



Public Agenda Briefing Forum

Notes

8 August 2023



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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence**Councillors****South East Ward**

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell (Presiding Member)

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Kathy Ritchie

Margaret Thomas JP (Mayor)

Members of Staff**Chief Executive Officer**

Gary Ticehurst - Acting Chief Executive Officer

Executive Team

Sinead McGuire/Director Asset Services

Nicole O'Neill - Director Community Engagement

Alison Egan - A/Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Chris Lodge - Manager Strategic Planning

Andrew Fowler-Tutt - Senior Planning Advisor

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 2

Members of the Press Nil.

Apologies

Cr Janelle Sewell

Leave of Absence Previously Approved Nil.

3. Declarations of Interest**3.1. Disclosure of Financial and Proximity Interests**

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

3.1.1 Nil.

3.2. Disclosure of Interest Affecting Impartiality

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

3.2.1 Nil.

4. Announcements by the Member Presiding Without Discussion

4.1 Nil.

5. Public Question Time

Public questions will be allowed and received following the presentation of the report.

6. Public Statement Time

Public statements will be allowed and received following the presentation of the report.

7. Public Submissions Received in Writing

7.1 Nil.

8. Petitions Received

8.1 Nil.

9. Confidential Items Announced But Not Discussed

8.1 Nil.

10. Reports to Council**10.1. Development Services Reports****10.1.1. Urban Forest Strategy 2023-2043***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*


The Manager Strategic Planning provided a presentation on this report.

Council sought clarification in relation to various aspects of the report.

Several queries from Cr O'Connor were taken on notice with information to be provided prior to the Ordinary Council Meeting.

Previous Items	OCM 230/2020; OCM 71/2019; OCM 09/2023
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Draft Urban Forest Strategy 2020 [10.1.1.1 - 55 pages] 2. Engagement Report Urban Forest Strategy 2020 [10.1.1.2 - 59 pages] 3. Draft Urban Forest Strategy 2020 - Schedule of Submissions [10.1.1.3 - 50 pages] 4. Urban Forest Strategy 2023 Engagement Report [10.1.1.4 - 36 pages] 5. Draft Urban Forest Strategy 2023 - Schedule of Submissions [10.1.1.5 - 20 pages] 6. Part 1 Summary Urban Forest Strategy 2023 2043 [10.1.1.6 - 28 pages] 7. Part 2 Technical Report Urban Forest Strategy 2023 2043 [10.1.1.7 - 75 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
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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 2.1.1 - Implementation of the Local Environment Strategy

Strategy 2.1.2 - Development and Implementation of the Urban Forest Strategy.

Strategy 2.1.4 - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

Strategy 2.1.5 - Community engagement and education in environmental management.

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 Council to consider the adoption of the Urban Forest Strategy (UFS) 2023-2043 for the purpose of implementation.
2. Council endorsed the Draft UFS 2020 on 24 November 2020 for the purpose of public consultation. Following the public consultation period, a peer review of the Draft UFS 2020 was undertaken and a revised Draft UFS 2023-2043 prepared in response to submissions received and the outcomes of the peer review.
3. Council endorsed the Draft UFS 2023-2043 on 28 February 2023 for the purpose of public consultation. Public consultation commenced on 5 April 2023 and closed on 5 June 2023.

4. The modifications made to the Draft UFS 2023-2043 subsequent to the recent community consultation include text updates to add further clarification regarding:
 - a) Native understorey vegetation being addressed through the Local Biodiversity Strategy;
 - b) The balanced approach of the *City of Kalamunda (City) Local Planning Policy 33- Tree Retention*;
 - c) Bushfire management requirements;
 - d) Tree maintenance requirements;
 - e) The inclusion of an additional action to; *Ensure that staff involved in planning and management of the City's urban forest have appropriate training and/ or qualifications*;
 - f) Clarification of Action 1.3 regarding ecologically sustainable bushfire management; and,
 - g) Clarification of Action 4.3 regarding the use of funds generated from successful prosecutions relating to tree removal.
5. Additional updates were made to the urban forest data and associated figures to categorise land uses, such as Local Open Space into Parks, in approved structure plan areas, which are currently zoned (for example) "urban development" under the City's Local Planning Scheme No. 3. It is noted that not all Structure Plan areas were able to be categorised due to the nature of the data being used.
6. Noting the substantial consultation and peer review process undertaken, it is recommended Council proceeds to adopt the UFS 2023-2043 for the purpose of implementation.

BACKGROUND

7. At the Ordinary Council Meeting of 26 March 2019, Council resolved (OCM 71/2019):
 1. *REQUEST the Chief Executive Officer list for consideration in the draft 2019/2020 budget a provision to prepare a draft Urban Forest Strategy and commence Community Feedback on this draft by June 2020.*
 2. *REFERS development of the Urban Forest Strategy to the Kalamunda Environmental Advisory Committee (KEAC) to advise on scope, process, cost and principles of the Strategy are to include:*
 - a) *To meet the objectives of the City's Strategic Community Plan Priority 2: Kalamunda Clean and Green*
 - b) *To develop a program for planting trees across the City*

