

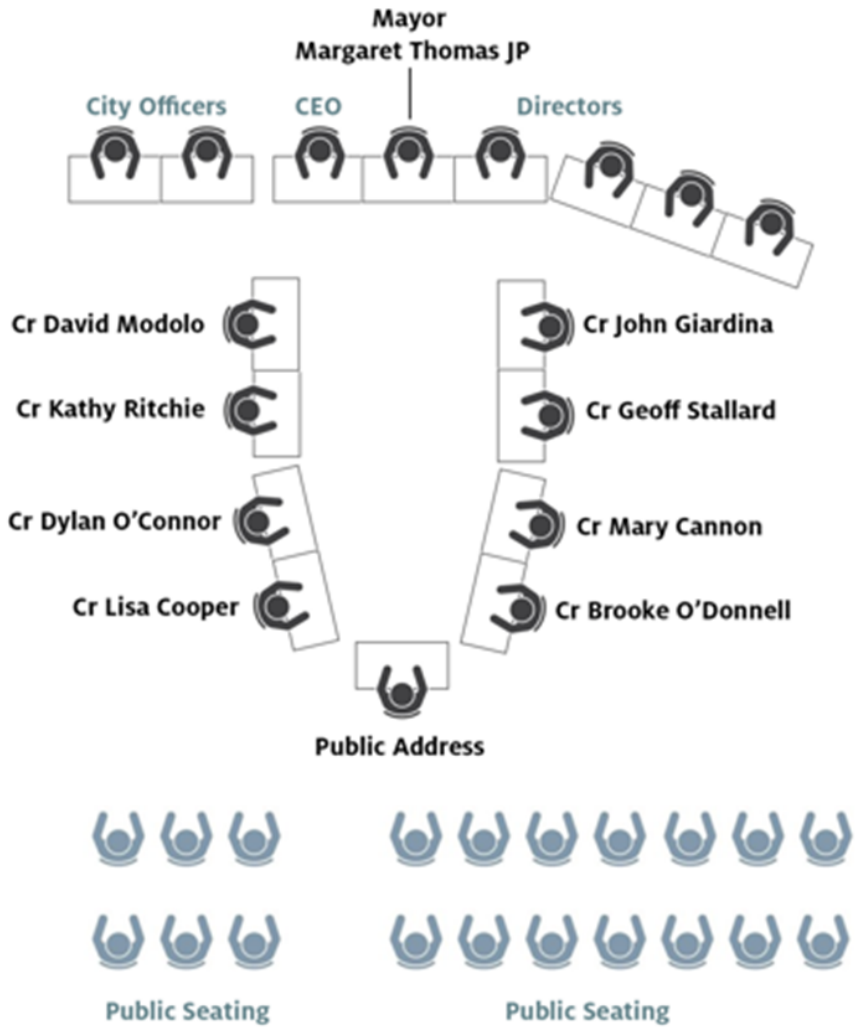


Ordinary Council Meeting

MINUTES

Tuesday 22 October 2024

Council Chambers Seating Plan



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1. Official Opening

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

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Anthony Vuleta - Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Darren Jones - A/Director Community Engagement

Gary Ticehurst - Director Corporate Services

Nathan Ritchie - Director Development Services

Management Team

Chris Lodge - Manager Strategic Planning

Reagan Travers - Manager Approval Services

Scott Donaldson - Principal Strategic Planner

Cameron Chisholm - A/Manager Community Health & Safety

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 32

Members of the Press Nil.

Apologies

Cr Brooke O'Donnell

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Questions Taken on Notice at Previous Meeting

3.1.1 Diane English, High Wycombe (Supplementary Question for the OCM 24 September 2024)

Q. Given the current circumstances, why isn't the buffer along the interface in Sultana Road West, which will protect the residential housing from General industry noise in Stage 1, mentioned in the DCP for High Wycombe South?

A. There is no identified buffer requirement for the interface at Sultana Road West. Therefore, this response does comment on the need for, or accuracy of costs associated with, the buffer expectations mentioned in the question.

The draft DCP includes upgrades for Sultana Road West, south of Milner Road (Item RD09 Sultana Road West). Sultana Road West borders the High Wycombe South Residential Precinct to the north, and the existing Forrestfield / High Wycombe Industrial Area to the south. Sultana Road West requires upgrading to service both areas, with the September 2024 DCPR forecasting a total upgrade cost of \$2,089,023.72 (source: September 2024 DCP) proposed to be equally funded by each DCP; 50% of upgrade to be funded through the FFHW DCP; and 50% of the upgrade to be funded through the HWS DCP (\$1,044,511.86).

There have been no changes to the proposed apportionment for Sultana Road West (RD09). The DCP has always proposed a 50% apportionment for Sultana Road West (RD09). However, there was an administrative error to Table 2 of the April 2023 Development Contribution Plan Report (DCPR), where the reported forecast cost for RD09 represented a 25% apportionment (\$511,363.88), rather than the proposed and intended 50% (\$1,022,727.76). This administrative error was rectified through the December 2023 DCPR.

Please note the forecast costs informing the DCPs will continually fluctuate due to annually reviews undertaken by independent and suitably qualified practitioners. These annual reviews ensure the scope of infrastructure remains relevant and maintains the currency of the cost of infrastructure.

3.2. Public Question Time

3.1 Mr Jeff Noske, High Wycombe

Q. How many successfully completed subdivisions has the City of Kalamunda been in charge of and what was the timeframe for completion?

A. Taken on Notice

3.2 Mr Dick Lovegrove, Wattle Grove

Q. Would the council give consideration to relinquishing the management of bush fire from the portfolio?

A. The Chief Executive Officer advised the decision as to whether the City has Volunteer Bushfire Brigades is a decision of Council. The Chief Executive Officer indicated it may be appropriate Mr Lovegrove provide further information to council on his proposal at briefing session.

4. Petitions/Deputations

4.1 A deputation was provided from Mr Bill Nicholson, Preident Kalamunda Archery Club Inc., regarding Item 10.4.2. Kalamunda Governor Stirling Achers (Archery Club) Renewal Works. Mr Nicholson spoke in support of the recommendation.

4.2 A deputation was provided from Mr Michael Ryan, High Wycombe, regarding Item 10.6.4. Amendment 113 to Local Planning Scheme (Residential Prescint) Developement Contribtution Plan. Mr Ryan's deputation, delivered to the meeting by the Presiding Member, spoke against aspects of the recommendation.

4.3 A deputation was provided from Mr Robert George, High Wycombe, regarding Item 10.6.4. Amendment 113 to Local Planning Scheme (Residential Prescint) Developement Contribtution Plan; and 10.6.8 Request from Western Australian Planning Commission to undertake an amendment to the High Wycombe South Residential Precinct Local Structure Plan. Mr George spoke against aspects of the recommendation.

4.4 A deputation was provided from Paul Brown, Marketplace, regarding Item 10.6.4. Amendment 113 to Local Planning Scheme (Residential Precinct) Developement Contribution Plan. Mr Brown spoke to various aspects of the report and in support of the recommendation.

- 4.5 A deputation was provided from Adrian Abel, Abel Property, regarding Item 10.6.4. Amendment 113 to Local Planning Scheme (Residential Precinct) Development Contribution Plan. Mr Abel spoke to various aspects of the report and in support of the recommendation.
- 4.6 A deputation was provided from Roly Ritchie, Darling Range Seniors Hub, regarding Item 10.6.8. Darling Range Seniors Hub - Financial Assistance. Mr Ritchie spoke in support of the recommendation.
- 4.7 A deputation was provided from Bill Foreman, Darling Range Seniors Hub, regarding Item 10.6.8. Darling Range Seniors Hub - Financial Assistance. Mr Foreman spoke in support of the recommendation.
- 4.8 A deputation was provided from Peter Kenyon, Patron Darling Range Seniors Hub, regarding Item 10.6.8. Darling Range Seniors Hub - Financial Assistance. Mr Kenyon spoke in support of the recommendation.
- 4.9 A deputation was provided from Jarrod Ross, Taylor Burrell Barnett, regarding Item 10.1.1. Structure Plan Amendment - Lot 12 (No.256) Sultana Road East, Forrestfield. Mr Ross spoke in support of the recommendation.

5. Applications for Leave of Absence

- 5.1 Nil.

6. Confirmation of Minutes from Previous Meeting

- 6.1 RESOLVED OCM 126/2024

That the Minutes of the Ordinary Council Meeting held on 24 September 2024, as published and circulated, are confirmed as a true and accurate record of the proceedings.

Moved: **Cr Lisa Cooper**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

7. Announcements by the Member Presiding Without Discussion

Thank you all for being here tonight. I'd like to take a moment to reflect on some wonderful events I've had the privilege to attend recently.

Cr Stallard and I enjoyed the season opening of the Forrestfield and Districts Bowling Club, where it was fantastic to see so many community members come together to support our local clubs. I also had the pleasure of attending the season opening for the High Wycombe Cricket Club.

In late September, I participated in the RDA Perth and Perth Hills Local Government Meeting. This gathering of fellow Mayors, Shire Presidents, and CEOs allowed us to discuss important regional issues and share valuable insights for our community's future.

Later that week, I joined the Kalamunda Economic & Tourism Advisory Group, where our discussions were vital for shaping the future of our local economy and fostering sustainable growth.

At the start of October, I had the honour of welcoming Senator Bridget McKenzie to Hartfield Park and Ray Owen. It was a wonderful opportunity to showcase our community's strengths and discuss the support we need moving forward.

Soon after, I met with Mr. Shane Love MLA to explore ways we can collaborate to better serve our residents.

Another highlight was the official unveiling of the Canning Mills Ghost Town sign. This is one of many signs along the Railway Heritage Trail that tell the rich stories of our past. I'd like to acknowledge the hard work of the Pickering Brook Heritage Group and our partners: the Darling Range E-Bikers, the City of Kalamunda, the Darling Range Hub, the Kalamunda Heritage Society, the Forests Commission, and the Bank of IDEAS.

I also enjoyed the NRPB Forrest Festival at Stirk Park, where the vibrant atmosphere brought families and friends together. Later that day, I participated in the City of Swan Leadership Symposium, where we exchanged ideas and strategies with local leaders, strengthening the relationships that help us learn from each other.

Our Bushfire Community Day was another rewarding event, which I attended alongside the Minister for Emergency Services, Hon. Stephen Dawson. It's always inspiring to see our community come together to learn about fire safety and preparedness, ensuring we're better equipped to protect our beautiful region.

I also attended the WALGA AGM and Convention, where I connected with local government representatives from across the State. It was an inspiring event, allowing us to share ideas and initiatives aimed at improving our communities.

I was honoured to attend the City of Belmont's Mayoral Dinner, where building strong relationships with our neighbouring councils is crucial for collaboration.

More recently, I had the joy of officiating a Citizenship Ceremony, with Cr Ritchie and Cr O'Connor also in attendance. Welcoming new citizens into our community is always a highlight for me, reflecting the diversity and spirit of Kalamunda.

Just last week, I met Deputy Prime Minister Richard Marles at the Woodlupine Family Centre in Forrestfield. We discussed Federal support for local projects, which will be crucial for our community moving forward. This month, we also held two important events focused on recognising the red flags in toxic relationships. The first was at the Woodlupine Family Centre, where Cr Cannon joined me, and the final event took place at KPAC with Cr Cooper attending. The final event was live-streamed to ensure as many people as possible could benefit from the information shared.

If you missed it, please visit the City's YouTube channel to watch the video—it includes useful tips, and the Q&A session was illuminating. Thank you, Councillors, for supporting this important initiative.

Cr Ritchie and I attended a beautiful morning tea and art exhibition to mark National Carers' Week. This event served as a reminder of the incredible work our carers do for their loved ones and our community as a whole.

Finally, I had the pleasure of attending the Kalamunda Chamber of Commerce breakfast last week, where our CEO, Anthony Vuleta, shared his vision for his time as CEO.

Thank you all for your continued dedication to our community. Together, we can continue to build a thriving and supportive Kalamunda.

8. Matters for Which the Meeting may be Closed

- 8.1 Item 10.6.2 Debtors and Creditors Reports for the month of September 2024 – **Confidential Attachment** - Creditor Payments for the Period ended 30 September 2024

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

- 8.2 Item 10.6.4 Amendment 113 to Local Planning Scheme No. 3 - High Wycombe South (Residential Precinct) Development Contribution Plan - Final Adoption – **Confidential Attachments** - Amendment 113 to Local Planning Scheme No. 3 - Submitters Table and Amendment 113 to Local Planning Scheme No. 3 - Submitters Map

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

- 8.3 Item 10.6.5 Potential Acquisition - Property Matter – **Confidential Attachment** - HCHW - High Level Business Case

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

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

- 8.4 Item 10.6.7 Hartfield Park Master Plan Stage 2A - Project Update

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

- 8.5 Item 10.6.9 Darling Range Seniors Hub - Financial Assistance **Confidential Attachments** - Financial Accounts - June 2024; Business Plan 2024/2025; Alignment to Strategic Community Plan

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

9. Disclosure of Interest

9.1. Disclosure of Financial and Proximity Interests

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

9.1.1 Nil

9.2. Disclosure of Interest Affecting Impartiality

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

9.2.1 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.6.5 Draft Local Planning Policy 35 Hatch Court Light Industrial Precinct. Cr Giardina has a relative living in close proximity to Stirling Road in High Wycombe.

9.2.2 Cr John Giardina declared an Interest Affecting Impartiality on Item 10.6.6 Potential Acquisition - Property Matter. Cr Giardina has a relative living in close proximity to subject property.

9.2.3 Cr Kathy Ritchie declared an interest affecting Impartiality on item 10.6.9 Darling Range Seniors Hub - Financial Assistance. Cr Ritchie is a member of the Darling Range Seniors Hub.

10. Reports to Council

The Presiding Member moved the consideration of Item 10.6.9.

Following consideration of Item 10.6.9 the meeting adjourned at 8:30pm and recommenced at 8:35pm. Following the adjournment all elected members and staff returned to the meeting. Seven members of the public returned.

Following the adjournment the meeting considered Item 10.4.2.

10.1. Development Services Reports

10.1.1. Structure Plan Amendment - PG-DEV-062 - Lot 12 (No. 256) Sultana Road East, Forrestfield

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

Previous Items	Nil.
Directorate	Development Services
Business Unit	Approval Services
File Reference	PG-DEV-062
Applicant	Taylor Burrell Barnett
Owner	Acott Equities Pty Ltd

Attachments	1. Outline Development Plan Amendment (ODP) [10.1.1.1 - 3 pages]
	2. Engineering Service Report [10.1.1.2 - 18 pages]
	3. Transport Impact Assessment [10.1.1.3 - 26 pages]
	4. Urban Water Management Plan (UWMP) [10.1.1.4 - 49 pages]
	5. Submissions and Applicants Response to Submissions [10.1.1.5 - 8 pages]
	6. Bushfire Management Plan (BMP) [10.1.1.6 - 32 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 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 Council to consider an amendment to the Outline Development Plan (ODP) for Agreement Areas 2,3 and 4 (Forrestfield U7) (the Structure Plan) as shown in Attachment 1. The applicant proposes to change the structure plan in the following ways:
 - a) Increasing the density of Lot 12 (256) Sultana Road East, Forrestfield from R12.5 to R25 at the front of the site for lots fronting Sultana Road East and from R20 to R30 and R40 at the rear of the site;
 - b) Removal of the open space from the subject site and apply a cash-in-lieu contribution requirement for the ultimate subdivision of the subject site to provide the City with funds to further improve existing open space or acquire more strategic parcels of land for future open space within the immediate area.
 - c) Outline the road network modifications across the structure plan amendment area to connect with the existing gazetted road network.
2. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, Outline Development Plans (or similar) are now defined as a 'Structure Plan.'

3. During the consultation period, a total of 14 submissions were received by the City, in which 10 of these were objections, 2 were in support, and 2 were comments only.
4. It is recommended Council forward the Forrestfield U7 Structure Plan Amendment to the Western Australian Planning Commission (WAPC) with a recommendation for approval without modifications.

BACKGROUND

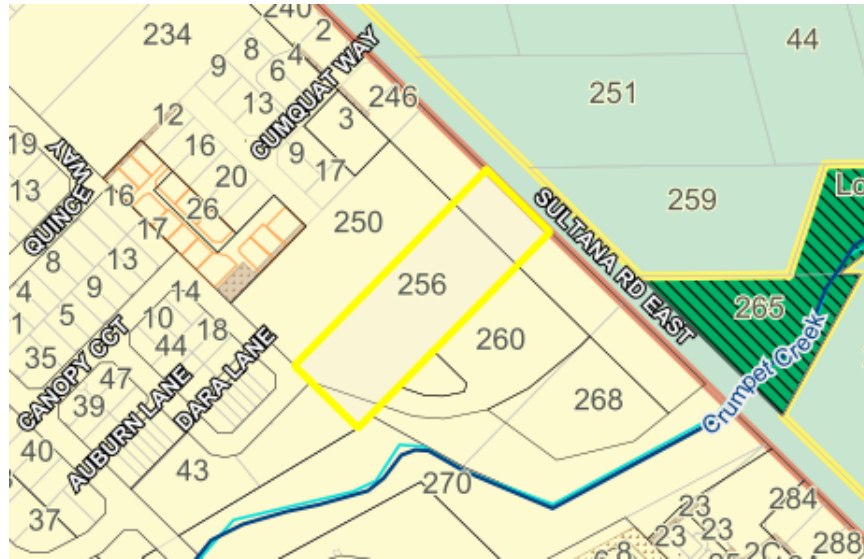
5. **Land Details:**

Land Area	10,0001.00m ² 1.00ha
Local Planning Scheme No.3 Zone:	Urban Development
Structure Plan Zone:	Residential R12.5 – R20
Metropolitan Region Scheme Zone:	Urban

6. **Locality Plan**



7. **Zoning Map**



8. On 10 October 1997 the Minister for Planning granted approval for Amendment No 166 to the City of Kalamunda Local Planning Scheme rezoning the land bounded by Hawtin Road, Sultana Road East, Roe Highway and Berkshire Road (known as 'Planning Unit 7' or 'U7') to Urban Development. Following consultation with local landowners and detailed technical reporting, an Outline Development Plan was prepared in May 1998, and subsequently adopted by Council on 15 June 1998.

9. The subject site for the purpose of the amendment is Lot 12 (No. 256) Sultana Road East, Forrestfield, which is currently a 1ha lot consisting of a single dwelling and associated outbuildings which fronts Sultana Road East.

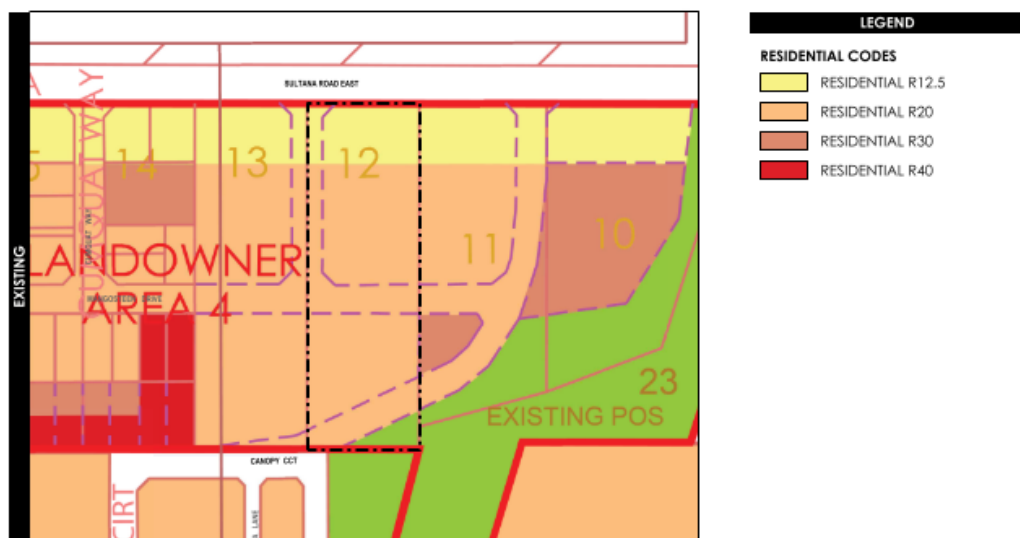
DETAILS AND ANALYSIS

10. The subject site is currently identified as 'Residential' under the Structure Plan, with a designated residential density code of R12.5 along the front portion abutting Sultana Road East, and R20 for the remainder of the site.

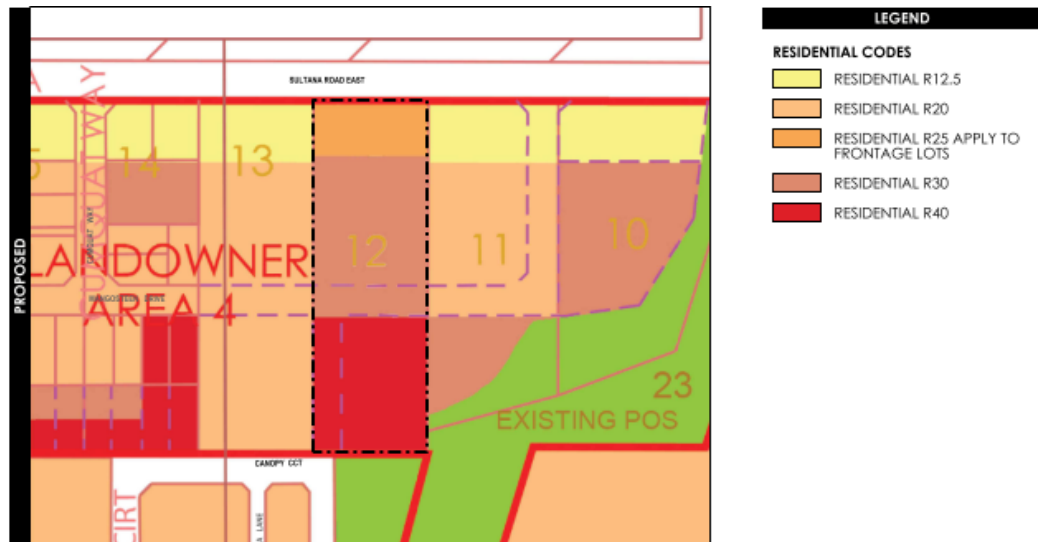
11. The northern portion of the subject site is currently identified as Residential R12.5 and provides an interface to the larger Rural-Residential land parcels to the north of Sultana Road East.

12. The subject site is otherwise surrounded by medium density residential development to the south and west.

13. The current Structure Plan shows a future public road running through the site running south connecting from Sultana Road East, before running east through the middle of the site. There is also a future public road shown running from the east to the south-western corner of the site as shown in the excerpt of the structure plan map below.
14. The Structure Plan Amendment proposes residential densities of R25 to the front of the lot abutting Sultana Road East, R30 in the middle portion and R40 to the rear portion of the site. The indicative subdivision provided with the proposal shows the density to yield approximately 15 to 30 lots.
15. The amendment proposes the following changes to the road networks as shown below and in attachment 1:
 - a) Deleting the northern portion of the future public road that connects to Sultana Road East.
 - b) Relocating the southern portion of the future road to run south to connect to the existing gazetted road (Canopy Circuit)



Existing density coding and road network as shown on the structure plan



Proposed density coding and road network

16. To support the proposal, the applicant has provided the following technical documentation:

1. Bushfire Management Plan
2. Engineering Service Report
3. Transport Impact Assessment
4. Urban Water Management Plan

APPLICABLE LAW

Metropolitan Region Scheme

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

19. Consistent with Clause 29 (1) of the Regulations, the Forrestfield U7 Structure Plan Amendment has been submitted by the applicant to amend the density coding within the site.

