



Ordinary Council Meeting

AGENDA

Tuesday 28 June 2022

NOTICE OF MEETING ORDINARY COUNCIL MEETING

Dear Councillors

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 28 June 2022 at 6.30pm.**



Rhonda Hardy
Chief Executive Officer
23 June 2022



Our Vision

**Connected Communities, Valuing Nature
and Creating our Future Together**

Core Values

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

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

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

Aspirational Values

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

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

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

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

kalamunda.wa.gov.au

City of
Kalamunda

Information for the Public Attending

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

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

Ordinary Council Meetings – Procedures

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

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

INDEX

1. Official Opening.....	6
2. Attendance, Apologies and Leave of Absence Previously Approved	6
3. Public Question Time	6
4. Petitions/Deputations	6
5. Applications for Leave of Absence	6
6. Confirmation of Minutes from Previous Meeting	6
7. Announcements by the Member Presiding Without Discussion	6
8. Matters for Which the Meeting may be Closed	7
9. Disclosure of Interest.....	8
10. Reports to Council.....	9
10.1. Development Services Reports	9
10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption	9
10.1.2. Cell 9 Outline Development Plan (ODP) Amendment for Adoption.....	30
10.1.3. Submission on the Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2.....	44
10.1.4. Community Safety and Crime Prevention Advisory Committee	51
10.2. Asset Services Reports	56
10.2.1. Climate Change Action Plan - Draft for Community Consultation	56
10.3. Corporate Services Reports	63
10.3.1. Proposed Permanent Road Closure: Portion of Road Reserve Adjacent to 109 Orange Valley Road, Kalamunda	63
10.4. Office of the CEO Reports	70
10.4.1. Delegations from the Council to Chief Executive Officer - 2022 Review	70
10.5. Chief Executive Officer Reports	74
10.5.1. Draft Monthly Financial Statements to 31 May 2022.....	74
10.5.2. Debtors and Creditors Report for the period ended 31 May 2022.....	81
10.5.3. Rates Debtors Report for the Period Ended May 2022	88
10.5.4. Development Assessment Panels - Nomination of Members	92
10.5.5. Response to Petition - Lot 62 (2) Seaview Terrace Kalamunda	96
10.5.6. eQuote 2016 Waste Management Services Contract Extension	102
10.5.7. Events Sponsorship and Donations 2021/2022	107
10.5.8. Customer Service Strategy 2022 - 2026 - Draft.....	110
10.5.9. Elected Members Training 2021 - 2022	115
10.5.10. Chief Executive Officer's Performance Review Process and Timelines 2022	120
11. Motions of Which Previous Notice has been Given	125
12. Questions by Members Without Notice	125

13. Questions by Members of Which Due Notice has been Given.....	125
14. Urgent Business Approved by the Presiding Member or by Decision.....	125
15. Meeting Closed to the Public	125
16. Tabled Documents	125
17. Closure.....	125

1. Official Opening

2. Attendance, Apologies and Leave of Absence Previously Approved

3. Public Question Time

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

4. Petitions/Deputations

- 4.1 A petition containing 15 signatures is tabled from Tayne Evershed, Planning Solutions.

The petition seeks to initiate an amendment to the City of Kalamunda's Local Planning Scheme No.3 to remove the requirement for a Structure Plan over Lots 10,11,12,13,14,15, 51, 52 and 53 Hatch Court, Lots 1,8,9 and 1499 Stirling Crescent and Lots 200 and 201 Kalamunda Road, High Wycombe, by deleting the requirement in Table 4 of the Scheme.

5. Applications for Leave of Absence

6. Confirmation of Minutes from Previous Meeting

- 6.1 That the Minutes of the Ordinary Council Meeting held on 24 May 2022, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved:

Seconded:

Vote:

Statement by Presiding Member

"On the basis of the above Motion, I now sign the Minutes as a true and accurate record of the meeting of 24 May."

7. Announcements by the Member Presiding Without Discussion

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.1.1 Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption – Confidential Attachment - Confidential Submissions Table

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

- 8.2 Item 10.1.2 Cell 9 Outline Development Plan (ODP) Amendment for Adoption– Confidential Attachment - Confidential Submissions Table

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

- 8.3 Item 10.3.1 Proposed Permanent Road Closure: Portion of Road Reserve Adjacent to 109 Orange Valley Road, Kalamunda– Confidential Attachments - Confidential Submissions Table – Confidential Submission No 4 & Confidential Submission No 20

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

- 8.4 Item 10.5.5 Response to Petition - Lot 62 (2) Seaview Terrace Kalamunda – Confidential Attachment - 2 Seaview Terrace petition

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

- 8.5 Item 10.5.10 Chief Executive Officer's Performance Review Process and Timelines 2022 – Confidential Attachment - CEO PR Consultants Quotes May 2022

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.2. Disclosure of Interest Affecting Impartiality

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

10. Reports to Council

10.1. Development Services Reports


10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption

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

Previous Items	SCM 230/2018, OCM 27/2020, OCM 350/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. Development Contribution Plan Report - For adoption [10.1.1.1 - 131 pages] 2. Submissions Table [10.1.1.2 - 57 pages]
Confidential Attachments	<ol style="list-style-type: none"> 1. Confidential Submissions Table

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

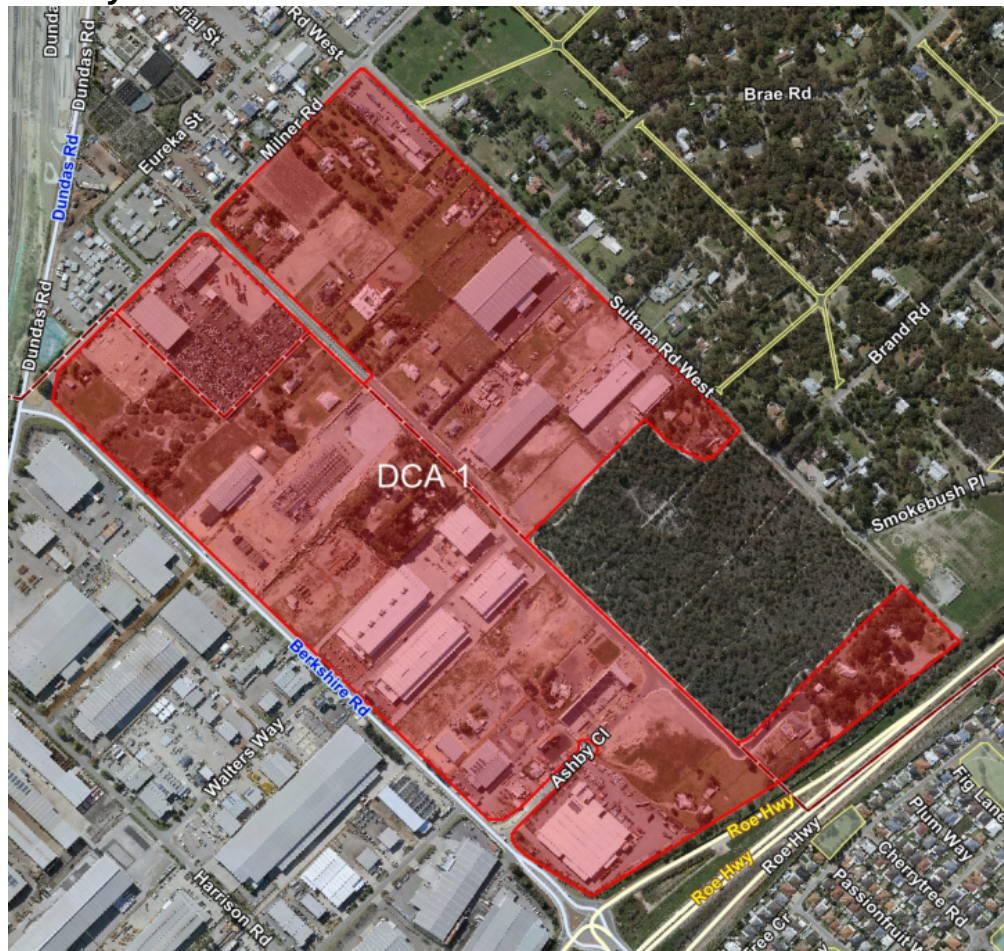
Strategy 3.1.1 - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

EXECUTIVE SUMMARY

1. The purpose of this report is for the Council to consider submissions on, and the final adoption of, the Forrestfield / High Wycombe Industrial Area – Stage 1 (FF/HW Industrial Area) Development Contribution Plan Report – Annual Review (DCPR).
2. The DCPR sets out detailed information to facilitate the administration and delivery of the Development Contribution Plan (DCP), a cost-sharing arrangement subject to annual review, to levy cost contributions for planned infrastructure that is required by, and to be shared across the FF/HW Industrial Area.
3. The DCPR was advertised in January/February 2022 and 7 submissions were received. These submissions have been considered with responses provided in the submissions table (Attachment 2). Some modifications to the DCPR have been made as a result of the submissions received and are reflected in Attachment 1.
4. It is recommended that the Council adopt the DCPR and the Cost Contribution rate of \$21.57/m² effective immediately.

BACKGROUND

5. Locality Plan:



6. The FF/HW Industrial Area Local Structure Plan (the LSP) was prepared and adopted in 2013 to facilitate industrial subdivision and development within the area. Due to the nature of fragmented landownership, a Development Contribution Plan (DCP) was prepared to coordinate the provision of common infrastructure required to cater for industrial development.
7. The Scheme Amendment to include the DCP within the City's Local Planning Scheme No. 3 (LPS3) was gazetted in May 2013. This allowed the City to place, on development and subdivision approvals, the obligation to pay a Cost Contribution for common infrastructure and administration costs to manage the DCP.
8. Following the gazettal of the DCP, the Council was required to adopt a DCPR and Cost Apportionment Schedule. The DCPR and the associated Cost Apportionment Schedule sets out, in detail, the calculation of cost contributions for development in accordance with the methodology shown in the DCP.

9. The DCPR needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCPR does not form part of LPS3 but once adopted by the Council is required, by Clause 6.5.11.2 of LPS3, to be reviewed at least annually.

10. **Previous Reviews**

Historical rates for the DCP Report review are as follows:

Date Adopted	Cost Contribution Rate
December 2012	\$23.03/m ²
December 2013	\$28.49/m ²
June 2015	\$31.23/m ² Reduced to \$29.66/m ² to account for only 50% of the cost of Sultana Road West.
December 2016	\$29.79/m ²
December 2018	\$17.01/m ² Comprehensive review of utility cost estimates resulting in significant reduction in cost.
February 2020	Interim Rate \$23.00/m ²
July 2020	\$20.97/m ²
December 2021	\$21.66/m ² adopted for public advertising and for immediate application.

11. The City undertook a review of the method of calculation of the contribution rate for the DCP in 2018. As a result of this review, the methodology for the DCP was amended to ensure that it is equitable to all landowners within the arrangement (early contributors and later contributors). This temporarily established the concept of an interim payment followed by a final payment once all costs had been accounted for.

12. **SAT Review**

Following the commencement of the DCP Review in 2020, an application was lodged for appeal/review to the SAT in April 2020 in relation to a condition of development approval issued by the City for an industrial development in the FF/HW Industrial Area (SAT Review). The SAT Review challenged matters summarised as follows:

- a) Whether the City had the power to impose a condition of development approval requiring a cost contribution.
- b) Whether the City could impose an interim contribution requirement.

c) Whether the City's interpretation of the methodology to calculate the cost contribution is correct.

13. As a result of the State Administrative Tribunal (SAT) challenge, it was determined the method of seeking an interim payment could not be pursued, and the City is required to obtain the Cost Contribution by a single payment based on the City's latest review of the DCPR.
14. Amendment 105, which was Gazetted in May 2021, was prepared to simplify the Method of Calculating Contributions in Schedule 12 of LPS3, by deleting notes that were not required, although this was not a matter considered by the SAT. Accordingly, the current review has been undertaken using the current LPS3 text.
15. The SAT, in its reasons for the decision handed down in March 2021, did not accept the applicant's argument that the City was unable to impose a condition requiring a contribution, but did accept that the City was unable to collect an interim contribution, or require landowners to enter into agreements to formalise an interim arrangement. The SAT did not consider the method of calculation as part of the reviewable decision.
16. In preparation of the current DCPR, the City has thoroughly reviewed and analysed the DCP having regard to the SAT reasons for its decision, to determine compliance with relevant LPS3 provisions, and the requirements established through State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6).
17. **Method for Calculating Contributions**
The Method for Calculating Contributions (Method) is contained within Schedule 12 of LPS3 as amended by Amendment 105. This section contains an equation used for calculating the Cost Contribution Rate as follows:

$$\text{Contribution rate} = \frac{\text{Cost of Infrastructure Items + cost of administrative Items (\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$$

18. At its meeting in December 2021, the Council adopted the DCPR and the Cost Contribution Rate of \$21.66/m², for the purposes of public advertising, and for immediate application.

DETAILS AND ANALYSIS

19. **DCP Review**

Consultants were engaged to undertake an independent and comprehensive review of infrastructure cost estimates and a land valuation. This has formed the basis of detail within the DCPR.

20. At each DCP review, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:

- a) Remaining developable land and land requiring future acquisition;
- b) Land valuation;
- c) Estimated and actual costs of infrastructure works;
- d) Administration costs; and
- e) Priority of infrastructure works.

Further discussion regarding these factors is provided below.

21. **Remaining Developable Land**

The future developable area is expected to provide the Cost Contributions necessary to account for the remaining infrastructure and administrative costs. As of the end of May 2022, 32 out of the 49 lots (65%) in the Development Contribution Area have been developed, or have commenced development, and 17 lots (35%) are yet to be developed.

22. **Land Requiring Acquisition**

As at the end of May 2022, 16,167.5m² has been acquired, approximately 9,310m² is the subject of agreements relating to the Bonser Road and Nardine Close (Road 2A) items, and a further 233m² is still to be acquired. Approximately 99% of all land required for road construction is either purchased or the subject of a legal agreement to acquire.

Acquired Area (m²)	Cost (\$)
16,167.5	\$4,201,310
Subject to agreement to acquire (m²)	Cost (\$)
9,310	\$2,378,175
Requiring Future Acquisition (m²)	Estimated Cost (\$)
233	\$64,097

23. One of the submissions queried the accuracy of the Remaining Land Area figure of 9,543.08m² included in clause 2.3 'Land for Road Reserve' in the advertised version of the DCPR. These figures have been checked for accuracy against the land requirements and further clarifications have been provided in the DCPR regarding the 50% contribution for land acquisition for Sultana Road West (for Lots 7, 200, and 1563 Milner Road).

24. Since the adoption of the DCPR for advertising, the City has secured via agreement to purchase an additional 2,027m² for the purposes of completing the Nardine Close cul-de-sac and emergency accessway between Nardine Close and Sultana Road West. The land areas contained in the DCPR have been modified to reflect this change.

25. **Land Valuation**

Land to be acquired has been identified in the DCP. In September 2021, an independent valuer provided an estimated rate at which land should be acquired at through the DCP. The valuation concluded on a land value rate of \$275/m², increasing from \$250/m² at the July 2020 DCP review.

