignificant number of naturally occurring internal dead branches.
- c) Trunk: 55% healthy wood, 16% incipient wood (wood being altered) and 29% degraded which is graded as Good.

The assessment also specifically noted that fungal canker infection was evident on the northwest side however internal degradation if any is likely to be superficial and the infection minor in proportion to the entire trunk basal area circumference, looking towards the southeast.

15. The recommended remedial works if the tree is to be retained are:
- a) undertake the installation of a non-invasive 4-tonne cable brace such as Yale brace at a height of approximately 16m between the two codominant stems, to provide supplementary support to codominant stem union; and
 - b) undertake deadwooding to remove the dead branches greater than 50mm in diameter from the crown of the tree.

16. Tree No 3 is a Marri which is a species native to the Perth region. The tree is adjacent to the toilet block of the Village as shown below:



17. The QRTA and Sonic Tomography for this tree concluded that:
- a) Structurally: Fair with defects evident that may be typical for the species and age class, and which could be corrected through remedial pruning works.
 - b) Health: Average - High with consistent crown density and foliage colour, good shoot extension and with a number of naturally occurring internal dead branches.
 - c) Trunk: 95% healthy wood, 4% incipient wood (wood being altered) and 1% degraded which is graded as Excellent.

The assessment also noted extensive infection by the marri canker fungal pathogen was evidenced by a large wound at the root collar and trunk basal area, resulting in necrosis of the vascular tissue and exposure of the sapwood, and subsequently providing an entry opportunity for infection by wood decay fungi and/ or infestation by termites; looking towards the southeast.

18. The recommended remedial works if the tree is to be retained are:
- a) undertake the installation of a non-invasive 4-tonne cable brace such as Yale brace in a triangular configuration at a height of approximately 16m above ground level, to provide supplementary support to the three codominant stems;
 - b) undertake deadwooding to remove the dead branches greater than 50mm in diameter from the crown of the tree;
 - c) undertake reduction pruning by 1-2m within the middle crown on the west side to reduce branch length and alleviate end weight and loading on the branch attachment to mitigate the potential for branch failure;
 - d) undertake a non-invasive, no drill treatment for control of the active termite infestation. Such treatment may include dusting and/or the installation of bait stations, and should be undertaken by a licensed pest controller; and
 - e) consider further investigation in 12 months using PiCUS sonic tomography at the trunk basal area to evaluate the rate of degradation and/or production of response growth (new wood).
19. The cost to the City to undertake these three QRTA and Tomography tests was \$2,618.
20. The following table details the financial implications of any decision to retain or remove a specific tree:

Option 1: Retain

Tree No.	Species	Initial Cost	Ongoing/Other
1	Red Gum	\$3,300	Modification to roof not costed
2	Blue Gum	\$4,400	est \$1,500 annual cost for inspection of brace
3	Marri	\$6,000	est \$2,400 annual cost for inspection of brace and QRTA/Sonic Testing

Option 2: Remove

Tree No.	Species	Removal Cost
1	Red Gum	\$4,360
2	Blue Gum	\$4,360
3	Marri	\$4,360

21. It is recognised that trees provide important benefits to eco-systems (including habitats for fauna), human health and the climate. It is also recognised that there is an overwhelming desire from the Society that these three trees be removed from their perception of public safety and their fears of damage to precious historical buildings and contents if trees did fall over.
22. The City's draft Urban Forest Strategy recognises the importance of tree canopy conservation however it is noted that this part of the City has a significant level of canopy cover at present.
23. In consideration of the above matters it is recommended that Council approve the removal of the River Red Gum (Tree No 1) and the Tasmanian Blue Gum (Tree No 2).
24. In consideration of the Marri (Tree No 3), the matter is more complex given that it is a native tree of quite substantial age and size (23 m height, > 1m trunk girth). Whilst financially, the cheapest solution is to remove the tree it is believed that retention is warranted in this circumstance.

APPLICABLE LAW

25. Nil.

APPLICABLE POLICY

26. Nil.

STAKEHOLDER ENGAGEMENT

27. In consideration of stakeholder engagement it is proposed that the City, in accordance with its Community Engagement Strategy informs the community of its decision and rationale on this matter.