Local Planning Scheme No. 3

20. The site subject to the proposed amendment is currently zoned Urban Development under the provisions of Local Planning Scheme No.3 (the Scheme). Clause 4.2.1 of the Scheme outlines the objectives of the Urban Development zone as follows:
- a) To provide orderly and proper planning through the preparation and adoption of Structure Plan setting the overall design for the area
 - b) To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.
21. In accordance with the objectives of the Urban Development zone, the preparation of a Structure Plan is required to facilitate future development and subdivision. The Forresterfield U7 Structure Plan has been in effect since 1998 and is consistent with the objectives of the Urban Development zone.
22. Clause 6.2.7.2 of the Scheme states that:
- If a structure plan imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes then:
- a) The provisions of the Structure Plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
 - b) Provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.
23. However, clause 6.2.7.2 of the Scheme no longer has effect and is superseded by Schedule 2 clause 27 (1) of the Regulations which states:
- A decision maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*
24. All future development on the subject site will have due regard to the Forresterfield U7 Structure Plan as amended.

APPLICABLE POLICY

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

25. The Perth and Peel @3.5million strategy was adopted by the WAPC in March 2018 to establish a long-term, integrated planning framework for land use and infrastructure to guide future growth.
26. The North-East Sub-Regional Planning Framework (Sub-Regional Framework) is the strategic planning document that encompasses the area of Forrestfield and is intended to guide the delivery of the objectives under Directions 2031.
27. The Sub-Regional Framework identifies Forrestfield within the City of Kalamunda as an area for urban expansion and expected population increase. The framework suggests urban zoned land to accommodate increased residential infill development and densities in undeveloped areas.
28. The subject site is identified as 'Urban' under the framework and is therefore identified as suitable location for accommodating increased urban development.
29. The proposed increase in residential density (R12.5 to R25 and R20 to R30 and R40) is consistent with the Sub-Regional Framework aim of *"delivering a more consolidated urban form and achieving a more efficient and cost-effective urban structure that minimises environmental impacts"*.

Liveable Neighbourhoods

30. Liveable Neighbourhoods is a state policy which guides neighbourhood scale development. The proposed amendment has been prepared in accordance with the Liveable Neighbourhoods target of 26 dwellings per site hectare.
31. The proposed amendment would increase the potential density of the subject site from approximately 12 dwellings under the current U7SP, to approximately 25 - 30 dwellings per site hectare.
32. The Structure Plan Amendment is consistent with the principals, objectives and requirements of each of the relevant Liveable Neighbourhoods design elements.

Local Planning Strategy

33. The City of Kalamunda Local Planning Strategy was endorsed on 5 February 2013. The strategy provides planning and development guidance in conjunction with the City of Kalamunda Local Planning Scheme No.3.
34. The proposed amendment is consistent with the key objectives of the strategy for the following reasons:
- a) The amendment will generate employment growth in proximity to Perth Airport by driving demand for housing in Forrestfield.
 - b) The amendment will support an increase in population and dwelling target by increasing the residential densities.
 - c) The provision of new dwellings in Forrestfield is identified as a priority in the strategy.

Local Housing Strategy

35. The Local Housing Strategy has been prepared for the City of Kalamunda to identify and facilitate housing needs within the City.
36. The proposed amendment seeks to modify the coding applicable to the subject site, which under the existing ODP is allocated as R12.5 and R20, to a density coding of R25, R30 and R40, providing for a larger number of dwellings to be created and a more contemporary residential development pattern. Therefore, the proposed amendment to the Forrestfield U7 Structure Plan is consistent with the objectives of the strategy.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

37. The intent of State Planning Policy 3.7 (SPP 3.7) aims to ensure that all planning proposals consider bushfire protection requirements through implementing effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.
38. The subject site is identified as being 'Bush Fire Prone' under the Map of Bush Fire Prone Areas.
39. A Bushfire Management Plan (BMP) has been prepared which identifies that the proposal is in an area where the bushfire hazard level can be appropriately managed.

40. The BMP identifies that:
- a) The proposed lots can achieve a Bushfire Attack Level of BAL-29 or lower.
 - b) The lots fronting Sultana Road East are likely to be BAL-29 with the 4m setback provision of an R25 lot from the primary (front) lot boundary.
 - c) The design of the subdivision can ensure that radiant heat does not exceed BAL-29.

State Planning Policy No. 7.3 – Residential Design Codes (Volume 1)

41. State Planning Policy 7.3 - Residential Design Codes (R-Codes) applies to residential development in Western Australia. Clause 4.2.2 of LPS3 requires the development of land for residential purposes to conform to the provisions of the R-Codes.
42. This amendment seeks to modify the existing residential density codes applicable to the subject site from R12.5 and R20 to R25, R30 and R40 respectively.
43. Future subdivision and residential development across the subject site will be required to comply with the provisions of the R-Codes.

STAKEHOLDER ENGAGEMENT

44. The application was advertised for a period of 28 days from 26 July 2024 to 23 August 2024 in accordance with the City of Kalamunda's Local Planning Policy 11 – Public Notification of Planning Proposals and Schedule 2, Clause 18 of the Regulations.
45. The advertising period involved the following:
- a) Letters to landowners/occupiers within 200m of the subject site
 - b) Notice on the City's website
 - c) Sign on site
46. During the consultation period, a total of 14 submissions were received by the City, in which 10 of these were objections, 2 were in support, and 2 were comments only.

47. The table below provides the City's responses to the key themes outlined in the submissions:

Summary of Objections	City's Response
<p>There are too many lots fronting Sultana Road East, which will have impacts on traffic, parking and the nature in the area.</p>	<p>The lower density of R25 is proposed at the front of the site, addressing Sultana Road East, with the higher density of R30 and R40 at the middle and rear of the site, respectively.</p> <p>The R25 density at the front of the site will still allow for a consistent design streetscape, whilst addressing an increase in density to cater for additional dwellings on the site.</p>
<p>Concerns with the removal of vegetation from the site.</p>	<p>The subject site does not contain any significant trees on the site or any other environmental features such as creeks or waterways.</p> <p>There are existing large trees along the peripheries, however, these trees are within the boundaries of the adjoining lots.</p> <p>This amendment does not propose the removal of any mature vegetation within the verge of the subject site.</p>
<p>Concerns with increase in traffic on Mangosteen Drive and Canopy Circuit and resultant impacts on safety for local residents, including young children in the locality.</p>	<p>The Transport Impact Statement concludes that there will be a minimal increase in traffic volumes and there will be no significant impact on the surrounding road network.</p> <p>The design allows for new roads to connect with the existing and proposed roads to ensure there is legibility in the road network.</p>
<p>Design of the subdivision amendment is not sustainable for the area.</p>	<p>The proposed amendments to the densities on the lot will provide for a mix of dwelling typologies.</p> <p>The increased density will provide greater diversity in housing stock, support the local economy with an increase in population and cater to the demand for increased housing provision.</p>

<p>Increased density is not aligned with the character and housing needs to the Local Housing Strategy, which aims to provide diverse housing which might not be achieved through higher density.</p>	<p>The Local Housing Strategy recommends the need for higher dwelling targets by promoting increased residential densities which is achieved through this amendment.</p>
<p>Removal of public open space which will lead to less green spaces, which are important for the community and the environment.</p>	<p>The removal of the public open space to cash in lieu will enable an upgrade to existing open space areas.</p>
<p>Concerns with privacy as a result in increased density.</p>	<p>This application does not impact on privacy through the increase in the density.</p> <p>However, visual privacy and amenity will be assessed by the City through the future Development Applications against the provisions of the Residential Desing Codes.</p>

48. Attachment 5 is a full summary of the submissions, including the applicant’s response to the submissions.

External Referrals

49. The application was referred to the Water Corporation who have no immediate concerns with the amendment proposed.

Water Corporation advised that a local water management strategy / UWMP should be required prior to the subdivision stage to demonstrate that runoff from the subject land will be retained on site to predevelopment levels and to make adequate provision for 1% ARI storm events within the subject land.

This advice has been taken on considered and engineering drawings will be required at subdivision stage to demonstrate that there is adequate provision of 1% ARI storm events within the subject site.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

- 51. Social Implications: Supporting the increased density at the subject site will ultimately lead to greater diversity in housing stock and greater housing affordability.
- 52. Economic Implications: Should the proposed amendment for increased density be supported, there would be an increase in the number of dwellings and therefore an increase in the population. The increased population in the locality can positively impact the local economy.
- 53. Environmental Implications: There are minimal environmental implications on the existing lot from the increase in the density. The existing lot contains remnant vegetation of a managed rural lot, with lawn areas, gardens, shrubs and trees scattered along the boundaries of the site. There is no significant vegetation or environmental features within the site.

RISK MANAGEMENT

54.	Risk: Adopting the amended plan could result in an increase in traffic and amenity impacts through the locality.		
	Consequence	Likelihood	Rating
	Unlikely	Moderate	Low
	Action/Strategy		
	The transport impact assessment submitted by the applicant in support of the proposal is acceptable by the City. The TIA concludes that the proposed subdivision and increase in density will not have a significant impact on traffic on the surrounding road network.		
	The modification to the road network and the changes to the density results in a minimal increase to traffic generation and will not impact the broader surrounding road network.		

55.

Risk: Adopting the amended plan could result in an inconsistent interphase between the subject site and the rural residential lots along the northern boundary of Sultana Road East.		
Consequence	Likelihood	Rating
Unlikely	Moderate	Low
Action/Strategy		
<p>The introduction of R25 lots along Sultana Road East is supported by the City as the overall built form and lot frontages will create an appropriate interface with the rural residential lots adjacent to the subject site.</p> <p>The R25 density along Sultana Road East will provide for a 4-meter setback to the road, allowing a consistent streetscape with the existing residential lots to the south of Sultana Road East, whilst maintaining and acceptable street setback from the rural-residential lots to the north.</p> <p>The incorporation of a local development plan as a condition of subdivision approval can be applied to ensure that residential design appropriately responds to the public realm and built form outcomes for the area.</p>		

CONCLUSION

56.

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

- a) Increasing the density of Lot 12 (256) Sultana Road East, Forrestfield from R12.5 to R25 at the front of the site for lots fronting Sultana Road East and from R20 to R30 and R40 at the rear of the site;
- b) Removal of the open space from the subject site and apply a cash-in-lieu contribution requirement for the ultimate subdivision of the subject site to provide the City with funds to further improve existing open space or acquire more strategic parcels of land for future open space within the immediate area.
- c) Outline the road network modifications across the structure plan amendment area to connect with the existing gazetted road network.

57. **a) Increase in density**

The proposed increase to the density is consistent with strategic planning framework and will allow for the efficient infill of an existing urban area. It is expected the differing densities being applied will allow for a range of dwelling and household types. The structure plan proposes an R25 density along Sultana Road East which provides an appropriate interface with the rural-residential lots to the north; R30 in the middle, before increasing to R40 at the rear (south) of the site which provides an appropriate transition to the R60 lots located along Canopy Circuit and Dara Lane.

Furthermore, a local development plan (LDP) could be implemented over the lots to help address built form, vehicular access, bin pad locations, and design to ensure the residential design appropriately responds to both the prevailing and desired outcomes of the locality.

58. **b) Removal of public open space**

The amendment to the structure plan would result in the removal of a portion of public open space in the southern section of the subject site. This portion of public open space was relatively small and would not provide meaningful benefit to the existing and future community. On this basis, a more appropriate outcome would be to apply a cash-in-lieu contribution for the subdivision of the subject site. This will allow the City to use these funds to upgrade existing public open space within the locality as opposed to creating unusable parcels of public open space for the community.

59. **c) Changes to the road network**

The proposed changes to the road network as indicated on the structure plan allows for a more appropriate and uniform road network that connects in with the existing road network. These changes will improve connectivity within the area.

60. For these reasons, the City recommends that Council forward this report, attachments and recommendations to the Western Australian Planning Commission (WAPC) for approval, without modifications.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council Pursuant to Clause 20(1) and (2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, in respect to the proposed Amendment to the Forrestfield U7 Structure Plan – Lot 12 (No. 256) Sultana Road East, Forrestfield, referred to as Attachment 1, FORWARD this report, attachments and recommendations to the Western Australian Planning Commission for approval without modifications.

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Cr Cooper foreshadowed an amendment to the recommendation. The amendment received a seconder before being put to a vote. Cr Cooper provided rationale for the amendment to change the wording to include modifications to the zoning of some of the lots.

RESOLVED OCM 129/2024

That Council Pursuant to Clause 20(1) and (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in respect to the proposed Amendment to the Forrestfield U7 Structure Plan – Lot 12 (No. 256) Sultana Road East, Forrestfield, referred to as Attachment 1, FORWARD this report, attachments and recommendations to the Western Australian Planning Commission for approval **with modification/s**.

Modification 1:

The area proposed to be re-coded to R25, remains as R12.5 consistent with the existing Structure Plan.

Moved: Cr Lisa Cooper

Seconded: Cr Stallard

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Cr Mary Cannon and Cr David Modolo**

CARRIED (6/2)

The adopted amendment was added to the substantive recommendation and debated before being put to a voted.

RESOLVED OCM 130/2024

That Council Pursuant to Clause 20(1) and (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in respect to the proposed Amendment to the Forrestfield U7 Structure Plan – Lot 12 (No. 256) Sultana Road East, Forrestfield, referred to as Attachment 1, FORWARD this report, attachments and recommendations to the Western Australian Planning Commission for approval with modification/s.

Modification 1:

The area proposed to be re-coded to R25, remains as R12.5 consistent with the existing Structure Plan.

Moved: **Cr David Modolo**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Cr Mary Cannon and Cr David Modolo**

CARRIED (6/2)

10.2. Asset Services Reports

No reports presented.

10.3. Corporate Services Reports

No reports presented.

10.4. Community Engagement Reports

10.4.1. Mosquito Management Plan

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

Previous Items	
Directorate	Community Services
Business Unit	Community Health & Safety (Environmental Health)
File Reference	
Applicant	N/A
Owner	N/A
Attachments	1. Mosquito- Management- Plan 2024-2027 [10.4.1.1 - 14 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy - 1.2.1 Facilitate a safe community environment.

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

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.

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council's endorsement of the City of Kalamunda's (City) Mosquito Management Plan 2024-2027 (MMP).

This is the City's first MMP and will provide a framework for the effective management of mosquitos to minimise the public health risk and impact on amenity associated with mosquitoes.

2. The MMP will also assist the City in securing financial support from the Department of Health, utilising the Contiguous Local Authorities Group (CLAG) Mosquito Management Program.
3. The CLAG Program is a mechanism to assist Local Governments with management, funding and advice on the technical aspects of health-driven mosquito control measures, to reduce the risk of mosquito-borne diseases throughout Western Australia.
4. It is recommended that Council endorse the City of Kalamunda's Mosquito Management Plan 2024-2027.

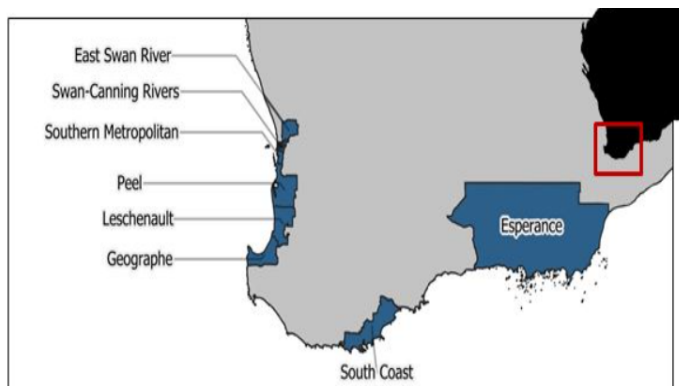
BACKGROUND

5. There are over 100 species of mosquitoes in Western Australia (WA), several of which are serious pests and/or disease vectors.
6. A changing climate, consecutive years of La Nina weather patterns, and more recently, the requirement for increased mosquito surveillance and response preparedness activities to mitigate the growing risk of Japanese encephalitis virus (JVE) has heightened the importance of the requirement for local governments to have an effective mosquito management program.
7. The City's Environmental Health Officers currently undertake mosquito management throughout the City. Effective management can help to minimise the public health risk and impact on amenity associated with mosquitoes.
8. The development of a MMP is essential to ensure an integrated, management approach, combining various strategies, continuity and consistency to reduce pest or vector mosquitoes to a level that is acceptable.
9. The Department of Health is responsible for coordinating the management of public health significance across WA. A key component of this includes support for local government mosquito management programs through the CLAG Program. The CLAG is a mechanism to assist local governments with management, funding and advice to reduce mosquito-borne diseases in WA.
10. CLAGs are comprised of one or more (contiguous) local governments that share a common mosquito problem, usually in the form of natural or man-made habitat that breed mosquitoes which subsequently impact on surrounding communities. The Department of Health funded CLAG Program was endorsed by Cabinet in 1990. Since that time, the Program has provided funding to 20 CLAGs across the state, comprising a total of 40 local governments.

Northern CLAGs



Perth Metropolitan and Southwest CLAG



DETAILS AND ANALYSIS

11. An effective mosquito management program encapsulates all activities related to the management of mosquitoes. The need to establish a program of this nature is often driven by public complaints or notified cases of mosquito-borne disease acquired within the jurisdiction.
12. In the 2023/24 financial year the City received 18 complaints relating to mosquitoes, which were investigated by the health team.
13. Over the past 12-18 months, the City's Senior Project Officer (EH) has been analysing previous surveys, complaints, breeding site maps, establishing landowners etc. to establish baseline adult and larval mosquito data, which confirms the need to develop a mosquito management plan which will identify appropriate mosquito management strategies, resources required, relevant permits required etc. The program will be reviewed annually to ensure ongoing efficacy of the program.

14. The development of a MMP is a mandatory requirement for those local governments wishing to form a CLAG, to access financial assistance from the Department of Health towards mosquito management.

APPLICABLE LAW

15. *Public Health Act 2016*
City of Kalamunda Health Local Laws 2001.

APPLICABLE POLICY

16. There are no known policy implications for this item.

STAKEHOLDER ENGAGEMENT

17. The Department of Health
18. Neighbouring LGA's

FINANCIAL CONSIDERATIONS

19. The plan is delivered within the City's approved annual health budget. Endorsement of the MMP will reduce the cost of the current program by 50%.

SUSTAINABILITY

20. Endorsement by Council will ensure longevity of the program and accountability to the Department of Health with ongoing reporting and assessment criteria through continuity of service and standard of delivery based on the service outcomes contained within the plan.
21. Having a robust MMP in place is critical in planning for a warming climate. Whilst climate change will result in differential changes in weather, some areas will get drier, some will get wetter, the temperatures will generally get warmer. With warmer temperatures the mosquito life cycle (and that of the diseases they carry) will increase.

RISK MANAGEMENT

22.

Risk: Use of chemicals to manage mosquitoes/larvae may cause environmental harm or injury/illness if exposed.		
Consequence	Likelihood	Rating
Moderate	Possible	Low
Action/Strategy		
<ul style="list-style-type: none"> • All chemicals purchased and used are only those which are endorsed and recommended by the Department of Health. • Treatment will only be done by trained/competent personnel. • All chemicals to be used in accordance with the product safety data sheet. • Risk assessments to be completed by mosquito officer/s prior to treatment where environmental impact is noted (waterways and alike). • All efforts will be made to ensure management strategies minimise negative impacts on the environment (built and natural). 		

**The chemicals used are species targeted and safe for aquatic life (frogs/fish etc.) and have no secondary poisoning effects.*

23.

Risk: Mosquito Management Plan not endorsed resulting in City not able to obtain funding.		
Consequence	Likelihood	Rating
Moderate	Possible	Low
Action/Strategy		
<ul style="list-style-type: none"> • Ensure MMP is robust • Seek input from DoH before presenting to Council • Continue with current management practices 		

24.

Risk: City does not carry out mosquito management treatments.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
<ul style="list-style-type: none"> • Increase in customer complaints • Impact on amenity • Increase in vector-born disease 		

CONCLUSION

25. The development of a Mosquito Management Plan is essential to ensure an integrated, structured and effective approach to reduce vector-borne diseases and amenity impacts associated with mosquitoes.
26. This is the City's first Mosquito Management Plan. The plan will be reviewed annually to ensure control strategies are effective and will assist the City in securing financial support from the Department of Health, utilising the Contiguous Local Authorities Group (CLAG) Mosquito Management Program.

Voting Requirements: Simple Majority

RESOLVED OCM 131/2024

That Council ENDORSE the City of Kalamunda Mosquito Management Plan 2024-2027

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.4.2. Kalamunda Governor Stirling Archers (Archery Club) Renewal Works

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

Previous Items	
Directorate	Community Engagement
Business Unit	Community Services
File Reference	
Applicant	
Owner	
Attachments	1. Attachment 1 Summary of Issues with Building [10.4.2.1 - 3 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.1 -- Ensure the entire community has access to information, facilities and services.

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.

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

Priority 1: Kalamunda Cares and Interacts

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

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

EXECUTIVE SUMMARY

1. The purpose of this report is to seek Council approval to undertake urgent renewal works to the Kalamunda Archery Club (Club), located at Maida Vale Reserve as part of the 2024/25 budget year.
2. The work is required to address structural and safety issues with respect to the ablution block and clubrooms utilised by the Club at an estimated cost of \$98,000.
3. Funds for the work are available from operating expenditure currently allocated as Archery Building Investigation (\$50,000) and the Land and Property Enhancement and Maintenance Reserve (\$48,000).
4. It is recommended that Council approve the proposed works for the Club and the consequential amendment to the 2024/2025 Budget.

BACKGROUND

5. The Kalamunda Governor Stirling Archers have been operating from Maida Vale Reserve since 1984. The Club has over 100 members and currently leases the building from the City of Kalamunda (City), under a Community Lease, which expires on 30 September 2024. The Club have notified the City that they wish to renew the lease for a further five years as per the City's Community Lease terms. Accordingly, the City proposes that Kalamunda Governor Stirling Archers will remain in occupancy of the premises on monthly holding over, as per Clause 19 of the current lease agreement.

Clause 19 Holding Over

If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor the Lessee will be a monthly tenant of the Lessor at a rent equivalent to one twelfth of the Rent for the period immediately preceding expiry of the Term and otherwise on the same terms and conditions of this Lease provided that all consents required under the Lease or at law have been obtained to the Lessee being in possession of the Premises as a monthly tenant.

