



Ordinary Council Meeting

MINUTES

Tuesday 26 July 2022

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1. Official Opening

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

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

Janelle Sewell

Geoff Stallard

South West Ward

Mary Cannon

Kellie Miskiewicz

Brooke O'Donnell

North West Ward

Sue Bilich

Lisa Cooper

Dylan O'Connor

North Ward

Andrew Osenton

Kathy Ritchie

Margaret Thomas JP (Mayor) Presiding Member

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis - Director Development Services

Management Team

Andrew Fowler Tutt - Manager Approval Services

James Wickens - Manager Environmental Health & Community Safety

Amber Evans - Arts & Culture Coordinator

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 4

Members of the Press Nil.

Apologies

Cr John Giardina

Leave of Absence Previously Approved Nil

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 David Downing, High Wycombe (taken on notice Special Council Meeting 27 June 2022)

Q1. Where did this money come from?

A1. In August 2001 the Western Australian Planning Commission approved the Forrestfield Industrial Area Structure Plan. During the 2005/2006 budget process, Council approved the creation of reserve account for contributions from the development of infrastructure requirements for Forrestfield Industrial area.

As part of this decision, Council approved the transfer of \$291,578 to the reserve.

Q2. When was this money collected?

A2. The money was collected in March 2006.

Q3. What precisely is the intended use for these funds?

A3. The funds collected are to be used for drainage, drainage basis, and road constructions at Dundas and Berkshire Road Forrestfield.

Q4. When does the City intend to use these funds for the purpose for which they were collected?

A4. The funds will be used for construction as and when required.

Q5. If there is no immediate use for the money does the City intend to reimburse these funds to whom it was collected?

A5. It is not intended to reimburse funds collected as they will be required for construction as and when required.

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 Diane and Peter English, High Wycombe
(Questions provided in writing and taken on notice)

Q1. **Light Industry**

A definition for acceptable Light Industry in the vicinity of residential areas is that noise does not penetrate beyond the boundary fence of the industrial business.

(Quote from EPA Guidelines)

Does the City agree with this statement?

Q2. **Golden Eggs Early Morning Starts**

The Golden Eggs early morning starts have caused frequent sleep disturbance and stress since it started in mid-2016. And it continues to do so.

We have complained to the City about this over the years.

The City of Kalamunda has done nothing to stop this happening.

We have both had serious cardiovascular problems during that time. Heart attacks and pacemakers for both of us.

We consider this coincidence is linked wholly, or partly, to persistent early morning sleep disturbance. There is evidence that regular sleep disturbance can be linked to causing cardiovascular problems.

When will these early morning starts cease. The disturbance is compounded by Golden Eggs operating from a non-compliant building design.

Q3 **Golden Eggs 116 Sultana Road West, High Wycombe.**

One of the big problems along the central part of Sultana Road West is the Golden Eggs business, and also its early morning starts.

The City of Kalamunda specifies design guidelines for Stage 1.

These guidelines say "*loading bays and service dock areas shall be located at the rear or sides of buildings, and away from the main building entrance, or relatively visible areas.*"

Golden Eggs does not comply.

The loading bays and service dock areas are in the main entrance and at the front of the building and face the residential housing located just across the road.

How could Golden Eggs be granted approval to build something that does not comply with the City of Kalamunda design guidelines?

Herein lies the issue. Noise is emitted beyond their boundary fence.

Some noise is caused by trucks manoeuvring inside the loading bay area and some by ancillary equipment at the loading bays.

This noise reaches the nearby residential areas across the road. Noise should not penetrate beyond their boundary fence. The distances from Golden Eggs loading bays to the three (3) nearest properties in Sultana Road West (SRW) are :

# 117	SRW	60 metres	(and just 30 metres to the reversing entrance)
# 123	SRW	85 metres	
# 129	SRW	110 metres	

Our address is 117 Sultana Road West.

These are short separation distances between noisy industry and residential housing.

This is significantly aggravated by Golden Eggs starting work at 3am or 4am.

The noise impact is amplified in the quietness of the middle of the night.

Golden Eggs bought the land at 116 Sultana Road West on 29 August 2014, a few weeks after the rail announcement.

Q4.

Did Golden Eggs get approval to build the non-conforming loading bays and service docks on the basis the subject land would form a 200 metre buffer to the north, so their noise would not the affect the nearest residents?

They opened for business in mid-2016.

The DSP for our residential precinct had a buffer of 200 metres when it was approved a few months later in October 2016.

The 200 metre has not been honoured by the City, and continues to torment us and others including Michael Ryan.

What happened from late 2016. There has been a radical mind change by the City about the 200 metre buffer? Now is the time to return to normal.

The decision by the City has contributed to us suffering 6+ years of sleep disturbance and stress. And it continues unabated.

Michael Ryan would have experienced the same except he works a 2&1 FIFO roster and was often away elsewhere during his breaks.

His windows are boarded over to keep out the noise. But he still gets woken up by the early morning starts by Golden Eggs. He retires soon. He will also experience it full on. He supports our requests.

Q5. **If the City will not advise the WAPC that it supports our Deputation for a transition buffer along the subject land, will the City please instruct Golden Eggs**

- a. to cease what is now considered to be the unreasonable and disrespectful treatment of nearby residents as we have previously asked Golden Eggs to stop
- b. to shut down and remodel the building to comply with the specific guidelines for Stage 1 loading bays and service docks and
- c. to comply with the no noise rule set by the Minister for Stage 1 when they re-commence operations. This includes no more 3am or 4am starts.

Noise beyond the boundary fence is not allowed for Stage 1 businesses – at any time of the day in Stage 1. The Minister's Conditions made that clear.

DISTURBING WORDS – CITY'S REPLY DURING THE PUBLIC AGENDA FORUM COUNCIL MEETING 14 JUNE 2022

An answer given to Michael Ryan that night had disturbing words for us who are elderly and/or ill persons and live in the five (5) frontline properties.

The words from the City were *"and should future development proceed on that part of Sultana Road West appropriate design treatments will be required at that phase."*

Q6. **What does this statement mean... "should future development proceed on that part of Sultana Road West..."**, and

Q7. *"..appropriate design treatments will be required at that phase."*

How many more years is the City proposing when it says "...at that phase".

Q8. **Which WA Legislation does the City rely on to effectively give us a death sentence (15 to 20 years) whilst exposing us to noise and adverse impact by**

- a. Alleged non-compliance with the noise limit set by the Minister for Planning in 2011 as an absolute Condition for approval to proceed with the development of Stage 1 Light Industry
- b. Alleged non-compliance with SPP and EPA Guidelines and
- c. A business operating with loading docks and service bays which allegedly do not conform with the City of Kalamunda design guidelines for Stage 1 and to our detriment

Q9. **When will the City consult with the landowners in Sultana Road West about the wall?**

Date :

The scenario put by City is that this property will not be developed for residential use for 15 to 20 years. Refer Q7.

The City continues to expose us to noise that is allegedly not permitted under State Planning Policies and EPA Guidelines.

There has been no mention at all about the wall since it was first published in July 2020 in the Modified LSP for Forrestfield North Precinct.

This is despite written requests from Michael Ryan for information about the wall.

Our bedroom is about 12 metres from the front fence line.

Q10. **The Amended LSP for HWS says there will be a notification on Titles for residential housing about the noise from Stage 1 businesses.**

This is an admission of failure by the City.

Any noise penetrating boundaries of nearby housing would be a breach of the Minister's Conditions, Council Motions, the Amendment of 27 August 2012, SPP and EPA Guidelines for a start.

Can the City please advise the WAPC that this clause must be deleted in the Final version?

We will also ask the WAPC to delete the clause.

3.2.2 Michael Ryan, High Wycombe
(Questions provided in writing and taken on notice)

Q1. **Will the City support our Deputation for the subject land to be designated a transition buffer by the WAPC and advise the WAPC of this prior to our Deputation?**

This will increase the likelihood of success. The buffer resolves issues. It involves only four (4) landowners. No fragmented ownership issues.

Support for a Deputation is an appropriate procedural step by the City at this time.

Q2 **Does the City agree the DCP for Stage 1 says it will *afford residents on the northern side of Sultana Road West an appropriate buffer*?**

Q3. **How does the City establish the validity of the DCP for Stage 1 in the absence of adequate consultation with affected landowners and the wider community especially after August 2014?**

Q4. **Does the City agree that it is Guarantor for the DCP for Stage 1?**
Q5. **When did KSC or the City, first write to the**

- WAPC
- DPLH
- EPA
- landowners and
- the wider community

to advise them that an Amendment passed by Council on 27 August 2012 gave the City discretionary power to approve *industries that may have a fabrication component to their operation* in Stage 1 Light Industry area.

Dates please :

- WAPC
- DPLH
- EPA
- landowners (including SRW) and
- the wider community

Please provide access to any replies, should we request them.

Q6. Will the City show how it sets about effectively managing this critical Condition of no-noise before granting planning approval?

Could the City therefore please provide things like

- a Clause in the approved DA's

correspondence between the City and an Applicant for a fabrication business, or any business for that matter, in the Stage 1 Light Industry area or

- any other process / forms used to manage this critical Condition

which makes clear an absolute Condition of Contract that “*importantly will not have an amenity impact in terms of noise*” emitted beyond the boundary fence.

Please provide this information for the Approvals for

122 Sultana Road West ^α	metal fabrication business ^α
126 Sultana Road West ^α	block cleared ^α
Bruce Rock Engineering ^α	247 Berkshire Road ^α
Transbeam Industries ^α	247 Berkshire Road ^α
Bruce Rock Engineering ^α	Cnr Nardine & Ashby ^α
Transbeam Industries ^α	Cnr Nardine & Ashby ^α
Mader Engineering ^α	Nardine Close ^α
Allwest Engineering ^α	Nardine Close ^α
Ascent Steel ^α	Sultana Road West ^α
Golden Eggs ^α	Sultana Road West ^α
Recent dual block sold ^α	Nardine Close ^α

Q7. Does the City accept that it is 100% responsible for

- presenting management procedures
- assessing building design and
- competent technical evaluations

when exercising its discretion before granting planning approval for metal fabrication businesses in Stage 1.

Metal fabrication businesses represent a very high risk of failure for noise management in an area defined as Light Industry and when the industrial development is encroaching on a residential area. Alarm bells ring.

The two businesses at 247 Berkshire Road are 700+ metres away from my place and the banging of steel could be heard. This noise outcome is predicted by the EPA Guidelines for metal fabrication businesses.

If a metal fabrication business emits noise beyond the boundary fence, it is the City which has failed, not the business operator.

Q8. The City's planning approval process was flawed or not properly managed
Does the City have the financial resources to fund the purchase of about 6 hectares of land @ \$275 / m2 (\$16.5 million) within the current Budget Year as Guarantor for Stage 1.

This is a scenario confronting the City if

- a Developer is not permitted to purchase and develop with land use compatible with SPP and EPA or
- the DCP for Stage 1 defaults, expires or fails to fulfil its alleged legal obligation.

Q9. **Why does the City oppose the transition buffer?**

The buffer has been registered since 2004. The KSC and the Department of Planning first agreed to it in 2004. The KSC asked for the buffer.

The impact of Stage 1 on the residential precinct is far worse than ever anticipated.

Q10. The buffer solves problems for the City, and also for us
Did any Consultant used in the preparation of any part of a plan for this precinct recommend the subject land be a buffer for residential housing to the North?

If so, please provide reasons why the City rejected the recommendation(s).

3.2.3 Michael Ryan, High Wycombe
(Questions provided in writing and taken on notice)

Golden Eggs

The two questions are included in the email sent to be considered by Council tonight.

We asked Golden Eggs to make changes in April 2022, in the absence of action by the City. A reply is outstanding after 3 months.

The final straw was Diane English's heart attack on 13 April 2022.

KSC GRANTED APPROVAL

My view is the answers to the two questions have been known for 7+ years.

Golden Eggs was one of the early developments for Stage 1.

They purchased the land in August 2014.

Planning Department would know the answers now.

Q4. Answer is a Yes or No

Q3. An answer is ..

The 200m buffer on the northern side of Sultana Road West gave the City scope to grant approval, or

exemption was granted for.....

We will wait another day

- for a satisfactory answer from Planning for the answers to Q3 and Q4, or
- see what happens at Council tonight regarding these two priority questions. They need to be answered tonight.

3.3.4 Bev Dornan, Wattle Grove

Q. The City's Governance Framework allows for the CEO to ask Councillors to attend Strategy meetings with City staff so that the staff can address them on matters coming up for consideration at the next Council meeting. As this also appears to be the stated objective of Public Agenda Briefings, can you please explain

- firstly, why there is a need for both forms of meeting- one held in secret and the other in an open forum; and
- secondly, why external parties -such as developers-are permitted to come along to these meetings to advocate for their proposals directly to Councillors but outside of a properly constituted Council meeting with all its checks and balances. (page 38).

A. Taken on Notice.

4. Petitions/Deputations

4.1 A deputation was provided by Jarrad Ross, Taylor Burrell Barnett, in relation to item 10.1.1 Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct – Adoption for Public Advertising. Mr Ross spoke in favour of the recommendation.

5. Applications for Leave of Absence

5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

6.1 RESOLVED OCM 92/2022

That the Minutes of the Special Council Meeting held on 27 June 2022, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

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

6.2 RESOLVED OCM 93/2022

That the Minutes of the Ordinary Council Meeting held on 28 June 2022, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Lisa Cooper**

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

7. Announcements by the Member Presiding Without Discussion

7.1 Queens Jubilee Tree Planting

I wanted to congratulate the students of Woodlupine Primary School who helped to plant 200 plants this morning following the Queens Jubilee Tree Planting Ceremony at Woodlupine Brook. This added to the 16,000 plants put in across the site. I had the pleasure of assisting to plant a mature Marri Tree to mark the occasion.

7.2 Commemorative Tree Planting

Earlier this month we also hosted our Commemorative Tree Planting Ceremonies in with trees marking the Births of 146 new babies to our District. This year we have 146 participants at three sites including Ledger Road, Maamba Road Reserve and Jacaranda Springs. This event has for many years provided Council with a wonderful opportunity to bring together two of our most valuable assets, our trees and our newest residents.

7.3 Lights at Maida Vale Reserve

On Thursday a 'Turning of the Lights Ceremony' was held at Maida Vale Reserve, showcasing the completion of the new sports lighting installation, resurfacing of the entrance road from Ridgehill Road and new retaining

wall, footpath and fencing along the eastern oval. Thanks to all of the team who helped bring these projects to fruition.

7.4 Local Hero Awards

I would like to congratulate High Wycombe Amateur Football Club (HWAFC) Life Members Brett Hockley (Hockers) and David Sheedy (Sheeds) and Maria Kelly from the Walliston Cubs who were presented with City of Kalamunda Local Hero Awards recently

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.3.2. Appointment to the Kalamunda Tourism Advisory Committee – Confidential Attachments - Kalamunda Tourism Advisory Committee Outcome Assessment, Resume 1 and Resume 2

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

- 9.1.1 Cr Sue Bilich declared a Direct Financial Interest in Item 10.2.2 for Submission for the 2023-2024 Metropolitan Regional Roads Group Road Improvement Projects Program. Cr Bilich has a direct financial interest in two properties on Kalamunda Road.

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 Rhonda Hardy declared an Interest Affecting Impartiality on Item 10.6.1. CEO Performance Review Report. Ms Hardy declared an interest as this report relates to her employment at the City of Kalamunda.

