

Public Agenda Briefing Forum

Minutes for 12 November 2019

UNCONFIRMED



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1. Official Opening

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

2. Attendance, Apologies and Leave of Absence

Councillors

South East Ward

Janelle Sewell
Geoff Stallard

South West Ward

Lesley Boyd
Mary Cannon
Brooke O'Donnell

North West Ward

Sue Bilich (arrived 7:05pm)
Lisa Cooper
Dylan O'Connor

North Ward

Cameron Blair
Kathy Ritchie - Presiding Member
Margaret Thomas JP (Mayor)

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services

Management Team

Andrew Fowler- Tutt - Manager Approval Services
Doug Bartlett - Manager Asset Planning
Nicole O'Neill - Manager Customer & Public Relations

Administration Support

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

Members of the Public 15

Members of the Press Nil.

Apologies

Cr John Giardina

Leave of Absence Previously Approved

Nil.

3. Declarations of Interest

3.1. Disclosure of Financial and Proximity Interests

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

3.2. Disclosure of Interest Affecting Impartiality

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

3.2.1 Peter Varelis declared an Interest Affecting Impartiality on Item 10.1.1 Proposed Amendment No. 94 - Lot 112 (280) Holmes Road - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship). Mr Varelis' grandmother attends the monastery and part takes in their activities.

3.2.2 Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.6 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Schem Manadement - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda. Cr Sewell's employment include community advocacy for Schmitt Road.

3.2.3 Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.7 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 420 Canning Road, Carmel (Heidelberg Park). Cr Sewell's employment include community advocacy for Heidelberg Park .

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 Item 10.2.5 Draft P-DEV 26 Local Planning Policy: Public Art Contributions - Consideration of Submissions and Final Adoption - CONFIDENTIAL ATTACHMENT

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

- 9.2 Item 10. 2.1 Proposed Solar Farm - Pre-Feasibility Investigations- CONFIDENTIAL ATTACHMENT

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

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (e) - "matter that if disclosed, would reveal - (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person; - where the trade secret or information is held by, or is about a person other than the local government"

10. Reports to Council

10.1. Development Services Reports

10.1.1. Proposed Amendment No.94 - Lot 112 (280) Holmes Road - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship)

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

Peter Varelis declared an Interest Affecting Impartiality on Item 10.1.1 Proposed Amendment No. 94 - Lot 112 (280) Holmes Road - Special Use (Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building & Place of Worship). Mr Varelis' grandmother attends the monastery and part takes in their activities.

The Manager Approval Services provided a presentation on this Item.

Previous Items	OCM 111/2019
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/94
Applicant	Rowe Group
Owner	Greek Orthodox Church

Attachments	1. Applicant Report [10.1.1.1 - 89 pages]
	2. Scoping Statement and Master Plan [10.1.1.2 - 14 pages]
	3. Submission Table [10.1.1.3 - 8 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the final adoption of Amendment 94 (Amendment 94) to Local Planning Scheme No.3 (Scheme).
2. Amendment 94 proposes to rezone Lot 112 (280) Holmes Road and Lot 14 (323) Hawtin Road, Forrestfield (Site) to 'Special Use', and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:
 1. Land use permissibility shall be in accordance with the provisions of the Special Rural Zone.
 2. Within this zone the following uses are not permitted unless approval is granted by the Council ('A'):
 - a) 'Ancillary Dwelling';
 - b) 'Caretakers Dwelling';
 - c) 'Community Purpose';
 - d) 'Residential Building'; and
 - e) 'Place of Worship'.
 3. The term 'Residential Building' shall have the same meaning given to it in the Residential Design Codes, as amended.

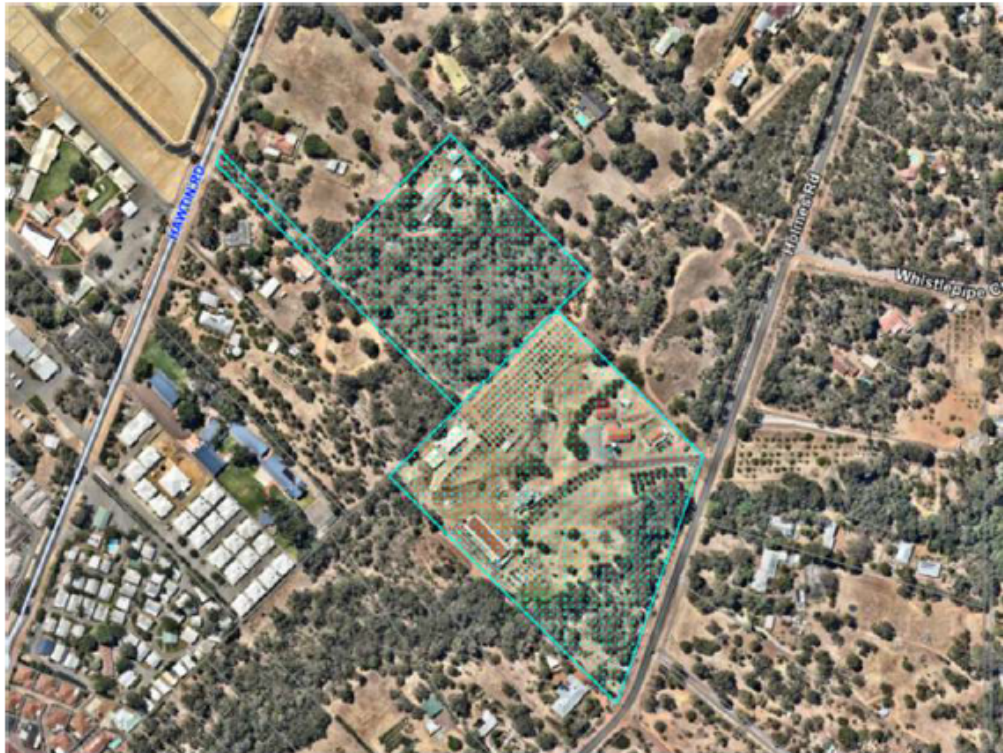
3. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the Scheme. Rather than all development applications on the site requiring assessment as a 'non-conforming use' under Clause 4.8 of the Scheme.
4. It is recommended Council adopts Amendment 94 to the Scheme without modification.

BACKGROUND

5. **Land Details:**

Land Area:	56,555m2
Local Planning Scheme Zone:	Special Rural
Metropolitan Regional Scheme Zone:	Rural

6. **Locality Plan:**



7. The site consists of an existing Greek Orthodox Church which pre-dates the gazettal of the Scheme. As a result, the existing Greek Orthodox Church has established 'non-conforming use' rights under Clause 4.8 of the Scheme.
8. There are 10 existing structures across the subject site inclusive of a dwelling, caretakers dwelling, monks residential building, chapel, dining hall, toilet block and four outbuildings. In addition to the above, a domestic orchard and olive grove is maintained on site.

9. The subject site is identified on the City’s Municipal Heritage Inventory (Place No.85 – Green Orthodox Church). The City’s Municipal Heritage Inventory states that following statement of significance:

'The place has social value for the members of the community who attend the church.'

10. In September 2017, Amendment 94 was to be considered by Council for the purposes of public advertising. However, at the Applicant’s request, the matter was withdrawn to enable a subdivision application to be lodged with the Western Australian Planning Commission (WAPC) seeking approval for the amalgamation of Lot 112 and Lot 14.
11. In December 2018, the WAPC issued a conditional approval for the amalgamation of Lot 112 and Lot 14, which has been subsequently cleared by the City in March 2019.

DETAILS

12. Amendment 94 proposes to rezone the site to 'Special Use', and insert additional site-specific development conditions into Schedule 4 of the Scheme as follows:

No.	Description of Land	Special Use	Conditions
SU20	Lot 112 (280) Holmes Road, Forrestfield	Place of Worship	a) Land use permissibility shall be in accordance with the provisions of the 'Special Rural' zone. b) Within this zone the following uses are not permitted unless approval is granted by the Council ('A') <ul style="list-style-type: none"> i. Ancillary Dwelling; ii. Caretakers Dwelling; iii. Community Purpose; iv. Residential Building; and v. Place of Worship. c) The term 'Residential Building' shall have the same meaning given to it in the Residential Design Codes, as amended.

13. The proposal seeks to enable the existing Greek Orthodox Church and associated land uses to be capable of approval under the provisions of the Scheme. Rather than all development applications on the site requiring assessment as a 'non-conforming use' under Clause 4.8 of the Scheme.
14. In support of Amendment 94, the applicant has submitted a Scoping Statement and Master Plan (Attachment 2).

STATUTORY AND LEGAL CONSIDERATIONS

15. **Metropolitan Region Scheme**

The subject site is classified 'Rural' under the Metropolitan Region Scheme (MRS).

16. **City of Kalamunda Local Planning Scheme No. 3**

Under the provisions of the Scheme, the subject site is currently zoned Special Rural.

17. The objectives of the 'Special Rural' zone are outlined in Part 4.2.2 (Objectives of the Zones: Rural Zones) of the Scheme as follows:

- a) *To enable smaller lot subdivision to provide for uses compatible with rural development.*
- b) *To retain amenity and the rural landscape in a manner consistent with orderly and proper planning.*

18. The acceptable circumstances for the creation of a 'Special Use' zone are outlined in Part 5.16.1 of the Scheme as follows:

The local government shall only make such special provision by the creation of a special use zone when it considers that the special provisions:

- a) *Will satisfy a specific need(s) in the locality where the subject land is situated;*
- b) *Would enhance the amenity and the interest of the orderly and proper planning of the locality; and*
- c) *Would be specifically appropriate or desirable.*

19. The objectives of the 'Special Use' zone is outlined in part 5.16.2 of the Scheme as follows:

- a) *To make provision for a specific use or combination of uses on particular land where provisions of the Zoning Table would otherwise restrict this, or to prevent the establishment of a use or combination of uses where the provisions of the Zoning Table would otherwise allow this;*
- b) *To ensure that any use or development of land which is considered to have significant impact, takes place only after the amendment process has been undergone; and*
- c) *To allow for the inclusion of specific uses or combinations of uses on particular land either with or without base zoning (from the Zoning Table) of that land.*

20. Pursuant to Schedule 1 of the Scheme a Place of Worship, Community Purpose and Caretaker's Dwelling are defined as follows:

Place of Worship – means premises used for religious activities such as a church, chapel, mosque, synagogue and temple.”

Community Purpose – means the use of premises designed or adapted primarily for the provision of educational, social or recreation facilities or services by organisations involved in activities for community benefit.”

Caretaker's Dwelling – means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation of plant.

21. Schedule 1 of the Scheme does not define a residential building. Accordingly, the definition of a Residential Building as outlined in section 33 of the report has been included as a condition of the Special Use zone.

22. Pursuant to Table 1 of the Scheme, a 'Place of Worship' is an 'X' (Not Permitted) use within the Special Rural zone. However, the existing Greek Orthodox church operates in accordance with previous approval under a superseded version of the Scheme.

23. Accordingly, the existing church is a non-conforming use, and retains a 'non-conforming use right' under clause 4.8 of the Scheme. This means that the existing Greek Orthodox church is able to continue operating, even though it is a land use which is not permissible under the current Scheme as noted below:

"Except as otherwise provided in this Scheme, no provision of the Scheme is to be taken to prevent –

- a) The continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme; or*
- b) The carrying out of any development on the land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- c) Subject to clause 11.2.1, the continued display of advertisement which were lawfully erected, placed or displayed prior to the gazettal date."*

24. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)* (Regulations), requires a resolution of the local government to adopt or refuse to adopt the proposed Local Planning Scheme Amendment. The resolution must specify and provide justification for the type of amendment (basic, standard or complex).

25. Pursuant to Regulation 34, the proposed Amendment is considered to be a standard amendment as it:
- a) Is consistent with the objectives identified in the Scheme for the Special Rural zone. The amendment proposes a larger lot and retains an existing combination of uses which are not seen to impact the amenity of the rural landscape;
 - b) Is consistent with the City of Kalamunda Local Planning Strategy to protection of the natural environment, biodiversity and provision of community facilities;
 - c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
 - d) Is considered to have a minimal impact upon the land within the City of Kalamunda, as the combination of uses pre-dates the gazettal of LPS3; and
 - e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

26. **Planning and Development Act 2005**

Pursuant to Sections 81 and 82 of the Planning and Development Act 2005, the amendment was referred to the Environmental Protection Authority (EPA) prior to the public advertising of the amendment.

27. Pursuant to section 172 of the *Planning and Development Act 2005* a non-conforming use is defined as follows:
"non-conforming use means a use of land which, though lawful immediately before the coming into operation of a planning scheme or amendment to a planning scheme, is not in conformity with a provision of that scheme which deals with a matter specified in Schedule 7 clause 6 or 7;"

POLICY CONSIDERATIONS

28. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**

Clause 6.3 of SPP 3.7 sets out the information required to accompany higher order strategic planning documents. Consistent with clause 6.3, a Bushfire Management Plan has been submitted with the proponent's request to amend the Scheme.

29. **State Planning Policy 7.3 – Residential Design Codes – Volume 1**

Appendix 1 of SPP 3.1 defines a Residential Building as:
'a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- a) *Temporarily by two or more persons; or*
- b) *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.'*

30. Schedule 1 of the scheme does not define a residential building; accordingly, the proponent has included the Residential Design Codes definition as a Residential Building within the Special Use.

31. **Local Planning Policy P-DEV 55 – Places of Worship**

The City's Local Planning Policy P-DEV 55, gives guidance surrounding the assessment of scheme amendments and development applications for places of worship within the City of Kalamunda.

32. P-DEV 55 seeks to ensure that the operation of Place of Worship activities '*do not affect or impinge on the prevailing amenity of the local area*' and to '*facilitate and provide guidance in terms of appropriate locations within the City of Kalamunda for places of worship and associated land uses*'.

33. Consistent with P-DEV 55, the proponent has submitted an overall master plan for the site, a bushfire management plan and proposed a Special Use over the subject site which accommodates all incidental uses associated with the existing Greek Orthodox Church.

34. When considering a site appropriate for a Special Use Amendment, the City is to have due regard for Table 1 of P-DEV 55. Table 1 sets out the recommended separation distances between existing and proposed places of worship. Within the Special Rural zone, a 500m separation distance is outlined and is to be measured from lot boundary to lot boundary.

35. The proposed separation distance from the site to Hillside Church is 353.5m and 201m to Foothills Church of Christ. However, it should be noted that the existing Church and associated uses were approved prior to the adoption of P-DEV 55 and the siting requirements listed in Table One were not a consideration of the initial approval in 1981.

36. It should be noted that P-DEV 55 outlines site development requirements surrounding acceptable built form outcomes of Places of Worship. However, no new built form is proposed as part of this request to amend the local planning scheme. Any future built form outcomes on the subject site will be assessed against the site development requirements of P-DEV 55.

37. Notwithstanding the above, it should be noted that the existing Church and associated uses were approved prior to the adoption of P-DEV 55. Accordingly, the siting requirements stated in P-DEV 55 were not a consideration of the initial approval in 1981.

38. **Local Planning Policy P-DEV 64 – Requirements for Local Planning Scheme Amendments**

The City's Local Planning Policy P-DEV 64, provides guidance in respect to the process and level of detail required for a Local Planning Scheme Amendment based on whether the amendment is Basic, Standard or Complex.

39. Consistent with P-DEV 64, the proponent has submitted a 'Land Use Scoping Statement and Concept Master Plan'. The submitted statement and master plan outlines the anticipated built form and intended outcomes for the site. Covering the proposed scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints and prevailing amenity.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

40. The proposal was assessed from a Building and Engineering Services perspective, no concerns regarding to the proposed amendment were made evident.

External Referrals

41. In accordance with s81 and 82 of the *Planning and Development Act*, Amendment No.94 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. 94 did not require assessment under Part IV Division 3 of the EP Act, enabling the City to advertise Amendment No. 94.
42. Following receipt of comment from the EPA, proposed Amendment No. 94 was advertised in accordance with the LPS Regulations and the City's *Local Planning Policy P-DEV 45 – Public Notification of Planning Proposals* for a period of 43 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 notice to applicable public authorities;
 - e) Letters to landowners and occupiers within 300m of the site; and
 - f) Signage on site.
43. During the advertising period a total of 8 submissions were received from public authorities. All submissions received were either comments or no-objections to Amendment 94. 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 3.

FINANCIAL CONSIDERATIONS

44. All costs associated with advertising and assessment of the Scheme Amendment are to be borne by the Applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

45. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.2 - Empower, support and engage and with young people, families and our culturally diverse community.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

Strategy 3.4.2 - Advocate and facilitate diversification options for the rural properties to flourish.

SUSTAINABILITY

Social Implications

46. The existing Greek Orthodox Church currently provides religious services for the surrounding community. Which benefits the residents of the City who attend the subject site for worship.

47. It is to be noted that the City has not received any complaints regarding the existing monastery. However, any future impacts upon the amenity of the locality could be managed through conditions of future development approvals.

Economic Implications

48. Nil

Environmental Implications

49. The proposal does not include any new built form on the subject site, or any clearing of existing vegetation. Accordingly, there are not seen to be any environmental implications resulting from the proposed amendment.

RISK MANAGEMENT CONSIDERATIONS

50.

Risk: The Amendment is not adopted for final adoption and proceeds to the WAPC with a recommendation of refusal.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
Convey to the Elected Members that the existing Greek Orthodox Church/Monastery operates lawfully under a non-conforming use right. The incorporation of a special use into the Scheme which formalises the existing church is not seen to adversely impact the amenity of the locality.		
51.

Risk: Proceeding with Amendment 94 may result in future intensification of the site resulting in undue amenity impacts on the prevailing amenity of the surrounding area.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
The concept plan which outlines the anticipated built form and intended outcomes for the site with respect to the scale and intensity of use, streetscape, tree preservation, open space, site limitations or constraints and prevailing amenity indicates that no further development is envisaged for the site. Any proposal contrary to this, would require further approval from the City where potential amenity impacts can be further considered.		

OFFICER COMMENT

52. Pursuant to Clause 4.8 of the Scheme, the existing church and associated land uses operate under a non-conforming use right. Despite lawful approval under a previous Scheme, all development applications on the site are subject to assessment as a non-conforming use.
53. Amendment 94 has been submitted to facilitate the assessment of future development applications on the subject site. The proposal retains the existing land use permissibility of the Special Rural Zone whilst adding discretion for Council to grant approval ('A' Use) for an Ancillary Dwelling, Caretakers Dwelling, Community Purpose, Residential Building and a Place of Worship.
54. Clause 5.16.1 of the Scheme, sets out the instances in which local government should make '*special provision by the creation of a special use zone*'. Clause 5.16.1 (a) states that a special use should only be considered when it will '*satisfy a specific need(s) in the locality where the subject land is situated*'. In this regard the existing Church and associated land uses are seen to provide for community needs through the provision of religious, educational and social services.

55. Clause 5.16.1 (b) states that a special use should only be considered when it *'would enhance the amenity and the interest of the orderly and proper planning of the locality'*. The proposed special use is not seen to impact the existing amenity of the locality, as all additional uses are existing on site. Moreover, it is considered that the amenity would be enhanced by virtue of the religious services offered to the community the church serves.
56. The locality has a prevailing amenity of large rural lots with mature native vegetation. The existing olive grove, fruit orchards, landscaping and mature native vegetative buffer on site are seen to be consistent with the special rural zone and contribute to the attractive rural amenity of the locality.
57. Clause 5.16.1 (c) states that a special use should only be considered when it *'would be specifically appropriate or desirable'*. The Greek Orthodox church was approved under a previous scheme and retains a non-conforming use right under Clause 4.8 of the scheme. Accordingly formalising an existing approved use is considered appropriate.
58. With the exception of an approved chapel and future monastery shop/bookshop, the Greek Orthodox Church has no intentions to expand the existing structures/land uses now or in the future. The existing place of worship generates traffic associated with approximately 50 people visiting the site for weekly worship on a Sunday morning. This is not expected to significantly increase following rezoning of the subject site to Special Use. Furthermore, there are no plans to clear any existing vegetation from the subject site.
59. Amendment 94 is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
60. Amendment 94 will remove an anomaly under the Scheme where an approved use is now a prohibited use in the Special Rural zone. The creation of a Special Use zone will simplify the consideration and assessment of any future development on the site.
61. Having regard to the above, it is recommended that Council adopts Scheme Amendment 94 for final adoption.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT proposed Scheme Amendment 94 to Local Planning Scheme No.3 (Lot 112 (280) Holmes Road, Forrestfield) pursuant to Regulations 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. CONSIDER proposed Scheme Amendment No. 94 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) The Amendment is consistent with the objectives identified in the Scheme for the Special Rural zone;
 - b) The Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the site, and the applicable strategic planning framework;
 - c) The Amendment is considered to have a minimal impact upon the amenity of the locality within the City of Kalamunda;
 - d) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
 - e) The Amendment is neither complex nor basic, as defined under Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. FORWARD to the Western Australian Planning Commission the summary of submissions and responses and all required scheme amendment documentation pursuant to Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.1.2. Proposed Structure Plan Amendment - Lot 17 (228) Sultana Road East, Forrestfield

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

The Manager Approval Services provided a presentation on this Item.

A deputation was received from a resident from 21 Seville Road, Forrestfield. Clarification was sought on aspects of the proposed structure plan. The Manager Approval Services provided responses to matters raised.

A deputation was received from a representative of the Applicant, Planning Solutions Pty Ltd. Council sought clarification on various aspects of the proposed Structure Plan. Responses were provided by the Director Development Services and the representative of Planning Solutions.

Previous Items	NA
Directorate	Development Services
Business Unit	Approval Services
File Reference	SL-07/228
Applicant	Planning Solutions Pty Ltd on behalf of Hillburn Developments
Owner	Jeffrey Michael Glisenti & Moya Olive Glisenti
Attachments	<ol style="list-style-type: none">1. Proposed Structure Plan Amendment [10.1.2.1 - 1 page]2. Road Network Changes [10.1.2.2 - 1 page]3. Initial Proposal [10.1.2.3 - 1 page]4. Forrestfield U7 ODP Areas 23-4 [10.1.2.4 - 1 page]5. Submission Table [10.1.2.5 - 18 pages]6. Applicant Report & Technical Studies [10.1.2.6 - 173 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is to consider an amendment to the Forrestfield U7 Structure Plan (Structure Plan), as shown in Attachment 1.
2. The applicant proposes to change the structure plan in the following ways:
 - a) Increasing the density of Lot 17 (228) Sultana Road East, Forrestfield from R12.5 to R20, from R20 to R25 and from R20 to R40;
 - b) Removing a section of proposed road connecting Sultana Road to Mangosteen Drive and Quince Way; and
 - c) Relocating the road to connect Mangosteen Drive and Quince Lane. Refer to Attachment 2.