6. In December 2018, Council adopted the Maida Vale Reserve Master Plan which supported the need to retain the Archery Club at the current site and to renew the existing facility to provide amenities that were modern, contemporary and compliant to current Building and Accessibility requirements. Since this time the Archery Club renewal project has been included in the City's advocacy package for Maida Vale Reserve. Unfortunately, advocacy funding for this project has not been forthcoming.
7. It should be noted that Maida Vale Reserve is a Bush Forever site and has known Declared Rare Fauna.
8. During 2019/2020, the City progressed concept designs for the replacement of the Archery Club including development of a design and investigations into Bush Fire Attack Level (BAL) requirements, clearing permits and other relevant approvals required, increasing project costs up to approx. \$750,000, well above the initial estimates. As no advocacy funding was attained to undertake this project, and municipal funding was not available, the project was placed on hold, until advocacy secured.
9. Since occupying the building, damage to the ceiling and walls from water egress has been reported, these issues were first reported in 2017, as well as other significant structural issues to the ablution block and clubroom which were subsequently confirmed in a structural assessment of the building carried out by a structural engineer in November 2023. As a result, to protect the safety of members, and the public, the City instructed the Club not to use the ablution block, which contains a mounted, secure caged storage unit for the club's specialised equipment, and the Clubroom as both were deemed structurally unsafe. A portable toilet has been on site since November 2023 at a cost of appx. \$5,000 every 3 months to meet sanitary requirements.
10. Attachment 1 includes a detailed summary of safety and/or structural issues associated with the building (2015 - 2024) and action taken by the City.
11. Several interim and long-term solutions to address the needs of the Club and ensure they can continue to operate have been explored, which included allocating funds in the 2023/24 and 2024/25 budget for a feasibility study (\$50,000 OPEX (N598)) to assess significant environmental constraints, approvals required and the Bushfire Attack Rating (BAL) essential for a new building. An internal request was submitted to recommend the funds appointed in the 2023/24 budget for the feasibility study be repurposed and used to carry out repairs, unfortunately this did not occur and subsequently works were not carried out.

DETAILS AND ANALYSIS

12. Due to location, Master Plan and style of sporting activities, there are no clear alternative sites to relocate this activity to due to environmental concerns and the need for the club to be onsite to operate.

Consequently, the club continues to use the space, with portable toilets, and is using the tin storage shed onsite, to store expensive, specialised equipment. This is not a sustainable option for the club, it is impacting membership and weekend activities which include open sessions for the public to participate.

13. Thus, urgent works are required to ensure the Club has an ongoing home for at least another five years until advocacy funding is attained for the new archery club facility. This will also reduce ongoing hire costs of temporary sanitary facilities.
14. Considering the above, a quote to carry out the required works was sought from the City's preferred building contractor. Estimated cost of works is \$98,000.

APPLICABLE LAW

15. *Local Government Act 1995*
Work Health and Safety Act 2020

APPLICABLE POLICY

16. Risk Management Policy
Community Group Leases

STAKEHOLDER ENGAGEMENT

17. The Kalamunda Governor Stirling Archers
Department of Planning, Lands and Heritage
Department of Water and Environmental Regulation
Relevant Business Units within the City

FINANCIAL CONSIDERATIONS

18. The total project cost is \$98,000 and will be funded through:
- a) Reallocating \$50,000 from OPEX code N598 – Archery Building Investigation
 - b) \$48,000 sourced from the Land and Property Enhancement and Maintenance Reserve.

SUSTAINABILITY

- 19. Social Implications
Investment in the building improves the City's asset, provides benefit to the local community, improves community safety and enhances the user experience for training and competitions.
- 20. Environmental Implications
All existing trees will be retained and protected (no clearing permits are required)

RISK MANAGEMENT

- 21.

Compliance/Contractual Risk: City is not meeting its contractual requirements as per the lease agreement.		
Consequence	Likelihood	Rating
Significant	Almost Certain	High
Action/Strategy: <ul style="list-style-type: none"> 1. Consider if the Lease should be renewed. If not renewed 2. Alternative sites investigated 3. Repair/renew building 		

- 22.

Health & Safety: Building Collapses resulting in fatality or permanent disability, injury or illness		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy: <ul style="list-style-type: none"> 1. Members have been advised that no access is permitted 2. Find alternate storage for specialised equipment 3. Repair/renew building 4. Inform LGIS 		

- 23.

Financial Risk: Building Collapses resulting in fatality or permanent disability, injury or illness		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy: <ul style="list-style-type: none"> 1. Members have been advised that no access is permitted 2. Find alternate storage for specialised equipment 3. Inform LGIS 		

CONCLUSION

24. The City has a legal and contractual responsibility to provide a safe and suitable building, which is maintained in good working order and condition, as per the requirements of the lease. Further, in this instance, the City is responsible for any structural maintenance, replacement or repairs (at the Lessors cost), which are urgently required, (outlined in the attachment to this report), to allow the Club to return to the building and continue to operate.

Voting Requirements: Absolute Majority

RESOLVED OCM 128/2024

That Council:

1. APPROVE the urgent renewal works to the Kalamunda Archery Club, located at Maida Vale Reserve at a cost of \$98,000 as part of the 2024/25 budget.
2. Pursuant to section 6.8 (1) (b) AUTHORISE the following amendments to the 2024/2025 Budget:
 - a) the re-allocation of \$50,000 from OPEX Code N598 Archery Building Investigation; and
 - b) the transfer of \$48,000 from the Land and Property Enhancement and Maintenance Reserve.

Moved: **Cr David Modolo**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (8/0)

10.5. Office of the CEO Reports

No reports presented.

10.6. Chief Executive Officer Reports

10.6.1. Monthly Financial Statements to 30 September 2024

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

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

Attachments	<ol style="list-style-type: none"> 1. Statement of Financial Activity for the three months ended 30 September 2024 [10.6.1.1 - 1 page] 2. Statement of Net Current Funding Position as at 30 September 2024 [10.6.1.2 - 1 page] 3. Statement of Financial Position as at 30 September 2024 [10.6.1.3 - 1 page] 4. 2024-25 Budget Amendment September - 2024 [10.6.1.4 - 4 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 (e.g. accepting tenders, adopting plans and budgets)
Information	For Council to note
√ Legislative	Includes adopting Local Laws, Town Planning Schemes, and Policies. When the Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licenses, other permits or licenses issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with the Statutory Financial Statements for the period ended 30 September 2024.
2. The Statutory Financial Statements report on the activity of the City of Kalamunda (City) with the comparison of the period's performance against the budget adopted by Council on 1 July 2024 and any subsequent amendments for the 2024/2025 financial year to the reporting date.
3. It is recommended that Council receives the draft Monthly Statutory Financial Statements for the month of September 2024, which comprise:
 - a) Statement of Financial Activity by Nature for three months ended on 30 September 2024.
 - b) Net Current Funding Position, note to financial report as of 30 September 2024.
 - c) Statement of Financial Position for the period ended to 30 September 2024.

BACKGROUND

4. The Statement of Financial Activity (Attachment 1), incorporating various sub-statements, has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
5. The Statement of Financial Position (Attachment 3, incorporating various sub-statements), has been prepared in accordance with the requirements of the *Local Government Act 1995 (Act)* and Regulation 35 of the *Local Government (Financial Management) Regulations 1996*.

DETAILS AND ANALYSIS

6. The Act requires the Council to adopt a percentage or value to be used in reporting variances against the Budget. Council has adopted the reportable variances of 10% or \$50,000 whichever is greater.

FINANCIAL COMMENTARY

Draft Statement of Financial Activity by Nature and Type for three months ended 30 September 2024

7. This Statement reveals a net result surplus of \$59,280,567 compared to the budget for the same period of \$45,978,074 resulting in a variance of \$13,302,493. This is largely due to a higher opening surplus than budgeted of \$8,250,308. The balance of the variance is primarily comprised of the operating activities variance of \$3,773,114 and a variance of \$3,546,689 in investing activities.

The opening surplus position reported is an interim position, subject to year-end provisions and adjustments and final agreed upon changes as part of the external audit planned to be concluded by the end of October 2024.

Operating Revenue

8. Total Revenue including rates is over budget by \$103,718. This is made up as follows:
- a) Rates generation is trending along the budget with a minor variance of \$142,291 mainly because of UV valuation changes not incorporated when the budget was modelled.
 - b) Operating Grants, Subsidies and Contributions are under budget by \$39,534. The variance is attributable to the timing of a confidential settlement with the City. The third party has been billed in August and funds are expected shortly.
 - c) Profit on asset disposal is under budget by \$422,499 as certain land parcels earmarked for sale have not yet proceeded. This is deemed a timing difference.
 - d) Fees and Charges are over budget by \$338,981. The variance is attributable to the Rates administration charges for instalment plans \$114,723, Statutory Planning Service – Development Fee higher than budget by \$64,280 and Environmental Health Fee – Supervision fees collection being higher than budget by \$57,087.
 - e) Interest income is over budget by \$37,079. The variance is attributed to the higher interest rates available and the lower capital works expenditure which has resulted in a higher-than-expected cash balance available for investment.
 - f) Other Revenue is above budget by \$135,092, and the variance is mainly due to discount in software licences that the City has been able to negotiate that was not budgeted otherwise.
 - g) Ex-Gratia Rates Revenue is tracking lower than budget by \$104,884 due to timing variance in relation to the Ex-Gratia Rates due from the Dampier Bunbury Gas Pipeline.

Operating Expenditure

9. Total expenditure is under budget by \$3,879,922. The significant variances within the individual categories are as follows:
- a) Employment Costs are under budget by \$1,007,770 which is due to minor delays in the recruitment of new and vacant positions across several business units. Hiring activity is currently being undertaken to fill vacant positions.
 - b) Materials and Contracts are under budget by \$2,370,838. The variance is mainly due to the timing of invoices for waste services, building maintenance and infrastructure maintenance costs.
 - c) Utilities are tracking along the budget with minor variance within the reportable variance threshold.
 - d) Depreciation, although a non-cash cost, is tracking under budget by \$427,737 due to estimated depreciation being recorded pending adjustments to be posted after roll-over of the Asset Management System (Assetic) to 2024-25 once the audit for 2023-24 is finalised.
 - e) Interest expense is above budget by \$6,224 due to interest recorded on lease is higher than the budgeted. This will be revisited during the mid-year budget review, whereas Insurance is tracking within the reportable variance threshold.
 - f) Other expenditure is under budget by \$68,214. The variance is mainly due to timing difference of expense on community events and donations & contributions expense than budgeted.

Investing Activities

Non-operating Grants and Contributions

10. The non-operating grants and contributions is under budget by \$655,541. This is mainly due to the timing difference of receipts of grants for capital works projects and the project delivery.

The City has completed the final quarter reporting for the Local Roads Community & Infrastructure Programme and have received confirmation that \$453,130 in respect for LRCIP Phase 3 for Stirk Park Playground improvements was to be paid in September 2024 but hasn't yet been received. A follow up with the agency will be done in October 2024.

Capital Expenditure

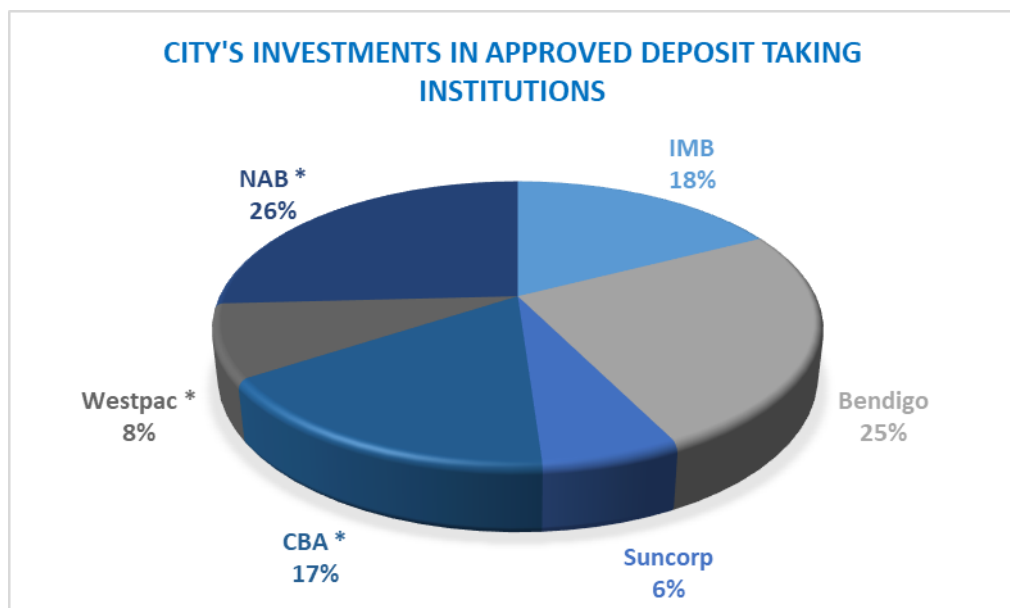
11. The total Capital Expenditure on Property, Plant, Equipment, and Infrastructure Assets (excluding Capital Work in Progress) is under budget by \$4,087,860. Phasing of the projects is being reviewed to better align the expenditure with the budget. The City is working through some large projects which are in various stages on tendering.

Financing Activities

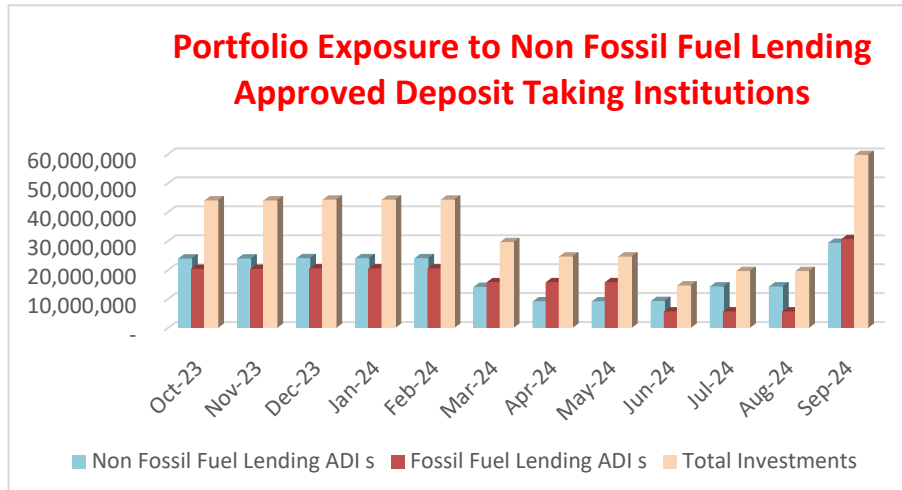
12. The amounts attributable to financing activities show a variance from budget by \$ 2,226,626 which is mainly due to the timing difference of reserve transfers that are usually made towards the year end.

Statement of Net Current Funding Position as of 30 September 2024

13. The commentary on the net current funding position is based on a comparison of September 2024 to the September 2023 actuals.
14. Net Current Assets (Current Assets less Current Liabilities) total \$91.0 million. The restricted cash position is \$36.3 million which is higher than the previous year's balance of \$23.9 million due to transfers from Reserves normally occurring in the later part of year once the bulk of the Capital Works programme has been delivered for the financial year.
15. The following graph indicates the financial institutions where the City has investments as of 30 September 2024. Investments yields are between 4%-5.5% depending on length of deposits.



*Financial Institutions with Investments in the Fossil Fuel Industry



- 16. Rates debtors are currently \$20.3 million, further details are contained in the Rates Report to Council.
- 17. Sundry debtors have increased from \$78,704 to \$341,981 of which \$142,503 consist of current debt due within 30 days. Details are contained in the Debtors and Creditors Report to Council.
- 18. Receivables Other represent \$6.9 million including:
 - a) Emergency Service Levy receivables \$3.0 million.
 - b) Receivables Sanitation \$2.3 million.
- 19. Provisions for annual and long service leave have decreased by \$86,968 from \$4.6 million to \$4.5 million when compared to the previous year. Year-end provision adjustments for 2023-24 have been completed pending their audit which could impact the closing position.

Proposed Budget Amendments

- 20. Attachment 4 lists a range of budget amendments which are proposed due to various reasons.

The net impact is \$392,000 is comprised of:

- a) Reference 2024.10-1 - New grants received during the year \$46,800 for which expenditures of the same amount of \$46,800 are required to support the objectives.
- b) Reference 2024.10-2 & 3 - The Building maintenance team have requested an additional \$160,000 to top up the initial \$150,000 assigned for the original budget, which will be required throughout the year.
- c) The original budget has already been largely used up in the past few months with multiple asset failures happening, Reference 2024.10-4 -

Failures in various buildings that require specific budgets are \$218,000 that have been identified and quotations have been received. The funds will assist to get the urgent works completed.

- d) Reference 2024.10-5 - Re-allocations for various road projects to meet cost estimated - \$14,000
- e) Reference 2024.10-6 - Re-allocation of budgets for Non-recurrent projects with funds re-assigned from the Revaluation of Land and Buildings to Future Works Programs – cost estimates and utilities estimates to assist in extra costs incurred for pavement layer analysis which will be used for future road grant applications

APPLICABLE LAW

- 21. *The Local Government Act 1995 s6.8 and the Local Government (Financial Management) Regulations 1996 s34 and s35.*

APPLICABLE POLICY

- 22. Nil.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

- 24. As noted in point 23 above, the City is required to present to the Council a monthly statement of financial activity with explanations for major variances.

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

- Nil.

RISK MANAGEMENT

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

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

CONCLUSION

28. The City's Financial Statement as of 30 September 2024 reflects the un-audited closing surplus position and is subject to change with year-end provisions and agreed upon audit adjustments.

Voting Requirements: Absolute Majority

RESOLVED OCM 132/2024

That Council

1. RECEIVE the Monthly Statutory Financial Statements for the period ended 30 September 2024 which comprises:
 - a) Statement of Financial Activity (Nature or Type) for three months ended 30 September 2024 (Attachment 1).
Net Current Funding Position, note to financial report as of 30 September 2024 (Attachment 2).
 - b) Statement of Financial Position as of 30 September 2024 (Attachment 3).

2. Pursuant to section 6.8 (1)(c) of the *Local Government Act 1995* AUTHORISE amendment to the 2024/25 Budget as detailed in Attachments 4.

Moved: **Cr Geoff Stallard**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (8/0)

10.6.2. Debtors and Creditors Reports for the month of September 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-CRS-002
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 30 September 2024 (Public) [10.6.2.1 - 13 pages] 2. Summary of Creditors for month of September 2024 [10.6.2.2 - 1 page] 3. Summary of Debtors for the month of September 2024 [10.6.2.3 - 1 page]
Confidential Attachments	<ol style="list-style-type: none"> 1. Creditor Payments for the Period ended 30 September 2024 – (Confidential)

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

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 licenses, other permits or licenses issued under other Legislation, or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with details of payments made from Municipal and Trust accounts together with outstanding debtors and creditors for the month of September 2024.
2. The report provides details of payments made from the Municipal and Trust Fund Accounts for the month of September 2024. There are no details included for employee purchases via purchasing cards as the payments are out of cycle. The following month will have 2 cycles in the listing.
3. It is recommended that Council receive the list of:
 - a) payments made from the Municipal and Trust Fund Accounts for the month of September 2024.

The above list is in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13 & 13A); and

- b) the outstanding debtors report and a creditors interim report for the month of September 2024.

BACKGROUND

4. Trade Debtors and Creditors are subject to strict monitoring and control procedures.
5. In accordance with *the Local Government (Financial Management) Regulations 1996* (Regulation 13) reporting on payments made from Municipal Fund and Trust Funds must occur monthly.
6. Effective from 1 September 2023 under *Local Government (Financial Management) Regulations 1996* (Regulation 13A)
If a local government has authorised an employee to use a credit, debit or other purchasing card a list of payments made using the card must be prepared each month showing the following information for each payment made since the last list was prepared.
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment

- d) Sufficient information to identify the payment.

DETAILS AND ANALYSIS

Debtors

7. Sundry debtors as of 30 September were \$341,981. This includes \$142,503 of current debts and \$11,943, unallocated credits (excess or overpayments).
8. Invoices over 30 days total \$189,729, debts of significance:
a) Ready Tech, \$165,000, Settlement Costs; and
b) N-Com Pty Ltd, \$15,490, Lease Fees.
9. Invoices over 60 days total \$15,247, debts of significance:
a) Summerside Soft Serve, \$1,092, Health Services fee; and
b) Two Groupers Fish Supply, \$1,092, Health Services fee.
10. Invoices over 90 days total \$6,446, debts of significance:
a) Forrestfield United Football Club, \$3,140, Utilities.
11. In the month of September 2024, \$2,618.04 worth of Library debts were written off as of 30 June 2024 under delegation to the CEO from the Council - LGA 7 write off debts.
12. In accordance with Council Delegation LGA 7 the Chief Executive Officer is delegated to write off debts where the relevant debt does not exceed \$1,000. The written off debts range from \$6.70 to \$232.37 per debtor and the amounts are too small to take up legal action. The Library Services have followed up the debtors in question to the best of their ability and cannot proceed without taking legal collection which is deemed unfeasible.

The Library system has tagged the cardholders and if they were to try to borrow in the future, the City would be able to ask for the reimbursement of the library books lost/damaged.

Creditors

13. Payments totalling \$6,483,140.43 were made during the month of September 2024.
Standard payment terms are 30 days from the end of the month, with local businesses and contractors on 14-day terms.

14. Significant Municipal payments (GST inclusive – where applicable) made in the month were:

Supplier	Purpose	\$
Australian Tax Office	PAYG payments	428,392.82
Department Of Fire And Emergency Services (DFES)	Domestic waste charges – disposal fees	2,363,945.40
Technology One	ERP Licence fees	406,844.90
AE Hoskins Building Services	Progress claim #5 – RFT 2315 – Ray Owen Reserve – Additional Female Change Rooms	360,857.10
Western Australian Treasury Corporation	Loan instalment repayment – loans	125,934.45
Evdealer Group Pty Ltd	Supply of EV Light Fleet	195,498.55
AWARE Super Pty Ltd	Superannuation contributions	212,765.08
Synergy	Power charges – various locations including street lighting	157,404.02
Carabiner	Progress Payments – Design Works – Hartfield Park Stage 2 – RFT 2309	124,927.97
Retech Rubber	Softfall Installation costs – Magnolia Reserve	100,592.80

These payments total \$4,477,163.09 and represent 69% of all payments for the month.

Payroll

15. Salaries are paid in fortnightly cycles. A total of \$1,456,444.37 was paid in net salaries for the month of September 2024.
16. Details are provided in Confidential Attachment 1 after the creditors' payment listing.

Trust Account Payments

17. The Trust Accounts maintained by the City of Kalamunda (City) relate to the following types:
- a) CELL 9 Trust;
 - b) Public Open Space funds,
 - c) NBN Tower Pickering Brook Trust
18. The following payments (GST exclusive) were made from the Trust Accounts in September 2024.

Cell 9		Amount (\$)
Date	Description	
29/09/2024	Natural Area Management & Services - Woodlupine Brook, Plant Installation	3,473.00

APPLICABLE LAW

19. Regulation 12(1) of the *Local Government (Financial Management) Regulations 1996*.
20. Regulation 13 & 13A of the *Local Government (Financial Management) Regulations 1996*.