10. Reports to Council

10.1. Development Services Reports


10.1.1. Draft Local Planning Policy 35 - Hatch Court Light Industrial Precinct - Adoption for Public Advertising

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Statutory Planning
File Reference	3.009297 / PG-LPS-003/080
Applicant	Taylor Burrell Barnett (TBB) / Hesperia
Owner	Various

Attachments	1. Draft Local Planning Policy 35 - Hatch Court Light Industrial Precinct (LP P 35) [10.1.1.1 - 12 pages]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 – To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.3 – To develop and enhance the City’s economy.

Strategy 3.3.1 – Facilitate and support the success and growth of businesses.

Strategy 3.3.2 – Attract and enable new investment opportunities.

Strategy 3.3.3 – Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the adoption of Draft Local Planning Policy 35 (LPP35) for the purpose of public advertising.
2. The purpose of LPP35 is to provide guidance where development is possible prior to the progression of a Local Structure Plan (LSP) for the precinct.
3. Progression of LPP35 may permit development of Lot 1499 Stirling Crescent independently to the progression of an LSP subject to addressing several technical considerations.
4. Council is recommended to adopt LPP35 for the purposes of public advertising.

BACKGROUND

5. The Hatch Court Light Industrial Area comprises approximately 30 hectares of land and is in the north-western corner of High Wycombe generally bounded by Kalamunda Road, Stirling Crescent and Adelaide Street.
6. Hatch Court adjoins the Perth Airport land with a mixture of light industry, transport and logistics uses to the west. Adjoining to the north is the Hazelmere Enterprise Area within the City of Swan. Residential uses are located to the south and south-east of the site.
7. The subject land was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57) in 2010.
8. A LSP to facilitate residential development for Lot 1499 (71) Stirling Crescent was adopted by Council on 24 June 2013 but was not supported by the then Department of Planning (now Department of Planning, Lands and Heritage (DPLH)). The DPLH advised that they would only consider a structure plan that included the adjacent Hatch Court lots.
9. Council, at its Ordinary Meeting held in September 2015 (OCM 114/2015), resolved to initiate Scheme Amendment 80 to the Scheme. The amendment proposed to rezone the subject area from Urban Development to Light Industry.

10. At the same Ordinary Council Meeting in September 2015, Council considered the Hatch Court/Stirling Crescent LSP for the land within the north-east of the amendment area and resolved to forward the structure plan to the Western Australian Planning Commission (WAPC) for its determination (OCM 114/2015).
11. The Hatch Court – Stirling Crescent LSP was considered by the WAPC Statutory Planning Committee in April 2016, where it resolved to refuse the structure plan, in part, for the following reasons:
- “The proposed local structure plan is in conflict with the proposed Amendment No. 80 to the Shire of Kalamunda Local Planning Scheme No. 3 which has been initiated by the Shire and proposes to rezone the land to Light Industry. Supporting the proposed local structure plan in order to facilitate residential development may prejudice the decision of the Minister for Planning on the proposed amendment.”*
12. Council, at its Ordinary Council Meeting in February 2017 (OCM 16/2017), resolved to support Amendment 80 to the LPS3 subject to the preparation and approval of a LSP prior to the amendment being finalised, over the area subject of the amendment and the extension of Adelaide Street to Abernethy Road.
13. The preparation of the LSP was recommended in the interests of orderly and proper planning for the following key reasons:
- a) Coordination is required for future subdivision, development, access and land use.
 - b) To identify the nature of potential infrastructure upgrades required to facilitate the light industrial zoning, which will then inform a separate development contribution plan amendment.
 - c) To address and provide appropriate measures in relation to the residential interface of the proposed light industrial zoning with the residential areas along Kalamunda Road and Stirling Crescent.
 - d) To identify appropriate access to the amendment area via Abernethy Road, Adelaide Street and Kalamunda Road.
 - e) To identify and protect environmentally significant areas within the amendment area through the provision of appropriate buffers.
 - f) Address the requirements of State Planning Policy 3.7 – Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas, given the site is located within a designated Bushfire Prone Area.
 - g) To address drainage and water management requirements.

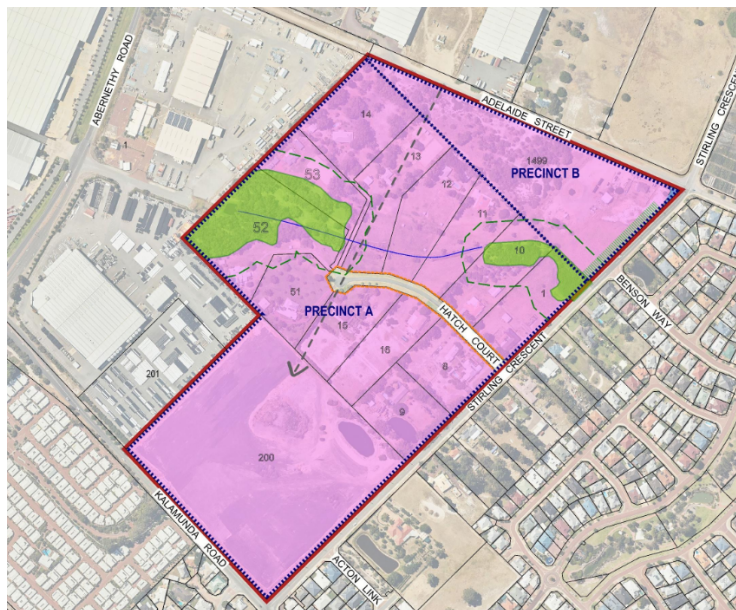
14. In January 2018, irrespective of the City's request for a concurrent LSP to be prepared, the WAPC approved the Amendment to rezone subject area from Urban Development to Light Industry and to insert a new clause 5.23 and Table 4 into Part 5 of LPS3 and to amend the LPS3 map accordingly.
15. Table 4 sets out the requirement for a structure plan to be prepared and approved for the land and is to specifically address the following key matters:
 - a) Traffic management including:
 - b) Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing and façade treatment provisions;
 - c) The identification and protection of environmentally significant areas within the land through the provision of appropriate buffers; and
 - d) The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas.
16. The Amendment was published in the Government Gazette in February 2018. Since the Amendment was gazetted, no structure plan has been progressed.
17. The City's Industrial Development Strategy (Strategy) was adopted by Council in December 2018. The Hatch Court Light Industrial Precinct is identified within the Strategy. The following action is identified within the Strategy for Hatch Court:

"3.11.1 Hatch Court Industrial Area required to be guided by a LSP and Development Contribution Plan subject to community and landowner consultation."
18. At Lot 200 (584) Kalamunda Road, High Wycombe an application for hardstand and temporary storage was refused by Council on 23 May 2016. The application was subsequently appealed through the State Administrative Tribunal (SAT) and approval was granted for storage of mobile and fixed mining equipment and for the construction of hardstand areas on 30 May 2017. A new application for proposed storage and hardstand at the site was approved on 17 October 2019 by the Metro East Joint Development Assessment Panel (JDAP).
19. At Lot 201 (614) Kalamunda Road, High Wycombe development approval was granted by the City for a hardstand on 17 September 2019. Development approval was also granted for a warehouse on 21 December 2020. In both instances, the development was for the expansion of the existing business at Lot 1 (1240) Abernethy Road, High Wycombe.

DETAILS AND ANALYSIS

20. TBB on behalf of Hesperia is seeking to progress development at Lot 1499 (71) Stirling Crescent without progressing the LSP due to the limited constraints on the property in comparison to the balance of the area.
21. To progress this, LPP35 has been prepared to provide development requirements for the subject area, separate to the LSP being prepared, and outlines what needs to be addressed in the LSP for the properties subject to the areas broader constraints.
22. The purpose of LPP35 is to provide guidance where development is possible prior to the progression of an LSP for the precinct.
23. The LPP35 is guided by the following key objectives:
 - a) To inform the preparation of a future LSP which facilitates light industrial development within the precinct in accordance with clause 5.23 of LPS3.
 - b) To identify the location of shared infrastructure which is required to facilitate development.
 - c) To identify sites that are capable of development prior to the progression of a LSP by virtue of their location and relative isolation from key constraints or shared infrastructure required to be planned as a component of the ultimate LSP.
24. The LPP35 splits the area into two precincts: Precinct A – Central Precinct and Precinct B – North-Eastern Precinct.

25.



26. Sites within Precinct A are not considered capable of redevelopment for Light Industrial purposes until such time as an LSP has been prepared which outlines and addresses key constraints and infrastructure provision required.
27. The key constraints and infrastructure provision required to be addressed includes but is not limited to:
- a) The delineation and staged connection of new roads that connect the precinct to Adelaide Street to alleviate the use of Stirling Crescent by heavy vehicles and to minimise the increase of light vehicle volumes on Stirling Crescent.
 - b) The investigation, delineation and ongoing management of areas identified as Resource Enhancement Wetlands (REW's) and any necessary buffers associated in the context of proposed Light Industrial Development.
 - c) The upgrade and potential widening of Hatch Court road reserve to accommodate heavy vehicles.
 - d) Managing the interface between the precinct and residential areas to the east of Stirling Crescent.
 - e) The facilitation of utility infrastructure upgrades and connections as required to support light industrial development.
 - f) The integrated management of stormwater inclusive of investigation of the potential realignment of the surface water drainage from its existing flow path, and the management of this in the context of the identified REW's.
 - g) The staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development.
28. LPP35 demonstrates that Precinct B (Lot 1499) is capable of development prior to the preparation of the LSP, and will not prejudice a future LSP, as a result of it being largely unconstrained by:
- a) Environmental features.
 - b) Servicing constraints.
 - c) Separation to groundwater for onsite wastewater disposal (via ATU).
 - d) Drainage disposal via infiltration and/or existing drainage outlets.
 - e) The site benefits from immediate and unrestricted access to the broader freight network via its Adelaide Street frontage.
29. A development application for Lot 1499 will be required to address the following:
- a) A Wetland Buffer Study to identify extent of a wetland buffer and whether the buffer within the precinct is necessary.

- b) Must be facilitated by direct access to the regional road network via the upgrade and extension of Adelaide Street westward to connect with Abernethy Road.
 - c) To include the delineation, design, and demarcation of a road connection between Adelaide Street and the southern boundary of Precinct B to a standard required by the City of Kalamunda (City) as part of the staged construction of the new road.
 - d) May be constrained by the necessary truncation of the intersection of Stirling Crescent and Adelaide Street as a result of proposed upgrades to this intersection. The necessary land required shall be identified within a development application as land to be set aside for future acquisition as road reserve.
 - e) Required to manage the interface between the precinct and Stirling Crescent, and particularly to the residential areas to the east of Stirling Crescent, through suitable landscaping, screening and fencing to this frontage.
 - f) May require referral to external government agencies and stakeholders depending on the nature of the land use and development proposed.
30. A technical note has been prepared to support LPP35. It provides an overview of the various technical aspects of the Precinct, and key considerations and practicalities to be considered in the assembly and servicing of the broader area including a series of matters to be considered as part of the preparation an LSP.
31. The technical note provides an overview of the following:
- a) Wetland and Environmental considerations.
 - b) Drainage and Fill Requirements.
 - c) Road Connections.
 - d) Sewerage and Servicing Connections.
 - e) Interface to Adjoining Land.
 - f) Infrastructure Provision and Upgrade.
 - g) Bushfire Hazard.
32. Public Advertising of the LPP35 will allow other landowners within the Hatch Court Light Industrial Precinct and the adjacent residents to have their say on the LPP approach and LSP requirements.

APPLICABLE LAW

33. LPP 35 has been prepared under and in accordance with Schedule 2 Part 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations).

34. Clause 27 'Effect of a Structure Plan', Schedule 2, Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the City to approve a Development Application if the City is satisfied that:

"The proposed development or subdivision does not conflict with the principles of orderly and proper planning; and the proposed development or subdivision would not prejudice the overall development potential of the area."

APPLICABLE POLICY

35. State Planning Policy 4.1 (SPP 4.1) Industrial Interface is a guiding document applicable to existing and new industrial areas and industrial uses. Its purpose is to protect industry from encroachment of sensitive land uses and, conversely, to protect sensitive land uses from potentially hazardous industrial activity.
36. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) guides Council, the City's officers and external stakeholders identifying the City's responsibilities for the preparation of an LSP to achieve the implementation of the state and local strategic planning framework and the information required to be submitted with a planning proposal.
37. LPP28 effectively states that LSPs are not the responsibility of the City to prepare except in exceptional circumstances endorsed by Council. Appendix 1 of LPP28 outlines the information that needs to be provided to support an LSP.

STAKEHOLDER ENGAGEMENT

38. In accordance with Schedule 2 Part 2 Clause 4 (2) of the Regulations, the advertising period of an LPP must not be less than 21 days.
39. In accordance with Local Planning Policy 11 – Public Notification of Planning Proposals at a minimum the LPP is to include notice on a social media platform, local newspaper advertisement and display of documents at the administration centre.
40. Letters will be sent to impacted landowners within the Hatch Court Precinct, adjacent residents on the southeast side of Stirling Crescent, and to relevant public and service authorities.

FINANCIAL CONSIDERATIONS

41. LPP35 has been prepared by TBB at no cost to the City.
42. The City has spent time and resources on the assessment and consideration of LPP35. These duties are seen as general statutory and strategic planning function of the City in guiding the orderly consideration of future development proposals.

SUSTAINABILITY

43. **Environment**
The Precinct contains three wetlands:
 - a) Two areas of Resource Enhancement Category Wetland (REW) (UFI 15940) (Sumpland) are mapped on the eastern (predominately Lots 1 and 10) and western portions (predominately Lots 52 and 53) of the Precinct.
 - b) A portion of a Multiple Use Category Wetland (MUW) (Dampland) is mapped as occurring across the majority of the Precinct, excluding the northern portion of the site.
44. Wetland buffer investigations will be required as part of a development application and through the preparation of an LSP. A Local Water Management Strategy will also be required through the LSP phase.
45. One stand of remnant native vegetation is associated with REW across Lots 52 & 53, and consists of a Flooded Gum (*Eucalyptus rudis*) Woodland to Low Forest over dense Paperbark (*Melaleuca raphiophylla*) and Kikuyu Grass (*Pennisetum clandestinum*) the dominant species.
46. Due to the degraded state of the vegetation, there are no Threatened Ecological Communities or Priority Ecological Communities listed under the State or Commonwealth occurring within the Precinct. The Precinct is also highly unlikely to contain any conservation significant flora, and the native vegetation is all in poor condition.
47. The parkland Banksia and Coastal Blackbutt is disturbed fauna habitat and may provide habitat for some bird species, including the provision of limited feeding habitat for Black Cockatoos. These trees are likely to support some reptile species, however the reptile assemblage is likely to be poor due to the degraded condition of the vegetation and the high numbers of feral predators likely to be present.

48. The drainage line is disturbed fauna habitat but provides habitat for some frog and waterbird species and there is anecdotal evidence that it supports a population of Oblong Turtles (*Chelodina oblonga*). It is recommended a flora, vegetation and fauna study be undertaken as a component of the LSP for the Precinct.
49. **Economic**
Development of the industrial precinct will provide additional economic activity to the City.
50. **Social**
Development of the industrial precinct will provide additional employment opportunities within the City of Kalamunda.
51. There are potential amenity impacts on the residential area to the east of the industrial precinct which will need to be addressed through the development application and LSP processes.
52. The proposed LPP has regard to mitigating potential amenity impacts and will need to be given due consideration as part of the development application process.

RISK MANAGEMENT

53.

Risk: Development does not occur for considerable time within the Precinct leading to continued uncertainty for existing landowners.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
Adopt LPP35 allowing development of Lot 1499 prior to a LSP and providing guidance on the requirements for a LSP to be prepared.		

54.

Risk: Landowners within the Hatch Court Precinct are opposed to development occurring at Lot 1499 prior to a structure plan being prepared.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt LPP35 for advertising to seek comments from landowners.		

