



# Ordinary Council Meeting

MINUTES

Tuesday 24 May 2022

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**1. Official Opening**

The Presiding Member opened the meeting at 6:32pm and welcomed Councillors, Staff and Members of the Public Gallery. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

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

**Councillors**

**South East Ward**

John Giardina  
Janelle Sewell  
Geoff Stallard

**South West Ward**

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**

Doug Bartlett - Manager Asset Management  
Alida Ferriera - Manager Financial Services  
Chris Lodge - Manager Strategic Planning (left at 7:55pm)  
Jamie Paterson - Manager Information Technology  
Mandy Skeates - Manager Economic & Cultural Services

**Administration Support**

Darrell Forrest - Governance Advisor  
Donna McPherson - Executive Assistant to the CEO

**Members of the Public 8**

**Members of the Press Nil.**

### **Apologies**

Cr Mary Cannon

### **Leave of Absence Previously Approved Nil.**

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

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

3.1. Nil.

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

4.1 A petition containing 11 signatures was received regarding 2 Seaview Terrace Kalamunda – residents whom wish to express their concerns against a multi driveway access on Heath Road which concerns any development proposals of number 2 Seaview terrace, due to the added traffic hazard and danger that will impose on road users of Heath Road.

4.2 A deputation was provided by Andy Farrant in relation to Item 10.2.2 Zig Zag Scenic drive - Outcomes of Recent Trial. Mr Farrant spoke in favour of the recommendation.

4.3 A deputation was provided by David Medling in relation to Item 10.5.8 Paulls Valley Road Drainage Investigation. Mr Medling spoke against the recommendation.

### **5. Applications for Leave of Absence**

5.1. Nil.

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

6.1 RESOLVED OCM 44/2022

That the Minutes of the Ordinary Council Meeting held on 26 April 2022, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

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

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

7.1 Kalamunda Garden Festival

The Mayor wished to thank Cr Osenton and organisers of the Kalamunda Garden Festival held in Stirk Park on Sunday. The festival was a great success attracting a large amount of visitors to Kalamunda. It was pleasing to see the town centre activated.

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

8.1 10.1.1 High Wycombe South Residential Precinct Local Structure Plan Amendment – Report and Recommendations to the Western Australian Planning Commission - Confidential Submitters List

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

8.2 10.1.2 Kalamunda Activity Centre Plan - Local Planning Scheme Amendment No. 106 - Confidential Attachment - Submitter Details

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

8.3 10.2.2 Proposed Permanent Road Closure: Portion of Courtney Place, Wattle Grove – Confidential Attachments

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

8.4 10.2.3 RFT 2203 Supply of Datacentre Services - Tender Evaluation Report

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

8.5 10.5.5 Appointment to the Kalamunda Arts Advisory Committee – Confidential Attachments

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

- 8.6 10.5.7 Kalamunda Environmental and Sustainability Committee:  
Appointment of Professional Member – Confidential Attachment

*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. Nil.

### **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 Cr Dylan O'Connor declared an Interest Affecting Impartiality on Item 10.2.2 Zig Zag Scenic Drive - Outcomes of Recent Trial. Cr O'Connor is a participant in the Targa West Tarmac Rally that utilises the Zig Zag Scenic Drive. Cr O'Connor states his involvement in the rally event will have one bearing or impact on his ability to be impartial.

**10. Reports to Council**

**10.1. Development Services Reports**

**10.1.1. High Wycombe South Residential Precinct Local Structure Plan Amendment – Report and Recommendations to the Western Australian Planning Commission**

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


Previous Items	OCM14/2015, SCM 05/2015, OCM 15/2017, OCM 280/2019, SCM 67/2018, SCM 231/2018, SCM 232/2018, OCM 280/2019 and OCM 243/2019 and OCM 304/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	City of Kalamunda
Owner	Various

Attachments	<ol style="list-style-type: none"><li>1. High Wycombe South Residential Precinct Local Structure Plan Amendment Report - Volume 1 - Marked up changes (As Advertised) [<b>10.1.1.1</b> - 257 pages]</li><li>2. High Wycombe South Residential Precinct Local Structure Plan Amendment Report - Volume 2 - Marked up changes (As Advertised) [<b>10.1.1.2</b> - 850 pages]</li><li>3. High Wycombe South Residential Precinct Local Structure Plan Map (Approved 2020) [<b>10.1.1.3</b> - 1 page]</li><li>4. High Wycombe South Residential Precinct Local Structure Plan Amendment - Modified Structure Plan Map (As Advertised) [<b>10.1.1.4</b> - 1 page]</li><li>5. High Wycombe South Residential Precinct Development Plan Map (Approved 2020) [<b>10.1.1.5</b> - 1 page]</li><li>6. High Wycombe South Residential Precinct Local Structure Plan Amendment - Modified Development Plan Map (As Advertised) [<b>10.1.1.6</b> - 1 page]</li><li>7. High Wycombe South Residential Precinct Local Structure Plan Amendment - Summary of Modifications (As Advertised) [<b>10.1.1.7</b> - 3 pages]</li><li>8. Draft Forrestfield North Transit Oriented Development Precinct Activity Centre Structure Plan Map [<b>10.1.1.8</b> - 1 page]</li></ol>
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9. High Wycombe South Residential Precinct Structure Plan Amendment - Schedule of Submissions [10.1.1.9 - 50 pages]
10. High Wycombe South Residential Precinct Structure Plan Amendment - Schedule of Recommended Modifications [10.1.1.10 - 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
 Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 2: Kalamunda Clean and Green

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

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

### 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.

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

**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.

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

**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 for Council to consider recommendations to the Western Australian Planning Commission (WAPC) on the High Wycombe South (formerly known as Forrestfield North) Residential Precinct Local Structure Plan Amendment (LSP Amendment).
2. The proposed LSP Amendment will align with the spatial layout of the Transit Orientated Development Activity Centre Structure Plan (TOD ACSP) and have regard for projected residential and commercial yields and traffic investigations undertaken since the adoption of the LSP by the WAPC in July 2020.
3. During public advertising of the LSP Amendment, a total of 19 written submissions were received, comprising ten objections (including comments and alternative proposals) from or on behalf of landowners, and nine submissions from servicing agencies, public authorities or stakeholders. All submissions and the City's responses are included in the Schedule of Submissions (see Attachment 9), with submitter details included in Confidential Attachment 1.
4. Further to the proposed modifications as advertised, additional modifications are recommended to the LSP Amendment following consideration of submissions and further assessment, these are included in the Schedule of Recommended Modifications (see Attachment 10).

5. The advertised and recommended modifications will result in flow-on changes to the LSP report (Volume 1) and technical appendices (Volume 2) in Attachments 1 and 2, which will be updated in conjunction with the WAPC’s consideration of the LSP Amendment.
6. It is recommended that Council endorse the recommendation for the WAPC to approve the LSP Amendment subject to the Schedule of Recommended Modifications included in Attachment 10, and forward the LSP Amendment to the Department of Planning, Lands and Heritage for determination by the WAPC.

**BACKGROUND**

7. **Land Details:**

Land Area:	117.8ha (1,178,000m <sup>2</sup> )
Local Planning Scheme Zone:	Urban Development Additional Uses 19 and 20
Metropolitan Regional Scheme Zone:	Urban Parks and Recreation Bush Forever

8. **Locality Plan:**



9. The High Wycombe South Residential Precinct LSP area is located within the suburb of High Wycombe, and generally bounded by Sultana Road West to the south, Roe Highway to the east, Poison Gully Creek to the north and Milner Road to the west.

10. **Relevant Key Decisions and Planning Processes relating to the Residential Precinct**

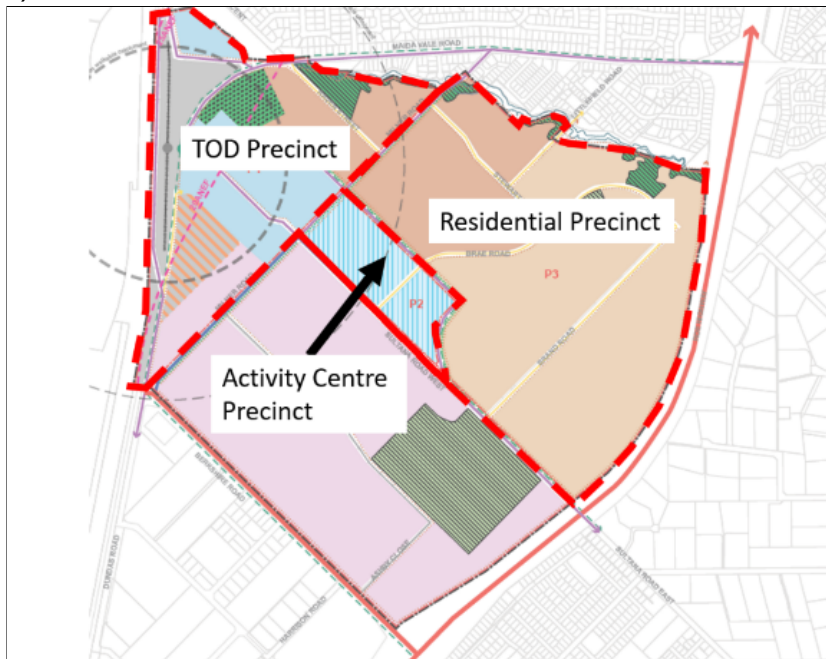
In June 2014, the State Government announced its decision to proceed with the Forrestfield-Airport Link (FAL) project and subsequently requested the City to investigate land use opportunities, including the preparation of a District Structure Plan (DSP), around the future High Wycombe train station.

11. In late 2014, the City commissioned the preparation of a DSP to identify new land use opportunities, guide the urban structure, vision, and objectives of future urban development for the area, arising from the FAL project and High Wycombe Station.

12. In September 2016, the Forrestfield North DSP was approved by the WAPC. The DSP required further detailed investigations to be undertaken to articulate the vision and objectives during the detailed planning phase and through the preparation of LSPs.

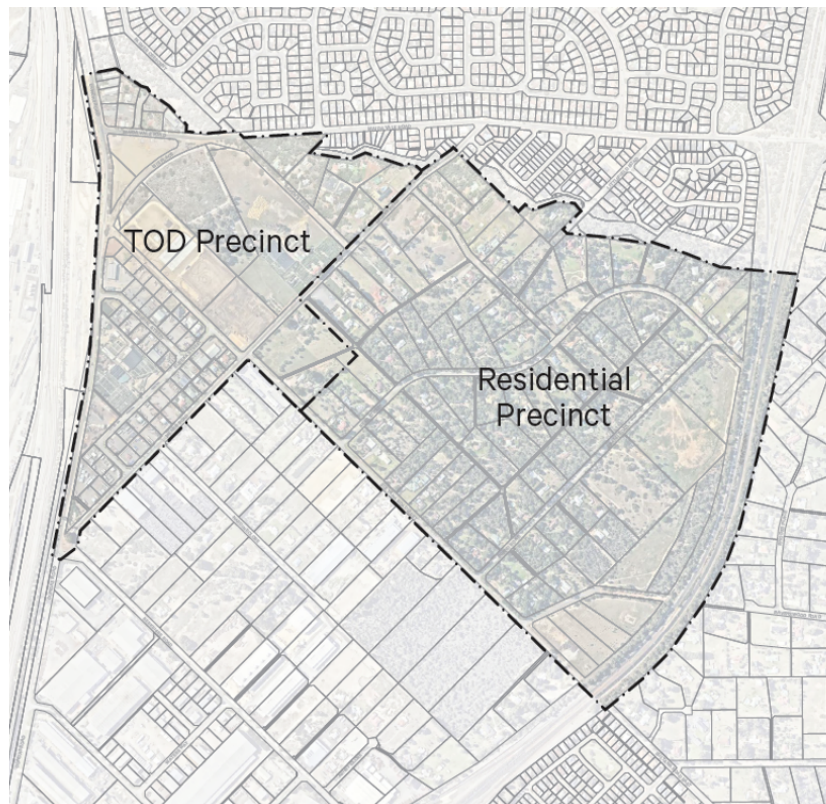
13. In February 2017, the City commenced the preparation of detailed planning for the three precincts shown in the DSP below:

- a) TOD Precinct
- b) Activity Centre Precinct
- c) Residential Precinct





14. The three precincts were subsequently reduced to two precincts to enable efficiencies in the preparation of the planning framework, with the Activity Centre Precinct P2 divided and amalgamated into the TOD Precinct and the Residential Precinct.



15. In April 2018, the Council resolved to adopt a draft Residential Precinct LSP for the purpose of public advertising.
16. In September 2018, Amendment 75 to Local Planning Scheme No. 3 (LPS 3) was gazetted, which rezoned the High Wycombe South Project Area to Urban Development. This established the zone for which LSPs would be prepared to designate land use, coordinate development and infrastructure, and establish the overall design principles for the area.
17. In December 2018, the Council at the Special Council Meeting endorsed the draft LSP subject to modifications. The Council also resolved to request the WAPC initiate a Metropolitan Region Scheme (MRS) amendment to rezone the properties identified for Environmental Conservation on the LSP from Urban to Parks and Recreation. Both matters were then referred to the WAPC for consideration.
18. On 27 July 2020 the WAPC, subject to a series of further modifications, approved the Residential Precinct LSP.

19. In August 2020, DevelopmentWA commenced public advertising on the draft Metronet East Redevelopment Scheme Amendment (The Redevelopment Scheme). The Redevelopment Scheme was gazetted on 25 May 2021 over the TOD Precinct area. At that time, DevelopmentWA assumed planning authority, with the following broad responsibilities:

- a) Preparing a project vision to inform the intended outcomes for the area;
- b) Preparing a planning framework to guide future development; and
- c) The determination of Development Applications in the TOD Precinct.

20. **Proposed TOD Precinct Activity Centre Structure Plan**

On 12 October 2021, the Council adopted the draft TOD ACSP for the purpose of forwarding to DevelopmentWA for assessment and advertising (see Attachment 8).

21. The TOD ACSP provides a considered spatial layout that responds to the outcomes of all technical studies undertaken for the TOD Precinct as well as its opportunities and constraints. This layout provides the base required for DevelopmentWA to further establish the planning framework for the area, including the preparation of a Redevelopment Strategy (the Strategy) and associated Design Guidelines (Guidelines) for the Precinct.

22. At the time of writing this report, DevelopmentWA has advised that it intends to progress the advertising of the TOD ACSP in conjunction with its draft Redevelopment Strategy and Design Guidelines, that are currently under preparation.

23. **Proposed Residential Precinct Local Structure Plan Amendment**

The City of Kalamunda has been in regular liaison with DevelopmentWA regarding the preparation of the planning framework for the TOD Precinct. This collaborative planning approach resulted in a need to modify the Residential Precinct LSP to reflect the settled spatial layout of the TOD Precinct ACSP, and the additional technical analysis undertaken to prepare the TOD ACSP following the approval of the Residential Precinct LSP.

24. On 12 October 2021, the Council adopted the proposed Residential Precinct LSP Amendment for the purposes of public advertising. The LSP Amendment included the following modifications:

- a) The name of the LSP has been modified to 'High Wycombe South.'
- b) Amendment to the LSP boundary to reflect the extent of the METRONET East Redevelopment Scheme boundary.

- c) Amendment to the LSP Map to align with the proposed spatial layout of the TOD ACSP, which includes modifications to the TOD Connector alignment and Town Park.
- d) Modifications to the residential density bands.
- e) Updates to technical reports.
- f) Amendments to the road network.
- g) Reconfiguration of drainage areas and basins.
- h) Reference to the 'Potential Future Flyover' has been amended to 'Future Roe Highway Overpass.'

See Attachment 4 for the modified LSP Amendment as advertised and Attachment 7 for a summary of proposed LSP Amendment modifications, as advertised.

### **APPLICABLE LAW**

- 25. Planning and Development (Local Planning Schemes) Regulations 2015  
The LSP Amendment is being undertaken in accordance with Schedule 2, clause 29 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations).
- 26. Public advertising of the proposed LSP Amendment was undertaken in accordance with Schedule 2, clauses 18 and 87 of the LPS Regulations.
- 27. The proposed LSP Amendment provides detailed planning for the Urban Development zone applicable to the project area pursuant to the City of Kalamunda LPS3.

### **APPLICABLE POLICY**

- 28. Directions 2031 and Beyond  
'Directions 2031 and Beyond' is the State Government's key strategic planning document which outlines the spatial framework for the future growth of Perth and Peel for the next twenty years.
- 29. Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework  
In March 2018, the WAPC released the Perth and Peel @ 3.5 million suite of documents, including the Sub-Regional Frameworks for comment. These documents aim to identify how the vision set out in Directions 2031 for a city of 3.5 million people by 2050 can be realised.
- 30. The North-East Sub-Regional Framework (Framework) is a spatial plan of the north-east region, which will provide guidance on strategic planning for the next 35 to 40 years. This Framework encourages a consolidated urban form that limits the identification of new greenfield areas to where they provide a logical extension to the urban form and places a greater

emphasis on urban infill and increased residential density of existing urban areas. Under this Framework, the subject site is identified as urban.

31. Liveable Neighbourhoods

Liveable Neighbourhoods (LN) is a WAPC operational policy that guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.

32. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters.

33. State Planning Policy 7.3 – Residential Design Codes

The Residential Design Codes (R-Codes) apply to any Residential or similar zoned land that has a coding number superimposed on the Scheme Map. The core objective of the R-Codes is to ensure appropriate residential design and density in line with the Scheme.

34. The primary application of the R-Codes, as it relates to the proposed LSP area, is the reference to residential density and associated development requirements including lot size. The proposed densities must achieve minimum and average lot sizes in accordance with Table 1 and section 5.1.1 of the R-Codes. All future development must adhere to the general site and design requirements of SPP 7.3 Volume 1 and Volume 2 (Apartments) where applicable.

35. State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals have due consideration to bushfire protection requirements. SPP 3.7 contains objectives and policy measures relating to strategic planning proposals (such as the proposed LSP) in designated bushfire prone areas, as well as reference to the Guidelines for Planning in Bushfire Prone Areas.

36. Given that most of the project area is located within a designated bushfire prone area, a Bushfire Management Plan (BMP) was prepared by Strategen JBS&G dated October 2021. The BMP notes that bushfire risks are manageable through standard responses.

37. Future subdivision and/or development applications will require site specific Bushfire Management Plans to be prepared reflecting the stage of development.



38. WAPC Development Control Policy 2.3 Public Open Space in Residential Areas

Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10 percent of gross subdivisible area shall be given up free of cost by a subdivider for public open space. More than the required 10 percent POS is proposed as part of the approved LSP.

39. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans

The Policy guides the Council, City's officers and external stakeholders with identifying the City's responsibilities for the preparation of structure plans to achieve the implementation of the Framework and the information required to be submitted with a planning proposal.

### **STAKEHOLDER ENGAGEMENT**

40. The proposed LSP Amendment was advertised in accordance with the Schedule 2, Part 4, Clause 18 of the LPS Regulations and the City's Local Planning Policy 11 – Public Notification of Planning Proposals. The submission period was extended for an additional 14 days given the Christmas to New Year holiday period, with submissions invited up to and including 4 January 2022, with late submissions accepted at discretion of City staff.

41. The advertising methods included the following:

- a) Letters issued to all landowners and occupiers impacted by the proposed LSP amendment (1117 letters sent);
- b) Letters to relevant service agencies, public authorities and key stakeholders including DevelopmentWA and four adjoining local government authorities (26 letters sent);
- c) A notice of the City's website and community engagement platform;
- d) A notice in the local newspaper;
- e) Documents made available at the City's Administration Centre and public libraries during normal business hours; and
- f) A 'drop in' community information session held at the City's Administration Centre on 24 November 2021.

42. Landowners and interested stakeholders were also provided the opportunity to meet with the City on a one-on-one basis to discuss the proposed LSP Amendment and ask questions as to how the amendment would impact their land, and to assist landowners formulating a written submission. The City conducted five one-on-one meetings with four interested landowners and representatives.

43. During advertising of the LSP Amendment, a total of nineteen (19) written submissions were received comprising:

- a) Ten (10) submissions containing objections, comments and alternate proposal from landowners or their representatives; and
- b) Nine (9) submissions from service agencies, public authorities, and key stakeholders with technical comments.

44. The full submissions and officer comments are provided in the Schedule of Submissions (see Attachment 9), with submitter details and affected properties (where applicable) provided in Confidential Attachment 1.

45. **Key Issues from Consultation**

The key issues raised by community members were generally beyond the scope of the proposed LSP Amendments, and instead focused on historic issues or existing elements of the LSP approved in 2020. The following summarises the key issues raised by community members and City staff responses.

46. *a) Concern regarding impacts of traffic on the local road network and nearby dwellings, and traffic calming measures including a restrictive road intersection at Milner Road and Sultana Road West.*

Response - The trigger for the implementation of road upgrades will depend primarily on the rate and uptake of development. The City intends to facilitate the upgrading of roads in conjunction with the progress of development activity, and as funding and infrastructure coordination permits.

47. Whilst the intersection of Sultana Road West with Milner Road is located on the boundary of the Residential Precinct LSP area, it is being assessed as part of the TOD ACSP. A left-in, right-in and left-out intersection is proposed for the southern side of the Milner and Sultana Road West intersection to limit north-bound industrial traffic on Milner Road. Alternative local road access will provide vehicles an option to access Milner Road, via the future TOD Connector road, and enable north-bound access on Milner Road.

48. *b) Concern for justification of assumptions and unacceptable staging of development.*

Response - The staging of future development is dependent on a number of factors including the consolidation of development parcels, availability of services and market response to the take-up of development. Based on existing development areas in the City (i.e. Cell 9 Wattle Grove),

development usually occurs where servicing is available and phases out from there.

49. *c) Concerns with the permissibility of land use, in particularly the citing of residential development in proximity to industrial development and servicing infrastructure*

Response - The current LSP adopted in July 2020 identifies Residential Medium/High Density (R60-R80) plus Environment Conservation and Local Open Space (LOS) for various lots within Cell 7 on the current Development Plan. The LSP Amendment proposes to modify the Residential Density to Medium Density (R30-R60) and local open space, within new Cell 8 on the new Development Plan. Accordingly, while the amendment results in an adjustment of the density bands, the land use permissibility has not changed and therefore the Amendment does not introduce land use restrictions.

