

# Ordinary Council Meeting

Minutes for Tuesday 23 July 2019

## UNCONFIRMED



**city of  
kalamunda**

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**1. Official Opening**

The Presiding Member opened the meeting at 6:26pm and welcomed Councillors, Staff and Members of the Public Gallery.

**2. Attendance, Apologies and Leave of Absence Previously Approved**

**Councillors**

**South East Ward**

John Giardina - (Mayor) (Presiding Member)

Michael Fernie

Geoff Stallard

**South West Ward**

Lesley Boyd

Allan Morton

Brooke O'Donnell

**North West Ward**

Sara Lohmeyer

Dylan O'Connor

**North Ward**

Cameron Blair (left the meeting at 9:15pm)

Kathy Ritchie

Margaret Thomas

**Members of Staff**

**Chief Executive Officer**

Rhonda Hardy

**Executive Team**

Gary Ticehurst - Director Corporate Services

Chris Thompson - Acting Director Asset Services

Peter Varelis - Director Development Services

Simon Di Rosso - General Counsel & Executive Advisor

**Management Team**

Alida Ferreira - Manager Financial Services

Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant

**Members of the Public** 33

**Members of the Press** Nil.

**Apologies**

Brett Jackson - Director Asset Services

**Leave of Absence Previously Approved**

Cr David Almond

### **3. Public Question Time**

#### **3.1. Questions Taken on Notice at Previous Meeting**

##### **3.1.1 Peter Forrest 93 Panoramic Terrace Kalamunda**

Q1. Whose decision was it to call it the Kalamunda Community Centre?

A1. For the purposes of the Project it is called the Kalamunda Community Centre Building. At the 9 April 2019 Special Council Meeting where the concept plan was presented to Council, the report noted:

*"Finally, whilst this project has been referring to the project as the Kalamunda Community Centre Building, there is no implication intended that this will become the name of the building/facility when completed. It would be intended that a separate exercise be undertaken to identify and resolve the name of the building."*

Therefore, there has been no decision to name the Building.

Q2. When was the decision taken and by whom?

A2. Refer response to Q1.

Q3. Will the effect of that location not further weaken the already declining viability of businesses in Kalamunda by drawing away incidental custom?

A3. The location of the Kalamunda Community Centre Building is not likely to further weaken business viability in Kalamunda. Whilst businesses are experiencing difficult economic conditions in many localities, the City will continue to work closely with businesses and business leaders to promote investment in the City.

Q4. Why was the apparently known effect of that, not included in the Kalamunda Activity Centre Plan that recently cost the rate-paying community \$124,000 to produce?

A4. The location of the Kalamunda Community Centre Building was already identified at the time the Kalamunda Activity Centre Plan was being prepared.

Q5. Substantial community funds were sought from both State and Federal Government to assist funding of the new building (Total Cost \$6.65 million) audibly and in press statements referred to as a Community Hub, which by location and design it clearly is not. It is in reality still to be an out-of-town Adult Learning Centre. So, has this local authority been complicit in misleading both funding sources and other citizens of Kalamunda?

A5. The City does not agree with any of these statements. As also noted in the report considered by Council at the 9 April 2019 Special Council Meeting one of the key design outcomes is *"ensuring that the internal layout as much as practical has flexibility for room usage that meets the needs of existing and potential future community centre users, much of which is not yet known"*.

It is also pointed out that a Kalamunda Community Centre Community Reference Group made up of people from the broader community as well as Kalamunda Learning Centre representatives who have volunteered significant time to collaborate with the City and its design team on this project to ensure maximum flexibility in functionality of the facility.

### **3.2. Public Question Time**

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

#### **3.2.1 Mr Kevin Goss, 35 Torwood Drive Gooseberry Hill**

Q. There are concerns around an action in the Environmental Land Use Planning Strategy (ELUPS) to prepare a policy on the treatment of significant trees on private property. If the strategy was agreed tonight would there be consultation on preparation of the local planning policy? Can the process of consultation and the preparation of a local planning policy be explained?

A. The Director Development services provided the meeting with an outlined as to the process to be undertaken in the preparation of a local planning policy.

#### **3.2.2 Mr Frank Lindsey, 93 Alderside Road Piesse Brook**

Q1. Can you advise the total cost of the Mayoral Dinner?

A1. The Manager Customer & Public Relations advised the budget for the event was \$30,000.

Q2. What were the costs of the two previous Mayoral dinners?

A2. Taken on Notice.

Q3. Can you advise if this is a common practice within local government?

A3. The Manager Customer & Public Relations advise this was a practice undertaken by many local governments. The Mayor advised he attended many of these functions.

#### **3.2.3 Mr Peter Sewell, John Street, Gooseberry Hill**

Q1. Given that the former CEO is now employed at another local government was there any grounds for the dismissal? What was the cost to the ratepayers?

A1. Taken on Notice. A written response will be provided directly to Mr Sewell.

Q2. What is a significant tree as mention in the ELUPS?

A2. The Director Development Services advised that what is a 'significant tree' would be defined within the Local Planning Policy when adopted.

#### **4. Petitions/Deputations**

- 4.1 A deputation was received from Liam Bristow regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mr Bristow spoke in support of the recommendation.
- 4.2 A deputation was received from Luan Bristow regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Ms Bristow spoke in support of the recommendation.
- 4.3 A deputation was received from Peter Forrest regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mr Forrest spoke in support of the recommendation.
- 4.4 A deputation was received from June Butcher regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mrs Butcher spoke in support of the recommendation.
- 4.5 A deputation was received from Malcom Roberts, representing Kalamunda Aged Care Today and Friends of Aged Care, regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mr Roberts spoke against the recommendation.
- 4.6 A deputation was received from Kim Manson regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Ms Manson spoke in support of the recommendation.
- 4.7 A deputation was received from Bev Dornan regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mrs Dornan spoke in support of the recommendation.
- 4.8 A deputation was received from Vicki Laurie regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Ms Laurie spoke in support of the recommendation.
- 4.9 A deputation was received from Steve Gates, represent Natural Reserves Preservation Group regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Mr Gates spoke in support of the recommendation.

- 4.10 A deputation was received from Adele Standeven regarding Item 10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption. Ms Standeven spoke in support of the recommendation.

**5. Applications for Leave of Absence**

5.1 RESOLVED OCM 166/2019

That Cr Dylan O'Connor be granted leave of absence for the period 24 August 2019 to 24 September 2019.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Lesley Boyd**

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

**6. Confirmation of Minutes from Previous Meeting**

6.1 RESOLVED OCM 167/2019

That the Minutes of the Special Council Meeting held on 24 June 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Margaret Thomas**

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

6.2 RESOLVED OCM 168/2019

That the Minutes of the Ordinary Council Meeting held on 25 June 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Cameron Blair**

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

6.3 RESOLVED OCM 169/2019

That the Minutes of the Public Agenda Briefing Forum 9 July 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Cameron Blair**

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

6.4 RESOLVED OCM 170/2019

That the Minutes of the Special Council Meeting held on 16 July 2019, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

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

**7. Announcements by the Member Presiding Without Discussion**

7.1 Nil.

**8. Matters for Which the Meeting may be Closed**

8.1 Item 10.5.8 Review of Forrestfield High Wycombe Stage 1 Industrial Area Development Contributions - CONFIDENTIAL REPORT

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

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

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*.)

9.1.1 Rhonda Hardy declared a Direct Financial Interest on Item 10.4.1 (Item 6.1.1) Chief Executive Officer's Key Performance Indicators for 2019/2020 - CONFIDENTIAL REPORT as this relates to her employment contract.

**9.2. Disclosure of Interest Affecting Impartiality**

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

9.2.1 Nil.

The Presiding Member proposed a change in the Order of Business of the meeting and it was accepted by the elected members. The Order of Business changed to consider the following items, in the order indicated, and then the meeting continued as per the Agenda

10.5.7. Kalamunda Aged Care Advisory Committee - Recommendations Extra Ordinary Meeting 15 July 2019

10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption

10.2.1. Adoption of Local Environment Strategy

Following consideration of Item 10.1.1 the meeting adjourned at 9:09pm and reconvened at 9:15pm. Cr Blair left the meeting at 9:15pm and did not return.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. Environmental Land Use Planning Strategy: Consideration of Submissions and Modifications for Final Adoption**

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

Previous Items	OCM 160/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.003948
Applicant	City of Kalamunda
Owner	N/A

Attachments	a) Draft Environmental Land Use Planning Strategy Report Advertised Version [ <b>10.1.1.1 - 86 pages</b> ]
	b) Final Environmental Land Use Planning Strategy July 2019 - Incorporating Modifications [ <b>10.1.1.2 - 189 pages</b> ]
	c) Submission Summary Table [ <b>10.1.1.3 - 59 pages</b> ]
	d) Submission 22 Additional Information [ <b>10.1.1.4 - 2 pages</b> ]
	e) Submission 22 Background History [ <b>10.1.1.5 - 16 pages</b> ]

**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the submissions received during advertising of the City of Kalamunda (City) draft Environmental Land Use Planning Strategy (ELUPS) and consider final adoption of the ELUPS subject to modifications.
2. Council adopted the ELUPS at the 25 September 2018 Ordinary Council Meeting (OCM) for the purpose of public advertising. Public advertising took place between 28 November 2018 and 28 February 2019, and included an online survey, newspaper advertisements and pop-up stalls. A total of 25 submissions were received.
3. It is recommended the Council adopt the ELUPS subject to a series of modifications (Attachment 2) in response to matters raised during the advertising period.

**BACKGROUND**

4. The ELUPS will form a component, one of seven sub-strategies that will inform the City's new Local Planning Strategy, which is anticipated to be progressed throughout 2019 and into 2020. The development of other sub-strategies commenced in early 2018 and is expected to be finalised by the end of 2019.

5. In 2010, the City developed the Local Biodiversity Strategy in collaboration with the Perth Biodiversity Project and utilising the *Local Government Biodiversity Planning Guidelines for the Metropolitan Region* developed by the Western Australian Local Government Association. The guidelines promote a four-phase process with the final phase recommending a review of the Local Planning Scheme and the application of Local Planning Policies for the protection of locally significant areas.
6. The existing Local Planning Strategy was adopted in 2011 and the Western Australian Planning Commission (WAPC) in 2013. Local Planning Strategies are required to be reviewed in line with the review of Local Planning Schemes every five years.
7. The ELUPS was adopted by Council for advertising on 25 September 2018. Advertising of the draft ELUPS occurred from November 2018 to the end of February 2019. Advertising was also extended for an additional 14 days over the Christmas period in accordance with Local Planning Policy P-DEV 45 - Public Advertising of Planning Proposals. Advertising consisted of an online survey, newspaper advertisements, a pop-up information stall at Kalamunda Central, and social media promotions. A total of 25 submissions were received.

## **DETAILS**

8. The ELUPS has been prepared in accordance with the WAPC Local Planning Manual 2010 (Manual). The Manual forms a guide to the preparation of local planning strategies and schemes in Western Australia. The ELUPS incorporates the relevant environmental development considerations from the Manual.
9. The ELUPS will form a key component of a new Local Planning Strategy to be progressed in 2019. This ELUPS incorporates information from the Local Biodiversity Strategy (2008) and delivers a new set of objectives in the context of the latest State planning framework and updated statistical data.
10. The ELUPS has the following overarching goal:  
  
*To compile a comprehensive report on the status of current natural environmental factors and influences in the City, and develop strategies to enhance and improve biodiversity and promote sustainable planning practises which are sensitive and complementary to the existing natural ecosystem.*
11. **Objectives**  
The objectives of the ELUPS are to provide strategic direction for land use planning and development in relation to the environment. The objectives outlined in the ELUPS read as follows:
  - a) to manage natural resources, land use, and development proposals to maintain the health and viability of geological soil systems in coordination with other ecosystem functions;
  - b) to adapt to predicted climate change effects and maintain and improve the safety of residents from bushfire events;
  - c) protect and enhance waterways, wetlands and the groundwater and ensure sustainable use and management of water resources;

- d) to preserve, enhance, connect and rehabilitate natural areas and protect biodiversity values;
- e) to improve the connectivity of existing green spaces and maintain and enhance urban soil, air and water quality; and
- f) identify and protect natural areas of Aboriginal cultural significance and local heritage value.

12. **What is in the existing Local Planning Strategy 2010?**

Some of the key points identified in the existing Local Planning Strategy adopted in 2010 (LPS 2010), include:

- a) minimal development is expected in the hills area due to the conservation of environmental values and lack of sewer;
- b) 67% of the Shire (now City) is in conservation reserves and is comprised mainly of endemic vegetation;
- c) 26% of the total area is urban and have a large number of parks and recreation reserves;
- d) Local Natural Areas make up 7% of the total land area which are public and private landholdings which contain vegetation worthy of conservation;
- e) industrial expansion will occur in the Forrestfield freight hub, and growth of Perth Airport and rapid urban development of the swan coastal plain will occur; and
- f) identified Maida Vale South and Wattle Grove as future urban growth centres.

13. The City comprises three distinct areas the Darling Plateau, the Darling Scarp and Swan Coastal Plain. Development within the City has been strongly influenced by landform, focussing urban development in areas on the Swan Coastal Plain where there are fewer geological constraints to development.

14. The City contains a diverse array of endemic flora, fauna and ecological communities which have important ecological functions, and sometimes national or even global significance. The geographical area of the City supports a number of threatened flora and fauna species and ecological communities listed under the *Environmental Protection and Biodiversity Conservation Act 1999* and *Wildlife Conservation Act 1950* and a number of supplementary priority species. There are 22 species listed as rare or likely to become extinct, including 13 flora and fauna species. A further 38 flora species, 12 priority fauna species and one species of fungi have priority status.

15. The ELUPS takes into consideration key factors that influence environmental land use planning including soil types, topography, climate, water management, existing reserves and high-quality ecological areas and identifies strategies which provide actions to be taken to improve the natural environment within the City.

16. **General Findings**

The ELUPS makes the following key observations:

- a) there is limited opportunity for further development of the Darling Scarp and Darling Plateau rural regions due to bushfire constraints, priority agricultural areas, and the provision of sewer;

- b) the majority of urban development will occur on the Swan Coastal Plain regions including Maida Vale, High Wycombe, Forrestfield, and Wattle Grove;
- c) there are numerous high-quality reserves protected and maintained throughout the City, however there are greater opportunities to form ecological links between them and reduce habitat fragmentation;
- d) communication around bushfire and biodiversity needs to be undertaken to educate residents about the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone areas to protect and preserve high quality vegetation whilst maintaining resident safety;
- e) the natural environment is an important cultural consideration for the City and part of the local character and identity; and
- f) the impacts of incremental clearing due to urban infill and development are widespread and need to be addressed through statutory planning mechanisms.

17. As noted above, one of the key observations of ELUPS is the impact of subdivision and development on trees and vegetation throughout the City. This issue affects a number of local government areas in Perth, highlighted by the following:

- a) the Urban Forest of Perth and Peel Statistical Report (2009) found that incremental clearing from subdivision and development within private property is the largest contributing factor in the reduction of the urban forest;
- b) a 2017 study from the University of Melbourne showed that in Melbourne, despite substantial increase in public tree planting, the rate of clearing on private land was still causing a net reduction in urban canopy cover;
- c) on 4 April 2019, the West Australian Newspaper reported the Urban Forestry Plan in the City of Stirling included a target to increase to 18% canopy cover by 2030, but found despite public planting programs of at least 10,000 trees annually the high rate of clearing on private property meant the City could not meet its original targets for tree canopy cover. The City of Stirling is now considering extending the target of 18% to 2040; and
- d) Local governments of Perth, Belmont, Armadale, Fremantle, Vincent, Bayswater and Subiaco are also investigating how to retain/increase urban canopy cover.
- e) The 'Statistical Report – The Urban Canopy Cover of Perth and Peel' published by DPLH and CSIRO in February 2019 reported on urban canopy cover on developed lots between the years 2009 and 2016, which is summarised as follows:
  - i. Kalamunda 26% loss
  - ii. Maida Vale 22% loss
  - iii. High Wycombe 71% loss
  - iv. Forrestfield 65% loss
  - v. Wattle Grove 25% loss
  - vi. Gooseberry Hill 21% loss
  - vii. Lesmurdie 15% loss
  - viii. Walliston 1% increase
  - ix. Pauls Valley 78% increase

- x. Piesse Brook 35% increase
- xi. Bickley 31% increase
- xii. Carmel 42% increase

These statistics show that of all lots developed, rural areas are generally increasing in canopy cover or remaining the same, while urban areas are incurring significant canopy loss.

18. **Strategies Recommended**

The ELUPS sets out strategic directions and actions to improve the quality of the natural environment including:

- a) identify and map sensitive geological areas to inform appropriate land use planning;
- b) develop a local planning policy for flood prone areas (the floodway and flood fringe) and identify Water Catchment areas which conflict with provisions for Public Drinking Water Source Areas;
- c) prepare a local planning policy to manage compatibility between rural and agri-tourism developments;
- d) develop a Street Tree Masterplan, which analyses, identifies, and prioritises street tree plantings to improve urban forest canopy cover in conjunction with a Green Links Masterplan to be prepared by the year 2020;
- e) prepare a local planning policy to address retention of trees on development sites;
- f) investigate measures to protect vegetation or local natural areas deemed to have a significant environmental, cultural or heritage value;
- g) implement online building and planning approval processes to reduce paper waste, provide transparency, and streamline approvals;
- h) prepare a local planning policy or Scheme provisions, to address the generation of energy by way of solar or wind power; whilst concurrently investigating opportunities for sites which may be suitable for a renewable energy facility; and
- i) review and prepare a report or strategy for sites of Aboriginal heritage significance and any recommended changes to zoning to ensure appropriate protection and preservation.

19. **Strategic Community Plan (2017-2027) Priority**

The City and its community have identified environmental sustainability and maintaining the natural environment as a key priority through the development of the Strategic Community Plan (2017-2027). In particular, Priority 2 – Kalamunda Clean and Green: delivering environmental sustainability and maintaining the integrity of the natural environment.