55.

Risk: Residential landowners to the east of the subject area may object because they anticipated a structure plan which would clearly establish how the potential amenity impacts would be managed.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Adopt LPP35 for advertising to seek comments from landowners.		

56.

Risk: State Agencies such as DPLH and DWER object leading to continued uncertainty for existing landowners without the LPP35 to guide future development.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Adopt LPP35 for advertising to seek comments from state agencies and consider those positions through the LPP consideration process.		

CONCLUSION

57.

The purpose of LPP35 is to provide guidance where development is possible prior to the progression of a Local Structure Plan for the precinct.

58.

Progression of this LPP will allow development of Lot 1499 Stirling Crescent separate to the progression of a structure plan subject to addressing a number of technical considerations.

59.

By adopting this LPP for public advertising, it will allow Council to consider comments from other landowners within the Precinct before making a decision on whether to formally adopt the LPP and permit the consideration of development over a portion of the site prior to finalisation of a LSP.

Voting Requirements: Simple Majority

RESOLVED OCM 94/2022

That Council ADOPT the proposed Local Planning Policy 35 – Hatch Court Light Industrial Area for the purposes of advertising for a minimum period of 21 days pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**


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

10.1.2. Amendment 109 to Local Planning Scheme No. 3 - Lot 106 (88) Hale Road, Forrestfield

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/109
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Draft Scheme Amendment 109 Report [10.1.2.1 - 217 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

Strategy 3.3.3 - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adopting Local Planning Scheme Amendment 109 (A109) for the purpose of public advertising.
2. Amendment 109 proposes to rezone Lot 106 (No. 88) Hale Road, Forrestfield under the City of Kalamunda (City) Local Planning Scheme No. 3 (LPS3) from 'Residential', 'Mixed Use' and 'Public Purpose – Hall / Community Centre' to 'District Centre'.
3. Specifically, Amendment 109 consolidates the existing activity centre uses and recognises the site as being within the logical confines of the activity centre, in line with its designation as a District Activity Centre under State policy. Furthermore, the Amendment will allow for future redevelopment of the site with a development mix consisting of an integrated health / community hub and showroom development.
4. It is recommended Council adopt Amendment 109 as a 'Standard' amendment for the purpose of public advertising.

BACKGROUND

5. Lot 106 (No. 88) Hale Road, Forrestfield has a site area of approximately 18,006m² and is located within the Forrestfield District Activity Centre (DAC).

6.

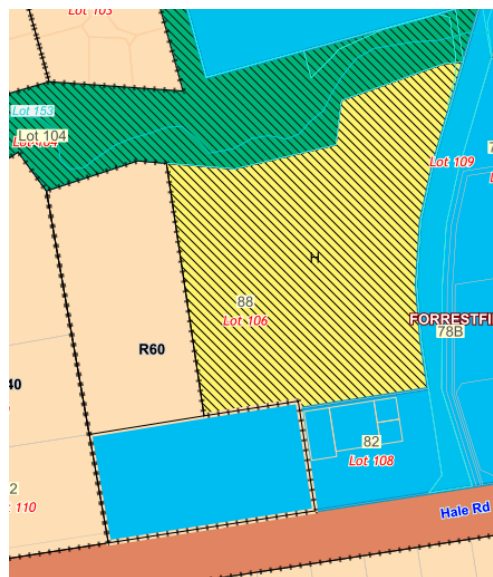


7.

The site is zoned 'Urban' under the *Metropolitan Region Scheme* (MRS) and comprises of three (3) separate zoning and reserve classifications under the City's LPS3:

- a) Residential R60 in the north-west portion of the site (approx. 4,500m²);
- b) Mixed Use R60 in the south-west portion of the site (approx. 3,400m²);
- and;
- c) Public Purpose – Hall / Community Centre on the north-east portion of the site (approx. 9,900m²).

8.



9. The north-eastern portion of the site is used for the Woodlupine Family and Community Centre including open parking areas. The balance of the site is currently vacant of any improvements with some intermittent vegetation, particularly along the Hale Road frontage.
10. The site is owned in freehold by the City and in early 2021, the City commissioned investigations to explore strategic land use opportunities for this site through a Land Use Assessment. The study considered various commercial land use opportunities that provide a strong return on investment, enhanced community benefit and represents the highest and best use of the land.
11. A development mix consisting of an integrated health / community hub and separate showroom development fronting Hale Road was identified as the most optimal development outcome from the perspectives of market demand, tenant attraction, competition, financial return and site suitability. This development mix is also expected to deliver a range of community benefits, including:
 - a) Increased consumer choice and convenience;
 - b) Increased employment opportunities;
 - c) Increased quality of life; and
 - d) Improved centre vibrancy.
 - e)
12. In order to progress with the vision for the site, the City is proposing to rezone the land from the current mix of Public Purpose, Residential and Mixed Use to District Centre.

DETAILS AND ANALYSIS

13. The subject site exists as part of the Forrestfield District Centre, albeit without the 'District Centre' zoning that has otherwise been applied to the lands immediately to the north of the Woodlupine Brook Reserve and to the east of Woolworths Drive.
14. **Land Use Assessment (July 2021)**

The Land Use Assessment found that due to the expected population growth in Forrestfield and surrounding areas, as well as the above average ageing demographic, there is a need for an increase in appropriate services to cater for the population. Specifically, there is an estimated notional undersupply of health, shop retail, showroom retail and aged care / retirement land uses. It is noted the City has actively pursued the provision of additional aged residential care through the Cambridge Reserve Community Enhancement Project.

15. Furthermore, the Land Use Assessment identified that there is a current and future undersupply of GPs in the study area and an undersupply of key allied health services; particularly dentists and physiotherapists. There is also considered to be a need for specialist health services such as immunisation clinics, pathology clinics, child health, mental health and pharmacy services.
16. In addition, the Land Use Assessment found that bulky goods floorspace is limited within the study area to minor individual out of centre retail developments (less than 2,000m² total), however the estimated demand for the catchment may increase to as much as 48,400m² by 2035.
17. The current split of zonings across the site restricts the ability to address the identified shortfalls / demand. For example:
 - a) Bulky Goods Showroom and Shop are uses that are not permitted in the Mixed Use and Residential zoned portions; and
 - b) Health/Fitness Centre and Medical Centre are uses that are not permitted in the Residential zoned portion.
18. The rezoning will enable Bulky Goods Showroom to become a discretionary use, whilst Health/Fitness Centre, Medical Centre and Shop will become permitted uses.
19. Whilst not considered the best use of the land, the rezoning will also still enable the site to be developed for residential purposes, noting that Aged/Dependant Dwellings, Aged Residential Care, Grouped Dwelling and Multiple Dwelling will be either permitted or discretionary uses.
20. Similarly, Civic Use and Community Purpose will remain as permitted uses for the site.

APPLICABLE LAW

21. **Planning and Development (Local Planning Schemes) Regulations 2015**
Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), the resolution of a local government to adopt an amendment must specify whether the amendment is a complex, standard or basic amendment.
22. The Amendment is considered to be a standard amendment, which is defined in regulation 34, as it is:

- a) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission (subclause (b));
 - b) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan (subclause (d));
 - c) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment (subclause (e)); and
 - d) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area (subclause (f)).
23. Pursuant to regulation 47, and in accordance with sections 81 and 82 of the *Planning and Development Act 2005*, following adoption, the Amendment must be referred to the Environmental Protection Authority (EPA) for their comments before being advertised in accordance with the requirements of the Regulations for a minimum of 42 days.
24. **Metropolitan Region Scheme**
The Amendment remains consistent with the MRS zoning of Urban for the subject site.

APPLICABLE POLICY

25. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**
The Amendment is accompanied by a Bushfire Management Plan which includes a Bushfire Hazard Level Assessment and demonstration that compliance with the bushfire protection criteria in the associated *Guidelines for Planning in Bushfire Prone Areas v1.4* can be achieved in subsequent planning stages.
26. **State Planning Policy 4.2 – Activity Centres for Perth and Peel**
The subject site forms part of the Forrestfield District Activity Centre which is one of four (4) District Centres within the north-east sub-region. The Amendment is therefore consistent with this designation.
27. **Draft State Planning Policy 4.2 – Activity Centres**
Draft State Planning Policy 4.2 – Activity Centres states that ‘precinct structure plans’ (PSP) should be endorsed by the Western Australian Planning Commission (WAPC) prior to a ‘major development’ being approved to ensure the development of the activity centre is integrated, cohesive and accessible. The concept that was prepared as part of the Land Use Assessment does not meet the threshold of additional activity centre use floorspace and therefore, the requirement for a PSP is not triggered by

this proposal. Furthermore, the Amendment is considered to address an immediate and demonstrated local need.

28. A detailed assessment against the current and draft State Planning Policy 4.2 is outlined in Attachment 1.

29. **City of Kalamunda Local Planning Strategy**

The *Local Planning Strategy* (LPS) acknowledges that the Forrestfield DAC has expansion potential owing to the residential and population growth in Wattle Grove and Forrestfield.

30. The subject site was specifically listed as one of the best opportunities for the delivery of 'Aged Accommodation' under the LPS and whilst not considered commercially viable, this would remain possible given the land use permissibility of the District Centre zone under LPS3.

31. It should also be noted that since the LPS, Amendment 104 to LPS3 was recently gazetted in May 2022, rezoning a 3.85ha portion of Cambridge Reserve for the delivery of critical aged residential care, and new diverse housing opportunities. There have also been a number of private developments incorporating additional aged care beds that have made noteworthy contributions to the projected demand for aged care/accommodation.

32. **City of Kalamunda Activity Centres Strategy**

The City's *Activity Centres Strategy* (ACS) similarly predicts an increased need for aged accommodation, as well as health care services. Such uses would be permissible under the proposed District Centre zoning.

33. The ACS notes that the Forrestfield DAC has an existing floorspace of approximately 12,956m² which is projected to increase to 17,000m² by 2036 and could even increase as far as 20,000m² and beyond. The Land Use Assessment prepared by Urbis has demonstrated a need for such expansion to cover the current and future demand shortfalls, particularly in relation to health (specifically allied and specialty health), shop retail, showroom retail and aged care / retirement.

34. **Forrestfield District Centre Structure Plan**

The Amendment provides an opportunity to address improvements identified in the *Forrestfield District Centre Structure Plan* (DSP) such as percentage of non-retail/shop uses, active frontage to Hale Road and perceived image as a one-dimensional shopping centre.

35. The DSP does state that bulky goods stores or warehouse-type outlets would not be appropriate, however, State Planning Policy 4.2 – Activity Centres for Perth and Peel enables the consideration of such uses outside

the core of activity centres in appropriate circumstances. Furthermore, the Land Use Assessment has identified a shortfall of such uses within the City and that the subject site is an appropriate site to address this need. It is also noted that the zoning table of LPS3 prescribes 'Bulky Goods Showroom' as a discretionary use within the 'District Centre' zone.

STAKEHOLDER ENGAGEMENT

36. Should Council resolve to adopt the Amendment for public advertising, the Amendment will be advertised for a minimum period of 42 days in accordance with the Regulations and the City's *Local Planning Policy 11 – Public Notification of Planning Proposals* (LPP11).
37. LPP11 provides the City with the discretion to undertake preliminary advertising to affected residents and government agencies for a period of 28 days prior to Council giving formal consideration to adopting the proposed amendment for public advertising.
38. Having regard to the nature of the Amendment, which is essentially to consolidate the existing zonings on site the Amendment seeks to permit uses that are consistent with the function of a District Centre, preliminary advertising in addition to what is required under the Regulations is not considered necessary.

FINANCIAL CONSIDERATIONS

39. The City has outsourced the preparation of the Amendment document, bushfire and traffic investigations. Should the Amendment progress, the WAPC may determine that additional technical studies are required before the Amendment can be determined. These costs would need to be met by the City and budgeted for accordingly.

SUSTAINABILITY

40. **Social**
The Amendment will contribute to meeting the current and future demands of the City's population by creating opportunities to address identified shortfalls in health, shop retail, showroom retail and aged care / retirement land uses.
41. **Economic**
The Amendment will create job opportunities in both the construction and operational phase of future development(s) on-site, contributing to employment self-sufficiency.

42. **Environmental**
The subject site has been historically cleared, however, mature native and non-native trees (mostly planted) exist throughout the subject site, within and adjacent to existing car parking areas and Hale Road. These trees provide both amenity and fauna habitat value.
43. It is the City's intent to appropriately retain vegetation and provide opportunities for improved new landscape outcomes, wherever possible. Consideration of tree retention and re-vegetation through landscape outcomes will be considered, in detail, at subsequent phases of the planning process.
44. The City is undertaking rehabilitation works along Woodlupine Brook which will reintroduce suitable habitat for ground dwelling fauna, including small reptiles and mammals such as Quenda.

RISK MANAGEMENT

45.	Risk: Amendment 109 may be perceived to give rise to additional commercial / shop floorspace that directly competes with the retail core of the existing District Centre and adjacent commercial developments.		
	Consequence	Likelihood	Rating
	Significant	Possible	High
	Action/Strategy		
	Ensure any potential future development for shop uses on the subject site is accompanied by a Needs Assessment.		

CONCLUSION

46. The Amendment follows a Land Use Assessment that was undertaken in 2021 to determine the highest and best use of the City owned asset.
47. Specifically, the Amendment seeks to rezone the subject site to District Centre under the City's LPS3 which would consolidate the existing activity centre uses and recognise the site as being within the logical confines of the DAC. Furthermore, the Amendment will enable the whole site to be developed with a mix of uses consisting of an integrated health / community hub and separate showroom development fronting Hale Road which addresses identified shortfalls in the local market demand both current and future.

48. Amendment 109 consolidates the existing activity centre uses (both existing and proposed) and recognises the site as being within the logical confines of the Forrestfield District Centre, corresponding to its role and definition under SPP 4.2.
49. The Amendment has been considered against the State and local planning frameworks and is considered consistent with the applicable instruments.
50. Having regard to the above, it is recommended that Council adopts Amendment 109 for the purposes of public advertising.

Voting Requirements: Simple Majority

RESOLVED OCM 95/2022

That Council:

1. ADOPT proposed Local Planning Scheme Amendment No. 109 to Local Planning Scheme No. 3 – Lot 106 (No. 88) Hale Road, Forrestfield in accordance with Attachment 1, pursuant to section 75 of the *Planning and Development Act 2005* for the purposes of advertising.
2. CONSIDER Local Planning Scheme Amendment No. 109 to Local Planning Scheme No. 3 as a Standard amendment under regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - b) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
 - c) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - d) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

3. FORWARD proposed Local Planning Scheme Amendment No. 109 to Local Planning Scheme No. 3 to the Environmental Protection Authority for comment pursuant to section 81 of the *Planning and Development Act 2005*.
4. ADVERTISE proposed Local Scheme Amendment No. 109 to Local Planning Scheme No. 3 for a period of 42 days pursuant to regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Policy 11 – Public Notification of Planning Proposals and section 81 and 82 of the *Planning and Development Act 2005*.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Mary Cannon**


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

10.1.3. Dog Local Law 2022

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

Previous Items	OCM 50/2010, OCM 92/2020, OCM 260/2020, OCM 05/2022
Directorate	Development Services
Business Unit	Community Safety
File Reference	3.009297
Applicant	N/a
Owner	City of Kalamunda
Attachments	<ol style="list-style-type: none"> 1. City of Kalamunda Dog Local Law 2022 [10.1.3.1 - 20 pages] 2. Dog Local Law Submissions 2022 [10.1.3.2 - 3 pages] 3. City of Kalamunda Changes to Dog Local Law 2022 [10.1.3.3 - 10 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the outcome of public submissions with respect to the draft City of Kalamunda (City) Dogs Local Law 2022 (Attachment 1).
2. The statutory advertising required by the Local Government Act 1995 (Act) commenced 14 March 2022 and concluded on 22 April 2022 with a total of five (5) submission received (Attachment 2).
3. It is recommended Council note the submissions and make the *City of Kalamunda Dog Local Law 2022* in (Attachment 1).