- c) *To demonstrate leadership in understanding and addressing the urban heat island effect*
 - d) *To provide more liveable, attractive, and sustainable communities.*
- 3. *REQUEST the Chief Executive Officer list for consideration in the draft 2019/20 budget an additional provision of \$50 000 per annum to the existing \$116 000 budget to extend the existing tree planting program across the City.*
- 4. *REQUEST the Chief Executive Officer list for consideration in the Long-Term Financial Plan a sum to enable the implementation of the Urban Forest Strategy once adopted by Council.*
- 8. The matters above have been subsequently dealt with up to the adoption of the UFS.
- 9. At the Ordinary Council Meeting of 24 November 2020, Council resolved (OCM 230/2020) to endorse the Draft UFS 2020 for the purpose of public consultation, subject to minor editing and desktop publishing improvements. The Draft UFS 2020 is included as Attachment 1.
- 10. Public consultation occurred from 9 December 2020 to 29 January 2021. The Community Engagement report for consultation on the Draft UFS 2020 is contained in Attachment 2. The City's response to submissions on the Draft UFS 2020 is provided at Attachment 3.
- 11. In November 2021, the City appointed an environmental consultant to undertake a peer review of the Draft UFS 2020. The scope of the peer review was to assess the content, statistics, and recommendations of the Draft UFS 2020 and provide independent commentary and recommendations, having regard to the objectives of the UFS as well as other City adopted strategies and policies. The peer review identified a number of opportunities for improvement and, accordingly, a revised Draft UFS was developed which also considered submissions received during the consultation period.
- 12. The Council endorsed the Draft UFS 2023-2043 on 28 February 2023 for the purpose of public consultation. Public consultation commenced on 5 April 2023 and closed on 5 June 2023. The Community Engagement report for consultation on the Draft UFS 2023-2043 is contained in Attachment 4. The City's response to submissions on the Draft UFS 2023-2043 is provided at Attachment 5.
- 13. Following the public consultation period, minor modifications were made and the final draft UFS 2023-2043 was prepared. The final Draft UFS 2023-2043 is presented in two parts, Part 1: Summary (Attachment 6) and Part 2: Technical Report (Attachment 7).

DETAILS AND ANALYSIS

14. Stakeholder engagement was conducted through the City's monthly newsletter, website, and social media channels. A feedback form was listed on the City's engage portal with hard copy forms placed at City locations. A total of 24 survey responses and 10 written submissions were received on the Draft UFS 2020. A further 13 survey responses and three written submissions were received on the Draft UFS 2023-2043.
15. Following advertising of the Draft UFS 2020 between December 2020 and January 2021, the City, in consultation with Kalamunda Environmental Advisory Committee (now Kalamunda Environmental and Sustainability Advisory Committee [KESAC]) enacted a number of changes to improve the Draft UFS.
16. Subsequently, further changes were made to the Draft UFS as a result of the peer review. The key modifications made to the Draft UFS as a result of the peer review include:
 - a) An updated definition of the City's urban forest to include the tree canopy >3m in height, noting that understorey native vegetation will be addressed through the City's Draft Local Biodiversity Strategy.
 - b) An updated definition of the City's urban forest to exclude State Forest, Regional Parks and National Parks noting that these areas are not considered "urban" and occupy a significant portion of the City which results in considerable skewing of data, if included.
 - c) An updated definition of the City's urban forest to exclude the Perth Airport locality noting that this area is not an inhabited part of the City's urban area. Further, the Perth Airport is located on Commonwealth land and the City and State has limited influence on urban forest outcomes.
 - d) Bushfire is now identified and discussed as a constraint to the City's urban forest, noting the significant (4%) loss of "green cover" identified in the report Where Will all the Trees Be published by Greener Spaces Better Places 2020, which was attributed to over 5, 000 ha of vegetation being burnt over the period of the study (2016-2020). However, it is noted that the vast majority of the areas burnt were in State Forest, Regional Parks or National Parks which have now been excluded from the definition of the City's urban forest.
 - e) Revised data analysis to further break down canopy cover percentages per broad land use category noting that the previous Draft UFS presented urban canopy data as three categories only; roads, parks and street blocks. The revised Draft UFS includes the following seven broad land use categories; Urban, Parks, Commercial, Industry, Roads and Other Infrastructure which allows for greater interrogation of

- urban canopy data across land use categories and tailoring of UFS actions to address the identified opportunities. For example, increasing canopy cover on Industrial land (e.g., through planning policy and street tree planting programs), which only had 4% canopy cover based on the latest data (2020).
- f) The introduction of a City-wide urban canopy cover target of 30% by 2043, to align with international benchmarking. The extended timeframe to achieve this goal is more realistic than the 10 year timeframe of the previous Draft UFS 2020, noting that significant tree planting and associated resourcing will be required to achieve this goal.
 - g) Revised City-wide goals and associated objectives and actions which now include broad goals to protect, grow, engage (community and other stakeholders) and investigate (research and resourcing).
 - h) A process for ongoing monitoring, reporting and adaptive management of the UFS, including but not limited to the establishment of a working group and the preparation and implementation of an annual action plan which outlines the priority actions and resources required for a given year.
17. Following the peer review, a revised Draft UFS was provided to KESAC for comment. KESAC provided a number of recommendations for improvement of the Draft UFS, which were considered by City staff, and subsequently the Draft UFS 2023-2043 was produced incorporating many of the suggested changes.
18. KESAC reviewed the revised draft UFS at their Committee meeting of 9th February 2023. KESAC recommended that the Draft UFS be endorsed for the purposes of community consultation subject to minor desktop editing improvements prior to seeking community feedback. Prior to advertising, the City engaged a Copywriter to review the UFS and make editing improvements.
19. Other corrections and omissions made to the Draft UFS (in addition to the changes recommended through the peer review process), prior to advertising include:
- a) Document restructure for readability purposes.
 - b) Table of Contents page - removal of the consultant's waiver.
 - c) Formatting "error" messages removed.
 - d) Wording of Vision statement modified to capture the benefit of urban forest to business and ecosystems, and well as management and enhancement of the City's urban forest. It is noted that the 'Vision' was an accepted statement from the UFS Working group and the City have sought and obtained KESAC support for updating the Vision statement.

