

Public Agenda Briefing Forum

Agenda Tuesday 9 July 2019

Draft for Ordinary Council Meeting 23 July 2019



**city of
kalamunda**



Core Values

- Service:** We deliver excellent service by actively engaging and listening to each other.
- Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.
- Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.
- Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

Aspirational Values

- Creativity:** We create and Innovate to Improve all we do.
- Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.
- Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises
- Harmony:** We will retain our natural assets in balance with our built environment

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

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city of
kalamunda



INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

The Briefing Session will be held in the Function Room of the City of Kalamunda commencing at 6.30pm.

Agenda Briefing Forums will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums that are conducted by the City of Kalamunda:

- a) Public Agenda Briefing Forums will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b) Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c) The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d) Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e) Relevant employees of the City of Kalamunda will be available to make a presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f) All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g) The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- h) Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest the following is required:
 - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
 - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
 - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i) Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council to review and confirm as being a true and accurate summary of the preceding forum.
- j) At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k) Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015* (**City's Standing Orders**)

PROCEDURES FOR PUBLIC QUESTION TIME

Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a) Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c) Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d) Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e) Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- f) Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g) The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h) Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i) The Presiding Member shall decide whether to:
 - i. accept or reject any question and his/her decision shall be final;
 - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
 - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j) Where an Elected Member is of the opinion that a member of the public is:
 - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
 - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k) Questions and any responses will be summarised and included in the minutes of the meeting.
- l) It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995* (WA) (**LG Act**) or the *Freedom of Information Act 1992* (**FOI Act**).
- m) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

PROCEDURES FOR PUBLIC STATEMENT TIME

- a) Members of the public are invited to make statements at Briefing Forums.
- b) Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c) A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d) Public Statement Time will be limited to two (2) minutes per member of the public.
- e) Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f) Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time Is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g) Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h) Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i) A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j) Statements will be summarising and included in the notes of the Briefing Forum.

Questions in Writing

- a) Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b) The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c) Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d) The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e) The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f) Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g) A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h) Questions and any response will be summarised and included in the minutes of the meeting.

- i) It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.
- j) Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

Questions of Clarification

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a) Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b) Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c) The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d) Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e) The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f) Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).

Acknowledgement of Traditional Owners

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

Emergency Procedures

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

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

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

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

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1. Official Opening

2. Attendance, Apologies and Leave of Absence

Cr David Almond – Leave of Absence

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.2. 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.

4. Announcements by the Member Presiding Without Discussion

5. Public Question Time

Public question time will be allocated a maximum of 10 minutes and will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.

Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.

For the purposes of Minuting, these questions and answers will be summarised.

6. Public Statement Time

A period of maximum 10 minutes is provided to allow public statements from the gallery on matters relating to a matter contained on the agenda or the functions of Council. Public Statement Time will be limited to two (2) minutes per member of the public.

Public Statement Time is declared closed following the 10 minute allocated time period, or earlier if there are no further statements.

For the purposes of Minuting, these statements will be summarised.

7. Public Submissions Received in Writing

8. Petitions Received

9. Confidential Items Announced But Not Discussed

9.1 Nil.

10. Reports to Council

10.1. Development Services Reports

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

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

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

Attachments	1. Draft Environmental Land Use Planning Strategy Report Advertised Version [10.1.1.1 - 86 pages]
	2. Environmental Land Use Planning Strategy JULY 2019 [10.1.1.2 - 102 pages]
	3. Submission Summary Table [10.1.1.3 - 59 pages]
	4. Submission 22 Additional Information [10.1.1.4 - 2 pages]
	5. Submission 22 Background History [10.1.1.5 - 16 pages]

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

DETAILS

8. The ELUPS has been prepared in accordance with the WAPC Local Planning Manual 2010 (Manual). The Manual forms a guide to the preparation of local planning strategies and schemes in Western Australia. The ELUPS incorporates the relevant environmental development considerations from the Manual.
9. The ELUPS will form a key component of a new Local Planning Strategy to be progressed in 2019. This ELUPS incorporates information from the Local Biodiversity Strategy (2008) and delivers a new set of objectives in the context of the latest State planning framework and updated statistical data.
10. The ELUPS has the following overarching goal:

To compile a comprehensive report on the status of current natural environmental factors and influences in the City, and develop strategies to enhance and improve biodiversity and promote sustainable planning practises which are sensitive and complementary to the existing natural ecosystem.
11. **Objectives**
The objectives of the ELUPS are to provide strategic direction for land use planning and development in relation to the environment. The objectives outlined in the ELUPS read as follows:
 - a) to manage natural resources, land use, and development proposals to maintain the health and viability of geological soil systems in coordination with other ecosystem functions;
 - b) to adapt to predicted climate change effects and maintain and improve the safety of residents from bushfire events;

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

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

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

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

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

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

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

16. **General Findings**

The ELUPS makes the following key observations:

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

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

- a) the Urban Forest of Perth and Peel Statistical Report (2009) found that incremental clearing from subdivision and development within private property is the largest contributing factor in the reduction of the urban forest;
- b) a 2017 study from the University of Melbourne showed that in Melbourne, despite substantial increase in public tree planting, the rate of clearing on private land was still causing a net reduction in urban canopy cover;
- c) on 4 April 2019, the West Australian Newspaper reported the Urban Forestry Plan in the City of Stirling included a target to increase to 18% canopy cover by 2030, but found despite public planting programs of at least 10,000 trees annually the high rate of clearing on private property meant the City could not meet its original targets for tree canopy cover. The City of Stirling is now considering extending the target of 18% to 2040; and