FINANCIAL CONSIDERATIONS

28. The overall costs of \$14,720 for removal of two trees and pruning and bracing on one tree will be met from the 2020/21 operational budget through existing budget allocation for emergency works.

SUSTAINABILITY

29. The removal of two trees is not a positive outcome for the environmental issues in the City but deemed necessary in this instance.

RISK MANAGEMENT

30.	Risk: That the City is subject to reputational criticism for whatever decision is reached on this matter.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Engagement strategy with community outlining the decision and reasons.		

	Risk: Tree(s) that are determined to be retained subsequently fall over or drop major limbs leading to significant criticism of City decision making.		
	Consequence	Likelihood	Rating
	Significant	Almost Certain	High
	Action/Strategy		
	The expert advice given is that these trees can be retained if remedial works are undertaken and the City accepts the risk of unforeseen failure.		

CONCLUSION

31. This issue concerns the perceptions of the Society regarding risks to visitors and staff, the significant buildings and the contents from trees failing contrasted by the City's expert opinions that with high levels of intervention the trees can be retained for the environmental benefits. In cases such as these, along with consideration of financial matters, it is felt that a 'middle ground' outcome as recommended is appropriate.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. APPROVE the removal of the subject Northern River Red Gum and Tasmanian Blue Gum trees from the Kalamunda History Village.
2. APPROVE the undertaking of the recommended remedial works (including tree bracing, pruning and termite treatment) for the subject Marri tree in the Kalamunda History Village.
3. NOTE that these actions are to be taken as a matter of priority.

Moved:

Seconded:

Vote: **LAPSED**

Cr Ritchie proposed an alternative recommendation which received a seconder before being put to a vote.

RESOLVED OCM 64/2021

That Council APPROVE

1. the immediate removal of the subject Marri Tree adjacent to the toilet block at Kalamunda History Village.
2. the retention of the subject Tasmanian Blue Gum and undertaking remedial works recommended by the City's consultant arborist as a matter of priority.
3. the retention of the subject Northern River Red Gum and undertaking remedial works recommended by the City's consultant arborist as a matter of priority.
4. the immediate removal of the Lemon Scented Gum adjacent to the subject Tasmanian Blue Gum on the basis of risk of the tree shedding limbs and potentially causing damage to the Train Station or Train.
5. REQUEST a proposal be provided to Council for works at Kalamunda History Village to improve the health and vitality of remaining stands of trees.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Cameron Blair**


Vote: **CARRIED UNANIMOUSLY**

10.5.5. Canberra Advocacy June 2021

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	Chief Executive Officer
File Reference	
Applicant	
Owner	
Attachments	1. Advocacy Projects 2021 [10.5.5.1 - 3 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. To endorse the Mayor and the Chief Executive Officer of the City of Kalamunda's visit to Canberra.
2. The next Federal Election is likely to occur in late 2021 or early 2022 and the City has several significant projects requiring funding.
3. It is recommended the visit to Canberra be supported during the week commencing Monday 21 June 2021.

BACKGROUND

4. The City of Kalamunda's Strategic Community Plan gives special attention to advocacy activities to address issues of priority requiring funding contributions from external sources. The City adopted *Kalamunda Advocates – Advocacy Strategy 2017/2022* in February 2017. Advocacy is a tool to influence the political, social and economic environment to maximise benefits for Council and their communities.
5. The City of Kalamunda Advocacy Strategy aims to attract an increased share of investment to the City by implementing a framework that facilitates consistent, professional and effective advocacy.

DETAILS AND ANALYSIS

6. Meeting will be sought with key Ministers and Shadow Ministers whose portfolios are across the various projects being targeted for funding through advocacy.
7. The following key projects listed for Council consideration towards the City of Kalamunda's Advocacy Strategy in 2021 are detailed in attachment 1 to the report.

