



Public Agenda Briefing Forum – 9 August 2022

NOTES

(a Special Submissions Meeting dealing with Item 10.1.2 was held on Tuesday 16 August 2022.)



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1. **Official Opening**
Meeting of the 9 August opened 6.30pm.
The Special Submissions Meeting of 16 August opened at 6:35pm.

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

Attendance

North Ward

Margaret Thomas JP; Mayor (presiding member 16 August 2022)

Kathy Ritchie (apology 9 August 2022)

Andrew Osenton (apology 9 August 2022)

South West Ward

Brooke O'Donnell; Deputy Mayor

Kellie Miskiewicz

Mary Cannon

North West Ward

Sue Bilich (presiding member 9 August 2022)

Lisa Cooper

Dylan O'Connor (apology 9 August 2022)

South East Ward

John Giardina (apology 16 August 2022)

Geoff Stallard (apology 9 August 2022)

Janelle Sewell

Members of Staff

Chief Executive Officer

Peter Varelis – Acting CEO (9 August 2022)

Rhonda Hardy (apology 9 August 2022)

Executive Team

Gary Ticehurst - Director Corporate Services

Brett Jackson - Director Asset Services

Peter Varelis – Director Development Services

Management Team

Doug Bartlett – Manager Asset Delivery

Andrew Fowler-Tutt – Manager Approval Services

Administration Support

Darrell Forrest - Governance Advisor

Kaitlan Schilling - Executive Assistant to Director Development Services

Donna McPherson – Executive Assistant to CEO

Members of the Public 3 (9 August 2022); 34 (16 August 2022)

Members of the Press 0 (9 August 2022); 1 (16 August 2022)

Apologies

As above

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Leave of Absence Previously Approved Nil.

3. Declarations of Interest

Nil.

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 **Item 10.1.2 Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107 – CONFIDENTIAL ATTACHMENT – Legal Advice**

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

9.2 **Item 10.2.3 Scott Reserve Pavilion - Funding Strategy - CONFIDENTIAL REPORT**

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

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10. Reports to Council

10.1. Development Services Reports

10.1.1. Fire Hazard Assessment Plan 2022/2023


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.

Questions asked by councillors and the public were provided with responses and clarification.

Previous Items	OCM 181/2018, OCM 221/2019, OCM 197/2020, OCM 294/2021
Directorate	Development Services
Business Unit	Environmental Health & Community Safety
File Reference	RA-BFC-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Bushfire Compliance Season Summary Report 2021/2022 [10.1.1.1 - 44 pages] 2. Fire Hazard Assessment Plan 2022/2023 [10.1.1.2 - 55 pages] 3. Fire Hazard Reduction Notice 2022/2023 [10.1.1.3 - 2 pages] 4. Communications and Engagement Plan - Bushfire Preparedness Activity Schedule 2022/2023 [10.1.1.4 - 10 pages]

TYPE OF REPORT

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

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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 - 1.2.1 Facilitate a safe community environment.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Priority 4: Kalamunda Leads

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to be advised of:
 - a) The City of Kalamunda (City) approach to fire hazard management for the 2022/2023 fire season, and
 - b) The outcome of the City's fire hazard management for the 2021/2022 fire season.

2. The City has prepared:
 - a) A Fire Hazard Assessment Plan 2022/2023 (Assessment Plan) to support the requirements of the City's Fire Hazard Reduction Notice 2022/2023 (Notice) (Attachments 2 and 3).
 - b) A Communications and Engagement Plan Activity Schedule – Bushfire preparedness 2022/2023 (Activity Schedule) to assist increasing the City's engagement focus to build a more resilient community (Attachment 4), and
 - c) A post-season Bush Fire Compliance Summary Report (Summary Report) for 2021/2022 as outlined in Attachment 1.

3. It is recommended Council note the implementation of the Notice, Assessment Plan 2022/2023, and receive the Summary Report for period 2021/2022.

BACKGROUND

4. Bushfire prevention and preparedness planning is critical to the implementation of the City's strategic objectives regarding community safety and emergency management.
5. Pursuant to Section 33 of the *Bush Fires Act 1954*, the City issues a Fire Hazard Reduction Notice each year to put measures in place to prevent the outbreak, spread or extension of bush fires.
6. In support of the Notice, the City undertakes private property inspections to ensure compliance with the Notice is met.
7. To guide the City's private property inspections, the City prepares an Assessment Plan. The purpose of the Assessment Plan is to outline the way the City will undertake private property inspections.
8. The Assessment Plan utilises findings from the Summary Report including previous non-compliance, complaints, and a comprehensive risk assessment to determine the priority of assessments throughout the City.
9. Some of the key outcomes and observations from last season include:
 - a) 3779 assessments were conducted from 1 November 2021 to 31 March 2022.
 - b) 893 work orders were issued.
 - c) 2777 (73.5%) of properties were deemed compliant on the first inspection.
 - d) 81 infringements were issued against the Fire Hazard Reduction Notice.
 - e) 153 variations to the Fire Hazard Reduction Notice were approved.
 - f) 123 permits were issued to private property owners during the restricted burning periods.
 - g) 53 illegal burns were reported and attended to by City Fire Control Officers.
 - h) 23 total fire bans declared throughout the fire season.
10. Another observation from last season was an increase in follow up assessments being completed. Last season only 105 work orders remained outstanding whereas the season before there was 325 work orders outstanding.

11. It was also noted that a larger number of work orders were issued for properties in the foothills as compared to properties along the escarpment and eastern rural areas. For many of these work orders, the main areas of non-compliance appeared to be for dead grass and fire breaks.
12. The purpose of the broader program is to reduce the overall risk profile of the City by ensuring all very high and extreme private properties are assessed before moving onto lower risk properties.
13. The Assessment Plan also utilises a combination of community engagement programs to support the assessments, which are focused on empowering residents to be fire prepared before the 1 November.
14. The focus of the community engagement programs is to increase fire safe practices, asset preparedness and community resilience, while giving residents information on how to comply with the Notice.

DETAILS AND ANALYSIS

15. In recent years, following the conclusion of the bushfire season, a Summary Report has been prepared (Attachment 1). The purpose of this report is to provide the City with a comprehensive summary of the implementation of the Assessment Plan outcomes from the relevant season.
16. The Summary Report was developed to expand on the City's prior documentation by including all elements of bushfire compliance and efforts working towards bushfire preparedness throughout the year. These elements provide a summary of comparable data which is utilised to inform the planning for the upcoming season.
17. The findings from the summary report also help inform elements of the activity schedule and other consultation strategies such as pre-season engagement and assessments.
18. One of the key lessons from last season was the findings and recommendations that came out of the Australasian Fire and Emergency Services Authorities Council Limited (AFAC) Independent Operational review of the Management of the Wooroloo Fire of report released in February 2021.