APPLICABLE POLICY

21. Debt Collection Policy S-FIN02.
22. Register of Delegations from Council to CEO.

STAKEHOLDER ENGAGEMENT

Internal Referrals

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

External Referrals

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

FINANCIAL CONSIDERATIONS

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

SUSTAINABILITY

26. Nil.

RISK MANAGEMENT

Debtors

27.	Risk: The City is exposed to the potential risk of the debtor failing to make payments resulting in the disruption of cash flow.		
	Consequence	Likelihood	Rating
	Insignificant	Possible	Low
	Action/Strategy		
	Ensure debt collections are rigorously managed.		

Creditors

28.	Risk: Adverse credit ratings due to the City defaulting on the creditor.		
	Consequence	Likelihood	Rating
	Insignificant	Possible	Low
	Action/Strategy		
	Ensure all disputes are resolved in a timely manner.		

CONCLUSION

29. Creditor payments are within the normal trend range.

Voting Requirements: Simple Majority

RESOLVED OCM 133/2024

That Council:

1. RECEIVE the list of payments made from the Municipal Accounts for the month of September 2024 (Confidential Attachment 1) in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996* (Regulation 13).

2.

3. RECEIVE the outstanding debtors report and creditors interim reports (Attachments 2-3) for the month of September 2024.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.3. Rates Debtors Report for the Period Ended 30 September 2024

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

Previous Items	N/A
Directorate	Corporate Services
Business Unit	Financial Services
File Reference	FI-DRS-004
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

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

EXECUTIVE SUMMARY

1. The purpose of this report is to provide Council with information on the rates collection percentage and the status of rates recovery actions.

2. The City of Kalamunda (City) levied rates for 2024/2025 on 1 July 2024. The amount collectable (excluding deferred rates balance of \$1,154,816) as of 30 September 2024 was \$49,076,334. This balance includes, initial billing, interims and the brought forward balance from 2023/24. Collections to date stand at \$29,121,334.

BACKGROUND

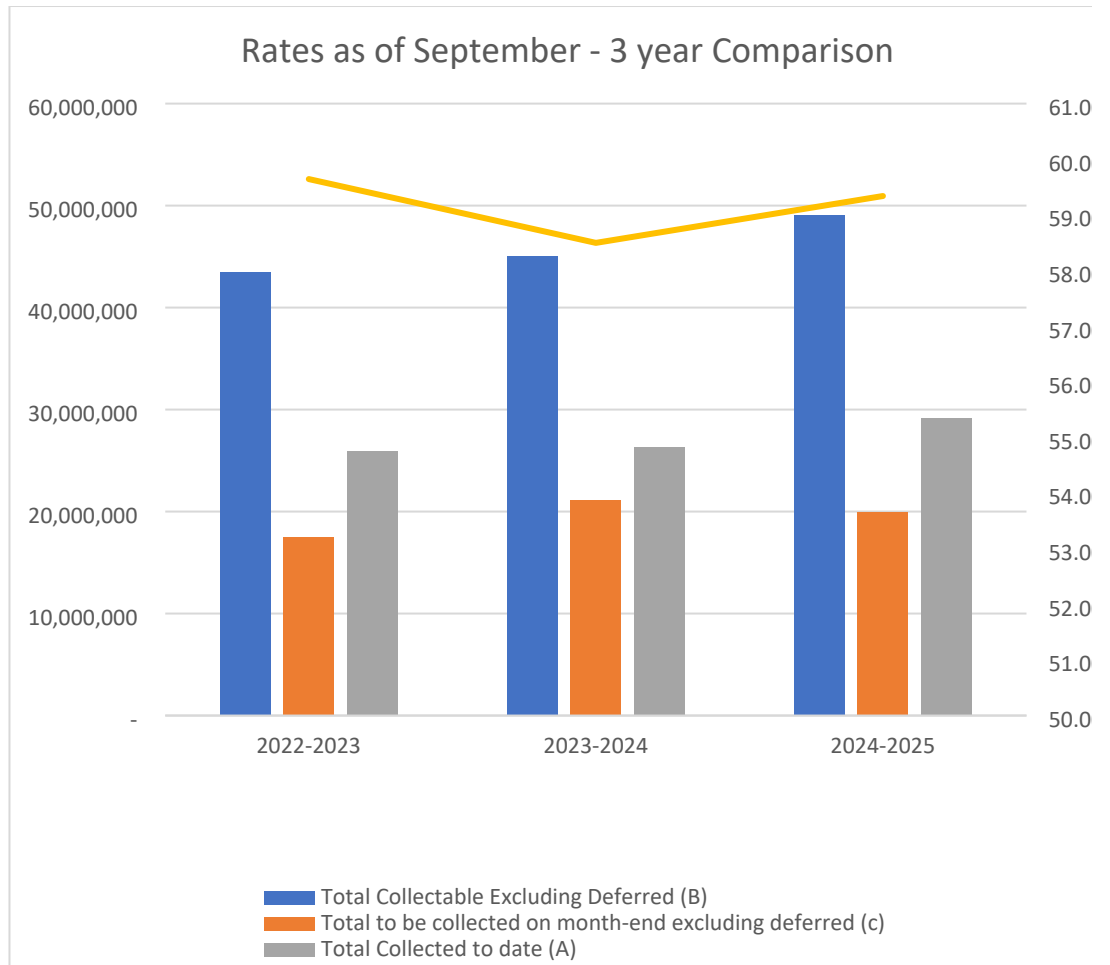
3. Rate Notices were issued on 16 July 2024 with the following payment options available:

Options	Payment Dates			
Full payment	20 August 2024			
Two instalments	20 August 2024	24 December 2024		
Four instalments	20 August 2024	22 October 2024	24 December 2024	25 February 2025

DETAILS AND ANALYSIS

4. A total of 24,024 notices were issued on 16 July 2024. This consisted of 20,072 mailed rates notices, and 3,509 of eRates notices (12% take-up saving more than \$5,600 in postage and printing).
5. As of 30 Sep 2024, rates Levied and collectable for the 2024/2025 Financial Year is total \$49,076,334 (excluding deferred rates), with collections standing at \$29,121,334. With 1st instalment, which was due on 20 August 2024 now completed, the City is now able to identify all properties in default, that is, they have not paid in full, selected an instalment option or entered a payment arrangement with the City. Debt collections activity has commenced from September 2024 with reminder notices sent out.
6. The above collection of \$29,121,334 represents a collection rate of 59.34% which is comparable to the previous year of 58.50%. For your reference, below is a chart comparing the September collection rates for the last three years.

7.



8.

From the above chart the following observations are made:

- a) The quantum of collectable and collected is higher in 2024/25 than previous year because the base amount is higher each year.
- b) It is noted the amount collected is back to 2022/23 year end levels. The City now has a stable Rates Team with seasoned professionals who are actively managing the debt outstanding.
- c) The % collectable at 30 Sep 2024 is 40.66% which will be a point of focus for the Rates Team to work towards. In this regard, work is being done to review and update the City's collection and hardship policies and procedures including reviewing its contractual obligations with the City's debt collection agency prior to going legal on defaults identified.
- d) The City sent out "final notices" in September 2024 which will be followed up with General Procedure Claims in October/November 2024. There are approximately 1,657 properties who are in default (see further details in point 10, below).

9. The interim rating has commenced for 2024/2025. To 30 Sep 2024 \$1,372 has been raised for the interim rating Revenue.
10. The first instalment due date was 20 August 2024. The following observations should be noted:
- a) A total of 13,125 properties representing 54% of the total number of rateable properties were noted to have paid in full or were in credit.
 - b) A total of 9,242 ratepayers have taken up an instalment option or have entered a payment arrangement. This is a decrease of 4.2% from 2023/2024 where 9,657 chose an instalment option or a payment arrangement.
 - c) The balance of properties who have not paid in full or not chosen to pay by instalments or have not entered into a payment arrangement, are technically regarded as “in default”. There are 1,657 properties in this category. The City has sent out “final notices” in September which will be followed by a call/SMS campaign.

The following table showing Properties choosing to pay by instalments or payment arrangements:

Option	Description	2024/25 Number	2023/24 Number
Option 2 on Rates Notice	Two instalments	1,763	1,732
Option 3 on Rates Notice	Four instalments	6,397	6,880
Direct Debit	Pay by direct debit	1,000	941
Payment Arrangement	Pay by payment Arrangement	82	104
Total	Ratepayers on payment options	9,242	9,657

11. Call recording software has been utilised in the Rates Department since 2015, primarily for customer service purposes, as it allows calls to be reviewed for training and process improvement purposes. For the period 1 Sep 2024 to 30 Sep 2024, there was a total of 1,196 calls, equating to 49.83 hours of call time.

APPLICABLE LAW

12. The City collects its rates debts in accordance with the *Local Government Act 1995* Division 6 – Rates and Service Charges under the requirements of Subdivision 5 – Recovery of unpaid rates and service charges.

APPLICABLE POLICY

13. The City's rates collection procedures are in accordance with the Debt Collection Policy S-FIN02.

STAKEHOLDER ENGAGEMENT

Internal Referrals

14. The City's Governance Unit has been briefed on the debt collection process.

External Referrals

15. The higher-level debt collection actions will be undertaken by an external collection agency.

FINANCIAL CONSIDERATIONS

16. The early raising of rates in July allows the City's operations to commence operations without delays improving cashflow, in addition to earning additional interest income.

SUSTAINABILITY

Social Implications

17. Debt collection can have implications upon those ratepayers facing financial hardship and the City must ensure equity in its debt collection policy and processes.
18. The City has "a smarter way to pay" direct debit option to help ease the financial hardship to its customers. This has proved very effective with a growing number of ratepayers taking advantage of this option. A "Smarter Way to Pay" allows ratepayers to pay smaller amounts on a continuous basis either weekly or fortnightly, helping to reduce their financial burden.

Economic Implications

19. Effective collection of all outstanding debtors leads to enhanced financial sustainability for the City.

Environmental Implications

20. The increase in the take up of eRates, as a system of Rate Notice delivery, will contribute to lower carbon emissions due to a reduction in printing and postage.

RISK MANAGEMENT

21.

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

CONCLUSION

22. The current year collection rate is 59.34% compared to 58.50% last year. The City continues to effectively implement its rate collection strategy.

Voting Requirements: Simple Majority

RESOLVED OCM 134/2024

That Council RECEIVE the Rates Debtors Report for the Period ending 30 September 2024.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Lisa Cooper**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.4. Amendment 113 to Local Planning Scheme No. 3 - High Wycombe South (Residential Precinct) Development Contribution Plan

1

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

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, SCM 67/2018, SCM 231/2018, OCM 280/2019, OCM 243/2019, OCM 304/2021, OCM 37/2022, OCM 45/2022, OCM 46/2023, OCM 103/2023, OCM 179/2023,
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-LPS-003/113
Applicant	N/A
Owner	N/A
Attachments	<ol style="list-style-type: none"> 1. Proposed Scheme Amendment 113 [10.6.4.1 - 8 pages] 2. High Wycombe South Development Contribution Plan Report 2024 (September) [10.6.4.2 - 377 pages] 3. Submission Table [10.6.4.3 - 84 pages]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 1: Kalamunda Cares and Interacts

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

Strategy 1.1.1 -- Ensure the entire community has access to information, facilities and services.

Strategy 1.1.2 - Empower, support and engage all of the community.

Priority 1: Kalamunda Cares and Interacts

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

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

Priority 3: Kalamunda Develops

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

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

Priority 3: Kalamunda Develops

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

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

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 the Council to consider whether to support the proposed modified Amendment 113 (A113) to the City of Kalamunda (City) Local Planning Scheme No. 3 (LPS3) - High Wycombe South (HWS) Residential Precinct Development Contribution Plan (DCP) and forward its recommendation to the Western Australian Planning Commission (WAPC), and ultimately the Minister for Planning (Minister) for consideration.

2. A DCP is required to facilitate the coordinated delivery of infrastructure necessary for the implementation of the Residential Precinct Local Structure Plan (LSP) which will activate and transition the former rural lifestyle area into high-quality medium to high density residential development, public open space, environmental conservation, and community infrastructure (future primary school and sporting facilities). The DCP and LSP together will form an important part of the planning framework to realise the vision to create a liveable, vibrant and accessible urban community in HWS.

3. It is recommended that the Council resolve to:
 - a) Note the submissions received and responses to submitters in relation to A113 and the draft DCP Report (DCPR).
 - b) Support A113 to the LPS3 (Attachment 1), which will establish the statutory provisions to give effect to the DCP;
 - c) Support with modified DCP Report (DCPR) (Attachment 2) for the HWS Residential Precinct, which provides the detailed provisions required for ongoing management of the DCP (i.e. needs analysis, designs and quantities) and variable information (i.e. rate estimates and priority of delivery);
 - d) Note the updated forecast contribution rate of \$76.52/m²;
 - e) Note the City will continue to make representations to the WAPC regarding the City's MRS Amendment request in relation to the Green Link, seeking to reclassify urban zoned land under the MRS to Parks and Recreation; and
 - f) Note the City's continued advocacy campaign focused on minimising the infrastructure costs in the DCP.

BACKGROUND

4. Land Details

Gross DCA2 Land Area:	994,266m ² or 99.43 hectares
Net Contribution Area:	594,129m ² or 59.41 hectares
Metropolitan Region Scheme Zone:	Urban
Local Planning Scheme Zone:	Urban Development
Local Structure Plan Land Use Classification:	<u>High Wycombe South Residential Precinct Local Structure Plan</u> <ul style="list-style-type: none"> - Environmental Conservation - Local Open Space - Public Purposes (Primary School) - Residential Medium Density (R30-R60) - Residential High Density (R60-R100)

5. **Locality Plan**



6. The subject area is identified by the red boundary on the locality plan above.

7. **HWS Structure Planning**

In September 2016 the WAPC approved the HWS District Structure Plan (DSP). The DSP identified the need to introduce a DCP to coordinate the delivery of infrastructure upgrades required to facilitate the development envisaged by the DSP. Further planning has occurred refine in the Transit Oriented Development (TOD) Precinct and Residential Precincts to identify localised development opportunities and associated infrastructure requirements.

8. In August 2023, the WAPC endorsed the Amended HWS Residential Precinct LSP to coordinate and guide urban development. The Residential Precinct is the same area the subject to A113, the draft DCP, and consequently this report.

9. A draft METRONET East High Wycombe Structure Plan (HWSP), formerly referred to as the TOD Activity Centre Structure Plan has been prepared to guide development in the TOD Precinct, and support planning direction for implementation by DevelopmentWA in the TOD Precinct (immediately surrounding the High Wycombe Train Station).

10. The proposed HWS DCP applies only to the Residential Precinct LSP requirements.

11. **Requirement for a DCP**
A DCP is a planning tool designed to support landowners and developers in areas in land use/development transition with fragmented land ownership, that require infrastructure to support development. A DCP enables the collection of funds (cost contributions) and coordinated delivery of infrastructure.
12. The City's preparation of the DCP has been a significant undertaking which, together with the preparation of structure plans, has been an important strategic investment towards further development in the area. The DCP will facilitate the coordinated and equitable funding and delivery of essential infrastructure and will establish a framework for the progressive development in line with the vision established through HWS Residential Precinct LSP.
13. The HWS DCP comprises two key parts:
a) Proposed Amendment 113, that establishes the statutory provisions to operationalise the DCP, including a Special Control Area (Development Control Area – DCA 2) on the LPS3 map and provisions in Schedule 12; and
b) The DCPR, which provides the background (i.e. needs analysis, designs and quantities) and variable information (i.e. rate estimates and priority of delivery).
14. **2023 Metropolitan Region Scheme Amendment – the Green Link**
Pursuant to the April 2023 resolution (OCM 46/2023), the City also lodged a Metropolitan Region Scheme (MRS) Amendment request with the Department of Planning Lands and Heritage (DPLH) to reclassify areas of Local Open Space (LOS) areas in the 'Green Link' (a regionally significant ecological corridor transecting the LSP area) from the existing zoning of Urban to be reserved as 'Parks and Recreation'. Further detailed discussion and background regarding the Green Link is provided in the Ordinary Council Meeting reports to April and December 2023 (OCM 46/2023; OCM 179/2023).
15. The City will continue to liaison with the DPLH with a view to progressing the MRS Amendment request, which has significant relevance to A113 and the draft HWS DCP.
16. The draft HWS DCP omits the land costs for approx. 7.35ha of LOS currently identified in the 'Green Link' as it is expected the subject land will be reclassified to 'Parks & Recreation under the MRS, pursuant to the City's current MRS amendment request.

DETAILS AND ANALYSIS

17. Development Contribution Plan Report

The City has prepared a draft DCPR (Attachment 2) to accompany A113 and inform the draft DCP. Collectively, these documents set out the calculation of the cost contributions applicable for future development in the DCA, in accordance with the methodology to be outlined in LPS3 through A113. While A113 will be a fixed part of LPS3 until formal review, the draft DCPR is intended to be a dynamic document that is reviewed annually and accordingly does not form part of LPS3.

18. Draft 2024 HWS Residential Precinct DCP Summary

DCA2 total gross area:	994,266m ²
DCA2 Net Contribution Area (NCA):	594,129m ²
Estimated cost of DCP funded infrastructure:	Construction: \$33.56m or \$56.48/m ² Land: \$9.35m or \$15.73/m ²
Estimated cost of administration:	\$2.56m or \$4.31/m ²
Proposed Cost Contribution Rate:	\$76.52/m ²
Operational period:	30 years

19. DCP Infrastructure

The draft HWS DCP facilitates the coordinated provision of various common infrastructure items as outlined in proposed Schedule 12 of LPS3 (Attachment 1), and further informed through Part 2 of the draft DCPR (Attachment 2). In summary, the draft HWS DCP facilitates the coordination of:

- a) Road and intersection construction;
- b) District drainage infrastructure;
- c) Land for public purposes (i.e. roads and intersections, LOS and drainage areas outside of the Green Link); and
- d) Administration costs.

20. Infrastructure Designs

The estimated costs identified in the draft DCP are based on a concept level of design (15 per cent design status) to inform the cost estimates of infrastructure. Refer to the draft DCPR (Attachment 2) appendices for all current infrastructure designs.

21. In 2024/25 the City has identified budget to further progress the infrastructure designs and investigations for all infrastructure in the DCP. Detailed Designs will further refine the quantities informing the DCP, thereby providing further confidence regarding the cost estimates and acquisition areas (land costs). The City's 2024/25 Budget includes \$300,000 for detailed planning in High Wycombe South to undertake these further investigations and design work.
22. Detailed designs provide an opportunity to determine cost implications with greater confidence. This process enables more meaningful engagement with servicing authorities (e.g., Western Power, Water Corporation and ATCO Gas) and could identify alternative design solutions that impact on estimates costs in the DCP.
23. The quantum of work and costs to prepare detailed designs (85%) is significant and it would not have been appropriate use of resources to prepare a draft DCPR with that level of design, however as greater certainty is provided regarding the inclusion of infrastructure in the DCP, it is appropriate to undertake further detailed design at this juncture to inform early reviews of the DCPR.
24. **Bill of Rates and Quantities (BOQs)**
The planning framework requires the costs of infrastructure to be transparent, appropriate and reviewed at least annually. The draft DCPR and appended BOQs provide a comprehensive breakdown of the above costs in the form of BOQ's and Estimates, including apportionment where relevant.
25. The BOQs were initially developed in 2022, and further peer reviewed in 2023 by independent and suitably qualified consultants having regard to:
a) the concept designs to inform the rates; and
b) market evidence to inform the cost estimates.
26. In 2024 the City engaged an independent quantity surveyor to:
a) Establish an appropriate percentage of escalation figure to be applied to the 2023 Bill of Quantities; and
b) Undertake a comparative peer review of the Drainage and public open space (POS) BOQ's to ensure no duplications in quantities.

27. The below table summarises the findings, and any modifications made to the DCP as a consequence of the 2024 BOQ review:

RECOMMENDATION/FINDING	CITY COMMENT	RATE IMPACT
a) Recommended cost escalation percentage of +2.13% for Roads and Intersections.	a) Recommended rate applied to 2024 DCP.	+0.72/m ²
b) Recommended cost escalation percentage of +6.60% for Public Open Space.	b) Recommended rate applied to 2024 DCP.	+2.84m ²
c) Recommended cost escalation percentage of +6.39% for Drainage.	c) Recommended rate applied to 2024 DCP	-0.11/m ²
d) Identified a reduced assumption for clearing and earthworks within the Drainage BOQ's, to align with the POS Concept Plans.	d) Drainage BOQ's updated as recommended.	

28. **2024 Infrastructure Cost Estimates**
 The 2024 BOQs informing and appended to the DCPR have been updated with the recommended cost escalation.
29. A comprehensive breakdown of the 2024 cost estimates and appended BOQ's informing the proposed DCP are provided in the draft DCPR (Attachment 2).
30. The updated infrastructure cost estimated result in an forecast contribution rate of \$76.52/m².
31. **2024 Land Cost Estimates**
 The DCP imbeds \$9.35 million in land estimates, intended to facilitate the acquisition of land required to enable the delivery of DCP infrastructure. The rate informing the estimates will be reviewed annually, informed by independent land valuations and pursuant to the City's statutory obligations. Part 3.5 of the draft DCPR (Attachment 2) provides comprehensive detail regarding land estimates.
32. **Operational Period (30 Years)**
 A DCPs lifespan commences following the gazettal of the Ministers approval of the scheme amendment to introduce the DCP and concludes when all development throughout the HWS Residential Precinct has occurred, or all infrastructure has been delivered, and all cost contributions are accounted for.