BACKGROUND

4. Section 3.16 of the *Local Government Act 1995* requires Local Laws to be reviewed every eight (8) years. The City's review of the *Shire of Kalamunda Dog Local Law 2010* identified improvements now contained in the proposed local law.
5. Council previously completed the process of making a new Dogs Local Law in 2021, however the local law was disallowed by the Joint Standing Committee on Delegated Legislation due to the final Local Law being considered significantly different from the proposed Local Law that was advertised for public consultation.
6. The primary difference being the proposed Local Law permitted four dogs to be kept on certain premises. The adopted Local Law only permitted two dogs to be kept on any premises.
7. The process to make the Dogs Local Law restarted at the Ordinary Council Meeting of 22 February 2022, and this proposed local law was sent out for public submissions on 14 March 2022.
8. As a consequence of the need to restart the Dogs Local Law, the City's community engagement for the dog exercise and prohibited area review has had to put on hold, until the process for the new City of Kalamunda Dog Local Law 2022 has completed.

DETAILS AND ANALYSIS

9. During the public submission period a total of five (5) submissions were received, four (4) from the community and one (1) from the Department of Local Government, Sport, and Cultural Industries.

10. Two (2) submissions referred to the Dog Exercise areas, one (1) regarding the inclusion of an extra exercise area in Maida Vale and an enquiry into the exercise areas being listed in the Local Law.
11. The City is conducting a separate review of dog exercise areas and prohibited areas, which will be presented to Council at a later stage.
12. One (1) submission was in relation to dog nuisance 'barking' complaints and a need for clearer and more concise laws which places the burden back on dog owners. This local law does not deal with barking dogs as this is currently dealt with under the *Dog Act 1976*.
13. Finally, the submission received from the Department of Local Government, Sports and Cultural Industries was in relation to minor edits that were primarily grammatical in nature, and these changes have been made.

APPLICABLE LAW

14. *Local Government Act 1995*
Dog Act 1976

APPLICABLE POLICY

15. NIL

STAKEHOLDER ENGAGEMENT

16. The advertising period commenced 14 March 2022 and concluded on 22 April 2022 with a total of five (5) submission received.

FINANCIAL CONSIDERATIONS

17. Administrative costs associated with the creation of the local law are met through the annual budget.

SUSTAINABILITY

18. Dogs are companion animals and can have positive impacts on people's health and wellbeing. However, regulation is required to ensure dog behaviours can be controlled so as not to create a nuisance.

RISK MANAGEMENT

19.	Risk: The proposed new local law is not approved resulting in outdated local laws for the regulation of dog ownership.		
	Consequence	Likelihood	Rating
	Moderate	Unlikely	Medium
	Action/Strategy		
	Ensure Council is aware that the legislation requires a review of Local Laws every eight (8) years.		
	Any changes that are considered major according to the Joint Standing Committee would go out to re-advertisement to ensure process does not require recommencement.		

CONCLUSION

20. The proposed City of Kalamunda Dog Local Law 2022 provides for the orderly and effective management of dogs within the City of Kalamunda.

Voting Requirements: Absolute Majority

RESOLVED OCM 96/2022

That Council MAKE the City of Kalamunda Dog Local Law 2022 as set out in Attachment 1.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Lisa Cooper**


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

10.1.4. Closed-Circuit Television (CCTV) Strategy 2022 - 2027

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

Previous Items	OCM83/2019
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	4.00011450
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. CCTV Strategy 2022 - 2027 [10.1.4.1 - 24 pages] 2. CCTV Policy and Strategy [10.1.4.2 - 40 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to adopt the Closed-Circuit Television (CCTV) Strategy 2022 – 2027 (Strategy) as outlined in Attachment 1.

2. The Strategy provides direction to the City of Kalamunda (City) on how to determine the type, location, and function of CCTV within its district. The Strategy provides guidance through a risk-based priority of specific actions focused across three areas being operation, expanding and funding. The Strategy also provides an assessment criterion which allows the City to prioritise the location for its CCTV installation and maintenance program.
3. It is recommended that Council adopt the Strategy.

BACKGROUND

4. The City has an existing CCTV Policy and Strategy document (Attachment 2) which had actions and expected works undertaken from the 18/19 to 21/22 financial years. There is now a need to update the existing Strategy.
5. The City installs CCTV systems as a tool to improve community confidence and safety in public places, and to support the protection of City facilities and assets.
6. CCTV also scored highly in the most recent community scorecard with the installation of CCTV as a key recommendation to address one of the top priorities being safety.
7. Current daily use extends to local Police using CCTV for review and investigation purposes.
8. A key benefit of the current Strategy has been improving and strengthening the procedures around who has access to the CCTV system and sharing of CCTV material with Police. In 2021 the City had 28 requests for footage from WAPOL and this far has received at least 18 requests.
9. The City is continually reviewing its existing CCTV network by verifying camera requirements, identification of future needs and determining short-, medium- and long-term maintenance requirements to manage the network expansion and control costs.

DETAILS AND ANALYSIS

10. The Strategy establishes three key principles for guiding the operations and establishment of CCTV within the City as follows:
 - a) Operations
 - b) Expanding
 - c) Funding

11. Strategy One (Operations), establishes the important day-to-day roles and responsibilities, allocation of resources, managing cost and measuring performance.
12. Strategy Two (Expanding), sets out how the City will achieve CCTV system requirements and expand the CCTV network into the future.
13. Strategy Three (Funding) establishes the funding arrangements for the CCTV network and system expansion.

APPLICABLE LAW

14. *Surveillance Devices Act 1998*

APPLICABLE POLICY

15. Service Policy 15: Closed-Circuit Television (CCTV) Surveillance.

STAKEHOLDER ENGAGEMENT

16. The Strategy has been prepared in consultation with the City's internal CCTV Managers working group.

FINANCIAL CONSIDERATIONS

17. The installation and maintenance of CCTV will have financial implications for the City and will be managed through annual budget setting processes and external grant opportunities.

SUSTAINABILITY

18. CCTV has social benefits in improving perceptions of safety within a facility or public space. The Strategy also establishes an assessment criterion which ensures cameras are only installed where they are needed most and therefore reducing ongoing costs.

RISK MANAGEMENT

19.	Risk: The City is ineffective in installing CCTV in the correct locations, and unlawful and antisocial behaviour is undetected due to ineffective CCTV installation program.		
	Consequence	Likelihood	Rating
	Possible	Significant	High
	Action/Strategy		
	Implementation of the Strategy will ensure cameras are placed in areas of highest need.		

CONCLUSION

- 20. The Strategy updates the existing CCTV Policy and Strategy document (Attachment 2) which expired at the end of the 2021/2022 financial year.
- 21. The Strategy continues with three key principles of operations, expanding and funding.
- 22. It is recommended that Council adopt the CCTV Strategy 2022 – 2027 as outlined in Attachment 1.

Voting Requirements: Simple Majority

RESOLVED OCM 97/2022

That Council ADOPTS the Closed-Circuit Television Strategy 2022/2027 as outlined in Attachment 1.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Sue Bilich**

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


10.2. Asset Services Reports

10.2.1. Nardine Close Reopening

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

Previous Items	198/2020
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	NR-10/GEN
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council approval to reopen the closed portion of Nardine Close in Forrestfield, in accordance with s3.50 of the *Local Government Act 1995* (Act).
2. A temporary closure using plastic barriers has been in place since May 2020 to reduce hooning and antisocial behaviour that had been occurring at the end of the road. The closure of the eastern end of the road was made permanent under Council approval in October 2020. The landowners now request the road to be reopened as they are developing the land.
3. It is recommended Council determines to reopen Nardine Close in accordance with s3.50 of the *Local Government Act 1995*.

BACKGROUND

4. Nardine Close was extended in 2019 as part of the Forrestfield High Wycombe Industrial Area Stage 1 development contribution plan. Designated Road 2A, the road was constructed to Restricted Access Vehicle (RAV) level 4 standard. This provided a 10-metre-wide carriageway and a large 31.5 metre diameter cul-de-sac.
5. Resident complaints in early 2020 led to the Council approving the closure of the southeastern end of the road in October 2020. The closure was from 1,185 metres along the road to the end of the road. At the time, the two affected properties each had separate road access to the north and did not require the southeastern connection.

DETAILS AND ANALYSIS

6. The former residential homes in the properties at the eastern end of Nardine Close have been sold and are under development. The new owners have requested that the road be reopened.
7. As the road and cul-de-sac was fully constructed as part of the Forrestfield High Wycombe Industrial Area Stage 1, the only work required is the removal of the orange barriers on the road.

8. The section of road is represented in this diagram:



9. As the road was closed under the Act Section 3.50, the City must repeat the process to have the road reopened.
10. The City must give local notice of the proposed reopening and seek comments (the Act s3.50 (4)(a)). This was undertaken in The Echo local newspaper and the City's engagement site. Comments were invited up to 14 June 2022. Two submissions were received, both supportive of the opening.
11. The Act (s3.50 (4)(b)) also requires the City to seek comment from "prescribed persons". These include fire services, ambulance services and utility service providers that may be affected. As this process involves reopening a road, information will be sent to these agencies once the road is confirmed as being reopened.
12. Once the road has been reopened, the Commissioner of Main Roads WA will be notified as required by the Act.

APPLICABLE LAW

13. S3.50 of the *Local Government Act 1995* covers the closing of certain thoroughfares to vehicles. This is supported by section 4 of the *Local Government (Functions and General) Regulations 1996*.

APPLICABLE POLICY

14. Nil.

STAKEHOLDER ENGAGEMENT

15. The matter has been referred to the community as set out above.

FINANCIAL CONSIDERATIONS

16. A small amount of operating funds are required to remove the orange plastic barriers. This expenditure is being covered under the City's operating budget.

SUSTAINABILITY

17. There are no notable social, environmental or economic implications.

RISK MANAGEMENT

- 18.
- | | | |
|---|-------------------|---------------|
| Risk: That the reopening is not actioned, leading to access problems for the local landowners. | | |
| Consequence | Likelihood | Rating |
| Moderate | Almost Certain | High |
| Action/Strategy | | |
| Continue to seek and action the reopening of the road. | | |

CONCLUSION

19. The City has followed due process to reopen Nardine Close as required by the legislation, and there are no significant concerns with this.

Voting Requirements: Simple Majority

RESOLVED OCM 98/2022

That Council MAKE an order in accordance with s3.50 of the *Local Government Act 1995* to open Nardine Close starting at 1,185 metres and terminating at the end of the road, to all classes of vehicles and pedestrians.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Sue Bilich**

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

10.2.2. Submission for the 2023-2024 Metropolitan Regional Roads Group Road Improvement Projects Program


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

Cr Sue Bilich declared a Direct Financial Interest in Item 10.2.2 for Submission for the 2023-2024 Metropolitan Regional Roads Group Road Improvement Projects Program. Cr Bilich has a direct financial interest in two properties on Kalamunda Road. Cr Bilich left the meeting at 6:47pm and returned at 6:48pm. Cr Bilich did not vote on this item.

Previous Items	OCM 72/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00011767
Applicant	N/A
Owner	N/A

Attachments	1. Kalamunda- Hawkevale Intersection Upgrade Concept Design [10.2.2.1 - 1 page]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek endorsement of a submission for funding as part of the 2023/24 Metropolitan Regional Roads Group (MRRG) Road Improvement Projects Program. The proposed project is to upgrade Kalamunda Road from west of Roe Highway to east of Cyril Road including the Hawkevale intersection. This is referred to as the Kalamunda-Hawkevale Road Upgrade Project (Project).
2. Like its partner program (for road rehabilitation), the MRRG program provides the opportunity for local governments to seek a grant from the state government of two thirds of the cost of projects for road improvement projects.
3. The recommendation is for Council to endorse the submission for the Kalamunda-Hawkevale Road Upgrade Project as shown in Attachment 1, with a total estimated project cost of \$1.97 million.

BACKGROUND

4. Each year, Main Roads WA (MRWA) invites project submissions for funding consideration as part of the MRRG Road Improvement Projects Program. This report is to consider a project that was submitted for the 2023/24 financial year (as stage 1).
5. Submissions are assessed for criteria compliance, prioritised and projects are then reviewed by a sub-group of the MRRG. The Minister for Transport and Planning, on recommendations from the MRWA and State Road Funds to the Local Government Advisory Committee, ultimately approves the funding.
6. The Cities of Kalamunda, Swan and Bayswater, Shire of Mundaring and Town of Bassendean form the eastern sub-group of the MRRG.

DETAILS AND ANALYSIS

7. Road Improvement Projects are those proposed for existing or future roads, where an efficiency and safety gain can be realised.

8. This project was submitted for consideration with the May 2021 grant funding round and endorsed by Council. However, the project was not successful. The two main reasons for the project not being successful were:
 - a) Expectation from the MRRG Technical Review Team that the project would take longer than twelve months to deliver due to the impact to utility services, and
 - b) The overall score being slightly lower than those projects that did achieve funding under the program.

9. During the submission process in 2021, the City was advised by the MRRG Technical Review Team to seek additional information on the risk of utility service locations, and to consider staging the project. The City subsequently sought design and intersection modelling services from the engineering consultant, Cardno. The designs and modelling were prepared to support the City's new grant submission for this year. The City then prepared the submission using the MRRG scoring system for Road Improvement Projects.

10. The MRRG Road Improvements score includes the project cost, crash costs, travel time costs, vehicle operating costs, vehicle emissions and intangible benefits. The resulting assessment produces a score out of 50. The process also requires comparison against a "Do-nothing" base case. The resulting score for the project was 10.3.

11. Being a complex series of spreadsheets, the submission itself has not been included in this report. Copies of the submission are available to Councillors on request.

12. The Project was identified as part of the Kalamunda Road Functional Review and Upgrade Plan (Abernethy to Roe) (the Plan) and adopted by Council in August 2020 (OCM 169/2020). The Project proposed for the MRRG Road Improvement Program is part of Section 3 from the Plan, being west of Roe Highway (adjoining existing interchange works), to just east of Cyril Road.

13. Attachment 1 shows the concept design for the project. The main features are:
 - a) a new roundabout at Hawkevale Road;
 - b) a new road connection at Range Court;
 - c) a closure of Range View Road at Kalamunda Road;
 - d) improved streetscaping treatments along Kalamunda Road and at the new intersections;

- e) new cycling infrastructure and path upgrades to suit the new intersection; and
 - f) street lighting upgrades at the new intersections.
14. Notable project impacts include:
- a) the need to relocate power poles and potentially move some of the power cables underground; and
 - b) the removal of two small trees and one medium sized tree located at the end of Range Court.
15. The City will undertake community consultation in 2022/23 to understand their views on the layout as well as undertake detailed design. The final designs will then be presented to Council for consideration later in 2022/23, following consideration of community feedback on the Project.
16. The Project is estimated to cost \$1.968 million, of which the grant will cover \$1.295 million with the City municipal funds providing \$0.673 million. The Project will be delivered in two stages during 2023/24 and 2024/25, subject to funding.
- a) Stage 1 in 2023/24 will involve all service relocations, and specifically the relocation of power poles and undergrounding of power services, with a total project cost estimated at \$777,810.
 - b) Stage 2 in 2024/25 will involve all civil construction and the new road connections, with a total project cost estimated at \$1,189,880.
 - c) Both stages would be part funded through the MRRG program at the ratio of two thirds funded (66.6%).
17. Budget funds have been provided in the 2022/23 Capital Works program for design and community consultation.
18. Submissions were due on 20 May 2022, and the City has submitted already in order to meet this deadline. Council is requested to endorse the submission based on the concept design shown in Attachment 1. If the submission is not endorsed, then it can be withdrawn.