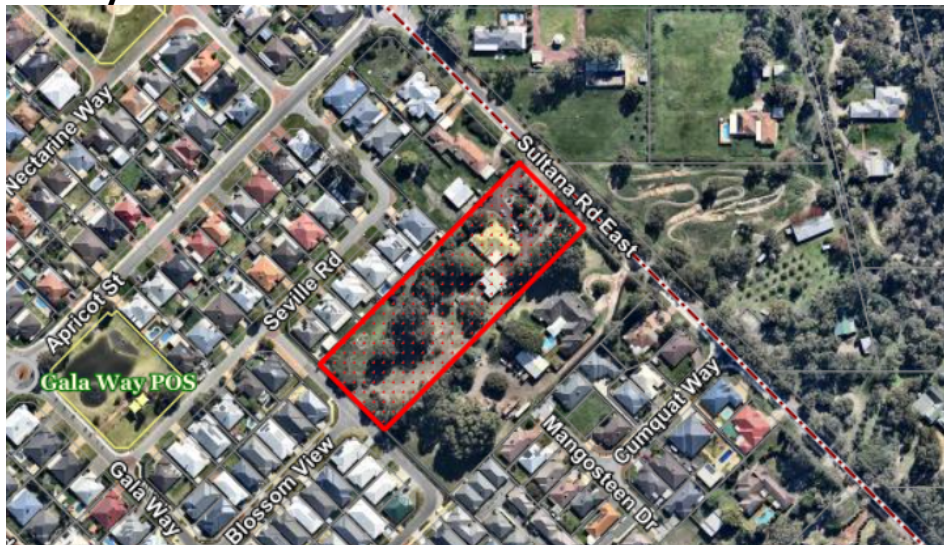
3. During the consultation period, a total of twenty-seven objections and two non-objections were received regarding the proposal. Subsequent to the advertising period and in response to the submissions, the City of Kalamunda (the City) in discussion with the applicant further modified the Structure Plan Amendment. (See Attachment 3 – initial Structure Plan Amendment in comparison to Attachment 1 – current Structure Plan Amendment).
4. It is recommended Council forward the Forrestfield U7 Structure Plan Amendment to the Western Australian Planning Commission (WAPC) with a recommendation for approval subject to modifications.

BACKGROUND

5. **Land Details:**

Land Area:	10001.00 m ² 1.00 ha
Local Planning Scheme Zone:	Urban Development
Structure Plan Zoning:	Residential R12.5 R20
Metropolitan Regional Scheme Zone:	Urban

6. **Locality Plan:**



7. **Zoning Map:**



- 8. On 10 October 1997, Amendment 166 to the then Shire of Kalamunda District Planning Scheme was approved by the Minister for Planning. The amendment rezoned the land bounded by Hawtin Road, Sultana Road East, Roe Highway and Berkshire Road ('known as Planning Unit 7' or 'U7') from 'Special Rural' to 'Urban Development'.
- 9. An Outline Development Plan was prepared in May 1998, and subsequently adopted by Council on 15 June 1998. Under the *Planning and Development (Local Planning Scheme) Regulations 2015*, Outline Development Plans are now defined as Structure Plans.
- 10. The most recent amendment to the Structure Plan was approved by the WAPC on 13 February 2013. The current adopted version of the Forrestfield U7 Structure Plan is Attachment 4.

DETAILS

- 11. The subject site is currently identified as 'Residential' under the Structure Plan, with a designated residential density code of R12.5 adjoining Sultana Road East, and R20 for the remainder of the site.
- 12. The northern portion of the subject site is currently identified as Residential R12.5 under the Structure Plan and provides an interface to the larger Rural-Residential land parcels to the north of Sultana Road East.
- 13. The subject site is otherwise surrounded by predominantly Urban, Residential R20 lots.
- 14. The northern portion of the subject site currently contains a single residential building and an outbuilding. The remaining area of the site is generally vacant, comprising remnant vegetation.

15. Movement Network
The current Structure Plan shows a future public road running through the site along the eastern boundary of the property connecting Sultana Road East with Quince Lane. The future road is shown to connect midway with Mangosteen Drive.
16. The Structure Plan Amendment proposed low to medium density residential development, identifying densities of R20, R25 and R40. The indicative subdivision provided with the proposal shows the density to yield approximately 27 lots ranging in size from 210m² to 450m².
17. The amendment proposes the following changes as shown in Attachment 2:
- a) Deleting the northern portion of the future public road that connects to Sultana Road East.
 - b) Relocating the southern portion of the future public road 17m to the north-west through the centre of the subject site.
 - c) Creating an indicative common driveway access for 7 strata lots accessible from the future road.
18. To support the proposal the applicant has provided the following technical studies:
- a) Geotechnical Report;
 - b) Infrastructure Servicing Report;
 - c) Traffic Engineering Report;
 - d) Urban Water Management Plan; and
 - e) Bushfire Management Plan (Attachment 6).

STATUTORY AND LEGAL CONSIDERATIONS

Metropolitan Region Scheme

19. Under the provisions of the Metropolitan Region Scheme (MRS) the subject site is zoned Urban. The proposed amendment to the structure plan is consistent with the provisions of the MRS.

Planning and Development (Local Planning Schemes) Regulations 2015

20. Schedule 2 Clause 29 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) states that

"A structure plan may be amended by the Commission at the request of the local government or a person who owns the land in the area covered by the plan."

21. Under clause 22 (1) of the Regulations, on receipt of a report for a structure plan amendment, the WAPC may:
- a) Approve the Structure Plan; or
 - b) Require the City or the applicant to –

- i. Modify the Structure Plan in the manner specified by the WAPC;
and
 - ii. Resubmit the modified Structure Plan for the WAPC for approval;
or
 - c) Refuse to approve the Structure Plan.

- 22. Consistent with Clause 29 (1) of the Regulations, the Forrestfield U7 Structure Plan Amendment has been submitted by Planning Solutions who are the planning consultants acting on behalf of Hilburn Developments and by extension the owners of the land covered by the plan for the proposed Structure Plan amendment.

- 23. Pursuant to clause 29 (2) of the Regulations, a Structure Plan amendment is to follow the same process for making a structure plan, and the City is required to undertake the following actions:
 - a) Determine the level of information required to be provided with the Structure Plan;
 - b) Assess the Structure Plan against appropriate planning principles;
 - c) Advertise the Structure Plan;
 - d) Consider and respond to submissions received during advertising; and
 - e) Prepare a report and recommendation on the proposed Structure Plan amendment and forward the City's recommendation to the WAPC for decision.

Local Planning Scheme No.3

- 24. The site subject to the proposed amendment is currently zoned Urban Development under the provisions of Local Planning Scheme No.3 (the Scheme). Clause 4.2.1 of the Scheme outlines the objectives of the Urban Development zone as follows:
 - a) *To provide orderly and proper planning through the preparation and adoption of Structure Plan setting the overall design for the area.*
 - b) *To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.*

- 25. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. The Forrestfield U7 Structure Plan has been in effect since 1998 and is consistent with the objectives of the Urban Development zone.

- 26. Clause 6.2.7.2 of the Scheme states that:

If a structure plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes then:

 - a) *The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and*

enforceable in the same way as corresponding provisions incorporated in the Scheme; and

- b) *Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.*

27. However, clause 6.2.7.2 of the Scheme no longer has effect and is superseded by Schedule 2 clause 27 (1) of the Regulations which states:

A decision maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.

28. All future development on the subject site will have due regard to the Forrestfield U7 Structure Plan as amended.

POLICY CONSIDERATIONS

Perth and Peel @ 3.5million – North-East Sub-Regional Planning Framework

29. The North-East Sub-Regional Planning Framework (Sub-Regional Framework) is the strategic planning document that encompasses the area of Forrestfield and sets out proposals to meet future housing, employment and infrastructure needs while protecting environmental and landscape values.
30. The Sub-Regional Framework suggests the development of land zoned Urban and Urban Deferred should occur to accommodate increased urban infill development and higher densities in undeveloped areas already zoned for urban use. The subject site is identified as 'Urban' under the framework and is therefore identified as suitable location for accommodating increased urban development.
31. The Sub-Regional Framework sets out to "*achieve a more consolidated urban form and development*" and "*meet long term housing requirements*". The proposed increase in residential density (R12.5 to R20 and R20 to R25/R40) is consistent with the Sub-Regional Framework aim of "*delivering a more consolidated urban form and achieving a more efficient and cost-effective urban structure that minimises environmental impacts*".

Liveable Neighbourhoods 2009

32. Liveable Neighbourhoods is an operational WAPC policy that guides structure planning and subdivision of large sites. The proposed amendment has been prepared in accordance with the current (January 2009) version of Liveable Neighbourhoods. An updated version of Liveable Neighbourhoods was released by the Department of Planning for the purposes of public review in October 2015.

33. Liveable Neighbourhoods is a performance-based document made up of 8 elements and sub-objectives under each element. These elements include:
- a) Element 1 – Community Design
 - b) Element 2 – Movement Network
 - c) Element 3 – Lot Layout
 - d) Element 4 – Public Parkland
 - e) Element 5 – Urban Water Management
 - f) Element 6 – Utilities
 - g) Element 7 – Activity Centres and Employment
 - h) Element 8 – Schools.
34. The Structure Plan Amendment is consistent with the principals, objectives and requirements of each of the relevant Liveable Neighbourhoods design elements.
35. Liveable Neighbourhoods states that in most new urban areas, urban densities of at least 15 dwellings per urban hectare, and an average of 22 dwellings per site hectare, should be provided. The draft Liveable Neighbourhoods policy document proposes an increase in this target to 26 dwellings per site hectare. The Structure Plan amendment proposes to increase the potential density of the subject site from approximately 17 dwellings per site hectare, to 27 dwellings per hectare. The proposed structure plan amendment meets the density target outlined in Liveable Neighbourhoods.

Affordable Housing Strategy 2010-2020

36. The Affordable Housing Strategy 2010-2020 (Affordable Housing Strategy) is a 10-year strategic document intended to address a lack of affordable housing opportunities for low to moderate income earners in Western Australia.
37. The Strategy focuses on allowing a greater diversity in dwelling stock to be made available to the housing market. Further the Affordable Housing Strategy emphasises the importance of facilitating the delivery of dwelling diversity in local areas.
38. The Structure Plan amendment offers the opportunity, through increased density, to provide dwelling diversity and affordable housing opportunities in a manner consistent with the Affordable Housing Strategy.

City of Kalamunda Local Housing Strategy 2014

39. The City's Local Housing Strategy was adopted by Council on 24 March 2014. Although the subject site is not specifically addressed in the Local Housing Strategy, the proposed amendment to the Forrestfield U7 Structure Plan is consistent with the objectives of the strategy.

City of Kalamunda Local Planning Strategy 2010

40. The City's Local Planning Strategy sets out key strategies and actions for the strategic planning direction of the City. The strategy is summarised into 11 key statements. Statement 3 outlines a main priority of the strategy being *"the provision of a range of housing types to suit the demographic profile"*.
41. The development of new dwelling units is described as a priority for the Forrestfield U7 area which includes the subject site.

State Planning Policy 7.3 - Residential Design Codes

42. The Residential Design Codes (SPP 7.3) apply to all residential development. The objective of the R-Codes is to ensure appropriate residential built form outcomes and density in line with the Scheme.
43. In this regard, any subsequent development of the lot(s) will be assessed against SPP 7.3; and any subsequent subdivision will be required to achieve the minimum and average lot sizes outlined in Table One of SPP 7.3:

R-CODE	DWELLING TYPE	MINIMUM SITE AREA PER DWELLING
R12.5	Single house or grouped dwelling	Min: 700sqm Av: 800sqm
	Multiple Dwelling	800sqm
R20	Single house or grouped dwelling	Min: 350sqm Av: 450sqm
	Multiple Dwelling	450sqm
R25	Single house or grouped dwelling	Min: 300sqm Av: 350sqm
	Multiple Dwelling	350sqm
R40	Single house or grouped dwelling	Min: 180sqm Av: 220sqm

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

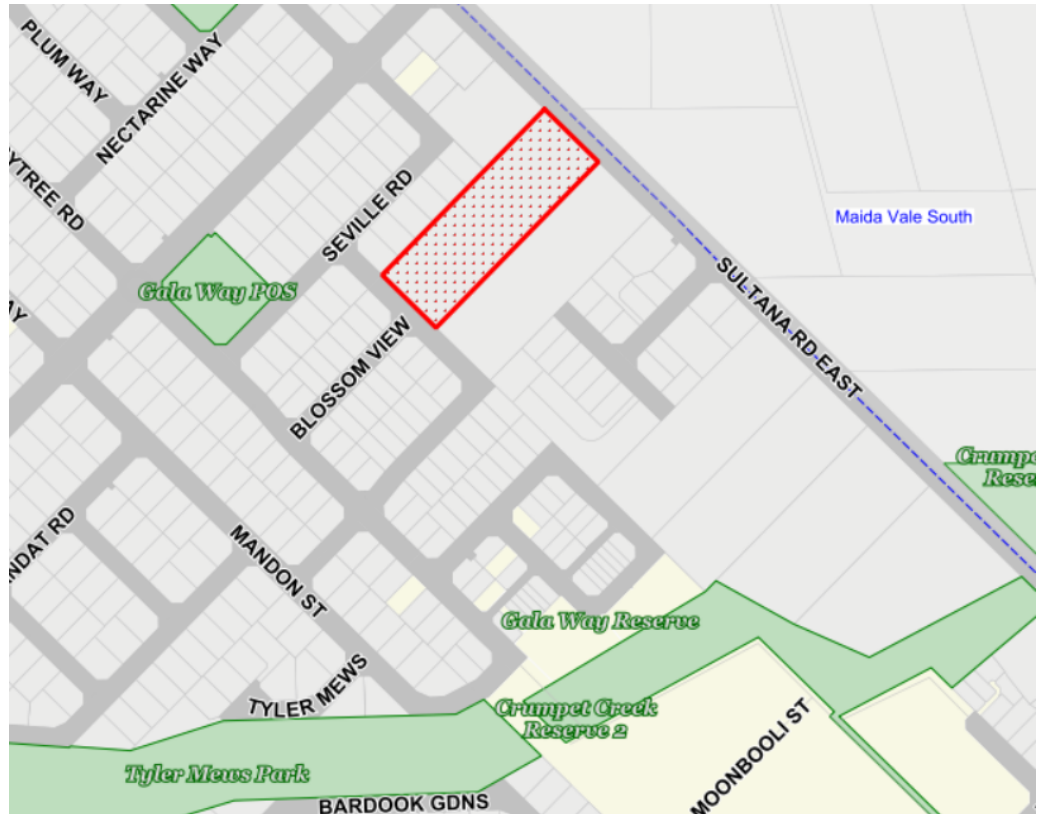
44. The intent of State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals consider bushfire protection requirements through implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
45. Most of the subject site is located within a Bushfire Prone Area. As such, the requirements of SPP 3.7 apply in addition to the provisions or requirements of the Special Controls Area relating to Bushfire Prone Areas under the Scheme.
46. A Bushfire Management Plan has been submitted in accordance with clauses 6.2 & 6.3 of SPP 3.7 which:
- Shows the results of a Bushfire Hazard Level (BHL) assessment;
 - Was completed by an accredited Bushfire Planning Practitioner;
 - Includes a BAL Contour Map displaying the indicative BAL ratings of the subject lot(s);
 - Highlights any bushfire hazard issues; and

- e) Demonstrates compliance with the bushfire protection criteria.
47. The BAL report indicates most of the site is designated as BAL-LOW with portions of the site subject to a BAL-12.5.

WAPC Development Control Policy 2.3 Public Open Space in Residential Areas

48. Development Control Policy 2.3 (DC 2.3) seeks to preserve amenity and contribute to the quality of life in urban areas by recommending any subdivision creating more than five lots is to provide public open space.
49. The WAPC's normal requirement in residential areas is that, where practicable, 10 percent of the gross subdividable area be given up free of cost by the subdivider and vested in the Crown as a Reserve for Recreation.
50. Sections 153 to 154 of the *Planning and Development Act 2005* contain provisions under which a cash payment can be made by the subdivider in certain circumstances in lieu of providing land for public open space. These circumstances include subdivisions where the land is such that a 10 percent contribution would be too small to be of practical use and there is sufficient public open space already provided in the immediate locality.
51. There are currently four POS reservations within a 400m radius of the proposal. These reservations are as follows:
- a) Gala Way Public Open Space (0.4ha) - Primarily utilised for drainage with a small recreation and play area;
 - b) Gala Way Reserve (0.28ha) Contains recreation and play areas;
 - c) Crumpet Creek Reserve (1.65ha) Primarily a creek with small breakout areas for recreation and a play area on the northern side of the creek; and
 - d) Tyler Mews Park (approximately 1.96ha) Primarily a creek with breakout areas containing formal trails and grassed areas for recreation.

52.



53. Given the relatively small nature of this development (site area of 1ha) and the close proximity (within 400m of the subject site) of approximately 4.3ha of existing public open space, it is likely that cash in lieu will be required at subdivision stage, rather than a portion of the subdividable area.

Internal Referrals

- 54. The proposed Structure Plan Amendment was assessed from an Asset Services, Building, Strategic Planning and Environmental Health perspective.
- 55. From an Asset Services perspective, the Traffic Engineering Report (Attachment 6) is acceptable. The City has no issue with the proposed amendment regarding the anticipated change in projected traffic generated by the proposal. The existing and proposed future road network can accommodate the density increase in terms of the practical capacity and traffic operations of the surrounding road network. The proposed road layout is acceptable. However, details relating to private crossover arrangements associated with the grouped dwelling site will be considered in detail at the subdivision or development approval stage.
- 56. From an Asset Services perspective, the following issues will need to be addressed at the subdivision phase:
 - a) Vehicles may have difficulty reversing out from proposed Lots SL3 and SL7. This could be resolved by extending the T-junction up to the property boundary or alternatively by including a hammerhead/cul-de-sac treatment.

- b) A truncation is recommended to be provided for the two corners for Lot 6 abutting access way (similar to SL2 and SL1).
- c) To avoid right turn overlapping, Liveable Neighbourhoods suggests a 20m staggered distance between intersections. As this is not being achieved, a subsequent traffic impact assessment needs to indicate an appropriate intersection treatment.
- d) The bin collection location for the indicative grouped dwelling site will have to be justified through a turning template of a refuse truck exiting in forward gear from the common property driveway.

57. From an Asset Services perspective, the following investigations would be required with any subsequent proposal for subdivision:

- a) An Urban Water Management Plan (UWMP) provided at the time of subdivision to ensure drainage is contained within the development boundaries. The report submitted with the application does not contain sufficient information to be considered an UWMP.

External Referrals

58. Consistent with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18 of the Regulations, the proposed amendment was advertised for a period of 14 days concluding on the 28 June 2019.

59. In accordance with Table One of Local Planning Policy 11– Public Notification of Planning Proposals and Schedule 2 Clause 18(2) & Clause 18(3) of the Regulations, the advertising period involved the following:

- a) Letters sent to property owners within 100m of the site.
- b) Publishing a notice of the proposed amendment on the City's website.
- c) Publishing a notice in the local newspaper.

60. During advertising, the City received 27 submissions, all of which were objections, and two submissions from public authorities and utility service providers. A summary of all submissions received and responses to submissions are provided in Attachment 5.

61. The major concerns received during the consultation period in response to the Initial Structure Plan Amendment (Attachment 3) were:
- a) The potential for increased in traffic in the locality;
 - b) The potential for increased crime;
 - c) The impact of an increased density on the amenity of the locality;
 - d) The area should remain rural; and
 - e) Changes to the existing built form in the area.

62. In regard to the concerns raised during advertising, the following comments are made:

The potential for increased traffic in the locality

The proposed changes to the residential density code have been amended to reduce the area of R40 and the inclusion of an area of R25 and retention of R20. This has reduced the increase in the number of dwellings from 15 to 10 dwellings per hectare (1/3 reduction). It is expected however that the number of vehicle movements will increase to what was originally considered in the initial Forrestfield U7 Structure Plan. In support of the amendment, a Traffic Engineering Report has been provided with the application. The report states the proposed changes to the Structure Plan will not have any negative impact to the surrounding network. The City has reviewed the report and considers it is acceptable from a traffic engineering perspective. The existing and proposed future road network has capacity to accommodate the density increase.

63. **The potential for increased crime**

Residential developments will be assessed in accordance with the Crime Prevention through Environmental Design (CPTED) Principles outlined in the Residential Design Codes such as passive surveillance, access, and landscaping. Officers are satisfied that the proposed development is unlikely to increase crime if dwellings and developments are designed in accordance with the Residential Design Codes. Any crime as a result of new individuals living the area needs to be reported to the Police.

64. **The impact of increased density on the amenity of the locality**

The proposed Structure Plan Amendment aligns with the City's Local Planning Strategy and various State Government Strategic documents to enable more housing diversity and house throughout suburban areas. Nonetheless, the City is committed to protecting surrounding residents from any potential impacts resulting from the proposed Structure Plan Amendment. Any issues relating to undue impacts upon surrounding landowners (i.e. privacy, overlooking, overshadowing, parking and traffic impacts) have been assessed and further details will be further assessed at the subdivision and development stage.

65. **Increased density being inconsistent with the surrounding area**

It is acknowledged that the surrounding Residential development is predominately coded R20 with pockets of R12.5, R30 and R40. The proposed changes to the residential coding's as outlined in Attachment 1 are in response to the submissions received to the proposal. Moreover, the proposed residential density of R20, R25 and R40 are considered to be in a similar band of density and consistent with the strategic planning framework. The City further acknowledges that there will be a different built form as dwelling density increases, but it will not be to an extent that is inconsistent with the surrounding area.

66. **Changes to the existing built form of the area**

No housing designs have been submitted at this stage for the proposal. For site specific design solutions, the City expects that a Local Development Plan will be required. Local Development Plans typically provide quality built form outcomes through appropriate mechanisms, i.e. mandating two storey development on smaller building envelopes.

67. **The area should remain rural**

The subject site is zoned 'Urban' under the MRS and 'Urban Development' under the City's LPS3. Development in the manner proposed is more consistent with the objectives of the current zoning than rural style development.

68. Referrals to external agencies:

Consistent with Regulation 18 (1) (b) of the LPS Regulations, the City is required to:

'seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate'.

Accordingly, the proposed amendment was referred to the Department of Fire and Emergency Services, the Water Corporation and Western Power.

69. The Department of Fire and Emergency Services (DFES) provided a response advising the bushfire management plan had adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. (Attachment 5).

70. The Water Corporation provided a response advising they had no objection to the overall water and wastewater servicing strategy outlined in the servicing report and will await a more detailed water and wastewater reticulation plan prepared by the proponent at the subdivision stage. (Attachment 5).

FINANCIAL CONSIDERATIONS

71. In accordance with Regulations 48 and 49 of the Regulations , any costs associated with advertising and assessment of the Structure Plan amendment will be met by the applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

72. *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

73. Supporting the increased density at the subject lot(s) will ultimately lead to greater diversity in housing stock and greater housing affordability.

Economic Implications

74. Should the proposed amendment for increased density be supported, there would be an increased in the number of dwellings and population in the locality. The increased population in the locality could positively impact the local economy with an increased number of dwellings making up the resident population.

Environmental Implications

75. The subject lot contains an existing single house and outbuilding. There are a number of mature trees on the lot. Efforts can be made at the time of subdivision to retain vegetation were practical.

RISK MANAGEMENT CONSIDERATIONS

76.