50. *d) Impacts from, and proximity to, the Forrestfield/High Wycombe Stage 1 Industrial area and lack of a transition buffer.*

Response - City staff are continuing to investigate, from a development compliance perspective, the issues raised concerning light industrial activities along Sultana Road West.

51. A band of composite residential/light industry for properties along Sultana Road West with a direct interface to the existing Forrestfield/High Wycombe Stage 1 Industrial Area was removed from the advertised draft LSP. The change occurred due to several factors including but not limited to:
- a) Response to submissions received.
  - b) Reconsidering the nature of transition land uses in liaison with DPLH.
  - c) Alignment of the proposed use with State Planning Policy.
  - d) The challenges with implementing composite residential and light industrial land uses.

52. The composite band was replaced with Residential Medium/High Density in the current LSP approved in July 2020 by the WAPC. Sultana Road West was, and still is, considered the most appropriate boundary between light industrial and residential land uses, with design treatments required at the development stage(s) to ensure an appropriate interface, pursuant to Table 3, Items 5 and 21 of the LSP Report Volume 1 and recommended modifications, discussed further below.

53. *e) Suggested designation for a light industrial transition buffer area along Sultana Road and within broader Cell 8.*

Response - The requested designation for a light industrial transition buffer in proximity to Sultana Road West is beyond the scope of this LSP Amendment process. As stated above, a band of composite residential/light industry along Sultana Road West was removed from the original LSP, in part due to public submissions, and replaced with Residential Medium/High Density in the current LSP approved in July 2020.

54. The approved LSP includes provisions to control noise and light industrial interface management for residential land uses on Sultana Road West (refer to Table 3 – Conditions of Subdivision and Development in Items 5 and 21 to respectively). However, additional modifications to Table 3 are recommended in the context of submissions received, for an acoustic assessment and management plan for Item 5, and broader interface management measures, including built form outcomes for Item 21, to ensure outcomes at the development stage are based on quantified needs.

55. *f) Proposed boundaries of new Cells 6 and 7 should be modified to ensure better staged development.*

Response – Redefining Cells 6 and 7 to the east and west respectively of the bridle trail has merit with both Cells 6 and 7 (original or modified) contained within assumed Development Stage 1A. It is recommended that Cells 6 and 7 be modified on Plan 2: Development Plan, with Cell 6 east of the bridle trail and bounded by Stewart Road, Brae Road, and Town Square; with Cell 7 west of the bridle trail and bounded by Stewart Road, Milner Road, LSP boundary and Local Open Space.

56. *g) Expected long-term timeframe for implementation for, and suitability of, a Development Contribution Plan (DCP).*

Response – A report has been presented to the Council on 26 April 2022 outlining the status of the preparation of the High Wycombe South DCP. At this point in the analysis of the DCP, it appears that any future DCP is required to operate for a period of approx. 30 years from the date of gazettal of the local planning scheme amendment that introduces the DCP into LPS 3.

57. The selected timeframe of 30 years has been carefully considered to correspond to the projected build out rates for future development in the TOD Precinct ACSP and Residential Precinct LSP. The DCP would facilitate infrastructure for future development triggered over the course of 30 years in line with needs and demand assessment, modelling, and

forecasts. This will provide coordinated and equitable sharing of costs for the infrastructure required, consistent with the principles established in State Planning Policy 3.6 - Infrastructure Contributions. The 30 year time horizon aligns with existing fragmented development areas in the City (i.e. Cell 9 Wattle Grove).

58. *h) Location of indicative road infrastructure on the future Primary School site limiting.*

Response – Both the current LSP and proposed LSP Amendment show an indicative local street within the future primary school site in proximity to the north-eastern boundary. The exact location of the access street will be determined through more detailed phases of the planning process including the future subdivision and development of the Primary School site and future consideration of land uses on the former Brand Road Landfill site.

59. *i) The limitation of land use and infrastructure reserves is inequitable and limits future development, land values and resale opportunities.*

Response – The designation of land use and infrastructure requirements has been based on various technical reports, stakeholder feedback, and detailed planning and economic analysis. A DCP is proposed to provide a means of equitability sharing the cost of common infrastructure through the progressive development of the precinct.

60. When purchasing land, including through a DCP, the City engages an independent land valuer to determine the value of land. The value of land purchased by developers is influenced by market forces and negotiations outside of any involvement with the City.

61. **Key Issues from Service Agencies, Public Authorities and Stakeholders**

The following summarises the key issues raised by service agencies, public authorities and stakeholders and responses.

62. *a) The Local Water Management Strategy requires updating and endorsement by Department of Water and Environment Regulation (DWER).*

Response – The proposed LSP Amendment does not propose any significant changes to the spatial layout or urban form and stormwater outflows are expected to be commensurate with the approved LSP. As identified in the approved LWMS, storage flow locations and layouts are conceptual and will be reviewed at the Urban Water Management Plan stage. The City will continue to liaise with DWER on any required amendments to the LWMS.

63. *b) The Brand Road landfill site investigation must be prioritised and undertaken by a suitably qualified Environmental Consultant and reviewed by a Mandatory Contaminated Sites Auditor with findings and remediation measures implemented, then retested, prior to development.*

Response – The City is proceeding with Statutory Contaminated Sites investigations of the former landfill site as per DWER notification and in accordance with State legislation including the Contaminated Sites Act. The investigations will inform appropriate mitigation/remediation and redevelopment of recreational, educational, and residential uses when fully understood and accepted by the relevant authorities.

64. The City will continue liaison with the Department of Health and DWER, plus consult with the Department of Education regarding the primary school site.

65. *c) Constraints from the Perth Airport including noise contours, airspace, communication links and NASF guidelines will influence building heights and insulation, with the Transport Noise Assessment to be updated to include aircraft issues.*

Response – Assessment of transport noise will be assessed on a case-by-case basis at the time of future development, including assessment of aircraft noise pursuant to State Planning Policy 5.1 Land Use Planning in the Vicinity of Perth Airport.

66. *d) Road frontages to the Primary School site to satisfy Department of Education.*

Response – The local street network in proximity to the future Primary School site remains unchanged from the LSP approved by the WAPC in July 2020. The Sporting Precinct Concept Plan (Appendix 1 in Volume 1) shows the future school oval extending into the adjoining Local Open Space corridor, constraining a full perimeter road around the school. At the appropriate time, the City will engage with the Department of Education to progress plans and staged development of the Sporting Precinct to maximise accessibility for school users and connection with Brand Road.

67. *e) Findings of the Traffic Impact Assessment to satisfy Main Roads WA.*

Response – The submission received from Main Roads WA raised several questions regarding the methodology and modelling data contained within the Traffic Impact Assessment. The City received clarification from the City's traffic consultants KCTT involved in this project, who have provided detailed responses to the MRWA comments.

68. These responses are contained in the Schedule of submissions (see Attachment 9). The specific nature of modifications required to the TIA, if any, will be confirmed in liaison with MRWA and the City's traffic consultant. These comments and any required modifications are not considered to materially affect the LSP and the associated infrastructure requirements.

69. *f) Updating the Bushfire Management Plan (BMP) to clarify vegetation classification and hazard levels, achievable Bushfire Attack Level (BAL) ratings and perimeter roads.*

Response - Vegetation classifications, hazard levels, BAL ratings will be addressed in future BMPs for staged development. The Bushfire Management Plan has excluded Environment Conservation Area 11 (adjacent to proposed TOD Connector) as a bushfire hazard using the AS3959 exclusion clause 2.2.3.2 (b) which is "single areas of vegetation less than 1 ha in area and not within 100 m of other areas being classified vegetation".

70. Future residential lots must achieve a rating of BAL-29 or lower, with Asset Protection Zones unlikely for individual medium to high density lots. The LSP shows local streets separating the Bush Forever sites from future residential land, which will contribute to appropriate separation to bushfire prone vegetation. Fire Service Access Roads and Emergency Access Ways are acceptable development outcomes.

71. *g) Acknowledgement of biodiversity assets and strategic outcomes, the need for State approvals and land purchase, need for Commonwealth consultation, and clarification of bushfire control versus protection of environment conservation.*

Response - Environmental Conservation Area 11, located adjacent to the proposed TOD Connector, will be protected for the purpose of conservation pursuant to the *Environmental Protection Act 1986*, with clearing exemptions under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* not applicable. As stated above, the Bushfire Management Plan has excluded this area as a bushfire hazard using the AS3959 exclusion clause 2.2.3.2.

72. **Recommended Modifications**

As a result of some issues raised by submitters, further technical consideration and review, a series of additional modifications are recommended (see Attachment 10 for the full Schedule of Recommended Modifications and associated justification).

73. A summary of the key modifications proposed is provided as follows:

- a) Modify Table 1 in the Executive Summary to correct the total area for Residential land use, from 47.4893 hectares to 61.4922 hectares, a to be consistent with Plan 2: Development Plan.
- b) In Volume 1, modify Table 3 Conditions of Subdivision and Development, Item No. 5 'Other Noise Sources' by adding a new requirement:  
*"5.2 An acoustic assessment and management plan are to be undertaken and implemented to the satisfaction of the local government at the subdivision and/or development stage to investigate and respond to noise impacts for lots in proximity to Sultana Road West."*
- c) In Volume 1, modify Table 3 'Conditions of Subdivision and Development', Item No. 21 Light Industrial Interface Management by rewording 21.1 to:  
*"At the subdivision and/or development stage, the residential interface with the Forrestfield / High Wycombe Light Industrial Area on the western side of Sultana Road West will be subject to the outcomes of the noise assessment and management plan, and implementation via a range of treatments including but not limited to acoustic wall, a landscape buffer strip, local road and/or built form outcomes such as lot orientation, front fences and setbacks."*
- d) In Volume 1, correct numbering of cells where necessary from 'Cell 08' to 'Cell 8', to match Development Plan (Plan 2).
- e) Add a symbol and annotation for 'Proposed Roundabouts' for intersections of Milner Road with both Raven Street extension and Stewart Road, to both the LSP and Development Plan maps, as currently annotated on the TOD Activity Centre Structure Plan Map.
- f) Modify Cells 6 and 7, with Cell 6 east of the bridle trail and bounded by Stewart Road, Brae Road and Town Square; with Cell 7 west of the bridle trail and bounded by Stewart Road, Milner Road, LSP boundary and Local Open Space.
- g) Remove the local street north of Stewart Road dividing Cell 5 along bridle path. All other local streets are along cell boundaries or division between POS for Bushfire purposes.
- h) Modify the Hierarchy Plan in the KCTT Traffic Impact Assessment to show Smokebush Place as an Access Street or Access Street variation instead of a Laneway.



- i) Update titles of all figures extracted from the TIA from 'Forrestfield North' to 'High Wycombe South'.
- j) Add the Road Cross Section – Raven Street included in the KCTT TIA to the LSP Report.
- k) Corrections/modifications to the KCTT Traffic Impact Assessment to address Main Roads Western Australia comments.

## **FINANCIAL CONSIDERATIONS**

- 74. Costs associated with the preparation of the LSP Amendment documents and public advertising were met through the Development Services annual budget.
- 75. Infrastructure upgrades required to support development of the LSP project area is currently being considered through the preparation of a DCP, with the consideration of costs being apportioned according to the need generated by development within the Residential and TOD Precincts.
- 76. The financial implication for remediation works of the Brand Road landfill site will need to be considered once detailed site investigations have been completed.

## **SUSTAINABILITY**

- 77. Social  
The LSP will facilitate the provision of a greater diversity of lot sizes and housing typologies, which in turn will provide greater housing choice, affordability, and a potential broader demographic for the City.
- 78. Economic  
The LSP represents a very significant development within the City of Kalamunda and will therefore generate more jobs within the building and construction industry for many years.
- 79. Environmental  
The LSP area includes a significant number of environmental features including an approved ecological link, cockatoo habitat, quenda habitat, significant vegetation typologies (Threatened Ecological Species (TEC)) and a watercourse (Poison Gully). Accordingly, City staff have commenced discussion with DevelopmentWA to consider opportunities for future environmental accreditation. The accreditation would recognise the significant environmental conservation within the LSP and the vision for tree lined streetscapes and sustainable development outcomes.

## **RISK MANAGEMENT**

80.

<b>Risk:</b> Council and/or the WAPC does not support the recommended modifications or make further modifications to the LSP that impact development outcomes.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Ensure any modifications are appropriately justified and communicated directly with landowners.		

81.

<b>Risk:</b> Council and/or the WAPC reconsider the land use classification in Cell 8 along Sultana Road West in response to the interface issues raised by submitters.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Ensure Council and the WAPC are aware that the LSP Amendment is proposing a modest change to the residential density ranges in new Cell 8; that any significant change of land use would be beyond the scope of this LSP amendment and would require separate and justified consideration; and that the interface concerns will be appropriately addressed through technical analysis and built form outcomes.		

82.

<b>Risk:</b> Finalisation of LSP Amendment causes delay to preparation and completion of the DCP.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
Ensure any additional modifications to the LSP Amendment following advertising are considered when finalising the DCP and ensure that both are progressed according to statutory requirements.		

**CONCLUSION**

83. The proposed LSP Amendment is required to appropriately integrate planning between the TOD and Residential Precincts, and further progress the planning framework for subdivision and development in the High Wycombe South project area.
84. Public advertising has resulted in receipt of nineteen (19) written submissions, with objections, comments and alternative proposals put

forward by affected landowners; plus, comments and queries from government agencies and key stakeholders. Whilst most of the landowner objections are generally beyond the scope of the LSP Amendment, a series of additional modifications to the LSP are recommended.

85. It is recommended that the Council note the submissions received and staff responses in the Schedule of Submissions and endorses the LSP Amendment and Schedule of Recommended Modifications, for forwarding to the DPLH for determination by the WAPC.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 45/2022

That Council:

1. NOTE the submissions received during advertising of the High Wycombe South Residential Precinct Local Structure Plan Amendment and the responses contained in the Schedule of Submissions (Attachment 9), and submitter details (Confidential Attachment 1).
2. ENDORSE the recommendation to approve the High Wycombe South Residential Precinct Local Structure Plan Amendment (Attachment 4), subject to the Schedule of Recommended Modifications (Attachment 10).
3. AUTHORISE the Chief Executive Officer to forward the High Wycombe South Residential Precinct Local Structure Plan Amendment, associated Schedule of Submissions and Schedule of Recommended Modifications to the Department of Planning, Lands and Heritage for determination by the Western Australian Planning Commission pursuant to *Schedule 2, Part 4, Clause 22 of the Planning and Development (Local Planning Schemes) Regulations 2015*.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**


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

## 10.1.2. Kalamunda Activity Centre Plan - Proposed Local Planning Scheme Amendment No. 106 and Draft Local Planning Policy 30 - Built Form Design Guidelines

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

Previous Items	OCM 112/2019; OCM 31/2020; OCM 228/2020; OCM 111/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/106
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. Amendment 106 Document and Report [<b>10.1.2.1</b> - 52 pages]</li> <li>2. Local Planning Policy 30 - Built Form Design Guidelines [<b>10.1.2.2</b> - 52 pages]</li> <li>3. Submissions Table [<b>10.1.2.3</b> - 5 pages]</li> </ol>

### 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 2037*

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

#### **EXECUTIVE SUMMARY**

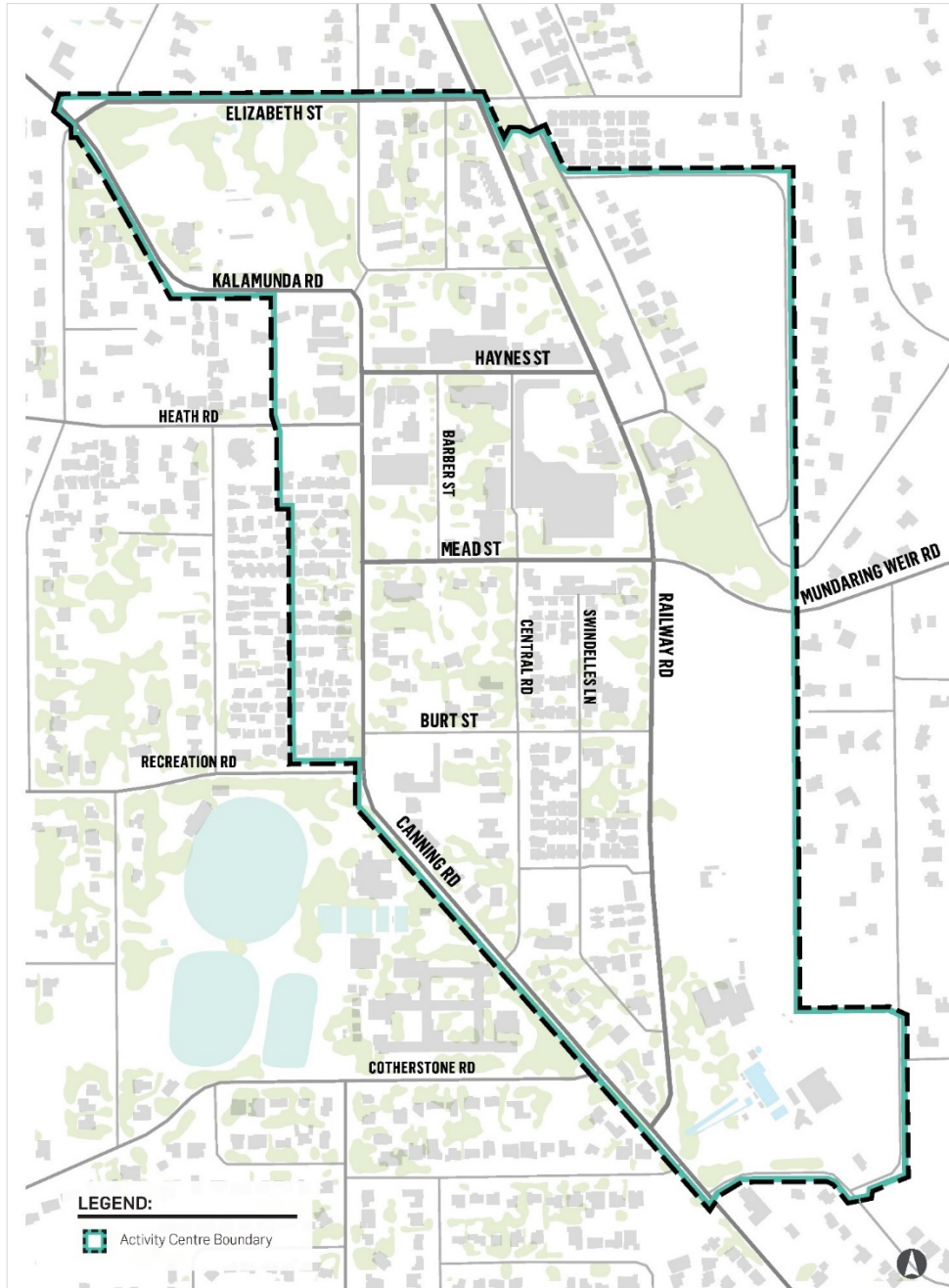
1. The purpose of this report is for the Council to consider:
  - a) Endorsing the recommendation to approve the Local Planning Scheme Amendment No.106 (Amendment 106), which proposes to rezone the Kalamunda District Centre as per the Kalamunda Activity Centre Plan (KACP), without modification.
  - b) Adopting Local Planning Policy 30 – Kalamunda Activity Centre Plan – Built Form Design Guidelines (BFDG)
  - c) Noting the submissions received regarding Amendment 106 and BFDG.
  - d) Modifying Part 1 of the KACP Report to reflect the Water Corporation's servicing constraints, requiring preparation of a shared cost agreement for those lots not currently serviced with sewer infrastructure in the north of the activity centre.
2. The purpose of Amendment 106 (Attachment 1) is to align the City of Kalamunda's (the City) LPS 3 with recommendations of the draft KACP, which was adopted by the Council at its Ordinary Council Meeting (OCM) held on 24 March 2020 and is currently with the Western Australian Planning Commission (WAPC) for approval.
3. LPP 30 (Attachment 2) establishes the KACP BFDG within the local planning framework, enabling the City to have due regard to design guidance and the outcome-based assessment process for development proposals in the Kalamunda town centre.

#### **BACKGROUND**

4. The draft KACP was adopted by Council on 24 March 2020. The documents were subsequently referred to the WAPC for final approval. Amendment 106 is required to bring the LPS 3 into alignment with the recommended land use classification, density code, development and subdivision requirements adopted in the KACP.
5. The BFDG were adopted as Appendix A of the KACP. The BFDG are proposed to be adopted as LPP 30 to provide a user-friendly standalone source of information and guidance in the assessment of development proposals in the town centre.

- 6. At the 24 November 2020 Ordinary Council Meeting, Council resolved to adopt Amendment 106 and the BFDG for public advertising.
- 7. Both Amendment 106 and LPP30 were advertised for a period of 74 days, closing on Tuesday, 25 January 2022.

8. **Locality Plan**



9. The KACP area is currently divided into a number of zones and reserves under LPS 3 with additional provisions relating to the Kalamunda Town Centre Design Special Control Area, additional uses, special uses and restricted uses. The following outlines the proposed amendments to LPS 3 to ensure its construction appropriately reflects the intent of the draft KACP, and that the KACP is implementable once approved by the WAPC.
10. Following Council's resolution OCM 228/2020 at its Ordinary Council Meeting held on 24 November 2020, the WAPC and Environmental Protection Authority (EPA) were notified of the decision to adopt Amendment 106 for the purpose of advertising.
11. The WAPC's comments included administrative amendments that seek to renumber additional uses, restricted uses and special uses respectively after the preceding additions and deletions. Renumbering these uses would not be a necessary change to LPS 3 to facilitate Amendment 106 and therefore the WAPC has required the deletion of these points from the Amendment 106 document.
12. The specific amendments required by WAPC included:
  - a) Deletion of points 9(n), 10(d) and 11(f); and
  - b) Changing the wording of resolution 9(m) to read as follows:

"Applying Additional Use No. 59 of 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Repairs to Lot 15 (12) Burt Street, Kalamunda.'"
13. The EPA required modifications to the extent of the Centre zone on Lot 608 (6) Dixon Road, Kalamunda, to retain the current spatial area of Local Open Space and recognising the environmental values and Aboriginal Heritage on the site.
14. The WAPC and EPA modifications were adopted by the Council at its Ordinary Meeting in June 2021.
15. Amendment 106 and BFDG were subsequently advertised from 12 November 2021 to 24 January 2022.