APPLICABLE LAW

19. The *Main Roads Act 1930* provides for the City to manage local roads, which includes road upgrades.

APPLICABLE POLICY

20. There is no policy directly relevant to this report.

STAKEHOLDER ENGAGEMENT

- 21. The community was consulted during the preparation of the Kalamunda Road Functional Review and Upgrade Plan (Abernethy to Roe). Further consultation will be undertaken during 2022/23 to address specific concerns regarding the proposed road layouts.

FINANCIAL CONSIDERATIONS

- 22. The overall project cost has been estimated at \$1.968 million. Should the City be successful with its submission, grant funding will be received at an estimated \$1.295 million, with municipal funding providing the remaining \$0.673 million plus overheads.
- 23. The project was listed on the City’s Capital Works Program at a prior funding level and will now be updated and incorporated into the Long Term Financial Plan modelling.

SUSTAINABILITY

- 24. The change in arrangement of roads at the Hawkevale Road intersection, and improved streetscaping, pedestrian and cycling infrastructure will improve the social amenity for the majority of the community. There may be a negative impact to residents immediately adjacent to the end of Range Court.
- 25. The Project is not expected to have a material impact to economics or the environment.

RISK MANAGEMENT

26.	Risk: The City fails to secure grant funding leading to additional rates funding needs.		
	Consequence	Likelihood	Rating
	Major	Possible	High
	Action/Strategy		
	The City continues to improve its submission quality, project estimating and project management to comply with grant funding requirements.		

27.	Risk: There is significant dissatisfaction from the community regarding the future change in road connections.		
	Consequence	Likelihood	Rating
	Major	Unlikely	Medium
	Action/Strategy		
	The City will be undertaking further consultation and will attempt to address all concerns as part of the design process in 2022/23 (well before the project construction in 2023/24).		

CONCLUSION

- 28. If successful, the first project identified in the Kalamunda Road Functional Review (Abernethy–Roe) can be delivered at an estimated cost of \$1.968 million with \$1.295 million grant funding (subject to 2023/24 and 2024/25 budget approvals).
- 29. The City will be consulting with the community in 2022/23 while working on the detailed design, thus ensuring we address as many concerns as we can around the changing road layouts.
- 30. As the submission was due by 20 May 2022, the submission has already been entered. Should Council not support the submission it can be withdrawn.

Voting Requirements: Simple Majority

RESOLVED OCM 99/2022

That Council ENDORSE the submission for the Kalamunda-Hawkevale Road Upgrade Project for the 2023/24 Metropolitan Regional Roads Group Road Improvement Projects Program based on the concept design as shown in Attachment 1.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

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


10.3. Corporate Services Reports

10.3.1. Draft Arts and Culture Strategy 2022-2027

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic and Cultural Services
File Reference	
Applicant	
Owner	
Attachments	<ol style="list-style-type: none"> 1. Draft Arts and Culture Strategy [10.3.1.1 - 4 pages] 2. Arts Strategy Review - Community Engagement Report 2021 [10.3.1.2 - 39 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

Priority 3: Kalamunda Develops

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

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

Strategy 3.4.2 - Advocate and facilitate Agri Tourism opportunities for rural properties to flourish.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider adoption of a draft City of Kalamunda Arts and Culture Strategy (Attachment 1) for the purpose of public advertisement and comment.
2. The draft City of the Kalamunda Arts and Culture Strategy defines the City's approach to Arts and Culture for the next five years (2022-2027).

3. It is recommended that Council endorse the draft City of Kalamunda Arts and Culture Strategy for the purpose of public advertisement and comment.

BACKGROUND

4. At the Ordinary Council Meeting of 15 December 2020, Council resolved:
to:
 1. NOTE the advice received from the Kalamunda Arts Advisory Committee.
 2. REQUEST the Chief Executive Officer undertake a comprehensive review of the Arts Strategy 2019 to address the following matters:
 - a) Ensuring any City projects designated as requiring an art component, are identified by the City, and submitted to Council for approval during annual budget deliberations.
 - b) The creation of a volunteer panel of artists to provide advice to the City during the development of concept designs of projects requiring artistic input as designated by Council.
 - c) Any other matters within the Arts Strategy identified as requiring adjustment or clarification.
5. Through the review of the Arts Strategy internal consultation has highlighted several themes in relation to the current strategy which include:
 - a) Strategic alignment to the Community Strategic Plan is not evident and needs to be revised.
 - b) The revised Arts Strategy will inform the future growth of the Arts and Cultural sector and ensure future success for the City of Kalamunda.
 - c) It is noted that the Strategy will be influenced by Community Consultation which will assist in refining opportunities, strategies, and actions for focus areas.
 - d) A city led, inclusive Arts Strategy that aligns with the strategic direction of the city will ensure the high-level objectives of the current and renewed strategy are realised.

6. At Ordinary Council Meeting 22 June 2021 Council resolved to:
 1. ENDORSE the full review and revision of the Creative Communities: An Art Strategy.
 2. REQUEST the Chief Executive Officer undertake a community consultation to review the Creative Communities: An Art Strategy.
7. As part of the review, the City committed to undertaking stakeholder and community consultation.
8. It was determined that the City would draft a new strategy with stronger links to the Strategic Community Plan and other City priority areas, strategies, and plans.

DETAILS AND ANALYSIS

9. A staged approach to reviewing the strategy was undertaken:
 1. **Stage 1:** Consultation with internal stakeholder departments including Arts and Culture, Tourism and Economic Development, Community Development, Community Engagement, Events, Planning, Assets, People Services, and the Executive Management Team.
 2. **Stage 2:** Examine findings of Internal Review and present Council with draft findings, modifications, and seek endorsement to proceed to Community Consultation. [Completed ref OCM 22 June 2021].
 3. **Stage 3:** Conduct community consultation to review the 2019-2021 Creative Communities: As Arts Strategy. (Attachment 2)
 4. **Stage 4:** Prepare draft Arts Strategy and present to Council for endorsement for referral to Advisory committees and for public comment. [Current Stage]
 5. **Stage 5:** Prepare Final Arts Strategy for presentation to Council and adoption. [Future Stage]
10. Data collected as part of the stakeholder and community consultation was used to determine the main priority areas and objectives of the new proposed Draft City of Kalamunda Arts and Culture Strategy 2022 – 2027.
11. Consultation outcomes on the value of arts and culture to the community strongly reflects the Strategic Community Plan’s Vision Statement.

A Connected Community, Valuing Nature and Creating our Future together:

A total of 90% of respondents to the community engagement survey agreed or strongly agreed that arts and cultural experiences allow them to connect with others. A total of 86% of survey respondents agreed or

strongly agreed arts and cultural experiences make for a vibrant and more meaningful life.

12. The draft City of Kalamunda Arts and Culture Strategy (Attachment 1) establishes three key objectives that the City will focus on over the next five years (2022-2027):
 - **Key Objective 1:** Empowering Community Cultural Engagement
 - **Key Objective 2:** Economic Development through Cultural Tourism Activation.
 - **Key Objective 3:** Key Objective 3: Capacity Building and Development.
13. The draft City of Kalamunda Arts and Culture Strategy (Attachment 1) outlines the Key Objectives, Strategies, Actions and Evaluation Measures, linking all strategy outcomes to existing City of Kalamunda Policies, Strategies and Plans.
14. It should be noted that the forward to the strategy and graphic design will be written and designed following public comment and amendments.

APPLICABLE LAW

15. Local Government Act 1995 – 5.56 Planning for the Future:
 - a) A local government is to plan for the future of the districts.
 - b) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the districts.

APPLICABLE POLICY

16. The draft City of Kalamunda Arts and Culture strategy should be read and interpreted in conjunction with the following Policies and internal documents:
 - a) Service Policy 7: Art Collection Acquisition and Management
 - b) Local Planning Policy 26: Public Art Contributions

STAKEHOLDER ENGAGEMENT

17. The City of Kalamunda undertook extensive stakeholder and community consultation when reviewing the 2019-2021 Creative Communities: An Art Strategy. Details of the consultation can be viewed in Attachment 2 – Arts Strategy Review, Community Engagement Report 2021.

18. Consultation with internal stakeholder departments including Arts and Culture, Tourism and Economic Development, Libraries, Community Development, Community Engagement, Events, Planning, People Services, and the Executive Team was undertaken through a combination of small group meetings, one on ones, and workshops.
19. As part of the review, 207 surveys were collected with several dedicated consultation sessions with internal and external stakeholders from across the community. This included the Youth Advisory Committee and the Chamber of Commerce.
20. After the draft City of Kalamunda Arts and Culture Strategy has been adopted for public comment, feedback received during that period will be considered and where appropriate incorporated into the final document prior to Council adoption.

FINANCIAL CONSIDERATIONS

21. The draft City of Kalamunda Arts and Culture Strategy will determine the City's direction and guide financial priorities. Some of the initiatives outlined in the strategy will be subject to allocation within the annual budget and subject to competing priorities
22. The successful implementation of the City of Kalamunda Arts and Culture Strategy will be subject to both the availability of operational budget and staffing resources.

SUSTAINABILITY

Social Implications

23. Engagement with Arts and Culture can provide opportunities for social connections and inclusion. Research indicates intrinsic responses can also be stimulated such as increased self-belief, self-empowerment and a sense of belonging and other outcomes that contribute to the improvement and social wellbeing of people and their communities.

Economic Implications

24. A thriving Arts and Cultural community can provide local employment. Expansion of creative activity in the City of Kalamunda will increase economic output within the area.

In 2017, the Bureau of Communications and Arts released research figures to indicate that cultural and creative activity in Australia contributes to over \$117 billion dollars to the economy.

Environmental Implications

25. Using Arts and Culture activities to promote and engage with environmental sustainability was identified as a strong area of focus through community consultation.

RISK MANAGEMENT

- 26.
- | | | |
|---|-------------------|---------------|
| Risk: The community disagrees with the strategic directions and actions of the proposed Arts and Culture Strategy | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| Extensive community engagement has already been undertaken to mitigate this risk. | | |
| The draft strategy is advertised for public comment and submissions received will be reviewed and appropriate amendments made to the strategy before adopting the final strategy. | | |
| Education content and media release to accompany the adoption of the final Arts and Culture Strategy to provide insight and understanding of the final strategy to manage community expectations. | | |
- 27.
- | | | |
|---|-------------------|---------------|
| Risk: The City is unable to meet the outcomes in the strategy due to budget, resource and or time constraints | | |
| Consequence | Likelihood | Rating |
| Moderate | Possible | Medium |
| Action/Strategy | | |
| The strategy has an outcome focus, allowing the City to be flexible in its out puts to best meet the goals and objectives of the strategy. | | |
| The City of Kalamunda Arts and Culture Strategy has been developed in consultation with the front-line officers and teams who will be working to deliver the outcomes of the strategy to ensure that they are achievable. | | |

CONCLUSION

28. In June 2021, Council endorsed the City of Kalamunda (City) to undertake a review of the "Creative Communities: An Arts Strategy" following an internal assessment.

29. The draft Arts and Culture strategy will form a key informing plan for the City to clearly articulate, support and develop its arts and culture industry within the City of Kalamunda. Arts and culture are an important economic driver for the City as well as providing social benefits and connectivity within the Community.
30. The revised strategy provides stronger links to the Strategic Community Plan and other City priority areas, strategies, and plans.

Voting Requirements: Simple Majority

RESOLVED OCM 100/2022

That Council

1. ENDORSE the draft City of Kalamunda Arts and Culture Strategy (Attachment 1) for the purposes of public advertising in accordance with the City of Kalamunda Communication and Engagement Policy.
2. REFER the draft City of Kalamunda Arts and Culture Strategy to the Arts Advisory Committee following the public advertising period.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

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


10.3.2. Appointment to the Kalamunda Tourism Advisory Committee

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

Previous Items	Nil.
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	CO-CCS-109
Applicant	N/A
Owner	N/A
Attachments	1. 2021 -2022 Terms of Reference Kalamunda Tourism Advisory Committee [10.3.2.1 - 5 pages]
Confidential Attachments	1. Kalamunda Tourism Advisory Committee Outcome assessment 2. Kalamunda Tourism Advisory Committee Applicant 1 Resume 3. Kalamunda Tourism Advisory Committee Applicant 2 Resume

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

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

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 3.4 - To be recognised as a preferred tourism destination.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the appointment of two community member nominations for the Kalamunda Tourism Advisory Committee (KTAC) for the term of 2022/2023.
2. The City of Kalamunda (City) has developed a clear and relevant vision 'Connected communities, valuing nature and creating our future together.' The KTAC assists the City of Kalamunda in achieving this vision.
3. The Tourism Advisory Committee provides Council with support to establish the City of Kalamunda as a tourism destination with a sustainable and vibrant future.
4. At the December 2021 Ordinary Council Meeting Council resolved to defer the appointment of nominations to the Kalamunda Tourism Advisory Committee to enable the City of Kalamunda to consult further with the community in order to fill membership.
5. This report recommends that Council endorse the appointment of four new members to the Kalamunda Tourism Advisory Committee as per Confidential Attachment 1 – *Kalamunda Tourism Advisory Committee – Outcome Assessment*.

BACKGROUND

6. In 2021, the City of Kalamunda called for nominations for local active community members to be part of the Kalamunda Tourism Advisory Committee.
7. The committee may consist of up to eight members, comprising:
 - a) One Elected Member
 - b) Three tourism operators from within the City of Kalamunda
 - c) Three community members with experience within the tourism field
 - d) An invitation to a Local State Member of Parliament with a strong interest in tourism will be extended. This is a non-voting position.
8. At the December 2021 Ordinary Council Meeting Council resolved to defer the appointment of nominations to the Kalamunda Tourism Advisory Committee to enable the City of Kalamunda to consult further with the community in order to fill membership.
9. After further community consult, the City of Kalamunda received an additional two new eligible nominations to the Kalamunda Advisory Committee. These nominations have been assessed against the Appointment of Community Members to Advisory Committees and Reference Groups Policy.

DETAILS AND ANALYSIS

10. The Terms of Reference for KTAC are outlined in Attachment 1 to this report.
11. Qualification to become a Member of KTAC is defined with the Terms of Reference as being able to demonstrate skills, knowledge and experience and a strong interest in tourism development.
12. The City assessed the eligible nominations received in accordance with the Appointment of Community Members to Advisory Committees and Reference Groups Policy.

APPLICABLE LAW

13. *Section 5.8 of the Local Government Act 1995 – Establishment of Committees.*
14. *Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.*

15. *Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.*

APPLICABLE POLICY

16. Governance 13 – Appointment of Community Members to Advisory Committees and Reference Groups.

STAKEHOLDER ENGAGEMENT

17. The City of Kalamunda called for nominations for the 2021 Advisory and Management Committees from 15 October to 12 November 2021.
18. As a result of the City having an insufficient number of KTAC members, City Officers approached suitably qualified individuals to gauge their interest in joining the committee.

FINANCIAL CONSIDERATIONS

19. The cost to administer an advisory committee is in the order of \$4,000 to \$5,000 per KAAC meeting. This can vary depending on requirements of the committee.