26. Historical land values that have informed the previous DCP reviews are as follows:

Date DCP Review Adopted	Land Value
December 2012	\$250/m ²
December 2013	\$275/m ²
June 2015	\$260/m ²
December 2016	\$220/m ²
December 2018	\$220/m ²
February 2020	\$240/m ² (to inform an interim rate)
June 2020	\$250/m ²
September 2021 Valuation for current review.	\$275/m ²

27. **Infrastructure Items**

The following summarises the status of infrastructure items the subject of the DCPR:

Item	Summary of Item	Progress
Berkshire Road	Designs completed to 85%. 2m footpath on northern verge. Undergrounding of overhead consumer powerlines.	Yet to commence.
Milner Road	Designs completed to 85%. Road widening to 10m to facilitate RAV7 from Berkshire to Nardine. In light of a submission and further investigation, the segment of Milner Road between Nardine and Sultana Road	Yet to commence

	West has been changed from RAV4 to RAV7. The designs incorporate a new shared path, footpath, and street lighting.	
Nardine Close	<p>Stage 1: approx. 300m road extension to RAV4 standard.</p> <p>Stage 2: Land acquisition and minor works (extension of footpath and services) to formalise the cul-de-sac to a permanent standard, and emergency access way extending to Sultana Road West.</p>	<p>Stage 1: completed in 2019.</p> <p>Stage 2: In progress</p>
Sultana Road West	<p>Designs completed to 85%. Road widening to 9m to facilitate RAV4, including drainage, footpaths and relocation of services. 50% of costs borne by the DCP as per Schedule 12 of LPS 3.</p>	Yet to commence.
Milner Road and Nardine Close Intersection	Intersection widening to accommodate RAV 7 category vehicles.	Completed Nov 2019.
Berkshire Road and Ashby Close Intersection	<p>Intersection widening to accommodate RAV 7 category vehicles.</p> <p>Seagull island to facilitate traffic management in left-in-left-out.</p>	Intersection works completed Oct 2019.
Dundas Road/Berkshire Road/Milner	Intersection widening to accommodate as-of-right vehicles to Dundas /Berkshire, and RAV 7	Completed Dec 2019.

Road Intersection	category vehicles to Berkshire/Milner.	
Bonser Road	<p>Stage 1: New 10m wide road connection between Berkshire Road and Nardine Close, including drainage, footpath and lighting.</p> <p>Stage 2: completion of the southern truncations, sweeps and kerbs.</p>	<p>Stage 1: completed June 2020.</p> <p>Stage 2: Pending land acquisition.</p>

28. **Berkshire Road Footpath**

In response to questions raised during Public Questions at the Public Agenda Briefing Forum on 14 June 2022, the inclusion of estimated costs for Berkshire Road has been assessed and the following additional information is provided.

29. Berkshire Road is a 'Distributor B' classification of road, carrying 8,300 vehicles per day (measured 2020/21), with a high volume of heavy vehicles. The road has a 70 km/hr speed limit and carries Restricted Access Vehicles (RAVs).
30. When considering the need for pedestrian paths and facilities along any road, the City considers the characteristics of the road, future pedestrian demand and safety. In this case the information supports paths being provided on both sides of Berkshire Road.
31. The FF/HW DCP, which pre-dates the City's Bicycle Plan, includes the provision of dual use paths, now called shared paths, along the roads in the precinct. Berkshire Road was identified as having one path on the north verge, and the City is supporting that commitment by the provision of a path on the north side of Berkshire Road. The DCP provides a minimum standard of pedestrian facility for this industrial area but does not meet the desirable level of facility, being paths on both sides of the road.
32. The DCP outcome is for a path of 2.0m wide concrete path, which provides sufficient space for a cyclist and a pedestrian to pass as provided by Austroads Guide to Road Design. The path width of 2.0m is the minimum width suitable to be provided as a shared path. The DCP Report includes cost estimates of \$86,486 for this path.

33. In 2017 the City prepared a Bicycle Plan to identify cycling routes through the City (and not just limited to the FF/HW Stage 1 Industrial Area) with aims of promoting healthy activities and active transport. This planning exercise identified a need for a strategic cycling route connecting the residential area to the east of Roe Highway, along Berkshire Road to reach the new High Wycombe Train Station.
34. As the Berkshire Road path project was further refined, it was identified that the optimum location for the 3.0m wide shared path along Berkshire Road was on the south side (noting that it logically and safely connects to Principal Shared Paths installed by Main Roads alongside the Roe Highway).
35. The City then sought and was successful in receiving 50% funding under the Department of Transport's WA Bike Network grant funding program. The path was approved as a shared path of 3.0m wide and is not a Principal Shared Path (which would be wider). Construction is planned to commence in June 2022.
36. The City considers the shared path on the south side to be an additional facility that enhances the pedestrian facilities of Berkshire Road to meet contemporary objectives of pedestrian safety and active transport for reasons set out above, as well as being designed for cycling.
37. *Comparison with Milner Road*
- Milner Road is a 'Local Distributor' road, carrying 3,100 vehicles per day (measured in 2019), with a high volume of heavy vehicles. The road has a 70 km/hr speed limit within the industrial area, and the section from Berkshire to Nardine is a RAV route. These factors support paths being provided on both sides of the road for similar reasons as set out for Berkshire Road above.
38. Milner Road is identified as having one path funded by the DCP. In this case the northern side of Milner Road was selected due to drainage, verge width, presence of utility services, and the current alignment of the road. The City will be seeking to provide paths on both sides of Milner Road in the future, however funding for a second path has not been identified nor is proposed to be funded from the DCP.

39. In summary, it is considered appropriate that the DCP retains the allocation of costs for a 2m wide footpath on the north side of Berkshire Rd. This is consistent with the current version of the DCP Report for adoption (Attachment 1).
40. **Estimated and Actual Costs of Infrastructure Works**
As of 31 March 2022, approximately \$2.61M is required to complete the remaining infrastructure, with \$10.85M spent on infrastructure to date, or the subject to agreements to prefund infrastructure and for land acquisition. Details of these estimates are provided in Attachment 1.
41. The DCPR that was adopted for advertising in December 2021 reflected estimates and actual costs to 30 June 2021. These have been further updated utilising the latest financial information up until 31 March 2022.
42. A key consideration for this review is the impact from recent increases in construction costs. State and Federal Governments have implemented comprehensive economic stimulus packages to the construction sector in response to COVID-19.
43. Advice from consulting engineers undertaking the review of cost estimates for the DCP indicates that recent tenders have seen increases in construction prices, with the biggest component of the cost increases arising within the preliminaries such as supervision, survey, preparation, implementing various management plans, and quality assurance. Recent tenders have seen Preliminary allowances varying anywhere from 15% to 30% of the total tender amount.
44. Given the uncertainty as to whether this is an accurate reflection of the future market, and on the advice of the City's consulting engineers, the review has incorporated a 15% rate for preliminaries as compared to the typical 6-12%. This is recommended to be re-assessed in the next annual review.
45. **Administrative Items**
As of 31 March 2022, \$808,220 has been expended on administration costs since the inception of the DCP. A further estimated \$148,333 is required to administer the DCP for the remaining 14 months, from 31 March 2022 until the conclusion of the 10-year DCP operative timeframe under Schedule 12 of LPS3 being May 2023. Details of these estimates are provided in Attachment 1.

46. **Priority of Infrastructure Works**

Subject to the availability of funding, the following items yet to be completed are considered current priority items. In order of priority, they are:

- a) Ongoing administration costs, including legal, accounting, planning, engineering, and other professional advice required to prepare and implement the DCP;
- b) The following items have equal priority:
 - i. Land acquisition and construction requirements associated with establishing the Nardine Close temporary cul-de-sac to a permanent standard and constructing an emergency accessway between the Nardine Close cul-de-sac and Sultana Road West.
 - ii. Bonser Road – Prefunded by the landowner of Lot 547 Berkshire Road, the road was completed in June 2020. Although the construction of Bonser Road is completed, the DCP is yet to repay land acquisition, design, and construction costs to the landowner. A second stage will be required once land is acquired for truncations from Lots 16 and 17 Berkshire Road, subject to retaining sufficient funds to complete this priority. Subsequent priorities, as stated below, may also be progressed in advance of completing the second stage for Bonser Road;
- c) Milner Road construction;
- d) Sultana Road West construction;
- e) Berkshire Road footpath and adjustment to services; and
- f) Berkshire Road / Ashby Close Intersection treatment (Seagull island);

APPLICABLE LAW

- 47. Local Planning Scheme No. 3
The Cost Contributions are administered and determined in accordance with the provisions of Clause 6.5 and Schedule 12 of LPS3.
- 48. Clause 6.5.11.2 of LPS3 requires the DCP cost estimates to be reviewed at least annually.

APPLICABLE POLICY

- 49. **State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6)**
The WAPC completed a review of SPP3.6, concluding with the publication of a new SPP3.6 in April 2021. Several amendments were made to SPP 3.6, however while existing DCPs continue to remain valid, the City is required to adhere with all monitoring and reporting requirements under the new SPP3.6.

50. With respect to monitoring and reporting, at the end of each financial year, the City is required to prepare an annual status report of the DCP that contains a high-level snapshot or “health check” of the progress of the DCP, including the delivery of infrastructure against anticipated timing, and financial position. The annual status report has been included as Appendix m to the DCPR.

STAKEHOLDER ENGAGEMENT

51. Following the Council’s adoption, the draft DCPR and the proposed Cost Contribution rate was advertised to landowners within the FF/HW Industrial Area in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals.

52. Public advertising included letters to landowners within the FF/HW Industrial Area, a website notice and copies being made available at the City’s Administration Centre. The advertising was undertaken between 4 January 2022 and 15 February 2022.

53. Following the public advertising process, a total of 7 submissions were received, comprising:
- a) 3 objections (including comments) from or on behalf of landowners located in or adjacent to the FF/HW Industrial Area;
 - b) 1 late submission raising comments from a landowner; and
 - c) 3 submissions raising no objection from servicing agencies / public authorities.

Refer to Attachment 2 for the full submissions table.

54. The following summarises the key issues raised in submissions received, and the officer’s responses to each of these issues follow:

- a) A request to reclassify the intended access arrangements for the segment of Milner Road between Nardine Close and Sultana Road West from RAV4 to RAV7.

55. Response:
This segment of Milner Road has been identified as RAV4 since the review of movement network requirements in the FF/HW Industrial Area in 2017. The City considered the implications of this request, in terms of design and cost impacts, to change from RAV4 to RAV7.

56. On the advice of the City's consulting engineers, it was concluded that there will be no additional cost or design changes associated with this change, providing the RAV7 classification does not extend beyond the Milner / Sultana Road West intersection. Notwithstanding the standard of construction identified for Milner Road, should an owner/operator wish to seek approval for RAV7 access, the application will need to be made to Heavy Vehicles Services, Main Roads WA.
57. Given this request will not materially affect the DCP the description of Milner Road has been updated under clause 2.2.3 of the DCPR to reflect the potential classification of this segment of road to RAV7.
58. b) Request to include a dedicated cost to refund early contributors who paid a higher Cost Contribution Rate.
59. Response:
The inclusion of a dedicated cost item would introduce a cost beyond the scope of infrastructure and administration items identified in the DCP and is therefore unable to be supported. The structure of the method for calculating cost contributions currently ensures that landowners contribute equitably towards infrastructure and administration costs.
60. Clause 6.5.17 of LPS 3 provides the necessary provisions for dealing with a shortfall or excess in cost contributions when all cost contributions have been made or accounted for.
61. Clause 6.5.17 references a requirement to identify owners and their entitled amount. This process will not occur until "all cost contributions have been made or accounted for". It is imperative that the City have a clear understanding of the final costs, and how any outstanding contributions, should there be any, will be accounted for before commencing the reconciliation process.
62. c) Concern that there is a lack of consistency in reporting timeframes used in the Report to Council in December 2021, and a suggestion that greater transparency is required around the value of funds held in the DCP account.
63. Response:
In terms of the reporting timeframes, each DCP annual review provides an update regarding the actual costs expended and the outstanding estimated costs for the purposes of calculating the Cost Contribution rate. It is acknowledged that the Council Report in December 2021 cited varying dates for key inputs, for example:

- i. Land Valuation – September 2021.
 - ii. Status of remaining developable land – November 2021.
 - iii. Actual costs incurred for infrastructure and administration costs – 30 June 2021.
- 64. Notwithstanding the dates cited in the Council report and DCPR, the calculation of the estimated costs for infrastructure and administration was current at the time of the report preparation in November 2021 and, therefore, the Cost Contribution calculation was sound.
- 65. Regarding the request for greater transparency, the submitter references a need for monthly financial reports being presented to the Council. It should be noted that costs associated with the expenditure and income features as part of the City's monthly Statement of Financial Activity. The preparation of specific figures consolidating the expenditure and income for this DCP, for inclusion in the monthly financial statement would require considerable additional administrative work and cost which would have to be borne by the DCP.
- 66. There is no statutory obligation to report these costs in a consolidated format, monthly. It should be noted that the City meets its transparency and reporting obligations under the SPP3.6 requirements, which is the current industry standard.
- 67. d) Concern regarding the increase of administration costs.
- 68. Response:
The rise in administration costs last financial year can be primarily attributed to the additional legal considerations in the context of a SAT challenge during the 2020 / 2021 financial year.
- 69. The estimated administration costs for the remainder of the 2021/22 and 2022/23 financial years have been updated in the DCPR for final adoption. These costs incorporate a review of infrastructure costs, land valuation, legal costs and DCP management.
- 70. e) The FF/HW Industrial Area has introduced amenity impacts on residents located outside of the precinct, along Sultana Road West.
- 71. Response:
The subject DCPR is a review of the contribution rate and does not propose to change land use in the FF/HW Industrial Area. Consideration of

amenity impacts associated with existing land uses is beyond the scope of the current DCP review.

72. The FF/HW Industrial Area LSP includes objectives for industrial development to not adversely impact on the amenity and safety of adjoining land uses. Furthermore, the High Wycombe South (HWS) LSP identifies Sultana Road West and the appropriate transition point between the industrial and future urban precincts and incorporates provisions requiring design treatments to be provided at the development stage(s) to ensure an appropriate interface.
73. The City is aware of industrial operations and concerns from some residents regarding amenity impacts, and is continuing to investigate, from a development compliance perspective, the issues raised concerning light industrial activities along Sultana Road West.
74. f) Request for the introduction of additional infrastructure costs in the DCP to compensate landowners outside of the precinct, and to fund buffer / transitional features on Sultana Road West.
75. Response:
There is no provision in the DCP to fund additional land or design treatments on Sultana Road West. The introduction of additional costs at this stage of the DCP's life would not meet the fundamental principles of consistency and equity established under State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6). There is no provision within the SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.
76. As noted above, Sultana Road West is identified as the appropriate transition point between the industrial and future urban precincts, and design treatments will be required at the development stage(s) within the HWS Residential Precinct, to ensure an appropriate urban interface. In this context, the introduction of additional costs to the DCP for land to buffer the industrial area would be unjustified.
77. g) Whether the historic consultation with landowners regarding the DCP has been appropriate, and whether it included the broader community.
78. Response:
The FF/HW Industrial Area Stage 1 LSP, and the LPS3 Scheme Amendment to include provisions for the DCP were publicly advertised.

79. There is not a specific requirement for public advertising of a DCP Review, however the City undertakes advertising to ensure transparency and inform the decision making process. As noted above, public advertising included letters to landowners within the FF/HW Industrial Area, a public website notice and copies being made available at the City's Administration Centre.
80. Given the nature of the DCPR relating to a specific area for the sharing of infrastructure costs, letters were only sent to landowners directly affected by the apportionment of costs in the review.
81. h) Request to the City to refund Stamp Duty on land purchased privately and subsequently ceded to the City as DCP infrastructure.
82. Response:
The DCP does not make any provision for the reimbursement of Stamp Duty and these costs have not historically been incorporated as a cost of land acquisition. The DCP and the City has no role in the payment of Stamp Duty, or any arrangements to compensate landowners for these costs for private land transactions that occur outside of the land acquisition process administered through the DCP.
83. The introduction of additional costs within the DCP for the purposes of reimbursing landowners for Stamp Duty would not be appropriate for the reason outlined above and would not represent the principles of consistency and equity.

FINANCIAL CONSIDERATIONS

84. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.
85. The remaining developable area is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical for industrial precincts as most developments rely on these improvements for suitable access.
86. The LPS 3 requires that the City refunds any excess funds when all Cost Contributions have been made or accounted for. As of the end of May 2022, 32 out of the 49 lots (65%) in the Development Contribution Area have been developed, or have commenced development, and 17 lots (35%) are yet to be developed, equating to approximately 21.8 hectares.