- d) Local governments of Perth, Belmont, Armadale, Fremantle, Vincent, Bayswater and Subiaco are also investigating how to retain/increase urban canopy cover.
- e) The 'Statistical Report – The Urban Canopy Cover of Perth and Peel' published by DPLH and CSIRO in February 2019 reported on urban canopy cover in suburbs between the years 2009 and 2016, which is summarised as follows:
 - i. Kalamunda 26% loss
 - ii. Maida Vale 22% loss
 - iii. High Wycombe 71% loss
 - iv. Forrestfield 65% loss
 - v. Wattle Grove 25% loss
 - vi. Gooseberry Hill 21% loss
 - vii. Lesmurdie 15% loss
 - viii. Walliston 1% increase
 - ix. Pauls Valley 78% increase
 - x. Piesse Brook 35% increase
 - xi. Bickley 31% increase
 - xii. Carmel 42% increase

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

18.

Strategies Recommended

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

- a) identify and map sensitive geological areas to inform appropriate land use planning;
- b) develop a local planning policy for flood prone areas (the floodway and flood fringe) and identify Water Catchment areas which conflict with provisions for Public Drinking Water Source Areas;
- c) prepare a local planning policy to manage compatibility between rural and agri-tourism developments;
- d) develop a Street Tree Masterplan, which analyses, identifies, and prioritises street tree plantings to improve urban forest canopy cover in conjunction with a Green Links Masterplan to be prepared by the year 2020;
- e) prepare a local planning policy to address retention of trees on development sites;
- f) investigate measures to protect vegetation or local natural areas deemed to have a significant environmental, cultural or heritage value;
- g) implement online building and planning approval processes to reduce paper waste, provide transparency, and streamline approvals;

- h) prepare a local planning policy or Scheme provisions, to address the generation of energy by way of solar or wind power; whilst concurrently investigating opportunities for sites which may be suitable for a renewable energy facility; and
- i) review and prepare a report or strategy for sites of Aboriginal heritage significance and any recommended changes to zoning to ensure appropriate protection and preservation.

19.

Strategic Community Plan (2017-2027) Priority

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

20.

Current Major Projects

Current major projects which may affect the Strategy include:

- a) Proposed Airport Expansion - The addition of a proposed new runway at Perth airport significantly affects nearby land use planning, due to impacts such as noise. Such effects may limit residential zoning densities, land uses, height of structures, and reflectivity of materials;
- b) Forrestfield-Airport Link - The State Government's announcement in 2014 confirming the Forrestfield-Airport Link project, resulted in a large proportion of land in Forrestfield and High Wycombe being identified for residential purposes. This resulted in the need to re-define the potential land uses surrounding the future station, focusing on mixed use development incorporating retail, commercial and higher density residential. There are significant environmental challenges in protecting the ecological values of the area, particularly the conservation of existing Wavy-leaved Smokebush (*Conospermum undulatum*). The City takes the position that conservation areas should be purchased by the State government, or by Perth Airport as offsets for the proposed new runway, and managed by the City as Parks and Recreation reserves;
- c) Maida Vale South - An area south of Maida Vale and in the north-east area of Forrestfield has been identified as a possible area for strategic planning investigation for urban development by both the WAPC and City through various strategic planning documents. The majority of the land parcels are zoned Rural under the Metropolitan Region Scheme (MRS) and have been subject to rural and semi-agricultural type uses for many years. In January 2019 the City received notification that MRS Amendment 1344/57 was under consideration by the WAPC to result in an urban outcome within the Maida Vale South area. This MRS proposal was subsequently called in by the Environmental Protection Authority to be formally assessed; Wattle Grove South -The WAPC's North-East Sub-Regional Planning Framework has identified Wattle Grove South as urban expansion, with a small portion identified as urban investigation. Development of the site for urban purposes represents the most efficient use of the land given the subject land's strategic location in close proximity to the urban front, the capacity of

existing infrastructure and services, the future Forrestfield Train Station and nearby major arterial routes (e.g. Tonkin Highway). At the February 2019 Ordinary Meeting Council resolved to remove the option for general or light industrial uses from the investigation area and proceed as primarily residential. Further to this in April 2019 Council resolved to support further technical investigations;

- d) Maddington Kenwick Strategic Employment Area (MKSEA) has been rezoned from Special Rural to Industrial. Infrastructure upgrades and subdivision/development are currently in the process of occurring. Further environmental investigations will need to be undertaken for lots east of Coldwell road and sites abutting Brook Road to understand the impact of rezoning or development on nearby Greater Brixton Street wetland complex; and
- e) Pickering Brook investigation area – Pickering Brook town centre is currently under investigation to determine if access for bushfire safety can be improved and to review appropriate land uses in the town centre. In October 2018 the City received correspondence from the Department Planning, Lands & Heritage announcing the formation of a working group to support a Taskforce to develop a sustainability and tourism strategy for Pickering Brook and the surrounding area. The City will provide recommendations and formulate appropriate actions subject to the findings of the Taskforce as part of the Rural Strategy.