33. The City is only able to levy cost contributions once the DCP has been approved by the Minister and at the time of development; that is when the land is subdivided and/or the site is improved through development. Consequently, the collection of DCP funds is contingent upon the rate of development within the HWS Residential Precinct, and should the nominated lifetime be inadequate to ensure all contributions are collected, it would result in a shortfall of funds required for the delivery of infrastructure.
34. Whilst the planning framework (SPP 3.6) suggests a maximum lifespan of 10 years, it also acknowledged the lifespan should be linked to completion of development or subdivision to ensure infrastructure costs are shared equitably amongst all beneficiaries.
35. The DCP proposed through A113 is proposed to have a 30-year lifespan, reflecting the scale and complexity of development, infrastructure provision, and anticipated build out horizon of the HWS Residential Precinct. Refer to Section 1.8 of the draft DCPR (Attachment 2) for detailed justification for the protracted lifespan of 30 years.
36. It is acknowledged that the current planning framework enables, at the discretion of the Minister, an inadequate lifespan (i.e. 20 years) to be further extended in the future. There is however no assurance that the relevant Minister of the day will approve an extension. A similar approach was successfully taken with the City's Forrestfield /High Wycombe DCP (Amendment 110) in 2023 (OCM08/2023).
37. The nominated lifespan of the DCP does not impact upon the priority and timing of infrastructure delivery. Infrastructure is delivered through the DCP as funds become available, through levied development contributions, or at times sooner through alternative funding mechanisms (i.e. loaning from municipal funds, advocacy funding etc.). While alternative pre-funding mechanisms can positively influence the priority and timing of infrastructure delivery, the levying of development contributions rate is contingent upon the rate of development in the HWS Residential Precinct. It is important for the DCPs lifespan to be sufficient to ensure development contributions are received from all future urban development in the HWS Residential Precinct, upholding equity in the application of the DCP.
38. ***Nominated Lifespan Impact on Administrative Cost***
The DCP includes costs for its administration, which are directly informed, and thereby variable, by the DCP's nominated lifespan:
- a) 10-year operational period = \$1.02 million, or \$1.72/m²
 - b) 20-year operational period = \$1.79 million, or \$3.01/m²
 - c) 30-year operational period = \$2.56 million, or \$4.31/m²

39. Whilst a reduced lifespan (<30-years) would reduce administration costs for early developers, it is likely that there would be future requests for extension to the operational life, which would re-introduce those administration costs later. Such an approach would result in a deficit of funds at the end of the DCP. Should development occur at a rate faster than forecast, the DCP can be closed / terminated earlier than forecast with any surplus funds redistributed throughout the HWS Residential Precinct.
40. Clause 6.5.17 of LPS3 outlines the required actions where there is a shortfall or excess of funds when all cost contributions have been made or accounted for in the DCP. In summary:
- a) Shortfall – the local government may make good the shortfall (municipal funds), enter into agreements with landowners to fund the shortfall, and/or loan fund the shortfall.
 - b) Excess – the local government is required to identify owners and their entitled amount and refund excess funds to contributing landowners. If it is not reasonably practical to identify owners and/or the entitled amount, funds should be applied to the provision of additional facilities or improvements throughout DCA2.
41. The financial risk of future amendments to the lifespan needs to be understood at the time of preparing and approving the DCP. The methodology for calculating development contributions applies a static estimate of costs. It is therefore important for the operational period to be accurate at commencement, to ensure equity and certainty throughout the lifetime of the DCP. Should the forecast lifespan be inadequate at the commencement of the DCP, it would result in an under collection of administrative costs at the start, thereby exposing the City to financial risk and compromising the certainty of infrastructure delivery due to a shortfall of funds at the end of the DCP.
42. **POS land costs in the DCP**
- The planning framework requires ten per cent of gross subdividable area (9.32 hectares of the HWS Residential Precinct) to be POS at the time of development, provided through:
- a) Directly vesting the land to the crown; or
 - b) Alternatively, a cash-in-lieu contribution.

43. The LSP identifies a surplus of LOS throughout the HWS Residential Precinct. Excluding the 'Green Link', 15% (14.42 hectares) of the HWS Residential Precinct is comprised of LOS, of which:
- a) 10% (9.95 hectares) exists under public tenure (City of Kalamunda).
 - b) 5% (4.48 hectares) exists under fragmented private tenure, proposed to be acquired through the DCP.
44. Due to fragmented distribution and ownership of LOS throughout the HWS Residential Precinct, the DCP proposes to coordinate the acquisition of 5% of LOS land remaining in private tenure. This will provide a total of approximately 15% of LOS within the HWS Residential Precinct and represents \$6.88m, or a cost contribution of \$11.57/m².
45. **Method of Calculating Cost Contributions (\$/m²)**
There are two conventional approaches to calculating a unit of charge under a DCP:
- a) Density rate - per dwelling/lot unit; or
 - b) Development area rate - land area (ha or m²) unit.
46. State Planning Policy 3.6 (SPP3.6) recommends that cost apportionment for residential areas is based on a per dwelling unit of charge, rather than per land area unit, to scale the contribution according to the demand on infrastructure. This methodology provides a greater degree of equity applying a strict principle of 'beneficiary pays'. For example, higher density development would generate more residents/users than a medium density development, which would generate higher demand on roads infrastructure, POS and drainage. This methodology is appropriate where there is greater certainty regarding development yields and the rate of development.
47. In the context of this DCP, with a proposed 30-year lifespan, and a range of densities provided under the LSP, applying a density rate has the risk that varying development yields will result in a surplus or deficiency of development contribution funds over time.
48. There is uncertainty with applying a density-based rate. With the potential to create an inequitable environment for landowners and developers, and a financial risk to the City if additional municipal funds are required to supplement the provision of infrastructure.
49. A development area rate (e.g. per m²) provides a certain outcome, as the NCA will not change over the lifespan of the DCP, and therefore a consistent unit of charge will be applied through each review and recalculation period. This will reduce the risks of under or over collecting contributions.

50. For the reasons outlined above, there is strong justification under the principles established under SPP 3.6 (certainty and consistency) for a development area rate (per m²).
51. **Development Feasibility**
In 2023 the City engaged the services of an independent property advisory consultancy, to undertake a Feasibility Analysis. The Feasibility Analysis provided an evidence-based approach to satisfy SPP 3.6 requirements against the core principle of ensuring reasonable cost for the DCP. It recommended an appropriate threshold for the forecast cost contribution levy while maintaining feasibility and supporting densities and development product in line with the HWS Residential Precinct LSP.
52. In 2024 the City obtained updated advice to the Feasibility Analysis, further testing the developed financial model under the following variables:
- a) Consideration of *Operational Policy 2.4* which provides a framework for an additional development levy for government schools.
 - b) Further consideration of the land acquisition costs for POS within the Green Link.
 - c) Reducing the proposed lifespan of the DCP; from 30 to 20 years.
53. Together, the 2023 and 2024 Feasibility Analysis' make the following findings and recommendations notable to the current review:
- a) It was viewed by stakeholders that fragmented land ownership and land price expectations are the biggest constraints to development in the area.
 - b) Land costs associated with LOS within the 'Green Link' would significantly impact on the viability of development.
 - c) Reducing the lifespan of the DCP (30 to 20 years) would not provide the critical mass of contributions required to deliver all infrastructure within the DCP without alternative funding mechanisms (i.e. grant funding, municipal funds). Should a reduction be applied, a reduced NCA (contribution base), is encouraged to ensure the collection of all funds required to deliver all infrastructure proposed through the DCP.
 - d) Development in the precinct is highly sensitive to any cost increases to land value and construction costs.
54. It is important to note the costs presented in the 2024 Feasibility Analysis is based on preliminary information available at the time of undertaking the investigation and preparing the report (i.e. 2023 cost estimates). These costs have since been further refined and validated for the purposes of presenting A113 and associated draft DCPR within the consideration period specified by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The discrepancies are noted and reflect information at a "point in time", however the appropriate detail associated with the DCP, the subject of the Council's consideration, are contained in the draft DCPR.

55. **2024 Actions**

Since the December 2023 update Report (OCM 179/2023) the following has occurred:

- a) A public consultation period of 97 days (refer to stakeholder engagement section of this report for further information).
- b) Modifications to the DCP in response to submissions.
- c) The rates applied to land costs have been updated, pursuant to the 2024 Land Valuation.
- d) A peer review and update of all Bill of Quantities and estimates from a Quantity Surveyor.
- e) The City has engaged with state agencies and key decision makers advocating with the intent to minimise the infrastructure costs in the DCP.
- f) All estimates have been updated to reflect the above actions/findings.

56. **Modifications to Amendment 113 & the draft DCPR**

The following notable modifications have been made to the 2024 DCP:

- a) Removal of improvement costs to the TOD Boulevard LOS.
- b) Updated land rate, pursuant to external advice received from an independent Land Valuer.
- c) Applied percentage of escalations to all 2023 BOQ's, pursuant to advice received from an independent Quantity Surveyor.
- d) Applied a reduced assumption for clearing and earthworks within the Drainage BOQ's, to align with the POS Concept Plans.
- e) Rephrased the NCA definition in the DCPR.

57. For completeness, each of the above noted modifications are discussed below including commentary on the potential risks, long term consequences and impacts associated with each modification.

58. **Modification A: removal of improvement costs for the TOD Boulevard LOS**

The TOD Boulevard POS is a 5,824m² lineal site identified as LOS on the LSP, designed to run parallel to the eastern and western reservations of the TOD Connector (New road - RD04).

59. Location of TOD Boulevard LOS (Source: POS Conceptual Designs):



60. The 2023 DCP proposed to include improvement costs for the TOD Boulevard POS; with a total improvement cost of \$538,871, which equated to \$0.91/m² (2023 estimates).
61. Submissions were received objecting to the inclusion of this cost to the DCP, noting the site will not function as a POS site, and rather a landscaped verge.
62. The City has modified the 2024 DCP in response to this concern; removing improvement costs for the TOD Boulevard POS.
63. Modification A has reduced the DCP infrastructure estimates by \$574,436 or \$0.97/m² (2024 cost escalation applied).
64. **Modification B:** Updated land rate, from \$140/m² (R30-R60) and \$145/m² (R60-R100), to \$150/m² (R30-R60) and \$155/m² (R60-R100), pursuant to external advice received from an independent Land Valuer (Attachment 2, Appendix J).
65. Modification B has increased the forecast DCP land estimates by \$610,019 or \$1.03/m².

66. **Modification C:** Pursuant to advice received from an independent Quantity Surveyor, applied percentage of escalations to all 2023 BOQ's.
67. Modification C has increased the DCP infrastructure estimates by \$2.05 million or \$3.45/m².
68. **Modification D:** Refined drainage quantities in the BOQ's to align with the spatial assumptions applied through the LOS Concept Plans, pursuant to external advice received from an independent Quantity Surveyor.
69. **Modification E: rephrasing of the NCA methodology**
The Net Contribution Area (NCA) methodology has been modified in Section 4.2 of the DCPR (Attachment 2) as follows (modifications are in bolded text):
- "In calculating a landowners NCA and the total area of land in the DCA that is liable to this DCP, the following land is identified as unviable for development and therefore excluded from the NCA:*
- a) Classification as 'Environmental Conservation'.*
 - b) Classification as 'Local Open Space'.*
 - c) **Existing approved roads** All roads identified on the High Wycombe South Local Structure Plan Map, inclusive of widening and realignment requirements.*
 - d) Drainage basis in required in accordance with the approved Local Water Management Strategy.*
 - e) **Land** identified for **other** public purposes (i.e. primary school site).*
 - f) Portions of land which are otherwise constrained for development due to their size, shape, tenure and access limitations. "*
70. **High Wycombe South Advocacy Priority**
Through effective advocacy and planning, Council is creating a future for High Wycombe and broader district that supports employment opportunities, good connections and liveability for its residents.
71. The City's Advocacy Strategy – Kalamunda Advocates is a structured process of influencing others to create change. It is often aimed at decision makers to make positive changes to public policy or resourcing for community benefit. The strategy seeks to drive effective change at Government policy and steer investment towards ensuring local priorities are supported.
72. There is a strong evidence base of Council strategies and plans that support this initiative being considered as a strategic priority for the City, including the Local Planning Strategy, Strategic Community Plan and suite of technical documents.

73. Having regard to the potentially significant risks, long term consequences and impacts on the City's current and future community enabled via the draft DCP, there is a role for the City to detail this project as a priority project for its future advocacy strategy, particularly as it relates to the transition and early activation of the HWS Residential Precinct.
74. The development of appropriate supporting documentation and approach to help make positive decisions and changes will require expenditure on consultant services and development of advocacy material. Budget allocation has been set aside for detailed planning in High Wycombe South. Any expenditure on advocacy material is unlikely to be cost recovered through the DCP.
75. The DCP will provide a clear and accountable instrument for the City to seek external grand funding from third parties (e.g. State Government) to support the delivery of all infrastructure identified in the DCP and to supplement municipal funding. In particular, there is strong justification to advocate for State and Federal funding to facilitate affordable and diverse housing in the HWS Residential Precinct, leveraging off significant infrastructure investment (e.g. Gateway WA and the Metronet Airport Link Railway).

APPLICABLE LAW

76. **Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)**
- Part 7 of the LPS Regulations establishes that a DCP must set out the development contribution area, items of infrastructure included, method of determining the cost contribution, priority and timing for infrastructure, review frequency and the operation period.
77. Regulation 37(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) required the WAPC to examine Amendment 113 documents and advise the City if the Commission considers that any modification to the documents is required before the amendment is advertised.
78. Scheme amendments for DCPs are required to be progressed as a 'complex amendment', requiring additional approval requirements from the WAPC prior to an extended advertising period (60 days). It is noted that the City sought, and received approval from the WAPC for, an extended advertising period of 90 days.

79. Once Amendment 113 is approved and published in the Government Gazette, it will have effect of law and will enable the levying of contributions triggered by development, for infrastructure identified in the DCP.
80. Should the City determine development or subdivision applications within the HWS Residential Precinct prior to the gazettal of A113, Regulation 73 of the *LPS Regulations* further supplemented by *Local Planning Policy 25 (Interim Development Contribution Arrangements)*, enables the City to require interim development contribution arrangements to secure a future contribution upon gazettal of Amendment 113.
81. **City of Kalamunda Local Planning Scheme No. 3 (LPS 3)**
A113 proposes to establish the DCP in LPS3 through:
a) Introducing a Special Control Area on the LPS3 Scheme Map, known as DCA2; and
b) Amending Schedule 12 of LPS3 to include the DCP for the HWS Residential Precinct as DCA2.
82. Proposed Schedule 12 of LPS3 provide the statutory provisions to enable the administration of the DCP and set out the following details:
a) The area name.
b) Relationship to other planning instruments.
c) Infrastructure and administrative items to be funded through the DCP.
d) Method for calculating contributions.
e) Period of operation.
f) Timing and priority principles for future infrastructure delivery.
g) Review process and reporting obligations.
Refer to Attachment 1 for the proposed LPS3 modifications.
83. Schedule 12 is to be read in conjunction with Clause 6.5 (Development Contribution Areas) of LPS3; which sets out the establishment, implementation and operation of DCPs operable within the City.

APPLICABLE POLICY

84. **Liveable Neighbourhoods**
Liveable Neighbourhoods 2009 is an operational Policy of the WAPC for the design and assessment of new urban development within Western Australia. The Policy has guided specifications for infrastructure forecast by the DCP, for instance, road classifications.

85. **State Planning Policy 3.6 – Infrastructure Contributions**
SPP 3.6 provides the State’s policy control and guidance to DCPs, setting out a framework for the coordination and delivery of infrastructure in new and established urban areas throughout WA. The central intent of SPP 3.6 is to establish the eight (8) core principles to be applied when preparing and administering a DCP.
86. **WAPC Development Control Policy 2.3 – Public Open Space in Residential Areas**
DC 2.3 establishes the principles of 10% of gross subdividable area being provided as Public Open Space (POS), and seeks to ensure that all residential development is complemented by adequate areas of POS that will enhance the amenity of development and provide for recreational needs of residents.
87. **WAPC Development Control Policy 2.6 – Residential Road Planning**
DC 2.6 outlines the WAPC’s specifications and requirements for the planning and design of roads in residential areas.
88. WAPC Operational Policy 1.1 – Subdivision of Land (General Principles)
89. WAPC Development Control Policy 2.2 Residential Subdivision
90. WAPC Development Control Policy 2.3 – Public Open Space in Residential Areas establishes the principles of 10 per cent of gross subdividable area being provided as POS.
91. City of Kalamunda Local Planning 11 – Public Notification of Planning Proposals
92. City of Kalamunda Local Planning Policy 24 - Development Contribution Arrangements
93. City of Kalamunda Local Planning Policy 25 - Interim Development Contribution Arrangements

STAKEHOLDER ENGAGEMENT

94. The City concurrently advertised Amendment 113 (Attachment 1) and the modified draft DCP Report (Attachment 2) for a period of 97 days (31 January 2024 to 6 May 2024) via the following methods:
- a) A publication on the City’s website;
 - b) A copy of documents available for inspection at the City’s Administration Centre;
 - c) Letters to all landowners within and adjacent to DCA2;
 - d) Letters to all relevant public authorities and utility agencies; and

e) A newspaper advertisement.

95. A total of 42 submissions were received during the advertising period. In summary:

- a) 3 were from public authorities.
- b) 2 were re-submitted multiple times by different landowners.
- c) 37 submitted objections.

96. **Summary of Public Submissions**

Attachment 3 provides a copy of all verbatim submissions, alongside the City's response to each individual submission.

97. The following common themes were identified throughout the submissions:

- a) The DCP is economically unviable.
- b) The Contribution Rate is too high in comparison to other residential DCPs.
- c) The DCP lifespan should be 10 years.
- d) Disagreement with the road acquisition methodology.
- e) Further information is required in the DCPR.
- f) Improvement costs for POS sites 3-5 (Green link) and the TOD Boulevard site should be removed from the DCP.
- g) The delivery of the TOD Connector (road item) should not be wholly borne by the DCP.
- h) DCP is not the appropriate mechanism.
- i) DCP fails to consider the financial implications of WAPC Operational Policy 2.4 (Planning for School Sites) (OP2.4).
- j) Other matters not relevant to Amendment 113 and associated DCP.

98. For completeness, each of the above noted themes are discussed in further detail below.

Theme A: The DCP is economically unviable

99. The City commissioned an independent Feasibility Analysis in 2023 to test the viability of the contribution rate, which was further extended and updated in 2024. Ultimately, the Feasibility Analysis concluded, using financial modelling, that the proposed contribution rate (\$76.52/m²) is viable to enable the development of the HWS Residential Precinct, however, is highly sensitive to development cost shock or higher land values.

Theme B: The Contribution Rate is too high in comparison to other residential DCPs.

100. No two DCPs are alike; consequently, accurate comparisons aren't possible. Rather than compare the proposed contribution rate to others with the Perth Metropolitan Region, the City has commissioned the 2023 and 2024 Feasibility Analysis', which have ultimately determined that the proposed contribution rate is viable to enable the development of the HWS Residential Precinct.
101. Nonetheless, the following table outlines the findings of a desktop analysis, which ultimately concluded the proposed contribution rate is not only comparable, but at times lower, than comparative residential DCPs in the Perth Metropolitan Region.

DCP	EST.	RATE
a) City of Gosnells DCA No. 4 - Central Maddington Structure Plan	2013	R20 - \$44.31/m ² R30 - \$66.47/m ² R40 - \$88.62/m ² R80 - \$177.24/m ²
b) City of Armadale - DCA No. 4 Anstey Keane Urban Precinct in Forrestdale	2019	\$45.60/m ²
c) City of Armadale - DCA No. 8 West of Rail Redevelopment Area (Draft)	2021	\$65.83/m ²

Theme C: The DCP lifespan should be 10 years

102. The forecast development rates suggest that 25% of the HWS Residential Precinct will be developed, and consequently make a development contribution within the first ten years. A 10-year lifespan would therefore be insufficient to collect funds necessary for substantial infrastructure delivery to service the HWS Residential Precinct and will not provide the required certainty for delivery of infrastructure items, inconsistent with SPPP 3.6.

103. The City has reconsidered the proposed lifespan of 30 years, concluding the protracted lifespan is imperative to ensure an equitable and feasible DCP.

Theme D: Disagreement with the road acquisition methodology

104. Following the Public Agenda Briefing Forum on 10 September 2024, additional commentary has been provided within this report under Theme D.

105. The City is required to apply equitable methodologies as part of the preparation of a DCP. The DCP provides for the funds to upgrade or construct Neighbourhood Connector Roads and above, as recommended through the TMR and road concept designs.
106. It is a longstanding practice and policy position of the WAPC to require, where access streets (also referred to as local roads) are needed, subdividers to dedicate, construct and drain these roads at their cost as part of the subdivision process. In this regard, the proposed DCP does not include costs for access streets as DCP funded infrastructure.
107. A similar methodology is applied to the acquisition of land required to facilitate higher order road infrastructure. The draft DCP assumes the land, that would have otherwise been provided as an access street (15m width), is to be ceded free of cost, with only the acquisition beyond this reservation width acquired through the DCP. Therefore, only apportioning costs in the DCP for land required, over and above what otherwise should have been provided for, by the subdivider.
108. In calculating the estimated costs for road land, this methodology has been applied to the new roads RD03 (Raven Street) and RD04 (TOD Connector). For example, Raven Street requires a 24.4m road reserve width, however 15m of that road reserve width, calculated proportionately for each lot, will be ceded free of cost and will not form a cost to the DCP, however the balance 9.4m road reserve width will be acquired by the DCP.
109. Section 159 of the *Planning and Development Act* (Section 159) allows an earlier subdivider of land, who has constructed or upgraded a road in connection with their subdivision, to recover one half of the costs of constructing or upgrading that road from a later subdivider of land.
110. Section 159 provides that a claim will not arise where the later subdivider has already contributed to the costs of establishing the road in some way, which could, for example, be in the form of making a cost contribution in accordance with a gazetted DCP. Therefore, DCP infrastructure would be ineligible for a Section 159 claim.
111. It is not considered that the DCP, as proposed, would impact on eligibility for a Section 159 claim for costs associated with road provision/upgrades not facilitated through the DCP. This includes the local road cross section (15m) not acquired through the DCP to facilitate RD03 and RD04.

Theme E: Further information is required in the DCPR

112. The City has acknowledged the feedback and updated the DCPR to provide further information as appropriate. Please refer individual responses to submissions (Attachment 3) for specific modifications.

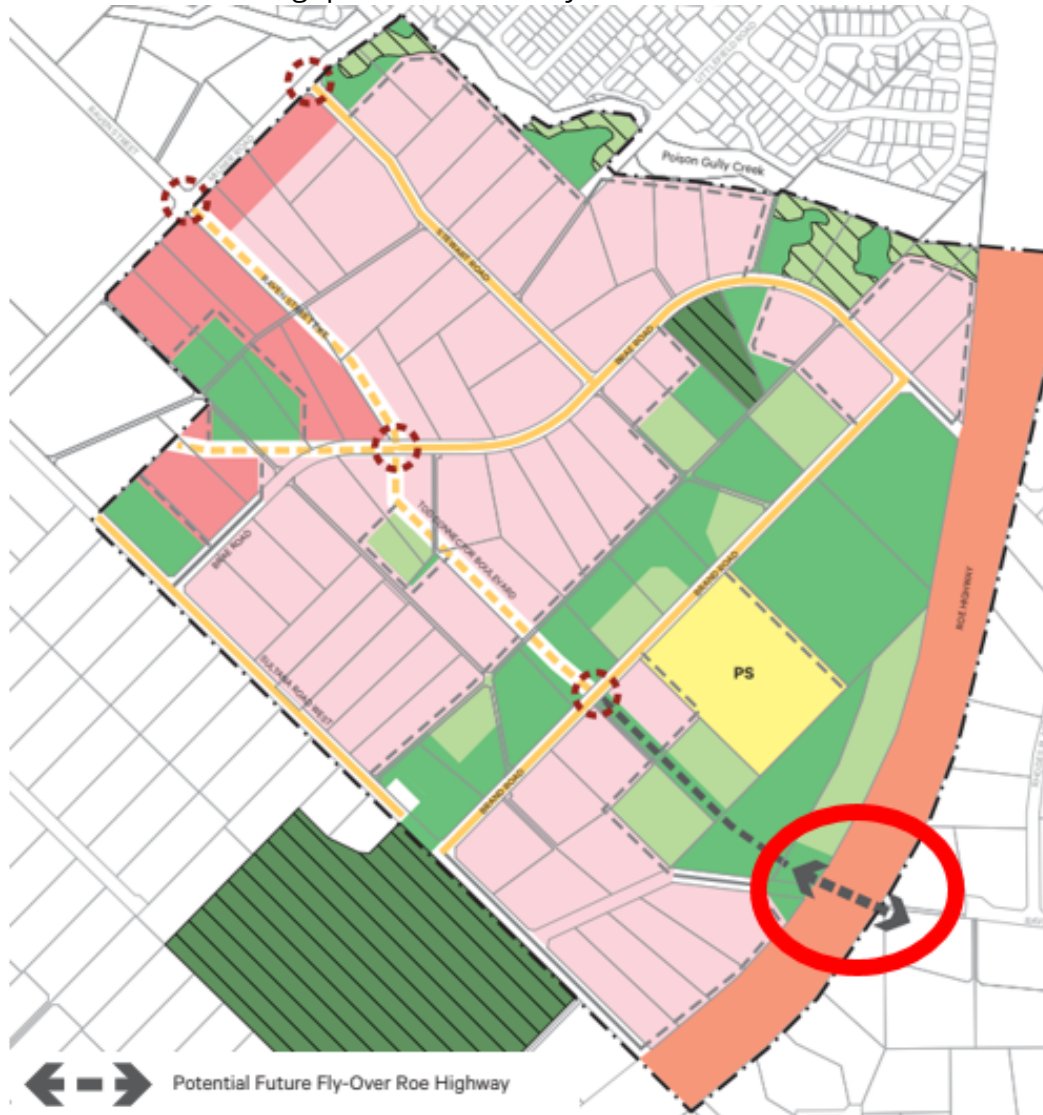
Theme F: Improvement costs for POS sites 3-5 (Green link) and the TOD Boulevard site should be removed from the DCP.