## **DETAILS AND ANALYSIS**

16. *Zoning*  
Under Amendment 106, the proposed rezoning of the KACP area to 'Centre' and with a sub-category of 'Centre C1 - Kalamunda' for the core of the town centre is based on the following rationale:

- a) The 'Centre' zone is consistent with the model provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).
- b) The 'Centre' zone objectives (consistent with the model provisions of the Regulations) are clear in their intent for future detailed planning to be undertaken in accordance with the KACP.
- c) The 'Centre' zone allows for the density and built form provisions to be guided by the KACP and the BFDG which will be adopted as a local planning policy.
- d) The land use permissibility for the 'Centre C1 - Kalamunda' core as identified on the KACP Map is guided by the current land use permissibility in Table 1 with the remaining land uses to accord with existing zones (i.e. Mixed Use zone, Residential zone).

17. The objectives of the new Centre zone are proposed as follows:

- a) To designate land for future development as a town centre or activity centre.
- b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.

18. This approach is considered the simplest and most closely aligned with contemporary local planning schemes and activity centre planning in Western Australia.

19. Part of the rezoning includes Lot 3691 (No. 9) Headingly Road, Kalamunda (Crown Reserve R41268) which is proposed to be rezoned from 'Residential R5' to 'Local Open Space'. This reflects the current use of the land being for a war memorial contiguous to other lots identified as Local Open Space which, collectively, comprise Stirk Park.

20. *Land Use Permissibility*  
Amendment 106 will introduce a new zone 'Centre' zone with a 'C1 - Kalamunda' subcategory for the core of the activity centre.

21. The proposed land use permissibility for 'Centre C1 - Kalamunda' in Table 1 Zoning Table of LSP 3 relates to the land identified as 'C1 - Kalamunda' on LPS 3 Zoning Map and 'Centre' on the KACP Map.

22. All other areas outside of the C1 - Kalamunda designation will be in accordance with the equivalent zone in LPS 3 as identified on the KACP Map as identified in the following table:

Activity Centre Plan Map Land Use Category	Equivalent Zone / Reserve in accordance with LPS 3
--	--



Centre	Centre (C1) Zone
Residential	Residential Zone
Mixed Use	Mixed Use Zone
Public Purpose	Public Purpose Reserve
Local Open Space	Local Open Space Reserve

23. This approach is consistent with contemporary planning practice which relies on existing zones and land use permissibility (where possible) rather than creating bespoke zones and land use permissibility that is inconsistent with the Regulations.
24. *Removal of Special Control Area*  
 Amendment 106 will result in the removal of the Special Control Area 'Kalamunda Town Centre Design Control Area' under Sections 1.1(c) and 6.3 of LPS 3. The Special Control Area provisions are no longer required to implement the Kalamunda Town Centre Planning and Urban Design Guidelines (2011).
25. The KACP and associated Built Form Design Guidelines (to be adopted as a LPP 30) will supersede the existing Kalamunda Town Centre Planning and Urban Design Guidelines (2011), hence making the Special Control Area provisions redundant. Further discussion is provided below under Built Form Design Guidelines – LPP 30.
26. *Modifications to Additional Uses, Restricted Uses and Special Uses*
- There are a number of additional uses, restricted uses and special uses that have been adopted to respond to ad-hoc development proposals within the town centre that were not initially contemplated by LPS 3.
27. With the review of zoning, land use permissibility and the preparation of the KACP, a number of these land use provisions will be superseded by the proposed Centre C1 rezoning and associated land use permissibility. It is noted that all the modifications listed and justified below result in greater consistency and flexibility for the lots subject to the existing Additional, Restricted and Special Uses being modified.

28. The following Additional Uses are proposed to be deleted:
- a) Additional Use No. A 5 (Restaurant) relating to Lot 58 (35) Canning Road, Kalamunda
  - b) Additional Use No. A 6 (Arts and Crafts Centre including teaching, production, display and sales) relating to Lot 1 (55) Railway Road, Kalamunda
  - c) Additional Use No. A 14 (Offices) relating to Lot 3 (7) Mead Street, Kalamunda
  - d) Additional Use No. A 46 (Office) relating to Lot 16 (8) Stirk Street, Kalamunda
  - e) Additional Use No. A 49 (Art Gallery) relating to Lot 800 (1) School Street, Kalamunda
29. All the above uses can be contemplated by the respective zoning and land use permissibility encompassed within Amendment 106. For example, the Additional uses A14 and A46 provides for an Office land use and A49 provides for an Art Gallery, which will all be 'P' Permitted in the Centre C1 zone.
30. New additional uses are proposed to allow 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Repairs' relating to Lot 15 (12) Burt Street, Kalamunda. This will facilitate the continued use of Kalamunda Toyota for vehicle sales and services while enabling other uses to be considered in accordance with the Mixed Use zone under the KACP.
31. Amendment 106 will result in the deletion of Restricted Use RU 1(Car Park and open air display and weekend market) relating to Lots 10 and 11 (1 and 3) Stirk Street, Kalamunda. There is an opportunity to allow a broad range of land uses and remove the current restrictions to promote future redevelopment opportunities provided by the respective zoning and land use permissibility.
32. The following Special Uses are proposed to be deleted:
- a) Special Use 12 (SU 12) 'Vehicle Sales / Services' as it relates to Lot 15 (12) Burt Street, Kalamunda. It is proposed that Additional Uses will be inserted to facilitate existing uses occurring on this lot associated with Kalamunda Toyota.
  - b) Special Use 14 (SU 14) 'Car Park' as it relates to Canning Lot 29 (14) Canning Road, and Lot 3 (5) Heath Road, Kalamunda.
33. There is an opportunity to allow a broad range of land uses and remove the current Special Use provisions to promote future redevelopment opportunities provided by the respective zoning and land use permissibility. The existing uses can continue to operate under the

existing valid planning approvals. SU 14 is a 'P' Permitted use in the Centre C1 zone, and in the case of SU 12 it is proposed that additional uses will be added to provide for the ongoing vehicle sales and services use associated with Kalamunda Toyota. The removal of the Special Use provisions will align the zoning and land use permissibility with the KACP vision and land use intent.

34. *Complex Local Planning Scheme Amendment Process*

Under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 Amendment 106 is considered a 'Complex' amendment given the following considerations:

- a) The Amendment is not specifically addressed as a strategy or action in the City of Kalamunda Local Planning Strategy for the Scheme that has been endorsed by the WAPC;
- b) The amendment relates to an Activity Centre Plan that is currently being considered for approval by the WAPC; and
- c) The amendment relates to development that is of a scale, or will have an impact, that is significant, relative to development in the locality.

35. The classification of the amendment as 'Complex', as opposed to 'Standard' or 'Basic', was determined in liaison with preliminary discussions with the Department of Planning, Lands and Heritage and having regard to the significant public interest surrounding the KACP. The key difference between a Complex amendment and a Standard amendment is that there is additional advertising duration, 60 days in lieu of 42 days, respectively.

36. *Built Form Design Guidelines – LPP 30*

The design guidance outlined in the BFDG introduces a performance-based assessment process for developments, where each development is assessed on its merits.

37. Importantly, development within the KACP area will be required to be considered by the City's Design Review Panel, which will, amongst other things, make recommendations based on the principles included in the BFDG taking into consideration the character of the surrounding landscape and buildings.

38. The Design WA suite of documents was designed to replace the R-Codes and includes SPP 7 – Design of the Built Environment, and SPP 7.3 – Residential Design Codes Volume 2 Apartments which applies to residential apartments (multiple dwellings) in areas coded R40 and above in mixed use development or activity centres. The design principles

included in Design WA have been used as the performance-based assessment tool for new development in the town centre. The following key design considerations form the structure of the KACP and associated BFDG:

- a) Site Planning and building massing – addressing frontage requirements, plot ratio, building height, ground floor requirements, corner buildings, transitions between differing standards, and topography considerations;
- b) Building character – considers architectural character, compatibility with surrounding buildings, prominent site locations, and the envisaged town square;
- c) Access, Parking and Services;
- d) Landscaping; and
- e) Other considerations - solar, accessibility, heritage, privacy, security and development incentives.

## **APPLICABLE LAW**

39. The Planning and Development Act 2005 (PD Act) states that a local government may amend a local planning scheme with reference to any land within its district, by an amendment as per section 75(a).
40. Amendment 106 was referred to the EPA for consideration as per Section 48A of the *Environmental Protection Act 1986*. Amendment 106 was considered and no advice has been received.
41. The Planning and Development (Local Planning Schemes) Regulation 2015 Part 5, Div.2, r.41(3) outlines the process for adopting a Complex amendment to a local planning scheme, which is briefly outlined as follows:
  - a) After a period of public advertising for a minimum 60 days the local government must pass a resolution to:
    - i. Support the amendment without modification; or
    - ii. Support the amendment with proposed modifications to address issues raised in the submissions; or
    - iii. Not support the amendment.
42. Part 5, Div.2, r.45 states that the WAPC must consider the documents and provide a recommendation to the Minister within 90 days of receiving the City's resolution and supporting documents.

## APPLICABLE POLICY

43. **State Planning Policy 4.2 – Activity Centres for Perth and Peel**  
The purpose of the draft KACP and Amendment 106 is to facilitate the development of a district activity centre in Kalamunda, as contemplated and planned for in a variety of state and local planning instruments, namely State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2).
44. **State Planning Policy 7.0: Design of the Built Environment (SPP 7.0)**  
This policy elevates the importance of design quality across the whole built environment. It includes 10 principles for good design and establishes the framework for integrating design review as a part of the evaluation process. The KACP uses principles from SPP 7.0 through the Built Form Design Guidelines.
45. **State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP 7.3)**  
SPP 7.3 focuses on improved design outcomes for apartments (multiple dwellings). Content from SPP 7.3 has been used as the performance-based assessment tool for new development in the town centre.
46. **State Planning Policy 3.7: Planning and Bushfire Prone Areas (SPP 3.7)**  
The entire suburb of Kalamunda is identified as bushfire prone according to the Department of Fire and Emergency Services mapping. Development and subdivision will need to comply with the requirements of SPP 3.7, which may involve the preparation of a Bushfire Attack Level assessment and Bushfire Management Plan.

## STAKEHOLDER ENGAGEMENT

47. At the 24 November 2020 Ordinary Council Meeting, Council resolved to initiate advertising of Amendment 106 and the BFDG.
48. The City advertised Amendment 106 and the BFDG in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
49. This involved a notice in the local newspaper, hard copies being made available at the Administration Buildings, letters to affected landowners and occupiers, as well as notice on the City's website.
50. *Outcomes from Public Advertising*  
At the conclusion of advertising, seven written submissions (including four from State Government agencies) (refer Attachment 3 – Submission Table) were received.

51. From the seven submissions received, two indicated no objection, two raised objections and three comments did not indicate either objection or non-objection regarding Amendment 106 and the BFDG.
52. Of the submissions received objecting to the proposal, the key reasons for objection include, but are not limited to:
- a) The implementation of the development will result in increased noise generation.
  - b) Loss of character.
  - c) Validity of Activity Centre Plan in wake of Covid impacts on local expenditure and demand for retail/shop floor space.
  - d) Contribution towards climate change through increased urbanisation of the Town Centre and the heat-island effect.
53. The following summarised comments and recommendations for improvement were provided in the submissions:
- a) More pedestrian crossings
  - b) Reduce speed limits in town centre
54. Four written submissions were received from State Government agencies including; the Department of Communities, Department of Fire and Emergency Services, Department of Education and Water Corporation. All submissions, apart from the Water Corporation, did not raise any significant concerns.
55. The Water Corporation advised that lots to the north of the town centre, not currently serviced by the sewerage network, require a future pump station and associated infrastructure to be established in order to facilitate future development envisaged by the KACP. Costs for works are proposed to be funded by the customer until such time as the project is scheduled on Water Corporations Capital Works Program.
56. The Water Corporation also advised that the majority of the water reticulation network is suited for lower density areas, suggesting the current infrastructure will not be sufficient for high density development that require fire services. Assessment of the infrastructure capacity will be assessed by Water Corporation on a case-by-case basis, as demand is generated on the water network, at the development application phase. Any upgrades identified by the Water Corporation will be required to be customer funded and delivered.
57. The comments raised by the Water Corporation do not materially affect the proposed rezoning, rather the method in how the KACP will be implemented.

58. In response to the Water Corporations submission, it is suggested that Amendment 106 proceed as advertised, whilst changes be made to Part 1 – Implementation Report of the Kalamunda Activity Centre Plan, updating Section 1.5 – Development Requirements for the Activity Centre relating to the provision of water and wastewater services, where applicable.

**FINANCIAL CONSIDERATIONS**

59. Costs associated with the preparation of Amendment 106 and LPP 30 documentation, and any subsequent modifications required, have been met through the Development Services annual budget.

**SUSTAINABILITY**

60. **Social Implications**  
Amendment 106 and LPP 30 will assist with delivery of the draft KACP which is designed to improve the public and private realm over a number of years and bring vitality to the Kalamunda town centre.

61. **Economic Implications**  
By ensuring statutory framework aligns with the draft KACP landowners will have more certainty around land uses which can be considered and how applications for subdivision and development will be assessed and determined in the Kalamunda town centre.

62. **Environmental Implications**  
Environmental considerations have been addressed through the preparation of the draft KACP and considered by the Council previously.

**RISK MANAGEMENT**

63. 

<b>Risk:</b> Amendment 106 and LPP 30 is not adopted and there is inconsistency with the planning zones between the LPS3 and the draft KACP.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Progress Amendment 106 and LPP 30 in liaison with the Department of Planning, Lands and Heritage to ensure the KACP is implementable once approved.		
64. 

<b>Risk:</b> Water servicing infrastructure is insufficient to cater for the development envisaged by the KACP.
---

<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Medium
<b>Action/Strategy</b>		
1. Ensure appropriate servicing provisions are included as part of the finalisation of the KACP. 2. At the development application phase, ensure appropriate water servicing solutions are provided to address matters concerning waste-water connections and water provision.		

**CONCLUSION**

- 65. In summary, Amendment 106 seeks to introduce a new Centre zone and objectives, rezone the area affected by the draft KACP to the Centre zone, delete the redundant Special Control Area provisions relating to the Kalamunda Town Centre Design Control area, and rationalise the existing Additional Uses, Special Uses and Restricted Uses contained within the amendment area.
- 66. It is important to note that Amendment 106 will not restrict land use permissibility, but rather it will result in greater permissibility and flexibility for landowners.
- 67. Amendment 106 and BFDG will ensure that there is a robust planning framework in place to deliver on the vision of the KACP over the next 10 years.
- 68. Having regard to the above, it is recommended that Council supports Amendment No. 106 without modifications and adopt Local Planning Policy 30 – Kalamunda Activity Centre Plan – Built Form Design Guidelines.

**Voting Requirements: Simple Majority**

RESOLVED OCM 46/2022

That Council:

- 1. CONSIDER proposed Local Planning Scheme Amendment 106 to Local Planning Scheme No.3 as a complex amendment pursuant to clause 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the following reasons:
  - a) The Amendment is not specifically addressed as a strategy or action in the City of Kalamunda Local Planning Strategy for the Scheme that has been endorsed by the WAPC;



- b) The amendment relates to an Activity Centre Plan that is currently being considered for approval by the WAPC; and
  - c) The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.
2. SUPPORT proposed Scheme Amendment No.106 to Local Planning Scheme No.3 pursuant to Regulation 41(3)(a), of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
  3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required Scheme amendment documentation pursuant to Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
  4. ADOPT Local Planning Policy 30 – Kalamunda Activity Centre Plan – Built Form Design Guidelines pursuant to Schedule 2, Part 2, Clause 4(3)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, .
  5. REQUEST the Chief Executive Officer to submit a request that the Western Australian Planning Commission update Section 1.5 of Part 1 – Implementation Report of the draft Kalamunda Activity Centre Plan requiring development proposals to address water and wastewater service provisions, in accordance with Water Corporations submission received during advertising of Amendment 106.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Brooke O'Donnell**

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


## 10.2. Asset Services Reports

### 10.2.1. Kalamunda Environmental and Sustainability Advisory Committee - Recommendations for Consideration - March 2022

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.009047
Applicant	N/A
Owner	N/A
Attachments	1. Environment in all Policies Review Mar 2022 [10.2.1.1 - 7 pages]

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and

biodiversity protection into planning processes including schemes policies and strategies.

**Strategy 2.1.5** - Community engagement and education in environmental management.

**Priority 2: Kalamunda Clean and Green**

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider two recommendations from the March 2022 meeting of the Kalamunda Environmental and Sustainability Advisory Committee (KESAC).
2. One recommendation has financial implications for the City of Kalamunda (City) which has to be considered as part of any decision to adopt that recommendation.
3. It is recommended that the City note the outcomes of the review undertaken regarding Environment in all policies and that it becomes a member of the “Switch Your Thinking” collaboration at a cost of ~\$7,000pa.

**BACKGROUND**

4. KESAC was established after the October 2021 Council Elections as the successor to the Kalamunda Environmental Advisory Committee (KEAC) which had operated for some years. The growing importance of sustainability in the broader community drove this change in the Committee.
5. There was an outstanding action required of KEAC within the City’s Local Environment Strategy 2019-2029 (LES) that “KEAC to provide council with a discussion paper regarding the application of ‘environment in all policies’ approach to policy development. KESAC have subsequently undertaken this task.
6. Consistent with KESAC’s Terms of Reference, they have also made a recommendation to Council that the City joins the “Switch Your Thinking” collaboration to promote sustainable practices within the community.

## DETAILS AND ANALYSIS

7. KESAC considered at their meeting of 17 March 2022, a discussion paper prepared by one of its members regarding the 'Environment in all Policies' review. This discussion paper is provided as Attachment 1 to this report.
8. The recommendations made by the author were discussed by KESAC and endorsed as recommendation that the City note and consider the report. The implications to the City of the recommendations are relatively minor and would improve the quality of future strategies undertaken by the City.
9. Switch Your Thinking is a collaboration between Local Governments in the Perth area. Their stated aims are:

*"Switch your thinking is a local government initiative that inspires sustainable action in the community of Perth, Western Australia. To achieve our objective of reducing local greenhouse gas emissions, we partner with Perth Councils, local businesses and community groups, to help the people of Perth to live and work in a way that meets their needs without jeopardising the ability of future generations to meet their own needs.*

*We do this by facilitating community events, delivering iconic projects, negotiating discounts for residents on sustainable products and providing up to date and locally relevant information."*

Their website <https://www.switchyourthinking.com/> provides substantial information regarding the collaboration and benefits to the community.
10. Notably all Councils that bound the City to the north, south and west are members as well as Councils closer to the Perth CBD as well as all members of EMRC (except the City).
11. The benefits to the community of participation in this scheme in terms of achieving greater levels of sustainability and environmental awareness sit very well within the LES and would feature strongly in the draft Climate Change Action Plan being prepared.
12. It is viewed that the modest annual membership fee of ~\$7,000pa would have significant return in community education and community benefits that would be significantly cheaper than if the City undertook to implement all of the education and benefits by itself.

## APPLICABLE LAW

13. *Local Government Act 1995.*

**APPLICABLE POLICY**

14. Service 5 Communication and Engagement.

**STAKEHOLDER ENGAGEMENT**

15. As this report and its recommendations are minor in nature, community consultation is not warranted.

**FINANCIAL CONSIDERATIONS**

16. If adopted, there would be necessity for funding of ~\$7,000pa within annual budgets. This will be achieved through a corresponding reduction in environmental education initiatives in the draft 2022/2023 operational budget.

**SUSTAINABILITY**

17. Switch Your Thinking is a beneficial scheme in promoting better environmental practices by the community which would be consistent with our LES.

**RISK MANAGEMENT**

18.	<b>Risk:</b> That an opportunity is lost for the community to become more environmentally aware and being able to undertake steps forward which would feature in the City's draft Climate Change Action Plan in response to its Climate Change Declaration.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Possible	Medium
	<b>Action/Strategy</b>		
	Council considers the overall benefits to the Community of joining Switch Your Thinking against the costs.		

**CONCLUSION**

19. The recommendations from KESAC discussed in this report should be supported for the overall benefits that they provide.

**Voting Requirements: Simple Majority**

RESOLVED OCM 47/2022

That Council:

1. NOTE the Environment in all Policies discussion paper provided as Attachment 1 to this report and that actions as necessary are undertaken for future reviews of existing strategies or new strategies as they are prepared; and
2. APPROVE that the City of Kalamunda become a member of the Switch Your Thinking collaboration, subject to funding being available as part of the 2022/23 Budget deliberations.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**

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


## 10.2.2. Zig Zag Scenic Drive - Outcomes of Recent Trial

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

Cr Dylan O'Connor declared an Interest Affecting Impartiality. Cr O'Connor is a participant in the Targa West Tarmac Rally that utilises the Zig Zag Scenic Drive. Cr O'Connor states his involvement in the rally event will have one bearing or impact on his ability to be impartial. Cr O'Connor voted on this item.

Previous Items	OCM 187/2012; OCM183/2013; OCM74/2014; OCM 90/2014; SCM 43/2020; OCM 211/2020 & OCM 55/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	ZG-01-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 3.2** - To connect community to key centres of activity, employment and quality amenities.

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

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

### 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 outcomes of the trial of closing Zig Zag Scenic Drive (ZZSD) to vehicles during nights and to adopt a preferred method of operation for public access to ZZSD.
2. This trial complements a previous trial of 24 hr / 7 day a week closure to vehicles and the previous standard operating condition of unrestricted access. Each option presented differing outcomes in key parameters regarding the use of ZZSD.
3. It is recommended that the City of Kalamunda (City) undertakes a permanent arrangement of closing ZZSD to vehicles (except to authorised vehicles).

