



# Public Agenda Briefing Forum

14 June 2022

Notes



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**1. Official Opening**

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

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

**Councillors**

**South East Ward**

Janelle Sewell

Geoff Stallard

**South West Ward**

Mary Cannon

Kellie Miskiewicz

Brooke O'Donnell (Presiding Member)

**North West Ward**

Sue Bilich

Dylan O'Connor

**North Ward**

Andrew Osenton

Kathy Ritchie

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**

Chris Lodge - Manager Strategic Planning

James Wickens - Manager Environmental Health & Community Safety

Jamie Paterson - Manager Information Technology

Mandy Skeates - Manager Economic & Cultural Services

Nicole O'Neill - Manager Customer & Public Relations

**Administration Support**

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

**Members of the Public 7**

**Members of the Press Nil.**

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**Apologies**

Cr John Giardina

Cr Lisa Cooper

**Leave of Absence Previously Approved**

Cr Lisa Cooper - Apology

**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*.)

3.1.1 Nil.

**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 Nil.

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

4.1 Nil.

**5. Public Question Time**

Public questions will be allowed and received following the presentation of the report.

**6. Public Statement Time**

Public statements will be allowed and received following the presentation of the report.

**7. Public Submissions Received in Writing**

7.1 Nil.

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**8. Petitions Received**

8.1 Nil.

**9. Confidential Items Announced But Not Discussed**

9.1.1 Item 10.1.1 Forreestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption – Confidential Attachment - Confidential Submissions Table

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

9.1.2 Item 10.1.2 Cell 9 Outline Development Plan (ODP) Amendment for Adoption– Confidential Attachment - Confidential Submissions Table

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

9.1.3 Item 10.3.1 Proposed Permanent Road Closure: Portion of Road Reserve Adjacent to 109 Orange Valley Road, Kalamunda– Confidential Attachments - Confidential Submissions Table – Confidential Submission No 4 & Confidential Submission No 20

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

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## **10. Reports to Council**

### **10.1. Development Services Reports**

#### **10.1.1. Forrestfield / High Wycombe Industrial Area Stage 1 - Development Contribution Plan Report - Final Adoption**

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

The Manager Strategic Planning provided a presentation on this Report.

Councillors sought clarification on various issues raised within the report. Clarification was provided to all queries.

Michael Ryan, High Wycombe

1. How will the City prove the latest review of the DCP for Stage 1 can legally take effect if there has not been adequate consultation with affected landowners as required by Planning policy 3.6? I believe the DCP should be suspended and not used until this has been clarified
2. The DCP for Stage 1 states it will afford residents on the northern side of Sultana Road West an appropriate buffer. When will the City provide technical details, a timeline, a cost estimate for providing this buffer? I am of the view it should have been incorporated into the DCP for Stage 1. The omission of the buffer is another reason why I believe the DCP should be suspended.

The Director Development Services responded to queries raised by Michael Ryan and advised the consultation process the city has undertaken for the establishment of the DCP and the annual review accords with the requirements of State Planning Policy 3.6. With regard to the interface between the residential precinct and the existing industrial area matters pertaining to that interface are dealt with through the Residential Area Local Structure Plan for High Wycombe South and should future development proceed on Sultana Road West appropriate design treatments will be required at that phase. In relation to road design the city has been consistent with Sultana Road West accommodating RAV4 Vehicles and maintaining a 9 metre carriageway as outlined within the DCP Report.

David Downing, High Wycombe, provided a statement in relation to the principle shared paths within the DCP area and various other aspects of the report.

The Director Development Services advised the City would engage internally on matters raised by David Downing in relation to shared paths within the DCP area. Information in relation to this would be provided prior to the OCM.


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Previous Items	SCM 230/2018, OCM 27/2020, OCM 350/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	3.009297
Applicant	City of Kalamunda
Owner	Various
Attachments	<ol style="list-style-type: none"> <li>1. Development Contribution Plan Report - For adoption [<b>10.1.1.1</b> - 131 pages]</li> <li>2. Submissions Table [<b>10.1.1.2</b> - 56 pages]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Confidential Submissions Table</li> </ol>

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

**TYPE OF REPORT**

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

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 3: Kalamunda Develops**

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

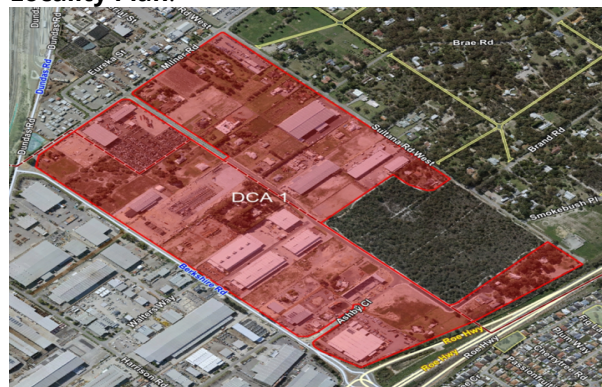
**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

**EXECUTIVE SUMMARY**

1. The purpose of this report is for the Council to consider submissions on, and the final adoption of, the Forrestfield / High Wycombe Industrial Area – Stage 1 (FF/HW Industrial Area) Development Contribution Plan Report – Annual Review (DCPR).
2. The DCPR sets out detailed information to facilitate the administration and delivery of the Development Contribution Plan (DCP), a cost-sharing arrangement subject to annual review, to levy cost contributions for planned infrastructure that is required by, and to be shared across the FF/HW Industrial Area.
3. The DCPR was advertised in January/February 2022 and 7 submissions were received. These submissions have been considered with responses provided in the submissions table (Attachment 2). Some modifications to the DCPR have been made as a result of the submissions received and are reflected Attachment 1.
4. It is recommended that the Council adopt the DCPR and the Cost Contribution rate of \$21.57/m<sup>2</sup> effective immediately.

**BACKGROUND**

5. **Locality Plan:**





6. The FF/HW Industrial Area Local Structure Plan (the LSP) was prepared and adopted in 2013 to facilitate industrial subdivision and development within the area. Due to the nature of fragmented landownership, a Development Contribution Plan (DCP) was prepared to coordinate the provision of common infrastructure required to cater for industrial development.
7. The Scheme Amendment to include the DCP within the City's Local Planning Scheme No. 3 (LPS3) was gazetted in May 2013. This allowed the City to place, on development and subdivision approvals, the obligation to pay a Cost Contribution for common infrastructure and administration costs to manage the DCP.
8. Following the gazettal of the DCP, the Council was required to adopt a DCPR and Cost Apportionment Schedule. The DCPR and the associated Cost Apportionment Schedule sets out, in detail, the calculation of cost contributions for development in accordance with the methodology shown in the DCP.
9. The DCPR needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCPR does not form part of LPS3 but once adopted by the Council is required, by Clause 6.5.11.2 of LPS3, to be reviewed at least annually.
10. **Previous Reviews**  
Historical rates for the DCP Report review are as follows:

<b>Date Adopted</b>	<b>Cost Contribution Rate</b>
December 2012	\$23.03/m <sup>2</sup>
December 2013	\$28.49/m <sup>2</sup>
June 2015	\$31.23/m <sup>2</sup> Reduced to \$29.66/m <sup>2</sup> to account for only 50% of the cost of Sultana Road West.
December 2016	\$29.79/m <sup>2</sup>
December 2018	\$17.01/m <sup>2</sup> Comprehensive review of utility cost estimates resulting in significant reduction in cost.
February 2020	Interim Rate \$23.00/m <sup>2</sup>
July 2020	\$20.97/m <sup>2</sup>
December 2021	\$21.66/m <sup>2</sup> adopted for public advertising and for immediate application.

11. The City undertook a review of the method of calculation of the contribution rate for the DCP in 2018. As a result of this review, the methodology for the DCP was amended to ensure that it is equitable to all landowners within the arrangement (early contributors and later contributors). This temporarily established the concept of an interim payment followed by a final payment once all costs had been accounted for.
12. **SAT Review**  
Following the commencement of the DCP Review in 2020, an application was lodged for appeal/review to the SAT in April 2020 in relation to a condition of development approval issued by the City for an industrial development in the FF/HW Industrial Area (SAT Review). The SAT Review challenged matters summarised as follows:
  - a) Whether the City had the power to impose a condition of development approval requiring a cost contribution
  - b) Whether the City could impose an interim contribution requirement
  - c) Whether the City's interpretation of the methodology to calculate the cost contribution is correct.
13. As a result of a State Administrative Tribunal (SAT) challenge it was determined the method of seeking an interim payment could not be pursued, and the City is required to obtain the Cost Contribution by a single payment based on the City's latest review of the DCPR (Attachment 1).
14. Amendment 105, which was Gazetted in May 2021, was prepared to simplify the Method of Calculating Contributions in Schedule 12 of LPS3, by deleting notes that were not required, although this was not a matter considered by the SAT. Accordingly, the current review has been undertaken using the current LPS 3 text.
15. The SAT, in its reasons for the decision handed down in March 2021, did not accept the applicant's argument that the City was unable to impose a condition requiring a contribution, but did accept that the City was unable to collect an interim contribution, or require landowners to enter into agreements to formalise an interim arrangement. The SAT did not consider the method of calculation part of the reviewable decision.
16. In preparation of the current DCPR, the City has thoroughly reviewed and analysed the DCP having regard to the SAT reasons for its decision, to determine compliance with relevant (LPS3) provisions, and the requirements established through State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6).

17. **Method for Calculating Contributions**

The Method for Calculating Contributions (Method) is contained within Schedule 12 of LPS3 as amended by Amendment 105. This section contains an equation used for calculating the Cost Contribution Rate as follows:

$$\text{Contribution rate} = \frac{\text{Cost of infrastructure items + cost of administrative items (\$)}}{\text{Net lot area of DCA (m}^2\text{)}}$$

18. At its meeting in December 2021 the Council adopted the DCPR, and the Cost Contribution Rate of \$21.66/m<sup>2</sup>, for the purposes of public advertising, and for immediate application.

**DETAILS AND ANALYSIS**

19. **DCP Review**

Consultants were engaged to undertake an independent and comprehensive review of infrastructure cost estimates and a land valuation. This has formed the basis of detail within the DCPR.

20. At each DCP review, all factors contributing to the contribution rate must be reviewed. The significant factors reviewed are as follows:

- a) Remaining developable land and land requiring future acquisition;
- b) Land valuation;
- c) Estimated and actual costs of infrastructure works;
- d) Administration costs; and
- e) Priority of infrastructure works.

Further discussion regarding these factors is provided below.