87. In view of the fact that there is still approximately 35% of land in the DCP area to be developed it is highly unlikely that all Cost Contributions will have been made, and all infrastructure will have been delivered by the end of the DCP's 10 year operational life; May 2023.
88. As a result a report will be presented to the Council as part of the final review of the DCP providing a detailed examination of the options available to complete the infrastructure and finalise the DCP in accordance with the City's obligations under the planning framework.

SUSTAINABILITY

89. **Social Implications**

The provision of infrastructure in a timely, coordinated, and responsible manner can have a significant impact on the quality of life for both existing and future residents.

90. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.

91. **Economic Implications**

The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes.

92. As such, a DCP does not offer any direct economic benefits to an area. DCPs can, however, assist in the timely, efficient, and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

93. **Environmental Implications**

The proposed DCP infrastructure is identified in areas where vegetation is predominantly cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

RISK MANAGEMENT

94.

Risk: Not undertaking the review and updating the contribution rate so the Development Contribution Plan is not in alignment with current infrastructure and administrative costs.		
Consequence	Likelihood	Rating
Rare	Significant	Medium
Action/Strategy		
Ensure the Council is aware that the DCP review and the proposed revised rate is reflective of projected costs to deliver infrastructure works and land purchases. Additionally, Clause 6.5.11.2 of LPS3 requires the DCP Report is reviewed at least annually.		

95.

Risk: There is insufficient money collected in the DCP to fund infrastructure upgrades.		
Consequence	Likelihood	Rating
Possible	Major	High
Action/Strategy		
Undertake annual reviews to ensure the scope of infrastructure remains relevant and to maintain the currency of the cost of infrastructure with adequate provision for contingencies, land, and other DCP items.		

96.

Risk: Errors are contained within the DCP estimates and calculation.		
Consequence	Likelihood	Rating
Possible	Moderate	Medium
Action/Strategy		
Ensure figures are audited and sourced from financial statements. Ensure cost estimates are reviewed annually and provided by an independent consultant.		

CONCLUSION

97. Following public advertising and the consideration of submissions, the following provides a summary of the key changes to the DCPR between its adoption in December 2021 and the current report:
- a) Updated actual and estimated Administration Costs.
 - b) Small reduction of estimated costs for Berkshire Road due to reduced consumer line adjustments.
 - c) Reduction of the estimated costs for Nardine Close Extension (Road 2A) Completion of cul-de-sac and emergency access way.

d) Updated land areas to distinguish the areas subject to agreements and that are yet to be acquired.

98. The submissions received have not resulted in any significant changes to the DCPR. A minor change has been made to regarding the segment of Milner Road between Nardine Close and Sultana Road West to identify the potential to accommodate RAV7 vehicles.
99. The DCP has been reviewed using audited and known infrastructure costs and estimates based on consultants' advice. The DCP Report has been prepared and documented with the required information to ensure accountability and equity. The recommended Contribution Rate is a product of this information.
100. While it is not a requirement under LPS 3 or SPP 3.6 to undertake public advertising of a DCP Report, the DCP was advertised in the interest of good governance and transparency. The Cost Contribution Rate was applied immediately to ensure contributions are reflective of the latest and best estimates available, particularly in the context of rising construction costs and elevated development activity in the precinct.
101. The submissions have resulted in the alignment of the financial actual and estimated costs, where applicable, and the cost contribution rate has been adjusted accordingly.
102. It is recommended that the Council adopt the DCP Report, and the DCP Contribution Rate of \$21.57 m² effective immediately.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during advertising of the Forrestfield / High Wycombe industrial area and the responses contained in the Schedule of Submissions (Attachment 2) and submitter details (Confidential Attachment 1).
2. ADOPT the Forrestfield / High Wycombe Industrial Area Development Contribution Plan Report (Attachment 1).
3. ADOPT the Cost Contribution Rate of \$21.57m² for immediate application under Clause 6.5 and Schedule 12 of Local Planning Scheme No. 3.

4. AUTHORISE the Chief Executive Officer to publish a copy of the Annual Report for Development Contributions on the City's website, as contained in Appendix E of the Development Contribution Plan Report and refer a copy to the Department of Local Government, Sport and Cultural Industries and the Department of Planning, Lands and Heritage.

10.1.2. Cell 9 Outline Development Plan (ODP) Amendment for Adoption

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

Previous Items	OCM 279/2021
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	City of Kalamunda
Owner	G B Fuller

Attachments	1. Proposed Amendment to the Cell 9 ODP [10.1.2.1 - 1 page]
	2. Submission Table [10.1.2.2 - 12 pages]
	3. Perth Airport Submission [10.1.2.3 - 11 pages]

Confidential Attachments	1. Confidential Submissions Table
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Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

Strategy 3.2.2 - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), for final approval following advertising as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove (44 St John Rd) designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. The modification will generate additional contributions within the Cell 9 Infrastructure Cost Sharing Arrangement (Cell 9 ICOSA) which, subject to Council approval, may be directed to the improvement of POS in Cell 9 for the benefit of the broader community.
4. The proposed modification was advertised for a period of 42 days in accordance with Regulation 29 (2) and 18 of the *Planning and development (Local Planning Schemes) Regulations 2015* (the Regulations).
5. The City of Kalamunda (City) received a total of 16 submissions on the proposal of which 5 were in support and 10 were objections to the proposal, and 1 comment only.
6. It is recommended the Council adopts the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – 44 St John Road.

BACKGROUND

7. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.
8. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the “Cell 9 Infrastructure Cost Sharing Arrangement” (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
9. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.
10. There are three parcels of POS yet to be acquired through the Cell 9 ICSA, these are located at Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
11. The acquisition of the land to create the three remaining POS parcels is included in the Cell 9 ICSA, however, improvements to the POS, with the exception of Woodlupine Brook, are not. Accordingly, the improvement of Tomah Reserve POS (located to the north of the subject site) is not currently included within the Cell 9 ICSA.
12. The City initially undertook a review of the Cell 9 ODP which identified a surplus of POS, calculated at approximately 14%, higher than the 10% required under the State Government’s Liveable Neighbourhoods Policy. The exact percentage of POS in Cell 9 was later calculated with a more refined methodology by the City’s consultant at 15.29%.
13. Having determined through the review that there was a surplus of POS designated in the Cell 9 ODP area, the City reviewed the Cell 9 ODP with consideration to the drainage and servicing implications of modifying the layout. The review resulted in a recommended layout outlined in Appendix C of Attachment 1.
14. Having considered the recommendations, the City commenced the preparation of an amendment to the Cell 9 ODP to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
 - a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).

- b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
 - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
 - d) Provide additional housing opportunities within the Cell 9 ODP area.
 - e) Promote active street frontages and surveillance of POS.
- 15. The consolidation of POS at the subject site will also result in a reduction in land acquisition costs under the Cell 9 ICOSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICOSA. The additional funds, subject to Council approval at the annual Cell 9 ICOSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICOSA for improvement.
- 16. The annual review would outline estimates for the additional POS improvements and be endorsed by the Council before funds can be expended on additional improvements.
- 17. The reallocation of funds to provide for POS improvements will assist with alleviating pressures on the City's municipal budget as improvements for the Tomah Reserve north of 44 St John Road can be sourced via the ICOSA.
- 18. The ODP amendment was adopted by the Council at the September 2021 Ordinary Council Meeting (OCM) for the purposes of public advertising.

DETAILS AND ANALYSIS

- 19. The proposed amendment to the Cell 9 Wattle Grove ODP (Attachment 1) seeks to reduce the portion 44 St John Road designated as POS, increase the portion of designated Residential R20, and redesignate a portion of the Tomah Road reservation as POS (see existing and proposed ODP designation below).

20. Existing ODP Designation



21. Proposed ODP Designation



22. **City of Kalamunda - Public Open Space Strategy 2018**

The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the POS Strategy. One of the primary objectives of the POS Strategy is to “optimise the use of the City’s resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high quality POS over quantity”.

23. Consistent with the above objective, the proposed amendment seeks to optimise the Tomah Reserve POS. By consolidating the quantum of land required for acquisition, ICSA funds already collected can be saved and additional contributions can be collected. Subject to Council approval, these funds can then be distributed to increase the quality of POS throughout Cell 9 for broader community benefit.
24. The proposed portion of the subject site to be re-designated from POS to residential lacks both an environmental and active POS benefit to the community. The portion being redesignated is currently a privately owned paddock (grassed area) which has no identified ecological benefit. The minor reduction in the portion of land designated POS will not impact the ability for the community to enjoy Tomah Reserve in a passive manner as planned under the Cell 9 ODP.
25. Strategic Direction 2.6 of the strategy notes “The City, as funding and resources permit increase the quality of POS for community benefit through an increase in the number of ‘A’ grade reservations”. The proposed amendment is considered consistent with this strategic direction as the amendment will generate funds for the purposes of improving POS within Cell 9 for broader community benefit.
26. Strategic Direction 4.1 of the strategy notes “Improve pedestrian access traversing through existing areas of POS”. The proposed amendment is considered consistent with this strategic direction as the amendment will enable the investment and improvement of POS within the Cell 9 ODP that currently does not have a funding source.
27. **Objectives for Consolidating POS at 44 St John Road, Wattle Grove**
Consistent with the objectives outlined in this report, the City is seeking to:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions the City of Kalamunda Public Open Space strategy (POS Strategy) as outlined above.
 - b) To review the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City’s POS Strategy.
 - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
 - d) Provide additional housing opportunities within the Cell 9 ODP area.
 - e) Promote active street frontages and surveillance of POS.

28. **Review of Surplus POS**

This amendment proposes to review POS within the Cell 9 ODP area from 29.4825ha to 29.1132ha representing a reduction of 3,693m² or 0.19%. Despite the proposed reduction, the Cell 9 ODP will retain an oversupply of POS, and will comply with Liveable Neighbourhoods 2009, and the requirement to provide a minimum of 10% POS.

29. In addition, the reduction in surplus POS enables the Cell 9 ICSA funds that would have been used for the acquisition of land, to be reallocated and used for the improvement of existing and future POS within the Cell 9 ODP area. These upgrades to POS, which are not currently funded under the Cell 9 ICSA, will provide a direct community benefit to the Wattle Grove community.

30. **Increase Land Designated Residential**

The proposed increased area designated 'Residential R20' within the subject site may create up to 10 additional lots, which is anticipated to generate an additional 8 vehicle movements per day during peak hours. The existing and future road network has the capacity to accommodate the minor increase in demand, with no adverse impact on road users.

31. The redesignation of a portion of the Tomah Road Reservation to POS and portion of the subject site from POS to Residential R20 will enable the efficient use of land within the Cell 9 ODP area, and will create a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

32. In addition, the redesignation will reduce Cell 9 ICSA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated to improving existing and future POS within the Cell 9 ODP area. These upgrades are of a direct benefit to the Wattle Grove community and will provide improved spaces for the community to recreate and enjoy.

APPLICABLE LAW

33. City of Kalamunda Local Planning Scheme No.3 - Schedule 11 (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.

34. Planning and Development (Local Planning Scheme) Regulations 2015 Under Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).

35. cl29 (2) outlines the procedure to be undertaken to amend an LSP, and cl29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
36. Cl19(1) and 20(1)(2) of the Regulations the Local Government is required to consider submissions made to the structure plan amendment and provide a response to the Western Australian Planning Commission with its recommendation.

APPLICABLE POLICY

37. **State Planning Policy 3.6 – Infrastructure Contributions**
As the Wattle Grove Cell 9 – Schedule 11 Part 1 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) predates the gazettal of State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6), it is not subject to the provisions of SPP 3.6. Despite operating in a similar manner, the Cell 9 ICSA is not referred to as a Development Contribution Plan (DCP).
38. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**
A Bushfire Management Plan (BMP) has been prepared for the proposed ODP amendment consistent with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) (see attachment 1). The prepared BMP outlines that future development consistent with the preferred subdivision layout will achieve a Bushfire Attack Level rating of 29 or less and will comply with the requirements of SPP 3.7.
39. **State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning**
The subject site is located in proximity to a Roe Highway, a Primary Regional Road. Accordingly, the portion of the subject site that is being designated residential by this amendment may be affected by traffic noise. It is noted there is an existing noise wall along this portion of Roe Highway, however when the subject site is subdivided in future, lots may need a notification on title to advise prospective purchasers of traffic noise and the requirement to design to quiet house standards.

STAKEHOLDER ENGAGEMENT

40. The proposed amendment was advertised for a period of 42 days in accordance with cl29 (2) and 18 of the Regulations. Advertising of the proposed amendment involved the following:
- a) Letters were sent to landowners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed LSP.

- b) A copy of the documentation was available at the City's Administration Office during normal business hours.
 - c) Comment was sought from relevant public authorities and utility service providers.
 - d) An A0 sign was placed out the front of the subject site for the duration of the advertising period.
 - e) The proposal was published on the City's website.
41. The City received 16 submissions on the proposal. Five submissions were in support, 10 submissions were objections and one a comment only on the proposal. Four of the submissions received were from relevant public authorities including Perth Airport, the Water Corporation, the Department of Fire and Emergency Services (DFES) and the Department of Education. Submissions can be viewed at Attachment 2.
42. The submissions received from the community objecting to the proposal raised the following key concerns:
- a) The proposed modification will result in the clearing of native bushland.
 - b) The current condition of the existing POS being poorly maintained and has a lack of facilities/play equipment.
 - c) The reduction of POS in the area will not be sufficient to cater for the increased number of dwellings/residents.
 - d) Increasing the number of dwellings will result in increased traffic volumes.
43. **a) Clearing of native bushland**
The portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation and can be best described as a paddock or grassed area. The area currently identified for public open space has no identified ecological value. The redesignation of the Tomah Road Reservation to POS and the portion of the subject site from POS to Residential R20 will enable sufficient use of land within the Cell 9 ODP area creating a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
44. **b) Current condition of POS within the area**
A key concern raised throughout the submissions was the current condition of the existing POS to the north of the subject site (Willow Lake Estate). Willow Lake Estate is currently graded as a C grade reserve under the City's POS Strategy, which means the reserve is currently rated relatively low in its location, usage value, care and maintenance and environmental value.

45. The redesignation of 44 St John Road from POS to Residential R20 under the ODP, will reduce Cell 9 ISCA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated with Council approval to improving the existing and future POS within the Cell 9 ODP area. These upgrades will provide a direct benefit to the Wattle Grove community and increase the reserves functionality, usability and environmental value. The Cell 9 ODP Amendment will assist with responding to the concern raised.
46. **c) The reduction of POS**
Whilst the proposed modification seeks to reduce the amount of POS prescribed under the original proposed Cell 9 ODP, the reduction of POS is considered minor in the context of the overall public open space allocated in the structure plan . The current amount of POS within the Cell 9 ODP area has been calculated at 15.29% in excess of the 10% required under Liveable Neighbourhoods. The amendment proposes to reduce the POS within the Cell 9 ODP area from 29.4825 ha to 29.1132 representing a 0.19% reduction.
47. The proposed minor reduction of POS retains an oversupply of POS required at the minimum 10% under Liveable Neighbourhoods. Furthermore, the savings generated from the reduction could be reallocated to improving the existing and future POS creating more usable and higher quality POS.
48. **d) Increased traffic volumes**
The proposed amendment has been supported by an independent planning report (refer attachment 1) which outlines that the anticipated change to the total daily traffic volumes associated with the amendment is minimal.
49. It is estimated that this proposal will generate an additional 8 vehicular movements during peak periods based on the Western Australian Planning Commission's (WAPC) Transport Impact Assessment Guidelines Volume 3 – Subdivision which can be accommodated through the local road network.
50. **Water Corporation Submission**
The Water Corporation's submission outlined concerns regarding the concept plan not appropriately accounting for the relocation of the open drain into the subdivision area and that the layout concept does not indicate any POS or compensating basins within the subdivision to attenuate drainage flows within the development site. The open drain currently runs along the unconstructed Tomah Road Reserve before crossing into the Tomah Swamp.