## BACKGROUND

4. Given the long history of concerns regarding anti-social behaviour of some people using ZZSD, many Council reports since 2012 have been presented. The last report presented to the 27 April 2021 OCM captures the issues succinctly and as such is the reference point for this report.
5. Council in considering this report determined (OCM 55/2021) that:
  1. *MAINTAIN the current closure of Zig Zag Scenic Drive to unauthorised vehicles until 30 June 2021.*
  2. *ENDORSE a trial of opening Zig Zag Scenic Drive at 11am each day and closing it at 8:30pm each day until 30 June 2022.*
  3. *UNDERTAKE a community awareness campaign to advise the community, key stakeholders and Advisory Committees of this further trial.*



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

6. This report now addresses the matters raised in April 2021.

**DETAILS AND ANALYSIS**

7. The trial of night closure of ZZSD commenced 1 July 2021 and is currently still in force.
8. This trial, along with the previous trial of a 24/7 closure to vehicles and the previous condition of unrestricted 24/7 opening to vehicles now allows consideration of a permanent operating condition for ZZSD.

9. *Litter – kg of waste collected along ZZSD*

<b>November 2019 (road open 24/7)</b>	<b>August 2020 (road closed 24/7)</b>	<b>July 2021 to March 2022 (avg. during night closure)</b>
507 kg	17 kg	85 kg

The scenario of permanently closing the road to vehicles has the best outcomes for litter reduction.

10. *WAPOL*

Advice received from WAPOL local management is that they have a preference for ZZSD to be closed to vehicles 24/7, however recognise that this may be unpopular and would compromise to a next preference of maintaining the night closure (subject to access arrangements).

11. *Fire / Emergency Services*

No preference as long as access arrangements are in place.

12. *Anti-Social Behaviour*

The City's Ranger Services and WAPOL both report that anti-social behaviour has significantly reduced compared to the times when the road was unrestricted. It is worth noting that the level of anti-social behaviour during the full closure and the night closure periods were similar (however the full closure had the best outcomes in this regard compared to the full opening) which confirms that this intensity of anti-social behaviour is mainly related to evenings.

13. *Natural Environmental Impacts*

Both DBCA and City Environmental staff confirm that the reduction in damage to the natural environment surrounding ZZSD dropped significantly during the full closure trial and was maintained during the night closure trial. However, vehicles are continuing to cut tracks into the National Park requiring actions by the City in placing rocks to close these off.

14. *Feedback provided to City / Social Media*

During the night closure trial, the City generally received very positive feedback with only a small number of complaints related to access at night. There were complaints received regarding 'hooning' activity during the early stages of the night closure trial however these have subsided as it is felt that these 'hooners' have moved elsewhere because ZZSD was closed at night.

15. *Operational Cost Impacts - Description*

The three scenarios of consideration (permanently open, permanently closed or night close to vehicles) each brings with it impacts upon the City's budgets. They include:

- a) Costs to manage the pick up and disposal of litter, waste bins and illegal dumping.
- b) Costs to manage graffiti and damage to infrastructure.
- c) Costs for Ranger patrols to help mitigate against anti-social behaviour.
- d) Road repairs and eventual road resurfacing requirements.

16. *Night Closure – Additional Cost Impact*

The scenario of a night closure to vehicles brings its own operational cost impact that is unique to that scenario. Each night the gates have to be closed and then re-opened in the morning. Ranger staff are not on duty at the closure time (8:30 pm) however undertake the opening at 11:00 am.

The City has engaged a contractor to undertake the closure each evening and patrol ZZSD to move on any vehicles. This costs approximately \$30,000 per annum. If a permanent night closure scenario was determined by Council, this would be an ongoing cost borne by ratepayers. Alternatively, an investment of \$100,000 may facilitate the installation of automated gates that would open and close at the selected times, however this does increase the risk that vehicles will park inside the National Park overnight due to lack of patrols to ensure all vehicles exit.

17. *Conclusion regarding Costs*

Scenario	City Cost Impacts
Open 24/7	Litter, dumping, graffiti and infrastructure repairs - \$100,000 pa Road maintenance - \$10,000 pa Road resurfacing required within next 5 years - \$300,000 Likely further localised traffic calming to mitigate hooning - \$200,000
Night Closure	Litter, dumping, graffiti and infrastructure repairs - \$30,000 pa Road maintenance - \$10,000 pa Road resurfacing required within next 5 years - \$300,000 Closing of gates each night - \$30,000 pa or \$100,000 capital cost
Close 24/7	Litter, dumping, graffiti and infrastructure repairs - \$3,000 pa Road maintenance - \$5,000 pa Road resurfacing required within no earlier than 10 years - \$300,000

18. *Road Function*

It also is worthy of consideration that this section of ZZSD is wholly within the Gooseberry Hill National Park which is under the care and control of the State Government through DBCA. There are NO rateable properties or residents directly fronting this section of ZZSD. It could be argued then that DBCA should have care and control of this part of ZZSD however overtures in this regard have not been well received.

19. *Advocacy*

Given the significance of the National Park and the tourism and other benefits that the local environment provides to all West Australians, it is appropriate that advocacy to the State Government is continued. The advocacy would be to implement appropriate tourist and leisure related improvements along ZZSD including (but not limited to) larger car parking facilities at the top with toilets, picnic, BBQ areas and lookout / nature trails and care and control of ZZSD.

20. *Conclusion*

Returning ZZSD to its previous status of permanent opening has unacceptable outcomes in terms of local resident amenity and financial burden on the City. Maintaining ZZSD as a Night Closure still requires ongoing financial costs which in the current environment of limited funding warrant careful consideration. Finally closing ZZSD permanently is the most financially sustainable outcome for the City however it is noted that the tourism and amenity issues will need to be considered.

21. *Regulatory Implications*

The City would be able to close ZZSD for a period of less than four weeks at any time. Prior to permanently closing ZZSD to unauthorised vehicles will necessitate the City to undertake actions in accordance with s3.50 of the Local Government Act (Act).

This includes giving public notice and considering submissions made to this notice. If submissions are made regarding the closure (which is almost certain), Council will need to consider these in a future report prior to finally implementing the permanent closure.

The Act provides that ZZSD can be physically closed, provided the public notice period and subsequent actions are undertaken as required under s3.50 of the Act.

22. *Concept Plan for Improved Visitor Amenity*

The April 2021 decision sought to seek the support of the Department of Biodiversity, Conservation and Attractions (DBCA) to develop a concept plan for improved visitor amenity in and around the car park at the start of ZZSD which is inside their National Park. The City has subsequently been advised that DBCA do not have capacity or resources to undertake this plan. It is recommended that the City continue advocacy through the local State MP to have this work funded.

23. *Zig Zag and Environs Master Plan*

The April 2021 decision endorsed the development of a Zig Zag and Environs Master Plan once the status of ZZSD was determined. With the funding constraints of the City it is recommended that this task be scoped and included for consideration in the draft 2023/2024 budget.

**APPLICABLE LAW**

24. s3.50 of the *Local Government Act 1995*.

**APPLICABLE POLICY**

25. Service 4 Asset Management.

**STAKEHOLDER ENGAGEMENT**

26. Given the extensive community feedback provided during the lead up to the April 2021 report and the nature of feedback received during the night closure trial, further consultation is not warranted for this report.

**FINANCIAL CONSIDERATIONS**

27. The report notes the financial impacts of each scenario.

**SUSTAINABILITY**

28. The night closure has shown a reduction in waste compared to full opening however is not as effective as permanent closure of ZZSD.

29. Environmental benefits of restricting vehicle access to ZZSD would be maximised if vehicles were permanently banned however the night closure has demonstrated improvements compared to unrestricted access.

**RISK MANAGEMENT**

30.

<b>Risk:</b> Closing the road may result in reputational impact from visitors and tourists wanting to drive down ZZSD at all times.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
The City maintains clear and transparent communication of the cost and benefits of closing the road.		

31.

<b>Risk:</b> Opening the road will continue to negatively impact upon residents being impacted by anti-social behaviour and will impact the city in terms of ongoing costs and resourcing implications.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	likely	Medium
<b>Action/Strategy</b>		
The City maintains clear and transparent communication of the benefits associated with having the road open		

32.

<b>Risk:</b> Closing the road at night results in an ongoing cost to ratepayers to maintain, clean and control the area daily.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
Explain the City’s financial situation and the impact of additional operating cost into an already constrained budget without a commensurate rate increase.		

**CONCLUSION**

33. Whilst the trial has been successful in terms of reduced complaints from residents and reduced anti-social behaviour whilst giving access to visitors during the day, this option comes at a cost. The cost still required rubbish removal, maintaining the verges as well as the cost for security to close the park each night. Whilst this role can be transformed by the use of electric bollards, there is still ongoing cost in repairing damaged bollards, monitoring the park.
34. On balance the City has concluded given constraints on operating funds unless the cost of this initiative is funded through a commensurate rate increase the City cannot afford any additional new services impacting its Operational Surplus Ratio and the City’s financial health. Hence it is felt

that the permanent closure is the best outcome for ratepayers in the current circumstances.

35. In light of tight fiscal constraints, the City is facing it is most cost effective to close the Zig Zag permanently and return it to be a nature park for walkers, cyclists and nature lovers.

<b>Voting Requirements: Simple Majority</b>
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**RESOLVED OCM 48/2022**

That Council:

1. DETERMINE to close Zig Zag Scenic Drive permanently to unauthorised vehicles at all times.
2. AUTHORISE the notices and actions required under s3.50 of the *Local Government Act 1995* to be undertaken prior to the closure of Zig Zag Scenic Drive.
3. NOTE that the City of Kalamunda will continue to advocate for State Government commitment to implement improvements to visitor amenity at the top of Zig Zag Scenic Drive.
4. NOTE that preparation of a Zig Zag Scenic Drive and Environs Master Plan will be considered in future budgets when funding becomes available through State Government advocacy.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Sue Bilich**

Vote:	<u>For</u>	<u>Against</u>
	<b>Cr Sewell</b>	<b>Cr Giardina</b>
	<b>Cr Bilich</b>	<b>Cr Stallard</b>
	<b>Cr Cooper</b>	<b>Cr Miskiewicz</b>
	<b>Cr Ritchie</b>	<b>Cr O'Donnell</b>
		<b>Cr O'Connor</b>
		<b>Cr Osenton</b>
		<b>Cr Thomas</b>

**LOST (4/7)**

Cr O'Connor proposed an alternative recommendation. The reason was provided as follows:

*It is considered the overall benefit to the community in maintaining the current opening and closing arrangement is well beyond the cost that will be incurred.*

RESOLVED OCM 49/2022

That Council:

1. RESOLVE to retain the current motor vehicle access arrangements for the Zig Zag Scenic Drive.
2. INCLUDE in the 2022/2023 draft budget \$62,000 to cover operating costs.
3. REQUEST the Mayor and the Chief Executive Officer to seek support to develop an enhancement plan and secure funding to improve the Zig Zag Scenic Drive as a unique tourism and conservation attraction from the following:
  - a. Minister for State Development, Jobs and Trade; Tourism; Commerce and Science
  - b. Minister for Environment; Climate Action
  - c. Local MLAs of Kalamunda and Forrestfield
  - d. Department of Biodiversity, Conservation and Attractions (DBCA)

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote:	<u>For</u>	<u>Against</u>
	<b>Cr Sewell</b>	<b>Cr Bilich</b>
	<b>Cr Giardina</b>	<b>Cr Cooper</b>
	<b>Cr Stallard</b>	<b>Cr Ritchie</b>
	<b>Cr Miskiewicz</b>	
	<b>Cr O'Donnell</b>	
	<b>Cr O'Connor</b>	
	<b>Cr Osenton</b>	
	<b>Cr Thomas</b>	

**CARRIED (8/3)**

The Presiding Member adjourned the meeting at 7:55pm. The meeting recommenced at 8:01pm all Councillors and staff except for the Manager Strategic Planning returned to the meeting.



**10.3. Corporate Services Reports**


**10.3.1. Public Art Masterplan - Adoption for the Purposes of Public Advertising**

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

Previous Items	Nil.
Directorate	Corporate Services
Business Unit	Commercial and Cultural Services
File Reference	3.010173
Applicant	City of Kalamunda
Owner	N/A

- |             |  |
|-------------|--|
| Attachments | 1. Draft City of Kalamunda Public Art Master Plan [10.3.1.1 - 33 pages]            |
|             | 2. City of Kalamunda Public Art Masterplan Engagement Report [10.3.1.2 - 85 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 1.3** - 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.

**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 adoption of a draft City of Kalamunda (City) Public Art Masterplan (Masterplan) for public advertising.
2. The Masterplan has been prepared to guide the City and Developers in the delivery of public art. The Masterplan also identifies specific artwork opportunities and prioritises sites and projects with the City of Kalamunda.
3. It is recommended that Council adopt the draft City of Kalamunda Public Art Masterplan for the purposes of public advertising.

**BACKGROUND**

4. One of the key actions of the Creative Communities: An Arts Strategy, adopted by Council in 2019, is the development of a Public Art Masterplan for the City of Kalamunda.
5. In late 2019, Council called for submissions from suitably qualified consultants to prepare a Public Art Masterplan. Maggie Baxter, an established art consultant was engaged to prepare the Masterplan.

**DETAILS AND ANALYSIS**

6. The Masterplan defines the City's vision in relation to public art as well as key recommendations and locations.

7. The Masterplan recommends a thematic approach to Public Art as a direct result of community consultation (see Attachment 2 - Engagement Report):

Natural Environment	Bushland, forest, geology, native flora, wildlife, parklands, walking trails and paths, care of natural resources
Noongar History and Culture	Waterways, the story of Kalamunda, Welcome to Country, Aboriginal astronomy
Early Settlers	Farming, horticulture, railways
The past, present and future of industry	(Industrial areas only)

8. The scale recommended within the Masterplan is a mix of large and iconic and smaller, discreet works that invite interaction and discovery.
9. There are a number of key recommendations as part of the Masterplan. Full details can be found in Attachment 1.
10. The Masterplan will be integral to the Kalamunda Activity Centre Plan and should be updated to represent amendments throughout the processes.
11. The Masterplan actively encourages Aboriginal Artists to apply for all publicly advertised commissions not only those referencing Noongar heritage and culture.

### **APPLICABLE LAW**

12. *Local Government Act 1995.*

### **APPLICABLE POLICY**

13. Local Planning Policy 26 – Public Art Contributions  
Service Policy 07 – Art Collection Acquisition and Management

### **STAKEHOLDER ENGAGEMENT**

14. The development of the Masterplan has included key stakeholder engagement which is outlined in detail in the Engagement Report.
15. Subject to Council's resolution to proceed, the City will advertise the Masterplan in accordance with the Communication and Engagement Policy.

16. A communications and engagement strategy will be developed to assist with guiding the public advertising process in accordance with the Public Art Policy. Consultation will target the stakeholders with an interest in the Public Art and the Masterplan.
17. As part of the advertising process, the Kalamunda Arts Advisory Committee will have a presentation and an opportunity to comment on the Masterplan.

## **FINANCIAL CONSIDERATIONS**

18. Costs associated with the preparation and public advertising of the Masterplan are met through the annual Commercial and Cultural Service budget.
19. Some recommendations arising from the Masterplan may have financial implications; the details of which will be developed as part of Local Planning Policy 26 – Public Art Contributions where appropriate or through the development of financial implementation plan/s and annual budget/s when preparing to complete the actions.

## **SUSTAINABILITY**

### **Social Implications**

20. The Masterplan will provide locally relevant artwork that is thematic and of a standard that can be shared globally.

### **Economic Implications**

21. The Masterplan will provide opportunity for creative engagement through its commissioning and percent for art processes.

### **Environmental Implications**

22. The Masterplan will improve the City's built environment, contribute to city-wide urban attractiveness and reinforce the unique qualities of the City of Kalamunda's natural environment.

**RISK MANAGEMENT**

23.	<b>Risk:</b> By not having a Masterplan, the delivery of public art is uncoordinated.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Likely	Medium
	<b>Action/Strategy</b>		
	Adopt the draft Public Art Masterplan for the purpose of public advertising.		

24.	<b>Risk:</b> Public Art Masterplan is not adopted for advertising, thereby delaying the process of implementation whilst submissions are received.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Adopt the draft Public Art Masterplan for the purpose of public advertising.		

**CONCLUSION**

20. The City engaged art consultant Maggie Baxter to develop a public art masterplan. The Masterplan will provide the City of Kalamunda with a thematic, contemporary approach to Public Art which will assist in developing a collection that can be proudly shared.

**Voting Requirements: Simple Majority**

RESOLVED OCM 50/2022

That Council ADOPT the draft City of Kalamunda Public Art Masterplan (Attachment 1) for the purposes of public advertising in accordance with the City of Kalamunda Communication and Engagement Policy.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Kathy Ritchie**


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

### 10.3.2. Proposed Permanent Road Closure: Portion of Courtney Place, Wattle Grove

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

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	CR-16/GEN
Applicant	ROE 72 Pty Ltd
Owner	State of Western Australia
Attachments	1. Road Closure Plan - Courtney Place [ <b>10.3.2.1</b> - 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 (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 3.2.1** - Ensure existing assets are maintained to meet community expectations.

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

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

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to consider an application received by the City of Kalamunda (City) from ROE 72 Pty Ltd (Applicant) to close a portion of the Courtney Place road reserve.
2. The road closure is required to facilitate a realignment of Courtney Place. The Applicant proposes that Courtney Place be realigned to enable a proposed subdivision.
3. It is recommended that Council support the proposed permanent road closure, subject to conditions.

## **BACKGROUND**

4. The Applicant lodged an application with the City to permanently close a portion of the Courtney Place road reserve.
5. The portion of road reserve proposed to be closed (Road Closure Land) is depicted in Road Closure Plan 15/073/275 (Attachment 1).
6. The Applicant owns land adjoining the Road Closure Land.
7. The road closure is required to facilitate a realignment of Courtney Place. The Applicant proposes that Courtney Place be realigned to enable a proposed subdivision.
8. This application deals with permanently closing the portion of Courtney Place no longer required as road reserve. The new Courtney Place road reserve will be dedicated through a related subdivision (WAPC 161915).
9. The related subdivision is currently with the WAPC for determination.

## **DETAILS AND ANALYSIS**

10. The proposal has been assessed from a planning, assets, environmental, community development and health perspective.
11. The City has no objection to the proposal, provided that the road closure and road dedication required to realign Courtney Place occur concurrently.
12. The Applicant will be commencing work on Courtney Place as soon as the WAPC subdivision approval is issued. As part of the construction of the new road alignment, a part of the old Courtney Place will be removed. This may necessitate the closure of the old section of Courtney Place while the subdivision works are underway, with the closure lasting more than four weeks.
13. In order to facilitate the Applicant's works, and as the closure will last for more than four weeks, a road closure of the old section of Courtney Place is required under section 3.50 of the *Local Government Act 1995* (LGA). Council is asked to approve the closure of the road, subject to the City following due process of public advertising and consideration of submissions as required under the LGA. This will be a temporary measure as ultimately once the new Courtney Place alignment is constructed and the subdivision is completed, the new road will be opened.

## **APPLICABLE LAW**

14. *Land Administration Act 1997* (WA) s. 58
15. *Local Government Act 1995* (WA) s. 3.50

## **APPLICABLE POLICY**

16. Service 4: Asset Management

## **STAKEHOLDER ENGAGEMENT**

### ***Public Advertising***

17. The proposal was advertised in the Echo Newspaper on Friday, 18 February 2022. Comments closed at 5pm on 28 March 2022.
18. The City received three submissions supporting the proposal (Confidential Attachments 1 - 3).



19. The three submissions received all support the proposal on the basis that the proposed realignment of Courtney Place will allow for the creation of more regular shaped lots with appropriate areas and dimensions, which will assist in achieving appropriate design outcomes for future industrial development in the Maddington Kenwick Strategic Employment Area Precinct 3A area.
20. The application is supported by all landowners with properties adjoining the Road Closure Land.

***Service Authorities***

21. The proposal was referred to the service authorities for comment.
22. ATCO Gas has no objection to the proposal.
23. NBN Co (NBN) did not object to the proposal. NBN confirmed that it has network contained within Telstra pit and pipe. NBN advised that:
  - a) Any agreement regarding modification of the network at this location would need to be with Telstra; and
  - b) NBN is covered with the existing agreement NBN has with Telstra and will be able to access the cable under this agreement.If the relocation of Telstra pit and pipe is required then NBN will need to quote to relocate the NBN assets into the new Telstra network.
24. Telstra has no objection to the proposal, subject to the Applicant complying with Telstra's standard conditions. Telstra's plant records indicate that there are Telstra assets in the vicinity. In the event that Telstra's assets require relocation, the Applicant will need to engage Telstra's Asset Relocation team to obtain a quote to relocate the assets from the location in question. The relocation of the assets would be carried out at the Applicant's cost. All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's community plant. Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its Cadastre records.
25. Water Corporation did not object to the proposal. Water Corporation advised that there is a 150P reticulated water main within the proposed road closure. As water pipes are under constant pressure, they cannot reside in private properties. The main therefore has to be diverted to the new road reserve and these works will require:
  - a) approved water diversion design by consultants;
  - b) customer services must remain operational during diversion works;
  - c) reconnection of live retic main;
  - d) lift and remove existing redundant retic main;

- e) the relocation and reconnection of services to private property as per standards;
- f) transfer of existing retic main valving and apparatus as required; and
- g) property boundary changes to accommodate provision of service if applicable.

All services must be to Water Corporation's design standards.

26. The City has not received a response from Western Power. The Applicant has advised that to defer the consideration of this matter by Council until a response has been received will delay the construction timeframes for the project. It is proposed that the City consider this matter prior to the receipt of Western Power's response and that any support of the proposal be made conditional on all utility service providers confirming that they do not object to the proposal.

### **FINANCIAL CONSIDERATIONS**

27. If a road closure proposal proceeds, the landowners receiving land are responsible for paying:
- a) the purchase price for the Road Closure Land at the value determined by the Valuer-General's Office; and
  - b) all costs associated with the proposal.
28. The Applicant has agreed to be responsible for funding the purchase price of the Road Closure Land and all costs of the proposal.
29. The purchase price will be paid to the State of Western Australia, as the State owns the Road Closure Land.
30. The costs of the proposal include, but are not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement. These costs are determined by third parties. It is the responsibility of the Applicant to obtain quotes for these costs from the relevant third parties.

### **SUSTAINABILITY**

31. There are no sustainability implications envisaged regarding the proposed road closure, as the site is constructed road and already a cleared site. The sustainability of the wider project is being dealt with through the related subdivision and development applications.