21. **Remaining Developable Land**

The future developable area is expected to provide the Cost Contributions necessary to account for the remaining infrastructure and administrative costs. As of the end of May 2022, 32 out of the 49 lots (65%) in the Development Contribution Area have been developed, or have commenced development, and 17 lots (35%) are yet to be developed.

22. **Land Requiring Acquisition**

As at the end of May 2022, 16,167.5m<sup>2</sup> has been acquired, approximately 9,310m<sup>2</sup> is the subject of agreements relating to the Bonser Road and Nardine Close (Road 2A) items, and a further 233m<sup>2</sup> is still to be acquired. Approximately 99% of all land required for road construction is either purchased or the subject of a legal agreement to acquire.

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<b>Acquired Area (m<sup>2</sup>)</b>	<b>Cost (\$)</b>
16,167.5	\$4,201,310
<b>Subject to agreement to acquire (m<sup>2</sup>)</b>	<b>Cost (\$)</b>
9,310	\$2,378,175
<b>Requiring Future Acquisition (m<sup>2</sup>)</b>	<b>Estimated Cost (\$)</b>
233	\$64,097

23. One of the submissions queried the accuracy of the Remaining Land Area figure of 9,543.08m<sup>2</sup> included in clause 2.3 'Land for Road Reserve' in the advertised version of the DCPR. These figures have been checked for accuracy against the land requirements and further clarifications have been provided in the DCPR regarding the 50% contribution for land acquisition for Sultana Road West (for Lots 7, 200, and 1563 Milner Road).
24. Since the adoption of the DCPR for advertising the City has secured via agreement to purchase an additional 2,027m<sup>2</sup> for the purposes of completing the Nardine Close cul-de-sac and emergency accessway between Nardine Close and Sultana Road West. The land areas contained in the DCPR have been modified to reflect this change.
25. **Land Valuation**  
Land to be acquired has been identified in the DCP. In September 2021, an independent valuer provided an estimated rate at which land should be acquired at through the DCP. The valuation concluded on a land value rate of \$275/m<sup>2</sup>, increasing from \$250/m<sup>2</sup> at the July 2020 DCP review.
26. Historical land values that have informed the previous DCP reviews are as follows:

<b>Date DCP Review Adopted</b>	<b>Land Value</b>
December 2012	\$250/m <sup>2</sup>
December 2013	\$275/m <sup>2</sup>
June 2015	\$260/m <sup>2</sup>
December 2016	\$220/m <sup>2</sup>
December 2018	\$220/m <sup>2</sup>
February 2020	\$240/m <sup>2</sup> (to inform an interim rate)
June 2020	\$250/m <sup>2</sup>
September 2021 Valuation for current review.	\$275/m <sup>2</sup>

27. **Infrastructure Items**

The following summarises the status of infrastructure items the subject of the DCPR:

Item	Summary of Item	Progress
Berkshire Road	Designs completed to 85%. 2m footpath on northern verge. Undergrounding of overhead consumer powerlines.	Yet to commence.
Milner Road	Designs completed to 85%. Road widening to 10m to facilitate RAV7 from Berkshire to Nardine. In light of a submission and further investigation, the segment of Milner Road between Nardine and Sultana Road West has been changed from RAV4 to RAV7. The designs incorporate a new shared path, footpath, and street lighting.	Yet to commence
Nardine Close	Stage 1: approx. 300m road extension to RAV4 standard.  Stage 2: Land acquisition and minor works (extension of footpath and services) to formalise the cul-de-sac to a permanent standard, and emergency access way extending to Sultana Road West.	Stage 1: completed in 2019.  Stage 2: In progress
Sultana Road West	Designs completed to 85%. Road widening to 9m to facilitate RAV4, including drainage, footpaths and relocation of services. 50% of costs borne by the DCP as per Schedule 12 of LPS 3.	Yet to commence.
Milner Road and Nardine	Intersection widening to accommodate RAV 7 category vehicles.	Completed Nov 2019.

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Close Intersection		
Berkshire Road and Ashby Close Intersection	Intersection widening to accommodate RAV 7 category vehicles.  Seagull island to facilitate traffic management in left-in-left-out.	Intersection works completed Oct 2019.
Dundas Road/Berkshire Road/Milner Road Intersection	Intersection widening to accommodate as-of-right vehicles to Dundas /Berkshire, and RAV 7 category vehicles to Berkshire/Milner.	Completed Dec 2019.
Bonser Road	Stage 1: New 10m wide road connection between Berkshire Road and Nardine Close, including drainage, footpath and lighting.  Stage 2: completion of the southern truncations, sweeps and kerbs.	Stage 1: completed June 2020.  Stage 2: Pending land acquisition.

28. **Estimated and Actual Costs of Infrastructure Works**  
As of 31 March 2022, approximately \$2.61M is required to complete the remaining infrastructure, with \$10.85M spent on infrastructure to date, or the subject to agreements to prefund infrastructure and for land acquisition. Details of these estimates are provided in Attachment 1.
29. The DCPR that was adopted for advertising in December 2021 reflected estimates and actual costs to 30 June 2021. These have been further updated utilising the latest financial information up until 31 March 2022.
30. A key consideration for this review is the impact from recent increases in construction costs. State and Federal Governments have implemented comprehensive economic stimulus packages to the construction sector in response to COVID-19.

31. Advice from consulting engineers undertaking the review of cost estimates for the DCP indicates that recent tenders have seen increases in construction tenders, with the biggest component of the cost increases arising within the preliminaries such as supervision, survey, preparation, implementing various management plans, and quality assurance. Recent tenders have seen Preliminary allowances varying anywhere from 15% to 30% of the total tender amount.
32. Given the uncertainty as to whether this is an accurate reflection of the future market, and on the advice of the City's consulting engineers, the review has incorporated a 15% rate for preliminaries as compared to the typical 6-12%. This is recommended to be re-assessed in the next annual review.
33. **Administrative Items**  
As of 31 March 2022, \$808,220 has been expended on administration costs since the inception of the DCP. A further estimated \$148,333 is required to administer the DCP for the remaining 14 months (from 31 March 2022) until the conclusion of the 10-year DCP operative timeframe under Schedule 12 of LPS3 – May 2023. Details of these estimates are provided in Attachment 1.
34. **Priority of Infrastructure Works**  
Subject to the availability of funding, the following items yet to be completed are considered current priority items. In order of priority, they are:
- a) Ongoing administration costs, including legal, accounting, planning, engineering, and other professional advice required to prepare and implement the DCP;
  - b) The following items have equal priority:
    - i. Land acquisition and construction requirements associated with establishing the Nardine Close temporary cul-de-sac to a permanent standard and constructing an emergency accessway between the Nardine Close cul-de-sac and Sultana Road West.
    - ii. Bonser Road - Prefunded by the landowner of Lot 547 Berkshire Road, the road was completed in June 2020. Although the construction of Bonser Road is completed, the DCP is yet to repay land acquisition, design, and construction costs to the landowner. A second stage will be required once land is acquired for truncations from Lots 16 and 17 Berkshire Road, subject to retaining sufficient funds to complete this priority. Subsequent priorities, as stated below, may also be progressed in advance of completing the second stage for Bonser Road;
  - c) Milner Road construction;
  - d) Sultana Road West construction;
  - e) Berkshire Road footpath and adjustment to services; and

- f) Berkshire Road / Ashby Close Intersection treatment (Seagull island);

#### **APPLICABLE LAW**

35. Local Planning Scheme No. 3  
The Cost Contributions are administered and determined in accordance with the provisions of Clause 6.5 and Schedule 12 of LPS3.
36. Clause 6.5.11.2 of LPS3 requires the DCP cost estimates to be reviewed at least annually.

#### **APPLICABLE POLICY**

37. **State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6)**  
The WAPC completed a review of SPP3.6, concluding with the publication of a new SPP3.6 in April 2021. Several amendments were made to SPP 3.6, however while existing DCPs continue to remain valid, the City is required to adhere with all monitoring and reporting requirements under the new SPP3.6.
38. With respect to monitoring and reporting, at the end of each financial year, the City is required to prepare an annual status report of the DCP that contains a high-level snapshot or “health check” of the progress of the DCP, including the delivery of infrastructure against anticipated timing, and financial position. The annual status report has been included as Appendix m to the DCPR.

#### **STAKEHOLDER ENGAGEMENT**

39. Following the Council’s adoption, the draft DCPR and the proposed Cost Contribution rate was advertised to landowners within the FF/HW Industrial Area in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals. Public advertising, incorporating letters to landowners within the FF/HW Industrial Area, a website notice and copies being made available at the City’s Administration Centre. The advertising was undertaken between 4 January 2022 and 15 February 2022.
40. Following the public advertising process, a total of 7 submissions were received, comprising:
- a) 3 objections (including comments) from or on behalf of landowners located in or adjacent to the FF/HW Industrial Area;
  - b) 1 late submission raising comments from a landowner; and



- c) 3 submissions raising no objection from servicing agencies or public authorities

Refer to Attachment 2 for the full submissions table.

- 41. The following summarises the key issues raised in submissions received, and the officer's responses to each of these issues follow:

- a) A request to reclassify the intended access arrangements for the segment of Milner Road between Nardine Close and Sultana Road West from RAV4 to RAV7.

Response:

This segment of Milner Road has been identified as RAV4 since the review of movement network requirements in the FF/HW Industrial Area in 2017. The City considered the implications of this request, in terms of design and cost impacts, to change from RAV4 to RAV7. On the advice of the City's consulting engineers, it was concluded that there will be no additional cost or design changes associated with this change, providing the RAV7 classification does not extend beyond the Milner / Sultana Road West intersection. Notwithstanding the standard of construction identified for Milner Road, should an owner/operator wish to seek approval for RAV7 access, the application will need to be made to Heavy Vehicles Services, Main Roads WA. Given this request will not materially affect the DCP the description of Milner Road has been updated under clause 2.2.3 of the DCPR to reflect the potential classification of this segment of road to RAV7.

- 42. b) Request to include a dedicated cost to refund early contributors who paid a higher Cost Contribution Rate.

Response:

The inclusion of a dedicated cost item would introduce a cost beyond the scope of infrastructure and administration items identified in the DCP and is therefore unable to be supported. The structure of the method for calculating cost contributions currently ensures that landowners contribute equitably towards infrastructure and administration costs.

Clause 6.5.17 of LPS 3 provides the necessary provisions for dealing with a shortfall or excess in cost contributions when all cost contributions have been made or accounted for.

Clause 6.5.17 references a requirement to identify owners and their entitled amount. This process will not occur until "all cost contributions

have been made or accounted for". It is imperative that the City have a clear understanding of the final costs, and how any outstanding contributions, should there be any, will be accounted for before commencing the reconciliation process.