- e) Section 2 (Page 2) reference to initial modelling of canopy cover for the Forrestfield North (High Wycombe South) development removed as it was over simplistic and unlikely to represent the post-development canopy cover. This modelling did not account for the State R-Code tree planting requirements nor the modified (increased) tree planting requirements, canopy targets, replacement tree planting requirements and avoidance principle of Draft Local Planning Policy 33- Tree Retention (LPP33). Seven case study areas have now been included in an Appendix to the UFS. Using DPLH data, the City has estimated pre-development tree canopy cover (>3m in height) and has made educated predictions regarding post-development tree canopy cover, which will be monitored over time to ensure continual improvement of the UFS actions.
- f) Inclusion of case study development areas to monitor urban forest outcomes over time, against predicted canopy cover. The findings of this monitoring will be used to improve the UFS and processes into the future.
- g) Section 3.1 (page 11) of Draft UFS 2020 – erroneous data relating to native vegetation loss (630 ha loss quoted) has been removed, as further explained below.

20. The key modifications made to the Draft UFS 2023-2043 following the recent community consultation include:

- 1. Section 1.2 updated to clarify that understorey native being considered in the Local Biodiversity Strategy and not in the UFS.
- 2. Section 1.4 updated to outline the balanced approach provided by the City's *Local Planning Policy 33- Tree Retention* (regarding tree exemptions and replacement trees).
- 3. Section 5.9.1 updated to clarify that the UFS will not conflict with bushfire management requirements under the *Bushfires Act 1954* or State Planning Policy 3.7, however will seek ways to ensure best-practice management to balance tree retention with bushfire risk mitigation.
- 4. Section 6, Action 1.4 added to; *Ensure that staff involved in planning and management of the City's urban forest have appropriate training and/ or qualifications.*
- 5. Section 6, detail added to Action 1.6 regarding tree maintenance requirements.
- 6. Clarification of Action 1.3 which now reads; *Advocate State government to provide local government with training resources relating to ecologically sustainable bushfire management, to ensure best practice bushfire management to protect the ongoing health and viability of the urban forest in parks (e.g. mosaic burning for prescribed burns).*
- 7. Clarification of Action 4.3 which now reads; *Ensure that compensation received from successful prosecutions relating to unlawful tree removal*

contributes towards an environmental reserve which is used for replacement tree planting and/or improved environmental outcomes.

21. As outlined in the Agenda for the Ordinary Council Meeting held on the 28 February 2023, the City proposed further refinements to the Draft UFS mapping of approved structure plan areas, which were categorised as “Urban” as a result of the LPS zoning being “urban development”. Approved structure plan areas have now been categorised according to specific land uses to accurately capture the land use categories in data. For example; “public open space” has been categorised into the Parks category. There were some data limitations with this process and it is noted that not all Structure Plan areas were able to be categorised, however those areas which were able to be amended, have now been categorised.
22. This resulted in a number of changes to the percentage canopy cover, most of which were marginal. The most significant changes to the canopy cover data as a result of categorising the approved structure plan areas are as follows:
 - a) A 6% increase in canopy cover in Parks in Forrestfield
 - b) A 5% increase in canopy cover in Commercial areas in Wattle Grove
 - c) A 7% decrease in canopy cover in Roads in Maida Vale
 - d) A 7% increase in canopy cover in Parks in Wattle Grove
 - e) A 8% increase in canopy cover in Parks in Maida Vale
 - f) A 12% decrease in canopy cover in Roads in Wattle Grove
 - g) A 13% increase in canopy cover in Parks in High Wycombe
 - h) A 13% decrease in canopy cover in Roads in High Wycombe.
23. At their Committee meeting of 9th February 2023, KESAC also requested that they receive a copy of the final UFS prior to the subsequent Council report for adoption. The revised final draft UFS (with the exception of graphic design) was provided to KESAC on 21st June 2023 and was discussed between KESAC and City Officers at the KESAC meeting held 6th July 2023. KESAC also appreciated the work that City staff had undertaken in producing the draft UFS and were supportive of the UFS being presented to Council for adoption, subject to some minor edits including corrections to information, grammar and formatting, as well as providing more detail regarding the function of the Urban Forest Working Group and reporting of UFS outcomes. These edits have now been made.

24. It is noted that the Draft UFS 2020 erroneously quoted a loss of 630 ha of native vegetation between 2008 and 2020. This figure was the result of comparing two State government "native vegetation extent" spatial datasets that were not comparable, due to modifications made to the way in which native vegetation extent was mapped/ refined across different data capture years. For example, in the 2020 spatial dataset, vast plantation area within the State Forest, that were included in the 2008 data, were removed from the dataset as they do not meet the definition of native vegetation. This resulted in a perceived loss of native vegetation when viewing the data, however there was no physical loss of vegetation relating to those areas. Given these datasets are incomparable, this information has been removed from the UFS. The data used for the UFS 2023-2043 uses the Commonwealth Scientific and Research Organisation (CSIRO) urban forest mapping (Urban Monitor Program) which is fit for purpose for the UFS. This data is generated every two years using a consistent methodology and therefore is fit for purpose for ongoing monitoring purposes for the City's urban forest.