51. The City directly liaised with the Water Corporation regarding the relocation of the open drain and it was determined that the relocation or piping of the open drain can be addressed during the subdivision stage with the provision of an Urban Water Management Plan (UWMP). Water Corporation advised that the developer will need to pipe the open drain for public safety reasons. Preliminary drainage modelling indicates that a 1,200mm reinforced concrete drainage pipe would be needed to meet Water Corporation Drainage Licence requirements.
52. The proposed piped drainage solution is consistent with other drainage solutions throughout the Cell 9 ODP area.
53. Perth Airport Submission
Perth Airport raised concerns pertaining to the impact of future Aircraft Noise Exposure Forecast (ANEF) contours on the site. Noting that the site currently does not fall within ANEF contours, the City acknowledges that the site may be subject to ANEF contours changes in the future with the development of Perth Airports new runway. Development of the site will be consistent with the density of the surrounding area that is subject to the same airport noise. The amendment will result in a minor increase in dwellings.
54. Perth Airports submission recommended the following conditions should the proposal be approved:
- a) Dwellings are to be constructed to meet Australian Standard AS2021:2015 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and
 - b) A notification be placed on the Certificate of Title informing prospective landowners of potential aircraft noise impacts; and
 - c) A full aircraft noise impact assessment of the ODP area be undertaken.
55. At subdivision stage, the abovementioned recommendations will be taken into consideration including a full assessment against SPP 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) will be undertaken to determine relevant conditions to be imposed on the subdivision.

FINANCIAL CONSIDERATIONS

56. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.
57. Funding for the Cell 9 ODP Amendment has been costed against the Cell 9 ICSA.

58. It is estimated that the Amendment will save the ICSA approximately \$850,000 in land acquisition costs.
59. It is estimated that the Amendment will create an additional \$220,000 in contributions for the ICSA.
60. Factoring both the reduction in acquisition costs and the increase in contributions, the Amendment could create approximately \$1 million in funds for POS improvements, funded through the ICSA rather than through municipal funds.

SUSTAINABILITY

61. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.
62. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City's engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.
63. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

RISK MANAGEMENT

- 64.
- | | | |
|--|-------------------|---------------|
| Risk: Council are not supportive of the reduction in Public Open Space. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Emphasize to the elected members that the 0.19% reduction in POS across Cell 9 is minor in the context of the overall POS available to residents of the Cell 9 area and the increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA will enable, with Council approval, to have the additional funds to be allocated to improving areas of Cell 9 POS which are not currently funded by the ICSA for improvement. | | |

65.

Risk: The ICSA has insufficient funds to acquire the POS.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Undertake regular reviews of the ICSA to ensure there are sufficient contributions to acquire the land.		

66.

Risk: Due to cost pressures on the City's municipal budget, large areas of POS remain undeveloped for significant period of time in the Cell 9 ODP area.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Adopt the ODP Amendment and review the ICSA to include improvement of the subject POS areas.		

CONCLUSION

67.

In conclusion, the primary drivers behind this ODP amendment area:

- a) The efficient designation and use of land within Cell 9,
- b) The efficient use Cell 9 ISCA funds (formerly known as Cell 9 GDS funds); and
- c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.

68.

The proposed amendment will enable the efficient use of land within the subject site and will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community.

69.

The environmental and traffic related concerns raised in submissions to the proposal are noted, however, the portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation with no identifiable ecological value and the increased traffic arising from the proposal is minor in the context of the local road network.

70.

Having regard to the above, it is recommended that Council approve the modification to the Cell 9 Wattle Grove Outline Development Plan as shown in Attachment 1 and forward the recommendation to the Western Australian Planning Commission for final approval.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:


1. NOTE the submissions received on the modification to the Cell 9 Outline Development Plan as shown in Attachment 1.
2. RECOMMEND to the Western Australian Planning Commission that pursuant to Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed modification to the Cell 9 Outline Development Plan as shown in Attachment 1 be approved.

10.1.3. Submission on the Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2

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

Previous Items	OCM 37/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-034
Applicant	City of Kalamunda
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Draft Pickering Brook and Surrounds Sustainability and Tourism Strategy - Part 2 [10.1.3.1 - 112 pages] 2. City of Kalamunda - Submissions Table [10.1.3.2 - 5 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - 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 provide Council with the opportunity to consider the draft Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2 (Part 2 Report) and provide a submission to the Department of Planning, Lands and Heritage for consideration.
2. The City of Kalamunda (City) has considered the recommendations of the Part 2 Report from a number of perspectives including but not limited to; planning, tourism, assets and economic development.
3. The Officer Recommendation is for Council to endorse the submission as outlined in Attachment 2.

BACKGROUND

4. The Pickering Brook and Surrounds Sustainability and Tourism Strategy Taskforce was established by the State Government to investigate planning and economic development opportunities and constraints for a significant portion of the Perth Hills located within the City and City of Armadale.
5. The Taskforce, supported by a Working Group with relevant State Government, local government, and community representatives have contributed to the preparation of the Part 2 Report that proposes a series of prioritised strategic recommendations and actions for Government consideration.
6. Investigations undertaken to inform the overall Part 2 Report have included consideration for the potential expansion of the Pickering Brook townsite which was incorporated into Part 1 of a 2-part Report.
7. The Pickering Brook townsite investigations have been completed and the Hon. Minister for Planning released the Part 1 Report and recommendations, on behalf of the Taskforce, in November 2020.
8. The City's Council considered the recommendations of the Part 1 report and requested that the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme (MRS) to expand the Pickering Brook townsite in accordance with the recommendations of the Part 1 Report.
9. The City is currently undertaking further water management investigations to support the progression of the MRS amendment request in accordance with the recommendation of the Part 1 Report.

10. The Part 2 Report considers potential opportunities for State and local government to support sustainable economic development for the Strategy Area with a focus on facilitating future growth of the tourism and agriculture industries.
11. The Part 2 Report was underpinned by a comprehensive community consultation process undertaken in late 2019 and several supporting studies including a tourism product gap analysis, agricultural land capability assessment, bushfire risk assessment and preparation of a bushfire management plan.
12. The Part 2 Report acknowledges the reduction in rural land that is used for productive agriculture, particularly fruit orchards, in the Strategy Area over the past 40 years and has considered potential actions that State and local government may take to protect high-quality and priority agricultural land for the future, support the continuation of productive agriculture, facilitate sustainable and appropriate tourism growth, streamline related planning processes and provide rural landowners with the potential to diversify and add to their income streams.
13. The recommended actions are aimed to support the sustainable growth of appropriate tourism and the continuation of productive agriculture in the Strategy Area. Some recommendations are also relevant to, and will provide economic benefit for, areas outside of the Strategy Area within the broader Perth Hills.
14. The recommendations from the Part 1 and 2 Reports have been developed in consultation with a number of stakeholders that formed part of the Working Group, this included representatives from the following agencies:
 - a) State Member for Kalamunda
 - b) Department of Planning, Lands and Heritage
 - c) Department of Jobs, Tourism, Science and Innovation
 - d) Department of Primary Industry and Regional Development
 - e) Department of Fire and Emergency Services
 - f) Department of Water and Environmental Regulation
 - g) Department of Biodiversity, Conservation and Attractions
 - h) City of Kalamunda
 - i) City of Armadale
 - j) Nominated Pickering Brook Community Representative

DETAILS AND ANALYSIS

15. The Part 2 Report includes investigations relating to the following key considerations:
- a) Identifying a tourism vision for the Strategy Area in consultation with the local community
 - b) Facilitating economic diversity, with an emphasis on sustainable tourism growth and agriculture in the Perth Hills
 - c) Identifying and protecting high-quality agricultural land
 - d) Identifying and managing bushfire risk
 - e) Protecting drinking water resources
 - f) Availability of transport and services infrastructure
 - g) Efficiency of planning and development mechanisms and processes.
16. The key recommendations that are considered as important catalysts for facilitating sustainable economic development opportunities within the Strategy Area have been identified as priority recommendations that are expected to be initiated within 12 to 18 months of State Government approval. All other recommendations should be considered for inclusion in future business programs within five years of release of the Part 2 Report.
17. The recommendations are broken up into a number of sub-headings relating to the various aspects that influence the Strategy Area from a sustainability and tourism perspective. These areas are identified as:
- a) Facilitating sustainable growth
 - b) Cultivating a tourist economy
 - c) Securing the agricultural future
18. The City has considered the recommendations of the Part 2 Report from a number of perspectives including but not limited to; planning, tourism, assets and economic development and prepared a submission for consideration by Council and forwarding to the DPLH.

APPLICABLE LAW

19. Local Planning Scheme No. 3 (LPS3)
To fulfil the strategic objectives of the Part 2 report, recommendations have been included to consider relevant objectives, zoning and provisions as part of future reviews of LPS3. The Strategy recommends that considers the following as part of the review:
- a. rationalise scheme zones and update objectives
 - b. update land use terms and zoning table
 - c. prepare local planning policies
 - d. review Special Control Areas.

20. *Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)*
LPS3 is required to conform with the Regulations, including consistency with Schedule 1: Model provisions for local planning schemes (the Model Provisions), in particular the terms and definitions for zones and land uses.

APPLICABLE POLICY

21. An array of State Government policies have been considered in the context of the Working Group and Taskforce recommendations. Where relevant, these are outlined in the Part 2 Report.

STAKEHOLDER ENGAGEMENT

22. In August and September 2019, the local community was invited to participate in a survey questionnaire and face-to-face meetings. The Working Group representatives from the Department of Planning, Lands and Heritage (DPLH) and the State Member for Kalamunda met individually with 69 local community members and groups, and received 119 survey responses.
23. Surveys were received from a cross-section of the community including orchardists, other agricultural operators and business operators, and residents from within the Strategy Area.
24. The provided important information on how existing and future tourism and agriculture in the Perth Hills is perceived, as well as helping to identify relevant planning and development challenges that needed to be considered.
25. A detailed summary of the community engagement outcomes is provided within the Part 2 Report.
26. The Part 2 Report was also advertised to the public with submissions invited between February and April 2022.

FINANCIAL CONSIDERATIONS

27. A number of recommendations in the Part 2 Report are allocated to the City of Kalamunda for consideration and implementation.
28. Priority recommendations are expected to be initiated within 12-18 months of the release of the Strategy, depending on complexity. All other recommendations should be considered for inclusion in future business programs within five years of release of the Part 2 Report.

29. Notwithstanding the priority identification, the recommendations and actions are subject to funding approval and provision by State and local government.
30. Many of the recommendations align with existing strategies for the City. Consideration will be given to actioning these recommendations as part of business unit planning and advocating for grant funding opportunities when and as they arise.

SUSTAINABILITY

31. A key focus of the Part 2 report is to investigate economic opportunities in the study area, facilitate economic diversity and sustainable tourism growth, and protecting the viability of the agriculture industry. The Part 2 report considers a range of influencing factors including bushfire risk, water resources, and soil and land capability.

RISK MANAGEMENT

32.

Risk: The recommendations of the Part 2 Report do not meet the expectations of the City's hinterland community.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure the City continues to consult with the community and DPLH through the preparation of its local planning strategies.		
33.

Risk: Implementation of the Part 2 Report recommendations does not have the envisaged economic benefit for the City's hinterland community.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Ensure the City continues to consult with the community, DPLH and other relevant State Government through the preparation and implementation of its local planning, tourism and economic development strategies.		

CONCLUSION

34. The recommendations of the Part 2 Report provide guidance to the City and State Government agencies on the manner in which Government at a

state and local level can support the continuation of agricultural activities balanced against the need to diversify economic activities.

35. Council is recommended to endorse the City's submission and forward it to the DPLH for consideration as part of the finalisation process for the Part 2 Report.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council

1. ENDORSE the City of Kalamunda submission on the Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2; and
2. FORWARD the submission to the Department of Planning, Lands and Heritage for consideration.


10.1.4. Community Safety and Crime Prevention Advisory Committee

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

Previous Items	OCM51/2013, OCM 196/2020, OCM 353/2021
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A

Attachments	1. Community Safety and Crime Prevention Plan 2020 - 2025 [10.1.4.1 - 16 pages]
	2. Community Health & Wellbeing Plan 2018 - 2022 [10.1.4.2 - 24 pages]
	3. Community Safety & Crime Prevention Advisory Committee Terms of Reference [10.1.4.3 - 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 (e.g., accepting tenders, adopting plans and budgets)
Information	For Council to note
Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.

Strategy - 1.2.1 Facilitate a safe community environment.

EXECUTIVE SUMMARY

1. To report to Council on the outcomes of engagement with Forrestfield Police on community safety and crime prevention measures.
2. This report recommends Council withdraw the Community Safety and Crime Prevention Committee (Committee) and the Community Safety and Crime Prevention Plan (CSCP Plan), (Attachment 1).
3. Provide options to continue with community safety and crime prevention initiatives and assimilate community safety and crime prevention actions into the new Community Health and Safety Plan (CHS Plan), (Attachment 2).

BACKGROUND

4. The Committee has been an advisory committee of Council for some time.
5. Objectives of the committee's terms of reference (attachment 3) include:
 - a) Consider issues relevant to the implementation of the Plan;
 - b) To provide advice and recommendations to Council, based on local community safety and crime prevention needs;
 - c) Liaise and consult with relevant agencies, individuals and community groups that will assist in the implementation of the Plan;
 - d) To plan and monitor and review the strategies and actions adopted as part of the Plan.

DETAILS AND ANALYSIS

6. The CSCP Plan was adopted by Council on the 27 October 2020.
7. The CSCP Plan is not dissimilar to the Community Health and Wellbeing Plan which does not have an advisory committee which oversees its preparation and implementation.
8. Rather, the progress of the plan is reported to an Ordinary Council Meeting every 12 months, reported in the City's Annual Report and updates provided quarterly via the City's Corporate Business Plan.
9. Discussions have also been held with Forrestfield Police regarding the ongoing future of the Committee and alternative approaches should the committee not continue.

10. It is noted that the Police supports the Committee being withdrawn and have agreed on the approaches put forward by City staff. These include but are not limited to:
- a) Request Council withdraw the Committee.
 - b) Continue with bi-monthly meetings between the City of Kalamunda staff and Forrestfield Police.
 - c) Continue to discuss operational matters to ensure the City can implement the actions of the CSCP Plan.
 - d) Every 4 – 5 years form a stakeholder working group to review the plan and to prepare and set actions for a new CSCP Plan (as part of a combined CHS Plan).
 - e) The City administration to continue to report to Council each quarter with an update on the progress of the plan.
11. Further to the discussions with Forrestfield Police, it is also recommended that Council remove the CSCP Plan and incorporate community safety and crime prevention initiatives as part of the review and implementation of the City's next CHW Plan and rename it the CHS Plan.
12. The CHS Plan otherwise known as a Local Public Health Plan, is soon to be a requirement of the *Public Health Act 2016* once part five is to be enacted as formal legislation. This requires local governments to produce a Local Public Health Plan at least every five years.
13. The current CHW Plan is soon to expire in 2022 and a new 5-year plan is required. Combining the two plans reduces the administrative burden of implementing and reporting on two separate documents.
14. The two documents also provide a similar purpose and are both informing strategies of the Kalamunda Advancing Strategic Community Plan in meeting Objective 1.2 to provide safe and healthy environments for the community to enjoy.
15. The CHS Plan also includes the formation of a stakeholder working group and the Police will be invited to participate within that process.