43. c) Concern that there is a lack of consistency in reporting timeframes used in the Report to Council in December 2021, and a suggestion that greater transparency is required around the value of funds held in the DCP account.

Response:

In terms of the reporting timeframes, each annual DCP review provides an update regarding the actual costs expended and the outstanding estimated costs for the purposes of calculating the Cost Contribution rate. It is acknowledged that the Council Report in December 2021 cited varying dates for key inputs, for example:

- i. Land Valuation – September 2021.
- ii. Status of remaining developable land – November 2021.
- iii. Actual costs incurred for infrastructure and administration costs – 30 June 2021.

Notwithstanding the dates cited in the Council report and DCPR, the calculation of the estimated costs for infrastructure and administration was current at the time of the report preparation in November 2021 and, therefore, the Cost Contribution calculation was sound.

44. Regarding the request for greater transparency, the submitter references a need for monthly financial reports being presented to the Council. It should be noted that costs associated with the expenditure and income features as part of the City's monthly Statement of Financial Activity. The preparation of specific figures consolidating the expenditure and income for this DCP, for inclusion in the monthly financial statement would require considerable additional administrative work and cost which would have to be borne by the DCP.
45. There is no statutory obligation to report these costs in a consolidated format, monthly. It should be noted that the City meets its transparency and reporting obligations under the SPP3.6 requirements, which is the current industry standard.

46. d) Concern regarding the increase of administration costs.

Response:

The rise in administration costs last financial year can be primarily attributed to the additional legal considerations in the context of a SAT challenge during the 2020 / 2021 financial year.

The estimated administration costs for the remainder of the 2021/22 and 2022/23 financial years have been updated in the DCPR for final adoption. These costs incorporate a review of infrastructure costs, land valuation, legal costs and DCP management.

47. e) *The FF/HW Industrial Area has introduced amenity impacts on residents located outside of the precinct, along Sultana Road West.*

Response:

The subject DCPR is a review of the contribution rate and does not propose to change land use in the FF/HW Industrial Area. Consideration of amenity impacts associated with existing land uses is beyond the scope of the current DCP review.

The FF/HW Industrial Area LSP includes objectives for industrial development to not adversely impact on the amenity and safety of adjoining land uses. Furthermore, the High Wycombe South (HWS) LSP identifies Sultana Road West and the appropriate transition point between the industrial and future urban precincts and incorporates provisions requiring design treatments to be provided at the development stage(s) to ensure an appropriate interface.

48. The City is aware of industrial operations and concerns from some residents regarding amenity impacts, and is continuing to investigate, from a development compliance perspective, the issues raised concerning light industrial activities along Sultana Road West.

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49. f) Request for the introduction of additional infrastructure costs in the DCP to compensate landowners outside of the precinct, and to fund buffer / transitional features on Sultana Road West.

Response:

There is no provision in the DCP to fund additional land or design treatments on Sultana Road West. The introduction of additional costs at this stage of the DCP's life would not meet the fundamental principles of consistency and equity established under State Planning Policy 3.6 – Infrastructure Contributions (SPP3.6). There is no provision within the SPP 3.6, and consequently within the DCP, to pay compensation to properties external to the DCP area.

50. As noted above, Sultana Road West is identified as the appropriate transition point between the industrial and future urban precincts, and design treatments will be required at the development stage(s) within the HWS Residential Precinct, to ensure an appropriate urban interface. In this context, the introduction of additional costs to the DCP for land to buffer the industrial area would be unjustified.

51. Whether the historic consultation with landowners regarding the DCP has been appropriate, and whether it included the broader community.

Response:

The FF/HW Industrial Area Stage 1 LSP, and the LPS3 Scheme Amendment to include provisions for the DCP were publicly advertised.

52. There is not a specific requirement for public advertising of a DCP Review, however the City undertakes advertising to ensure transparency and inform the decision making process. As noted above, public advertising included letters to landowners within the FF/HW Industrial Area, a public website notice and copies being made available at the City's Administration Centre. Given the nature of the DCPR relating to a specific area for the sharing of infrastructure costs, letters were only sent to landowners directly affected by the apportionment of costs in the review.

53. g) Request to the City to refund Stamp Duty on land purchased privately and subsequently ceded to the City as DCP infrastructure.

Response:

The DCP does not make any provision for the reimbursement of Stamp Duty and these costs have not historically been incorporated as a cost of land acquisition. The DCP and the City has no role in the payment of Stamp Duty, or any arrangements to compensate landowners for these costs for private land transactions that occur outside of the land acquisition process administered through the DCP.

54. The introduction of additional costs within the DCP for the purposes of reimbursing landowners for Stamp Duty would not be appropriate for the reason outlined above and would not represent the principles of consistency and equity.

#### **FINANCIAL CONSIDERATIONS**

55. The operation of the DCP presents a major administrative responsibility for the City. While the DCP is self-funded, the City has an implicit obligation to efficiently and effectively manage the revenues and works.
56. The remaining developable area is reliant on the DCP to provide the necessary infrastructure to facilitate development. In particular, the timely provision of roads and drainage is critical for industrial precincts as most developments rely on these improvements for suitable access.
57. The LPS 3 requires that the City refunds any excess funds when all Cost Contributions have been made or accounted for. As of the end of May 2022, 32 out of the 49 lots (65%) in the Development Contribution Area have been developed, or have commenced development, and 17 lots (35%) are yet to be developed, equating to approximately 21.8 hectares.
58. In view of the fact that there is still approximately 35% of land in the DCP area to be developed it is highly unlikely that all Cost Contributions will have been made, and all infrastructure will have been delivered by the end of the DCP's 10 year operational life; May 2023. As a result a report will be presented to the Council as part of the final review of the DCP providing a detailed examination of the options available to complete the infrastructure and finalise the DCP in accordance with the City's obligations under the planning framework.

**SUSTAINABILITY**

- 59. **Social Implications**  
The provision of infrastructure in a timely, coordinated, and responsible manner can have a significant impact on the quality of life for both existing and future residents.
- 60. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single landowner will be able to be satisfied.
- 61. **Economic Implications**  
The implementation of DCPs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes. As such, a DCP does not offer any direct economic benefits to an area. DCPs can, however, assist in the timely, efficient, and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.
- 62. **Environmental Implications**  
The proposed DCP infrastructure is identified in areas where vegetation is predominantly cleared. A portion of road reservation abuts a Bush Forever Reserve and during the construction phase, due consideration will have to be given to ensure impacts to this area are minimised.

**RISK MANAGEMENT**

63.	<p><b>Risk:</b> Not undertaking the review and updating the contribution rate so the Development Contribution Plan is not in alignment with current infrastructure and administrative costs.</p>		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Rare	Significant	Medium
	<p><b>Action/Strategy</b></p> <p>Ensure the Council is aware that the DCP review and the proposed revised rate is reflective of projected costs to deliver infrastructure works and land purchases. Additionally, Clause 6.5.11.2 of LPS3 requires the DCP Report is reviewed at least annually.</p>		

64.	<b>Risk:</b> There is insufficient money collected in the DCP to fund infrastructure upgrades.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Possible	Major	High
	<b>Action/Strategy</b>		
	Undertake annual reviews to ensure the scope of infrastructure remains relevant and to maintain the currency of the cost of infrastructure with adequate provision for contingencies, land, and other DCP items.		

65.	<b>Risk:</b> Errors are contained within the DCP estimates and calculation.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Possible	Moderate	Medium
	<b>Action/Strategy</b>		
	Ensure figures are audited and sourced from financial statements. Ensure cost estimates are reviewed annually and provided by an independent consultant.		

**CONCLUSION**

- 66. Following public advertising and the consideration of submissions, the following provides a summary of the key changes to the DCPR between its adoption in December 2021 and the current report:
  - a) Updated actual and estimated Administration Costs.
  - b) Small reduction of estimated costs for Berkshire Road due to reduced consumer line adjustments.
  - c) Reduction of the estimated costs for Nardine Close Extension (Road 2A) Completion of cul-de-sac and emergency access way.
  - d) Updated land areas to distinguish the areas subject to agreements and that are yet to be acquired.
  
- 67. The submissions received have not resulted in any significant changes to the DCPR. A minor change has been made to regarding the segment of Milner Road between Nardine Close and Sultana Road West to identify the potential to accommodate RAV7 vehicles.
  
- 68. The DCP has been reviewed using audited and known infrastructure costs and estimates based on consultants’ advice. The DCP Report has been prepared and documented with the required information to ensure accountability and equity. The recommended Contribution Rate is a product of this information.

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69. While it is not a requirement under LPS 3 or SPP 3.6 to undertake public advertising of a DCP Report, the DCP was advertised in the interest of good governance and transparency. The Cost Contribution Rate was applied immediately to ensure contributions are reflective of the latest and best estimates available, particularly in the context of rising construction costs and elevated development activity in the precinct.
70. The submissions have resulted in the alignment of the financial actual and estimated costs, where applicable, and the cost contribution rate has been adjusted accordingly.
71. It is recommended that the Council adopt the DCP Report, and the DCP Contribution Rate of \$21.57 m<sup>2</sup> effective immediately.

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

That Council:

1. NOTE the submissions received during advertising of the Forrestfield / High Wycombe industrial area and the responses contained in the Schedule of Submissions (Attachment 2) and submitter details (Confidential Attachment 1).
2. ADOPT the Forrestfield / High Wycombe Industrial Area Development Contribution Plan Report (Attachment 1).
3. ADOPT the Cost Contribution Rate of \$21.57m<sup>2</sup> for immediate application under Clause 6.5 and Schedule 12 of Local Planning Scheme No. 3.
4. AUTHORISE the Chief Executive Officer to publish a copy of the Annual Report for Development Contributions on the City's website, as contained in Appendix E of the Development Contribution Plan Report and refer a copy to the Department of Local Government, Sport and Cultural Industries and the Department of Planning, Lands and Heritage.



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### 10.1.2. Cell 9 Outline Development Plan (ODP) Amendment for Adoption

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

The Director Development Services provided a presentation on this report.

Council sought clarification in relation to various aspects of the ODP.


The Director Development Services provided clarification and responses to the queries and matters raised.