Risk: Adopting the structure plan amendment would increase the likelihood of built form conflict between adjoining landholdings.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
a) Any issues relating to undue impacts upon surrounding landowners (i.e. privacy, overlooking, overshadowing, parking and traffic impacts) have been assessed or will be dealt with at the subdivision and development phase.		
b) Ensure the compliance of future built form against the design principles of the Residential Design Codes.		
c) Recommend a Local Development Plan should the subject land be subdivided.		

77.

Risk: Adopting the amended plan could result in an increase in traffic and amenity impacts through the locality.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Low
Action/Strategy		
a) The Traffic Engineering Report provided in support of the proposal is acceptable to the City. The existing and proposed future road network can accommodate this minor increase with regard to practical capacity and traffic operations.		
b) Ensure future private crossover locations along the new proposed road network are compliant against the design principles of the Residential Design Codes.		
c) Recommend a Local Development Plan should the subject lots be subdivided.		

OFFICER COMMENT

78.

The proposed Structure Plan amendment has been initiated with the overall intent of facilitating subdivision of the lot for residential purposes. The amendment proposes to change the Structure Plan in the following ways:

- a) Increasing the density of Lot 17 (No.228) Sultana Road East, Forrestfield from R12.5 to R20, from R20 to R25, and from R20 to R40.
- b) Removing a section of proposed road connecting Sultana Road to Mangosteen Drive and Quince Way.
- c) Relocating the road to connect Mangosteen Drive and Quince Lane. Refer to Attachment 2.

79. The City requested several changes to the initial proposal as shown in Attachment 3. The main concern related to the proposed area of R40 coding which would have allowed for the creation of 28 R40 coded lots through the subdivision process. The proposed yield in comparison to neighbouring sites was not justified as there was a lack of context and consistency with surrounding development.
80. In response to the concerns raised regarding the number of R40 coded lots, the applicant has provided a revised Structure Plan amendment (Attachment 1). The revised amendment now incorporates an area of R25 coded lots, reducing the number of proposed R40 lots to sixteen. The R25 coding will provide a transition between the R20 'buffer' zone and the R40 lots to the South.
81. The Structure Plan amendment now nominates a density of R20, R25 and R40 for the 1ha site which has an expected yield of twenty-seven lots ranging in size from 210m² to 450m². This proposed density is consistent with the overarching strategic framework and will allow for the efficient in fill of an existing urban area. It is expected the differing coded areas will allow for a range of residential lot sizes to suit a variety of dwelling and household types.
82. Pursuant to Schedule 2, Part 6, clause 47 of the Regulations, a Local Development Plan (LDP) will be recommended as a condition of any subsequent proposal for subdivision. An LDP is typically prepared and submitted prior to development commencing with the aim of coordinating high quality built form outcomes.
83. An LDP could be implemented over the indicative R25 and R40 coded lots and address the following:
- a) Increased permeability through the implementation of pedestrian paths/ cycle networks.
 - b) Indicative building envelopes; including north boundary setback for solar access and the retention of existing vegetation.
 - c) Vehicle access points and garage locations.
 - d) Design Elements - some differing dwelling typologies e.g. two-story dwellings with smaller building footprints.
 - e) Bin pad locations.
 - f) Landscaping – including the possible retention of existing vegetation and the provision of additional street trees.
84. The Traffic Engineering Report provided by the applicant concludes the proposed changes to the movement network and traffic generated by the proposed Structure Plan Amendment, once developed, will not unduly impact upon the flow, speed or safety of the surrounding road network.
85. An Infrastructure Servicing Report has been provided by the applicant and concludes that the subject site can be readily serviced with power, telecommunications and gas, with essential infrastructure already available in the surrounding area.

86. Approval of the Structure Plan Amendment is recommended subject to the following modification:
- a) The Structure Plan shall be annotated to note a Local Development Plan shall be implemented for the indicative R25 and R40 coded Lots

Voting Requirements: Simple Majority

RECOMMENDATION

That Council Pursuant to Clause 20(1) and (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in respect to the proposed Amendment to the Forrestfield U7 Structure Plan – Lot 17 (No.228) Sultana Road East, Forrestfield, referred to as Attachment 1 FORWARD this report, attachments and recommendations, to the Western Australian Planning Commission for approval subject to the following modification:

- a) The Structure Plan including a notation that a Local Development Plan will be prepared for the indicative R25 and R40 coded Lots.

10.1.3. Proposed Amendment No.102 - Lot 4 (51) Canning Road, Kalamunda - Additional Use of Shop (Pharmacy) to Existing Medical Centre

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

The Manager Approval Services provided a presentation on this Item.

Previous Items	OCM 143/2019
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-LPS-003/102
Applicant	Planning Horizons Development Solutions
Owner	K & J Puttappa Bare Pty Ltd Atf The K & J Puttappa Super Pty Ltd
Attachments	<ol style="list-style-type: none"> Attachment 1 - Scheme Amendment [10.1.3.1 - 5 pages] Attachment 2 - Scheme Amendment Request & Applicant Report [10.1.3.2 - 14 pages] Attachment 3 - Environmental Protection Authority Response [10.1.3.3 - 1 page] Attachment 4 - Summary of Submissions [10.1.3.4 - 3 pages]

EXECUTIVE SUMMARY

- The purpose of this report is for Council to consider Local Planning Scheme Amendment No.102 (Amendment 102) to Local Planning Scheme No.3 (Scheme) for final adoption.
- Amendment No.102 proposes the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda (site).
- It is recommended Council adopts Amendment No.102.

BACKGROUND

4. Land Details:

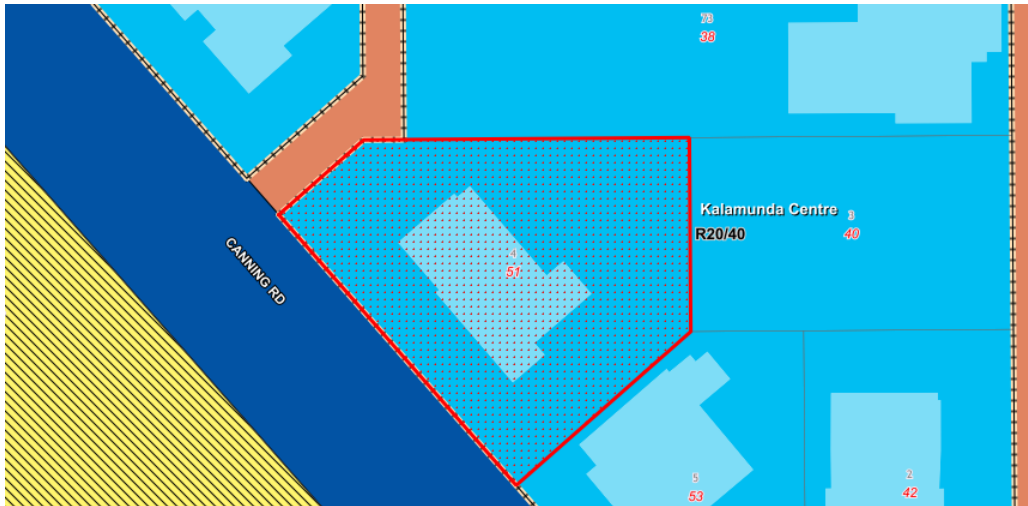
Land Area:	1457.000 m ² 0.14570 ha
Local Planning Scheme Zone:	Mixed Use
Metropolitan Regional Scheme Zone:	Urban

5.

Locality Plan:



6.



7.

The site is located approximately 1 kilometre from the Kalamunda Town Centre. The site fronts Canning Road, with the land immediately surrounding the site being predominantly coded 'Mixed Use' with an applicable R-code of R20/40.

8.

The site currently contains and operates as a Medical Centre with an incidental Pharmacy which was approved by the City of Kalamunda (City) in December 2017. As part of the development application, a pharmacy was proposed within the medial centre development. The pharmacy was approved as an incidental use with restrictions.

9.

The following condition on the original development approval is relevant to this amendment:

Condition 3 states:

'The incidental pharmacy is to be utilised by the patrons of the Medical Centre only. Entrance to the pharmacy shall be maintained via a common foyer area only.'

10. Condition 3 restricts the use of the pharmacy to an incidental use to serve patients / patrons of the medical centre only. Consequently, the pharmacy is currently not available to the general public outside of the medical centre.

DETAILS

11. Amendment 102 has been prepared in response to Condition 3 of the development approval and proposes the additional use of 'Shop', specifically for a pharmacy, to be placed on the subject site (Attachment 1).
12. No structural or layout modifications are proposed for the existing incidental pharmacy. The Applicant has, however, advised that should the amendment be approved, an external access point will be sought for the pharmacy to allow direct access for patrons.
13. The proposed additional use would allow for the restrictions on the pharmacy to be removed. The pharmacy would then be able to be utilised by patrons of the medical centre as well as the general public.
14. Should Council resolve to adopt Amendment 102, it will be determined in accordance with the *Planning and Development Act 2005* and ultimately the WAPC and Minister for Planning.

STATUTORY AND LEGAL CONSIDERATIONS

15. **Metropolitan Region Scheme**

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

16. **City of Kalamunda Local Planning Scheme No. 3**

Under the provisions of the Scheme, the subject site is currently zoned Mixed Use. Under Table 1 – Zoning Table of the Scheme, Pharmacy ('Shop') is an 'X-prohibited use' in the Mixed Use Zone.

17. The objectives of the current zoning of 'Mixed Use' are outlined in Part 4.2.5 (Objectives of the Zones: Other Zones) of the Scheme as follows:

1. *To provide for business and other commercial uses, but excluding shopping.*
2. *To provide for and encourage residential uses, but on the basis of recognition that the zone allows for considerably more non-residential activities than does a Residential zone.*
3. *To provide for professional, civic uses, medical and health related uses.*
4. *To provide for leisure and entertainment uses on a small scale so as not to unduly impinge on the amenity of the residential component of the zone.*

5. *To ensure that the development in the zone is of such design, size, scale and appearance to be compatible with nearby uses or zones, particularly the Residential zones.*

18. Schedule 1 of the scheme defines 'incidental use' as follows:

"incidental use" means a use of premises which is ancillary and subordinate to the predominant or primary use;

19. **Planning and Development (Local Planning Schemes) Regulations 2015 (WA)**

In regard to the processing of Scheme amendments *the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*, distinguishes between 'complex', 'standard', and 'basic' types of Scheme amendments.

(Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations) 2015)

20. The proposed Amendment is a standard amendment as it:

- a) Is consistent with the objectives identified in the Scheme for the Mixed Use zone;
- b) Is consistent with the City of Kalamunda Local Planning Strategy;
- c) Is consistent with the MRS zoning that applies to the site, and the applicable strategic planning framework;
- d) Is considered to have a minimal impact upon the land within the City of Kalamunda; and
- e) Will not result in any significant environmental, social, economic or governance impacts within the surrounding local area.

(Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations) 2015)

21. Subject to s81 and 82 of the of the *Planning and Development Act 2005* (the Act), the City is required to prepare a notice for the purpose of public advertising.

(Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations) 2015)

22. The City is required to pass a resolution regarding Amendment 102 within 60 days of the end of the submission period. The resolution must be made to either:
- a) Support the amendment without modification; or
 - b) Support the amendment with proposed modifications to address issues raised in the submissions; or
 - c) Not support the amendment.

(Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations) 2015*)

23. Within 21 days of the resolution being passed, the City is required to provide advertised Amendment No. 102 to the WAPC, unless otherwise approved.

(Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations) 2015*)

24. The WAPC has 60 days (or within such a longer period as agreed by the Minister) from receiving the documents from the City to consider the documents and make any recommendations to the Minister in respect to Amendment 102 that the WAPC considers appropriate.

(Regulation 55 of the *Planning and Development (Local Planning Schemes) Regulations) 2015*)

25. Once submitted to the Minister for approval, the *Planning and Development Act 2005* (the Act) states the Minister may either:

- a) Approve Amendment 102;
- b) Require the local government to make modifications to Amendment 102; or
- c) Refuse Amendment 102.

(Section 87(2) of the *Planning and Development Act 2005*)

POLICY CONSIDERATIONS

26. North-East Sub-regional Planning Framework

In March 2018, the WAPC finalised the draft Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-regional Planning Framework relevant to the subject site. The frameworks aim to identify how the vision set out in Directions 2031 for a City of 3.5 million people by 2050 can be realised.

27. To achieve this target the City must facilitate structure plans, strategies and amendments that assist in increasing the potential of infill development. Amendment No.102 is in line with this initiative.

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

The City's Local Planning Strategy (Strategy) was adopted by Council in October 2011 and endorsed by the WAPC in February 2013. The purpose of the Strategy is to enable Council to determine the vision and strategic planning direction for the City of Kalamunda for the next 20 years, to coincide with Directions 2031.

29. Clause 2.4.5. Retail and Commerce (outside of Kalamunda Town Centre) of the Local Planning Strategy outlines the following vision statements:

- a) *Activity centres will be attractive, economically successful places, accessible and well connected to residents.*
- b) *Develop centres in accordance with the hierarchy of centres.*
- c) *Ensure centres are capable of meeting a range of local community needs and are appropriately integrated with local community facilities.*
- d) *Have regard to the interface between centres and adjoining communities in regard to design, traffic, parking, noise and lighting.*

30. The proposed Amendment is consistent with the intent of the Strategy.

31. **State Planning Policy 3.7 – Planning for Bushfire Prone Areas**

Given that no changes to the site have occurred since the original BAL assessment was prepared and the development on site complies with the bushfire requirements, no further bushfire mitigation measures are required.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

32. The proposed amendment involves a technical planning matter, with no development aspect proposed. Consequently, the proposal was only assessed from a statutory planning perspective.

External Referrals

33. In accordance with s.81 and s.82 of the *Planning & Development Act 2005 (WA)*, Amendment 102 was referred to the Environmental Protection Authority (EPA) for its consideration under section 48C(1)(a) of the Environmental Protection Act 1986 (EP Act). The City was advised that Amendment 102 did not require assessment under Part IV of the EP Act, enabling the City to advertise Amendment 102 (Attachment 3).

34. Following receipt of the EPA comments, proposed Amendment 102 was advertised in accordance with the Regulations and the City's Local Planning Policy PDEV45 (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 100 metres of the subject site; and
- f) Signage on site.

35. During the advertising period a total of 4 submissions were received, 3 of which were comments and 1 non-objection. Please refer to Attachment 4 for a summary of all submissions.

FINANCIAL CONSIDERATIONS

36. All costs associated with advertising and assessment of the Scheme Amendment are to be borne by the Applicant.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

37. *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 3.3 - To develop and enhance the City's economy.

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

SUSTAINABILITY

Social Implications

38. The proposed additional use would be of community benefit as it would allow for the pharmacy to be utilised by patrons of the medical centre, as well as the general public.

Economic Implications

39. The current incidental land use classification does not allow for passer-by trade to the pharmacy. The additional use of 'shop' would allow for greater economic viability.

Environmental Implications

40. Nil.

RISK MANAGEMENT CONSIDERATIONS

41.	Risk: Amendment 102 is not supported by the WAPC / Minister for Planning.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	If the amendment does not proceed, use of the pharmacy will remain restricted to patrons of the medical centre only and not for the broader benefit of the community.		

OFFICER COMMENT

42. The purpose of Amendment 102 is to allow for the additional use of 'Shop', specifically for a pharmacy, on the subject site. The existing pharmacy on the site is classified as an 'incidental use' which means its operation is limited to patrons of the medical centre only. The proposed additional use would allow for the restrictions on the existing pharmacy to be removed.
43. It should be noted that incidental uses are considered appropriate when it is clear the incidental use is ancillary and underling to the predominant land use, which in this instance is 'Medical Centre'.
44. The subject site is located outside the Kalamunda Town Centre, but within close proximity (approximately 1km). The land use is therefore appropriately located in context to the District Centre and is not of a scale that would detract from the retail functions of the District Centre.
45. No structural or layout modifications are proposed for the existing incidental pharmacy. The Applicant has however advised that should the amendment be approved, an external access point will be sought for the pharmacy.
46. It is considered the proposed Amendment will have minimal impact upon the amenity within the area, particularly as the pharmacy currently operates on site, albeit with restricted patronage.
47. In order to ensure the additional use of 'Shop' is associated with a pharmacy, the following conditions have been applied to the proposed amendment document:
- a) The land use 'shop' shall specifically relate to the use of a pharmacy.
 - b) No other land uses associated with 'Shop' shall be permitted.
48. The proposed Amendment is consistent with the applicable strategic and statutory planning framework and is considered to be consistent with orderly and proper planning.
49. Having regard to the above, it is recommended that Council supports Amendment 102 to Local Planning Scheme No.3 for the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. CONSIDER Amendment 102 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) The Amendment is consistent with the objectives identified in the Scheme for the mixed zone;
 - b) The Amendment is consistent with the City of Kalamunda Local Planning Strategy;
 - c) The Amendment is consistent with the Metropolitan Region Scheme zoning that applies to the scheme area, and the applicable strategic planning framework;
 - d) The Amendment is consistent with The Kalamunda Town Centre Special Control Area;
 - e) The Amendment is considered to have a minimal impact upon the land within the City of Kalamunda;
 - f) The Amendment will not result in any significant environmental, social, economic or governance impacts within the surrounding local area; and
 - g) The Amendment is neither a complex or basic amendment as defined under Part 5 the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

2. SUPPORT Amendment No.102 to Local Planning Scheme No.3 for the additional use of 'Shop', specifically for a pharmacy, to be placed on Lot 4 (51) Canning Road, Kalamunda pursuant to Part 5 Regulation 50(3)(a) of the *Planning Development (Local Planning Schemes) Regulations 2015* by:
 - a) Modifying Schedule 2 – Additional Uses of Local Planning Scheme No.3 as follows:

No.	Description of Land	Additional Use	Conditions
A102	51 CANNING ROAD, KALAMUNDA LOT 4	Shop	a) The land use 'shop' shall specifically relate to the use of a pharmacy. b) No other land uses associated with 'shop' shall be permitted.

3. FORWARD to the Western Australian Planning Commission pursuant to Part 5 Regulation 53 of the *Planning Development (Local Planning Schemes) Regulations 2015*:
- a) The Schedule of submission made on the Amendment and the local government response to the submissions (Attachment 9);
 - b) A copy of the resolution;
 - c) Any relevant maps, plans, specifications and particulars required by the Commission; and
 - d) All required amendment documents.

10.1.4. Proposed Fenced Dog Exercise Parks - Adoption for the Purposes of Public Advertising

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

The Director Development Services provided a presentation on this Item.

Council sought clarification on various matters in relation to this report. The Director Development Services provided responses to these queries. The Director Corporate Services also provided a response to queries raised in relation to insurance matters.

Previous Items	OCM 26/2018
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010291
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none">1. Federation Gardens Landscaping Concept [10.1.4.1 - 1 page]2. Federation Gardens Cost Estimate [10.1.4.2 - 1 page]3. Elmore Way Park Landscaping Concept [10.1.4.3 - 1 page]4. Elmore Way Park Cost Estimate [10.1.4.4 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the opportunity to consider 2 potential locations for fenced dog exercise parks for the purpose of commencing public advertising. The proposed locations are at:
 - a) Federation Gardens, Hartfield Park, Forrestfield; and
 - b) Elmore Way Reserve, High Wycombe.
2. The advertising process will give residents of the City of Kalamunda (City) a formal opportunity to comment on the proposed sites and designs of the fenced dog exercise parks and for the City to provide a response to submissions and consider any modifications.
3. It is recommended that Council adopt the proposed locations and draft concept plans for the fenced dog exercise parks for the purposes of public advertising.

BACKGROUND

4. In 2017/2018, the City undertook a comprehensive consultation process through the development of the City's Public Open Space (POS) Strategy which included a questionnaire regarding the City's existing local recreation facilities. A total of 113 responses were received and during this process, there was feedback from the community regarding dog exercise areas, including:

- a) Dog walking being ranked fifth of 10 most liked activities within the City's POS areas.
 - b) Dog issues (no fenced areas and owners disobeying reserves rules / restrictions) was seventh of 10 most disliked issues associated with the City's sports reservations.
 - c) Dog exercise areas were ninth of 15 most wanted improvements to the City's POS areas.
5. The following additional general issues have, in recent years, been raised by residents of the City in relation to the need for a fenced dog facility:
- a) Concerns about larger dogs injuring smaller dogs.
 - b) Lack of dog agility and obstacle course equipment.
 - c) Decreasing lot sizes, limiting private open space areas for dogs.
 - d) Dogs escaping from unfenced areas.
6. In 2017, the Council, by notice of motion (OCM26/2018), requested an investigation into the validity and process associated with a fenced dog exercise park in the City.
7. In May 2018, City presented a report to the Council outlining the process required to complete a feasibility investigation to meet the current and future needs of the City's residents. At this meeting, the Council considered the allocation of funds for progressing feasibility investigations as part of the 2018-19 budget.
8. The City established a working group of technical officers to consider 27 prospective fenced dog park locations having regard to opportunities and constraints, facility need, individual site assessment, and to make recommendations for suitable locations. This process was developed with a view of narrowing down the 27 prospective fenced dog sites to two parks.
9. The final two parks chosen following this feasibility investigation were Federation Gardens, Hartfield Park in Forrestfield and Elmore Way Park in High Wycombe.

10.

Locality Plan – Federation Gardens, Hartfield Park, Forrestfield:



11.

Locality Plan – Elmore Way Park, High Wycombe:



DETAILS

Federation Gardens, Hartfield Park, Forrestfield

12.

Hartfield Park is located within the residential district of Forrestfield. Hartfield Park is classified as a regional park in the POS Strategy which means the site may accommodate recreation and organised sport as well as significant conservation and/or environmental features.

13. Federation Gardens is approximately 10 hectares within Hartfield Park (159.49 hectares) and was identified during an opportunities and constraints analysis as having the locational and physical characteristics required to support a fenced dog exercise park.
14. During the analysis, which took into consideration the Government of South Australia's report "Unleashed: A Guide to Successful Dog Parks", Hartfield Park was found to have facilities which support the concept of a fenced dog exercise park including car parking, public toilets, community hall, playgrounds, seating, walking trails and lighting.
15. Hartfield Park, as a whole, is home to multiple sporting facilities including soccer and Australian Rules playing fields, tennis courts, a hockey field and a golf course. These are restricted dog exercise areas meaning dogs are not permitted to enter these areas.
16. Federation Gardens within Hartfield Park is currently a registered off leash dog exercise area. This has led to confusion among users, and conflicting uses within the entire park about where dogs are, and are not, permitted.
17. Provision of a fenced off leash dog exercise area could potentially help mitigate the risk of dog related incidents by providing a physical barrier and confining the activity to a specific area.
18. Upon analysis, the most appropriate location for a fenced dog exercise park is within Federation Gardens (located within Hartfield Park), which consists of areas of vegetation, grassed areas and a lake.
19. There is a high density of dog ownership to the north east of the site and a medium density of dog ownership surrounding the rest of the site which is important when considering the location of a fenced dog exercise park as it means there is a high concentration of potential users within a walking distance of the site.