SUSTAINABILITY

20. Nil.

RISK MANAGEMENT

21.	Risk: That Kalamunda Tourism Advisory Committee does not have a substantive number of members and is unable to meet membership number requirements.		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
	By appointing all four nominee recommendations, the Kalamunda Tourism Advisory Committee will be able to substantiate the Committee.		

CONCLUSION

22. The City recommends that Council endorse the appointment of four new members to the Kalamunda Tourism Advisory Committee as per Confidential Attachment 1 – *Kalamunda Tourism Advisory Committee – Outcome Assessment.*

Voting Requirements: Absolute Majority

RESOLVED OCM 110/2022

That Council APPOINTS four new members to Kalamunda Tourism Advisory Committee as per Confidential Attachment 1 – *Kalamunda Tourism Advisory Committee – Outcome Assessment*.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Dylan O'Connor**

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

10.3.3. Library Services Review

Withdrawn

10.4. Office of the CEO Reports

10.4.1. Community Engagement Report 2021


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

Previous
Items

Directorate	Office of CEO
Business Unit	Customer and Public Relations
File Reference	Nil.
Applicant	N/A
Owner	n/A

Attachments	1. Community Engagement Overview 2021 [10.4.1.1 - 60 pages]
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TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

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

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

Strategy 1.1.3 - Facilitate opportunity to pursue learning.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide an overview of community engagement campaigns conducted in 2021.
2. The 2021 Community engagement overview showcases the breadth of methodology and campaigns undertaken.
3. The recommendation is to receive the Community Engagement Overview for the 2021 Calendar year.

BACKGROUND

4. The City of Kalamunda (City) undertakes a review of Community engagement annually, by undertaking post campaign evaluation of each engagement.
5. Each engagement campaign also has a comprehensive Community Engagement report published, with verbatim results, along with a summary of all communications and promotion undertaken by the City during the campaign.
6. ‘Community engagement’ is used as an umbrella phrase to include informing, consultation, engagement, and empowering activities. The City of Kalamunda engages through the IAP2 Spectrum of Public Participation which identifies 5 subcategories of engagement.

Inform	Consult	Involve	Collaborate	Empower
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7. The core values outlined by IAP2 for community engagement are:
 - a) The public should have a say in decisions about actions that could affect their lives.

- b) Public participation includes the promise that the public's contribution will influence the decision.
- c) Public participation promotes sustainable decisions by recognising and
- d) Communicating the needs and interests of all participants, including decision makers.
- e) Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- f) Public participation seeks input from participants in designing how they participate.
- g) Public participation provides participants with the information they need to participate in a meaningful way.
- h) Public participation communicates to participants how their input affected the decision.

DETAILS AND ANALYSIS

- 8. In 2021, the City of Kalamunda had a total of 49 projects open for public comment.
- 9. These projects spanned a wide variety of the City's services, policies, and community issues, including planning proposals, policy development, environmental initiatives, City facility and amenity consultations, and road safety awareness programs.
- 10. Notably, 2021 was significant for planning, community development and asset management.
Engagements included:
 - a) Planning Policy Developments,
 - b) Tree Retention,
 - c) Cash-in Lieu projects coming to fruition,
 - d) Cambridge Reserve consultation,
 - e) Kalamunda Community Centre car park review,
 - f) the Draft Business Case for a New Aquatic Facility,
 - g) funding announcement for the Stirk Park Master Plan (including skate park and play space) and the Draft Hartfield Park Master Plan Stage 2.
- 11. The community continues to demonstrate strong engagement with the City, with several projects garnering high response rates such as:
 - a) 'Have Your Say - Draft Business Case for a New Aquatic Facility' (771 responses),
 - b) '40km/h Kalamunda Town Centre' (350 responses),
 - c) 'Dog Exercise Area Management Plan' (331 responses), and

d) Kalamunda Community Centre/Jorgensen Park - Overflow Car Park Access' (310 responses).

12. The City has been tracking its results over the past four years to identify levels of engagement by the community.

13. The City continues to use the online engagement portal EngagementHQ to promote, educate and engage with community members in an interactive way. In 2021, the engagement portal continued to be very popular, with the total visits at 33,000, this is down from 2020 where we had a remarkable year for engagement through the onset of COVID with 50,500, and up from 29,000 in 2019.

14. Of the 33,000 total visits, 2,900 were engaged participants, 9,500 were informed participants and 24,000 were aware participants. The maximum visitors per day at 335, again down from last year with 934, and Engaged visitors at 2,900, close to 3,100 in 2020, and up from 1,700 in 2019. However, it should be noted that this is only ever one element of our overall engagement strategy.

15. Pop up booths, direct mailouts, workshops and opportunities for dialogue continue to be very popular.

The overall longitudinal summary is shown as follows:



A full overview of the results is contained in Attachment 1 – Community Engagement Overview 2021.

16. All engagement projects are supported with an integrated marketing campaign, to ensure maximum reach across a diverse range of audiences in our community, regardless of whether they are online, at home or face-to-face in the public domain (such as shopping centres or at City events).
17. **AWARDS**
During the 2021 calendar year the City of Kalamunda won 4 awards for its work in community engagement and, was the recipient of special mention or commendation for a further 3 awards.
18. WABN - Painting our streets alive! Community Engagement
Winner: LG Professionals WA Honour Award, 2021 LG Professionals WA Award in the Connecting Communities category.
19. Winner: Stakeholder Engagement Award in the 2021 PIAWA for Planning Excellence Award [WA Department of Transport and the City of Kalamunda.
20. Emergency Management and Community Engagement
Winner: 2021 Innovative Partnerships – Metro Award, LG Professionals WA Community Development Awards. Local Government Professionals Australia WA
21. Winner: 2021 Building Community Resilience. Recognising the City's commitment to helping build community resilience through a partnership with WALGA, DLGSCI and Market Force to help residents prepare for emergencies and natural disasters
- Highly commended: 22nd Resilient Australia WA Awards
22. Road Safety Awareness project
Honourable mention: 2021 National Awards for Local Government, Excellence in Road Safety Award category
23. COVID Recovery and Response for Children and Young People
Commended

APPLICABLE LAW

24. *Local Government Act 1995*

APPLICABLE POLICY

25. Service 5 – Communication and Engagement

STAKEHOLDER ENGAGEMENT

26. This report provides an overview of stakeholder engagement undertaken in 2021.

FINANCIAL CONSIDERATIONS

27. All community engagement is undertaken within approved budget parameters.

RISK MANAGEMENT

28.	Risk: Community engagement practices not reviewed		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	Ensure engagement reports prepared for each project, with annual review of all engagement undertaken.		

CONCLUSION

29. The engagement results for the past 12months have declined when compared to the 2019 and 2020 results. The reasons for this could be due to the level of interest in the issues being consulted upon. The level of interest and or the level of contention with issues will impact engagement results. The spike during the COVID period was obvious as online communications became the only form of interactions. Ongoing monitoring will provide trend analysis to identify if the declining trend is caused by other factors that may be at play.

Voting Requirements: Simple Majority

RECOMMENDATION

1. That Council RECEIVE the Community Engagement Overview for the 2021 calendar year.

Cr Sewell moved the recommendation and foreshadowed an additional point. Cr Sewell provided rationale for the the additional point.

The amended recommendation received a seconder before being put to a vote.

RESOLVED OCM 101/2022

That Council

1. RECEIVE the Community Engagement Overview for the 2021 calendar year.

2. REQUEST the Chief Executive Officer to facilitate a workshop with Council to review the Community Engagement Framework being applied and how the processes are implemented and enacted by the City of Kalamunda and the Council.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

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


10.5. Chief Executive Officer Reports

10.5.1. Draft Monthly Financial Statements to 30 June 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FIR-SRR-006
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity for the period ended 30 June 2022 [10.5.1.1 - 2 pages] 2. Statement of Net Current Funding Posiiton as at 30 June 2022 [10.5.1.2 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the year ended 30 June 2022.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the mid-term budget review adopted by the Council on 22 March 2022 for the 2021/2022 financial year.
3. It is recommended Council receives the draft Monthly Statutory Financial Statements for the year ended 30 June 2022, which comprise:
 - a) Statement of Financial Activity (Nature or Type);
 - b) Statement of Financial Activity (Statutory Reporting Program);
 - c) Net Current Funding Position, note to financial report

BACKGROUND

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

DETAILS AND ANALYSIS

5. The Act requires the Council to adopt a percentage or value to be used in reporting variances against Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.
6. The opening funding position in the Statement of Financial Activity reflects the audited surplus carried forward from 2020/2021.
7. The draft report provided is unaudited and subject to change for the below year end entries:
 - a) Capital projects are at a point of finalisation which can impact on asset categories and depreciation;
 - b) Provisions for staff leave entitlements have not been finalised;
 - c) Prepayments and accruals are still pending reconciliations of receivable / supplier accounts;
 - d) June 2022 Overhead allocations have not been finalised;
 - e) Audited results of Eastern Metropolitan Regional Council (EMRC) of which the City owns a substantial percentage of equity have not been finalised;
 - f) Adjustments related to the Australian Accounting Standards.

- g) 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 2022

- 8. This Statement reveals a net result surplus of \$5,200,627 compared to the budget for the same period of \$78,294.

Operating Revenue

- 9. Total Revenue excluding rates is over budget by \$3,966,138. This is made up as follows:
 - a) Operating Grants, Subsidies and Contributions are over budget by \$3,143,273. The variance is mainly attributable to;
 - i) Contribution received from the CELL 9 trust \$1,982,762 for the reimbursements of expenditure incurred on behalf of the trust.
 - ii) Early receipt of Financial Assistance Grant for 2022/2023 \$2,086,361
 - b) Fees and Charges are over budget by \$788,765 Which mainly relates to additional revenue from building applications and planning application fees.
 - c) Interest earnings are over budget by \$31,348. This is primarily due to the City securing better interest rates during the year.
 - c) Other Revenue is over budget by \$13,574. The variance is within the reporting threshold.

Operating Expenditure

- 10. Total expenditure is under budget by \$4,773,586. The significant variances within the individual categories are as follows:
 - a) Employment Costs are under budget by \$877,085, which is primarily due to vacant positions and the aggregate result of minor variances in several business units.
 - b) Materials and Contracts are under budget by \$1,702,538. The variance is mainly due to lower actual costs than budgeted for non-current projects under the development and traffic management business unit and verge maintenance.
 - c) Utilities are under budget by \$71,590, the variance is mainly due to the aggregate result of minor variances in several business units.
 - d) Depreciation, although a non-cash cost, is tracking under budget, reporting a variance of \$1,668,133.

- e) Interest and Insurance expenses are tracking below the reportable variance threshold.
- f) Other expenditure is under budget by \$532,514. The variance is due to the land acquisition costs related to CELL 9 projects. The amounts paid for infrastructure works for CELL 9 projects were reimbursed drawing against the Trust account set aside for it.

Investing Activities

Non-operating Grants and Contributions

- 11. The non-operating grants and contributions are over budget by \$507,454. During May 2022 the City recognised assets valued \$3,451,698 as additions in the City's asset management system. The corresponding capital contribution value was recognised under non-operating grant and contributions.

Capital Expenditure

- 12. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$8,494,850. The management have reviewed the current year's works programme and identified the projects that the City will continue works in 2022/2023 as part of the carry forward process.
- 13. Capital works-in-progress expenditure of \$1,807,468 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

Financing Activities

- 14. The amounts attributable to financing activities show a variance of \$15,353,272 which is mainly due to the developer contributions and reserve transfers.

Rates Revenues

- 15. Rates generation is over budget with a variance of \$142,833. The variance is due to the interim rates.

Statement of Financial Activity by Program for the year ended 30 June 2022

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

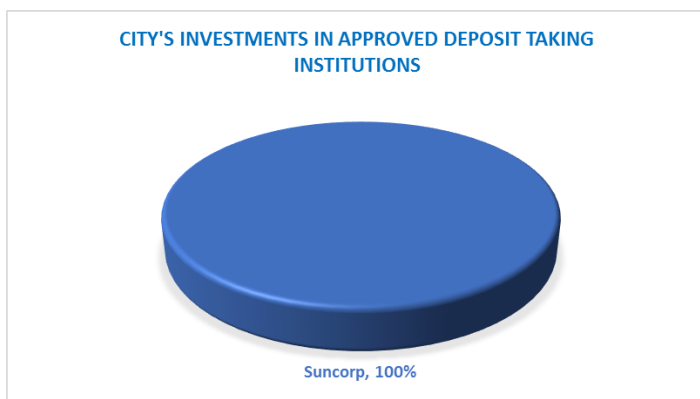
Statement of Net Current Funding Position as of 30 June 2022

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

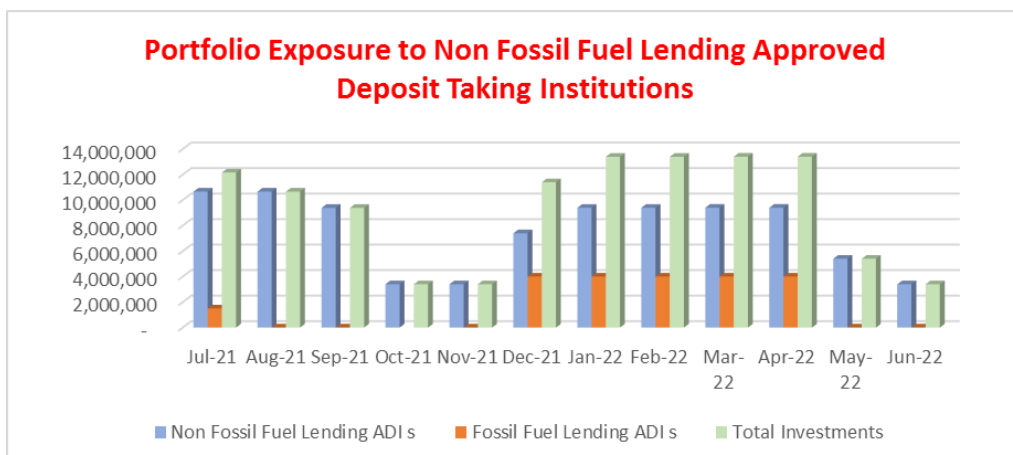
18. Net Current Assets (Current Assets less Current Liabilities) total \$25 million. The restricted cash position is \$24.3 million which is higher than the previous year's balance of \$23.5 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and specific purpose grants reserve.

19. The following graph indicates the financial institutions where the City has investments as of 30 June 2022;

20.



21.



22. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$2.6 million.
23. Sundry debtors have decreased from \$743,431 to 643,999 , of which \$173,588 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
24. Receivables Other represents \$1.6 million including:
a) Emergency Service Levy receivables \$0.4 million;
b) Receivables sanitation \$0.6 million
25. Provisions for annual and long service leave have decreased by \$0.1 million to \$4.4 million when compared to the previous year. The 2021/2022 end of the year leave provision adjustments are pending at the time of presenting this report.

APPLICABLE LAW

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

APPLICABLE POLICY

27. Nil.

STAKEHOLDER ENGAGEMENT

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 25 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.

SUSTAINABILITY

Social Implications

31. Nil.

Economic Implications

32. Nil.

Environmental Implications

33. Nil.

RISK MANAGEMENT

34.

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

35.

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

CONCLUSION

36. The City's Financial Statements as at 30 June 2022 demonstrate the City has managed its budget and financial resources effectively.

Voting Requirements: Simple Majority

RESOLVED OCM 102/2022

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 30 June 2022 which comprises:

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

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**


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

10.5.2. Debtors and Creditors Report for the period ended 30 June 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the period ended June 2022 [10.5.2.1 - 36 pages] 2. Summary of Debtors for the month of June 2022 [10.5.2.2 - 2 pages]

TYPE OF REPORT

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

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

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

2. The Debtors and Creditors report provides Council with payments made from Municipal and Trust accounts together with outstanding debtors for the month of June 2022.
At the time of producing this report, the Creditors module in the Financial Information Management System is kept open to allow for the processing of invoices received in July relating to the financial year ended 30 June 2022. These transactions will be included in the Creditors' payment listing for July 2022.
3. It is recommended that Council:
 - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in June 2022 in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13); and
 - b) Receive the outstanding debtors and creditors report for the month of June 2022.