**RISK MANAGEMENT**

32.	<b>Risk:</b> The road closure proceeds, but the related subdivision which will result in the dedication of the new Courtney Place road reserve does not proceed.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure the proposal is conditional on the road closure and road dedication required to realign Courtney Place occurring concurrently.		
	If the road is trafficable, reopen the road as provided by the legislation. Arrange an Outstanding Works bond if required to ensure the construction and opening of the road can be completed if the developer defaults.		

33.	<b>Risk:</b> Western Power objects to the proposed road closure.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	Ensure that any support of the proposal be made conditional on all utility service providers confirming that they do not object to the proposal.		

**CONCLUSION**

- 34.           The City has no objection to the proposal, provided that the road closure and road dedication required to realign Courtney Place occur concurrently.
- 35.           The proposal will allow for the creation of more regular shaped lots, which is a positive planning outcome.
- 36.           It is recommended that the City request the Minister for Lands to permanently close the Road Closure Land, subject to conditions.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 51/2022

That Council:

1. REQUEST the Minister for Lands to permanently close that portion of the Courtney Place road reserve shown delineated and marked as “Proposed Courtney Place Road Closure” on Road Closure Plan 15/073/275 (Attachment 1), pursuant to section 58 of the *Land Administration Act 1997* (WA), subject to the following conditions:
  - a) The Applicant must pay the purchase price for the portion of the Courtney Place road reserve proposed to be closed;
  - b) The Applicant must pay all costs of and incidental to the proposal, including but not limited to, the costs of advertising, surveys, approvals, service relocations, easements, and document preparation and lodgement;
  - c) The road closure and road dedication required to realign Courtney Place must occur concurrently; and
  - d) All utility service providers must confirm that they have no objection to the proposed road closure before it proceeds.
2. CONFIRM the City of Kalamunda has complied with section 58(3) of the *Land Administration Act 1997* (WA).
3. UNDERTAKE to comply with section 58(2) of the *Land Administration Act 1997* (WA).
4. APPROVE the permanent closure of part of Courtney Place, Wattle Grove, when required, in order to facilitate subdivision works, subject to public notice and consideration of submissions as required under section 3.50 of the *Local Government Act 1995* (WA).

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

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

### 10.3.3. RFT 2203 Supply of Datacentre Services

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


Previous Items	
Directorate	Corporate Services
Business Unit	Information Technology
File Reference	
Applicant	N/A
Owner	N/A

Attachments Nil

Confidential Attachment 1. Tender Evaluation Report

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

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

**Strategy 1.1.2** - Empower, support and engage and with young people, families and our culturally diverse 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 3.2** - To connect community to quality amenities.

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

**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.

**Priority 4: Kalamunda Leads**

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to consider the award of a tender for the supply and implementation of Datacentre Services.
2. The City issued a Request for Tender seeking to engage a supplier for the supply and implementation of Datacentre Services (RFT 2023).
3. It is recommended Council accept the tender from Avantgarde Technologies ABN: 47 159 065 890. The total estimated value of this contract is \$1,173,120 over a 5 year contract period.

**BACKGROUND**

4. The tender for Datacentre Services seeks to use innovative solutions to enable a secure, mobile workforce, increase computer performance, enhance business continuity and disaster recovery options and reduce operating costs.

5. The current datacentre environment has delivered significant flexibility for the City during the COVID-19 pandemic. However, the technology is now 5 years old, and the City must move to newer technology to leverage better performing equipment.
6. Better performing equipment will provide the following advantages:
  - a) Increased business continuity options such as the ability to quickly migrate failed equipment from one server to another with minimal service interruptions.
  - b) The ability to test disaster recovery capability and capacity on a more frequent basis, importantly without disrupting the organisation.
  - c) Increased protection from ransomware corrupting backups.
  - d) Faster recovery times should an issue occur requiring the use of data backups.
  - e) Backup data will be encrypted and held in a second datacentre for use, should the main datacentre experience service issues.
  - f) Reduced operating costs for the City.
  - g) Transitioning to a new vendor will also provide the City with better systems assurance reports. This in turn provides us with greater server performance transparency.

#### **DETAILS AND ANALYSIS**

7. The City issued RFT 2023 seeking to engage a suitably experienced vendor to supply and implement Datacentre Services. Tenders closed on 03 March 2022, with two conforming tenders received by the closing date. A copy of the Tender evaluation report is provided as Confidential Attachment 1.
8. Tenders received by the closing date were from the following companies (in alphabetical order):
  - a) Avantgarde Technologies Pty Ltd
  - b) Integrated ICT Pty Ltd
9. An Evaluation Panel was convened of suitably qualified City Officers to assess the tenders received.

10. Tenders were assessed in a staged process, initially a check for compliance to matters set out in the tender invitation was undertaken. Compliant tenders were then assessed against qualitative criteria (again set out in the tender invitation). The Qualitative Criteria and weighting were determined as follows:

Qualitative Criteria	Weighting
Relevant Experience	25%
Key Personnel & Experience	20%
Tenderer's Resources	20%
Demonstrated Understanding	20%
Information Security Controls	15%

11. Compliant tenders which met or exceeded the qualitative pass mark of 60% were then assessed for price.

12. The two compliant tenderers were ranked as follows regarding the Qualitative Criteria:

Tenderer	Score	Rank
Avantgarde Technologies Pty Ltd	64.5%	1
Integrated ICT Pty Ltd	62.0%	2

13. A price assessment was then undertaken for the two tenderers to determine the best value for money outcome for the City.

14. The Tender Evaluation Report is provided as Confidential Attachment 1 to this report.

15. The recommended tender best satisfied the City's requirements in terms of:

- a) Meeting or exceeding the qualitative assessment benchmark
- b) Proven capacity and capability to undertake the work
- c) Satisfying reference checks from previous and current clients; and
- d) Providing the best value for money outcome.

16. The Evaluation Panel has recommended Avantgarde Technology's tender for Datacentre Services as the preferred Tender.

17. The basis of the contract is to engage the Contractor on 60 monthly payments to undertake the supply and implementation of Datacentre Services.

18. The contract is proposed to be for five years.



**APPLICABLE LAW**

- 19. Section 3.57 of Local Government Act 1995. Part 4 of the Local Government (Functions and General) Regulations 1996.

**APPLICABLE POLICY**

- 20. Purchasing Instruction CEO17 has been followed and complied with.

**APPLICABLE STRATEGIES**

- 21. Nil.

**STAKEHOLDER ENGAGEMENT**

- 22. Internal Stakeholders have not been engaged as internal staff experiences will not be negatively affected. External Stakeholders were consulted, and this tender was based on recommendations from the Office of the Auditor General.

**FINANCIAL CONSIDERATIONS**

- 23. The budget pricing of this tender is a total of \$1,173,120 over 5 years ex GST. The proposed tender has 60 monthly payments of \$19,552 ex GST
- 24. The new tender is expected to deliver cost savings of approximately \$400,000 over five years.

**SUSTAINABILITY**

- 25. Nil.

**RISK MANAGEMENT**

26.	<b>Risk:</b> The Contractor does not undertake the works to the requirements of Cost or Scope.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	<ul style="list-style-type: none"> <li>a. Staged works, to ensure that the City of Kalamunda and the Contractor are in alignment.</li> <li>b. Clearly defined scope of works and benchmarks developed and monitored.</li> <li>c. Staff will be heavily involved in all aspects of the project</li> </ul>		

27.

<b>Risk:</b> The project does not achieve the outcomes required		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Significant	Unlikely	Medium
<b>Action/Strategy</b>		
<ul style="list-style-type: none"> <li>a. At each stage of the project implementation, review capabilities against the scoped benefits</li> <li>b. Follow Change Management processes, to ensure take up and process improvement in all areas</li> <li>c. Report to Executive on a monthly basis during implementation on outcomes achieved</li> <li>d. Undertake baseline performance testing on current environment and new environment to ensure expected performance benefits and disaster recovery benefits are achieved.</li> </ul>		

**CONCLUSION**

28.

The migration to new Datacentre Services will dramatically improve the performance of the City of Kalamunda’s IT environment. It will positively impact:

- a) The City’s operating budget as datacentre costs will reduce by approximately \$400,000 over the five year term.
- b) Performance of the City’s server and IT environment.
- c) Application performance, particularly the City’s main Enterprise Resource Planning system. Processes and reports will be quicker to execute.
- d) Disaster Recovery as City servers will be able to be restored more quickly if required. Backups will be more resistant to ransomware.
- e) Business Continuity as servers will be operating on new, contemporary technologies which have the increased ability to operate with technical faults.
- f) Reporting of system performance will be increased, as we will be provided with in depth technical performance reports.

29.

Avantgarde Technologies Pty Ltd are recommended as the preferred supplier.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 52/2022

That Council APPROVE the award of the Supply of Datacentre Services (RFT 2023) contract to Avantgarde Technologies Pty Ltd, ABN: 47 159 056 890, for the price of \$1,173,120 over 5 years (excluding GST).

Moved: **Cr John Giardina**

Seconded: **Cr Dylan O'Connor**

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

**10.4. Office of the CEO Reports**


**10.4.1. Request for Naming of Park - Mr Noel Morich**

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

Previous Items  
 Directorate Office of the CEO  
 Business Unit Customer and PR  
 File Reference  
 Applicant City of Kalamunda  
 Owner

Attachments

**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 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.

## EXECUTIVE SUMMARY

1. The purpose of this report is for council to consider the results of the public advertising for the proposal to name Reserve 53723 Noel Morich Park.
2. The family of the late Noel Morich, who was a respected Aboriginal Elder, has submitted the request for a portion of land in the Hales Estate, Forrestfield to be named after him.
3. The recommendation is for Council to endorse the naming of the “Noel Morich Park”, at Reserve 53723, for submission to Landgate.

## BACKGROUND

4. The City of Kalamunda (City) received the request from the family of the Late Mr Noel Morich to name a park after Noel.
5. Mr Bernard (Noel) Morich was born on 30 January 1944 and moved to Forrestfield in 1979. He passed away in 2016 at the age of 72. His wife still resides at the family home.
6. Noel was employed at the Education Department, he worked as the sole Aboriginal Liaison Officer in the Perth Metropolitan Area, including schools in the district.
7. In this work he played a vital role in teaching culture and supporting Aboriginal students attending schools throughout Perth.
8. In his later years he was involved in many Welcome to Country's, Heritage work and was a part of the Whadjuk Working Party from the early 2000's. This group undertook significant work with the City as a part of the development undertaken at the Hartfield Park Maamba site

9. The family has requested the site bordered by Koda Mews and Crimson Boulevard in Forrestfield be named Noel Morich Reserve.
10. The Reserve (53723) is officially unnamed with Landgate having been newly created as a part of the Hales Estate.
11. It is currently referred to, based on the road it is on, as 'Koda Mews reserve' however this is not an official name.
12. The name must adhere to the requirements of Policies and Standards for Geographical Standards for Geographical Naming in Western Australia.
13. Mr Morich is considered a figure of local historical note and the City supports the naming of the site in recognition of the significant work he has undertaken in teaching Aboriginal history, heritage and culture in the district for close to 40 years. Additional information is provided in Attachment 1.

#### **DETAILS AND ANALYSIS**

14. The request has been assessed in accordance with Council Policy Governance 19: Naming of Parks, Reserves, Streets and Infrastructure.
15. The City undertook community engagement on the proposal from the 7 March 2022 to 1 April 2022.
16. The results showcased strong support for the proposed name. The Survey received 25 responses. 24 submitted in favour, 1 submitted that they were unsure Attachment 2 provides a copy of the community engagement report containing submissions. Letter from Hon Ken Wyatt attachment 3.
17. Officers are seeking Council approval, which would then be formally provided for approval by Landgate.

#### **APPLICABLE LAW**

18. *Local Government Act 1995.*
19. Section 26 and 26A of the *Land Administration Act 1997.*

#### **APPLICABLE POLICY**

20. Governance 19 - Naming of Parks, Reserves, Streets and Infrastructure.
21. City of Kalamunda Reconciliation Action Plan

## STAKEHOLDER ENGAGEMENT

22. The family of Mr Morich are supportive of the naming request.
23. The City has also received a letter of support (Attachment 1) from the Hon Ken Wyatt MP who worked with Mr Morich in his career at the Department of Education.
24. The City would be required to engage with the community by undertaking public consultation, supported by advertising across a range of mediums.

## FINANCIAL CONSIDERATIONS

25. If the naming is supported Signage will be installed on site.

## SUSTAINABILITY

26. Nil.

## RISK MANAGEMENT

27.

<b>Risk:</b> Family may be dissatisfied with the time the process takes		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Ensure community members are aware of the process and the expected time frames.		

## CONCLUSION

28. Mr Morich dedicated close to 40 years to the district, teaching culture and history and has made a significant contribution to the region.
29. There is substantial evidence of works undertaken by Mr Morich for the benefit of the community.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 53/2022

That Council ENDORSE the naming of “Noel Morich Park”, at Reserve 53723, the site bounded by Koda Mews and Crimson Boulevard in Forrestfield for submission to Landgate.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Sue Bilich**

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




## 10.4.2. Aged Care Services in Kalamunda - Future Direction

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

Previous Items	N/A
Directorate Business Unit	Office of CEO
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 (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 1.1** - 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.

#### Priority 1: Kalamunda Cares and Interacts

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

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

**Priority 1: Kalamunda Cares and Interacts**

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

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

**Priority 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.

**Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

**EXECUTIVE SUMMARY**

1. To consider a future direction for aged care services within the City of Kalamunda as advised by the former Kalamunda Aged Care Advisory Committee (KACAC).
2. The former KACAC participants have highlighted as a key role going forward is for a needs analysis to be undertaken to identify service gaps in the provision of home care services to the aging community. It is envisaged that once data is gathered the City work informally with aged care advocates such as Kalamunda Aged Care Today (KACT) to develop advocacy campaigns targeted at addressing gaps in service delivery.
3. This report recommends Council withdraw the Kalamunda Aged Care Advisory Committee and agree to support a gap analysis to be undertaken by the City, in conjunction with community advocates. The purpose being to provide Council with a future report on the findings of the gaps analysis and an outline of any advocacy campaigns that could be undertaken if gaps in service delivery are identified.

**BACKGROUND**

4. In 2008 the Council adopted its first study on aged accommodation known as the Aged Accommodation Strategy 2008.

This study provided an overview of the service requirements and future needs for the aging population. A key chart estimated shortfalls in residential aged care beds by 2031 as follows:

2031	70+	Requirement		Current Supply		Deficit / Over Supply	
		Low Care	High Care	Low Care	High Care	Low Care	High Care
Kalamunda	1770	78	78	0	0	-78	-78
Lesmurdie	1879	83	83	141	4	58	-79
Gooseberry Hill	896	39	39	0	0	-39	-39
Walliston	232	10	10	0	0	-10	-10
Pickering Brook	148	7	7	0	0	-7	-7
Carmel + Canning Mills	212	9	9	15	45	6	36
Bickley, Piesse Brook, Hacketts Gully, Paulls Valley	257	11	11	0	0	-11	-11
Forrestfield	2289	101	101	65	0	-36	-101
High Wycombe	1571	69	69	87	28	18	-41
Maida Vale	707	31	31	0	0	-31	-31
Wattle Grove	511	22	22	0	0	-22	-22
<b>Total</b>	<b>10292</b>	<b>453</b>	<b>453</b>	<b>308</b>	<b>77</b>	<b>-145</b>	<b>-376</b>

Source Aged Accommodation Strategy 2008

Since 2008 low care and high care terminology no longer officially exists and are now classed as one of the same.

The forecasted need for residential aged care beds shows the City would require 906 beds to service its aging population by 2031.

Therefore, a deficit of 521 beds needed to be addressed.

Since 2008 the City has given addressing the deficit in residential aged care beds a high priority in its Strategic Community Plan and has actively focused on delivering the actions outlined in the City of Kalamunda Aged Accommodation Strategy 2008

**The following table summarises the actions and results achieved to date:**

Actions	Results
Lobby and present a submission to the Department of Health and Ageing for an immediate increase in residential care	With support from Local members and Federal Ministers residential aged care bed licenses have been increased across this region.

places, engaging the support of local Federal members	
Identify suitable land sites in the hills area that have the capacity to cater for a total 225 high care and 88 low care residential places over the next 20 years. (Allow 0.7ha for 50 places to 1.2 for 100 places).	Target is 255 new beds  Heidelberg park – 100 beds Valencia 80 beds. There is still a shortfall of 75 beds in the hill's region.
Identify suitable land sites in the foothills area that have the capacity to cater for a total 195 high care and 71 low care residential places over the next 20 years. (Allow 0.7ha for 50 places to 1.2 for 100 places)	Target is 266 new beds  Gavour Road – 100 beds Cambridge Reserve - 100 Karingal Green – 160 94 beds extra in foothills.
Encourage community involvement in identifying possible sites for new residential care facilities.	In 2015 the Aged Care Advisory Committee was established.  In 2016 a site matrix of all crown land was analysed by community and the City for the purpose of identify suitable sites for aged care developments.
Facilitate a planning session and on-going liaison with local residential care providers to identify ways providers can respond to the current deficit and projected demand.	The City has had ongoing dialogue with providers and has directed providers to the various available sites of interest.
Encourage service providers currently planning redevelopments or developing new residential care services to increase the level of high care places to be provided.	The City has worked with Valencia and Karingal Green through their development process and will continue to prioritise planning processes to facilitate the earliest possible delivery of future aged care development sites.
Identify other residential care providers interested in the possibility of developing residential care in the Shire of Kalamunda, promoting appropriate opportunities that	The KACAC developed a Stakeholder Analysis in 2016 which guided regular contact, networking events and community forums were held which highlighted potential

address current and future demand.	development opportunities within the City.
Investigate what can be done to proactively encourage residential care providers to develop new residential care places in the Shire of Kalamunda.	The City has pursued ongoing investment and attraction strategies targeting all major aged care providers in the Perth metro area when suitable sites are identified. Case in point is Heidelberg Park. The City will continue to do so as Cambridge Reserve becomes market ready and will also promote the future High Wycombe South precinct to prospective age care developers.
Encourage and progress the establishment of a new residential care facility in Kalamunda as an immediate priority.	The City has exhausted all efforts to find a suitable site in Kalamunda. The Wilkins Road site was to be the site servicing Kalamunda however the site was not approved to go forward by the Minister for Planning.

Overall, the City has achieved positive results in the provision of aged accommodation, notwithstanding the constraints faced in the hills region when it comes to aged care development.

The following table indicates the new residential beds online or expected to be online by 2031.

Facility	Beds	Status
Karingal Green High Wycombe	160	Operational
Gavour Road Wattle Grove	100	Planning approval
Heidelberg park Carmel	100+	Planning approval
Valencia Carmel	80	Construction
Cambridge reserve	100+	Land transfer phase
Total beds	540	

5. The 2008 Aged Accommodation Strategy also made very pertinent points about the hills region of Kalamunda as follows:

There are several local factors that have disadvantaged much of the City of Kalamunda area in achieving an equitable share of residential care places in the region. These include

- a) the lack of deep sewerage in the hills, high land values and geological constraints, all of which make the construction costs of a residential care facility much higher in the hills, and therefore less viable or profitable.
- b) In this environment, it is understandable why both the charitable and private sector have focused their development efforts elsewhere in the region, or metropolitan area.
- c) Realistically, the hills area of the City of Kalamunda will continue to be significantly disadvantaged in achieving any adequate level of residential care, without significant government intervention, much in the same way new residential care facilities are funded and supported in rural or remote communities, where it has also been demonstrated that it is not viable for the charitable or private sector to develop residential care facilities.

6. Since 2008 the City has finalised the examination of land assets across the City suitable for aged care development and can now afford to change its focus in relation to aged care servicing.

Several sites have been assessed for development and all but one are being pursued for developed. These include:

<b>Wilkins Road Kalamunda</b>	This site has been abandoned due to lack of State Government support
<b>Gavour Road Wattle Grove</b>	This site proposed 100 beds and has recently lodged an MRS amendment to change the conditions of the original approval.
<b>Valencia, Carmel</b>	Is an expansion project currently at construction phase offering additional 80 beds.
<b>Cambridge Reserve Forrestfield</b>	Proposed 100+ beds - Is awaiting Ministerial approval to rezone and sell the land to the City.
<b>Heidelberg Park Carmel</b>	Proposed 100+ beds – Is currently in the planning approval phase with the preferred purchaser from the State Government.
<b>Karingal Green High Wycombe.</b>	Has been constructed offering 160 beds.

7. In October 2021, the City advised the Council it was of the view the work of identifying and facilitating aged care development land was complete, as no more suitable sites exist within the City except for private land holdings which the City has no control over.
8. The City advised Council that the KACAC no longer had a sustainable role and recommended the KACAC be withdrawn so resources can be redirected to new initiatives being pursued.

9. **Changes Coming to Residential Aged Care Beds Allocations**

The Federal Government has announced as from 1 July 2024, the residential aged care sector will start operating as a more competitive and consumer-driven market.

Places will be assigned to senior Australians from 1 July 2024.

This approach is expected to provide people with more choice over which provider delivers their care.

Bed licenses will end on 30 June 2024 and providers will no longer need an allocation of places to provide residential care. Providers will have greater control over their business decisions. They will be able to develop high quality and innovative models of care and accommodation that best meet the preferences of senior Australians.

**Why these changes are important**

The Aged Care Approvals Round (ACAR) no longer meets the needs of senior Australians or residential aged care providers. People can only choose from a residential care provider that has been allocated a place through an ACAR. This limits the choice for senior Australians and restricts providers' ability to grow and innovate.

Senior Australians who are considering residential aged care or changing their provider will benefit from:

- d) increased competition in the sector which will improve quality of care.
- e) greater opportunities to exercise choice.