Elmore Way Park, High Wycombe

20. Elmore Way is approximately 1.495 hectares in size and is located adjacent to the north-east side of the High Wycombe Neighbourhood shopping centre, making it within walking distance to the facilities provided by the shopping centre.
21. The site is located within the locality of High Wycombe and is bound by Elmore Way and Chipping Drive. The site is currently zoned urban development under Local Planning Scheme No.3 (LPS 3) and is identified as POS under the High Wycombe Cell U2 Structure Plan.
22. Currently, Elmore Way is not classified as an off-leash dog exercise area under the City's Dog Local Law 2010. However, the City has received multiple enquiries regarding the utilisation as Elmore Way as a fenced dog exercise park.

23. Elmore Way is classified as a neighbourhood park under the POS Strategy which means the site should serve as a recreational and social focus of a community, and residents should be attracted by the variety of features, facilities and opportunities to socialise.
24. The site was identified during an opportunities and constraints analysis as having the potential to facilitate a fenced dog exercise park due to its locational and physical characteristics. During the analysis, it was identified as having the facilities that are desired to facilitate a fenced dog park including a playground, seating, lighting and on street parking bays.
25. The location of the site adjacent to the High Wycombe Neighbourhood shopping centre is also an opportunity as it contains CCTV and toilet facilities.
26. Currently, the site is underutilised and would benefit from having a fenced dog exercise park to meet the outcomes of a neighbourhood park outlined under the City's POS Strategy.
27. There is a high density of dog ownership to the north east of the site and a medium density of dog ownership surrounding the rest of the site. This is important when considering the location of a fenced dog exercise park as it means there is a high concentration of potential users within a walking distance of the site.

STATUTORY AND LEGAL CONSIDERATIONS

Dog Act 1976

28. Section 31.1 of the *Dog Act 1976* (Dog Act) states a dog may only be in a public place when it is either:
 - a) Held by person capable of controlling it; or
 - b) When it is securely tethered.
29. Under the Dog Act, public notification must be given if the City is changing an area that is currently not a dog exercise area, into a dog exercise area. A local government may specify a public place, or a class of public place, that is under the care, control or management by the local government to be a dog exercise area. The local government must give public notice of at least 28 days before specifying a place to be a dog exercise area.

City of Kalamunda Dogs Local Law 2010

30. The City of Kalamunda Dog's Local Law 2010 is created under the Dog Act and is to be applied throughout the whole district of the City. The purpose of the local law is to extend the controls over dogs that exists under the Dog Act, and to prescribe areas which are prohibited dog exercise areas.
31. Under the City's Dog's Local Law 2010, the installation of a fenced dog park does not change the existing use of reserves by owners and their dogs. This means that there would be no change in in the status of Federation Gardens, and public advertising would not be required under the Dog Act, however the

proposed concept will still be advertising for the purposes of transparency and assist with a decision on which Fenced Dog Exercise Park should be implemented first. Elmore Way Park is currently not registered as a Dog Exercise Area under the City's Dogs Local Law 2010, and under the Dog Act would need to undergo public consultation, prior to the City specifying the park as a dog exercise area.

North East Sub-Regional Planning Framework

32. The North East Sub-Regional Planning Framework (the Framework) sets the planning framework as Perth and Peel heads towards a population of 3.5 million. The Framework applies to local government areas located in the north-east regional of metropolitan Perth, which includes the City of Kalamunda.
33. The region itself is expected to double in population from 209,156 people in 2011 to over 450,500 by 2050. The significant rise in population will lead to an increase in density, and therefore a decrease in lot sizes over time within the City.
34. The City has received multiple enquiries regarding facilitation of a fenced dog park in the foothills. Lot sizes in the foothills generally have smaller areas of private open space compared to those located in the hills suburbs. The need for public open space with the provision of a variety of recreation facilities, such as dog exercise areas, is considered to be particularly important in this context.

Metropolitan Region Scheme (MRS) and City of Kalamunda Local Planning Scheme No. 3 (LPS3)

35. Provision of a fenced dog exercise park will not require planning approval under the MRS or the City's LPS3 as the current use of the park for recreation will not change and any works would be subject to an exemption under the *Public Works Act 1902*.

City of Kalamunda Local Planning Strategy (2010) (Strategy)

36. The Strategy outlines a vision statement for open space and recreation within the City which states to provide for a range of active and passive recreation facilities that have regard to the changing needs of the community and ensuring maximum value and usage, subject to environmental sustainability. The Strategy aims to provide for good and well-located community facilities that meets the needs of the community.
37. There has been an increasing demand for the provision of a fenced dog exercise park within the City to provide for a safe area where dog owners can take their dogs to exercise. The provision of a fenced dog exercise park will ensure that a range of facilities are provided within the City and that the needs of the community are met through the delivery of this facility.

City of Kalamunda Public Open Space (POS) Strategy (2018)

38. The POS Strategy aims to ensure that POS is delivered to optimise community benefit by providing direction to guide the future provision, enhancement and management of POS within the City. The POS Strategy aims to ensure that POS is utilised to its maximum potential in order to deliver maximum benefit to the community. In this regard, the POS Strategy also references the community desires to incorporate a fenced dog exercise park within the City, which has now been prioritised for implementation when improving POS throughout the City.
39. The POS Strategy rates Hartfield Park as an 'A' graded reserve which means that it has scored an average of 4 and above (performed high) in location, usage value, care and maintenance and environmental value. A fenced exercise dog park at the Federation Gardens would enable Hartfield Park to be further enhanced as an 'A' graded reserve.
40. POS Strategy rates Elmore Way as a 'B' graded reserve which means that it scored an average score of between 3 and 4 in relation to location, usage value, care and maintenance and environmental value. A fenced exercise dog park at Elmore Way would increase the functionality and usability of the reserve which may elevate the reserve to be an 'A' graded reserve.
41. Action 2.6.2 of the POS Strategy states that as funding and resources allow, the City should aim to enhance three reserves per annum. Funds raised from the transfer of POS and cash-in-lieu are to be utilised to fund the improvement of POS reserves. The establishment of a fenced exercise dog park will assist with achieving this action.

POLICY CONSIDERATIONS

42. N/A

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

43. The rationale for establishing the potential locations of the proposed dog exercise parks was undertaken by a working group established by the City including members from Community Safety, Parks and Environment, GIS and Strategic Planning.

External Referrals

44. Under the Dog Act, public notification must be given if the City is changing an area that is currently not a dog exercise area into a dog exercise area. The consultation period will be for a minimum of 60 days over the Christmas period.

45. The following consultation methods which have been approved by the City's Public Relations team will be undertaken:
- a) Newspaper advertisement.
 - b) Letters to landowners and occupiers within a 400m radius of proposed sites.
 - c) Website / Social Media / Engage Kalamunda information.
 - d) Placing signage on the proposed sites.
46. Given the Indigenous cultural significance of Hartfield Park, the City will engage with the Wadjuk Working Party as part of advertising to ensure that the cultural significance of the site is appropriately considered.

FINANCIAL CONSIDERATIONS

47. An allocation of \$15,000 was included in the 2018/19 Budget for the purposes of undertaking background research and to prepare the landscaping concepts (Attachments 1 and 3) with Opinion of Probable Costs (OPC) for the two candidate sites (Attachments 2 and 4).
48. The OPC outlines an amount for each of the two sites which can be used for the purposes of informing future budget deliberations on the matter. It is considered that, in addition to the amount included in the OPC, a 10% allowance be added for community consultation, detailed design and project contingency.
49. The OPC for Federation Gardens, at attachment 2, is estimated at a total cost (excl GST) of approximately \$400,000 to \$450,000 depending on the final fence height (1.8m, 1.5m and 1.2m) with higher fencing resulting in a greater overall cost.
50. The OPC for Elmore Way Park, at attachment 4, is estimated at a total cost (excl GST) of approximately \$290,000 to \$300,000 depending on the final fence height (1.8m, 1.5m and 1.2m) with higher fencing resulting in a greater overall cost.
51. **Cash in Lieu of Public Open Space**
- The WAPC has adopted a longstanding requirement that 10 per cent of the gross subdivisible area be given up free of cost in a subdivision and vested in the Crown for the purposes of POS. However under the provisions of Section 153 of the *Planning and Development Act 2005* payment can be made by a subdivider in lieu of all or part of a POS contribution, referred to commonly as 'cash-in-lieu' of POS. Cash in lieu may be appropriate for small subdivisions, where the resultant POS would be too small, unusable or irregular in shape, or where sufficient POS is already available or previously provided in the locality.
52. It is noted that POS cash-in-lieu funds are available; \$446,764 for Forrestfield and \$767,987 for High Wycombe. The City is currently investigating the appropriate expenditure of these funds in accordance with the City's POS Strategy.

53. Expenditure of cash-in-lieu funds must be directly related to the use, or development, of land for POS purposes and must be for recreation purposes with unrestricted public access.
54. The proposed fenced dog exercise parks could potentially be partially or wholly funded through POS cash-in-lieu funds. While there are sufficient funds available, the expenditure of POS cash-in-lieu funds may be more appropriately allocated towards, or shared with, other high priority projects (eg. Woodlupine Brook Improvements, Forrestfield). Having regard to the availability of funds, the City's POS Strategy and other potential POS improvement projects, it is currently considered that there is greater capacity for the POS cash-in-lieu funds for High Wycombe to fund the fenced exercise dog park at Elmore Way Park.
55. In order to use cash in lieu to fund POS improvements, a request is required to be submitted to the Minister for Transport; Planning for approval, through the Western Australian Planning Commission, accompanied by a map and schedule showing:
1. The location and WAPC reference number from the subdivision from which the funds were obtained.
 2. The dollar value of the funds obtained.
 3. The location of the proposed reserve where the funds are proposed to be expended.
 4. The nature of the proposed expenditure.
 5. The program for the expenditure.
56. The objectives of cash in lieu for POS is to ensure that all residential development in the State is complemented by adequate, well-located areas of public open space that will enhance the amenity of the development and provide for the recreational needs of local residents. Development Control Policy 2.3 – Public Open Space in Residential Areas outlines that the acceptable expenditure for cash in lieu funds may be for clearing, seating, earthworks, spectator cover, grass planting, toilets, landscaping, change rooms, reticulation, lighting, play equipment, pathways, fencing, walk trails, car parking, and signs relating to recreation pursuits.
57. The provision of a fenced dog exercise park meets the criterial for the acceptable expenditure for cash-in-lieu funds. There is therefore a high likelihood of receiving approval to utilise these funds. The City is in the process of formally applying for access to the funds and the community engagement will form part of the formal application.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

58. *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 - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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

59. Hartfield Park is of Indigenous cultural significance and contains within its bounds a scar tree site. The park was also formerly used as an Aboriginal camping site at the turn of the last century. As noted above in the External Referrals section of this report, the City will engage with the Wadjuk Working Party as part of advertising to ensure that the cultural significance of the site is appropriately considered.
60. The implementation of a fenced dog exercise park will provide a more diverse range of opportunities for recreation within the City.
61. Fenced dog exercise parks create a space for exercising and socialising dogs in a safe and controlled environment for the benefit of both the dogs and their owners.
62. The implementation of a fenced dog park will create a safe space and encourage users to exercise and socialise their dogs at an early age which can reduce aggressive behaviour with dogs and excessive barking.
63. Providing a fenced dog exercise park within Federation Gardens will reduce the risk of conflicting uses with sporting ovals within the entire Hartfield Park precinct, creating a specific enclosed area for dog socialisation.

Economic Implications

64. The provision of a fenced dog exercise park, particularly at Elmore Way Park, will introduce more users to the site and potentially increase the number of customers to the various commercial uses in the adjoining neighbourhood shopping centre.

Environmental Implications

- 65. The concept plans attached at Attachment 1 and 2 propose to introduce new trees to provide for shading and other associated benefits.
- 66. Federation Gardens consists of dense areas of native vegetation, environmentally sensitive areas and Threatened Ecological Communities (TEC) surrounding the body of water to the centre of Federation Gardens. The concept design at Attachment 1 demonstrates that the proposed area for the fenced dog exercise park is to stay clear of TEC and does not involve the removal of any vegetation in the area.

RISK MANAGEMENT CONSIDERATIONS

67.	<p>Risk: That a fenced dog exercise park will not attract the expected number of users and therefore demonstrate a lack of value for money for the facility.</p>		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	<p>a) Both locations have been proposed within the foothill localities of the City due to the general characteristics of smaller lot sizes/backyards, to maximise access to residents, and the need for an area within the foothills where dog owners can exercise their dogs safely.</p> <p>b) Ensure that the analysis that has informed the selection of Federation Gardens and Elmore Way Park as the final two candidate sites, is based on sound research.</p> <p>c) Through community engagement ensure that there is a clear community benefit in developing a fenced dog exercise park.</p> <p>d) Ensure that the design of the facility meets the needs of a wide range of dog owners and is conveniently located.</p> <p>e) Ensure that there is an appropriate awareness program and marketing strategy to encourage users to capitalise on the investment of a fenced dog exercise park.</p>		

68.	<p>Risk: A fenced exercise dog park at Federation Gardens would attract additional dogs and dog owners, increasing the risks of dog attacks and dog faeces on sporting fields.</p>		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	<p>One of the reasons Federation Gardens has been chosen as a suitable location is to mitigate associated risks with dog owners getting confused about which areas are registered off leash areas and which areas are not. The provision of a fenced dog exercise park will confine the dogs to a certain area which will help clear the confusion and reduce the health risks associated with dogs utilising sporting ovals.</p>		

69.	Risk: Insufficient car parking being available at the fenced dog exercise park.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	Proximity to public parking has been an important consideration. While Elmore Way Park only has five street parking bays, there is potential to construct additional parking bays on a future road reserve to the north-west of the park. Both sites analysed are located within walkable areas.		

OFFICER COMMENT

70. The current strategic planning framework within the City supports the provision of fenced dog exercise parks within the City.
71. The proposed dog park at Federation Gardens is much larger than that at Elmore Way and offers a larger range of opportunities, however, there is an additional cost associated with the larger facility and there is no currently identified funding source for the construction of this dog park as cash-in-lieu funds are identified to be used elsewhere in Forrestfield (i.e. Woodlupine Brook Improvements). It is also noted that a privately funded dog park is proposed in the Satterley 'the Hales' development, located under the high voltage power lines in Forrestfield, anticipated to be completed in 2020. The demand for a fenced exercise dog park is therefore considered to be lower given the development of another dog park in the locality.
72. Given that there is cash-in-lieu funding available and that the demand for such a facility is higher in High Wycombe, the Council may wish to give priority to the construction of the Elmore Way fenced dog park and, having regard to the above, consider future budget funding for the Federation Gardens fenced dog park, should the two concepts receive favourable feedback from community consultation. This is a matter for Council to consider after receiving feedback from the community through the engagement process.
73. It is recommended that Council adopts the proposed locations and draft concept plans for the fenced dog exercise parks for the purposes of public advertising.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ADOPT the proposed location and concept plan for fenced dog exercise parks at Elmore Way Park, High Wycombe, and Federation Gardens, Hartfield Park, Forrestfield, for the purposes of public advertising.
2. NOTE that should the proposals receive favourable community feedback, the Elmore Way fenced dog exercise park would be funded from Public Open Space cash-in-lieu and the Federation Gardens fenced dog exercise park would be considered for funding in future budget deliberations.

10.1.5. Draft Local Planning Policy No.26: Public Art Contributions - Consideration of Submissions and Final Adoption

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

Mr Andy Farrant and Mr Steve Castledine provided Council with a deputation on this Item. The Manager Development Services provided clarification on matters raised in this deputation.

Mr David Downing provided Council with a deputation on this Item.

The Manager Development Services a presentation on this Item.

Previous Items	OCM 31/2019 OCM
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.010173
Applicant	N/A
Owner	N/A

Attachments	1. Advertised Version [10.1.5.1 - 7 pages]
	2. Modified Version [10.1.5.2 - 6 pages]
	3. Submission Table [10.1.5.3 - 7 pages]

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider submissions and the adoption of the Draft Local Planning Policy No.26 - Public Art Contributions Local Planning Policy (Policy).
2. The Policy has been prepared to facilitate contributions towards public art through development proposals and provides guidance on the format of public art contributions within the City of Kalamunda (City).
3. The Policy was advertised from 5 September 2019 to 30 September 2019, with 20 submissions being received, comprising 6 objections, 11 non-objections and 3 comments.
4. It is recommended that Council adopts the Policy subject to modifications.

BACKGROUND

5. The City periodically reviews, revokes and adds new policies for the purpose of ensuring consistency and transparency in decision making and to ensure the Council has a clear and defensible position in making planning decisions.
6. The State Government encourages the inclusion of art in the built environment through the Percent for Art Scheme. Local governments have adopted this Scheme as a model of best practice for the inclusion of public art.

7. On 26 February 2019, Council received a draft Public Art Policy and endorsed the request for public advertising for a period of 30 days. The advertised Policy was initially drafted by the Kalamunda Arts Advisory Committee (KAAC) and finalised for advertising by the City. The KAAC provides advice to the City for the purpose of decision making in relation to the arts.
8. The KAAC drafted Public Art Policy provided a basis for the City to consider the collection of contributions towards public art. Given contributions will be sought from future development, a Local Planning Policy is required to be prepared because contributions to public art through development applications can only be levied through conditions of planning approval. The development of a Local Planning Policy in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Scheme) Regulations 2015* will provide a statutory basis for the imposition of public art contributions from development. This is not achievable through the KAAC drafted Public Art Policy released for public advertising on 26 February 2019. The relevant sections of the Draft Public Art policy have been integrated into the Policy the subject of this report.
9. A summary policy comparison is shown below:

Draft Public Art Policy	Local Planning Policy Public Art Contributions Policy
Council Policy	Local Planning Policy
Prepared under the <i>Local Government Act 1995</i>	Prepared in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
Provides guidance on how contributions are expended	Identifies the contribution threshold
Identifies the process for identifying locations and allocating funds to art projects	Identifies the process for receiving and processing funds
Implemented in conjunction with the Public Art Strategy	Implemented in conjunction with the Public Art Strategy and Public Art Master Plan

10. A number of local government authorities have adopted Public Art Contribution Policies including, but not limited to, City of Bayswater, City of Armadale, Town of Bassendean, City of Cockburn, Town of East Fremantle, City of Fremantle, City of Gosnells and City of Kwinana.
11. The draft Policy was presented to the 11 June 2019 Ordinary Council Meeting, however this item was deferred to allow time for the KAAC to make further recommendations in relation to the Policy.
12. A meeting of KAAC was held in July 2019 at which further recommendations regarding the Policy were made. The recommendations were reviewed by the City and officer comments were made regarding whether the suggestions were appropriate for inclusion.

13. The KAAC's recommendations during the drafting of the Policy included:
 - a) A contribution to Public Art should be no less than 1% of all private developments, including extensions and upgrades over the total project cost of \$500,000.
 - b) A 2% contribution for City projects including project contingencies.
14. The City's officers are not supportive of these recommendations as precedence suggests a 1% contribution for development estimated above one million dollars is a consistent threshold implemented across most metropolitan local governments.
15. The updated Policy was presented to the Council's Ordinary Meeting on 27 August 2019, with a recommendation to retain 1% contribution for development estimated above one million dollars. The Policy was adopted for the purposes of public advertising subject to the following modifications (summarised):
 - a) Changing the threshold to \$500,000 excl GST from \$1,000,000.
 - b) Exclude building upgrades, and heritage development works from the public art contribution requirements.
 - c) Adding a notation on the cover page which states that Council at the time of consideration the Policy foreshadowed that the thresholds for contributions towards public art are to be reviewed as part of the next scheduled policy review date.

DETAILS

16. The intent of the Policy is to guide the provision of public art for development proposals to improve the quality of the City's built environment and enhance amenity for both residents and visitors and provide opportunities for local artists within the City.
17. The Policy provides two options for public art contributions including coordinating the public art project with a professional artist or paying a cash in lieu contribution to the City for public art. The Policy states contributions of less than \$30,000 (developments with a value between \$1m and \$3m) are to be paid as cash-in-lieu to the City to contribute towards to implementation of the future Public Art Master Plan.
18. The Public Art Master Plan will be a strategic document that identifies key locations throughout the City for the provision of public art. The Public Art Master Plan will also identify the themes and envisaged outcomes for public art in strategic and key locations throughout the City. The development of the Public Art Master Plan is a key action of the City's adopted Arts Strategy.
19. The primary objectives of the Policy are to:
 - a) Facilitate the provision of public art through development proposals.
 - b) Develop and promote community identity.
 - c) Improve the quality of the City's built environment.
 - d) Inform the procurement, siting, commissioning and installation of art into public places.

- e) Include elements of design that reflect unique aspects of the area (history, natural environment).
- f) Enhance the amenity and activity options available to local residents and visitors.
- g) Enhance the provision of public art for the enjoyment of residents and visitors.
- h) Provide opportunities for local artists.

20. It is noted that the Council adopted the draft Policy with contributions being required for any development with a value over \$500,000 ex. GST, with the exception of a single house, grouped dwellings, ancillary dwelling, building upgrades, heritage development works or any ancillary structures. However, in line with the City's officers previous recommendations on the matter, and in response to submissions received, the Policy that is being presented for final adoption has been modified to apply to applications for development approval where the estimated cost of development exceeds one million dollars, with the same exceptions listed above. This would also apply to City projects such as community buildings or streetscape enhancements (which may not require Development Approval).

21. An audit of other Local Government Public Art Policies was undertaken which identified that this type of Policy generally applies to all developments over the total project cost of \$1,000,000 as opposed to \$500,000 proposed in the KAAC recommendations. The table below outlines the public art contribution requirements of other Local Government Policies:

Local Government Area	Policy Name	Development Subject to the Public Art Contribution
City of Armadale	<i>Percent of Public Art</i>	1% of total development cost on developments between \$1 million and \$2 million. \$2 million and greater contribute 1% and provide public artwork to the value of 1% of the total development cost and maintain the artwork. Excludes single residential developments.
Town of Bassendean	<i>LPP No. 15: Percent for Art Policy</i>	<i>Developments over \$1 million must contribute to public art funding. Developments within the Bassendean Town Centre requires a public realm contribution of 2% of the construction value. Excludes single residential developments.</i>
City of Bayswater	<i>Percent for Public Art Policy</i>	No less than 1% of the development cost on developments with a construction value of \$1 million or greater. Excludes any residential development and development on public property.

City of Canning	<i>Developer Funded Public Art</i>	1% of the development cost on developments exceeding \$4 million with a maximum contribution of \$250,000. Excludes any residential development.
City of Cockburn	<i>Percent for Art Policy</i>	1% of the development cost on developments exceeding \$1 million with a maximum contribution of \$250,000. Excludes industrial uses and single residential developments.
Town of East Fremantle	<i>Local Planning Policy 3.1.9 – Percent for Public Art</i>	1% of the development cost on developments exceeding \$3 million. The contribution cost depreciates to 0.75% once the total cost of development reaches \$100 million. Excludes demolition, single residential developments, grouped dwelling developments, multiple dwellings less than 15 dwellings, State and Federal projects where an equivalent public art contribution is applied and heritage works.
City of Fremantle	<i>Local Planning Policy 2.19: Contributions for Public Art and/or Heritage Works</i>	Development within subject site areas must provide 1% of the development cost on developments \$1 million or over. Excludes single and grouped dwellings, industrial class uses, developments with a GLA less than 1000sqm and refurbishments or change of use of existing buildings larger than 100sqm.
City of Gosnells	<i>Local Planning Policy 6.0: Public Art Policy</i>	1% of the development cost on developments exceeding \$2 million with a maximum contribution of \$250,000. Excludes industrial developments.
City of Kwinana	<i>Local Planning Policy No. 5: Development Contribution Towards Public Art</i>	1% recommended of total development cost over \$1 million. Excludes developments within general industry zones, refurbishments, or upgrades of existing infrastructure.
City of Melville	<i>Provision of Public Art in Development Proposals</i>	1% of the development cost with a project cost exceeding \$1 million. Excludes non-residential developments.