Previous Items	OCM 279/2021
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	City of Kalamunda
Owner	G B Fuller

Attachments	<ol style="list-style-type: none"> <li>Proposed Amendment to the Cell 9 ODP [<b>10.1.2.1</b> - 1 page]</li> <li>Submission Table [<b>10.1.2.2</b> - 12 pages]</li> <li>Perth Airport Submission [<b>10.1.2.3</b> - 11 pages]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>Confidential Submissions Table</li> </ol>

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

#### TYPE OF REPORT

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

*Kalamunda Advancing Strategic Community Plan to 2031***Priority 3: Kalamunda Develops****Objective 3.1** - To plan for sustainable population growth.**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.**Priority 3: Kalamunda Develops****Objective 3.2** - To connect community to key centres of activity, employment and quality amenities.**Strategy 3.2.2** - Develop improvement plans for City assets such as parks, community facilities, playgrounds to meet the changing needs of the community.**EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to consider an amendment to the Cell 9 Wattle Grove Outline Development Plan (ODP amendment), for final approval following advertising as shown in Attachment 1.
2. The proposed ODP amendment seeks to consolidate the portion of Lot 226 (44) St John Road, Wattle Grove (44 St John Rd) designated as Public Open Space (POS), and increase the portion of 44 St John Rd designated Residential R20 and redesignate a portion of the Tomah Road Reservation as POS.
3. The modification will generate additional contributions within the Cell 9 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) which, subject to Council approval, may be directed to the improvement of POS in Cell 9 for the benefit of the broader community.
4. The proposed modification was advertised for a period of 42 days in accordance with Regulation 29 (2) and 18 of the *Planning and development (Local Planning Schemes) Regulations 2015* (the Regulations).
5. The City of Kalamunda (City) received a total of 16 submissions on the proposal of which 5 were in support and 10 were objections to the proposal, and 1 comment only.
6. It is recommended the Council adopts the proposed amendment to the Cell 9 Wattle Grove Outline Development Plan – 44 St John Road.

**BACKGROUND**

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7. The Cell 9 Wattle Grove Outline Development Plan (Cell 9 ODP) was established in the late 1990s and designates land uses, road network, and public open space (POS) in the same manner as a Local Structure Plan.
8. Schedule 11 of Local Planning Scheme No. 3 (LPS 3) provides for the collection of infrastructure contributions within the Cell 9 ODP area, hereafter referred to as the "Cell 9 Infrastructure Cost Sharing Arrangement" (Cell 9 ICSA). Included within the Schedule 11 of LPS 3 is the acquisition of POS.
9. The City prepares an annual report to review the Cell 9 ICSA (Cell 9 ICSA Review Report). This Cell 9 ICSA Review Report identifies the cost for land to be acquired for POS, and the infrastructure and administrative costs in accordance with Schedule 11.
10. There are three parcels of POS yet to be acquired through the Cell 9 ICSA, these are located at Lot 42 (12) Bruce Road, Lot 60 (7) Bruce Road and Lot 26 (44) St John Road, Wattle Grove (subject site).
11. The acquisition of the land to create the three remaining POS parcels is included in the Cell 9 ICSA, however, improvements to the POS, with the exception of Woodlupine Brook, are not. Accordingly, the improvement of Tomah Reserve POS (located to the north of the subject site) is not currently included within the Cell 9 ICSA.
12. The City initially undertook a review of the Cell 9 ODP which identified a surplus of POS, calculated at approximately 14%, higher than the 10% required under the State Government's Liveable Neighbourhoods Policy. The exact percentage of POS in Cell 9 was later calculated with a more refined methodology by the City's consultant at 15.29%.
13. Having determined through the review that there was a surplus of POS designated in the Cell 9 ODP area, the City reviewed the Cell 9 ODP with consideration to the drainage and servicing implications of modifying the layout. The review resulted in a recommended layout outlined in Appendix C of Attachment 1.
14. Having considered the recommendations, the City commenced the preparation of an amendment to the Cell 9 ODP to consolidate the POS allocated within 44 St John Rd consistent with the following objectives:
  - a) To align the Cell 9 ODP with the objectives, strategic direction and actions from the City of Kalamunda Public Open Space strategy (POS Strategy).

- b) To rationalise the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
  - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
  - d) Provide additional housing opportunities within the Cell 9 ODP area.
  - e) Promote active street frontages and surveillance of POS.
15. The consolidation of POS at the subject site will also result in a reduction in land acquisition costs under the Cell 9 ICOSA, and will increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICOSA. The additional funds, subject to Council approval at the annual Cell 9 ICOSA review, could be allocated to improving areas of Cell 9 POS which are not currently funded by the ICOSA for improvement.
16. The annual review would outline estimates for the additional POS improvements and be endorsed by the Council before funds can be expended on additional improvements.
17. The reallocation of funds to provide for POS improvements will assist with alleviating pressures on the City's municipal budget as improvements for the Tomah Reserve north of 44 St John Road can be sourced via the ICOSA.
18. The ODP amendment was adopted by the Council at the September 2021 Ordinary Council Meeting (OCM) for the purposes of public advertising.

**DETAILS AND ANALYSIS**

19. The proposed amendment to the Cell 9 Wattle Grove ODP (Attachment 1) seeks to reduce the portion 44 St John Road designated as POS, increase the portion of designated Residential R20, and redesignate a portion of the Tomah Road reservation as POS (see existing and proposed ODP designation below).

20. Existing ODP Designation



21. Proposed ODP Designation



22. **City of Kalamunda - Public Open Space Strategy 2018**

The proposed amendment to the Cell 9 ODP is consistent with the objectives, strategic direction and actions of the POS Strategy. One of the primary objectives of the POS Strategy is to “optimise the use of the City’s resources to achieve effective and efficient POS outcomes, by prioritising the delivery of high quality POS over quantity”.

23. Consistent with the above objective, the proposed amendment seeks to optimise the Tomah Reserve POS. By consolidating the quantum of land required for acquisition, ICSA funds already collected can be saved and additional contributions can be collected. Subject to Council approval, these funds can then be distributed to increase the quality of POS throughout Cell 9 for broader community benefit.
24. The proposed portion of the subject site to be re-designated from POS to residential lacks both an environmental and active POS benefit to the community. The portion being redesignated is currently a privately owned paddock (grassed area) which has no identified ecological benefit. The minor reduction in the portion of land designated POS will not impact the ability for the community to enjoy Tomah Reserve in a passive manner as planned under the Cell 9 ODP.
25. Strategic Direction 2.6 of the strategy notes "The City, as funding and resources permit increase the quality of POS for community benefit through an increase in the number of 'A' grade reservations". The proposed amendment is considered consistent with this strategic direction as the amendment will generate funds for the purposes of improving POS within Cell 9 for broader community benefit.
26. Strategic Direction 4.1 of the strategy notes "Improve pedestrian access traversing through existing areas of POS". The proposed amendment is considered consistent with this strategic direction as the amendment will enable the investment and improvement of POS within the Cell 9 ODP that currently does not have a funding source.
27. **Objectives for Consolidating POS at 44 St John Road, Wattle Grove**  
Consistent with the objectives outlined in this report, the City is seeking to:
- a) To align the Cell 9 ODP with the objectives, strategic direction and actions the City of Kalamunda Public Open Space strategy (POS Strategy) as outlined above.
  - b) To review the remaining portions of land and surplus POS within the Cell 9 ODP consistent with the City's POS Strategy.
  - c) To facilitate a logical subdivision pattern consistent with the remainder of Cell 9 ODP area.
  - d) Provide additional housing opportunities within the Cell 9 ODP area.
  - e) Promote active street frontages and surveillance of POS.

28. **Review of Surplus POS**  
This amendment proposes to review POS within the Cell 9 ODP area from 29.4825ha to 29.1132ha representing a reduction of 3,693m<sup>2</sup> or 0.19%. Despite the proposed reduction, the Cell 9 ODP will retain an oversupply of POS, and will comply with Liveable Neighbourhoods 2009, and the requirement to provide a minimum of 10% POS.
29. In addition, the reduction in surplus POS enables the Cell 9 ICSA funds that would have been used for the acquisition of land, to be reallocated and used for the improvement of existing and future POS within the Cell 9 ODP area. These upgrades to POS, which are not currently funded under the Cell 9 ICSA, will provide a direct community benefit to the Wattle Grove community.
30. **Increase Land Designated Residential**  
The proposed increased area designated 'Residential R20' within the subject site may create up to 10 additional lots, which is anticipated to generate an additional 8 vehicle movements per day during peak hours. The existing and future road network has the capacity to accommodate the minor increase in demand, with no adverse impact on road users.
31. The redesignation of a portion of the Tomah Road Reservation to POS and portion of the subject site from POS to Residential R20 will enable the efficient use of land within the Cell 9 ODP area, and will create a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
32. In addition, the redesignation will reduce Cell 9 ICSA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated to improving existing and future POS within the Cell 9 ODP area. These upgrades are of a direct benefit to the Wattle Grove community and will provide improved spaces for the community to recreate and enjoy.

**APPLICABLE LAW**

33. City of Kalamunda Local Planning Scheme No.3 - Schedule 11 (the Schedule) provides provisions for the collection and administration of infrastructure contributions within Cell 9.
34. Planning and Development (Local Planning Scheme) Regulations 2015 Under Regulation 79 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and the table following Regulation 79, the Cell 9 ODP is considered a Local Structure Plan (LSP).

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35. cl29 (2) outlines the procedure to be undertaken to amend an LSP, and cl29 (3) outlines that should the Local Government and Commission determine an amendment is minor in nature, advertising may not be required.
36. Cl19(1) and 20(1)(2) of the Regulations the Local Government is required to consider submissions made to the structure plan amendment and provide a response to the Western Australian Planning Commission with its recommendation.

#### **APPLICABLE POLICY**

37. **State Planning Policy 3.6 – Infrastructure Contributions**  
As the Wattle Grove Cell 9 – Schedule 11 Part 1 Infrastructure Cost Sharing Arrangement (Cell 9 ICSA) predates the gazettal of State Planning Policy 3.6 – Infrastructure Contributions (SPP 3.6), it is not subject to the provisions of SPP 3.6. Despite operating in a similar manner, the Cell 9 ICSA is not referred to as a Development Contribution Plan (DCP).
38. **State Planning Policy 3.7 – Planning in Bushfire Prone Areas**  
A Bushfire Management Plan (BMP) has been prepared for the proposed ODP amendment consistent with the requirements of State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) (see attachment 1). The prepared BMP outlines that future development consistent with the preferred subdivision layout will achieve a Bushfire Attack Level rating of 29 or less and will comply with the requirements of SPP 3.7.
39. **State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning**  
The subject site is located in proximity to a Roe Highway, a Primary Regional Road. Accordingly, the portion of the subject site that is being designated residential by this amendment may be affected by traffic noise. It is noted there is an existing noise wall along this portion of Roe Highway, however when the subject site is subdivided in future, lots may need a notification on title to advise prospective purchasers of traffic noise and the requirement to design to quiet house standards.

#### **STAKEHOLDER ENGAGEMENT**

40. The proposed amendment was advertised for a period of 42 days in accordance with cl29 (2) and 18 of the Regulations. Advertising of the proposed amendment involved the following:
- a) Letters were sent to landowners and occupiers who in the opinion of the Local Government are likely to be affected by the approval of the proposed LSP.