19. The review team in a statement referenced in point 4.50 of the AFAC report noted:
- “Despite local government having responsibilities under the Bush Fires Act 1954 (s33) to provide both guidance and a means to enforce actions on landowners and occupiers to undertake bushfire mitigation activities, their seemed a reluctance to enforce those powers.*
- While it is recognised that local government provides resources and undertake a level of enforcement, the review considered that the use of these powers should be more strongly applied following appropriate consultation and negotiation. “*
20. Following a post-season review of the City’s 2021/22 Assessment Plan, a presentation to Council was prepared and provided at a Strategy Session in May 2022.
21. Council acknowledged the evolution of the Assessment Plan from previous years and the need to shift from an educative-focused to a more compliance-oriented approach. It was also noted that a shift in the approach was appropriate in the context of fire and community safety in a changing and drying climate.
22. Key recommended changes to the 2022/23 Assessment Plan include:
- a) The Notice being reviewed to reflect a focus on a compliance-oriented approach to bushfire safety and preparedness.
 - b) Prepare a more tailored communication plan according to the revised compliance-oriented approach.
 - c) Properties assessed as non-compliant on the first inspection will receive a workorder and infringement in the first instance.
 - d) Landowners and or occupiers that received a workorder within the 2021/2022 season will receive pre-season communications (letters) in late July advising of; the upcoming fire season, the revised approach and to offer pre-season one-on-one engagements to assist in preparing their properties.
23. The community engagement program guided by the Activity Schedule has also commenced with pre-season assessments, community workshops, social media infomercials, updated City website, static displays, variable message boards, letterbox drops of information booklets and the dissemination of the Notice.

24. The City also uses the Department of Fire and Emergency Service's (DFES) 'Bushfire Risk Management System' (BRMS), which is a digital database enabling DFES, in collaboration with local government, to log bushfire risks throughout Western Australia.
25. The BRMS allows the City to capture data specific risk ratings for all assets within its district. The assets are divided into four categories, cultural, economic, environmental, and human settlement. Although most assets will be one or the other, the BRMS provides the ability to rate multiple risks against the one asset. Once all the risk data has been logged into the BRMS, the BRMS automatically provides the rating category, which the assessment program is scheduled around.
26. As part of the implementation of the Plan, the City's Fire Control Officers (FCOs) will drive all fire breaks on the properties they assess. The purpose of driving the fire breaks is to ensure they comply with the 3m wide by 4m high clearance. This is a critical safety requirement to ensure our Volunteer Bush Fire Brigade, State Emergency Service and Fire and Rescue Services can safely drive a fire appliance along a fire break in times of an emergency.
27. The City is encouraging those residents that consider the physical characteristics of their property make it impossible to comply with the Notice, to have applied for a variation (pursuant to the mechanism for this as set out in the Notice) before 1 October 2022. Late variation applications may incur an administration fee of \$150.
28. Work orders and Infringement Notices will no longer be posted through registered mail, however, will now be posted through regular Australia Post, all outgoing mail is recorded within the City's records systems.
29. The reason for moving away from registered post was based on two main issues, legislative requirements for the delivery of a notice and negative community feedback.
30. The *Bush Fires Act 1954* S.59A(3) only requires infringement notices to be posted via regular post and in the case of a landowner, to the address shown on the City's rate record.
31. Some of the feedback received from recipients of registered mail over past seasons also felt receiving a notice through registered post was a waste of resources, inconvenient and time-consuming for them having to attend a post office to collect registered mail.
32. As a result, the City will resume delivery of a notice through regular Australia Post services.

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33. For this upcoming season, the City has also prepared a firebreak contractors list as a general information service to the community. The list aims to assist landowners/occupiers in meeting the requirement of the Notice. The City accepts no liability, nor endorses any of the contractors mentioned on the list, an appropriate disclaimer has been included in this regard.
34. Properties that were unable to be accessed for an assessment will also no longer be posted through registered mail and will be posted through regular Australia Post.
35. The reasons being the same as noted above. The letter will request that contact be made with the City within 21 days to organise a time when either the owner and/or occupier is on site or for access to be made available.
36. If no contact has been made by the owner, in writing, to arrange an assessment, this may constitute an obstruction offence under section 57 of the *Bush Fires Act 1954* and an infringement may be issued.

APPLICABLE LAW

37. Section 33 and 39, *Bush Fires Act 1954*.

APPLICABLE POLICY

38. Nil

STAKEHOLDER ENGAGEMENT

39. The Assessment Plan has been prepared in consultation with the DFES and was presented at the July 2022 Bush Fire Advisory Committee meeting.

FINANCIAL CONSIDERATIONS

40. Provision for the proposed assessment and Activity Schedule was budgeted for in the 2022/23 operational budget. No additional funding are being requested as part of this report.

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SUSTAINABILITY

- 41. The Assessment Plan and Activity Schedule empowers the City’s residents, recognising their autonomy to comply with the Notice thereby building a more resilient community. The Assessment Plan achieves this by providing residents with the information they need to not only comply with the Notice before 1 November, but to ensure they are bushfire ready.
- 42. The City’s implementation of the Assessment Plan is also a key initiative in ensuring the City and its residents are prepared for the risks and dangers that accompany a changing and drying climate.

RISK MANAGEMENT

- 43.

Risk: The City does not appropriately implement the Assessment Plan and there is a significant increase in fuel loads and bushfire risks throughout the City’s district.		
Consequence	Likelihood	Rating
Critical	Almost certain	Extreme
Action/Strategy		
Through implementation of the Notice and the assessment plan, the City will reduce the risk in the most high-risk areas.		

- 44.

Risk: There is a reputational risk, if the City is impacted by a fire event resulting in loss of property and/or life.		
Consequence	Likelihood	Rating
Critical	Unlikely	High
Action/Strategy		
The processes contained in the assessment plan, if followed correctly, will reduce the impact of incidents, and will also assist with answering enquiries from external sources.		

- 45.

Risk: There is a health and safety risk if the City is impacted by a fire event resulting in loss of property and/or life.		
Consequence	Likelihood	Rating
Critical	Unlikely	High
Action/Strategy		
The plan will increase community awareness and preparedness through a better approach to engaging with residents. This will assist to mitigate the risk by making residents fire safe ready and build the overall resilience of the community.		

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46.