APPLICABLE LAW

25. ***Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)***
The EPBC Act outlines environmental approval requirements that relate to natural environment and biodiversity matters.
26. ***Environmental Protection Act 1986 (EP Act)***
Is for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with these matters. The EP Act comes into play for land use planning where environmental matters are considered.
27. ***Planning and Development Act 2005 (P&D Act)***
The P&D Act is legislation that establishes Western Australia's land use planning system and promotes the sustainable use and development of land in the State. Within WA, legal advice and recent case law on the protection of trees confirms tree removal can be considered "development" under the P&D Act, requiring planning approval.
28. ***Local Planning Scheme No. 3***
LPS3 is the primary document for controlling land use and development within the City.

APPLICABLE POLICY

- 29. Perth and Peel @ 3.5million (WAPC 2018)
- 30. State Planning Policy 7.0 Design of The Built Environment
- 31. State Planning Policy 7.3 Residential Design Codes
- 32. Liveable Neighbourhoods (WAPC 2007)
- 33. Local Planning Policy 33- Tree Retention
- 34. Service 08 Street Tree and Streetscape Management

STAKEHOLDER ENGAGEMENT

- 35. Internal stakeholders were engaged throughout the process with the UFS working group having broad representation from City Officers as well as KESAC (previously KEAC) representatives.
- 36. External stakeholders were engaged as outlined in the “details and analysis” section of this report and as summarised in the *Draft Urban Forest Strategy Community Engagement Report 2020/21* (Attachment 2) and the *Draft Urban Forest Strategy Community Engagement Report 2023* (Attachment 4).
- 37. The results of the Community consultation process are detailed in the corresponding Attachments 2 and 4. Summary points of the community engagement process are as follows:
 - a) The survey and submission period for the Draft UFS 2020 was conducted from 9 December 2020 to 29 January 2021;
 - b) The survey and submission period for the Draft UFS 2023-2043 was conducted from 5th April 2023 to 5th June 2023;
 - c) There was a total of 449 visits to the engage.kalamanda (221 for the Draft UFS 2020 and 228 for the Draft UFS 2023-2043);
 - d) There was a total of 37 responses to the surveys (24 for the Draft UFS 2020 and 13 for the Draft UFS 2023-2043);
 - e) In addition to the survey feedback, there was a total of 13 written submissions (1 for the Draft UFS 2020 and three for the Draft UFS 2023-2043).
- 38. Feedback from the 2020 survey's closed questions indicated that a significant majority of respondents considered the major strategies of the Draft UFS 2020 as either important or very important. Feedback from the 2023 survey's closed questions showed that nine of the 13 respondents rated the draft UFS as good or better with the majority of respondents indicating that the objectives of the UFS are very important, particularly protecting our urban forest and establishing canopy cover targets for new development, as well as continually improving urban forest practices.

39. The key modifications made to the Draft UFS 2023-2043 as a result of the recent community consultation are outlined above (see Details and Analysis).

FINANCIAL CONSIDERATIONS

40. The actions of the draft UFS will require the future allocation of budget and resources to facilitate the various programs, projects and community engagement activities.
41. Expansion of the existing Annual Street Tree Planting Program or park tree planting would require additional funding. To achieve a 30% canopy cover across the seven land use category areas, a 3% increase in planted areas is needed which equates to approximately 324 ha (3% of 10,812 ha). This requires over 85, 000 medium sized trees to be planted (assuming a canopy diameter of 7 m at maturity) over the 20 year timeframe, or approximately 4,270 per year.).
42. While the targeted 4,270 trees per annum will be a shared responsibility between the City, business and residents, it is considered additional resources would be required to increase the City's current contribution and influence the targeted actions and changes identified in the draft UFS.

SUSTAINABILITY

43. The Draft UFS 2023-2043 is an integral step toward protecting and enhancing the City's urban forest and engaging the community and other stakeholders to contribute to achieving the goals of the UFS.
44. At a time of a declared climate emergency, the UFS will assist with providing lower temperatures in our urban environment which has demonstrated measurable positive benefits to our physical and mental health and standard of living.
45. Increasing urban forest and providing shade to houses decreases energy consumption through reducing the use of air conditioning.
46. Increased urban forest will likely result in a decreased incidence of heat related health concerns and an associated reduced impact on health services.
47. An extensive urban forest will facilitate the retention and safe movement of local fauna species throughout the City.
48. An active urban forest will sequester carbon and reduce the impacts of greenhouse gas emissions.

RISK MANAGEMENT

49.	Risk: Failure to advocate for, protect and enhance our urban forest may lead to its decline and associated adverse effects.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	Development of appropriate strategies and actions will provide a systematic response to the risk.		

50.	Risk: Implementation of the UFS will be incompatible with other City strategies, policies, guidelines or procedures.		
	Consequence	Likelihood	Rating
	Moderate	Likely	Medium
	Action/Strategy		
	Proposed Action 1.5 of the revised Draft UFS requires the City to 'Review and identify any gaps in City practices and procedures, policies, design and development guidelines to align with the objectives of the UFS'.		

CONCLUSION

51. A thorough process was successfully implemented for the production and review of the Draft UFS. Community and internal stakeholder engagement, as well as a peer review was successfully implemented. This has led to the production of an improved final UFS.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:


- ADOPT the Draft Urban Forest Strategy 2023-2043 for the purpose of implementation.
- NOTE the submissions received during the advertising of Draft Urban Forest Strategy 2020 and Draft Urban Forest Strategy 2023-2043.