20. **Current Major Projects**

Current major projects which may affect the Strategy include:

- a) Proposed Airport Expansion - The addition of a proposed new runway at Perth airport significantly affects nearby land use planning, due to impacts such as noise. Such effects may limit residential zoning densities, land uses, height of structures, and reflectivity of materials;
- b) Forrestfield-Airport Link - The State Government's announcement in 2014 confirming the Forrestfield-Airport Link project, resulted in a large proportion of land in Forrestfield and High Wycombe being identified

- for residential purposes. This resulted in the need to re-define the potential land uses surrounding the future station, focusing on mixed use development incorporating retail, commercial and higher density residential. There are significant environmental challenges in protecting the ecological values of the area, particularly the conservation of existing Wavy-leaved Smokebush (*Conospermum undulatum*). The City takes the position that conservation areas should be purchased by the State government, or by Perth Airport as offsets for the proposed new runway, and managed by the City as Parks and Recreation reserves;
- c) Maida Vale South - An area south of Maida Vale and in the north-east area of Forrestfield has been identified as a possible area for strategic planning investigation for urban development by both the WAPC and City through various strategic planning documents. The majority of the land parcels are zoned Rural under the Metropolitan Region Scheme (MRS) and have been subject to rural and semi-agricultural type uses for many years. In January 2019 the City received notification that MRS Amendment 1344/57 was under consideration by the WAPC to result in an urban outcome within the Maida Vale South area. This MRS proposal was subsequently called in by the Environmental Protection Authority to be formally assessed; Wattle Grove South -The WAPC's North-East Sub-Regional Planning Framework has identified Wattle Grove South as urban expansion, with a small portion identified as urban investigation. Development of the site for urban purposes represents the most efficient use of the land given the subject land's strategic location in close proximity to the urban front, the capacity of existing infrastructure and services, the future Forrestfield Train Station and nearby major arterial routes (e.g. Tonkin Highway). At the February 2019 Ordinary Meeting Council resolved to remove the option for general or light industrial uses from the investigation area and proceed as primarily residential. Further to this in April 2019 Council resolved to support further technical investigations;
  - d) Maddington Kenwick Strategic Employment Area (MKSEA) has been rezoned from Special Rural to Industrial. Infrastructure upgrades and subdivision/development are currently in the process of occurring. Further environmental investigations will need to be undertaken for lots east of Coldwell road and sites abutting Brook Road to understand the impact of rezoning or development on nearby Greater Brixton Street wetland complex; and
  - e) Pickering Brook investigation area – Pickering Brook town centre is currently under investigation to determine if access for bushfire safety can be improved and to review appropriate land uses in the town centre. In October 2018 the City received correspondence from the Department Planning, Lands & Heritage announcing the formation of a working group to support a Taskforce to develop a sustainability and tourism strategy for Pickering Brook and the surrounding area. The City will provide recommendations and formulate appropriate actions subject to the findings of the Taskforce as part of the Rural Strategy.

21.

**Modifications**

A full summary of all modifications is included within Attachment 2. Overall, minor modifications were made to references, grammar and some paragraphs inserted expanding on certain topics.

22. Updates to Part 3.1.1 Major Projects were added to reflect recent events including Forrestfield North and recommendation for the green link to be purchased as Parks and Recreation by the State Government, or as offsets, and managed by the City; progress of an MRS Amendment for Maida Vale South; Council resolutions to remove the industrial element to Wattle Grove South technical investigations; environmental considerations for properties within the MKSEA area which have yet to be rezoned; and reference to the Pickering Brook Taskforce and subsequent inclusion of recommendations in the Rural Strategy.
23. Two strategies were deleted including 7.1 which related to updating procedural mapping and was considered addressed by other actions. The other action deleted was 8.3.3 as it was considered unlikely to be achieved with current resources.
24. Three new actions were inserted. Action 8.1.2 was inserted which relates to community engagement around the Green Links Masterplan, and action 8.2.6 which relates to reviewing the Firebreak Notice. Action 3.1.3 was also added which recommends investigating sites suitable for renewable energy facilities.
25. Actions 3.1.1, 6.3.1 and 8.2.4 were modified to reflect City resources and recommendations received through submissions. Some timeframes for actions were modified to better reflect implementation.
26. Action 8.2.4 addresses the preparation of a local planning policy to address the protection of significant trees on private property in response to recommendations received through submissions 1, 6, 7, 9, 10, 13, 15, 19, 20 and 24 which can be viewed in Attachment 3.
27. Options to address the protection of significant trees on private property include a local planning policy and/or scheme amendment. In this respect, at the 25 June OCM, the Council considered the Kalamunda Advisory Committee (KEAC) submission prepared in relation to ELUPS and resolved as follows:
- "That Council:*
- 1. NOTES the endorsement of the draft Environmental Land Use Planning Strategy by the Kalamunda Environmental Advisory Committee and their recommendations at their meeting of 4 April 2019.*
  - 2. DOES NOT support including a recommended action in the Environmental Land Use Planning Strategy to regulate the clearing of vegetation on private land through a Scheme Amendment to the City of Kalamunda's Local Planning Scheme No. 3."*
28. Maps 07 and 11 were updated in response to recommendations from submissions.

**STATUTORY AND LEGAL CONSIDERATIONS**

- 29. The Local Planning Strategy is required to be reviewed and developed every five years in accordance with the WAPC Local Planning Manual and informs the Local Planning Scheme. The local government is required to prepare a Local Planning Strategy in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.
- 30. The ELUPS is one section of the Local Planning Strategy which is currently being drafted. Other sections include:
  - a) Public Open Space Strategy (adopted);
  - b) Industrial Strategy (adopted);
  - c) Housing Strategy;
  - d) Rural Strategy;
  - e) Activity Centre Strategy; and
  - f) Infrastructure and Servicing Strategy.
- 31. These strategies will inform a summary document – the Local Planning Strategy which will require referral and endorsement by the WAPC in accordance with Part 3, Regulation 14 and 15 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

**POLICY CONSIDERATIONS**

32.	<b>Design WA</b>	Design WA replaces the R-Codes for R40-R80 multiple dwellings within mixed use developments and activity centres.
	<b>Liveable Neighbourhoods</b>	Best practice guidelines for designing liveable spaces.
	<b>SPP 2.0 Environment and Natural Resources Policy</b>	A policy that defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters.
	<b>SPP 2.4 Basic Raw Materials</b>	A policy detailing the matters to be taken into account in considering zoning, subdivision and development applications impacting extractive industries.
	<b>SPP 2.7 Public Drinking Water Source</b>	A policy to protect and manage public drinking water source areas from incompatible land uses and pollution.
	<b>SPP 2.8 Bushland Policy for the Perth Metropolitan Region</b>	A policy to provide an implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated

	with broader land use planning and decision-making.
<b>SPP 2.9 Water Resource</b>	Provides clarification and additional guidance to for consideration of water resources in land use planning strategy.
<b>SPP 3.1 Residential Design Codes</b>	State planning policy guiding residential development standards.
<b>SPP 3.4 Natural Hazards and Disasters</b>	A policy to inform and guide planning for natural disasters and minimising the adverse impacts of natural disasters on communities, the economy and the environment.
<b>SPP 3.7 Planning in Bushfire Prone Areas</b>	This policy directs how land use should address bushfire risk management in Western Australia.
<b>Better Urban Water Management (2008)</b>	Better Urban Water Management provides guidance on the implementation of SPP 2.9, facilitating better management of our urban water resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system.

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

33. The ELUPS was workshopped with internal departments relating to aspects such as engineering, health, and environmental considerations in March 2018 and comments provided have been incorporated into the Strategy.

### External Referrals

34. The ELUPS was peer reviewed by external consultants with advice provided on existing maps and tracked changes to the initial draft document.
35. At the Ordinary Council Meeting held 25 September 2018, the draft Strategy was adopted for advertising for a period of no less than 28 days. In accordance with section 13 of the *Planning and Development (Local Planning Scheme) Regulations 2015* a minimum of 21 days advertising is required.
36. As part of the advertising process, the Kalamunda Environmental Advisory Committee (KEAC) were given an opportunity to provide feedback on the draft Strategy. In summary the Committee recommendations included:
- a) support for Action 8.2.4 for protection of trees on private property preference that it be part of a Scheme Amendment or a Local Planning Policy; (this was subsequently clarified by KEAC's Chairperson, at the Ordinary Council Meeting of 28 May 2019, to mean they wish to see a

- Scheme Amendment in place however as a minimum that a Local Planning Policy be provided);
- b) supports Action 8.2.5 preparation of a natural heritage register, 8.3.1 scheme amendment for rehabilitation of degraded land and 8.3.2 investigation into Local Natural Areas;
- c) identification of three distinct areas of the swan coastal plain, escarpment and Darling plateau;
- d) recommendation that maps be made available online; and
- e) action 3.1.1 to be split into two actions, one addressing eco-friendly built form and micro-grids, and two managing the impact of renewable energy developments.

37. **Community Consultation**

Advertising of the draft Strategy commenced 28 November 2018 and closed 28 February 2019. Advertising was extended for an additional 14 days over the Christmas period in accordance with local planning policy P-DEV 45 -Public Advertising of Planning Proposals. Advertising consisted of:

- a) online feedback form and project page was launched on engage.kalamunda.wa.gov.au on 28 November 2018 and closed on 28 February 2019. A total of nine online submissions were received;
- b) hard copies distributed to all City libraries;
- c) a quarter page print advertisement was placed in the Echo Newspaper on Saturday 9 February 2019 and Community News Group (Southern Gazette) on Tuesday February 2019;
- d) the online survey was promoted on the City’s Facebook account on 28 November 2018, 14 and 22 February and on Twitter on 14 February 2019; and
- e) community pop-up stand Friday 25 January 2019 10:00am to 2:00pm.

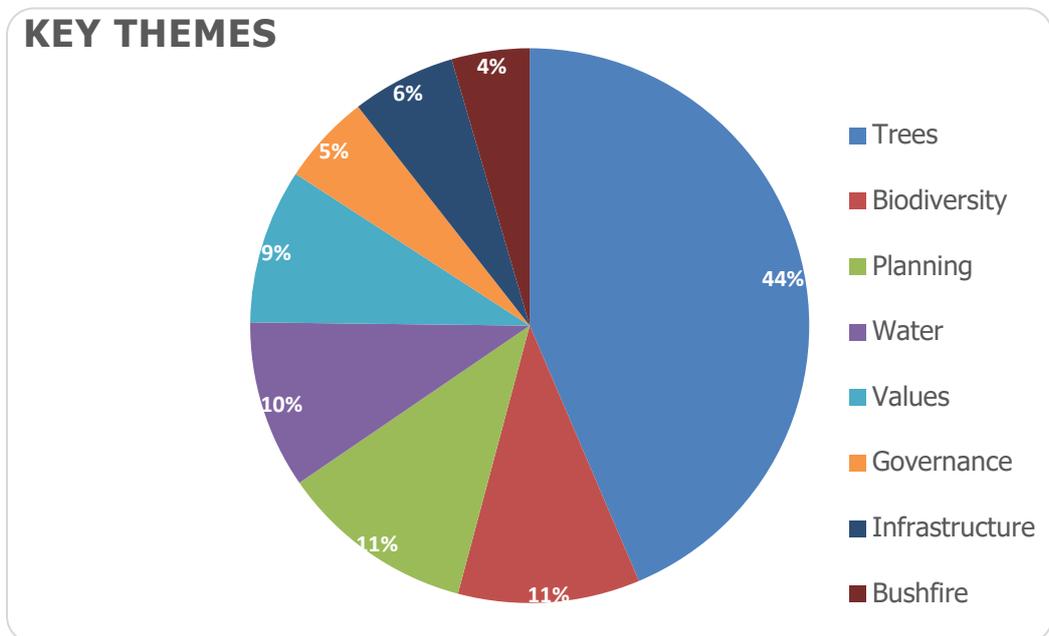
38. A total of 25 submissions were received, nine of which were received via the online survey, with 16 additional submissions received via hard copy or email. A total of 16 of the submissions were from residents, three from local community groups, four from government agencies and two from local government.

39. It is acknowledged many of the submissions from community, and friends groups in particular, were substantially researched and contributed to the quality of the feedback received.

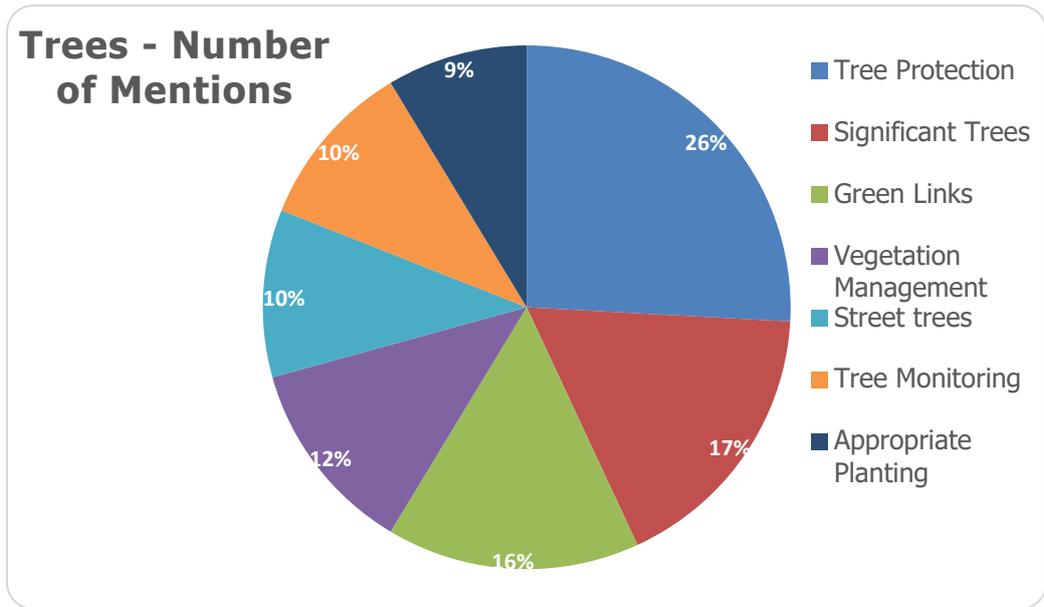
40. All 25 responses were reviewed and grouped into the following key themes:

<b>Key theme</b>	<b>Description</b>
<b>Trees</b>	Tree protection, significant trees, appropriate planting, tree monitoring, vegetation management, green links.
<b>Planning</b>	Statutory planning tools, increased housing density, private property, Perth & Peel @ 3.5 million, development, local planning policy, block sizes, MKSEA, airport noise.

<b>Biodiversity</b>	Habitat preservation, biodiversity, hollows, natural environment, policy and programs, wildlife.
<b>Values</b>	City's character, Home in the Forest, community engagement, environmentally aware, core values, intergenerational living, reject industrialisation.
<b>Governance</b>	LG responsibility, State Government
<b>Water</b>	Sustainable water, waterways, water catchments, water runoffs, local water mapping, flooding, waterlogging.
<b>Infrastructure</b>	Western Power, reliable power, linked transport.
<b>Bushfire</b>	Bushfire management.



The most mentioned topic related to the theme trees. Mentions about trees were broken down into further sub-categories as follows:



- 41. The consultation found the community placed great value in the natural environment and felt it contributed positively to the character of their locality and was a point of difference.
- 42. The area of most concern to the community was the protection of trees and increasing canopy cover.
- 43. The key theme resulting from the submission was the request to have greater protection for trees, which can be achieved through the planning framework.
- 44. In many cases submitters felt governance played a key role and it was the responsibility of the local and State government to protect the natural environment.

**FINANCIAL CONSIDERATIONS**

- 45. Costs associated with the preparation and public advertising of the document are met through the Development Services annual budget.
- 46. Some actions arising from the Strategy may have financial implications; the details of which will be developed as part of a financial implementation plan and annual budget when preparing to complete the action.

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

- 47. *Kalamunda Advancing Strategic Community Plan to 2027*

**Priority 2: Kalamunda Clean and Green**

**Objective 2.1** - To protect and enhance the environmental values of the City.  
**Strategy 2.1.1** - Enhance our bushland, natural areas, waterways and reserves.

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

**Strategy 2.1.3** - 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 effective natural resource management.

**Strategy 2.2.2** - Use technology to produce innovative solutions to reduce power and water usage.

### **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.

## **SUSTAINABILITY**

### **Social Implications**

48. Improved liveability through integration of natural environmental features will strengthen the character of the area and provide opportunities for interaction and engagement.
49. Streamlined and more consistent processes when dealing with development applications that contain common environmental factors, for example; a significant tree, stormwater treatment or waterway.

### **Economic Implications**

50. Expansion of opportunities for agri-tourism, eco-tourism, and utilisation of our existing natural features are a key attractor to the City.
51. Identified environmental constraints are mapped and reviewed providing greater certainty to landowners and developers.
52. Increased time and cost to developers to adapt design in response to existing environmental factors onsite.

### **Environmental Implications**

53. Improved quality of the existing natural environment, reduce habitat fragmentation and higher quality land use management.
54. Improved water quality management for healthy waterways, wetland and areas prone to seasonal flooding.
55. Reduced widescale clearing and improved outcomes for biodiversity in bushfire prone areas.
56. Improved microclimates in urban areas due to increased canopy cover.

**RISK MANAGEMENT CONSIDERATIONS**

57.

<b>Risk:</b> The Strategy is not adopted, and development continues to impact the existing natural environment.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/Strategy</b>		
Adopt the Strategy and implement the recommendations and actions.		

58.

<b>Risk:</b> Tree protection on private property is not managed causing incremental clearing and reduction of the urban forest.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Significant	High
<b>Action/Strategy</b>		
Adopt the Strategy and implement the recommendations and actions.		

**OFFICER COMMENT**

59. The Strategy identifies the planning methods to address the clearing of trees both within the public realm (street trees and green links between parks and reserves) as well as the private realm (on development sites). The benefits of retaining significant trees includes:
- a) reduction in air, water and soil pollution;
  - b) cool shady streets and parks which helps promote walkability and active fitness;
  - c) improved mental health due to proximity to natural spaces;
  - d) reduced urban heat island effect and improved public health – particularly for the young or elderly;
  - e) improved local amenity;
  - f) increased habitat for local wildlife;
  - g) potentially increased property value due to ‘attractive green leafy street’ character; and
  - h) reduced hard surfaces for improved stormwater infiltration.

The draw-backs of managing the clearing of trees includes:

- a) potentially increased development costs due to the need to respond to existing environmental factors;
- b) potential for trees to impact on development due to growth factors i.e.; pulling up pavement or leaf drop in gutters; and
- c) potential for bushfire risk depending on species and management

60. Overall it is acknowledged there are some risks associated with an urban forest mainly related to additional cost and time for developers, and potentially additional knowledge resources on behalf of the City relating to arboriculture. However, after reviewing these factors on balance it is considered the net benefits of improving the urban forest outweigh the negatives.