Risk: There is an environmental risk if the City is impacted by a large fire which damages the local environment and/or asbestos cement clad/roofed buildings or other like structures.		
Consequence	Likelihood	Rating
Critical	Unlikely	High
Action/Strategy		
The Notice was gazetted on 1 July 2022. The plan will reduce this risk through increased education and a risk-based assessment program.		

CONCLUSION

- 47. The City is using the Notice and Assessment Plan as an opportunity to engage with the community and educate residents on how to prepare and protect their properties. The implementation of the assessment plan is one of the City’s largest face-to-face interactions with the community.
- 48. The City prepares a summary report each year which helps improve and inform the following years assessment and activity schedule.
- 49. It is recommended that Council note the implementation of the Notice, assessment and activity schedule and receives the summary report.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

- 1. NOTE the implementation of the City of Kalamunda: Fire Hazard Reduction Notice, Fire Hazard Assessment Plan and Communications and Engagement Activity Schedule - Bushfire Preparedness 2022/2023
- 2. RECEIVE the Post-Season Summary Report 2021/2022.

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10.1.2. Lot 500 (32) Gavour Road, Wattle Grove - Proposed Scheme Amendment No.107

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

A Special Submissions meeting was held on Tuesday 16 August 2022. Notes from the meeting are provided at Appendix 1.

Previous Items	SCM 37/2015, OCM 323/2021
Directorate	Development Services
Business Unit	Approval Services
File Reference	GV-01/032 / PG-LPS-003/057 / PG-LPS-003/107
Applicant	Dynamic Planning and Developments Pty Ltd
Owner	R. Leighton & P. Leighton
Attachments	<ol style="list-style-type: none"> 1. Amendment 107 [10.1.2.1 - 15 pages] 2. Submission Table [10.1.2.2 - 55 pages] 3. Peer Review Report [10.1.2.3 - 57 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.
Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider Amendment 107 to *Local Planning Scheme No. 3* (LPS3) with modifications (refer Attachment 1) following advertising and to forward its decision to the Western Australian Planning Commission (WAPC).
2. Amendment 107 proposes to delete Condition d) of LPS3 Special Use 20 (SU20) which currently prevents strata titling of the development. The proponent advises Condition d) is a constraint on implementing the development.
3. A total of 32 submissions were received during the advertising of Amendment 107 comprising one submission of support, five submissions from government agencies and the balance objections.
4. It is recommended Council support Amendment 107 with modifications (outlined in Attachment 1) for the purpose of progressing Amendment 107 to the WAPC for consideration of its recommendation to the Minister for Planning.

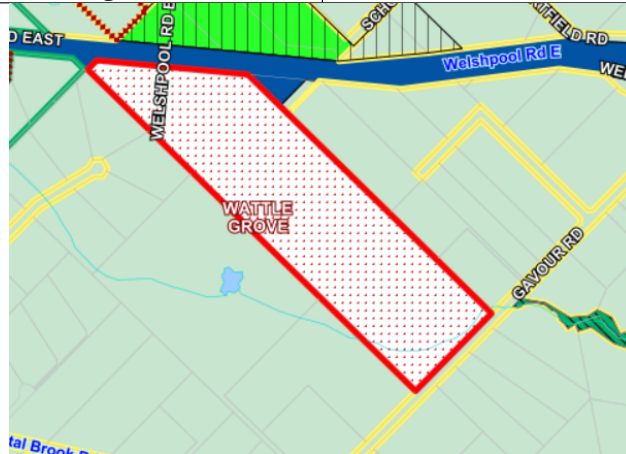
BACKGROUND

5. **Location:** Lot 500 (32) Gavour Road, Wattle Grove



6. **Zoning**

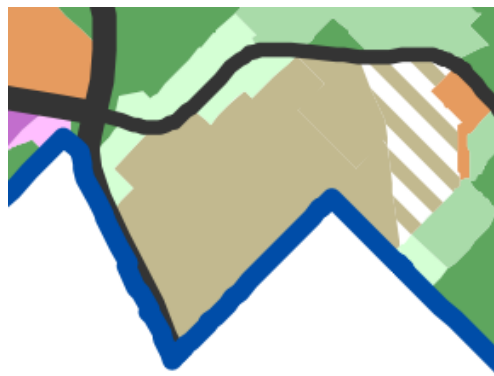
Local Planning Scheme No.3	Special Use 20
Metropolitan Region Scheme	Rural



7. Amendment 57 was adopted by Council at the 20 April 2015 Special Council Meeting. The intent of Amendment 57 was to facilitate the development of an integrated aged care facility through rezoning the land from 'Special Rural' to 'SU20'. SU20 which enables the City to consider and determine land uses associated with an integrated aged care facility.
8. SU20 incorporates eight (8) conditions which, in summary, aim to:
- a) Provide security that the developer would not just deliver all the Aged and Dependent Persons' Dwellings (independent living sites) of the development and sell them off without providing the Aged Residential Care Facility (the nursing home component); and
 - b) Restrict the further subdivision of the subject site which, at the time Amendment 57 was considered, was seen as potentially inconsistent with the sites MRS 'Rural' zoning.
9. The North-East Sub-Regional Planning Framework (Framework) is the WAPC's strategic planning guide for the consideration of future urban development. The Framework was released in draft form in May 2015. At this time, Lot 500 Gavour Road, Wattle Grove (Lot 500) was not included within the Urban Expansion/Investigation designation – it was bordered by the proposed Urban Expansion area, see below:



- 10. Following assessment by the WAPC and consideration of submissions and further information, the Minister resolved to adopt Amendment 57 subject to modifications with it being gazetted on the 26 September 2017.
- 11. In March 2018, the final Framework was released, with the site being included in the Urban Expansion / Urban Investigation designation, see below:



- 12. The designation under the Framework as an Urban Expansion/Urban Investigation area, while not a rezoning, does permit the consideration of proposals to rezone the land for urban development purposes.
- 13. Following the adoption of Amendment 57, in accordance with Condition e) of the adopted SU20 provisions, a Local Development Plan (LDP) was prepared and approved by the Council in June 2019. The intent of the LDP is to provide a framework for subsequent development applications to be consistent with and outlines how the various constraints applicable to the site may be managed.

14. The City is now in receipt of Amendment 107 to delete Condition d) of SU20, with all other conditions remaining unchanged (except for minor administrative amendments). Council at the Ordinary Meeting held 23 November 2021, adopted Amendment 107 for the purposes of public advertising.