Shire of Serpentine-Jarrahdale	<i>Local Planning Policy No. 59: Public Art Policy for Major Developments</i>	1% of the development cost on developments between \$1 million and \$50 million. Developments with a construction cost greater than \$50 million must contribute \$500,000. Excludes development applications relating to site preparation such as bulk earthworks or landscaping.
City of South Perth	<i>Policy P101: Public Art</i>	2% of the City's development project cost where the cost is greater than \$2 million.
City of South Perth	<i>Policy P316: Developer Contribution for Public Art and Public Art Spaces</i>	1% of the development cost with a project cost of \$4 million or greater.
City of Swan	<i>POL-LP-1.10 Provision of Public Art</i>	1% of the development cost with a project cost of \$2 million or greater with a maximum contribution of \$500,000. Excludes site works, infrastructure works, single dwelling or less than 10 grouped or multiple dwellings.
City of Vincent	<i>Percent for Art</i>	1% of the development cost for developments over the Threshold Value determined by the City's Council. Excludes residential developments zoned below R60, comprising less than 10 dwellings and have a height below 3 storeys.

22. Other LGAs including the Shire of Peppermint Grove, City of Nedlands and Town of Cottesloe were also audited, but currently do not have a Public Art Policy.

STATUTORY AND LEGAL CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

23. Local Planning Policies are created under Clause 3 (1) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*.
24. Under Schedule 2 Clause 3(1) of the Regulations states '*the local government may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.*'

25. Under Schedule 2 Clause 4(1) of the Regulations the City's Local Planning Scheme No.3 (Scheme) and Local Planning Policies are required to be approved for advertising and then adopted by Council at the end of the advertising period have regard to any submissions received.
26. Under Schedule 2 Clause 5 of the Regulations a Local Planning Policy does not bind the City in its application of discretion but must be given due regard. If a Local Planning Policy is inconsistent with the Regulations and the Scheme provisions, then the Regulations and the Scheme prevails.

POLICY CONSIDERATIONS

27. The Policy which was advertised is generally consistent with the version presented to Council on 27 August 2019. The final version for public advertising can be viewed in Attachment 1.
28. The only modification made to the advertised Policy was to change the minimum thresholds from \$500,000 to one million dollars for both private sector and City led projects.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

29. The Policy has been prepared with input from relevant internal planning and economic development disciplines.
30. The KAAC has been involved in the early drafting of the Policy. A detailed summary of the KAAC recommendations and how this informed the preparation of the Policy was provided in the Council Report on 27 August 2019.

External Referrals

31. The Regulations require that a local government must advertise the proposed Policy as follows:
 - a) Publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of the subject and nature of the proposed policy, the objectives of the policy and to whom, what form and during what period, submissions in relation to the proposed policy may be made.
 - b) If the opinion of the local government is that the policy is inconsistent with any state planning policy must give notice of the proposed policy to the commission.
 - c) Give notice of the proposed policy in any other way and carry out any other consultation that the local government deems appropriate.
32. The proposed Policy was advertised in accordance with the requirements set out in the Regulations and the City's Local Planning Policy – Public Notification of Planning Proposals.

33. The Policy was also referred to relevant advisory Committees of the Council.
34. A total of 20 submissions were received including 11 non-objections, 6 objections, and 3 comments to the Policy. Submissions and responses to submissions are located at Attachment 3.
35. One notable submission received from the Housing Industry Association (HIA) objected to the \$500,000 threshold on the basis that it will capture a large number of small developments that have minimal impact on the public realm, unduly increasing the cost of delivery for smaller projects, and given the inconsistency with the threshold of other authorities.
36. Other notable feedback received included:
- a) A desire for artwork to be sympathetic to Kalamunda and the natural environment;
 - b) The Policy should incorporate temporary or ephemeral artworks;
 - c) concern with the impact of additional contributions on residential development. This indicated a general misunderstanding regarding the general objectives and exemptions for single house, grouped dwelling, and ancillary dwelling development in the Policy; and
 - d) A request to exempt industrial developments from the requirements of the Policy, as they are, in the view of the submitter, rarely seen by the general public, and will increase the cost to developers.

Further discussion regarding these matters is contained in the Officer Comment section of this report.

FINANCIAL CONSIDERATIONS

37. All costs incurred during the advertising of the Policy were met through the Development Services annual budget.
38. KAAC recommended that the minimum threshold for public art contributions be set at \$500,000 as opposed to \$1,000,000. One reason for the recommendation was that the City is relatively late in progressing a Policy compared to other local governments. In this regard, the reduced threshold would capture more developments and therefore more contributions, which would provide some compensation for the contributions that may have been missed prior to the adoption of the Policy. While this recommendation is noted, other factors are required to be considered when establishing a minimum threshold, which are explored in the Officer Comment section of this report.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

39. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 3: Kalamunda Develops

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

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

SUSTAINABILITY

Social Implications

40. If the Policy is adopted, the City and Council will be provided with guidance in the provision of public art in development proposals.

41. Local artists may have greater opportunity to showcase their artwork through development proposals to the community.

Economic Implications

42. Public art can encourage economic activity by providing a focal point and enhancing the way in which residents, employers and investors engage with a place.

43. The implementation of the Policy will have financial impacts to developments over one million dollars.

Environmental Implications

44. Public art can decorate and enhance the natural environment of a public space.

RISK MANAGEMENT CONSIDERATIONS

45.	Risk: The Policy is not adopted resulting in the City not having a formal process or approach to the provision of public art for developments.		
	Likelihood	Consequence	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	The Policy has been formed in line with best practice industry standards which indicates the provision of public art for developments over \$1,000,000.		

46.	Risk: The Policy introduces unacceptable levels of increased costs to developers		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	The recommended threshold, which is in line with other Local Government areas (developments over \$1,000,000) targets larger developments. It will be important to ensure developers are aware of the benefits of public art including that it can increase the value of a development, balancing the level of increased costs to developers.		

OFFICER COMMENT

- 47. The proposed modifications to the Policy, which is in line with local government practices, will ensure future developments over \$1,000,000 will provide a public art contribution of 1% of the total development cost, with a maximum capped contribution of \$250,000.
- 48. An applicant/owner may choose to make a public art contribution by coordinating the public art project with a professional artist or paying a cash-in-lieu contribution to the City for public art. The Policy states contributions less than \$30,000 are to be paid as cash-in-lieu for the delivery of key projects identified in the Public Art Masterplan.
- 49. Based on the common practice of other local governments adopting contributions for 1% of the development cost for developments over one million dollars, it is recommended the City follows this practice, despite the KAAC recommendations that a contribution to Public Art should be no less than 1% of the total project cost of developments over \$500,000. The imposition of a levy on developments as low as \$500,000 could be onerous and place an additional cost burden on smaller developments. This matter was raised in a submission from the HIA, raising concern that it will capture a large number of small developments that have a minimal impact on the public realm, unduly increasing the cost of delivery for smaller projects, and given the inconsistency with the threshold of other authorities.
- 50. The Policy excludes temporary and ephemeral artworks such as performance art, music, dance or exhibitions which result in short-term impact, as the intent of the Policy is to ensure that public art is available at all times to all residents and visitors of the City. The intention of the Policy is to also ensure that there are no costs or ongoing curation and maintenance borne by the City, and to ensure this, ephemeral artworks have been excluded. It is considered appropriate that funding for ephemeral artworks be separately considered by the City in the context of planning for future events and place making.

51. The objectives of the Policy strive to improve the quality of the City's built environment and to include elements of design that reflect the unique aspects of the area (history, natural environment) and public art can be implemented in small-scale ways such as murals, tiles, mosaics, bas-relief covering walls, floors and walkways and does not have to be large sculptures which may appear to be bulky.
52. With regard to the submission requesting exemptions for industrial development, the Policy does not currently, and is not proposed to, exclude industrial development from public art contributions. Whilst some metropolitan local governments have excluded industrial development from similar policies, a number of other local governments have included industrial developments. The City has noted the importance of increasing the amenity in industrial areas and the potential value that public art could bring to these areas. In this regard, it is not considered appropriate to differentiate this type of development from other commercial development.
53. The proposed Policy will ensure the KAAC broader objectives can be met through a Policy which will ensure contributions to public art can be made through development applications.
54. The adoption of the Policy will provide opportunities for local artists to showcase their artwork within their local community. The Policy will assist with facilitating the delivery of public art to enhance amenity and reflect the unique aspects of the City including history and natural environment.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during advertising of Local Planning Policy No.26 - Public Art Contributions.
2. ADOPT Local Planning Policy 26 - Public Art Contributions, as set out in Attachment 2, pursuant to Schedule 2, Part 2, Clause 4(3)(b)(ii) and Clause 4(4) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (WA).

10.1.6. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda

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

Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.6 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 30, 34, 38 Schmitt Road and Old Railway Reserve Kalamunda. Cr Sewell's employment include community advocacy for Schmitt Road.

The Director Development Services provided a presentation on the Item.

Previous Items	Nil
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	SC-3/30, SC-3/34, SC-3/38, MN-7/2, RL-1/22
Applicant	City of Kalamunda
Owner	Western Australian Planning Commission / City of Kalamunda
Attachments	1. Existing MRS [10.1.6.1 - 1 page] 2. Proposed MRS [10.1.6.2 - 1 page]

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road and the Old Railway Reserve (portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road) from an Urban zone to a Parks and Recreation reservation.
2. Once the land is reserved as Parks and Recreation under the MRS, the land at 30, 34 and 38 Schmitt Road will no longer have any subdivision / development potential for residential purposes and will formally be brought into the Old Railway Reserve reservation. A land management order will be put in place for the City to take over the management of these land parcels.
3. By rezoning the portion of Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to the Parks and Recreation reserve, it will be consistent with the entire Old Railway Reserve which extends from Gooseberry Hill to Walliston.
4. The recommendations seeks Council endorsement to request the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

BACKGROUND

5.

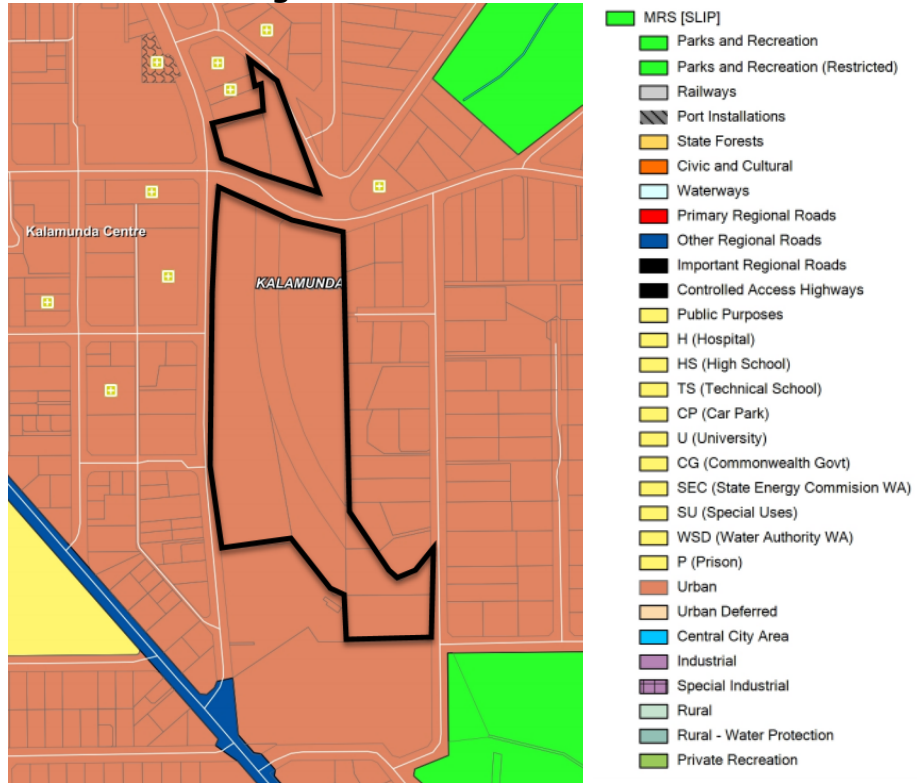
Land Details:

Lot / Property	Land Area	Local Planning Scheme Zone:	Metropolitan Region Scheme Zone
Old Railway Reserve			
60 Dixon Road	5014.16m ²	Local Open Space	Urban
Lot 443 Railway Road	3893.60m ²	Local Open Space	Urban
22 Railway Road	28,722.64m ²	Local Open Space	Urban
2A Mundaring Weir Road	21,784.60m ²	Local Open Space	Urban
Lot 372	6662.17m ²	Local Open Space	Urban
Decommissioned road reserve (within Old Railway Reserve) Referred to as 'Old Road Reserve' in below locality plan	12,792m ²	Local Open Space	Urban
WAPC Owned Land			
30 Schmitt Road	992m ²	Residential R5	Urban
34 Schmitt Road	4379m ²	Residential R5	Urban
38 Schmitt Road	6094.95m ²	Residential R5	Urban
Total	90,335.12m²		

6. **Locality Plan:**



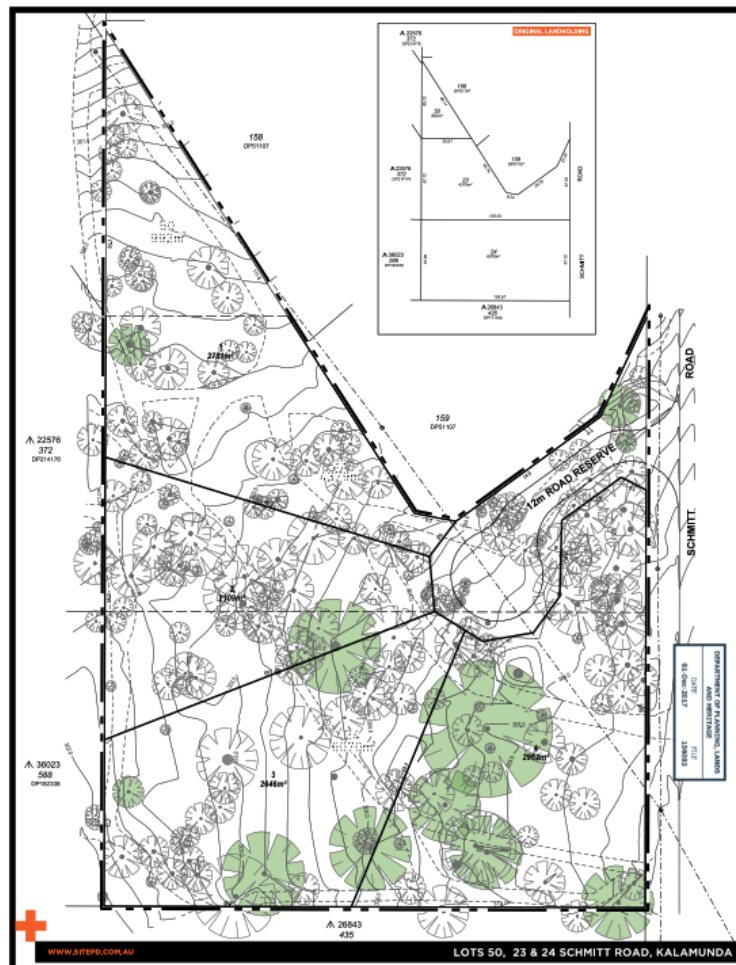
7. **Current MRS Zoning Plan**



8. **Current Local Planning Scheme Zoning Plan**



- 9. The properties at 30, 34 and 38 Schmitt Road are currently owned in freehold by the Western Australian Planning Commission (WAPC). The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is Local Open Space (Crown Land) and is vested to the City of Kalamunda for management.
- 10. The properties at 30, 34 and 38 Schmitt Road are vacant lots through which the Old Railway trail informally traverses.
- 11. On 6 December 2017, a four-lot subdivision (156002 and 156003) was referred to the City at 30, 34 and 38 Schmitt Road Kalamunda.



- 12. On 16 March 2018 the four-lot subdivision was approved by the WAPC.
- 13. As a result of the approved subdivision and prospective sale of the land for residential development, a significant contingent of the community strongly voiced their opposition and sought support from the City and the WAPC to retain the lots as part of the Old Railway Reserve.

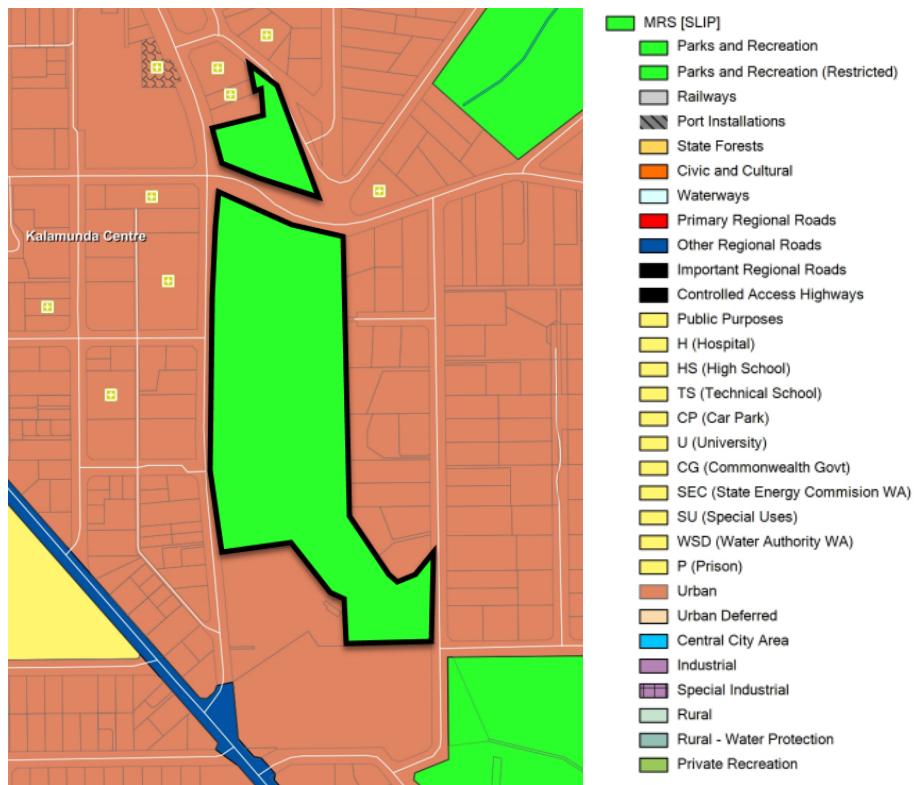
14. The City and the Department of Planning, Lands and Heritage (DPLH) held a meeting in January 2019 and again in October 2019 and agreed in principle to rezone 30, 34 and 38 Schmitt Road as well as the portion of the Old Railway Reserve, between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road, from Urban to Parks and Recreation.

DETAILS

15. The land at 30, 34 and 38 Schmitt Road, and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is located on the periphery of the Kalamunda Town Centre.
16. The properties at 30, 34 and 38 Schmitt Road are zoned Urban under the MRS (refer Attachment 1) and Residential R5 under the City's Local Planning Scheme No. 3 (LPS3). The Old Railway trail informally traverses through these parcels.
17. The Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road is zoned Urban under the MRS (refer Attachment 1) and Local Open Space under the City's LPS3.
18. The other portions of the Old Railway Reserve are zoned Parks and Recreation under the MRS and have no zoning under the City's LPS3. The Old Railway Reserve extends from Gooseberry Hill to Walliston, and includes an unsealed trail which is popular amongst locals and visitors for recreating. It also includes stretches of dense native vegetation typical of the Darling Scarp.
19. As a result of the approved 4 lot subdivision over 30, 34 and 38 Schmitt Road, the community strongly voiced their opposition to any residential development on these parcels due to the importance of the Old Railway Reserve trail traversing those parcels.
20. In view of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation (refer Attachment 2).
21. It is also agreed, in-principle, that the portion of the Old Railway Reserve between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road be rezoned from Urban to Parks and Recreation to be consistent with the entire Old Railway Reserve (Refer Attachment 2) and reflect its recreational function.
22. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road. The City currently manages the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road.

- 23. The rezoning will also provide an opportunity for the property cadastres to be adjusted by amalgamating all lots into two consolidated parcels, with the Mundaring Weir Road / Railway Road intersection separating the two consolidated lots.
- 24. In summary, the City seeks Council’s endorsement to request the WAPC to initiate an MRS Amendment for 30, 34, 38 Schmitt Road and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation.

25. **Proposed MRS Zoning**



STATUTORY AND LEGAL CONSIDERATIONS

- 26. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
- 27. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
- 28. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.

29. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

30. Nil

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

31. N/A

External Referrals

32. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
33. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

34. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the inclusion of 30, 34 and 38 Schmitt Road to the Old Railway Reserve will be taken on by the City as part of its existing management costs for Old Railway Reserve.
35. It is considered that the inclusion of 1.1 Ha of land (the Schmitt Road properties) to the City's overall bushland reserves under care would not require a substantive increase in maintenance funding beyond the current \$1.7m pa for all of the City's Bushland Reserves.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *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 - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

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.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

- 37. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes which provides the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.

Economic Implications

- 38. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent the WAPC from making profit on the land through land sale. Profits to the WAPC are incorporated into the State budget which funds public infrastructure and benefits including investment in the City of Kalamunda.

Environmental Implications

- 39. Rezoning 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will prevent substantial clearing of native vegetation as a result of development. This will provide a positive conservation outcome for the protection of native flora and fauna.

RISK MANAGEMENT CONSIDERATIONS

40.	<p>Risk: Council does not endorse the request for the MRS Amendment, and the areas remain zoned urban, with the possibility of the WAPC then acting on their subdivision and selling for residential development with resultant community opposition. (Note the WAPC may still initiate the MRS Amendment without the City’s Request)</p>		
	Likelihood	Consequence	Rating
	Possible	Significant	High
	Action/Strategy		
	Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination.		

41.	Risk: The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment resulting in delays to the conclusion of this matter.		
	Likelihood	Consequence	Rating
	Unlikely	Significant	Medium
	Action/Strategy		
	Endorse the request for the MRS Amendment and refer the proposal to the WAPC to make a determination. City officers continue dialogue with the WAPC to ensure the MRS Amendment is initiated and approved.		