APPLICABLE LAW

8. Nil.

APPLICABLE POLICY

9. The report relates to the City of Kalamunda Advocacy Strategy 2017.

STAKEHOLDER ENGAGEMENT

10. The City will write to all Ministers and Shadow Ministers seeking representation during the Canberra diplomatic mission. Local Member for Hasluck, Hon. Ken will host the Mayor and the CEO and assist with arranging appointments.

FINANCIAL CONSIDERATIONS

11. Estimated cost of the Mayor and the Chief Executive Officer to visit Canberra are:

Airfare	\$1,800.00
Accommodation (3 nights)	\$2,000.00
Incidentals (\$150 per day)	\$900.00
Total Estimated Cost	\$4,700.00

SUSTAINABILITY

12. Advocacy is a critical component to provide financial sustainability and enhanced social sustainability outcomes for the City.

RISK MANAGEMENT

- 13.
- | | | |
|--|-------------------|---------------|
| Risk: That Council does not support the Mayor and CEO visiting Canberra which may result in lost funding opportunities. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Alternative opportunities to advocate projects with Federal Government need to be sought. | | |

CONCLUSION

14. The Canberra 2021 Advocacy mission will power relationships in readiness for the forthcoming Federal Election. The City's advocacy campaign will target all local sitting members as well as candidates for Hasluck, Canning and Swan.
15. Federal Electoral Redistribution
The electorates of Swan, Hasluck and Canning are all located within the City's boundaries. A Federal Electoral Redistribution has seen changes to the electorates within the City of Kalamunda.
- The new proposed Division of Swan, currently held by Mr Steve Irons, will now include Forrestfield and a part of Wattle Grove as well as Maida Vale and a part of Gooseberry Hill.
- The new proposed Division of Hasluck will move further northeast taking in suburbs through the City of Swan, however most of Lesmurdie, part of Bickley, Carmel, Kalamunda and Gooseberry Hill remain in Hasluck.
- The new proposed Division of Canning will move north and take in part of Carmel, Bickley and Lesmurdie.
16. Strong advocacy is important for successful election promises to be secured. In the past 7 years the city has attracted over \$300mil in infrastructure funding. All the projects to date that have been funded were targeted advocacy campaigns undertaken by the City. The City does not have a large rates base, but it has an extensive road and community infrastructure base, which can only be funded through securing external funding through effective ongoing advocacy.
17. Council has the option of adjusting the proposed list of advocacy projects.

Voting Requirements: Simple Majority

RESOLVED OCM 65/2021

That Council APPROVE the Mayor, Councillor Margaret Thomas JP, and the Chief Executive Officer, Rhonda Hardy, to visit Canberra from 21 to 25 June 2021, and all travel and accommodation costs be borne by the City of Kalamunda.

Moved: **Cr Sue Bilich**

Seconded: **Cr Geoff Stallard**

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 Streetsweeper Scheduling – Cr Boyd

Q. Does the City still utilise streetsweepers and if so what sort of schedule could be expected down any given street?

A. The Director Asset Services advised the City does still operate a street sweeping fleet. The query in relation to scheduling is taken on notice.

12.2 High Wycombe South Request for Information – Cr O'Connor

Q. Could the CEO please provide contact details and name of an officer within the Department of Planning that I could provide to residents in High Wycombe South who are asking for more information to do with Planning in that area?

A. The Director Development Services advised he would liaise with senior staff within the Department of Planning and provide an appropriate contact.

12.2 Media Contact – Cr O'Connor

Q. Today I was contacted by a reporter asking me to respond to some questions and if in doing so I was to clearly state I was not speaking on behalf of council is there an issue with me doing that as I am getting mixed messages around the requirements of me speaking to the media?

A. My understanding is the City had a formal request asking similar questions about the dog park in High Wycombe and the design. We want to provide a City response rather than having a couple of responses. The media manager asked you to direct questions through to the City so a joint, consolidated response could be prepared.

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

13.1 Nil.

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

14.1 Nil.

15. Meeting Closed to the Public

15.1 Nil.

16. Tabled Documents

Annual General Meeting of Electors Minutes 16 March 2021

Bush Fire Advisory Committee Minutes 18 March 2021

Public Agenda Forum Notes 13 April 2021

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:16pm.

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.