DETAILS AND ANALYSIS

15. **What is proposed and why?**
Condition d) of SU20 reads as follows:
An integrated aged care facility is a development that shall not be strata titled.
16. The justification provided by the proponent for proposing to delete the condition is that there's a considerable constraint to financing the development, in particular the independent living units, without the ability to provide for individual Certificates of Title through a survey strata development.
17. Condition d) forms part of a range of conditions associated with SU20 which were introduced through Amendment 57 to ensure the site would be developed as an integrated aged care facility and not just for independent living units.
18. The proponent has advised that the removal of Condition d) will remove constraints regarding the strata titling of the proposed development, thereby diversifying the financing options for landowners, and assisting with the delivery of the Aged Residential Care component of the development.
19. Whilst the financing aspect of the integrated aged care facility is not a planning consideration, if the amendment is not supported subject to the recommended modifications, it may result in a further period of uncertainty as to whether the integrated aged care facility will be delivered as intended under SU20.
20. **Protections to ensure the delivery of an integrated aged care proposal**
In the context of delivering an integrated aged care facility on the subject site, all remaining conditions identified in SU20 remain unchanged. Some of the relevant conditions of SU20 are outlined below.
21. Condition a) ensures any occupants of the independent living units are at least 55 years of age. This condition seeks to ensure the development is of an integrated nature and those residing in the independent living units appropriately aged.

22. Condition a) reads as follows:
At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years.
23. SU20 Condition e) also acts to ensure a coordinated built form outcome on the subject site, requiring all subsequent development on the subject site to accord with an approved LDP (approved June 2019).
24. Condition e) reads as follows:
Development on Lot 500 shall be designed in the context of a local development plan prepared in accordance with deemed provisions in Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 which covers the entire lot. This will, amongst addressing other relevant planning and design matters, identify the location of the Aged Residential Care Facility, identify proposed staging, and the location of a possible future public road and servicing easement(s) with future implementation arrangements for these should land use changes occur on the properties adjoining Lot 500 in the future.
25. The LDP includes a staging plan which ensures the Aged Residential Care facility is not the last component of the development delivered (Stage 5 of 7).
26. Pursuant to Clause 56(1) Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the City must have due regard to the LDP when considering any subsequent development or subdivision applications on the subject site.
27. SU20 Condition f) and g) collectively seek to provide certainty that the Aged Residential Care facility will be delivered.
28. Condition f) reads as follows:
The maximum number of Aged or Dependent Persons' Dwellings that may be developed on Lot 500 shall not exceed 190.
29. While condition f) sets a maximum dwelling yield, it does not guarantee this number of independent living units will be delivered. The number of units delivered will be informed by further investigations in relation to the servicing of the development.
30. Condition g) reads as follows:
Not more than 70% of the Aged or Dependent Persons Dwellings allowed for by an approved Local Development Plan shall be developed on Lot 500 until the development of an Aged Residential Care Facility (nursing home component) has been constructed to practical completion.

31. In response to the submission received from the Department of Health (refer Attachment 2), the City proposes a new condition to ensure Amendment 107, through permitting strata titling of the site, accords with the Government Sewerage Policy 2019.
32. The new proposed wording of Condition d) reads as follows:
“Subdivision and/or development proposals on the subject site shall be supported by a Wastewater Management Plan prepared in accordance with the requirements of the Government Sewerage Policy 2019 (as amended) (i.e. site and soil evaluation prepared in accordance with the relevant Australian Standards, a noise, vibration and odour assessment) to the satisfaction of the City of Kalamunda and Department of Health”.
33. **Recently approved subdivision by the WAPC**
 The WAPC has also recently approved an application to subdivide the subject site into two (2) freehold titles (Lot 1 – 12.86 hectares, Lot 2 – 2.32 hectares) in January 2022 (WAPC 161889). The approval of WAPC161889 does not have any implication on Amendment 107 and the requirements of SU20 will apply to the proposed newly created lots.
34. **Other minor modifications**
 Minor administrative changes have also been made to SU20 which can be seen at Attachment 1. The City considers these changes to be administrative in nature as they are revising LPS3 with updated Policies and Department titles.
35. **Peer-Review and Legal Advice**
 To assist in the assessment of Amendment 107, the City commissioned a Peer-Review of Amendment 107 (refer Attachment 3). In summary, the Peer-Review:
- a) Provides comments to each of the submissions received on the Amendment;
 - b) Confirms that Amendment 107 is not in conflict with any known provisions of the *Retirement Villages Act 1992* (RV Act), noting the effect of the relevant provisions is that the RV Act require the owner of a retirement village to lodge a memorial before entering into residences contracts. As a consequence, once lodged, a memorial creates considerable difficulty in using the land for any broader residential use other than a retirement village. The review further notes however, that any further analysis of the RV Act or *Strata Titles Act 1985* (Strata Titles Act) should be the subject of legal advice.
 - c) Submits that Amendment 107 will not change the intended, form, function and layout of the integrated aged care facility as identified in the remaining SU20 provisions and adopted LDP;
 - d) Confirms that Amendment 107 complies with the relevant statutory framework; and

- e) Concurs with the City's view that the remaining conditions of SU20 provide enough security for the delivery of the Aged Residential Care facility without the need for retaining condition d)
36. In response to the recommendations of the Peer-Review, the City also sought legal advice regarding the implications (if any) of Amendment 107 (refer Confidential Attachment) on the RV Act requirements. The advice, in summary, concludes there is nothing contained within the RV Act which operates to impede or prohibit the strata titling of an integrated aged care facility.

APPLICABLE LAW

37. *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*
Regulation 34 – terms used to describe a Basic, Standard or Complex amendment. Amendment 107 is considered a Standard Amendment because it is:
- a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the commission;
 - c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
 - d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
 - e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - g) Any other amendment that is not a complex or basic amendment.
38. Amendment 107 is considered a Standard Amendment for the following reasons:
- a) The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
 - b) The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
 - c) The Amendment is consistent with the Local Development Plan that has been approved for the site.

- d) The Amendment is consistent with the provisions of the City's Aged Accommodation Strategy which notes the significant shortfall of residential aged care in the community.
 - e) The land use of the site, which could be considered complex in the context of the region scheme and the surrounding land, was dealt with through the approval of Amendment 57. This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.
39. In accordance with Regulation 47 the period for making submissions on a standard amendment to a local planning scheme is —
- a) The period of 42 days after the day on which the notice is first published under sub-regulation (2)(a)(i); or
 - b) A longer period approved by the Commission.

APPLICABLE POLICY

- 40. The City's Aged Accommodation Strategy and Local Housing Strategy notes the significant shortfall of residential care in the community.
- 41. Local Planning Policy 11 – Public Notification of Planning Proposals (LPP11).