BACKGROUND

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

DETAILS AND ANALYSIS

Debtors

6. Sundry debtors as of 30 June 2022 were \$643,998.50. This includes \$173,588 of current debts and \$10,624 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$163,015 debts of significance:
 - a) Jarvin No2 Pty Ltd, \$59,218.24, Bonds, paid 07/07/22;
 - b) Department of Education, \$29,090, Kostera Oval shared usage;
 - c) Hesperia Property, \$15,952, Planning Fees – Paid 24/05/22;
 - d) Kalamunda District Football Club, \$14,263, Reserve Hire and Utilities;
 - e) Kalamunda District Rugby Union Club, \$11,612, Reserve Hire and Utilities;
 - f) N-Com, \$3,493, Telecommunications Tower Lease.
8. Invoices over 60 days total \$6,965 debts of significance:
 - a) Private Citizen, \$4,331, Fire Break – Reimbursement.

9. Invoices over 90 days total \$311,054 debts of significance:
- a) El Dujmovic Pty Ltd, \$216,600, Developer Contribution;
 - b) Karingal Green Health, Aged and Community Care (WA) Pty Ltd, \$55,000, Works Contribution – Gladys Newton Reserve;
 - c) Department of Education, \$29,090, Kostera Oval shared usage; and
 - d) Private Citizen, \$4,950, Fire Break – Reimbursement. Department of Education, \$29,090, Kostera Oval shared usage reimbursement.

Write off Debts

10. The following debts were written off during the period ended 30 June 2022 under delegation to the CEO from the Council - LGA 7 write off debts.

In accordance with Council Delegation LGA7, temporary amendment – OCM 28/04/20, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to write off debts where the relevant debt does not exceed \$5,000.

11.

Debtor	Fee Type	Amount \$
Private Citizen	Sustenance Fees – unable to contact the debtor	109.00
Universal Qigong	Hall hire – the City's debt collectors unable to recover the debt	758.00
Private Citizen	Sustenance Fees – unable to contact the debtor	323.20
Total		1,190.20

Creditors

12. Payments totaling \$5,595,686 were made during the month of June 2022. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

13. 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 th quarter payment	677,648.85
Australian Tax Office	PAYG payments	371,865.08
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	368,239.99
Cleanaway	Waste, recycling & bulk bin disposal services	349,799.14
Jeanetta Pty Ltd	Credit for land and construction for Bonser Road – third installment*	208,150.15
Wsetern Australian Treasury Corporation	Loan installment repayment – loan numbers 240,241,242,243,244	197,187.17
AWARE Super Pty Ltd	Superannuation contributions	183,752.04
A E Hoskins Building Services	Construction of the additional female change rooms – progress claims 6 & 7	181,648.04
LGIS Workcare Scheme	LGIS Workcare performance-based adjustment endorsement period 30/6/2019 to 30/6/2021	172,978.30
Natural Area Management & Services	Progress claim – Woolupine Living Stream upgrade	164,323.28
Synergy	Power charges – various locations	133,262.88
A Proud Landmark Pty Ltd	Various works – Maida Vale reserve, Booralie reserve, Juniper Way	122,179.75
BOS Civil Pty Ltd	Progress claim - Ray Owen car park	114,709.42
Protek 247 Building	Gutter cleaning, supply and install new roof cover, Building maintenance – various locations	90,839.70
Serenitas Communities Holdings Pty Ltd – Hillview	Seniors and Pensioners rate rebate refund	70,901.36

Martins Environmental Services	Weed spraying and removal – various locations	66,385.00
Merger Contracting P/L trading as J&M Asphalt	Supply and install asphalt and minor asphalt renewal at Maida Vale reserve	61,552.70
The Stainless Steel Monument Company Pty Ltd T/A Artforms	Manufacture and installation of vitreous enamel signage	58,968.00
Carrington Traffic Services	Traffic management services including VMB hire fees at various locations	52,359.19
Protector Fire Services	Various works at Kalamunda Performing Arts Centre, programming, testing and tagging of fire prevention protection equipment	52,321.50
Landscape and Maintenance Solutions	Residential verge, passive and active reserves mowing services	50,398.27
Pickering Brook Spotts Club INC	Contribution to the conversion of bowling green	50,000.00

These payments total \$3,799,469.81 and represent 68% of all payments for the month.

*The amounts paid relate to Forrestfield Industrial Area Scheme stage 1 infrastructure works reimbursed from the Forrestfield Industrial Area Scheme stage 1 reserve account (excluding GST component) during June 2022.

Payroll

14. Salaries are paid in fortnightly cycles. A total of \$1,190,897.88 was paid in net salaries for the month of June 2022.
15. Details are provided in (Attachment 1) after the creditor’s payment listing.

Trust Account Payments

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

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

CELL 9		Amount (\$)
Date	Description	
29/06/2022	City of Kalamunda – Project management fees – April 2022 to June 2022	7,360.19
29/06/2022	ABAXA – High-pressure gas locator services, Hale Road, Wattle Grove	541.00
29/06/2022	Talis Consultants Pty Ltd – consultancy services for Woodlupine Living Stream Stage 3	15,005.00
29/06/2022	Opteon Property Group Pty Ltd – updated valuation report, Wattle Grove Development	2,500.00
Public Open Space		Amount (\$)
Date	Description	
29/06/2022	City of Kalamunda – reimbursement of funds incurred for Public Open Space funded projects	100,591.35

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

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.

SUSTAINABILITY

25. Nil.

RISK MANAGEMENT

Debtors

26.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Insignificant</td> <td>Possible</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Insignificant	Possible	Low
Consequence	Likelihood	Rating					
Insignificant	Possible	Low					
	Action/Strategy						
	Ensure debt collections are rigorously managed.						

Creditors

27.	Risk: Adverse credit ratings due to the City defaulting on the creditor.						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Insignificant</td> <td>Possible</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Insignificant	Possible	Low
Consequence	Likelihood	Rating					
Insignificant	Possible	Low					
	Action/Strategy						
	Ensure all disputes are resolved in a timely manner.						

CONCLUSION

28. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RESOLVED OCM 103/2022

That Council:

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

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**


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

10.5.3. Rates Debtors Report for the Period Ended June 2022

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	1. Rates Report June 2022 [10.5.3.1 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

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

2. The City of Kalamunda (City) levied rates for 2021/2022 on 1 July 2021 totalling \$38,954,466. As of 30 June 2022, \$40,115,223 has been collected for current and prior year outstanding rates for the 30 June 2022 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of June 2022 (Attachment 1).

BACKGROUND

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

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

DETAILS AND ANALYSIS

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$41,821,605.
6. As of 30 June 2022, a total of \$40,115,223 has been collected since Rates Notices were released, representing a collection rate of 95.92%.
7. A total of 7,934 ratepayers have taken up the instalment option. The first due date was 26 August 2021. A total of 156 ratepayers have chosen to pay via direct debit. Refer to the table below:

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

8. Interim rating has now commenced for 2021/2022. To 30 June 2022, \$739,287 has been raised for interim rating revenue.

9. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 June 2022 to 30 June 2022, there was a total of 239 incoming calls and 119 outgoing calls, equating to 13.81 hours call time.

APPLICABLE LAW

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

APPLICABLE POLICY

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

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

Social Implications

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

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT

- 20.

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

CONCLUSION

21. With a current collection rate for the financial year of 95.92% (compared to 94.56% last year), the City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 104/2022

That Council RECEIVE the Rates Debtors Report for the Period ended 30 June 2022 (Attachment 1).

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

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


10.5.4. Appointment to Committees

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

Previous
Items
Directorate Office of CEO
Business Unit Governance
File Reference
Applicant
Owner

Attachments Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to appoint new delegates to one internal and two external committees requiring councillor representation.

2. The need for these appointments is required to replace Cr Kellie Miskiewicz who has advised she is unable to continue to undertake these roles and has submitted her resignation.
3. This report recommends new councillors be appointed to the following committees:
 1. WALGA East Metropolitan Zone
 2. Joint Development Assessment Panel
 3. The City of Kalamunda Disability and Carers Advisory Committee

BACKGROUND

4. The appointment of Council delegates is to ensure Council is always fully and formally represented.

DETAILS AND ANALYSIS

5. Given the resignation of Cr Miskiewicz it is now necessary for Council to make new appointments to three committees.
 1. WALGA East Metropolitan Zone - Member
 2. Joint Development Assessment Panel - Alternate Member
 3. City of Kalamunda Disability Inclusion and Access Committee - Member.
6. **Western Australia Local Government Association East Zone (Zone)**

The Zone is a group of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

The meetings are held every three months on Thursday evenings.
7. **Joint Development Assessment Panel (JDAP)**

The role of JDAPs is to determine significant development applications to simplify planning approvals. A JDAP comprises a membership of three technical experts and two local government representatives with the power to determine applications for development approval in place of the relevant decision maker. The local government representatives will only be required to sit on the JDAP where, for the purposes of the Kalamunda members, the application is for a development within the Kalamunda local government area.

8. All members will be required to attend a training workshop on planning law in relation to matters to be considered in the assessment, decision making, and appropriateness of conditions for approval or reasons for refusal, as well as the Code of Conduct. Local government representatives who have previously been appointed to a JDAP and have received training are not required to attend further training.

9. **City of Kalamunda Disability and Carers Advisory Committee (DACAC)**

The purpose of the DACAC is to advise and make recommendations to Council, on a range of strategic issues which affect the quality of life of people with disability, their families and carers living in and visiting the City of Kalamunda.

APPLICABLE LAW

10. Section 5.8 of the Local Government Act 1995 – Establishment of Committees.
Section 5.9(2)(c) of the Local Government Act 1995 – Types of Committees.
Section 5.11(2)(d) of the Local Government Act 1995 – Tenure of Committee Membership.

APPLICABLE POLICY

11. Governance 13: Appointment of Community Members to Advisory Committees and Reference Groups.

STAKEHOLDER ENGAGEMENT

12. Not Applicable.

FINANCIAL CONSIDERATIONS

13. Nil.

SUSTAINABILITY

14. Not Applicable.

RISK MANAGEMENT

15.	Risk: Council does not appoint delegates to committees reducing the city's influence and knowledge gathering capacity.		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Medium
	Action/Strategy		
	Ensure Council recognizes the value-added benefit that committees bring to Council decision making.		

CONCLUSION

- 16. It is an important for the City to have adequate representation to all its committees to ensure Council has access to the information being shared and to make decision on behalf of the City as required.

Voting Requirements: Absolute Majority

The Presiding Member sought nominations to the vacant positions from the floor. All nominees accepted the nomination before the recommendation was put to the vote.

RESOLVED OCM 105/2022

That Council:

- 1. ACCEPT the resignation of Cr Kellie Miskiewicz from the Western Australian Local Government Association – East Metropolitan Zone Committee, the City of Kalamunda Disability and Carers Advisory Committee and as alternative member to the Joint Development Assessment Panel.
- 2. APPOINT Councillor Janelle Sewell as a delegate to Western Australian Local Government Association – East Metropolitan Zone.
- 3. NOMINATES Councillor Kathy Ritchie as the City of Kalamunda’s alternate member for the Metro Outer Joint Development Assessment Panel.

4. APPOINT Councillor Lisa Cooper as representative to the City of Kalamunda Disability and Carers Advisory Committee.

Moved: **Cr Sue Bilich**

Seconded: **Cr Mary Cannon**


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

10.5.5. Hatch Court, High Wycombe - Response To Petition

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

Previous Items	N/A
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/080
Applicant	Planning Solutions
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

EXECUTIVE SUMMARY

1. The City of Kalamunda (City) has received a petition requesting that the Council initiate an amendment to Local Planning Scheme No.3 (the Scheme) to remove the requirement for a local structure plan (LSP) over Lots 10 to 16 (inclusive), Lots 51-53 (inclusive) Hatch Court, Lots 1,8,9 and 1499 Stirling Crescent, and Lots 200 and 201 Kalamunda Road, High Wycombe by deleting the requirements of Table 4 of the Scheme. The petition has been signed by eighteen (18) residents whose properties are affected by the requirements of Table 4 of the Scheme.
2. Table 4 of the Scheme outlines the requirement for an LSP that applies to land in the Scheme area which addresses the following matters:
 - a) Traffic Management, including the provision of internal vehicle access to Adelaide Street.
 - b) Interface treatments to existing residential lots on Stirling Crescent.
 - c) Identification and protection of environmentally significant areas.
 - d) Identification of bushfire risk.
3. To support the request to initiate an amendment to the Scheme by removing the requirement for a LSP, landowners would need to demonstrate to the satisfaction of the City, that the requirements outlined in Table 4 of the Scheme could be addressed without the need for a LSP and not therefore prejudicing the future planning of the area.
4. Draft Local Planning Policy 35 – Hatch Court Light Industrial Area has been prepared with the purpose of providing guidance where development is possible prior to the progression of an LSP for the precinct. LPP35 may permit development of Lot 1499 Stirling Crescent independently to the progression of an LSP subject to addressing several technical considerations.
5. The advertising of draft LPP35 will provide landowners in Precinct A an opportunity to provide a submission outlining why their lot is capable of redevelopment for light industrial purposes independently of the structure plan process.
6. The City's response to the matters raised in the petition is for Council's information and noting.

BACKGROUND

7. The Hatch Court Light Industrial Area comprises approximately 30 hectares of land and is in the north-western corner of High Wycombe generally bounded by Kalamunda Road, Stirling Crescent and Adelaide Street.
8. Hatch Court adjoins the Perth Airport land with a mixture of light industry, transport and logistics uses to the west. Adjoining to the north is the Hazelmere Enterprise Area within the City of Swan. Residential uses are located to the south and south-east of the site.
9. The subject land was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57) in 2010.
10. Council, at its Ordinary Meeting held in September 2015 (OCM 114/2015), resolved to initiate Scheme Amendment 80 to the Scheme. The amendment proposed to rezone the subject area from Urban Development to Light Industry.
11. At the same Ordinary Council Meeting in September 2015, Council considered the Hatch Court/Stirling Crescent LSP for the land for residential uses within the north-east of the amendment area and resolved to forward the structure plan to the Western Australian Planning Commission (WAPC) for its determination (OCM 114/2015).
12. The Hatch Court – Stirling Crescent LSP was considered by the WAPC Statutory Planning Committee in April 2016, where it resolved to refuse the structure plan, in part, for the following reasons:

“The proposed local structure plan is in conflict with the proposed Amendment No. 80 to the Shire of Kalamunda Local Planning Scheme No. 3 which has been initiated by the Shire and proposes to rezone the land to Light Industry. Supporting the proposed local structure plan in order to facilitate residential development may prejudice the decision of the Minister for Planning on the proposed amendment.”
13. Council, at its Ordinary Council Meeting in February 2017 (OCM 16/2017), resolved to support Amendment 80 to the LPS3 subject to the preparation and approval of a LSP prior to the amendment being finalised, over the area subject of the amendment and the extension of Adelaide Street to Abernethy Road.
14. In January 2018 the Minister for Planning approved Amendment 80 to rezone subject area from Urban Development to Light Industry and to insert a new clause 5.23 and Table 4 into Part 5 of the Scheme.