OFFICER COMMENT

- 42. As a result of the strong community opinion, the City and DPLH have agreed, in principle, to protect the Old Railway Reserve trail traversing the lots and rezone the parcels from Urban to Parks and Recreation.
- 43. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will provide a positive conservation outcome for the protection of native flora and fauna.
- 44. The rezoning of 30, 34 and 38 Schmitt Road from Urban to Parks and Recreation will enable the land to formally be part of the Old Railway Reserve and protect the land for recreation and conservation purposes, thereby providing the community with health benefits such physical activity, positive mental health, improved amenity and social interaction.
- 45. By rezoning the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from Urban to Parks and Recreation, the Old Railway Reserve will be consistent with the entire stretch of the Old Railway Reserve from Gooseberry Hill to Walliston.
- 46. A management order will be required for the City to take over the management of 30, 34 and 38 Schmitt Road.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 50 (No. 30), Lot 23 (No. 34) and Lot 24 (No. 38) Schmitt Road , Kalamunda and the Old Railway Reserve portion between the Bibbulmun Track Terminus on the corner of Railway Road and Mundaring Weir Road to Schmitt Road from the Urban zone to a Parks and Recreation reservation.

10.1.7. Request for the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment- 420 Canning Road, Carmel (Heidelberg Park)

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

Cr Janelle Sewell declared an Interest Affecting Impartiality on Item 10.1.7 Request the Western Australian Planning Commission to Initiate a Metropolitan Region Scheme Amendment - 420 Canning Road, Carmel (Heidelberg Park). Cr Sewell's employment include community advocacy for Heidelberg Park.

The Director Development Services provided a presentation on this Item.

Previous Items	OCM 99/2019
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	CN-01/420 and 3.009580
Applicant	City of Kalamunda
Owner	State of Western Australia
Attachments	1. Existing MRS [10.1.7.1 - 1 page] 2. Proposed MRS [10.1.7.2 - 1 page] 3. Preliminary Concept Plan [10.1.7.3 - 1 page]

EXECUTIVE SUMMARY

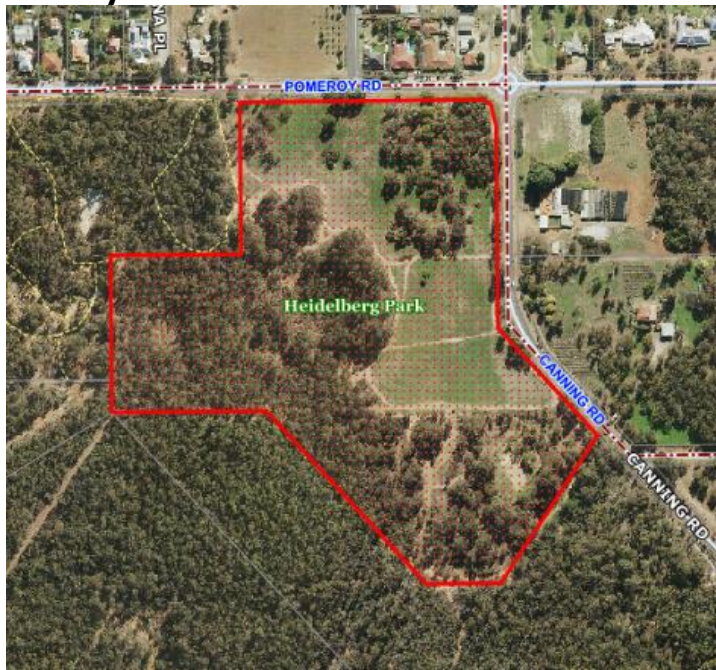
1. The purpose of this report is to provide Council the opportunity to request a Metropolitan Region Scheme (MRS) amendment to change Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from a Parks and Recreation reservation to an Urban zone. A portion of Heidelberg Park is to be retained as Parks and Recreation where environmental values exist.
2. Amending the MRS from Parks and Recreation to Urban will allow a portion of the site to be developed for aged care and residential purposes, with the balance to be retained as public open space.
3. Community engagement on the visions and values for the site was undertaken during June - July 2019 and indicated a strong desire for aged care development and improved public open space at the site.
4. The recommendation seeks Council endorsement to request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

BACKGROUND

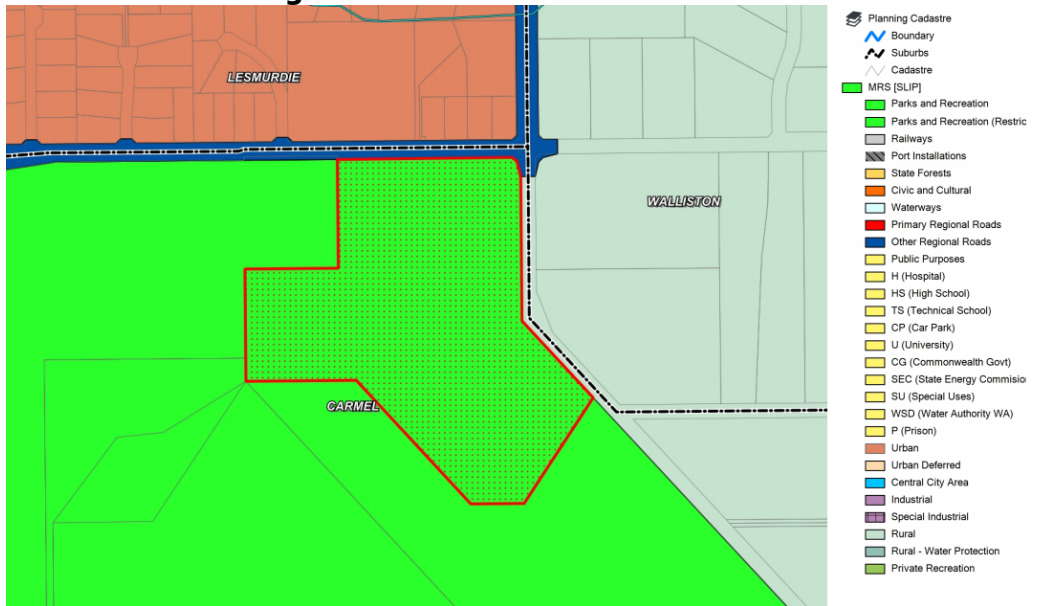
5. **Land Details:**

Land Area:	13.5608ha
Local Planning Scheme Zone:	Not zoned within Local Planning Scheme No. 3
Metropolitan Regional Scheme Zone:	Parks and Recreation

6. **Locality Plan:**



7. **Current MRS Zoning Plan**



8. In undertaking the MRS amendment process, the Western Australian Planning Commission (WAPC) may resolve to prepare a regional planning scheme amendment in accordance with Part 4, Division 1, s. 36 of the Planning and Development Act 2005. The proposed MRS amendment must comply with the following processes set out in Division 2, 3 and 4:
 1. Referral to the EPA in accordance section 48A of the Environmental Protection Act.
 2. Minister consents to public advertising for no less than three months.
 3. Commission provides a report and recommendation to the Minister.
 4. The Minister provides a report and recommendation to the Governor.
 5. The Governor may approve the MRS Amendment with or without modification and gazette the resolution.
 6. A copy of the amendment is to be laid before both Houses of Parliament for at least 12 sitting days.

9. In 2016, the Council adopted an Aged Accommodation Strategy which has a series of key recommendations, including (in part):
 - a) The City not directly undertaking any retirement or aged care developments; and
 - b) Utilising underutilised government assets to encourage retirement living and aged care developments that are near amenities and public transport.

10. During the Council's consideration of the Aged Accommodation Strategy, the document was referred to the City's Aged Care Advisory Committee (the Committee) and the following relevant comments were provided for the Council's consideration:
 - a) The City should provide land at minimal cost to appropriate developers to encourage retirement and aged care developments; and
 - b) The City has a role in monitoring and stimulating service providers to develop in the City. The City should look to remove barriers to entry and eliminate red tape wherever possible.

11. In response to this strategic direction and comments received from the Committee and further to the preparation and adoption of the City's Public Open Space Strategy 2018, the City has identified Heidelberg Park as a potential opportunity for an aged care development.

12. The findings of various technical reports (environmental, geotechnical and infrastructure and servicing) indicated that the north-eastern portion of the site may be suitable for urban development.

13. Community engagement was undertaken during June – July 2019 on the vision and values for Heidelberg Park. During the consultation there was a strong desire expressed by the community for aged care and improved public open space at the site.

14. In October 2019, the City's officers met with senior representatives of the Department of Planning, Lands and Heritage (DPLH), resulting in an in-principle agreement to progress with the MRS amendment to rezone the site from Parks and Recreation to Urban to allow for the development of aged care.
15. The City currently manages the site. A change to the management order will be required as part from the MRS amendment process.

DETAILS

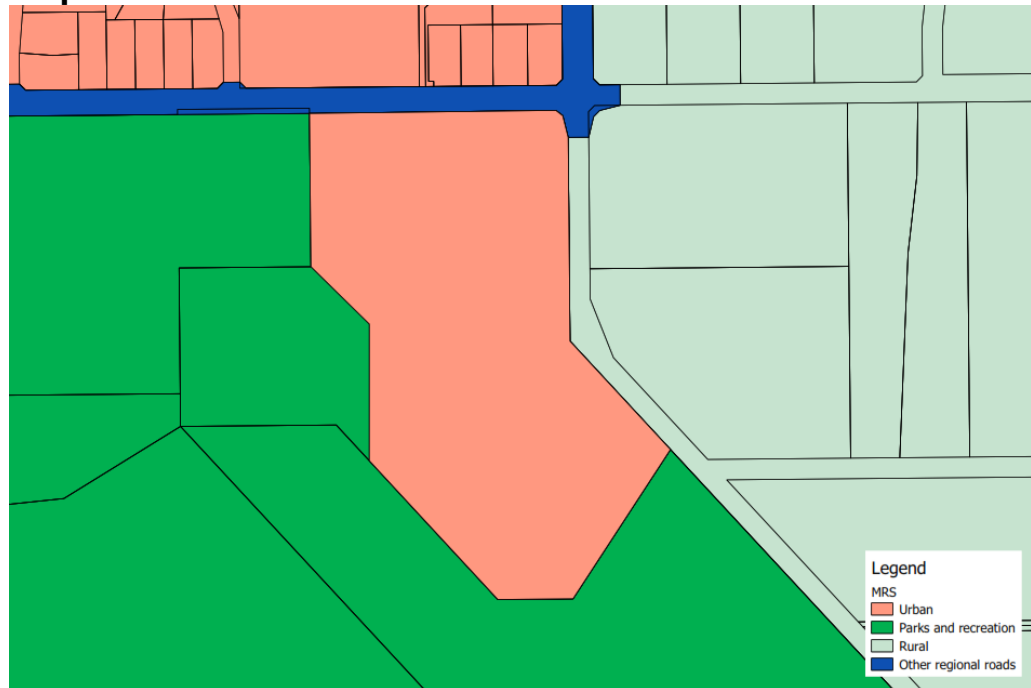
16. Heidelberg Park is located at the intersection of Pomeroy Road and Canning Road in Carmel. The south and west of the site is reserved as Parks and Recreation. To the north of the site are rural residential lots, typically 2000m², and to the east of the site are Rural Landscape Interest lots, typically 2-8ha.
17. Heidelberg Park is zoned Parks and Recreation under the MRS (refer Attachment 1) and has no zoning under the City's Local Planning Scheme No. 3 (LPS3).
18. To determine the feasibility of development on the site, technical investigations were undertaken including the following key studies:
 - a) Environmental Assessment Report (including flora and fauna studies).
 - b) Geotechnical Report (including ground testing for wastewater).
19. The Environmental Assessment Report investigated flora and fauna including black cockatoo and other threatened or protected ecological communities. The report concluded that ecological linkages should be retained and that the surrounding bushland be protected from edge effects through appropriate design considerations.
20. The Geotechnical Report prepared in November 2018, found the site was suitable for development, and is capable of wastewater disposal with no special requirements.
21. Community engagement undertaken during June – July 2019 included a drop-in workshop on site, a community survey and written submissions. The purpose of the community engagement was for the community to express their vision for the future of Heidelberg Park. Approximately 150 community members attended the workshop and participated in the activities.
22. Participants at the workshop were asked to indicate their most preferred outcomes for Heidelberg Park. The most popular votes were natural paths (20 votes), aged care facility (17 votes), traditional playground (16 votes) and nature play (9 votes). The other activities at the workshop included ideas mapping, co-design and positive ideas which yielded similar results with participants expressing the need for intergenerational living, integrated aged care, natural bushland protection and enhanced public open space.

23. A total of 393 surveys were completed, of the potential uses for the site, the most popular response was 'Home for aged care' with 247 votes. 'Home for over 55s' was the second most popular vote (147 votes), followed by a nature area (140 votes).
24. The City received six written submissions. Four submissions suggested the site be used as an aged care facility. The remaining two submissions suggested the site be used for other purposes, like a peace park or enhanced community park.
25. As a result of community engagement, the City seeks the Council's endorsement to request the WAPC to initiate an MRS amendment for 420 Canning Road, Carmel (Heidelberg Park) from Parks and Recreation to Urban (Attachment 2). The rezoning of the site from Parks and Recreation to Urban will allow for the site to be developed for aged care and improved public open space. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.
26. A Preliminary Concept Plan has been prepared which addresses site opportunities and constraints (refer below and Attachment 3).



27.

Proposed MRS Amendment



STATUTORY AND LEGAL CONSIDERATIONS

- 28. The MRS may be amended in accordance with Part 4, Division 2, Section 37 (1) of the *Planning and Development Act 2005*.
- 29. The Council may endorse the proposed MRS amendment request for referral to the WAPC. As the MRS is a State Government Region Scheme, it is the responsibility of the WAPC to resolve to amend a region planning scheme subject to Section 36 of the *Planning and Development Act 2005*.
- 30. If the WAPC resolves to prepare the proposed MRS amendment, the proposal is to be referred to the EPA for comment and review. The proposal may then be referred to the Minister for consent to seek public submissions.
- 31. Part II Division 3 of the MRS Scheme Text covers Reserved Land not Owned by or Vested in a Public Authority. This section, in essence, requires that development on land so reserved shall not be commenced or carried out without the approval of the WAPC.

POLICY CONSIDERATIONS

- 32. **State Planning Policy 2.0 Environment and Natural Resources**
 State Planning Policy 2.0 (SPP 2.0) 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 2.0 objectives are to:

- a) Integrate environment and natural resource management with broader land use planning and decision making;
- b) Protect, conserve and enhance the natural environment; and
- c) Promote and assist in the wise and sustainable use and management of natural resources.

The proposed Heidelberg Park project incorporates these objectives by ensuring development occurs only on degraded land and that surrounding bushland is protected and managed to retain the existing ecological value.

33. **State Planning Policy 3.7 Planning in Bushfire Prone Areas**
This policy directs how land use planning should address bushfire risk management in Western Australia. The bushfire risk at Heidelberg Park originates from the bushland to the west and south-west. The managed parkland POS surrounding the proposed development area, identified in the concept feasibility plan, is designed to act concurrently as a recreation space and Asset Protection Zone buffer to meet the requirements of this policy.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

34. The project has been prepared having regard for all built form and developed oriented disciplines.

External Referrals

35. The City undertook preliminary community consultation during June – July 2019 on the vision for the site. The community expressed a desire for aged care, improved public open space and protection of bushland on the site.
36. Should the Council endorse the request for the proposed MRS amendment, referral of the proposal to relevant government agencies, which may be affected by the change, will be undertaken as part of the WAPC amendment process. This may include surrounding local governments, Department of Biodiversity, Conservation and Attractions, Environmental Protection Authority (for prior notification) and Department of Water and Environmental Regulation.
37. If the WAPC accept the MRS amendment request, landowners affected by the proposed MRS amendment will be consulted by the WAPC through the advertising process.

FINANCIAL CONSIDERATIONS

38. The MRS amendment process does not incur any financial cost to the City. The burden of the ongoing maintenance and management of the balance of public open space and Parks and Recreation land will continue to be undertaken by the City.

39. Given the public open space portion will be enhanced, there will likely be an increase to the City's maintenance funding to maintain the improvements.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

40. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 1: Kalamunda Cares and Interacts

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

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

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.

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

41. The City is investigating opportunities to redevelop underutilised land to provide aged persons accommodation as a priority further to adoption of the Aged Accommodation Strategy in 2016. In this way, the City can assist in providing a choice of suitable accommodation for an ageing demographic which will help residents to remain close to friends, family and within the community as they age.

Economic Implications

42. Development of underutilised land for aged persons accommodation and a community park will increase community use of public assets.
43. Increasing the amount of aged person accommodation will mean residents seeking to downsize have the opportunity to move nearby, which may provide opportunities for other residents to move into existing properties.

Environmental Implications

44. The property was previously used for orcharding activity in the 1960's and, therefore, a large proportion of the bushland is revegetation. Most of the native vegetation on the western part of the site is considered to be in very good or excellent condition. In the southern area the vegetation ranges from good and very good to completely degraded. Any development is proposed to be located in the north-eastern aspect of the site in areas that are completely degraded to mitigate clearing of any high value vegetation.
45. The preliminary plan shows that some vegetation to the fringe of the development area may be affected as it is proposed to become managed parkland as a bushfire asset protection zone to the proposed development area. This will be further considered through more detailed design processes for this public open space area.
46. In relation to the cockatoo habitat, there are some significant trees that are present on the site and these have been surveyed. All the potential black cockatoo breeding habitat trees are likely to be retained. As it is anticipated that the affected area is likely to be less than 1 ha, referral under the Environmental Protection and Biodiversity Conservation Act is unlikely to be required. This can be confirmed during later detailed design phases.

RISK MANAGEMENT CONSIDERATIONS

47.

Risk: The City / DPLH does not secure an aged care provider or sufficient landowners for development of the project.		
Likelihood	Consequence	Rating
Unlikely	Major	High
Action/Strategy		
Discuss the project with existing aged care providers during the MRS amendment advertising phase and through an appropriate registration of interest process.		
48.

Risk: The WAPC decides to not initiate the MRS Request / refuses the MRS Amendment.		
Likelihood	Consequence	Rating
Unlikely	Significant	Medium
Action/Strategy		
Endorse the request for the MRS amendment and refer the proposal to the WAPC to initiate the process. City officers continue dialogue with the WAPC to ensure the MRS amendment is formalised and ultimately approved.		

OFFICER COMMENT

49. Results from the community engagement exercise indicated strong support for the development of aged care on the site, improved public open space and retaining high quality bushland.

50. Undertaking an MRS amendment to rezone the site from a Parks and Recreation reservation to Urban will allow the site to be developed for aged care and improved public open space. A condition for any aged care provider will be to retain approximately 3ha for public open space, consistent with the concept plan and to achieve bushfire requirements.
51. A portion of the site to the west (approximately 2.75ha) will be retained as Parks and Recreation to conserve the high-quality bushland.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the request for the Western Australian Planning Commission to initiate a Metropolitan Region Scheme Amendment for Lot 800 (420) Canning Road, Carmel (Heidelberg Park) from the Parks and Recreation reservation to an Urban zone.

10.2. Asset Services Reports

10.2.1. Proposed Solar Farm - Pre-Feasibility Investigations

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

The Director Corporate Services provided a presentation on this Item.

Mr Charles Dornan presented a deputation and queried aspects of the report. Clarification was provided by the Director Corporate Services and the Director Asset Services.

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Special Projects
File Reference	3.009592; DW-02/120
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to consider the findings from a pre-feasibility report into the potential of developing a solar farm.
2. The pre-feasibility report (Confidential Attachment 1) indicates there is merit based on the core assumptions to explore the possibility of developing a solar farm in the City of Kalamunda. The pre-feasibility report represents a due diligence report identifying the relevant issues that need to be addressed to allow a project of this nature to proceed.
3. It is recommended that Council accept the pre-feasibility report and that work commences on a full feasibility study, including undertaking community consultation in regard to any potential location.

BACKGROUND

4. The federal government has set a nationwide Renewable Energy Target (RET) of 23.5% of electricity generation from renewable energy by 2020. As at June 2018, the national total of renewable energy was 17% with Western Australia at 14%. With the large amount of recent investment in new renewable projects, under construction and with firm commitments, it is predicted this target will be achieved. There is currently no federal target beyond 2020, however the worldwide trend is to see future power generation through renewables (solar, wind and hydroelectricity). Hydroelectricity and wind currently make up a third each of renewable energy in Australia, whilst solar is 25% and other renewables the balance.

5. Investment in renewable energy projects in Australia has expanded rapidly in recent years, and specifically utility scale solar (greater than 5 MW). In 2012, the Greenough Solar Farm (WA) was the largest solar farm in Australia. There are now 38 solar farms installed and operating at 10 MW or greater with many large developments operating up to 189 MW (NSW). There are two projects currently in development at 220 MW (SA) and 349 MW (NSW). The largest development in Western Australia is 132 MW in Merredin which is under construction. Very large-scale solar farms are built in regional locations.
6. In addition to utility scale solar development, there has been a proliferation in rooftop solar in recent years and the Perth metropolitan area has 28% of houses with solar panels installed. City of Kalamunda property owners are performing very well in this regard with one in three houses with solar panels (7,736 houses – 32.8%).

DETAILS

7. This report outlines the results of the pre-feasibility study with recommendations to proceed to the next level of planning and investigation if the Council supports further examination of developing a solar farm within the City.
8. As part of this pre-feasibility, three options have been analysed in relation to the scale of the solar farms based on the level needed to offset the City of Kalamunda electricity greenhouse gas emissions (approximately 3,400 tonnes CO₂-e per annum) based on:
 - a) City facilities that have contestable power only (1 MW);
 - b) all City facilities (contestable and non-contestable) and including streetlighting (3 MW); and
 - c) all consumption plus excess capacity to sell electricity for revenue generation (5 MW).
9. The sizing also relates to site constraints and capacity for the City to fund larger scale plants (a 100 MW solar farm for instance costs approximately \$150 million to develop).
10. The project should not proceed to development until such time that Council is satisfied the financial risks of proceeding with the project are at an acceptable level, based on potential or firm commitments for the purchase of electricity.
11. Governance models for developing and operating the solar farm have been considered. Local governments are not in the core business of utility infrastructure provision. If the project proceeds, it is recommended that an outsourcing model is used so that the City is still a participant through financing and owning the project but outsources the technical and industry specific licencing functions. Council could also consider a joint venture arrangement to assist with technical expertise and offset some of the financial risk.

STATUTORY AND LEGAL CONSIDERATIONS

12. In terms of consideration of this report, there are no relevant Statutory or Legal considerations pertaining to a decision to proceed to feasibility study.

POLICY CONSIDERATIONS

13. Nil.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

14. Advice has been obtained from Development Services concerning the planning and building approval process. Asset Services is familiar with the solar farm concept and have provided technical support through the research and drafting of the pre-feasibility study.