STAKEHOLDER ENGAGEMENT

- 42. Pursuant to r47 of the Regulations, Amendment 107 was advertised from 14 February to 28 March 2022 via the following methods:
 - a) A notice on the City's website;
 - b) A notice in the local paper;
 - c) A copy of the Amendment made available at the City's Administration Building and Libraries;
 - d) A sign on site;
 - e) Letters to surrounding landowners; and
 - f) Letters to relevant external agencies.
- 43. A total of 32 submissions were received during the advertising of Amendment 107 comprising of one submission of support, five submissions from government agencies & the balance objections. Refer to Attachment 2 which contains all the submissions received along with the City and proponents response to each of the submissions.
- 44. The Peer Review (Attachment 3) has also provided a response to each of the 32 submissions.

45. **Summary of matters raised during the submission period**
The key matters raised and the City's response are as follows:
- a) ***Objection to matters which have already been considered through Amendment 57 and are not the subject of Amendment 107***
Amendment 107 proposes the deletion of Condition d) only, with no changes to the remaining seven (7) conditions, in particular conditions b), c) and e) which address these requirements.
46. b) ***Enabling fragmented land ownership conflicts with the Planning and Development Act 2005 (P&D Act)***
The City is unaware of a specific provision in the *Planning and Development Act 2005* in this regard.
47. c) ***The City should not make concessions for individual landowners***
Proposals are assessed against the relevant planning framework having regard for an array of consideration. Proposals are not solely considered on the request of individual landowners.
48. d) ***The aged residential care facility will not be delivered***
The City is satisfied the removal of Condition d) will not remove the requirement for a portion of the site to be developed as an integrated aged care facility. The land use permissibility on the subject site remains unchanged through Amendment 107, and the relevant conditions of SU20 will ensure the delivery of an aged residential care facility on the subject site.
49. Any subsequent development proposal would be considered and determined in accordance with the land use permissibility and conditions of SU20. The City is satisfied the remaining conditions, namely e) and f) require the delivery of the aged residential care facility.
50. The Peer Review (refer Attachment 3) notes that the retention of Conditions e) and f) of SU20 provides enough security for the delivery of the aged care facility without the need for retaining Condition d). Moreover, the City can only accept at face value the proponents reasoning for deleting Condition d) is financial.
51. e) ***Individual titling of the dwellings will expose aged persons to exploitation***
These claims have not been substantiated with evidence. The City can only consider Amendment 107 against the relevant planning framework. Nonetheless, Amendment 107 will not remove any obligations of the developer and/or future administration bodies would have under other relevant statutory frameworks, including but not

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limited to the *Community Title Act 2018, Strata Titles Act 1985 and Retirement Villages Act 1992*.

52. f) ***Amendment 107 conflicts with the provisions of the Retirement Villagers Act 1992***
 These claims have not been substantiated with relevant references to the RV Act. The City is satisfied Amendment 107 is not in conflict with the provisions of the RV Act, nor does it remove any obligations the developer has under it.
53. The City has received its own legal advice that there is no impediment under the provisions of the RV Act to strata titling the proposed integrated aged care facility. Moreover, the legal advice notes that the RV Act expressly contemplates the titling of aged care facilities under the Strata Titles Act.
54. Refer to Attachment 3 (Peer Review) and Confidential Attachment (Legal Advice) which have informed the City's recommended position.
55. g) ***Amendment 107 is unlawful and not in accordance with the statutory planning framework***
 These claims have not been substantiated with relevant references to the statutory framework. The City is satisfied Amendment 107 has been considered in accordance with the relevant planning framework. The City has commissioned both a Peer Review (Attachment 3) and Legal Review (Confidential Attachment) which have informed the City's recommended position.
56. h) ***Amendment 107 conflicts with the requirements of the Strata Titles Act and the Retirement Villages Act***
 Amendment 107 does not remove any obligations the landowner has in complying with other relevant statutes, such as the RV Act or the Strata Titles Act. Nonetheless, through allowing the lots to be strata titled, Amendment 107 is not in conflict with any known provisions of the RV Act, which requires the owner of a retirement village to lodge a memorial (which restricts the landowner from using the land for any broader residential use other than a retirement village) before entering residence contracts.
57. The Strata Titles Act has its own protections for purchasers of strata units, which may arguably provide a more straightforward process for purchasers and eliminate the complexities associated with a lease or licence under the RV Act. The City's understanding of this matter aligns with the Peer Review (Attachment 3) and Legal Review (Confidential Attachment) which have informed the City's recommended position.

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58. i) ***The titling of dwellings will allow for occupation of persons not of retirement age***
 Aged and Dependent Persons Dwellings' by definition require at least one person residing in the dwelling to be a disabled or physically dependent person or over the age of 55. Furthermore, no change is proposed to SU20 condition a) which states "*At least one occupant of any Aged or Dependent Persons' Dwelling within this facility must have reached the age of 55 years*".
59. Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained.
60. j) ***How will a strata scheme manage for a shared on-site wastewater disposal system?***
 The management of any subsequent on-site system would be administered through the *Strata Titles Act 1985*. It is not uncommon for on-site wastewater disposal systems to be managed by Strata Bodies. The Government Sewerage Policy provides further guidance to this regard.
61. Refer to Attachment 2 for a full response to each of the individual submissions.
62. The Peer Review (Attachment 3) also provides a response to each of the submissions.

FINANCIAL CONSIDERATIONS

63. The proponent is charged for the assessment, advertising and finalisation of Amendment 107 in accordance with the City's Schedule of Fees and Charges.

SUSTAINABILITY

64. **Economic**
 Amendment 107, through deleting the current Condition d) of SU20, seeks to diversify the financing opportunities for both current and future landowners.
65. Amendment 107 should it be approved will reduce financing constraints for the development of the integrated aged care facility.

- 66. **Environmental**
 While the deletion of Condition d) of SU20 does not directly propose any changes to the proposal, it has raised matters in relation to wastewater management. The City has sought to address those matters through the requirements outlined in the recommended new Condition d) requiring the preparation of a Wastewater Management Plan in accordance with the Government Sewerage Policy 2019.

- 67. **Social**
 Amendment 107 will assist in the delivery of both aged residential care and alternative housing options for aging populations providing the potential for significant social benefits to the aging and their families.

RISK MANAGEMENT

- 68.

Risk: Amendment 107 is not supported and there's a protracted period of no development on the subject site resulting in a continued shortfall of aged residential care options for the community.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Consider Amendment 107 for progression to the WAPC and Minister for Planning to address barriers to the development of the site for its intended purpose.		