15. At the July 2022 Public Briefing Agenda meeting, Council considered Local Planning Policy 35 – Hatch Court Light Industrial Area (LPP35). The purpose of LPP35 is to provide guidance where development is possible prior to the progression of a Local Structure Plan (LSP) for the precinct. LPP35 may permit development of Lot 1499 Stirling Crescent independently to the progression of an LSP subject to addressing several technical considerations.

DETAILS AND ANALYSIS

16. The City has received a petition requesting that the Council initiate an amendment to the Scheme to remove the requirement for a LSP over Lots 10 to 16 (inclusive), Lots 51-53 (inclusive) Hatch Court, Lots 1,8,9 and 1499 Stirling Crescent, and Lots 200 and 201 Kalamunda Road, High Wycombe by deleting the requirements of Table 4 of the Scheme. The petition has been signed by eighteen (18) residents whose properties are affected by the requirements of Table 4 of the Scheme.
17. For the City and by extension Council to support a request to initiate an amendment to the Scheme to remove Table 4, affected landowners would need to demonstrate that their lots are capable of redevelopment for light industrial purposes independently of the structure plan process.
18. The technical matters the landowners would need to address are identified in Table 4 of the Scheme and summarised as follows:
- a) Traffic Management, including the provision of internal vehicle access to Adelaide Street.
 - b) Interface treatments to existing residential lots on Stirling Crescent.
 - c) Identification and protection of environmentally significant areas.
 - d) Identification of bushfire risk.
19. In addition to the technical requirements of Table 4 of the Scheme, landowner would need to demonstrate they have addressed the technical provisions of draft LPP35 which are identified in the Policy section of this report.
20. A key objective of draft LPP35, is to identify lots that are capable of development prior to the progression of a LSP by virtue of their location and relative isolation from key constraints or shared infrastructure required to be planned as a component of the ultimate LSP.
21. The advertising of draft LPP35 will provide landowners in Precinct A an opportunity to provide a submission outlining why their lot is capable of redevelopment for light industrial purposes independently of the structure plan process.

APPLICABLE LAW

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

Clause 27(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a decision maker for an application for development or subdivision approval for an area which requires a LSP to be prepared but not approved, to approve the application if the decision maker is satisfied that:

- a) The proposed application does not conflict with the principles of orderly and proper planning; and
- b) The proposed application would not prejudice the overall development potential of the area.

APPLICABLE POLICY

23. **Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28)**

LPP28 guides Council, the City's officers and external stakeholders identifying the City's responsibilities for the preparation of an LSP to achieve the implementation of the state and local strategic planning framework and the information required to be submitted with a planning proposal.

LPP28 effectively states that LSPs are not the responsibility of the City to prepare except in exceptional circumstances endorsed by Council. Appendix 1 of LPP28 outlines the information that needs to be provided to support an LSP.

24. **Draft Local Planning Policy 35 – Hatch Court Light Industrial Area**

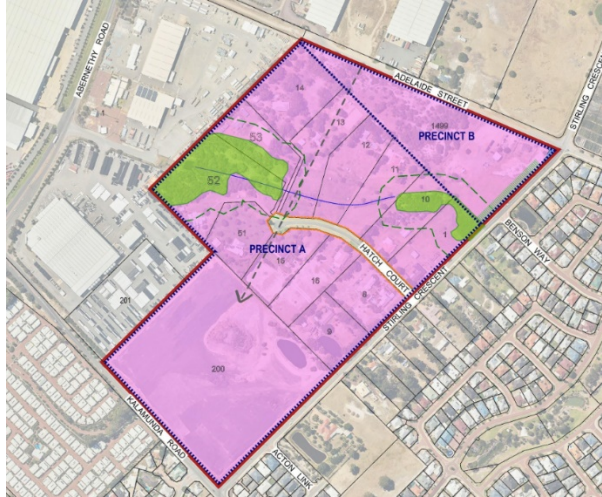
The purpose of LPP35 is to provide guidance where development is possible prior to the progression of an LSP for the precinct.

LPP35 is guided by the following key objectives:

- a) To inform the preparation of a future LSP which facilitates light industrial development within the precinct in accordance with clause 5.23 of LPS3.
- b) To identify the location of shared infrastructure which is required to facilitate development.

- c) To identify sites that are capable of development prior to the progression of a LSP by virtue of their location and relative isolation from key constraints or shared infrastructure required to be planned as a component of the ultimate LSP.

LPP35 splits the area into two precincts: Precinct A – Central Precinct and Precinct B – North-Eastern Precinct as shown below:



Sites within Precinct A are not considered capable of redevelopment for Light Industrial purposes until such time as an LSP has been prepared which outlines and addresses key constraints and infrastructure provision required.

The key constraints and infrastructure provision required to be addressed includes but is not limited to:

- a) The delineation and staged connection of new roads that connect the precinct to Adelaide Street to alleviate the use of Stirling Crescent by heavy vehicles and to minimise the increase of light vehicle volumes on Stirling Crescent.
- b) The investigation, delineation and ongoing management of areas identified as Resource Enhancement Wetlands (REW's) and any necessary buffers associated in the context of proposed Light Industrial Development.
- c) The upgrade and potential widening of Hatch Court road reserve to accommodate heavy vehicles.
- d) Managing the interface between the precinct and residential areas to the east of Stirling Crescent.
- e) The facilitation of utility infrastructure upgrades and connections as required to support light industrial development.
- f) The integrated management of stormwater inclusive of investigation of the potential realignment of the surface water drainage from its

existing flow path, and the management of this in the context of the identified REW's.

- g) The staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development.

25. LPP35 demonstrates that Precinct B (Lot 1499) is capable of development prior to the preparation of the LSP, and will not prejudice a future LSP, as a result of it being largely unconstrained by:

- a) Environmental features.
- b) Servicing constraints.
- c) Separation to groundwater for onsite wastewater disposal (via ATU).
- d) Drainage disposal via infiltration and/or existing drainage outlets.
- e) The site benefits from immediate and unrestricted access to the broader freight network via its Adelaide Street frontage.

26. A technical note has been prepared to support LPP35. It provides an overview of the various technical aspects of the Precinct, and key considerations and practicalities to be considered in the assembly and servicing of the broader area including a series of matters to be considered as part of the preparation an LSP.

27. The technical note provides an overview of the following:

- a) Wetland and Environmental considerations.
- b) Drainage and Fill Requirements.
- c) Road Connections.
- d) Sewerage and Servicing Connections.
- e) Interface to Adjoining Land.
- f) Infrastructure Provision and Upgrade. Bushfire Hazard

STAKEHOLDER ENGAGEMENT

28. N/A

FINANCIAL CONSIDERATIONS

29. N/A

SUSTAINABILITY

30. **Environment**

The subject area contains three wetlands

- a) Two areas of Resource Enhancement Category Wetland (REW) (UFI 15940) (Sumpland) are mapped on the eastern (predominately Lots 1 and 10) and western portions (predominately Lots 52 and 53) of the Precinct.
- b) A portion of a Multiple Use Category Wetland (MUW) (Dampland) is mapped as occurring across the majority of the Precinct, excluding the northern portion of the site.

31. Wetland buffer investigations will be required as part of a development application and through the preparation of an LSP. A Local Water Management Strategy will also be required through the LSP phase.

32. Due to the degraded state of the vegetation, there are no Threatened Ecological Communities or Priority Ecological Communities listed under the State or Commonwealth occurring within the Precinct. The Precinct is also highly unlikely to contain any conservation significant flora, and the native vegetation is all in poor condition.

33. One stand of remnant native vegetation is associated with REW across Lots 52 & 53, and consists of a Flooded Gum (*Eucalyptus rudis*) Woodland to Low Forest over dense Paperbark (*Melaleuca raphiophylla*) and Kikuyu Grass (*Pennisetum clandestinum*) the dominant species.

34. The parkland Banksia and Coastal Blackbutt is disturbed fauna habitat and may provide habitat for some bird species, including the provision of limited feeding habitat for Black Cockatoos. These trees are likely to support some reptile species, however the reptile assemblage is likely to be poor due to the degraded condition of the vegetation and the high numbers of feral predators likely to be present.

35. The drainage line is disturbed fauna habitat but provides habitat for some frog and waterbird species and there is anecdotal evidence that it supports a population of Oblong Turtles (*Chelodina oblonga*). It is recommended a flora, vegetation and fauna study be undertaken as a component of the LSP for the Precinct.

36. **Economic**

Development of the industrial precinct will provide additional economic activity to the City.

37. **Social**
Development of the industrial precinct will provide additional employment opportunities within the City of Kalamunda.
38. There are potential amenity impacts on the residential area to the east and south of the industrial precinct which will need to be addressed through the development application and LSP processes.

RISK MANAGEMENT

39.

Risk: Landowners submit a request to initiate an amendment to the Local Planning Scheme 3 to remove Table 4 without fully addressing the requirements set out in table 4 and the provisions of draft LPP35.		
Consequence	Likelihood	Rating
Moderate	Possible	Medium
Action/Strategy		
Ensure the Council report item highlights that the applicant has not addressed the requirements of Table 4 and provisions of draft LPP35 and is therefore not supported.		

40.

Risk: Development does not occur for considerable time within the Precinct leading to continued uncertainty for existing landowners.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
The advertising of draft LPP35 will provide an opportunity for affected landowners to demonstrate why their properties can be developed independently of the LSP process.		

CONCLUSION

41. The petition received by the City is seeking Council support to initiate an amendment to the Scheme to delete the requirements of Table 4, thereby enabling affected landowners to develop their properties for light industrial purposes independently of the LSP process.
42. To support such a request, Council and by extension the WAPC and the Minister for Planning would need to be satisfied that the applicant has addressed the requirements of Table 4 and the provisions of draft LPP35, without prejudicing the future planning of the area.
43. The advertising of draft LPP35 will provide landowners in Precinct A an opportunity to provide a submission outlining why their lot is capable of redevelopment for light industrial purposes independently of the structure plan process.

44. The City's response to the petition request is for Councils information and noting.

Voting Requirements: Simple Majority

RESOLVED OCM 106/2022

That Council NOTE the request outlined in the petition and the City's response.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Geoff Stallard**

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

10.6. Chief Executive Officer's Performance Review Committee

10.6.1 Item 6.1.1 CEO KPIs Performance July 2021 - June 2022

Rhonda Hardy declared an Interest Affecting Impartiality on Item 10.6.1. CEO Performance Review Report. Ms Hardy declared an interest as this report relates to her employment at the City of Kalamunda.

RESOLVED OCM 107/2022

That Council:

1. RECEIVE THE Chief Executive Officer's Performance Review Report 2021-22 shown as Attachment 1.
2. MEET with the appointed Reviewer Mr Paul Syme from Portland Broome on or before the 19 August 2022 to provide scores and feedback against the Chief Executive Officer's Performance Review Report 2021-22 shown as Attachment 1.
3. REVIEW the draft Chief Executive Officer's Performance Criteria for the period July 2022 to June 2023 as outlined in Attachment 2 and provide any additions or amendments to the appointed Reviewer from Portland Broome on or before 19 August 2022.

Moved: **Cr Sue Bilich**

Seconded: **Cr Janelle Sewell**

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

11. Motions of Which Previous Notice has been Given

11.1 Nil.

12. Questions by Members Without Notice

12.1 Cat Local Law - Cr Sewell

Q. Can we have an update on the progress of the Cat Local Law?

A. The City is in the process of preparing the Local Law which should be presented to Council before the end of the calendar year.

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. Special Submissions Meeting – Lot 500 (32) Gavour Road Wattle Grove – Proposed Scheme Amendment 107

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

Previous Items	Nil.
Directorate	Office of CEO
Business Unit	Governance
File Reference	GV-01/032 / PG-LPS-003/057 / PG-LPS-003/107
Applicant	N/A
Owner	N/A
Attachments	{attachment-list-do-not-remove}

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider resolving to hold a Public Submissions meeting to hear deputations relating to the Lot 500 (32) Gavour Road Wattle Grove – Scheme Amendment number 107.
2. The City has received 32 submissions relating to Scheme Amendment number 107.
3. This report recommends Council to resolve a Public Submission Meeting to be held on 16 August 2022 at 6.30pm.

BACKGROUND

4. Amendment 57 to the City's Local Planning Scheme No,3 (LPS3) was adopted by Council at the 20 April 2015 Special Council Meeting. The intent of Amendment 57 is to facilitate the development of an integrated aged care facility on Lot 500 Gavour Road, Wattle Grove.

DETAILS AND ANALYSIS

5. Since finalisation of Amendment 57, the City has received Amendment 107 to LPS3 to amend the requirements of Amendment 57 as it relates to Lot 500 (32) Gavour Road, Wattle Grove.
6. The City has advertised the details of Amendment 107 to the public and relevant service agencies and has received 32 submissions.
7. Prior to considering this matter, the City is of the view it is appropriate for Council to utilise Section 6.13 of the City of Kalamunda Standing Orders to provide adequate time for the public submitters to make deputations to the Council.
8. Based on all previous experiences with the Lot 500 (32) Gavour Road proposal and the many reports that have been dealt with by Council over many years, this proposal, is contentious.

9. The City is of the view this matter lends itself to undertaking a Public Submissions meeting to be scheduled on Tuesday 16 August 2022 which is one week prior to the decision being made.

APPLICABLE LAW

10. City of Kalamunda Local Law - Standing Orders 2015
6.13 Council may meet to hear public submissions.

(1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity for matters to be heard.

(2) The CEO and the President must set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member must—

(a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;

(b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and

(c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

(4) A meeting held under subclause (1) must be conducted only to hear submissions but a member may, at any time with leave of the presiding member, ask a question to seek to clarify any aspect of a submission, the Council must not make resolutions at a meeting held under subclause (1).

(5) At a meeting held under subclause (1), each person making a submission must be provided with the opportunity to fully state his or her case.

(6) A member of the public must be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member.

(7) Once every member of the public has had the opportunity to make a submission the presiding member is to close the meeting.

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

APPLICABLE POLICY

11. Nil.

STAKEHOLDER ENGAGEMENT

12. The City will notify all submitters of the Special Submission Meeting.

FINANCIAL CONSIDERATIONS

13. Nil.

SUSTAINABILITY

14. Nil.

RISK MANAGEMENT

15.	<p>Risk: Dealing with contentious matters within an Ordinary Council meeting may result in time consuming deputations that detracts from all the other business of Council on the agenda</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">High</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Significant	Possible	High
Consequence	Likelihood	Rating					
Significant	Possible	High					
	<p>Action/Strategy Holding a special submissions meeting will enable a fairer hearing by the community of the issues and enable better time management of Council Ordinary Council meetings.</p>						

CONCLUSION

16. Supporting a Public Submissions meeting will enable community members to participate in making deputations to Council in a time efficient and orderly manner.

Voting Requirements: Simple Majority

RESOLVED OCM 108/2022

That Council AGREE to a Public Submissions meeting, in accordance with section 6.13 of the City of Kalamunda Local Laws Standing Orders, be held at the City of Kalamunda 2 Railway Road Kalamunda on Tuesday 16 August 2022 at 6.30pm.

Moved: **Cr Sue Bilich**

Seconded: **Cr Brooke O'Donnell**

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

15. Meeting Closed to the Public

Council requested the meeting go behind closed doors to discuss Confidential Attachments to Item 10.3.2 Appointment to the Kalamunda Tourism Advisory Committee.

RESOLVED OCM 109/2022

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

Moved: **Cr Sue Bilich**

Seconded: **Cr Janelle Sewell**

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

The Meeting closed to the public at 7:03pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 111/2022

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

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Janelle Sewell**

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

The Meeting reopened to the public at 7:23pm. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

16.1 Public Agenda Briefing Forum - Notes - 12 July 2022

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:24pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2022.