- b) A copy of the documentation was available at the City's Administration Office during normal business hours.
  - c) Comment was sought from relevant public authorities and utility service providers.
  - d) An A0 sign was placed out the front of the subject site for the duration of the advertising period.
  - e) The proposal was published on the City's website.
41. The City received 16 submissions on the proposal. Five submissions were in support, 10 submissions were objections and one a comment only on the proposal. Four of the submissions received were from relevant public authorities including Perth Airport, the Water Corporation, the Department of Fire and Emergency Services (DFES) and the Department of Education. Submissions can be viewed at Attachment 2.
42. The submissions received from the community objecting to the proposal raised the following key concerns:
- a) The proposed modification will result in the clearing of native bushland.
  - b) The current condition of the existing POS being poorly maintained and has a lack of facilities/play equipment.
  - c) The reduction of POS in the area will not be sufficient to cater for the increased number of dwellings/residents.
  - d) Increasing the number of dwellings will result in increased traffic volumes.
43. **a) Clearing of native bushland**  
The portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation and can be best described as a paddock or grassed area. The area currently identified for public open space has no identified ecological value. The redesignation of the Tomah Road Reservation to POS and the portion of the subject site from POS to Residential R20 will enable sufficient use of land within the Cell 9 ODP area creating a social and ecological corridor between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).
44. **b) Current condition of POS within the area**  
A key concern raised throughout the submissions was the current condition of the existing POS to the north of the subject site (Willow Lake Estate). Willow Lake Estate is currently graded as a C grade reserve under the City's POS Strategy, which means the reserve is currently rated relatively low in its location, usage value, care and maintenance and environmental value.

45. The redesignation of 44 St John Road from POS to Residential R20 under the ODP, will reduce Cell 9 ISCA costs associated with the acquisition of land for POS. Subject to Council approval, the savings generated could be reallocated with Council approval to improving the existing and future POS within the Cell 9 ODP area. These upgrades will provide a direct benefit to the Wattle Grove community and increase the reserves functionality, usability and environmental value. The Cell 9 ODP Amendment will assist with responding to the concern raised.
46. **c) The reduction of POS**  
Whilst the proposed modification seeks to reduce the amount of POS prescribed under the original proposed Cell 9 ODP, the reduction of POS is considered minor in the context of the overall public open space allocated in the structure plan. The current amount of POS within the Cell 9 ODP area has been calculated at 15.29% in excess of the 10% required under Liveable Neighbourhoods. The amendment proposes to reduce the POS within the Cell 9 ODP area from 29.4825 ha to 29.1132 representing a 0.19% reduction.
47. The proposed minor reduction of POS retains an oversupply of POS required at the minimum 10% under Liveable Neighbourhoods. Furthermore, the savings generated from the reduction could be reallocated to improving the existing and future POS creating more usable and higher quality POS.
48. **d) Increased traffic volumes**  
The proposed amendment has been supported by an independent planning report (refer attachment 1) which outlines that the anticipated change to the total daily traffic volumes associated with the amendment is minimal.
49. It is estimated that this proposal will generate an additional 8 vehicular movements during peak periods based on the Western Australian Planning Commission's (WAPC) Transport Impact Assessment Guidelines Volume 3 – Subdivision which can be accommodated through the local road network.
50. Water Corporation Submission  
The Water Corporation's submission outlined concerns regarding the concept plan not appropriately accounting for the relocation of the open drain into the subdivision area and that the layout concept does not indicate any POS or compensating basins within the subdivision to attenuate drainage flows within the development site. The open drain currently runs along the unconstructed Tomah Road Reserve before crossing into the Tomah Swamp.

51. The City directly liaised with the Water Corporation regarding the relocation of the open drain and it was determined that the relocation or piping of the open drain can be addressed during the subdivision stage with the provision of an Urban Water Management Plan (UWMP). Water Corporation advised that the developer will need to pipe the open drain for public safety reasons. Preliminary drainage modelling indicates that a 1,200mm reinforced concrete drainage pipe would be needed to meet Water Corporation Drainage Licence requirements.
52. The proposed piped drainage solution is consistent with other drainage solutions throughout the Cell 9 ODP area.
53. Perth Airport Submission  
Perth Airport raised concerns pertaining to the impact of future Aircraft Noise Exposure Forecast (ANEF) contours on the site. Noting that the site currently does not fall within ANEF contours, the City acknowledges that the site may be subject to ANEF contours changes in the future with the development of Perth Airports new runway. Development of the site will be consistent with the density of the surrounding area that is subject to the same airport noise. The amendment will result in a minor increase in dwellings.
54. Perth Airports submission recommended the following conditions should the proposal be approved:
- a) Dwellings are to be constructed to meet Australian Standard AS2021:2015 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and
  - b) A notification be placed on the Certificate of Title informing prospective landowners of potential aircraft noise impacts; and
  - c) A full aircraft noise impact assessment of the ODP area be undertaken.
55. At subdivision stage, the abovementioned recommendations will be taken into consideration including a full assessment against SPP 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) will be undertaken to determine relevant conditions to be imposed on the subdivision.

#### **FINANCIAL CONSIDERATIONS**

56. The operation of the Cell 9 ICSA is an administrative responsibility for the City. While the ICSA is self-funded, the City has an implicit obligation to manage the contributions and works efficiently and effectively.
57. Funding for the Cell 9 ODP Amendment has been costed against the Cell 9 ICSA.

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- 58. Tt is estimated that the Amendment will save the ICSA approximately \$850,000 in land acquisition costs.
- 59. It is estimated that the Amendment will create an additional \$220,000 in contributions for the ICSA.
- 60. Factoring both the reduction in acquisition costs and the increase in contributions, the Amendment could create approximately \$1 million in funds for POS improvements, funded through the ICSA rather than through municipal funds.

**SUSTAINABILITY**

- 61. The proposed amendment enables the development/upgrade of existing and future POS in Cell 9. Upgrades including landscaping, pathways and public furniture would enable areas of POS to be actively enjoyed by the community.
- 62. The subject site includes a small watercourse which runs through the property. The feasibility of the management of this watercourse was assessed by the City’s engineers and engineering consultants during the feasibility assessment of the recommended subdivision layout.
- 63. In addition, the redesignation of the northern portion of Tomah Road Reservation to POS will create a social and ecological corridor/connection between Tomah Reserve POS and the Tomah Swamp (Bush Forever Site).

**RISK MANAGEMENT**

64.

<b>Risk:</b> Council are not supportive of the reduction in Public Open Space.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Emphasize to the elected members that the 0.19% reduction in POS across Cell 9 is minor in the context of the overall POS available to residents of the Cell 9 area and the increase the dwelling yield in the Cell 9 ODP creating additional contributions to the Cell 9 ICSA will enable, with Council approval, to have the additional funds to be allocated to improving areas of Cell 9 POS which are not currently funded by the ICSA for improvement.		

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65.	<b>Risk:</b> The ICSA has insufficient funds to acquire the POS.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Unlikely	Low
	<b>Action/Strategy</b>		
	Undertake regular reviews of the ICSA to ensure there are sufficient contributions to acquire the land.		

66.	<b>Risk:</b> Due to cost pressures on the City's municipal budget, large areas of POS remain undeveloped for significant period of time in the Cell 9 ODP area.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Adopt the ODP Amendment and review the ICSA to include improvement of the subject POS areas.		

**CONCLUSION**

- 67. In conclusion, the primary drivers behind this ODP amendment area:
  - a) The efficient designation and use of land within Cell 9,
  - b) The efficient use Cell 9 ISCA funds (formerly known as Cell 9 GDS funds); and
  - c) To develop POS for the benefit and enjoyment of the Cell 9 (Wattle Grove) community.
- 68. The proposed amendment will enable the efficient use of land within the subject site and will create surplus ICSA funds which can be used for the development of POS within Cell 9 for the enjoyment and benefit of the Wattle Grove (Cell 9) community.
- 69. The environmental and traffic related concerns raised in submissions to the proposal are noted, however, the portion of land being redesignated is currently a privately owned semi-rural property that contains little to no vegetation with no identifiable ecological value and the increased traffic arising from the proposal is minor in the context of the local road network.
- 70. Having regard to the above, it is recommended that Council approve the modification to the Cell 9 Wattle Grove Outline Development Plan as shown in Attachment 1 and forward the recommendation to the Western Australian Planning Commission for final approval.

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

That Council:

1. NOTE the submissions received on the modification to the Cell 9 Outline Development Plan as shown in Attachment 1.
2. RECOMMEND to the Western Australian Planning Commission that pursuant to Clause 20(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed modification to the Cell 9 Outline Development Plan as shown in Attachment 1 be approved.

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### 10.1.3. Submission on the Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2


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

The Manager Strategic Planning provided a presentation on this report.

Various aspects of the Strategy were queried and clarified.

Previous Items	OCM 37/2021
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-034
Applicant	City of Kalamunda
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Draft Pickering Brook and Surrounds Sustainability and Tourism Strategy - Part 2 [<b>10.1.3.1</b> - 112 pages]</li> <li>2. City of Kalamunda - Submissions Table [<b>10.1.3.2</b> - 5 pages]</li> </ol>

#### TYPE OF REPORT

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

*Kalamunda Advancing Strategic Community Plan to 2031*

#### Priority 3: Kalamunda Develops

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

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

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide Council with the opportunity to consider the draft Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2 (Part 2 Report) and provide a submission to the Department of Planning, Lands and Heritage for consideration.
2. The City of Kalamunda (City) has considered the recommendations of the Part 2 Report from a number of perspectives including but not limited to; planning, tourism, assets and economic development.
3. The Officer Recommendation is for Council to endorse the submission as outlined in Attachment 2.

**BACKGROUND**

4. The Pickering Brook and Surrounds Sustainability and Tourism Strategy Taskforce was established by the State Government to investigate planning and economic development opportunities and constraints for a significant portion of the Perth Hills located within the City and City of Armadale.
5. The Taskforce, supported by a Working Group with relevant State Government, local government, and community representatives have contributed to the preparation of the Part 2 Report that proposes a series of prioritised strategic recommendations and actions for Government consideration.
6. Investigations undertaken to inform the overall Part 2 Report have included consideration for the potential expansion of the Pickering Brook townsite which was incorporated into Part 1 of a 2-part Report.
7. The Pickering Brook townsite investigations have been completed and the Hon. Minister for Planning released the Part 1 Report and recommendations, on behalf of the Taskforce, in November 2020.
8. The City's Council considered the recommendations of the Part 1 report and requested that the Western Australian Planning Commission initiate an amendment to the Metropolitan Region Scheme (MRS) to expand the Pickering Brook townsite in accordance with the recommendations of the Part 1 Report.