61. The City takes the position that a balanced approach to development is required where the urban forest should be protected and maintained, however should not unduly stifle development where subject to the appropriate zoning and management.
62. Greater protection of trees in general was considered a priority resulting from the Strategy community consultation. Among other key strategies, in line with submissions received and recommendations from the Kalamunda Environmental Advisory Committee, is to prepare a local planning policy for the management of significant trees on development sites. ELUPS also includes a recommendation for the preparation of a Street Tree Masterplan and Green Links Masterplan which will provide a coordinated strategic approach to linking existing green areas.
63. Another important outcome of ELUPS is to introduce a waterways and wetlands policy to set clear guidelines around management of these sensitive ecosystems. This is important due to recent urban expansion close to known wetlands, and because many of the waterways in the City are in close proximity to urbanised areas.
64. Management of bushfire and biodiversity is also seen as a key element of the ELUPS and requires further investigation by the City, particularly in light of recent policy and guideline development around this topic. It is acknowledged that bushfire is an inherent risk within the City and while it is an important factor and must be managed, other factors such as the value of biodiversity must also be balanced and considered. This is a complex issue to be more deeply investigated by the City as an action of ELUPS.
65. ELUPS provides improvements for many different elements of the environment and ensures the City endeavours to remain at the forefront of best practice environmental planning.

Cr Fernie foreshadowed an alternative motion. Following discussion this was not put to the meeting. The recommendation received a mover and seconder. The recommendation was debated before being put to the vote.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 172/2019

That Council:

1. NOTES the submissions received and responses provided as outlined in Attachment 3.
2. ADOPTS the Environmental Land Use Planning Strategy, subject to modifications as outlined in Attachment 2.
3. NOTES that the Environmental Land Use Planning Strategy will undergo graphical and structural changes as part of finalisation.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

## 10.1.2. Local Planning Scheme No.3: Amendment No.99 - Lot 50 Lawnbrook Road, Walliston - Consideration for Final Adoption

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

Previous Items	OCM 244/2018
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003
Applicant	Town Planning Innovations ABN 19618886070
Owner	Howard & Dot Ginbey

Attachments	1. Applicant Report [ <b>10.1.2.1 - 146 pages</b> ]
	2. Submission Table [ <b>10.1.2.2 - 5 pages</b> ]

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting Local Planning Scheme Amendment No.99 (Amendment No.99) for final approval following public advertising.
2. Amendment No. 99 proposes to rezone Lot 50 Lawnbrook Road, Walliston (site) as follows:
  - g) insert a development requirement into Table 4 of LPS3 to place a notification on Certificate of Title(s) advising of the existence of a hazard or other factor. This notification is to be included on the diagram or plan of survey, and is to state:
 

*'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard)';*
  - h) recode the northern portion of Lot 50 Lawnbrook Road West, Walliston from 'Residential' R2.5 to R5;
  - i) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Local Open Space' to 'Residential', with a density code of R5; and
  - j) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Special Rural' to 'Local Open Space'.
3. It is recommended Council adopts Amendment No.99 to LPS3 without modification.

### BACKGROUND

#### 4. Land Details:

Land Area:	4.68 Hectares
Local Planning Scheme Zone:	Special Rural, Residential Bushland R2.5 & Local Open Space
Metropolitan Regional Scheme Zone:	Urban & Rural

5. **Locality Plan:**



6. **Zoning Map:**



7. Historically the site has been used for rural purposes, with some grape vines still grown on the site. The site currently encompasses a single house, ancillary dwelling and outbuildings.
8. The land surrounding the site has mixed rural and urban character, zoned Residential R5 to the east and Rural Agriculture to the west. The residential land to the east of the site has been subdivided and is being developed as the Conti Gardens Estate and the rural land to the west is used for horticultural activities (Orchard).
9. At the Ordinary Council Meeting 22 May 2018, Council resolved to forward a similar amendment (Amendment No.35) to the Western Australian Planning Commission (WAPC) for adoption (OCM 77/2018). Amendment No.35 proposed to rezone Lot 31 & Lot 32 Halleendale Road from R2.5 to R5. These sites are located approximately 436m from the subject site.

## **DETAILS**

10. Following modification at Ordinary Council Meeting 18 December 2018 (OCM 244/2018), Amendment No. 99 seeks to rezone the site as follows:
  - a) insert a development requirement into Table 4 of LPS3 to place a notification on Certificate of Title(s) advising of the existence of a hazard or other factor. This notification is to be included on the diagram or plan of survey, and is to state:  
*'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard)';*
  - b) recode the northern portion of Lot 50 Lawnbrook Road West, Walliston from 'Residential' R2.5 to R5;
  - c) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Local Open Space' to 'Residential', with a density code of R5; and
  - d) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Special Rural' to 'Local Open Space'.
11. In support of the proposal, the applicant notes the following:
  - a) the amendment represents a logical extension of the existing R5 coded areas on adjacent Lot 51 known as 'Conti Gardens' residential estate;
  - b) a portion of the site is already designated as suitable for residential development. The increase in density proposed is practical and allows for more manageable lot sizes which can support effluent disposal;
  - c) the location of the site has excellent access to existing services, facilities and shops in Walliston, Lesmurdie and Kalamunda;
  - d) it allows for a transition between the established urban area to the north/west and special rural zoned land on the southern portion of the site; and
  - e) although there are some site constraints, a subdivision design can be achieved on the site compatible with the adjoining Conti Gardens development.

12. Furthermore, in support of Amendment No.99 the applicant has undertaken effluent disposal investigations, prepared a Bushfire Management Plan, Subdivision Concept Plan and Drainage Concept Plan (Attachment 1).
13. Should Council resolve to adopt Amendment No. 99, it will be determined in accordance with the *Planning and Development Act 2005* and ultimately determined by the WAPC and Minister for Planning.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. **Metropolitan Region Scheme**  
The site is classified 'Urban' and 'Rural' under the Metropolitan Region Scheme (MRS). The proposal is therefore consistent with the zoning classification under the MRS.
15. **Planning and Development (Local Planning Schemes) Regulations 2015**  
Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (Regulations) the City is required to pass a resolution:
- a) *To support the amendment without modification; or*
  - b) *To support the amendment with proposed modifications to address issues raised in the submissions; or*
  - c) *Not to support the amendment.*
- Pursuant to Regulation 53(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, within 21 days of passing a resolution under Regulation 50(3) the City must forward all documents referred to in sub regulation (1) to the Commission.
- Pursuant to Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the commission has 60 days (or within such a longer period as the Minister allows) to consider the documents and make any recommendations to the Minister in respect to Amendment No.99 that the Commission considers appropriate.
16. **Planning and Development Act 2005**  
Pursuant to Section 87(2) of the *Planning and Development Act 2005*, Once Amendment No.99 is submitted to the Minister for approval, the Minister may either:
- a) *Approve Amendment No.99;*
  - b) *Require the Local Government to make modifications to Amendment No.99; or*
  - c) *Refuse Amendment No.99.*
17. **Local Planning Scheme No.3**  
Under the provisions of the Scheme, the site is currently zoned Residential Bushland R2.5 with the central portion of the site zoned Local Open Space and the southern portion of the site zoned Special Rural.

18. Pursuant to Section 4.2.1 of the Scheme the objectives of the 'Residential Bushland' zone are as follows:
- *To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.*
  - *To give due consideration to land uses that are compatible with the amenity of surrounding residential development.*
  - *Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.*
19. Pursuant to Section 4.2.2 of LPS3 the objectives of the 'Special Rural' zone are as follows:
- *To enable smaller lot subdivision to provide for uses compatible with rural development.*
  - *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

## **POLICY CONSIDERATIONS**

20. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**  
The site is located within a designated Bushfire Prone Area. Subsequently the proposal was referred to the Department of Fire and Emergency Services (DFES) for their assessment and recommendations.
21. DFES responded with support for the intensification of land use at the site and recommended the City of Kalamunda ensure further consideration of any future subdivision plans against SPP 3.7. DFES made specific reference to the cul-de-sac and battle-axe designs included in the draft subdivision plan found in Attachment 1.
22. However, DFES did note that this advice is intended to guide subsequent planning stages and any future modifications required to road layout and lot design do not materially affect the amendment. Accordingly, DFES recommends Amendment No.99 proceeds.
23. **Directions 2031 and Beyond**  
Directions 2031 highlights the benefits of a consolidated City in order to achieve a more sustainable pattern of development, setting a 50 percent infill development target for future infill development within the Perth metropolitan region.
24. The proposed amendment will allow for an intensification of development within an established area, thus aligning itself with the objectives of Directions 2031.
25. **North-East Sub-Regional Planning Framework**  
The North-East Sub-Regional Planning Framework has identified an urban infill target for the City of Kalamunda of 11,450 new dwellings by 2050. To achieve this target the City must to facilitate structure plans, strategies and amendments that assist in increasing the potential of infill development.

26. Amendment 99 proposes an increased density for the site which if supported by Council will assist in achieving the 2050 target.
27. **City of Kalamunda Local Planning Strategy**  
The City's Local Planning Strategy (LPS) was adopted by Council in October 2011 and endorsed by the Commission in February 2013. The purpose of the LPS is to enable Council to determine the vision and strategic planning direction for the City for the next 20 years, to coincide with Directions 2031.
28. A key action of the strategy is to encourage the expansion of new urban and industrial areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment. Amendment No. 99 is seen to be consistent with the intent of the LPS.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

29. The City internally assessed the proposal and raised concerns from an Assets Services perspective relating to the future development of the site associated with access to the site, drainage, and future indicative subdivision layout. Following consultation with the applicant, and the provision of revised documents, all concerns were addressed to the satisfaction of the City.

### **External Referrals**

30. In accordance with s81 and 82 of the *Planning and Development Act*, Amendment No.99 was referred to the Environmental Protection Authority (EPA) for consideration under section 48C(1)(a) of the *Environmental Protection Act 1986* (EP Act). The City was advised Amendment No. 99 did not require assessment under Part IV Division 3 of the EP Act, enabling the City to advertise Amendment No.99.
31. Following receipt of comment from the Environmental Protection Authority, proposed Amendment No.99 was advertised in accordance with the LPS Regulations and the City's *Local Planning Policy P-DEV45 - Public Notification of Planning Proposals* for a period of 56 days via the following methods:
- a) newspaper advertisement;
  - b) notice on the City's website;
  - c) display of documents at the Administration Centre during business hours;
  - d) copy of the notice to applicable public authorities;
  - e) letters to landowners and occupiers within 300m of the site; and
  - f) signage on site.
32. During the advertising period a total of eight submissions were received from public authorities. All submissions received were either comments or no-objections to Amendment No.99. No submissions were received from adjoining landowners or landowners in the locality. For a summary of and a response to all submissions, please refer to Attachment 2.

## FINANCIAL CONSIDERATIONS

33. All costs associated with advertising and the assessment of Amendment No.99 are to be borne by the Applicant.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

34. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 3: Kalamunda Develops

**Objective 3.1** - To plan for sustainable population growth.

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

## SUSTAINABILITY

### Social Implications

35. Future development of the site for residential use will provide more housing opportunities in a location with good access to a range of commercial activities and public transport.
36. The potential for adverse amenity impacts from the operation of the adjoining horticultural activity to the east of the site may exist. Typical amenity issues which may arise include spray drift, general noise and dust associated with the operation of a horticultural activity (orchard).
37. Accordingly, a development requirement is to be included into Table 4 of LPS3 requiring a notification to be placed on the Certificate of Title(s) advising of a hazard or other factor. This notification is to state:

*'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard).'*

### Economic Implications

38. Proposed Amendment No.99 will increase the development potential for the site and accordingly increase the economic value of the site.
39. During the advertising period for previous Amendment No.35 it is noted the Department of Health provided comment that sensitive land uses (residential) encroaching into areas with operating horticultural activities have the potential to impact on the economic viability of the horticultural activity. As the Lot(s) included in Amendment No.35 are in close proximity to the site, this advice is considered relevant to the consideration of Amendment No.99 for final adoption.

**Environmental Implications**

- 40. Mature native vegetation exists in the front setback area and over the southern portion of the site. The existing vegetation comprises of mature trees and a managed understorey. It should be noted the future development of the site consistent with SPP 3.7 may require clearing/significant pruning of existing vegetation on site.
- 41. As noted in the Department of Biodiversity, Conservation and Attraction’s (DBCA) submission (Attachment 2); the clearing of existing native vegetation may have an impact on the breeding and foraging habitat of threatened species listed under State and Federal legislation. Accordingly, DBCA reminds the City and the applicant of their responsibility for all future applications to be assessed against *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- 42. The City’s local planning framework is currently silent on specific development requirements for removal of vegetation on private property. However as noted above, any individual who wishes to develop the land are required to give consideration regarding removal of vegetation through legislation separate to the Planning and Development Act (2005).
- 43. The *Environmental Protection Authority’s Guidelines for Separation of Agricultural and Residential Land Uses* recommends a general buffer distance of 500m between Residential and Agricultural land uses. However, it is possible for development of land to be considered within 500m subject to normal planning considerations. To ensure any future owners of the site are aware of its proximity to nearby agricultural land uses which may impact on the amenity of occupants. Accordingly, a notification is recommended to be placed on Certificate(s) of Title stating:

*'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard).'*

**RISK MANAGEMENT CONSIDERATIONS**

44.	<b>Risk:</b> Adopting the increase in zoning may cause intensification of the site, which may result in undue amenity and environmental impacts.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	Ensure as part of the amendment process the overall concept and coordination of appropriate land uses are determined, and any future applications for development are assessed by the City through the subdivision and development application process.		

## OFFICER COMMENT

45. Proposed Amendment No.99 is consistent with the existing Residential R5 and Local Open Space Zoning to the east of the site. The proposal is a logical extension to the existing Conti Garden's residential estate and is therefore seen to be consistent with the orderly and proper planning of the locality.
46. The site is located in close proximity to an area recently rezoned from R2.5 Residential Bushland to Residential R5 under Amendment No. 35. Amendment No. 35 was considered by Council at OCM 22 May 2018 and supported for final adoption (OCM 77/2018). Following Council's recommendation Amendment No. 35 was supported by the Minister and gazetted on 22 February 2019.
47. Amendment No. 99 was amended to include a requirement shown in Table 4 of the Scheme to place a notification on Certificate of Title(s) advising of the existence of a hazard or other factor. In this case the potential hazard is adverse amenity impacts arising from the operation of the adjoining horticultural activity (orchard).
48. This notification is to state:
- 'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray drift and dust that are associated with the continued operation of the primary production activities (orchard)';*
49. Placing a notification on Certificate of Title(s) will notify all prospective landowners an active orchard (horticultural activity) is located in proximity to the site and inform prospective landowners of the associated amenity impacts of living in proximity to an orchard.
50. On balance, noting the potential land use conflicts between an existing rural use and the intensification of an existing residential use; Amendment No.99 is consistent with the orderly and proper planning of the locality.
51. The proposed notification on Certificate(s) of Title in conjunction with future development control measures through the subdivision and development approval processes will mitigate any residual concerns surrounding an increased residential density at Lot 50 (98) Lawnbrook Road West, Walliston.
52. Having regard to the above, it is recommended Amendment No.99 be adopted by Council for final approval.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 174/2019

That Council:

1. ADOPT proposed Scheme Amendment No. 99 to Local Planning Scheme No.3 – (Lot 50 (98) Lawnbrook Road West, Walliston) pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
  
2. CONSIDER proposed Scheme Amendment No. 99 to Local Planning Scheme No.3 as a Standard amendment under Clause 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons.
  - a) Is consistent with the City of Kalamunda Local Planning Strategy;
  - b) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
  - c) It is considered to have minimal impact upon the land within the City of Kalamunda, particularly through the provision of a future subdivision plan and development applications to control the future development of the site; and
  - d) It is considered not to have any significant environmental, social, economic or governance impacts within the surrounding local area.
  
3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required Scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Margaret Thomas**

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

## **10.2. Asset Services Reports**

### **10.2.1. Adoption of Local Environment Strategy**

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

Previous Items	OCM 112/2016; OCM 32/2019
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EV-EPP-077
Applicant	N/A
Owner	City of Kalamunda
Attachments	1. LES Draft [ <b>10.2.1.1 - 32 pages</b> ] 2. LES FINAL [ <b>10.2.1.2 - 30 pages</b> ]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider adopting the "Kalamunda Clean and Green" Local Environment Strategy 2019-2029 (LES).
2. Community consultation has been completed on the draft LES as well as consideration and endorsement by the Kalamunda Environmental Advisory Committee (KEAC). Feedback has been incorporated where necessary in the final LES.
3. It is recommended Council proceeds to adopt the LES noting that desktop publishing of the document will occur after this adoption.

#### **BACKGROUND**

4. The adoption of the LES is a Priority Action within the Kalamunda Achieving 2018-2022 Corporate Business Plan which was developed from the Strategic Community Plan.
5. At the 27 June 2016 Ordinary Council Meeting, it was resolved that KEAC undertake a set of key advisory tasks, one of which was in the development of the LES, (OCM 112/2016 refers). It was endorsed that KEAC in the development of an LES:
  - a) that its scope will embrace the totality of the Council's functions with environment broadly interpreted;
  - b) the strategy will inform parts of the City's Strategic Community Plan; and
  - c) the strategy will inform policies that can be recognised in the Local Planning Scheme.
6. Since 2017 the LES has been progressed from vision, community engagement, draft LES and now final document for adoption.

## **DETAILS**

7. The LES was developed over some years with the following milestones:
  - a) September 2017: KEAC visioning Workshop;
  - b) February 2018: Production of Strategy blueprint;
  - c) May 2018: Completion of initial Community and staff Engagement including media releases, surveys, and community visioning workshops;
  - d) February 2019: Data analysis and production of Draft LES document;
  - e) February 2109: Council endorsement of draft LES for community engagement (OCM 32/2019 refers);
  - f) May 2019: Analysis of submissions and amending draft LES; and
  - g) May 2019: Review and recommendations from KEAC for final document.
  
8. The draft LES provided for community engagement is shown as Attachment 1 to this report. It is to be noted that at the time of development the strategy was entitled Kalamunda Clean and Green Local Environment Strategy 2018-2029.
  
9. 23 submissions were made in response to the draft LES. 98 separate comments were contained in these submissions:
  - a) 63% of these comments were regarded as comment only and were "noted without the need to change" the LES;
  - b) 25% were assessed as "correction expected" to the draft document;
  - c) 11% of comments received provided information instigating further discussion at KEAC; and
  - d) 15% of these comments lead to alterations to the draft document after discussion at KEAC.
  
10. Comments from the community were generally supportive of the draft LES and they were keen to be able to see its implementation and progress. There was some concern about the length of the document and the clarity of the aims and action tables.
  
11. At their meeting of 2 May 2019, KEAC reviewed the community feedback to the draft LES and commended that the LES be presented to Council for endorsement subject to improvements to the Objectives, Strategies and Actions table within the LES and that the Council endorsed document be graphically enhanced prior to release to the Public.
  
12. The draft LES document has been revised in response to the above issues. The final LES is provided as Attachment 2. It is to be noted that the strategy will now be entitled Kalamunda Clean and Green Local Environment Strategy 2019-2029.
  
13. Upon adoption of the LES text by Council, in consultation with KEAC, a finalised graphic ready document will be produced and published.