21. **Modifications**

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

22. Updates to Part 3.1.1 Major Projects were added to reflect recent events including Forrestfield North and recommendation for the green link to be purchased as Parks and Recreation by the State Government, or as offsets, and managed by the City; progress of an MRS Amendment for Maida Vale South; Council resolutions to remove the industrial element to Wattle Grove South technical investigations; environmental considerations for properties within the MKSEA area which have yet to be rezoned; and reference to the Pickering Brook Taskforce and subsequent inclusion of recommendations in the Rural Strategy.

23. Two strategies were deleted including 7.1 which related to updating procedural mapping and was considered addressed by other actions. The other action deleted was 8.3.3 as it was considered unlikely to be achieved with current resources.

24. Three new actions were inserted. Action 8.1.2 was inserted which relates to community engagement around the Green Links Masterplan, and action 8.2.6 which relates to reviewing the Firebreak Notice. Action 3.1.3 was also added which recommends investigating sites suitable for renewable energy facilities.

25. Actions 3.1.1, 6.3.1 and 8.2.4 were modified to reflect City resources and recommendations received through submissions. Some timeframes for actions were modified to better reflect implementation.
26. Action 8.2.4 addresses the preparation of a local planning policy to address the protection of significant trees on private property in response to recommendations received through submissions 1, 6, 7, 9, 10, 13, 15, 19, 20 and 24 which can be viewed in Attachment 3.
27. Options to address the protection of significant trees on private property include a local planning policy and/or scheme amendment. In this respect, at the 25 June OCM, the Council considered the Kalamunda Advisory Committee (KEAC) submission prepared in relation to ELUPS and resolved as follows:
- "That Council:*
- 1. NOTES the endorsement of the draft Environmental Land Use Planning Strategy by the Kalamunda Environmental Advisory Committee and their recommendations at their meeting of 4 April 2019.*
 - 2. DOES NOT support including a recommended action in the Environmental Land Use Planning Strategy to regulate the clearing of vegetation on private land through a Scheme Amendment to the City of Kalamunda's Local Planning Scheme No. 3."*
28. Maps 07 and 11 were updated in response to recommendations from submissions.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

32.

Design WA	Design WA replaces the R-Codes for R40-R80 multiple dwellings within mixed use developments and activity centres.
Liveable Neighbourhoods	Best practice guidelines for designing liveable spaces.
SPP 2.0 Environment and Natural Resources Policy	A policy that defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy. Supplemented by more detailed planning policies on particular natural resource matters.
SPP 2.4 Basic Raw Materials	A policy detailing the matters to be taken into account in considering zoning, subdivision and development applications impacting extractive industries.
SPP 2.7 Public Drinking Water Source	A policy to protect and manage public drinking water source areas from incompatible land uses and pollution.
SPP 2.8 Bushland Policy for the Perth Metropolitan Region	A policy to provide an implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making.
SPP 2.9 Water Resource	Provides clarification and additional guidance to for consideration of water resources in land use planning strategy.
SPP 3.1 Residential Design Codes	State planning policy guiding residential development standards.
SPP 3.4 Natural Hazards and Disasters	A policy to inform and guide planning for natural disasters and minimising the adverse impacts of natural disasters on communities, the economy and the environment.
SPP 3.7 Planning in Bushfire Prone Areas	This policy directs how land use should address bushfire risk management in Western Australia.
Better Urban Water Management (2008)	Better Urban Water Management provides guidance on the implementation of SPP 2.9, facilitating better management of our urban water

	resources by ensuring an appropriate level of consideration is given to the total water cycle at each stage of the planning system.
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COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

34. The ELUPS was peer reviewed by external consultants with advice provided on existing maps and tracked changes to the initial draft document.
35. At the Ordinary Council Meeting held 25 September 2018, the draft Strategy was adopted for advertising for a period of no less than 28 days. In accordance with section 13 of the *Planning and Development (Local Planning Scheme) Regulations 2015* a minimum of 21 days advertising is required.
36. As part of the advertising process, the Kalamunda Environmental Advisory Committee (KEAC) were given an opportunity to provide feedback on the draft Strategy. In summary the Committee recommendations included:
- a) support for Action 8.2.4 for protection of trees on private property preference that it be part of a Scheme Amendment or a Local Planning Policy; (this was subsequently clarified by KEAC's Chairperson, at the Ordinary Council Meeting of 28 May 2019, to mean they wish to see a Scheme Amendment in place however as a minimum that a Local Planning Policy be provided);
 - b) supports Action 8.2.5 preparation of a natural heritage register, 8.3.1 scheme amendment for rehabilitation of degraded land and 8.3.2 investigation into Local Natural Areas;
 - c) identification of three distinct areas of the swan coastal plain, escarpment and Darling plateau;
 - d) recommendation that maps be made available online; and
 - e) action 3.1.1 to be split into two actions, one addressing eco-friendly built form and micro-grids, and two managing the impact of renewable energy developments.
37. **Community Consultation**
Advertising of the draft Strategy commenced 28 November 2018 and closed 28 February 2018. Advertising was extended for an additional 14 days over the Christmas period in accordance with local planning policy P-DEV 45 -Public Advertising of Planning Proposals. Advertising consisted of:

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

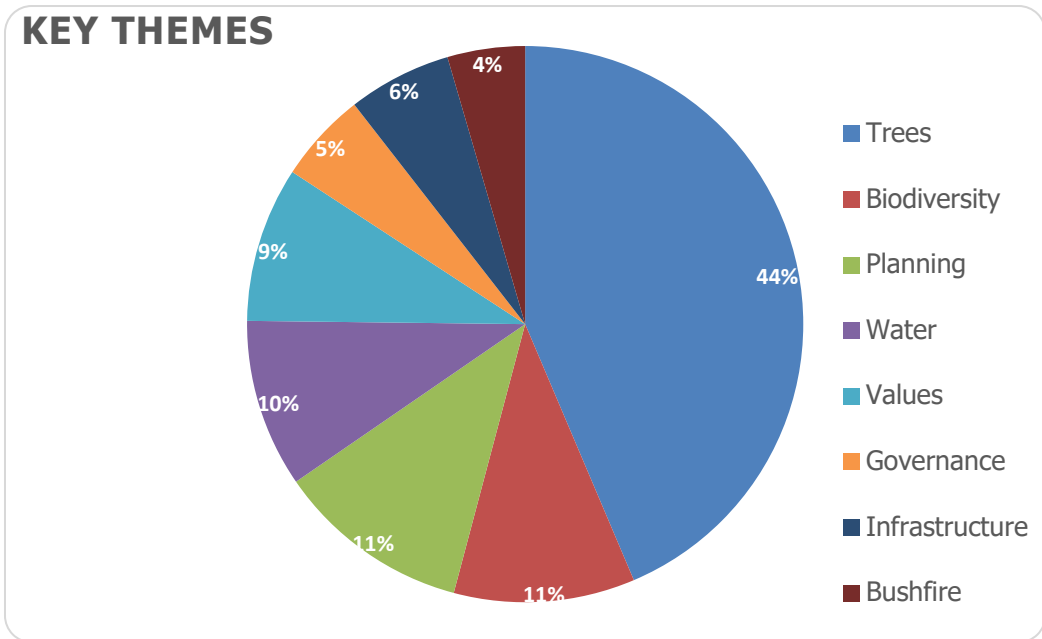
38. A total of 25 submissions were received, nine of which were received via the online survey, with 16 additional submissions received via hard copy or email. A total of 16 of the submissions were from residents, three from local community groups, four from government agencies and two from local government.

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

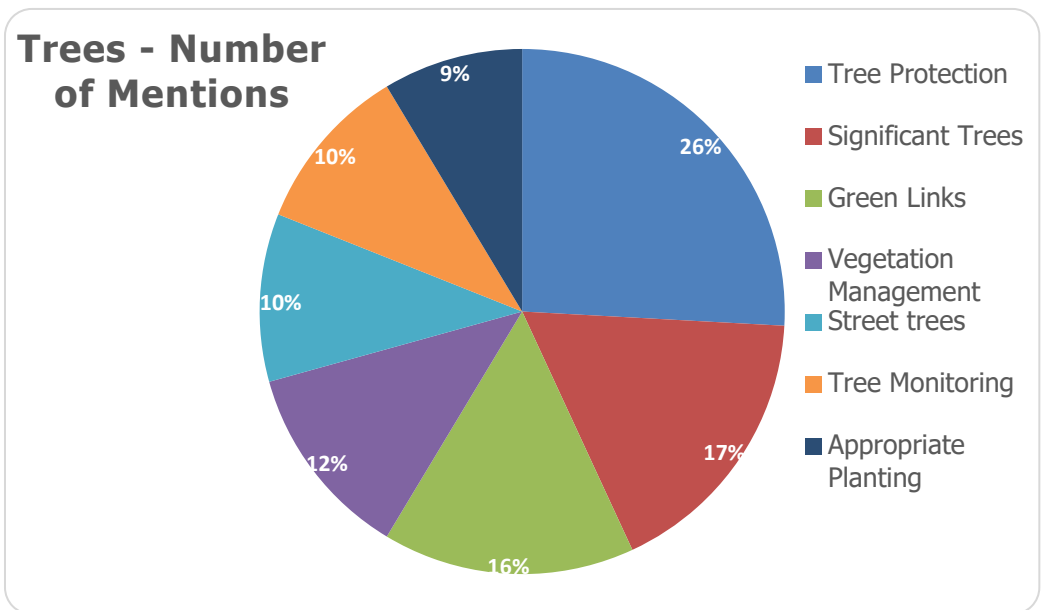
40. All 25 responses were reviewed and grouped into the following key themes:

Key theme	Description
Trees	Tree protection, significant trees, appropriate planting, tree monitoring, vegetation management, green links.
Planning	Statutory planning tools, increased housing density, private property, Perth & Peel @ 3.5 million, development, local planning policy, block sizes, MKSEA, airport noise.
Biodiversity	Habitat preservation, biodiversity, hollows, natural environment, policy and programs, wildlife.
Values	City’s character, Home in the Forest, community engagement, environmentally aware, core values, intergenerational living, reject industrialisation.
Governance	LG responsibility, State Government
Water	Sustainable water, waterways, water catchments, water runoffs, local water mapping, flooding, waterlogging.
Infrastructure	Western Power, reliable power, linked transport.

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



41. The consultation found the community placed great value in the natural environment and felt it contributed positively to the character of their locality and was a point of difference.
42. The area of most concern to the community was the protection of trees and increasing canopy cover.