9. The City is currently undertaking further water management investigations to support the progression of the MRS amendment request in accordance with the recommendation of the Part 1 Report.
10. The Part 2 Report considers potential opportunities for State and local government to support sustainable economic development for the Strategy Area with a focus on facilitating future growth of the tourism and agriculture industries.
11. The Part 2 Report was underpinned by a comprehensive community consultation process undertaken in late 2019 and several supporting studies including a tourism product gap analysis, agricultural land capability assessment, bushfire risk assessment and preparation of a bushfire management plan.
12. The Part 2 Report acknowledges the reduction in rural land that is used for productive agriculture, particularly fruit orchards, in the Strategy Area over the past 40 years and has considered potential actions that State and local government may take to protect high-quality and priority agricultural land for the future, support the continuation of productive agriculture, facilitate sustainable and appropriate tourism growth, streamline related planning processes and provide rural landowners with the potential to diversify and add to their income streams.
13. The recommended actions are aimed to support the sustainable growth of appropriate tourism and the continuation of productive agriculture in the Strategy Area. Some recommendations are also relevant to, and will provide economic benefit for, areas outside of the Strategy Area within the broader Perth Hills.
14. The recommendations from the Part 1 and 2 Reports have been developed in consultation with a number of stakeholders that formed part of the Working Group, this included representatives from the following agencies:
  - a) State Member for Kalamunda
  - b) Department of Planning, Lands and Heritage
  - c) Department of Jobs, Tourism, Science and Innovation
  - d) Department of Primary Industry and Regional Development
  - e) Department of Fire and Emergency Services
  - f) Department of Water and Environmental Regulation
  - g) Department of Biodiversity, Conservation and Attractions
  - h) City of Kalamunda
  - i) City of Armadale
  - j) Nominated Pickering Brook Community Representative

**DETAILS AND ANALYSIS**

15. The Part 2 Report includes investigations relating to the following key considerations:
- a) Identifying a tourism vision for the Strategy Area in consultation with the local community
  - b) Facilitating economic diversity, with an emphasis on sustainable tourism growth and agriculture in the Perth Hills
  - c) Identifying and protecting high-quality agricultural land
  - d) Identifying and managing bushfire risk
  - e) Protecting drinking water resources
  - f) Availability of transport and services infrastructure
  - g) Efficiency of planning and development mechanisms and processes.
16. The key recommendations that are considered as important catalysts for facilitating sustainable economic development opportunities within the Strategy Area have been identified as priority recommendations that are expected to be initiated within 12 to 18 months of State Government approval. All other recommendations should be considered for inclusion in future business programs within five years of release of the Part 2 Report.
17. The recommendations are broken up into a number of sub-headings relating to the various aspects that influence the Strategy Area from a sustainability and tourism perspective. These areas are identified as:
- a) Facilitating sustainable growth
  - b) Cultivating a tourist economy
  - c) Securing the agricultural future
18. The City has considered the recommendations of the Part 2 Report from a number of perspectives including but not limited to; planning, tourism, assets and economic development and prepared a submission for consideration by Council and forwarding to the DPLH.

**APPLICABLE LAW**

19. Local Planning Scheme No. 3 (LPS3)  
To fulfil the strategic objectives of the Part 2 report, recommendations have been included to consider relevant objectives, zoning and provisions as part of future reviews of LPS3. The Strategy recommends that considers the following as part of the review:
- a. rationalise scheme zones and update objectives
  - b. update land use terms and zoning table
  - c. prepare local planning policies

d. review Special Control Areas.

20. *Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)*  
LPS3 is required to conform with the Regulations, including consistency with Schedule 1: Model provisions for local planning schemes (the Model Provisions), in particular the terms and definitions for zones and land uses.

#### **APPLICABLE POLICY**

21. An array of State Government policies have been considered in the context of the Working Group and Taskforce recommendations. Where relevant, these are outlined in the Part 2 Report.

#### **STAKEHOLDER ENGAGEMENT**

22. In August and September 2019, the local community was invited to participate in a survey questionnaire and face-to-face meetings. The Working Group representatives from the Department of Planning, Lands and Heritage (DPLH) and the State Member for Kalamunda met individually with 69 local community members and groups, and received 119 survey responses.
23. Surveys were received from a cross-section of the community including orchardists, other agricultural operators and business operators, and residents from within the Strategy Area.
24. The provided important information on how existing and future tourism and agriculture in the Perth Hills is perceived, as well as helping to identify relevant planning and development challenges that needed to be considered.
25. A detailed summary of the community engagement outcomes is provided within the Part 2 Report.
26. The Part 2 Report was also advertised to the public with submissions invited between February and April 2022.

#### **FINANCIAL CONSIDERATIONS**

27. A number of recommendations in the Part 2 Report are allocated to the City of Kalamunda for consideration and implementation.
28. Priority recommendations are expected to be initiated within 12-18 months of the release of the Strategy, depending on complexity. All other

recommendations should be considered for inclusion in future business programs within five years of release of the Part 2 Report.

- 29. Notwithstanding the priority identification, the recommendations and actions are subject to funding approval and provision by State and local government.
- 30. Many of the recommendations align with existing strategies for the City. Consideration will be given to actioning these recommendations as part of business unit planning and advocating for grant funding opportunities when and as they arise.

**SUSTAINABILITY**

- 31. A key focus of the Part 2 report is to investigate economic opportunities in the study area, facilitate economic diversity and sustainable tourism growth, and protecting the viability of the agriculture industry. The Part 2 report considers a range of influencing factors including bushfire risk, water resources, and soil and land capability.

**RISK MANAGEMENT**

32.	<b>Risk:</b> The recommendations of the Part 2 Report do not meet the expectations of the City's hinterland community.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b>		
	Ensure the City continues to consult with the community and DPLH through the preparation of its local planning strategies.		

33.	<b>Risk:</b> Implementation of the Part 2 Report recommendations does not have the envisaged economic benefit for the City's hinterland community.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Significant	Possible	High
	<b>Action/Strategy</b>		
	Ensure the City continues to consult with the community, DPLH and other relevant State Government through the preparation and implementation of its local planning, tourism and economic development strategies.		

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### **CONCLUSION**

34. The recommendations of the Part 2 Report provide guidance to the City and State Government agencies on the manner in which Government at a state and local level can support the continuation of agricultural activities balanced against the need to diversify economic activities.
35. Council is recommended to endorse the City's submission and forward it to the DPLH for consideration as part of the finalisation process for the Part 2 Report.

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

That Council

1. ENDORSE the City of Kalamunda submission on the Pickering Brook and Surrounds Sustainability and Tourism Strategy – Part 2; and
2. FORWARD the submission to the Department of Planning, Lands and Heritage for consideration.

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**10.1.4. Community Safety and Crime Prevention Advisory Committee**

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


The Manager Environmental Health & Community Safety provided a presentation on this Report.

Council sought clarification in relation to the process for reaching the recommendation.

The CEO advised further information would be provided to Council prior to the OCM.

Previous Items	OCM51/2013, OCM 196/2020, OCM 353/2021
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	CO-CCS-073
Applicant	N/A
Owner	N/A
 Attachments	 1. Community Safety and Crime Prevention Plan 2020 - 2025 [ <b>10.1.4.1</b> - 16 pages]
	2. Community Health & Wellbeing Plan 2018 - 2022 [ <b>10.1.4.2</b> - 24 pages]
	3. Community Safety & Crime Prevention Advisory Committee Terms of Reference [ <b>10.1.4.3</b> - 4 pages]

**TYPE OF REPORT**

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

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 1: Kalamunda Cares and Interacts

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

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

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

## EXECUTIVE SUMMARY

1. To report to Council on the outcomes of engagement with Forrestfield Police on community safety and crime prevention measures.
2. This report recommends Council withdraw the Community Safety and Crime Prevention Committee (Committee) and the Community Safety and Crime Prevention Plan (CSCP Plan), (Attachment 1).
3. Provide options to continue with community safety and crime prevention initiatives and assimilate community safety and crime prevention actions into the new Community Health and Wellbeing Plan (CHW Plan), (Attachment 2).

## BACKGROUND

4. The Committee has been an advisory committee of Council for some time.
5. Objectives of the committee's terms of reference (attachment 3) include:
  - a) Consider issues relevant to the implementation of the Plan;
  - b) To provide advice and recommendations to Council, based on local community safety and crime prevention needs;
  - c) Liaise and consult with relevant agencies, individuals and community groups that will assist in the implementation of the Plan;
  - d) To plan and monitor and review the strategies and actions adopted as part of the Plan.

## DETAILS AND ANALYSIS

6. The CSCP Plan was adopted by Council on the 27 October 2020.
7. The CSCP Plan is not dissimilar to the Community Health and Wellbeing Plan which does not have an advisory committee which oversees its preparation and implementation.

8. Rather, the progress of the plan is reported to an Ordinary Council Meeting every 12 months, reported in the City's Annual Report and updates provided quarterly via the City's Corporate Business Plan.
9. Discussions have also been held with Forrestfield Police regarding the ongoing future of the Committee and alternative approaches should the committee not continue.
10. It is noted that the Police supports the Committee being withdrawn and have agreed on the approaches put forward by City staff. These include but are not limited to:
  - a) Request Council withdraw the Committee.
  - b) Continue with Bi-monthly meetings between the City of Kalamunda staff and Forrestfield Police.
  - c) Continue to discuss operational matters to ensure the City can implement the actions of the CSCP Plan.
  - d) Every 4 – 5 years form a stakeholder working group to review the plan and to prepare and set actions for a new CSCP Plan (as part of a combined CHW Plan).
  - e) The City administration to continue to report to Council each quarter with an update on the progress of the plan.
11. Further to the discussions with Forrestfield Police, it is also recommended that Council remove the CSCP Plan and incorporate community safety and crime prevention initiatives as part of the review and implementation of the City's next CHW Plan.
12. The CHW Plan otherwise known as a Local Public Health Plan, is soon to be a requirement of the *Public Health Act 2016* once part five is to be enacted as formal legislation. This requires local governments to produce a Local Public Health Plan at least every five years.
13. The current CHW Plan is soon to expire in 2022 and a new 5-year plan is required. Combining the two plans reduces the administrative burden of implementing and reporting on two separate documents.
14. The two documents also provide a similar purpose and are both informing strategies of the Kalamunda Advancing Strategic Community Plan in meeting Objective 1.2 to provide safe and healthy environments for the community to enjoy.
15. The CHW Plan also includes the formation of a stakeholder working group and the Police will be invited to participate within that process.