**DETAILS AND ANALYSIS**

10. In October 2021 Council (OCM 298/2021) resolved to:

1. *REQUEST the Chief Executive Officer host a workshop in the first quarter of 2022 to review the terms of reference of the Kalamunda Aged Care Advisory Committee.*
2. *REQUEST the Chief Executive Officer invite members of the 2019/2021 Kalamunda Aged Care Advisory Committee to participate in the workshop.*

11. On 6th April 2022, the former members of KACAC met and discussed the future direction for the Advisory Committee.

12. The key points arising from the workshop were as follows:
- a) The participants agreed the need for a formal and structured committee is no longer required and the KACAC could be withdrawn
  - b) Participants expressed a desire to stay engaged with the City on an informal basis.
  - c) The participants saw a key role for the City and the community participants was to formulate and pursue an advocacy role.
  - d) The participant's highlighted a role for the City was to stay in touch with aged care services in the district and to identify and understand gaps in home care services as more elderly people were choosing to age in their homes.
  - e) It was perceived that the City's elderly living in their homes were deficient in-home care services.
  - f) The participants recognise it was not the City's role to provide any direct services, but it was the City 's role to identify needs and gaps in service provision and to advocate for and on behalf of its elderly community where there are market failures.
  - g) The participant's agreed the City has a role in assessing perceived gaps in service delivery on behalf of our elderly residents and if these needs are in fact specific to City of Kalamunda, then the City could take a lead role in advocating for increased servicing.
13. It was agreed by the workshop participants to seeks Council approval to withdraw the KACAC and to allow the Chief Executive Officer to work with Kalamunda Aged Care Today and any other community advocates wishing to participate, to develop a scope for undertaking a gap analysis of home care service within the City of Kalamunda.
14. Once the gap analysis data has been collected then the City and the community members would develop an advocacy strategy for Council to consider.
15. **Ageing In Place**  
While 'ageing in place' continues to underpin both federal and state policies and programs, there must be an integration of local level planning in the various regional planning efforts of government. This will be essential in creating local environments in which older people can age in place, with services available matching local demand and residential care places are in the right place.
- At the local level there also needs to be a more coordinated approach between service providers and key agencies in service planning and delivery.



16. The 2008 Aged Accommodation Strategy identified that by 2031 the City of Kalamunda will need a total of 143 new CACP packages and 33 EACH package.

17. Since 2008 the home care system has evolved and now there are four levels of packages which are funded by the Australian Government. All care packages are individually planned and coordinated to help older people to remain living in their own homes.

In 2015 the Home and Community Care system was restructured to a demand driven with choice service. This change would enable people wishing to age in place access to homecare services they needed under level of care package they had been assessed to receive.

These care packages are as follows:

Level 1 supports people with basic care needs.

Level 2 supports people with low care needs (formerly Community Aged Care Packages).

Level 3 supports people with intermediate care needs.

Level 4 supports people with high care needs (formerly Extended Aged Care at Home and Extended Aged Care at Home Dementia packages).

18. The City has been advised by participants at the April 2022 workshop that once access to home care packages is approved, services are not being provided. It is perceived this is a common problem in the City of Kalamunda and needs to be investigated.

#### **APPLICABLE LAW**

19. 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.

Council can create committees and withdraw committees.

#### **APPLICABLE POLICY**

20. Nil.

## STAKEHOLDER ENGAGEMENT

21. The City held a forum with members of the former Aged Care Advisory Committee to discuss the future role for the committee.

## FINANCIAL CONSIDERATIONS

22. There may need to be funding allocated to undertake a needs assessment this will need to be scoped and will be outlined to Council in a future report.

## SUSTAINABILITY

23. Nil.

## RISK MANAGEMENT

24.

<b>Risk:</b> Not understanding gaps in the provision of services to our aging population will create social inequity and disadvantage.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	Medium
<b>Action/Strategy</b>		
Undertake assessment of gaps and develop advocacy campaigns for any gaps identified.		

## CONCLUSION

25. The City does not have data that can establish if there are gaps in service provision to our elderly residents choosing to age in place. This data would need to be collected and assessed before an advocacy role can be established.

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

RESOLVED OCM 54/2022

That Council:

1. WITHDRAW the Kalamunda Aged Care Advisory Committee.
2. REQUEST the Chief Executive Officer continue informal liaison with the advocates for aged care to establish a needs and gap analysis process for approval by Council.

Moved: **Cr John Giardina**

Seconded: **Cr Lisa Cooper**

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

## 10.5. Chief Executive Officer Reports


### 10.5.1. Draft Monthly Financial Statements to 30 April 2022

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

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

Attachments	1. Statement of Financial Activity for the period ended 30 April 2022 [ <b>10.5.1.1</b> - 2 pages]
	2. Statement of Net Current Funding Position as at 30 April 2022 [ <b>10.5.1.2</b> - 1 page]

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 4.1.1** - Provide good governance.

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

## **EXECUTIVE SUMMARY**

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

## **BACKGROUND**

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

## **DETAILS AND ANALYSIS**

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

## **FINANCIAL COMMENTARY**

### **Draft Statement of Financial Activity by Nature and Type for the period ended 30 April 2022**

7. This Statement reveals a net result surplus of \$12,203,723 compared to the budget for the same period of \$2,202,588.

### **Operating Revenue**

8. Total Revenue excluding rates is over budget by \$4,602,138. This is made up as follows:

- a) Operating Grants, Subsidies and Contributions are over budget by \$4,228,869. The variance is mainly attributable to;
  - i) Contribution received from the CELL 9 trust \$1,954,971 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 \$356,998 Which mainly relates to building applications and planning application fees.
- c) Interest earnings are under budget by \$18,611. The variance is considered to be a timing issue.
- c) Other Revenue is over budget by \$15,149. The variance is within the reporting threshold.

### **Operating Expenditure**

- 9. Total expenditure is under budget by \$5,004,200. The significant variances within the individual categories are as follows:
  - a) Employment Costs are under budget by \$1,314,207, which is primarily due to delays in filling vacant positions and the aggregate result of minor variances in several business units.
  - b) Materials and Contracts are under budget by \$1,710,558. The variance is mainly due to lower consulting costs than budgeted for non-current projects under the development and traffic management business unit and building maintenance. These variances are considered to be timing issues.
  - c) Utilities are under budget by \$70,124, 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 \$1,531,221.
  - e) Interest and Insurance expenses are tracking below the reportable variance threshold.
  - f) Other expenditure is under budget by \$378,547. The variance is due to the land acquisition costs related to CELL 9 projects. The amounts paid for infrastructure works for CELL 9 projects were reimbursed drawing against the Trust account set aside for it.

### **Investing Activities**

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

- 10. The non-operating grants and contributions are under budget by \$828,287. The variance is mainly due to the timing of receiving grant funding related to various roads capital projects.

### **Capital Expenditure**

11. The total Capital Expenditure on Property, Plant, and Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$1,513,654.
12. Capital works-in-progress expenditure of \$2,018,824 represents the costs expended on Forrestfield Industrial Area Scheme Stage 1 and CELL 9 Wattle Grove development. The relevant expenditure is funded by the Forrestfield Industrial Area Scheme Stage 1 reserve account and the CELL 9 trust account. These assets once constructed will be passed over to the City for management.

### **Financing Activities**

13. The amounts attributable to financing activities show a variance of \$482,907 which is mainly due to the developer contributions and reserve transfers.

### **Rates Revenues**

14. Rates generation is over budget with a variance of \$115,999. The variance is due to the interim rates.

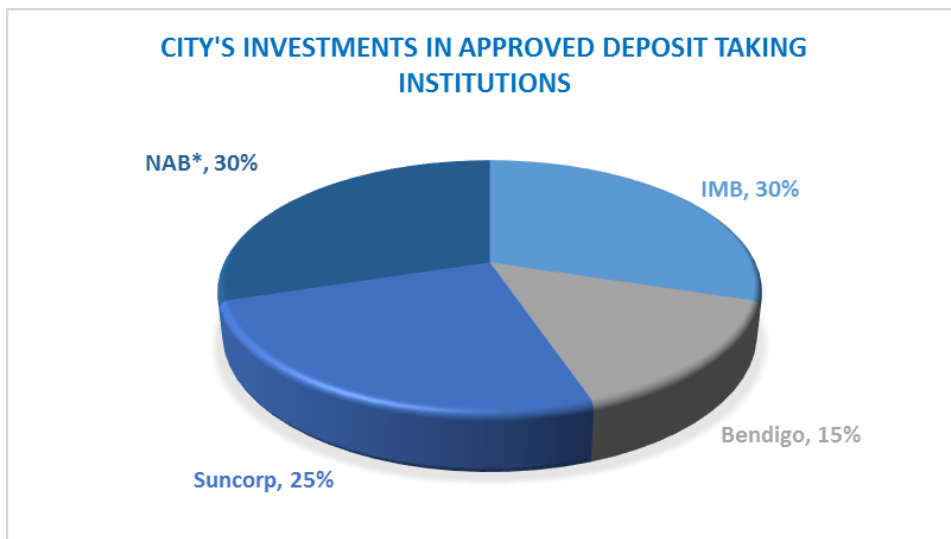
### **Statement of Financial Activity by Program for the period ended 30 April 2022**

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

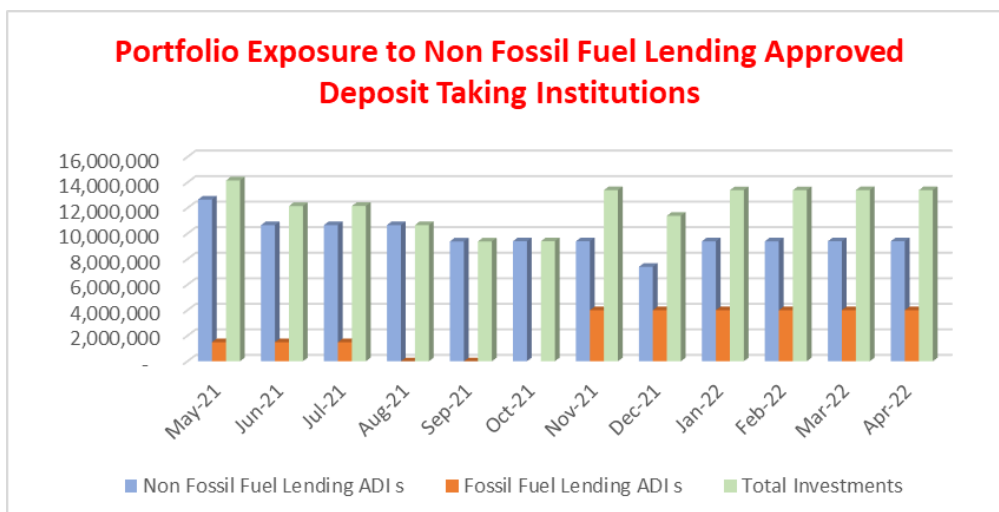
### **Statement of Net Current Funding Position as of 30 April 2022**

16. The commentary on the net current funding position is based on a comparison of April 2022 to the April 2021 actuals.
17. Net Current Assets (Current Assets less Current Liabilities) total \$32.8 million. The restricted cash position is \$25 million which is higher than the previous year's balance of \$17.5 million. The variance is mainly due to the increased reserve balances in unexpended capital works, and specific purpose grants reserve and waste management reserve.
18. The following graph indicates the financial institutions where the City has investments as of 30 April 2022;

19.



\*Financial Institutions with Investments in the Fossil Fuel Industry



- 20. Trade and other receivables outstanding comprise rates and sundry debtors totalling \$3.1 million.
- 21. Sundry debtors have decreased from \$668,028 to \$648,623, of which \$309,724 consists of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
- 22. Receivables Other represents \$1.8 million including:
  - a) Emergency Service Levy receivables \$0.5 million;
  - b) Receivables sanitation \$0.7 million
- 23. Provisions for annual and long service leave have increased by \$0.1 million to \$4.3 million when compared to the previous year.



## **APPLICABLE LAW**

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

## **APPLICABLE POLICY**

25. Nil.

## **STAKEHOLDER ENGAGEMENT**

### **Internal Referrals**

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

### **External Referrals**

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

## **FINANCIAL CONSIDERATIONS**

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

## **SUSTAINABILITY**

### **Social Implications**

29. Nil.

### **Economic Implications**

30. Nil.

### **Environmental Implications**

31. Nil.

**RISK MANAGEMENT**

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

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

**CONCLUSION**

34. The City’s Financial Statements as at 30 April 2022 demonstrate the City has managed its budget and financial resources effectively.

**Voting Requirements: Simple Majority**

RESOLVED OCM 55/2022

That Council RECEIVE the Draft Monthly Statutory Financial Statements for the period ended 30 April 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 Dylan O'Connor**

Seconded: **Cr Geoff Stallard**


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

## 10.5.2. Debtors and Creditors Report for the period ended 30 April 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"> <li>1. Creditor Payments for the period ended April 2022 [<b>10.5.2.1</b> - 30 pages]</li> <li>2. Summary of Debtors for the month of April 2022 [<b>10.5.2.2</b> - 3 pages]</li> <li>3. Summary of Creditors for month of April 2022 [<b>10.5.2.3</b> - 1 page]</li> </ol>

### 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 April 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 April 2022.
3. It is recommended that Council:
  - a) Receive the list of payments made from the Municipal and Trust Fund Accounts in April 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 April 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 April 2022 were \$648,623. This includes \$309,724 of current debts and \$17,032 unallocated credits (excess or overpayments).
7. Invoices over 30 days total \$61,792 debts of significance:
  - a) Karingal Green Health, Aged and Community Care (WA) Pty Ltd, \$55,000, Works Contribution – Gladys Newton Reserve;
  - b) Zig Zag Gymnastics, \$3,198, Lease Fees; and
  - c) Dome Coffee Australia, \$1,558, Lease Fees.
8. Invoices over 60 days total \$271,885 debts of significance:
  - a) El Dujmovic Pty Ltd, \$216,600, Developer Contribution;
  - b) Department of Education, \$29,090, Kalamunda Performing Arts Centre shared usage reimbursement;
  - c) Municipal Workcare, \$21,172, Workers Compensation Claims; and
  - d) Zig Zag Gymnastics, \$3,198, Lease Fees.
9. Invoices over 90 days total \$22,253 debts of significance:
  - a) Zig Zag Gymnastics, \$8,273, Lease Fees;
  - b) Private Citizen, \$4,950, Fire Break – Reimbursement; and
  - c) Hills District Callisthenics, \$2,156, Hall Hire.

## Creditors

10. Payments totaling \$5,220,542 were made during the month of April 2022. Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.
11. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Fulton Hogan Industries Pty Ltd	Supply of road materials for profiling at Kalamunda Road and various locations	503,016.09
Eastern Metropolitan Regional Council (EMRC)	Domestic waste charges – disposal fees	404,763.25
BOS Civil Pty Ltd	Central mall street scape – progress claim 4	395,247.55
Cleanaway	Waste, recycling & bulk disposal services fees	390,168.91
Australian Tax Office	PAYG payments	389,166.47
BMD Urban Pty Ltd	Stirk Park Drainage upgrade – progress claim 2	252,749.95
Dowsing Group Pty Ltd	Supply and maintenance of footpaths – various locations	201,327.50
AWARE Super Pty Ltd	Superannuation contributions	188,703.74
A E Hoskins Building Services	Construction of the additional female change rooms – progress claim 4	164,898.55
Eryk Matusik & Cagen Holdings Pty Ltd	Final refund of Central car park contribution – Public Open space contribution *	133,621.97
Synergy	Power charges – various locations	131,056.42
Stabilised Pavements of Australia Pty Ltd	Final payment – road rehabilitation works – various locations	110,000.00
Nature Play Solutions	Play space and skate park detailed design – progress claim	92,015.00
Solutions IT	Purchase of laptops and computers	73,565.04
D & E Parker T/A Lawn Doctor	Lawn services for various locations	63,731.25

Protek 247 Buldinga	Building maintenance works at various locations	62,399.68
Mckay Earthmoving Pty Ltd	Plant and equipment operator hire for various locations	53,494.27

These payments total \$3,609,925.64 and represent 69% of all payments for the month.

\* The amount paid for the reimbursement of developer contribution was reimbursed drawing against the Public Open Space Funds Trust account.

### Payroll

12. Salaries are paid in fortnightly cycles. A total of \$1,216,277.50 was paid in net salaries for the month of April 2022.
13. Details are provided in (Attachment 1) after the creditor’s payment listing.

### Trust Account Payments

14. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
  - a) CELL 9 Trust;
  - b) Public Open Space funds;
  - c) NBN Tower Pickering Brook Trust
15. The following payments (GST exclusive) were made from the Trust Accounts in April 2022.

CELL 9		Amount (\$)
Date	Description	
28/4/2022	City of Kalamunda – reimbursement project management costs related to CELL 9 projects	6,618.00
28/4/2022	Tree Watering Services – tree watering along Hale Road	1,496.00
28/4/2022	Corsign WA Pty Ltd – supply of signage	931.60
Public Open Space Funds Trust		Amount (\$)
Date	Description	
14/04/2022	City of Kalamunda – reimbursement of costs incurred for POS funded projects	604,697.80
20/04/2022	Eric Matusik & Cagen Holdings Pty Ltd – final refund of contribution received for	133,621.97

	Kalamunda Central mall car park development	
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**APPLICABLE LAW**

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

**APPLICABLE POLICY**

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

**STAKEHOLDER ENGAGEMENT**

**Internal Referrals**

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

**External Referrals**

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

**FINANCIAL CONSIDERATIONS**

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

**SUSTAINABILITY**

- 23. Nil.

**RISK MANAGEMENT**

**Debtors**

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

**Creditors**

25.	<b>Risk:</b> 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%;"><b>Consequence</b></th> <th style="width: 33%;"><b>Likelihood</b></th> <th style="width: 33%;"><b>Rating</b></th> </tr> </thead> <tbody> <tr> <td>Insignificant</td> <td>Possible</td> <td>Low</td> </tr> </tbody> </table>	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>	Insignificant	Possible	Low
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>					
Insignificant	Possible	Low					
	<b>Action/Strategy</b>						
	Ensure all disputes are resolved in a timely manner.						

**CONCLUSION**

26. Creditor payments are within the normal trend range.



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

RESOLVED OCM 56/2022

That Council:

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

Moved: **Cr Lisa Cooper**

Seconded: **Cr Kellie Miskiewicz**


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

### 10.5.3. Rates Debtors Report for the Period Ended April 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 April 2022 [ <b>10.5.3.1</b> - 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 April 2022, \$39,536,147 has been collected for current and prior year outstanding rates for the 30 April 2022 period.
3. It is recommended that Council receive the Rates Debtors Report for the month of April 2022 (Attachment 1).

**BACKGROUND**

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

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

**DETAILS AND ANALYSIS**

5. A total of 23,697 notices were issued on 22 July 2021. This consisted of 20,223 mailed rate notices, 742 Bpay View and 2,732 eRates notices. Rates Levied and Collectable for the 2021/2022 Financial Year currently total \$42,738,841.
6. As of 30 April 2022, a total of \$39,536,147 has been collected since Rates Notices were released, representing a collection rate of 94.51%.
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:

<b>Option</b>	<b>Description</b>	<b>Number</b>
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 April 2022, \$745,386 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 April 2022 to 30 April 2022, there was a total of 275 incoming calls and 82 outgoing calls, equating to 14.99 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.

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

**CONCLUSION**

21. With a current collection rate for the financial year of 94.51% (compared to 92.61% last year), the City continues to effectively implement its rate collection strategy.

**Voting Requirements: Simple Majority**

RESOLVED OCM 57/2022

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

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Lisa Cooper**


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

## 10.5.4. Budget 2022/2023 - Differential Rates

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

Previous Items	Nil.
Directorate	Director Corporate Services
Business Unit	Financial Services
File Reference	FI-RTS-012
Applicant	N/A
Owner	N/A
Attachments	1. Objects and Reasons [ <b>10.5.4.1</b> - 4 pages] 2. GRV comparison [ <b>10.5.4.2</b> - 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 paper is to consider the level at which to set and advertise differential rates and the Waste Avoidance and Resource Recovery (WARR) Levy as part of the 2022/23 Budget process.

2. In accordance with the requirements of the *Local Government Act 1995* (the Act), s6.36, a local government is required to give a local public notice period of 21 days with the intention to impose differential general rates or a minimum rates payment.
3. It is recommended that Council approve the 2022/23 rate in the dollar and the minimum rates to be advertised by public notice as per the following:

<b>Category/Levy</b>	<b>Rate in \$</b>	<b>Minimum Rate \$</b>
General GRV	0.074314	925
Industrial/Commercial GRV	0.079048	1163
Vacant GRV	0.092484	734
General UV	0.003706	925
Commercial UV	0.004410	1163
Waste Avoidance and Resource Recovery Levy (All Categories)	0.000418	20

4. Council is also requested to endorse the Objects and Reasons for Proposed Differential Rate Categories for the 2022/2023 Financial Year (Attachment 1).

## **BACKGROUND**

5. In accordance with the requirements of s6.33 of the Act, a local government may impose differential rates having met the characteristics prescribed.
6. In accordance with the requirements of s 6.35 of the Act, a local government may impose a minimum payment which is greater than the general rate which would otherwise be payable on that land.
7. The rates for most properties are calculated based on a Gross Rental Valuation (GRV). These GRV's are provided to all Local Governments via Landgate and are assessed every three years by Landgate's valuers.
8. The triennial valuation ensures consistency and a fairness in the allocation of rates. Landgate provided values to the City with the values as of 1 August 2018.
9. GRV valuations for individual properties have not changed between 2021/2022 and 2022/2023 except where the land classification has changed (for example vacant GRV becoming General GRV due to development on the property)
10. Properties not on a GRV will be rated based on an Unimproved Value (UV). These UV values are updated annually by Landgate.

11. Differential Rates have been part of the Budget for some years, with modifications to categories introduced over time to assist in spreading the rate burden fairly and equitable amongst the rates categories and providing opportunities for increases in overall rate income.

## **DETAILS AND ANALYSIS**

### **Formulating the 2022/2023 budget**

12. The process for forming a budget requires, in the first instance, all costs required to meet the objectives of the City, all costs required to pay for services and all costs associated with maintaining and creating assets to be identified. Once total expenditure is established then a rate can be established against each rateable property across the City to raise the revenue to pay for the services and assets to be delivered after income from other sources (eg grants) are deducted.
13. The City formulates its budget aiming to achieve positive results against the financial ratios that measure the City's financial performance.
14. Under regulation 50 of the *Local Government (Financial Management) Regulations 1996*, the annual financial report is to include the audited results of the six ratios for the financial year covered by the annual financial report and the two preceding financial years.