43. The key theme resulting from the submission was the request to have greater protection for trees, which can be achieved through the planning framework.
44. In many cases submitters felt governance played a key role and it was the responsibility of the local and State government to protect the natural environment.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

47. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

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

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

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

Strategy 2.1.3 - Community engagement and education in environmental management.

Priority 2: Kalamunda Clean and Green

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

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

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

48. Improved liveability through integration of natural environmental features will strengthen the character of the area and provide opportunities for interaction and engagement.

49. Streamlined and more consistent processes when dealing with development applications that contain common environmental factors, for example; a significant tree, stormwater treatment or waterway.

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

57.

Risk: The Strategy is not adopted, and development continues to impact the existing natural environment.		
Likelihood	Consequence	Rating
Unlikely	Significant	Medium
Action/Strategy		
Adopt the Strategy and implement the recommendations and actions.		
58.

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

OFFICER COMMENT

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

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

- a) potentially increased development costs due to the need to respond to existing environmental factors;
 - b) potential for trees to impact on development due to growth factors i.e.; pulling up pavement or leaf drop in gutters; and
 - c) potential for bushfire risk depending on species and management.
60. Overall it is acknowledged there are some risks associated with an urban forest mainly related to additional cost and time for developers, and potentially additional knowledge resources on behalf of the City relating to arboriculture. However, after reviewing these factors on balance it is considered the net benefits of improving the urban forest outweigh the negatives.
61. The City takes the position that a balanced approach to development is required where the urban forest should be protected and maintained, however should not unduly stifle development where subject to the appropriate zoning and management.
62. Greater protection of trees in general was considered a priority resulting from the Strategy community consultation. Among other key strategies, in line with submissions received and recommendations from the Kalamunda Environmental Advisory Committee, is to prepare a local planning policy for the management of significant trees on development sites. ELUPS also includes a recommendation for the preparation of a Street Tree Masterplan and Green Links Masterplan which will provide a coordinated strategic approach to linking existing green areas.
63. Another important outcome of ELUPS is to introduce a waterways and wetlands policy to set clear guidelines around management of these sensitive ecosystems. This is important due to recent urban expansion close to known wetlands, and because many of the waterways in the City are in close proximity to urbanised areas.

64. Management of bushfire and biodiversity is also seen as a key element of the ELUPS and requires further investigation by the City, particularly in light of recent policy and guideline development around this topic. It is acknowledged that bushfire is an inherent risk within the City and while it is an important factor and must be managed, other factors such as the value of biodiversity must also be balanced and considered. This is a complex issue to be more deeply investigated by the City as an action of ELUPS.
65. ELUPS provides improvements for many different elements of the environment and ensures the City endeavours to remain at the forefront of best practice environmental planning.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

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

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

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

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

EXECUTIVE SUMMARY

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

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

BACKGROUND

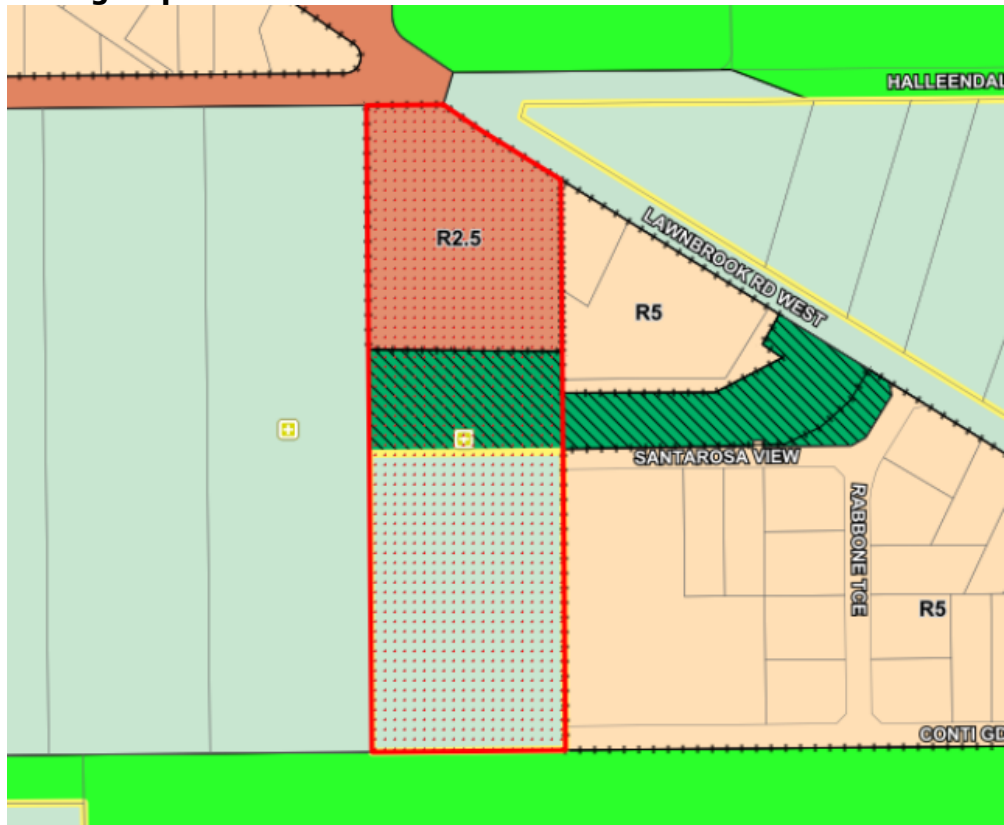
4. Land Details:

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

5. Locality Plan:



6. **Zoning Map:**



7. Historically the site has been used for rural purposes, with some grape vines still grown on the site. The site currently encompasses a single house, ancillary dwelling and outbuildings.