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**APPLICABLE LAW**

16. *Public Health 2016*

**APPLICABLE POLICY**

17. N/A

**STAKEHOLDER ENGAGEMENT**

18. Forrestfield Police have been engaged as part of this report.

**FINANCIAL CONSIDERATIONS**

19. The cost to administer the committee is in the order of \$5,000 to \$6,000 per annum based on four meetings a year. This includes meeting agenda preparation, briefing papers prepared and researched, meeting attendance x 2-3 staff, preparation of minutes, senior officer review and sign off, ongoing liaison and reporting to Council. Combing the two plans will also reduce reporting and will be another cost saving.

**SUSTAINABILITY**

20. Addressing and implementing community safety and health initiatives can have a diverse range of societal outcomes such as improving physical and mental health, community connectedness and economic benefits.

**RISK MANAGEMENT**

21.	<b>Risk:</b> The Community Safety & Crime Prevention Plan loses relevance without the Community Safety & Crime Prevention Advisory Committee.		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	Moderate	Possible	Medium
	<b>Action/Strategy</b> – Combine Community Safety & Crime Prevention Plan with the Community Health & Wellbeing Plan which is soon to be a statutory document required by the <i>Public Health Act 2016</i> giving it more legitimacy and ensure appropriate stakeholder engagement as part of the formulation process.		

**CONCLUSION**

22. This report recommends that the Council withdraw the Community Safety and Crime Prevention Advisory committee and combine the Community Safety and Crime Prevention Plan with the Community Health & Wellbeing Plan.

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

That Council:

1. WITHDRAW the Community Safety & Crime Prevention Advisory Committee.
2. WITHDRAW the Community Safety & Crime Prevention Plan.
3. REQUEST the Chief Executive Officer include appropriate actions relating to Community Safety and Crime Prevention in the review of the City of Kalamunda's new Community Health & Wellbeing Plan.

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**10.2. Asset Services Reports**


**10.2.1. Climate Change Action Plan - Draft for Community Consultation**

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

The Director Asset Services provided a presentation on this report.

Previous Items	OCM 74/2021
Directorate	Asset Services
Business Unit	Parks & Environmental Services
File Reference	OR-IGR-049
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> <li>1. Engagement Report - Climate Change [<b>10.2.1.1</b> - 69 pages]</li> <li>2. Draft Climate Change Action Plan June 2022 [<b>10.2.1.2</b> - 17 pages]</li> </ol>

**TYPE OF REPORT**

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

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## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 2: Kalamunda Clean and Green

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

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

### Priority 2: Kalamunda Clean and Green

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

**Strategy 2.2.1** - Manage the forecast impacts of a changed climate upon the environment.

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

**Strategy 2.2.3** - Produce cost effective solutions to reduce the reliance and volume of potable and ground water used by the City.

### Priority 4: Kalamunda Leads

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider undertaking community consultation regarding a draft Climate Change Action Plan as preparation of a final CCAP to be adopted by the City of Kalamunda (City).
2. The draft Climate Change Action Plan contemplates a series of proposed actions over time that will enable the City to demonstrate means of enabling both resilience to and reducing the impacts of the Climate Emergency facing the community.
3. It is recommended that Council endorse the draft CCAP for the purposes of undertaking community consultation which will then assist in the development of a final CCAP for adoption by the City.

## BACKGROUND

4. *At the May 2021 Ordinary Council Meeting, Council resolved (OCM 74/2021) that:  
That Council:*

1. *RECEIVE the report and recommendations from the Kalamunda Environmental Advisory Committee on the issue of climate change.*
2. *AUTHORISE the Mayor to sign on behalf of the City of Kalamunda, the West Australian Local Government Declaration on Climate Change provided as Attachment 1.*
3. *ENDORSE that the City of Kalamunda advises the Western Australian Local Government Association of its support for the Western Australian Local Government Association Climate Change Policy Statement 2018 provided as Attachment 2.*
4. *SEEK, from the Chief Executive Officer, a proposed set of actions addressing climate change and once developed undertake community consultation in order to ensure the actions proposed align with community sentiment.*
5. *DECLARE there is a Climate Emergency.*
6. *RECEIVE a subsequent report addressing the Climate Emergency Declaration aligned to the Western Australian Local Government Association template by the end of June 2022.*
7. *REQUEST the Mayor to write to the Minister for Climate Action to advise the City of Kalamunda declared a Climate Emergency.*

5. This report addresses the resolutions of Council in this matter.

#### **DETAILS AND ANALYSIS**

6. Items 2, 3 and 7 of the May 2021 OCM decision have been addressed.
7. Items 4 and 6 are to be amalgamated into the development and adoption of a Climate Change Action Plan (CCAP) which has been progressed.
8. Between October and December 2021, the City undertook initial community consultation on the topic of climate change geared around two key activities, a general survey and feedback action and a workshop seeking "Big Ideas" from the community. The outcomes and details of this community consultation are provided as Attachment 1 to this report.
9. The wealth of information provided in this engagement gave the City an understanding of what should and could be undertaken.
10. The draft CCAP has been developed through efforts of the Kalamunda Environmental and Sustainability Advisory Committee (KESAC) and a City working group of representatives from various business units ("Green Team"). Together they have considered the issue and developed this draft plan.

11. The draft CCAP is structured around four key issues regarding Climate Change and Climate Emergency and the role that the City plays with four key stakeholder groups. A series of proposed actions are then developed for each stakeholder group against a key issue.
12. The four key stakeholder groups within the CCAP are:
  - a) Residents of the City
  - b) Businesses and Commercial entities within the City
  - c) State and Federal Government
  - d) The City itself as an operating entity
13. The first key issue within the CCAP is **Changing Climate Patterns**. This was deemed important because:
  - a) Sustained durations of hotter weather increases:
    - i. Bushfire risks in the City
    - ii. Heat related stress to people at risk including the frail and elderly
    - iii. Increased demands on electricity networks for air conditioning and the like
  - b) Reduced levels of rainfall:
    - i. Reduces groundwater capability supporting our agricultural industries
    - ii. Reduces viability of our natural vegetation which reduces our urban forest and destroys habitat for native fauna impacting the ecosystem
    - iii. Reduces groundwater capability for maintaining public amenity in parks and playing fields
  - c) Increased intensity of storm events results in:
    - i. More instances of localised flooding of private and public property
    - ii. Increased instances of tree limbs or whole trees failing and potentially causing injury as well as causing road closures
14. The overall intent of the first focus area is to improve the community's resilience and adaptability to changing climate.
15. The next key focus area is the topic of the City's **Carbon Footprint**. Greenhouse gas emissions from non-renewable energy sources are having a harmful effect upon the planet. There is a strong role that the City can play in moving towards a carbon neutral lifestyle for our citizens.
16. The overarching intent of the second focus area is that the City of Kalamunda (Council) achieves a 40% reduction in its carbon footprint by 2030 and become carbon neutral by 2035 based on a 2020 baseline of its carbon footprint.

17. The subsidiary intent of the second focus area is that the City supports residents, businesses and the community in their own efforts in reducing their carbon footprint.
18. The City's technical staff will be able to develop a baseline 2020 carbon footprint for Council facilities based on historical data.
19. The third key focus area is **Waste Management**. Waste going to landfill results in the production of methane which is more damaging to the environment than CO<sub>2</sub>. The community and City working together can implement more sustainable waste practices which have long term benefits to the environment.
20. The primary intent of this third focus area will be to continue to implement actions contained in the City's Waste Avoidance and Resource Recovery Plan for residential waste.
21. The secondary intent of this third focus area will be to encourage businesses and commercial operators within the City to also develop and implement more sustainable waste management practices.
22. Finally, a focus on **Sustainable Development** is proposed. Built form outcomes can have positive outcomes upon the environment with appropriate use of Council planning controls whereas unconstrained, inappropriate development can result in unacceptable reduction in urban canopy, more energy hungry buildings and exposure for users to increased bushfire risks.
23. The primary intent of the fourth focus area will be for the City, in its planning authority role, improve urban development to be more sustainable in terms of built form and improve the protection of the natural environment through sensible development controls.
24. In terms of actions for addressing Climate Change, the City has many avenues which it can selectively apply to various stakeholder groups. These include:
  - a) Education, awareness and facilitation for community to act
  - b) Advocacy at State and Federal levels for key initiatives
  - c) Direct funding of key actions
  - d) Using planning powers to implement improvements in built form and environmental controls
25. The proposed actions are aimed at addressing the overall intent of each focus area.

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26. The draft CCAP is provided as Attachment 2 to this report. It is important to note that the document is in draft format with the intent to refine it through desk top publishing into a more user-friendly format for review by the community. It is proposed that Council support the thrust of the document before it progresses further.

#### **APPLICABLE LAW**

27. *Local Government Act 1995*  
*Planning and Development Act 2005*

#### **APPLICABLE POLICY**

28. Relevant Planning Policies adopted or under serious consideration will apply.

#### **STAKEHOLDER ENGAGEMENT**

29. Upon adoption of this draft CCAP, community engagement will be undertaken in line with Council Policy Service 5: Communication and Engagement with a desired level of "Involve" in line with IAP2 Spectrum.
30. It is also proposed that this draft CCAP is also referred to each advisory Committee of the City for their review and commentary.
31. It is anticipated that this engagement process would be in the order of six months including preparation of community engagement report before a final CCAP will be presented for consideration by Council.

#### **FINANCIAL CONSIDERATIONS**

32. The draft 2022/2023 budget includes provision of \$5,000 to provide a draft CCAP in user friendly format and undertake the community engagement phase.

#### **SUSTAINABILITY**

33. The CCAP is demonstrable evidence that the City is undertaking measures to improve the sustainability of the District for all of our stakeholders.



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**RISK MANAGEMENT**

34.	<b>Risk:</b> The City is exposed to reputational risk through perceived inaction in addressing the climate change issue						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">Almost Certain</td> <td style="padding: 2px;">High</td> </tr> </tbody> </table>	Consequence	Likelihood	Rating	Significant	Almost Certain	High
Consequence	Likelihood	Rating					
Significant	Almost Certain	High					
	<b>Action/Strategy</b>						
	Development, adoption and follow through of actions contained within the Climate Change Action plan will mitigate this risk to Low.						

**CONCLUSION**

35. A Climate Change Action Plan is an appropriate mechanism for taking an objective approach to developing and implementing actions that will increase resilience, improve adaptability and help mitigate the impacts that have been caused and forecast by climate change upon the planet.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. ENDORSE the final draft Climate Change Action Plan for community engagement.
2. RECEIVE a subsequent report after the community engagement is complete and a final Climate Change Action Plan is proposed for adoption.