113. The improvement costs have been included given that, notwithstanding the environmental values that exist in the Green Link, and the justification for acquisition of this corridor to be funded through the MRIF, there are small areas of this corridor that will function as recreational parks that will serve the needs of the local community. The State Planning Framework provides for land reserves for Parks and Recreation to be used for an appropriate local (as well as a regional) purpose and therefore it is possible for any local improvement costs to be identified within the DCP.
114. As noted above in the LOS section of this report, the improvement costs associated with the TOD Boulevard have been removed as an item funded by the future DCP.

Theme G: The delivery of the TOD Connector should not be wholly borne by the DCP.

115. The TOD Connector (RD04) is a new road (neighbourhood connector A – two way, one lane divided carriageway) modelled to be required by 2031.
116. The 2024 DCP estimates \$2.65 million, or \$4.47/m² to deliver RD04; with the DCP proposed to fund 100% of the cost.
117. Submissions were received objecting to the proposed apportionment of 100%, suggesting the apportionment is not representative of future traffic distribution, once the “potential future flyover” identified on the LSP is delivered.

118. Extract of LSP showing “potential future flyover”:



119. The “potential future flyover” is intended to connect the HWS Residential Precinct with the future Maida Value South urban area, on the other side of Roe Highway.

120. At the time of writing this report, the “potential future flyover”, while identified on LSP documentation, is not approved or proposed for delivery within the proposed lifespan of the DCP (30 years). The demand for the “future flyover” will be explored as part of planning for Maida Vale South.

121. To inform the DCP and to ensure compliance with the need and nexus principles outlined in SPP 3.6, road infrastructure costs contained within the DCP have been apportioned, where appropriate, in accordance with the percentage of demand informed by the TMR (Attachment 2, Appendix A). The TMR determines the origin of demand or generator for upgrades to, or the provision of, the various established infrastructure items.

122. Acknowledging there are no approvals, and therefore no certainty, for the “future flyover” into Maida Vale South, the TMR models 100% of traffic on the TOD Connector Boulevard being generated from the HWS Residential Precinct.
123. Should the “future flyover” be approved in the future, the apportionment of this infrastructure item (RD04) could be modified, through a complex scheme amendment, in accordance with demonstrated modelling.
124. Nonetheless, the City actively continues its Advocacy Campaign for alternative funding for the HWS Residential Precinct, with the intent of reducing costs to the DCP.
- Theme H: a DCP is not the appropriate mechanism*
125. Alternative funding mechanisms were explored by the City in late 2022, with the findings summarised in the Feasibility Analysis. Ultimately, it was determined that a DCP provides the most equitable an outcome.
126. *Theme I: the DCP fails to consider the financial implications of WAPC Operational Policy 2.4 (Planning for School Sites) (OP2.4)*
127. OP2.4 establishes a framework for a state-wide development levy, used to develop new (public) schools throughout the state.
128. OP2.4 establishes that all new residential lots created through the subdivision process (including survey strata) generate demand for a public primary school sites based on a ratio of one 4-hectare primary school site for every 1,500 dwellings and each new eligible lot will contribute 1/1500th the value of a 4-hectare site. In the case of DCA2, this represents \$9 million for DCA2 or +\$15.19/m² (informed by the 2023 land valuation of \$140/m²).
129. This development levy is not included in the DCP and is an additional development cost when exploring feasibility of development in the HWS Residential Precinct.
130. The financial model developed to inform the 2024 Feasibility Analysis did consider the implications of OP2.4.
131. The implications of OP2.4 on development feasibility in DCA2 was further explored through the 2024 Feasibility Analysis. The analysis concluded that the current DCP remains viable with the additional development levy for school sites, although sensitive to development cost shock and higher land values.

FINANCIAL CONSIDERATIONS

132. Costs associated with public advertising were met through the Development Services annual budget.
133. There are significant long term financial uncertainties discussed in the Details and Analysis and Risk Management sections of this Report. In summary, these uncertainties include:
- a) Future costs of acquiring land within the Green Link
 - b) Future costs of improving LOS; and
 - c) Long term financial and capital expenditure planning regarding the operational life of the DCP.
134. The City's 2024/25 Budget identifies \$300,000 to undertake further investigation and design work for infrastructure in support of the DCP.
135. It is noted the updated forecast contribution rate is identified to be \$76.52/m².

SUSTAINABILITY

136. The DCP will create a framework for the facilitation of infrastructure to service new development in the HWS Residential Precinct. The planning and coordination of infrastructure through a DCP is important for the long term economic and social development of the community.

RISK MANAGEMENT

- 137.
- | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------|
| Risk: The WAPC / Minister for Planning does not support Amendment 113 and DCP Report as advertised and requires further modifications and re-advertising. | | |
| Consequence | Likelihood | Rating |
| Significant | Possible | High |
| Action/Strategy | | |
| Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications. | | |

138.

Risk: The approach to not accept WAPC modifications relating to the Green Link and the operational period results in delays to finalise the DCP.		
Consequence	Likelihood	Rating
Significant	Likely	High
Action/Strategy		
Continue to engage with the DPLH to reach key decisions and consensus when finalising its assessment on Amendment 113.		
Ensure that the WAPC and Minister for Planning understand the consequences of requiring the unsupported modifications.		

139.

Risk: Uncertainty regarding the outcome of Amendment 113 delays the activation of development in the precinct.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications. Ensure appropriate communication with stakeholders. Continue to support landowners and prospective developers to facilitate due diligence and planning with as much certainty as possible at this stage of the planning process.		

140.

Risk: The forecast cost contribution rate increases above the recommended threshold, resulting in an undue impact on development viability in the precinct.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Seek grant funding and support prospective developers with their application for grant funding, for enabling infrastructure for development in the precinct.		
Ensure appropriate communication with stakeholders. Advocate for the State and any other interested parties to prefund items of infrastructure to mitigate future financial risk. Investigate alternative ways to fund additional Local Open Space costs.		

141.

Risk: If Green Link costs or local open space improvement costs are not funded by the State or the proposed DCP, the City will need to find alternative funds.		
Consequence	Likelihood	Rating
Critical	Possible	High
Action/Strategy		
Investigate alternative ways to fund additional Local Open Space costs including the possibility of implementing a development agreement plan and potentially special area rating mechanisms. Ensure appropriate communication with stakeholders.		

142.

Risk: A reduced DCP operational period of 20 years results in uncertainty about infrastructure funding and delivery and potential financial risks to the City.		
Consequence	Likelihood	Rating
Critical	Possible	High
Action/Strategy		
Illustrate long term capital expenditure implications to the WAPC and Minister for Planning as part of the finalisation of Amendment 113. Advocate for the State to prefund items of infrastructure to mitigate future financial risk.		

143.

Risk: If WAPC requires that the DCP fund Green Link land costs, at the expense of local open space improvements costs, this could result in poor levels of service in parks, and associated social and amenity impacts on the future community.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Ensure appropriate communication with stakeholders. Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications.		

144.

Risk: The WAPC / Minister for Planning does not support Amendment 113 and DCP Report and alters the forecast contribution rate.		
Consequence	Likelihood	Rating
Critical	Possible	High
Action/Strategy		
Ensure appropriate communication with stakeholders. Ensure that the WAPC and Minister for Planning understand the consequences of requiring the outstanding suggested modifications.		

CONCLUSION

145. DCPs by are complex planning instruments. Given the number of stakeholders involved and affected by DCPs, there is inherent risk that not all stakeholders will be satisfied with the outcomes of the DCP. It is important for Council to be cognisant of this and balance the outcomes of the DCP against the requirements of SPP 3.6, development viability throughout the HWS Residential Precinct and the broader interests of the community.
146. There are potential risks, long term consequences and impacts associated with the WAPC's suggested modifications on the transition of the HWS Residential Precinct. It will be important for the City to work collaboratively with the DPLH and engage with the WAPC and Minister for Planning to facilitate a clear understanding of the issues and outcomes sought by the City. An advocacy approach is also considered necessary as it could support State Government investment and development opportunities, particularly as it relates to the transition and early activation of the precinct.
147. Ultimately and as prescribed in legislation, the decision to finally adopt or otherwise the DCP lays with the Minister for Planning. The Council plays a part in that process by providing recommendations however is not the ultimate decision maker.
148. Having regard to the above, it is recommended that the Council support a modified Support A113 to the LPS3 (Attachment 1), and draft DCPR (Attachment 2), and forward its recommendation to the WAPC and Minister for Planning for approval.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. NOTE the submissions received during advertising of Amendment 113 to City of Kalamunda Local Planning Scheme No. 3, and the draft Development Contribution Plan Report.
2. SUPPORT the modified Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 (Attachment 1), pursuant to Regulation 41 (3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. SUPPORT the modified draft High Wycombe South Residential Precinct Development Contribution Plan Report (Attachment 2) for the purposes of

submitting Amendment 113 for approval under section 87 of the *Planning and Development Act 2005*.

4. CONSIDER Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The amendment proposes a Development Contribution Plan.
 - b) The amendment is not a standard or basic amendment.
5. PROVIDE the Council's resolution and associated documents regarding Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 to the Western Australian Planning Commission pursuant to Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*
6. NOTE the City of Kalamunda Chief Executive Officer will continue to make representations to the Western Australian Planning Commission to amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open Space within the 'Green Link' on the High Wycombe South Residential Precinct Local Structure Plan, from urban to Parks and Recreation Reserve.
7. NOTE the City of Kalamunda Chief Executive Officer continue to undertake an advocacy campaign focussed on minimising infrastructure cost to the DCP, encouraging government pre-fundings for enabling infrastructure, and supporting the transitions of landowners and activation of development in the High Wycombe South Residential Precinct.

The recommendation did not receive a mover and **LAPSED**.

Cr O'Connor presented an alternative motion which received a seconder. Cr O'Connor provided the rationale before the recommendation was put to the vote.

RESOLVED OCM 135/2024

That COUNCIL:

1. DETERMINE that the proposed Cost Contribution Rate of \$76.52/m² is excessive and beyond what is considered by key stakeholders including residents, landowners and the development sector, as 'reasonably acceptable'.
2. REQUEST the Chief Executive Officer to convene a meeting with the Premier, the Deputy Premier, the Minister for Planning and the Chairman of the Western Australian Planning Commission to determine a pathway for the State Government to fund and expedite the provision of the following DCP or Water Corporation infrastructure items:

- a) Key Neighbourhood Connector Roads – Milner Rd and TOD Connector Road (Milner Rd to Brand Rd).
 - b) Acquisition and development of Drainage Sites within the Residential Precinct Local Structure Plan Area.
 - c) Sewer Phase 1 – Currently under planning by Water Corporation.
 - d) Sewer Phase 2 – Currently not identified in any 5-year Water Corporation works plans.
3. REQUEST the Chief Executive Officer to investigate as part of the Western Australian Planning Commission’s final consideration of Amendment 113 and any amendments to the High Wycombe South Residential Precinct Local Structure Plan, and report to the Council, further strategies that would lead to a Cost Contribution Rate of equal to or less than \$50/m² to facilitate the quality and timely development of the High Wycombe South Residential Precinct.
 4. NOTE the submissions received during advertising of Amendment 113 to City of Kalamunda Local Planning Scheme No. 3, and the draft Development Contribution Plan Report.
 5. SUPPORT the modified Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 (Attachment 1), pursuant to Regulation 41 (3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 6. SUPPORT the modified draft High Wycombe South Residential Precinct Development Contribution Plan Report (Attachment 2) for the purposes of submitting Amendment 113 for approval under section 87 of the Planning and Development Act 2005 subject to the following additional modification:
 - a) Apportionment for item RD04 TOD Connector being reduced from 100% to 66% with the balance funded from other sources.
 7. CONSIDER Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 a complex amendment, pursuant to Regulation 35 (2) and 72 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a) The amendment proposes a Development Contribution Plan.
 - b) The amendment is not a standard or basic amendment.
 8. PROVIDE the Council’s resolution and associated documents regarding Amendment 113 to City of Kalamunda Local Planning Scheme No. 3 to the Western Australian Planning Commission pursuant to Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 9. NOTE the City of Kalamunda Chief Executive Officer will continue to make representations to the Western Australian Planning Commission to amend the Metropolitan Region Scheme, to reclassify areas identified as Local Open

Space within the 'Green Link' on the High Wycombe South Residential Precinct Local Structure Plan, from urban to Parks and Recreation Reserve.

10. REQUEST the City of Kalamunda Chief Executive Officer continue to undertake an advocacy campaign focussed on minimising infrastructure costs to the DCP, encouraging government pre-funding for enabling infrastructure, and supporting the transitions of landowners and activation of development in the High Wycombe South Residential Precinct.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

The meeting considered Item 10.6.8 prior to continuing the agenda.

10.6.5. Draft Local Planning Policy 35 - Hatch Court Light Industrial Precinct

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

Cr John Giardina declared an Interest Affecting Impartiality on Item 10.6.5 Draft Local Planning Policy 35 Hatch Court Light Industrial Precinct. Cr Giardina has a relative living in close proximity to Stirling Road in High Wycombe. Cr Giardina left the meeting at 9:08pm and returned at 9:09pm.

Previous Items	OCM 94/2022
Directorate	Development Services
Business Unit	Approval Services
File Reference	3.009297
Applicant	Nil
Owner	Nil
Attachments	<ol style="list-style-type: none"> 1. Schedule of Submissions [10.6.5.1 - 48 pages] 2. Draft Local Planning Policy 35 - Hatch Court Light Industrial Precinct [10.6.5.2 - 12 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.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the submissions received and final adoption of Local Planning Policy 35 – Hatch Court Light Industrial Precinct Policy (Policy) following advertising and establish next steps for the planning framework that applies to the Policy area.
2. The Policy was adopted by Council on 26 July 2022 for the purpose of public advertising, following which the community affected by the proposed Policy raised significant concerns.
3. The City has considered community feedback and recommends Council not proceed with the Policy.

However as noted in submissions, rather than leaving the area to organically develop – Officers recommend that Council take steps to improve the planning framework by progressing a Local Structure Plan (LSP) and Development Contribution Plan (DCP) to ensure coordinated development of the Hatch precinct for the area to achieve its highest and best use.

It is also recommended that Council initiate a new planning policy for the area in the form of design guidelines.

BACKGROUND

4. The Hatch Court Light Industrial precinct comprises approximately 30 hectares of land and is in the north-west corner of High Wycombe bound by Kalamunda Road, Stirling Crescent, and Adelaide Street.
5. The Precinct has endured a complex planning history since 2010 when it was rezoned from Rural to Urban under the Metropolitan Region Scheme (1187/57) which would have facilitated residential development. Although planning for residential development had progressed, and despite the City's request for a concurrent structure plan to be prepared, the Western Australian Planning Commission (WAPC) approved an amendment to rezone the Precinct from Urban Development to Light Industry and introduce elements to the City's Local Planning Scheme No.3 (LPS3) to require a Structure Plan.

6. Table 4 of LPS3 requires a structure plan to be prepared for lots within the Precinct and address the following planning matters:
- a) Traffic management including:
 - Provision of future vehicular access to be primarily via Adelaide Street;
 - Ensuring any vehicular access to Kalamunda Road does not reduce existing levels of access for adjacent properties; and
 - Access for lots with frontage to Stirling Crescent being provided via an internal road only.
 - b) Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing, and façade treatment provisions;
 - c) The identification and protection of environmentally significant areas within the land through the provision of appropriate buffers; and
 - d) The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas.

Table 4 also requires subdivision and / or development to ...*'generally be in accordance with the approved structure plan'*.

7. Since LPS3 was amended to require a structure plan for the Precinct in February 2018, no structure plan has been progressed.
8. While no structure plans have been progressed or approved to guide light industrial development, three key sites have achieved light industrial development approval:
- Lot 200 (584) Kalamunda Road, High Wycombe in 2017 and 2019;
 - Lot 201 (614) Kalamunda Road, High Wycombe in 2019 and 2020; and
 - Lot 1499 (160) Adelaide Street, High Wycombe in 2023.
9. The driver for the implementation of the Policy was to bridge a portion of the gap left by the absence of a LSP in an area where there has been interest and an appetite for landowners to seek approval for industrial development.

DETAILS AND ANALYSIS

10. Submissions received by the affected community are discussed later in this report and in Attachment 1 but are noted to be a key reason for the recommendations of the report.

11. While a key driver for implementation of the Policy was to bridge a portion of the gap left by the absent structure plan, the development of 160 Adelaide Street demonstrates that a balance is able to be achieved in the absence of a LSP.
12. The Responsible Authority Report presented to the Development Assessment Panel (DAP) for the application at 160 Adelaide Street made a specific note that the draft Policy limited bearing on the Officer recommendation. Instead, it was the applicant's willingness to pursue a high quality development outcome which responded to the constraints of that site and had significant regard to the previously mentioned Scheme provisions regarding the future road network. The development has now been implemented on the ground and is a valuable case study of the 'highest and best' land uses and built form the precinct is able to achieve.
13. The successful implementation of the 160 Adelaide Street DAP approval has provided learnings which point towards there being value in the City ensuring a LSP, DCP, and design guidelines are prepared for the undeveloped areas of the precinct and on the southeast side of Stirling Crescent.
14. A key reason for the development having a high-quality built form outcome was the landowner's early engagement with City staff and Design Review Panel (DRP). In the absence of guiding documents, Officers were heavily reliant on the willingness of the applicant to achieve a high-quality outcome, rather than being able to use the planning framework to ensure consistent high-quality outcomes from all future development. The applicant in this example is very experienced and has the resources available to ensure good planning outcomes were achieved.
15. It is a risk that with uncoordinated landholdings and varying landowner appetites for industrial development may result in landowners seeking the highest financial return on the development of their land - which often means building design, landscaping, and impact on nearby amenity will not be prioritised.
16. The DAP members noted a comfort level to approve the abovementioned application without a LSP due to the applicant demonstrating and committing to processes to ensure the development would not prejudice the provision of a future road connection to Adelaide Street - which is the core Scheme requirement which affected that land.
17. Other land within the precinct will have elements of the Scheme to deal with on a case-by-case basis - should a development application be lodged and determined prior to a LSP being in place.
18. A LSP is an appropriate planning instrument to coordinate the planning matters required to be addressed by the Scheme. A structure plan involves a transparent interrogation of detailed technical information by the City, affected and surrounding community, as well as state agencies and the

Western Australian Planning Commission which is ultimately responsible for its approval.

19. Whilst the existing landowners have the capacity to engage planning consultants to prepare a structure plan – none have done so. It appears that for this area – if it is to reach its highest and best use – a structure plan would need to be prepared by the City.
20. The Hatch Court Light Industrial precinct in its City of Kalamunda context is a fringe area of the City surrounded by varying densities of residential development.

In a broader cross-local government sense the Hatch precinct should be viewed as a 'spill' of the City of Swan Hazelmere Industrial area and Airport land – which is a significant strategic industrial area.

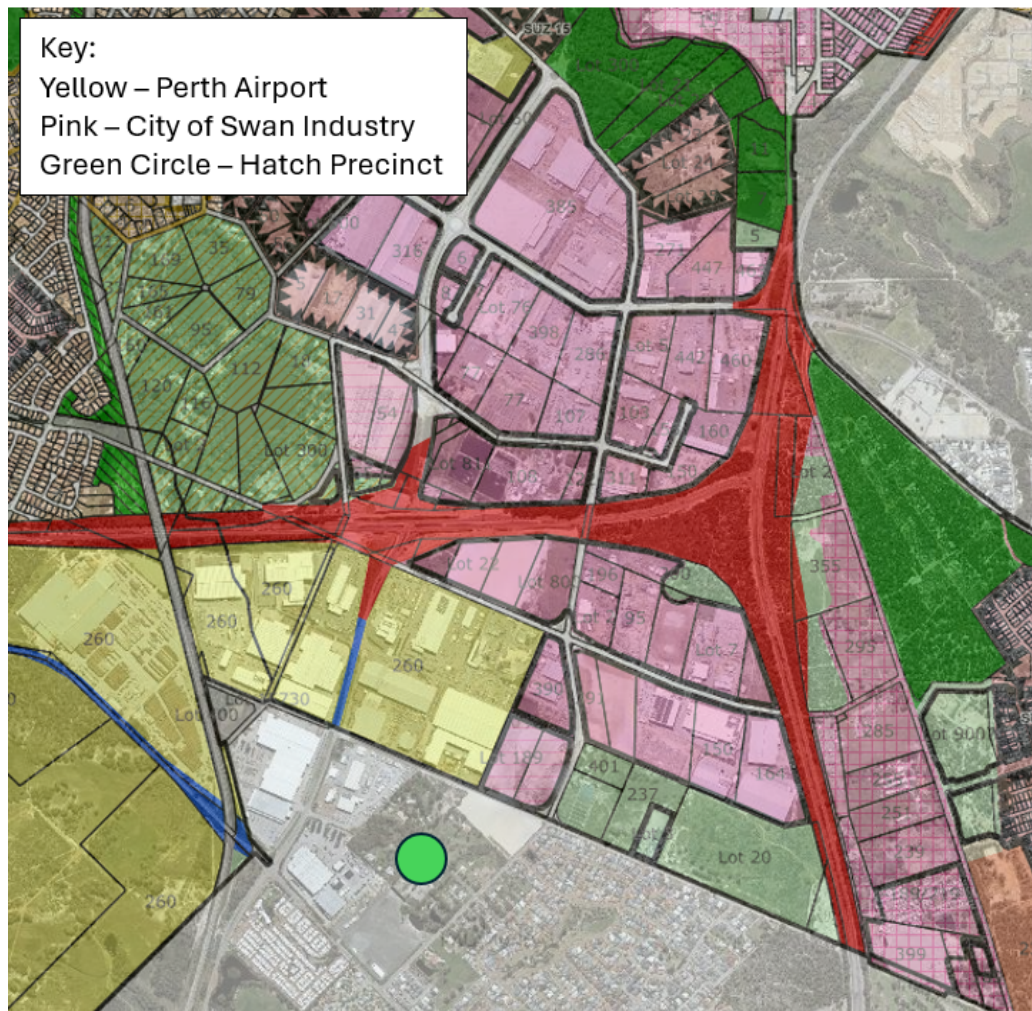


Figure 1: City of Swan Zoning Map.