8. The land surrounding the site has mixed rural and urban character, zoned Residential R5 to the east and Rural Agriculture to the west. The residential land to the east of the site has been subdivided and is being developed as the Conti Gardens Estate and the rural land to the west is used for horticultural activities (Orchard).

9. At the Ordinary Council Meeting 22 May 2018, Council resolved to forward a similar amendment (Amendment No.35) to the Western Australian Planning Commission (WAPC) for adoption (OCM 77/2018). Amendment No.35 proposed to rezone Lot 31 & Lot 32 Halleendale Road from R2.5 to R5. These sites are located approximately 436m from the subject site.

DETAILS

10. Following modification at Ordinary Council Meeting 18 December 2018 (OCM 244/2018), Amendment No. 99 seeks to rezone the site as follows:

- a) insert a development requirement into Table 4 of LPS3 to place a notification on Certificate of Title(s) advising of the existence of a hazard or other factor. This notification is to be included on the diagram or plan of survey, and is to state:

'This lot is located within 500m of operating primary production activities (orchard) and has the potential to be affected by odour, noise, spray

drift and dust that are associated with the continued operation of the primary production activities (orchard);

- b) recode the northern portion of Lot 50 Lawnbrook Road West, Walliston from 'Residential' R2.5 to R5;
- c) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Local Open Space' to 'Residential', with a density code of R5; and
- d) rezone a central portion of Lot 50 Lawnbrook Road West, Walliston from 'Special Rural' to 'Local Open Space'.

11. In support of the proposal, the applicant notes the following:

- a) the amendment represents a logical extension of the existing R5 coded areas on adjacent Lot 51 known as 'Conti Gardens' residential estate;
- b) a portion of the site is already designated as suitable for residential development. The increase in density proposed is practical and allows for more manageable lot sizes which can support effluent disposal;
- c) the location of the site has excellent access to existing services, facilities and shops in Walliston, Lesmurdie and Kalamunda;
- d) it allows for a transition between the established urban area to the north/west and special rural zoned land on the southern portion of the site; and
- e) although there are some site constraints, a subdivision design can be achieved on the site compatible with the adjoining Conti Gardens development.

12. Furthermore, in support of Amendment No.99 the applicant has undertaken effluent disposal investigations, prepared a Bushfire Management Plan, Subdivision Concept Plan and Drainage Concept Plan (Attachment 1).

13. Should Council resolve to adopt Amendment No. 99, it will be determined in accordance with the *Planning and Development Act 2005* and ultimately determined by the WAPC and Minister for Planning.

STATUTORY AND LEGAL CONSIDERATIONS

14. Metropolitan Region Scheme

The site is classified 'Urban' and 'Rural' under the Metropolitan Region Scheme (MRS). The proposal is therefore consistent with the zoning classification under the MRS.

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

Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (Regulations) the City is required to pass a resolution:

- a) *To support the amendment without modification; or*
- b) *To support the amendment with proposed modifications to address issues raised in the submissions; or*
- c) *Not to support the amendment.*

Pursuant to Regulation 53(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, within 21 days of passing a resolution under Regulation 50(3) the City must forward all documents referred to in sub regulation (1) to the Commission.

Pursuant to Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the commission has 60 days (or within such a longer period as the Minister allows) to consider the documents and make any recommendations to the Minister in respect to Amendment No.99 that the Commission considers appropriate.

16. **Planning and Development Act 2005**

Pursuant to Section 87(2) of the *Planning and Development Act 2005*, Once Amendment No.99 is submitted to the Minister for approval, the Minister may either:

- (a) *Approve Amendment No.99;*
- (b) *Require the Local Government to make modifications to Amendment No.99; or*
- (c) *Refuse Amendment No.99.*

17. **Local Planning Scheme No.3**

Under the provisions of the Scheme, the site is currently zoned Residential Bushland R2.5 with the central portion of the site zoned Local Open Space and the southern portion of the site zoned Special Rural.

18. Pursuant to Section 4.2.1 of the Scheme the objectives of the 'Residential Bushland' zone are as follows:

- *To promote the development and use of land primarily for single detached houses, ensuring that development is designed and sited in a manner which is sensitive to the environmental characteristics of the land.*
- *To give due consideration to land uses that are compatible with the amenity of surrounding residential development.*
- *Encourage the retention and rehabilitation of native vegetation and the minimisation of bush fire hazard.*

19. Pursuant to Section 4.2.2 of LPS3 the objectives of the 'Special Rural' zone are as follows:

- *To enable smaller lot subdivision to provide for uses compatible with rural development.*