- 69.

Risk: The strata titling of the site impacts the potential for effluent disposal to be coordinated across the site should connection to the reticulated network not be possible.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Adopt Amendment 107 subject to the proposed modification to SU20 new Condition d) which will ensure a Wastewater Management Plan, prepared in accordance with the Government Sewerage Policy 2019, is submitted to support the lodgment of any subsequent development or subdivision application.		

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70.	Risk: The developer only develops the independent living units and not the Aged Residential Care facility.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
Adopt Amendment 107 as proposed with no changes to the other SU20 development requirements.			

71.	Risk: The strata titling of the independent living units will allow for the occupation of persons not of retirement age		
	Consequence	Likelihood	Rating
	Moderate	Possible	Medium
	Action/Strategy		
No change is proposed to SU20 condition a) which states <i>“At least one occupant of any Aged or Dependent Persons’ Dwelling within this facility must have reached the age of 55 years”</i> . Facilitating the titling of these units will ensure any subsequent approval would, through the relevant planning framework, require by way of a condition of approval, a 70A notification on the Certificate of Title binding the owner, their heirs and successors in title requiring that this occupancy restriction be maintained. Any non-compliance with these requirements would be managed through the City’s compliance process.			

CONCLUSION

- 72. Amendment 107 proposes to delete Condition d) as currently phrased which prevents strata titling of the development. The proponent has outlined that this is a constraint on the financing of the development and subsequently the delivery of the Aged Residential Care facility.
- 73. Notwithstanding the number of objections received to the Amendment 107, the City is satisfied that the deletion of Condition d) will not impact the envisaged overall outcome for SU20, including the delivery of the Aged Residential Care facility.
- 74. The City is satisfied the remaining conditions of SU20 will:
 - a) Ensure a coordinated built form outcome on the subject site, with all subsequent development guided by the approved LDP (condition e);
 - b) Ensure a limit on the maximum yield of Aged or Dependent Persons’ Dwellings (condition f) until the delivery of the Aged Residential Care facility (condition g);
 - c) Ensure at least one occupant of the Aged or Dependent Persons’ Dwellings is over the age of 55 (Condition a).

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75. The City considers the rationale behind the need for Condition d) as currently phrased now redundant for reasons discussed in this report.
76. In response to the submission received from DoH, Amendment 107 has been recommended to be modified to insert a new Condition d) which acts to ensure coordination at the development and management of on-site wastewater, should connection to the reticulated sewerage network not be possible.
77. The City's recommendation has been informed by a Peer-Review (Attachment 3) and Legal Advice (Confidential Attachment). In this context, the City is satisfied the remaining conditions of SU20 will ensure a coordinated built form outcome on the subject site, with all subsequent development guided by the remaining requirements of SU20.
78. It is recommended that Council supports Amendment 107 with the modifications as outlined in Attachment 1.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. CONSIDER Amendment 107 to Local Planning Scheme No.3 a Standard Amendment under Regulation 34 of Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - a. The Amendment is consistent with the objective of the Special Use Zone 20 to 'achieve the development and operation of an integrated aged care facility that is designed to allow 'ageing in place'.
 - b. The Amendment is consistent with the City's Local Planning Strategy (2013) with a strategy being to 'provide housing for the ageing population'.
 - c. The Amendment is consistent with the Local Development Plan that has been approved for the site.
 - d. The land use of the site, which could be considered complex in the context of the region scheme and the surrounding land, was dealt with through the approval of Amendment 57. This Amendment makes no changes or further environmental, social, economic or governance impacts to the land use on site and the surrounding land.
2. NOTE the submissions received during the advertising of Amendment No, 107 to Local Planning Scheme No. 3.

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3. SUPPORT, pursuant to Regulation 50(3) of *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 107 to Local Planning Scheme No.3 subject to modifications outlined in Attachment 1.
4. FORWARD, pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment 107 to Local Planning Scheme No. 3 to the Western Australian Planning Commission.

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10.2. Asset Services Reports

10.2.1. Black Spot Program Submissions 2023-2024 - State and Australian Government

The Manager Asset Delivery provided a presentation on this report.


Questions asked by councillors were answered and clarification provided.

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

Previous Items	OCM 238/2021
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	4.00011768
Applicant	N/A
Owner	N/A

- | | |
|-------------|--|
| Attachments | 1. Berkshire- Hale- Hawtin speed cushions 4626-01 [10.2.1.1 - 1 page] |
| | 2. Berkshire- Hale- Hawtin Black Spot Submission [10.2.1.2 - 20 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 - 1.2.1 Facilitate a safe community environment.

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council endorsement of a submission for funding from the 2023/24 State Black Spot Program.
2. One project is proposed: speed cushions for the existing roundabout at Berkshire Road, Hawtin Road and Hale Road. The project has been estimated to cost \$41,230, seeking \$27,200 of grant funding and \$14,030 of municipal funding.
3. It is recommended Council endorse the submission of the project to Main Roads WA (MRWA) for grant funding consideration.

BACKGROUND

4. Each year, MRWA through the Metropolitan Regional Road Group (MRRG) invite submissions for funding under the State Black Spot program.
5. The State Government Black Spot projects may be funded two-thirds by the program and one-third by the applicant. The criteria for the program are as follows:
 - a) for intersections, mid-block or short road sections less than three kilometres, the crash criteria is a minimum of five crashes over the five years;
 - b) for road lengths greater than three kilometres, the crash criteria is the average of at least two crashes per kilometre over the five years;
 - c) the value of work must be between \$2,000 and \$3,000,000; and
 - d) the Benefit Cost Ratio (BCR) must be greater than 1.0.

6. The Australian Government Black Spot Program may fully fund projects however in this case it would not satisfy the criteria.
7. Crash data released by the State demonstrates that the Berkshire / Hale / Hawtin roundabout should be assessed for treatment.