External Referrals

15. Liaison has occurred with several organisations as part of the research for this pre-feasibility as follows:
- a) energy related organisations such as Western Power, Synergy and Alinta. Discussions have been on an informal basis to obtain information to assist with developing the feasibility and business case for the solar farm;
 - b) liaison has occurred with WA Treasury Corporation concerning funding; and
 - c) two other WA local governments are at various stages of solar developments at this time and discussions have occurred with City of Fremantle (and their proposed solar developer) and City of Busselton;
16. During the feasibility phase it will be necessary to liaise with a range of other organisations such as:
- a) Economic Regulation Authority (ERA);
 - b) Western Power;
 - c) Electricity retailers (Synergy, Alinta, Kleenheat etc.);
 - d) Australian Energy Market Operator (AEMO);
 - e) Clean Energy Regulator;
 - f) Department of Water and Environmental Regulation;
 - g) Clean Energy Council; and
 - h) potential customers including local governments and WALGA.
17. A stakeholder engagement plan will be prepared to enable the information needs of interested parties to be provided.
18. One of the core considerations within a feasibility study will be to identify a site or sites suitable for a solar farm. As part of identification of suitability, the views of nearby residents of any potential site would be sought as part of the stakeholder engagement plan.

19. The City recently completed a community consultation exercise to gauge the community's views on sustainability. One question sought the community's views on "green power" which is relevant to the Solar Farm project. 346 responses were received with 240 (70%) supporting the need for Green Power, 19 (5%) not supportive with the remaining 87 responses (25%) unsure.

FINANCIAL CONSIDERATIONS

20. The pre-feasibility report includes financial modelling which details several commercially sensitive matters. As such, the pre-feasibility report is Confidential as it contains matters subject to legal advice and affairs of other parties.
21. Grant funding has been considered for the project costs, however, the project is not likely to receive support from current renewable grant programs. Funds are now allocated to projects that are innovative and can assist in facilitating the industry with knowledge that can reduce cost and increase efficiency of renewable projects. Solar farm development has matured, and the project being proposed by the City will not involve innovative aspects in terms of solar development. Although, if it proceeds, it will be an innovative project for the City and one of the first undertaken by a Western Australian local government.
22. Renewable projects are eligible for Large-scale Generation Certificates (LGCs) that are created for every megawatt hour (MWh) of power generated. The City will be eligible for the certificates. However, the LGCs are losing value as the price is market driven and the Renewable Energy Target is close to being achieved. The LGCs are currently trading at \$40/MWh and will reduce over time towards 2030. The cost of renewable energy developments has decreased, and these projects are considered to be viable without the support of incentives.
23. Funding of \$25,000 has been provided in the 2019/20 Budget to initiate the feasibility study using external support.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

24. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 2: Kalamunda Clean and Green

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

Strategy 2.2.1 - Facilitate the appropriate use of water and energy supplies for the City.

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

Priority 2: Kalamunda Clean and Green

Objective 2.4 - To ensure contaminated sites are safe and managed to ultimate use.

Strategy 2.4.1 - Identify, examine and manage risk associated with contaminated sites.

Priority 3: Kalamunda Develops

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

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

Priority 4: Kalamunda Leads

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

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

SUSTAINABILITY

Social Implications

25. It is possible that by undertaking this project, the City will create greater awareness amongst its community about the effects of climate change and influence personal behaviour. The City already has a proactive community with one in three houses with solar panels. Therefore, it is believed that most community members would be supportive of the City's initiative in this regard.
26. It is acknowledged that nearby residents to any site proposed may have objections to the project, which will be ascertained during the targeted community engagement process if the feasibility study is commenced.

Economic Implications

27. The project will create an economic opportunity through the capital costs of the project ranging from approximately \$2 million to \$9 million depending on which option is selected. Further, the solar plant will require staffing for operations and whilst this will be low, it has the potential to provide several new jobs in a new and emerging renewable energy sector.

Environmental Implications

28. The City's Local Environmental Strategy 2019-2029 (LES) contains an aim for the City to be seen as leaders in sustainable practices. A strategy within the LES is to become a carbon neutral city with actions including the investigation of renewable power supplies for the City.

RISK MANAGEMENT CONSIDERATIONS

29. Risks associated with this project are related to the possibility of not being able to achieve the **objective of developing and operating the solar farm** due to commercial viability, regulatory approvals, stakeholder management or other reasons.

- 30. The development of a solar farm is a complex project and has a range of risks that need to be considered. A total of 17 risks have been identified within eight risk areas as detailed in the pre-feasibility report. The risk management consideration in relation to this Council report refers to the assessment of major assumptions in the feasibility study as part of the next phase.
- 31. At this stage the Council is only considering a pre-feasibility and is **not** committing to the project and **should not** do so until there is more certainty on the unknown variables. More certainty around these risks and the Council's risk tolerance will be determined in the feasibility phase, if the project proceeds past pre-feasibility.
- 32. At this point the risks identified should not present a hurdle for the Council to proceed to the feasibility phase.

33.

Risk: The feasibility study is undertaken and identifies fatal flaws in the project which causes its cancellation and wasted expenditure.		
Likelihood	Consequence	Rating
Possible	Moderate	Medium
Action/Strategy		
The pre-feasibility study has 'stress tested' the major assumptions and believes that there is sufficient justification to continue.		

OFFICER COMMENT

- 34. The pre-feasibility report demonstrates that there is a business case based on the core assumptions to explore the possibility of developing a solar farm on City land. The pre-feasibility study represents a due diligence report identifying the relevant issues that need to be addressed to allow a project of this nature to proceed.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. ACCEPT the Solar Farm Pre-feasibility Assessment report (Confidential Attachment 1) as a reference document for the potential development of a solar farm.
- 2. PROCEED to a feasibility phase, undertaking community engagement to determine community support.
- 3. ADVOCATE for the State Government to introduce regulatory change to allow for (in descending order of preference):
 - a) the full contestability of electricity permitting all customers to choose their electricity retailer, or

- b) customers with multiple sites to aggregate consumption rather than each site being assessed independently for contestability purposes; or
- c) customers that generate electricity through renewable energy projects be permitted to consume that electricity over the grid without contestable restrictions.

10.2.2. Swindells Lane (Railway Road to Burt Street) - Proposed Local Area Traffic Management

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

The Manager Asset Planning provided a presentation on this Item.

Previous Items	N/A
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	3.00684; 3.009505
Applicant	N/A
Owner	City of Kalamunda

Attachments	1. Swindells Lane Improvements Preferred Concept [10.2.2.1 - 1 page]
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EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council on the outcomes of community consultation regarding proposals to undertake alterations to Swindells Lane in Kalamunda such that consideration can be given to adoption of a preferred concept.
2. Swindells Lane, between Railway Road and Burt Street, currently has issues relating to vehicles blocking the existing narrow carriageway in some locations, vehicular conflict, restricted sightlines and lack of seal in some locations. Following consultation with local landowners, the City proposes to upgrade Swindells Lane including sealing the north and southern portion of the road between Railway Road and Burt Street, improve signage and line marking and designate the existing narrow sections of carriageway between Burt Street and Secrett Lane at the northern end and the section immediately north of Railway Road as one-way northbound only.
3. Council is requested to endorse the proposal to upgrade Swindells Lane between Railway Road and Burt Street and for the project to be listed in the City's Draft 2020/21 Capital Works program.

BACKGROUND

4. The City has received a number of requests to resolve problems along Swindells Lane including vehicles blocking the narrow lane, vehicles coming into conflict and the road not being sealed.

DETAILS

5. The existing road reserve is between 5.0 and 6.0 metres with a maximum carriageway width of approximately 4.5 metres. The existing carriageway width immediately north of Railway Road and between Burt Street and Secrett Lane is around 2.5 metres which is insufficient to safely accommodate two-way traffic.

6. A number of residential properties that have direct access to Swindells Lane have no other road frontage, so Swindells Lane is their sole access point.
7. Two-way vehicle movements are currently constrained along Swindells Lane with its existing narrow carriageway and compromised sightlines at certain points along the road which has resulted in a perception of reduced safety and access opportunities.
8. The City engaged a consultant to undertake a review of the existing traffic operations on the road and undertake a detailed traffic engineering review.
9. Swindells Lane, Kalamunda, is classified as an Access Road under the Main Roads WA Functional Road Hierarchy. It is managed and maintained by the City of Kalamunda and has a 50 km/hr speed zone. Traffic data sourced from 2017 surveys indicates that the daily traffic along Swindells Lane between Railway Road and Burt Street is in the range of 10 to 25 vehicles per day. The 85th percentile speed is in the order of 17 km/hr which is considered appropriate for the road in the context of the existing road geometry, local access and reduced sightlines.
10. The results of the Traffic Engineering Review indicated that whilst no vehicles were travelling at a speed above 50kph, the substandard sightlines currently in place give rise to potential conflict along this section of road.
11. Whilst the City's Traffic Treatments Assessment system did not rate the issue as sufficient for priority works, the presence of restricted sightlines coupled with the narrow carriageway and lack of seal on some sections of the road indicates that there is a potential safety risk to drivers, cyclists and pedestrians.
12. Based upon consideration of these factors, the user profile associated with the road and community feedback, it was considered appropriate to develop a series of concept plans to address the safety issues and to improve the road user environment.
13. Several design options were prepared with the design including the following elements:
 - a) make the road one-way only heading northwards from the corner of 63B Canning Road (which backs onto Swindells Lane), through to Burt Street;
 - b) the section of road between Railway Road and 63B Canning Road would remain two-way as it was thought that this was needed for property access;
 - c) new line marking and signage were proposed, reinforcing the one-way system and controlling other vehicle movements; and
 - d) sealing of Swindells Lane between Railway Road and Burt Street, which will also require the installation of drainage pipes.
14. Upon review of the options in discussion with North Ward Councillors, a recommended design was used for the purposes of community consultation.

15. Each resident and landowner within Swindells Lane was provided with this design and feedback sought during August 2019.
16. The City received 28 responses to the proposal with the majority of respondents supporting the proposed changes. The most common feedback related to support for the one-way system and improved signage along the road.
17. A few respondents residing in Swindells Lane close to Secrett Lane indicated concern or did not support the design due to the one-way treatment would require them to drive around the larger block to access their homes, rather than coming in via Secrett Lane.
18. Following the feedback, the design was modified such that:
 - a) Swindells Lane is one way heading north from Railway Road to the corner at number 5B Railway Road;
 - b) Swindells Lane remains two-way between 5B Railway Road and Secrett Lane;
 - c) Secrett Lane remains as is (it is a two-way road with a median which means the north side carries east-bound traffic and the south side carries west-bound traffic); and
 - d) Swindells Lane is one-way heading north from Secrett Lane to number 1 Burt Street, where a small section at the north also enables two-way access for the large property at 1 Burt Street.
19. The modified proposed concept design is shown in Attachment 1. These works are estimated to cost in the order of \$110,000.
20. Subject to endorsement and budget, following the installation of the traffic treatment, the City will monitor traffic operations on Swindells Lane to ascertain the effectiveness of the works.

STATUTORY AND LEGAL CONSIDERATIONS

21. The *Main Roads Act 1930* covers the provision of roads and the delegated authority to Local Government. This provides the City with the authority to implement treatments as required subject to appropriate design and some constraints as noted below.
22. Main Roads WA is the sole authority for the provision of speed zoning, line marking and signage in Western Australia. The City must prepare designs that meet Main Roads WA standards for their approval, in relation to any of these aspects. In the proposed design, the signs for keep left, one-way and no entry, and the marking for one-way are under Main Roads WA's authority.

POLICY CONSIDERATIONS

23. The assessment was conducted with the Traffic Treatments Policy and accepted traffic engineering standards.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

24. Asset Services and Community Relations.

External Referrals

25. The proposal was sent to 71 landowners and other stakeholders.

FINANCIAL CONSIDERATIONS

26. The proposal will cost approximately \$110,000 funded from the Capital Works budget. This is proposed to be listed in the draft Capital Works Program for 2020/21.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

27. *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.

SUSTAINABILITY

Social Implications

28. The proposal will improve road safety by improving sightlines, manoeuvring, wayfinding and access for all users.

Economic Implications

29. There are no direct economic implications.

Environmental Implications

30. There are no direct environmental implications.

RISK MANAGEMENT CONSIDERATIONS

31.	Risk: That the City is subject to increasing negative community feedback regarding the lack of attention to a road safety matter.		
	Likelihood	Consequence	Rating
	Possible	Moderate	Medium
	Action/Strategy		
	The City determines and implements improvements to road safety in this area.		

OFFICER COMMENT

32. Although the Traffic Treatments Assessment of Swindells Lane in this location did not trigger the need for an infrastructure solution, it is recognised that the existing narrow carriageway, lack of seal in some locations between Burt Street and Railway Road and restricted sightlines gives rise to potential safety issues for drivers, pedestrians and cyclists. Thus, improvements to the existing road environment along this section of road will result in positive outcomes for all users along the road.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. ENDORSE the concept plan for Swindells Lane between Railway Road and Burt Street.
2. NOTE that the project will be listed in the Draft Capital Works Program for funding in 2020/2021.

10.3. Office of the CEO Reports

10.3.1. Customer Service Strategy Quarterly Report

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

The Manager Customer and Public Services provided a presentation on this Item.

Previous Items	
Directorate	Office of the CEO
Business Unit	Customer & Public Relations
File Reference	
Applicant	
Owner	
Attachments	Nil

EXECUTIVE SUMMARY

1. The purpose of this report is to provide an update on the Customer Service Quarterly Results for July – September 2019, as a part of our Customer Service Strategy.
2. The Customer Service Strategy 2017/2021 is the catalyst for bringing together an ongoing program of initiatives to focus the City on continually improving the customer service experience in all spaces and outlines the key principles, strategies, actions, and performance measures for improved customer service standards.
3. The recommendation is to note the results of the first quarter for 2019/2020.

BACKGROUND

4. Council adopted the Customer Service Strategy in November 2017.
5. The key objectives of the Customer Service Strategy are to:
 - a) Strive to achieve a new customer service ethos and deliver on the customer service promise and principles
 - b) To culturally optimise the organisation to achieve best practice customer service outcomes
 - c) To support and train staff to feel empowered, be proactive and work collaboratively toward business objectives and customer service excellence
 - d) To effectively communicate with our customers, internally and externally
6. The Customer Service Ethos is: We will focus on a combination of concepts including; cultural change, technological and process improvement, and a centralised service model - with increased self-service options and improvements based on customer feedback.

Our customers are the 'key influencers' in the development, improvement and delivering of our services.

7. The Customer Service Promise is, "Supported by innovative technology solutions and regular best practice training, staff will be proactive, focus on future planning to meet business objectives and work collaboratively, with the customer experience always in mind."

"All City interactions with customers will be timely and meaningful."

8. The adopted City of Kalamunda principles of Customer Service are as follows:

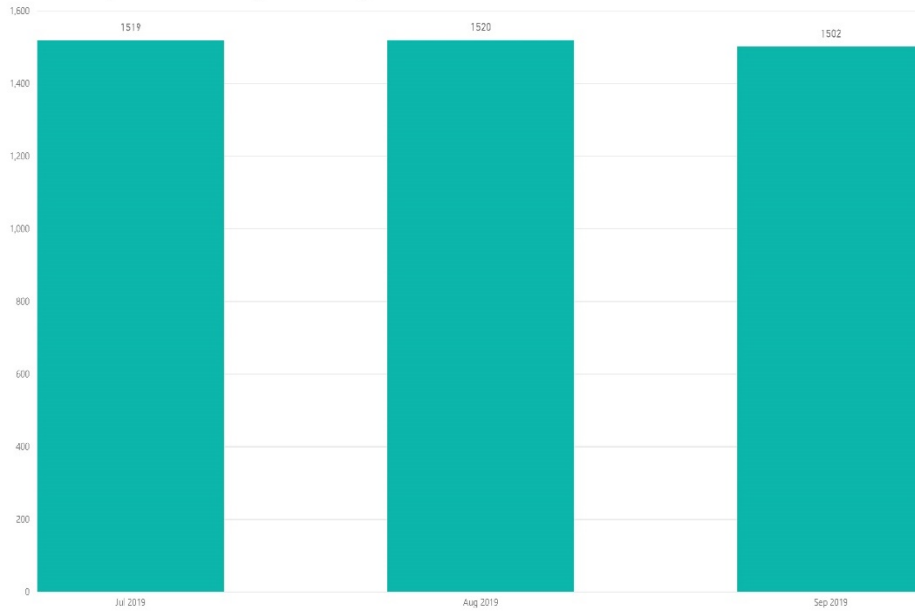
1.	Customers will receive timely responses	<ul style="list-style-type: none"> a) We will always provide an estimation of timeframe for response at each interaction b) We will update customers on the status of their enquiry at regular intervals c) Customers referrals across business units will be as minimal as possible d) We monitor the timeliness of our correspondence
2.	Customer interactions will be meaningful	<ul style="list-style-type: none"> a) We aim to handle enquiries at first point of contact b) All staff will have access to accurate and up-to-date information c) Staff will seek to understand enquiries to the deepest possible level before responding d) All responses to customers will be personalised and professional e) Even when we may need to say 'we can't' we will offer options for things we 'can do'.
3.	Each customer will be made to feel like the only customer	<ul style="list-style-type: none"> a) We will ask our customers how they like to receive information and deliver it accordingly b) We recognise 'one-size does not fit all' and we will be flexible in our service offerings c) We will always do more to exceed expectations d) Complex requests and complaints will be handled with priority
4.	We will help our customers to help themselves	<ul style="list-style-type: none"> a) We offer and promote integrated self-service options b) We explore and use innovative technology solutions that makes accessing information easy c) Online information will be available 24/7 and enabled for mobile devices d) As many transactions as possible will be automated e) Develop simple guides and instructions to help customers understand our processes
5.	Our customers are informed and will help inform our services	<ul style="list-style-type: none"> a) We will consider the customer's perspective and actively seek feedback often, in different ways b) We will admit when we get it wrong, reviewing and improving our processes each time c) We will communicate on any new service (or fee) or expected change in levels of service as early as possible d) Our people and our customers will be our best advocates

DETAILS

9. One of the highlights has been the successful implementation of a monitoring system that tracks the customer experience across the organisation, utilising results to identify areas for improvement and identify areas of strength.

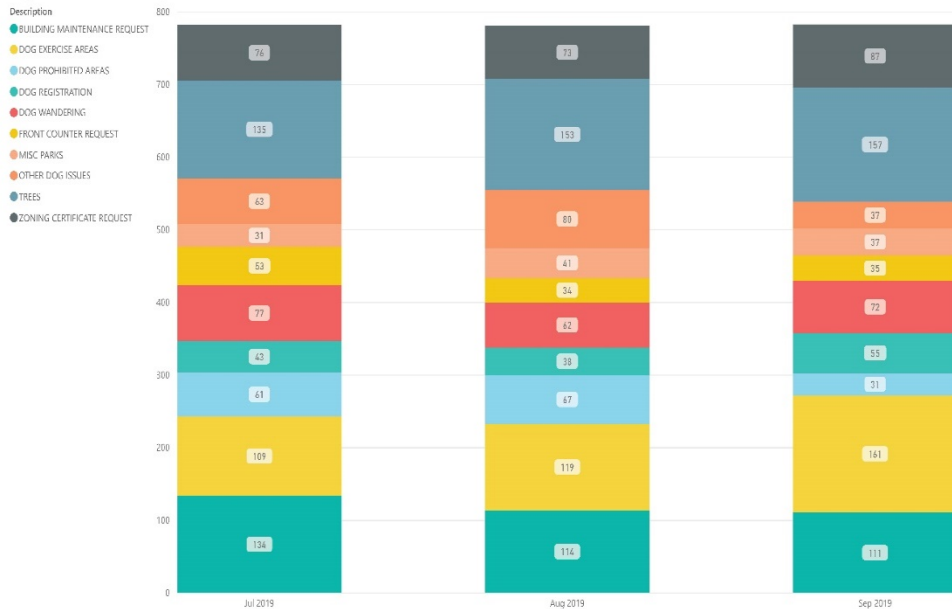
10. Results are as follows:

Customer Requests Received 1 July 2019 - 30 September 2019



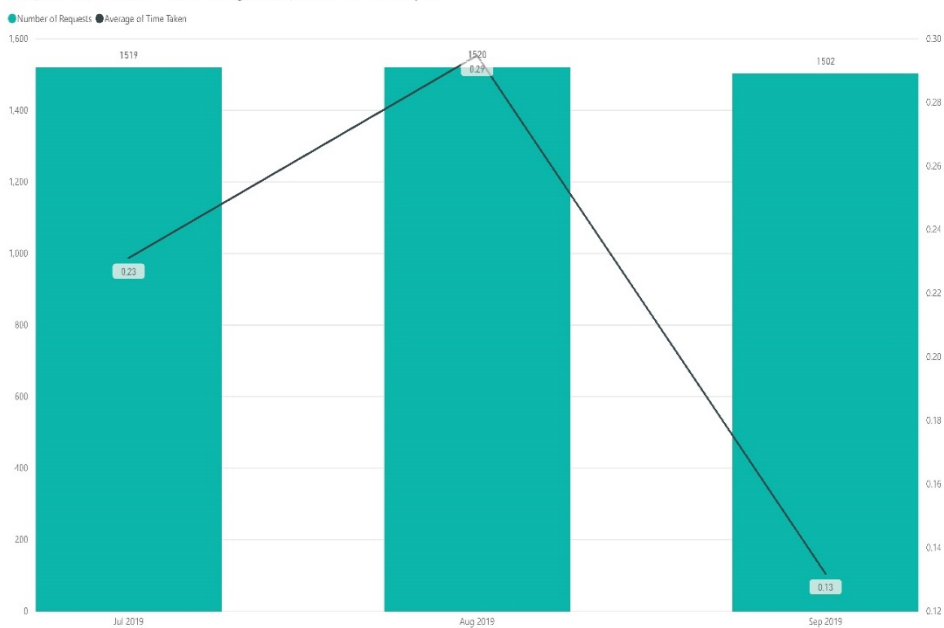
11.

Top 10 Customer Requests

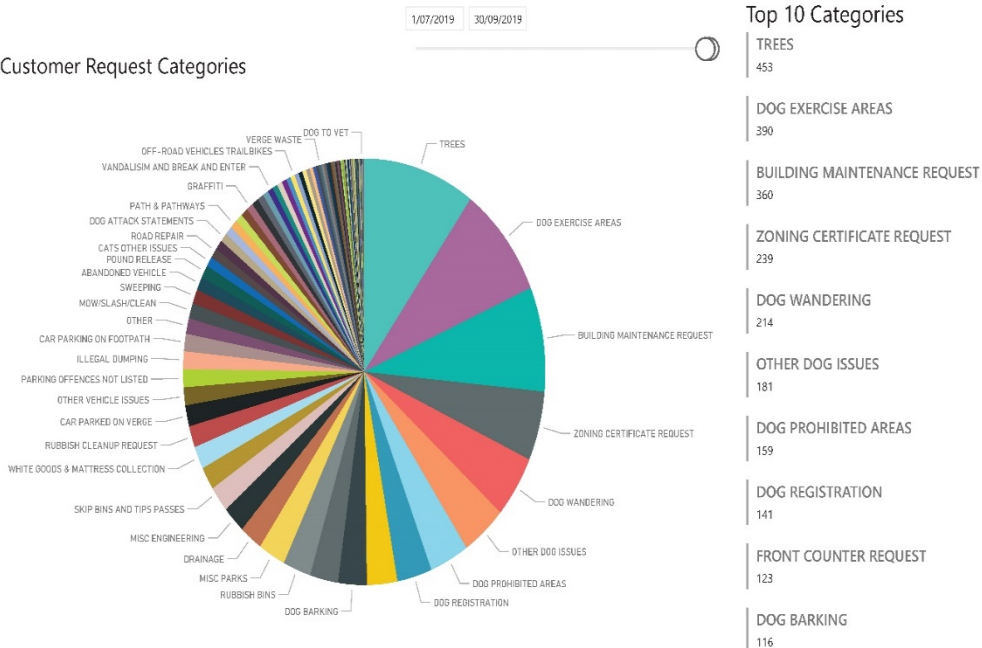


12.