- *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

POLICY CONSIDERATIONS

20. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**
The site is located within a designated Bushfire Prone Area. Subsequently the proposal was referred to the Department of Fire and Emergency Services (DFES) for their assessment and recommendations.
21. DFES responded with support for the intensification of land use at the site and recommended the City of Kalamunda ensure further consideration of any future subdivision plans against SPP 3.7. DFES made specific reference to the cul-de-sac and battle-axe designs included in the draft subdivision plan found in Attachment 1.
22. However, DFES did note that this advice is intended to guide subsequent planning stages and any future modifications required to road layout and lot design do not materially affect the amendment. Accordingly, DFES recommends Amendment No.99 proceeds.
23. **Directions 2031 and Beyond**
Directions 2031 highlights the benefits of a consolidated City in order to achieve a more sustainable pattern of development, setting a 50 percent infill development target for future infill development within the Perth metropolitan region.
24. The proposed amendment will allow for an intensification of development within an established area, thus aligning itself with the objectives of Directions 2031.
25. **North-East Sub-Regional Planning Framework**
The North-East Sub-Regional Planning Framework has identified an urban infill target for the City of Kalamunda of 11,450 new dwellings by 2050. To achieve this target the City must to facilitate structure plans, strategies and amendments that assist in increasing the potential of infill development.
26. Amendment 99 proposes an increased density for the site which if supported by Council will assist in achieving the 2050 target.
27. **City of Kalamunda Local Planning Strategy**
The City's Local Planning Strategy (LPS) was adopted by Council in October 2011 and endorsed by the Commission in February 2013. The purpose of the LPS is to enable Council to determine the vision and strategic planning direction for the City for the next 20 years, to coincide with Directions 2031.
28. A key action of the strategy is to encourage the expansion of new urban and industrial areas in a sustainable manner, providing increased housing and lifestyle opportunities; local employment opportunities and protection of biodiversity and the natural environment. Amendment No. 99 is seen to be consistent with the intent of the LPS.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

34. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

SUSTAINABILITY

Social Implications

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

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

Economic Implications

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

Environmental Implications

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

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.2. Asset Services Reports

10.2.1. Adoption of Local Environment Strategy

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

Previous Items	OCM 112/2016; OCM 32/2019
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	EV-EPP-077
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. LES Draft [10.2.1.1 - 32 pages]
	2. LES FINAL [10.2.1.2 - 30 pages]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

7. The LES was developed over some years with the following milestones:
 - a) September 2017: KEAC visioning Workshop;
 - b) February 2018: Production of Strategy blueprint;
 - c) May 2018: Completion of initial Community and staff Engagement including media releases, surveys, and community visioning workshops;
 - d) February 2019: Data analysis and production of Draft LES document;
 - e) February 2109: Council endorsement of draft LES for community engagement (OCM 32/2019 refers);
 - f) May 2019: Analysis of submissions and amending draft LES; and
 - g) May 2019: Review and recommendations from KEAC for final document.

8. The draft LES provided for community engagement is shown as Attachment 1 to this report. It is to be noted that at the time of development the strategy was entitled Kalamunda Clean and Green Local Environment Strategy 2018-2029.

9. 23 submissions were made in response to the draft LES. 98 separate comments were contained in these submissions:
 - a) 63% of these comments were regarded as comment only and were "noted without the need to change" the LES;
 - b) 25% were assessed as "correction expected" to the draft document;
 - c) 11% of comments received provided information instigating further discussion at KEAC; and
 - d) 15% of these comments lead to alterations to the draft document after discussion at KEAC.

10. Comments from the community were generally supportive of the draft LES and they were keen to be able to see its implementation and progress. There was some concern about the length of the document and the clarity of the aims and action tables.

11. At their meeting of 2 May 2019, KEAC reviewed the community feedback to the draft LES and commended that the LES be presented to Council for endorsement subject to improvements to the Objectives, Strategies and Actions table within the LES and that the Council endorsed document be graphically enhanced prior to release to the Public.

12. The draft LES document has been revised in response to the above issues. The final LES is provided as Attachment 2. It is to be noted that the strategy will now be entitled Kalamunda Clean and Green Local Environment Strategy 2019-2029.

13. Upon adoption of the LES text by Council, in consultation with KEAC, a finalised graphic ready document will be produced and published.

STATUTORY AND LEGAL CONSIDERATIONS

14. Nil.

POLICY CONSIDERATIONS

15. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

18. Nil.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.2.2. Kalamunda Road Functional Review - Stage 1

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

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning & Management
File Reference	4.00009360
Applicant	N/A
Owner	City of Kalamunda
Attachments	1. Kalamunda Road Stakeholder Consultation Report [10.2.2.1 - 80 pages]

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

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

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

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

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

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

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

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

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

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

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

21. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

22. Nil.

External Referrals

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

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

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

Priority 4: Kalamunda Leads

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

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

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

29.

Risk: That the City receives criticism and loss of reputation from the smaller portion of the community who have expressed a preference for the Higher Capacity option.

Likelihood	Consequence	Rating
Likely	Moderate	Medium

Action/Strategy

As substantial feedback has been received following thorough consultation, the proposed action is to present the case and provide a high level of data analysis and modelling to support the proposal.

OFFICER COMMENT

30.

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the outcomes of the Kalamunda Road Stakeholder Consultation Report as Attachment 1 to this report;
2. ENDORSE the vision of Kalamunda Road (between Roe Highway and Abernethy Road) becoming a Lower Capacity Local Road; and
3. SUBJECT to Budget approval, PROCEED with Stage 2 of the Kalamunda Road Functional Review and Upgrade project (Roe Highway to Abernethy Road) on the basis of the Lower Capacity option.