DETAILS AND ANALYSIS

8. State Black Spot submissions can be made on the basis of crash history or Road Safety Investigation. The road safety investigation is used when the crash history is high but viable treatments cannot be identified on a benefits cost ratio basis. The City usually submits on the basis of the crash history. The crash history for the years 2017 to 2021 was released in March 2022. As part of this release, MRWA identify locations that are "prequalified" under the broad criteria of numbers and severity of crashes. Local governments then need to analyse the crash data to determine if viable projects can be identified for those prequalified sites.
9. Following the release of the crash data, the City identified the potential for improvements at the Berkshire Road – Hale Road - Hawtin Road intersection roundabout.
10. *Crash Summary:*
A total of seven crashes with one predominant crash type (three crashes) involving right angle crashes between vehicles from the north and west. The other predominate (two crashes) being rear end crashes between vehicles from the west. The underlying causal factor is believed to be the through speed of traffic. Drivers are not slowing sufficiently on approach to the roundabout to ensure they can negotiate the roundabout safely.
11. *Proposed Treatment:*
The most cost-effective treatment at this type of location is speed cushions, like those installed at the Lesmurdie Road and Canning Road intersection roundabout. The concept design is provided as Attachment 1.
12. This project qualifies for State Black Spot Program funding with a BCR of 1.34 and NPV \$21,019. If successful the estimated project cost of \$41,230 would be funded two thirds by the program, with the City contributing \$14,030.
13. The Berkshire-Hale-Hawtin Intersection Traffic Calming project was conceived, analysed and submitted by the 8 July 2022 deadline. The submission is provided as Attachment 2. Should Council not be supportive of the project, then it can be withdrawn from the funding program.

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14. Presently on the prequalified list there are 20 intersections and 40 road sections that may lead to viable projects. These each need to be analysed before treatments can be identified. The City will be arranging for these locations to be assessed throughout 2022/23. This will enable better planning for designs, costings, and ultimately a larger number of funding submissions in ensuing years.

APPLICABLE LAW

15. The *Main Roads Act 1930* provides for the City to manage and make improvements to local roads.

APPLICABLE POLICY

16. Nil.

STAKEHOLDER ENGAGEMENT

17. Residents affected by the project will be consulted during the detail design and construction phases of the project.

FINANCIAL CONSIDERATIONS

18. The estimated value of the project is \$41,230. If this is successful, the City will need to contribute \$14,030 in 2023/24.

SUSTAINABILITY

19. The MRWA State Black Spot Program Development and Management Guidelines states "The State Black Spot Program is aimed at further improving road safety across Western Australia thereby reducing the significant trauma and suffering of crash victims and their loved ones." Any form of crash induces stress and impacts on the community, and the State Black Spot Program provides a mechanism by which the City can address these issues and thereby reduce the number and severity of crashes using proven treatments.
20. Crashes have been identified as a road user cost which impacts individuals and the general community through insurance premiums, cost of services and injuries, lost productivity for businesses, and loss in efficiency from the road network.
21. There are no significant environmental implications of the project.

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RISK MANAGEMENT

22.	<p>Risk: The submission is not approved for funding through the Black Spot Program.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Moderate</td> <td>Possible</td> <td>Medium</td> </tr> </table>	Consequence	Likelihood	Rating	Moderate	Possible	Medium
Consequence	Likelihood	Rating					
Moderate	Possible	Medium					
	<p>Action/Strategy</p> <p>Provide adequate and detailed information to support the project submissions. Seek information on submission requirements. Ensure there are alternatives available and resubmit when needed.</p>						

23.	<p>Risk: The submission does not achieve the crash reductions that are intended, or otherwise creates unintended consequences.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="width: 33%;">Consequence</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Rating</th> </tr> <tr> <td>Moderate</td> <td>Unlikely</td> <td>Low</td> </tr> </table>	Consequence	Likelihood	Rating	Moderate	Unlikely	Low
Consequence	Likelihood	Rating					
Moderate	Unlikely	Low					
	<p>Action/Strategy</p> <p>The treatment selection methodology has been thoroughly tested and the process includes significant oversight and review by MRWA. Project sites are also reviewed in future years to determine the effect of the treatments.</p>						

CONCLUSION

- 24. The City has identified one location to be submitted under the State Black Spot Program for funding in 2023/24. A treatment has been identified and evaluated using the MRWA Crash Map system, resulting in a \$41,230 project that aims to address seven crashes that have occurred over the last five years.
- 25. If the state funded project is approved by MRWA, the City will need to fund \$14,030 as part of its capital works program for 2023/24. The project will then be delivered within the 2023/24 financial year.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council ENDORSE the submission of the Berkshire-Hale-Hawtin Intersection Traffic Calming – speed cushions on approaches to the intersection for funding under the 2023/24 State Black Spot Program.

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10.2.2. High Wycombe Train Station - Surrounding Parking Plan


The Manager Asset Delivery provided a presentation on this report.

Questions asked by councillors and the public were answered and clarification provided.

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

Previous Items	Nil
Directorate	Asset Services
Business Unit	Asset Planning
File Reference	3.010637
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. High Wycombe Train Station Parking Plan [10.2.2.1 - 39 pages] 2. High Wycombe Train Station Parking Control Drawings [10.2.2.2 - 15 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to note proposed parking controls to be implemented around the High Wycombe Station Precinct (Precinct).
2. The intent is to have proposed controls and plans prepared and ready to implement once commuter parking activity in the Precinct becomes problematic for local residents and businesses on a case by case basis.
3. It is recommended that Council note the proposed extent of parking controls and that the implementation of these will be undertaken by staff as required.

BACKGROUND

4. The High Wycombe Train Station (the Station) was constructed by the Public Transport Authority (PTA) through 2017 to 2022.
5. At the time of writing this report, the date of opening for the train station is unknown but is believed to be soon.
6. The Station forms part of the Forrestfield Airport Link, a new train line that provides a connection from the southwestern corner of High Wycombe to the Perth Central Business District (CBD). Once opened, train patrons can pay a two zone fare to travel from the Station to the CBD, taking an estimated 20 minutes. The train line also passes under the Perth Airport connecting to terminals one and two.
7. The Station includes a multi-storey carpark providing 1,200 car parking bays for train patrons, which includes 12 ACROD bays, and 52 motorcycle parking bays. Patrons can park at a proposed cost of \$2.00 per day. Two drop-off zones have also been provided with room for 18 vehicles, and one drop-off area with five ACROD bays.
8. The PTA are also reviewing bus routes with the aim of providing local bus connections to the train station from the wider City of Kalamunda area.
9. The City of Kalamunda (City) has recognised that upon opening, patrons whom chose to drive to the Station, and people picking up and dropping off patrons, may want to stop and park in local roads to avoid parking costs.

10. The City has pre-emptively undertaken a Parking Plan for the Precinct to provide a sensible balance between commuter user behaviours and amenity for local residents and businesses.