## **STATUTORY AND LEGAL CONSIDERATIONS**

14. Nil.

## **POLICY CONSIDERATIONS**

15. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

16. Business Units relevant to the LES have been consulted with the opportunity to comment.

### **External Referrals**

17. Extensive external consultation has occurred throughout. The Kalamunda community have been engaged in the initial visioning phase of the project through surveys and community workshops. During the review process the community were able to see how the City included their values and ideas in the final draft document.

## **FINANCIAL CONSIDERATIONS**

18. Nil.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

19. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 2: Kalamunda Clean and Green**

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

**Strategy 2.1.1** - Enhance our bushland, natural areas, waterways and reserves.

## **SUSTAINABILITY**

### **Social Implications**

20. The LES is essentially a community driven strategy. The community have been actively engaged throughout the process and have provided comment reflecting their values in relation to the local environment. Submissions from the community have expressed a desire for the City to adopt these values and deliver tangible outcomes.

### **Economic Implications**

21. The LES is not intended to incur additional cost to the City outside of existing budgets.

**Environmental Implications**

- 22. The LES will have large bearing and influence on the City’s long-term approach to environmental management.

**RISK MANAGEMENT CONSIDERATIONS**

23.	<b>Risk:</b> The City receives criticism regarding the pace of delivery of outcomes from the adopted LES.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Moderate	Low
	<b>Action/Strategy</b>		
	The adopted LES, along with other adopted strategies regarding environmental matters are incorporated in future plans of Council as funding permits.		

**OFFICER COMMENT**

- 24. A thorough process was successfully implemented for the production and review of the Draft LES. Community and internal stakeholder engagement was successfully implemented. This has led to the production of a document that satisfies the intent listed in paragraph five.

**Voting Requirements: Simple Majority**

RESOLVED OCM 173/2019

That Council:

- 1. ADOPT the Kalamunda Clean and Green Local Environment Strategy 2019-2029.
- 2. NOTE that the Kalamunda Clean and Green Local Environment Strategy 2019-2029 will undergo graphical and structural changes as part of finalisation.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**

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

## **10.2.2. Kalamunda Road Functional Review - Stage 1**

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009360
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. Kalamunda Road Stakeholder Consultation Report <b>[10.2.2.1 - 80 pages]</b>
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### **EXECUTIVE SUMMARY**

1. The purpose of this report is to endorse a preferred vision for the long term for Kalamunda Road between Roe Highway and Abernethy Road to allow subsequent investigations and modelling to be undertaken prior to adoption of the vision as a preferred strategy.
2. Community consultation has been undertaken on two options relating to modification of the existing Kalamunda Road for the long term:
  - a) a Lower Capacity Main Street-style option; or
  - b) a Higher Capacity Distributor-style option.
3. The results of the community consultation indicated a clear preference for the Lower Capacity option based upon concerns relating to safety, access across Kalamunda Road, walking and cycling, heavy vehicle traffic and reduction in through traffic.
4. It is recommended that this Lower Capacity Main Street option is adopted as the preference of Council and that further investigations are undertaken to complete analysis of the matter.

### **BACKGROUND**

5. Council adopted in October 2018, its Roads Asset Management Plan. This plan identified that reviews should be conducted on the future needs for important roads within the City. The Kalamunda Road Functional Review and Upgrade project was identified as the first of an ongoing series of functional reviews within the City's road network.
6. The purpose of this project was to determine the optimum function of Kalamunda Road between Roe Highway and Abernethy Road into the future.
7. The project was intended to firstly identify a preferred future vision of the functionality of the road and then complete investigations and modelling to identify relevant costs, designs and works plans to allow Council to make an informed judgement on the proposal.

## DETAILS

8. The City appointed Cardno in February 2019 to undertake this project in two stages.
9. Stage 1 of the project was to prepare concept plans and undertake community consultation on these concepts. The community consultation element involved engagement with residents, business owners and other stakeholders via an online survey and community and business workshops, and preliminary constraints mapping and preliminary technical analysis of low impact and high impact options.
10. Stage 2 of the project would commence after one preferred vision for Kalamunda Road was determined. This stage would involve detailed constraints mapping and technical traffic assessment, confirmation of access arrangements through the preparation of an Access Strategy, confirmation of pedestrian and cycling infrastructure needs and upgrades and incorporate into concept designs, additional stakeholder consultation as per Consultation Plan, and identification of funding sources.
11. The anticipated benefits of this project include the following:
  - a) determine the most feasible and preferred function for Kalamunda Road taking into consideration community feedback as well as long-term traffic demands;
  - b) ensure that the role of Kalamunda Road within the broader movement network continues to function as an effective, efficient and safe road connection for the local community;
  - c) significantly improve road safety for non-motorised road users such as pedestrians, cyclists and other vulnerable users;
  - d) significantly increase active transport and public transport use through the provision of supporting infrastructure;
  - e) provide clarity for the City of Kalamunda and land owners in the area with regard to future land ownership and urban development in the context of the future function and design of Kalamunda Road;
  - f) secure support from Council and relevant State Government agencies including the Department of Transport, Main Roads Western Australia and the Department of Planning, Lands and Heritage with regard to the future function and design of Kalamunda Road; and
  - g) ensure that the preferred design aligns with Council and State Government policies and strategies including the City's draft Traffic and Transport Policy.
12. It became obvious at the project briefing phase that only two likely concepts for the long-term future of Kalamunda Road existed – a Local Road (Main Street – Lower Capacity) serving only the local area or a Distributor Road (Higher Capacity) serving the broader road network. Community engagement started on this premise.
13. The outcomes of community consultation are provided in full as Attachment 1 to this report. The salient outcomes are presented below.

14. The results of the Stage 1 consultation and preliminary technical analysis / constraints mapping exercise were as follows:
- a) the survey received a total of 224 responses with good representation from local residents (91% of respondents) and businesses (9.8%). The majority of respondents reported living in High Wycombe (72.3%), Maida Vale (5.8%) or Kalamunda (4.9%) with the remainder living in suburbs outside the City of Kalamunda;
  - b) the main form of transport used on the road by respondents is the motor vehicle with 50.7% of all responses. Other forms of transport included - 37.3% walking, 16.9% public transport/bus, 9.5% cycling, 4.5% taxi/rideshare, 2.5% motorcycle/scooter and 0.5% heavy vehicles;
  - c) destination responses indicated that many people in the area shop locally with High Wycombe Village Shopping Centre being the most common destination (48.5% of respondents). The next three most common destinations were Kalamunda (37.4%), Perth City (31.0%) and Midland (29.8%);
  - d) significant concerns included intersection designs (61.3% dissatisfied or very dissatisfied), amount of traffic on the road (59.9% dissatisfied or very dissatisfied) and interaction with pedestrians and cyclists while driving (50.3% dissatisfied or very dissatisfied);
  - e) nearly 20% of respondents specifically indicated that they do not want heavy trucks utilising the road;
  - f) the majority of respondents indicated that they were unhappy with aspects of the current streetscape including quantity, quality and appeal of streetscapes;
  - g) respondents were mainly satisfied or provided no indication in relation to both location and quality of bus stops and safety and ease of getting to and from bus stops;
  - h) respondents were mostly dissatisfied or very dissatisfied with cycling infrastructure;
  - i) respondents were generally neutral towards the overall pedestrian experience however, expressed strong dissatisfaction with specific aspects of pedestrian facilities such as number of facilities (47.9%), safety of pedestrians (44.7%) and quantity of shade available (43.5%);
  - j) respondents were asked to rate different aspects of the two options (Lower Capacity vs Higher Capacity) with 58% of respondents indicating a preference for the Lower Capacity option, 36% selecting the Higher Capacity option and 6.0% indicating no preference for either.

15. Preference for Option 1 vs Option 2 have been grouped by respondent suburb as shown in this summary table:

<b>Suburb</b>	<b>Number of Valid Responses</b>	<b>Preference for Lower Capacity Rd</b>	<b>Preference for Higher Capacity Rd</b>	<b>No Preference Expressed</b>
High Wycombe	117	46%	46%	8%
Maida Vale	7	43%	57%	0%
Forrestfield	1	0%	100%	0%
Other suburbs in Kalamunda	18	50%	50%	0%
Suburbs outside Kalamunda	2	0%	100%	0%

There were a further 79 submissions that did not indicate which suburb they came from (but were largely in favour of the Lower Capacity Option) or provided an invalid response to this question.

16. The results of the Stage 1 preliminary traffic modelling and constraints mapping was undertaken for key intersections along Kalamunda Road and along the mid-block road sections between Roe Highway and Abernethy Road with the outcomes summarised as follows:

- a) all intersections are expected to operate at acceptable Levels of Service for the 2019 and 2021 horizon years;
- b) almost all intersections are expected to operate at unacceptable Levels of Service under the 2031 horizon year;
- c) the results illustrated that the Kalamunda Road/Abernethy Road intersection will fail under the 2031 horizon scenario, however future road improvements (such as grade separation of Roe Highway at the Great Eastern Highway Bypass) will materially change anticipated flows;
- d) the detailed intersection analysis has recommendations for upgrades for Stirling Crescent, Wittenoom Road, Kenneth Road, Cyril Road and Range View Road intersections as roundabout control to maintain safe and protected right-turning access and increase overall capacity; and
- e) the preliminary constraints mapping exercise illustrated that the Lower Capacity option would have the least impact in relation to lot frontage and intersection encroachment as well as a lower impact on relocation of major services.

17. It is to be noted that the Main Roads WA Regional Operations Model 24 (ROM 24) provided the forecast traffic data for the results stated in paragraph 15. This model is conservative in nature and may over estimate long term impacts.

18. In summary, the following points are to be noted:
- a) there is an overall community preference to create a lower capacity main street plan for Kalamunda Road;
  - b) in contrast, High Wycombe respondents are evenly split on the issue;
  - c) there is a community desire for improvements to the streetscapes; and
  - d) intersection improvements (including roundabouts) will be needed before 2031.
19. Should the Lower Capacity option be endorsed for further assessment, the following key priorities identified as part of the consultation phase should be considered as part of future design tasks:
- a) improvement of the quality and safety of intersections for all users of Kalamunda Road;
  - b) provision of safer pedestrian crossings, particularly for access to the High Wycombe Village Shopping Centre;
  - c) reduction in congestion and resultant improvement in the efficiency in traffic flows;
  - d) diversion of through traffic from the road and/or limiting of heavy vehicle traffic, where practicable;
  - e) provision of safe facilities and a riding environment for cyclists;
  - f) increase in the number of trees and the retention of existing trees wherever possible; and
  - g) landscaping and improvement in the general appeal of the road largely resulting from the perception of users that Kalamunda Road services as a neighbourhood connector.

## **STATUTORY AND LEGAL CONSIDERATIONS**

20. Legislation that is relevant to this report includes:
- a) the *Local Government Act 1995* – certain provisions about thoroughfares; and
  - b) the *Main Roads Act 1930* – the provision of roads.

## **POLICY CONSIDERATIONS**

21. Nil.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

22. Nil.

### **External Referrals**

23. Stage 1 of the project consisted of an extensive public and community consultation task which included an online survey, two community workshops, inclusive of a business breakfast, public submissions and direct engagement with non-residential stakeholders including schools, businesses and public agencies.

## FINANCIAL CONSIDERATIONS

24. The anticipated consultant fees associated with the project were in the order of \$80,000, of which \$25,000 is to be expended in 2018/2019. The draft 2019/2020 budget has identified funding of \$55,000 allocated to this project to complete Stage 2.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### **Priority 1: Kalamunda Cares and Interacts**

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

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

#### **Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

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

#### **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.

## SUSTAINABILITY

### Social Implications

26. Social implications will be determined as part of Stage 2 of the study.

### Economic Implications

27. Economic implications will be determined as part of Stage 2 of the study.

### Environmental Implications

28. Environmental implications will be determined as part of Stage 2 of the study.

**RISK MANAGEMENT CONSIDERATIONS**

29.	<p><b>Risk:</b> That the City receives criticism and loss of reputation from the smaller portion of the community who have expressed a preference for the Higher Capacity option.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Likely</td> <td>Moderate</td> <td>Medium</td> </tr> </table>	Likelihood	Consequence	Rating	Likely	Moderate	Medium
Likelihood	Consequence	Rating					
Likely	Moderate	Medium					
	<p><b>Action/Strategy</b></p> <p>As substantial feedback has been received following thorough consultation, the proposed action is to present the case and provide a high level of data analysis and modelling to support the proposal.</p>						

**OFFICER COMMENT**

- 30. It is recognised the minority wider community feedback preferences favour a higher capacity option or do-nothing approach, however the lower capacity option will result in a more balanced and sustainable transport outcome for the local community in High Wycombe.

**Voting Requirements: Simple Majority**

RESOLVED OCM 175/2019

That Council:

- 1. NOTE the outcomes of the Kalamunda Road Stakeholder Consultation Report as Attachment 1.
- 2. ENDORSE the vision of Kalamunda Road (between Roe Highway and Abernethy Road) becoming a Lower Capacity Local Road.
- 3. PROCEED with Stage 2 of the Kalamunda Road Functional Review and Upgrade project (Roe Highway to Abernethy Road) on the basis of the Lower Capacity option with budget allocation approved in the 2019/2020 Budget.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

### **10.2.3. Hale Road/Woolworths Drive Project Update**

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

Previous Items	OCM 203/2018
Directorate	Asset Services
Business Unit	Asset Delivery
File Reference	EG-RDM-005
Applicant	N/A
Owner	N/A

Attachments 1. Mini Roundabout Design [**10.2.3.1 - 1 page**]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with a project update in relation to the proposed upgrade of the Hale Road/Woolworths Drive intersection.
2. The most significant risks to this project being able to proceed are:
  - a) potential need for undergrounding of Western Power electricity infrastructure and its budget implications; and
  - b) timely resolution of land access and tenure issues necessary from revised property access from Hale Road.
3. It is recommended that Council note this progress report and once the main risks are either resolved or otherwise, receive a subsequent report on the matter.

#### **BACKGROUND**

4. Council at the Ordinary Meeting of Council of 27 November 2018 considered a report regarding the outcomes of community consultation on the options for improvements. Amongst other matters resolved was that whilst Main Roads Western Australia's (MRWA) preferred solution of a single roundabout and restrictions on access to Hanover Road was noted, an alternative mini roundabout solution developed by the City better meets the needs of the area and that further negotiations with MRWA be undertaken on this solution (OCM 203/2108 refers).
5. MRWA has subsequently endorsed in principle a mini roundabout design (shown as Attachment 1) which has allowed the project to further proceed.

#### **DETAILS**

6. The mini roundabout solution is seen as an optimal outcome as it satisfied the following benefits:
  - a) maintains full movements on Hale Road / Woolworths Drive;
  - b) maintains full movements on Hale Road / Hanover Street;

- c) did not require the City to procure land in Woolworths Drive to create extended road reserve (and its ongoing responsibilities for care and control); and
  - d) significantly reduced the impacts on commercial businesses fronting Hale Road who would have otherwise had land taken for a service road.
- 7. The preferred design (to achieve MRWA approval) necessitates the closure of an existing crossover into Lot 146 (No. 72A) Hale Road and the creation of a new crossover at Lot 145 (No 76) Hale Road. There is an existing crossover at Lot 148 (No. 70) Hale Road (the McDonalds Restaurant) which is not affected by the proposed works.
- 8. Currently there is an access agreement between the owners of Lot 146 and Lot 148 allowing customers to utilise either crossover. With the proposed closure of the crossover at Lot 146, a new access agreement would need to be struck between the owners of Lots 145, 146 and 148 to allow vehicles to access these properties from the new crossover layouts.
- 9. This agreement is being progressed by the City, noting that it impacts the owners of Lot 145 (who gain a crossover with direct access to Hale Road but lose 4 car bays), the owners of Lot 146 (who lose a crossover but gain 3 car bays) and Lot 148 (who wish to maintain the ability for two crossover access to their Restaurant). Successful negotiation of this agreement (on private land) is seen as a material risk to the project.
- 10. The project necessitates that approximately 7.5 m<sup>2</sup> of land from Lot 108 (No. 82) Hale Road to be converted into footpath and road to facilitate the entry road design into Woolworths Drive (Lot 151, No. 80 Hale Road). Whilst it may be feasible that the owner of Lot 108 would agree to this change in their land holding, it is likely that the owners of Lot 151 (Hawaiian Group – owners of the shopping centre) will need to procure this small land parcel. The Hawaiian Group have been consulted on this and will be working towards this end. This is seen as a small risk to the project.
- 11. The last material risk to the project feasibility is one of budget relating primarily to Western Power overhead power lines. There are two poles (and associated High Voltage and Low Voltage wiring) in close proximity to the new kerb lines. A Road Safety Audit is underway to ascertain if these poles require removal from a safety perspective.
- 12. Initial estimates (based on works of a similar nature) suggest that undergrounding of these assets will cost in the order of \$650,000. This will necessitate an increase in the approved funding by a similar amount which is not available at present.
- 13. The City is currently confirming with Western Power the likely options for relocation and costs as well as the outcomes of the Road Safety Audit.
- 14. The project if delivered, would improve access and egress to the Forrestfield Shopping Centre who have at this stage not been asked to significantly contribute funding to the project (apart from the minor land tenure matter).

15. There is however a tangential benefit to the City if this project proceeds. The installation of the roundabouts and median works will create an environment conducive to lower traffic speeds. This may be of benefit to the City in aiming to create low speed environments in shopping precincts.

### **STATUTORY AND LEGAL CONSIDERATIONS**

16. The necessary land tenure and access agreements are discussed above.

### **POLICY CONSIDERATIONS**

17. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

18. Asset Services Directorate in relation to impact of the design as it is being advanced and Governance and Legal Services reading property matters.

#### **External Referrals**

19. The previous community engagement process clearly indicated preference for a roundabout solution, however the mini roundabouts have not been presented to the community for their input. It is known that a resident immediately opposite Woolworths Drive is not supportive of this proposal.

### **FINANCIAL CONSIDERATIONS**

20. At present, the project is funded as follows:
- a) \$650,000 grant from Federal Government;
  - b) \$300,000 grant from State Government; and
  - c) \$50,000 in funding from Municipal funds as was approved in the 2017/2018 CAPEX Budget.

This equates to a Project Budget of \$1.0 million. The State and Federal grants are held by Main Roads WA who will disburse funding to the City as required.

21. The City has recouped the "1<sup>st</sup> 40%" in grant funding totalling \$380,000.
22. Project expenditure plus commitments amounting to \$60,435 has been incurred to date in relation to the undertaking of the Traffic Study, "Concept" Road Safety Audit and subsequent presentation of options for public consultation, the public consultation process itself and detailed design related expenditure that has been incurred.
23. The revised project budget (including contingency), on the basis of the need to underground the Western Power assets is \$1.6 million, a shortfall of \$600,000 from current budget.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

**Objective 3.2** – To connect community to quality amenities.

**Strategy 3.2.1** – Optimal management of all assets.

## SUSTAINABILITY

### Social Implications

25. Improved traffic management within the City's road network.

### Economic Implications

26. Mitigation of potential collisions/accidents and associated trauma/costs that may be experienced.

### Environmental Implications

27. Both large trees, one located either side of Woolworths Drive immediately adjacent to Hale Road and located within private property were able to be accommodated within the design for the mini roundabout solution. However, it has been observed by City staff that the tree located on the north-western corner has subsequently been removed by persons unknown.