APPLICABLE LAW

16. *Public Health 2016*

APPLICABLE POLICY

17. N/A

STAKEHOLDER ENGAGEMENT

18. Forrestfield Police have been engaged as part of this report.
19. Since the Public agenda briefing, the City has sought feedback from previous members (none of whom re-applied to be on the new committee) on the City's approach to withdraw the Committee and combine the City's Community Safety and Crime Prevention Plan with the City's Community Health and Wellbeing Plan to create the Community Health and Safety Plan. As of 22 June 2022, the following has been received.

"Sounds like a great idea. Eliminates the overlap in the scope of the previous committee(s). Health and safety is much broader generic term that covers a wide-ranging area of governance and guidelines both in the workplace environment as well as the general community. I hope the recommendations is accepted".

FINANCIAL CONSIDERATIONS

20. The cost to administer the committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year. This includes meeting agenda preparation, briefing papers prepared and researched, meeting attendance of 2-3 staff, preparation of minutes, senior officer review and sign off, ongoing liaison and reporting to Council. Combining the two plans will also reduce reporting and will be another cost saving.

SUSTAINABILITY

21. Addressing and implementing community safety and health initiatives can have a diverse range of societal outcomes such as improving physical and mental health, community connectedness and economic benefits.

RISK MANAGEMENT

- 22.
- | | | |
|---|-------------------|---------------|
| Risk: The Community Safety & Crime Prevention Plan loses relevance without the Community Safety & Crime Prevention Advisory Committee. | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy – Combine Community Safety & Crime Prevention Plan with the Community Health & Wellbeing Plan which is soon to be a statutory document required by the <i>Public Health Act 2016</i> giving it more legitimacy and ensure appropriate stakeholder engagement as part of the formulation process. | | |

CONCLUSION

23. This report recommends that the Council withdraw the Community Safety and Crime Prevention Advisory committee and combine the Community Safety and Crime Prevention Plan with the Community Health & Wellbeing Plan.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. WITHDRAW the Community Safety & Crime Prevention Advisory Committee.
2. WITHDRAW the Community Safety & Crime Prevention Plan.
3. REQUEST the Chief Executive Officer include appropriate actions relating to Community Safety and Crime Prevention in the review of the City of Kalamunda's new Community Health & Safety Plan.


10.2. Asset Services Reports

10.2.1. Climate Change Action Plan - Draft for Community Consultation

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

Previous Items	OCM 74/2021
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	OR-IGR-049
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Engagement Report - Climate Change [10.2.1.1 - 69 pages] 2. Draft Climate Change Action Plan June 2022 [10.2.1.2 - 17 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

Strategy 2.1.5 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.2.3 - Produce cost effective solutions to reduce the reliance and volume of potable and ground water used by the City.

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 undertaking community consultation regarding a draft Climate Change Action Plan as preparation of a final CCAP to be adopted by the City of Kalamunda (City).
2. The draft Climate Change Action Plan contemplates a series of proposed actions over time that will enable the City to demonstrate means of enabling both resilience to and reducing the impacts of the Climate Emergency facing the community.
3. It is recommended that Council endorse the draft CCAP for the purposes of undertaking community consultation which will then assist in the development of a final CCAP for adoption by the City.

BACKGROUND

4. *At the May 2021 Ordinary Council Meeting, Council resolved (OCM 74/2021) that:
That Council:*
 1. *RECEIVE the report and recommendations from the Kalamunda Environmental Advisory Committee on the issue of climate change.*
 2. *AUTHORISE the Mayor to sign on behalf of the City of Kalamunda, the West Australian Local Government Declaration on Climate Change provided as Attachment 1.*
 3. *ENDORSE that the City of Kalamunda advises the Western Australian Local Government Association of its support for the Western Australian Local Government Association Climate Change Policy Statement 2018 provided as Attachment 2.*

4. *SEEK, from the Chief Executive Officer, a proposed set of actions addressing climate change and once developed undertake community consultation in order to ensure the actions proposed align with community sentiment.*
5. *DECLARE there is a Climate Emergency.*
6. *RECEIVE a subsequent report addressing the Climate Emergency Declaration aligned to the Western Australian Local Government Association template by the end of June 2022.*
7. *REQUEST the Mayor to write to the Minister for Climate Action to advise the City of Kalamunda declared a Climate Emergency.*

5. This report addresses the resolutions of Council in this matter.

DETAILS AND ANALYSIS

6. Items 2, 3 and 7 of the May 2021 OCM decision have been addressed.
7. Items 4 and 6 are to be amalgamated into the development and adoption of a Climate Change Action Plan (CCAP) which has been progressed.
8. Between October and December 2021, the City undertook initial community consultation on the topic of climate change geared around two key activities, a general survey and feedback action and a workshop seeking "Big Ideas" from the community. The outcomes and details of this community consultation are provided as Attachment 1 to this report.
9. The wealth of information provided in this engagement gave the City an understanding of what should and could be undertaken.
10. The draft CCAP has been developed through efforts of the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) and a City working group of representatives from various business units ("Green Team"). Together they have considered the issue and developed this draft plan.
11. The draft CCAP is structured around four key issues regarding Climate Change and Climate Emergency and the role that the City plays with four key stakeholder groups. A series of proposed actions are then developed for each stakeholder group against a key issue.
12. The four key stakeholder groups within the CCAP are:
 - a) Residents of the City
 - b) Businesses and Commercial entities within the City
 - c) State and Federal Government
 - d) The City itself as an operating entity

13. The first key issue within the CCAP is **Changing Climate Patterns**. This was deemed important because:
- a) Sustained durations of hotter weather increases:
 - i. Bushfire risks in the City
 - ii. Heat related stress to people at risk including the frail and elderly
 - iii. Increased demands on electricity networks for air conditioning and the like
 - b) Reduced levels of rainfall:
 - i. Reduces groundwater capability supporting our agricultural industries
 - ii. Reduces viability of our natural vegetation which reduces our urban forest and destroys habitat for native fauna impacting the ecosystem
 - iii. Reduces groundwater capability for maintaining public amenity in parks and playing fields
 - c) Increased intensity of storm events results in:
 - i. More instances of localised flooding of private and public property
 - ii. Increased instances of tree limbs or whole trees failing and potentially causing injury as well as causing road closures
14. The overall intent of the first focus area is to improve the community's resilience and adaptability to changing climate.
15. The next key focus area is the topic of the City's **Carbon Footprint**. Greenhouse gas emissions from non-renewable energy sources are having a harmful effect upon the planet. There is a strong role that the City can play in moving towards a carbon neutral lifestyle for our citizens.
16. The overarching intent of the second focus area is that the City of Kalamunda (Council) achieves a 40% reduction in its carbon footprint by 2030 and become carbon neutral by 2035 based on a 2020 baseline of its carbon footprint.
17. The subsidiary intent of the second focus area is that the City supports residents, businesses and the community in their own efforts in reducing their carbon footprint.
18. The City's technical staff will be able to develop a baseline 2020 carbon footprint for Council facilities based on historical data.

19. The third key focus area is **Waste Management**. Waste going to landfill results in the production of methane which is more damaging to the environment than CO₂. The community and City working together can implement more sustainable waste practices which have long term benefits to the environment.
20. The primary intent of this third focus area will be to continue to implement actions contained in the City's Waste Avoidance and Resource Recovery Plan for residential waste.
21. The secondary intent of this third focus area will be to encourage businesses and commercial operators within the City to also develop and implement more sustainable waste management practices.
22. Finally, a focus on **Sustainable Development** is proposed. Built form outcomes can have positive outcomes upon the environment with appropriate use of Council planning controls whereas unconstrained, inappropriate development can result in unacceptable reduction in urban canopy, more energy hungry buildings and exposure for users to increased bushfire risks.
23. The primary intent of the fourth focus area will be for the City, in its planning authority role, improve urban development to be more sustainable in terms of built form and improve the protection of the natural environment through sensible development controls.
24. In terms of actions for addressing Climate Change, the City has many avenues which it can selectively apply to various stakeholder groups. These include:
 - a) Education, awareness and facilitation for community to act
 - b) Advocacy at State and Federal levels for key initiatives
 - c) Direct funding of key actions
 - d) Using planning powers to implement improvements in built form and environmental controls
25. The proposed actions are aimed at addressing the overall intent of each focus area.
26. The draft CCAP is provided as Attachment 2 to this report. It is important to note that the document is in draft format with the intent to refine it through desk top publishing into a more user-friendly format for review by the community. It is proposed that Council support the thrust of the document before it progresses further.

APPLICABLE LAW

27. *Local Government Act 1995*
Planning and Development Act 2005

APPLICABLE POLICY

28. Relevant Planning Policies adopted or under serious consideration will apply.

STAKEHOLDER ENGAGEMENT

29. Upon adoption of this draft CCAP, community engagement will be undertaken in line with Council Policy Service 5: Communication and Engagement with a desired level of “Involve” in line with IAP2 Spectrum.
30. It is also proposed that this draft CCAP is also referred to each advisory Committee of the City for their review and commentary.
31. It is anticipated that this engagement process would be in the order of six months including preparation of community engagement report before a final CCAP will be presented for consideration by Council.

FINANCIAL CONSIDERATIONS

32. The draft 2022/2023 budget includes provision of \$5,000 to provide a draft CCAP in user friendly format and undertake the community engagement phase.

SUSTAINABILITY

33. The CCAP is demonstrable evidence that the City is undertaking measures to improve the sustainability of the District for all of our stakeholders.

RISK MANAGEMENT

- 34.
- | | | |
|---|-------------------|---------------|
| Risk: The City is exposed to reputational risk through perceived inaction in addressing the climate change issue | | |
| Consequence | Likelihood | Rating |
| Significant | Almost Certain | High |
| Action/Strategy | | |
| Development, adoption and follow through of actions contained within the Climate Change Action plan will mitigate this risk to Low. | | |

CONCLUSION

35. A Climate Change Action Plan is an appropriate mechanism for taking an objective approach to developing and implementing actions that will increase resilience, improve adaptability and help mitigate the impacts that have been caused and forecast by climate change upon the planet.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the final draft Climate Change Action Plan for community engagement.
2. RECEIVE a subsequent report after the community engagement is complete and a final Climate Change Action Plan is proposed for adoption.

10.3. Corporate Services Reports


10.3.1. Proposed Permanent Road Closure: Portion of Road Reserve Adjacent to 109 Orange Valley Road, Kalamunda

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	OR-03/109; OR-03/GEN
Applicant	Emma McLeod and Brenton Bird
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> 1. Road Closure Land - Plan 4619-01/A [10.3.1.1 - 1 page] 2. Submission Table - 109 Orange Valley Road Kalamunda [10.3.1.2 - 33 pages]
Confidential Attachments	<ol style="list-style-type: none"> 1. Confidential Submissions Table 2. Confidential Submission No. 4 3. Confidential Submission No 20

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

TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

Strategy 3.2.2 - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application received by the City of Kalamunda (City) to close a portion of road reserve adjacent to Lot 13 (109) Orange Valley Road, Kalamunda (Lot 13).
2. The application proposes that the portion of closed road be amalgamated with Lot 13.
3. It is recommended that Council not support the application to close the portion of road reserve adjacent to Lot 13.

BACKGROUND

4. The City received an application from Emma McLeod and Brenton Bird (Applicant) requesting that a 576.91m² portion of road reserve (Road Closure Land) be permanently closed and amalgamated with their adjoining property, Lot 13.
5. The Road Closure Land is depicted in Plan 4619-01/A (Attachment 1).

DETAILS AND ANALYSIS

Environmental Analysis

6. The proposal has been assessed from an environmental perspective. The vegetation appears to provide some habitat and ecological linkage value for threatened black cockatoos. It is adjacent to the local wildlife corridor identified in the draft Local Biodiversity Strategy 2020 and contains mature marri providing food source for black cockatoos.

7. The land is located adjacent to a mapped local ecological linkage as shown below (purple = local ecological linkage; yellow = adjacent Orange Valley Road Reserve classed as a “Biodiversity Asset” under the City’s Public Open Space Strategy; red roughly indicates subject site). The City’s draft Local Biodiversity Strategy seeks to maintain and enhance ecological linkages across the City.



8. The vegetation also has some benefit to the Urban Forest Strategy in that it is mature canopy providing shade and reducing heat island effect. The City is actively seeking to maintain and enhance urban canopy cover, in line with the draft Urban Forest Strategy and draft Local Planning Policy 33 - Tree Retention.

Planning Analysis

9. The proposal has been assessed from a planning perspective. The road reservation is heavily vegetated with what looks to be significant trees. These trees should be retained. Any proposed removal of the trees for any form of development will require a Development Application. The location of any development must be given careful consideration to avoid removal of significant trees as best as practical. Any proposal to remove trees will be assessed with due consideration to draft Local Planning Policy 33 - Tree Retention.

10. It is noted that Lot 13 has an active compliance case for the removal of significant trees on the site without approval. The City has requested that a retrospective Development Application is lodged for the removal of the trees.

Assets Analysis

11. The proposal has been assessed from an asset planning perspective. The City needs to retain a large truncation to provide for future intersection treatments. The current proposal accommodates this requirement.
12. There is no objection to the proposal from a development engineering perspective. It is noted that the dimension of standard truncation is 8.46m (6m by 6m), but as the verge is huge a reduced 4.88m truncation is acceptable in this case.
13. There is no objection to the proposal from an asset management perspective as there are no City built assets within the Road Closure Land.

APPLICABLE LAW

14. *Land Administration Act 1997 (WA) s. 58*

APPLICABLE POLICY

15. Service 4: Asset Management

STAKEHOLDER ENGAGEMENT

Public Advertising

16. The proposal was advertised in the Echo Newspaper on 14 January 2022. Comments closed at 5pm on 21 February 2022.
17. The City received 46 submissions as follows:
- a) 37 objections;
 - b) 7 submissions providing comment only; and
 - c) 2 supporting submissions (including 1 supporting submission from the Applicant).
18. The details of the submissions received and the City's responses to the submissions are provided in the Submission Table (Attachment 2).

19. The identity of the submitters is provided in the Submitter Table (Confidential Attachment 1).

Service Authorities

20. The proposal was referred to the service authorities for comment.
21. ATCO Gas has no objection to the proposal.
22. NBN Co has no objection to the proposal.
23. Telstra has no objection to the proposal. Telstra advised that its plant records indicate that there are no Telstra assets within the area of the proposal.
24. Water Corporation has no objection to the proposal. Water Corporation confirmed that there is an existing Dn100CI water main on the other side of the road reserve. However, the proposal does not affect any of Water Corporation's services.
25. Western Power has no objection to the proposal.

FINANCIAL CONSIDERATIONS

26. The Road Closure Land is owned by the State of Western Australia and managed by the City. If the proposal proceeds, the State of Western Australia will receive the proceeds of the sale.
27. The costs to the City of maintaining the Road Closure Land are minimal. The cost of actively maintaining the Road Closure Land is approximately \$200 per annum. This cost covers management for fire risk only and the land would be brushcut if required.

SUSTAINABILITY

28. The proposal will result in an access track from Orange Valley Road to Ronneby Road over the Road Closure Land no longer being available for public use.
29. If the proposal proceeds, the City will no longer have full control over the retention and management of the tree canopy on the Road Closure Land.

RISK MANAGEMENT

30.

Risk: Removal of trees and reduction of the tree canopy on the Road Closure Land.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Not support the proposal to allow the City to maintain control of the retention and management of the tree canopy on the Road Closure Land.		

31.

Risk: Loss of public use of the access track from Orange Valley Road to Ronneby Road on the Road Closure Land, resulting in pedestrians needing to walk on the road which is much steeper and less accessible than the existing access track.		
Consequence	Likelihood	Rating
Moderate	Almost Certain	High
Action/Strategy		
Not support the proposal to allow the public to continue using the access track on the Road Closure Land.		

CONCLUSION

32.