The six ratios are:

1. Current Ratio.
  2. Asset Consumption Ratio.
  3. Asset Renewal Funding Ratio.
  4. Asset Sustainability Ratio.
  5. Debt Service Cover Ratio.
  6. Operating Surplus Ratio; and
  7. Own Source Revenue Coverage Ratio.
15. The City's Audited results for the year ending June 2021, highlighted a trend was occurring showing a deterioration in one of the ratios over the past three years – namely the Operating Surplus Ratio (OSR).
16. This trend was identified by the Office of the Auditor General (OAG) and a potential plan was developed and considered by Council to address this matter and bring rates revenue more aligned with operating costs.



17. Considering the declining OSR the 2022/23 budget and future budgets will need to be focussed on addressing the declining OSR to ensure the City remains financially sustainable.

18. The following table provides results of all the ratios the city is obligated to disclose annually through its annual report and highlights the OSR being the ratio of concern.

Ratio	2021	2020	2019	Benchmark Required
<b>Current ratio</b>	1.36	1.54	1.30	1 or greater than 1
<b>Asset consumption ratio</b>	0.94	0.96	0.97	Greater than 0.5
<b>Asset renewal funding ratio</b>	1.42	0.95	0.95	Between 0.75 and 0.95
<b>Asset sustainability ratio</b>	0.39	0.91	0.67	Greater than 0.90
<b>Debt service cover ratio</b>	8.67	6.36	9.58	Greater than or equal to 2
<b>Operating surplus ratio</b>	(0.04)	(0.10)	(0.04)	Between 0.10 and 0.15
<b>Own source revenue coverage ratio</b>	0.91	0.90	0.90	Between 0.4 – 0.6

**What is the Operating Surplus Ratio (OSR)?**

19. Operating Surplus Ratio Calculation

$$\frac{\text{(Operating Revenue MINUS Operating Expense)}}{\text{divided by Own Source Operating Revenue}}$$

20. This ratio is a measure of a local government’s ability to cover its operational costs and have revenues available for capital funding or other purposes.

21. **Required Standards**

1. Basic Standard between 1% and 15% (0.01 and 0.15)
2. Advanced Standard > 15% (>0.15).

- 22. 'Operating Revenue' Means the revenue that is operating revenue for the purposes of the Australian Accounting Standards, excluding grants and contributions for the development or acquisition of assets.
- 23. 'Operating Expense' Means the expense that is operating expense for the purposes of the Australian Accounting Standards.
- 24. 'Own Source Operating Revenue' Means revenue from rates and service charges, fees and user charges, reimbursements and recoveries \*, interest income and profit on disposal of assets.

**Why has the OSR declined?**

- 25. A declining ORS basically means that the City doesn't earn enough operating revenue to pay for operational expenditure.
- 26. There are 3 key reasons that this ratio is in decline they are:
  - 1. Rates revenue not matching operating expenditure
  - 2. Depreciation increases
  - 3. Cost of services and assets
- 27. For the 2022/23 year the City now faces a fourth issue being increasing inflation because of global and domestic economic issues generating high levels of economic uncertainty, and further upward pressure on costs.
- 28. Each of these issues is discussed in detail as follows.

**Rates**

- 29. In 2013/14 when the inaugural Long Term Financial Plan (LTFP) was adopted by Council, it was predicated on rates increases set at 7% over the 10 years to fund the growth in asset renewals and new assets. This was in recognition of the backlog of assets renewals and aging facilities that the City was carrying on its books. Furthermore, the City has grown its population base with many new development fronts being created and demand for services increasing subsequently in line with growth.
- 30. Since 2018 the Council reduced rate increases which were well below the 7% pa target what was set out in the LTFP, which has resulted in a cumulative loss of revenue over the past 4 years as shown in the table below.,

RATES		
Year	Total Received	Annual Increase
2014	\$ 28,939,389.00	

2015	\$ 30,599,405.00	6%
2016	\$ 32,769,644.00	7%
2017	\$ 35,066,848.00	7%
2018	\$ 35,992,132.00	3%
2019	\$ 37,436,125.00	4%
2020	\$ 37,864,554.00	1%
2021	\$ 38,342,129.00	1%

31. Had the Long-Term Financial Plan been maintained with its rates projections being adopted annually, the City would likely have been in a stronger position to be covering its operating costs, as well as being able to build reserves that will provide capacity to fund future major facilities development and partially withstand unforeseen inflation impacts being experienced.
32. In the absence of significant alternative revenue streams, it is important to maintain rates increases in line with necessary expenditure to avoid deterioration of operating capacity.

**Depreciation**

33. The change in accounting standards to fair value accounting in 2017 is a key cause for the deterioration of the Operating Surplus Ratio. The City had no option but to comply to the change and now must deal with a legacy issue from the change.
34. As the City continues to add new assets and doesn't rationalise old under underutilised assets, depreciation will continue to rise and negatively impact upon the financial viability of the City in the future.

DEPRECIATION		
YEAR	ACTUAL	% CHANGE
2016	\$ 6,043,120.00	
2017	\$ 10,130,153.00	68%
2018	\$ 10,237,301.00	1%
2019	\$ 10,986,630.00	7%
2020	\$ 11,316,721.00	3%
2021	\$ 13,327,727.00	18%

**Cost of Services and Assets**

35. The City of Kalamunda has a significant asset base and a wide range of services delivered from the asset base.
36. The City's net assets equate to approximately \$541 million.

37. Maintaining and renewing such a large asset base and delivering a wide range of services requires revenue to match the recurrent operating costs required. The City's main revenue source is largely dependent on rates.
38. In the past 5 years the City has experienced an increase in new assets. These assets are largely grant funded, however, still require operational funding to design, deliver and maintain the assets. There have also been new services introduced without the corresponding revenues being raised to pay for these services.
39. The following table shows materials and contracts costs have been contained over the past 5 years to mitigate prevailing increases in depreciation, costs and minimise rate increases.

MATERIALS & CONTRACTS		
YEAR	ACTUAL	% CHANGE
2017	\$23,059,891.00	
2018	\$20,563,241.00	-11%
2019	\$20,391,297.00	-1%
2020	\$22,443,971.00	10%
2021	\$20,233,774.00	-10%

40. Whilst the City has, through annual cost cutting managed to balance its budget, over time this approach reached a point where costs cannot be reduced further without a corresponding reduction in services and service standards, an increase in rates, or introduction of new revenue streams.
41. The Community of Kalamunda must now understand that without reduction in services and assets or increases in rates the City will continue to erode its financial sustainability.
42. By way of example service areas that have increased over the past 5 years are as follows.

**1. Community Engagement & Public relations**

- a) In 2016/17, in response to Council's direction for increased community engagement and communications, the City created the Customer and Public Relations Business Unit.
- b) Funding for resourcing was allocated by Council to expand this service area.

## **2. Strategic Planning**

- a) In line with Council's adoption of its Local Planning Strategy (LPS) and the City's obligation to meet its density targets, the City embarked on rezoning and structure planning of its special rural areas and around its activity centres.
- b) The City created the Strategic Planning Team to deliver the LPS and its ongoing reviews, as well as to manage Developer Contribution Plans for newly created areas and to facilitate the creation of aged care sites and land development opportunities.

## **3. Economic Development & Tourism**

- a) In 2017/18 the Council adopted its Economic Development Strategy and Tourism Strategy as well as Advisory Committees to support Economic Development and Tourism. A Business unit was created to implement these strategies.

## **4. Arts & Culture**

- a) In 2017/18 the Council adopted its Arts Strategy and created Advisory Committees to support increased focus and service delivery for culture & the arts. Council allocated funding to employ a Cultural Coordinator to deliver the strategy and support the Arts Advisory Committee.

## **5. Master Planning Community Facilities & Reserves**

- a) Since 2013 the City has developed a masterplan approach for all of its major City reserves, district parks and community facilities precincts.
- b) The creation of a master plan approach has been to support the need to attract funding through advocacy. To date the City has attracted \$33 million in funding to upgrade sporting reserves, provide community facilities such as the Kalamunda Community Centre and more recently a \$60 million commitment (from 2022/2023 onwards) to build the High Wycombe Aquatic and Recreation Centre.
- c) Masterplans have provided an effective approach to achieve proper planning and decision making based on usage, growth, needs, and priority. The management of master planning and ongoing implementation also required additional resourcing.

## **6. Youth Services**

- a) In 2015/16 Council viewed the provision of services to youth was lacking. The City created a Youth Plan which outlined a series of strategies to improve youth engagement across the City.

- b) This plan required an increase in resources to implement the strategy.

43. Whilst the growth in services was viewed as necessary and has delivered significant benefits to the community there has also been a corresponding increase in human resourcing, depreciation, and maintenance costs into the City's budget. These increases have had to be mitigated through cost cutting in other service areas to balance the budget and deliver minimal rate increases. Whilst this approach is useful in the short term, it also has a deleterious effect in the longer term.

### **Inflation**

44. Widespread economic uncertainty at an international and domestic level has seen record levels of inflation, with the most recent increases the greatest in 3 decades. This has been illustrated by:

- a. Perth CPI 7.6% (March 2022)
- b. Fuel Prices increasing by 39% year on year
- c. Building Construction cost increased by 14.5%
- d. Roads and Bridges Construction Costs increased by 9%
- e. Significant supply chain disruption resulting in delays in procuring materials and putting further upward pressure on costs.

45. At the same time unemployment levels are also at historically low levels which is likely to put upward pressure on wages. Finally, the Reserve Bank of Australia recently increased the cash rate by 0.25% with further cash rate increases expected.

46. The Reserve Bank of Australia recently updated its forecast CPI to increase by up to 6.0% before reducing to 4.25% for the year ending 30 June 2023. In addition, the City is currently experiencing a significant uplift in building & construction and roads and bridges construction costs as a result of supply chain disruptions and upward pressure on oil prices.

### **Employee Costs**

47. The City of Kalamunda is essentially a service-based organisation, hence its cost base mainly comprises of employees cost and materials and contracts to support service-related activities.

48. The Council is responsible for determining service levels and for determining the City's Capital Works Program that provides for the construction of new assets and the renewal of existing assets. The CEO has the responsibility to determine the resources both human and physical requirements needed to

deliver the service and then Council will allocate the funding. These roles are clearly defined in the Act.

- 49. The City over the past five years has kept staffing requirements closely aligned to the services that Council has determined it wants delivered to its community.
- 50. The City, given the pressures imposed upon it from increasing depreciation and low rates increases has needed to undertake annual cost cutting, reallocating existing resources to services that need to be increased and reducing in other areas to fund the changes in Council direction or legislation without increasing its cost base.
- 51. The following table highlights this approach and shows that human resources have reduced in the past 5 years due to cost pressures arising from depreciation increases, low rate increases and unavoidable annual inflationary cost pressures.

EMPLOYEE FULLTIME EQUIVALENTS				
YEAR	FTE	% CHANGE	\$ACTUAL	% CHANGE
2017	260	0.4%	\$25,907,535	
2018	259	-0.4%	\$24,026,597	-7%
2019	257	-0.8%	\$25,256,690	5%
2020	251	-2.3%	\$25,144,391	0%
2021	254	1.2%	\$24,892,251	-1%

**What options Does Council have to Address the OSR?**

- 52. **Option 1 Do Nothing**  
 The do-nothing option comes with risk as previously outlined and is not a recommended approach that would be supported by the City's Administration or the OAG and possibly the Department of Local Government, Sport & Cultural industries.  
 However, if it was a decision that Council and the Community determined it would accept, this option would need to be discussed with the regulatory bodies that the City reports to and agreed upon.
- 53. **Option 2 Increase Revenues**  
 The City has only two types of own source revenues it can increase these include:
  - 1. Increase Rates  
 The Council can set a fixed rate increase for the period of the OSRAP. This additional fixed rate would need to be levied on top of the LG cost Index to ensure business as usual can occur whilst also addressing the OSR.

2. **Increase fees & Charges**

The City collects fees and charges for several of its services. The 2021-year end actual result for fees and charges was \$16million. Of this amount \$12.5million was collected from waste fees. Waste fees are a charge that is based on cost recovery and hence raising waste fees will not address the OSR issue.

54. **Option 3 Decrease Operating Expenditure**

The City has undertaken a detailed operating expenditure review where each cost centre outlined opportunities where savings could be made.

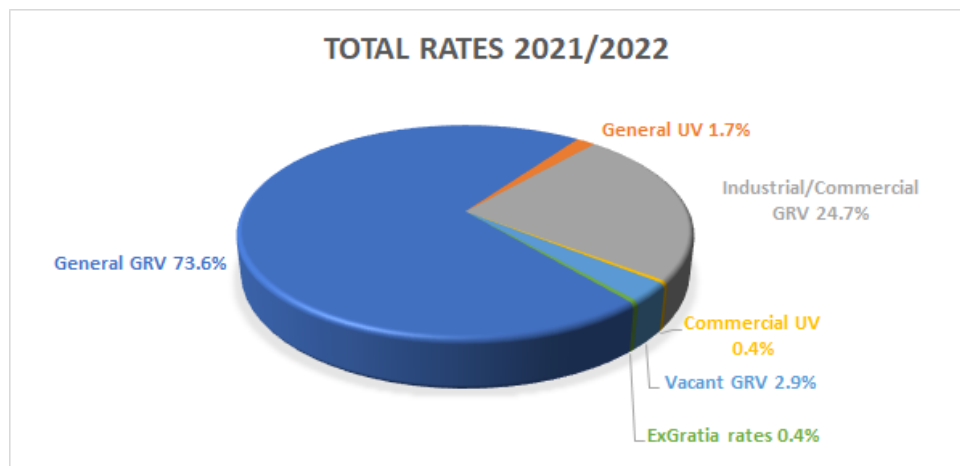
55. **Option 4 A combination of Option 2 and 3**

This is the most preferred option as it reduces pressure on service reduction whilst also ensuring that the impact of addressing the OSR is equally borne by all ratepayers.

The Council has chosen option 4 which reflects the proposed increase to rates for 2022/23 as well as further reductions in operating costs where possible.

56. **Rating categories**

Using the 2021/2022 Budget data, the makeup of the various rates categories was shown as depicted in the pie chart below. The data presented shows that two categories, General (Residential) and Commercial Industrial, make up 98.3% of all properties in the City with 73.6% and 24.7% being the respective percentages.



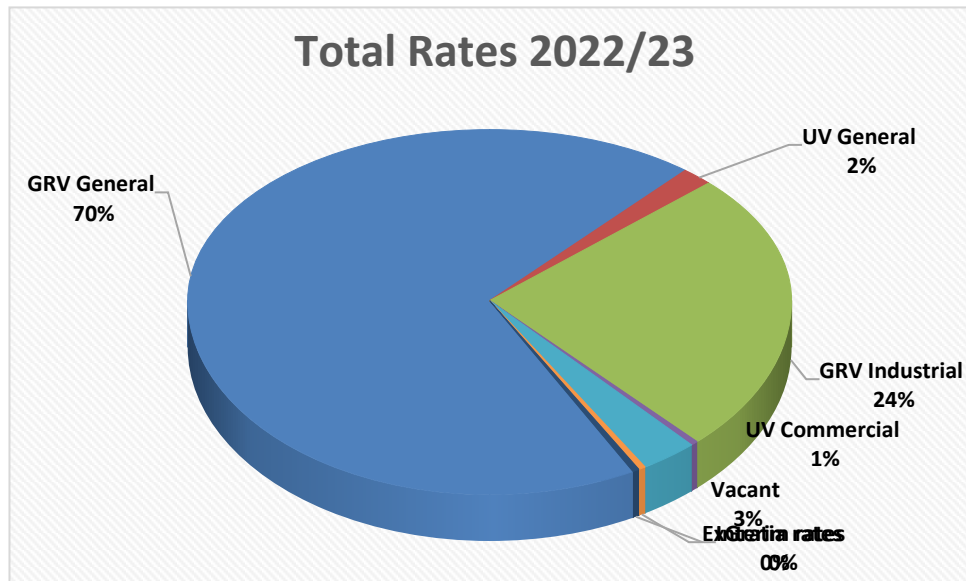
57. **Rate Increase 2022/23**

The proposed increase in the Rate in the Dollar and Minimum Rates are 5.5% for GRV Commercial/Industrial and UV Commercial and 4.9% increase in the GRV General (Residential), UV General and Vacant categories. Pursuant to *the Local Government Act 1995 s6.35* the number of properties on minimum rates within a category cannot exceed 50% of the properties in that category.





58. The Rate revenue spread for budget 2022/2023 is similar to the current budget.



The slight change in percentages collected from the categories above is reflective of interim rating processed during the current year. With the increase in subdivisions and interim rating processed the property base of the City has increased by 148 to 23,679 rateable properties with a \$50.4M increase in valuations resulting from those interim rating changes.

59. A comparison of the 29 metro local governments across the various rate categories shows that the City's rates for 2021/2022 were below the average in General Residential by 8%, Commercial/Industrial by 9% and Vacant by 16% for Rate In the Dollar's (see attachment 2). This indicates that the City's rate in the dollar compares well in terms of other local governments.

60. **Budget Process**

Planning for the future and the various elements of the proposed budget for 2022/2023 commenced with Councillors in March 2022. Factors such as an improving economic outlook, the need to ensure financial sustainability for the City and the need to maintain existing assets and service levels were all taken into account when deciding upon a rate increase.

61. Several budget workshops were undertaken to detail the various aspects of the City's budget including capital works, revenue and expenditure, fees and charges and rates modelling.

62. Throughout the budget process the City and the Council conducted detailed reviews of all expenditure lines before arriving at the proposed differential rate increase of 5.5% and 4.9% for the various categories. The proposed increase was derived following consideration of several economic metrics including CPI, Local Government Cost Index, Building Construction Index and

Roads and Bridges Index and the impact thereof on the City's proposed works and services program for 2022/2023.

This report seeks to ratify the levels at which the City will advertise differential rates for the 2022/2023 financial year.

63. **Waste Avoidance and Resource Recovery**

The State Government, in 2007, introduced a *Waste and Resource Recovery Act* which allows for local governments to charge a levy to cover the cost of ongoing monitoring of closed land fill sites.

64. The City recommends the continuation of the WARR Levy to address the long-term remediation of former landfill sites that the City is responsible for. The Department of Water and Environmental Regulation is applying stringent control over monitoring and rehabilitation requirements for contaminated sites.

65. The proposed rate for 2022/2023 remains unchanged at \$0.000418 and a minimum charge of \$20 across all properties. The estimated amount to be raised from the levy is \$520,000.

66. Unspent funds are kept in reserve and will be put towards remediation of the more significant sites such as Brand Road and Dawson/Pioneer Park once the detailed site investigations are complete, the extent of remediation works are defined and risks associated with the various sites are better understood.

67. The City has an estimated program of works totalling \$790,732 for 2022/2023 to undertake annual investigations, remediation, and ongoing management.

**APPLICABLE LAW**

68. Rates are levied on all rateable properties within the boundaries of the City in accordance with the Act. The overall objective of the proposed rates and charges in the 2022/2023 budget is to provide for the net funding requirements of the Council's activities and works programs.

69. In accordance with s6.36 of the Act, the City is required to ensure that a notice is published in sufficient time to allow submissions to be made by an elector or a ratepayer in respect of the proposed rate within 21 days of the publication of the notice.

The minimums used ensured compliance with S6.35 of the *Local Government Act 1995*.

*"(2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
- (a) *50% of the total number of separately rated properties in the district; or*
  - (b) *50% of the number of properties in each category referred to in subsection (6),*  
*on which a minimum payment is imposed.*
- (6) *For the purposes of this section, a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
  - (b) *to land rated on unimproved value; and*
  - (c) *to each differential rating category where a differential general rate is imposed.”*

### **APPLICABLE POLICY**

70. The City's Rates Policy continues to be based around differential rates.

### **STAKEHOLDER ENGAGEMENT**

71. Subject to the approval of the recommendation of this report, a notice of the adopted figures will be advertised. A consultation period of 21 days will exist in which ratepayers can make comment or objection submissions to the proposed RID and minimums. This public consultation is done in line with the requirements of the *Local Government Act 1995*.

### **FINANCIAL CONSIDERATIONS**

72. Throughout the 2022/2023 budget, the City will maintain tight control over expenditure.
73. The proposed rating structure is a critical element in ensuring ongoing financial sustainability. It is also vital in enabling the City to deliver its significant capital works program and provide the services required by the community.

**SUSTAINABILITY**

**Social Implications**

74. Increasing rates will generally have an adverse impact on lower income homeowners. The City has in this respect introduced several mechanisms in the past few years, to assist Ratepayers such as:
- a) "Smarter Way to Pay".
  - b) Direct Debit Payment arrangements.
  - c) BPay View; and
  - d) eRates.

**Economic Implications**

75. The rating structure is proposed to remain the same, with the aim to spread the rates generated in similar proportions compared to last year.

**Environmental Implications**

76. The continuation of the WARR Levy will enable the City to meet its community expectations and statutory requirements to remediate and manage contaminated sites.

**RISK MANAGEMENT**

77.

<b>Risk:</b> Delay in approving proposed rates could result in rate notices unable to be issued by early July 2021 leading to cash flow problems		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Critical	Possible	High
<b>Action/Strategy</b>		
Ensure that Council consensus is achieved by continuous briefing and updates on the budget.		
Ensure that the budget is adopted prior to 30 June 2022.		

78.

<b>Risk:</b> Community dissatisfaction with rate levels.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
A comprehensive communication and information plan will be implemented to assist the community in understanding as part of issuing of the Rate Notices.		

79.

<b>Risk:</b> Council fails to implement measures within the budget that will improve the Operating Surplus Ratio resulting in criticism from the OAG		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Council is fully briefed on the implications of not addressing the declining OSR. The City puts in measures to incrementally improve the OSR.		