10.1.2. Local Planning Policy Omnibus Amendment 2023*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Senior Planning Advisor provided a presentation on this report.

Previous Items	Nil
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Nil
Owner	Nil
Attachments	<ol style="list-style-type: none"> 1. Amendment Table Omnibus 2023 [10.1.2.1 - 31 pages] 2. Local Planning Policy 10 (LPP 10) Family Day Care and Child Care Premises Omnibus - Tracked Changes [10.1.2.2 - 12 pages] 3. Local Planning Policy 12 (LPP 12) Place of Worship Omnibus - Tracked Changes [10.1.2.3 - 10 pages] 4. Local Planning Policy 17 (LPP17) Planning Administration Omnibus - Tracked Changes [10.1.2.4 - 5 pages] 5. Local Planning Policy 25 - (LPP25) Interim Developer Contributions Omnibus - Tracked Changes [10.1.2.5 - 5 pages]

TYPE OF REPORT

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STRATEGIC PLANNING ALIGNMENT*Kalamunda Advancing Strategic Community Plan to 2031***Priority 3: Kalamunda Develops****Objective 3.1** - To plan for sustainable population growth.**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider adoption of modifications to the following existing Local Planning Policies for the purpose of public advertising:
 - a) Local Planning Policy 10 – Family Day Care and Child Care Premises
 - b) Local Planning Policy 12 – Places of Worship
 - c) Local Planning Policy 17 – Planning Administration; and
 - d) Local Planning Policy 25 – Interim Development Contribution Arrangements.
2. The proposed modifications do not represent departure from the original intent of the Policies. The modifications can be summarised into the following categories:
 - a) Wording and structure changes which result in concise and clear policy provisions and consistent policy formatting.
 - b) Minor grammatical and numbering changes to improve reading legibility and update references where documents have changed.
 - c) Delete provisions which are considered superfluous or duplicate provisions within other more appropriate planning documents such as the *Planning and Development (Local Planning Schemes) Regulations 2015* – deemed provisions.
 - d) Add provisions which ensure the intent of the Policy is achieved, which have been identified through application of the Policy.
3. The modified policies will ensure that the City of Kalamunda (City) has an up-to-date objective-based framework which streamlines the assessment of development applications.
4. Considering four Policies under the one Omnibus report reduces the administrative burden on staff and Council and is no less effective than considering each modified Policy individually. It also reduces advertising costs.

5. It is recommended Council adopt the Policies for public advertising.

BACKGROUND

6. The City periodically reviews, revokes, and adds new policies to provide a level of consistency and transparency in decision-making and to ensure the City has a clear policy position regarding various planning matters.

DETAILS AND ANALYSIS

7. The City has a suite of Local Planning Policies. Each policy provides detail and guidance on specific planning matters for which the same level of guidance is not provided by higher order documents in the planning framework.
8. The higher order documents typically exist at state government level and are subject to review and refinement as required.
9. The state government has moved forward with its planning reform agenda over recent years. As regulations and policies have been updated, there have been flow-on impacts to the City's policies. In some instances, topics dealt with by the City's policies are now dealt with at the state level, and thus no longer need to be within the City's policies. These are detailed in Attachment 1 and are referred to as 'duplications' and are recommended to be deleted.
10. Similarly to the state government, the City's approach to drafting policies in terms of wording, grammatical style, and document structure has changed and improved. The City is drafting policies to be accessible to their audience using plain English and simple, logical document structures.
11. With the exception of Local Planning Policy 25 (LPP25), the remaining policies subject to this report have been modified to simplify the structure and change complicated wording for plain English. These modifications are detailed in Attachment 1.
12. Through the application of the policies to development applications and related enquiries, the City has also identified some objectives and provisions of the policies which benefit from additional clarification. Proposed modifications which add provisions do not alter the purpose or intent of the policies, instead they ensure that the original intent will be achieved when the policy is given the required due regard. These modifications primarily relate to Local Planning Policy 25 are detailed in Attachment 5.

APPLICABLE LAW

13. The City's Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period, having regard to any submissions received.

(Schedule 2 Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*)

APPLICABLE POLICY

14. The proposed updates reflect the City's updated planning policy template structure as best as possible, while ensuring the intent of the existing policies is maintained or enhanced.

STAKEHOLDER ENGAGEMENT

15. As the modifications to the policies are not intended to change their intent, the changes have not been subject to engagement with other internal areas such as health or community development. The changes relate to statutory planning interpretation and have been reviewed within the Development Services directorate.
16. Should Council resolve to adopt the policies for the purposes of public advertising, the policies will be advertised for public comment in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals and Schedule 2, Part 2 Clause 4(2) of the Regulations.

FINANCIAL CONSIDERATIONS

17. All costs incurred during the advertising of the policies will be met through the Development Services budget.

SUSTAINABILITY

18. If the policies are adopted as modified, the City and Council will be provided with guidance in the assessment and determination of related planning matters which ensure the objectives of the policies, and by extension the Scheme and wider City of Kalamunda planning framework are achieved.