21. Whilst it is the Officer Recommendation that the City investigate the preparation of a LSP and DCP to meet the strategic needs of the precinct, there are varying approaches to planning for the area which have not been put to the community or Council in a strategic manner in the past. The levels of intervention vary significantly but have been summarised into three main options below.
22. The light-touch option is not to pursue a LSP or DCP, and instead rely on design guidelines to coordinate the built form of future industrial development. A key risk of this approach is the likelihood that heavy vehicles (RAV) would not be able to access the area based on the existing road layout, limiting the use of the area to small scale light industry operations which do not make use of the broader industrial context of the area as previously noted. For completeness this option would involve not proceeding with the Policy - and deal with the LSP requirements of the Scheme by either simplifying or deleting them.
23. The moderate option is to facilitate a simplified structure plan based on the existing infrastructure. This would involve coordinating the land to the achieve the best planning outcome, but with minimal investment. The benefit is consistent development outcomes; however, landowners are unlikely to reach the full light industry potential of their sites. Like the previous option, it would be necessary to revisit the Scheme provisions relating to the LSP requirements to ensure they align with Council's expectations.
24. The most comprehensive approach is to pursue both a LSP and DCP, with support of design guidelines. This approach is consistent with the well-established objectives of the existing Scheme provisions, although it was anticipated the planning framework would be filled-out by industrial developers initiating structure planning, rather than the City. Whilst this option is the most comprehensive and provides the greatest opportunity for the area to achieve its highest and best use – it will cost the City much more to implement than the other options.

APPLICABLE LAW

25. *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the procedure for making a local planning policy including the timeframe for public advertising and adoption.

Schedule 2, Part 2, cl.4 (2) *"The period for making submissions ... must not be less than the period of 21 days after the day on which the notice is first published ..."*

Schedule 2, Part 2, cl.4 (3) *"After the expiry of the period within which submissions may be made the local government must –*
(a) *review the proposed policy in light of any submissions made: and*

- (b) *resolve to-*
- (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modifications; or*
 - (iii) *not to proceed with the policy."*

Schedule 2, Part 2, cl.4 (3A) *"The local government must not resolve under subclause (3) to proceed with the policy if –*

- (a) *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
- (b) *under the R-Codes, the Commission's approval is required for the policy; and*
- (c) *the Commission has not approved the policy."*

Schedule 2, Part 2, cl.5 (4) *"If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87."*

26. Following the advertising period, Council has options to adopt LPP35 with or without modifications, or not to proceed with LPP35. It is recommended that Council not proceed with LPP35, in favour of more comprehensive planning instruments.

27. In the absence of a structure plan and/or local planning policy, clause 27 Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables a determining authority to approve a Development Application if it is satisfied that:

"The proposed development or subdivision does not conflict with the principles of orderly and proper planning; and the proposed development or subdivision would not prejudice the overall development potential of the area."

The development at No.160 Adelaide Street, High Wycombe is an example of a light industrial development that was able to demonstrate, through the preservation of part of the lot for 'road land', that a proposal including buildings can avoid prejudicing the overall development potential of the area. The distinguishing feature of this site, however, is its location with a road frontage to Adelaide Street – which can accommodate Restricted Access Vehicles (RAV) either to Abernethy Road (when the intersection upgrade is complete) or through the adjoining Hazelmere industrial areas within the City of Swan.

APPLICABLE POLICY

28. State Planning Policy 4.1 (SPP 4.1) Industrial Interface applies to existing and new industrial areas and industrial uses. Its objective is to protect industry from encroachment of sensitive land use and conversely to protect sensitive land uses from potentially hazardous industrial activity.
29. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans (LPP28) identifies the City's responsibilities for the preparation of structure plans to achieve the implementation of the state and local strategic planning framework and the information required to be submitted with a planning proposal.
30. LPP28 confirms that structure plans are not the responsibility of the City to prepare except in exceptional circumstances endorsed by Council. Given the area has been largely idle since its initial rezoning, Officers consider it appropriate for the Hatch precinct to be an exceptional circumstance. Appendix 1 of LPP28 outlines the information that needs to be provided to support a structure plan.

STAKEHOLDER ENGAGEMENT

31. Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 11 – Public Notification of Planning Proposals, draft LPP35 was advertised for an extended 61 day period from 26 August 2022 to 25 October 2022.
32. In accordance with Local Planning Policy 11 – Public Notification of Planning Proposals, consultation involved website pages, letters to stakeholders (350), and a Community Information Session.
33. The advertising period was extended from the minimum 21 days to 61 days to facilitate the Community Information Session early and leave time for submitters to provide comments.
34. The Community Information Session held on 14 September 2022 was attended by 14 people.
35. The City Received 15 written submissions at the conclusion of the advertising period – a response rate of 4.25%. The submissions can broadly be categorised as seven objections, one support subject to significant changes, two raising concerns, and five from state agencies.

36. Submissions varied in concern with the proposed Policy, but ultimately raise concerns with the Policy not sufficiently dealing with all the land use planning matters affecting landowners in the area, and ultimately the matters that inhibit the area from achieving its highest and best use.
37. Submissions identified that the Policy was not equitable across the precinct and made assumptions on key structure plan elements without appropriate technical information. Officers agree that limited traffic and environmental information was provided to support the Policy, however this reflects its narrow objectives. Rather than taking a strategic approach to ensure the industrial development possibilities for the precinct are achieved, the Policy only 'unlocked' development opportunities for sites that are relatively unconstrained.
38. Many submissions recommend amendments to the draft Policy and the amendments generally apply to all elements of the policy. The message in submissions is that the draft Policy is not fit for its intended purpose and does not go far enough to coordinate the future planning of the area.
39. In addition to the consultation directly related to the draft Policy, prior to Council resolving to advertise the draft Policy the City received a petition calling for the Scheme requirement for a structure plan to be in place prior to development occurring be deleted. Council noted the petition in OCM106/2022 and resolved to advertise the draft Policy.

FINANCIAL CONSIDERATIONS

40. All costs incurred during advertising and review of LPP35 were met through the Development Services annual budget.
41. Investigations to prepare a Local Structure Plan, Development Contribution Plan, and Design Guidelines can occur within the existing resources of the Development Services annual budget.
42. An order of magnitude / indicative budget of \$500,000 would be required to prepare and project manage the creation of this Local Structure Plan, DCP and Design guidelines documentation. This would allow all other necessary technical consultant reports. Any future commitments to the above would be funded through the City's annual budget and supported with a business case and project plan.
43. Should Council opt to rely only design guidelines in lieu of a LSP and DCP (paragraph 22), a substantially less budget would be required.

SUSTAINABILITY

44. The recommendation not to proceed with the Policy does not have any impacts on sustainability. However, the investigation to prepare a Local Structure Plan will allow for the consideration of sustainable practices and design through sustainable subdivision practices (through the Local Structure Plan) and sustainable building design (through design guidelines).

RISK MANAGEMENT

45.

Risk: Council resolves to continue with draft LPP35 subject to revisions		
Consequence	Likelihood	Rating
Medium	Low	Medium
Action/Strategy		
Through this report the City can inform Council of the significant feedback it received during the consultation period, noting that continuing with the draft Policy is not consistent with the expressed views of the affected community.		

46.

Risk: The planning framework is not improved to facilitate the highest and best use of the land within the Policy area.		
Consequence	Likelihood	Rating
Medium	Low	Medium
Action/Strategy		
Council can adopt the Officer Recommendations of this report which seek to pursue more detailed planning instruments, namely a structure plan and development contribution plan, which are an appropriate way of achieving the highest and best use of the land.		

CONCLUSION

47. Officers having regard to the submissions received during the advertising period, along with an understanding of development which has proceeded in advance of a Local Structure Plan and Development Contribution Plan consider the draft Local Planning Policy 35 to not be capable of support.
48. The submissions, combined with Officers experience since the draft Policy was advertised, clearly indicate that the Hatch Court Light Industrial Precinct lacks the planning framework to achieve its highest and best use – particularly given its significant strategic location.

49. Rather than pursuing a local planning policy which by its nature has a limited function, it is appropriate for Council to take a more strategic approach to 'unlocking' the area by facilitating the coordination of development through a Structure Plan and Development Contribution Plan – with supporting Design Guidelines.

Voting Requirements: Simple Majority

RESOLVED OCM 137/2024

That Council:

1. RESOLVE not to proceed with draft Local Planning Policy 35 – Hatch Court Industrial Precinct.
2. NOTE the City will write to all landowners within the precinct and submitters advising them of the above resolution and thanking them for their submissions.
3. RESOLVE to initiate the preparation of a Local Structure Plan, Development Contribution Plan, and Design Guidelines for the Hatch Court Light Industrial area and the land on the south-east side of Stirling Crescent which does not have a Local Structure Plan to coordinate and guide development.
4. ENSURE concurrently with the above point no 3, the City (with the exception of Design Guidelines which is subject to statutory consultation), engages with landowners within the affected area. Engagement must include:
 - a) An opportunity to provide submissions; and
 - b) An invite to an information session.
5. REQUEST the City prepare a business case or project plan ahead of the commencement of a Local Structure Plan, Development Contribution Plan, and Design Guidelines for the Hatch Court Light Industrial area which would be funded through the City's annual budget process.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (7/0)

10.6.6. Potential Acquisition - Property Matter

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

Cr John Giardina declared an Interest Affecting Impartiality on Item 10.6.6 Potential Acquisition - Property Matter. Cr Giardina has a relative living in close proximity to subject property. Cr Giardina left the meeting at 9:15pm and returned at 9:35pm.

Previous Items	OCM 194/2023; OCM 66/2024
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	
Applicant	
Owner	
Attachments	Nil.

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

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."*

RESOLVED OCM 139/2024

That Council:

1. RECEIVE the information contained in this report and the associated attachment.
2. ADOPT the officer recommendation for Option 1 as listed within the body of the distributed report.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Cr Geoff Stallard, Cr Dylan O'Connor, Cr Mary Cannon and Cr Lisa Cooper**

Against: **Mayor Margaret Thomas, Cr David Modolo and Cr Kathy Ritchie**

CARRIED (4/3)

10.6.7. Hartfield Park Master Plan Stage 2A - Project Update

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

Previous Items	OCM 52/2023
Directorate	Development Services
Business Unit	City Transformation
File Reference	
Applicant	N/A
Owner	N/A
Attachments	Nil

TYPE OF REPORT

Advocacy	When Council is advocating on behalf of the community to another level of government/body/agency
✓ Executive	When Council is undertaking its substantive role of direction setting and oversight (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

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."*

RESOLVED OCM 140/2024

That Council:

1. RECEIVE the information contained in the report on RFT 2309 Variation to Contract.
2. APPROVE a variation of Contract RFT2309 Hartfield Park Master Plan Stage 2A Design Services to a new value of \$1,181,221 ex GST;

3. APPROVE up to a further \$100,000 ex GST of further minor fee variations as necessary to achieve design scope to be funded from with the overall project contingency.

Moved: **Mayor Margaret Thomas**

Seconded: **Cr Kathy Ritchie**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Cr John Giardina and Cr Geoff Stallard**

CARRIED (6/2)

10.6.8. Request from Western Australian Planning Commission Chairman to undertake an Amendment to the High Wycombe South Residential Precinct Local Structure Plan

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

Previous Items	OCM 14/2015, SCM 05/2015, OCM 15/2017, OCM 280/2019, SCM 67/2018, SCM 231/2018, SCM 232/2018, OCM 280/2019, OCM 243/2019, OCM 304/2021 & OCM 45/2022
Directorate	Development Services
Business Unit	Strategic Planning
File Reference	PG-STU-035
Applicant	NA
Owner	Various
Attachments	<ol style="list-style-type: none"> 1. WAPC Chairman Correspondence - High Wycombe South Local Structure Plan [10.6.8.1 - 3 pages] 2. High Wycombe South Residential Precinct Structure Plan Amendment No. 1 (Approved August 2023) [10.6.8.2 - 1 page]

TYPE OF REPORT

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 3: Kalamunda Develops

Objective 3.1 - To plan for sustainable population growth.

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

Priority 3: Kalamunda Develops

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

Strategy 3.3.2 - Attract and enable new investment opportunities.

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

Priority 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 the Council to consider and respond to correspondence from the Chairman of the Western Australian Planning Commission (WAPC) (Attachment 10.6.8.1) that:
 1. Summarises the status of the Sultana Road West interface, location considerations for the future primary school, and costs associated with the land for local open space within the High Wycombe South (HWS) Residential Precinct Local Structure Plan (LSP);
 2. Highlights a willingness for the WAPC to further consider a Metropolitan Region Scheme (MRS) Amendment request for the Green Link ecological corridor; and
 3. Requests the City of Kalamunda (City) to undertake an amendment to the High Wycombe South (HWS) Residential Precinct LSP focussed on interface management matters and the location of the primary school site.

2. The HWS Residential Precinct LSP (Attachment 2) is an active planning instrument initially adopted by the WAPC in July 2020, and amended in August 2023. The City prepared Amendment 113 to Local Planning Scheme No. 3 (LPS 3) and draft Development Contribution Plan (DCP) Report to facilitate infrastructure delivery required for future development, with a report listed on the 22 October 2024 Ordinary Council Meeting agenda.

3. The request to amend the LSP and possible land use outcomes may have implications on the need and scope of infrastructure required, and therefore for the approval process and implementation of the draft DCP.
4. It is recommended that Council note the correspondence from the WAPC Chairman and authorise the Chief Executive Officer to communicate the City's willingness to prepare the amendment subject to State Government allocation of appropriate financial and technical resources to facilitate the requested LSP amendment.

BACKGROUND

5. **Land Details:**

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

6. **Locality Plan:**



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

8. The HWS Residential Precinct LSP was initially approved by the WAPC on 27 July 2020. An amendment to the LSP was then approved by the WAPC in August 2023 to align with the with the spatial layout of the future Transit Oriented Development (TOD) Precinct, having regard to projected residential and commercial development, and updated traffic investigations undertaken since the approval of the original LSP.
9. The LSP identifies a future primary school land use on Lot 15 (51) Brand Road, High Wycombe. The City continues to progress contaminated sites investigations of the adjoining former landfill sites as per Department of Water and Environmental Regulation (DWER) notification and in accordance with State legislation including the *Contaminated Sites Act 2003*. The identification of the primary school site location on the LSP was undertaken in consultation with the Department of Education and Department of Planning, Lands and Heritage (DPLH), and having regard to the status of contaminated site investigations.
10. The City lodged an MRS Amendment request with the DPLH to reclassify parts of the Local Open Space areas in the 'Green Link' (a regionally significant ecological corridor transecting the LSP area) from the existing zoning of Urban to be reserved as 'Parks and Recreation'. Further detailed discussion and background regarding the Green Link is provided in the Ordinary Council Meeting reports to April 2023 (OCM 46/2023) and December 2023 (OCM 179/2023).
11. The Brand Road primary school site location and Green Link environmental conservation and local open space land use designations have remained unchanged throughout the development of the LSP.
12. The City has received numerous enquiries from existing residents on Sultana Road West regarding management of noise and heavy vehicle movements associated with existing industrial operations in the Forrestfield / High Wycombe Industrial Area (FFHWIA) and on Sultana Road West. The City has attended to these enquiries through its development and environmental health compliance processes, monitoring activities and engaging with industrial operators.
13. The FFHWIA structure plan objectives and associated local planning scheme provisions incorporate controls to limit the land use outcomes to light industrial land uses. The HWS Residential Precinct LSP also contains provisions that seek to manage the interface between the HWS Residential Precinct, and the FFHWIA, through future subdivision and development approval conditions.

14. A draft METRONET East High Wycombe Structure Plan (HWSP), formerly referred to as the Transit Oriented Development (TOD) Activity Centre Structure Plan, has been prepared to guide development in the TOD Precinct, and support implementation of the planning direction by DevelopmentWA (immediately surrounding the High Wycombe Train Station). The WAPC Chairman's correspondence does not impact planning under consideration by DevelopmentWA, however the Residential Precinct and TOD Precincts are interconnected in planning intent, and future development will support the successful implementation of each precinct and vision established under the HWS District Structure Plan.

DETAILS AND ANALYSIS

15. **WAPC Chairman's Correspondence**
The City received correspondence dated 8 October 2024 from the WAPC Chairman (see Attachment 1) regarding High Wycombe South Residential Precinct planning matters, and direction from the Minister for Planning, with the topics summarised below.
16. A working group has been established comprising senior officers from the City, DPLH and DevelopmentWA to consider options.
17. **Interface Considerations**
In recognition of continued representations made from landowners on Sultana Road West, the WAPC Chairman has advised that the Minister for Planning has requested that the DPLH and the City consider options for addressing the Sultana Road West interface, including a potential change in zoning for those lots fronting Sultana Road West.
18. During its preparation in 2018/2019, the LSP was initially advertised in draft form with a band of composite residential / light industry on the interface of Sultana Road West, however this was subsequently removed through WAPC approved modifications in July 2020 and replaced with Residential Medium / High Density. This modification was justified by several factors including submissions received, reconsideration of land use transition, alignment with State Planning Policy, and implementation considerations for composite zones.
19. The amended LSP approved in 2023 contains additional regulatory provisions to implement a range of interface management treatments for subdivision and development, to be determined via outcomes of a noise assessment and management plan.

20. While the correspondence from the WAPC Chairman implies a potential reclassification of land use, further detailed investigation is required to understand the land use and development opportunities, and the necessary controls to successfully manage the interface.
21. It is noted that the LSP in its current adopted form has not been deemed to be misaligned or non-compliant with relevant State Planning Policy guidance, however the WAPC Chairman has communicated the Minister's opinion that the concerns raised by existing residents could be addressed through a future amendment. In this regard, any future amendment would be viewed as an enhancement on the existing provisions of the LSP.
22. **Primary School Location**
The correspondence indicates that the WAPC, on behalf of the Department of Education, has been unable to progress purchase of Lot 15 (51) Brand Road, High Wycombe for a primary school site due to its status as 'Potentially Contaminated – Investigation Required.'
23. Based on the status of the City's current contaminated sites investigations, there is insufficient evidence in the City's view to conclude that the site is not fit for purpose for acquisition.
24. The DPLH has requested the City provide a full copy of the Detailed Site Investigation (DSI) for Lot 13 Brae Road, Lots 14 and 15 Brand Road, and Lot 18 Smokebush Place and environmental contractor details to enable DPLH to make further enquiries. The City has committed to providing updated reports to DPLH to facilitate these investigations.
25. Notwithstanding the status of contaminated sites investigations, the WAPC Chairman's correspondence highlights the need to consider an alternative primary school location. Detailed investigations would be necessary to consider the locational criteria, configuration requirements and design standards, in consultation with the Department of Education and the DPLH.
26. These investigations would provide an opportunity to reconsider the optimal location of the future primary school site. Greater certainty regarding the suitability of the primary school location would support the existing landowners of Lot 15 Brand Road to plan for future land management decisions.

27. **Local Open Space and the Green Link**
In relation to the Residential Precinct Green Link ecological corridor, the WAPC acknowledges the 'hardship grounds' purchase of approximately 80% of Local Open Space land, with costs intended to be recouped through the draft Development Contribution Plan (DCP).
28. The WAPC Chairman acknowledges the City's decision to omit the estimated \$10.3 million Green Link LOS land purchase cost from the draft DCP, with an MRS Amendment request to reclassify the entire Green Link as Park and Recreation for acquisition then through the Metropolitan Region Improvement Fund.
29. The correspondence outlines a commitment to supporting redevelopment of the area, with the Green Link LOS land purchase options requiring further investigation. Potential removal of the LOS costs can be considered further when Amendment 113 to LPS3 is presented by the City to the WAPC, then a recommendation to the Minister for Planning.
30. **Structure Plan Amendment - Impact on Amendment 113**
The land acquisition costs associated with the Green Link are not included as an infrastructure cost in the draft DCP under Amendment 113. Therefore, should the WAPC agree to progress the requested MRS amendment, this will not impact Amendment 113 as currently prepared.
31. Amendment 113 and the draft DCP have been prepared on known elements, being the current adopted LSP and supporting technical analysis. With regards to the amendments to the Residential Precinct LSP foreshadowed in the WAPC Chairman's correspondence, the extent of changes will influence the scope of infrastructure, costs and contribution area. Given this is not yet defined, the full extent of change has not been forecasted or modelled. Based on the notion of relocating the primary school and re-introducing an alternative land use interface on Sultana Road West, it is considered unlikely that there would be significant changes to the need and scope of infrastructure in the precinct.
32. Detailed analysis would appropriately occur concurrently with any amendments to the LSP. Any changes are likely to influence the final cost contribution rate for implementation.

33. It is noted that there are current subdivision proposals in the Residential Precinct LSP area, with conditions having regard to Amendment 113 and the draft DCP as a seriously entertained planning proposal. There is a need to provide as much certainty as possible through the continued establishment of the planning framework, to facilitate planned developments and confidence for landowners and developers. To the extent that modifications are necessary, these should be implemented in conjunction with the finalisation of Amendment 113, and clearly communicated at the earliest possible stage.
34. Based on the status of Amendment 113, the Council has a regulatory obligation to pass a resolution to support with or without modifications, or to not support Amendment 113. Should the Council support Amendment 113 and submit the documents to the WAPC, further modifications, where necessary, can be considered and recommended by the WAPC to the Minister for Planning for further direction. It is therefore considered that any amendments to the LSP that impact on the construction of the DCP, can be accommodated through the next phase of the DCP approval process. Should the Council resolve to not support Amendment 113, this would result in unnecessary procedural delays and uncertainty.
35. It is likely that the DCP, and therefore the finalisation of the planning framework, will be delayed by virtue of the WAPC Chairman's request, in response to continued representations from landowners in relation to Sultana Road West. Based on historical planning processes, this delay is expected to be in the order of 12 to 18 months.
36. **Structure Plan Amendment – Other Considerations**
The City has led and prioritised the establishment of the planning framework for the HWS Residential Precinct and remains committed to completing the work required to guide and transition the area for urban development. Prior to receiving the WAPC Chairman's request, the City had planned for the completion of Amendment 113 and programmed a range of other City planning priority projects.
37. Given the request from the WAPC Chairman will result in unplanned utilisation of the City's resources, and that the requested amendment has been generated from a change in position at the Ministerial level to improve the LSP as currently adopted, it is considered necessary that the State Government provide the financial and operational support to progress the investigations necessary and ultimately the progression of an amendment to the LSP.