## RISK MANAGEMENT CONSIDERATIONS

28.

<b>Risk:</b> The project does not proceed due to inability to satisfy access arrangements for affected property owners.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Critical	High
<b>Action/Strategy</b>		
The City will work with affected land owners to demonstrate the benefits of a suitable access arrangement.		

29.

<b>Risk:</b> That the Western Power undergrounding works are necessary, however funding cannot be obtained.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Critical	Extreme
<b>Action/Strategy</b>		
The City undertakes consultation with stakeholders (including the Shopping Centre owners) to ascertain ability to contribute funding or considers some additional Municipal funding for the project.		

**OFFICER COMMENT**

30. This project, requested of the City through State and Federal grants, is at risk of not being able to proceed unless sufficient funding is secured.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 176/2019

That Council:

1. NOTE the progress report on the Hale Road / Woolworths Drive project.
2. RECEIVE a subsequent report once the main project risks have been mitigated or otherwise prior to commencing construction.

Moved: **Cr Lesley Boyd**

Seconded: **Cr Brooke O'Donnell**

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

### 10.3. Corporate Services Reports

#### 10.3.1. Proposed Road Reserve Realignment - Canning Road and Canning Mills Road, Carmel/Canning Mills

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

Previous Items	OCM 58/2013; OCM 115/2019
Directorate	Corporate Services
Business Unit	Economic, Land & Property Services
File Reference	CN-01/GEN; CN-02/GEN
Applicant	City of Kalamunda
Owner	State of Western Australia

Attachments	1. Canning Road and Canning Mills Road Land Acquisition Plans [ <b>10.3.1.1 - 4 pages</b> ]
	2. Canning Road and Canning Mills Road Deposited Plans [ <b>10.3.1.2 - 6 pages</b> ]
	3. Canning Road and Canning Mills Road Summary of Submissions Table [ <b>10.3.1.3 - 1 page</b> ]

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the proposed realignment of portions of the Canning Road and Canning Mills Road road reserve, Carmel/Canning Mills.
2. A resolution of Council is required to proceed with the proposed road reserve realignment.
3. It is recommended that Council support the proposed road reserve realignment.

#### BACKGROUND

4. On 27 May 2013, Council resolved as follows (EN BLOC RESOLUTION OCM 58/2013):

*That Council:*

1. *Authorises the Acting Chief Executive Officer to write to Main Roads WA:*
  - *Requesting consideration of the transfer of Canning Road from Welshpool Road East to the South Boundary of the Shire.*
  - *Requesting consideration of the transfer of Welshpool Road East from Canning Road to Hale Road.*
2. *Authorises the Acting Chief Executive Officer to write to the City of Armadale requesting Council endorsement for the transfer of Canning Road from Local Government responsibility back to Main Roads WA.*

5. Due to Main Roads Western Australia (MRWA) protocol, it was determined that all existing road carriageway must be contained within a legally defined road reserve, before an application could be made to MRWA requesting that it take over care and control of portions of Canning Road and Welshpool Road East.
6. Following completion of the road reserve realignment the subject of this report, the City of Kalamunda (City) will be able to request MRWA to consider the transfer of care and control of the relevant sections of Canning Road and Welshpool Road East from the City to MRWA.

## **DETAILS**

7. To realign the Canning Road and Canning Mills Road road reserve to match the constructed road, it is necessary to excise and dedicate the portions of land required as road reserve and to permanently close the portions of road reserve that are not required.
8. This report covers three different areas for consideration:
  - a) Canning Road near the intersection of Masonmill Road;
  - b) Canning Road between Pickering Brook Road and Canning Mills Road;
  - c) Canning Mills Road
9. The City has prepared land acquisition plans showing the road closure and road dedication areas (Attachment 1).
10. Surveys have been completed and deposited plans have been prepared (Attachment 2).
11. The land acquisition plans are for illustrative purposes only; the dimensions and areas on these plans are approximate. The deposited plans contain exact dimensions and areas.

## **STATUTORY AND LEGAL CONSIDERATIONS**

12. Section 56 of the *Land Administration Act 1997* (WA) relates to the dedication of land as road. Section 56(1)-(2) states as follows:

### ***56. Dedication of land as road***

- (1) *If in the district of a local government —*
  - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
  - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
    - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*
    - (ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable*

*value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

*or*

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*

- (2) If a local government resolves to make a request under subsection (1), it must —*

*(a) in accordance with the regulations prepare and deliver the request to the Minister; and*

*(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

13. Section 58 of the *Land Administration Act 1997* (WA) relates to closing roads. Section 58(1)-(3) states as follows:

**58. Closing roads**

*(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

*(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

*(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

**POLICY CONSIDERATIONS**

14. Council Policy – Asset Management C-AS-001 states that *"As part of a continuous improvement process, the City of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*

15. A review of the portions of land proposed to be dedicated indicates that they are required as road reserve.

16. A review of the portions of road reserve proposed to be closed indicates that they are not required as road.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

17. The City has assessed the proposal from an assets perspective and supports the proposed road reserve realignment. The proposal is required to ensure that the road reserve matches the constructed road, so that management of portions of Canning Road and Welshpool Road East can be handed over to MRWA.
18. The proposal will also enable the upgrade of the Canning Mills Road/Canning Road intersection, which will provide improved road alignment and sight lines at the intersection, and remove vehicle impact from the historic cobblestones near the intersection (see OCM 115/2019 for further information).

### **External Referrals**

19. The proposal was advertised in the Echo Newspaper on 13 April 2019, in the Southern Gazette on 16 April 2019 and on the City's website. Comments closed on 20 May 2019.
20. No public submissions were received.
21. The Department of Planning, Lands & Heritage advised that it has referred the road closures and road dedications adjacent to Korung National Park to the utility service providers for comment. Therefore, the City only referred the road closures and road dedications the subject of Plans A, B and C of Attachment 1 to the service authorities for comment.
22. The submissions received from the service authorities are summarised in the Summary of Submissions Table (Attachment 3).

## **FINANCIAL CONSIDERATIONS**

23. The costs of the road reserve realignment proposal are as follows:
  - a) survey costs: \$40,574.50 including GST (surveys have been completed and paid for by the City);
  - b) advertising by the City: \$605 including GST (advertising has been completed and paid for by the City);
  - c) advertising by the Department of Planning, Lands & Heritage: estimated cost of \$800;
  - d) service relocation and easements: no service relocations and easements are required as part of the road reserve realignment proposal, subject to confirmation from the service authorities;
  - e) Department of Planning, Lands & Heritage document preparation fee: nil, subject to confirmation from the Department; and
  - f) Landgate lodgement fees: nil, subject to confirmation from Landgate.

24. Following completion of the road reserve realignment, some construction works can occur. The costs of the construction works are estimated to be as follows:
- a) Canning Road/Masonmill Road (intersection widening and right turn pocket): The estimated road construction budget is \$155,000. Based on indicative timing of construction works, a \$40,000 budget is proposed for Council consideration as part of the 2019/2020 budget with the balance of \$115,000 to be identified in the Long Term Financial Plan for budget consideration by Council in 2020/2021; and
  - b) Canning Mills Road (includes parking bay for the proposed roadside memorial the subject of Council Resolution OCM 115/2019, protection of the cobblestone paved area and upgrade of the intersection with Canning Road): The estimated construction budget for this project is \$395,000. This project is subject to confirmation that dedication of the required land as road reserve has occurred. On the assumption that this will occur by late 2019, a \$50,000 budget has been proposed for Council consideration as part of the 2019/2020 budget to complete site investigations, design and commence construction by June 2020. A further sum of \$345,000 for completion of construction has been allocated in the Long Term Financial Plan for budget consideration by Council in 2020/2021. Note that this budget excludes the roadside memorial itself.

## **STRATEGIC COMMUNITY PLAN**

### **Strategic Planning Alignment**

25. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

#### **Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to quality amenities.

**Strategy 3.2.1** - Optimal management of all assets.

## **SUSTAINABILITY**

### **Social Implications**

26. The proposed road reserve realignment will ensure the road reserve matches the constructed road.
27. The proposal will also enable the upgrade of the Canning Mills Road/Canning Road intersection, which will provide improved road alignment and sight lines at the intersection.

**Economic Implications**

28. The economic lives of residents will not be impacted by this proposal.

**Environmental Implications**

29. Minimal environmental impact is envisaged. Some trees will need to be removed to accommodate the proposed construction works.

30. Once the required road dedications have occurred, the design of the proposed realignment of the Canning Mills Road/Canning Road intersection and car parking area for the proposed roadside memorial at this intersection will be reviewed, with an application for a clearing permit to be made thereafter. The application will require a vegetation assessment to be undertaken in support, with this identifying the type and quantum of vegetation impacted.

**RISK MANAGEMENT CONSIDERATIONS**

31.	<p><b>Risk:</b> MRWA is not willing to consider transfer of the relevant portions of Canning Road and Welshpool Road East due to the constructed road not being wholly situated within the dedicated road reserve.</p>												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">High</td> </tr> <tr> <td colspan="3" style="padding: 2px;"><b>Action/Strategy</b></td> </tr> <tr> <td colspan="3" style="padding: 2px;">Proceed with road reserve realignment proposal.</td> </tr> </tbody> </table>	Likelihood	Consequence	Rating	Possible	Significant	High	<b>Action/Strategy</b>			Proceed with road reserve realignment proposal.		
Likelihood	Consequence	Rating											
Possible	Significant	High											
<b>Action/Strategy</b>													
Proceed with road reserve realignment proposal.													

**OFFICER COMMENT**

32. The purpose of this proposal is to ensure the constructed road is located wholly within the road reserve.

33. To realign the Canning Road and Canning Mills Road road reserve to match the constructed road, it is necessary to excise and dedicate the portions of land required as road reserve and to permanently close the portions of road reserve that are not required.

34. Once the road reserve realignment has occurred, the City will be able to request MRWA to consider the transfer of care and control of the relevant sections of Canning Road and Welshpool Road East from the City to MRWA, in accordance with Council Resolution OCM 58/2013.

35. The proposal will also enable the upgrade of the Canning Mills Road/Canning Road intersection, which will provide improved road alignment and sight lines at the intersection, and remove vehicle impact from the historic cobblestones near the intersection.

Cr Fernie moved the recommendation and foreshadowed an amendment. The inclusion of a point 7 was agreed and the recommendation received a seconder before being put to the vote.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 177/2019

That Council:

1. REQUEST the Minister for Lands to permanently close those portions of the Canning Road and Canning Mills Road road reserve shown delineated and marked as "Proposed Future – Divested" on the plans attached to this report as Attachment 1, pursuant to section 58 of the *Land Administration Act 1997* (WA).
2. REQUEST the Minister for Lands to excise and dedicate those portions of land shown delineated and marked as "Proposed Future – Acquired" on the plans attached to this report as Attachment 1, pursuant to section 56 of the *Land Administration Act 1997* (WA).
3. CONFIRM the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
4. UNDERTAKE to comply with sections 56(2) and 58(2) of the *Land Administration Act 1997* (WA).
5. AGREE that it will indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands (Indemnified Parties) and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Land Administration Act 1997* (WA) and/or the *Native Title Act 1993* (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of those portions of land shown delineated and marked as "Proposed Future – Acquired" on the plans attached to this report as Attachment 1 pursuant to section 56 of the *Land Administration Act 1997* (WA).
6. NOTE the dimensions and areas on the land acquisition plans (Attachment 1) are approximate. The deposited plans (Attachment 2) contain exact dimensions and areas.
7. REQUEST the Chief Executive Officer prepare a progress report outline on OCM 177/2019 including timeframes.

Moved: **Cr Michael Fernie**

Seconded: **Cr Geoff Stallard**

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

**10.4. Chief Executive Officer's Performance Review Committee**

**10.4.1 (Item 6.1.1) Chief Executive Officer's Key Performance Indicators for 2019/2020 - CONFIDENTIAL REPORT**

Rhonda Hardy declared a Direct Financial Interest as this relates to her employment contract. Ms Hardy left the Council Chambers at 9:35pm and returned at 9:37pm.

RESOLVED OCM 178/2019

That Council:

1. REVIEW AND CONSIDER the DRAFT Chief Executive Officer's Key Performance Indications for 2019/2020.
2. NEGOTIATE with the Chief Executive Officer and seek agreement to any variations.
3. AGREE to the next Chief Executive Officer's Performance Review Committee being held on Tuesday 30 July 2019 to approve the Chief Executive Officer's Key Performance Indications for 2019/2020.
4. AGREE to the Chief Executive Officer's Performance Review Committee being held on Tuesday 20 August 2019 to conduct the Chief Executive Officer's Performance Review and Salary Review for 2018/2019.
5. AGREE to the Chief Executive Officer's Performance Review Committee being held on Tuesday 3 September 2019 to finalise the Chief Executive Officer's Performance Review and Salary Review for 2018/2019.
6. REQUEST the Chief Executive Officer to seek expression on interests from three suitable independent reviewers to conduct the Performance Review Process.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

## 10.5. Chief Executive Officer Reports

### 10.5.1. Draft Monthly Financial Statements to June 2019

*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	<ol style="list-style-type: none"><li>1. Draft Statement of Financial Activity 30 June 2019 <b>[10.5.1.1 - 2 pages]</b></li><li>2. Draft Statement of Net Current Funding Position 30 June 2019 <b>[10.5.1.2 - 1 page]</b></li></ol>

#### EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the year ended 30 June 2019.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda with comparison of the year's performance against the budget adopted by the Council on 26 March 2019 subsequent to the mid-term budget review.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the year ended 30 June 2019, 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* (WA) and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (WA).
5. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2017/18.

#### DETAILS

6. The *Local Government Act 1995* (WA) requires Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

7. The draft report provided is un-audited and subject to change for the below year end entries:
- a) Plant and machinery revaluation entries are pending subject to our External Auditors' review;
  - b) Capital projects are at a point of finalisation which can impact on asset categories and depreciation;
  - c) Write off of fixed assets fair value under \$5,000 as prescribed regulation 17(a) of the Local Government (Financial Management) Regulations 1996.
  - d) Provisions for staff leave entitlements have not been finalised;
  - e) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
  - f) June 2019 Overhead allocations have not been finalised and under/over recoveries on allocation accounts are yet to be finalised;
  - g) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
  - h) Potential audit adjustments resulting from the final audit by the Office of the Auditor General.

## **FINANCIAL COMMENTARY**

### Draft Statement of Financial Activity by Nature and Type for the year ended 30 June 2019

8. This Statement reveals a net result surplus of \$3,217,393 compared to budget for the same period of \$3,710,405.

### **Operating Revenue**

9. Total Revenue excluding rates is under budget by \$1,016,962. This is made up as follows:
- a) Operating Grants, Subsidies and Contributions is under budget by \$542,991. This variance is mainly attributable to the outstanding EMRC year-end adjustment and timing issue regarding receipt of the Financial Assistance general and roads grant prepayment.
  - b) Fees and Charges are under budget by \$287,649. This is mainly due to variance of \$94,777 in Fees from fines and enforcements.
  - c) Interest Income is under budget by \$185,612. The variance is due to the lower interest rates than forecast. Interest income is also impacted by more ratepayers choosing to pay by either instalment options or direct debit payment arrangements. The effect of this is that the cash inflow will be drawn out over a longer period rather than the majority of income being received in the first two months of the financial year.
  - d) Other Revenue is under budget by \$17,685. This is mainly due to the lower than projected revenue within the building services, community safety, fire prevention, and environmental health services areas with regards to fines and enforcements issued.

## **Operating Expenditure**

10. Total expenses are under budget by \$4,549,851. The significant variances within the individual categories are as follows:
- a) Employment Costs are over budget by \$113,207. which is primarily due to casual / contract staff used in various areas to provide temporary cover.
  - b) Materials and Contracts are under budget by \$2,000,089. This is mainly due to variance in consultancy expenditure is under budget by \$1,523,199 related to non-recurrent projects including Forrestfield North Project and Wattle Grove Feasibility study.
  - c) Utilities are under budget by \$13,893. The variance is within the reporting threshold.
  - e) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$1,365,567. Budgeted depreciation rates have been adjusted at the mid-term review to reflect the additional depreciation resulting from the larger revaluation surplus reported after the infrastructure revaluation in 2017/18; whilst actual depreciation is subject to yearend adjustments.
  - d) Insurance expense is over budget by \$9,452. The variance is within the reporting threshold; and
  - e) Other expenditure is under budget by \$1,274,573. The variance is due to the budgeted land acquisitions costs for roads projects under Forrestfield Industrial Area Scheme. During 2018/19 the scheme hasn't acquired any new land for roads projects.

The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve set aside for it.

## **Investing Activities**

### **Non-operating Grants and Contributions**

11. The non-operating grants and contributions are under budget by \$1,741,587. The variance was due to:
- a) The Capital grants income for infrastructure projects from various external funding agencies is lower than the budget by \$2,443,757.

### **Capital Expenditures**

12. The total Capital Expenditure on Property, Plant and Equipment and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$10,834,866. A large part of this has now been identified as a carry forward for the new budget 2019/20. The funds are placed in the appropriate reserves in June to allow for the works to continue into the new year.

13. Capital works-in-progress monies spend of \$2,025,881 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

### **Financing Activities**

14. The amounts attributable to financing activities shows a variance of \$16,583,965 which is mainly due to the reserve movements, developer contributions and budgeted new loans.

### **Rates Revenues**

15. Rates generation is under budget with a variance of \$721,678. The variance is due to the phasing of interim rates, back rates and advance rates payments adjustment.

### Statement of Financial Activity by Program for the period ended 30 June 2019

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

### Statement of Net Current Funding Position as at 30 June 2019

17. The commentary on the net current funding position is based on comparison of the June 2018 to the June 2019 actuals.
18. Net Current Assets (Current Assets less Current Liabilities) total \$17.3 million. The restricted cash position is \$17.2 million which is lower than the previous year's balance of \$18.2 million. This is mainly attributed to the Forrestfield Industrial Area Scheme Stage 1 reserve with commencement of its major capital projects, amounts have been drawn down from the reserve to meet the necessary funding requirements
19. Unrestricted cash has decreased by \$1.8 million when compared with the balance at June 2018. The City has transferred all bond monies maintained under the Municipal funds to a trust account in compliance with the industries' best practice. In line with the above \$2.5 million funds has been transferred to the corresponding bank account attached to the bonds trust account.