RISK MANAGEMENT

- 19.
- | | | |
|--|-------------------|---------------|
| Risk: The policies are not adopted as amended resulting in planning guidance which does not represent best practice. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure Council is aware of the importance of having sound and robust planning policies which assist Officers to assess applications in a manner which achieves relevant planning objectives. | | |
- 20.
- | | | |
|---|-------------------|---------------|
| Risk: The policies are not adopted as amended resulting in planning guidance which does not fit well within the wider planning framework. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure Council is aware of the importance of having policies which do not duplicate or conflict with other higher order planning documents and result in potential confusion for landowners and Officers. | | |
- 21.
- | | | |
|---|-------------------|---------------|
| Risk: The policies do not achieve their stated objectives. | | |
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Low |
| Action/Strategy | | |
| Ensure policies are periodically reviewed in the context of changes in other documents within the planning framework to maintain a clear relationship between the provisions of the policies and stated objectives. | | |

CONCLUSION

22. The City's Local Planning Policies are important guiding documents which shape planning assessments and ultimately development which occurs within the City's Scheme area.
23. It is vital existing policies are updated to reflect changes in the wider planning framework, particularly due to the state government's recent planning reform agenda.

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- 24. The proposed amended policies ensure planning processes and planning assessments will align with the City's broad strategic objectives relating to development outcomes.
- 25. It is recommended Council adopt the revised LPP10, 12, 17, and 25 for the purposes of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council ADOPT revised Local Planning Policies Local Planning Policy 10 – Family Day Care and Child Care Premises; Local Planning Policy 12 – Places of Worship; Local Planning Policy 17 – Planning Administration; and Local Planning Policy 25 – Interim Development Contribution Arrangements, as provided in Attachments 2-5, for the purposes of public advertising in accordance with the *Planning and Development Act (Local Planning Scheme) Regulations 2015*.

10.2. Asset Services Reports**No reports presented.****10.3. Corporate Services Reports****No reports presented.****10.4. Community Engagement Reports****10.4.1. Customer Service Results 2022-2023***Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Community Engagement provided a presentation on this report.

Previous Items	
Directorate	Community Engagement
Business Unit	Customer Service and PR
File Reference	
Applicant	
Owner	
Attachments	Nil

TYPE OF REPORT

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

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 1.2 - 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.

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 4.2 - 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 provide Council with an update on the City of Kalamunda's (City) customer service results for 2022/2023.
2. The City's customer service has continued to achieve the service level expectations set, with the new Strategy adopted in mid-2022.
3. The recommendation is to note the Customer Service results for 2022/2023.

BACKGROUND

4. In June 2022 the City of Kalamunda adopted its Customer Service Strategy 2022 – 2026.

5. The key objectives of the strategy are to:
- promote a holistic approach to customer service, encouraging a smooth, seamless “one-touch” customer experience.
 - be responsive and agile in-service delivery, recognising one size doesn’t fit all and offering a range of service delivery options.
 - 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.

		<ul style="list-style-type: none"> Our people and our customers will be our best advocates.
--	--	--

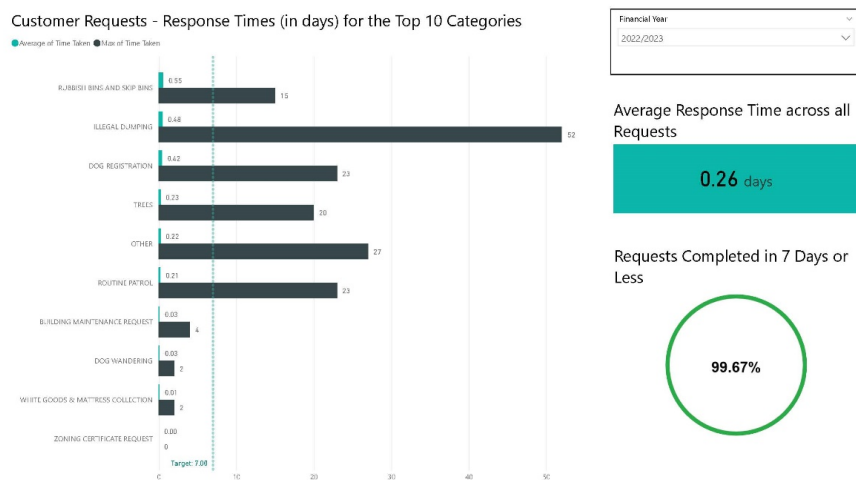
Customer Service Promise

7. 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.
8. All City interactions with customers will be-
 - a) timely and meaningful.
 - b) transparent in all that we do and decisions we make.
 - c) changed and adapted for continuous improvement.

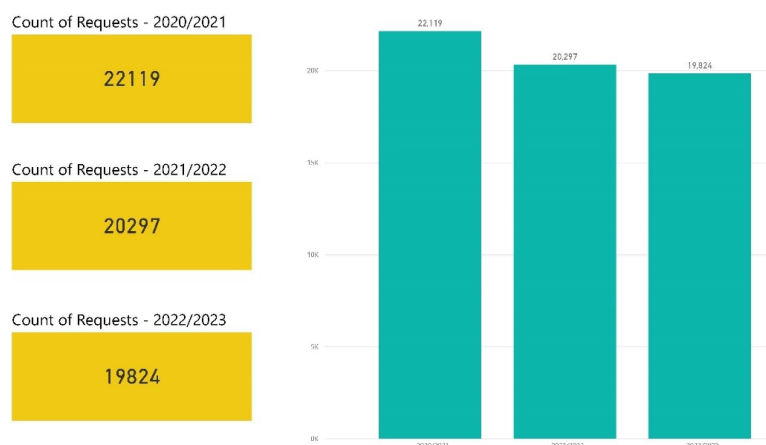
DETAILS AND ANALYSIS

9. The City continued to 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.
10. Our customers are the 'key influencers' in the development, improvement and delivering of our services.
11. Overall, customer requests have been responded to in a timely matter with an average time taken for all customer requests sitting significantly under the target of 7 days. Some requests require further information from the applicant which can result in a delay to response time.
12. The following provides an overview of the City of Kalamunda customer results for 2022/2023:

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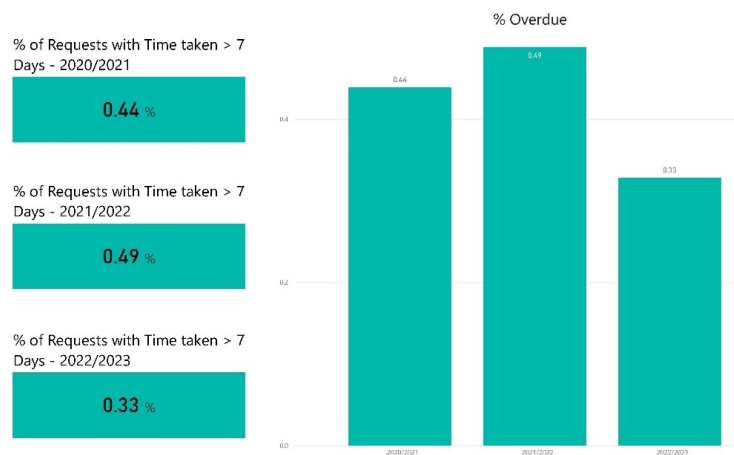


13.



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14.



15.

In line with previous results, the average response time has been relatively consistent over the last 3 years with all average times coming in under 0.4 days for 2022/2023.

16.

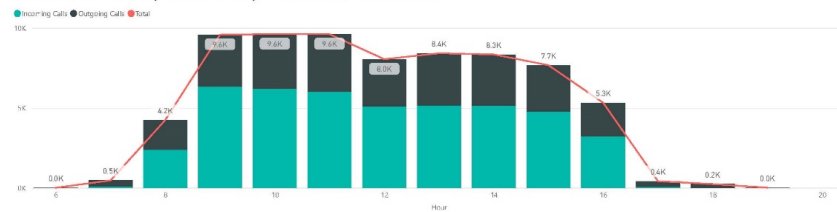
Answered calls - % answered in 120 seconds or less

July 2022	August 2022	September 2022	October 2022
83.5%	81.5%	90.5%	86.2%
November 2022	December 2022	January 2023	February 2023
93.8%	95.7%	95.3%	91.1%
March 2023	April 2023	May 2023	June 2023
94.8%	91.3%	92.3%	91.7%

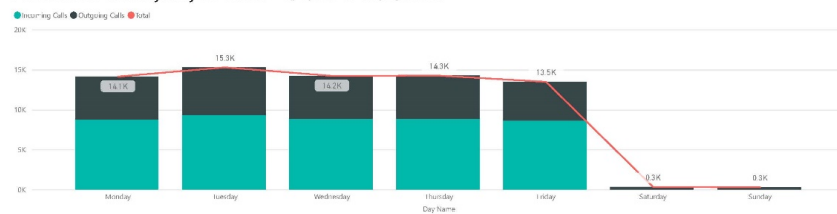
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17.

Number of Calls by Time of Day - 1/7/2022-30/6/2023



Number of Calls by Day of Week - 1/7/2022-30/6/2023



18.

Wait Times vs Number of Calls Queued by Month

**APPLICABLE LAW**19. *Local Government Act 1995***APPLICABLE POLICY**

20. Service 5 – Communication and Engagement
 21. Service 01 – Managing Unreasonable Conduct by Customers

STAKEHOLDER ENGAGEMENT

22. The City received feedback year-round relating to Customer Service and reviews all feedback, suggestions and complaints which are received to improve the customer experience.

23. Feedback from residents has continued to have a positive sentiment overall.
24. Results are circulated throughout the organisation to all business units as part of an informing campaign, along with a weekly report issued to business units on items requiring action.

FINANCIAL CONSIDERATIONS

25. Services are provided within the current budget parameters.

SUSTAINABILITY

26. The City's Customer Service Strategy is based around a series of actions, 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

27.

Risk: Customer Service Results are not monitored to ensure ongoing achievement of Strategy objectives.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Ensure regular reporting to Council with quarterly updates and annual review.		
28.

Risk: Customer Service Strategy is not implemented by the due date		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieved.		

CONCLUSION

29. The City remains focused on best practice, with works to ensure services are as accessible as possible currently underway, with the expansion of locations customers can access services.

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- 30. 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.
- 31. Continuous review and improvement, led by our customers feedback is important to ensure the City continues to maintain and improve on results and the overall customer experience.
- 32. The success of the Customer Service Strategy Implementation to date is a credit to the entire organisation.
- 33. There is a strong customer centric focus and culture that is continuing to strengthen.

Voting Requirements: Simple Majority

RECOMMENDATION


That Council NOTE the Customer Service Results for 2022/2023.

10.4.2. City of Kalamunda Keeping and Control of Cats Local Law 2023 - Amendment*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

The Director Community Engagement provided a presentation on this report.