If the City holds onto the Road Closure Land, the City will maintain control of the retention and management of the tree canopy on the Road Closure Land. The public will also be able to continue to use the access track from Orange Valley Road to Ronneby Road on the Road Closure Land. The costs of maintaining the Road Closure Land are minimal. The benefits of retaining the Road Closure Land are far greater than the costs to the City of maintaining the Road Closure Land.

33.

It is recommended that Council not support the application to close a 576.91m² portion of road reserve adjacent to Lot 13 for the following reasons:

- a) significant community opposition to the proposal;
- b) loss of biodiversity and environmental impact;
- c) lack of direct benefit to the local community;

- d) maintaining control of the retention and management of the tree canopy on the Road Closure Land; and
- e) to enable the public to continue using the access track on the Road Closure Land, which provides pedestrian access from Orange Valley Road to Ronneby Road.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOT SUPPORT the application to close a 576.91m² portion of road reserve adjacent to Lot 13 (109) Orange Valley Road, Kalamunda.

10.4. Office of the CEO Reports

10.4.1. Delegations from the Council to Chief Executive Officer - 2022 Review

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

Previous Items	OCM 114/2021
Directorate	CEO's Office
Business Unit	Governance
File Reference	LE-ACT006
Applicant Owner	

Attachments	1. Draft Register of Delegations from Council 2022 [10.4.1.1 - 69 pages]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. To consider the annual review of delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
3. It is recommended Council notes the review and adopts the delegations detailed in the draft Delegations Register (Attachment 1).

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. Section 5.46 of the Local Government Act 1995 (the Act) requires each Council to review its delegations at least once every financial year.
6. Council last reviewed its delegations on 22 June 2021. The current delegations must therefore be reviewed by 30 June 2022.

DETAILS AND ANALYSIS

7. In accessing the current delegations, including the temporary amendments introduced due to the COVID-19 declared emergency, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
8. In view of this no changes are being sought to any of the current delegations.
9. The Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency, remain in force and therefore the temporary amendments to a number of delegations approved by Council in April 2020 are still required.

APPLICABLE LAW

10. Section 5.42 of the Local Government Act 1995 – a local government may delegate to the CEO.
- Limits on delegations to CEO – S.5.43.
- Requirement for review – S.5.46.
11. There are also similar delegation provisions in the Building Act 2011, Local Planning Scheme No3, Health Act 1911, Dog Act 1976, Cat Act 2011 and Graffiti Vandalism Act 2016.

APPLICABLE POLICY

12. Nil.

STAKEHOLDER ENGAGEMENT

13. All Directorates have been consulted on the appropriateness and adequacy of the current delegations. No requests for changes were sought.
14. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

15. None directly from this report.

SUSTAINABILITY

16. N/A

RISK MANAGEMENT

- 17.
- | | | |
|---|-------------------|---------------|
| Risk: Delegated authority is not provided to the CEO and other staff | | |
| Consequence | Likelihood | Rating |
| High | Unlikely | Medium |
| Action/Strategy | | |
| Introduce processes that would assist Council with the additional decision workload through Special Council Meeting to deal with the expedition of tenders. | | |

CONCLUSION

18. The recommendations reflect the outcome of the review of current delegations, and as such will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft Delegations Register (Attachment 1).

10.5. Chief Executive Officer Reports


10.5.1. Draft Monthly Financial Statements to 31 May 2022

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

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

Attachments	1. Statement of Financial Activity for the period ended 31 May 2022 [10.5.1.1 - 2 pages]
	2. Statement of Net Current Funding Position as at 31 May 2022 [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 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 31 May 2022.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the mid-term budget review adopted by the Council on 22 March 2022 for the 2021/2022 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the period ended 31 May 2022, 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

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

DETAILS AND ANALYSIS

5. The Act requires the Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2020/2021.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for the period ended 31 May 2022

7. This Statement reveals a net result surplus of \$9,240,344 compared to the budget for the same period of (\$4,098,826).

Operating Revenue

8. Total Revenue excluding rates is over budget by \$4,599,005. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions are over budget by \$4,006,591. The variance is mainly attributable to;
 - i) Contribution received from the CELL 9 trust \$1,954,640 for the reimbursements of expenditure incurred on behalf of the trust.
 - ii) Early receipt of Financial Assistance Grant for 2022/2023 \$2,086,361
 - b) Fees and Charges are over budget by \$547,929 Which mainly relates to building applications and planning application fees.
 - c) Interest earnings are over budget by \$8,526. The variance is considered to be a timing issue.
 - c) Other Revenue is under budget by \$15,396. The variance is within the reporting threshold.

Operating Expenditure

9. Total expenditure is under budget by \$4,054,481. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,228,497, which is primarily due to delays in filling vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$1,433,278. The variance is mainly due to lower consulting costs than budgeted for non-current projects under the development and traffic management business unit and verge maintenance.
 - c) Utilities are under budget by \$53,356, the variance is mainly due to the aggregate result of minor variances in several business units.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$896,523.
 - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
 - f) Other expenditure is under budget by \$524,543. The variance is due to the land acquisition costs related to CELL 9 projects. The amounts paid for infrastructure works for CELL 9 projects were reimbursed drawing against the Trust account set aside for it.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions are over budget by \$4,565,173. During May 2022 the City recognised assets valued \$3,451,698 as additions in the City's asset management system. The corresponding capital contribution value was recognised under non-operating grant and contributions.

Capital Expenditure

11. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$531,367.
12. Capital works-in-progress expenditure of \$2,028,569 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

13. The amounts attributable to financing activities show a variance of \$408,506 which is mainly due to the developer contributions and reserve transfers.

Rates Revenues

14. Rates generation is over budget with a variance of \$109,921. The variance is due to the interim rates.

Statement of Financial Activity by Program for the period ended 31 May 2022

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

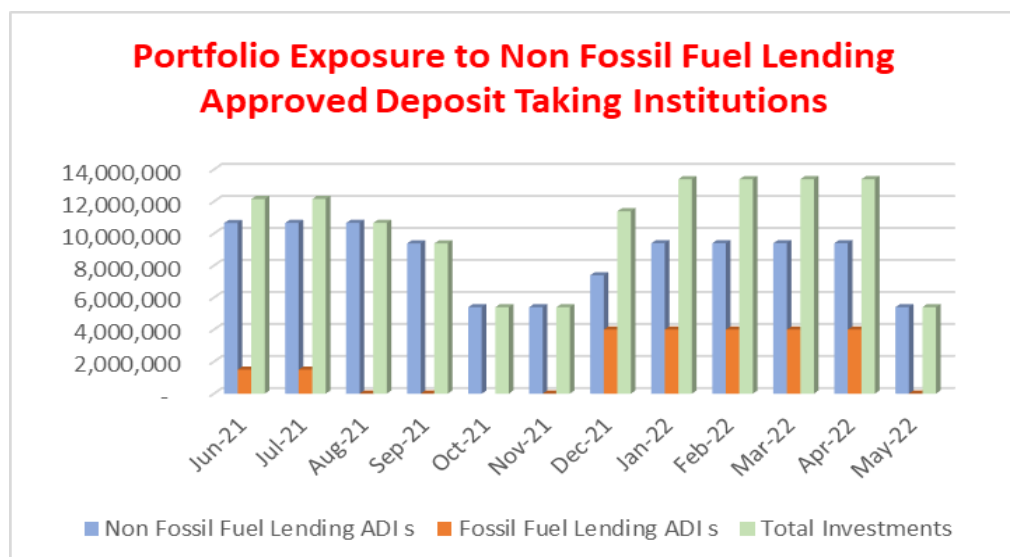
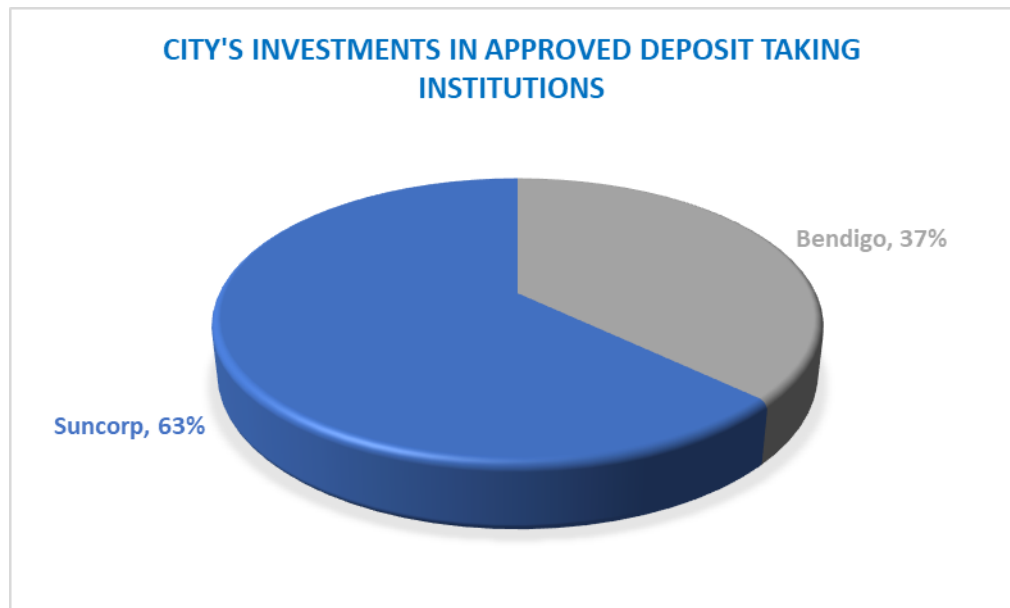
Statement of Net Current Funding Position as of 31 May 2022

16. The commentary on the net current funding position is based on a comparison of May 2022 to the May 2021 actuals.

17. Net Current Assets (Current Assets less Current Liabilities) total \$30 million. The restricted cash position is \$25 million which is higher than the previous year's balance of \$23 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and specific purpose grants reserve and waste management reserve.

18. The following graph indicates the financial institutions where the City has investments as of 31 May 2022;

- 19.



20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$4.7 million.

21. Sundry debtors have increased from \$421,761 to \$2,542,176, of which \$2,207,032 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
22. Receivables Other represents \$1.6 million including:
a) Emergency Service Levy receivables \$0.5 million;
b) Receivables sanitation \$0.6 million
23. Provisions for annual and long service leave have increased by \$0.1 million to \$4.3 million when compared to the previous year.

APPLICABLE LAW

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

APPLICABLE POLICY

25. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

29. Nil.

Economic Implications

30. Nil.

Environmental Implications

31. Nil.

RISK MANAGEMENT

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

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

CONCLUSION

34. The City's Financial Statements as at 31 May 2022 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 31 May 2022 which comprises:


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

10.5.2. Debtors and Creditors Report for the period ended 31 May 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended May 2022 [10.5.2.1 - 35 pages] 2. Summary of Debtors for the month of May 2022 [10.5.2.2 - 2 pages] 3. Summary of Creditors for month of May 2022 [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 licenses, other permits or licenses issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the list of payments made from Municipal and Trust Fund Accounts in May 2022, in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of May 2022.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in May 2022 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of May 2022.

BACKGROUND

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

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 31 May 2022 were \$2,542,176. This includes \$2,207,032 of current debts and \$11,240 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$23,022 debts of significance:
 - a) Private Citizen, \$4,331, Fire Break – Reimbursement;
 - b) The Way Christian Church, \$3,465, Hall Hire;
 - c) Zig Zag Gymnastics, \$3,198, Lease Fees; and
 - d) Fount of Life Ministries, \$3,153, Hall Hire.
8. Invoices over 60 days total \$63,828 debts of significance:
 - a) Karingal Green Health, Aged and Community Care (WA) Pty Ltd, \$55,000, Works Contribution – Gladys Newton Reserve;
 - b) Zig Zag Gymnastics, \$3,198, Lease Fees; and
 - c) Kalamunda & Districts Netball Association, \$1,438, Ray Owen Expenses.
9. Invoices over 90 days total \$259,534 debts of significance:
 - a) El Dujmovic Pty Ltd, \$216,600, Developer Contribution;
 - b) Department of Education, \$29,090, Kostera Oval shared usage reimbursement;
 - c) Private Citizen, \$4,950, Fire Break – Reimbursement; and
 - d) Dome Coffee Australia, \$1,558, Lease Fees.

Creditors

10. Payments totaling \$6,515,833 were made during the month of May 2022. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
BOS Civil Pty Ltd	Progress claim - Central mall streetscape, Ray Owen car park	693,898.16
Kalamunda Electrics	Progress claim – Maida Vale reserve master plan, electrical repairs and maintenance at various locations	435,089.03
Cleanaway	Waste, recycling & bulk disposal services fees	386,265.76
Australian Tax Office	PAYG payments	374,798.16
Bucher Municipal Pty Ltd	Supply and deliver truck sweeper – plant replacement program	379,500.00
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	364,552.01
Natural Area Management & Services	Progress claim – Woolupine Living Stream upgrade	308,396.00
BMD Urban Pty Ltd	Stirk Park Drainage upgrade – progress claim 3	265,814.57
Western Australian Treasury Corporation	Loan instalment repayment – Loan 237	230,952.58
A E Hoskins Building Services	Construction of the additional female change rooms – progress claim 5	190,013.56
AWARE Super Pty Ltd	Superannuation contributions	186,362.20
Synergy	Power charges – various locations	146,795.67
Hill Top Group Pty Ltd	Demolition of Carmel Hall, building maintenance for various locations	104,225.63
Beaver Tree Services	General tree services and under powerline pruning in various locations	118,997.23

West Tip Waste Control Pty Ltd	Removal and processing of various waste	94,703.93
Hi Lighting 1984 Pty Ltd	Supply and delivery of light fittings – Hartfield Park, Forrestfield	84,700.00
WA Hino Sales & Service	Supply and delivery of new HINO truck – plant replacement program	78,033.95
Place Laboratory Pty Ltd as Trustee for the Lab Unit Trust	Landscape architecture for various locations	62,779.20
Nintex Pty Ltd	Nintex Promapp annual subscription 2022/2023	54,967.00
Mckay Earthmoving Pty Ltd	Plant and equipment operator hire for various locations	50,878.06

These payments total \$4,611,722.70 and represent 71% of all payments for the month.

Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,200,826.10 was paid in net salaries for the month of May 2022.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

Trust Account Payments

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

15. The following payments (GST exclusive) were made from the Trust Accounts in May 2022.

CELL 9		Amount (\$)
Date	Description	
25/05/2022	City of Kalamunda – reimbursement project management costs related to CELL 9 projects, plant costs	3,591.78
25/05/2022	Tree Watering Services – tree watering along Hale Road	1,496.00
25/05/2022	Robert G Wills – project management services Hale Road widening	1,360.00
25/05/2022	Hawley's Bobcat Services – Limestone wall Hale Road, Forrestfield, skid steer and truck services	5,076.00
25/05/2022	McKay Earthmoving Pty Ltd - Supply plant and equipment for general earthmoving - Woodlupine Stream	917.70

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

23. Nil.

RISK MANAGEMENT

Debtors

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

Creditors

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

CONCLUSION

26. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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


10.5.3. Rates Debtors Report for the Period Ended May 2022

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

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

Attachments	1. Rates Report May 2022 [10.5.3.1 - 1 page]
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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 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

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

2. The City of Kalamunda (City) levied rates for 2021/2022 on 1 July 2021 totalling \$38,954,466. As of 31 May 2022, \$39,814,787 has been collected for current and prior year outstanding rates for the 31 May 2022 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of May 2022 (Attachment 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,727,695.
6. As of 31 May 2022, a total of \$39,814,787 has been collected since Rates Notices were released, representing a collection rate of 95.20%.
7. A total of 7,934 ratepayers have taken up the instalment option. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

Option	Description	Number
Option 2 on Rate Notice	Two instalments	1,559
Option 3 on Rate Notice	Four instalments	6,335
A Smarter Way to Pay	Pay by Direct Debit over a mutually agreed period.	43
Direct Debit	Payment to be received by April 2021	113
Total	Ratepayers on payment options	8,050

8. Interim rating has now commenced for 2021/2022. To 31 May 2022, \$739,287 has been raised for interim rating revenue.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 May 2022 to 31 May 2022, there was a total of 214 incoming calls and 101 outgoing calls, equating to 11.58 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

17. The City has introduced “a smarter way to pay” to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A “Smarter Way to Pay” allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

20.