However, Officer of the Auditor General issued an advice to all Local Governments on 1 July 2019 to report all bond monies under municipal funds. Accordingly, the relevant entries will be processed as an yearend adjustment.

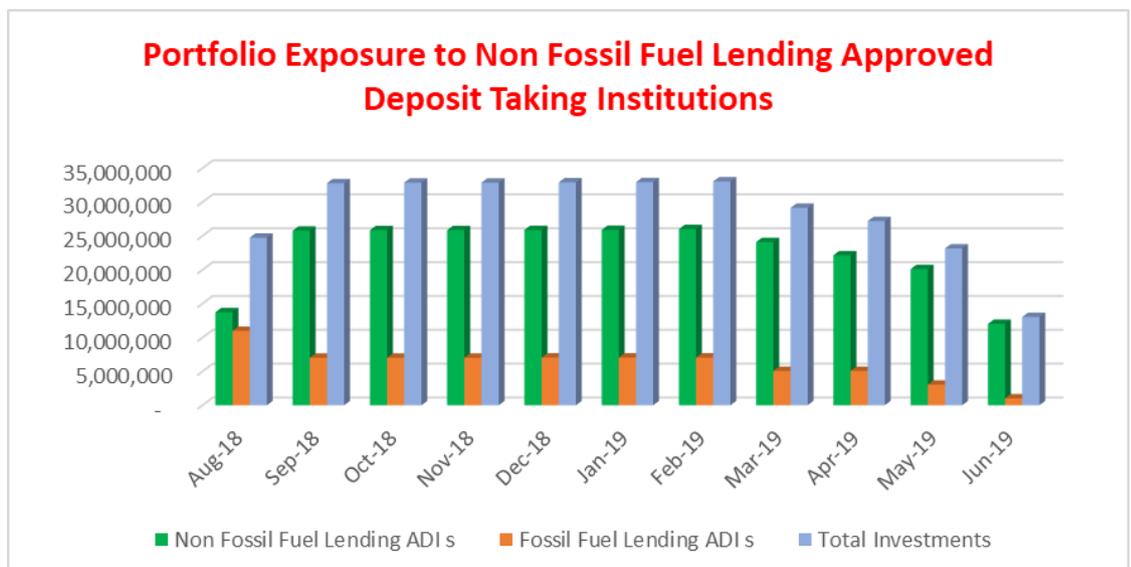
20. At the Ordinary Council Meeting held on 28 August 2018, the Council adopted the recommendation made by the Audit and Risk Committee (OCM 156/2018) referring to the Investment of Surplus Funds.

It was recommended that when investing the City’s Surplus funds, preference is to be given to financial institutions which do not invest in or finance the fossil fuel industry. The Council also requested that monthly financial statements and reports provide information regarding the divestment from fossil fuels.

The following table indicates the financial institutions where the City has investments as of 30 June 2019.

- 21.

Description	Financial Institution	Amount Invested	Percentage to Total Investments
		\$	
Financial Institutions without Investments in Fossil Fuel Industry	IMB	2,801,037	21%
	Bendigo	3,926,072	30%
	Suncorp	5,289,758	41%
Total Investments in Financial Institutions without having Investments in Fossil Fuel Industry		12,016,867	92%
Financial Institutions with Investments in Fossil Fuel Industry	National Australia Bank (NAB)	1,026,348	8%
<b>Total Investments - including Restricted Funds</b>		<b>13,043,215</b>	<b>100%</b>



22. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.3 million.
23. Sundry debtors have increased from \$469,760 to \$582,320, of which \$171,857 consists of current debt due within 30 days. An amount of \$325,997 from the total sundry debtors are related to invoices raised for developer contributions from Forrestfield Industrial Area Scheme Stage 1.
24. Receivables Other represents \$1.1 million including:
- a) Emergency Service Levy receivables \$0.3 million; and
  - b) Receivables sanitation \$0.5 million.
25. Provisions for annual and long service leave have decreased by \$122,669 to \$3.1 million when compared to the previous year.

### **STATUTORY AND LEGAL CONSIDERATIONS**

26. The *Local Government Act 1995* (WA) and the *Local Government (Financial Management) Regulations 1996* (WA) require presentation of a monthly statement of financial activity.

### **POLICY CONSIDERATIONS**

27. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

28. 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**

29. As noted in point 26 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

**FINANCIAL CONSIDERATIONS**

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

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

31. *Kalamunda Advancing: Strategic Community Plan to 2027*

**Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

**SUSTAINABILITY**

**Social Implications**

32. Nil.

**Economic Implications**

33. Nil.

**Environmental Implications**

34. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

35.

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

36.

<b>Risk:</b> Non-compliance with Financial Regulations		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Low
<b>Action / Strategy</b>		
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.		

**OFFICER COMMENT**

37. The City’s Draft Financial Statements as at 30 June 2019 demonstrate the City has managed its budget and financial resources effectively.

**Voting Requirements: Simple Majority**

RESOLVED OCM 179/2019

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 30 June 2019 which comprises:

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

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

## **10.5.2. Debtors and Creditors Report for the Period Ended June 2019**

***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 | 1. Creditor Payments for the Period Ended 30 June 2019<br><b>[10.5.2.1 - 35 pages]</b> |
|             | 2. Summary of Debtors for the month of June 2019<br><b>[10.5.2.2 - 2 pages]</b>        |

### **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 June 2019, 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 and creditors for the month of June 2019.
3. It is recommended that Council:
  - a) receive the list of payments made from the Municipal and Trust Fund Accounts in June 2019 in accordance with the requirements of the Local Government (Financial Management) Regulations 1996 (Regulation 13); and
  - b) receive the outstanding debtors report for the month of June 2019.

### **BACKGROUND**

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures and in the month of June 2019, there were no abnormal overdue debtors that demanded special attention.
5. For the End of the Financial Year operational purposes the creditors' subsidiary ledger will be open until 16 July 2019. As a result, the final outstanding creditor's payment list for the month of June 2019 will not be available until after the creditor ledger close off date.
6. 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

### Debtors

7. Sundry debtors as of 30 June 2019 were \$582,320 of which \$171,857 was made up of current debts and \$1,410 unallocated credits (excess or overpayments).
8. Invoices over 30 days total \$24,563; debts of significance are:
  - a) Vodafone Hutchinson Australia, \$9,897, Lease;
  - b) Department of Education, \$5,035, Utility Expenses;
  - c) Zig Zag Gymnastics, \$6,028, Lease – self managed instalments; and
  - d) Forrestfield Sisdac, \$1,402, Hall Hire.
9. Invoices over 60 days total \$10,394; debts of significance are:
  - a) Zig Zag Gymnastics, \$3,014, Lease – self managed instalments;
  - b) Forrestfield Sisdac, \$1,985, Hall Hire; and
  - c) Hills District Callisthenics, \$1,834, Hall Hire.
10. Invoices over 90 days total \$376,915, debts of significance are:
  - a) PJ Dujmovic, \$170,100, Developer Contribution;
  - b) Cruskall SP & RM, \$155,897, Developer Contribution – rescheduled the payment date to 12 July 2019;
  - c) Berkshire Hathaway, \$30,716, Insurance – Employee claim
  - d) Kalamunda Club, \$10,170, Loan 219
  - e) Evolution Cheer & Dance, \$4,047, Hall Hire - making regular payments and debt is reducing;
  - f) Private Citizen, \$1,500, Contribution to removal of verge tree;
  - g) Zig Zag Gymnastics, \$1,326, Lease – self managed instalments; and
  - h) Forrestfield Sisdac, \$1,137, Hall Hire.

### Creditors

10. Payments totaling \$5,479,109.37 were made during the month of June 2019. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

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

Supplier	Purpose	\$
Department of Fire and Emergency Services (DFES)	Emergency Services Levy – 4 <sup>th</sup> quarter payment 2018/19	693,328.24
Dowsing Group Pty Ltd	Upgrade of Canning road – from Pomeroy road to Welshpool road, Supply and lay concrete paths at various locations	527,586.98
Australian Tax Office	PAYG payments	385,497.78

Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	369,414.95
Asphaltech Pty Ltd	Road materials for various locations	274,808.94
Has Earthmoving	Earth moving services at Mundaring Weir Road widening - Progress claim	264,507.16
R J Vincent & Co*	Road 2A Construction at Forrestfield Industrial Area	221,894.08
WA Local Government Superannuation Plan	Superannuation contributions	191,739.91
Industrial Road Pavers (WA) Pty Ltd	Upgrade of Paterson road from Braken road	170,226.10
Synergy	Power Charges – various locations	135,230.00
Kalamunda Electrics	Electrical maintenance repairs – various locations	111,812.79
Mckay Earthmoving Pty Ltd	Plant equipment and operator hire for various locations	64,084.20
Riogold Holdings Pty Ltd T/A Frontline Interiors	Supply and installation of cabinet works for front counter refurbishment	62,982.70
West Tip Control Pty Ltd	Removal and processing of gully educting	61,551.73
Kennedy Tree Services	Tree removal, under power line pruning for various locations	52,866.00
A Proud Landmark Pty Ltd	Installation of 122 trees at various locations, supply and install limestone blocks, white wash playground sand at Orchard reserve	52,449.54
Contraflow	Traffic management for various locations	51,714.41

These payments total \$3,691,695.51 and represent 67.38% of all payments for the month.

\* The amounts paid for infrastructure works for Forrestfield Industrial Area Scheme Stage 1 were reimbursed drawing against the reserve set aside for it net of GST.

### **Payroll**

12. Salaries are paid in fortnightly cycles. A total of \$1,173,424.61 was paid in net salaries for the month of June 2019.
13. Details are provided in (Attachment 1) after the creditor's payment listing.

## Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:

- a) CELL 9 Trust;
- b) POS Trust;
- c) BCITF Levy;
- d) Building Services (Licence) Levy;
- e) Unclaimed Monies;
- f) Bonds

15. The following payments (GST exclusive) were made from the Trust Accounts in the month of June 2019.

CELL 9		Amount (\$)
Date	Description	
27/6/2019	City of Kalamunda – reimbursement of project management costs incurred on behalf the trust	15,605.00
27/6/2019	Syrinx Environmental Pty Ltd – Woodlupine Living Stream – stage 3 design review and value management costs	8,570.00
BCITF Levy		Amount (\$)
Date	Description	
21/6/2019	Vicore Construction - Refund of BCITF Levy Paid Twice	258.00
25/6/2019	J Corp T/A Perception Homes - Refund of BCITF Levy Paid Twice	412.41
27/6/2019	Home Group WA Pty Ltd - Refund of BCITF Levy Paid Twice	986.89
BRB Levy		Amount (\$)
Date	Description	
2/5/2019	Building Services Levy – May 2019	11,571.11
Bonds		Amount (\$)
Date	Description	
28/6/2019	The City of Kalamunda – reimbursement of funds for the bonds releases during June 2019	56,965.22

## STATUTORY AND LEGAL CONSIDERATIONS

16. Pursuant to Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996* (WA), payment may only be made from the municipal fund or the trust fund:
  - a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
  - b) otherwise, if the payment is authorised in advance by a resolution of the Council.
17. On 26 June 2018, Council resolved to adopt the City's current Delegation Register (ref OCM 113/2018), which was accordingly updated and came into effect on 27 June 2018 (**26 June 2018 Register of Delegations**). The previous review of the register was completed 26 June 2017.
18. Delegation FMR1 – '*Payments from Municipal and Trust Funds*' of the 27 June 2018 Register of Delegations, provides that under section 5.42 of the *Local Government Act 1995* (WA), the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996* (WA), regarding the making of payments from the municipal and trust funds.
19. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* (WA) provides that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:
  - a) the payee's name;
  - b) the amount of the payment;
  - c) the date of the payment; and
  - d) sufficient information to identify the transaction.
20. This report is prepared in accordance with the requirements of Regulation 13 the *Local Government (Financial Management) Regulations 1996* (WA).

## POLICY CONSIDERATIONS

21. Debt Collection Policy S-FIN02.

## CONSULTATION /COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

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

### External Referrals

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

**FINANCIAL CONSIDERATIONS**

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

**STRATEGIC COMMUNITY PLAN**

**Strategic Planning Alignment**

- 25. *Kalamunda Advancing: Strategic Community Plan to 2027*

**Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

**SUSTAINABILITY**

**Social Implications**

- 26. Nil.

**Economic Implications**

- 27. Nil.

**Environmental Implications**

- 28. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

**Debtors**

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

**Creditors**

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

**OFFICER COMMENT**

31. Creditor payments for June 2019 are within the normal tend range.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 180/2019

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts in June 2019 (Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
2. RECEIVE the list of payments made from the Trust Fund Accounts in June 2019 as noted in point 15 above in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).
3. RECEIVE the outstanding debtors report (Attachment 2) for the month of June 2019.

Moved: **Cr Allan Morton**

Seconded: **Cr Dylan O'Connor**

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

### 10.5.3. Rates Debtors Report for the Period Ended June 2019

*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 June 19 [**10.5.3.1 - 1 page**]

#### 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) has collected \$36.9 million (96.24%) in rates as at 30 June 2019.
3. It is recommended that Council receive the Rates Debtors Report for the month of June 2019 (Attachment 1).

#### BACKGROUND

4. Rate Notices were issued on 13 July 2018 with the following payment options available:

Options	Payment Dates			
Full Payment	17 August 2018			
Two Instalments	17 August 2018	17 December 2018		
Four Instalments	17 August 2018	17 October 2018	17 December 2018	18 February 2019

5. A total of 23,106 Rate Notices were issued on 13 July 2018. Rates Levied and Collectable for the 2018/19 Financial Year currently total \$39,060,799. As at 30 June 2019, a total of \$36,952,454 has been collected since Rate Notices were released. This represents a collection rate of 96.24% which is slightly higher than the 95.99% collected at the same time in the 2017/18 Financial Year.
6. A total of 9,099 ratepayers took up an instalment option last year. In the current financial year 9,019 properties are on instalment options. Of these, 1,698 have taken up the option to pay by two instalments and 7,321 have chosen to pay by four instalments.

7. Three additional services have been introduced in recent years to better assist ratepayers in paying their amounts due. These are:
  - a) A Smarter Way to Pay – with approximately 808 ratepayers signed up. This represents a 12.5% increase from the same time last year. It is expected that this will further increase as ratepayers respond to the final demand letters to be issued in March 2018.
  - b) eRates – there are 2,472 properties signed up for email delivery, compared to 2,158 in the previous year. This represents a 10% increase in this service and equates to approximately 10% of the rates database; and
  - c) BPay View – approximately 998 ratepayers have signed up for this service. At this time last year, 760 ratepayers had signed up, representing a 25% increase in this service.
8. It is expected that eRates registrations will increase throughout the next financial year, as the City continues a promotional campaign to encourage ratepayers to register to receive their future rates notices electronically.
9. No Interim Rating is carried out for the last two months of the Financial Year as per standard procedure to ensure the rates modelling balances with rates levied for 2019/2020. It will recommence in August 2019.
10. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvements. For the period 01 June 2019 to 28 June 2019 a total of 246 incoming calls and 194 outgoing calls, equating to 19.26 hrs of call time.

#### **DETAILS**

11. For the 2017/18 financial year, legal action was ordered where it was deemed necessary in accordance with the Debt Recovery Policy. A total of 167 accounts were sent to the City's debt collection firm for a General Procedure Claim (GPC) to be issued through the Courts. The City has received a good response from those served and further action will be taken on individual accounts where appropriate. Further action may include Property Seizure and Sales Orders (PSSO) being issued. Council will be notified of any PSSOs, prior to commencement.

#### **STATUTORY AND LEGAL CONSIDERATIONS**

12. 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.*

#### **POLICY CONSIDERATIONS**

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

## COMMUNITY ENGAGEMENT REQUIREMENTS

### Internal Referrals

14. The City's General Counsel has been briefed on the debt collection process.

### External Referrals

15. The higher-level debt collection actions are undertaken by the City's Debt Collection firm Illion (formerly Dun and Bradstreet) with all legal work in this area undertaken by Commercial Litigation and Insolvency Lawyers.

## FINANCIAL CONSIDERATIONS

16. 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.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 4: Kalamunda Leads**

**Objective 4.1** - To provide leadership through transparent governance.

**Strategy 4.1.1** - Provide good governance.

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

## SUSTAINABILITY

### Social Implications

18. Debt collection can have implications upon those ratepayers facing hardship and the City must ensure equity in its debt collection policy and processes.
19. 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, for a period of no less than 2 years whereby helping to reduce the financial burden.

### Economic Implications

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

**Environmental Implications**

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

**RISK MANAGEMENT CONSIDERATIONS**

22.	<b>Risk:</b> Failure to collect outstanding rates and charges.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Likely	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure debt collections are rigorously maintained.		

**OFFICER COMMENT**

- 23. The City’s debt collection strategy has proven to be very effective with a collection rate of 95.99% at the end of the 2017/18 year.

The City’s debt collection strategy remains effective with the 2018/19 collection as at the end of June 2019 at 96.24%.

The City is ranked in the top four WA metropolitan Councils (of 19 Councils surveyed) for efficiency in rates collection (Source: Australasian LG Performance Excellence Survey, 2017).

**Voting Requirements: Simple Majority**

RESOLVED OCM 181/2019

That Council RECEIVE the Rates Debtors Report for the Period Ended 30 June 2019 (Attachment 1).

- Moved: **Cr Margaret Thomas**
- Seconded: **Cr Allan Morton**
- Vote: **CARRIED UNANIMOUSLY (10/0)**

## 10.5.4. Long Term Financial Plan

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

Previous Items

Directorate	Corporate Services
Business Unit	Finance & Risk Services
File Reference	
Applicant	N/A
Owner	

Attachments	1. Long Term Financial Plan for 2019 to 2034 [ <b>10.5.4.1 - 3 pages</b> ]
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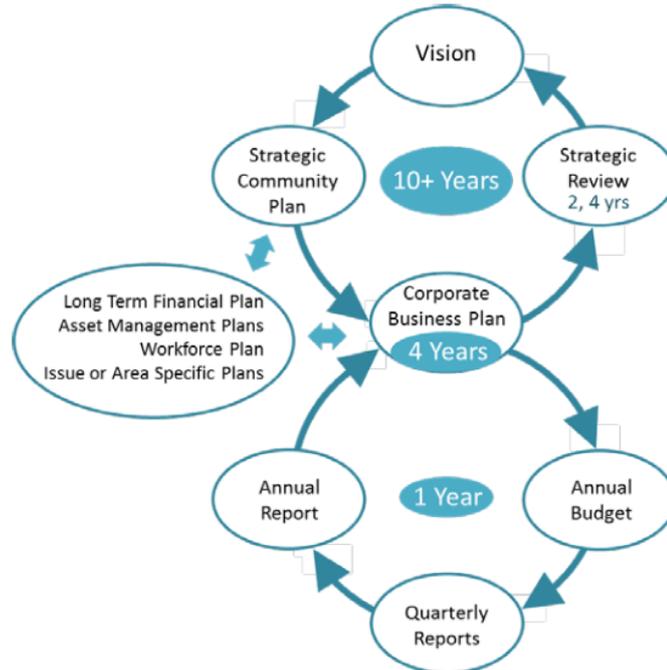
### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the amended City of Kalamunda's (City) *Kalamunda Accountable: Long Term Financial Plan to 2034* (LTFP) (Attachment 1).
2. All local governments are required to produce an LTFP for the Future under *s5.56 (1)* of the *Local Government Act 1995*. The *Local Government (Administration) Regulations 1996* stipulates the minimum requirements for an LTFP.
3. It is recommended that the Council endorses the amended LTFP (Attachment 1).