Previous Items	OCM149/2020, OCM/342/2021, OCM 156/2022, OCM 49/2023
Directorate	Community Engagement
Business Unit	Community Safety
File Reference	
Applicant	N/a
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. KEEPING AND CONTROL OF CATS AMENDMENT LOCAL LAW 2023 [10.4.2.1 - 2 pages] 2. City of Kalamunda - KEEPING AND CONTROL OF CATS LOCAL LAW 2023 - WA Government Gazette May 2023 [10.4.2.2 - 16 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)
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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** - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.**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 review the request from the Joint Standing Committee on Delegated Legislation (JSCDL), in relation to the *Keeping and Control of Cats Local Law 2023*.
2. The City of Kalamunda (City) resolved to make the Keeping and Control of Cats Local Law 2023 (Attachment 2) at Ordinary Council Meeting on 18 April 2023.
3. Following the procedural process under 3.12 of the *Local Government Act 1995* the City is required to submit the Gazetted Local Law through to the JSCDL for review and comment.
4. It is recommended that Council note the Undertaking report (Attachment 1) and make an amendment to the Local Law.
5. It is recommended that council note the amendment to the local Law (attachment 2) removing Clause 3.9(1)(b).

BACKGROUND

6. On 18 April 2023 the City resolved to make the *Keeping and Control of Cats Local Law 2023* at the Ordinary Council Meeting.
7. *The Keeping and Control of Cats Local Law 2023* was gazetted on 10 May 2023, the Local Law came into effect on 24 May 2023.
8. On 24 May 2023 the City provided an explanatory memorandum along with a copy of the Local Law and the Gazetted Local Law to the Joint Standing Committee on Delegated Legislation under 3.12 procedure for making local laws.

DETAILS AND ANALYSIS

9. Following the review made by the JSCDL, the Committee requests the following undertakings:
 1. Within 6 months, delete clause 3.9(1)(b)
 2. All consequential amendments arising from undertaking 1 will be made.
 3. Clause 3.9(1)(b) will not be enforced in a manner contrary to undertaking 1.
 4. Where the local law is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.
10. The City has reviewed the Local Law and the only reference to Clause 3.9(1)(b) is in reference to the conditions in relation to the keeping of cats.
11. The Condition under- '3.9 Conditions'
 - (1) Every permit is issued subject to the following conditions —
 - (b) each cat kept on the premises to which the permit relates shall be contained on the premises unless under the effective control of a person; the recommendation from JSCDL is to remove this clause due to the Clause 3.9(1)(b), in requiring cats to be 'under the effective control of a person' in public represents a further step in policy beyond that authorised by the Act and infringes Committee term of reference 10.6(a).
12. Based on the correspondence, by not removing the clause may result in a notice of motion to disallow the local law.
13. Due to the change to the Local Law, the City is required to advertise for a 6-week consultation period.
14. The City has responded to the JSCDL outlining concerns removing clause 3.9(1)(b) will have an adverse effect on those landowners' surrounding properties who have applied to keep more than the prescribed number of cats (2). Approving permits without effective control methods in place could also have impacts on the City's Local Environmental Strategies.
15. The City is required to remove the Clause as advised by the JSCDL, to avoid the possibility of a notice of motion to disallow the Local Law.

APPLICABLE LAW

16. *Cat Act 2011*
17. *Cat Regulations 2012*
18. *Cat (Uniform Local Provisions) Regulation 2013*
19. *City of Kalamunda Keeping and Control of Cats Local Law 2023*

APPLICABLE POLICY

20. Nil.

STAKEHOLDER ENGAGEMENT

21. The Local Law has already had extensive community consultation. Due to the amendment the City is required to submit a further 6 week community consultation period.
Feedback from community showcased strong support for the control of cats in the City of Kalamunda, therefore the amendment is expected to receive quite a lot of negative feedback from the Community.

FINANCIAL CONSIDERATIONS

22. Administrative costs with the amendment will be met through the annual budget.

SUSTAINABILITY

23. Regulation is required to ensure cats behaviours are controlled within the parameters with the *Cat Act 2011*.

RISK MANAGEMENT

- 24.
- | | | |
|--|-------------------|---------------|
| Risk: Should the Council choose not to act on the advice of the JSCDL and remove clause 3.9(1)(b) a notice of motion to disallow the Local Law may occur. | | |
| Consequence | Likelihood | Rating |
| Significant | Likely | High |
| Action/Strategy | | |
| To adhere to the JSCDL recommendation and remove clause 3.9(1)(b). | | |

CONCLUSION

25. The City has considered the JSCDL report and ensure a response is given with the required undertakings.
26. It is recommended to amend the Local Law to remove Clause 3.9(1)(b) which relates to each cat kept on the premises to which the permit relates shall be contained on the premises unless under the effective control of a person.

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27. It is noted this is in contradiction with community requests for tighter control of the keeping and control of Cats within the City of Kalamunda.
28. Should Council refuse to make the amendment, there is a possibility that the Local Law will be disallowed entirely.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council:

1. NOTE the review of the Joint Standing Committee on Delegated Legislation undertaking report.
2. AGREE to the Joint Standing Committee on Delegated Legislation's request to remove Clause 3.9(1)(b) from the current local law.
3. GIVE local public notification that Council proposes to make a new local law, the *City of Kalamunda - Keeping and Control of Cats Amendment Local Law 2023* as provided in Attachment 1.
4. NOTE that:
 - (a) the purpose of the proposed local law is to amend the principal local law to remove provisions not permitted and;
 - (b) the effect of the proposed local law is to meet the undertakings provide by Council to the Joint Standing Committee on Delegated Legislation.
5. REQUEST the Mayor provide a response to the Joint Standing Committee on Delegated legislation with the outcome and update from the August Ordinary Council meeting.

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10.5. Office of the CEO Reports

No reports presented.

11. Closure

There being no further business, the Presiding Member declared the Meeting closed at {time}.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2023.