38. Based on the nature of the WAPC Chairman's request, it is considered that the following key activities will be necessary and will likely require the engagement of consultants and considerable operational costs:
- a) Procurement and contract management of planning consultant and several sub-consultants.
 - b) Review of planning framework, planning and development context, and verification of planning issues.
 - c) Detailed investigations to consider options for:
 - i. Land use and development interface issues and opportunities for Sultana Road West;
 - ii. Locational criteria, configuration requirements and design standards for alternative primary school location; and
 - iii. Land use opportunities for Lot 15 Brand Road (existing primary school location).
 - d) Updated population and lot yield forecasting, environmental, bushfire, transport, acoustic, engineering, water management, and infrastructure servicing investigations.
 - e) Consultation with relevant state government agencies on land use options under consideration.
 - f) Drafting of updated LSP provisions and mapping to support amendments.
 - g) Updates to the LSP technical appendices.
 - h) Consultation with landowners and stakeholders on proposed amendment option(s).
 - i) Updated infrastructure needs analysis and modelling, infrastructure design and estimated costs to support the draft DCP (for roads, public open space and drainage).
 - j) Updated reporting for Amendment 113 and draft DCP.
 - k) Management of the LSP amendment planning report, technical assessment, advertising, consideration of submissions, and stakeholder liaison.
 - l) Management of potential readvertising of Amendment 113 to accommodate and consider modifications.

APPLICABLE LAW

39. *Planning and Development Act 2005 (P&D Act)*
Division 2 of the P&D Act provide the functions and powers of the WAPC, including but not limited to cl. 14 (d) "to provide advice and assistance to any body or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions."

40. Under cl. 17, the Minister for Planning may give written directions to the WAPC to the exercise or perform its functions in relation to a particular matter, and the WAPC is to give effect to any such direction. The City's officers are not aware of any written directions being issued to the WAPC under cl. 17 of the P&D Act.
41. Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2, Part 4, cl 15 (c) of the Planning Regulations provides the WAPC authority to require preparation of a structure plan for the purposes or orderly and proper planning, and by extension an amendment to a current structure plan, as in this case. While it is noted these powers exist, the current request from the WAPC Chairman does not constitute a WAPC requirement for the City to prepare an LSP amendment.
42. Schedule 2, Part 4 furthermore sets the criteria and processes for the requested LSP Amendment must be prepared, advertised and submissions considered by Council, then presented to the DPLH for determination by the WAPC.

APPLICABLE POLICY

43. Perth and Peel @ 3.5million - North-East Sub-Regional Planning Framework
The WAPC in March 2018 released the Perth and Peel @ 3.5 million suite of documents, including the North-East Sub-Regional Framework (NE Framework) relevant to the City of Kalamunda and the High Wycombe South Residential Precinct.
44. The NE Framework is a spatial plan and provides guidance on strategic planning for 35 to 40 years, placing a greater emphasis on a consolidated urban form and increased residential density of existing urban areas. Under the NE Framework, the HWS Residential Precinct is identified as Urban.
45. Liveable Neighbourhoods
Liveable Neighbourhoods is a WAPC operational policy released in 2009 to guide structure planning and subdivision for greenfield and large brownfield (urban infill) sites. The policy aims to increase support for efficiency, walking, cycling and public transport and achieving density targets amongst other matters. Liveable Neighbourhoods has guided the preparation of the HWS Residential Precinct LSP, including the principles underpinning key infrastructure such as roads, parks and drainage.

46. State Planning Policy 7.3 – Residential Design Codes
The Residential Design Codes (R-Codes) apply to Residential or similar zoned land. The core objective is to ensure appropriate residential design and density in line in accordance with LPS3 and the Structure Plan.
47. The primary application of the R-Codes as it relates to the LSP area is residential density and development requirements including lot size. All development must adhere to the general site and design requirements of SPP 7.3 Volume 1 and Volume 2 (Apartments) where applicable.
48. State Planning Policy 3.7 – Bushfire
New State Planning Policy 3.7 – Bushfire (SPP 3.7) published in September 2024, ensures that all planning proposals have due consideration to bushfire protection requirements. SPP 3.7 and the supporting Planning in Bushfire Guidelines contains objectives and policy measures relating to strategic planning proposals in bushfire prone areas, including Structure Plans and amendments.
49. A Bushfire Management Plan (BMP) was prepared in October 2021 for the LSP Amendment No. 1, noting that bushfire risks are manageable through standard responses, and further BMPs will be required through future subdivision and development stages.
50. WAPC Development Control Policy 2.3 Public Open Space in Residential Areas
Development Control Policy 2.3 (DC 2.3) establishes the requirement that 10% of gross subdivisible area shall be given up free of cost by a subdivider for public open space. The Residential Precinct LSP shows for POS provision exceeding 10%, with an LSP Amendment to address open space provision, restricted use, and deductions such as regional reservation.
51. Local Planning Policy 28 – Delivery of State and Local Strategies Through the Preparation of Structure Plans
Local Planning Policy 28 (LPP 28) guides the City's responsibility for the preparation of structure plans to achieve the implementation of the WAPC's NE Framework, and the information required for structure plan proposals.

STAKEHOLDER ENGAGEMENT

52. The DPLH has established the High Wycombe South Residential Precinct Working Group, with the City's participation invited to investigate the potential options to address the key matters raised in the WAPC Chairman's correspondence.
53. Future public advertising of a formal LSP Amendment will be required including consultation with all landowners, residents, interested stakeholders and service agencies as per Schedule 2, Part 4, cl.18 of the Planning Regulations, and the City's Local Planning Policy 11 – Public Notification of Planning Proposals.

FINANCIAL CONSIDERATIONS

54. Costs associated with the preparation of the requested LSP Amendment documents and public advertising are expected to be significant and not included in City's current annual budget.
55. Based on a high-level estimate for budgeting purposes, the costs associated with an Amendment could be in the order of \$100,000 to \$200,000 depending on the nature of stakeholder engagement and sub-consultant input to prepare the amendments.
56. It is noted that the City would also need to allocate its (internal) resources towards management of the project, contract and engagement processes within the City, with DPLH and with the community (an in-kind contribution).
57. The City has already committed considerable resources towards the preparation of the DSP, LSP, TOD ACSP and ultimately the DCP for the HWS Residential Precinct which total approximately \$1.5m representing a substantial strategic investment establishing the planning framework and activation of the HWS project area. It should be noted the City has also allocated considerable in-kind operational resources towards the planning process in HWS, in excess of this monetary component.
58. Infrastructure upgrades required to support development of the Residential Precinct have been established in the draft DCP supporting Amendment 113 to LSP3. Possible changes to land use foreshadowed in the requested LSP Amendment will require review of the draft DCP including specialist advice at moderate financial cost.
59. Financial implications for control and remediation of the former Brand Road landfill site are subject to further investigations.

SUSTAINABILITY

60. Social Implications
The requested LSP Amendment must have regard to the projected residential yields, plus housing diversity and typologies, and the provision of housing choice and affordability.
61. A key consideration is investigating appropriate land use outcomes and interface development controls for properties along Sultana Road West fronting the FFHWIA.
62. Another key consideration is investigating the suitability of any alternative sites for the primary school and thereby the function within the catchments of the Residential Precinct and High Wycombe Station (TOD) Precinct, plus appropriate alternative land uses outcomes for Lot 15 (51) Brand Road, High Wycombe.
63. Economic Implications
Development of the Residential Precinct represents a significant development area and will generate construction industry jobs for many years.
64. The requested LSP Amendment proposal will further delay establishment of the planning framework and development certainty for landowners, developers and relevant stakeholders.
65. Environmental Implications
The LSP area includes significant environmental features including the Green Link ecological corridor requiring appropriate protection from development, enhancement and management as nature habitat spaces and passive recreation.
66. The City continues to progress contaminated sites investigations of the adjoining former landfill sites as per DWER notification and in accordance with State legislation including the Contaminated Sites Act.

RISK MANAGEMENT

67.

Risk: Amendments are not progressed as requested by the WAPC Chairman and Minister for Planning, resulting in amenity impacts, ongoing complaints and impacts on the implementation of the LSP.		
Consequence	Likelihood	Rating
Significant	Unlikely	Medium
Action/Strategy		
Communicate the existing subdivision and development controls under the LSP and continue to work collaboratively with the DPLH to consider enhancement of LSP provisions for future amendments.		

68.

Risk: Further amendments to the LSP will further delay or modify Amendment 113 and the draft DCP, creating reputational, operational and project risks for the City.		
Consequence	Likelihood	Rating
Significant	Possible	High
Action/Strategy		
Minimise the extent of procedural delays in consultation with DPLH, and progress the LSP and finalisation of the DCP concurrently. Ensure residents and stakeholders are informed that the LSP amendment is responding to requests from the Minister and WAPC Chairman, to address local resident advocacy in relation to Sultana Road West interface, and at the request of the DPLH and Department of Education in relation to the primary school site location.		

69.

Risk: The relocation of the primary school site creates uncertainty regarding the future use of Lot 15 Brand Road due to contamination status.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
The City to continue contaminated sites investigations for the former Brand Road landfill site and consider land use issues and opportunities through the DPLH Working Group.		

CONCLUSION

70. This report provides the Council an opportunity to consider and respond to correspondence from the WAPC Chairman regarding the HWS Residential Precinct LSP, in relation to Sultana Road West interface considerations, the Brand Road primary school site, Local Open Space and the Green Link ecological corridor.
71. The WAPC Chairman's correspondence requests the City undertake an amendment to the HWS Residential Precinct LSP focussed on interface management matters and the location (or relocation) of the primary school site. Based on the nature of the matters raised by the WAPC Chairman and the Minister for Planning, progression of an LSP amendment is supported and will enhance the issues raised by some landowners in the precinct. It is however considered reasonable and appropriate that the amendment should be fully funded by the State Government and operational support provided to facilitate the amendment preparation and approval process.
72. The request to amend the LSP and possible land use outcomes may have implications on the need and scope of infrastructure required, however based on what is currently known about the intent of the amendment, the implications would not be significant. Therefore, the recommendation that the Council proceed with Amendment 113 remains unchanged. This will allow the WAPC and the Minister to fulfil their regulatory obligations to manage the final modifications necessary in conjunction with findings derived from the LSP amendment process at the appropriate time.
73. It is recommended that Council note the correspondence from the WAPC Chairman and authorise the Chief Executive Officer to communicate the City's willingness to contribute to the working group subject to State Government allocation of appropriate financial and technical resources to facilitate the requested LSP amendment.

Voting Requirements: Simple Majority

RESOLVED OCM 136/2024

That Council:

1. NOTE the correspondence received from the Chairman of the Western Australian Planning Commission dated 8 October 2024, as per Attachment 10.6.8.1, requesting that the City of Kalamunda undertake an amendment to the High Wycombe South Residential Precinct Local Structure Plan to address the current interface management matters and the location of the primary school site.

2. AUTHORISE the Chief Executive Officer to write to the Chairman of the Western Australian Planning Commission confirming that the City of Kalamunda is willing to prepare the requested amendment to the High Wycombe South Residential Precinct Local Structure Plan, subject to:
- a) the Western Australian Planning Commission funding all professional or technical consultancy services necessary to support the Local Structure Plan Amendment preparation and approval process; and
 - b) continued operational support being provided to the City of Kalamunda through the working group established by the Department of Planning, Lands and Heritage to ensure that the Amendment is expedited and any corresponding modifications to the draft Development Contribution Plan are addressed through the finalisation of the Western Australian Planning Commission's assessment and Minister's consideration of Amendment 113 to Local Planning Scheme No. 3.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr David Modolo**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Kathy Ritchie and Cr David Modolo**

Against: **Nil**

CARRIED UNANIMOUSLY (8/0)

10.6.9. Darling Range Seniors Hub - Financial Assistance

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

Previous Items

Directorate Corporate Services

Business Unit Financial Services

File Reference

Applicant

Owner

Attachments Nil

Confidential 1. Financial Accounts June 2024`1

Attachments 2. Business Plan 2024/2025

3. Alignment to Strategic Community Plan

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

TYPE OF REPORT

Advocacy When Council is advocating on behalf of the community to another level of government/body/agency

✓ Executive When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)

Information For Council to note

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

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

EXECUTIVE SUMMARY

1. The purpose of this report is to consider a one-off request to provide financial assistance to the Darling Range Seniors Hub Incorporated (the Hub) for an amount of up to \$100,000 to enable them to continue operating for a period of up to 18 months. During this time the Hub will explore funding opportunities to determine its future operation.
2. Elected Members were provided with a briefing outlining the Hub's request for financial assistance on 1st October 2024.
3. The City of Kalamunda's (City) current Policy – Service 10 - Community Funding does not provide a formal mechanism for assessing Operating Subsidy requests as the City's previous practice has been to support Capital Grants rather than Operating Subsidies.
4. Nevertheless, officers have reviewed financial reports, assessed the budget and business plan and considered alignment to the City's Strategic Community Plan, and developed a draft Assessment Framework that was used to assess the funding request.
5. It is recommended that Council:
 - I. SUPPORT the one-off request from the Darling Range Seniors Hub to provide financial assistance to the Darling Range Seniors Hub Incorporated (the Hub) for an amount of up to \$100,000 to enable the group to continue operating for a period of up to 18 months, whilst they secure permanent funding.
 - II. NOTE that the Chief Executive Officer will revise the current Community Funding Policy to enable it to formally assess future funding requests of this nature.

BACKGROUND

5. The Hub is an incorporated not-for-profit association with its management vested in a committee. Its current membership sits at 160 with a monthly membership growth of six new members.

6. Since its launch in December 2019, the Hub has provided crucial services to senior residents living in the City. With a mission to support seniors in living independently while staying connected to their communities, the Hub has become a trusted resource for networking, mutual support, and access to vetted services.
7. The Hub's activities, including the creation of social spaces, volunteer networks and connections to businesses, have enriched the lives of many senior citizens.
8. The Hub provides the following key services:
 - I. Provides hub spaces where community members can gather interact, socialise, and share their passions, gifts and skills.
 - II. Offers information services, providing access to services, including household repairs, tradespeople and homecare services.
 - III. Establishes a buddy system where volunteers and neighbours gather, offering personal support, gardening.
 - IV. Facilitates community and social connections with health and wellness programs.
 - V. Fosters opportunities for members to contribute their talents, gifts and interests.
 - VI. Employ a paid part-time Coordinator position to organise activities, create newsletter and is the face-to-face person at the Jack Healey Centre supporting community and members with requests and queries.
9. The Hub's request for financial assistance is for an amount of \$100,000 for a period of up to 18 months during which time the Hub will establish new revenue generating activities in the provision of management of Home Care Packages to secure a longer-term future.
10. In order to provide transparency in assessing this funding request, the City liaised with the Town of Victoria Park and obtained a copy of their Community Grants Policy. In the absence of a formalised policy, the City developed an assessment matrix that mirrored the Town of Victoria Park.

DETAILS AND ANALYSIS

11. Local Government is the closest tier of government to our community, and it plays a significant role in supporting the overall health and wellbeing of the community. This is achieved through a collective impact approach of working collaboratively with local groups, volunteers, service providers and other stakeholders.
12. Provision of an operating subsidy is designed to support the ongoing capacity of the City's service providers to deliver a range of programs, services, events and partnerships, which enhance the City's quality of life. In this instance the financial assistance being sort by the Hub is one-off.
13. The Hub has clearly identified the need to change its operation by transitioning away from relying on intermittent funding from events, grants and donations.
14. In order to manage its future financial sustainability, the Hub is focusing on managing Home Care Packages (HCP's) in order to generate a steady income stream whilst supporting seniors' independent living. On the back of an ageing population, the demand for home care services continues to rise. The Hub based on its strong community ties and understanding of seniors' needs believes that it is well placed to manage these packages and deliver tailored quality services.
15. It is noted that the City of Kalamunda has a number of home care service providers including, Karingal Green, Amana Living, Siverchain, Rise and Chorus. The Hub would likely be in direct competition with these service providers if it takes on the management of Home Care Packages.
16. Through the management of HCP's, the Hub would:
 - I. Provide a crucial service aligning with its mission of supporting seniors to live independently.
 - II. Generate more consistent revenue to sustain and expand its services.
 - III. Increase its influence and reputation within the local community as a trusted provider of essential senior care services.
17. The Hub Committee have identified a partnership opportunity with Casa and Mabel to provide the Staying in Place program. This will provide an ongoing income stream.

18. The City requested the Hub to supply the following information in support of their request for financial assistance:

- I. Financial Accounts 2022/23 and 2023/24
- II. Budget 2024/25
- III. Business Plan 2024/25

19. A review of their 30 June 2024 financial statements provides the following observations

- Membership generates approximately \$5,400 per annum.
- The running of events generates an income stream of approximately \$26,000.
- Donations and external grants received in 2023/24 amounted to \$50,000.

It is important to note that the revenue stream is highly variable, based upon the success of a variety of grant applications.

20. A Review of the Hubs expenditure, shows that their expenditure is slightly higher overall resulting in a net deficit position of \$11,600. The bulk of the expenditure relates to staff salaries and wages, insurance and event costs. The staff and insurance costs are deemed to be fixed costs, and the event costs are variable.

The Hub has cash assets worth \$32,000 which would mean that at the current rate, the Hub would possibly not be able to operate in a viable position past 2025.

21. A review of the Hub's Business Plan does not demonstrate whether the management of Home Care Packages will be financially sustainable now and into the future.

22. On a purely commercial basis and the Hub's current overall financial position, provision of an Operational Subsidy would be difficult to support.

However, on the basis of supporting the overall health and wellbeing of the community, the City plays a significant role in fostering and supporting organisations such as the Hub and provision of the financial assistance requested would complement the City's objective to support community groups.

23. In the event that Council is not inclined to support this request from the Hub for financial assistance, it would be appropriate for the Hub to reach out to other groups such as the Kalamunda Community Learning Centre to determine whether there is capacity within their programs to support the Hub members.
24. It is possible that other Community Groups may approach Council seeking similar financial assistance to support their programs, therefore revision of the Community Funding Policy will ensure that the Community Grants Program:
- I. Complements and supports the City's strategic objectives.
 - II. Provides financial assistance to the community to develop and implement projects, activities and programs to enhance community wellbeing.
 - III. Strengthen local community capacity and cohesion through capitalising on the strengths and abilities of the community to effectively identify its own needs to plan, develop and implement innovative solutions.
 - IV. Facilitate fair, transparent and equitable distribution of community resources and programs.
 - V. Increase participation and accessibility to a range of quality and innovative programs and activities for the community.

APPLICABLE LAW

20. *Local Government Act 1995.*

APPLICABLE POLICY

21. Service 10 – Community Funding

STAKEHOLDER ENGAGEMENT

22. Nil.

FINANCIAL CONSIDERATIONS

23. Evaluation of the Hub's Financial Statements indicate that the Hub is not financially sustainable in its present form as a result of its limited and variable income streams.
24. The City does not currently have budget allocated for the provision of financial assistance. Should Council approve funding, it is recommended that funding comes from savings identified at the Mid Term Review.

25. An analysis of the Business Plan does not demonstrate whether the management of Home Care Packages will be financially sustainable now and into the future.

SUSTAINABILITY

26. The proposed financial contribution will enable the organisation to stay operational within the City of Kalamunda and support their members and wider community.
27. The Hub and the City work closely together to ensure we deliver complimentary seniors support, with the organisation providing unique and a highly valuable array of connection, engagement, education/knowledge building and support services.
28. The Hub requires an ongoing staff coordinator position, for the service to function effectively with a face-to-face presence.

RISK MANAGEMENT

29.

Risk: The Council doesn't support providing financial assistance to the Hub and they are unable to continue operating resulting in loss of services to Hub members.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
Elected Members are briefed regarding the activities of the Hub and the services that they provide.		

Risk: Council is criticized for providing financial assistance to the Hub in the absence of a formal Council Policy.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Low
Action/Strategy		
City undertakes a transparent assessment of the funding request		

Risk: In the event that the Hub is unable to secure additional funding sources, they that they may come back to Council seeking more funding.		
Consequence	Likelihood	Rating
Moderate	Likely	Medium
Action/Strategy		
The City makes it clear that this is a one off request. The Revised Community Grants will provide Council with a clear framework to make assessment of these requests.		

CONCLUSION

- 30. If the City were to consider the Hub’s request for financial assistance purely on commercial terms, the provision of this operating subsidy may be difficult to support.
- 31. Given that the City plays an important role in supporting the overall health and wellbeing of the community and in fostering and supporting organisations such as the Hub, the provision of one-off financial assistance to the Hub would complement the City’s objective to support community groups.

Voting Requirements: Simple Majority

RESOLVED OCM 127/2024

That Council:

- 1. SUPPORT the request from the Darling Range Seniors Hub to provide one-off financial support for an amount of up to \$100,000 to enable the group to continue its operations for a period of up to eighteen months.
- 2. NOTE that the Chief Executive Officer will revise the current Community Funding Policy to enable it to formally assess future funding requests of this nature.

Moved: **Cr Kathy Ritchie**

Seconded: **Cr John Giardina**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper and Cr Kathy Ritchie**

Against: **Cr David Modolo**

CARRIED (7/1)

11. Motions of Which Previous Notice has been Given

11.1 Nil.

12. Questions by Members Without Notice

12.1 Nil.

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

13.1 Mosquito Management Plan – Cr Brooke O’Donnell (taken on notice Public Agenda Briefing Forum 8 October 2024)

Q. What does the mosquito program currently cost and what is the estimated savings if grant funding is received?

A. The City spent \$9,203 on chemicals and other treatment strategies in the 2023/24 financial year.

This amount does not include salaries and other staff costs such as training as there was not a dedicated resource for projects.

The team has been restructured and now includes a Senior Project Officer that is responsible for the delivery of the programs within the public health plan, mosquito management plan, food safety assessment plan and any other health and well-being programs/initiatives.

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

15. Meeting Closed to the Public

15.1 RESOLVED OCM 139/2024

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr David Modolo**

Seconded: **Cr Geoff Stallard**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr David Modolo and Cr Kathy Ritchie**

Against: **Nil.**

CARRIED UNANIMOUSLY (8/0)

The Meeting closed to the public at 9:10pm. All members of the public gallery left the Meeting and all elected members and staff remained.

15.2 RESOLVED OCM 141/2024

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Mary Cannon**

Vote: For: **Mayor Margaret Thomas, Cr Dylan O'Connor, Cr John Giardina, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr David Modolo and Cr Kathy Ritchie**

Against: **Nil.**

CARRIED UNANIMOUSLY (8/0)

The Meeting reopened to the public at 9:41pm. All members of the public gallery returned to the Meeting. The Presiding Member read the resolutions to the Meeting.

16. Tabled Documents

Bush Fire Advisory Committee Minutes - Unconfirmed
Public Agenda Briefing Forum - Notes - 8 October 2024

17. Closure

There being no further business, the Presiding Member declared the Meeting closed at 9:43pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2024.