### **BACKGROUND**

4. Department of Local Governments and Sport and Cultural Industries defines the Integrated Planning and Reporting for local governments as a framework for establishing local priorities and to link this information to operational functions. Three major parties are involved in the development of an integrated plan: the local government administration, the Council and the community. Each party has a unique role and responsibilities for effective and sustainable integrated planning and reporting, with the *Local Government (Administration) Regulations 1996* requiring each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

5. The Integrated Planning and Reporting Cycle is outlined below:



6. The Long Term Financial Plan (LTFP) is a key component of the Integrated Planning Framework and is by its nature a forecasting document. Financial forecasting aims to quantify the future impacts of current decisions and identify the available options to deliver financially sustainable solutions. It informs decision making and priority setting and assists the local government to manage community growth or contraction. It also assists management of cash flows and funding requirements, community assets and management of risk in a sustainable manner.
7. The LTFP is a key component of the Integrated Planning Framework which sets out the long-term strategic priorities and goals, based on the community's aspirations for the future. A long term financial plan is required to ensure these priorities can be funded in a sustainable manner.
8. The LTFP has historically been a rolling ten year plan. As the Annual Budget is adopted each year, a new year is required to be added to the LTFP. The intention of the LTFP is to indicate the City's long term financial sustainability and to allow early identification of financial issues.
9. There are three asset ratio's (being the Asset Consumption Ratio, Asset Sustainability Ratio, and the Asset Renewal Funding Ratio) that are required to be reported on by Councils every year. To calculate these asset ratios a minimum of ten years of assets data is required in the LTFP. With an LTFP of only ten years, those asset ratios can only be calculated for year one of the plan. However, expanding the plan to a fifteen-year plan would make it possible to expand on the calculation of these ratios and improve the future outlook for asset management planning. With that in mind, the LTFP has been expanded to a fifteen-year plan.

10. The LTFP within the Framework is as an informing document of the Corporate Business Plan. The priority actions and projects that are set out in the Corporate Business Plan are dependent on the resources allocated within the Financial Plan.

**DETAILS**

11. The *Kalamunda Accountable: Long Term Financial Plan to 2028* as endorsed by Council last year, formed the starting base for Budget Workshop discussions with Councillors as part of the Budget 2019/2020 process. The budget process commenced early in 2019 with workshops held with Councillors, the City's Executive and the Management Group.
12. The LTFP has been informed by the:
- a) Capital Works Program – which incorporates the various strategies and planning document's capital works project;
  - b) Asset Management Plans - sets out the resource requirements for maintenance and management of existing assets at expected service levels;
  - c) Workforce Plan - identifies the human resources required to deliver the City's normal operations and proposed future actions and projects; and
  - d) Budget 2019/20 as adopted by Council on 24 June 2019.
13. The LTFP has been developed based on a number of key assumptions, which are set out in the LTFP. For example, assumptions have been made about the interest rate for investments and the inflation rate. The annual review of the LTFP will ensure that the projections are as accurate and reasonable as possible, with details below:
- a) Maintain the benchmark for the Financial Health Indicator;
  - b) Rates Revenue Growth to be contained and closely aligned with economic metrics, at 1.8% for the first year aligned to budget adoption;
  - c) Investment income projected at 0.8% and remains low throughout the plan;
  - d) Employment costs – minimal growth aligned to inflation rates;
  - e) Loan funding contained to a minimum and only considered for major projects; and
  - f) Capital works program as per Councillor Workshops along with expected funding sources. For outer year significant projects assumed grant funding thus not reliant on municipal funds;
14. Considering all the supporting documentation and key assumptions the LTFP for 2019-2034 has been developed, as documented in attachment 1 and consists of:
- a) Forecast Statement of Financial Position;
  - b) Forecast Statement of Comprehensive Income – by Nature and Type
  - c) Forecast Statement of Comprehensive Income – by Program.

15. The LTFP includes 7 Key Financial Indicators. These indicators provide a measure of the City's sustainability and financial performance over the fifteen year span of the LTFP. Targets have been included to allow the projected ratios to be compared against a benchmark figure.  
The LTFP 2019-2034 achieved an average Financial Health Indicator of 82 over the life of the plan and aligns to the key assumptions set while delivering the services and facilities in a sustainable way for the future.
16. The financial projections are reliant on a mix of funding sources including municipal funding, minimal loans, and grants for large strategic projects which in this case is to deliver several future master plans for community facilities.
17. The Integrated Planning Framework requires that the LTFP be reviewed in conjunction with reviews to the Strategic Community Plan.

### **STATUTORY AND LEGAL CONSIDERATIONS**

18. All local governments are required to produce an LTFP for the Future under *s5.56 (1)* of the *Local Government Act 1995*. The *Local Government (Administration) Regulations 1996* stipulates the minimum requirements for an LTFP.

### **POLICY CONSIDERATIONS**

19. Nil.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

20. The City has held several Budget workshops with Councillors to discuss components of the LTFP with a focus on the projected capital works programme.

#### **External Referrals**

21. A public consultation was undertaken to formulate the various strategies which inform this LTFP (i.e. the Strategic Community Plan). No specific public consultation was carried out in relation to the LTFP given the nature of the document.
22. Input from the Strategic Sport and Recreation Committee (SSRC) was considered in formulating the LTFP in as far as the projected capital works programme has been updated. The SSRC is made up of various sporting club representatives who have worked diligently with Councillors and staff providing valuable insights on where the sporting community priority needs are.
23. There is no requirement under State guidelines for the City to advertise or consult on the LTFP.

## FINANCIAL CONSIDERATIONS

24. The LTFP is formulated on the basis of delivering a sustainable financial position while delivering the services and infrastructure needs of the community.

The City has a heavy focus on restraining growth in operational expenditure and is working hard to introduce a mix of innovations, cost savings measures and new agile technology for efficient and effective management of its operations.

25. The LTFP is a key component of the Integrated Planning Framework and is by its nature a forecasting document. The plan is based on a significant number of assumptions which drive future year projections. As such this plan is a moment in time look at the potential future outcomes for the City and future results may vary significantly from this plan.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

26. *Kalamunda Advancing Strategic Community Plan to 2028*

#### **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.

## SUSTAINABILITY

### Social Implications

27. The Community Facilities Plan was considered in the development of the LTFP, meaning that resources for the maintenance and development of community facilities, as prioritised in the Facilities Plan, have been taken into account by way of incorporating the budget and capital works programs.

### Economic Implications

28. The LTFP enables the City to model different levels of service and program delivery to set priorities and determine what can be afforded in the short and long term.
29. The financial sensitivity analyses various scenarios and the potential effect that changes within the economy will have on the LTFP.

### Environmental Implications

30. The LTFP maintains an Environmental Reserve Fund and a direct annual Operational Budget throughout the length of the Plan.

**RISK MANAGEMENT CONSIDERATIONS**

31. An LTFP should allow the early identification of financial issues, so that they may be dealt with promptly.

32.	<b>Risk:</b> Funding budgeted for from State and Federal Government does not eventuate		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	Grant funded projects will only commence once written commitments are received. The City will continue to advocate strongly for grant support for significant projects.		

33.	<b>Risk:</b> Costings for capital works projects have been understated		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Significant	High
	<b>Action/Strategy</b>		
	Improved Asset Management procedures to ensure that project designs are well costed prior to implementation.  Closely manage projects and redirect savings through Budget Review process.		

34.	<b>Risk:</b> Non-compliance with Financial Regulations		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Unlikely	Significant	Medium
	<b>Action/Strategy</b>		
	The budget report is scrutinized by the City to ensure that all statutory requirements are met.		

**OFFICER COMMENT**

35. The Long Term Financial Plan is formulated on the basis that the City is operating in a tight economic environment. In response, the City has maintained tight control over expenditure and has kept rate increases to a minimum.

36. The City will continue to review the Long Term Financial Plan each year to reflect changes in economic circumstances.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 182/2019

That Council ENDORSE the amended *Kalamunda Accountable: Long Term Financial Plan to 2034* (Attachment 1).

Moved: **Cr Margaret Thomas**

Seconded: **Cr Lesley Boyd**

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

### **10.5.5. Visual Identity Steering Committee Recommendations**

***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. Presentation to Council Endorsed Brand [**10.5.5.1 - 9 pages**]
2. Visual Identity Branding Minutes - 8 July 2019 FINAL [**10.5.5.2 - 3 pages**]

#### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider the recommendations of the City of Kalamunda's (City) Visual Identity (Branding) Steering Committee.
2. The formation of a Visual Identity (Branding) Steering Committee was developed to undertake community engagement and provide recommendations to Council in regard to the Visual Identity of the City.
3. The City originally advertised for community members to nominate for the Visual Identity (Branding) Steering Committee in November 2018, with only one application received by the closing date of 14 December 2018. The nomination period was extended to the 31 January 2018, receiving a further ten applications.
4. This report recommends Council adopt the proposed Branding Guidelines.

#### **BACKGROUND**

5. The purpose of the Visual Identity (Branding) Steering Committee is to advise and make recommendations to Council on the Visual Identity (Branding) of the City.
6. In September 2018 Council consider a report related to the visual identity of the City. It was resolved OCM 169/2018

*That Council:*

1. *ADOPT the Membership and Terms of Reference for the Visual Identity (Branding) Steering Committee.*
2. *REQUEST the Chief Executive Officer to implement the Membership and Terms of Reference for the Visual Identity (Branding) Steering Committee and advertise to fill the four community member vacancies.*

3. *APPOINT Cr Boyd, Cr Stallard, Cr Thomas, and Cr Lohmeyer, as members to the Visual Identity (Branding) Steering Committee.*
4. *REQUEST the Kalamunda Arts Advisory Committee to nominate two members to the Visual Identity (Branding) Steering Committee.*
7. The objectives of the Steering Committee are to consider and advise Council about initiatives:
  - a) To develop and promote the City of Kalamunda
  - b) To ensure any City development and activities considers the City of Kalamunda Brand.
  - c) To monitor trends, issues and developments occurring at the local, state and national levels.
  - d) To ensure the visual identity of the City of Kalamunda is aligned with the vision of the City and the associated brand sentiment.
  - e) To undertake research and analysis to ensure the City is at the forefront of any opportunities that may emerge.
8. The City advertised to fill four positions on the Visual Identity (Branding) Steering Committee.
9. The City originally advertised for community members to nominate for the Visual Identity (Branding) Steering Committee in November 2018, with only one application received by the closing date of 14 December 2018. The nomination period was extended to the 31 January 2018, receiving a further ten applications.
10. The Kalamunda Arts Advisory Committee were requested to put forward two nominations for the committee.
11. In February 2019 Council endorsed the following recommendation:

*That Council:*

  1. *Appoints the following candidates for the Visual Identity Steering Committee for a term of 6 months.*
    - a. *Melissa Guppy*
    - b. *Kiara Rechichi Baker*
    - c. *Brett Scarey*
    - d. *Wilmari Nel*
    - e. *Kevin Bennett*
    - e. *Steve Castledine from Kalamunda Arts Advisory Committee*
    - f. *Carol Innes from Kalamunda Arts Advisory Committee*

## **DETAILS**

12. The City Visual Identity (Branding) Steering Committee has operated extremely effectively has met monthly from April – July 2019.

13. The Committee undertook a review of all history relating to the City of Kalamunda Branding Project, as well as being presented with examples of other Local Government Visual Identity Elements.
14. The Committee reviewed a number of concepts and gave direction to be considered.
15. Concepts were rated, with the preferred concept then refined before being endorsed.
16. The Endorsed Concept (Attachment 1) has been endorsed unanimously by the Committee.
17. A copy of the minutes of the meeting are included for Councils information (Attachment 2)

### **STATUTORY AND LEGAL CONSIDERATIONS**

18. Nil.

### **POLICY CONSIDERATIONS**

19. Not applicable.

### **COMMUNITY ENGAGEMENT REQUIREMENTS**

#### **Internal Referrals**

20. Not applicable.

#### **External Referrals**

21. The Visual Identity Steering Committee comprises of community representatives, members of the Kalamunda Arts Advisory Committee and four Councillors.

### **FINANCIAL CONSIDERATIONS**

22. Implementation of the new branding guidelines would be undertaken within current budget parameters.

### **STRATEGIC COMMUNITY PLAN**

#### **Strategic Planning Alignment**

23. Nil.

**SUSTAINABILITY**

**Social Implications**

24. Nil.

**Economic Implications**

25. Nil.

**Environmental Implications**

26. Nil.

**RISK MANAGEMENT CONSIDERATIONS**

27.	<b>Risk:</b> Reputational risk where the proposed Brand do not align with the City's objective and strategies.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Project has ensured all community consultation, previous review, City of Kalamunda Strategic Plan and other Strategies of relevance were considered in the development of the draft Branding Guidelines.		

**OFFICER COMMENT**

28. The City's Visual Identity (Branding) Steering Committee has operated extremely effectively.

29. If the branding guidelines are adopted documents and materials will be updated as they require replacement, with no additional funds spent on the implementation of the refreshed visual identity.

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 183/2019

That Council:

1. ENDORSE the Branding Guidelines as at Attachment 1.
2. NOTE the hard work and effort of the Visual Identity Steering Committee on the project.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Sara Lohmeyer**

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

## **10.5.6. State and Australian Government Black Spot Programs Submissions 2020-2021**

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

Previous Items	OCM 131/2017; OCM 137/2018
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	EG-RDM-004
Applicant	N/A
Owner	N/A

Attachments	1. Hale Road - Strelitzia Avenue, Forrestfield [ <b>10.5.6.1 - 1 page</b> ]
	2. Kalamunda Road - Priory Road, Maida Vale [ <b>10.5.6.2 - 1 page</b> ]
	3. Hawtin Road - Maida Vale Road, Maida Vale [ <b>10.5.6.3 - 1 page</b> ]

### **EXECUTIVE SUMMARY**

1. To consider the endorsement of submissions for funding from the 2020/2021 State and Australian Government Black Spot Programs.
2. The report outlines the guidelines and processes associated with the two Black Spot Programs, including the funding implications.
3. It is recommended Council endorses the submission of the following projects to Main Roads WA for grant funding consideration:
  - a) Hale Road / Strelitzia Avenue, Forrestfield – Modification of signalised intersection with a no filter westbound right-turn phase plus a dedicated westbound right-turn pocket on Hale Road;
  - b) Kalamunda Road / Priory Road, Maida Vale – Redesign of intersection to remove northbound right-turn movement into Kalamunda Road from Priory Road;
  - c) Hawtin Road / Maida Vale Road, Maida Vale – Upgrade of Maida Vale Road approach to provide dedicated left- and right-turn lanes with left-turn lane channelised.

### **BACKGROUND**

4. The State and Australian Governments have both committed to reductions in casualty crashes on Australian roads through Black Spot Programs. These programs are primarily reactive and target road locations where crashes have occurred and been documented, although some allowance is made for proactive submissions supported by an independent formal Road Safety Audit (RSA).

5. A formal invitation for submissions for the 2020/2021 State and Australian Government Black Spot Programs was issued by Main Roads WA (MRWA) on 22 February 2019, with a closing date of 12 July 2019. The resulting submissions are evaluated by MRWA against criteria set out in the Black Spot Program Development and Management Guidelines. To assist with the preparation of submissions, MRWA provided:
  - a) access to the Crash Analysis Reporting System which provides five years of crash history for the 5-year reporting period of 2014-2018, inclusive; The crash data is provided to MRWA by the WA Police and the Insurance Council of Australia; and
  - b) 2020/2021 Black Spot Program and Safe Systems approach to Road Treatment Selection Workshop held on 10 May 2019.
6. The Black Spot Program Development and Management Guidelines require Black Spot projects based on crash data to meet a minimum Benefit Cost Ratio (BCR) to ensure the proposed remedial works are both cost effective and treatment is considered appropriate for the safety concerns. The BCR is the ratio of the benefit to the community of the expected reduction in crashes versus the cost of the proposed remedial treatment.
7. Successful State Government Black Spot projects are funded two-thirds by the Program and one-third by the City. The criteria for the program are as follows:
  - a) for intersections, mid-block or short road sections less than three kilometres, the crash criterion is five crashes over the five years;
  - b) for road lengths greater than three kilometres, the crash criterion is the average of two crashes per kilometre over the five years;
  - c) the value of work must be between \$2,000 and \$3,000,000; and
  - d) the Benefit Cost Ratio (BCR) must be greater than 1.0.
8. The Australian Government Black Spot Program may fully fund projects that meet the following criteria:
  - a) for intersections, mid-block or short road sections less than three kilometres, the crash criterion is three casualty crashes over the five years;
  - b) for road lengths greater than three kilometres, the crash criterion is one casualty crash per kilometre over the five years;
  - c) the value of works must be between \$2,000 and \$2,000,000; and
  - d) the Benefit Cost Ratio (BCR) must be greater than 2.0.

## **DETAILS**

9. The pre-qualified locations have been assessed for inclusion in both the State and Australian Government programs. The assessment includes selection of appropriate remedial treatments and estimating the costs. Projects can be nominated for both funding programs depending on the qualifying criteria.
10. Funding can also be sought for projects based on identification of potential hazards and where the application is supported by a Road Safety Audit. The current proposed projects do not include a submission using this approach.