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

CONCLUSION

21. With a current collection rate for the financial year of 95.20% (compared to 93.88% last year), the City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RECOMMENDATION

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


10.5.4. Development Assessment Panels - Nomination of Members

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

Previous Items	SCM 249/2019, SCM 315/2021
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	N/A
Owner	

Attachments	1. Development Assessment Panels - Local Government Member Nomination [10.5.4.1 - 1 page]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The City has been advised by Cr John Giardina that he is currently not in a position to undertake the role as a nominee to Metro Outer Joint Development Assessment Panel (DAP).

2. The Council now needs to re-nominate a local government member to the DAP.

BACKGROUND

3. The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) commenced on 24 March 2011. DAPs commenced operation on 1 July 2011. The role of DAPs is to determine significant development applications in an attempt to simplify planning approvals.
4. A DAP comprises a membership of three technical experts and two local government representatives with the power to determine applications for development approval in place of the relevant decision maker. The local government representatives will only be required to sit on the DAP where, for the purposes of the City's members, the application is for a development within the City's local government area.
5. Cr John Giardina has resigned from his DAP nomination and the City is required to nominate a replacement for Metro Outer Joint Development Assessment Panel.

DETAILS AND ANALYSIS

6. The City's current members on the DAP are Cr Margaret Thomas and Cr John Giardina with Cr Kellie Miskiewicz and Cr Brooke O'Donnell as alternate members.
7. All members will be required to attend a training workshop on planning law in relation to matters to be considered in the assessment, decision making, and appropriateness of conditions for approval or reasons for refusal, as well as the Code of Conduct. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training
8. Should the Council not nominate the required members for the DAP the DAP Regulations allow for, the Minister for Planning will appoint community representatives in their place.
9. It has become mandatory to refer a development proposal which has a total value of more than \$10 million to a DAP for determination. Exclusions to this mandatory requirement are for a single house, less than 10 grouped or multiple dwellings and development by the local government or WA Planning Commission.

10. When an application is lodged with the City, which has a value between \$2 million and \$10 million, the applicant may nominate it be determined by a DAP rather than the responsible authority.

APPLICABLE LAW

11. The Planning and Development (Development Assessment Panels) Regulations 2010 provide for the operation, constitution, and administration of DAP's.
12. The DAP Regulations prevent a DAP member from attending a meeting without first completing mandatory training.

APPLICABLE POLICY

13. Nil.

STAKEHOLDER ENGAGEMENT

14. Nil.

FINANCIAL CONSIDERATIONS

15. Any DAP member who successfully completes training is entitled to be paid for their attendance at DAP training and DAP meetings.

SUSTAINABILITY

16. Nil.

RISK MANAGEMENT

- 17.
- | | | |
|--|-------------------|---------------|
| Risk: Nomination for a member on the Metro Outer Joint DAP is not made. | | |
| Consequence | Likelihood | Rating |
| Low | Unlikely | Moderate |
| Action/Strategy | | |
| Action/Strategy Ensure Council is aware of the implications for development approvals if there are not sufficient members appointed to the DAP | | |

CONCLUSION

18. Members on a DAP will be provided with the training and the opportunity to consider development applications of a significant nature.
19. New members and alternative members nominated will be appointed to 26 January 2024.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council NOMINATE Cr _____ as a replacement for Cr John Giardina as the City of Kalamunda's member for the Metro Outer Joint Development Assessment Panel.

10.5.5. Response to Petition - Lot 62 (2) Seaview Terrace Kalamunda

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	SV-01/002
Applicant	Chris Hambly
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has received a petition raising several concerns with respect to the future development of Lot 62 (2) Seaview Terrace (the subject site). The petition has been signed by nine other residents who reside in the immediate vicinity.
2. The concerns/issues raised are as follows:
 - a) Lack of consultation from the City concerning works being conducted on site.
 - b) New development on the subject site will create an increased traffic safety risk on Heath Road.
3. The City has considered the matters raised in the petition and has found there are no planning or engineering concerns arising from a procedural or technical perspective that would warrant further action or investigation.
4. The City's response to the matters raised in the petition is for Council's information and noting.

BACKGROUND

5. The subject site is zoned Residential R10/20 comprising a land area of 3,030m². In accordance with the Dual Density provisions of Local Planning Scheme No.3 (the Scheme) and Local Planning Policy 9 – Dual Density Design, the subject site has the potential to be developed for up to a maximum of 6 dwellings at the higher code of R20.

6.



7. On 30 March 2022, the City recommended approval to the Western Australian Planning Commission (WAPC) for a four-lot subdivision on the subject site. The subdivision application was subsequently withdrawn by the applicant on 25 May 2022 prior to the WAPC making a determination.
8. On 11 April 2022, the City approved a demolition permit for the existing dwelling which has since been demolished.
9. On 27 April 2022, the City approved a development application for retaining walls and removal of vegetation on the subject site.

DETAILS AND ANALYSIS

10. **Lack of consultation from the City to development proposals on the subject site**

The petition raises concern that adjoining residents have not been notified by the City, despite previous assurances given by the City that they would be informed, regarding current works and future development being conducted.
11. The procedure for dealing with advertising of development applications is administered under Part 9 of Local Planning Scheme No.3 (the Scheme). The decision as to whether an application is to be advertised is dependent on the type of use proposed and whether there is any impact arising from the proposal that would require advertising to affected residents.
12. As noted in the background section of the report, the City has received, progressed and approved a development application for retaining walls and the removal of trees over the subject site. This application was advertised to the adjoining properties on Seaview Terrace as the retaining and fill has the potential to impact the design and layout of their future dwellings.
13. Access and egress layouts and designs were not proposed as part of this application and while it was noted the extent of trees abutting Heath Road may impact sight lines, specific investigation into crossover locations were not undertaken as it was outside the scope of the application under consideration. Access points would usually be addressed as part of the subdivision and development application and/or building permit for the dwelling(s) on site.

14. The development application was reviewed internally, and several site visits occurred with a cross section of City departmental staff in attendance. It was not advertised to property owners on Heath Road as the scope of the proposed works was not deemed to impact these property owners.
15. This does not however preclude the City from advertising future applications if the City considers there is the potential for such applications to impact on adjoining residents situated on Heath Road.
16. The applicant applied for and received approval for a demolition permit for the original dwelling on the subject site. As part of the assessment a dilapidation report was provided which noted extensive white ant damage to the dwelling rendering it unsafe and unfit for renovation. There was no requirement for the City to advertise the demolition permit application to adjoining residents.
17. **Traffic Safety**
The petition raised concern that development on the subject site will create an increased traffic safety risk on Heath Road. Specifically in relation to the location of new crossovers, the gradient of Heath Road and the sightlines issues this creates, and the associated speed of vehicles.
18. Regarding the issue of vehicle crossovers, the City has yet to receive an application detailing the location of new crossovers from the subject site onto Heath Road. When applications for dwellings are received the proposed access points will be assessed against the require construction standards to meet the City's Crossover Guidelines which includes consideration for elements such as vehicle sightlines, noting the gradient of the road.
19. If future dwellings are constructed on site, residents will be expected to comply with the Road Traffic Code and exercise due care and attention when accessing and egressing their properties.
20. The City has undertaken an assessment of all aspects of the roads in the vicinity of Seaview Terrace which does not indicate a need for traffic calming measures on Heath Road. The speed limit along Heath Road is currently 50km, which is considered appropriate in the context of the road geometry.
21. If future traffic conditions materially change due to development, the City may conduct a traffic treatment assessment to guide whether or not traffic calming is required.

APPLICABLE LAW

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

Local Planning Scheme No.3

APPLICABLE POLICY

23. N/A

STAKEHOLDER ENGAGEMENT

24. The traffic related matters raised in the submission were referred to the City's Asset Services for comment. An investigation of these matters raised no concerns from the City's perspective.
25. The application was advertised to the adjoining properties on Seaview Terrace as the retaining and fill has the potential to impact the design and layout of their future dwellings.

FINANCIAL CONSIDERATIONS

26. N/A

SUSTAINABILITY

27. The application will result in the removal of vegetation as a result of the existing slop of the land and need for retaining and fill across the site. At subsequent phases of the planning process, revegetation will be required in accordance with draft Local Planning Policy 33 – Significant Trees.
28. The loss of vegetation associated with the fill and retaining approved on the subject site has been offset through a condition of the development approval with the replacement of 12 trees with a minimum pot size of 90 litres.

RISK MANAGEMENT

29.

Risk: Future development of the subject site may result in increased traffic risks for vehicles using Heath Road		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure at the development application stage of the planning process, the location of the crossovers are fully considered in the context of any potential sightline issues that may impact on the safety of vehicle movements on Heath Road.		

CONCLUSION

30. The petition received by the City raised a number of concerns/issues with respect to the future development of the subject site, principally the lack of consultation with surrounding residents regarding development occurring on the site and future proposals and increased traffic safety risk on Heath Road.
31. The City has considered the matters raised in the petition and has found there are no planning and engineering concerns arising from a procedural or technical perspective that would warrant further action or investigation.
32. The City's response to the matters raised in the petition is for Council's information and noting.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council NOTE the matters raised in the Petition and the City's response.

10.5.6. eQuote 2016 Waste Management Services Contract Extension

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

Previous Items	OCM 112/2016
Directorate	Asset Services
Business Unit	Asset Waste & Operations
File Reference	AD-TEN-005
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 2: Kalamunda Clean and Green

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to extend existing residential waste management contracts for a nine-month period to reflect probable resourcing outcomes of the new waste management contract currently being tendered.
2. The existing contracts are due to expire on 30 September 2022. This proposal extends these contracts until 30 June 2023.
3. Respondents to the new waste management tender have indicated that, due to the current demand for waste trucks etc. and the impacts of the COVID pandemic upon manufacturers that they would be unable to service our new contract until 30 June 2023.
4. Accordingly, to maintain residential waste management services it is required to extend the current contract term for the existing Contractor.
5. It is recommended that Council extend the contract terms for:
 - a) eQuote 04-2016 Bulk Bin Service for General and Green Waste;
 - b) eQuote 05-2016 Weekly Collection & Disposal of Waste Services; and
 - c) eQuote 06-2016 Fortnightly Collection & Disposal of Recycling Services from 30 September 2022 to 30 June 2023.

BACKGROUND

6. Council at its Ordinary Council Meeting June 2016 resolved to accept the Tenders submitted by Cleanaway Pty Ltd for:
 - a) eQuote 04-2016 Bulk Bin Service for General and Green Waste;
 - b) eQuote 05-2016 Weekly Collection & Disposal of Waste Services; and
 - c) eQuote 06-2016 Fortnightly Collection & Disposal of Recycling Services for a period of three-years with 3 x 12 month extensions at the sole discretion of the Principal.
7. As the Contractor has performed the services to the City of Kalamunda's (City) satisfaction, the City has taken up all three extensions to date with the Contract due to expire on the 30 September 2022.
8. The services primarily consist of the kerbside waste collection services including skip bins to properties within the City of Kalamunda boundaries along with the processing of recyclables.

9. The City has proceeded to Market for a new Tender for the above services. Unfortunately, due to the impacts of COVID-19 to the market, we have been advised by the industry during the Tender submission period and at the Tender Briefing Session that there are considerable delays on the supply of plant, equipment and labour shortages in the industry.
10. This Tender closed on 23 June 2022 and the City's Procurement unit is commencing tender assessment. It is anticipated that Council will be asked to award this new Tender in July or August 2022.
11. The State Government has currently a State of Emergency Declaration in response to the COVID Pandemic. Provisions within the *Local Government (Functions and General) Regulations 1996* have been made that provide Local Government with the authority to extend existing contracts for periods of no more than 12 months (Regulation 11 paragraph 2 (ja) refers).

DETAILS AND ANALYSIS

12. The Request for Tender (eQuote 2022-01 Waste Services Management) was issued through the WALGA Vendorpanel Waste Collection Services on Tuesday 4 May 2022. Tender submissions closed at 2:00pm AWST, Thursday 23 June 2022.
13. Advice and feedback received from the Waste Industry warned that there is a delay in ordering and receiving new vehicles/trucks, materials and equipment and may not be able to supply the vehicles and equipment to fulfill the City's recent eQuote.
14. In order to meet the requirements within the new eQuote for the delivery of new equipment and provision of staff, the City has been requested to reconsider the start date and postponing its commencement date of the new Contract.
15. Industry advised that there is up to a nine-month wait for new vehicles/trucks, materials and equipment.
16. The City's current contractor, Cleanaway Pty Ltd, has been approached and they have advised that they recognise the current pressures because of Covid and have extended two other similar Contracts with Local Government for these reasons, so would be willing to continue providing services to the City for an extended period of nine-months up to 30 June 2022.
17. The extension would be based upon the current contract conditions which include CPI based rise and fall provisions.

18. Cleanaway Pty Ltd the City's current contractor have performed to the City's expectations and have met the contract KPI's on each assessment.
19. Should the Contract not be extended there is a high risk in not being able to guarantee the provision of these essential waste services to residents due the tenderer selected maybe unable to commence on the start date of 1 October 2022.
20. The State Government has recognised the impact that the COVID Pandemic is having upon normal supply chain matters and has made provisions for Local Government to extend existing contracts if necessary.

APPLICABLE LAW

21. *Local Government Act 1995*
Local Government (Functions and General) Regulations 1996
Emergency Management Act 2005

APPLICABLE POLICY

22. Policy C-PP01 – Purchasing has been followed and complied with.
23. Purchasing Instructions CEO17 Amendment 2.

FINANCIAL CONSIDERATIONS

24. The 2022/23 Budget has been based upon expected cost increases for waste services provision. As such this extension has no unanticipated budget implications.

SUSTAINABILITY

25. The City of Kalamunda Waste Plan June 2020 has actions to meet the States Waste Avoidance Strategy Targets through measures to generate less waste, to recover more value and resources from waste and protect the environment by managing waste responsibly.

RISK MANAGEMENT

26.

Risk: The City accepts a Tender for Waste Management Services and the Contractor is unable to resource plant and equipment or personnel to take over services on 1 October 2022.

Consequence	Likelihood	Rating
Critical	Possible	High

Action/Strategy

- a) Liaison with current Tenderer seeking acceptance of an extension until successful tenderer is able to take over. This is the preferred outcome.
- b) Be willing to accept old equipment to be used until new equipment can be procured. This outcome may not be available depending on tender assessment

CONCLUSION

27.

Noting that a new Tender is under assessment, extending this Contract provides the City with sufficient time to ensure that any new Contractor would be ready to commence operations on 1 July 2023 with sufficient resources in place.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council APPROVE contract extensions to its current Waste Services Contracts with Cleanaway Pty Ltd ACN 000 164 938 for:

- a) eQuote 04-2016 Bulk Bin Service for General and Green Waste;
- b) eQuote 05-2016 Weekly Collection & Disposal of Waste Services; and
- c) eQuote 06-2016 Fortnightly Collection & Disposal of Recycling Services

for a period of nine-months from 1 October 2022 to 30 June 2023.

10.5.7. Events Sponsorship and Donations 2021/2022

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


Previous
Items

Directorate Office of the CEO
Business Unit Customer and PR

File Reference
Applicant
Owner

Attachments 1. Sponsorship and Donations recommendation
[10.5.7.1 - 20 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2027

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.3.2 - Encourage and promote the active participation in social and cultural events in the City of Kalamunda.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider Event Sponsorship Applications received for 2022/2023.