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### 10.3. Corporate Services Reports

#### 10.3.1. Proposed Permanent Road Closure: Portion of Road Reserve Adjacent to 109 Orange Valley Road, Kalamunda

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

The Director Corporate Services provided a presentation on this report.

The Presiding Member read a statement from Vicki Laurie in relation to this report.

Holly, Lesmurdie, provided a statement in support of the recommendation as presented.

Chris Kane provided a statement in support of the recommendation as presented.

Clarification of the process in relation to this report was provided by the Director Asset Services.

Previous Items	Nil
Directorate	Corporate Services
Business Unit	Economic & Cultural Services
File Reference	OR-03/109; OR-03/GEN
Applicant	Emma McLeod and Brenton Bird
Owner	State of Western Australia
Attachments	<ol style="list-style-type: none"> <li>1. Road Closure Land - Plan 4619-01/A [<b>10.3.1.1</b> - 1 page]</li> <li>2. Submission Table - 109 Orange Valley Road Kalamunda [<b>10.3.1.2</b> - 33 pages]</li> </ol>
Confidential Attachments	<ol style="list-style-type: none"> <li>1. Confidential Submissions Table</li> <li>2. Confidential Submission No. 4</li> <li>3. Confidential Submission No 20</li> </ol>


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

#### TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
Executive	When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)

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	Information	For Council to note
	Legislative	Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 3: Kalamunda Develops

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

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

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

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

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider an application received by the City of Kalamunda (City) to close a portion of road reserve adjacent to Lot 13 (109) Orange Valley Road, Kalamunda (Lot 13).
2. The application proposes that the portion of closed road be amalgamated with Lot 13.
3. It is recommended that Council not support the application to close the portion of road reserve adjacent to Lot 13.

## BACKGROUND

4. The City received an application from Emma McLeod and Brenton Bird (Applicant) requesting that a 576.91m<sup>2</sup> portion of road reserve (Road Closure Land) be permanently closed and amalgamated with their adjoining property, Lot 13.
5. The Road Closure Land is depicted in Plan 4619-01/A (Attachment 1).

**DETAILS AND ANALYSIS**

***Environmental Analysis***

- 6. The proposal has been assessed from an environmental perspective. The vegetation appears to provide some habitat and ecological linkage value for threatened black cockatoos. It is adjacent to the local wildlife corridor identified in the draft Local Biodiversity Strategy 2020 and contains mature marri providing food source for black cockatoos.
  
- 7. The land is located adjacent to a mapped local ecological linkage as shown below (purple = local ecological linkage; yellow = adjacent Orange Valley Road Reserve classed as a "Biodiversity Asset" under the City's Public Open Space Strategy; red roughly indicates subject site). The City's draft Local Biodiversity Strategy seeks to maintain and enhance ecological linkages across the City.



- 8. The vegetation also has some benefit to the Urban Forest Strategy in that it is mature canopy providing shade and reducing heat island effect. The City is actively seeking to maintain and enhance urban canopy cover, in line with the draft Urban Forest Strategy and draft Local Planning Policy 33 - Tree Retention.

***Planning Analysis***

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9. The proposal has been assessed from a planning perspective. The road reservation is heavily vegetated with what looks to be significant trees. These trees should be retained. Any proposed removal of the trees for any form of development will require a Development Application. The location of any development must be given careful consideration to avoid removal of significant trees as best as practical. Any proposal to remove trees will be assessed with due consideration to draft Local Planning Policy 33 - Tree Retention.
10. It is noted that Lot 13 has an active compliance case for the removal of significant trees on the site without approval. The City has requested that a retrospective Development Application is lodged for the removal of the trees.

#### **Assets Analysis**

11. The proposal has been assessed from an asset planning perspective. The City needs to retain a large truncation to provide for future intersection treatments. The current proposal accommodates this requirement.
12. There is no objection to the proposal from a development engineering perspective. It is noted that the dimension of standard truncation is 8.46m (6m by 6m), but as the verge is huge a reduced 4.88m truncation is acceptable in this case.
13. There is no objection to the proposal from an asset management perspective as there are no City built assets within the Road Closure Land.

#### **APPLICABLE LAW**

14. *Land Administration Act 1997 (WA) s. 58*

#### **APPLICABLE POLICY**

15. Service 4: Asset Management

#### **STAKEHOLDER ENGAGEMENT**

##### **Public Advertising**

16. The proposal was advertised in the Echo Newspaper on 14 January 2022. Comments closed at 5pm on 21 February 2022.
17. The City received 46 submissions as follows:
  - a) 37 objections;

- b) 7 submissions providing comment only; and
  - c) 2 supporting submissions (including 1 supporting submission from the Applicant).
18. The details of the submissions received and the City's responses to the submissions are provided in the Submission Table (Attachment 2).
19. The identity of the submitters is provided in the Submitter Table (Confidential Attachment 1).

**Service Authorities**

20. The proposal was referred to the service authorities for comment.
21. ATCO Gas has no objection to the proposal.
22. NBN Co has no objection to the proposal.
23. Telstra has no objection to the proposal. Telstra advised that its plant records indicate that there are no Telstra assets within the area of the proposal.
24. Water Corporation has no objection to the proposal. Water Corporation confirmed that there is an existing Dn100CI water main on the other side of the road reserve. However, the proposal does not affect any of Water Corporation's services.
25. Western Power has no objection to the proposal.

**FINANCIAL CONSIDERATIONS**

26. The Road Closure Land is owned by the State of Western Australia and managed by the City. If the proposal proceeds, the State of Western Australia will receive the proceeds of the sale.
27. The costs to the City of maintaining the Road Closure Land are minimal. The cost of actively maintaining the Road Closure Land is approximately \$200 per annum. This cost covers management for fire risk only and the land would be brushcut if required.

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**SUSTAINABILITY**

- 28. The proposal will result in an access track from Orange Valley Road to Ronneby Road over the Road Closure Land no longer being available for public use.
- 29. If the proposal proceeds, the City will no longer have full control over the retention and management of the tree canopy on the Road Closure Land.

**RISK MANAGEMENT**

30.

<b>Risk:</b> Removal of trees and reduction of the tree canopy on the Road Closure Land.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Possible	Medium
<b>Action/Strategy</b>		
Not support the proposal to allow the City to maintain control of the retention and management of the tree canopy on the Road Closure Land.		

31.

<b>Risk:</b> Loss of public use of the access track from Orange Valley Road to Ronneby Road on the Road Closure Land, resulting in pedestrians needing to walk on the road which is much steeper and less accessible than the existing access track.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Almost Certain	High
<b>Action/Strategy</b>		
Not support the proposal to allow the public to continue using the access track on the Road Closure Land.		

**CONCLUSION**

- 32. If the City holds onto the Road Closure Land, the City will maintain control of the retention and management of the tree canopy on the Road Closure Land. The public will also be able to continue to use the access track from Orange Valley Road to Ronneby Road on the Road Closure Land. The costs of maintaining the Road Closure Land are minimal. The benefits of retaining the Road Closure Land are far greater than the costs to the City of maintaining the Road Closure Land.

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33. It is recommended that Council not support the application to close a 576.91m<sup>2</sup> portion of road reserve adjacent to Lot 13 for the following reasons:
- a) significant community opposition to the proposal;
  - b) loss of biodiversity and environmental impact;
  - c) lack of direct benefit to the local community;
  - d) maintaining control of the retention and management of the tree canopy on the Road Closure Land; and
  - e) to enable the public to continue using the access track on the Road Closure Land, which provides pedestrian access from Orange Valley Road to Ronneby Road.

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

That Council NOT SUPPORT the application to close a 576.91m<sup>2</sup> portion of road reserve adjacent to Lot 13 (109) Orange Valley Road, Kalamunda.



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**10.4. Office of the CEO Reports**

**10.4.1. Delegations from the Council to Chief Executive Officer - 2022 Review**


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

No presentation was provided on this report.

Previous Items	OCM 114/2021
Directorate	CEO's Office
Business Unit	Governance
File Reference	LE-ACT006
Applicant	
Owner	

Attachments	1. Draft Register of Delegations from Council 2022 [10.4.1.1 - 69 pages]
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**TYPE OF REPORT**

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

**STRATEGIC PLANNING ALIGNMENT**

*Kalamunda Advancing Strategic Community Plan to 2031*

**Priority 4: Kalamunda Leads**

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

**Strategy 4.1.1** - Provide good governance.

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### **EXECUTIVE SUMMARY**

1. To consider the annual review of delegations from Council to the Chief Executive Officer (CEO) and other employees.
2. In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
3. It is recommended Council notes the review and adopts the delegations detailed in the draft Delegations Register (Attachment 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. Section 5.46 of the Local Government Act 1995 (the Act) requires each Council to review its delegations at least once every financial year.
6. Council last reviewed its delegations on 22 June 2021. The current delegations must therefore be reviewed by 30 June 2022.

### **DETAILS AND ANALYSIS**

7. In accessing the current delegations, including the temporary amendments introduced due to the COVID-19 declared emergency, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies.
8. In view of this no changes are being sought to any of the current delegations.
9. The Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency, remain in force and therefore the temporary amendments to a number of delegations approved by Council in April 2020 are still required.

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**APPLICABLE LAW**

- 10. Section 5.42 of the Local Government Act 1995 – a local government may delegate to the CEO.  
  
Limits on delegations to CEO – S.5.43.  
  
Requirement for review – S.5.46.
- 11. There are also similar delegation provisions in the Building Act 2011, Local Planning Scheme No3, Health Act 1911, Dog Act 1976, Cat Act 2011 and Graffiti Vandalism Act 2016.

**APPLICABLE POLICY**

- 12. Nil.

**STAKEHOLDER ENGAGEMENT**

- 13. All Directorates have been consulted on the appropriateness and adequacy of the current delegations. No requests for changes were sought.
- 14. Public consultation is not considered necessary with respect to this issue.

**FINANCIAL CONSIDERATIONS**

- 15. None directly from this report.

**SUSTAINABILITY**

- 16. N/A

**RISK MANAGEMENT**

17.	<b>Risk:</b> Delegated authority is not provided to the CEO and other staff		
	<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
	High	Unlikely	Medium
	<b>Action/Strategy</b>		
	Introduce processes that would assist Council with the additional decision workload through Special Council Meeting to deal with the expedition of tenders.		

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## **CONCLUSION**

18. The recommendations reflect the outcome of the review of current delegations, and as such will continue to provide an effective framework for the efficient operation of the City through the responsible discharge of those powers and duties delegated by Council.

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

That Council:

1. NOTE the review of the delegations.
2. ADOPT the delegations detailed in the draft Delegations Register (Attachment 1).

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**11. Closure**

There being no further business, the Presiding Member declared the Meeting closed at 8:07pm.