DETAILS AND ANALYSIS

11. The City appointed consultants to undertake investigations and provide a report regarding Parking in the Precinct. This report "Parking Plan High Wycombe Train Station" is provided as Attachment 1. Notable features of the Parking Plan are:
- a) while people can be expected to walk up to 800m from a train station if they live locally, people who drive to a train station would only be expected to walk up to 400m;
 - b) the range of streets within the 400 metre 'catchment' of the Station are limited;
 - c) case studies of other train stations show different local effects on parking, with some sites requiring less parking controls in surrounding streets; and
 - d) all parking behaviours can be readily controlled with No Stopping and No Parking signs and lines.
12. During the preparation of the Parking Plan, the City arranged for community consultation to determine local concerns of residents and businesses for the impending train station opening. No responses were received.
13. Parking control designs are provided for:
- a) Sultana Road West, west of Milner Road;
 - b) Eureka Street;
 - c) Imperial Street;
 - d) Dundas Road, in proximity to the train station;
 - e) Maida Vale Road, in proximity to the train station;
 - f) Everitt Place;
 - g) Enterprise Boulevard; and
 - h) Mack Place and the end of Durrant Way.
14. Some notable aspects of the parking control designs are:
- a) Parking controls are proposed even where parking is prohibited by the City's Local Law or Road Traffic Code. Examples are along footpaths, and where the lane is not wide enough for legal parking. This is to ensure the driver has no doubt over their ability to park.
 - b) Parking along Eureka Street and Imperial Street has been designated as "No Parking Road", to enable the businesses to continue their parking practices on the verge. Under the City's Local Law, parking on the verge is at the permission of the property

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- owner. Business owners can make arrangements with the City to enforce unapproved parking on their verges.
- c) In selected locations, timed parking controls are proposed to provide for business customer parking and parking in proximity to the train station.
15. As and when required, the City will issue the plans for approval (under delegated authority ENG1) and arrange for installation of signs and lines. The City can also modify and extend any designs as and when required to ensure effective management of parking.
16. METRONET, a collaboration of state agencies in the delivering of transport projects, have provided funding to the City for the design and construction of the new road connecting the train station to Milner Road as part of the Transit Oriented Development (TOD) precinct. This "TOD Connector" road is expected to be constructed within the next few years, and if required will include parking controls as part of the design.

APPLICABLE LAW

17. Parking is administered under the *Parking and Parking Facilities Local Law 2019*. Parking controls (such as a No Parking sign) must be approved under delegated authority ENG1 - *Determination of Prohibited Parking Areas*.

APPLICABLE POLICY

18. Nil.

STAKEHOLDER ENGAGEMENT

19. Letters with a feedback form enclosed were sent to all residences and businesses within a 580m radius of the train station. This was also made available on the City's Engage HQ site, and an interactive map for respondents to click and comment. No responses were received.

FINANCIAL CONSIDERATIONS

20. The installation of the signs and line marking for parking controls will be funded from operating and capital budgets based on the extent of signs required at that time.
21. The City's Community Safety Rangers will patrol the signs and respond to customer complaints. Having the appropriate parking controls in place will make it simpler for the Rangers to enforce, which will be absorbed as part of normal operating costs. There will also be revenue received through the issuing of infringements.

SUSTAINABILITY

- 22. The preferred sustainability outcome that leads to the lowest environmental impact is for all train patrons to use public transport, walk or cycle to the train station. This plan is to address those patrons who prefer to drive or be driven by a companion. By prohibiting parking in surrounding streets, patrons will need to choose either the formal drop-off area and multi-storey carpark that has been provided by the PTA, use public transport and active transport or risk penalties for illegal parking.
- 23. There are no significant impacts to financial or social sustainability arising from the Parking Plan.

RISK MANAGEMENT

24.	Risk: The parking controls are not effective in controlling parking behaviours leading to community complaints and community safety concerns.		
	Consequence	Likelihood	Rating
	Significant	Unlikely	Medium
	Action/Strategy		
	The parking controls as proposed can be modified at short notice to resolve local problems.		

CONCLUSION

- 25. The City has undertaken planning and design to manage the impact of uncontrolled parking when the new High Wycombe Train Station opens. The report on the likely impacts of parking has been prepared. With the parking control designs, the City will be readily able to install controls when needed.
- 26. During the preparation of the Parking Plan, the community was consulted however no responses were received. It is viewed that implementation will partly stem from local concerns raised over time.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council NOTE the proposed parking controls around the High Wycombe Station Precinct to be implemented as required over time.

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10.2.3. Scott Reserve Pavilion - Funding Strategy

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

No public presentation was provided on this report.

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

Previous Items	OCM 16/2020; OCM 100/2020
Directorate	Asset Services
Business Unit	Asset Services
File Reference	3.010346
Applicant	N/A
Owner	
Attachments	Nil

Provided under separate cover.

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10.3. Corporate Services Reports

No reports presented.

10.4. Office of the CEO Reports

No reports presented.

11. Closure

The Meeting of 9 August 2022 closed at 7.02pm.

The Special Submissions Meeting of 16 August 2022 closed at 7:45pm.

Public Submission Meeting 16 August 2022

Appendix 1:

Special Submission Meeting 16 August 2022

Council has agreed to a Public Submissions meeting, in accordance with section 6.13 of the City of Kalamunda Local Laws Standing Orders, held at the City on Tuesday 16 August 2022 for the purpose of presenting Item 10.1.2 Lot 500 (32) Gavour Road, Wattle Grove, Proposed Scheme Amendment No. 107.

The Director Development Services provided a presentation on this item.

Bev Dornan – Governance Issue

Q. Can the CEO please explain why the City has not followed the required legal process for changing or revoking the earlier decision of council to approve Amendment 57 so it can lawfully consider replacement Amendment 107?

A. The question was taken on notice.

Kim Manson provided questions in writing and responses were provided by the Director Development Services as follows.

Q1. Was the peer review by Altus Planning paid for by the City.

A1. Yes.

Q2. If it was what was the cost?

A2. \$4,500

Q3. If it was not paid for by the City, who paid for the report?

A3. The City paid for the peer review to be undertaken.

Q4. The City of Kalamunda sought legal advice; what was the cost of the legal advice; and does the legal advice pertain to City actions only?

A4. \$2,500 and it pertains to the application of the Retirement Villages Act.

Bev Dornan provided a deputation and spoke against the recommendation.

Charles Dornan provided a deputation and spoke against the recommendation.

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Paul McQueen, Lavan, provided a statement in support of the recommendation.

Andrea Balfe provided a deputation and spoke against the recommendation.

Iris Jones provided a deputation and spoke in support of the recommendation.

Robert Vletter provided a deputation and spoke against the recommendation.

Kim Manson provided a statement and requested amendments be made. The Director Development Services advised the issues raised by Ms Manson would be dealt with through the Development Application process.