11. The Metropolitan Regional Road Group (MRRG) will assess the nominations in conjunction with MRWA and are expected to advise the results by December 2019. The Minister for Transport is expected to announce the approved projects by May 2020 to allow sufficient time for the City to finalise the 2020/2021 budget.
12. Three projects have been identified from the available crash history data for the five-year reporting period 2014 to 2018. These have been submitted for funding by the 12 July 2019 deadline. Due to the short timeframe between the announcement of the funding programs and the submission deadlines, the City has not been able to prepare the submissions in enough time for the Council to review them prior to the submission deadline. The projects are summarised in the following paragraphs.
13. **Hale Road / Strelitzia Avenue, Forrestfield** (refer Attachment 1)  
*Crash Summary:*  
A total of 13 crashes with the predominant crash type (7) being "Right-Turn/Through" caused by vehicles heading west bound on Hale Road turning right into Strelitzia Avenue.  
*Proposed Treatment:*  
Modification of signalised intersection with a no filter westbound right-turn phase plus a dedicated westbound right-turn pocket on Hale Road.  
BCR – 4.62 based on an estimated project cost of \$57,000
14. **Kalamunda Road / Priory Road, Maida Vale** (refer Attachment 2)  
*Crash Summary:*  
A total of 13 crashes with the predominant crash type (7) being "Right-Turn/Through" caused by vehicles heading northbound from Priory Road turning right into Kalamunda Road.  
*Proposed Treatment:*  
Redesign of intersection to remove the northbound right-turn into Kalamunda Road from Priory Road.  
BCR – 11.14 based on an estimated project cost of \$51,000
15. **Hawtin Road / Maida Vale Road, Maida Vale** (refer Attachment 3)  
*Crash Summary:*  
A total of seven crashes with the predominant crash type (6) being "Rear End Crashes" caused by vehicles heading southbound from Maida Vale Road turning left into Hawtin Road.  
*Proposed Treatment:*  
Upgrade of Maida Vale Road approach to provide dedicated left- and right-turn lanes with the left-turn lane channelised.  
BCR – 1.29 based on an estimated project cost of \$75,000

**STATUTORY AND LEGAL CONSIDERATIONS**

16. Nil.

**POLICY CONSIDERATIONS**

17. Nil.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

18. Nil.

**External Referrals**

19. Residents affected by any approved Black Spot Project will be consulted during the design and construction phases of the project.

**FINANCIAL CONSIDERATIONS**

20. None of the three nominated projects meet the Australian Government Black Spot criteria which provides 100% funding; however, they satisfy the State Black Spot criteria which attracts 2/3 grant funding. The following table presents the 1/3 cost that the City would incur in completing the projects subject to approval:

<b>Location</b>	<b>Proposed treatments</b>	<b>BCR</b>	<b>Estimated construction cost</b>	<b>City <sup>1</sup>/<sub>3</sub> contribution</b>
Hale Road / Strelitzia Avenue, Forrestfield	Modification of signalised intersection with a no filter westbound right-turn phase plus a dedicated westbound right-turn pocket on Hale Road	4.62	\$57,000	\$19,000
Kalamunda Road / Priory Road, Maida Vale	Redesign of intersection to remove the westbound right-turn movement into Kalamunda Road from Priory Road	11.14	\$51,000	\$17,000

Location	Proposed treatments	BCR	Estimated construction cost	City <sup>1</sup> / <sub>3</sub> contribution
Hawtin Road / Maida Vale Road, Maida Vale	Upgrade of Maida Vale Road approach to provide dedicated left- and right-turn lanes with the left-turn lane channelised	1.29	\$75,000	\$25,000
<b>Total:</b>			<b>\$183,000</b>	<b>\$61,000</b>

21. Should the City be successful in securing funding for all projects, the City's maximum municipal funding commitment will be \$61,000 in 2020/2021.
22. The Long Term Financial Plan (LTFP) includes an annual amount of \$450,000 in 2020/2021 for Black Spot Projects, comprising \$300,000 grant funding and \$150,000 municipal funding. The 2020/2021 amount will be amended to reflect the resulting funding.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

#### Priority 1: Kalamunda Cares and Interacts

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

**Strategy - 1.2.1** Facilitate a safe community environment.

#### Priority 3: Kalamunda Develops

**Objective 3.2** - To connect community to quality amenities.

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

## SUSTAINABILITY

### Social Implications

24. The MRWA State Black Spot Program Development and Management Guidelines states "The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering of crash victims and their loved ones." Any form of crash induces stress and impacts on the community, and the State Black Spot Program provides a mechanism by which the City can address these issues and thereby reduce the number and severity of crashes using proven treatments.

### Economic Implications

25. Crashes have been identified as a road user cost which impacts individuals and the general community through insurance premiums, cost of services, and loss in efficiency from the road network.

**Environmental Implications**

26. There are no direct environmental implications arising from this program.

**RISK MANAGEMENT CONSIDERATIONS**

27.

<b>Risk:</b> The submissions are not endorsed and the opportunity is lost for government funding contributions towards treatment of Black Spots on the City’s road network.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Significant	Medium
<b>Action/Strategy</b>		
Provide adequate and detailed information to support the project submissions.		

<b>Risk:</b> Any one or all of the submissions are not accepted for funding through the Black Spot Programs.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	Medium
<b>Action/Strategy</b>		
Provide adequate and detailed information to support the project submissions. Ensure there are alternatives available and resubmit when needed.		

<b>Risk:</b> Any one or all of the submissions do not achieve the crash reductions that are intended, or otherwise create unintended consequences.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Significant	Low
<b>Action/Strategy</b>		
The treatment selection methodology has been thoroughly tested and the process includes significant oversight and review by MRWA. Black Spot sites are also reviewed in future years to determine the effect of the treatments.		

**OFFICER COMMENT**

28. The 2020/2021 Black Spot project submissions have been prepared internally by City staff experienced in crash analysis and treatment selection. The resultant treatments are aimed at reducing the targeted crash types, and to reduce severity and likelihood through the application of improved road design.

29. The proposed grant funding submissions for the 2020/2021 Black Spot Program have undergone stringent engineering reviews that ensure each treatment proposed is feasible and can be progressed to detailed design and delivery, pending MRWA approval of each submission.

30. As the closing date for submissions was 12 July 2019, the completed submissions have already been delivered to MRWA to commence assessment. This report is therefore submitted on a retrospective basis, with Council's endorsement of the submissions to be provided through to MRWA later.

<b>Voting Requirements: Simple Majority</b>
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## **RECOMMENDATION**

That Council:

1. ENDORSES the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2020/2021 State and National Government Black Spot Program:
  - a) Hale Road / Strelitzia Avenue, Forrestfield – Modification of signalised intersection with a no filter westbound right-turn phase plus a dedicated westbound right-turn pocket on Hale Road;
  - b) Kalamunda Road / Priory Road, Maida Vale – Redesign of intersection to remove the northbound right-turn movement into Kalamunda Road from Priory Road; and
  - c) Hawtin Road / Maida Vale Road, Maida Vale – Upgrade of Maida Vale Road approach to provide dedicated left and right-turn lanes with the left-turn lane channelised.
  
2. REQUESTS the Chief Executive Officer to advise Main Roads WA of the endorsement of these projects.

Moved:

Seconded:

Vote:

Cr O'Connor foreshadowed and amendment to the recommendation as he wished to remove one project as he was of the view the community would not support the recommendation to redesign of intersection to remove the northbound right-turn movement into Kalamunda Road from Priory Road. The amendment received a seconder before being put to the vote.

RESOLVED OCM 184/2019

That Council:

1. ENDORSES the submission of the following projects to Main Roads WA for grant funding consideration as part of the 2020/2021 State and National Government Black Spot Program:
  - a) Hale Road / Strelitzia Avenue, Forreestfield – Modification of signalised intersection with a no filter westbound right-turn phase plus a dedicated westbound right-turn pocket on Hale Road;
  - b) Hawtin Road / Maida Vale Road, Maida Vale – Upgrade of Maida Vale Road approach to provide dedicated left and right-turn lanes with the left-turn lane channelised.
  
2. REQUESTS the Chief Executive Officer to advise Main Roads WA of the endorsement of these projects.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sara Lohmeyer**

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

## **10.5.7. Kalamunda Aged Care Advisory Committee - Recommendations Extra Ordinary Meeting 15 July 2019**

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

Previous Items	N/A
Directorate	Office of the CEO
Business Unit	Chief Executive Officer
File Reference	N/A
Applicant	N/A
Owner	N/A
Attachments	Minutes of KACAC July 15 2019

### **EXECUTIVE SUMMARY**

1. To consider the recommendations of the Kalamunda Aged Care Advisory Committee (KACAC).
2. The KACAC presiding member called a meeting of KACAC to discuss the draft Environmental Land Use Planning Strategy (ELUPS). At the extra ordinary meeting of the KACAC held on 15 July 2019, two motions were passed and are now presented to the Council for consideration.
3. This report recommends Council does not support KACAC recommendations to defer ELUPS and advise KACAC their request for broader consultation can be undertaken during the preparation of a future local planning policy that considers how the City of Kalamunda (City) will address significant trees on development sites.

### **BACKGROUND**

4. Council established the Kalamunda Aged Care Advisory Committee in 2015 in response to the critical shortage of aged care beds in the City.
5. The ELUPS was adopted by Council for advertising on 25 September 2018. Advertising of the draft ELUPS occurred from November 2018 to the end of February 2019. Advertising was also extended for an additional 14 days over the Christmas period in accordance with Local Planning Policy P-DEV 45 - Public Advertising of Planning Proposals. Advertising consisted of an online survey, newspaper advertisements, a pop-up information stall at Kalamunda Central, and social media promotions. A total of 25 submissions were received.

### **DETAILS**

6. The purpose of the Aged Care Advisory Committee, as set out in the Terms of Reference updated 29 March 2016, is to advise and make recommendations to Council on a range of strategic issues which affect the quality of life of the ageing population, their families and carers living in and visiting the City of Kalamunda.

7. It was with this purpose in mind the KACAC considered the impact of ELUPS upon potential aged care developments in the City.

8. KACAC made observations in relation to the following strategy and action within the ELUPS:

*"Strategy 8.1  
Identify opportunities for linkages between existing green spaces."*

and the subsequent action,

*"Action 8.2.4  
Prepare a Local Planning Policy to address retention of significant trees on development sites."*

9. Two key issues were raised at the meeting:

1. That a Local Planning Policy would impact negatively on aged care developers with additional development requirements potentially needing to be taken into consideration as part of future proposals for aged care.

The Committee were of the view this point needed to have wider consultation with the aged care industry before proceeding with policy development.

2. That KACAC had not been directly consulted on the ELUPS during the public consultation stage and felt they had missed an opportunity to provide comment.

10. In response to these issues, the KACAC made the following recommendations:

**Recommendation 1:**

That KACAC request Council to DEFER the Environmental Land Use Planning Strategy (ELUPS) and undertake further consultation with the following interest parties to ensure a balanced and equitable approach is considered before ELUPS is adopted:

- a) Aged Care Today Community Group
- b) Friends of Aged Care Community Group
- c) Existing age care providers operating in the City
- d) Any identified developers of aged care that may have an interest in developing aged care in the City
- e) Kalamunda community groups representing the elderly
- f) Kalamunda Chamber of Commerce
- g) Local real estate operators
- h) Local member of Parliament for Kalamunda

Moved: Beverley Love

Seconded: Ray Maher

Vote: Carried Unanimously (6/0)

**Recommendation 2:**

That KACAC request Council to EXCLUDE aged care developments from any future Local Planning Policy regarding the removal of significant trees on development sites.

Moved: Ray Maher  
Seconded: Geof Irvin  
Vote: Carried Unanimously (6/0)

**STATUTORY AND LEGAL CONSIDERATIONS**

11. Sections 5.8, 5.9 and 5.10 of the *Local Government Act 1995*.

**POLICY CONSIDERATIONS**

12. The ELUPS is a strategic planning strategy that will inform the preparation of the City's future Local Planning Strategy.

**COMMUNITY ENGAGEMENT REQUIREMENTS**

**Internal Referrals**

13. Nil.

**External Referrals**

14. Community Consultation advertising of the draft Strategy commenced 28 November 2018 and closed 28 February 2018. Advertising was extended for an additional 14 days over the Christmas period in accordance with local planning policy P-DEV 45 - Public Advertising of Planning Proposals. Advertising consisted of:
- a) online feedback form and project page was launched on [engage.kalamunda.wa.gov.au](http://engage.kalamunda.wa.gov.au) on 28 November 2018 and closed on 28 February 2019. A total of nine online submissions were received;
  - b) hard copies distributed to all City libraries;
  - c) a quarter page print advertisement was placed in the Echo Newspaper on Saturday 9 February 2019 and Community News Group (Southern Gazette) on Tuesday February 2019;
  - d) the online survey was promoted on the City's Facebook account on 28 November 2018, 14 and 22 February and on Twitter on 14 February 2019; and
  - e) community pop-up stand Friday 25 January 2019 10:00am to 2:00pm.
15. A total of 25 submissions were received, nine of which were received via the online survey, with 16 additional submissions received via hard copy or email. A total of 16 of the submissions were from residents, three from local community groups, four from government agencies and two from local government.

## FINANCIAL CONSIDERATIONS

16. Nil.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

17. *Kalamunda Advancing Strategic Community Plan to 2027*

#### **Priority 1: Kalamunda Cares and Interacts**

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

**Strategy 1.1.1** - Facilitates the inclusion of the ageing population and people with disability to have access to information, facilities and services.

**Strategy 1.1.3** - 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 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

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

#### **Priority 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.

## SUSTAINABILITY

### Social Implications

18. Improved liveability through integration of natural environmental features will strengthen the character of the area and provide opportunities for interaction and engagement.
19. Additionally, the provision of aged care will assist the City with fulfilling an identified shortage within the community.

### Economic Implications

20. Increased time and cost to developers to adapt designs in response to existing environmental factors onsite or provide possible offsets for clearing of significant trees.

**Environmental Implications**

- 21. Potential impacts to canopy cover as a result of developments proposing the removal of significant trees.

**RISK MANAGEMENT CONSIDERATIONS**

22.	<b>Risk:</b> Delaying ELUPS will not enable the City to progress the other strategies and actions outlined in the document and will cause delays in developing the City’s Local Planning Strategy.		
	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Express to Council and KACAC the issues that have been raised can be addressed during the development of a local planning policy.		

**OFFICER COMMENT**

- 23. The Director Development Services attended the meeting and gave a presentation to KACAC. The presentation was given to Councillors and the public at the Public Agenda Briefing Forum of 9 July 2019. With an explanation as to the possible implications of implementing a Local Planning Policy for significant tree retention on aged care proposals.
- 24. It was pointed out to KACAC members that the ELUPS did not have any direct impact on aged care developments nor any other development in the City at this point in time. The ELUPS is a high-level strategy that sets direction for many other actions to be investigated and undertaken. The investigations and implementation of specific actions is the appropriate time for the community to provide input and guidance to the City on an individual matter or specific issue / concern (i.e. at the preparation phase of the Local Planning Policy for significant tree retention).
- 25. Prior to preparation of a Local Planning Policy on significant tree retention, the City would undertake preliminary consultation with a wide range of stakeholders (including the aged care sector). Deferring ELUPS on a specific issue, such as the Local Planning Policy on significant trees, would not achieve the input required to inform and prepare a robust significant tree retention Local Planning Policy.
- 26. The reason it would not achieve the intended input is because the specific issue being raised about significant trees and its impact on aged care developments has not yet been appropriately detailed in ELUPS and would raise confusion and misrepresentation on what may or may not be in a future Local Planning Policy that does not yet exist. It is difficult to consult on the impact of a Local Planning Policy that has not yet been detailed or prepared.

27. It would be more appropriate to proceed with ELUPS and action preparation of the Local Planning Policy and preliminary community engagement at the earliest opportunity. This would provide a platform and process for specific and targeted consultation on this specific issue.
28. The recommendations of KACAC appears to be premature and should not be supported by Council at this stage. The recommendations of KACAC should be actioned as part of the preliminary engagement undertaken as part of the Local Planning Policy preparation process and further explored as part of the public advertising of any Local Planning Policy.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 171/2019

That Council:

1. NOTE the recommendations of the Kalamunda Aged Care Advisory Committee as outlined.
2. DOES NOT DEFER the Environmental Land Use Planning Strategy for further consultation.
3. REQUEST the Chief Executive Officer to consult broadly with the aged care industry, the business community, developers, and seniors' groups during the development of a Local Planning Policy to address significant trees on development sites.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Michael Fernie**

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

### **10.5.8. Review of Forrestfield High Wycombe Stage 1 Industrial Area Development Contributions - CONFIDENTIAL REPORT**

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

Reason for Confidentiality: *Local Government Act 1995 (WA) Section 5.23 (2) (d) - "legal advice obtained, or which may be entered into, by the local government which relates to a matter to be discussed."*

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"*

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

Previous Items	SCM 62/2015, OCM 198/2016, OCM 185/2017, OCM 30/2018, SCM 230/2018, SCM 127/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-028
Applicant	City of Kalamunda
Owner	Coxon Group of Companies (Carrooda Pty Ltd and Sansom Nominees Pty Ltd), MEM Properties Pty Ltd
Attachments	Nil

RESOLVED OCM 186/2019

That Council:

1. NOTE the appointment of Mark Ritter SC as the City of Kalamunda's Senior Counsel on this matter.
2. GRANT an extension to resolution SCM 127/2019 for the City of Kalamunda to report to Council by or before the Ordinary Council Meeting on 15 October 2019.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lesley Boyd**

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

**11. Motions of Which Previous Notice has been Given**

11.1 Nil.

**12. Questions by Members Without Notice**

12.1 Works in High Wycombe – Cr O’Connor

Q. Why was plant mobilised at the intersection of Berkshire & Milner Road?

A. Taken on Notice

12.2 Jacaranda Springs Lake - Cr Lohmeyer

Q. The lake at Jacaranda Springs has become extremely low can an explanation be provided?

A. Taken on Notice

12.3 Alan Anderson Reserve Update - Michael Fernie

Q. Can I have an update on Alan Anderson Reserve and the total cost of the temporary fencing?

A. The City is working through the final reporting phases at the moment. The final report was received last Friday, and the City is finalising the requests from the Environmental Protections Agency.

Cost of fencing is taken on notice.

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

13.1 Nil.

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

14.1 Nil.

**15. Meeting Closed to the Public**

15.1 RESOLVED OCM 185/2017

That the meeting be closed to the public to consider Confidential Report 10.5.8 – Review of Forrestfield High Wycombe Stage 1 Industrial Area Development Contributions.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

The meeting closed to the public at 9:48pm. All Councillors and members of staff remained.

15.2 RESOLVED OCM 187/2017

That the meeting be opened to the public following consideration of Confidential Report 10.5.8 – Review of Forrestfield High Wycombe Stage 1 Industrial Area Development Contributions.

Moved: **Cr Sara Lohmeyer**

Seconded: **Cr Allan Morton**

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

The meeting opened to the public at 9:50pm. The Chief Executive Officer read the resolution of Item 10.5.8 – Review of Forrestfield High Wycombe Stage 1 Industrial Area Development Contributions aloud to the meeting.

**16. Tabled Documents**

- 16.1 Confirmed – Community Safety and Crime Prevention Advisory Committee - Minutes 10 April 2019
- 16.2 Unconfirmed – Community Safety and Crime Prevention Advisory Committee - Minutes 5 June 2019
- 16.3 Kalamunda Aged Care Advisory Committee – Minutes 15 July 2019

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 9.52pm.

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

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019.