2. This year, applicants were invited to apply for event sponsorship up to \$5,000.
3. The recommendation is to approve funding for Community Events as per Attachment 1.

BACKGROUND

4. The City of Kalamunda did not have an Events Sponsorship and Donations round in 2020/2021 due to the COVID Innovation Fund which was developed.
5. The Event round was reinstated with the adoption of the 2021/2022 budget and funding is included in the 2020/2023 Budget due for adoption at a Special Council Meeting on 27 June 2022

DETAILS AND ANALYSIS

6. The City promoted the 2022 Event Donation and Sponsorship funding round via social media, website, electronic direct mail and hard copies distributed to City Libraries and the Administration Building.
7. The City's 2022 Event Donation and Sponsorship Program attracted a high number of submissions which indicates and supports an effective targeted campaign.
8. All approved events are required to submit an event application and respond to any changes in circumstances as a result of COVID-19 or any other factor that impacts their ability to deliver.
9. Attachment 1 details the applicants and proposed amount of funding for approval.

APPLICABLE LAW

10. *Local Government Act 1995*

APPLICABLE POLICY

11. Service 6 – Event Sponsorship and Donations.

STAKEHOLDER ENGAGEMENT

12. Advertising and promotion was undertaken to raise awareness of the grant round being open.

FINANCIAL CONSIDERATIONS

13. Funding is included in the 2022/2023 budget, with a at the Special Council Meeting held 27 June 2022. No additional funding is requested.

SUSTAINABILITY

14. The City reviews each application with a strong focus on sustainability, seeking joint funding and partnership opportunities as a priority.

RISK MANAGEMENT

15.	Risk: Event Sponsorships are impacted by COVID-19		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Ensure clear guidance for event organisers in the event of a COVID-19 restriction being placed on the event.		

CONCLUSION

16. Applications were of a high calibre in the 2022/2023 round, with the volume indicating a healthy appetite for community events to be held.
17. All organisations who are successful in receiving event sponsorship are required to ensure City of Kalamunda sponsorship is referenced in their promotional materials and at their events.

Voting Requirements: Simple Majority

RECOMMENDATION

That subject to funding being approved in the 2022/2023 budget to be adopted on 27 June 2022, Council APPROVE the Events Sponsorship applications as detailed in Attachment 1.

10.5.8. Customer Service Strategy 2022 - 2026 - Draft

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


Previous
Items

Directorate Office of the CEO
Business Unit Customer & Public Relations

File Reference
Applicant
Owner

Attachments 1. Customer Service Strategy 22-26 FINAL [**10.5.8.1** - 19 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.1.2 - Empower, support and engage all of the community.

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

Objective 1.3 - To support the active participation of local communities.
Strategy 1.3.1 - Support local communities to connect, grow and shape the future of Kalamunda.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.
Strategy 4.1.2 - Build an effective and efficient service based organisation.

EXECUTIVE SUMMARY

- 1. The purpose of this report is to consider the Draft City of Kalamunda Customer Service Strategy 2022 – 2026 (Strategy).
- 2. The strategy outlines the key principles, strategies, actions, and performance measures for improved customer service standards over the next four years at the City of Kalamunda (City).
- 3. The recommendation is to endorse the Customer Service Strategy.

BACKGROUND

- 4. The Customer Service Strategy 2022-2026 builds upon the initiatives outlined in the Customer Service Strategy 2017-2021.

DETAILS AND ANALYSIS

- 5. The key objectives of the strategy are to:
 - (a) promote a holistic approach to customer service, encouraging a smooth, seamless “one-touch” customer experience
 - (b) be responsive and agile in-service delivery, recognising one size doesn’t fit all and offering a range of service delivery options.
 - (c) support and encourage staff through training and information sharing to be proactive and anticipate community needs, always striving to exceed expectations.

Customer Service Principles

6.		
1.	Customers will receive timely responses.	<ul style="list-style-type: none">• We will always provide an estimation of timeframe for response at each interaction.• We will update customers on the status of their enquiry at regular intervals.• Customer referrals across business units will be as minimal as possible.• We monitor the timeliness of our correspondence.

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

Customer Service Ethos

7. The city will focus on a combination of concepts including cultural change, technological and process improvement, and a centralised service model - with increased self-service options and improvements based on customer feedback.

8. Our customers are the 'key influencers' in the development, improvement and delivering of our services.

Customer Service Promise

9. Supported by innovative technology solutions and regular best practice training, staff will be proactive, focus on future planning to meet business objectives and work collaboratively, with the customer experience always in mind.
10. All City interactions with customers will be timely and meaningful.
We will be transparent in all that we do and decisions we make
We will change and adapt for continuous improvement.

Customer Service Focus Areas

11. Service Standards: Methods for setting standards and working together better.
12. Communication & Culture: Staff engagement, motivation and skill development.
13. Technology: Systems, tools and processes to support customer service delivery.

APPLICABLE LAW

14. *Local Government Act 1995*

APPLICABLE POLICY

15. Service 1 – Managing Unreasonable Conduct by Customers

STAKEHOLDER ENGAGEMENT

16. The city has utilised continued feedback from customers in the development of the Strategy.
17. Internal referral to all business units was completed in February – March 2022.

FINANCIAL CONSIDERATIONS

18. The strategy will be implemented within available budget resources, with no additional funding sought.

SUSTAINABILITY

19. The Strategy proposes a series of action, which will improve sustainability in the customer service space from both a social and environmental perspective, with increased self service capability and a reduction in print.

RISK MANAGEMENT

20.	Risk: Strategy not endorsed by Council.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Explain the purpose and benefits of the Customer Service Strategy		

CONCLUSION

21. The Customer Service Strategy provides clear direction for the City, along with ensuring customers understand how the City will interact and what to expect in terms of customer service.
22. The Strategy is focused on continuous review and improvement, led by our customers feedback.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the Customer Service Strategy 2022 – 2026.

10.5.9. Elected Members Training 2021 - 2022

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

Previous
Items

Directorate Office of the CEO

Business Unit Governance

File Reference N/A

Applicant N/A

Owner

Attachments 1. 2021 22 Elected Member Training and Development Register [**10.5.9.1** - 1 page]

TYPE OF REPORT

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

Executive When Council is undertaking is 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 4.1.2 - Build an effective and efficient service-based organisation.

EXECUTIVE SUMMARY

1. For Council to receive a report on the training and development undertaken by elected members during the 2021/2022 financial year.

2. This report details the training development undertaken by elected members during the 2021/2022 financial year, and outlines not only the mandatory training required under the *Local Government Act 1995* (Act), but also all other professional development events attended by elected members under Council's Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development.
3. It is recommended Council note the training and development undertaken by Elected Members during the 2021/2022 financial year, as detailed in Attachment 1 and that it will be placed on the City's website on 31 July 2022 in accordance with the legislation.

BACKGROUND

4. The Minister for Local Government and the WA State Parliament recognised the need for elected members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the Act and the need for local governments to adopt a policy in relation to elected member continual professional development, support these views.
5. On 16 September 2019 and as part of the State Government's local government reform agenda, certain provisions of the *Local Government Legislation Amendment Act 2019* came into operation which implemented a range of reforms to the Act to deliver on the principles of improved governance, transparency and accountability.
6. Improvements included the need for universal training for elected members, a mandatory code of conduct, chief executive officer employment and performance management standards, a revised gifts framework, and improved reporting and transparency to the community.
7. In accordance with the *Local Government Legislation Amendment Act 2019*, local governments must prepare a report for each financial year on the training completed by elected members in that financial year. The report must be placed on the City's website within one month after the end of the financial year in which the report relates.

DETAILS AND ANALYSIS

8. Mandatory training for elected members was introduced as a mechanism for improved reporting and transparency to the community.

The Council Member Essentials training consists of the following five modules:

- Understanding Local Government.
 - Serving on Council.
 - Meeting Procedures.
 - Conflicts of Interest.
 - Understanding Financial Reports and Budgets.
9. For the 2021/2022 financial year, the mandatory training undertaken by respective elected members, and the training and development undertaken by elected members under the provisions of Council Policy Governance 3: Elected Members – Entitlements, Travel and Professional Development.
10. It should also be noted the mandatory training is only required to be completed within a period of twelve months (that is October 2022), by those elected members that were elected in the 2021 local government elections. Other elected members can undertake the mandatory training if they so wish, but are not required to do so, until such time they may be re-elected at the 2021 local government elections. This date will also apply to gaining competency certificates in each unit.
11. The following Councillors were elected in October 2021
Cr Margaret Thomas (competency met)
Cr Andrew Osenton
Cr Dylan O'Connor (competency met)
Cr Lisa Cooper (competency met)
Cr Kellie Miskiewicz
Cr Geoff Stallard (competency met)

APPLICABLE LAW

12. *Legislation Local Government Act 1995.*
Local Government (Administration) Regulations 1996.

Sections 5.126 and 5.127 of the Act were introduced around Elected Member training and reporting, as follows:

"5.126. Training for council members

(1) Each council member must complete training in accordance with regulations.

(2) Regulations may —

(a) prescribe a course of training; and

(b) prescribe the period within which training must be completed; and

(c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and

(d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

5.127. Report on training

(1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.

(2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates."

The *Local Government (Administration) Regulations 1996* prescribes the Council Member Essentials training as being the mandatory training (as per section 5.126(1) of the Act) that elected members must complete within their first 12 months of Office.

APPLICABLE POLICY

13. To enable elected members to develop and maintain skills and knowledge relevant to their role, the City also has a Council Policy - Governance 3: Elected Members – Entitlements, Travel and Professional Development that includes provisions around Elected Member professional development.

STAKEHOLDER ENGAGEMENT

14. Nil.

FINANCIAL CONSIDERATIONS

15. The costs associated with Elected Members training during 2021/2022 is outlined as follows:

Mandatory Training	\$3,000
Conferences	\$0
Seminars / Training and Development Events	\$0

SUSTAINABILITY

16. Nil.

RISK MANAGEMENT

17.	Risk: Noncompliance with legislative requirements.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Low
	Action/Strategy		
	Ensure an elected members training program is established and reported upon by 31 July each year.		

CONCLUSION

18. Two newly elected councillors are required to undertake the mandatory training before October 2022.
19. Compliance with this requirement will be reported in the 2022/2023 year.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the training and development undertaken by Elected Members during the 2021/2022 financial year shown as Attachment 1.
2. NOTE the 2021/2022 Elected Member Training and Development Schedule, as detailed in Attachment 1 will be placed on the City of Kalamunda's website.

10.5.10. Chief Executive Officer's Performance Review Process and Timelines 2022

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

Previous Items	OCM 59/2021
Directorate	CEO's Office
Business Unit	People Services/Governance
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. CEO Performance Review Process and Timelines 2022 [10.5.10.1 - 1 page] 2. Governance 12 - Recruitment and Selection, Performance Review, Salary Review and Temination of the C [10.5.10.2 - 11 pages]
Confidential Attachments	<ol style="list-style-type: none"> 1. CEO PR Consultants Quotes May 2022 <p><i>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"</i></p>

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (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 approve the Chief Executive Officer Performance Review process for 2020/2021.
2. Council, at the April 2021 Ordinary Council Meeting (OCM), adopted the new City of Kalamunda Standards for Recruitment, Performance Appraisal and Termination of the CEO (Standards) and a revised Policy - Governance 12: - Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer Policy to complement the Standards.

Council further appointed all councillors as members to the CEO Performance Review Committee and appointed Mr Michael Fernie as the independent observer.

3. It is recommended that Council approve the 2021/22 CEO performance review process as outlined in Attachment 1 agree to appoint a facilitator.

BACKGROUND

4. The CEO was appointed to the position with effect from 9 July 2013. The CEO's contract was renewed on 17 May 2016 and extended for a further five years, being from 9 July 2016 to 8 July 2021. In late 2021, the Council renewed the CEO's contract for a further 4 years effective from 9th July 2021 to 8th July 2025. It should be noted this will be the final review under the existing contract.
5. Council at its Ordinary Council Meeting of 28 July 2020 endorsed the Chief Executive Officer's (CEO) Performance Criteria for 2020/2021. These criteria will form the basis for assessing the CEOs performance for the period July 2020 to June 2021.
6. Clause 4 of the CEO's contract of employment, dated 17 May 2016, requires the CEO's performance to be reviewed and determined,
 - (i) "by reference to the Performance Criteria" and
 - (ii) "at least annually".

Council established a performance framework, where performance criteria are defined according to the following 7 Key Result Areas:

1. Integrated planning and reporting.
2. Financial sustainability.
3. Risk management.
4. Identifying future opportunities and challenges.
5. Delivery of major projects and initiatives
6. City Leadership.
7. Organisational Culture

7. The *Local Government (Administration) Amendment Regulations 2021* and *Local Government Legislation Amendment Act 2019* introduced in February 2021, include a requirement for standards covering the recruitment and selection, performance review and termination of employment of local government CEO's.

Council adopted these Standards and a revised Policy which included provisions with respect to the Performance Review of the CEO, at its April 2021 OCM.

8. Council at its meeting in April 2021 established of a CEOPRC consisting of the following membership: -

- a) the Mayor (Chairperson);
- b) the Deputy Mayor.
- c) All Councillors
- d) An independent Observer – Mr. Michael Fernie

9. Clause 4.4(b) of the CEO's contract employment states:
"Reports and other documentation prepared under, or for the purposes of this clause are to be treated by the parties as confidential".

DETAILS AND ANALYSIS

10. Because of the adoption of these Standards and Policy the following matters need to be decided by Council to initiate the 2021/22 Review: -

1. Establishment of CEO Performance Review Committee Process

The process outlined in Attachment 1 provides Council with a guide as to how and when the CEO Performance review process will be undertaken.

2. Appointment of Performance Review Facilitator

The Policy provides for the appointment of Performance Review Facilitator (PRF) to assist Council undertake the overall performance review process.

The appointment of a PRF adds a further element of independent expertise and assistance, providing for procedural fairness and transparency in the conduct of the process.

A request for quote was issued and Attachment 2 outlines the quotes received for Council to consider who they wish to be appointed as the PRF.

APPLICABLE LAW

11. *Local Government Act 1995*
Local Government (Administration) Amendment Regulations 2021
Local Government Legislation Amendment Act 2019

APPLICABLE POLICY

12. Governance 12: - Recruitment & Selection, Performance Review, Salary Review and Termination of the Chief Executive Officer

STAKEHOLDER ENGAGEMENT

13. None required.

FINANCIAL CONSIDERATIONS

14. Provision of \$10,000 has been made in the budget to fund the Facilitator.
- Three quotes were sought only one supplier was able to provide a quote as shown in Attachment 2.

SUSTAINABILITY

15. N/A

RISK MANAGEMENT

16.	Risk: Non-Compliance if Council does not implement a Performance review of the CEO in accordance with legislative and contractual requirements.		
	Consequence	Likelihood	Rating
	Medium	Possible	Moderate
	Action/Strategy		
	Ensure Council is aware of the necessity to meet its legislative and contractual requirements.		

CONCLUSION

17. The recommendations provided for Council decision will ensure timely commencement of the CEO Performance Review process for 2021/22 assessment period and meet the intended principles of the legislative standards for a CEO Performance Review.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. APPROVE the process outlined in Attachment 1.
2. APPOINT Paul Syme from Portland Broome as the independent facilitator to oversee the process.

- 11. Motions of Which Previous Notice has been Given**
- 12. Questions by Members Without Notice**
- 13. Questions by Members of Which Due Notice has been Given**
- 14. Urgent Business Approved by the Presiding Member or by Decision**
- 15. Meeting Closed to the Public**
- 16. Tabled Documents**
 - Kalamunda Environmental and Sustainability Advisory Committee Draft Minutes-12 May 2022
 - DACAC Minutes 9 May 2022
 - Draft LEMC Minutes 26 May 2022
 - Public Agenda Briefing Forum – Notes – 14 June 2022
- 17. Closure**