10.2.3. Hale Road/Woolworths Drive Project Update

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

DETAILS

6. The mini roundabout solution is seen as an optimal outcome as it satisfied the following benefits:
 - a) maintains full movements on Hale Road / Woolworths Drive;
 - b) maintains full movements on Hale Road / Hanover Street;
 - c) did not require the City to procure land in Woolworths Drive to create extended road reserve (and its ongoing responsibilities for care and control); and
 - d) significantly reduced the impacts on commercial businesses fronting Hale Road who would have otherwise had land taken for a service road.
7. The preferred design (to achieve MRWA approval) necessitates the closure of an existing crossover into Lot 146 (No. 72A) Hale Road and the creation of a new crossover at Lot 145 (No 76) Hale Road. There is an existing crossover at Lot 148 (No. 70) Hale Road (the McDonalds Restaurant) which is not affected by the proposed works.
8. Currently there is an access agreement between the owners of Lot 146 and Lot 148 allowing customers to utilise either crossover. With the proposed closure of the crossover at Lot 146, a new access agreement would need to be struck between the owners of Lots 145, 146 and 148 to allow vehicles to access these properties from the new crossover layouts.
9. This agreement is being progressed by the City, noting that it impacts the owners of Lot 145 (who gain a crossover with direct access to Hale Road but lose 4 car bays), the owners of Lot 146 (who lose a crossover but gain 3 car bays) and Lot 148 (who wish to maintain the ability for two crossover access to their Restaurant). Successful negotiation of this agreement (on private land) is seen as a material risk to the project.
10. The project necessitates that approximately 7.5 m² of land from Lot 108 (No. 82) Hale Road to be converted into footpath and road to facilitate the entry road design into Woolworths Drive (Lot 151, No. 80 Hale Road). Whilst it may be feasible that the owner of Lot 108 would agree to this change in their land holding, it is likely that the owners of Lot 151 (Hawaiian Group – owners of the shopping centre) will need to procure this small land parcel. The Hawaiian Group have been consulted on this and will be working towards this end. This is seen as a small risk to the project.
11. The last material risk to the project feasibility is one of budget relating primarily to Western Power overhead power lines. There are two poles (and associated High Voltage and Low Voltage wiring) in close proximity to the new kerb lines. A Road Safety Audit is underway to ascertain if these poles require removal from a safety perspective.
12. Initial estimates (based on works of a similar nature) suggest that undergrounding of these assets will cost in the order of \$650,000. This will necessitate an increase in the approved funding by a similar amount which is not available at present.

13. The City is currently confirming with Western Power the likely options for relocation and costs as well as the outcomes of the Road Safety Audit.
14. The project if delivered, would improve access and egress to the Forrestfield Shopping Centre who have at this stage not been asked to significantly contribute funding to the project (apart from the minor land tenure matter).
15. There is however a tangential benefit to the City if this project proceeds. The installation of the roundabouts and median works will create an environment conducive to lower traffic speeds. This may be of benefit to the City in aiming to create low speed environments in shopping precincts.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

17. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

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

21. The City has recouped the "1st 40%" in grant funding totalling \$380,000.
22. Project expenditure plus commitments amounting to \$60,435 has been incurred to date in relation to the undertaking of the Traffic Study, "Concept" Road Safety Audit and subsequent presentation of options for public consultation, the public consultation process itself and detailed design related expenditure that has been incurred.

23. The revised project budget (including contingency), on the basis of the need to underground the Western Power assets is \$1.6 million, a shortfall of \$600,000 from current budget.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops
Objective 3.2 – To connect community to quality amenities.
Strategy 3.2.1 – Optimal management of all assets.

SUSTAINABILITY

Social Implications

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

Economic Implications

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

Environmental Implications

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OFFICER COMMENT

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

10.3. Corporate Services Reports

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

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

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

That Council:

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

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

DETAILS

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

STATUTORY AND LEGAL CONSIDERATIONS

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

56. Dedication of land as road

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

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

or

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

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

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

- (a) in accordance with the regulations prepare and deliver the request to the Minister; and*
(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.

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

58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

POLICY CONSIDERATIONS

14. Council Policy – Asset Management C-AS-001 states that *"As part of a continuous improvement process, the City of Kalamunda will continually monitor, audit and review its asset portfolio to ensure it is responsive to service delivery needs and meets the goals and targets set by Council."*
15. A review of the portions of land proposed to be dedicated indicates that they are required as road reserve.
16. A review of the portions of road reserve proposed to be closed indicates that they are not required as road.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

f) Landgate lodgement fees: nil, subject to confirmation from Landgate.

24. Following completion of the road reserve realignment, some construction works can occur. The costs of the construction works are estimated to be as follows:

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

25. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

Objective 3.2 - To connect community to quality amenities.

Strategy 3.2.1 - Optimal management of all assets.

SUSTAINABILITY

Social Implications

26. The proposed road reserve realignment will ensure the road reserve matches the constructed road.

27. The proposal will also enable the upgrade of the Canning Mills Road/Canning Road intersection, which will provide improved road alignment and sight lines at the intersection.

Economic Implications

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

Environmental Implications

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

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

RISK MANAGEMENT CONSIDERATIONS

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

OFFICER COMMENT

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

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

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

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

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

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

11. Closure