**CONCLUSION**

- 80. The City has undertaken a thorough analysis of its budget working proactively with Councillors to generate efficiencies and reduce operating costs. The City will need to continue monitor and address its Operating Surplus Ratio in future years until the ratio is brought back in line with the acceptable standard.
- 81. The rates charges contained within this paper are necessary to enable the City to meet its current and future obligations, and to continue operating in a financially sustainable manner.
- 82. Based on the comparison across 29 metro Local Governments, the current City’s rate in the dollar compares very favourably, in that the general residential Rate in the Dollar is 8% less than the average for the Metropolitan councils.
- 83. This report is submitted in order that the Council provides direction on the differential rates to be advertised for public comment as part of the 2022/2023 Budget process.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 58/2022

That Council:

1. APPROVE the City of Kalamunda 2022/2023 rate in the dollar and the minimum rates to be advertised by public notice as per the following:

<b>Category/Levy</b>	<b>Rate in \$</b>	<b>Minimum Rate \$</b>
General GRV	0.074314	925
Industrial/Commercial GRV	0.079048	1163
Vacant GRV	0.092484	734
General UV	0.003706	925
Commercial UV	0.004410	1163
Waste Avoidance and Resource Recovery Levy (All Categories)	0.000418	20

2. ENDORSE the City of Kalamunda Objects and Reasons for Proposed Differential Rate Categories for the 2022/2023 Financial Year provided as Attachment 1 to this report.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

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


## 10.5.5. Appointment to the Kalamunda Arts Advisory Committee

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	CO-CCS-109
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. KAAC Terms of Reference [<b>10.5.5.1</b> - 4 pages]</li> <li>2. Governance 13 Appointment of Community Members to Advisory Committees and Reference Groups [<b>10.5.5.2</b> - 6 pages]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Kalamunda Arts Advisory Committee – Committee Nomination Application 1</li> <li>2. Kalamunda Arts Advisory Committee – Applicant 1 Resume</li> <li>3. Kalamunda Arts Advisory Committee – Applicant 2 Resume</li> </ol>

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

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

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

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

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

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

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the appointment of a community member nomination for the Kalamunda Arts Advisory Committee (KAAC) for the term of 2021/2023.
2. The City of Kalamunda (City) has developed a clear and relevant vision 'Connected communities, valuing nature and creating our future together.' The KAAC assists the City in achieving this vision.
3. At the December 2021 Ordinary Council Meeting Council resolved to defer nominations to the Arts Advisory Committee to enable the City of Kalamunda to consult further with the community.
4. This report recommends that Council endorse the appointment of a new community member to the KAAC.

## BACKGROUND

5. In 2021, the City of Kalamunda called for nominations for local active community members to be part of the Kalamunda Arts Advisory Committee.
6. A minimum of four members are required under the Terms of Reference for the KAAC. A total of four community members applied with only three meeting the set criteria. One position remained unfilled on the KAAC, as such the City sort to identify suitably qualified individuals to nominate for the committee.

7. The City of Kalamunda received one eligible new nomination, which has been assessed against the Appointment of Community Members to Advisory Committees and Reference Groups Policy.

### **DETAILS AND ANALYSIS**

8. The Terms of Reference for KAAC are outlined in Attachment 3 to this report.
9. Notable for consideration in the Terms of Reference is:  
No of Members  
The committee shall consist of 5-7 members comprising:  
i. One Elected Member  
ii. A total of 4 – 6 Community Representatives residing in the district
10. City Officers approached four possible candidates for consideration, two candidates were deemed suitable, however, one candidate did not meet the residential criteria and was excluded from further consideration (Confidential Attachment 3).
11. As local residency is not a legislated requirement for appointment to an Advisory Committee, Council at its discretion may appoint the excluded candidate and resolve to subsequently modify the KAAC Terms of Reference, to avoid similar situations in the future.
12. The City assessed the eligible nomination received in accordance with the Appointment of Community Members to Advisory Committees and Reference Groups Policy.
13. Given the importance of the Kalamunda Arts Advisory Committee and its role in the review of the Creative Communities: An Arts Strategy it is recommended that this applicant is endorsed to allow for the Committee to operated/.

### **APPLICABLE LAW**

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

### **APPLICABLE POLICY**

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

### **STAKEHOLDER ENGAGEMENT**

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

### **FINANCIAL CONSIDERATIONS**

20. 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**

21. Nil.

### **RISK MANAGEMENT**

- 22.
- |   |                   |               |
|---|-------------------|---------------|
| <b>Risk:</b> That Kalamunda Arts Advisory Committee does not have a substantive number of members.                    |                   |               |
| <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
| Moderate  | Possible          | Medium        |
| <b>Action/Strategy</b>  |                   |               |
| An additional approved nomination appointed to the Kalamunda Arts Advisory Committee will substantiate the Committee. |                   |               |

### **CONCLUSION**

23. The City recommends the endorsement of the new community member to KAAC as shown in Confidential Attachment 1.

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

RESOLVED OCM 59/2022

That Council ENDORSE the nomination of the new community member to Kalamunda Arts Advisory Committee as per Confidential Attachment 1.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**


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

## 10.5.6. Corporate Business Plan - Quarterly Update - January to March 2022

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

Previous Items	
Directorate	Corporate Services
Business Unit	Director Corporate Services
File Reference	3.009509
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	1. Quarterly Corporate Plan Report January- March 2022 [ <b>10.5.6.1</b> - 67 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 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 progress on the City of Kalamunda's (City's) achievement against "Kalamunda Achieving: Corporate Business Plan 2021-2025" for the period January to March 2022.
2. On average, actions from the Corporate Business Plan are 74.7% complete at the end of the third quarter, 31 March 2022.
3. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period January to March 2022.

## **BACKGROUND**

4. Kalamunda Achieving: Corporate Business Plan 2021-2025 (the CBP) was endorsed by Council on 28 June 2021.
5. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
6. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
7. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in 2020/21.

## **DETAILS AND ANALYSIS**

8. The CBP is comprised of 4 Strategic Priority areas, referred to as 'goals' in this report, being:
  1. Kalamunda Cares and Interacts
  2. Kalamunda Clean and Green
  3. Kalamunda Develops
  4. Kalamunda Leads
9. There are 136 individual actions set out within the CBP for the 2021/22 year. Progress reporting is provided as Attachment 1 to this report.
10. The report reflects the management progress report against the work schedule for each of the individual actions, as at 31 March 2022.

11. The actions contained in the CBP are an average of 74.7% complete. For most actions, the target at the end of the third quarter is 75%, indicating that progress, on average, is on or slightly behind schedule.
12. Achievement of target is measured by comparing the target completion % to the actual completion %. For example, if the target is 25%, but the action is actually 50% complete, this represents an achievement of 200%. The average achievement of target across the actions is 100.1%.

### **APPLICABLE LAW**

13. All local governments are required, by legislation, to develop a Corporate Business Plan to fulfil the statutory obligations of section 5.56 of the *Local Government Act 1995 (WA)*, which is effectively the City's 'plan for the future'.
14. The *Local Government (Administration) Regulations 1996* provides detail as to the content of the Corporate Business Plan.

### **APPLICABLE POLICY**

15. Nil.

### **STAKEHOLDER ENGAGEMENT**

16. This report reflects input from Directors and Managers throughout the City.
17. Various external stakeholders and community members have been involved in the achievement of the CBP.

### **FINANCIAL CONSIDERATIONS**

18. This plan is delivered within the City's approved Annual Budget and Long Term Financial Plan.

### **SUSTAINABILITY**

19. Nil.

**RISK MANAGEMENT**

20.

<b>Risk:</b> The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan leading to reputational impacts		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Low
<b>Action/Strategy</b>		
Quarterly reports are provided to Council of progress against the CBP and are publicly available		

**CONCLUSION**

21. The City is working to carry out the actions listed in the Corporate Business Plan. On average, actions from the Corporate Business Plan are 74.7% complete at the end of the third quarter.

<b>Voting Requirements: Simple Majority</b>
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RESOLVED OCM 60/2022

That Council NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2021-2025 for the period January to March 2022.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

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




### 10.5.7. Kalamunda Environmental and Sustainability Committee: Appointment of Professional Member

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

Previous Items	OCM 353/2021
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.009047
Applicant	N/A
Owner	N/A
Attachments	1. KESAC Terms of Reference 2021-2023 [ <b>10.5.7.1</b> - 5 pages]
Confidential Attachment 1	<u>Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."</u>

#### TYPE OF REPORT

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

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

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

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

**Strategy 2.1.5** - Community engagement and education in environmental management.

### Priority 4: Kalamunda Leads

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

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

#### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the appointment of a professional expert to the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) for the term of 2021-2023.
2. Invitations were given to higher learning institutions and the broader public to consider becoming part of KESAC. This has now concluded and a recommended appointment of a professional expert to KESAC is now appropriate.
3. It is recommended that Council endorse the appointment of the professional expert to KESAC for the term expiring October 2023 as detailed in Confidential Attachment 1 to this report.

#### BACKGROUND

4. At the December 2021 OCM, Council endorsed community members to the various Advisory Committees of the City of Kalamunda (City). It was resolved by Council (OCM 353/2021 in part) that:  
*REQUEST the CEO seek applications for the Professional Expert on the matter of Climate Change including contact with Higher Education Bodies for the vacancy on the Kalamunda Environmental and Sustainability Advisory Committee.*
5. Subsequent to this decision, the City has undertaken actions to comply with this direction.

#### DETAILS AND ANALYSIS

6. The Terms of Reference for KESAC are provided as Attachment 2 to this report. The notable matter for consideration within the Terms of Reference is:

##### **No. of Members**

The committee shall consist of 6 to 7 members, comprising:

- i. One Elected Member.
- ii. Five Community Representatives, residing in the district.

- iii. If required and suitable, a professional expert on the matter of climate change, who may or may not be a resident within the District.
7. The City advertised for the professional expert role as part of the overall recruitment drive for members of the various Advisory Committees in 2021. There were no expressions of interest received prior to the December 2021 Council decision to appoint community members to the Advisory Committees.
8. During February and March 2022, approaches were made to various higher education bodies and re-advertisement of the role via the City's communications channels. One application was received.
9. At the May 2022 meeting of KESAC, a potential candidate presented his credentials and enthusiasm for the role. KESAC determined that:
  1. **NAME SUPRESSED** be appointed to the Professional Expert Representative role for KESAC.
10. Confidential Attachment 1 details the CV and application of this potential candidate.
11. Given the importance of the sustainability focus for KESAC in this term, the credentials of the applicant and the limited interest shown by professional experts to join KESAC, it is recommended that this application is endorsed.

#### **APPLICABLE LAW**

12. *Local Government Act 1995.*

#### **APPLICABLE POLICY**

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

#### **STAKEHOLDER ENGAGEMENT**

14. The City called for nominations and approached higher education institutions during February and March 2022.

#### **FINANCIAL CONSIDERATIONS**

15. Nil in consideration of this report.

**SUSTAINABILITY**

16. The Professional Expert support for KESAC will support City sustainability initiatives.

**RISK MANAGEMENT**

17.	<p><b>Risk:</b> That KESAC will not be able to provide the City with the highest level of support in development of sustainability actions leading to poor outcomes and reputational impacts.</p>		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	A professional expert duly appointed to KESAC will increase the capability of this committee supporting the City.		

**CONCLUSION**

18. The City recommends endorsement of the nomination of the professional expert to KESAC as shown in Confidential Attachment 1.

**Voting Requirements: Simple Majority**

RESOLVED OCM 61/2022

That Council ENDORSE the nomination of the professional expert to the Kalamunda Environmental and Sustainability Advisory Committee as detailed in Confidential Attachment 1 for the current term of this Committee, expiring October 2023.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Janelle Sewell**


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

## 10.5.8. Paulls Valley Road Drainage Investigations

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	AS-03/095, PL-05/319
Applicant	N/A
Owner	N/A
Attachments	1. Paulls Valley Road Drainage Upgrade [10.5.8.1 - 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 1: Kalamunda Cares and Interacts

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

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

#### Priority 2: Kalamunda Clean and Green

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

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

**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.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to inform Council on investigations into stormwater drainage issues in and around 319 Paulls Valley Road and 95 Asher Road, Paulls Valley stemming from resident complaints.
2. It is possible (subject to funding) for the City of Kalamunda (City) to undertake works in the road reserve to manage most storm events, however, like a large proportion of the Darling Plateau, existing overland drainage to water catchments travel through private property and / or Crown land.
3. It is recommended that Council note the proposed City works for managing the stormwater, acknowledging the resident issues that cannot be readily resolved.

**BACKGROUND**

4. The property at 95 Asher Road, Paulls Valley ("No 95") uses a primary vehicle crossover to Paulls Valley Road. The property to its immediate north is 319 Paulls Valley Road ("No 319") which has its crossover on Paulls Valley Road. Attachment 1 provides an aerial image of both properties with each crossover in close proximity to each other.
5. Within both properties is an open drainage channel which forms part of the overall Helena Pipehead catchment flowing generally in a north – northeast direction to the Helena River.
6. The overland drainage system in this vicinity captures stormwater runoff from roads, Crown Land and private property collectively. Water flows from Paulls Valley Road in a south–east direction under the crossover of No 319, through uncleared land on No 95 to intercept the open drain flowing through No 95 and No 319.

7. The owner of No 95 has blocked the existing drainage system on his property where it abuts to No 319 causing stormwater to bank up and cause damage in No 319. Neighbour disputes have also been referred to past and present Councillors seeking relief (at City cost).
8. Despite many interactions with City Officers to reach a mutually acceptable outcome between the residents, none has been forthcoming.

### **DETAILS AND ANALYSIS**

9. In May 2014, a subdivision application by the prior owners of No 319 provided lot access to Paulls Valley Road. Following this, in June 2014 a development application was made by the current owner of the property. A new crossover was constructed around February 2015, connecting No 319 to Paulls Valley Road.
10. This construction provided a PVC pipe under the crossover to allow continuity of the overland drainage system.
11. The City has contacted the owner of No 95 on several occasions requesting to unblock the pipe and return the water flow to previous conditions. The owner has refused, advised his reasons for blocking the pipe were:
  - a) he did not accept or agree for the water to flow into his property and believes the City does not have the right to discharge stormwater.
  - b) the drainage was causing erosion along what he referred to as his driveway; and
  - c) he did not believe the works undertaken for the crossover of No 319 were compliant. The City has no record of non-compliant work.
12. The claim regarding the City's right to use the drainage system that has existed for many years is beyond the scope of the City to currently address. It would take substantive legal resources to provide a position on this matter, noting issues:
  - a) This situation is not unique to these properties or in fact the City or any Local Government with similar issues;
  - b) The City's road network is only one small part of the issue noting the much larger land holdings of private property and the Crown.
13. Paulls Valley Road was sealed in 2000, which would have resulted in a reduction of infiltration of water in the road reserve and more water flowing into the drainage network. The City has undertaken investigations and has developed a concept plan for a series of swales within the road reserve locally to manage a "1 in 10 year" rainfall event. These works are

estimated at \$35,000 and are proposed for consideration in the draft 2022/23 capital works program.

14. Design guidelines for road drainage consider it appropriate to manage only up to a 1 in 5 year rain event hence the proposal for management of water in the verge up to 1 in 10 year events provides further mitigation of water entering these properties.
15. It is noted however that the contribution of stormwater from the road reserve is slight compared to the adjacent larger National Park run off which is not managed within the National Park.
16. Upon review of imagery over the years, it is apparent that flow of stormwater from Paulls Valley Road was managed by a concrete pipe in No 95 to assist in diversion to the drainage channel. This has been subsequently blocked.
17. The City proceeded to issue a letter to the owner of No 95 requesting him to unblock the pipe (May 2021), and then (July 2021) issued a formal notice to do so. The intent was to restore pre-existing flow paths. The Owner sought Councillor intervention and requested further meetings to discuss other options, and the notice was put on hold while these were being resolved. Further meetings and options were discussed with no overall agreement being reached.
18. As a result of the discussions, a number of options have been raised by the City and respective landowners. These include:
  - a) creating an easement for drainage that overlaps both property boundaries;
  - b) modelling, designing and then upgrading drainage infrastructure within the Paulls Valley Road reserve, to ensure the stormwater is being managed appropriately;
  - c) constructing a creek or channel within 95 Asher Road to convey drainage from the PVC pipe outlet to the creek; and
  - d) constructing a pipe for the drainage to take it to the creek, but without agreement on where this pipe could be located.
19. The owners of No 95 and No 319 have not been able to agree on a mutually acceptable outcome.
20. Progression of the improvements within the road reserve by the City will reduce the number of stormwater events affecting both properties but will not fully resolve the matter.



21. It is not practicable to stop all stormwater from the road entering these properties. To do so would require resumption of private property in one or the other lot to construct a localised drainage sump. This would be detrimental to the owner's land holdings.
22. The remaining ideas that involve works on private property have been assessed and resolved into two main options.
- a) Option 1, for the City to undertake works within 95 Asher Road at its own cost and discretion as provided by the Local Government Act. Estimates of works range from \$75,000 to \$110,000.
  - b) Option 2 for the City to take no further action and advise the owners to seek mediation services.
23. From a regulatory perspective, Schedule 3.2 of the Local Government Act provides:
- "Schedule 3.2 — Particular things local governments can do on land even though it is not local government property:*
- 1. Carry out works for the drainage of land"*
- Section 3.27 of the Local Government Act provides:
- (1) A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.*
24. In the hope of a mediated outcome, the City has not sought legal advice on this matter at this stage.

#### **APPLICABLE LAW**

25. The *Local Government Act 1995* provides for specific responsibilities and obligations regarding drainage.

#### **APPLICABLE POLICY**

26. There are no applicable policies.

#### **STAKEHOLDER ENGAGEMENT**

27. Both the owners of 319 Paulls Valley Road and 95 Asher Road have been involved in a number of discussions to determine viable solutions.

**FINANCIAL CONSIDERATIONS**

- 28. The proposed drainage upgrade for Paulls Valley Road, consisting of catch basins, is estimated at \$35,000. Funding will be sought for the 2022/23 capital budget, to enable the work to be undertaken.

**SUSTAINABILITY**

- 29. The subject of this report mainly affects two landowners so has minimal social implications.
- 30. There are no notable economic implications.
- 31. Improving the management of stormwater volume and velocity, and thus reducing erosion, will have positive environmental impacts.

**RISK MANAGEMENT**

32.	<b>Risk:</b> That the property owners singly or collectively do not agree with the selected course of action, and further drainage problems arise, or legal action eventuates against the City.						
	<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;">Moderate</td> <td style="padding: 2px;">Possible</td> <td style="padding: 2px;">Medium</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Moderate	Possible	Medium
Consequence	Likelihood	Rating					
Moderate	Possible	Medium					
	<b>Action/Strategy</b>						
	That the City seeks further legal advice to defend against any potential claim.						

**CONCLUSION**

- 33. A drainage problem has arisen within private property, triggered by the actions of the owner of 95 Asher Road in blocking a stormwater pipe. This has caused a deleterious impact to the owner of 319 Paulls Valley Road. The City's public area drainage has not been directly affected by this action.
- 34. Investigations and assessments including design options have been prepared by the City to assist in resolving the problems.
- 35. Despite the City requesting rectification from landowners and a range of meetings and discussions being held regarding the drainage, an agreement and resolution have not been achieved.

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

That Council:

1. NOTE the proposed construction of drainage improvements in Paulls Valley Road to be listed in the draft 2022/23 Capital Works Budget.
2. NOTE that the City of Kalamunda proposes to take no further action regarding drainage within the properties of 95 Asher Road or 319 Paulls Valley Road.

Cr Sewell moved the motion and proposed an additional point to the recommendation. The recommendation received a seconder who supported the addition of point 3 to the recommendation. The recommendation was put to a vote.

RESOLVED OCM 62/2022

That Council:

1. NOTE the proposed construction of drainage improvements in Paulls Valley Road to be listed in the draft 2022/23 Capital Works Budget.
2. NOTE that the City of Kalamunda proposes to take no further action regarding drainage within the properties of 95 Asher Road or 319 Paulls Valley Road.
3. REQUEST the Chief Executive Officer continue discussion with relevant property owners in relation to the proposal for additional drainage works.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Sue Bilich**


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

### 10.5.9. Application for Leave – Chief Executive Officer - July 2022

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

Previous Items	N/A
Directorate	Office of CEO
Business Unit	Office of CEO
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.

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

#### EXECUTIVE SUMMARY

1. To seek approval of Council for leave arrangements for the Chief Executive Officer.
2. Council is responsible for the approval of leave for the Chief Executive Officer.
3. It is recommended leave be approved for the Chief Executive Officer for the period Thursday 28 July to Monday 15 August 2022.

#### **BACKGROUND**

4. Nil.

#### **DETAILS AND ANALYSIS**

5. The Chief Executive Officer, Rhonda Hardy, wishes to be absent from the position on annual leave from Thursday 28 July to Monday 15 August 2022.
6. The Chief Executive Officer has accrued sufficient leave and this approval will enable leave accrued to be acquitted.
7. For leave between 21 days and 12 months policy Governance 18 provides that Council will appoint an Acting CEO.
8. As this period of leave is not greater than 21 days it will not be necessary for Council to appoint the Acting CEO.

#### **APPLICABLE LAW**

9. *Local Government Act 1995 Section 5.36.*

#### **APPLICABLE POLICY**

10. Nil.

#### **STAKEHOLDER ENGAGEMENT**

11. Nil.

#### **FINANCIAL CONSIDERATIONS**

12. There are no financial implications arising from this proposal, as annual leave is paid from the annual leave provision account.

#### **SUSTAINABILITY**

13. N/A

**RISK MANAGEMENT**

14.	<b>Risk:</b> Annual leave liabilities accrue and become a significant financial risk which will be identified by auditors.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Minor	Unlikely	Low
	<b>Action/Strategy</b>		
	Ensure leave liabilities are managed and all staff utilize their leave entitlements regularly.		

15.	<b>Risk:</b> Health and wellbeing of an employee is detrimental.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Major	Unlikely	Medium
	<b>Action/Strategy</b>		
	Ensure the Chief Executive Officer’s leave entitlements are supported.		

**CONCLUSION**

16. The leave requested is an entitlement of the CEO’s contract of employment.

**Voting Requirements: Simple Majority**

RESOLVED OCM 63/2022

That Council:

1. APPROVE the Chief Executive Officer, Rhonda Hardy, to have annual leave for the period Thursday 28 July to Monday 15 August 2022.
2. NOTE the Director Development Services will be the Acting Chief Executive Officer during the period of leave.

Moved: **Cr Janelle Sewell**

Seconded: **Cr Sue Bilich**

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 Nil.

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

13.1 Nil.

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

14.1 Nil.

**15. Meeting Closed to the Public**

15.1 Nil.

**16. Tabled Documents**

16.1 Minutes BFAC GM March 20221703 Unconfirmed  
Public Agenda Briefing Forum Notes 10 May 2022  
Petition - Development 2 Seaview Terrace Kalamunda

**17. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:22pm.

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.