Requests Received & Average Response Time (days)



Customer Request Categories



13.

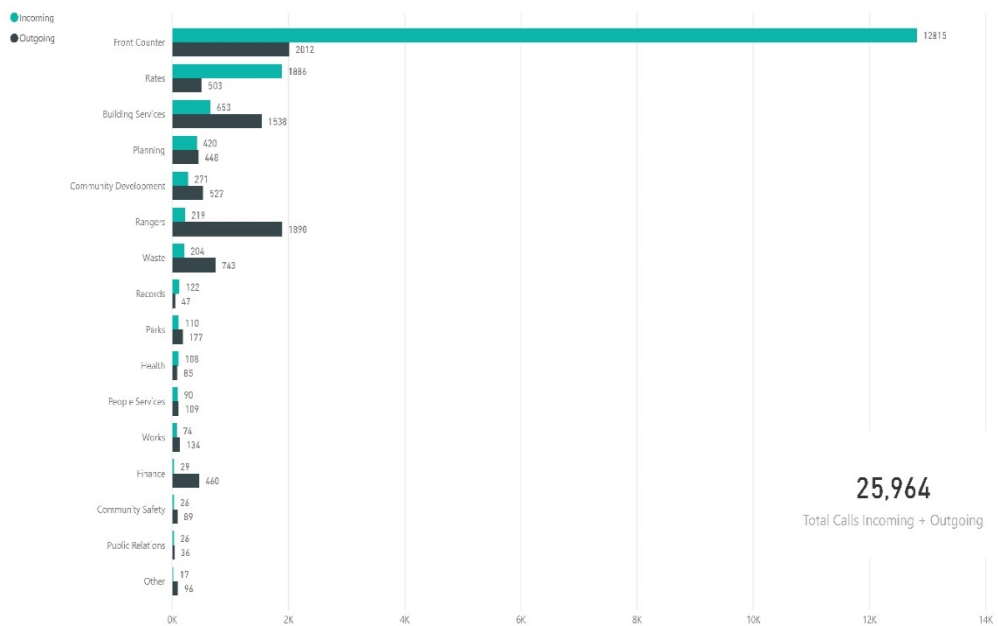
Average and Maximum Response Times for the Top 10 Categories



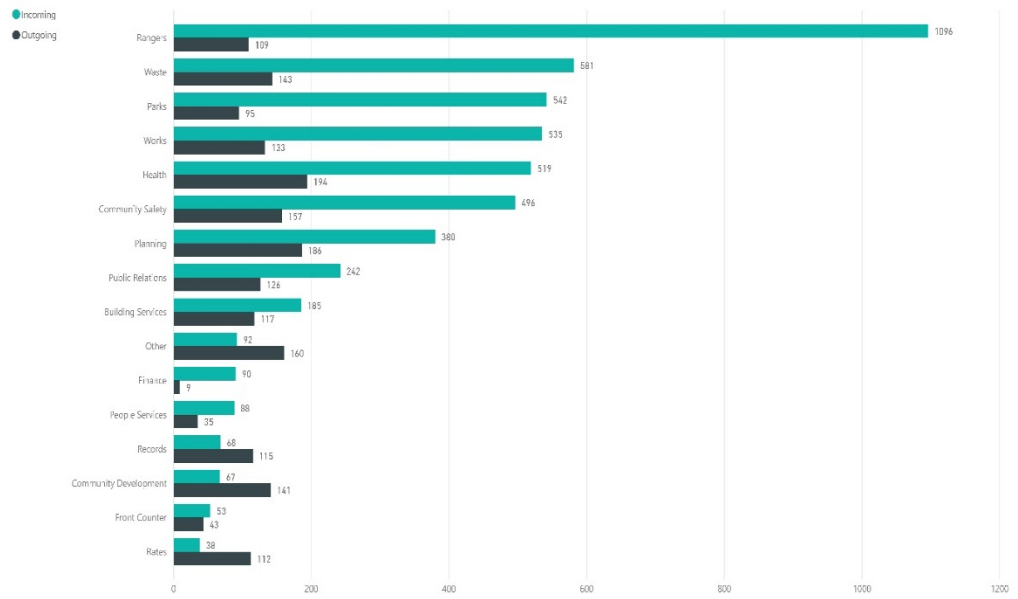
14.

CallN Call recording software has been successfully implemented to assist with monitoring calls. The software was launched in February 2019, with reporting commencing on 1 March 2019. Results for the Quarter July – September 2019 are as follows:

Total Number of Calls

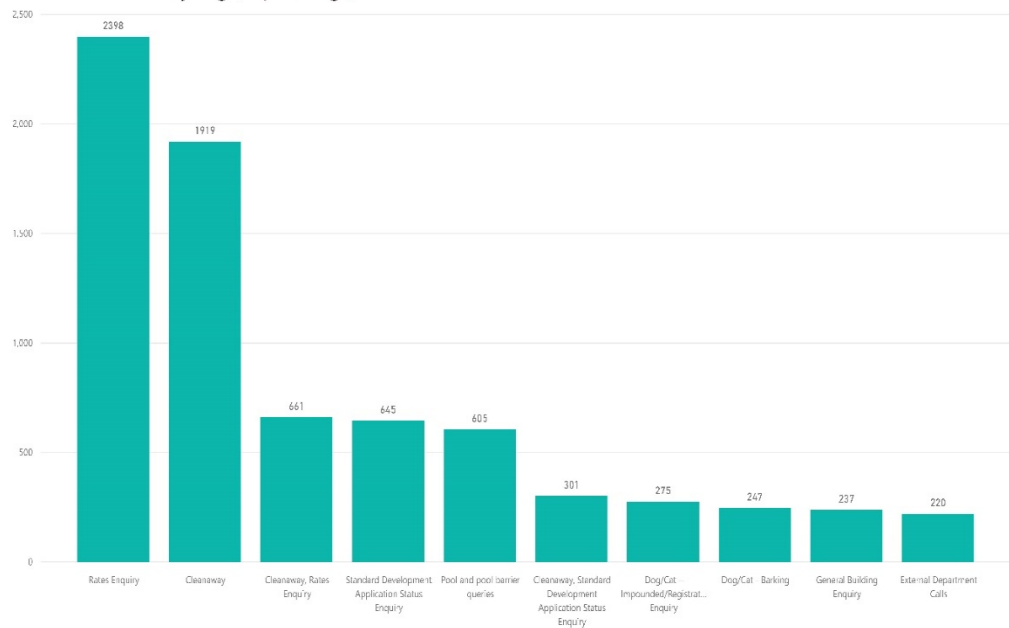


Average Call Length (Seconds)

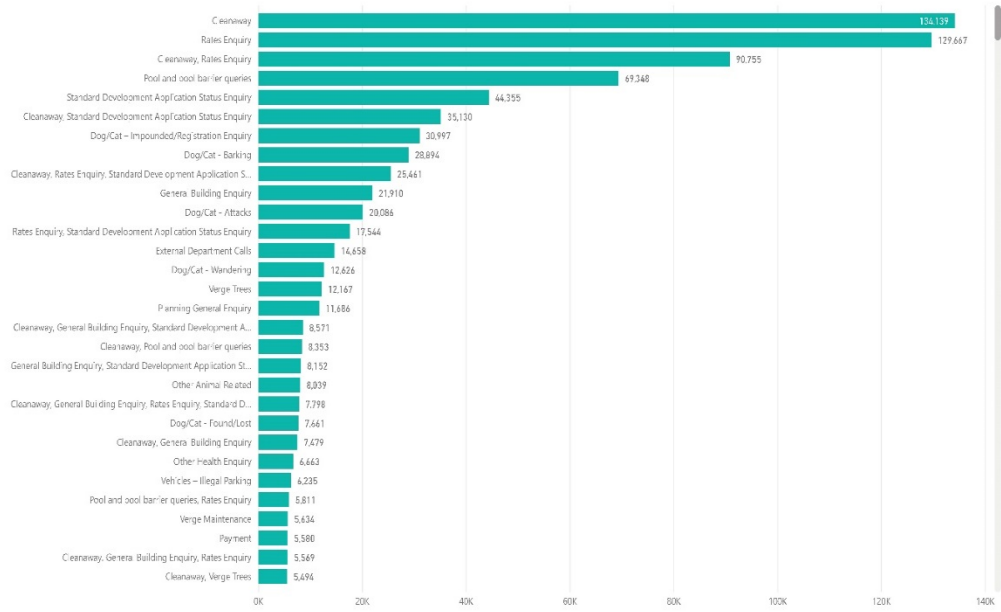


15.

Number of Calls by Tag (Top 10 Tags)

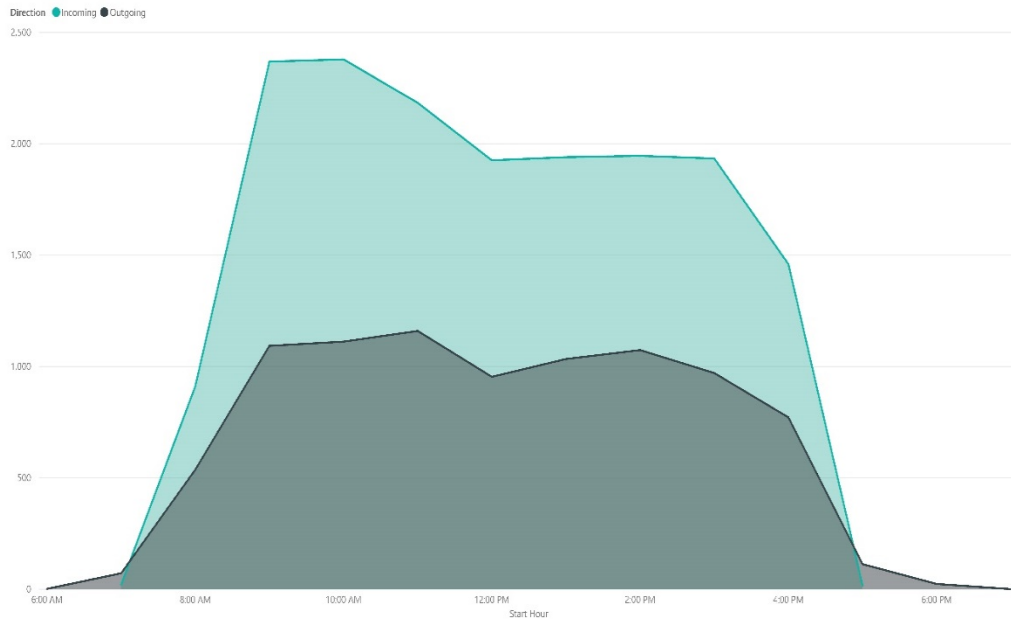


Total Duration of Calls by Tag (seconds)



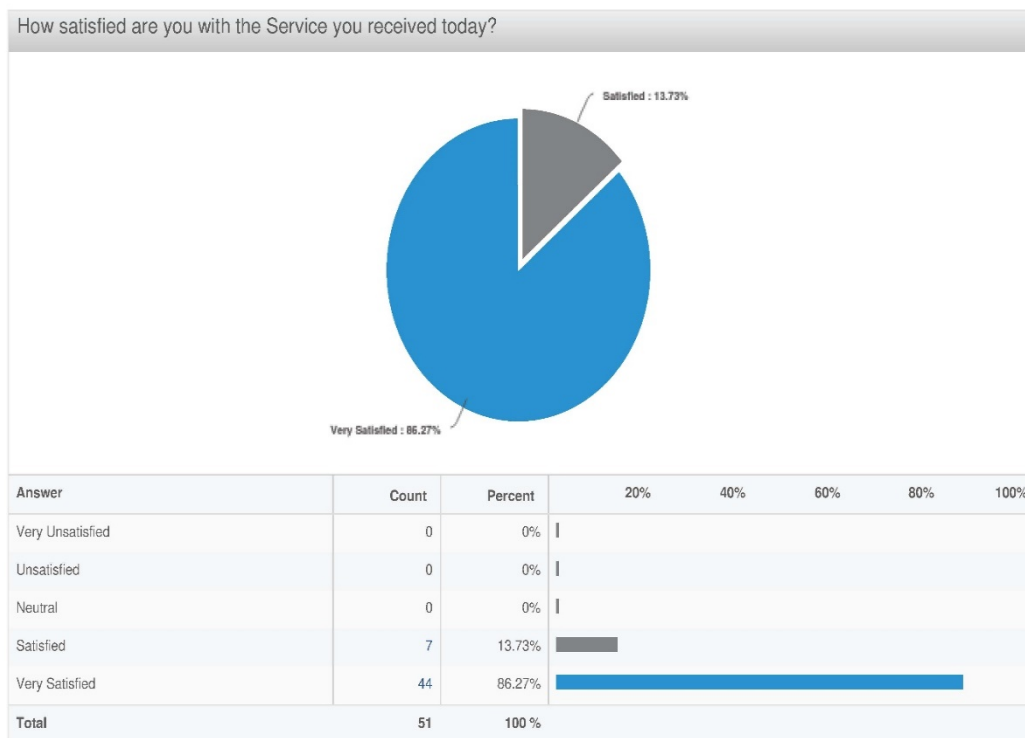
16.

Number of Calls by Time of Day



17.

A Customer Satisfaction Scorecard, utilising the net promoter score, was successfully implemented at the City of Kalamunda Administration for those who visit the City in Person, with results to date as follows:



STATUTORY AND LEGAL CONSIDERATIONS

18. Nil

POLICY CONSIDERATIONS

19. Customer Service Strategy 2017 – 2021

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

20. Results circulated throughout the Organisations to all Business Units as part of an informing campaign.

External Referrals

21. Results published for community members information.

FINANCIAL CONSIDERATIONS

22. The Customer Service Strategy Implementation Plan is undertaken within the current budget parameters.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

23. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

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

24. Nil.

Economic Implications

25. Nil.

Environmental Implications

26. Nil.

RISK MANAGEMENT CONSIDERATIONS

27.	Risk: Customer Service Strategy is not implemented by the due date						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> </thead> <tbody> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Moderate	Unlikely	Low
Consequence	Likelihood	Rating					
Moderate	Unlikely	Low					
	Action/Strategy						
	An annual implementation plan is developed each year and reported against, to ensure that over the lifetime of the strategy all objectives are successfully achieves. This is tracked monthly.						

OFFICER COMMENT

28. The success of the Customer Service Strategy Implementation to date is a credit to the entire organisation. There is a strong customer centric focus and culture that is continuing to strengthen.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the Customer Service Quarterly results for the period of July – September 2019.

10.3.2. Amendment to Delegation From Council to the Chief Executive Officer

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

There was no presentation on this Item.

Previous Items	OCM 151/2019
Directorate	Office of the CEO
Business Unit	Governance & Legal Services
File Reference	LE-ACT006
Applicant	City of Kalamunda
Owner	City of Kalamunda
Attachments	Nil

EXECUTIVE SUMMARY

1. To consider a minor amendment to the current delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. The amendment is required as a consequence of the recent adoption by Council of the City of Kalamunda Parking and Parking Facilities Local law 2019 and its subsequent gazettal.
3. It is recommended that Council approves the proposed amendment to delegation ENG 1.

BACKGROUND

4. In order to carry out its functions efficiently and effectively, Council has the ability to delegate its powers and duties to the CEO (or to another staff member, in some cases).
5. The current delegations were last reviewed by Council at its Ordinary Council meeting of 25 June 2019.

DETAILS

6. The amendment is required as a consequence of the recent adoption by Council of the City of Kalamunda Parking and Parking Facilities Local Law 2019 and its subsequent gazettal.
7. The current Delegation ENG 1 provides:

"Pursuant to Clause 1.10 of the Shire of Kalamunda Parking and Parking Facilities Local Law 2008, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the determination of Prohibited Parking Areas within the City of Kalamunda."

The delegation is required to be amended by the deletion of the reference to the 2008 local law and including reference to the 2019 local law.

STATUTORY AND LEGAL CONSIDERATIONS

8. Section 5.42 of the *Local Government Act 1995* states that:

"A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43." (Absolute Majority required).

POLICY CONSIDERATIONS

9. Where appropriate, Policies will reflect the principles and conditions included in any delegation.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

10. Not specifically required for this minor amendment.

External Referrals

11. Public consultation is not considered necessary with respect to this issue.

FINANCIAL CONSIDERATIONS

12. No financial impact from this matter

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

13. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

14. Nil

Economic Implications

15. Nil

Environmental Implications

16. Nil

RISK MANAGEMENT CONSIDERATIONS

17.	Risk: Delegated authority does not reference the correct legislative authority.		
	Likelihood	Consequence	Rating
	Unlikely	High	Medium
	Action/Strategy		
	Ensure Council is aware of the need to make delegations under the correct legislative authority		

OFFICER COMMENT

18. The proposed amendment although minor in nature is required to ensure the Administration can implement action under the correct legislative authority.

Voting Requirements: Absolute Majority

RECOMMENDATION

That Council AMEND Delegation ENG 1 by replacing the references to "Parking and Parking Facilities Local law 2008" to "Parking and Parking Facilities Local law 2019"

10.3.3. Corporate Business Plan - Quarterly Update - July to September 2019

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

There was no presentation on this Item.

Previous Items	
Directorate	Office of the CEO
Business Unit	People Services
File Reference	3.009509
Applicant	City of Kalamunda
Owner	City of Kalamunda

Attachments	1. 2019 Q 1 CBP [10.3.3.1 - 35 pages]
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EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the progress on the City of Kalamunda's (**City**) achievement against the "Kalamunda Achieving: Corporate Business Plan 2019-2023" for the period July to September 2019.
2. At an aggregate level, the Corporate Business Plan is 25% complete as at 30 September 2019.
3. This paper also includes minor amendments to the Corporate Business Plan to reflect increased accuracy to the Plan arising from operational planning.
4. It is recommended that Council notes the quarterly report for the Corporate Business Plan for the period July to September 2019.

BACKGROUND

5. Kalamunda Achieving: Corporate Business Plan 2019-2023 (**CBP**) was approved by Council on 24 June 2019.
6. The CBP outlines the major projects, including capital works and operational recurrent services for the City. It then links those projects and services to the Asset Plans, Long Term Financial Plan and Workforce Plan.
7. The CBP is a component of the City of Kalamunda's integrated planning and reporting framework.
8. The Chief Executive Officer, Directors and Managers have individual performance objectives that are directly linked to their achievement of the CBP in the 2019/20.

DETAILS

9. The CBP is comprised of 4 priority areas, referred to as 'goals' in this report, being:
1. Kalamunda Cares and Interacts
 2. Kalamunda Clean and Green
 3. Kalamunda Develops
 4. Kalamunda Leads
10. The report reflects the management progress report against the work schedule for each of the individual initiatives, as at 30 September 2019.
11. At an aggregate level, the CBP is 25% complete.
12. Management also seeks the following amendments to the CBP to be approved. This is arising from the Asset Services Directorate reviewing and improving their operational plan.

The changes are captured in the quarterly report (attached) and also summarised in the table below:

Original Priority Action	Requested Change	Nature of Change
Bicycle Plan 2017 – Implement the initiatives for the Bicycle Plan. Undertake a formal review every 5 years.	Implement the initiatives within the Kalamunda Bicycle Plan 2018.	Names the correct plan
Develop and implement a Local Environment Strategy (LES) to provide strategic direction in the delivery of best practice environmental stewardship in the City. Target: Sept 2019	Implement actions and plans from the Local Environment Strategy. Target: 30 June 2020	LES has been developed. Focus on implementation of the LES.
Review the 2008 Local Biodiversity Strategy and report on implementation Target: Dec 2019	Develop the 2020 Local Biodiversity Strategy Target: 30 June 2020	This is forward looking and the target date is more realistic.
Environmental Education Program: [B] Engage local schools in the Adopt-A-Spot program Target: Minimum of 4 schools participate	Target: Invitation to 4 schools to participate	Target is not realistic to achieve year-on-year. Shift the target to an engagement focus.
Waterwise - The City is recognised as a Waterwise Council by the Water Corporation. Target: 31 August 19	Target: 31 Dec 19	This reflects submission date of October 2019.

Original Priority Action	Requested Change	Nature of Change
Water Resource Plan (Non-Potable) - Develop a non-potable water master plan for irrigation of parks, reserves and other POS to reduce use of potable supply including MAR. Target: Dec 2019	Target: 31 Mar 20	Realistic timeframe
Renewable Electricity Plan - Undertake a feasibility study into the potential for the City to facilitate a large-scale solar PV farm on City land to offset its carbon footprint from electricity usage. Target: July 2019	Target: 30 Jun 20	Realistic timeframe
Develop and implement the Kalamunda Waste Plan 2020	Develop the Kalamunda Waste Plan 2030	Delete "implement"
Develop and regularly review Asset Management Policy, Strategy and associated plans for all major asset classes and implement all associated actions to provide strategic direction in the management of all assets.	Implement the actions from the adopted Asset Management Strategy to improve the Asset Management practices of the City.	Improved description to focus on Strategy and management. Recognises that all Asset Management Plans are now in place
Capital Works Program – Prepare and deliver ...	Capital Work Program – prepare and issue the 10-year Capital Works Program aligned to the Long Term Financial Plan on an annual basis. Implement the annual Capital Works program	Separates into 2 key actions, aligning to business unit portfolios
Masterplan – streetscape – develop a 10-year plan for street landscape improvements and tree planning Target: March 2020	Develop area specific verge landscaping guidelines. Target: June 2020.	Improved description to reflect current program of work and deadlines.

STATUTORY AND LEGAL CONSIDERATIONS

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

POLICY CONSIDERATIONS

15. None.

COMMUNITY ENGAGEMENT REQUIREMENTS

Internal Referrals

16. This report reflects input from Directors and Managers throughout the City.

External Referrals

17. Various external stakeholders and community members have been involved in the achievement of the CBP.

FINANCIAL CONSIDERATIONS

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

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

19. *Kalamunda Advancing Strategic Community Plan to 2027*

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

SUSTAINABILITY

Social Implications

20. None.

Economic Implications

21. None.

Environmental Implications

22. None.

RISK MANAGEMENT CONSIDERATIONS

23.	Risk: The City lacks transparency in its achievement of the statutory requirements of the Corporate Business Plan		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	Quarterly reports are provided to Council of progress against the CBP.		

OFFICER COMMENT

24. The achievement of the CBP is included in the performance objectives for the CEO and Directors.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the quarterly report for the Kalamunda Achieving: Corporate Business Plan 2019-2023 for the period July to September 2019; and
2. APPROVE the amendments to the Corporate Business Plan 2019-2023, as detailed in paragraph 12 of this agenda paper.

11. Closure

There being no further business, the Presiding Member declared the Meeting closed at 8:45pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2019.